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SENATE—*Monday, April 7, 2003*

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, pastor emeritus of Georgetown Presbyterian Church in Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, well do we know that truth is the first casualty of war, yet through every sandstorm of spin or lie these truths stand—the dead are mourned, and we mourn them; the bereaved and suffering are prayed for and aided, and we pray for them; the motives of each side are clearly revealed either through their methods of atrocity and fear or in their actions of civilian-sparing strikes and humanitarian help.

O God of truth, hear our prayer. We live in a world where moral confusion is encouraged by some who wave the wishful wand of relativism and behold, nothing is truth or lie, good or evil. Thus is swallowed the tempter's ancient bait to be "as gods"—setting rules that suit, obliterating those that don't, reducing all to a mere matter of opinion.

Thy word, O God, is still truth not opinion. Those who delight in thy law, as the first Psalm tells us, flourish like a fruitful tree. Their way is known to Thee. The evil are not so. Their path peters out.

Teach us, O Lord, that Thy very nature is the truth of things. Before Thee no lie can last. Show us that the proof of truth is its ultimate consequences in rejoicing, not regret; in the spirit's freedom, not in self-forged chains; in vision, not venality; in a purpose that enlarges life, not in soul-destroying cynicism.

O God, grant grace to this great Nation as it strives in a noble cause to bring liberty and may we all be blessed with desire for such truth as makes and keeps us free indeed. Let the lodestar of Truth be the beacon to guide these Senators on their paths of decision, as individually they get their daily bearings, and collectively think and act in good faith for the benefit of this people and the world. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SUNUNU). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period for morning business until the hour of 5 p.m. As we have done previously, the first hour of today's morning business will be devoted to expressions in support of our Armed Forces personnel in Iraq. At 5 p.m. today, the Senate will proceed to the first rollcall vote of the week. The vote will be on the confirmation of Cormac Carney to be U.S. District Judge for the Central District of California. Although this will be the 15th judge confirmed this year, I am concerned that the Senate has only acted on two circuit court nominations. There are six circuit nominations on the calendar and 11 additional nominations in committee.

Following the scheduled 5 p.m. vote, the Senate will begin consideration of the next circuit court nomination on the calendar, the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit. There are Members on both sides of the aisle who will probably want to speak in relation to this nominee, and I hope some Members will be available to give their remarks this evening.

On Tuesday, in addition to the judicial nomination mentioned, the Senate is expected to consider the CARE legislation under the consent agreement reached last week. I expect the Senate would begin the bill on Tuesday and finish the remaining debate and votes on Wednesday.

This week we are still trying to reach agreements with respect to the FISA bill, the Foreign Intelligence Service Act, the bioshield bill, a POW resolution, as well as any additional nominations that can be cleared. We will also be considering the budget and supplemental conference reports this week as they become available.

This is our last legislative week prior to the April recess and all Members should be prepared for a full week as we attempt to finish a number of outstanding issues. I thank all Members in advance for their consideration.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the majority leader finishes, I ask him are we going to vote on the California judge today, and then did he say he is going to go to Owen next?

Mr. FRIST. That is correct, Mr. President.

Mr. REID. The majority leader is going to move to that tonight?

Mr. FRIST. Yes, we will.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, very briefly, before turning to my colleagues, I want to recognize the commitment and sacrifice of Tennessee citizen soldiers. One thousand Tennessee National Guard troops and airmen have been deployed to participate in Operation Iraqi Freedom. Another 3,000 have been activated and await deployment. These men and women leave full-time jobs and their families to serve their country and protect our liberty. I want to very directly say, thank you. They are absolutely critical to the success of our mission in Iraq. Thanks to their bravery, their boldness, their courage—and that is more than 300,000 men and women of the American military in Iraq—we will prevail.

The 101st Airborne continues to make Tennessee and the United States of America proud. In Najaf, the 101st

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

has helped return the city to normalcy by restoring water and electricity and will very soon participate in the delivery of humanitarian aid. They have also captured a senior Iraqi intelligence officer there.

The 101st helped to secure and continues to protect Baghdad International Airport. The first American aircraft landed at the airport yesterday.

In Karbala, the 101st Airborne overwhelmed the enemy. All Iraqi troops either fled or were killed. After cheers and waves from thousands of residents, citizens tore down a 25-foot bronze statue of Saddam Hussein.

Lastly, as quoted in this morning's Washington Post, MG David Petraeus told a rifle company while awarding two Purple Hearts:

> There is no greater commitment than that which is made by putting the American infantryman on the ground. You've really walked point for our Nation in this particular battle and this part of the campaign. You've performed brilliantly in countless ambiguous situations.

I close in saying thanks, thanks to those Tennessee citizen soldiers and citizen soldiers from all across the country, the National Guard troops and airmen, and thanks to all of our military personnel in Iraq and their families.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5 p.m. Under the previous order, the time until 5 p.m. shall be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or their designees.

The Senator from Colorado.

HONORING OUR ARMED FORCES

Mr. ALLARD. Mr. President, I rise to speak under morning business that we set aside to salute our troops in Iraq. Initially, the plan that was put together by the military leadership was criticized, but today it is heralded as one of the great military strategies put together and will probably go down in the annals of military strategy. A number of individuals throughout the country are writing comments about our troops in Iraq.

I have an article written by Rick Atkinson, Washington Post Foreign Service, Thursday, April 3, 2003. It reads:

> An enthusiastic welcome for U.S. forces in Najaf turned jubilant today, as several thousand Iraqis braved sporadic firefights for what one Special Forces officer described as "the Macy's Day parade," applauding a U.S. patrol that pushed close to a religious shrine at the center of the city.
>
> Four days after encircling Najaf, the 101st Airborne Division tightened the occupation today.
>
> Three infantry battalions rolled through the streets, including neighborhoods around the venerated tomb of Ali, son-in-law of the prophet Muhammad.
>
> Fourteen M1 Abrams tanks clanked up and down the southern boulevards, and another brigade of several thousand troops cinched the cordon on the north, seizing arms caches and swapping fire with elusive gunmen who are now believed to number no more than a few score.
>
> In the midst of the fighting, a U.S. patrol approached Ali's tomb attempting to contact local clerics but were met instead by a crowd. Lt. Col. Chris Hughes, a battalion commander in the 1st Brigade, said, "We waited about an hour and a half, and the hair on the back of my neck began to stand up. The crowd got bigger and bigger, so we pulled back out. But it was like the liberation of Paris."

I state our troops have been mindful of the Iraqi culture during the push north toward Baghdad. Our soldiers have been helping guard a religious shrine in southern Iraq. The temple is called the Temple of Ziggurat and was built 4,000 years ago. Many know the site as the birthplace of Abraham. This is just one example of the way our men and women were respectful of the rich heritage of the Iraqi people and committed to helping them preserve their legacy.

I have a picture of a small Iraqi child giving a thumbs-up to our American soldiers because he recognizes the great job our men and women are doing in Iraq and recognizes the fact it is his freedom we are talking about. They are fighting not only to protect America but to provide an environment where freedom will thrive in a new Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I would like to continue to talk a bit about the most important item before us, the issue most of us have on our minds, and that is our forces in Iraq, the efforts that are being made there and the reasons for those efforts. Certainly, at this time all of us are thinking about that.

No one has ever said that this fight would be easy. Now that our troops are in Baghdad, we acknowledge that perhaps the toughest part of the war to disarm Saddam Hussein is likely still ahead of us. But so far Operation Iraqi Freedom certainly has been a tremendous success, and I think all of us share in pride at the actions of our men and women who are there and our leaders who have caused these actions to take place and have managed them. Our Operation Iraqi Freedom has been a tribute to the skills of the men and women in uniform and their leadership.

I spent some time this morning with a group of fourth graders. These youngsters have a pretty good idea of what is going on in Iraq and, to some extent, why we are there. Obviously, they have been talking with their parents. Obviously, they have been watching TV. But I thought it was amazing how much these young kids seemed to understand. I thought that was great.

Certainly our hearts break for every life that is lost and every soul missing on the battlefield. We thank our stars that the losses so far have been relatively light. That, of course, doesn't make it any easier for the families who have suffered the losses.

In less than 3 weeks, our aircraft have seized control of the skies. Our soldiers and marines and special forces control the bulk of the country. In less than 3 weeks, our troops are showering in Saddam's Presidential Palace in the capital city of Baghdad. In the blitz to Baghdad, our troops have taken more than 4,500 Iraqi prisoners. These prisoners are being seen by officials from the International Committee of the Red Cross to ensure they are treated within the guidelines of the Geneva Convention. Saddam has been holding American prisoners for more than 2 weeks and has yet to grant the Red Cross access to them.

Our forces have been treating the wounds of countless innocent Iraqis caught in the crossfire. Our forces delivered relief to Iraqi citizens through its southern cities, removing deadly mines that prevented ships from docking. Our troops are safeguarding their ports and their oil wells for the time being.

I think it is amazing that our military has had such an impact and has yet been able to focus it away from the civilians. Obviously, there are accidents and there are losses but relatively few. That is most difficult in this kind of situation.

Just days ago there were naysayers who said Operation Iraqi Freedom was failing. Now most of the conversation is about what we are going to do after the combat is over. It is very difficult. Imagine what these naysayers might have said on D-Day, Okinawa, Saipan, Chosin, Yorktown, Gettysburg, or a host of other battles in our history and how their commentaries might have influenced America's support in the war.

I sincerely hope—and I believe—that the American people are not as fainthearted or impatient as some would argue. We are in the 19th day of a war. That is pretty short. Hopefully, it will be over soon. But those who became very impatient after 5 or 6 days—certainly that was not realistic. I suppose maybe we had the notion from the gulf war that it would not last at all. I think we should be very pleased and very proud at the amount of time it has taken and the progress that has been made.

In a war, as members of our Armed Forces know well, the enemy can react differently than we predict. It is interesting some have talked about the weaknesses of the planning, that it didn't go the way it was planned. Of course it didn't. In a war things never go just the way they were planned. But the plans, obviously, have been good to be so successful. On the battlefield, of course, the enemy has a vote.

Our troops are learning on the go and adapting quickly to the changing battlefields. They are rooting out death squads that blend in with the Iraqi population in the countryside. Our troops are dealing with car bombers who kill themselves in order to harm soldiers. These suicide and homicide attacks, of course, can be indiscriminate and have the potential to kill many innocent Iraqi civilians. It is also a demonstration of how violence has changed over time. I guess things will never be the same after 11 September. Who would have imagined those things could take place. So we have a different kind of combat, even in war.

As our fight against Saddam Hussein's regime unfolds, I urge all Americans to continue to have patience and support of our Commander in Chief. Our victory is certain as is our continuing support for our troops.

This regime is corrupt. Its leaders are morally bankrupt. The savagery his death squads and car bombers are showing is not a tactic but a symptom of a dying regime in the throes of its own demise.

As we focus on the days ahead, continuing to show our firm resolve to remove this tyrant and his regime and to accomplish the goal for which we set out—and that is to disarm Saddam Hussein—I particularly wish to comment for a moment on the contribution of the National Guard in various States.

In my State, the Wyoming National Guard has certainly made a contribution of which we are all very proud. Obviously, the National Guard consists of citizen soldiers and airmen who serve our country with great pride and professionalism.

The first Federal mobilization of a Wyoming Army National Guard unit came in 1898 with the Spanish-American War. Since then, and with the creation of the Wyoming Air Guard after the Second World War, units have served and participated in a variety of different theaters. These include the Korean war, Desert Storm, Bosnia, and now of course Operation Enduring Freedom.

Currently, the Wyoming National Guard has 20 percent of its personnel activated in vital missions throughout the world. We have the smallest population of any State in the Union, so of course our people are greatly missed—as they are in other places. Our local employers have been supportive of people who have been deployed, and we have had a good deal of deployment for a good long time, in fact. I am very proud of the men and women in my State who have answered the call to service and eagerly joined the ranks of the National Guard. People willing to join have increased in numbers since the war with Iraq has begun.

Not along ago, Brigadier General Dillon, Assistant Adjutant General of the Army, said to soldiers upon deployment:

> You are now on the first string and you don't ride the bench for long.

I suspect the National Guard is even more important than it has been in the past. As we get more and more technical in the regular, full-time Army and Marine Corps, when there is a call for numbers, of course, then we have to turn to the Guard and to the Reserve.

We all join in extending our thanks and gratitude to these people and to their families for doing what they are doing and doing it so well: to leave their jobs, to leave their families, to change their lives. This is a source of great pride that my State can consistently produce individuals to meet these challenges. They have done a great job. There is an article in one of our local newspapers that highlights some of these family members. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Casper Star-Tribune, Apr. 6, 2003]

WYOMINGITES ABOARD U.S.S. ABRAHAM LINCOLN

(By the Star-Tribune staff)

Petty Officer Timothy E. Roney, son of Kathy "Kitty" Ulrich of Casper and E2 Barbara Van Horn, daughter of Dennis and Sheryl Van Horn of Rock Springs, are aboard the USS Abraham Lincoln in the Persian Gulf.

Roney enlisted in the Navy eight years ago. This is his second assignment aboard the Abraham Lincoln and he has also served aboard the USS Nassau out of Virginia Beach Va.

He has had five overseas tours aboard ship, with three tours taking him to the Middle East. This journey on the USS Abraham Lincoln started in August 2002 with the Persian Gulf as the destination.

The ship was due back in port by mid-January 2003, but was called to serve again in the Persian Gulf on New Year's Day.

The Lincoln has spent the longest time at sea of any carrier since the Vietnam War.

He enlisted in Seattle and was raised primarily in Tacoma, Wash., where his parents, Kathy Ulrich and Craig Roney, were both active duty Air Force, stationed at McCord Air Force Base, Tacoma.

Roney's wife, Angela; daughter, Shaquanna, 5 and son, Bailey, 2, live in the Seattle area.

In Casper with his mother is his brother, Chris Roney.

Van Horn graduated from Sheridan High School in 2002. She is the granddaughter of Barbara Garhart of Osage and the late Donald Garhart.

SKY SOLDIER

Pfc. Bradley P. Mahrer, son of Rich and Renae Mahrer and brother of Christine Mahrer, all of Casper, is a paratrooper with the 173rd Airborne Brigade stationed in Vicenza, Italy. Sky Soldiers of the 173rd Airborne parachuted into northern Iraq under cover of darkness on March 26 to secure the Harir Airfield. This was considered one of the largest and more complex airborne operations in history.

He graduated from Kelly Walsh High School in 2001 and attended the University of Wyoming for one year.

He graduated from basic training in October 2002 and went to airborne training, where he earned his jump wings, all at Fort Benning Ga.

MOVING TOWARD BAGHDAD

Lance Cpl. Kyle Lamb, Weapons Company 1st Battalion, 7th Marines (81's), is now in Iraq, probably moving toward Baghdad, according to his family. He graduated from Cody High School in May 2000 and joined the United States Marine Corps on Sept. 6, 2000. He graduated from boot camp at Camp Pendleton, Calif., on Dec. 9, 2000, and was stationed at 29 Palms, Calif.

His wife, Lacy Johnson Lamb, lives in 29 Palms but is currently in Cody with her parents, Leona and Keith Johnson, until his return.

His parents are Thomas and Donna Lamb of Cody and his brother, Anthony, is still at home. His grandfather is Allen R. Hull, also from Cody. He has a large extended family that loves him very much and is praying for his safe return.

TO QATAR

Airman 1st Class Brandon Sims was deployed March 2 from Seymour Johnson Air Force Base, Goldsboro, N.C., to Al Udeid Air Base in Qatar.

He is with the 379 Equipment Maintenance Expeditionary Group, where he is a munitions systems specialist.

He graduated from Torrington High School in 1998 and joined the Air Force in April 2002. He is the son of David and Melinda Sims of Torrington.

MUSTANG MARINE

Pfc. Shane Stuhlmiller, son of Mark and Marcia Stuhmiller of Casper, is with the 2nd Marine Division, 6th Marines in Iraq. His permanent duty station is Camp Lejeune, N.C.

He graduated from Natrona County High School in May 2002.

SERVICE SUPPORT

Pfc. Abraham Henneman was deployed to Iraq from Camp Pendleton, Calif., with the 1st Force Service Support Group, 7th Engineer Support Battalion, the support group for the 1st Marine Expeditionary Force.

He is the son of Dave and Kristy Henneman of Casper.

He graduated from Campbell County High School in Gillette in 2000.

7TH MARINES

Cpl. R.J. Matthews, RCT 7, 3rd Battalion, 7th Marines H&S MT was deployed to Kuwait from 29 Palms, Calif., in January. He graduated from Torrington High School with the class of 1998 and entered the Marines under a delayed entrance program.

He married his classmate, Candice Lira Matthews, who is currently living in 29 Palms. His father, James Matthews and grandparents, Harold Matthews, Jean Clutter and Dean Clutter, all reside in Torrington.

MILITARY POLICE

Lance Cpl. Christal A. Powell, daughter of Catherine Holton of Casper and the mother of Cody Hall, also of Casper, serves in the Provost Marshal's Office, Military Police, Headquarters Service Battalion, Bravo Company, Okinawa, Japan.

She is a 1992 graduate of Natrona County High School and a graduate of Casper College with a degree in criminal justice.

1ST SUPPLY BATTALION

Lance Cpl. Rosanna J. Potter, daughter of Alan and Mona Potter and sister of Amanda and John Potter of Casper, is part of the 1st FSSG, 1st Supply Battalion/Ammo Company. She was deployed to Kuwait in January and is currently serving in Operation Iraqi Freedom.

She joined the Marines during her senior year at Natrona County High School. After graduation in June 2000, she left for basic training at Parris Island, S.C., where she graduated from a 12-week course. She then attended an MOS school at Red Stone Arsenal in Red Stone, Ala. From there, she was stationed at Camp Pendleton, Calif.

3RD INFANTRY

Spc. Thomas C. McMartin is a diesel mechanic with the 559 Quartermaster Battalion, 202nd 3rd Infantry Division. He was deployed from Hunter Haas Air Force Base in Savannah, Ga., to Kuwait on March 30, 2003.

He is a 2000 graduate of Hot Springs County High School in Thermopolis.

His wife is Sara M. Cavalli McMartin, also from Thermopolis.

His father and stepmother are Eugene and Ellie McMartin of Thermopolis.

His mother and stepfather are Gloria and Scott Adams of Mountain View.

His grandparents are Lillian McMartin of Rock Springs and Calvin Bluemel of Mountain View. His maternal grandmother and paternal grandfather are deceased. He has five brothers and sisters, all living in Wyoming.

GOLDEN DRAGON

John Swanson, son of Mike and Cindy Swanson of Casper, is an aviation structural mechanic in the U.S. Navy who works on F/A–18C Hornets. He is an integral member of Strike Fighter Squadron 192, the world famous Golden Dragons.

He is currently aboard the USS Kitty Hawk in the Persian Gulf.

He has been in the U.S. Navy since September 1998. He has been stationed at the Naval Air Warfare Center weapons division in California and is currently stationed in Yokosuka, Japan, the operating port for the USS Kitty Hawk.

He graduated from Natrona County High School and Casper College, where he received an associate's degree in auto mechanics.

His family is very proud of him.

CAVALRY SCOUT

Pfc. Anthony "Tony" J. Krasovich was deployed from Fort Stewart, Ga., in January with the rest of the 3rd Division to Kuwait. He is a scout with C Troop 3–7 Cavalry leading the way. He is all Wyoming, according to his dad. His current hometown is Cheyenne but he was born in Cody, graduated from Wright Junior/Senior High School in 1997 and Laramie County Community College in 2001. He is the son of Jim and Marita Krasovich of Cheyenne.

TO SOUTH KOREA

Master Sgt. David W. Jones, United States Air Force 58th Aircraft Maintenance Squadron, is stationed at Kirtland Air Force Base, New Mexico. He will be deployed to Osan Air Base, South Korea, in June on an HH–60G rescue helicopters.

He graduated from Glenrock High School in 1981 and entered the Air Force 1986. Prior to his assignment to New Mexico, he served at Kadena Air Force Base, Okinawa, Japan; Hurlburt Field, Fla.; Osan Air Base and Royal Air Force, Mildenhall, England.

His mother and stepfather, Pam and Butch AuFrance, live in Casper. His brother, Brad Jones and his family live in Glenrock. His wife, Crystal, and four children will remain at home in Albuquerque while he is in South Korea for one year.

GREEN RIVER MARINE

Lance Cpl. Davy J. Francis, son of David and Theresa Francis of Green River, has been deployed from Camp Pendleton, Calif., to Iraq. He graduated from Green River High School in 2001.

His grandparents are Betty Turley of Sheridan and the late Malcolm L. Turley and Harriet Francis of Buffalo and the late John Francis.

ARMY CAPTAIN

Capt. Brian Westerfield, son of Ruth and Bill Westerfield of Cheyenne, is assigned to the 1st Battalion, 27th Field Artillery, a part of the V Army Corps in Germany. His unit is currently deployed to Iraq in support of Operation Iraqi Freedom. He is a past commander of the ROTC Indian Battalion at Cheyenne Central High School and was commissioned a second lieutenant upon graduation from the University of Wyoming.

He earned his jump wings at Fort Benning, Ga., in 1995.

He is married to Chandra (Hehr) Westerfield, formerly from Green River.

He is the grandson of Loraine Westerfield and Russ and Emma Donnelly of Encampment.

USS CONSTELLATION

AE3 Jeffrey Campbell, son of Jim and Mary Campbell of Casper, is assigned to VAW–116, a squadron of E2 Hawkeyes, airborne early warning aircraft. The squadron is part of Carrier Airwing 2, which is now deployed on the aircraft carrier USS Constellation.

They have been in the Persian Gulf for five months and are part of the coalition forces participating in Operation Iraqi Freedom. This is Campbell's second deployment to the Persian Gulf with the Constellation Battle Group.

He graduated from Roosevelt High School in 1999 and gets e-mail from a couple of his favorite teachers there, Susan Griffith and Daney Tanner. He says that he's the only one who gets e-mail from his high school teachers and it makes him feel great.

He joined the Navy in May 2000. After boot camp, he was stationed at Pensacola, Fla., where he went to school to become an aviation electrician.

His brother, Jim, and grandparents, Jim and Verna Campbell, also live in Casper.

IN IRAQ

Pfc. Michael T. Jones of Casper is a member of the 1st Division, 1st Battalion, 7th Marines, Weapons Company in 29 Palms, Calif. He deployed from 29 Palms in late January.

He graduated from basic training at Marine Corps Recruit Depot, San Diego, in August 2002. After graduation, he was stationed at Camp Pendelton for advanced weapons and infantry training, 81 mm mortars and urban assault.

He is a Casper native and graduated from Kelly Walsh High School in 2002. His father and stepmother are Mike and Geri Jones of Casper. His siblings are Jacquelyn Jones of Omaha, his stepbrother, Jason Best and stepsister, Keri Wilhelm of Casper. His grandparents are Dewey and Ellen Gerdom and Max and Jean Jones, all of Casper.

Mr. THOMAS. All of us continue to support our troops; we continue to pray for our troops and their families and their losses. We know we will succeed and that we succeed because of the bravery and willingness of our Armed Forces. I hope, too, that we will remember there is a relationship between "the land of the free" and "the home of the brave," and that is being demonstrated at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. ARTHUR GUYTON

Mr. COCHRAN. Mr. President, our State of Mississippi lost one of its finest citizens when Dr. Arthur Guyton was killed in an automobile accident on Thursday, April 3. He was a preeminent cardiovascular physiologist whose "Textbook of Medical Physiology" is the best known and most widely used medical school textbook in the world.

His research on hypertension and heart function was performed at the University of Mississippi Medical Center in Jackson and is the basis for the level of mankind's knowledge of these subjects today. He was a graduate of the University of Mississippi and the Harvard Medical School.

He published his textbook in 1956, which was largely a compilation of the lecture notes he used when he was teaching physiology in the early 1950s at the University of Mississippi in Oxford.

He and his wife Ruth are the parents of 10 children who are all physicians and engaged in the practice of medicine. Some are working at such leading medical centers as Duke and Johns Hopkins. Dr. Guyton's father was also a medical doctor who practiced in Oxford, MS, and was dean of the Ole Miss Medical School. No family in America is more prominent in the field of medicine.

Our thoughts and prayers are with this distinguished family. We extend to them our sincerest condolences and the thanks of a grateful nation for their continuing contributions.

Mr. President, I ask unanimous consent that a copy of the article published in the Clarion-Ledger newspaper in Jackson MS, on April 4 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD-RENOWNED MISS. DOCTOR KILLED IN CAR CRASH

(By Thyrie Bland)

Dr. Arthur C. Guyton, a world-renowned physiologist and author of the most widely used textbook on physiology, was killed Thursday in a two-vehicle accident in Pocahontas, officials said.

Guyton's wife, Ruth, who was driving, was in critical condition Thursday night at the University of Mississippi Medical Center, where her husband was a founding father.

The Guytons' van collided with a car driven by Marjorie Guthrie, of Yazoo City, shortly before 4 p.m. on U.S. 49 North in Hinds County, said Warren Strain, a spokesman for the state Department of Public Safety. Guthrie's condition was unavailable.

Guyton, 83 of Jackson, leaves behind 10 children—all doctors—and a legacy of research.

The modest physician's hallmark discovery was proving that blood flow is regulated by the body's billions of capillaries and not by the heart, as long thought.

"It's just a loss of a giant of the 20th century," said Dr. Wallace Conerly, UMC's chief executive officer. "Still today, what most of us know about hypertension and congestive heart failure, that man did it."

An Oxford native, he worked most of his life as a teacher and researcher at UMC, where he was chair of the department of physiology and biophysics for 41 years. He authored the Textbook of Medical Physiology.

"I used his textbook to get through Tulane Medical School in 1956," Conerly said.

Guyton retired in 1989 at age 69 from UMC with a gala dubbed Arthur Guyton Day by the state and city.

"He still came to the office almost everyday," said Barbara Austin, a UMC spokeswoman. "He still taught classes."

Guyton, partially paralyzed from polio at age 27, designed a motorized wheelchair, special hoist and walking brace for which he later earned a Presidential Citation.

"My father came from a farm and gave us our goals," Guyton told The Clarion-Ledger in 1989. "My mother had been a teacher and a missionary in China where she taught physics and math, so we could always ask her the scientific questions."

Heralded with more than 50 national and international awards in medicine, Guyton always was quick to skip over his own accomplishments to compliment his wife and children. He married Ruth Weigel in 1943 after the two met during a bicycle ride.

The cause of the accident is under investigation, Strain said.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Under the previous order, the time until 5 p.m. shall be equally divided between the two leaders or their designees.

Mr. DORGAN. Mr. President, my understanding is the Senator from West Virginia, Mr. BYRD, is about to make a presentation to the Senate. I ask unanimous consent to be recognized following Senator BYRD's presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from North Dakota.

EULOGY FOR MRS. MARY JANE OGILVIE

Mr. BYRD. Mr. President, on Tuesday, April 1, Mary Jane Ogilvie, the beloved wife of the Rev. Dr. John Lloyd Ogilvie, passed away. A light has gone out in the lives of the many people who were touched by her love, her dedication, and her compassion.

Rev. Dr. John Lloyd Ogilvie, who served as the Senate Chaplain from March 3, 1995, until just this past month, was an unfailing source of support on many occasions to many of us in this Chamber, as well as to our families and our staff. He has been a compassionate spiritual advisor and a personal counselor during some of the most dangerous and trying times in the history of the Senate, including the horror of September 11 and the anthrax attack a few weeks later. I think it is fair to say that his unstinting service was heightened by, and a reflection of, the equal strength and understanding of Mrs. Ogilvie in their many years together.

From what I know and understand, Mrs. Ogilvie was a kind, gentle woman, who exhibited indomitable courage and determination. Having dealt with illness in her own life, she was a source of inspiration and comfort in the lives of others. She was a petite woman, but her size belied a remarkable tenacity and will. Mrs. Ogilvie understood suffering, and she reached out to lessen the suffering of others. She was one of those special individuals who made life better and happier for all those who knew her.

Mrs. Ogilvie did not seek the limelight. Her own effervescence and love for her husband and family and friends offered light enough. I am sure that those who grieve for her now will be comforted by the quiet memory of her shining, luminous life.

Dr. Ogilvie will miss her. He will miss her very much. My own wife, Erma, and I extend to Dr. Ogilvie and his children—Scott, Heather, and Andrew—our deepest condolences and most heartfelt sympathies.

Sometimes at eve when the tide is low,
I shall slip my mooring and sail away,
With no response to the friendly hail
Of kindred craft in the busy bay;
In the silent hush of the twilight pale,
When the night stoops down to embrace the day
And the voices call o'er the waters flow—
Sometimes at evening when the tide is low
I shall slip my moorings and sail away.

Through the purple shadows that darkly trail
O'er the ebbing tide of the Unknown Sea,
I shall fare me away, with a dip of sail
And a ripple of waters to tell the tale
Of a lonely voyager sailing away
To Mystic Isles where at anchor lay
The crafts of those who have sailed before
O'er the Unknown Sea to the Unknown Shore.

A few who have watched me sail away
Will miss my craft from the busy bay;
Some friendly barks that were anchored near,
Some loving hearts that may heart held dear,
In silent sorrow will drop a tear.
But I shall have peacefully furled my sail
In moorings sheltered from storm or gale,
And greeted the friends who have sailed before
O'er the Unknown Sea to the Unseen Shore.

This bit of verse from Lizzie Clark Hardy I recall today in memory of Mrs. Ogilvie, and our dear friend the former Chaplain, Dr. Ogilvie.

Mr. HAGEL. Mr. President, I also rise to express Lilibet's and my sympathy over the loss of a close friend, Mary Jane Ogilvie. As the wife of Dr. Lloyd Ogilvie, our Senate Chaplain, Mary Jane was a friend to many and always offered an attentive ear and an open heart to all of us in the Senate family. Her high spirit and quiet strength endeared her to all who knew her.

Mary Jane was a remarkable woman. Having battled cancer, she counseled others living with cancer. She devoted countless hours to raising awareness and funding for cancer research. She raised a magnificent family . . . which is her legacy. Lilibet and I cherished our friendship with Mary Jane. We will miss her, but we will be renewed and enhanced by the time we had with Mary Jane. Our thoughts and prayers are with Lloyd and the Ogilvie family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I say to my colleague from West Virginia that no one in the Senate is better able to express the interests not only of the Senator from West Virginia but for the Senate as a whole on matters of the type he talked about. Senator BYRD spoke of Reverend Ogilvie and his wife and what they both contributed to life in the Senate. I echo his comments and say that we miss Reverend Ogilvie and his wife, and we grieve for her passing. I thank Senator BYRD for calling the attention of the Senate to it today.

DROWNING IN TRADE DEFICITS

Mr. DORGAN. Mr. President, today I will speak about trade. On occasion, I have come to talk about our problems in international trade because it relates to the center of the issues we need to be concerned about with respect to our country's economy; and that is jobs, a growing economy that produces good jobs that pay well, that expands opportunities for the American people. Yet our trade strategy in this country has been a bankrupt trade strategy for a long while.

I will use a chart to describe what I am talking about. The current trade strategy in America is producing nothing but red ink, and not just a small amount of red ink, but we are literally drowning in trade deficits. This is the merchandise trade deficit in this country. These are trade deficits that are completely out of control. Last year, there was $470 billion in trade deficits.

April 1 was April Fools Day, and that is the day the U.S. Trade Representative released its 2003 report on trade barriers. This is the 2002 report. The 2003 report is not yet available in hard copy, but I am told it is as thick and as voluminous as the 2002 report. It describes the trade barriers that we find overseas and around the world for American goods produced by American workers in American factories. It lists country by country and barrier by barrier foreign markets that are closed to our products.

Frankly, despite all the talk about free trade and expanded trade, there has been very little progress in prying open these markets. Let me use one example that demonstrates better than almost any other of how difficult it has been for us to make real progress on these issues. I will describe it in the context of our trade with Japan in beef—yes, beef. Fifteen years ago now, we reached a trade agreement with Japan so that American beef could be sold into the Japanese marketplace. That trade agreement provided that for every pound of American beef that went into Japan, there would be a 50-percent tariff. That is after our negotiators reached an agreement. We have a very large trade deficit with Japan, but our negotiators reached an agreement that said at the end of this agreement there will now be a 50-percent tariff on every pound of American beef going into Japan, and then it will reduce over time. But if we get increased quantities into Japan, it will snap back.

So 15 years after our beef agreement with Japan, and those who negotiated having had a fiesta of sorts on the front pages of all of our papers talking about this enormous success that we would now get more American beef into Japan, there is now a 38½-percent tariff, and it is about to go back to 50 percent. The USTR report now says that Japan plans to increase the tariff to 50 percent because of an increase in beef imports this year.

The only reason there is an increase in this year is that the Japanese consumers are finally starting to eat beef again after mad cow disease was found in Japan some years ago. So Japan decided that a 38½-percent tariff is not enough. Now it will go back to 50 percent, 15 years after we reached an agreement with this country to take more American beef.

This chart shows the agreements we have with other countries in terms of the balance of trade. My colleagues will see that red represents deficits. We have trade deficits with virtually every major trading partner, with the exception of Australia, and we are about to remedy that because we are about to enter into an agreement with Australia. I assume they will be able to turn a positive trade balance into a deficit very shortly.

It does not matter which agreement we have had, whether it is NAFTA or GATT, what we have done is create circumstances where all of our major trading partners are running trade surpluses with us.

I will talk a bit about the country of China. We have major trade deficits with China, with Europe, Canada, Mexico, Korea, and Japan. Are they getting better? No, they are getting much worse. Does it hurt this country? Of course it does. It means jobs that would have been in this country to produce goods and services the American people want instead exist in other countries. So the jobs that used to represent American jobs are now belonging to some other country producing those products to ship back into this country.

Let me talk about trade with China in the context of wheat. I come from a State that produces beef and wheat so I am naturally interested in that. I will discuss other products as well. The U.S. trade official in charge of trade with China recently left his job, and he had the courage to say publicly that China has failed miserably to live up to its promises that it made on agricultural trade when it joined the WTO in November of 2001. In fact, our trade official said the United States would be well justified in filing a WTO case against China. He said the evidence of unfair trade by the Chinese is "undeniable," and the Chinese themselves privately acknowledge they are cheating on agricultural trade.

The official said the administration did not have the spine to take action because the Chinese might be offended. He said the administration was worried that a WTO case would be seen as an in-your-face thing to do to China so soon after China joined the WTO.

When China joined the WTO in November of 2001, the Chinese agreed to significantly expand the amount of imported wheat that would come into China at low tariffs. They agreed for 2002 it would set a tariff rate on imported wheat at 8½ million metric tons. That means 8½ million metric tons of wheat could enter the Chinese marketplace at low tariffs. But according to the Congressional Research Service, Chinese imports were less than 8 percent of what we expected to move into China. China was supposed to allow 8½ million metric tons, but it imported about 662,000 metric tons, and only 169,000 of that was from U.S. producers. How could that be? China's millers increasingly demand high quality wheat—the wheat we produce, wheat we can produce efficiently.

One explanation is, to import wheat under this Chinese TRQ, a Chinese importer needs a license. The license is granted by the Chinese government. The Chinese government decides only 10 percent of the licenses are going to be available to private importers; 90 percent are reserved for the Chinese government itself. If the Chinese government decides not to take American wheat into its marketplace, it will not do it. That is exactly what they have done. They commit to 8.5 million tons of imported wheat and make sure 90 percent will never be brought into the country.

I came to the Senate when this happened and quoted a Chinese agricultural official in the South Asian Post. For the Chinese consumption they were saying a bilateral agreement will open up trade between the United States and China. What he said in the South Asian Post, do not expect that is what we will accept into China. He said that to the Chinese. But they were telling the Americans a different story.

March 17, the USTR official named Bruce Quinn, who was the director of the China desk at USTR, now the former director of the China desk, told wheat industry meetings that USTR should file a case against China at the WTO. What made Mr. QUINN's comments particularly interesting is they were made on the last week in the job for him. He was moving to another agency. He felt then he could speak freely. He said about the Chinese government: The Chinese officials have never disagreed with the United States technical criticism about China administering tariff-free quotas. They just make the political argument you have to understand China, China is a special case. He said the inter agency trade policy review gave the ambassador's office the green light to proceed to take action against the WTO for China, but too many in the administration feel it is an in-your-face thing to do so soon after joining the WTO. Soon after making these comments in the last week on the job, the administration disavowed its comments, saying he was not speaking for the administration, but nobody said Mr. QUINN had said something wrong or what he said was wrong.

Why should we be reluctant to file a case against China at the WTO if evidence of cheating is rampant, so rampant that even the Chinese government admits it? Isn't that what the WTO was supposed to provide, a forum for dealing with unfair and illegal trade practices? If we let the Chinese government or China off the hook in the first year or two of this bilateral agreement, what will happen in the future?

Some might say this is about wheat and they are not wheatgrowers. For those who might view the proceedings and think we do not grow wheat and do not see it as a big deal selling grain or wheat to China, this is just one example of many that represents this monumental trade deficit. Our trade deficit in goods this past year was $470 billion. One-fourth of that, $103 billion, was with China alone. The deficits of Canada, $50 billion. Mexico, $37 billion. And Japan and Europe. Not only do we have deficits with trading partners, but we have deficits in almost every sector of trading: $110 billion deficit in vehicles, $47 billion trade deficit in consumer electronics, $58 billion deficit in clothing.

I mention the trade deficit with China. Just to give an example of what causes much of this, in many cases it is incompetent trade negotiators on our part. We negotiate a bilateral with China and our trade negotiators agree, after a phase-in with respect to the U.S. and China, we will agree to a 10 times higher tariff on U.S. automobiles that we attempt to sell in China than would be imposed on Chinese automobiles in the United States. We say we will impose 2.5 percent on Chinese automobiles that are shipped here and you impose a 25 percent tariff on U.S. automobiles in China. I don't know who would agree to that. Whoever it is does not deserve to be paid by the American taxpayers. It is an incompetent position to engage in bilateral negotiations and tie our consumers', our employees' hands behind their back in international trade. We will do that by saying you can go ahead and impose tariffs 10 times the amount of tariffs we would impose on equivalent goods.

The trade deficit with Canada, similarly, is a deficit that in some respects comes from the Canadians as a result of the trade agreement being allowed to continue, a Canadian wheat board, which would be illegal in this country, a state trading enterprise would be illegal in this country. In Canada, it sells into this marketplace at secret prices, undercuts our farmers, and essentially thumbs its nose at American officials when they say we want the evidence of selling below acquisition costs in our marketplace and, therefore, dumping illegally in our marketplace. And the Canadians say, We are sorry; we do not intend to disclose anything to you, or any prices in this country.

Trade deficit with Europe, $82 billion last year. The WTO was supposed to provide us with a forum to resolve trade disputes. The fact is, it has not with respect to Europe. We went to the WTO, got a dispute resolution in our favor against Europe dealing with the import of U.S. beef to Europe which Europe was preventing. And despite that, we are still not getting U.S. beef into the European marketplace.

Trade deficit with Korea, $13 billion in 2002. I spoke before about cars from Korea, but let me give an example. We have just received the 2002 figures for automobile trade with Korea. The Koreans sold 633,000 Korean cars in this country. We sold 3,200 in Korea; 633,000 this year and 3,200 that way.

Now, why we do not sell more vehicles? Take the Dodge Dakota pickup truck. In February of this year, DaimlerChrysler started to sell that pickup truck in Korea. The Dodge Dakota truck is made in Detroit, Michigan. Korea does not manufacture pickups like Dodge Dakotas, so DaimlerChrysler thought it had a good potential market in Korea and started to market the vehicle to small business owners. It was very successful. It got orders for 60 pickup trucks in February, another 60 in March. That does not sound like much, especially when Korea is sending us 633,000 vehicles in a year, but it is a start. At an annualized rate that would amount to a 50-percent increase in car imports from the U.S. into Korea, into the marketplace just from the Dodge Dakota pickup alone.

Guess what happened? In March, last month, an official with the Ministry of Construction and Transportation decided the Dakota pickup posed a hazard in the marketplace so he announced the cargo covers on pickups, on Dodge Dakotas, were illegal and the drivers of those pickups would be fined if they put a cargo cover on the pickup truck. The newspapers had giant headlines: Government ministry finds Dodge Dakota covers illegal. Guess what happened? The Korean people got the message. Korean car purchasers canceled 55 of the 60 orders scheduled for March and now you cannot find a buyer for a Dodge Dakota in Korea, where in the last couple of months hundreds were lining up. Once again, we discover that trade is not free and it is not fair.

I have a chart that shows just one example of one sector, and these are last year's numbers, but, as I indicated, they are the same as this year, essentially. They ship us all their cars and this represents good jobs. We cannot get American cars into Korea. Just ask yourself: If the American consumers want to buy Hyundais and Daewoos and cars that are produced in Korea to come into this country, should they have the right? Absolutely. But what if a Korean wants to buy a Mustang? What if a Korean wants to buy a Ford Mustang convertible? Should they have that opportunity, that right? Do they now? Of course not. The Koreans are making sure we are not getting American cars into Korea. The result is an increased trade deficit, fewer good jobs in this country, and the further result is nobody seems to care. All they want to do is negotiate another incompetent agreement.

One of my feelings about the USTR is they come to this Congress asking for fast-track authority, which I think is nuts, saying to Congress: Tie your hands behind your back; let us negotiate an agreement in secret, and when we bring it to you, you decide by rule you cannot amend it.

I think that is plain nuts. Nonetheless, they were able to persuade enough people in the Senate and the House.

So they have fast-track authority so the next agreement they make with another country, they will bring it to the Congress, take it or leave it, no amendments in order. If they hadn't had fast track when they did the United States-Canada agreement, we wouldn't be stuck with the problem we have with the Canadian Wheat Board dumping into our marketplace, cutting into our farmers. But you couldn't offer an amendment. Who knows what will be in the next agreement they make? But when they make the agreement with another country, it will come here, likely pass the Senate and House, and the newspapers that support all this will trumpet this as an expansion of trade and it is free trade and it is wonderful and everybody—all boats are lifted by it.

That is total nonsense. I am in favor of expanded trade and expanded opportunity, but I am in favor of trade officials in this country having a spine and backbone to stand up for the interests of this country.

Should we continue to decide it is our lot in life to compete with somebody who is making 30 cents an hour, working 70 hours a week? Should we compete with a 12-year-old working 12 hours a day making 12 cents an hour? That happens, by the way. Is that fair competition?

That product is produced in any number of countries overseas and then shipped to the marketplace in Toledo or Fargo or Manchester or New York City. Is that fair trade? Is that what our producers ought to compete against? Or should we have some basic standards which say that what we fought for for over a century in this country—the right to work in a safe workplace, the right to organize, the right to be paid a fair wage, the right not to expect you have to work next to children; all of those rights that were fought for in this country—some people died for them; some people chained themselves to the factory gates for those rights—should all those be rights over which producers pole-vault to rush to another country to produce and say we don't have to worry about that, we don't have to worry about dumping pollution into the stream or the air, hiring 12-year-old kids, putting them in an unsafe workplace, we can do that because we have the right to do that and we have the right to ship our products to our country?

They ought not have that right because that is not fair trade. It is not fair competition, and we should not ask American workers and producers to compete against that.

There are so many issues to talk about with respect to international trade. In the end, I come back to the notion that it represents the strength of our economy to maintain a strong manufacturing base. No country will long remain a strong economic power if it does not retain a basic manufacturing base. Our manufacturing base is very quickly moving from this country to countries where production costs are lower. It is one thing to say we lose in international competition. It is quite another to say we are going to set up the competition in a manner that is fundamentally unfair and guarantees you lose.

In my judgment, whether it is farmers or manufacturing workers or textile plants, if we can't compete and win against fair competition, then our plants should not make it at all. But the competition ought to be required to be fair.

None of these trade agreements require that—none of them. Whether it is someone who is ranching out there today, producing cattle for a market and expecting to be able to move it into Japan without a 50-percent tariff or somebody who is raising potatoes in the Red River Valley expecting to be able to move potato flakes into Korea without a 300-percent tariff or somebody producing Durham wheat, expecting not to compete against the state cartel in Canada that undersells them at secret prices, or, yes, a big automobile company in this country that expects not to have to compete against those who produce elsewhere and keep their markets closed to us—all of those are very serious problems relating to this country's economy and this country's ability to produce good jobs that pay well for the American people.

A $470 billion trade deficit this year—somebody is going to have to pay that bill. You can make the case—at least economists do—that the budget deficit is money we owe to ourselves. You cannot make that case with the trade deficit. This is money we owe to other countries that will inevitably be repaid with a lower standard of living in this country. That is why it is important at some point that we pay attention to it and view this as a crisis.

You can't get the editorial pages of the major newspapers to say so. You can't even get an op-ed piece published in the Washington Post unless you have a vision about trade that exactly matches theirs and the prevailing view in this town, which is: There are free traders—that is what they say—there are free traders who see beyond the horizon, who have a world view that is learned and is to be commended.

Then there are the others and the others are xenophobic isolationist stooges who just have never gotten it and understood that things have changed in the world.

Those are the two sides. If you are someone who says an unkind word at all about this structure of trade agreements that requires us to compete unfairly and allows others to compete unfairly against us, you don't have a chance of having that view expressed in the major newspapers in this country. That is regrettable because that means we don't have an aggressive debate on international trade.

The debate should never be about: Is expanding trade something that helps our country and helps others around the world? The debate ought to be about as we globalize—and we are globalizing our economies very quickly—will the rules of international trade in this global economy keep up with the galloping globalization? The answer to that, until now, regrettably, has been no. The rules have not kept pace, and that is why we find ourselves in this position.

I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the nomination of Cormac J. Carney, which the clerk will report.

The bill clerk read the nomination of Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Judge Cormac Carney, who has been nominated to the United States District Court for the Central District of California.

Following his graduation from Harvard Law School in 1987, Judge Carney entered private practice with the high powered law firm of Latham & Watkins. He worked there until 1991. He next worked as an associate for another widely respected law firm, O'Melveny & Myers, where he became a partner in 1995. He remained at O'Melveny until his appointment to the Orange County Superior Court in 2001, where he has presided over both criminal and civil matters.

Prior to his appointment to the bench, Judge Carney was an exceptional business litigator who typically represented Fortune 500 companies as both plaintiffs and defendants. His areas of expertise included complex matters such as real estate, partnership, lender liability, environmental law, intellectual property, and insurance coverage.

Even with a heavy workload and prestigious clients, Judge Carney devoted numerous hours to pro bono work for the disadvantaged. As a partner at O'Melveny, he supervised the firm's junior lawyers on pro bono cases, which included housing issues, education, civil rights, and the rights of homeless people. Because of the firm's extensive pro bono work, the Orange County Bar Association awarded it the Pro Bono Services Award, and the Orange County Public Law Center awarded it the Law Firm of the Year Award.

Since his appointment to the bench, Judge Carney has become involved with victims' rights. He currently serves as a member of the Governing Board of Victim Assistance Programs in Orange County. The Board provides support and guidance to all victim assistance programs and advises on procedure and policies relating to operations of victim centers located throughout Orange County.

Although Judge Carney has had a stellar legal career, I must note that before he made law his chosen profession he played professional football, first for the New York Giants and then for the Memphis Showboats. The legal profession is fortunate that he ultimately joined our ranks, since he has served on both sides of the bench with compassion, integrity, intelligence and fairness. I am confident that he will serve with the same qualities on the Federal district court bench.

Mrs. FEINSTEIN. Mr. President, I am pleased to support the nomination of Judge Cormac Carney for the Central District of California.

Judge Carney is a bright, young judge with truly impressive credentials. Judge Carney graduated cum laude from UCLA, where he earned All-American honors as a wide receiver. He attended Harvard Law School, worked as a partner for the prestigious law firm of O'Melveny & Myers, and has served with distinction as a Los Angeles Superior Court judge.

I am confident he will prove a valuable addition to the bench in the Southern District of California.

Today's vote on Judge Carney marks a milestone event for California's bipartisan Judicial Advisory Committee, which Senator BARBARA BOXER and I set up with the White House.

Judge Carney is the eighth judge to come out of the advisory committee. Nearly every one of these judges has passed out of the committee by a unanimous vote.

With Judge Carney's confirmation, the committee will have filled all the current district court vacancies in California.

This if the first time in recent memory that all of California's authorized district court judgeships are filled.

I would like to give credit to Jerry Parsky and the White House for working constructively with the California Senate delegation in a bipartisan manner to get these judgeships filled.

The results of the committee's efforts speak for themselves. On average, these eight California judges have received Senate confirmation within 114 days of their nomination.

In contrast, during the last year of the Clinton administration, district court nominees took an average of 196 days to get confirmed.

We have confirmed these nominees efficiently and without rancor. This process has enabled the best and the brightest legal minds of our state to gain admission to the Federal bench.

I hope the Senate sees our efforts in California as a model of how the judicial nominations process could work.

Mr. CORNYN. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Cormac J. Carney, of California, to be United States District Court Judge for the Central District of California? The yeas and nays are ordered, and the clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) would each vote "aye."

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—80

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Jeffords
Johnson
Kennedy
Kohl
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Thomas
Voinovich
Warner
Wyden

NOT VOTING—20

Alexander
Allen
Bond
Brownback
Corzine
Edwards
Graham (FL)
Harkin
Inhofe
Inouye
Kerry
Landrieu
Lieberman
Mikulski
Miller
Nelson (FL)
Sarbanes
Schumer
Smith
Talent

The nomination was confirmed.

Mr. LEAHY. With today's confirmation vote on the nomination of Judge Cormac Carney to the U.S. District Court for the Central District of California, Senate Democrats again demonstrate their bipartisanship toward consensus nominees. Judge Carney's confirmation will bring to 16 the number of judicial nominees of President Bush confirmed just this year, with 14 district court nominees and two circuit court nominees confirmed in the first 10 weeks since the reorganization of the Senate. This stands in marked contrast to 1996 when only 17 judicial nominees of President Clinton were confirmed all year, and not one of them was for the circuit courts.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Overall, in the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. Not once did the Republican-controlled Senate consider that many of President Clinton's district and circuit court nominees. We were able to do so despite the White House's refusal to consult with Democrats on circuit court vacancies and many district court vacancies.

There is no doubt that the judicial nominees of this President are conservatives, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the Federal courts. Unfortunately, many of this President's judicial nominees have proven to be quite controversial and we have had serious concerns about whether they would be fair judges if confirmed to lifetime positions. We are pleased that this is not the case with Judge Carney of California.

While Republicans frequently point to the 377 judges confirmed for President Clinton, what they tellingly leave out is that only 245 of them were confirmed during the 6½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Last week, the Republican majority held its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee under Republican control operates in two very different ways under very different practices and rules depending on the political party of the President. This year it is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee to rush through the consideration of lifetime appointees.

This year we have had a rocky beginning with a hearing for three controversial circuit court nominees which caused a great many problems that might have been avoided had the chairman honored the bipartisan agreement on controversial nominees and the pace of hearings and votes that has been in place since 1985, for almost 20 years. The chairman's insistence on terminating debate on the Cook and Roberts nominations, in clear violation of the committee's express rules that have been honored since 1979, for almost 25 years—is another serious problem. Of course, with the Estrada nomination, the administration's unwillingness to work with the Senate to provide access to documents of the exact same type as have been provided in past nominations for lifetime and short-term appointments has proven to be a significant problem. The opposition to the Sutton nomination is also extensive. The unprecedented nature of a President re-nominating someone for the same judicial position after a defeat in committee has led to the very controversial Owen nomination pending on the floor with the assent of only the Republicans on the committee. The chairman's decision to hold a hearing on the controversial Judge Kuhl, despite objections of one of her home state Senators, is also problematic and is something that he never did, not once, when there was a Democrat in the White House.

Nonetheless, the Senate has proceeded to confirm 116 of President Bush's judicial nominees, including 16 this year alone and another today. It was not until September 1999, 9 months into the year, that 16 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. At the pace set by Republicans now, we are 6 months ahead of that schedule.

The confirmation of Judge Carney will fill the last current vacancy in the Federal district courts in California. This nomination is a good example of the kind of bipartisan-supported candidates the President ought to be sending the Senate. Judge Carney comes to us after being unanimously approved by California's Bipartisan Judicial Advisory Committee—a committee established through an agreement Senator FEINSTEIN and Senator BOXER reached with the White House. This is one of the few bipartisan commissions that the White House has allowed to proceed, although the White House has not moved forward with some of its bipartisan, qualified recommendations. This California committee works to take the politics out of judicial nominations. It reviews qualified, consensus nominees who will serve on the Federal judiciary with distinction. Too often in the last 2 years we have seen the recommendations of such bipartisan panels rejected or stalled at the White House. Instead, they should be honored and encouraged.

Judge Carney has served as a Superior Court Judge in the State of California since 2001. Judge Carney was a partner with the law firm of O'Melveny & Myers handling civil matters before he was appointed to the State court bench in 2001. He played professional football before going to law school and has served in the Air Force Reserve.

Two other district judges in California have already been unanimously confirmed this year, Judge Selna and Judge Otero. Last Congress, led by a Democratic Senate majority, the Senate confirmed four nominees to the Federal district courts in California. Percy Anderson and John Walter were confirmed to the U.S. District Court for the Central District of California on April 25, 2002, just 3 months after their initial nominations. The Senate also confirmed Robert G. Klausner to be a U.S. District Judge for the Central District of California on July 18, 2002, and Jeffrey S. White to be a U.S. District Court Judge for the Northern District of California on November 14, 2002. The Senate has now filled all seven of the vacancies on the Federal trial courts in California that we inherited.

Last year, at the urging of Senator FEINSTEIN and the chief judge of the district, we included in the 21st Century Department of Justice Appropriations Authorization Act, five additional judgeships for the Southern District of California. We also included an additional position for the Central District of California. By mid-July California will have six important vacancies to be filled. I look forward to working with the Senators from California to proceed, if possible, in advance of July on additional nominations so that these much-needed seats can be filled quickly with fair, mainstream nominees. It is unfortunate that the President, who has had notice of these upcoming vacancies for some time, has not worked with the California Senators and their bipartisan commissions to send consensus nominees to the Senate.

I congratulate Judge Carney, his family, and the Senators from California on his confirmation.

● Mr. NELSON of Florida. Mr. President, I want to express my support for the nomination of Cormac J. Carney to be U.S. District Judge, for the Central District of California. Mr. Carney has the knowledge, experience and personal characteristics needed to succeed on the Federal bench.

Unfortunately, due to inclement weather, I was unable to return to Washington in time for the vote to confirm Mr. Carney, but I would like the RECORD to reflect that, had I been present, I would have cast my vote in favor of his confirmation.●

The PRESIDING OFFICER. The President will be immediately notified of this action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The Democratic leader.

TRIBUTE TO PRIVATE FIRST CLASS LORI PIESTEWA

Mr. DASCHLE. Mr. President, I want to take just a couple of minutes of my leader time to make a statement with regard to a very special young woman.

Throughout America—especially in Native American communities—Americans are grieving the loss in combat of Army PFC Lori Piestewa. But we are also feeling pride for Lori Piestewa's remarkable life.

PFC Piestewa was a member of the Army mechanics unit that was ambushed by Iraqi soldiers on March 23.

Her body, and the remains of eight other soldiers, were recovered last week from a hospital in southern Iraq when Special Forces stormed the hospital to rescue another member of the 507th Maintenance Company, PFC Jessica Lynch.

Private Piestewa is the first Native American woman in the U.S. Armed Forces ever to die as a result of combat.

She was 23 years old. She leaves behind two small children—a 4-year-old son and a 3-year-old daughter. . . .

She also leaves behind a broken-hearted but proud family—and countless friends.

There are more than 12,000 Native Americans serving in our military today—including many from my State of South Dakota.

They and Private Piestewa are part of a noble tradition that too few Americans know much about.

It is a tradition that includes heroes like the "Code Talkers" of World War II—the service members from the Lakota, Navajo and other Indian nations who developed the only military code that was never broken by the Japanese.

The Code Talkers were key to U.S. victories throughout the Pacific theater. Their service helped turn the tide of the war—and saved untold numbers of American lives.

Today, Private Piestewa takes her place alongside them as an American who risked everything to protect her land and her people.

Over the weekend, memorials began to appear all over the reservation near Tuba City, AZ, where Private Piestewa grew up and where her family still lives.

At one of the memorials, someone left a group of red, white, and blue balloons. Included in the bunch was one green balloon, the team color for Tuba City High School, where Lori Piestewa had been a softball star and a junior ROTC commander.

On May 24, Private Piestewa will be honored at another memorial. Red rose petals will be place in her honor in the reflecting pool of the Women in Military Service for American Memorial at Arlington National Cemetery.

When I heard about the memorials to Private Piestewa, I thought of another cemetery—at Wounded Knee, on the Pine Ridge reservation in South Dakota.

I remember the first time I visited it. As I walked toward the cemetery, I was surprised to see little American flags dotting many of the graves. When I got close enough to read the headstones, I could see that many of the people there were veterans.

Some—like Private Piestewa—had died in the service. Others had died years after they took off the uniform. But they wanted it recorded on their graves: This person loved this Nation.

I have never seen a more profound expression of American patriotism.

The thoughts and prayers of our Nation are with the family and friends of PFC Lori Piestewa.

She was an American hero. We are deeply grateful to her for her service and sacrifice—and to all Native Americans who are serving, and have served, our Nation in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for this very sensitive and very important statement about this wonderful person. As someone who belongs to a family which has lost my older brother, and lost a brother-in-law—an older brother in the Second World War, and brother-in-law in Vietnam—and then have another brother-in-law who is suffering tremendously from his war wounds, who fought both in the Inchon Reservoir in Korea and also in Vietnam, I have to say these are the greatest of all Americans. I really appreciate his sensitivity in delivering this message for the Senate here today.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now resume executive session for the consideration of Calendar No. 86, Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hoped my friend in his statement tonight would indicate why we are moving to this woman, when we have people here—we have Edward Prado, who is from Texas, Dee Drell from Louisiana, Richard Bennett from Maryland—who, it appears, will go through here very easily.

My friend should understand, as I told him privately, there will be some people wanting to speak about this at some length.

The majority leader has indicated there will be no more votes today so there is no need for anyone to hang around on this tonight—that's true? You are going to speak, but there is going to be no action taken on this other than the motion?

Mr. HATCH. There will be no action on this tonight.

Mr. REID. I withdraw any objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, to answer my distinguished friend, the reason Priscilla Owen is being brought up today is because we are gradually trying to move the President's nominees as quickly as we can. She was nominated on May 9, 2001, almost 2 years ago. I am trying to do it, as close as I can, in chronological order, which seems to me to be the way to go, when I can.

I am not the only one who made this decision; a number of people did, including the majority leader, who desired to bring Priscilla Owen up today. I commend him because she really deserves to be brought up at this particular time. She has been waiting for almost 2 years and went through what I consider to be a tremendously insensitive hearing when the Democrats controlled the committee, and then came back for another hearing just a short while ago, where I think she more than substantiated the reasons why the President would have picked her to be a nominee for the Circuit Court of Appeals.

So I rise today to express my enthusiastic support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

The Senate's consideration of Justice Owen's nomination is important. It is important because it represents an opportunity to remedy the mistreatment Justice Owen received last September when she was voted down in the Judiciary Committee along party lines and not allowed a vote on the Senate floor, where she would have been confirmed by Members of both parties. The decision by the committee last September was unprecedented, representing the first time a nominee rated unanimously well qualified by the American Bar Association had been voted down by the Judiciary Committee. This is despite the fact that Justice Owen had—as she does today—the full, unqualified support of her home State Senators, both of whom testified on her behalf.

It is important to note that with regard to circuit court of appeals nominees, it is important to have the support of both Senators, but it is not absolutely essential. In the case of district court judges, it has been all but essential. The reason is that circuit court of appeals nominees represent not just one State but a whole series of States, as is the case in the Fifth Circuit.

It is important because this nomination will demonstrate whether the senate will be fair to a qualified nominee and provide an up and down vote. This isn't just a qualified nominee; this is a well-qualified nominee, according to the American Bar Association.

It is perhaps most important because we have the opportunity to place a great judge on the Fifth Circuit Court of Appeals.

Three weeks ago we took the first step in remedying the wrongful treatment inflicted on Justice Owen last fall by holding an open hearing in which I invited all Members to come and ask her questions. Members were also free to submit any written questions following the close of the hearing. The hearing was informative. It was productive. Justice Owen answered every question during the hearing and responded to lengthy written questions with substantive can cogent answers. As she has done throughout this process, Justice Owen consistently demonstrated her intelligence, her legal acumen, and her respect for the law.

The hearing was valuable for several reasons. First, the hearing allowed us to obtain some much needed perspective and insights from Senator CORNYN, who, as we all know, served with Justice Owen on the Texas Supreme Court and observed her work as a judge day to day for 3 years in hundreds of cases. He knows her. He knows what it is to be a judge and to be called upon to make hard decisions in close cases. He knows the workings of the Texas Supreme Court. He was most helpful in placing into proper context what outsiders seem to think was extremely unusual or striking criticism from her court colleagues in a few cases—and darn few cases.

Senator CORNYN showed that this type of talk is common among court members and that such criticism is perfectly normal and even healthy for a well-functioning judiciary. Judges disagree from time to time, and they may express themselves with fervor during such times. That is to be expected. Senator CORNYN personally attested to Justice Owen's dedication to her judicial duties. He has seen the work and the care she puts into deciding each case. He also attested to her commitment to enforcing the will of the legislature. As Senator CORNYN said.

> I know [Justice Owen] is a good judge who always tries to faithfully read and apply the law. That is simply what good judges do, and we can ask for nothing more.

In this regard, it strikes me once again as significant that the two individuals conscripted as star witnesses to discredit Justice Owen as an activist judge—Judge Alberto Gonzales and

Senator CORNYN—are actually two of her biggest supporters and attest to her fitness for the bench and for this position on the Fifth Circuit Court of Appeals. Nothing can change that fact no matter how hard some try to pretend otherwise.

Justice Owen is also firmly supported by former Texas Supreme Court Chief Justice John L. Hill and former Justices Jack Hightower and Raul Gonzalez, all of whom are Democrats and all of whom know Justice Owen's record. Justices Hightower and Gonzalez have the additional perspective of judges who personally served with Justice Owen. Fifteen past presidents of the Texas State Bar, Democrats and Republicans alike, have enthusiastically endorsed her. Those who know Justice Owen and her record best know she will make an excellent Federal circuit court of appeals judge.

Second, the hearing allowed us to set the record straight: Justice Owen does not engaged in results-oriented jurisprudence nor does she see such practices as desirable or legitimate in any manner. In addition, there is no credible evidence that Justice Owen harbors biases against plaintiffs or defendants or favors one interest over another. Some have charged that she consistently rules against certain plaintiffs and legal rights. Justice Owen has provided the committee with a long list of decisions which refute that charge. One the issue of results-oriented decisionmaking, let me quote what she said to Senator KENNEDY on this subject:

> I do not try to achieve a result, and I don't look at whether I want one side to win or the other side or one segment of our population to be favored over another. That is not my job.

Later she said, regarding her decisions:

> Sometimes workers win, sometimes big companies win. The outcome is determined by the law applied to the facts, not my favoring one side or the other.

These are the words of a judge who understand her role and respects the limits of her judicial authority. We don't need politicians and legislators dedicated to achieving certain results, policies, or outcomes serving on the bench as judges who would do the same.

Incidentally, I find it particularly ironic that on the one hand, Justice Owen is faulted by some for engaging in results-oriented decisionmaking, and, on the other hand, she is faulted for not engaging in what amounts to results-oriented decisionmaking. Thus she is criticized for not reaching "balance" in her decisions, for voting too often or too infrequently—take your pick—in the majority or dissent—take your pick—in particular types of cases—take your pick—or for not sticking up for, showing sufficient "sympathy" for, or displaying enough "dedication" to, certain types of litigants.

Of course, we should shun jurists who are looking to achieve "balance" in their decisions or do what may be popular or controversial in a case—apart from what an honest reading of the law and facts in that case would dictate. And it is serious error—indeed, a misunderstanding of the role of our independent judiciary—to simply translate a judge's decision in a certain case as that judge's intent to achieve a certain outcome or set some broad policy that will favor or prove "hostile" to certain types of future litigants. A decision naturally will prove "detrimental" to one of the parties—one side loses the case—but we can hardly criticize the judge who is following the law as passed by the legislature. It is not a matter of looking to see whether some partisan interest group has characterized a judge as "deaf" to certain concerns or "coldhearted" to certain plaintiffs; it is a matter of looking to see whether a judge can put aside personal feelings and apply the law.

Sometimes, as Senator CORNYN helpfully pointed out during the hearing 2 weeks ago, a judge may or may not like the posture of the case or the record developed in the lower court, but an appellate judge must take the case as it is and make the best decision based upon the law and the facts. That is a judge's job, that is what we expect judges to do, and that is all we should expect judges to do. Justice Owens has lived up to that standard.

Third, the hearing set the record straight on Justice Owen's decisions in judicial bypass cases. No matter how much some would prefer to argue the point, these cases were not about the right to an abortion. There was never any question about the girls' right to an abortion. Indeed, Justice Owen argued in the Doe 2 case that, based on a 1990 Supreme Court decision striking down a Minnesota statute requiring a minor girl to obtain consent from both parents, a statute requiring a girl to notify both parents would also be questionable under the Constitution. Clearly, Justice Owen recognizes a woman's right to obtain an abortion. These cases were about whether a minor girl should be required to notify one parent before obtaining an abortion, in accordance with the Texas state legislation enactments. And Justice Owen has been well within the mainstream of her court in the 14 decided cases, joining the majority judgment in 11 of those cases.

And we should never lose track of the fact that out of the close to 800 bypass cases since the Texas statute was passed, a mere 12 girls have appealed all the way to the Texas Supreme Court. These are usually the toughest cases. By this time, two courts—the trial and the appeals courts—have already considered the bypass petitions and turned them down. Given the deference appellate courts must pay to the findings of the trial court—the court which is in the very best position to listen to the girl, consider all relevant evidence, and hear the arguments—the decision is likely to affirm the lower court rulings denying a bypass. That should be no great surprise. Certainly Justice Owen and her colleagues on the Texas Supreme Court disagreed in some cases, but in all cases there was a genuine effort to apply applicable precedent.

These parental consent cases show that Justice Owen takes Supreme Court precedent seriously: she looks to precedent for guidance, she cites it, and she makes a good-faith effort to apply it to the case at hand. She understands the rules of appellate review and takes pains to follow them. She is a judge who defers to the legislature's considered judgment in its policy choices and earnestly seeks to ascertain legislative intent in her rulings. None of her opinions, to quote the Washington Post, "seem[] to us [to be] beyond the range of reasonable judicial disagreement."

I have been on the Judiciary Committee a long time—27 years now—and I have seen many, many nominees come through the committee. Justice Owen takes a backseat to no one. She has shown herself to be a brilliant, fair, and restrained jurist who will be a strong credit to the Federal courts. Simply put, Justice Owen deserves to be on the bench. I urge my colleagues to do what is right and join me in supporting her confirmation to the Fifth Circuit Court of Appeals.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL AND LEGAL REFORM IN EGYPT

Mr. McCONNELL. Mr. President, the supplemental appropriations bill passed by the Senate last week includes $3 million for the Government of

Egypt and up to $2 billion in future loan guarantees. While Egypt remains an important ally of the United States and a partner in our on-going war against terrorism, I continue to be extremely concerned about that country's lack of political, legal, and democratic reforms.

We provide substantial assistance to Egypt on an annual basis. We did so in this supplemental. While loan guarantees and other forms of economic aid may be beneficial to Egypt, we are doing far too little to promote political reforms that would benefit the Egyptian people. It is no secret that I have long felt that the Department of State and the U.S. Agency for International Development need to do a better job in implementing democracy programs in Egypt that are both substantive and effective. This will require State and USAID to be aggressive in engaging the Egyptians on this issue on an ongoing and consistent basis. To date, this has yet to happen.

Waiting for the Egyptians to engage us on democracy programs is simply not an option.

Some may point to the recent release from jail of sociologist Dr. Saad Eddin Ibrahim, an Egyptian-American who was subjected to a political show trial, as evidence of political and legal reform in Egypt. It is not. Dr. Ibrahim should never have been arrested, should never have been tried, and should never have been jailed. Dr. Ibrahim's only 'crime' was to criticize the Egyptian government and to call for greater freedoms.

I continue to hope that the Secretary of State Colin Powell will clearly, publicly, and forcefully register the concerns of the United States regarding Egypt's commitment to human rights and democracy. It is not unreasonable for the United States to expect its allies to live up to basic standards of human rights and political freedom.

VOTE EXPLANATION

Mr. BUNNING. Mr. President, I was necessarily absent for rollcall vote No. 124 on the Kohl Amendment No. 455 and rollcall vote No. 125 on S. 762, and my position on both votes was left out of the RECORD.

Were I present for those votes, I would have voted in favor of both the Kohl Amendment and S. 762.

TRIBUTE TO PFC HOWARD JOHNSON II

Mr. SESSIONS. Mr. President, I rise today in memory of PFC Howard Johnson II. Private Johnson perished when his supply convoy was ambushed in the Iraqi city of Nasiriyah. He served his country with dignity, honor, courage and integrity.

America extends her sincerest sympathy to the family and friends of PFC Howard Johnson II upon his death in combat in the service of his country. It is a great form of love to give oneself courageously in unity with others to make our country safer and to create a better life for those long oppressed.

After completing the LeFlore High School ROTC, Private Johnson joined the Army and served in a critical role in the 507th Maintenance Company. The unit was ordered to Iraq and was attempting to provide service and support to forces moving north, where they were attacked and he was killed. He has left behind loving parents, whose lives have been given to the service of the Lord.

Private Johnson is survived by his father, Rev. Howard Johnson, his mother, Gloria Johnson, and two sisters, Zsaquez Johnson and Geiselle LaVonne Johnson Edwards. His father Reverend Johnson, pastor of Truevine Missionary Baptist Church, is a distinguished pastor and community leader in the Mobile area, with whom I have worked on projects to make Mobile a better place for all. His family grieves for their loss but take comfort in the fact that he told his father, as he was leaving to go to Kuwait, he knew God was with him.

Private Johnson sacrificed his life for the betterment of America. This nation shall never forget all that he and many others have given to our country. Our prayers are that God will have mercy on all those who come before him; also, that he grant this family and the world the true peace that passes all understanding.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 108–21 was filed for S. 212, High Plains Aquifer, the Congressional Budget Office report was not available. For the benefit of the Members and the public, the following link to the CBO report is: *ftp://ftp.cbo.gov/41xx/doc4123/s212.pdf.*

MELTING GUN VIOLENCE

Mr. LEVIN. Mr. President, last week the Detroit Police Department destroyed 5,037 guns by taking them to the Rouge Steel Company in Dearborn, MI, and melting them into recycled steel. Two dump trucks traveled under guard to deliver the weapons, which apparently included AK 47s, sawed off shotguns, Uzis and machine guns, from police headquarters to the steel plant. At the plant, steelworkers melted the firearms by pouring 2,600 degree molten steel over them.

Detroit Police Chief Jerry Oliver said that taking these guns out of circulation will save lives. That is good news. Last year alone, 17 children lost their lives in incidents of gun violence in Detroit. The Detroit Police Department has been working hard to reduce gun violence in the city. And every gun that's taken off the street helps make this job a little bit easier.

The fight to reduce gun violence must be waged on many fronts. We need to keep guns out of the hands of criminals, prevent children from gaining access to firearms, and give law enforcement the resources they need to thoroughly investigate gun-related crimes. At the same time, we have to vigorously prosecute criminals who commit gun-related crimes.

We in the Senate should take up and pass common sense gun safety legislation. And we need to provide adequate resources to police departments. Unfortunately, we are fighting an uphill battle. Common sense gun safety legislation is blocked by the National Rifle Association and its allies. The President's budget proposes massive cuts to COPs and other critical law enforcement programs. And Attorney General Ashcroft, while indicating the Bush Administration's support for the current ban on assault weapons, recently refused to support reauthorization of the ban.

Melting those guns in Dearborn last week was a welcome event for all of us who care about reducing gun violence. But it would surely have been better if those guns had never made it onto the street in the first place. Absent adequate funding for police departments and the passage of common sense legislation to keep guns out of the hands of criminals, I fear that truckloads of guns will remain on our streets, in the hands of criminals, threatening our communities. I urge my colleagues to join me in working to restore funding for COPs, close the gun show loophole, and reauthorize the assault weapons ban this year.

ADDITIONAL STATEMENTS

TRIBUTE TO THE MT. CARMEL REGIONAL MEDICAL CENTER

• Mr. BROWNBACK. Mr. President, I rise today to recognize Mt. Carmel Regional Medical Center in Pittsburg, KS for its 100 years of providing healthcare services to the people of Crawford County and the surrounding region.

From a handful of Sisters of St. Joseph of Wichita and only a few doctors a century ago to more than 800 employees, 200 volunteers and 50 physicians, Mt. Carmel Regional Medical Center has remained true to its founder's directive to "Do all the good you can, to all the people you can, in all the ways that you can, and just as long as you can."

On a rainy April morning in 1903, Mother Bernard Sheridan and five Sisters answered a call to serve in a region where countless immigrant miners and their families had flocked to work in the coalfields, a place where injury and illness were rampant. One of the Sisters described the deplorable conditions: "When the miner's wife or children fell ill as a result of these unsanitary conditions, or when the miner himself was carried out of the pit broken and bloody or overcome by gas or powder fumes, there was no sickroom but the hot, crowded, dust-covered, fly-infested shack." With faith and little more than $5 in her pocket, Mother Bernard opened a hospital to serve those as they would "that God should deal with themselves and their loved ones." The hospital was the first of many healthcare ministries the Sisters would later sponsor throughout Kansas, Oklahoma, Colorado and California.

The little hospital could accommodate 20 patients at the time of its opening, and there was no paid staff. The six women worked 7 days a week attending to the nursing, cooking, laundry, cleaning and minding of the furnace. Eighteen-hour workdays were common, and when time allowed, the sisters slept in the attic. To aid in the hospital's survival, the Sisters worked out an agreement with the Santa Fe Operating Companies to care for the firm's employees for $80 and 15 tons of coal a month, an early example of managed care. The Sisters also created Kansas' first prepaid hospital insurance plan. For 25 cents a month, miners and their families were assured hospital care for as long as it was needed. Moreover, addressing their own nursing shortage, in 1904, the Sisters opened a school of nursing which continued into the 1970s when it was transformed into the present day university nursing education program.

Mr. President, 100 years later, Mt. Carmel Regional Medical Center is a state-of-the-art facility serving nine counties of southeast Kansas, and it continues to be a leader in meeting community need with creativity and innovation. Mt. Carmel has overcome the early-day adversities of Kansas blizzards and oven-hot winds, numerous epidemics, war, drought, floods, mine strikes and shutdowns; to present day difficulties of escalating operating costs, third party payer cutbacks and work force shortages. So well did the hospital adapt, that it was recognized by the American Hospital Association in 1991 as one of the three best hospitals in the Nation to respond to the changes in health care.

Mt. Carmel continues to meet the needs of those it serves, identifying health care issues and addressing them with the same ingenuity and collaboration its founder relied upon in the beginning. It holds fast to its mission of providing healthcare to all, regardless of ability to pay. Mt. Carmel has addressed the region's need for comprehensive cancer care with the creation of a certified community cancer center; and it is now aggressively fighting heart disease through the opening of a regional heart center. It has collaborated with others to create high quality, affordable childcare for working families and has provided accessible healthcare services through the creation of a community health clinic, recently transformed into a federally qualified health center. It has developed one of the few free dental clinics in the State, and a prescription drug assistance program to aid those who cannot afford them. Mt. Carmel has developed a congregational health ministry that actively involves and encourages area churches not only to take care of their own, but to put their faith in action for the betterment of their community.

On the occasion of its centennial, Mt. Carmel Regional Medical Center looks to the future as it completes the most significant expansion and renovation in its history. A $16.5 million Outpatient Services project doubled the facility's ground floor square footage and included the opening of the heart center, and the installation of one of the most powerful MRI units in the region. Also completed were a new emergency department, expanded diagnostic imaging and surgery center, new occupational health and pre-op testing departments, expanded laboratory, pharmacy, medical records, patient registration, and financial services.

So much has changed since Mother Bernard Sheridan embarked on her first healing ministry 100 years ago. Mt. Carmel has grown, adapted, and positioned itself as a healthcare leader and visionary, while never forgetting its mission to do all the good it can. I welcome this opportunity to pay tribute to all that has and will be done by Mt. Carmel Regional Medical Center as its looks forward to yet another century of service.●

TRIBUTE TO ROSSI KATHERINE CLARK

● Mr. BUNNING. Mr. President, I rise today to pay tribute to Rossi Katherine Clark. The Kentucky Association for Gifted Education, KAGE, and the National Association for Gifted Children, NAGC, named Rossi the 2002–2003 NAGC Nicholas Green Distinguished Student in Kentucky.

A fourth grader from Floyd County, Rossi was chosen among many nominees considered by the Kentucky Association for Gifted Education. Rossi's love for the traditional music of East Kentucky, while actively pursuing new music, earned her the appreciation of some of Kentucky's better known fiddlers. Rossi has shared her love of the fiddle with fellow classmates and members of her community.

The NAGC Nicholas Green Distinguished Student Awards are named after a young gifted student named Nicholas Green who was killed at a young age. His parents, Reg and Maggie, donated his college savings to the National Association for Gifted Children.

Nominated by Linda Bartrum, Curriculum Resource Teacher, Floyd County Schools, Rossi has shown a commitment to excellence deserving of such a distinguished honor. Rossi's example demonstrates what you can achieve if you work hard and pursue your goals. I am convinced that Rossi will succeed as an outstanding musician and I am proud of her accomplishments.●

TRIBUTE TO KENNETH RAY McCARTHA

● Mr. SESSIONS. Mr. President, I take this opportunity to pay tribute to Kenneth Ray McCartha, who was an outstanding citizen of Alabama.

Mr. McCartha was a native of Crenshaw County, AL. He graduated from Greenville High School in 1956 and Troy State University in 1960. His exceptional banking career began in 1960 when he served with the Greenville Bank in Greenville, AL, leaving in 1963 to work as an Examiner with the Alabama State Banking Department. He graduated from the Graduate School of Banking of the South at Louisiana State University in 1968. He was promoted to Senior Bank Examiner in 1973 and appointed Deputy Superintendent of Banks in Alabama in 1974. He was appointed Acting Superintendent by Governor George C. Wallace in 1978 and reappointed by Governor Fob James in 1979. He was reappointed Superintendent of Banks by Governor Wallace in 1983 and held that position until 1985, resigning to resume the position as Deputy Superintendent under the State merit system. He served as Superintendent once again beginning in 1993, a position he held until his retirement on December 31, 1996. While serving in this position he also served as a member of the Alabama Securities Commission, the Alabama Agriculture Finance Authority, the Alabama higher Education Loan Corporation, and the Alabama Housing Finance Authority.

Following his retirement, he was an active participant in the accreditation process for banks with the Conference of State Bank Supervisors. CSBS is a national association of State officials responsible for chartering, supervising and regulating the Nation's State-chartered banks.

Mr. McCartha set a high standard of effectiveness, ethics and leadership and had a unique ability to build coalitions and find solutions to the many tough situations facing banks today.

I commend his life and his service to banking in the State of Alabama, and I am honored to come to the floor today to recognize his many accomplishments.●

MUSSELMAN HIGH SCHOOL PARTICIPATES IN WE THE PEOPLE NATIONAL FINALS

• Mr. ROCKEFELLER. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, a well-known educational program developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by Congress through the U.S. Department of Education.

I am proud to announce that the class from Musselman High School will represent the State of West Virginia in this national event. These young scholars from Inwood, WV, have worked conscientiously to reach the national finals by participating in both local and statewide competitions. As a result of their hard work, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The 3 day We the People national competition is modeled on hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curriculum and materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop the kind of participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service, ETS, revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels "significantly outperformed comparison students on every topic of the tests taken." Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted:

> [T]eachers feel excited and renewed . . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States.

The class from Musselman High School is eager to participate in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I believe these young West Virginians have already won a great deal through the knowledge they have gained, but I also wish them every success in the We the People competition.•

CELEBRATING THE 100TH ANNIVERSARY OF THE LITTLE SISTERS OF THE POOR

• Mr. CARPER. Mr. President, I rise today to celebrate the 100th anniversary of the Little Sisters of the Poor in caring for the elderly in Delaware. Since their opening in 1903, the Little Sisters have touched the lives of thousands of people. Sharing their homes and hearts, they have cared for the elderly in the spirit of humble service.

The Congregation of the Little Sisters of the Poor has aided and given comfort to the impoverished elderly worldwide for over 163 years. This organization, which has spread its loving arms to over 30 countries worldwide, was founded by a group of caring women who were led by Jeanne Jugan. After taking in an elderly blind woman in 1839, Jeanne and two other women purchased a home where the poor could take shelter. Over the years, Jeanne took the place of the elderly women on the streets and began a campaign of soliciting in order to raise funds. By 1879, her ranks had grown to include 2,400 Little Sisters, and her beliefs and thoughtful nature had spread throughout Europe. Although Jeanne Jugan passed away later that year, she succeeded in inspiring and improving the lives of thousands of needy people.

Over the 163 years that the congregation has existed, the Congregation of the Little Sisters of the Poor has opened 242 homes that presently serve 22,000 residents. Their tireless efforts to bring comfort to those who need a shoulder to lean on shows that the Little Sisters not only represents the values of America but also the unremitting concern for one's neighbor.

The Little Sisters have faithfully served the people of Delaware for the last century. Opening St. Joseph's Home for the Aged on Fourth and Bancroft in Wilmington in 1903, the Little Sisters became a beloved and well-known part of the community. In 1978, the Jeanne Jugan residence opened in Newark, where the Little Sisters continue their work to this day, providing the highest possible level of care for their residents. The non-denominational home cares for low-income individuals of all racial and ethnic backgrounds.

The Little Sisters have provided care for over 4,700 people during their time in Delaware. Blessed by the generosity of the community in which they serve, the Sisters continue to work towards their mission of humble service to the elderly among us.

I rise today to commemorate all the work that has been done by the Little Sisters of the Poor in aiding the elderly. What began in 1839 as an effort to gather funds for a poor blind woman in France has become an international community of compassionate individuals who have chosen to give their lives in the attempt to improve the well being of the elderly.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated in the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United State submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

> H.R. 1559. An act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Ms. WOOLSEY of California.

The message further announced that pursuant to 20 U.S.C. 955(b) note, the Minority Leader appoints the following Member of the House of Representatives to the National Council on the

Arts for the 108th Congress: Ms. MCCOLLUM of Minnesota.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 196. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 108-34).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 792. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. BYRD (for himself and Mr. JEFFORDS):

S. 793. A bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral components in federally funded projects involving procurement of cement or concrete; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. BOXER):

S. 794. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 795. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 796. A bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. SESSIONS):

S. 797. A bill to prevent the pretrial release of those who rape or kidnap children, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 798. A bill to assist the States in enforcing laws requiring registration of convicted sex offenders; to the Committee on the Judiciary.

By Mr. HATCH:

S. 799. A bill to require Federal agencies to establish procedures to facilitate the safe recovery of children reported missing within a public building; to the Committee on the Judiciary.

By Mr. HATCH:

S. 800. A bill to prevent the use of a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet; to the Committee on the Judiciary.

By Mr. HATCH:

S. 801. A bill to provide for attempt liability for international parental kidnapping; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 802. A bill to establish procedures in public buildings regarding missing or lost children; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LEVIN, Mr. LEAHY, Mrs. CLINTON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 803. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces reserves for contributions to savings accounts which may be used when the members are called to active duty; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. WARNER):

S. 804. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for contributions to congressional candidates; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. CORZINE, Mr. DASCHLE, Mr. KERRY, Mr. FEINGOLD, Mrs. MURRAY, and Mr. SCHUMER):

S. 805. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LEVIN, Mr. LEAHY, Mrs. CLINTON, Mr. BINGAMAN, and Mr. JOHNSON):

S. 806. A bill to improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States; to the Committee on Veterans' Affairs.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 807. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 105. A resolution to authorize testimony and legal representation in State of New Hampshire v. Macy E. Morse, et al; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. GRASSLEY, Mr. CONRAD, Mrs. DOLE, and Mr. LUGAR):

S. Res. 106. A resolution expressing the sense of the Senate with respect to the 50th anniversary of the Foreign Agricultural Service of the Department of Agriculture; considered and agreed to.

By Mr. CRAIG (for himself and Mr. REID):

S. Con. Res. 33. A concurrent resolution expressing the sense of the Congress regarding scleroderma; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 149

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 149, a bill to improve investigation and prosecution of sexual assault cases with DNA evidence, and for other purposes.

S. 157

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 157, a bill to help protect the public against the threat of chemical attacks.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 274

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 304

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 304, a bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes.

S. 369

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 369, a bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Virginia (Mr. ALLEN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 501

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 501, supra.

S. 539

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 539, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 604

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 604, a bill to amend part D of title IV of the Social Security Act to provide grants to promote responsible fatherhood, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 626

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 626, a bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

S. 632

At the request of Mr. CRAIG, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Washington (Mrs. MURRAY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 654

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 654, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 665

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 18

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. BAYH), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 18, a concurrent resolution expressing the sense of Congress that the United States should strive to prevent teen pregnancy by encouraging teenagers to view adolescence as a time for education and maturing and by educating teenagers about the negative consequences of early sexual activity; and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. RES. 90

At the request of Mr. BYRD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 90, a resolution expressing the sense of the Senate that the Senate strongly supports the nonproliferation programs of the United States.

S. RES. 97

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. Boxer):

S. 794. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 795. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I rise to introduce a package of legislation—two bills—designed to put us back on track for improved fuel efficiency among automobiles.

I support a balanced, forward-looking energy policy, which should include a strong provision to lessen our dependence on foreign oil. In 2002, the Senate spent several weeks debating energy policy, including fuel efficiency. Unfortunately, a strong bill on this topic was not enacted into law last year.

Both chambers of Congress are currently crafting a national energy policy. As the challenging times we currently face demonstrates, we cannot delay in addressing our national energy policy, including oil consumption.

Throughout the debate on energy policy, I have emphasized that the best way to lessen our Nation's dependence on foreign oil is to improve the fuel efficiency of our automobiles. Transportation as a sector is the largest user of petroleum. If we are truly committed to crafting a forward-thinking energy policy, automobile fuel efficiency is the place to start.

In 1975 the United States Congress had a vision: to double the fuel efficiency of our Nation's passenger vehicles in ten years. By 1985 the automotive industry achieved the goal that Congress set. As of 2001, thanks to the Corporate Average Fuel Economy, CAFE, law, oil consumption was about 2.8 million barrels per day lower than it otherwise would be.

Unfortunately, progress is now at a stand-still, and in fact, the average fuel economy in the United States has slipped since 1985. Since peaking at 22.1 mpg in 1987 and 1998, average fuel economy declined nearly eight percent to 20.4 in 2001, lower than it had been at any time since 1980. Average fuel economy for automobiles 8,500 pounds and fewer continues to decline. One major factor in this regression is the fact that passenger standards have not increased since 1985. While the Bush Administration has recently increased non-passenger standards by a modest 1.5 mpg, this is not enough to compensate for the progress we have failed to achieve for more than a decade.

Another reason why we are losing ground in terms of fuel efficiency is the exploitation of the "non-passenger vehicle" category. Originally intended to cover trucks used for business-oriented purposes, such as farming and construction, this category soon was seriously abused, so that it now includes minivans, sport utility vehicles, SUVs, and cross-over utility vehicles, CUVs.

In addition, out-dated provisions of our tax code have encouraged increased manufacturing and purchasing of non-passenger vehicles. For example, the Federal gas guzzler excise tax, enacted in 1978, exempted non-passenger vehicles. At the time, few non-passenger vehicles existed, aside from heavy duty trucks and vans. But today, sales of SUVs, minivans, and CUVs make up over 30 percent of new vehicle purchases. As these sales have grown, these vehicles have enjoyed increasing subsidies by the Federal Government. In 1999, the SUV loophole in the gas guzzler tax cost the government $5.6 billion in uncollected taxes.

For those in America who want to make a difference in terms of energy policy: take a look at the parking lots across America. Take a look at the inefficient vehicles we are driving on the road today, because this Congress and country have not shown the leadership to spur development of more efficient cars and trucks in America.

We can improve the fuel efficiency of vehicles. We have done it in the past, and we can do it again. A panel at the National Academy of Sciences, the Union of Concerned Scientists, and other reputable organizations have documented the myriad technologies available today, and emerging technologies, that will reduce or eliminate the need for oil in our vehicles.

Today we squarely face the question and challenge of energy security. I believe American families are ready to do their part for their country by purchasing more fuel-efficient vehicles. And I believe the auto manufacturers, scientists and engineers of this country are ready to step up to the plate and produce more fuel-efficient vehicles. By supporting improved fuel economy, we can lead and demonstrate to future generations that we are prepared to make a sacrifice for our national security, environment, and public health.

Many have already voiced their support for decreasing our dependence on oil. I am submitting for the record several editorials, which are just a sample of the many public calls for enacting an energy policy that includes a way to conserve oil. I also am submitting letters from national organizations calling for more fuel efficient vehicles. I ask that these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Today I am introducing two bills to get us back on the track of progress, to increase fuel efficiency for both passenger and non-passenger vehicles.

The Automobile Fuel Efficiency Improvements Act will increase the fuel economy standard for both types of vehicles. It will increase the CAFE standard of passenger automobiles to 40 miles a gallon by 2015, a 60 percent increase above the current average of 25 miles a gallon, with the first increase required in model year 2006. The bill also will increase the fuel economy of non-passenger automobiles to 27.5 miles a gallon by 2015, a 60 percent increase above the current average of 17.5 miles a gallon, with the first increase required in model year 2006. Through the CAFE standards required this bill, we will save a cumulative 123 billion gallons of gasoline, and over 250 million metric tons of carbon dioxide emissions, by 2015.

This bill also will close the loopholes in the non-passenger vehicle definition. It will update the weight cut-off for passenger and non-passenger automobiles, to reflect changing trends in vehicle weight. Many vehicles, such as the new SUV called the Hummer, weigh more than 8,500 pounds, the current weight cut-off for regulation under CAFE. This bill will regulate vehicles up to 12,000 pounds, in order to prevent large passenger vehicles from circumventing the system. In addition, SUVs, minivans, and CUVs would be considered passenger vehicles under this bill.

Another provision of this bill would establish a Federal procurement requirement for the purchase of vehicles that exceed CAFE standards. The bill also requires a study to improve the accuracy of the EPA test for fuel economy, and would implement necessary changes to the test, so that we can better account for improvements in fuel efficiency based on how vehicles are truly performing on the roads. Finally, this bill would update the civil penalties for violating CAFE laws, to adjust the amounts for inflation.

The second bill I am introducing today, the Tax Incentives for Fuel Efficient Vehicles Act, would modify the tax code. First, this bill would create a new tax credit for purchasers of passenger and non-passenger vehicles that exceed CAFE standards by at least 5 miles a gallon. Second, this bill would modify the gas guzzler tax, effective at the beginning of Model Year 2006, so that SUVs and other passenger vehicles currently escaping the tax through an existing loophole would be included. Heavy-duty trucks and vans would continue to be excluded.

Modifying the gas guzzler tax to include SUVs, minivans, and CUVs will help us advance the policy goal of discouraging vehicles that are especially inefficient in terms of energy consumption, while at the same time raising revenues that can be used to provide an incentive for vehicles that are especially fuel-efficient. This approach will help spawn investment in automobiles that are better for our environment, energy security and consumers.

I would ask my colleagues to note that it is my intention that the Tax Incentives for Fuel Efficient Vehicles Act will have virtually no cost to the Federal Government. If the revenues raised by the expansion of the gas guzzler tax do not adequately compensate for the cost of the credit, I will adjust the size of the credit accordingly.

I am proud to have the support of Senators NELSON of Florida, JEFFORDS, CORZINE, REED and KENNEDY in introducing the Automobile Fuel Efficiency Improvements Act. Also I am pleased that the following organizations are supporting the Automobile Fuel Efficiency Improvements Act: Sierra Club, Union of Concerned Scientists, Natural Resources Defense Council, U.S. PIRG, National Environmental Trust, Friends of the Earth, Public Citizen, The Wilderness Society, Citizen Action Illinois, Coalition on the Environment and Jewish Life, National Council of Churches, Hadassah, the Women's Zionist Organization of America, American Jewish Committee, Jewish Council for Public Affairs, Union of American Hebrew Congregations, Central Conference of American Rabbis, MoveOn, and Chesapeake Climate Action Network.

For the benefit of our children and future generations, I urge my colleagues to support this important legislation.

SIERRA CLUB,
Washington, DC, February 27, 2003.

DEAR CONGRESS MEMBER: Protecting our environment and the health and safety of our families are values that are clearly and consistently supported by the majority of Americans. As the nation's oldest and largest grassroots environmental organization, the Sierra Club looks forward to working with you and your staff to keep America's promise to leave a cleaner planet to future generations.

The challenge facing the 108th Congress is not merely to maintain existing protections, but to take common-sense steps to protect our communities from environmental hazards and to safeguard our natural heritage. Poll after poll confirms that Americans—regardless of demographics or political persuasion—care about protecting our special places, restoring our forests, promoting smart growth, and improving the safety of our clean air and water.

However, public support alone is not enough. It is for this reason that the Sierra Club works with our more than 750,000 members nationwide to educate their neighbors about environmental threats and opportunities, mobilize their communities to demand environmental protection, and to hold public officials accountable for their actions.

Sierra Club members are looking to their elected representatives to continue progress on protecting our communities, improving the quality of our air and water, and ensuring a natural heritage of wilderness, parks and open spaces for future generations. As the 108th Congress begins, I would like to inform you about the particular issues on which the Sierra Club's members will be seeking your support:

Oppose efforts to weaken the framework of existing laws that safeguard public health and the environment and improve the quality of our air and water, and protect our communities from toxic pollution;

Support measures that safeguard America's wildlife and unique natural heritage from Alaska's Arctic National Wildlife Refuge to the wildlands of Utah and California;

Provide adequate funding for the enforcement of environmental protection programs;

In reauthorizing TEA–21, give priority to maintaining existing roads and bridges over new construction, and defend the National Environmental Policy Act and Clean Air Conformity laws from attack;

Push for policies that reduce global warming pollution, reduce our dependence on fossil fuels and increase our energy security by increasing our fuel economy, energy efficiency and reliance on clean renewable sources of energy;

Protect the health and integrity of National Forests along with the public's right to participate in the management of our public lands;

Fully fund international and domestic family planning programs that are critically important to stabilizing population;

Ensure tough environmental standards in future US trade agreements, and the personal safety and civil liberties of those on the front lines of environmental protection around the world.

Many of your constituents are also our members, which is why we would like to work together in Washington and in your district to protect the land we all love. Attached is a contact sheet of our issue experts in several policy areas. If you have any questions about upcoming legislation, would like to find out more about Sierra Club positions, or would like to get in touch with our members in your district, please do not hesitate to contact us.

We look forward to continuing to work with you and your staff to protect America's environment, for our families, for our future.

Sincerely,

DEBBIE SEASE,
Legislative Director.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 24, 2003.

Re Boxer/Chafee amendment to the Senate budget resolution.

Hon. RICHARD J. DURBIN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the over 550,000 members of Natural Resources Defense Council (NRDC), I thank you for supporting the Boxer/Chafee amendment to the Senate budget resolution preventing oil and gas development in the Arctic National Wildlife Refuge.

You have voted to insure the continued protection of the Arctic Refuge's "biological heart," critical to nearly 200 species of wildlife. This area known as America's Serengeti serves as a denning area for polar bears in the winter, a nesting and/or feeding area for millions of migratory birds, and the calving grounds for the 130,000 member Porcupine caribou herd which returns every summer to calf and feed. This herd has supported the Gwich'in Indian's way of life for thousands of generations. The American public overwhelmingly agrees with you that the coastal plain—one of our nation's most spectacular wilderness areas—is too precious to destroy.

Drilling in the Arctic Refuge makes no sense. It won't lower gasoline prices and, it won't give us energy independence or security. The best estimate is that there is less than a six-month supply equivalency of oil that can be economically produced from the Refuge—a mere drop in the bucket—and, we won't get it for ten years.

Improving fuel efficiency of our automobiles is the cheapest, fastest and cleanest energy solution. Efficiency savings can be tapped immediately and would cost less than half as much as producing oil from the Arctic Refuge. Improving the fuel efficiency of America's automobile fleet by just one percent per year would save more than 10 times as much oil as is likely to be available in the Arctic Refuge. Advanced hybrid electric vehicles announced by Ford and already being produced by Honda and Toyota achieve about a 50% improvement in fuel economy. In contrast to drilling in the Arctic Refuge, increasing fuel efficiency will help slow down global warming.

We thank you for your leadership to save this irreplaceable natural treasure. We salute your dedication to the protection of this great crown jewel.

Sincerely yours,

JOHN H. ADAMS,
President, Natural Resources Defense Council.

[From the New York Times, Mar. 23, 2003]

THE MISSING ENERGY STRATEGY

The Senate struck a blow for the environment and for common sense last week, defeating President Bush's second attempt in less than a year to open the Arctic National Wildlife Refuge to oil exploration. Credit goes to the Democrats, who mainly held firm in a close 52-to-48 vote, and to a small, sturdy group of moderate Republicans, which now includes Norm Coleman, a Minnesota freshman who wisely chose not to renege on his campaign promise to protect the refuge despite an aggressive sales pitch from senior Republicans and the White House.

The pitch included the usual hyperbole from the Alaska delegation, which typically inflates official estimates of economically recoverable oil in the refuge by a factor of four. It also included a new but equally spurious argument minted for the occasion, namely that rising gas prices and the war in Iraq made drilling more urgent than ever. In truth, Arctic oil will have no influence on gas prices until it actually comes out of the ground, and even then it is likely to reduce American dependence on foreign oil by only a few percentage points.

Nevertheless it is much too soon for the environmental community or its Senate champions, like Joseph Lieberman, John McCain and James Jeffords, to rest on their well-earned laurels. Drilling proposals will almost certainly resurface, most likely in energy bills now on the drawing boards in both the House and Senate. Beyond that, neither the White House nor the Republican leadership shows any appetite for developing what America really needs: innovative policies that point toward a cleaner, more efficient and less oil-dependent energy future. Instead, the White House and its Congressional allies continue to push a retrograde strategy—of which Arctic drilling was just one component—that faithfully caters to President Bush's friends in the oil, gas and coal industries and remains heavily biased toward the production of fossil fuels.

On this score, the energy bills now being drawn up on Capitol Hill offer no more hope than the 2002 models. Last year's energy plan, which mercifully expired in a conference committee, was top-heavy with subsidies for industry and light on incentives for energy efficiency, alternative fuels and other forms of conservation. The news from the relevant Congressional committees suggests more of the same. Just last week, Edward Markey of Massachusetts offered his colleagues on the House energy committee a proposal to increase fuel economy standards for cars and light trucks, including S.U.V.'s, by about 20 percent by 2010. This is not an unreasonable goal, given Detroit's technological capabilities, and would save 1.6 million barrels a day, more than double the recent imports from Iraq and far more than the Arctic refuge could produce in the same time frame. The committee crushed the idea.

The last two years have given the country plenty of reasons to re-examine its energy policies: a power crisis in California, the attacks of 9/11 and now a war in the very heart of the biggest oil patch in the world. It is plainly time to move forward in a systematic way with new ideas. But the best we can do, it appears, is to beat back bad ones.

[From the Fort Worth Star-Telegram, Nov. 8, 2002]

MORE PER GALLON

Standards: Congress must approve higher vehicle mileage requirements in order to reverse a troubling trend.

Body: Each year the Environmental Protection Agency trots out mileage ratings for new car models. And year after year, the news is depressing.

On Oct. 29, the EPA reported that the average fuel economy for all 2003-model cars and passenger trucks is a paltry 20.8 miles per gallon.

That's down slightly from last year. But more notably, it's 6 percent below the peak for passenger vehicle efficiency of 22.1 mpg set 15 years ago.

In the past decade and a half, automakers have made technological improvements that have increased engine efficiency significantly. But those gains have been offset by millions of Americans buying ever-larger gas guzzlers.

Much of the blame lies in Washington, where the Bush administration and Congress haven't been able to come to a consensus on energy policy and apparently lack the will to mandate even a modest increase in the Corporate Average Fuel Economy (CAFE) standards for vehicles.

Those standards—which haven't been changed for 17 years—require that each automaker's fleet of new cars averages 27.5 mpg. Light trucks (which include pickups, minivans and sport utility vehicles) must average only 20.7 mpg.

The solution is simple: Congress should raise the CAFE standards significantly, particularly for light trucks. But the new standards should be reasonable ones that automakers can meet.

Continued improvement in engine technology is one key to meeting higher standards.

Some mileage gains also can be achieved even if automakers make no further technological improvements and Congress continues to sit on its hands.

Higher mileage standards would cut fuel consumption, which in turn would reduce air pollution, decrease America's dependence on foreign oil, save motorists money at the pump and increase the chances that metropolitan areas such as North Texas will be able to attain federal air quality standards.

Those are compelling reasons for Congress and the White House to adopt standards that will, for a change, result in higher annual mileage ratings instead of continued declines.

[From the St. Petersburg Times, Nov. 16, 2002]

More Fuel-Efficiency Is Needed

Americans are getting a confusing message on automobile mileage. "By driving a more fuel-efficient vehicle, a vehicle powered by alternative fuels, or even by driving our current vehicles more efficiently, we can all do our part to reduce our Nation's reliance on imported oil and strengthen our energy security," Energy Secretary Spencer Abraham recently announced.

Good advice. But Abraham chose an odd occasion to make his appeal. He and Environmental Protection Agency chief Christie Whitman were announcing the mileage figures for 2003 cars and passenger trucks. The average of 20.8 MPG continued a downward trend on fuel efficiency that has continued for the past decade and a half.

In fact, the percentage of cars getting more than 30 MPG declined in the new model year to only 4 percent of cars, down from 6 percent last year. So it is even more difficult for American drivers to heed Abraham's call to conserve.

If President Bush, who is Abraham's boss, or Congress really wanted to lessen our dependence on foreign oil, they would have embraced tougher mileage requirements. Yet, Vice President Dick Cheney set the tone for the administration by scorning energy conservation. Congress also backed away from more stringent Corporate Average Fuel Economy standards, which have been frozen since 1994. Even pro-environment Democrats played along with the makers of gas-guzzling SUVs when the United Auto Workers union opposed improved fuel efficiency, arguing it would cost jobs (and union members).

Improving mileage isn't that difficult. "We could be averaging close to 30 to 40 miles per gallon, and that's with conventional technology: nonhybrids, better engines, better transmission, improved aerodynamics," said David Friedman, a senior analyst with the Union of Concerned Scientists.

Instead, our wasteful ways complicate foreign policy in the Middle East, whose oil fuels not only our cars but also repressive regimes and terrorism. Soon enough, American soldiers could be in harm's way in the region. Rather than winking at the decline in fuel efficiency, our leaders should set about reversing the troubling trend.

The president and congressional leaders should require automakers to improve CAFE standards. They also should call on Americans to share the sacrifices that lie ahead. We are likely to respond.

[From the Los Angeles Times, Aug. 8, 2002]

Stop Your Grousing, Auto Makers, and Get the Gases Out

(By Carl Zichella)

The auto industry howled when Gov. Gray Davis signed California's landmark global warming control bill. Litigation to overturn the new law, which restricts automobile emissions of carbon dioxide and other so-called greenhouse gases, was threatened before his signature was dry.

For auto industry observers, there was a sense of deja vu about this hysterical response. Every time the government has required new safety or efficiency standards, auto makers have claimed that the result would be financial ruin, the elimination of thousands of jobs and the loss of consumer choice.

The truth is that the industry was wrong at every turn, and it is wrong now. Car makers, instead of suing to overturn this much-needed law, should get busy complying with it. No new technology needs to be developed.

This is the industry that fought turn signals, seat belts and safety glass. Henry Ford II called laminated windshields, padded interiors and collapsible steering wheels "unreasonable, arbitrary and technically unfeasible."

When Congress required auto manufacturers to build cleaner cars in 1973, the industry response was hyperbolic. "If GM is forced to introduce catalytic converter systems across the board . . . it is conceivable that complete stoppage of the entire production could occur," warned a GM vice president. The company easily complied, consumers benefited and GM suffered no appreciable hardship.

In 1974, a Ford official told a congressional committee that "corporate average fuel economy"—CAFE—standards would "result in a Ford product line consisting either of all sub-Pinto-sized vehicles or some mix of vehicles ranging from sub-sub-compact to perhaps a Maverick." That couldn't have been more wrong.

According to the Rocky Mountain Institute, from 1977 to 1983 American-built cars increased in efficiency by seven miles per gallon. From 1977 through 1985, the U.S. gross domestic product rose 27% while oil imports fell by 42%. OPEC lost an eighth of its market. Few public policies have ever been such a resounding success. Vehicle choice expanded while oil prices declined.

The sky isn't falling for auto manufacturers, but the planet is getting warmer, and the consequences for California are severe. If the snowpack in the Sierra declines, bitter competition for water will result since about 70% of California drinking water originates there.

Further, farmland will become more arid and sea levels will rise, reducing food production and flooding coastal cities. Forests will shrink and some of the most valuable wildlife habitat on Earth will vanish or be altered.

The good news is that some simple solutions are at hand. This year Ford sponsored a "Future Truck" competition for university engineering students to build more-efficient sport utility vehicles. If you believe the industry's rhetoric, you'd think that SUVs will be abolished. But Ford's "Future Truck" contestants showed the ridiculousness of this charge.

Students at the University of Wisconsin-Madison this year modified a Ford Explorer to get the equivalent of 38 mpg. Others built a GMC Suburban that emits about half the carbon dioxide of the production version. More-efficient vehicles mean less CO_2 emissions. You don't need to require mileage standards—something that federal law forbids the state to do—to get these benefits; all the state needs to do is require the auto makers use the best technology available.

If university students can do this, why can't the Big Three? Ford boasts that it plans to introduce a hybrid gas-electric SUV in 2003. This model would meet the standard far ahead of the new law's generous 2009 deadline. Instead of suing California, auto makers should do what is right and comply with the law.

• Mr. NELSON of FLORIDA. Mr. President, I am pleased to join with my colleague, Senator DURBIN of Illinois, and others, in introducing a Corporate Average Fuel Efficiency bill that requires passenger vehicles to have an average fuel efficiency of 40 miles per gallon and nonpassenger vehicles to have an average fuel efficiency 27.5 miles per gallon by 2015.

This proposal should be an important part of the upcoming debate on the energy needs of our country. I was very disappointed last year during the energy debate when several meaningful CAFE proposals were defeated.

Now, as we again embark on the important task of determining how our country's energy needs will be met in the coming decades, CAFE increases should be a part of the plan.

It has been said many times, but is worth repeating: the purpose of increasing CAFE is to reduce fuel consumption.

The U.S. consumes 25 percent of the world's oil, but only has 3 percent of the world's reserves—so we have to use less of it and find alternatives.

Our national security depends on it. If we don't have to rely on other countries, many of whom do not support our policies and may be in fact be working against us, for our energy, we as a nation are more secure.

And increasing CAFE protects the environment. Toxic air emissions and carbon dioxide emissions are reduced—thereby slowing global warming.

The automobile manufacturers won't embrace this proposal, but they should. The 2001 National Academy of

Sciences' report said 40 mph is possible and feasible.

The technology exists to raise CAFE significantly with no net consumer costs. And, developing technologies, including hybrid vehicle designs, could improve vehicle fuel economy by 20–40 percent. We're perfectly willing to give auto manufacturers the lead time necessary to make these strides, but the benchmark has to be there to spur them into action.

The pay off to our national security, environment, level of technological expertise and market share will be worth the effort.

I have faith in the ingenuity of our automakers and the adaptability of the American consumer to make an increased CAFE standard profitable.

For these reasons, I lend my support to Senator DURBIN's measure and look forward to working with my colleagues on this issue during the upcoming energy debate.●

By Mr. DORGAN (for himself and Mr. WARNER):

S. 804. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for contributions to congressional candidates; to the Committee on Finance.

Mr. DORGAN. Mr. President, today, I am introducing a bill with my colleague from Virginia, Senator WARNER, that provides tax incentives for American families to participate in political campaigns. It will empower millions of Americans to become engaged in our political system, by providing a tax credit to those who donate money to congressional candidates.

As campaigns become more and more expensive, the number of small contributors is actually decreasing. The current campaign finance system is becoming dominated by big dollar contributors, a trend that is troubling to me.

Our bill would make middle income Americans more able to donate to candidates. Specifically, the bill would provide a maximum $400 tax credit to married couples earning up to $120,000 for their campaign contributions. For singles with income up to $60,000, the tax credit would apply to contributions up to $200. This credit will provide a dollar for dollar offset for contributions, an incentive that could encourage the many working families to consider contributions to the candidates of their choice.

This is not a new idea. This type of credit was a part of our tax system for more than a decade in the 1970s and 1980s. It has been a part of many campaign finance reform proposals over the years, proposals that have been introduced and supported by both Democrats and Republicans. And this policy proposal is the focus of a study last year by the American Enterprise Institute, AEI, which concluded that this approach would help to elevate small donors from the supporting role that they now play. So, our proposal has been successful in the past, and it has had broad support from both parties over the past thirty years.

Participation in the political process is key to a strong democracy. This bill will help broaden participation and will provide an incentive for more Americans to be included in political campaigns.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

"(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the total of contributions to candidates for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $200 ($400 in the case of a joint return).

"(c) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"(d) DEFINITIONS.—For purposes of this section—

"(1) CANDIDATE; CONTRIBUTION.—The terms 'candidate' and 'contribution' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any taxpayer whose adjusted gross income for the taxable year does not exceed $60,000 ($120,000 in the case of a joint return).".

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of the Internal Revenue Code of 1986 (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following new subsection:

"(j) CREDIT FOR CERTAIN CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 25C.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Contributions to congressional candidates.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. CORZINE, Mr. DASCHLE, Mr. KERRY, Mr. FEINGOLD, Mrs. MURRAY, and Mr. SCHUMER):

S. 805. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators CORZINE, KERRY, MURRAY, and SCHUMER. Our bill, the Crime Victims Assistance Act of 2003, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Crime Victims with Disabilities Awareness Act of 1998; the Victims of Trafficking and Violence Protection Act of 2000; the Victims of Terrorism Tax Relief Act of 2001; and the September 11th Victim Compensation Fund of 2001.

The legislation that we introduce today, the Crime Victims Assistance Act of 2003, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several innovative new programs to help States provide better services to victims of State crimes. The bill authorizes technology grants for local authorities to develop state-of-the-art notification systems to keep victims informed of case developments and important dates. Grants would also be available to improve compliance with State victim's rights laws, encourage further experimentation with the community-based restorative justice model, streamline access to victim services through the use of case managers, and expand the capacity of victim service providers to serve victims with limited English proficiency.

Finally, the Crime Victims Assistance Act would improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the annual cap on spending from the Fund, which has prevented millions of dollars of Fund deposits from reaching victims and supporting essential services. We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act would replace the cap with a self-regulating system, supported by crime victim groups, that would ensure the stability and protection of Fund assets, while allowing more money to be distributed for victim programs.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, many opportunities for progress have been squandered. One notable exception was the passage, as part of the USA PATRIOT Act of 2001, of several significant amendments to the Victims of Crime Act that Senator Kennedy and I had proposed in an earlier version of the Crime Victims Assistance Act. I am glad that we could get those important provisions signed into law, but we still have more to do.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have an opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve. It is my hope that Democrats and Republicans, and supporters and opponents of the proposed constitutional amendment, will join in advancing the Crime Victims Assistance Act through Congress. We can make a difference in the lives of crime victims right now.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Crime Victims Assistance Act of 2003".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to consult concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Enhanced participatory rights at sentencing.
Sec. 106. Right to notice concerning sentence adjustment, discharge from psychiatric facility, and executive clemency.
Sec. 107. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws.
Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 203. Restorative justice grants.
Sec. 204. Grants to develop interdisciplinary coordinated service programs for victims of crime.
Sec. 205. Grants for services to crime victims with special communication needs.

TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

Sec. 301. Formula for distributions from the crime victims fund.
Sec. 302. Clarification regarding antiterrorism emergency reserve.
Sec. 303. Prohibition on diverting crime victims fund to offset increased spending.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) Right To Consult Concerning Detention.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

"(2) A responsible official shall—

"(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

"(B) consult with a victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.".

(b) Court Consideration of the Views of Victims.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking "and" at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

"(4) the views of the victim; and"; and

(B) by adding at the end the following:

"(k) Views of the Victim.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any."; and

(2) in section 3156(a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).".

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

"(v) The interests of the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)) in the prompt and appropriate disposition of the case, free from unreasonable delay.".

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) Right To Consult Concerning Plea.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

"(A) the impact on public safety and risks to personal safety;

"(B) the number of victims;

"(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions; and

"(D) whether time is of the essence in negotiating or entering a proposed plea.".

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

(2) by inserting after subdivision (f) the following:

"(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued pursuant to that section.

"(d) STANDING.—

"(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

"(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

"(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for unreasonably delaying a criminal proceeding.".

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.— Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by amending paragraph (4) to read as follows:

"(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses."; and

(2) in paragraph (5), by striking "attorney" and inserting "the attorney".

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and".

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E)—

(A) by striking "if the sentence is to be imposed for a crime of violence or sexual abuse,"; and

(B) by inserting "written or oral" before "statement"; and

(2) by amending subdivision (f) to read as follows:

"(f) DEFINITION.—For purposes of this rule, the term 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

"(1) a parent or legal guardian, if the victim is incompetent or has not reached 18 years of age; or

"(2) 1 or more family members or relatives designated by the court, if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT, DISCHARGE FROM PSYCHIATRIC FACILITY, AND EXECUTIVE CLEMENCY.

(a) IN GENERAL.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)), as redesignated by section 103 of this Act, is amended to read as follows:

"(6) After trial, a responsible official shall provide a victim the earliest possible notice of—

"(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;

"(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;

"(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and

"(D) the death of the offender, if the offender dies while in custody.".

(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that

person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

SEC. 107. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPLIANCE AUTHORITY.—The term "compliance authority" means 1 of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term "Director" means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term "Office" means the Office for Victims of Crime.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant;

(B) an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(C) a strategic plan for the year following the year covered under subparagraph (A); and

(D) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) DURATION.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(A) $5,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for each of the fiscal years 2005 and 2006.

(2) EVALUATIONS.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404C the following:

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

"(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

"(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2004;

"(2) $5,000,000 for fiscal year 2005; and

"(3) $5,000,000 for fiscal year 2006.

"(d) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

SEC. 203. RESTORATIVE JUSTICE GRANTS.

(a) Purposes.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses, while ensuring the continuing safety of victims;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) Authority To Make Grants.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local governments, tribal governments, and qualified private entities to establish restorative justice programs, such as victim and offender mediation, family and community conferences, family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) Program Criteria.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2004; and

(2) $4,000,000 for each of the fiscal years 2005 and 2006.

SEC. 204. GRANTS TO DEVELOP INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS FOR VICTIMS OF CRIME.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS.

"(a) In General.—The Director is authorized to award grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities, to develop and implement interdisciplinary coordinated service programs for victims of crime.

"(b) Definitions.—In this section, the following definitions shall apply:

"(1) Interdisciplinary coordinated service program.—The term 'interdisciplinary coordinated service program' means a case management program that coordinates the various systems and programs that impact or assist victims of crime, including—:

"(A) the criminal justice system;

"(B) public or private victim assistance organizations;

"(C) victim compensation programs;

"(D) public or private health care services;

"(E) public or private mental health services;

"(F) community-based victim service organizations;

"(G) public or private educational services, including preschool, after-school care, and child care programs; and

"(H) other public or private sources of services or assistance to victims of crime.

"(2) Emergency interdisciplinary coordinated service program.—The term 'emergency interdisciplinary coordinated service program' means an interdisciplinary coordinated service program that responds to a community crisis.

"(3) Community crisis.—The term 'community crisis' means a single crime or multiple related crimes that have a wide impact or serious consequences on a community.

"(4) Lead entity.—

"(A) In general.—The term 'lead entity' means the State, tribal government, local prosecutor's office, or qualified public or private entity with experience working across disciplines and agencies, that leads the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program.

"(B) Responsibilities.—The lead entity is responsible for distributing funds to any entities collaborating on the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program, as necessary.

"(c) Mission.—The mission of a program developed and implemented with a grant under this section shall be to—

"(1) streamline access to services by victims of crime;

"(2) eliminate barriers to services for victims of crime;

"(3) coordinate client services across disciplines to assure continuity of care, including the use of technology to link service providers to each other;

"(4) improve how victims of crime experience the criminal justice system in order to promote cooperation and trust;

"(5) reduce duplication of effort in outreach and provision of services to victims;

"(6) assist crime victims in avoiding unnecessary and repetitive interviewing, retelling of victimization, and completion of applications; and

"(7) improve service delivery through client input and feedback.

"(d) Preference.—In awarding grants under this section, the Director shall give preference to lead entities that collaborate with the most comprehensive coalition of entities that impact or serve victims of crime.

"(e) Oversight—

"(1) Funding proposal.—The proposed distribution of funding among the lead entity and any collaborating entities shall be included in any grant application for funding.

"(2) Report.—Each lead entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant under this section are expended, a report assessing the effectiveness of the emergency interdisciplinary coordinated service program or the interdisciplinary coordinated service program.

"(f) Review of Program Effectiveness.—

"(1) In general.—The Director of the National Institute for Justice shall conduct an evaluation of the emergency interdisciplinary coordinated service programs and the interdisciplinary coordinated service programs carried out under this section to determine the effectiveness and cost effectiveness of the programs in carrying out the mission and duties described under subsection (c).

"(2) Report.—Not later than 5 years after the date of enactment of this Act the Director of the National Institute of Justice shall submit, to the Committees on the Judiciary of the House of Representatives and the Senate, a written report on the results of the evaluation required under paragraph (1).

"(g) Duration.—The Director shall award grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

"(h) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated, in addition to funds made available by section 1402(d)(4)(C)—

"(A) $6,000,000 for each of the fiscal years 2004 through 2007 for emergency interdisciplinary service programs; and

"(B) $14,000,000 for each of the fiscal years 2004 through 2007 for interdisciplinary service programs.

"(2) Deadlines.—Funds appropriated for emergency interdisciplinary service programs shall be made available by the Director not later than 30 days after the date of the community crisis and distributed not later than 120 days after the date of the community crisis.

"(3) Transfer of unexpended funds.—All funds appropriated, but not expended, for emergency interdisciplinary service programs during each fiscal year shall be obligated to interdisciplinary service programs for distribution in the subsequent fiscal year and shall not be diverted to offset increased spending.

"(4) Evaluation.—Funds appropriated pursuant to paragraph (1) may be used to carry out the provisions under subsection (f).

"(5) Maintenance of effort.—Funds appropriated pursuant to this section shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available to support interdisciplinary service programs and emergency interdisciplinary service programs.

"(i) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

SEC. 205. GRANTS FOR SERVICES TO CRIME VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E, as added by section 204 of this Act, the following:

"SEC. 1404F. SERVICES TO VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

"(a) In General.—The Director is authorized to award demonstration grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities to support the extension of services to victims with special communication needs.

"(b) MISSION.—The mission of a demonstration grant awarded under this section shall be to expand the capacity of victim service providers to serve crime victims with special communication needs relating to limited English proficiency, hearing loss, or developmental disabilities.

"(c) USE OF FUNDS.—Activities funded under a demonstration grant awarded under this section may include—

"(1) contracting with a telephonic interpreter service to offer services to a specified pool of victim service providers at no additional cost to such service providers or at a discounted rate;

"(2) the use of local interpreters;

"(3) the use of bilingual or multilingual victim advocates or assistants;

"(4) foreign language classes and cultural competency training for service providers;

"(5) translation of materials;

"(6) hearing assistance devices;

"(7) services to help individuals with developmental disabilities understand court proceedings;

"(8) community outreach; and

"(9) other means to improve accessibility of victim services for crime victims with special communication needs.

"(d) TASK FORCES.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, tribal government, local government, or qualified public or private entity shall have established a task force to study needs and alternatives for promoting greater access to services for crime victims with special communication needs.

"(2) MEMBERSHIP.—The task force referred to in paragraph (1) shall be composed of representatives of—

"(A) system and non-system based victim service providers;

"(B) the predominant ethnic communities; and

"(C) individuals with severe hearing loss or developmental disabilities.

"(3) RECOMMENDATIONS.—Each task force referred to in paragraph (1) shall—

"(A) study the issues described under paragraph (1) during the period of any grant awarded; and

"(B) make specific recommendations for expenditures by the grant recipient.

"(e) ANNUAL REPORT.—Each entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report containing—

"(1) a summary of the activities carried out under the grant;

"(2) an assessment of the effectiveness of such activities in extending services to previously unserved and underserved victims of crime;

"(3) a strategic plan for the year following the year covered under paragraph (1); and

"(4) such other information as the Director may require.

"(f) DURATION.—The Director shall award demonstration grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, which shall remain available until expended—

"(1) $500,000 for fiscal year 2004; and

"(2) $5,000,000 for each of the fiscal years 2005 through 2007.

"(h) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act') may be used for grants under this section.".

TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

SEC. 301. FORMULA FOR DISTRIBUTIONS FROM THE CRIME VICTIMS FUND.

(a) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

"(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

"(1)(A) Except as provided in subparagraphs (B) and (C), the total amount to be distributed from the Fund in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed from the Fund in the previous fiscal year, provided that the amount shall at a minimum be sufficient fully provide grants in accordance with sections 1403(a)(1), 1404(a)(1), and 1404(c)(2).

"(B) In any fiscal year that there is an insufficient amount in the Fund to fully provide grants in accordance with subparagraph (A), the amounts made available for grants under sections 1403(a), 1404(a), and 1404(c) shall be reduced by an equal percentage.

"(C) In any fiscal year that the total amount available in the Fund is more than 2 times the total amount distributed in the previous fiscal year, up to 125 percent of the amount distributed in the previous fiscal year may be distributed.

"(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.".

(b) ESTABLISHMENT OF BASE AMOUNT FOR TOTAL VICTIM ASSISTANCE GRANTS.—Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) Except as provided in section 1402(c)(1)(B), the total amount distributed to States under this subsection in any fiscal year shall not be less than the average amount distributed for this purpose during the prior 3 fiscal years.".

(c) ESTABLISHMENT OF BASE AMOUNT FOR OVC DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended by inserting after "(2)" the following: "Except as provided in section 1402(c)(1)(B), the amount available for grants under this subsection in any fiscal year shall not be less than the average amount available for this purpose during the prior 3 fiscal years.".

SEC. 302. CLARIFICATION REGARDING ANTITERRORISM EMERGENCY RESERVE.

Section 1402(d)(5)(C) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(C)) is amended by inserting ", and any amounts used to replenish such reserve," after "any such amounts carried over".

SEC. 303. PROHIBITION ON DIVERTING CRIME VICTIMS FUND TO OFFSET INCREASED SPENDING.

(a) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the Crime Victims Fund (as established by section 1402(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(a)) are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

(b) TREATMENT OF CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by adding at the end the following:

"(h) For purposes of congressional points of order, the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, any limitation on spending from the Fund included in the President's budget or enacted in appropriations legislation for fiscal year 2004 or any subsequent fiscal year shall not be scored as discretionary savings.".

CRIME VICTIMS ASSISTANCE ACT OF 2003—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2003 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill will accomplish three major goals. First, it will provide enhanced rights and protections for victims of federal crimes. Second, it will assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it will improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment, discharge from psychiatric facility, and executive clemency. Requires the government to provide the victim the earliest possible notice of (1) the scheduling of a hearing on modification of probation or supervised release for the offender; (2) the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity; or (3) the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 107. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities will receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $5 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 203. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $8 million through FY2004, and $4 million for each of the next two fiscal years.

Sec. 204. Grants to develop interdisciplinary coordinated service programs for victims of crime. Authorizes grants to establish or develop case management programs that can coordinate the various systems and programs that impact or assist victims, thereby streamlining access to services and reducing "revictimization" within the criminal justice system. Emergency interdisciplinary coordinated service programs will respond to events that have serious consequences on a particular community, such as terrorist attacks. Amounts authorized are $6 million for each of the next four fiscal years.

Sec. 205. Grants for services to crime victims with special communication needs. Authorizes demonstration grants to expand the capacity of victim service providers to serve victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disabilities. Amounts authorized are $500,000 through FY2004, and $5 million for each of the next three fiscal years.

TITLE III—AMENDMENTS TO THE VICTIMS OF CRIME ACT

Sec. 301. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 302. Clarification regarding antiterrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 303. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and be notified about important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, my colleagues and I are introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill is intended to define the rights of victims more clearly, and establish effective means to implement and enforce these rights. Equally important, it does so without taking the unnecessary and time-consuming step of amending the Constitution.

Our bill strengthens protections for victims of both violent and nonviolent Federal crimes, and gives them a greater voice in the criminal justice system. It gives victims a number of important rights, such as the right to be notified and consulted on detention and plea agreements; the right to be present and heard at trial and at sentencing; and the right to be notified of a scheduled hearing on a sentence adjustment, discharged from a psychiatric facility, or grant of clemency.

The rights established by this bill will fill existing gaps in Federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment and are afforded the respect they deserve. Our bill achieves these goals in a way that does not interfere with the rights of the States to protect victims in ways appropriate to each State.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of Federal funds to establish effective programs to promote victim rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based programs relating to those rights. It also provides funds for case management programs to streamline access to victims services and reduce "revictimization" by the criminal justice system, and enable service providers to help victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disability.

Finally, our bill replaces the cap on spending form the Crime Victims Fund, which has prevented millions of dollars of fund deposits from reaching victims and supporting essential services. The bill adopts a new approach supported by victim groups to strengthen the stability of the fund and protect its assets, while allowing more funds to be distributed for victim programs.

We do not have to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The Framers deliberately made the Constitution difficult to amend because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary not to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 807. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, the legislation I have offered, along with Senator HATCH, who chairs the Judiciary Committee, is called the Lifetime Consequences for Sex Offenders Act of 2003. It is supported by the U.S. Department of Justice.

We will be seeking to include it within the child crimes bill, otherwise known as the PROTECT Act.

Studies show that sexual offenders are prone toward recidivism throughout their lives. A 1988 study of sexual recidivism factors on child molesters showed that 43 percent of offenders sexually reoffended within a 4-year followup period—43 percent, almost half of them who were caught. Within a 4-year period, maybe others reoffended and were not caught. So one way to help curb that recidivism is to place the defendant on supervised release for a period of years after he or she is released from prison.

Currently, under 18 U.S.C. Section 3543, a Federal judge is allowed to impose a term of 1 to 5 years supervised release on a convicted sex offender. In a review of 42 studies regarding sexual-offender recidivism in which researchers followed up on the offenders, the researchers have found that the longer the followup period is, the greater is the percentage of those who will commit another crime. So it means they tend to reoffend way out into extended periods of time.

So this will give the sentencing court discretion to place a sex offender on supervised release for a term of up to life if the court thinks that is appropriate.

Mr. President, I had one of America's finest citizens in my office this afternoon, John Walsh of the "America's Most Wanted" program, of which he is known so well. He has been a champion of protecting children from sexual predators and abuse. He told me there is no doubt—and there is no doubt scientifically or any other way—that child predators and sexual offenders and child molesters tend to be recidivists. Pedophiles continue that activity. We wish it were not so, but we see that in the papers every day—people who have had prior problems, who have not just offended one time.

When I was a Federal prosecutor, I prosecuted a number of individuals charged with sexual based offenses. In almost every instance, those who are apprehended—possessing child pornography, making child pornography—had a history prior to that, over a period of years, of the molestation of other children. In fact, I remember one who did not appear to have that history, and the agent ended up talking to his daughter or step-daughter, and she said when she was a young girl, he had molested her. So there was never one defendant that I had, in the fifteen years I prosecuted, who did not have a history of it.

It is a problem that we know is real. And it is not correct or wise to have a judge maybe sentence somebody to jail for 5 years in custody, and then they get out, and the most the judge can supervise them is 1 to 5 years. They may still be molesting children 25 years down the road. Supervision can help them avoid repeat offenses and can help protect children. And they will have a probation or parole officer supervising their activities, making them report, on a daily basis, knowing where they are working, making sure they are not working in an area that could endanger children.

I think this is a commonsense bill. Senator HATCH and I are pleased to offer it. It is something that needs to be made a part of American law.

I appreciate the leadership that John Walsh has committed to these issues and the PROTECT Act, in particular.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifetime Consequences for Sex Offenders Act of 2003".

SEC. 2. AMENDMENT TO TITLE 18.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting "on any such revocation" after "required to serve";

(2) in subsection (h), by striking "that is less than the maximum term of imprisonment authorized under subsection (e)(3)"; and

(3) by adding at the end the following:

"(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. MACY E. MORSE, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Whereas, in the case of State of New Hampshire v. Macy E. Morse, et al., pending in Portsmouth District Court for the State of New Hampshire, testimony has been requested from Joel Maiola, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privilege of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joel Maiola is authorized to provide testimony in the case of State of New Hampshire v. Macy E. Morse, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joel Maiola in connection with any testimony authorized in section one of this resolution.

SENATE RESOLUTION 106—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOREIGN AGRICULTURAL SERVICE OF THE DEPARTMENT OF AGRICULTURE

Mr. COCHRAN (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. GRASSLEY, Mr. CONRAD, Mrs. DOLE, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas during the term of President Dwight David Eisenhower and the era of Secretary of Agriculture Ezra Taft Benson, it became apparent that the development of external markets was needed to ensure the financial viability of the agricultural sector of the United States;

Whereas the Foreign Agricultural Service was established on March 10, 1953, to develop and expand markets for United States agricultural commodities and products;

Whereas the Foreign Agricultural Service has represented agricultural interests of the United States during a period of expansion of United States agricultural exports from less than $3,000,000,000 in 1953 to more than $50,000,000,000 in 2002; and

Whereas the number of organizations engaged in the public and private partnership established by the Foreign Agricultural Service to promote United States agricultural exports has grown from 1 organization in 1955 to more than 80 organizations in 2003, with market development and expansion occurring in nearly every global marketplace: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the establishment of the Foreign Agricultural Service on March 10, 1953, recognizes the Service for—

(A) cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;

(B) identifying the private partners capable of carrying out the mission of the Service;

(C) identifying and expanding markets for United States agricultural commodities and products;

(D) introducing innovative and creative ways of expanding the markets;

(E) providing international food assistance to feed the hungry worldwide;

(F) addressing unfair barriers to United States agricultural exports;

(G) implementing strict procedures governing the use and evaluation of programs and funds of the Service; and

(H) overseeing the use of taxpayers dollars to carry out programs of the Service; and

(2) declares that March 10, 2003, is a day recognizing—

(A) the 50th anniversary of the establishment of the Foreign Agricultural Service; and

(B) the contributions of the Foreign Agricultural Service and employees and partners of the Service to agriculture in the United States.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF THE CONGRESS REGARDING SCLERODERMA

Mr. CRAIG (for himself and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas scleroderma is a debilitating and potentially fatal autoimmune disease with a broad range of symptoms which may be either localized or systemic;

Whereas scleroderma may attack vital internal organs, including the heart, esophagus, lungs, and kidneys, and may do so without causing any external symptoms;

Whereas more than 300,000 people in the United States suffer from scleroderma;

Whereas the symptoms of scleroderma include hardening and thickening of the skin, swelling, disfigurement of the hands, spasms of blood vessels causing severe discomfort in the fingers and toes, weight loss, joint pain, difficulty swallowing, extreme fatigue, and ulcerations on the fingertips which are slow to heal;

Whereas people with advanced scleroderma may be unable to perform even the simplest tasks;

Whereas 80 percent of the people suffering from scleroderma are women between the ages of 25 and 55;

Whereas scleroderma is the 5th leading cause of death among all autoimmune diseases for women who are 65 years old or younger;

Whereas the wide range of symptoms and localized and systemic variations of scleroderma make it difficult to diagnose;

Whereas the average diagnosis of scleroderma is made 5 years after the onset of symptoms;

Whereas the cause of scleroderma is still unknown and there is no known cure; and

Whereas the estimated annual direct and indirect costs of scleroderma in the United States are $1,500,000,000: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) private organizations and health care providers should be recognized for their efforts to promote awareness of and research on scleroderma;

(2) the people of the United States, including the medical community, should make themselves aware of the symptoms of scleroderma and contribute to the fight against scleroderma;

(3) the Federal Government has a responsibility to promote awareness regarding scleroderma, to adequately fund research projects regarding scleroderma, and to continue to consider ways to improve the quality of health care services provided for scleroderma patients, including making prescription medication more affordable;

(4) the National Institutes of Health should continue to play a leadership role in the fight against scleroderma by—

(A) working more closely with private organizations and researchers to find a cure for scleroderma;

(B) funding research projects regarding scleroderma conducted by private organizations and researchers;

(C) holding a scleroderma symposium which would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in scleroderma research;

(D) supporting the formation of small workgroups composed of experts from diverse but related scientific fields to study scleroderma;

(E) conducting more genetic, environmental, and clinical research regarding scleroderma;

(F) training more basic and clinical scientists to carry out such research; and

(G) providing for better dissemination of the information learned from such research; and

(5) the Centers for Disease Control and Prevention should give priority consideration to the establishment of a national epidemiological study to better track the incidence of scleroderma and to gather information about the disease that could lead to a cure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 525. Mr. SESSIONS (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 97, expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

TEXT OF AMENDMENTS

SA 525. Mr. SESSIONS (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 97, expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government; as follows:

Delete the preamble and insert in lieu thereof:

Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

Whereas since March 19, 2003, the Cuban police have arrested approximately 80 Cubans for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist county;

Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

Whereas during this crackdown, widely recognized as the most severe in some time, Fidel Castro is inhumanely pursuing the harshest punishments for these political prisoners, including pursuing life sentences for as many as 12; and

Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island.

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following bills on the calendar: No. 35, S. 164; No. 36, S. 212; No. 37, S. 220; No. 38, S. 278; No. 39, S. 328, No. 40, S. 347, and No. 42, H.R. 397.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 164) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

A bill (S. 212) to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes.

A bill (S. 220) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

A bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

A bill (S. 328) to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes.

A bill (S. 347) to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.

A bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. SESSIONS. Mr. President, I ask unanimous consent that, where applicable, the committee amendments be agreed to; that the bills, as amended, if amended, be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills be printed in the RECORD, the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CESAR ESTRADA CHAVEZ STUDY ACT

The Senate proceeded to consider the bill (S. 164) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[**SECTION 1. SHORT TITLE.**

[This Act may be cited as the "César Estrada Chávez Study Act".

[**SEC. 2. FINDINGS.**

[Congress finds that—

[(1) on March 31, 1927, César Estrada Chávez was born on a small farm near Yuma, Arizona;

[(2) at age 10, Chávez and his family became migrant farm workers after they lost their farm in the Great Depression;

[(3) throughout his youth and into adulthood, Chávez migrated across the Southwest, laboring in fields and vineyards;

[(4) during this period, Chávez was exposed to the hardships and injustices of farm worker life;

[(5) in 1952, Chávez's life as an organizer and public servant began when he left the fields and joined the Community Service Organization, a community-based self-help organization;

[(6) while with the Community Service Organization, Chávez conducted—

[(A) voter registration drives; and

[(B) campaigns against racial and economic discrimination;

[(7) during the late 1950's and early 1960's, Chávez served as the national director of the Community Service Organization;

[(8) in 1962, Chávez founded the National Farm Workers Association, an organization that—

[(A) was the first successful farm workers union in the United States; and

[(B) became known as the "United Farm Workers of America";

[(9) from 1962 to 1993, as leader of United Farm Workers of America, Chávez achieved for tens of thousands of farm workers—

[(A) dignity and respect;

[(B) fair wages;

[(C) medical coverage;

[(D) pension benefits;

[(E) humane living conditions; and

[(F) other rights and protections;

[(10) the leadership and humanitarianism of César Chávez continue to influence and inspire millions of citizens of the United States to seek social justice and civil rights for the poor and disenfranchised; and

[(11) the life of César Chávez and his family provides an outstanding opportunity to illustrate and interpret the history of agricultural labor in the western United States.

[SEC. 3. RESOURCE STUDY.

[(a) In General.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

[(1) appropriate methods for preserving and interpreting the sites; and

[(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

[(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

[(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

[(b) Requirements.—In conducting the study under subsection (a), the Secretary shall—

[(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91-383 (16 U.S.C. 1a-5(b)(2)); and

[(2) consult with—

[(A) the César E. Chávez Foundation;

[(B) the United Farm Workers Union;

[(C) State and local historical associations and societies; and

[(D) the State Historic Preservation Officers of the State of Arizona, the State of California, and any other State in which a site described in subsection (a) is located.

[(c) Report.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

[(1) the findings of the study; and

[(2) any recommendations of the Secretary.

[(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "César Estrada Chávez Study Act".

SEC. 2. RESOURCE STUDY.

(a) In General.—Not later than 3 years after funds are made available to implement this Act, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine appropriate methods for preserving and interpreting the sites; and to determine whether any of the sites meets the criteria for listing in the National Register of Historic Places or designation as a national historic landmark under the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) Requirements.—In conducting the study the Secretary shall consider the criteria for the study of areas of potential inclusion in the National Park System under section 8(b)(2) of Public Law 91-383 (16 U.S.C. 1a-5(b)(2)).

(c) Consultation.—In conducting the study the Secretary shall consult with—

(1) the César E. Chávez Foundation;

(2) the United Farm Workers Union; and

(3) State and local historical associations and societies, including State Historic Preservation Offices in the State where a site is located.

(d) Report.—On completion of the study the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings of the study and any recommendations.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 164), as amended, was read the third time and passed.

HIGH PLAINS AQUIFER HYDROGEOLOGIC CHARACTERIZATION, MAPPING, AND MODELING ACT

The Senate proceeded to consider the bill (S. 212) to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act".

[SEC. 2. DEFINITIONS.

[For the purposes of this Act:

[(1) Association.—The term "Association" means the Association of American State Geologists.

[(2) Council.—The term "Council" means the Western States Water Council.

[(3) Director.—The term "Director" means the Director of the United States Geological Survey.

[(4) Federal component.—The term "Federal component" means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

[(5) High plains aquifer.—The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled "Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.".

[(6) High plains aquifer states.—The term "High Plains Aquifer States" means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

[(7) Secretary.—The term "Secretary" means the Secretary of the Interior.

[(8) State component.—The term "State component" means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

[SEC. 3. ESTABLISHMENT.

[(a) Program.—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis—

[(1) mapping of the hydrogeological configuration of the High Plains Aquifer; and

[(2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer.

[The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

[(b) Funding.—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

[(c) Federal Program Component.—

[(1) Priorities.—The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

[(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

[(B) supporting State and local activities with scientific and technical specialists; and

[(C) undertaking activities and providing technical capabilities not available at the State and local levels.

[(2) INTERDISCIPLINARY STUDIES.—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

[(d) STATE PROGRAM COMPONENT.—

[(1) PRIORITIES.—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

[(2) AWARDS.—

[(A) Twenty percent of the Federal funds available under the State component shall be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

[(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals for multistate activities must be recommended by the State panel of at least one of the affected States.

[(e) FEDERAL REVIEW PANEL.—

[(1) ESTABLISHMENT.—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

[(2) COMPOSITION AND SUPPORT.—Not later than 3 months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of 3 years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

[(f) LIMITATION.—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than 18 percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than 50 percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

[SEC. 4. PLAN.

[The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

[SEC. 5. REPORTING REQUIREMENTS.

[(a) REPORT ON PROGRAM IMPLEMENTATION.—One year after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 4.

[(b) REPORT ON HIGH PLAINS AQUIFER.—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

[(c) ROLE OF FEDERAL REVIEW PANEL.—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

[SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Plains Aquifer Hydrogeologic Characterization, Mapping, and Modeling Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term "Association" means the Association of American State Geologists.

(2) COUNCIL.—The term "Council" means the Western States Water Council.

(3) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(4) HIGH PLAINS AQUIFER.—The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled "Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming."

(5) HIGH PLAINS AQUIFER STATES.—The term "High Plains Aquifer States" means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(6) REVIEW PANEL.—The term "Review Panel" means the panel provided for by section 3(d).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT.

(a) PROGRAM.—The Secretary, through the United States Geological Survey, and in cooperation with the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Program, to characterize, map, and model the High Plains Aquifer. The Program shall undertake at the most detailed levels determined to be appropriate on a state-by-state basis, characterization, mapping and modeling of the hydrogeological configuration of the High Plains Aquifer.

(b) OBJECTIVES.—The objectives of the Program are to:

(1) provide for the hydrogeologic characterization, mapping and modeling of the High Plains Aquifer through a cooperative partnership effort between the U.S. Geological Survey and the High Plains Aquifer States;

(2) coordinate Federal, State, and local data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(3) support State and local activities with scientific and technical specialists; and

(4) undertake activities and provide technical capabilities not available at the State and local levels as may be requested by a Governor of a High Plains Aquifer State within such state.

(c) REQUESTS FROM GOVERNORS.—The Governor of a High Plains Aquifer State may submit a proposal to the Secretary requesting the Secretary to undertake activities and provide financial and technical capabilities not available at the State and local levels to carry out the purposes of the Program.

(d) REVIEW PANEL.—Not later than six months after the date of enactment of this Act, the Secretary shall establish a Review Panel to: (1) evaluate the proposals submitted for funding under subsection (f); and (2) review and coordinate Program priorities. In performing its functions, the Review Panel shall consult with the Association and the Council.

(e) COMPOSITION AND SUPPORT.—The Review Panel shall be comprised of: (1) five representatives of the United States Geological Survey, at least two of which shall be hydrologists or hydrogeologists; and (2) one representative who is knowledgeable regarding hydrogeologic data

and information from each of the High Plains Aquifer States that elects to participate in the Program. Each representative of a High Plains Aquifer State shall be recommended by the Governor of such State. The Secretary shall provide technical and administrative support to the Review Panel. Expenses for the Review Panel shall be paid from Program funds other than those referred to in subsection (f).

(f) Funding.—Fifty percent of the funds appropriated to carry out this Program shall be allocated equally by the Secretary for the participation of State and local agencies and institutions of higher education within each of the High Plains Aquifer States that elects to participate in the Program. Grants may be made by the Secretary from the funds described in this subsection based on proposals that have been recommended by the Governor and reviewed by the Review Panel. Proposals for multistate activities must be recommended by the Governors of all the affected States.

SEC. 4. REPORTS.

(a) Report on Program Implementation.—One year after the date of enactment of this Act, and every 3 years thereafter through fiscal year 2011, the Secretary shall include a report on the Program in the annual budget documents for the Department of the Interior. The initial report submitted by the Secretary shall contain a Program plan developed with the concurrence of the Review Panel.

(b) Report on High Plains Aquifer.—No later than four years after the date of enactment of this Act and upon completion of the Program in fiscal year 2011, the Secretary shall submit an interim and final report, respectively, to the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to Cooperate with the High Plains Aquifer States in Conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plains Aquifer, and for other purposes."

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 212), as amended, was read the third time and passed.

REINSTATEMENT AND EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS

The bill (S. 220) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

The bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes, was considered, ordered to be engrossed for a third reading, read a third time, and passed as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Naomi Wilderness Boundary Adjustment Act".

SEC. 2. BOUNDARY ADJUSTMENTS.

(a) Lands Removed.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as "Land Excluded".

(b) Lands Added.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as "Land Added". The Utah Wilderness Act of 1984 (Public Law 98–428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.

SEC. 3. MAP.

(a) Definition.—For the purpose of this Act, the term "Map" shall mean the map entitled "Mt. Naomi Wilderness Boundary Adjustment" and dated May 23, 2002.

(b) Map on File.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture

(c) Corrections.—The Secretary of Agriculture may make technical corrections to the Map.

CATOCTIN MOUNTAIN NATIONAL RECREATION AREA DESIGNATION ACT

The Senate proceeded to consider the bill (S. 328) to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Catoctin Mountain National Recreation Area Designation Act".

[SEC. 2. FINDINGS AND PURPOSE.

[(a) Findings.—Congress finds that—

[(1) the Catoctin Recreation Demonstration Area, in Frederick County, Maryland—

[(A) was established in 1933; and

[(B) was transferred to the National Park Service by executive order in 1936;

[(2) in 1942, the presidential retreat known as "Camp David" was established in the Catoctin Recreation Demonstration Area;

[(3) in 1952, approximately 5,000 acres of land in the Catoctin Recreation Demonstration Area was transferred to the State of Maryland and designated as Cunningham Falls State Park;

[(4) in 1954, the Catoctin Recreation Demonstration Area was renamed "Catoctin Mountain Park";

[(5) the proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park and the difference between management of the parks by the Federal and State government has caused longstanding confusion to visitors to the parks;

[(6) Catoctin Mountain Park is 1 of 17 units in the National Park System and 1 of 9 units in the National Capital Region that does not have the word "National" in the title; and

[(7) the history, uses, and resources of Catoctin Mountain Park make the park appropriate for designation as a national recreation area.

[(b) Purpose.—It is the purpose of this Act to designate Catoctin Mountain Park as a national recreation area to—

[(1) clearly identify the park as a unit of the National Park System; and

[(2) distinguish the park from Cunningham Falls State Park.

[SEC. 3. DEFINITIONS.

[(a) Map.—The term "map" means the map entitled "Catoctin Mountain National Recreation Area", numbered 841/80444, and dated August 14, 2002.

[(b) Recreation Area.—The term "recreation area" means the Catoctin Mountain National Recreation Area designated by section 4(a).

[(c) Secretary.—The term "Secretary" means the Secretary of the Interior.

[SEC. 4. CATOCTIN MOUNTAIN NATIONAL RECREATION AREA.

[(a) Designation.—Catoctin Mountain Park in the State of Maryland shall be known and designated as the "Catoctin Mountain National Recreation Area".

[(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to Catoctin Mountain Park shall be deemed to be a reference to the Catoctin Mountain National Recreation Area.

[(c) Boundary.—

[(1) In general.—The recreation area shall consist of land within the boundary depicted on the map.

[(2) Availability of map.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

[(3) Adjustments.—The Secretary may make minor adjustments in the boundary of the recreation area consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(c)).

[(d) Acquisition Authority.—The Secretary may acquire any land, interest in land, or improvement to land within the boundary of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

[(e) ADMINISTRATION.—The Secretary shall administer the recreation area—

[(1) in accordance with this Act and the laws generally applicable to units of the National Park System, including—

[(A) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

[(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

[(2) in a manner that protects and enhances the scenic, natural, cultural, historical, and recreational resources of the recreation area.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catoctin Mountain National Recreation Area Designation Act".

SEC. 2. CATOCTIN MOUNTAIN NATIONAL RECREATION AREA.

(a) DESIGNATION.—Catoctin Mountain Park in the State of Maryland is designated as the Catoctin Mountain National Recreation Area.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to Catoctin Mountain Park shall be deemed to be a reference to the Catoctin Mountain National Recreation Area (hereinafter referred to as the "recreation area").

(c) BOUNDARY.—

(1) IN GENERAL.—The recreation area shall consist of land within the boundary depicted on map entitled "Catoctin Mountain National Recreation Area" numbered 841/80444A, and dated March 7, 2003.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of the Interior may make minor adjustments in the boundary of the recreation area consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)).

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the recreation area in a manner that protects and enhances the scenic, natural, cultural, historical, and recreational resources of the recreation area, in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.)."

(2) COOPERATIVE AGREEMENT.—The Secretary of the Interior shall enter into a cooperative agreement with the Secretary of the Navy for the operation of the presidential retreat, known as Camp David, while preserving the site as part of the national recreation area. Nothing done under this Act shall conflict with the administration of the presidential retreat as a residence for the President and his family and for his official purposes, nor shall it alter any privileges, powers, or duties vested in the White House Police and the United States Secret Service, Treasury Department, by section 202 of title 3, United States Code, and section 3056 of title 18, United States Code.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 328), as amended, was read the third time and passed.

RIM OF THE VALLEY CORRIDOR STUDY

The Senate proceeded to consider the bill (S. 347) to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Rim of the Valley Corridor Study Act".

[SEC. 2. RIM OF THE VALLEY CORRIDOR STUDY.

[(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture (in this Act referred to as the "Secretaries") shall conduct a joint special resource study of the lands, waters, and interests of the area comprising the Rim of the Valley Corridor in Southern California, as depicted on the map entitled "SANTA MONICA MOUNTAINS CONSERVANCY ZONE—RIM OF THE VALLEY CORRIDOR Parklands and Open Space" and dated July 30, 2002.

[(b) STUDY TOPICS.—The study shall evaluate the suitability and feasibility of establishing the area as a unit of the Santa Monica Mountains National Recreation Area.

[(c) CRITERIA.—In conducting the study authorized by this section, the Secretaries shall use the criteria for the study for areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

[(d) CONSULTATION.—In conducting the study authorized by this section, the Secretaries shall consult with appropriate State, county and local government entities.

[SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rim of the Valley Corridor Study Act".

SEC. 2. RIM OF THE VALLEY CORRIDOR STUDY.

The Secretary of the Interior and the Secretary of Agriculture shall conduct a joint resources study of the lands, waters, and interests of the area comprising the Rim of the Valley Corridor in Southern California, as depicted on the map entitled "Santa Monica Mountains Conservancy Zone—Rim of the Valley Corridor Parklands and Open Space" and dated July 30, 2002, to evaluate a range of alternative for protecting resources, including the suitability and feasibility of establishing the area as a unit of the Santa Monica Mountains National Recreation Area. The Secretaries shall consult with appropriate State, county and local government entities in conducting the study.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: "A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 347), as amended, was read the third time and passed.

REINSTATEMENT AND EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS

The bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, was considered, ordered to a third reading, read the third time, and passed.

SENSE OF SENATE REGARDING ARRESTS OF CUBAN DEMOCRACY ACTIVISTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 97 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read the resolution as follows:

A resolution (S. Res. 97) expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, the Nelson of Florida amendment to the preamble, which is at the desk, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 97) was agreed to.

The amendment to the preamble (No. 525) was agreed to as follows:

AMENDMENT NO. 525

(Purpose: To express the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government)

Delete the preamble and insert in lieu thereof:

"Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

"Whereas since March 18, 2003, the Cuban police have arrested approximately 80 Cubans for engaging in free speech under Law

88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist country;

"Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

"Whereas during this crackdown, widely recognized as the most severe in some time, Fidel Castro is inhumanely pursuing the harshest punishments for these political prisoners, including pursuing life sentences for as many as 12; and

"Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island."

The preamble, as amended, was agreed to.

The resolution (S. Res. 97), with its preamble, as amended, reads as follows:

S. RES. 97

Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

Whereas since March 18, 2003, the Cuban police have arrested more than 100 Cubans for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist country;

Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

Whereas Fidel Castro has seized the opportunity to expand his brutal oppression of the Cuban people while the attention of the United States and other nations around the world is focused on the war in Iraq; and

Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent arrests and other intimidation tactics against democracy activists by the Castro regime;

(2) calls on the Cuban Government to immediately release those imprisoned and held during this most recent crackdown for activities the government wrongly deems "subversive, counter-revolutionary, and provocative";

(3) reaffirms Senate Resolution 272, 107th Congress, agreed to June 10, 2002, which was agreed to without opposition and which called for, among other things, amnesty for all political prisoners;

(4) praises the bravery of those Cubans who, because they practiced free speech and signed the Varela Project petition, have been targeted in this most recent government crackdown; and

(5) urges the President to demand the immediate release of these prisoners and to take all appropriate steps to secure their immediate release.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 105, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) to authorize testimony and legal representation in State of New Hampshire versus Macy E. Morse, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to as follows:

S. RES. 105

Whereas, in the case of State of New Hampshire v. Macy E. Morse, et al., pending in Portsmouth District Court for the State of New Hampshire, testimony has been requested from Joel Maiola, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joel Maiola is authorized to provide testimony in the case of State of New Hampshire v. Macy E. Morse, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joel Maiola in connection with any testimony authorized in section one of this resolution.

50TH ANNIVERSARY OF FOREIGN AGRICULTURAL SERVICE OF DEPARTMENT OF AGRICULTURE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 106, which was submitted earlier today by Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) expressing the sense of the Senate with respect to the 50th anniversary of the Foreign Agricultural Service of the Department of Agriculture.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 106

Whereas during the term of President Dwight David Eisenhower and the era of Secretary of Agriculture Ezra Taft Benson, it became apparent that the development of external markets was needed to ensure the financial viability of the agricultural sector of the United States;

Whereas the Foreign Agricultural Service was established on March 10, 1953, to develop and expand markets for United States agricultural commodities and products;

Whereas the Foreign Agricultural Service has represented agricultural interests of the United States during a period of expansion of United States agricultural exports from less than $3,000,000,000 in 1953 to more than $50,000,000,000 in 2002; and

Whereas the number of organizations engaged in the public and private partnership established by the Foreign Agricultural Service to promote United States agricultural exports has grown from 1 organization in 1955 to more than 80 organizations in 2003, with market development and expansion occurring in nearly every global marketplace: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the establishment of the Foreign Agricultural Service on March 10, 1953, recognizes the Service for—

(A) cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;

(B) identifying the private partners capable of carrying out the mission of the Service;

(C) identifying and expanding markets for United States agricultural commodities and products;

(D) introducing innovative and creative ways of expanding the markets;

(E) providing international food assistance to feed the hungry worldwide;

(F) addressing unfair barriers to United States agricultural exports;

(G) implementing strict procedures governing the use and evaluation of programs and funds of the Service; and

(H) overseeing the use of taxpayers dollars to carry out programs of the Service; and

(2) declares that March 10, 2003, is a day recognizing—

(A) the 50th anniversary of the establishment of the Foreign Agricultural Service; and

(B) the contributions of the Foreign Agricultural Service and employees and partners of the Service to agriculture in the United States.

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE

Mr. SESSIONS. Mr. President, I believe the majority leader will be in the Chamber in a moment. While we wait, I will take this opportunity to share a few thoughts about an extraordinary nominee to the United States Court of Appeals for the Fifth Circuit, Priscilla Owen.

She is, from my observation of hearings before the Senate Judiciary Committee, an excellent, superb, truly magnificent nominee for the court of appeals. Justice Owen went to Baylor Law School, a very fine law school, and as I recall, finished second or third in her class, then took the bar exam. Every person who wants to be admitted to the bar in Texas has to take it. They study as they can and take the test. It is reported she made the highest single score on the Texas bar exam when she graduated from Baylor Law School. She was on the Law Review at Baylor law school.

She went to work at one of the finest law firms in Texas, did very well, achieved a very nice level of compensation as would be commensurate with that position, and many considered her to be perhaps the finest litigator in the State of Texas, a very high honor. The State of Texas Supreme Court had problems and they were looking for good candidates to run for that court. People talked to her about it. She thought about it and decided she would run. She would give up the practice, as lucrative as it was, and give herself to public service. She ran for the Supreme Court of Texas and won that race. She served that term, ran again, and was elected with 87 percent of the vote of the people of Texas.

This is a remarkable record, the finest bar exam score, the highest score in Texas, the very top of her law school class, editor of Law Review at Baylor University Law School, and in every way the kind of background you would want for a Federal appellate judge. Of course, she had a number of years on the Supreme Court of Texas and handled that work in an extraordinary way.

When President Bush thought about who would be a good nominee to his home circuit, the Fifth Circuit—Texas, Louisiana, Mississippi—he looked no further than Justice Owen, who had been so useful on the Supreme Court of Texas, who had been so popular, who was such an outstanding lawyer, a person of the highest possible integrity and great skill and ability. That is why he chose to nominate her. No wonder he did.

Things looked good, it seemed to me. We had a hearing on her in the Judiciary Committee. She answered the questions superbly, with great patience, great clarity of thought and expression. She dealt with each objection anyone would throw out to her. She explained the cases that she ruled on and why she ruled the way she did. She was asked and she told the story about her campaign finance. She had such a good race the second time she ran that she did not spend all the money contributed to her campaign, and she did something I have never heard of before. She sent some of it back to everyone who contributed to her. That is the kind of person we are talking about. I have never seen it in candidates. I have seen them give it to other candidates but not send it back to contributors, when she might yet again run for office and need that money in the future.

I thought we were on the road to a first-rate quick confirmation. Unfortunately, groups raised objections and targeted this nominee. How they pick nominees to target, I don't know, but this fine woman from the Texas Supreme Court is one they should not have targeted, in my view. They raised quite a number of complaints.

One of them alleged that in the Ford Motor Company v. Miles case, a product liability case resulting from an automobile accident, Justice Owen overturned well-established venue precedence. That is a weak argument that did not hold up under scrutiny. Venue is the technical term for the proper county in which to file a lawsuit. In this case, Justice Owen cited settled law in Texas which required that the lawsuit be filed where a company has an agent or a representative. Ford did not have an agent or a representative in the county where this lawsuit was filed. In her opinion, Justice Owen was joined by Democrats. She concluded that the plaintiff should have filed the lawsuit in the county where she lived, where the car was purchased, and the accident occurred.

These same groups have argued that Justice Owen is anticonsumer and antijury because she agreed with the trial court, a lower court, that the plaintiff's claims were without merit in the City of McAllen v. De La Garza. The plaintiff in this case was a passenger in a vehicle driven by a drunk driver. The driver apparently fell asleep, veered off the road, traveled over 100 feet, ran through a wire fence, knocked over several fence poles, all before landing in a limestone pit owned by the city of McAllen. The man was drunk, drove off the road, went through a fence, knocked over several posts, and ran into the pit. And he sued the city. The plaintiff, remarkably argued, despite the fact that he as a drunk driver caused the accident, that the city owed a duty to warn drivers of where the limestone pit was, several feet away from the road, barricaded by a fence and other obstacles not part of the ordinary course of travel.

That is the kind of thing that judges deal with every day. They do not just rule because they like a case or do not like a case. They go back and look at the precedent. They consider the statutes. They consider what the law is, and they determine if the city of McAllen, TX, had a responsibility to put up a specific sign that said there was a limestone pit out there. Maybe the neighbors would not like a tacky old sign saying there was a limestone pit there. They put up a fence so it would not be seen. The groups criticized her for that.

One of the things they complained about, in addition to that, was that she had ruled in favor of lower court judges who had held that young women under Texas law would be required to inform their parents if they intended to have an abortion. Texas passed a law that dealt with this circumstance. What the Texas Legislature concluded was that if a child were to have a serious procedure such as an abortion, they should at least tell the parents. They did not declare that the parents had to consent, just that the child had to tell. And to try to avoid constitutional complaint, they put in the idea that if there was a potential for abuse, if there was some justifiable reason—and they spelled out some of those—the child would not have to tell the parent.

Several cases came up to Judge Owen because she is on the Supreme Court. The lower court judge held a hearing and concluded the young person had no basis not to tell their parents. The parents were not going to abuse them. It was not a problem in this case. You cannot give a child an aspirin in school without parental consent, but here they said you had to tell the parent under Texas law.

Then the case went from that judge to an immediate court of appeals in Texas, and the court of appeals studied the case and studied the trial court judge's ruling and they affirmed it in two or three cases while Justice Owen was on the Supreme Court and they affirmed the trial court, too.

So then it comes up to the Supreme Court of Texas, and Justice Owen read the case and studied the law, and went further than most judges would have. She read the Supreme Court Federal cases about abortion. She thought about the words the Supreme Court used in those cases. She wrote in her opinion that she assumed the statutes were trying to make sure they did not violate Federal law and Federal Supreme Court rulings. Texas tried to word the parental consent statute in a way that was consistent with the U.S. Supreme Court, so she interpreted the words that way and analyzed whether or not the Texas law was such that this child should have to notify her parents or not. She agreed with the three judges and the trial court below her.

So what the groups say is: Oh, she is not fit for the Supreme Court because she is not happy about abortion. She favors having children tell parents about whether or not they have abortions. She does not follow the law.

If somebody studied that opinion, they would see she went to great care to follow the Supreme Court, to follow the language they used. She has, to my knowledge, never publicly expressed an opinion about abortion. She has not been out here campaigning against it or making any big to-do about it. What her personal views are, are her own. Indeed, 80 percent of the American people favor requiring a minor to discuss with her parents a serious procedure such as abortion.

Children in Texas are required to get consent of a parent before they have a tattoo, which is probably a good idea, body piercing, or even an aspirin at school. That is the Texas law that Justice Owen interpreted required a simple notification, but not a consent, of just one parent. Her opinion affirming that law and the lower court judges was not out of the mainstream of American law. There is just no doubt about it.

But there is an ideological movement around here which suggests that anybody who happens to be pro-life—and we don't even know for sure, to my knowledge, whether Priscilla Owen is pro-life or pro-choice—but anyway, anybody who rules in this fashion is not fit for the courts of appeals of the United States.

It is really troubling to me when we see this happen to candidates of the quality of Jeffrey Sutton, the quality of Priscilla Owen, or Miguel Estrada, people who have received the highest ABA rating, unanimously, by the bar association. The American Bar Association does background checks on nominees. What they do is they make the nominees list all the major cases they have handled, list the judges who tried those cases, list the names of the lawyers on the other side of the cases, and who their clients were. These ABA people—and I like what they do—go out and talk to a lawyer on the other side of the case. They talk to the judge: How did these lawyers handle themselves? Did they conduct themselves with integrity? Were they skilled in argument? Did they understand and make common-sense arguments? Are they hard to deal with? Irritable? Duplicitous and sneaky? That is what they do. They came out and gave her the highest possible rating after doing all of that. That is the reason why I would ask how a person with her background, her skill, her experience, with that kind of rating of the ABA—why they would pick her to try to block? I hope it is not so, really. I hope we do not have a filibuster on this case like we do, in fact, have with Miguel Estrada. Maybe we will and maybe we will not.

I just cannot believe it, frankly. I cannot believe it is possible that Members of this body would conduct a filibuster against a candidate for the court of appeals as qualified, as superbly qualified as Priscilla Owen. It is just beyond my comprehension that that could ever occur here.

There is not one hint she has anything other than the highest integrity. There is no doubt she is brilliant. There is no doubt she has given her life to the law and knows it and that is what she has done throughout her career. She loves the law. She respects it and she cares about it. She cares about it deeply enough to enforce the law as written, whether or not she agrees with it. She will follow Supreme Court rulings even if she were to disagree with them, like she repeatedly pledged to do, because she is a lawyer and a judge who believes in the rule of law.

I think we will be facing a very sad event here in the next day or so if we end up with further objections—objections to bringing her up for a vote, in effect having a filibuster. It is just beyond my comprehension.

In the history of this country, we have never had a filibuster of a court of appeals judge or a district judge. The Constitution says by advice and consent the Senate, in effect, will confirm or reject a President's nominee. The clear meaning of that statute and the way it is written leaves no doubt that it means a majority vote. Yet through the utilization of the filibuster rule, some in this body are using a rule that has never before been used for a court of appeals judge or district court judge in the history of this country. The effect has been to ratchet that up to a 60-percent vote—you have to have 60 votes here.

You know from Miguel Estrada, he has already received 54 or 55 votes for confirmation, which is a clear majority. But because he does not have a 60-vote margin, he is not able to come up for an up-or-down vote.

I hope we are not going to see that in the case of Priscilla Owen. She is entitled to an up-or-down vote. She is entitled to be confirmed as a Justice on the Fifth Circuit Court of Appeals. President Bush knew her, he knew her reputation. He picked one of the finest people who could be picked for any court of appeals position anywhere in this country, right in his home State of Texas. Is that why they are objecting to her, because it is his State? I don't know. But it cannot be on the merits.

I have looked at this matter. I have seen the arguments. I attended her hearing. I saw how well she handled herself. I believe and I hope and pray this body will not descend into a pattern of filibuster of nominees for the courts of appeals of this country, or for the district courts, or even for the Supreme Court of the United States. That would be a terrible alteration of our traditions, maybe even be in violation of the Constitution, which says a majority vote is what it takes to advise and consent on Presidential nominees. It is something we ought to think very seriously about.

I hope my colleagues will not take that route and will give her an up-or-down vote. If they do, I have no doubt she will be confirmed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the order of the Senate of April 3, 2003, the Senate having received H.R. 1559, all after the enacting clause is stricken and the text of S. 762 is inserted in lieu thereof; H.R. 1559 is read the third time and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Under the previous order, the passage of S. 762 is vitiated and the bill is placed back on the calendar.

The Senator from Alabama.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 807 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RENAMING THE GUAM SOUTH ELEMENTARY/MIDDLE SCHOOL OF THE DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS ELEMENTARY AND SECONDARY SCHOOLS SYSTEM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 672, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 672) to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 672) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

ORDERS FOR TUESDAY, APRIL 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, April 8. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:30 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or his designee; provided that at 10:30 a.m., the Senate return to executive session and resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 p.m. tomorrow for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, on behalf of Senator FRIST, the majority leader, the Senate will be in a period of morning business tomorrow until 10:30 a.m. Following morning business, the Senate will resume debate on the nomination of Priscilla Owen. A number of Senators have indicated that they are prepared to speak on her nomination, and I hope they will do so during tomorrow's session.

Also as a reminder, it is my expectation that the Senate will take up the CARE Act tomorrow afternoon under the agreement reached last week.

As mentioned this morning, there are a number of issues that may be addressed this week prior to the Easter recess therefore, Senators should expect votes each day of the session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until April 8, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 7, 2003:

DEPARTMENT OF JUSTICE

RICHARD JAMES O'CONNELL, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE KENNETH RAY MCFERRAN.

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE JAY B. STEPHENS, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN B. NESMITH, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MELODY H. FENNEL.

NATIONAL INSTITUTE OF BUILDING SCIENCES

PAUL PATE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2003, VICE H. TERRY RASCO, TERM EXPIRED.

PAUL PATE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006. (REAPPOINTMENT)

LANE CARSON, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004, VICE CHRISTINE M. WARNKE, TERM EXPIRED.

JAMES BROADDUS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004, VICE JOHN H. MILLER, TERM EXPIRED.

JOSE TERAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005, VICE CHARLES A. GUELI, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. ROSA JR., 3351

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN B. HANDY, 8277
BRIGADIER GENERAL MARVIN S. MAYES, 9378
BRIGADIER GENERAL DOUGLAS R. MOORE, 5347
BRIGADIER GENERAL RICHARD L. TESTA, 1268

To be brigadier general

COLONEL JOSEPH G. BALSKUS, 7948
COLONEL BOBBY L. BRITTAIN, 2797
COLONEL THOMAS J. DEARDORFF, 4064
COLONEL MICHAEL P. HICKEY, 3174
COLONEL CHARLES V. ICKES II, 1323
COLONEL WILLIAM B. JERNIGAN, 8012
COLONEL HENRY C. MORROW, 7671
COLONEL DONALD J. QUENNEVILLE, 4967
COLONEL DANIEL R. SCACE, 6048
COLONEL TIMOTHY W. SCOTT, 4093
COLONEL EUGENE A. SEVI, 2581
COLONEL DARRYLL D. M. WONG, 0536

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS F. DEPPE, 3181

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GUY K. DAHLBECK, 5199

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE, 0227

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT RYLAND PERCY III, 4869

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD, 8249

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD E. CELLON, 1250

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIAM T. BOYD, 3040

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD D. DANIELS, 0115
KYLE J. DAY, 2450
MARK W. HUNT, 6834
CRAIG V. MORGAN, 4289
GEORGE G. PERRY III, 5568

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GARY L. HAMMETT, 8696
WILLIAM P. MCGINNIS, 2714
DAVID B. RIANO, 0907
RONNIE N. SHELL, 8932
DAVID L. SMITH, 2118

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY ACOSTA, 7367
ARTHUR E ADAMS, 9274
DANA P ALBERT, 8632
GEORGE C AUCOIN JR., 4784
MICHAEL D BRENEMAN, 0363
DAVID G BROWN, 2961
RALPH N BROWN, 0431
RAYMOND N BRUNEAU, 2552
CHRISTOPHER R BUESCHER, 1257
PAUL J BURKE, 6429
DAVID H CAHN, 1410
SANDRA J CAMPBELL, 8828
JAMES M CHAMBERLIN, 4559
CATHERINE D CHASE, 9749
JOHN D CODDOU, 0903
JEFFREY D COLE, 5588
STEVEN A COLLINS, 2398
GEFFREY L COOPER, 9820
ROBERT P DADAY JR., 2274
PETER N DESALVA, 1252
MILES V DIAMOND, 9836
JOHN T DURKIN, 7985
WILLIAM O DWIGGINS, 6757
CARRIE L DYER, 6257
MARK L ECONIE, 1558
FLORA M EMERSON, 5085
JOSEPH L FALVEY JR., 1330
ALLAN M FAXON JR., 8552
GREGORY M FERKETISH, 3312

JOSEPH P FIGUEREDO III, 8630
LAURENCE D FOY, 5524
TIMOTHY E FRANK, 8249
MICHAEL L GALLAGHER, 7275
DAVID N GILL, 1323
JOHN GIORGIO JR., 0773
MARK GOLDNER, 7887
REED H GRABOWSKI, 0502
MICHAEL D GREER, 0410
DONALD C HALES, 0720
ROBERT M HANSON, 7352
PAUL G HASTINGS JR., 7041
KATHLEEN G HENDERSON, 9912
JAMES D HERRINGTON, 4758
MARK C HESSLER, 9366
LYNN M HICKS, 1347
GEORGE N HIMARAS, 5349
JENNY M HOLBERT, 5120
CHARLES G IKINS, 6336
ROBERT D ING JR., 2244
KEVIN E JOHNS, 2116
DARCY R KAUER, 1170
MICHAEL J KEEGAN, 8525
RALPH S KEELY, 0284
ROBERT W KELLY JR., 5307
THOMAS R KELLY JR., 2576
JOHN M LACROSSE, 4035
GARY E LAMBERT, 7661
JOHN D LESINSKI, 4767
CHRISTOPHER J LEWIS, 8160
PETER D LLOYD, 8110
MARK C LOSACK, 1106
MICHAEL D MALONE, 3620
RODNEY C MANN, 4166
DOMAN O MCARTHUR, 6575
THOMAS F MCFARLAND, 0662
JAMES D MCGINLEY, 7012
ERNEST J MILLER, 7954
JONATHAN S MILLER, 6388
BARBARA J MORONEY, 0283
JOSEPH C MUNCH, 5337
DAVID R MUSGRAVE, 1431
DAVID L NEELY, 0246
WAYNE J PAYNE, 3255
JOSEPH N PULTRO, 2889
KENNETH J PUNTER, 1880
JAMES T REYNOLDS, 7022
HOON RHEE, 5561
CHARLES E RICE, 1565
LARRY J RICHARDS, 1887
PATRICK E RILEY, 8108
LAWRENCE B ROBSON, 0478
CHRISTOPHER A ROOSA, 9064
BRADLEY P SALMON, 2518
KEVIN C SAWYER, 6442
THOMAS G SCULLY, 8440
JOHN S SHARPE, 9914
TERRY M SHEPHARD, 7611
HARLEY T SKIDMORE III, 2365
JUDY G SMITH, 2735
JOHN J SULLIVAN JR., 2624
SEAN T SULLIVAN, 2686
DAVID W THATCHER JR., 4655
MICHAEL A THORSBY, 5720
ROBERT E TOBIN, 9467
BRIAN J TUCKER, 2959
ROBERT H WAGNER JR., 1938
PAUL J WAPENSKY, 7768
KEVIN W WEBER, 8054
JOHN G WEMETT, 7172

CONFIRMATION

EXECUTIVE NOMINATION CONFIRMED BY THE SENATE APRIL 7, 2003:

THE JUDICIARY

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—*Monday, April 7, 2003*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. OTTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, April 7, 2003.

I hereby appoint the Honorable C.L. "BUTCH" OTTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 273. An act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

S. 302. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

S. 426. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential lease-holders shall have an option to purchase the parcels from the Commission, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 151) "An Act to amend title 18, United States Code, with respect to the sexual exploitation of children," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 342) "An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. ALEXANDER, Mr. DEWINE, Mr. KENNEDY, and Mr. DODD to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

SALUTING SENATOR MOYNIHAN

Mr. BLUMENAUER. Mr. Speaker, much has been written recently about Senator Daniel Patrick Moynihan, scholar, politician, diplomat, public servant. We have been reminded again, in the wake of his passing, of his intellectual and political contributions dealing with the most sensitive and complex questions of our society. Ideas that were controversial when he first advanced them are now accepted as conventional wisdom.

I rise today to salute this giant and his greatest gift, which is to influence how America faces its challenges. He was regarded appropriately as a tremendous architectural influence. No one over the last third of a century has done more to shape American communities. His influence can be seen from the steps of the Capitol with the creation of the Pennsylvania Avenue Redevelopment Corporation. He worked to restore once magnificent James Farley Post Office in New York back to life as a new Penn Station. He was the intellectual force behind the revolutionary 1991 ISTEA legislation, allowing communities to use transportation resources to shape their development rather than transportation choices shaping our communities. His legacy gave more power to citizens at all levels and made the money go farther to do more and better things.

As we begin the reauthorization this Congress of his landmark ISTEA legislation, we deal with many opportunities to revitalize America's communities through wise infrastructure investment, a critical and underappreciated part of the Moynihan legacy. But, Mr. Speaker, I think there is an even more important part of his legacy for those of us who serve in this Chamber. At a time when our problems appear more complex and difficult and when our divisions appear deeper than ever before, Senator Moynihan gave us a blueprint for channeling the riches and power of America to greatness at home and abroad. At a time when the activities here somehow make the most monumental occasions appear smaller than life, we can look to this intellectual and political giant, himself larger than life, who had a gift to magnify the things he said and did. His advice for us would be to put aside the narrow and the partisan, not to rationalize what we know to be reckless or inappropriate in the name of the legislative process, and have the courage to have the free exercise of ideas and debate, not to stifle discussion here on this floor.

Some of the Senator's more profound contributions initially appeared extraordinarily controversial. Only after they were entered into debate did their meaning take root and the controversial become the accepted. People here can honor the legacy of Senator Moynihan by doing the time-honored work of Congress, debating, listening, legislating, and working together in committee and in the House Chamber; and seize the tremendous opportunities to deal with world peace, the protection and economic security of our families and safeguarding the environment.

In honoring the memory of Senator Moynihan in practice, we will be honoring the trust that has been given to us by our constituents. We too can be larger than life rather than a side show while the real drama is worked out in some back room. We can reflect our own hearts and visions and the needs of our communities rather than being orchestrated by focus groups and special interests. Part of what characterized Senator Moynihan's genius was simply that he presented ideas regardless of the short-term public relations and political consequences. This meant that some people in Washington, D.C., were nervous working with him. It made it harder for some of the powers that be and the media pundits, but as the Senator proved time and time again, it made it easier to push America to do the right thing.

As someone raised in an often bipartisan or even nonpartisan Oregon political culture, this simple truth seems so obvious but somehow elusive in today's

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Washington, D.C. By doing our job as legislators, as independent, thoughtful representatives, we can make vital contributions during the most critical times since we were fighting Hitler and recovering from the Depression. I suspect the Senator himself would deem that to be a most fitting tribute to his legacy.

LET US DECLARE ENERGY INDEPENDENCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, there has been a lot of news, of course, about the war in Iraq. Where are we going and how long is it going to take to win the military battle. I think it is important that we do not underestimate the length of time it is going to take for the transition after we win the military battle. Bradley Smith and now some former Iraqi officials have suggested at least 2 years, maybe 2 years of martial law to get a society and a people who for most of their adult lives have never lived under any rule except Saddam Hussein. The transition to a democracy is going to take time. Brad also suggested that we should have a military base in Umm Qasr, down in the southeast corner of Iraq. How does all this play into probably the most extensive oil field potential for oil in the world in that country of Iraq?

This last weekend, some suggested that we are fighting in Iraq because of our dependence on foreign energy. While that is not true, the consequences of our dependence are certainly serious. This first became very clear to many of us during the Arab oil embargo during the early 1970s when at that time I was serving on the presidential oil policy commission. We need this foreign energy because it is a vital component for fostering economic growth, but considering the situation in Iraq, regardless of the consequences and the sluggishness of the economy, we need to reduce our energy dependence by serving and developing new sources of energy, and that need has probably never been greater in this country. This is why the energy bill passed out of our Committee on Science last week will be on the floor very shortly.

Oil and natural gas account for 39 and 23 percent of overall energy usage in our country. In the United States, domestic production of petroleum is nearly 8 million barrels a day, which includes 5.8 million barrels of crude oil and 2.2 million barrels of natural gas liquids; 8 million barrels a day in the United States. And while 11 countries have more petroleum reserves, we are currently the second largest producer in the world, behind only Saudi Arabia. Most of the new petroleum exploration taking place in the United States today is done by smaller companies. The bigger companies have decided they want to bypass the regulatory process, the environmental influence and the fact that we have already explored much in the United States for oil. So what we have left in the United States is mostly the smaller companies that are making this exploration.

Historically, conservation has been the primary method of reducing our dependence. It has been successful and we have seen American energy efficiency increase dramatically. Since 1970, GDP, our gross domestic product, has risen by 170 percent while energy consumption is up by only 42 percent. The energy bill will help us do even better with a focus on more efficient appliances, electricity generation and certainly automotive transmission. Because a growing economy would tend to increase use, the energy bill boosts our efforts to develop alternatives to petroleum. Today, America consumes about 19 million barrels of petroleum a day, about 44 percent of which is motor gasoline. That means a new motor fuel would have a dramatic impact on U.S. usage. The energy bill increases research into ethanol and biofuels made from agricultural crops. Science and research get substantial increases from language that we have added to the bill in order to develop and perfect emerging technologies, including fusion energy and neutron source power, we have heard a lot about hydrogen cells for automobiles, and certainly improved clean coal technology.

In conclusion, Mr. Speaker, our dependence built up slowly over decades. Unfortunately it may also take decades to reduce that dependence, even under the best of circumstances. Shocks and problems will continue to cause many problems for our economy and our foreign policy. Still, if we act now, research can secure the energy that the American economy needs to grow and produce and it can result in more and better good-paying jobs, not only for our generation but for our kids and our grandkids.

PRESIDENT BUSH'S VISIT TO BELFAST

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as you may know, President Bush is in Northern Ireland today to hold meetings with Prime Minister Blair to discuss and to strategize about the ongoing war in Iraq. While I understand that this important war summit will take up much of his time and energy, it is my hope that the President will take some time to discuss with Prime Minister Blair the current peace process in Northern Ireland.

Mr. Speaker, later this week, April 10 to be specific, will mark the fifth anniversary of the Good Friday Accords which set up the power-sharing government in Northern Ireland. Unfortunately, this power-sharing government has been suspended since October. Prime Minister Blair and his counterpart in Ireland, Bertie Ahern, have been negotiating for months with the representative parties to come up with an agreement that will allow for resumption of the Belfast Assembly.

As reported in today's New York Times, it seems the two prime ministers are planning to unveil an emergency formula that they hope will break the impasse and put the power-sharing government back on track. Mr. Speaker, while this is obviously good news, I worry that Prime Minister Blair will not go far enough to ensure that there is a lasting peace in Northern Ireland. Mr. Blair must take immediate steps in providing all residents of Northern Ireland the basic rights that they deserve. I hope that President Bush will use his influence with the Prime Minister to call on him to provide the people of Northern Ireland with a basic bill of rights. It is quite obvious to me that without a binding document that lays out the rights and liberties for all residents of Northern Ireland, the Belfast Assembly and the Good Friday Accords will not accomplish the goal of a permanent peace. Citizens of Northern Ireland should be guaranteed, at a bare minimum, the right against unreasonable search and seizures, the right against being detained without charges filed and the right to openly practice one's religion.

Mr. Blair must also address the issue of policing and military presence in the north. For people to feel safe and secure, they must be assured that there is a police force that is representative of the local population. Mr. Blair should enact the Patten Commission's recommendation on police reform. The North must provide its citizens with a full, fair and just reform of their police service. The police service of Northern Ireland must be representative of all ethnic, religious and political groups in Northern Ireland.

The people of Northern Ireland must also have a basic sense that they are not under siege by a military force. The Good Friday Agreement sets out a framework for peace. If the people of Northern Ireland are to live together peacefully, they must not have a sense that they live in a police state.

Mr. Speaker, again I call on both President Bush and Prime Minister Blair to mark the fifth anniversary of the Good Friday Accords with an agreement that will have a lasting effect on Northern Ireland. I hope that

Mr. Bush and Mr. Blair will use this opportunity in Northern Ireland to show the people of the North as well as the rest of the world that they are committed to making the agreement that was signed 5 years ago a true framework for a permanent peace.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This faithless generation looks to You for a sign, Lord God. Your Word once came to Jeremiah with the question: "What do you see, Jeremiah?" The prophet replied: "I see a branch of the watching tree." Then, Lord, You said to him: "Well have you seen, for I am watching to fulfill my Word."

Lord, we keep watching on television a distant war, looking for signs of its ending. In our prayer we ponder Your Word, waiting for its fulfillment of peace.

Suddenly, the subtlety of Your language, Lord, reveals a hidden meaning. The Hebrew name for the almond tree contains a play on words with "I am watching."

With us and in us You keep vigil for a springtime of promise, for the almond tree got its name as the watching tree because it is the first to blossom in the early rise of spring, as though it had never been sleeping.

Lord, You have been watching with us. You are with us, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING DAVID BLOOM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as we look at the tragic loss of life which has taken place through this war which, thank God, is being successful, there are obviously the families of those men and women in uniform, but there are also some familiar faces who tragically have been lost.

Michael Kelly, we got the word last Friday, was lost; and over the weekend, we heard the word that my good friend and a great reporter, David Bloom, tragically died.

I got to know David Bloom because he was a student at one of the Claremont Colleges I attended, and we became friends several years ago. While he did not cover Capitol Hill, I had the opportunity to travel with him, and we were, oh, so proud of his reporting.

A couple of weeks ago, I had dinner with a Marine Corps general who was talking about the great coverage that MSNBC was providing, and David Bloom was one of the great reporters. He had that "Bloom-Mobile," which traveled, as the chaplain just talked about, how we are all watching on television. We saw him move and provide fascinating reports.

He was praised by his colleagues over the past couple of days, and I just would like to say that my thoughts and prayers go to his wife, Melanie, and their lovely daughters.

COMMENDING OUR SOLDIERS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as I was about to come over, there was a young man in my office visiting one of my staffers, Lance Corporal Jason C. Smedley, and he was proudly displaying his Purple Heart. He had been wounded in an attack in An Nasiriya, Iraq, on March 26, 2003, and is now home to recuperate, and as we talked about what he would do next, he said, "I want to hurry up and get well so I can go back and rejoin my unit."

I was struck by that, struck by his seriousness, by his desire, and struck by the fact that he said that there is still much work to do, to try and rebuild what we are at this moment helping to tear down.

So I simply commend again to all of the soldiers who are giving of themselves in this time in honor of their country, looking for a better future and a better tomorrow.

HONORING NORMAN D. SHUMWAY

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, shortly we will honor someone who was an outstanding Member of the House of Representatives for a number of years here, Congressman Norman D. Shumway, who served the 14th Congressional District for 12 years prior to his retirement at the end of the 101st Congress, ending in the first days of 1991. I was privileged to be his successor to Congress.

Mr. Shumway had a distinguished career here and served on what was then called, I think, the Banking, Finance and Urban Affairs Committee and the Merchant Marine and Fisheries Committee.

He has been a long, long-time resident of San Joaquin County and served on the board of supervisors there; and he and his wife were very involved in the community, made great contributions, and soon I believe the gentleman from California (Mr. POMBO) will be bringing up a resolution to name a post office in his honor.

Norm Shumway epitomizes the type of person we would like to have representing the people of the United States, someone who believes in this country, in its values, someone who believes in faith and family and hard work, and someone who has a great appreciation for the blessings of freedom and who worked during his years here to promote the values that have made this country a great place to be.

I have not seen Norm for several years. Norm and Luana, but I consider them dear friends, and I am very, very pleased to join with my colleagues here shortly in honoring Norm for the service that he had here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

DR. ROSWELL N. BECK POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1055) to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building".

The Clerk read as follows:

H.R. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, shall be known and designated as the "Dr. Roswell N. Beck Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Dr. Roswell N. Beck Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1055, introduced by my distinguished colleague from the State of South Carolina (Mr. CLYBURN), designates the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the Dr. Roswell N. Beck Post Office Building.

Mr. Speaker, the great State of South Carolina and indeed all of America lost a wonderful humanitarian when Dr. Roswell Nathaniel Beck, Sr., sadly passed away in January. Dr. Beck, who was not only a caring man, but in fact, a practicing physician, was probably best known as an ambitious community organizer and political activist in the Florence area. I understand he was one of the most influential and beloved personalities in South Carolina's 6th District, which the gentleman from South Carolina (Mr. CLYBURN) represents. More importantly, Dr. Beck was a wonderful family man, as well as a friend to countless South Carolina residents, who looked up to him.

I assure Dr. Beck's family, especially his wife, Barbara and their children, Janice, Celeste, and Dr. Roswell Beck, Jr., and friends that the thoughts and prayers of all Members in this House are with them.

Mr. Speaker, it is very appropriate that this House recognize Dr. Roswell N. Beck by naming a post office building after him in his hometown of Florence, South Carolina. Therefore, I urge all Members to support the passage of H.R. 1055.

I thank my colleague from South Carolina for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join the gentleman from Virginia (Mr. TOM DAVIS), the chairman, in consideration of H.R. 1055, legislation naming a postal facility after the late Dr. Roswell N. Beck, Sr.

H.R. 1055, introduced by the gentleman from South Carolina (Mr. CLYBURN) on March 4, 2003, enjoys the support and cosponsorship of the entire South Carolina congressional delegation.

Dr. Beck was born in South Carolina, attended Fisk University and received his medical degree at the prestigious Meharry College of Medicine in Nashville, Tennessee. After completing his residency in Baltimore, Maryland, and Mt. Sinai in New York, Dr. Beck served with great distinction in the Korean War as a medic in the Medical Corps. After winning a Bronze Star for service rendered in the war, Dr. Beck returned home to live and practice in Florence, South Carolina.

Described by the many dignitaries who attended his funeral on January 10, 2003, as a great humanitarian, physician, political power broker, accomplished musician and family man, Dr. Beck's life was dedicated to improving the quality of life for his fellow man. He organized the Florence Committee for Community Affairs, brought the first Head Start program to his town, served as chairman of the Voter Education Project, was an active member of the South Carolina Commission on Alcohol and Drug Abuse and the South Carolina Commission on Human Relations, and served as a trustee of the Medical University of South Carolina.

☐ 1415

As chairman of the Voter Education Project, Dr. Beck was the driving force in promoting the need for citizens to register and vote.

As an active member of his church and community, Dr. Beck was the recipient of numerous awards and citations. He is survived by his wife, Barbara Beck, and their three children, Janice Beck, Celeste Abdullah, and Dr. Roswell N. Beck, Jr.

Mr. Speaker, I applaud my colleague, the gentleman from South Carolina (Mr. CLYBURN), for seeking to honor Dr. Roswell N. Beck, Sr., in this manner. I urge swift passage of this bill.

Mr. Speaker, I know that the gentleman from South Carolina (Mr. CLYBURN) was trying to get here, and maybe he will come before we finish the next bill and will get an opportunity to speak to his bill naming the post office after Dr. Roswell N. Beck.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume, and while I have no further requests for time, I would like to ensure that the gentleman from South Carolina (Mr. CLYBURN) has the opportunity to place his statement, when it comes in, at the appropriate point in the RECORD. It is he and his office that have called this bill to our attention, and we are very happy to move it very quickly to honor the memory of this very great South Carolinian.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of South Carolina (Mr. CLYBURN), the author of this legislation.

Mr. CLYBURN. Mr. Speaker, I thank the chairman and the ranking member, and I especially thank the ranking member for yielding me this time.

Mr. Speaker, this bill honors the life and accomplishments of a consummate country doctor, the memory of a decorated Korean War veteran, the heroism of a courageous American, and the fearlessness of an outstanding South Carolinian, Dr. Roswell Nathaniel Beck, Sr.

Dr. Beck was born in Georgetown, South Carolina. After completing high school, he left the safe confines of his home and matriculated at Fisk University in Nashville, Tennessee, where he received a bachelor of arts degree. After completing his course work at Fisk, Dr. Beck attended Meharry Medical College where he received his medical degree. After finishing his medical residency requirements in Baltimore, Maryland, Dr. Beck returned to South Carolina in 1948 and began practicing in Florence. He took great pride in addressing the medical needs of his community.

In 1951, Dr. Beck left South Carolina once again, but this time it was to answer the call of his country and serve in the Korean War. Dr. Beck performed valiantly in the medical corps and was awarded the Bronze Star for service in war.

Upon his return to South Carolina, Dr. Beck sought to not only confront the physical ailments of his community but set his sights on the social malignancies that afflicted so many of his patients. Dr. Beck was courageously and very fearlessly thrust into the vortex of the civil rights activities in South Carolina. He served as the chairman of the Voter Education Project for the sixth congressional district, where he tirelessly promoted the importance and the need for citizens to register and vote. He organized the

Florence Committee for Community Affairs and was instrumental in bringing the first Head Start program to Florence, South Carolina.

In addition to his courageousness, Dr. Beck was fearlessly following his heart throughout his career. He also had a keen sense of history. Mr. Speaker, in 1972, when Shirley Chisholm made her courageous history-making run for the Presidency, the record will show that she received two delegate votes from South Carolina. Dr. Beck was one of them and I the other.

During his distinguished career, Dr. Beck also served on the boards of the South Carolina Commission on Human Relations and the South Carolina Commission on Alcohol and Drug Abuse. He also served on the Board of Trustees of the Medical University of South Carolina. He was awarded the Order of the Palmetto by Governor Richard W. Riley of South Carolina and named Medical Doctor of the Year by the intercounty Medical, Dental, and Pharmaceutical Association.

Dr. Beck holds an esteemed place in the hearts of many South Carolinians. I am particularly proud of and owe a great deal of debt of gratitude to him. His work as a physician, humanitarian, community activist, and family man has touched the lives of multitudes. Mr. Speaker, I do not believe that I would be standing here today were it not for the courageousness and fearlessness of this man, who so many of us consider a hero.

Mr. Speaker, Dr. Beck has received many recognitions and awards; and I am honored that this august body is about to bestow upon his memory and his family yet another. Mr. Speaker, to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the Roswell N. Beck Post Office Building is not only fitting but proper.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to simply note that it seems to me that the gentleman from South Carolina (Mr. CLYBURN) ran in good company.

Mr. Speaker, I have no further requests for time, and I am pleased to yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from South Carolina for introducing this. It is an important recognition, and I think he very lucidly laid out for the House his reasons for doing it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1055.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF HOUSE ON FINANCIAL LITERACY FOR YOUTH MONTH

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 127) expressing the sense of the House of Representatives that a month should be designated as "Financial Literacy for Youth Month," as amended.

The Clerk read as follows:

H. RES. 127

Whereas the informed use of credit and other financial products and services benefits individual consumers and promotes economic growth;

Whereas financial literacy encourages greater economic self-sufficiency, higher levels of homeownership, and enhanced retirement security, particularly among low- and moderate-income Americans;

Whereas the past decade has seen declining personal savings rates, increased bankruptcy filings, and rising percentages of family income devoted to servicing household debt;

Whereas millions of Americans, the "unbanked", have never established account relationships at mainstream, insured depository institutions;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 83 percent of college students have at least 1 credit card;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2002 study by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than seniors did 5 years ago;

Whereas a 2002 survey by the National Council on Economic Education found that a decreasing number of States include personal finance in their educational standards for students in Kindergarten through 12th grade;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas personal financial management skills and long-lived habits develop during childhood;

Whereas personal financial education is essential to ensure that our youth are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated each April as "Financial Literacy for Youth Month", the goal of which is to educate the public about the need for increased financial literacy for youth in America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports the goals and ideals of "Financial Literacy for Youth Month"; and

(2) requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe "Financial Literacy for Youth Month" with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes of this debate.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution under consideration, House Resolution 127, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 127, introduced by my distinguished colleague, chairman of the Committee on Rules from the State of California (Mr. DREIER), recognizes and supports the goals and ideals of a Financial Literacy for Youth Month.

Mr. Speaker, I want to commend the distinguished chairman for introducing this measure. Personal financial management is one of the most important skills for any American citizen to acquire, yet not enough emphasis seems to be put in our society on teaching these abilities to our Nation's young people. Establishing a personal budget, managing credit and debt, tracking purchases, and balancing checking, savings, and retirement accounts are tasks as difficult as they are essential. But the individual security that comes with being financially literate and responsible is invaluable for everyone. That is why it should be a goal of all Americans to work to teach our Nation's youth the basic financial literacy skills they will need to live a life of financial security.

That is why I am pleased that this House is considering this important resolution at a time when economic confidence is such a relevant value. Mr. Speaker, I urge all Members to support the adoption of House Resolution 127, as amended; and again I congratulate my colleague from California for introducing this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution introduced by the chairman of the Committee on Rules which encourages the Jump$tart Coalition's efforts to designate April as Financial Literacy Month for Youth. As the resolution notes, 83 percent of college students have at least one credit card: and of those, 45 percent have an average credit card debt of over $3,000. This is at a time when a decreasing number of States include personal finance in their education standards for kindergarten through 12th grade.

This resolution serves as a wake-up call for all of us, the administration, Congress, and the American taxpayer. The Jump$tart Coalition's aim is to identify personal finance materials for educating our youth. To that end they have established 12 must-know personal finance principles for young people if they want to make a positive difference in their financial outlook.

At this time of budget and tax cuts and a floundering economy, all of us might benefit from hearing these 12 financial principles. It does not really matter whether you are young or old. They are:

Map your financial future. Do not expect something for nothing. High returns equal high risk. Know your take-home pay. Compare interest rates. Pay yourself first. Money doubles by the rule of 72, and that is to determine how long it will take your money to double, divide the interest into 72. Your credit past is your credit future. Start saving young. Stay insured. Budget your money. Do not borrow what you cannot repay. And let me add one more, especially since the 15th is not too far away. Pay all of your taxes.

Again, Mr. Speaker, I am pleased to support this resolution designating April as Financial Literacy for Youth Month, and I urge all of us to strongly support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of California (Mr. DREIER), the distinguished sponsor of this legislation.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my good friend, the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee, and the ranking member, the gentleman from Illinois (Mr. DAVIS), the Davis twins here, who have moved this measure forward for us. They have outlined quite well exactly what it is that we are trying to do.

When I was a kid, Mr. Speaker, I got my first passbook savings account: and I was stunned when I put a little bit of my allowance into the account. It actually grew without my doing anything other than having it there in that account. I was told by my father I needed to establish some credit. It has not always been great, but he told me that I needed to establish credit, which was another very, very important lesson that I learned as a child.

I believe that the whole idea of individual initiative and responsibility for one's actions is very important. I had that instilled in me as a kid. But one of the things that we found, tragically, is that with the proliferation of credit cards, just mentioned by the gentleman from Illinois (Mr. DAVIS), and the issue of just trying to balance a checkbook, which my friend from Virginia raised, we have young people who do not have an understanding of the basics of what it takes to meet one's financial obligations. So that is why the Jump$tart Coalition, and a wide range of other groups, have joined in providing strong support for focusing on April as Financial Literacy for Youth Month.

Mr. Speaker, I have been joined by my colleagues, the gentleman from North Dakota (Mr. POMEROY), and others who have been cosponsors of this legislation, the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services; the gentlewoman from Illinois (Mrs. BIGGERT); the gentleman from Wisconsin (Mr. PETRI); the gentleman from Tennessee (Mr. FORD); the gentleman from Arkansas (Mr. ROSS), as well as others.

One of the things we found over the past several years, Mr. Speaker, is that we have seen a tremendous increase in the number of bankruptcies, up to 1.6 million bankruptcies last year alone.

□ 1430

Mr. Speaker, I have talked about my having a passbook savings account when I was a kid. We have noticed that the personal savings rate has dropped from 4.7 percent in 1998 to 2.3 percent in 2001. I believe that this legislation will help us focus some attention on this initiative.

Now, the National Council on Academic Education is an organization which has put together some of the tools for schools around this country to try and enhance financial literacy among our young people. I am very pleased in the district which I am privileged to represent, the Cucamonga Middle School, the Glendora High School, Monrovia High School, Ranch Cucamonga High School and San Dimas High School have all utilized the information that has come forward from the National Council on Economic Education.

We also have others around the country who are doing the same thing.

I want to say that the stellar leadership of the gentleman from Virginia (Mr. TOM DAVIS) has led him to expeditiously move this legislation, which I believe is going to enjoy strong bipartisan support due to the strong and resonant statement from the gentleman from Illinois (Mr. DAVIS). I urge my colleagues to join in supporting it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know that the gentleman from Texas (Mr. HINOJOSA) has a great deal of interest in this legislation and hopes to be able to speak on the legislation.

I will simply close by stating that my mother used to say that a penny saved is a penny earned and my father used to say if one takes care of their nickels, the dimes will take care of themselves. It seems to me, that kind of logic is inherent in urging young people to pay attention at an early age to their financial concerns.

I commend the gentleman from California (Mr. DREIER) for its introduction, and urge all Members to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of House Resolution 127, stating that a month should be designated for Financial Literacy for Youth. I believe that financial literacy is an empowering tool, and this is something that can benefit all individuals, regardless of their class or background. Designating a month for programs and activities designed to learn more about financial planning is a phenomenal idea, and I am a staunch supporter of the effort.

Gaining more knowledge of fiscal and budget management leads to wiser financial decisions in the future. Too often we have people who are not taught these skills in their childhood, and have a difficult time managing their money later in life. Higher financial literacy encourages greater economic self-sufficiency, higher letter of home ownership, as well as enhanced retirement security.

In my own district in Houston, Texas, I am an advocate of the WOW program, With Ownership, Wealth. Families that have invested in their houses are also investing in the community. When each person has an interest in keeping his or her communities safe, clean and properly taken care of, then the property value will raise. As owners of the homes, this will yield more prosperity on each account, for the community and for the individual.

Financial literacy should also be encouraged for our students entering college. A college freshman is inundated with credit card offers, promising more wealth and responsibilities than they have ever had before. Without proper financial skills, a credit card can lead to student debt, creating more burdens and hardships than necessary. Financial literacy month can reach out to these students, to understand the fiscal consequences of their action, and protect them from future debts that can be difficult to relieve, particularly at a time when building a sound credit history is so vital.

Financial literacy is also important for our elderly population. Since social security and pensions often do not cover all of the basic needs, proper financial planning is often needed to insure that people will be taken care of post retirement. A Financial Literacy Month can provide outreach to the younger populations who often fail to think of securing their futures until it is too late.

I am proud to support this Financial Literacy for Youth Month, and thank my colleagues for bringing this idea to the house floor. If we can empower the youth in our nation to make smart, economical decisions, we all stand to benefit.

Mr. OXLEY. Mr. Speaker, I rise today in support of House Resolution 127, to designate a "Financial Literacy for Youth Month."

To ensure the strength and resiliency of our nation's economy, it is vital that we instill in our next generation of consumers an understanding of today's increasingly complex financial world.

In a recent survey of our high school seniors' financial knowledge by the Jumpstart Coalition for Personal Financial Literacy, over half received a failing grade, a percentage that has grown not only in the past five years, but in the five years before that as well. Yet the number of students using credit cards and ATM cards has gone up—45 percent of college students have credit card debt averaging $3066. As this trend grows, we need to make sure they understand the implications and responsibility of credit.

Currently, fewer than 30 percent of young Americans are even given the opportunity to take money management or personal finance classes in high school. This needs to change.

There are as many as 10 federal departments and agencies that today offer a wide variety of educational programs and resources along with a growing number of states and private programs. Just last May, the Treasury established an Office of Financial Education. We need to ensure that schools nationwide are aware of these programs and encouraged to utilize them.

With America's youth spending about $150 billion annually and more and more marketing campaigns targeting youth, it is important to give them the tools they need to make smart financial decisions.

In the 1990s, personal bankruptcies rose by 69 percent, and we need to combat this trend.

Educating the next generation early and well will help to contribute to the nation's economic vitality.

They need to understand that there are serious consequences to mismanaging one's finances. They need to know that there are investing options other than putting your money in a savings account. They need to understand the importance of starting to prepare for retirement early.

They need to understand that the long-term pain of mismanaged personal debt is not worth the short-term gain. The need to understand that responsible use of today's financial tools can help them to maximize their purchasing power.

In conclusion, I would like to commend the gentleman from California (Mr. DREIER) for recognizing this vital need and I urge my colleagues to support this important initiative.

Mr. HINOJOSA. Mr. Speaker, I rise in support as a cosponsor of House Resolution 127, naming April the Financial Literacy for Youth Month, and I commend Congressman DAVID DREIER for introducing this important legislation.

I always say that education is the key to success, and providing financial literacy for our youth is an integral part of that process. The resolution expresses the sense of the House that the President should issue a proclamation calling on the federal government, states, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

Designating April as the Financial Literacy for Youth Month should raise public awareness about the need for increased financial literacy in our schools and the serious problems that may be associated with a lack of understanding about personal finances. As Federal Reserve Board Chairman Alan Greespan noted recently:

> Today's financial world is highly complex when compared with that of a generation ago. An understanding of how to maintain a checking and savings account at a local financial institution may have been sufficient twenty-five years ago. Today's consumers, however, must be able to differentiate between a wide range of products, services, and providers of financial products to successfully manage their personal finances. Certainly, young adults have access to credit at a much earlier age than their parents did. Accordingly, they need a more comprehensive understanding of credit than was afforded to the previous generation—including the impact of compounding interest on debt balances and the implications of mismanaging credit accounts. In addition, as technological advances have contributed significantly to the dramatic changes within the financial services market, consumers more generally must be familiar with the role that computers play in the conduct of every traditional financial transaction, from withdrawing funds to gaining access to credit.

For these reasons and many more, it is imperative that we ensure our youth's financial literacy. Although several groups, including the Department of the Treasury's Office of Financial Education, have recommended that this be accomplished by incorporating financial literacy into math and English classes, I personally believe that we need to focus more on individual financial literacy curriculums. The Federal government should provide additional funds to accomplish this goal. Granted, the No Child Left Behind Act makes $385 million available in Innovation State Grant funds for distribution to the states, but only some of that money will be used to fund financial education initiatives. We need to do more, and we need to use April, the Financial Literacy for Youth Month, to work towards these goals. On the state level, I would hope that the education boards would focus on financial literacy and work with their state legislatures to require at least two semesters of financial literacy as a requirement for graduation from high school. In my own state of Texas, the Independent Bankers Association of Texas has been working diligently towards such a change in curriculum. I hope that more take up this cause.

Some may ask why I am so interested in financial literacy. The reason is that I represent one of the poorest Districts in the nation where people still keep their money in their house and under their mattresses. I am speaking of the "unbanked." Those individuals who tend to be exploited by payday lenders, use expensive money grams for remittances and are subject to crime because they have not entered the mainstream banking system. It is for these people that I am interested in financial literacy and for these reasons that I cosponsored this bill.

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H. Res. 127, recognizing April as "Financial Literacy for Youth Month". I am pleased to join my friend and colleague from California, Mr. DREIER, in raising awareness of the need for our youth to learn financial management skills at an early age. If our schools don't teach the ABC's of financial literacy, it doesn't take an accountant to understand that our children are more likely to fall into debt and behind in life.

The financial world has dramatically changed over the last 20 years. The passage of complex laws, like Gramm-Leach-Bliley, has created a whole new world of integrated financial service products and possibilities. While we certainly don't expect children to understand the ins-and-outs of deregulation, some of the effects of this new and modern system are slowly starting to surface and will impact them later on in life.

Mr. Speaker, with all these new choices there is a new responsibility on our part to educate our youth. Why? Because teaching them about personal finance is the best way to prepare them for a financially rewarding adulthood as contributing members of society.

They need to know how to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. It is through financial education that these young consumers will learn to capitalize on the choices and flexibility that this new world has created.

The most effective time to impact basic financial and economic knowledge is during students' formative years, through the K–12 education system. In passing H. Res. 127 it is my hope that public officials and educators will focus on this critical learning area. While the landmark "No Child Left Behind Act" focused on mathematics and reading education, policymakers and local educators can use this as an opportunity to integrate economics and personal finance into these and other subject matters.

A survey that will be released later this month by the National Council on Economic Education (NCEE) illustrates accomplishments and challenges in the areas of economics and personal finance education. NCEE's "Survey of the States" found that 48 states in 2002 and the District of Columbia had economic education standards in place, up from 38 states in NCEE's first "Survey" in 1998. Testing for economics increased from 25 states in 1998 to 27 states in 2002.

However, in the area of personal finance, less progress has been evident. While 40 states had set standards for personal finance education in 2000, only 31 states renewed such standards in 2002. Of those 31 states, only 14 require the standards to be implemented.

Make no mistake—personal finance is the key to helping our youth avoid the pitfalls of foreclosure, predatory lending and credit counseling as adults.

Mr. Speaker, the President's sweeping education reform bill that we passed in the last Congress addresses many of the academic skills that our youth need to succeed. We cannot forget about the need to teach our youth more than purely academic skills. We mustn't forget life skills. We must help them learn to manage their personal finances.

It is our duty to help them succeed in today's increasingly sophisticated world of finance.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I think the gentleman from California (Mr. DREIER) has put it very eloquently. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 127, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NORMAN SHUMWAY POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1368) to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the "Norman Shumway Post Office Building," as amended.

The Clerk read as follows:

H.R. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NORMAN D. SHUMWAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, shall be known and designated as the "Norman D. Shumway Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Norman D. Shumway Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, H.R. 1368 designates the postal facility at 7555 Pacific Avenue in Stockton, California, as the Norman D. Shumway Post Office Building. I wish to thank the entire California delegation for their support of this legislation, as well as the gentleman from Virginia (Mr. TOM DAVIS) for his committee's expeditious handling of the bill.

Former Congressman Shumway's leadership reflected three major goals: first, to restore government back to the people; second, to build the people's confidence in government; and third, to make government accessible and effective for his constituents.

Elected to Congress in 1978, Norm was overwhelmingly reelected to each succeeding congressional term until his retirement in January 1991.

Norm was a man of the people who always made time for personal meetings at his home and in D.C. He was keenly aware of and committed to the needs of all of his constituents, whether they were children or seniors, farmers or businessmen, military or civilian. As the representative of a large farming district, Norm worked hard to promote policies enabling farmers to meet the demands of the domestic marketplace. He was a strong proponent of senior citizens as he brought several aging committee hearings to the district to address the needs of older Americans.

Before and after his service in Congress, Norm worked diligently for the people of California on the San Joaquin Board of Supervisors, where he served as both chairman and vice chairman, and the Public Utilities Commission in California where he served as commissioner for 4 years.

Naming the Pacific Avenue Post Office after Norm is a small tribute to the Congressman for his contributions to California and our Nation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with the gentleman from Virginia (Mr. TOM DAVIS) in consideration of H.R. 1368, a measure which names the Postal Service facility after former Representative Norm D. Shumway. H.R. 1368, introduced by the gentleman from California (Mr. POMBO) of California on March 19, 2003, enjoys the support and cosponsorship of the entire California congressional delegation.

Representative Norman D. Shumway served in the U.S. House of Representatives from 1978 until his retirement in January 1991. While in Congress, he served on a number of important committees, the Committee on Banking, Finance and Urban Affairs, the Committee on Merchant Marine and Fisheries and the House Select Committee on Aging.

A lifelong student of the customs and culture of the Japanese people, Representative Shumway was one of two Members of Congress who spoke fluent Japanese. As a result of his language skill and position on congressional committees, Norm participated in many seminars and conferences dealing with trade issues and U.S.-Japanese relationships.

Although retired for a number of years, Norm Shumway has remained active in his community, State and church. He is a lifelong member of the Church of Jesus Christ of Latter-Day Saints, and in that capacity, he has served as a missionary, seminary instructor, High Priest Group leader, Bishop, teacher and ward organist. He has served as a commissioner on the California Public Utilities Commission and parole board member of the California Narcotic Addiction Evaluation Authority.

Mr. Speaker, in keeping with the tradition of naming postal facilities after distinguished individuals, I thank our colleague for seeking to honor Norman D. Shumway in this manner, and urge swift passage of H.R. 1368.

Mr. Speaker, I do not believe I have any additional requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I appreciate the chance to join in this salute to Norm Shumway as we prepare to name this post office in his honor.

In reviewing his biography, Norm has been a son of San Joaquin, and quite legitimately is. I do note in his biography he was actually born in Phoenix, Arizona, on July 28, 1934. In 1939 his family moved to California and was Norm was educated in the Stockton public school system and graduated from Stockton High School in 1952. He received his A.A. degree from Stockton which is now known as San Joaquin Delta Community College in 1954, and then as the gentleman from Illinois (Mr. DAVIS) mentioned, Norm began his acquaintanceship with Japan when he served a church mission there from 1954 to 1958.

When he returned from the Orient, Mr. Shumway enrolled at the University of Utah from which institution he received a Bachelor of Science degree in political science in 1960, and then he commenced his legal education and graduated with a Juris Doctorate degree from the University of California's Hastings College of Law in San Francisco in 1963.

Mr. Shumway had been a partner in a Stockton law firm, and then in 1974 a vacancy occurred in the San Joaquin Board of Supervisors, and pursuant to State law at the time, the Governor, Ronald Reagan, appointed Norm to fill that vacancy and he was later elected to the same position and was reelected in 1976, and he served as chairman of the Board of Supervisors in 1978 prior to his election that same year to the United States House of Representatives.

Norm, I think it was mentioned, and his lovely wife Luana are the parents of six children and 30 grandchildren. As has been mentioned before, he has been a very faithful member of the Church Jesus Christ of Latter-Day Saints and has served in numerous positions; after leaving here and serving briefly, I think for several years, on the California Public Utilities Commission, he then served as a Mission President in Japan for 3 years. Then he and Luana returned, and I believe it was later on in the year of their return they were asked to go back to Japan again, where they served in the Public Information Office for one of the missions in the church over there; and I think they were there for perhaps another 3 years.

Norm and Luana now serve in Utah as Director of Church Hosting which involves educating distinguished visitors to Utah about the Church of Jesus Christ of Latter-Day Saints, its mission and its organization.

Norm is an outstanding person and has a great deal left to contribute, and is actively doing so at this time as he and his wife Luana make their home in Bountiful, Utah, where they are serving the church on this mission. I thank the gentleman for allowing me to share these comments.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I guess I am the only Member in the Chamber who had the privilege of serving with Norm Shumway. I want to express my appreciation to the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) for moving this legislation.

I think probably the greatest testament to the success of Norm Shumway is the fact that it took both the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. POMBO) to fill his shoes because both represent the area that Norm Shumway was first elected to.

My colleagues have gone through the litany of accomplishments in his great work on his church mission. It has been mentioned that he speaks fluent Japanese, and I believe that is a great talent which he utilized here. At one time, he was the only Member of Congress who spoke Japanese, and I do not know if anyone since he left speaks Japanese but he is very, very thoughtful and very aware of all of the issues as they relate to Japan.

Mr. Speaker, I had the privilege of sitting with Mr. Shumway on the Committee on Banking, and he had an unwavering commitment to free market principles. I always knew that I could follow the lead of my senior colleague on the committee when it came to dealing with issues that related to financial services. He was a very, very principled Member, and I think it is a great tribute for us to name this post office for him.

I had the privilege of campaigning with Norm Shumway on behalf of the election of the gentleman from California (Mr. POMBO), and he still won in spite of the fact that I was campaigning for him. We were at the University of Pacific stadium, had a wonderful evening there, and Norm gave a great speech in support of the gentleman from California (Mr. POMBO) in that effort. Even after having left the Congress, he has maintained a strong commitment to this institution.

I would like to join with my colleagues in extending congratulations and best wishes to his wonderful wife, Luana, and their six children and 30 grandchildren whom we just heard about.

□ 1445

So I again thank the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) for moving this important legislation, and I congratulate the gentleman from California (Mr. POMBO) and the gentleman from California (Mr. DOOLITTLE) for doing a reasonably good job at succeeding Norm Shumway.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from California for adding to the legacy of Norm Shumway.

He was known for effectively representing the business community in the House where he rose as ranking member of the Committee on Banking Finance and Urban Affairs' Subcommittee on Economic Stabilization. He was a soft-spoken Member who often communicated to his constituents and the public by writing articles for selected journals, newspapers, and other publications.

He has continued, as has been noted, to altruistically work for public interests even leaving this body, serving on the Public Utilities Commission for the State of California as a commissioner for 4 years. Subsequently, the Governor appointed him to the Narcotic Addict Evaluation Authority where he worked for another year.

He now lives with his wife in Bountiful, Utah, where he valiantly tries to keep tabs on his 30 grandchildren. I know I speak for all Members when I say the House wishes him well.

We honor him today, and I urge all Members to honor him by supporting the passage of H.R. 1368. I thank the gentleman from California (Mr. POMBO) for introducing this important measure. I thank the gentleman from California (Mr. DOOLITTLE) for being here and carrying on his legacy.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1368, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 48 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 30 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1559. An act making emergency wartime supplemental appropriations for the fiscal year ending September 10, 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1559) "An Act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1055, by the yeas and nays;

H. Res. 127, by the yeas and nays; and

H.R. 1368, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second electronic vote will be conducted as a 5-minute vote.

DR. ROSWELL N. BECK POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1055.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1055, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 51, as follows:

[Roll No. 109]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—51

Bachus
Becerra
Boyd
Brown, Corrine
Calvert
Camp
Combest
Conyers
Cooper
Costello
Cox
Dooley (CA)
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gutierrez
Hinchey
Hinojosa
Hoeffel
Honda
Hulshof
Hyde
Jefferson
Jenkins
Larsen (WA)
Lewis (CA)
Lipinski
Lucas (OK)
McCarthy (MO)
Murtha
Neal (MA)
Owens
Payne
Portman
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rush
Sessions
Simpson
Smith (TX)
Stupak
Sweeney
Taylor (NC)
Towns
Vitter
Weiner
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes in which to record their vote.

□ 1851

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be conducted as a 5-minute vote, and the final vote will be a 15-minute vote.

EXPRESSING SENSE OF HOUSE ON FINANCIAL LITERACY FOR YOUTH MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 127, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 127, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 1, not voting 53, as follows:

[Roll No. 110]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)

Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Frank (MA)

NOT VOTING—53

Bachus
Becerra
Boyd
Brown, Corrine
Calvert
Camp
Combest
Conyers
Cooper
Costello
Cox
Dingell
Dooley (CA)
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gutierrez
Herger
Hinchey
Hinojosa
Hoeffel
Honda
Hulshof
Hyde
Jefferson
Jenkins
Larsen (WA)
Lewis (CA)
Lipinski
Lucas (OK)
McCarthy (MO)
Meek (FL)
Murtha
Neal (MA)
Owens
Payne
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rush
Sessions
Simpson
Smith (TX)
Stupak
Sweeney
Taylor (NC)
Towns
Vitter
Weiner
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes in which to record their vote.

□ 1858

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution recognizing and supporting the goals and ideals of 'Financial Literacy for Youth Month'.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, the next vote will be a 15-minute vote.

NORMAN SHUMWAY POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1368, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1368, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 54, as follows:

[Roll No. 111]

YEAS—380

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Akin
Bachus
Ballenger
Becerra
Boyd
Brown, Corrine
Calvert
Camp
Cantor
Combest
Conyers
Cooper
Costello
Cox
Dooley (CA)
Everett
Ferguson
Fletcher
Gallegly
Gephardt
Gutierrez
Hinchey
Hinojosa
Hobson
Hoeffel
Honda
Hulshof
Hyde
Jefferson
Jenkins
Larsen (WA)
Lewis (CA)
Lipinski
Lucas (OK)
Matsui
McCarthy (MO)
Murtha
Neal (MA)
Owens
Payne
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rush
Sessions
Simpson
Stupak
Sweeney
Taylor (NC)
Towns
Vitter
Weiner
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are reminded that there are 2 minutes remaining on this vote.

□ 1918

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "To designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the 'Norman D. Shumway Post Office Building'.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CALVERT. Mr. Speaker, I regret to inform you I have been unavoidably detained, due to airline transportation delays, and will not be present for votes today, April 7, 2003.

However, if I had been present, I would have voted "Yea" on rollcall vote Nos. 109, 110, and 111.

APPOINTMENT OF CONFEREES ON S. 342, KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes, with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Education and the Workforce, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHNER, HOEKSTRA, PORTER, GREENWOOD, NORWOOD, GINGREY, BURNS, GEORGE MILLER of California, HINOJOSA, Mrs. DAVIS of California, Mr. RYAN of Ohio and Mr. DAVIS of Illinois.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. BACA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF S. 380, POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. LINDER. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House S. 380; that the bill be considered as read for amendment; that the previous question be considered as ordered on the bill to final passage without intervening motion except for (1) 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; (2) the amendment numbered 1 to H.R. 735 in the CONGRESSIONAL RECORD if offered by Representative WAXMAN of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment or a demand for division of the question; and (3) one motion to recommit with or without instructions; and that following passage of S. 380, H.R. 735 shall be laid upon the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

HONORING U.S. ARMY SPECIALIST JAMAAL ADDISON

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Georgia. Mr. Speaker, I rise on a very, very special occasion. The very first soldier to be killed in the war in Iraq from the Atlanta, Georgia, metropolitan area was from my district, the 13th district of Congress in Georgia. His name was United States Army Specialist Jamaal Addison. He died on March 23 during an ambush attack on his unit, the 507th Maintenance Company in central Iraq.

Oh, what courage, what bravery, and here we are in the United States so proud and so grateful for his service. He was just 22 years old, and he is survived by his wife and high school sweetheart, Takla, and their two children, 3-year-old daughter, Christian, and a 23-month-old son, Jamaal Addison, II.

Army Specialist Addison was laid to rest today at a funeral service held in my district at White's Chapel Methodist Church in Conyers, Georgia.

Mr. Speaker, this was a great hero. Greatness, what a word, that comes to mind today.

When Aristotle, the great philosopher was asked, what is greatness, he said, in order to be great, you must first of all know yourself. Well, Jamaal Addison knew who he was and he knew whose he was. He was a child of God.

When that question was put to the great Roman General, Marcus Aurelius, what is greatness, he said, in order to be great you must first of all discipline yourself. Well, this soldier, Jamaal Addison, disciplined himself on the battlefields of Iraq and paid the ultimate sacrifice.

But then the question was put to the Messiah, Jesus Christ, what makes a great person? And Jesus replied and said, You must first of all sacrifice yourself. Love the Lord your God with all your heart and strength. Love your neighbor as yourself. Jamaal Addison did that. Because he gave the greatest love of all, and that is this: he laid down his life for his friends, his friends and this Nation and around the world who want liberty and love peace.

God bless this great soldier, Jamaal Addison.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO DAVID BLOOM, NBC NEWS CORRESPONDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Madam Speaker, I rise to pay tribute to David Bloom of NBC News. In the passing of David Bloom, we lost a thoughtful, passionate and courageous journalist. Yet he was more than a journalist, more than a face on NBC News. He was a husband, father, colleague, and a wonderful friend.

I met David Bloom for the first time several years ago. He was someone who was very special and very eager to learn more about the civil rights movement. David Bloom was born in 1963, the same year Dr. Martin Luther King, Jr., delivered his historic "I Have a Dream" speech at the March on Washington.

David was 2 years old when thousands of men, women, and children marched from Selma to Montgomery, Alabama, in 1965.

I will never forget the day that David called me. He said, Congressman LEWIS, this has nothing to do with business. This is personal.

He was driving from New York to Washington, listening to a tape of me giving an introduction to the speech Dr. King delivered at the end of the Selma-to-Montgomery march. He talked about how the speech touched him personally.

I want to say, Madam Speaker, David Bloom's true greatness was yet to come. He was truly a wonderful, talented, and just smart human being. He had energy and vigor. When he was reporting a story, he did more than talk. He used facial expressions and moved his arm and hands to tell its meaning.

David Bloom made an imprint on our hearts and minds. That will never, ever be forgotten. Our hearts and prayers go out to his wife, his three daughters, and the entire NBC News family. He will truly be missed.

THE DWINDLING MANUFACTURING BASE AND HIGH-TECH INDUSTRY IN U.S.: WHAT IT MEANS FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I want to relate to a problem that I see as real in this country, so I am going to talk for a couple of minutes about losing our manufacturing base. Now, it looks like we are losing our high-tech jobs in this country. Then, secondly, how serious a situation is it, and then maybe third, what are we going to do about it.

Over the last 30 years, we have lost our manufacturing base as we have made the transition towards a service economy. A lot of that service economy has been in the area of high technology. I happen to be chairman of the Subcommittee on Research of the Committee on Science, and one of the concerns is what is happening to outsourcing as more and more American companies are sending their engineering work overseas.

In the last 2 years, in the last 2 years, we have lost over 560,000 high-tech jobs. Why is that?

It is a situation where other countries are doing it cheaper. Companies have decided that they are going to outsource and put related factories and facilities in India, in the Pakistans, and any country where they can get these quality engineers to do the work cheaper; and of course, with our new technology and our ability to communicate so rapidly with the Internet, it does not make a great deal of difference whether one is down the hall or whether one is over in India or some other country.

In relation to repairing automobiles, it is now suggested that within a few years, because of the computerization of those automobiles, a lot of the mechanical work is going to be done by computers, again remotely; so it is not going to make any difference if the local repair shop plugs in their computer or if it is done by some shop overseas.

In the manufacturing industry, which I think we also have to be just as concerned with, we have, over the last 10 years, gone from almost 18 percent of our total working population in manufacturing to a situation today that is a little over 12 percent. If we care about the future of jobs and good-paying jobs for our kids and our grandkids, then it is a situation that we need to consider.

What are some of the possible ways that we can deal with this problem? One, of course, I think is taxation, and we are going to be discussing that for the next several weeks. Our taxes now on business are approximately 17 percent higher than if that business were in another country.

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One of the keys that I see is doing a much better job with matching math and science education. This has to be a priority as we are starting to limit the number of foreign students that can come in and do our research work. On research, what do we think, I ask my colleagues, is the percentage of our research done at universities in this country that is done by foreign students? Over 50 percent. So science and math have to be a priority.

We have had several hearings on science and math. The witnesses suggested that the learning in K through 12 is more a matter of excitement and enthusiasm and lighting a fire under people to be curious rather than filling a container with knowledge. I asked, when is this fire lit for science and math? And most of the witnesses said probably between 4 years old and 6 years old. So if we miss out on lighting the fire with parents that are interested, with communications that are going to stimulate the interest of those parents and those students and quality teachers, then it is going to be tough to light that fire in the future.

In conclusion, Madam Speaker, I just suggest that it has to be a real concern for our future economy and for future jobs; and for the relative wealth and influence this country has, that we need to pay attention to losing our manufacturing base and now losing our high-tech base. Part of that solution has to be fair taxes, and part has to be a better job with math and science education.

INTRODUCTION OF THE DAWSON FAMILY COMMUNITY PROTECTION ACT OF 2003

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, I rise today to speak on behalf of brave families fighting to take back their neighborhoods from the clutches of drug abuse and the violence of the illicit drug trade.

Throughout the country, communities are losing this fight. The voices of families are being silenced, lost through the isolation and suppression that comes through the use of verbal threats, physical intimidation, and even murder.

April 16 marks 6 months since Angela and Carnell Dawson and their five young children were murdered in apparent retaliation for their local action in the fight against the open-air drug markets being operated on the streets before them in my district.

The Dawsons' house was firebombed at 2 a.m. in the morning in an attempt to silence their important and powerful voices, and the voices of other families committed to our troubled neighborhoods in this country.

We must not allow their voices to be stifled. We must support these brave families and protect their loved ones while ensuring that they can work freely with police and other law enforcement officials to push the drugs out of their communities. We must not fail to support them, for if we do, these neighborhoods and these neighborhood residents are doomed.

We need to strengthen the support for these brave families as they struggle to maintain their activism in their communities and on their blocks. Witness relocation programs are necessary and invaluable in protecting witnesses in individual criminal cases, Madam Speaker, but they are not sufficient to combat the problem of intimidation of entire neighborhoods patrolled by violent drug gangs actively involved in the interstate trafficking of illegal drugs.

In such communities, there are many dealers who will rush to fill the space of a single convicted dealer or enforcer. Courageous souls like the Dawsons are far less common and impossible to replace. Thus, it is vital that we support those families who insist on remaining in their neighborhoods and who are committed to working with police to repel drug trafficking in their neighborhoods.

That is why I am introducing today the Dawson Family Community Protection Act of 2003. The bill serves both to memorialize the Dawson family's commitment and activism, and to remind us all of what may result when families in an at-risk neighborhood do not receive adequate support.

Moreover, this bill would ensure that in the future, providing support for such communities is a Federal priority within the context of our National Drug Control Policy.

The Dawson Family Community Protection Act would require the director of the National Drug Control Policy to direct each year $1 million in HIDTA funds to support HIDTA initiatives aimed at increasing safety and encouraging cooperation in neighborhoods like the Dawsons', neighborhoods that are not fighting one sole drug dealer, but a competitive open market of drug trafficking; neighborhoods where threats of reprisal for cooperation with police are commonplace, and where activist families working with law enforcement officials are in the most danger; neighborhoods that are doomed without increased support.

Federal, State, and local law enforcement officials understand the importance of ordinary families courageously taking a stand and cooperating with the police like the Dawson family did. The cooperation of such people is essential to the success of law enforcement efforts to disrupt violent drug trafficking organizations and shut down markets that fund their illegal drug enterprises.

I am happy that the gentleman from Indiana (Mr. SOUDER), chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, with whom I serve as ranking member, supports me in this effort and is an original cosponsor of this legislation. I deeply appreciate his support for families like the Dawsons, and urge all of my colleagues to support the Dawson Family Community Protection Act, not only to protect families, but also to allow their voices to be heard.

Lastly, I especially thank Tony Haywood, our counsel to the Committee on Government Reform and Oversight, for his tireless work on this legislation; as well as Michael Christianson, Kimberly Ross, and Asi Ofosu on my staff for their assistance.

TRIBUTE TO NBC NEWS REPORTER DAVID BLOOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Madam Speaker, I rise to pay tribute to a son of Minnesota who died tragically this weekend while embedded with the 3rd Army Infantry Division in Iraq.

NBC news reporter David Bloom was a native of Edina, Minnesota, in the Third Congressional District which I am privileged to represent. David's parents, Harold and Laura Bloom, and his brother, John Bloom, are residents of Edina.

David distinguished himself at an early age as a champion debater and hockey player at Edina West High School. David was also an avid fan of his beloved Minnesota Vikings and Minnesota Twins, and he often touted his hometown teams on national television.

David Bloom's meteoric rise as a journalist was nothing short of spectacular. As his NBC colleague, Katie Couric, said, "David was always there for the story and not the glory. He was a reporter's reporter." Another NBC colleague, Matt Lauer, said, "David personified energy, passion, compassion, and balance."

With his engaging personality, sound intellect, high level of energy, and great sense of humor, David Bloom's 10-year career at NBC News always drew rave reviews. From his early years at the network in Chicago and Los Angeles to his years as White House correspondent and co-anchor of Weekend Today, David Bloom always got the story.

As NBC Washington Bureau Chief Tim Russert said, "David was first and foremost a competitor. He was very resourceful, stretching every deadline he ever met. One marvels at how much he did and how well he did it."

Mr. Russert and many other close friends and colleagues also have said that David loved his wife, Melanie, and his three daughters more than anything. When Russert gave him the nickname "Bloomster", David readily told them it was his second favorite nickname. His favorite nickname was "Dad."

Madam Speaker, David Bloom was well-liked and respected by everyone who knew him. That was evidenced by the lofty praise that has filled the airwaves and the newspapers across America since his tragic and untimely death at age 39.

David Bloom was a great credit to his native Minnesota, his beloved family and friends, and his profession. As his co-anchor, Soledad O'Brien, put it, there was not a dry eye anywhere at NBC. I know my colleagues here in the House of Representatives feel the same profound sadness at the loss of David Bloom. Our thoughts and prayers go out to David Bloom's family, his wife, Melanie, and daughters Nicole, Christine, and Ava, as well as David's parents, Harold and Laura, and his brothers, John and Jim.

IMPACT OF THE LACK OF ENFORCEMENT OF IMMIGRATION REGULATIONS ON THE ADAMS FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, it was a little over a year ago that I had the opportunity to visit with a gentleman who was, at that time, the head of a ministry in the Vicente Fox government in Mexico. His name was Juan Hernandez. Mr. Hernandez was head of a new agency that was called the Ministry for Mexicans Living in the United States. It was interesting that that would be the name of any new governmental entity that had just been created, but that was it, a new agency, the Ministry for Mexicans Living in the United States.

In the discussion we had, I found it interesting in that when I asked him specifically what was the purpose of such an agency, he said, well, it was to, first of all, increase the flow of Mexican nationals into the United States. I asked him for what purpose. He said essentially that in doing that the hope was, of the Mexican Government, that it would influence United States policy towards Mexico, because he wanted to have a large number of Mexican nationals living in the United States, but with political, economic, and cultural ties remaining to Mexico. So his job was split between encouraging the flow, on one hand, and then encouraging this connection on the other, a connection that would remain.

We talked a little longer. There were two other Members of the Congress there with me that evening. He said something that I thought we were all kind of amazed at. He said, Congressman, it is not two countries, it is just a region.

I know that he believed that, and many other people do. I think perhaps even people in this body may think of it that way: It is not really two countries, it is just a region where the border does not matter; it is inconsequential, and it is sometimes even problematic because it does restrict the free flow of people across that particular part of the country. There are folks who look at it in that way. Borders, they think, are anachronisms, not necessary, anymore; and after all, it was really just a region.

What has happened as a result of this shift in philosophy, this shift in government philosophy in Mexico in particular, the push for people to come north? In the past, Mexico had treated people coming across the border with some disdain, and there was actually a derogatory term applied to people who left Mexico.

But in the last 5 to 6 years, because of the importance of what Mr. Hernandez was described as trying to influence American foreign policy vis-a-vis Mexico, and also because of the importance that remittances play. Remittances is the amount of money made in the United States, or countries outside of Mexico, but sent back into Mexico to family members that now accounts for something over 30 percent of their gross domestic product. Therefore, of course, they are very interested in using America as a way of expanding that particular phenomenon. That is fine.

On our side, we have, of course, abandoned the borders. We have made sort of an unwritten agreement with Mexico that we would not really do anything to significantly impede the flow of those people into the United States for our own reasons, some of it dealing with cheap labor and our demand for it; others because of the political consequences that arise as a result of a massive flow of people across the border into the United States who will sometimes themselves vote, even illegally, but eventually become voters after a period of time, or their children will after they have been born here and are citizens of the United States.

But this has had an impact on certain folks. We do not hear anything about them. That is why I come just about every week with another individual, another person. Tonight I am going to talk a little bit about Frank Adams. Frank and his wife Barbara operate a small ranch of about 500 acres. It is about 3½ miles north of Douglas, Arizona.

Here is a picture of Frank. They have lived on this ranch for about a half a century. They are only 3½ miles north of the border. Their daughter lives on that ranch with them, and they have two grown sons living in Texas. Their experience is not an awful lot different from many of the other ranchers on that border area who I have brought to the attention of the body in the past.

Their lives have been completely turned upside down by this phenomenon, this elimination of the border, the fact that there is no longer a border, the "It is not really two countries, it is just a region" philosophy. Their lives have been turned upside down. Their ranches are being destroyed. They are being essentially driven out of their homes.

I just wanted to bring Mr. Adams to the attention of the body as a homeland hero.

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AMERICA'S IMPORTANT WAR COLLEGES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Madam Speaker, I rise today to commend our troops on the battlefields in Iraq. Their continuing advance to victory is a product of that courage and ingenuity under changing conditions. It is also the result of extraordinarily detailed and adaptive planning. That itself was built on the knowledge and wisdom instilled by our war colleges.

These institutions in every service make great officers into outstanding war-time leaders. Military historians have noted that the allied victory in World War II is due in no small part to the fact that some of our top military leaders both attended and taught at the services war colleges. I believe the same will be said for Operation Iraqi Freedom. In all of the services, including the Army's exceptional war college at Carlisle, Pennsylvania, our officers are skilled in the art of strategy, operations, and tactics that are the foundation of an innovative and effective military campaign.

The instruction provided by our service intermediate- and senior-level war colleges came to fruition in the war plan developed by General Tommy Franks and his team. The plan outlined a truly joint effort that has kept American forces a constant 48 to 72 hours ahead of Iraqi responses. The strategy has hit hard at Iraqi leadership and Republican Guard targets, degrading command and control and isolating the bands of fighters unwise enough to take on our troops. Quite simply, the Iraqi military is already incapable of fighting in a coordinated way at division, brigade, and battalion levels. This is a stunning military achievement that would not have been possible without leaders educated in the art of war. And we as a Nation owe a debt to the professional military education system that provided that education to today's senior military leaders.

The current American infiltration of Baghdad demonstrates our disciplined ability to encircle the city and deal with the remnants of resistance, sector by sector. The strategy also shows a sophisticated approach to enhancing the psychological impact of each military action taken. By removing the will of the Iraqis to fight, our victory and the Iraqi people's liberation will come that much more quickly. I believe that military historians and strategists will long study the plans of this operation, the planning that was a product of the American war college system will become the lesson plan for future officers.

As British Air Marshal Brian Burridge said this morning, the U.S. advance into Bagdad has been unique. Historians and academics will pore over it for years, and this will be a required case study for students of war.

We should be proud of our troops and of the officers who lead them. But we should also feel deep pride for the system of institutions that has made this leadership as exceptional as it is.

AMERICA NEEDS A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Madam Speaker, I would like to open up by saying when the President sent us his budget this year the Office of Management and Budget, OMB, acknowledged that the surplus of the $5.6 trillion which we all hailed 2 years ago is gone. It has vanished. In fact, OMB now says there never was such a surplus when they, the Office of Management and Budget, adjust the surplus to account for the economy as they see it now. The 10-year surplus is no longer $5.6 trillion. It is $2.4 trillion. And all of that $2.4 trillion has been committed, or I should say overcommitted, by policy action to the tune of $129 billion. That is what we would incur if we did not do anything else, mostly due to the tax cuts passed in June of 2001.

So any additional tax cuts and any additional spending beyond current services will go straight to the bottom line. There is no surplus anymore to mitigate or cushion or offset that deficit. It goes straight to the bottom line and adds dollar to dollar to the deficit. The arithmetic is simple.

Knowing that, the President of the United States nevertheless proposes $2 trillion in additional policy actions, legislative actions here, mostly, once again, in new tax cuts that will add $2 trillion to our national debt over the next 10 years.

Now, when the Congress Budget Office sent us their analysis of the President's budget as they are required by law to do, they saw deficits out as far as they forecast. As a matter of fact, when you back out Social Security as I think you should because I do not think we should be spending Social Security, and everybody on this House floor who was here just a couple of years ago foreswore the practice of ever again spending the Social Security surpluses, so when you back it out and look at what CBO portrays and depicts the President's budget to produce, you will see that over the next 10 years they forecast deficits, without a Social Security surplus to offset them, deficits of $400 billion at least every year for the next 10 years.

So when you remove the Social Security surplus from the equation, the accumulation of deficits is $4 trillion over the next 10 years. As a consequence of this budget that the President sent up here, in a way both Houses repudiated the President's budget. Both Senate Republicans and House Republicans rejected what the President sent. When the House Republicans saw the President's budget, they warmly embraced his tax cuts. They were ready for another round of tax cuts, despite our experience with the last round; but they at least acknowledged the responsibility to go find some offsets, some spending offsets that would help mitigate, reduce, cushion the impact of these huge tax cuts. The President was seeking another $1.4 trillion in tax cuts, as much again this year as he did back in 2001.

They went back looking for some offsets; and they came up with $470 billion in what we call, in budget parlance, reconciliation tax cuts. These are reconciliation spending cuts. These are directives to the committees of jurisdiction that write legislation that deals with Medicare and Medicaid and school lunches, a whole array of entitlement programs, to go change that permanent law so that they can save a certain sum of money by a certain date.

In this case, as I said, the total of all those reconciliation instructions came to $470 billion. Our Republican colleagues wanted to cut Medicare over the next 10 years by $262 billion, Medicaid by $110 billion, veterans by $15 billion on the mandatory side, the entitlement side and 15 more on the veterans health care side, education by $9.4 billion on the mandatory side. That would have to come out of school lunches and student loans, government pensions, $40 billion, the railroad retirement program, a vested benefit if there ever was one, $3.7 billion.

Well, those offsets had a short shelf life. They survived attack in the Committee on the Budget. They all voted for it on the Republican side of the committee; but during the markup, the chairmen of these different committees who were about to be the object of these reconciliation instructions came forth and they said, you have got to give us some relief. We cannot do it. So the number was cut from $470 billion to $265 billion.

Then when we got ready to go to conference, we came out here with a motion to instruct the conferees. And what we said is, even though you have cut this number from $470 billion in Medicare and Medicaid and education and veterans cuts, even though you shaved this somewhat, you are still taking $107 billion out of the Medicaid program in all likelihood. You could wipe out the children's health insurance program with the budget in the form you have got it right now.

So we said let us have a vote of the whole House on these and see if this really is the sentiment of the House. And guess what? By all of 300-and-some-odd votes, 22 nays, we said we do not want to cut Medicare and Medicaid and these other programs, education, veterans, by this amount. The Senate took a totally different tact, but they likewise repudiated the President's budget. The President in effect wants another $1.4 trillion dollars in tax cuts this year even though they all go straight into the deficit and swell the deficit. So the Senate said, no, the first half of your tax cuts, Mr. President, which would make the tax cuts you did in June of 2001 permanent, right now they expire on December 31, 2010, rather than make that permanent now, we will put them on the back burner. We will come back to that one. That will take at least $650 billion out of the tax package. And as for the rest, they said, let us cut it about in half. So they shaved it to $350 billion.

So the House rejected the President's budget request by seeking to offset it and failed. The Senate rejected it by coming up with a much, much smaller tax cut; but we have still got tax cuts looming. You have still got the problem of sunset of the 2001 tax cuts. You have still got something call the alternative minimum tax which 30 million tax payers will confront over the next 10 years, and it will have to be adjusted. There is no question about it. These two actions alone, making permanent the 2001 tax cuts and adjusting the alternative minimum tax, could take another 1 trillion, $1.3 trillion out of revenues over the next 10 years and make resolution of the deficit all but impossible.

So here we are talking tonight because this is a serious problem; and it has received very, very little attention. We want to call it to the attention of both Houses because, as we see it, we are positioned right now between two fatally flawed alternatives. The House and Senate resolutions, the one that passed the House and the one that passed the Senate, framed the conference such that there is no responsible way out. Both resolutions lead to large intractable deficits: $2 trillion in additional deficits if you back out Social Security, $4 trillion if you back out Social Security. And both lack any plan or process for wiping these deficits out.

This was not necessary, Madam Speaker. That is the first point to make. All of this pain, all of this confusion, all of this deviation from the straight and narrow path of fiscal responsibility we were following just a couple of years ago could have been avoided if we simply recognized that we could have tax reduction, but not the massive tax reduction that was passed in 2001 or that the President would have us pass again. All of these cuts in Medicare and Medicaid and veterans and education would not be necessary but for these tax cuts. They are made necessary to make room for the tax cut. If you simply left the budget alone and let current services be provided at the current level and left the tax cut alone, by the year 2008 the budget would be in unified balance including Social Security. Instead, under the budget alternatives we have now, we have the equally unpalatable choices of a budget that we hope gets to balance in the year 2012, that is so far out hardly anybody can validate it, or maybe 2013. That is how bad a situation we find ourselves in because we have not faced reality.

And we offered an alternative here on the House floor. The Democratic resolution would have adequately provided for education, would have provided $528 billion for Medicare prescription drug benefit, and would have provided some tax cuts. We wanted to put some money in the pockets of American consumers likely to spend it to give this economy a boost, a jump. We wanted to give some money to businesses to encourage them to invest, some tax cuts to businesses to encourage them to invest. We had tax cuts too, just not as massive as those included in the President's proposal. And we got to balance in the year 2010. We accumulated a trillion dollars less debt than the Republicans. We had a budget that was commendable. It was rejected. But we have not given up, and that is why we are here tonight.

To begin, we want to talk about veterans benefits, not the biggest item in the budget; but I would say one of the most important. If there is any promise we should keep, particularly in a time of war, it is the promises we made to our veterans. And those promises, under the two budget resolutions, one passed by the House, House Republicans, the other passed by the Senate, are in jeopardy.

Madam Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for yielding and for taking out this Special Order tonight to discuss the fiscal folly that this administration and the Republican leadership of this House are engaged in.

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The President's budget and the budget passed by Republicans in the House really give us the worst of both worlds. The Republican budget takes us over the cliff fiscally, with $2 trillion being added to the publicly held debt over the next 5 years, by 2008. At the same time there are deep cuts in basic domestic obligations and priorities that we simply must meet. All this is to make room for the President's tax cut, mainly benefitting the upper bracket taxpayers.

I appreciate the gentleman giving us a chance tonight to hear from a number of Members who will talk about various aspects of this budget and the way that it will affect our constituents and the American people.

As a member of the Committee on Appropriations subcommittee that oversees veterans affairs, I am especially glad that we are bringing much-needed attention to the issue of veterans benefits. The budget adopted on a party line vote in the House on March 21 includes cuts of more than $28 billion in veterans benefits over the next 10 years. That includes cuts in both entitlement funding and in discretionary funding, and these cuts, Mr. Speaker, come at a time when the VA health care system is already in a state of crisis.

Indeed, there are more than 200,000 veterans waiting 6 months or longer now for their first medical appointment with the VA.

The cuts are in both entitlements and discretionary spending.

The House Republican budget cuts appropriated programs for veterans below the level needed to maintain 2003 purchasing power over the next 10 years by a total of $14.2 billion. This would necessitate major cuts in veterans health care, because health care makes up 96 percent of the discretionary spending that we do for veterans.

The Department of Veterans Affairs projection shows that there is going to be no decrease in the core population of eligible veterans over that time period, nothing that would reduce the demand for health care, and the population of noncore, that is, Priority 7 and 8 veterans, is projected to increase over that period.

So the funding reductions in veterans health care in the House Republican budget would reduce the number of veterans that the VA could treat; our estimate is a reduction of an average of 280,000 persons per year, or about 5.7 percent, over the next 10 years. That is a drastic cut. That is a slap in the face to people who have served this country honorably and well and whom we have promised would have their health care needs met.

Our Republican friends are also wanting to cut entitlement spending for veterans. The so-called reconciliation instructions in the Republican plan require $14.6 billion in unspecified reductions in veterans benefits to root out the waste, fraud and abuse that House Republicans apparently believe can be found in veterans programs. This $14.6 billion cut represents a cut of 3.8 percent in mandatory spending, far below the levels in current law.

The Republicans have claimed that this is a 1 percent reduction. The red line on this chart is what it would take to maintain the current purchasing power of these veterans entitlement programs. The blue line is the claimed 1 percent reduction, but the green line is what the Republican budget actually would do. Those are the cuts that we would see, the erosion in present purchasing power of programs for veterans.

What would we have to do to achieve these savings? Well, maybe one option would be to eliminate burial benefits for veterans, or maybe we could reduce the cost-of-living allowances or compensation payments for veterans with service-connected disabilities for the next 6 to 10 years. Our Republican friends do not say, but with numbers this drastic, cuts this drastic, there is no question that we would be seeing a serious erosion in benefits.

I would like to recognize the gentlewoman from Oregon (Ms. HOOLEY), a member of the Committee on Veterans Affairs and a champion of veterans, and would invite her to comment on the situation that we are facing.

Ms. HOOLEY of Oregon. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Oregon.

Ms. HOOLEY of Oregon. Mr. Speaker, I appreciate my colleague for yielding to me.

I think this is a time when we are sending and have sent our young men and women into battle, and what better way to honor them than by honoring our current veterans, and it is important that we restore these cuts.

I mean, I look at our own VA hospital in Portland, Oregon, where we have cut 10 percent of our budget already before this budget. We have something like 6,000 veterans waiting to get an appointment. Even the veterans who have been disabled during war are taking 6 months to be seen, and now we are talking about cutting health care benefits.

This is a promise we made to people when they said they would serve, that we would provide health care to them, and we are still making that promise. I have a young gentleman working in my office who was a recruiter for the service, and he said, I was told when we recruit people to tell them that they would get health care benefits for the rest of their lives.

If we are making that kind of a promise, we need to keep that promise. We cannot keep that promise if we are cutting $28 billion out of the budget; and why, I want to ask my colleague, why are we cutting $28 billion out of the budget? Why is this necessary?

Mr. PRICE of North Carolina. Mr. Speaker, let me just read what the national commander of the Disabled American Veterans says about that very subject. He says it better than I could.

"Has Congress no shame?" he said a couple of weeks ago when this Republican budget was before the House. "Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifice of our Nation's heroes and rob our programs, health care and disability compensation, to pay for tax cuts for the wealthy?" That is his diagnosis, and I think it is hard to argue with.

Ms. HOOLEY of Oregon. These tax cuts are not for stimulating the economy.

Mr. PRICE of North Carolina. On the contrary, I do not know of any economist who believes that the tax cuts this administration is proposing would have a stimulative effect on this economy. These are tax cuts that would exempt dividends from taxation and rate cuts that would affect mainly the top brackets, people who would not be spending the money and stimulating the economy.

Ms. HOOLEY of Oregon. Mr. Speaker, it seems to me that we have a situation where they are cutting money out of health care benefits at a time when the population is increasing the need for health care benefits more and at a time that we already have huge waiting lists, at a time that we said we are sending our young men and women into battle and we said we would provide health care to all veterans for the rest of their life.

It is a promise we need to keep. If we can no longer keep that promise, then we need the tell the new people coming in that we cannot keep this promise and give them a different promise or different assumptions.

Mr. PRICE of North Carolina. Mr. Speaker, we had before our subcommittee a couple of weeks ago the Secretary of the Department of Veterans Affairs, Secretary Principi, and so I had an opportunity to ask him what he thought of the House Republican budget and what they had done to his Department. I also asked what he thought of the accusation that there was that much waste, fraud and abuse in his Department. He hesitated a moment and he said to me, "Congressman, what we need at the Veterans Administration is an increase, not a decrease." He went on to cite the aging of the World War II veteran population and the kind of pressures that his Department is under to deliver quality health care.

Ms. HOOLEY of Oregon. It is hard to cut waste, fraud and abuse when we are talking about compensation to disabled veterans and when we are talking about health care where there is not enough money and where they are already making cuts and the number of people on the waiting lists grows and grows and grows.

I know my colleague from Texas visited her veterans hospital this week.

Mr. PRICE of North Carolina. Our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), indeed does have a veterans hospital in her district. So she is well-acquainted with the good work that they do in these facilities and also what these cuts might mean.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to join, maybe painfully delighted to join, my distinguished friend from North Carolina and the distinguished gentlewoman from Oregon, because I could not agree with them more, and to express my great disappointment in real terms, if you will.

I visited my friends at the veterans hospital this morning. I wanted to go by and thank the professional staff for the work that they are doing under these very hard times, and I also wanted to acknowledge the veterans who were hospitalized there, the staff that was hospitalized, and what did I get but a real-life picture of what they were facing.

My hospital personnel leadership told me they had 3,400 on the waiting list, but with a little belt tightening and no money, they were to get that number down to about 1,000. But at the same time, since January, they have seen an 18 percent increase in demand for service, they painfully told me.

And I do not think most Americans may be aware of this, when we talk about de-enrolling of individuals, there is some crafting or characterization that these are high-income individuals that we are de-enrolling; that the reason why they cannot get the service is because they make a lot of money. They make $30,000 a year. That is sort of a cutoff, as I understand it, and that is certainly not a lot of money.

As I said, my voice was raspy going through, but they were so important, and I went from bed to bed saying hello to veterans; and what they were telling me is, we are getting good care here, we would not have had anyplace else to go.

Just this last Friday I was with homeless veterans, Vietnam veterans in particular, and the shelter that they were in was referring them not only to the hospital because they needed hospital care, but also to the services of the Veterans Department.

So what shocks me is, I am seeing here that on April 1 virtually every Republican Member, as I understand it from the gentleman from South Carolina (Mr. SPRATT), voted in favor of a Democratic motion to instruct conferees to reject that $14.6 billion cut from veterans resources. Now I am confused because I believe we are coming to the floor again with our conference report, and we are still in the same predicament.

My colleagues made a very good point, and I just want to add to this and mention that we have 200,000 veterans who are currently waiting 6 months or longer for their medical appointment, but when I went to the hospital, the reason why I wanted to thank them was because I noticed, as our troops are bravely fighting in Iraq, these valiant young men and women, some of whom will be needing these services, some of whom will become veterans almost immediately right now in the hospitals. Here in this region, the military hospitals, I have got constituents from Texas who, I understand, have lost limbs; the services that they will ultimately need will be at veterans hospitals.

How can we say no to them and the existing veterans? So I guess, when I ask the question, I am shocked at where we are.

And I want to throw into the RECORD, as well, a comment that I think is quite appropriate, again from the Disabled American Veterans. Let me read this. The quote is specifically:

> "You are asking veterans to swallow a bitter pill, to remedy an illness of your own making. While we all like to see taxes reduced when prudent, cutting already underfunded veterans programs to offset the cost of a tax cut is indefensible and cowardly."

I guess I ask the question, and I visited with the Disabled American Veterans. We all have; they come to our offices. Are my colleagues telling me that after the motion was voted on unanimously, am I to understand that we may see a budget resolution coming out that does not restore these cuts? When any one of us as Members, it does not matter whether Republican or Democrat or an Independent, can go into our hospitals in a nonpartisan posture and ask them what they need, and they will tell us that they are turning away to-be patients or what-could-be patients because they have no money?

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentlewoman and I would like to address our ranking Budget Committee member. Is there any way that our Republican friends, who voted for this motion to instruct conferees, saying quite specifically, do not touch these programs, is there any way that they can now consistently vote for the Republican budget resolution?

Mr. SPRATT. There are deep cuts that have been made in veterans programs on both sides, mandatory entitlement programs and the veterans health care service, which is discretionary. We fund it every year in appropriations bills.

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By the way, we are talking about just getting them just up to the level the President provided. We actually provided more in our budget resolution. We have up to the level of current services, so there would not be any loss in purchasing power.

Mr. PRICE of North Carolina. If the gentleman will yield, that is an important point. It was the Democratic budget that made the needed adjustments in veterans health care and other funding to meet the need. The President's budget fell far short of that. The veterans organizations made the case for much more adequate funding. And then our Republican friends in the House cut it even below the President's level.

Mr. SPRATT. That is exactly the point. They claim they were actually allowing the veterans budget to increase. And in nominal terms it does go up. But of course a dollar today will not buy the same thing as a dollar tomorrow, number one. Number two, in all events if you want some sort of benchmark to determine how much their cut was, we used the President's request. And what we were saying is that they were cutting the budget first $30 billion below the President's request, and then they modified that a bit and reduced it to $28.6 billion. But they left it in that position until we had our motion to instruct here on the House floor.

Now, we all know how much regard those motions to instruct get when there is a conference, particularly a conference like the one going on now. We do not go to those conference meetings. We had a big photo-op at the beginning, where everybody got to make a passionate statement and pound the table. But it is the last time we will see the budget conference report making these critical decisions until it comes here on the House floor to be voted upon.

That, of course, is a time when everybody can take assessment of it; and if it does not do right by veterans and education, then, by golly, if we are true to what we said in the motion to instruct, we should vote it down.

Ms. HOOLEY of Oregon. If the gentleman will continue to yield, I just want to add that people need to understand that we have made cuts already. We already have these waiting lines for health care, and this will be on top of that. We sometimes forget that there are waiting lines. There are 6,000 people waiting at our hospital. The gentlewoman from Texas had how many?

Ms. JACKSON-LEE of Texas. 3,400.

Ms. HOOLEY of Oregon. 3,400 waiting at her hospital. I suspect everyone here who has a veteran hospital can talk about the number waiting already before the tax cut.

It seems to me when any soldier comes home, he or she should not have to worry about whether or not they are going to get health care. That is not something they should be worrying about right now.

Ms. JACKSON-LEE of Texas. If the gentleman will yield for a moment, I would like to build on what the gentlewoman said.

I think there needs to be what we call mutual sacrifice, and it does not seem to have penetrated for the administration or the Republican majority that we are at war. We are spending billions of dollars on the war in Iraq and Afghanistan, and we have made a promise to these young men and women who may be returning, along with their colleagues who have already served us in World War II, Korea, Vietnam, and other places, the fact that they have actually stepped up to the plate and said I am going to serve my country.

Let me just share with my colleagues this quote, and I think this answers the question. The Paralyzed Veterans of America said, "We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans, and GI bill benefits for soldiers returning from Afghanistan and maybe Iraq to be fraud, waste and abuse."

So I want to really thank the gentleman from South Carolina (Mr. SPRATT) for his leadership on that motion, and my friends on the floor. The gentleman from South Carolina made it very clear. He pulled the door open and put the light on the process of the conference, where we should be engaging vigorously and fighting for our veterans. He is putting the light on it because he did his work, he provided us with a solid motion that could instruct these conferees. And lo and behold, in the dark of night, we are hearing there is a conference and they are all going past this idea of restoring these benefits.

I would only challenge my colleagues to go to one of their hospitals, there is probably one in a neighboring community, and look at those vets who are hospitalized, look at the staff. Some of the staff members that I met were nurses in the military service. Look at the waiting lines at clinics, and ask yourself is it better to give a tax cut to the 1 percent of the population or to give to those who are willing to step up to the plate and sacrifice their lives, their bodies, their health on behalf of the American people. I cannot imagine that they would do that.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will continue to yield, I want to thank the gentlewoman for her comments. We will be hearing in the remainder of this hour about many, many deficiencies and defects in this Republican budget, but I must say none of them match the sheer insensitivity and callousness of cutting veterans health care funding. It is just beyond belief that our Republican friends would attempt to do this, especially in a time of war.

They are driving the budget as a whole over the cliff while at the same time squeezing these vital programs. As we said, it is the worst of both worlds. I do appreciate the fine work of our ranking member on the Committee on the Budget, and particularly his effectiveness tonight in highlighting the differences, and believe me there is no comparison, between the alternative he put forward on this floor and the Republican budget.

Mr. SPRATT. Mr. Speaker, I thank the distinguished gentleman, and I wish to yield now to the gentleman from Washington (Mr. BAIRD) to talk about Medicare and Medicaid, which if anything serve even more people than veterans programs and involve even deeper cuts.

Mr. BAIRD. Mr. Speaker, I want to thank my colleague for his leadership on the Committee on the Budget, and I want to thank my friends who spoke so eloquently about the needs for veterans health care. Having worked in a Veterans Hospital, I know well the needs of these fine individuals, and I know their sacrifice to this country.

Mr. Speaker, if it were not for the war today, there is no question in my mind that the two most important priorities with the American people would be the economy and health care. Fifty percent of physicians in my home State of Washington have said that they will not take new Medicare patients. There were doctors in my office today saying, Congressman, we cannot afford to see Medicare patients because in Washington State, as in Iowa, as in Wisconsin, as in Oregon and many other States, the compensation rates for our doctors are lower than elsewhere. And doctors are leaving. These doctors cannot only not afford to see patients, but we cannot even attract doctors to Washington State.

Sadly, the Republican budget does nothing to remedy this. In the Committee on the Budget, the Democrats offered an amendment to correct the inequities in rural hospital payments to try to fix this. The Republicans voted this down universally.

We also face Medicaid problems. Not just Medicare, but Medicaid problems. What is the Republican solution? To propose a $107 billion cut in Medicare spending. Now, admittedly, Medicaid spending will go up. But the problem is it will not go up sufficiently to keep pace with the demands of the people in need and with the demands caused by inflation. Washington State alone would stand to lose $1.7 billion over the next 10 years.

Our State has been ravaged by budget cuts already. That $1.7 billion is not just a number. It is children who cannot see a doctor, and it is working parents who have no health care for their families. That is fundamentally what is wrong with this budget.

Now, I could understand and support the need to control increased costs, and I have supported that all along; but not for the sake of passing some of the largest tax cuts in history that will go to the people least in need at the expense of those most in need. Someone who has worked so hard and so diligently on the health care issue is my good friend and colleague, the gentlewoman from Wisconsin (Ms. BALDWIN); and if the gentleman will yield to her, I know she would like to make a few comments.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman from Wisconsin for his comments, and I also want to express my appreciation for the distinguished ranking member for yielding to me this evening.

Mr. Speaker, this Republican budget is the most irresponsible I have seen. Their proposal makes deep cuts in numerous important programs, such as veterans health, as we have heard earlier this evening, and education programs to make way for a tax cut that was custom designed to benefit the very wealthy, a tax cut that would give almost 2 million Wisconsinites less than $100 each.

This budget will also add more than $800 billion to our national debt over the next decade. An average family of four would pay $4,500 in taxes this year just to satisfy their portion of the interest on our rising debt. Do not tell my constituents in Fort Atkinson or Beloit, Wisconsin, that deficits do not matter. Deficits are a hidden tax that affects the bottom line of every household.

But to make matters worse, the Republican budget fails to address the health care crisis that plagues our cash-strapped States. While the Republican budget impacts a number of important health programs, perhaps one of the most negatively affected is Medicaid. Republicans have proposed cuts totaling nearly $100 billion to Medicaid over the next decade. If enacted, these cuts will be nothing short of devastating to some of America's most vulnerable citizens.

Nearly 5 million of our poorest seniors currently rely on Medicaid for nursing home care, prescription drugs, assistance with Medicare out-of-pocket expenses, and other services. An increasing number of seniors will need Medicaid in the coming years as your baby boom generation retires. Republican cuts could leave millions of seniors with nowhere else to turn.

Medicaid is also the Nation's single largest payer of children's health care. Combined with the State Children's Health Insurance Program, or SCHIP, Medicaid is the Nation's foremost health care safety net for children. Today, in America, over 6.7 million children lack health insurance. To me, this is simply unacceptable. These children need immediate preventive care and regular medical care to set them on a path to become healthy adults. The proposed Republican cuts would put dangerous obstacles along this path.

With States facing record deficits of nearly $80 billion this year alone, now is not the time to pare back the Federal government's commitment to helping States improve the health of their communities with these devastating cuts to Medicaid. Republicans recently buckled under intense pressure from their constituents and restored over $200 billion in proposed cuts to Medicare just hours before the resolution was taken up before this House.

While the House-passed budget appears to back away from earlier calls for Medicare cuts, it still requires the Committee on Ways and Means to make undesignated cuts of $62 billion and the Committee on Energy and Commerce to make undesignated cuts of $107 billion over 10 years. And there is absolutely no language in the budget resolution that protects the Medicare program against these cuts within those committees.

The cuts to Medicaid and possibly to Medicare to pay for another large tax cut has been justified by Republicans who say it will stimulate the economy. Well, I have talked to small business owners and most have not mentioned dividend tax cuts at all. Instead, they have pleaded for Congress to do something about the high cost of providing health insurance to their employees. They have explained to me that they may not be able to afford coverage for much longer. And when I have talked to unemployed workers, they have not asked me to accelerate tax cuts. Instead, they have asked me how they can afford to maintain health coverage for themselves and their families and how Congress plans to help them put the rest of America back to work.

It is my hope that conferees emerge this week with a budget that is better for all Americans, one that makes progress on the difficult challenges that face our Nation, problems like the rising cost of health care, problems like the loss of quality jobs, rather than providing a tax cut that few are asking for and far too few would ever receive.

Mr. Speaker, I once again would like to thank my distinguished colleague, the gentleman from Washington (Mr. BAIRD), who is a champion of health care for all.

Mr. BAIRD. Mr. Speaker, if the gentleman from South Carolina would continue to yield, I thank the gentlewoman from Wisconsin, who has been so eloquent in her comments about why we need to provide health care and the damage that can be done by the Republican budget.

I mentioned earlier the challenge we face in our State and so many States finding and retaining qualified physicians to treat the patients. Someone who has been a champion of another critical issue dealing with the nursing shortage that is harming our health care system throughout the country is the gentlewoman from California (Mrs. CAPPS); and if the gentleman from South Carolina would be willing to yield to her, I know she can add to this colloquy.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS).

□ 2030

Mrs. CAPPS. Mr. Speaker, I rise to express my concerns with the Republican budget. It is critically important that we raise these issues and we raise them now, because the conference on the budget is meeting right now to determine the shape of the budget for the Federal Government for the coming year.

Despite the adoption of our Democratic motion to instruct last week, which called on ignoring the cuts in the Republican bill, I am not particularly heartened by the progress we have seen so far. For example, much is being made of the Senate's action to cut back the President's tax cut to a mere $350 billion. That is certainly a better result than what we got in the House, but it is far from fiscally responsible or appropriate.

Mr. Speaker, I would remind the House that the Federal budget is on record deficits. Every nonpartisan look at the budget numbers comes up with the same result, budget deficits of $300–400 billion for as far as the eye can see.

We must not forget that in this budget process, we are a country at war. As I speak today, men and women in uniform are risking their very lives on the front lines in Iraq. This war has already cost us young lives, and we can only hope and pray it will not cost us more. We know that our commitment in Iraq will not end soon, and we know that without a doubt the war in Iraq and its aftermath will continue to cost our Treasury. Just last week we passed legislation to provide nearly $70 billion in emergency funding, which was not part of the budget, and that will grow this year and the next.

My point is that we have enormous commitments facing our country and we cannot ignore them. These tax cuts are crowding our ability to deal with issues on the table.

The Republican budget resolution embraces the administration's irresponsible tax cut package at the expense of our Nation's health care needs. Our health care security is part of our national security. Despite the protests of many Members of this Chamber, the majority's resolution still requires Medicaid, Medicare, and veterans programs to be cut. Medicaid is to be cut by $93 billion, the appropriate committees are charged to either cut Medicare by $200 billion or to shortchange an already weak prescription drug coverage benefit.

The Committee on Veterans Affairs is supposed to cut $15 billion from their programs, the vast majority of these are health- and benefit-related. These types of cuts would endanger health care for the most vulnerable millions of Americans, those who have worn the uniform, those who have been willing to make the ultimate sacrifice. It is unconscionable, and it does not reflect American values.

And I think of the sidewalk office hours I held in Santa Maria, California this past Saturday. Veterans came to me and implored me not to cut their benefits. Senior citizens came showing me their prescription medication costs, and telling me they are on fixed incomes and they cannot pay for these. But this is inevitable if we follow the Republican plan for huge tax cuts. Cuts to these vital programs are inevitable even if the tax cut is set at the Senate number.

I hope as the conference moves forward this week, some sanity will reign. The choice seems very obvious: tax cuts or prescription drug coverage; tax cuts or health care for the low income; tax cuts or veterans benefits. It does not seem to be much of a choice.

We cannot afford these cuts, $700 billion or $350 billion; they will endanger our ability to meet our commitments to seniors and veterans.

We should honor these commitments and keep our promises.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS) for her comments and her leadership on dealing with the nursing shortage.

Our friends on the other side of the aisle, the Republicans, captured the White House and held the majority in this body and retook the Senate based in part on a slogan of compassionate conservatism. Based on what we have heard tonight on cuts to Medicaid, Medicare and cuts to veterans benefits, I am not sure I see the compassion; and based on earlier comments about their budget having a $4 trillion deficit, I am not sure where I see the conservatism.

Mr. SPRATT. Mr. Speaker, I thank the gentleman, and yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for the work he has done on this year's budget and in attempting to speak about the facts, not the political rhetoric, but about the facts.

Tonight, as we speak, we both know that the Committee on the Budget of both the House and the Senate are attempting to work out the budget resolution, and the gentleman from South Carolina (Mr. SPRATT) is here on the floor, and Democrats are being completely excluded once again from making any of the decisions.

I have been here for 24 years, and for most of those 24 years I have been labeled here and at home as a tax-and-spend Democrat. I have looked forward to the day, really I did not look, I looked forward to shirking that title, and we have done that. We have done that. But now we have borrow-and-spend Republicans, and my grandchildren do not differentiate between either one.

What we have attempted to do now, over the last several years is, and we were successful up until last year when once again we began to experiment with the idea that there is no such thing as a bad tax cut as far as the economy and jobs are concerned. We experimented in 1981 and we borrowed $4 trillion, and it took us until 1997 to get us to a balanced budget. I was proud to stand on the floor in 1995 when we passed the balanced budget constitutional amendment which would have required this body to balance its budget every year except when we are at war.

Let me make this point right now. Tonight we are at war; we are at war in Iraq. We are losing some of our youngest and finest. The House last week voted to borrow the money necessary to fight that war, and we will borrow whatever is necessary to fight that war because every dime that is required for tax cuts or for fighting the war will be borrowed money.

But tonight I want to focus in this brief period of time on where we are regarding debt and debt limits and to express my strong opposition and complete disappointment in this House going back and trying to hide increasing the debt ceiling. Instead of doing what we were accused of doing for years, and we Democrats did it, we hid the debt ceiling increases in a budget resolution, and we were chastised for doing that, and I was not for us doing it, and I am not for us doing it today. And the gentleman from South Carolina (Mr. SPRATT) was not either.

But now we are faced with a vote in which we are going to vote to increase our debt ceiling. If we take the budget that passed here last week, we are going to increase the debt ceiling to $11 trillion in the next 10 years. That is obscene. In the next 5 years, we are going to increase it by almost $3 trillion.

What are we here tonight talking about? What I am here tonight saying is, we are at war and we are behind the troops, and it was almost a unanimous vote of the House supporting our troops and our commander in chief, almost unanimous.

This is the first war in the history of our country that we are arguing about how big a tax cut we are going to give to the American people, not all of the American people, in order to fight the war. That does not make sense to the people I represent. I have yet to find the first person at home, and I am sure I might find one now, that says, you bet, borrow that money. Borrow that money for a $700 billion tax cut, borrow that money to fight the war so those men and women doing their best for America today, when they come home and they go back to work, they will get to pay the interest on the debt.

Friends on both sides of the aisle say this is not the time to be arguing how big a tax cut and whether we are going to make it permanent. This is a time to hunker down and say, How can we in fact manage our fiscal affairs in wartime and do it in a way that does not do damage to our veterans, that does not do damage to Medicare and Medicaid recipients. We had an opportunity to vote on that, but we did not vote for it. We voted for the economic game plan that was put in place 2 years ago that folks apparently still believe is working even though by their own plan, their own budget shows that if everything works exactly like they have it planned, exactly like the dynamic scorers believe it will work, we will end up owing $11.564 trillion in 2013.

Things changed on September 11, 2001. I do not understand why the other side of the aisle cannot admit that things changed on September 11, 2001, in a lot of other areas other than in our necessity to fight a war. It caused a change in our economy. It caused a change big time in our economy. That, to me, requires another look at the economic game plan; and the budget that the gentleman from South Carolina (Mr. SPRATT) put on the floor, that the Blue Dogs put on the floor, would have recognized that change, but we lost.

Now let me say again, I hope that the wisdom of this House is not that we will attempt to hide increasing the debt ceiling in a budget resolution. If Members really believe the economic game plan is what they say it is, have the courage to come out with a clean bill; as Secretary Snow has asked us to do, on April 4, have a clean bill to say to the American people, we believe you ought to borrow the money in order to give us the tax cuts, all of them that we are talking about. There are good tax cuts, marriage tax penalty relief, child tax credit, estate tax relief, things that we can agree on, and we have agreed on in a bipartisan way, that can be paid for.

But I am getting a little bit tired of hearing everybody talk about these tax cuts we are now talking about and compare it back to what John F. Kennedy did in 1960. Sure, when you cut the marginal rate from 90 percent to 50 percent, we change economic behavior.

But I challenge Members, and we are unable to find a reputable economist who says cutting the marginal tax rate on today's corporate CEOs from 38 to 37 percent is going to change economic behavior and is going to create jobs and economic activity in the United States. And that is what we are arguing about. I do not understand it.

But if Members do believe it, let us have an honest debate, no more canned speeches from political campaigns. Let us talk about how we are going to borrow $3 trillion in the next 5 years and we are going to owe $11 trillion at the end of 10 years, following the economic game plan that some believe cannot be changed in this House. We are not doing a service to our grandchildren when we make that argument. We are darned sure not doing a favor to those who are out defending the freedom tonight as we speak. We are not doing them a favor when we are saying we must borrow money for an economic game plan that has already shown it cannot possibly work in the economic climate we are in.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding to me. A great political philosopher once said, if you do not change directions, you might end up where you are headed.

Let us look at where we were headed; as we look at the budget deficits over the course of the years, we see the Johnson, Nixon, Ford, Carter, Reagan, and Bush deficits. When President Clinton came in, we passed a budget in 1993 without any Republican support in the House or Senate. The Republicans took over the House and Senate after the 1994 election, but remember, when they passed massive tax cuts similar to the ones that they passed in 2001, President Clinton vetoed those bills.

They threatened to close down the government if he did not sign them. He vetoed them again. They closed down the government. He vetoed them again, and it was essentially the Clinton plan that ran us up into surplus.

Within 1 year of the Bush administration, we are back down into deficits, and everything that we are spending on the war, since there is no way to pay for it, adds on to the bottom line, so this chart really might go off the chart.

What is the plan? In 2000, we had a surplus. By 2001, we have spent all of the Medicare surplus. September 11 is 3 weeks before the end of the fiscal year. The fiscal year ends September 30, so this was done before September 11, 2002, we are spending all of Medicare, all of Social Security, and $160 billion in more debt. If we keep going at the rate we are going, it is going to be all of Medicare, all of Social Security, $300 billion in additional debt as far as the eye can see.

Now this has consequences. We have heard of the debt tax. A family of four's proportion of interest on the national debt, when you run up all that debt, $4,400. It was going to be down to zero if we had kept going in the direction we were going; but instead, since we were piling on new debt, by 2013, a family of four, over $8,400.

□ 2045

We were told we had to run up all this debt and ruin the budget to create jobs. This is the number of jobs in millions for each administration: Carter, 9 million; Reagan, second administration, 9 million; Clinton, 10 million. We are losing more jobs than we are creating after that budget was created.

With no money, you have an effect on education. About a year and a half ago, the administration ran all over the country with a bipartisan group of leaders in the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor, and Pensions because we had passed No Child Left Behind. We have a two-step process in Washington about spending money. The authorization, No Child Left Behind, and then the appropriation. Here is the authorization. In 2003 we spent $23.8 billion; and this year's budget, we are going to spend less, about $10 billion less than we promised in No Child Left Behind. At the same time, we are eliminating education programs like comprehensive school reform, dropout prevention, elementary school counseling, eliminating those programs, eliminating arts programs for disabled students. We are funding at less than inflation afterschool programs, safe and drug-free school programs, bilingual education. Those are the kinds of cuts that are necessary because we do not have the money.

We are also cutting education generally. Over the last few years, we have been increasing education 12.3 percent. This budget that we are looking at now cuts education 2.7 percent, and what gets cut? Head Start, 28,000 if Head Start takes its proportional share of the hit; 28,000 students will not get the ability to get a head start. That program has been proven to give those not born to privilege a fair chance in life, and now because we are giving tax breaks, they will not have that opportunity.

If the money comes out of school lunches proportional to the way the budget is cut, 500,000 students will not get school lunches. That is what happens when we cut the budget. We have to cut something. School lunches is what gets cut.

We are also cutting access to college. We know that college tuition, particularly State college, is going up. States are having fiscal problems, every State. I know my State is increasing student tuition. Of the last count, over 400,000 students every year qualify for college, take the right courses, take the college entrance exams, have good enough grades to get in, but cannot afford to go because they cannot afford it. And here we are in this budget cutting student loans, cutting Pell grants so that the maximum amount is less than it is this year. To add insult to injury, we are also cutting programs that encourage low-income and minority students to attend college, and we know that college is one's ticket to success in this country.

Also in special education, several decades ago we promised to spend 40 percent of the cost of educating students under the Individuals with Disabilities Education Act. At the rate we are going in this budget, we will never get to 40 percent.

This budget cuts important programs. We have heard about health care. We have heard about veterans. We have heard how deep in debt this budget goes, and we just have to wonder how bad it has to get before it is time to change directions again and go in a better direction.

I thank the gentleman for yielding, and I thank him for his leadership in responsible budgeting.

Mr. SPRATT. I thank the gentleman from Virginia.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 6, ENERGY POLICY ACT OF 2003

Mr. DREIER (during the Special Order of Mr. SPRATT). Mr. Speaker, I would like to announce that the Committee on Rules may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 6, the Energy Policy Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment, one written copy of a brief explanation of the amendment and one electronic copy of the same to the Committee on Rules in Room H-312 of the Capitol by 10 a.m. on Wednesday, April 9. Members should draft their amendments to the bill as introduced on April 7.

Members are advised that the text should be available for their review on the Web sites of the committees of jurisdiction and of the Committee on Rules by Monday, April 7, which I guess is today.

Members should use the Office of Legislative Counsel to ensure their amendments are drafted in the most appropriate format. Members are also advised to talk with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

AMERICA

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, good evening to my colleagues. I appreciate the opportunity to address our group this evening.

There are a number of different issues I want to talk about, but the issues I am going to talk about are going to focus on one thing, and that is America.

I come back from a weekend in Colorado, spending time with my constituents out there, constituents of all different types of backgrounds. I can tell my colleagues that the morale in America, the patriotism in America I do not think could be stronger. These people that are against this war, I have some appreciation of some of their thoughts; but I want the Members to know that the people that are making all these anti-U.S. statements within the borders of this country I am absolutely convinced are a very small part of our population.

I am very impressed, very impressed, with the amount of support, overwhelming support, for the troops of the United States of America. Thank God we are Americans. I feel so good about that. I want to tell my colleagues, on the back of my pickup I have a bumper sticker. My colleagues have all seen it before. A lot of my colleagues may have it on the back of their pick up or their car. It is pretty simple. It says: "America, love it or leave it." That is not a bumper sticker that defies anybody's right for their freedom of speech under the first amendment.

In fact, we know here on this House floor we have lots of debate on this House floor. We are very intense debate. It is one of the checks and balances in the government that we have of this country, but it at some point in time even on this House floor no matter how intense the debate is, with very few exceptions, at that point people on this floor I can say almost unanimously, almost unanimously, love this country, and I see no reason to be apologetic, no reason to be apologetic for saying to people if they do not love America, leave it. There are lots of choices in this world, but one does not have to go very far from American borders to understand that this is the one Nation of the few nations in the world that do not have a problem with people leaving. Our big problem is so many people want to come into this country because they understand the fundamental principles that have made this country so great, that have made this country stand out in world history as the leading country for democracy, as the country greater than any other country in recorded history, the country that has done more for its neighbors, as one of the few countries in history, after it goes to war or moves into other people's territory, as Colin Powell, our Secretary of State, so justifiably said the other day, the only time that the United States of America has kept territory in a foreign country was under a request for someplace to bury our soldiers.

This country has got a lot to be proud of, and I carry that bumper sticker with a great deal of pride, "America, love it or leave it." And I can tell my colleagues there are a lot of people in this country, by far the overwhelming majority, they love this country, and they love what this country stands for, and they support the troops of the United States of America.

I know we have got some people out there, and I am going to address some of their issues, some protesters out there that are not only not supporting the troops of the United States of America, but in California and in other places in this Nation, they are actually carrying signs that say: "We support our troops as long as they shoot their officers." "We support our troops as long as they shoot our officers." It is an absolute disgrace.

We have other people who, for self-interest, frankly, on the Democratic side, very limited but on that side who are seeking the office of President itself who stand out there and say we need a regime change in this country.

Let me tell my colleagues about the administration that we have, in my opinion, running this country. George W. Bush, I think he is doing an outstanding job. What President in history has had two wars, has had a September 11, has lost the Space Shuttle, was handed a bad economy and it is still going south? The strength of our President is second to none. The strength of our President is what will lead this country through this fog, and I can tell my colleagues that when the storm came in, when the conditions got nasty, we did not see our President anchor the boat at the dock where it was the safest. We saw our President turn that boat into the storm to guide people through the storm.

In my opinion and I want to tell my colleagues in the opinion of Democrat and Republican, in my travels, in my calls, in my contacts throughout this country, Democrat and Republican admire the President that we have. They think this President is up to the job. They think this President is leading the country in the right direction. They think this President is doing the right thing in taking out of power the worst mass murderer in the history of the world and, by the way, the worst mass murderer of Muslims. Saddam Hussein has killed more Muslims than any other man known in recorded world history, and that effort to take him out is being led by our President.

By the way, I do not want to downplay the assistance we are getting from our allies. I have time after time after time read in newspapers or heard people say this is the United States picking a fight. As Worley says in his song "Have you Forgotten?" which is the number one song on the country hits, after September 11 maybe we are out there looking to resolve this situation, but the fact is it is not the United States standing alone. In fact, if we take a look at the coalition that our President and his cabinet has put together, it is very impressive. Our longtime solid allies, Tony Blair and the British, and Tony Blair, if my colleagues want to take a look at an example of a profile in courage, we have got it right there. The British, the United Kingdom, a country that has long understood freedom, a country that has very judiciously, very judiciously, used their military might for good and just causes.

And then we can go on to the European continent, and I hear people say this is a split between the United States and Europe. It is not a split between the United States and Europe. It is a split between the United States and the French, the United States and the German leadership, the United States and Belgium; but it is not a split between Europe. Jacques Chirac would like us to think that France is Europe. Jacques Chirac would tell the other countries in Europe that France is the ruling country of Europe and that when France speaks, it is as if it is the voice for Europe, and it is not. In fact, we have more countries in Europe that support the United States of America and our position than support the position of the French.

Take a look at it. We can start with the British. We can go to the Italians. We can go to the Spanish. We can go to the Polish. We can go to the Netherlands. We can go to Australia. Throughout the world nations throughout this world and their leadership recognize that the mission undertaken by the United States and that willing coalition is the mission that is correct. It is the mission for the right cause, and it is the right time to undertake that mission.

We have strong support, strong support amongst our allies. This is not the United States acting alone, although I will tell my colleagues that our country must always be prepared, must always be prepared because of our strength, because of our leadership, because of our history of democracy, we must always be prepared to act for the interests of humanity even if it means acting alone that we will find in our history. To the best of my knowledge, I do not remember anytime in our history that the United States has ever had to act alone. Why? Why does the United States not have to act alone including in the current war that we are involved? It is really pretty simple. It is because the causes that this country acts on, it is on the right side. It acts for the right reasons. It goes forward with the right intentions; and when we are right, when we have got the right cause, when we are headed in the right direction, it is easy for other countries to support us because other countries too, being right is not exclusive to the United States of America and being strong and having the might to help your friends and to help people that are under the wicked hands of somebody like Saddam Hussein, in my opinion it is a pretty easy decision to make. The French walked away from it. The Germans walked away from it. The Belgians walked away from it. But the countries that stood tall, that came out of that foxhole to take the fire to get rid of the evil empire over there, those countries are right too.

This is a coalition of the willing, and I will tell my colleagues thank goodness we have got a President who is willing to stand up and take the heat, take the protest, take the derogatory remarks, take the editorials, take all the political correctness that they try to aim against him, and yet he has stayed steady as she goes. He is on course. He knows in his own mind what needs to be done to protect not only the United States of America but to protect the world.

Right here on this House floor from this very seat, and I was sitting right out here and many of my colleagues were sitting right out here, the President said freedom is not a gift to the United States or exclusive to the United States; it is a gift to humanity, a gift given to the United States to carry out for humanity. That is paraphrased a little, but that is exactly on point.

Take a look at what else we have with the President. Take a look at our team. Condoleezza Rice, recognized as one of the experts in the entire world on international affairs, and, by the way, I boast with some pride a Colorado product, she went to school in Denver, Colorado. Take a look at our vice President, Dick Cheney, very methodical, very experienced in these types of areas. I think one of the most well thought-out Vice Presidents this country has ever had. Take a look at Colin Powell, clearly, clearly recognized as one of the most respected men in the world. Dick Rumsfeld, the youngest Secretary of Defense we have ever had, the oldest Secretary of Defense we have ever had, somebody who fits the part in the Department of Defense perfectly, in my opinion.

□ 2100

We have got the dream team out there. We have got the team that has led this.

Remember how in Afghanistan, Afghanistan now, not Iraq, but remember how with Afghanistan we were hardly into our mission, hardly into our mission, before some of the national publications, the national press, some of it, came out and said, oh, my gosh, the United States is going to face stunning defeat. The United States underestimated the power of the Taliban, that brought down the Russian empire when they came in and tried to take over, chased them out of Afghanistan, et cetera, et cetera, et cetera. They have done the same thing with Iraq.

A week and a half ago, take a look at what the headlines were saying. They were talking about retreat, some of them. They were talking about how the United States greatly misjudged this, the United States has slowed down so much, the United States has been stopped. They really clearly underestimated the strength of Saddam Hussein and the dedication to his tyranny in the country.

How interesting a week changes these newspapers. Now, all of a sudden, they are out there saying this is one of the greatest military triumphs we have seen.

The battle is not over, but the United States and our troops over there, and our troops in the United States, by the way, have done a tremendous job. And what is different about this than Vietnam? I can tell you, in this war and in, I hope, all conflicts in the future, when our military people come home, or when we see military people on the street, they will be recognized as heroes. I cannot wait to put my arms around some of these young soldiers when they come home, back home to Colorado or Mississippi or Texas or whatever State. We are so, so darn proud of them. That is why I do not have any reluctance at all, as a U.S. Congressman, I have no reluctance at all when I drive around to have a bumper sticker on the back of my pickup that says "America: Love it or leave it."

I do not often get tears in my eyes. I do not know why it is, because I do have emotion, I have deep emotion. I have love, I have belief in a God, I have deep emotion, but I do not often tear up. But I have to tell you this weekend I teared up.

What a wonderful thing our military did, not only what they did, but what it is representative of. I am talking about the rescue of our prisoner of war, Jessica Lynch. And what made me tear up when I read the words. Here she is: She has had her bones broken, she has been shot, I would assume she probably saw the execution of her fellow soldiers. What a traumatic event. Now she is a prisoner of war.

All of a sudden, our soldier, our Jessica Lynch, and Jessica Lynch could be any soldier from any State, laying in that hospital bed, hears a racket, hears noise in the hospital. As the reports say, she puts her head under the sheet, and all of a sudden she hears a voice. "We are United States soldiers. We are here to protect you and we are here to take you home."

Imagine that. Your name, Jessica Lynch. That is what first happened. "Jessica Lynch. We are United States soldiers. We are here to protect you. We are here to take you home."

Bless her heart. She sticks her head out of the sheet and she says, "I am an American soldier too. Do not let anybody leave me."

Jessica Lynch is a face, as I said earlier, you could put on any military uniform in our country. What is so neat about this story is not only the rescue, but the fact that an American soldier never leaves an American soldier behind. We always go back and get our people, and we will continue to go back and get our people.

But what is really significant about this is what it says, what America will do for another human being. And it is not just restricted to the soldiers. I can tell you that there are a lot of citizens of the country of Iraq that, once they know we are really there and that Saddam Hussein is really gone, they will feel the same comfort of freedom and the same comfort of security that Pfc. Lynch felt when her fellow soldiers came to take her home.

What a neat story. And what a neat story about what the American fighting man and woman has done for a country many, many miles away from the border of our own.

Sure we have a lot of self-interest in this. We do not want a mass murderer like Saddam Hussein with weapons of mass destruction. We do not want the worst killer in the history of the world, that has been the worst killer of Muslims, one of the worst mass murderers ever known, we do not want him to have those weapons. We know this individual has gassed his own people, 60,000 people in one incident; and, thank goodness, yesterday we drove a stake through the heart of his lead officer in charge of those kinds of programs, those programs of ricin, of nerve gas, of mustard gas. He died yesterday. We drove a stake through his heart, and Saddam Hussein is not far behind.

So, sure, we have self-interest. We know what would happen in Iraq. If we did not handle Iraq today, it would be North Korea tomorrow. We realized in this generation, through the leadership of our President, and, frankly, through the leadership of most of us on this House floor, we recognized the time to stand up, the time to fight, had arrived.

We were not like the French, that said negotiate, negotiate, negotiate. We were not like the Germans, that, for political purposes, for self-serving political purposes for the office of the president, ran and hid.

The United States stood up, and our men and women stood up; and we stood up, as I said, not just for our own self-interest and the interests of the world to rid them of this person, but we stood up for the values of freedom, the values of democracy, the values of just fundamental, basic human rights for the people of Iraq. We stood up for the people of Iraq.

It is the American soldier, the British soldier, even the Polish soldier and the Australian soldiers, that got out of that foxhole and have come into Iraq to give the people of Iraq the basic and fundamental principles of human rights, of human decency, of freedom, freedom of some expression.

We have got an awful lot to be proud of. And this rescue over the last few days, man, am I proud of those people. Look at these soldiers here. They went to work. And look at the success, the successes that we have had.

Sure, we are going to take more casualties. This thing is far from over.

And we will rebuild this country. Not under the guidelines of the French, not under the guidelines of the Germans, not under the guidelines of the Russians or the United Nations, but under the guidelines of the United States, of the British, for a short period of time, and then under the guidelines of the people of Iraq.

This Nation and our willing coalition will allow the people of Iraq, for the first time in many, many, many moons, for the first time in many, many, many years, to allow the people of Iraq to have a real government that represents them, a government of the people, by the people and for the people. And that would not have happened, that would not have happened if nations throughout this world had not been willing to stand up at the sacrifice of losing their own people. That would not have happened had we and that willing coalition not stood up.

Imagine where we would be, imagine where the people of Iraq would be, 5 years from now had this willing coalition not stood up. Imagine where we would be, just like Chamberlain should have imagined where we would be in 1938 with Hitler. Imagine where we would be 5 years from now if we followed the French philosophy or the German philosophy in dealing with the country of Iraq and dealing with other problems throughout the world where we have tyrants that have in their hands weapons of mass destruction. And they have used them time and time and time again, and they have continued to defy international law and they have continued to defy the international community.

We are on the right track. We are fighting for the right cause. We have not only the finest military in the world, we have the finest military in the history of the world, and every member of our military, whether you are stationed domestically, whether you are sitting out there on a ship, whether you are in transit, whether you are in South Korea, whether you are in the Philippines or Kuwait or Iraq, every member of the armed services of the United States of America can wear that uniform proudly. And I want every one of you to know that my colleagues, all of us here, we are so, so deeply indebted to and so proud of you.

The symbol of what you will carry to the next generation is that this Nation is willing to stand up for what is right and stand against what is wrong. There is a lot to be said in that message. And that rescue this weekend, it made all of us feel good.

But take a look at what it meant on a broader basis. That is what we are doing for the Iraqi people. We are freeing the Iraqi people. We are going to bring stability to that country. We are going to bring economic bliss. These people are going to get to enjoy material things we take for granted in this country. And it is in large part due to the leadership of our President, and in large part due to the dedication and sacrifice of our military forces, and in large part, in large part due to the patriotism of America to the average Joe and the average Jane on the street that say, America will stand for what it believes, America will help its allies, America will help its friends, America is a country that will go into history, into the future as well as our past, as the finest country in the history of the world.

And I am proud of it, and I am proud to have that bumper sticker on the back of my pickup, "America: Love it or leave it."

I want to mention a couple of other things. I am not trying to trivialize or treat lightly the difficulties that we have had with the French. I know that lately there have been efforts to change the word from "French toast" to "freedom toast," or figure out some other name on the menu, and not to do this or that with the French, and I understand that. There is a lot of anger back here.

There is a lot of anger with the American citizens about a country like France. It is kind of a luxury society. They get the benefits. They get the benefits of a lot of security that is provided by their neighbors. They get the benefits of a capitalist economic society. But they get the luxury of never having to come out of the foxhole.

But I have got to tell you, last week I did become aggressive in one area dealing with French products. I found out, and for the sake of open disclosure, my district is in the mountains of Colorado. We have a community in Colorado named Marble, Colorado, for obvious reasons, there is a marble quarry up there in that community. That quarry has provided marble for many things, including some of the steps here at the Capitol, many of the monuments, the Tomb of the Unknown Soldier. It is a very fine marble.

In discussing a call instituted by them, in discussions with some of the people in this company, which, by the way, is owned by the Swiss, and the other marble company in this country, there is one owned by the Italians, they said, "Geez, do you know who supplies the tombstone for the Department of Defense to put over the graves of our fallen soldiers?" Of course we did not. The French.

When I heard that, I took it personally. I think it is wrong. I think it is inappropriate, considering what the French Government has done to this country, how they have kicked sand in the face of their friend; how in a time of adversity, they put their ship safe in the harbor and threatened our ship out there and our willing coalition.

We can handle it without them, but they left us. They left us when it was the most important time for them to be with us, that is when they left us.

Now I find out that our Department of Defense is purchasing the tombstones that we place over the graves of our fallen soldiers from a French company.

I have asked the Department of Defense, as the contract comes up for renewal in July, at least the Swiss were neutral, and the Italians are part of the willing coalition. The Italians have been a great country. They understood the evil we are dealing with. These are the kinds of countries that should be rewarded, not the French.

It is the same thing when we go and rebuild Iraq. The French should not be rewarded for their belligerent attitude, for the fact they hid as far down in the foxhole as they could get from the tough fight taking place outside the foxhole.

So I wanted to explain to some of my colleagues, this is not just trying to take a cheap shot or for some other reason to bring out this issue. The fact is, American soldiers should not be buried under tombstones purchased from a French company.

I want to visit for just a few moments, and then probably the most exciting part of my comments tonight are some of the letters that I want to read to you from some of our soldiers, some of the thoughts about this conflict, this war we are engaged in.

□ 2115

First of all, I think the protests in this country, the anti-American troop attitude, the expressions by Presidential aspirants that we need a regime change, and some of our colleagues on this House floor way over on the left side, objecting to what is happening here, that is not representative of the majority of the people of America. I do not take away, to an extent, I do not take away the right for debate. I think it is so fundamentally important for the checks and balances of our country. I do not take away, even if I disagree, I do not take away the right, if somebody disagrees with me, to debate on this floor or to walk in a protest. But as my colleagues know, there comes a point in time where we as a team must act together. There is a saying around here: politics ends at our country's borders. In other words, in Congress, we have always said, look, when we go to battle outside, like a family, like a family dispute, when we step outside the family home, when we step outside the borders of this Nation, we must act as a Nation. We must act as a family. We must speak as a family. Let the politics and the debate stay within our borders.

Unfortunately, a small number of people, especially when we consider it in proportion to the population of this Nation, or if we consider even a more accurate number, if we consider the number of protests in proportion to the percentage of this country that supports our forces and supports the difference between right and wrong and the just cause of which we are engaged, it is minuscule. These protestors are really not representative of the majority of America.

I want to tell my colleagues, where they cross, in my opinion, where they cross the line of patriotic and unpatriotic. I do not think that one can say somebody is unpatriotic, for gosh sakes, because they protest. I do not think that is unpatriotic. As I have said earlier, there is freedom of speech. But there is at some point where one carries that protest to that line or one crosses that line where it does cross the line between being patriotic and unpatriotic. And let me come back to my remarks that I made at the beginning, and that is those protesters, disgraceful, what they have done. Those protesters, and I have pictures of it right here, those protesters that carry signs out there that say, we support our troops, we support our troops, as long as they shoot their officers. Those are the kinds of people that my bumper sticker applies to. If you do not love America, get out of it. Leave America.

And I am not ashamed. I am not concerned about standing up here and saying to my colleagues, in my judgment, and I think in the judgment of many people of this country, it is unpatriotic for one to stand out there when our forces, when our young men and women throughout this country and overseas, overseas actually taking bullets or being scared to death or being asked to carry out a mission so that we have the freedom to protest, that one would dare have the audacity, the unpatriotism to carry a sign that says, "I support our troops as long as they shoot their officers." Those people, in my opinion, have no place in our society. They do not, thank goodness, carry behind them much support. It is very limited. But it is so disgraceful in its public display, so disgraceful in its public display that I come to the House floor this evening to condemn as unpatriotic that particular sign and those people who do not support the troops of America.

In fact, every protester out there, many people, by the way, who I would describe as luxury, the life of luxury. They are not taking bullets. They are not worried about their security. We all go to sleep tonight not worried about our security. We all go to the grocery store tomorrow not worried about whether there is food there. We have less worry about medical conditions than other people in the world because we have such a fine medical establishment. We do not worry about whether our kids have a school to go to in the morning. We really have a life of luxury. But that life of luxury in large part is given to us by the dedication of the American forces, by the dedication of the American forces that are willing to risk everything they have, including their own lives, so that we have that life of luxury.

It is my humble opinion that when those forces hit the field in combat, that the signs of protest ought to go down and those signs that ought to go up is "God bless the American forces." God bless our men and women who are willing to go out there, not for their own self interests, but for the interests of the country that they love, for the interests of America. For the interests of America's interests. For the interests of America's allies. For the humanity, for the interests of humanity; in the interest of freedom, of freedom and the export of freedom. They are willing to go out there and put their lives on the line.

We know, we know, many lives, many lives have now been lost in the last couple of weeks as a result of carrying that torch, the torch of America's gift to its people, and the gift of its people to America, and that is freedom and democracy. Yet we have people, people in our own circle, people in our own camp that not only do not help gather firewood for the fire, but have the audacity to carry a sign, carry lots of signs that say, we support our troops when they shoot our officers. That is going too far. That is going over the line.

I know when I get back to my office this evening I am going to have lots of phone calls, primarily from these kinds of people, yelling at me that I am an unpatriotic American. How dare they, as if I have no freedom of speech, but how dare I question their motives when they carry a sign that says "We support our troops as long as they shoot our officers." Well, I say to them, save your time. It is a waste of a phone call. Instead, think of that bumper sticker that I have on the back of my pickup: "America, love it or leave it." The intensity that I feel is not just with me. We see that throughout this country. People are so proud today to be Americans and our military people are so proud of their Nation and so proud of being in uniform for this country.

I was at a high school not too long ago and at the high school one of the students asked me, he said, are they going to bring back the draft? I said, the draft, now that we have a little time out of the draft, we now realize it was probably the worst mistake we ever made in this country. Why? Because in the draft, keep in mind, we did not offer any choice. We would go to young men and women who had just gotten out of high school, maybe had started a career, say, being a mechanic, something that they really wanted to be, or going to college or doing something they really wanted to do, and all of a sudden their government was knocking on their door saying, whether you want to or not, you are being drafted, you have to leave your home, we are going to send you out in the military forces and we may have you painting ships or doing something they despise. Do you think our military is happy? Do you think morale in the military is good when we have a draft? It is not.

What we have today is a different concept; and if you go back and look at the history in the articles about getting rid of the draft and so on, nobody estimated just what a tremendous success it would be, getting rid of the draft and having an all-volunteer force, men and women who want to serve this country, men and women who want to put that uniform on. Men and women who wanted to be where they were going to be sent by our Commander in Chief.

I think we are going to see that reflected by any number of letters that I have right here, and I want to take a few minutes to read some of them. Our military, the morale in our military is as high as it has ever been, in part because of their deep, deep dedication to this country that has been so good to them and so good to all of us, in part because of the leadership of our Commander in Chief, and in smaller part because of the leadership of the United States Congress and elected officials and leaders throughout this country. We have come together as a family. We have spoken with a very strong voice, a voice that is recognized wherever those Stars and Stripes fly.

Now, granted, we should not be distracted for very long by a few small groups of protesters that have, in an unpatriotic way, in a belligerent fashion, carried signs that say, "We support our troops, as long as they shoot their officers."

I have really been moved by some of the letters that we have seen. I wanted to read a couple of them. I think they are so neat. As I have said before, I do not like to read from written text, but these are not my letters. These are letters that I am passing on to my colleagues. Let me start:

"We are the proud parents of two United States Marines."

By the way, at one of my events this weekend, I met the mother of two proud, I am not sure if they were Marines or Army officers or a mixture. Boy, was that mother proud. She stood up in front of this group, and she said, please, the best message I can take back to my sons, a son and a daughter, the best message I can take back to my children is that we in this country understand why they are fighting, that we in this country support what they are doing for us. She said, that is all that is necessary. You do not need to send a care package. She did say prayers, but she said prayer, and let them know that we understand why they are there and that we too have the deep faith in them and the love for this country that they have. It is pretty moving.

"We are the proud parents of two U.S. Marines. We will not bother discussing our political views, one party versus another. What we will say is we do not want our sons nor any of our sons and daughters, husbands, wives and grandchildren in our extended military family to die in vain. Like most, we pray for peace, but we are sick, literally sick. Why? Because we lived through the Vietnam era and saw firsthand how our vets were treated. We are so afraid it is beginning to happen again, and we are not alone. Nor are we the only ones who believe with all of our heart that the key to winning any war on terrorism will depend on how we here at home emotionally support our troops, regardless of politics. Vietnam proved how we defeated ourselves by the way we divided our own Nation and treated our troops. We never lost the battle in Vietnam, we lost the battle on the political front. We are beginning to lose again and the bullets have yet to fly."

Now, I should note that this letter was written prior to the engagement of the conflict, about 3 weeks ago. I would also note that the mother who wrote this letter is today, I am sure, so, so proud of the overwhelming patriotism and support that is being shown by the American people for her two proud Marines and all of those who have chosen to serve in our military.

"Our sons did not choose to become a United States Marine to kill people. They had dreams of a career, of travel, and of protecting us from the terror of things like 9-11 so that it would never happen again. Both our sons are the best sons a parent could pray for. The thought of having someone throwing animal feces on our military when they finally return home, hearing nothing but negative media about how Americans hate them and the war, and the thought of what we would do to the servicemen and women's spirit scares military families to the point of sleepless nights. The media, stronger than the White House itself, can help change that fear, can help it from becoming a reality. Everyone is quick to show the protesters out marching. What has been done to show those who support our troops? We are not marching on the streets, we are not screaming clever chants, we are not holding up signs or throwing blame or calling names. No, we military families, we are at home. We are boxing care packages to our service people. We put yellow ribbons on our doors, on our trees, on our car antennas, Blue Star flags in our windows. We pray 100 times a day and light a candle. We are sending birthday cards, thank you notes of cheer to the members of the service whom we have never met, nor may ever, because they are our extended family in that military force.

"They need to know amidst some of this bad publicity, there are those of us who are grateful for their choice and sacrifice for us to live in the land of the free, and it is because of the brave that we have the land of the free. You may never read that in the headlines. So what can be done?"

And she goes on to talk about how we can come together in our communities in their prayer and in their showing of support for our soldiers. And keep in mind, it is not just the soldiers that are on the front. Think of all of the supplies, all of the logistics that have to happen from people across this Nation, soldiers and citizens, civilian military employees, the prayer from us.

☐ 2130

Look at all the supplies that have to be put together. Look at all our medical personnel. In Washington, D.C., we have servicemen, and when I say that, servicemen and servicewomen, we have service people who are now recuperating in our hospitals here in Washington, D.C., at our military hospitals. There are a lot of heroes out there.

I get the deep sense in this country that this country has responded totally opposite of the response that we saw in the Vietnam-era war. This country has come to its feet. This country will recognize and has recognized, and will greet with great cheer and great love and great pride our American soldiers when they come home.

This lady's concern about the Vietnam era and the way those service people were treated should be of no more concern. We have a few pockets of poorly educated, unpatriotic people who carry signs that the best way to support troops is to shoot their officers, but such a small fraction. We have a massive, massive amount of people that will stand in respect to these military people for the job that they have done and for the job that they will do not only today, but in the future.

Let me move on to another letter. This one is from Petty Officer Lance Herdon of Brandon, Mississippi. I am just taking out a part of the letter. Frankly, some of the letters have some pretty emotional, private stuff for the family, but with this, I do not think they have objection to it being read.

From the petty officer: "As far as questions about the protesters, yes, I am angered about the protesters. But, that is why we are here. We are the very ones that give them the rights to speak freely. I still don't understand how the very people who speak so badly about us and what we are out here trying to preserve are the ones who use it the most.

"To answer your previous questions, I did watch the President's speech. There was about 20 of us glued to the television screen on the bridge. I don't understand what is left to show people. What I mean by that is the fact they have mass weapons of destruction and they refuse to destroy them. So that means that they could inflict serious harm on surrounding countries. Why should we not help the surrounding countries? I completely believe in liberating the people of Iraq. Give them one thing that we most often take for granted . . . freedom."

This 19-year-old petty officer says, "Give them the one thing that we most often take for granted . . . freedom." It is something that is overlooked, a major right we hold as Americans.

"For everyone in Mississippi—keep on keeping on. Everyone's support has been monumental so far. There are a lot of people that think that this is not necessary, but I think of it as a responsibility to mankind."

This is coming from a 19-year-old petty officer. "I think of it as a responsibility to mankind." The key word is freedom.

"I think that it is ironic that Abraham Lincoln was famous for freeing the slaves 200 years ago. I am on the USS *Abraham Lincoln* trying to free the people of Iraq. I am surprised no one else has said anything to that effect." It has been said, petty officer. "I don't see how anyone cannot want to free the people of Iraq."

Another one here from a desert battlefield far from home, a U.S. military officer sent his wife a love letter describing how his wedding ring has soothed him. It reminded him of her, although they are many miles apart.

"Every day I find myself fidgeting with my ring. The smoothness of its surface calms me," Captain Scott Smith wrote to his wife, Kelly. "I can't fully describe what I'm feeling. I'm no poet, but its lightness, its beauty reminds me of you. Its hardness is a sign of your strength. Love, you are my rock. You are what I live for."

Think of the sacrifice, not only of these military men, but the military families, these young wives or husbands whose spouse is out there fighting for us. Think of the emotions.

Do Members remember the songs from World War II? "I'll see you in all the old familiar places," or "Kiss me once and kiss me twice," that kind of stuff, it is all there. The love for these troops is so deep and so intense, as reflected by letters like this.

Here is another letter: Army Pfc. Favio Melendez, Jr., with the Patriot unit from the 108th in Fort Bliss, Texas.

He wrote to his wife:

"Dear Babe, my journey back home is about to begin. The war would've been halfway over by the time you get this letter. I love you and miss you. If anything happens to me, remember I'll always love you. I'll always be with you. Tell everybody back home thank you for the letters and for the prayers. I'll see them soon.

"Tell my parents they have raised a proud American son. Tell my sister to achieve her goals, for I have fought for them. Pray for those soldiers who have lost their lives for our freedom and pray for those who continue to fight to make the world a better place.

"I made a promise to you before I left, that I shall return . . . it's rough and tough out here, but I'll keep that promise.

"Take care of our son, and let him know who his daddy is. I'll see you soon. P.F.C. Melendez."

Here is another one, Brian Waninger to his wife Melena. "Today has been eventful, as you can imagine. We are all fine. Have a prayer chain started. I know that it works. Pray for the President. He is a brave man to have made these decisions and I am sure that he will face adversity. He will need a lot of support to stay strong. I say, get the wives together and protest the protesters. The men of Charlie Company are in good spirits and proud to be here. Pass it on. I love you and you are on my mind constantly. Love, Brian."

I want to mention another one. This is an obituary. There is one line in the obituary that really stuck out. "George A. Fernandez, 36, a member of the Army's Special Operation Command, died Wednesday after being shot in northern Iraq, the Defense Department said."

Think of this statement. This statement comes from his family. Think of the strength of a family to stand up and say something like this. They said he was the third generation of his family to serve as a senior noncommissioned officer.

"He served not only out of a sense of family obligation, but out of a sense of patriotic duty. He loved America and he was proud to be part of the Special Operations community." Fernandez was a native of El Paso, and he gave his life for the greatest country in the history of the world.

I want to mention another group of people out there, and then start to conclude this. There is another group of people out there that are not even American citizens. They are called foreign nationals. Now, I know that it is real easy to bash illegal immigrants, and lately there has been a lot of that. A lot of it is deserved, I understand the debate. I am not trying to take sides in a debate, here.

But I am saying that there are people who are not even citizens of this country who believe so strongly, who believe so strongly in the American dream that they have enlisted in our forces. Now, somewhere around the range of 10 have given their lives, have been killed in the line of duty fighting for the United States of America, even though not citizens of the United States of America, because they believe in the principles and the values and the freedom and the fairness and the justice for all. They believe in what our great country has done for its people, and more importantly, more importantly, these people believe in what our country has done for the world and has done for others, our neighbors.

A Guatemala native put off college to join the Marines. Lance Corporal Jose Gutierrez, 22 years old, rifleman with the Marines, born in Guatemala, held permanent U.S. resident status which he obtained in 1991.

Those people, those foreign nationals who signed up to serve in our military, those foreign nationals who have made the ultimate sacrifice, we need to know that the respect of this country goes well beyond our borders; that there are people throughout this world that would do anything to become American citizens, to help further the dream that our forefathers had when they first put this country together. Lance Corporal Jose Gutierrez was one of those. By the way, I should tell the Members that the United States now, in recognition of his sacrifice, made him in citizen of the United States.

I want to put up one other poster. This is called "Freedom". I want Members to know I did not author this, but Fred Thompson, a U.S. Senator, former United States Senator, has a TV commercial, or has put this on the TV. I am not sure who the author is, but I did not do it. I think the words are so explicit and say so much.

In conclusion of my remarks, I wanted to read a letter, but I wanted to go through this. Just go through with me.

"Freedom

"It is the soldier, not the campus organizer, who has given us the freedom to demonstrate.

"It is the soldier, not the reporter, who has given us the freedom of press.

"It is the soldier, not the poet, who has given us the freedom of speech.

"It is the soldier who serves under the flag who defends the protester's right to burn the flag.

"Isn't it time now to demonstrate that we support our troops? Were it not for the brave, there will be no land of the free."

Finally, I want to conclude with a letter. This letter was written to "Mom". The young man is from the State of Nevada. This letter was actually published in a newspaper.

"Dear Mom, it's really your decision to march if you want to or not. You are the one who has to decide if what we are doing out here is right or wrong. My opinion is not yours.

"I do, however, have things I would like for you and Grandma and everyone else at home to know.

"I am a United States soldier. I was sworn to defend my country against all enemies, foreign and domestic. People may not agree with the things we are ordered to do. I would like to address those people by telling them that terrorism is not a threat to us as Americans but to many other innocent people in the world.

"What type of country would we be if we didn't defend the rights and freedoms of others, not because they're Americans, but how about just because they're human?

"We live in a country where people feel secure with their daily lives. They do business like usual and don't worry about the thought of terrorism actually happening to them.

"The people of 9/11 thought the same thing. We now know that it can happen to anyone at any time.

"Yet as Americans we're afraid of losing our soldiers to defend our security. I can only speak for myself when I say that my life is an easy expense to ensure that my family and my friends can live in peace.

"I strongly believe in what we are doing and wish you were here to see for yourselves the honor and privilege that American soldiers aboard this ship are feeling, knowing that we are going to be a part of something so strong and so meaningful to the safety of our loved ones. Then you would know what this potential war is about,

"We will stand tall in front of terrorism and defeat it. We as soldiers are not afraid of what may happen. We are only afraid of Americans not being able to understand why we are here.

"I ask for your courage as Americans to be strong for us; I ask for your understanding in what we believe is right. I ask for your support in what we are sworn to do: defend our country and the life of all.

"We will succeed in our task and we will end the threat of terrorism in our backyard. We will also end the threat of terrorism in our neighbors'.

"We have to remind ourselves of what this country stands for: life, liberty, and justice for all. In order to maintain those rights, we have to stop this threat. I am proud to be here. I will be coming home, but not until I know that it is safe for all Americans and for everyone that I love.

"My family is first. My country is where they live. I will defend it." This is a 20-year-old Navy corpsman, 20 years old and writes like that.

It is with a great deal of pride that I have that bumper sticker on the back of my pickup, "This is America: Love it or leave it." I want all of my colleagues, when they go back, to know that the belief and support of the American people is behind the military forces of America; that by far the greatest majority of Americans feel good to be Americans. They feel proud of this Nation, and they not only feel honored by our troops, they feel that our troops are acting for a noble purpose.

☐ 2145

And they see these troops as real heroes, not sports celebrities, not famous people, not Hollywood actresses but as real true heroes. And there frankly are a lot of people who have put down their signs in protest and have picked up signs supporting our force. Those people who are carrying the disgraceful sign that they support our troops as long as they shoot their officers are a disgraceful bunch. I guess you get some bad apples in every bushel. But the fact is we live in the greatest country in the history of the world. And I, for my own small part, feel very, very privileged, very privileged to have been born or to be a citizen or to have as fellow citizens people who have come into this country in the United States of America. Just take a look at the last words we have got: "Were it not for the brave, there would be no land of the free."

HISPANIC HEALTH CARE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, thank you for allowing the opportunity to be here tonight.

This month is health care month and I wanted to take the opportunity to come up here tonight to talk a little bit about health care. And as chairman of the National Hispanic Congressional Caucus, I wanted to specifically emphasize Hispanic health care. I want to thank also my colleagues who are both on the Hispanic Caucus who have been working extremely hard in the area of health care, the gentlewoman from California (Ms. SOLIS) and the gentleman from Texas (Mr. GONZALEZ) and others.

Hispanics are now the fastest-growing population in the United States and comprise 13 percent of the total population. Yet they continue to suffer disproportionately from health disparities and face many barriers in access to quality health care. Over 33 percent of the Hispanics are uninsured. That is one out of every three find themselves without access to insurance, compared to 10 percent of the non-Hispanic whites. Let me just add that the uninsured population continues to grow, continues to become even worse as with the economy as well as with the fact that we have not been supportive of some of those programs.

And I would also add that those people who are uninsured are the ones that are out there. They are working Americans trying to make ends meet but find themselves working in small companies, find themselves working in rural

America, find themselves not working for a major corporation or governments, so they find themselves without access to insurance. Yet, they are working. They do not qualify for Medicaid because they are not poor enough because they are making money, but then they do not qualify for Medicare either because they are not senior enough. So here they are in between, working Americans, yet find themselves unable to afford health care. Yet in a country that has the best health care system in the world, it is not affordable; and it is not accessible to working Americans.

When it comes to children, the numbers are equally sad. Hispanic children have the highest uninsured rate in the United States, with the child population one out of every four, 24.1 percent. So we have a situation that not only hits the uninsured but it also hits the most vulnerable, our children. Over 35 percent of all Hispanic children depend on State Children's Health Insurance, or what we have call the SCHIP program, for health care needs.

We know that the uninsured have limited access to care. And we also know that the uninsured suffer disproportionately from diseases that can be prevented, treated and even cured. And that is what is so sad, some of these diseases can be prevented; some of these diseases can be treated and some can be cured. And then I look at the numbers where I see the statistics that show that in 1 year an estimated 2 million Hispanics were diagnosed with diabetes and another 1 million were estimated to have undiagnosed diabetes. And so here now we have the data to be able to diagnose diabetes at a very early age. We have the information. We have the potential of making a difference. We have the capability of being able to provide the data that is needed.

And I want to let you know that in the area of diabetes, I have been well educated in that area. When I served in the Texas House, I was in the public health committee, and I recall very distinctly finding out the data. When we looked at the disease, diabetes, at the number of people that go blind, the number of amputees usually as a result of diabetes, a large percentage of them, and, ironically, enough, in those areas it is an area that can be prevented, especially now that we can diagnose it at an early age, where we can work with those youngsters, work with those families so they do not have to suffer later on where they might lose a limb or go blind.

We also have when we see statistics that show 20 percent of persons living with AIDS are Hispanics, we know we have a serious problem if we do not start to address the state of Hispanic health with targeted prevention programs, treatment programs. With the strains that the health care system is currently experiencing, then we will have even more dramatic problems.

In the area of AIDS, we have made some significant strides. In fact, the data show that the numbers overall have been going down, and that is good and the statistics have shown it. But when it comes to minorities, especially African American and Hispanics, we find within ourselves it is growing disproportionately. And so AIDS has not gone away. It is still there. It is still a killer, and it is still one of the areas that we need to concentrate on. And it is also an area where we identify it as one of those infectious diseases such as tuberculosis that we really need to concentrate on, no matter whether it exists in this country or anywhere else. So eventually we will have to deal with it. So it becomes important that we zero in on AIDS and see what we can do.

One of things I wanted to mention about AIDS is that in our Hispanic community throughout this country one of the difficulties is that a lot of communities have what we call community-based organizations, and we have a few but our programs were not initially, we do not have as many as other community groups do. And so you find in the Hispanic community a lack of community-based organizations that are not funded. You have some groups, but they do not have sufficient resources. And so when they try to compete for the Federal dollars, for the State dollars, they find themselves at a disadvantage because they were not there from the very beginning; they were not there when these other organizations were given these seeds monies to be able to start those programs to be able to make a difference.

I also wanted to take this opportunity also to talk a little bit about the Hispanic Health Improvement Act. Through the caucus, we organized, the Hispanic Congressional Caucus, has organized based on task forces. We have a task force that is headed by the gentlewoman from California (Ms. SOLIS), but we have worked on that task force to come up with our own Hispanic Health Improvement Act; and we have been working on this for some time now. It is a comprehensive bill aimed at improving Hispanic health in the United States. The legislation offers a variety of strategies for expanding health care coverage, for improving access and affordability, which is key, for also reducing health disparities as well as strengthening our Nation's health care workforce.

Let me just add that this particular piece of legislation is a piece of legislation that I have personally been working on for a little bit since I came up here almost 6 years ago; and it has evolved into a piece of legislation that is pretty comprehensive over all and touches on a lot of areas that the Hispanic community has been encountering and the difficulties in the disparities. One of the things that we did about a year ago was we did a conference where we asked every Member, both Republican and Democrat, that had any significant number of Hispanics in their districts, we invited them to a conference, and we had the conference in San Antonio. We had great participation, not only from the legislature, but also from each of the Members' staff. We invited one or two members from each of the staffs. And there we were able to come up with additional recommendations that were extremely helpful in beginning to finalize our piece of legislation and begin to address the responses that we needed in order to make that happen.

This legislation provides for the expansion of the successful State Children's Health Insurance Program, which is known as SCHIP, to cover the uninsured low-income pregnant women and parents. Right now the SCHIP as we well know does not cover women that are pregnant, that are uninsured; and we also know the importance of covering them is key. It also provides the flexibility to States that want to enroll legal permanent resident children and pregnant women. And once again, these are legal permanent resident children and pregnant women. We do not have that in the present legislation, and it is important. It is important that that also occurs. There must also be flexible incentive for States to increase enrollment in times of economic recession and as the population increases.

It is important, the proposal, that the administration has right now is to basically take the SCHIP program, the Medicaid program and what we call the disproportional share and put it into one lump sum, which is most of the needy programs in this country, and then send it to the States but then it caps it. Our program allows for the flexible incentive that if the numbers increase, you are able to put additional resources. Especially in those areas where the population is growing, it is important that we provide access to that capability. And we know that population fluctuates every 10 years or so because we draw our lines based on that for political representation. So we also know that the numbers of the ones that are in need also grow.

The legislation also addresses the future needs of our health care system and provides increased funding for health resources services, administration health professions, diversity programs; and we must ensure that our health care system can provide both linguistically and culturally appropriate health care. You might say, well, what does that mean? I just want to give one example. I recall a couple of years ago, it has been about 3 years ago when we had a hearing and I remember some testimony that was provided by one of the doctors who said that she had a client, and during that hearing she indicated that the client had been informed that she had been positive for AIDS. But in Spanish it was translated AIDS is positivo. If you just tell someone they are positive without explaining in Spanish as to what it means in terms of what it means to be positive, in Espanol you say "esta positivo," that means everything is okay.

So when you just get it in writing, she assumed that everything was okay. Well, that particular patient had a child and contracted AIDS. And so we have got to be able to communicate. We have got to be able to reach out. And a lot of times our health professionals might not be both linguistically or culturally appropriate in terms of being able to communicate, and sometimes our education assumes a great deal on the part of the patient, and that needs to be considered.

These programs also promote diversity and support training professionals in the fields that are currently experiencing shortages. The bill also targets approaches that will help improve the health care of Hispanic communities in those areas and to make sure we address some of those needs.

Let me take this opportunity to talk a little bit more about our piece of legislation because when we talk about the importance of shortages in our Nation's health care, the bill begins to look at addressing the needs of what exists. And we know that right now there are thousands and thousands of nurses that are needed. We need nurses. And we need to make sure that we have the resources to make that happen. So this bill calls for beginning to look at providing those resources to make that happen. We have got to begin to educate our health care professionals. We have got to produce our own health care professionals. We need doctors.

Let me give an example, and I think I have shared this before, but I have got to keep saying it because we still do not do anything about it.

□ 2200

We always complain about immigration. We always indicate that there are too many people coming from abroad, and prior to 9/11, we had a little less than 300,000 people come from abroad. This is the professional category, 300,000.

In that category, Mr. Speaker, we have approximately 5,000 doctors. If we look at the data, Mr. Speaker, we graduate 12- to 13,000 each year; yet, we bring in 5,000 doctors each year. We are a brain drain on the rest of the world.

At the same time, we tell people, young people who want to go into medical school, to qualify, we tell two of them, sorry, we do not have any room for them. So at some point we have to produce our own. We have got to produce more doctors, more health care professionals. We need more dentists and pharmacists. We need more nurses, and so we need to begin to provide those opportunities for some of our people in this country to be able to provide that access that is needed.

In addition to that, the bill also calls for improving access and affordability to medically underserved areas. The border area is one of the most underserved areas in the Nation, and it is an area that requires a great deal of help. It is an area that requires a great deal of assistance, and we need the resources to provide access to health care.

I represent San Antonio down to the Mexican border where I have La Salle, Zapata, Starr and Hidalgo, and in those counties there was a recent study that has just been done. In fact, I am going to have a chance to meet the author and discuss it. It is a good friend of mine, and we will discuss the findings; but Dr. Ortiz was telling me that on the survey that he had done of individuals in Hidalgo County, as I recall, and there might be some from Starr County also, that is also on the border, that when they were asked, where did they get access to their health care, 50 percent of them, they were Americans who were asked, where do they get their access to health care, it was in Mexico.

We complained about people coming from Mexico, accessing our services, and yes, they do come over and access our service, but a large percentage of them also go to Mexico to access service, both for prescription drugs, for dental services and for just general health care.

So it is important to note that we still in this country have not been able to meet the needs in those underserved areas. Our rural America is having a great deal of difficulty getting access to good quality care. With the advent of the HMOs and the health care systems, those systems are unwilling to go into rural America because they do not see the profits there. They do not see the way they are going to be able to make a profit, and most of them find themselves in urban areas. So rural areas, the options are very limited to some of the constituencies in our rural communities throughout this country.

There is a real need, and this particular bill provides some resources to begin to look at those underserved areas and begin to provide access to be able to get those resources.

Also, thirdly, the bill increases resources that are needed to combat Hispanic health disparities. I want to take this opportunity to talk about a couple of those disparities.

One of them is the area of diabetes, and I know I mentioned to my colleagues earlier that diabetes is a very important issue that confronts Latinos and others, but I wanted to just mention some of the statistics in the area of diabetes.

In 2000, an estimated 2 million Hispanics had been diagnosed with diabetes, and another 1 million are estimated to have undiagnosed diabetes. Approximately 10 percent of all Hispanics have diabetes; that is one out of 10. That is a pretty significant number when we see one out of 10 Hispanics that suffer from diabetes. For those that are 50 or older, the data goes up to 30 percent that have diabetes. So as they reach the age of 50, it is 30 percent. That is almost three out of 10. So it increases dramatically.

Hispanics, on the average, are almost two times more likely to have diabetes than non-Hispanic whites. So diabetes is definitely an area that we really need to look at, an area that we really need to concentrate on, and I am hoping that we are able to get the resources that we are asking under the Hispanic Health Improvement Act to be able to respond to those needs.

Remember that this is an issue and this is an illness and a disease that causes people to lose their limbs. It causes people to go blind, and their quality of life is hampered. It is an area that in a lot of cases can be prevented, and there are some beautiful programs out there. Dr. Trevino's program in San Antonio that works with kids in the San Antonio ISD school district and others, these are good programs, viable programs.

I have been blessed that in my district, in Starr County was where some of the first studies that were done in the area of diabetes, where they are able to now identify those youngsters in elementary school that have the signs or the possibility of diabetes; and so we need to make sure that we go forward in that area.

The other area that I have mentioned to my colleagues that is also a disparity that I would like to just kind of address a little more, and that is the area of both HIV and AIDS. Twenty percent of persons living with AIDS are Hispanic, 20 percent, despite the fact that we only represent 13 percent of the population. So we see the disparity, and that 20 percent is significant.

The AIDS incidence rate per 100,000 population, the number of new cases of diseases that occurred during a specific time period among Hispanics in 2000 was 22.5, more than three times the rate for whites. So in the area of AIDS, we are disproportionately hit, and according to projections made by the Harvard School of Public Health, by the year 2050, the number of new AIDS cases among Hispanics will surpass that of whites. When it comes to AIDS and HIV, we have an area that we really need to begin to look at how we are going to concentrate, how we are going to be looking at meeting some of those needs of those individuals.

Once again, there is need for basic grants to start up those community-based organizations that do not exist in our communities. They exist in some of the other communities, but in ours, we still do not have the community-based organizations.

The other areas of disparity are the issues regarding cancer, the issues of asthma, substance abuse and mental health. Let me briefly, in the area of mental health a number of studies suggest that the mental health of Hispanics decreases as Hispanics adapt to the U.S. way of life. That is kind of interesting, that as they become more Americanized, the mental health problems supposedly decrease. Hispanic youth experience, proportionately, more anxiety-related though, and delinquency problem behaviors with both depression and drug use than do non-Hispanic white youth. In fact, many refugees from Central America experience kind of trauma-related traumas in the homelands where they come from with the civil wars, and so a lot of them are suffering from post-traumatic stress disorders.

It is one of the areas that we know especially with our veterans that it is something that needs to be worked on. It is something that needs to be treated, and it is similar to, for example, what happened in New York after 9/11. There is no doubt that we ought to be working with a lot of New Yorkers there and the families because of the issue of post-traumatic stress disorder, and it is something that stays with someone.

If anyone has gone through any experience such as that, it is something that changes their life. It is something that dramatically causes a person to change, and in some ways, they are even unconsciously doing certain things without realizing why they are doing it and why they think in certain ways because of the impact of that traumatic experience.

So it applies not only to veterans in the war, but it also applies to things that we witness, things that we have experienced. So post-traumatic stress disorders among young Latinos also has increased, along with the issue of depression.

Among Hispanics with mental disorders, fewer than one in 11 contact mental health specialists. So a lot of Hispanics who do suffer from mental health difficulties do not contact for assistance, are not in our mental health programs throughout this country, are not getting the service that they need, while fewer than one in five contact general health care providers, but one in 11 failed to contact.

Among Hispanic immigrants with mental disorders, fewer than one in 20 use the services. So the numbers go even lower as they first come into this country. They tend not to utilize the services.

Let me talk a little bit on mental health. Mental health is one of the areas that for some reason in this country, just like in health care, but more so in mental health, it is an area that we have been reluctant to fund. It is an area that we have been reluctant to provide assistance to, an area where a lot of our youngsters suffer from depression, where a lot of our women suffer from depression, where we have forgotten quickly what happened at Columbine, and so those things are still there. Those problems still exist, and there is a need for us to reach out to our young people. There is a need for us to work with our communities and our schools to see how we can help, and there is really a need for us to reach out.

There is data to show that Latinos, Hispanics, a large number of them, in fact, the number of suicides among Latinos is growing. So it is an area that we need to really kind of look at real close. So I wanted to make sure that I emphasize that our program also talks about the mentally ill as well as substance abuse.

Let me also briefly talk about another disease which is heart disease. Heart disease claims the lives of 30 percent of, more than 107,000, Hispanic Americans who die each year, 107,000, 30 percent are Hispanics. Among Mexican American adults, about 29 percent of men and 27 percent of women have cardiovascular diseases. Among those with high blood pressure, Mexican Americans are much less likely than non-Hispanic whites and non-Hispanic blacks to be aware of it and be treated. So not only do they have high blood pressure, but a large number of them are not even aware of the problem, and they feel okay or think they feel okay and they continue to act in the way they do, and so they are unable to get it treated.

It becomes real important that we provide the preventive care that is needed, to provide the access to those services that are important.

So I wanted to emphasize those specific programs that we have and indicate the importance of that.

Let me also take this opportunity to also talk briefly about the prescription drug coverage. For access to health care, we know at one time, when both Medicaid and Medicare were established, we could have argued, well, prescriptions were maybe not that important at that time. Although for our indigent, we have provided access to prescription drug coverage, but we have not done that for Medicare, and I know that the President has come up with a proposal on Medicare for prescription drugs, but we also know that that proposal is inadequate, and everyone knows it and everyone recognizes that.

It is a proposal that is just out there that is a facade, that does not really address the needs of our seniors that are suffering from Medicare.

For Hispanics, most of our Hispanic Americans that find themselves in their twilight years, the majority only have Social Security and nothing else and find themselves only with Medicare and no Medicare-Plus or any other, and so it becomes real important that we start to begin to look at a prescription drug plan that helps to address the needs of our seniors and our seniors are in need.

Our seniors are having a great deal of difficulty, and every time I go to a senior citizen center, every time I am at church, people will approach me about the importance of prescription drugs and the importance of making it accessible to our seniors.

The ironical thing about it is, once again, here we have a country that has come up with some beautiful health care programs, some beautiful responses to some of our diseases; yet our people do not have access to them and they are not affordable.

So I would ask what good does it do to have all the information, all the good prescriptions that are out there to address the needs of some of our problems when people do not have access to them, and they are not affordable?

□ 2215

So there is a real need for us to reach out to those seniors and make that accessible.

The importance of the prescription drugs to our seniors is key. We know that that is one of the main ways of addressing the needs of our seniors. We know that that is one of the few ways that they can deal with their problems. So it becomes important that we come up with a program that addresses the need of prescription drug coverage for our seniors, and we know that the President's proposal is not adequate.

The Bush budget basically sacrifices the health of our Nation to provide tax cuts for the wealthiest 1 percent. The Bush budget fails to adequately address the problems of the 41 million Americans that find themselves uninsured. Nearly 25 percent of all uninsured are children. Even 25 percent of the moderate-income families cannot afford health insurance. And eight out of 10 uninsured Americans are working individuals. We have to keep that in mind. These are people that are trying to make ends meet. These are people trying to work to go after that American dream, yet finding themselves without health insurance, unable to provide the resources when they do find themselves in need of medications.

I wanted to stress one more time that in the area of health care for our seniors we find ourselves in the Congress and in the administration with an unwillingness to respond to a program that addresses their needs. We ought to recognize that the private sector has even indicated that they cannot make a profit from our seniors, Mr. Speaker. We know that they spend a little bit over $1,000 on prescriptions, and we know that the private sector has a rough time. The only ones they can make a profit on are those healthy seniors that find themselves in a situation where they are not that sick. But as soon as they do get sick, they are not good for our insurance companies because they cannot make a profit.

And that is fine, Mr. Speaker. Insurance companies are there as a for-profit operation. They are there to make a profit. So we should not expect them to provide access to our seniors. But it is the responsibility of the government to provide for its most vulnerable. These individuals have been there for us in the past. These individuals have worked all their lives. Now it is our obligation and our responsibility to provide for access to that health care.

In the same dialogue, when we talk about health care, I wanted to take this opportunity to also talk about our veterans at a time when our veterans are growing in numbers. With a lot of the World War II veterans, the Korean veterans, as well as the Vietnam veterans reaching that age, the demographics show there are a large number of veterans; and that number is increasing. So it is important for us to step up to the plate.

Yes, we have provided some minimal increases throughout the years, but it is not sufficient. So I wanted to take this opportunity, because of the fact that we do have our soldiers in Iraq and Afghanistan and Colombia, but more so in Iraq, to just express that our thoughts and our prayers go out to all our soldiers that are out there, and we wish for their quick and safe return. We know that we are going to be victorious. We know we are going to be able to make that happen. We want that to occur as quickly as possible, and we are going to try to provide them with whatever resources they need. But we must also honor our veterans services. We honor them by ensuring that they have access to quality benefits and services once they come home, and that is important.

With our troops in the field, and, sadly, with many Americans already experiencing the war's devastating effect, it is shameful that this House passed a budget resolution cutting $15 billion from veterans disability compensation programs and $9.7 billion from veterans health care at the same time, Mr. Speaker, that our soldiers began Operation Iraqi Freedom. It is clear that this proposal will have a devastating effect on the VA health care and benefits program, and it would serve as a further insult to millions of veterans already facing reductions in their health care, in their compensation, in their pensions and education benefits.

The administration's budget was already inadequate to meet the health care needs of our veterans, and now the House Republicans have gone further and cut $844 million above the President's request for veterans health care next year. Not only was the President's budget inadequate, but the House chose to go beyond that and cut even further. The proposal, which was approximately $1.3 billion above the 2003 appropriations, would not even cover the inflationary impact and anticipated salary increases for the VA health care workers.

Mr. Speaker, the budget relies on unrealistic management efficiencies and increased copayments. Despite the fact that there are arguments that there was money added, it is based on certain management efficiencies that they are going to be able to achieve. So it is not even real dollars. It is based on increasing copayments for our veterans and a new annual enrollment tax on certain veterans using the VA health care system and other inefficiencies, such as eliminating 5,000 VA nursing home vets. Mr. Speaker, that is the bill that we voted out, one that would cut and eliminate 5,000 nursing home beds.

The budget resolution also calls for cutting $15 billion over 10 years. That is $463 million just in 2004 alone in the VA mandatory spending under the guise of eliminating fraud, waste and abuse. Well, 90 percent of the spending for the VA health entitlements is paid out of monthly payments to disabled veterans and their survivors. I personally do not consider payments to war disabled veterans, pensions for the poorest disabled veterans, and the GI bill benefits for the soldiers returning from Afghanistan to be fraud, waste or abuse.

I recently joined my colleagues on the House Committee on Veterans' Affairs, led by our Republican colleague, the gentleman from New Jersey (Mr. SMITH), in a bipartisan recommendation to the Committee on the Budget, which would have added $3 billion. So I want to thank Chairman SMITH for his sincere effort at trying to do that, just to add for next year, for veterans discretionary programs, including medical care and research, construction, and programs that fund the administrative cost of other important benefits such as compensation, pension and education programs.

I urge all my colleagues to do the right thing as we move forward and to look at this veterans budget and be able to do the right thing.

In conclusion, as I talk about the veterans program, we also had a study that was done by the Secretary of Veterans Affairs, Secretary Principi, who I hold in great esteem; and this particular study was called the "Report of the Preparedness Review Working Group to the Secretary of the Department of Veterans Affairs." This report basically talks about some of the problems that we are encountering and the need to look at how we begin to prepare ourselves in case of a major problem.

Since the 9–11 attacks, the Department of Veterans Affairs has been forced to address issues that it never received funding to undertake. The VA continues to serve as a backup provider for the Department of Defense in times of war, and it is also part of the National Disaster Medical System. It is responsible for several roles within the Federal response plan, including providing assistance with procurement, assisting in the management of the national stockpile of anecdotes, which is key and important, and other pharmaceutical and information management technologies that support emergency medical care to veterans as well as active duty military and civilians.

In order to fund such activities, Mr. Speaker, funds are currently being diverted from the VA patient care system. I had an opportunity to provide an amendment to the supplemental last Thursday, the supplemental for $77 billion. Two billion dollars of that is going for health care for the Iraqis; and I asked that of those $2 billion for the Iraqis that we look at $90 million, of which $70 million was going to be used to help pay for the cost that has already been incurred by the VA since 9–11. That was just $70 million, but I was not able to do that. The other $20 million was to begin to start off a piece of legislation that I helped author, that we passed but has not been funded, to establish four health centers throughout the country that will be able to respond for homeland defense in the area of health.

Right now, after the study, the emergency preparedness budget that was sent recommended $248 million that they need now, and those dollars are not there. And in fact, we are taking $122 million away from existing services to try to do this. That is taking away from our veterans that need the service now that are reaching that age where they need us the most. In order to fund such activities, funds are currently being diverted. And we have to stop that. We have to be able to provide the resources for homeland defense, to be able to get the pharmaceutical stockpiles that are needed for a national emergency.

Our health care system, the VA, is one of the best in the country. It covers every region in the United States. And so there is a real need for us to provide them with the resources for the stockpile for pharmaceuticals that they need for antidotes and other things. They need not only the pharmaceuticals but they also need the training. Our personnel need the training. They need the resources to make that happen.

Every time we go code orange or whatever the code might be, there are certain levels where they need a police force to fortify. They need security personnel that go on overtime, not to mention the fact that because we have gone into war we find ourselves in a situation where a lot of our nurses and a lot of our doctors, a lot of our health professionals are not only working for the VA but are in the military. So we are finding a great deal of difficulty in filling those slots, and to the point that they are looking at contracting out some of the services. That is why those resources are needed.

In addition, in order to activate those four critically needed bioterrorist centers that would help us, we needed that $20 million. The VA's many areas of expertise on such diverse topics as biomedical research, post-traumatic stress disorders, war-related illnesses, as well as environmental hazards, including both treatment of environmental exposures such as Agent Orange, ionizing radiation, as well as Gulf War illnesses, make it poised to make significant contributions to detect and diagnose and treat a lot of our soldiers as well as our constituency if we ever have to. But they need the resources in order to make that happen.

So I would appeal to the Members and to the Republicans to reassess the budget of the VA. Now, I know they will argue, and the average constituent out there will hear, no, we just added $122 million. They do not mention that the $122 million came from existing services. They are coming from the services that are being provided for our veterans. And right now is when our veterans, the numbers and the demographics are growing. This is when we need them the most.

So I wanted to take this opportunity tonight to talk about health care, since this month is Health Care Month, and I wanted to take an opportunity to mention our veterans.

□ 2230

Mr. Speaker, in closing, let me say that our prayers and thoughts are with our soldiers. We pray for their swift and quick return back to their loved ones.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STUPAK (at the request of Ms. PELOSI) for today and April 8 on account of a funeral in the district.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today and the balance of the week on account of personal family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. HOOLEY of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. TANCREDO) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, April 8.

Mr. JONES of North Carolina, for 5 minutes, April 8.

Mr. TANCREDO, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, April 8, 9, 10, and 11.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 273. An act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Resources.

S. 302. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

S. 426. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential lease-holders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 8, 2003, at 10:30 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2003, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 2002 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND, LUXEMBOURG, MALTA, ITALY, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 1 AND DEC. 12, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	12/2	12/4	Poland		372.00		(3)				
Hon. Richard W. Pombo	12/2	12/4	Poland		372.00		(3)				
Hon. Rob Portman	12/2	12/4	Poland		372.00		(3)				
Hon. Frank D. Lucas	12/2	12/4	Poland		372.00		(3)				
Hon. Richard Burr	12/2	12/4	Poland		372.00		(3)				
Hon. Vito Fosella	12/2	12/4	Poland		372.00		(3)				
Hon. Grace F. Napolitano	12/2	12/4	Poland		372.00		(3)				
Scott Palmer	12/2	12/4	Poland		372.00		(3)				
Sam Lancaster	12/2	12/4	Poland		372.00		(3)				
John Feehery	12/2	12/4	Poland		372.00		(3)				
Bill Hughes	12/2	12/4	Poland		372.00		(3)				
Chris Walker	12/2	12/4	Poland		372.00		(3)				
Christy Surprenant	12/2	12/4	Poland		372.00		(3)				
Bill Livingood	12/2	12/4	Poland		372.00		(3)				
Shanti Ochs	12/2	12/4	Poland		372.00		(3)				
Martha Morrison	12/2	12/4	Poland		372.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND, LUXEMBOURG, MALTA, ITALY, AND PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 1 AND DEC. 12, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Steve Rusnak	12/2	12/4	Poland		372.00		(3)				
Hon. J. Dennis Hastert	12/4	12/6	Luxembourg				(3)				
Hon. Richard W. Pombo	12/4	12/6	Luxembourg				(3)				
Hon. Rob Portman	12/4	12/6	Luxembourg				(3)				
Hon. Ken Lucas	12/4	12/6	Luxembourg				(3)				
Hon. Richard Burr	12/4	12/6	Luxembourg				(3)				
Hon. Vito Fossella	12/4	12/6	Luxembourg				(3)				
Hon. Grace F. Napolitano	12/4	12/6	Luxembourg				(3)				
Scott Palmer	12/4	12/6	Luxembourg				(3)				
Sam Lancaster	12/4	12/6	Luxembourg				(3)				
John Feehery	12/4	12/6	Luxembourg				(3)				
Bill Hughes	12/4	12/6	Luxembourg				(3)				
Chris Walker	12/4	12/6	Luxembourg				(3)				
Christy Surprenant	12/4	12/6	Luxembourg				(3)				
Bill Livingood	12/4	12/6	Luxembourg				(3)				
Shanti Ochs	12/4	12/6	Luxembourg				(3)				
Martha Morrison	12/4	12/6	Luxembourg				(3)				
Steve Rusnak	12/4	12/6	Luxembourg				(3)				
Hon. J. Dennis Hastert	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Richard W. Pombo	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Rob Portman	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Ken Lucas	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Richard Burr	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Vito Fosella	12/6	12/7	Malta	93.02	222.00		(3)				
Hon. Grace F. Napolitano	12/6	12/7	Malta	93.02	222.00		(3)				
Scott Palmer	12/6	12/7	Malta	72.07	172.00		(3)				
Sam Lancaster	12/6	12/7	Malta	72.07	172.00		(3)				
John Feehery	12/6	12/7	Malta	72.07	172.00		(3)				
Bill Hughes	12/6	12/7	Malta	72.07	172.00		(3)				
Chris Walker	12/6	12/7	Malta	72.07	172.00		(3)				
Christy Surprenant	12/6	12/7	Malta	72.07	172.00		(3)				
Bill Livingood	12/6	12/7	Malta	72.07	172.00		(3)				
Shanti Ochs	12/6	12/7	Malta	72.07	172.00		(3)				
Martha Morrison	12/6	12/7	Malta	72.07	172.00		(3)				
Steve Rusnak	12/6	12/7	Malta	72.07	172.00		(3)				
Hon. J. Dennis Hastert	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Richard W. Pombo	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Rob Portman	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Frank D. Lucas	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Richard Burr	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Vito Fosella	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. Grace F. Napolitano	12/7	12/10	Italy	1,249.25	1,248.00		(3)				
Scott Palmer	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Sam Lancaster	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
John Feehery	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Bill Hughes	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Chris Walker	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Christy Surprenant	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Bill Livingood	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Shanti Ochs	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Martha Morrison	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Steve Rusnak	12/7	12/10	Italy	1,249,25	1,248.00		(3)				
Hon. J. Dennis Hastert	12/10	12/11	Portugal	421.40	430.00		(3)				
Hon. Richard W. Pombo	12/10	12/11	Portugal	421.40			(3)				
Hon. Rob Portman[4]											
Hon. Frank D. Lucas	12/10	12/11	Portugal	421.40	430.00		(3)				
Hon. Richard Burr	12/10	12/11	Portugal	421.40	430.00		(3)				
Hon. Vito Fosella	12/10	12/11	Portugal	421.40	430.00	1,706.34					
Hon. Grace F. Napolitano	12/10	12/11	Portugal	421.40	430.00		(3)				
Scott Palmer	12/10	12/11	Portugal	421.40	430.00		(3)				
Sam Lancaster	12/10	12/11	Portugal	421.40	430.00		(3)				
John Feehery	12/10	12/11	Portugal	421.40	430.00		(3)				
Bill Hughes	12/10	12/11	Portugal	421.40	430.00		(3)				
Chris Walker	12/10	12/11	Portugal	421.40	430.00		(3)				
Christy Surprenant	12/10	12/11	Portugal	421.40	430.00		(3)				
Bill Livingood	12/10	12/11	Portugal	421.40	430.00		(3)				
Shanti Ochs	12/10	12/11	Portugal	421.40	430.00		(3)				
Martha Mamison	12/10	12/11	Portugal	421.40	430.00		(3)				
Steve Rusnak	12/10	12/11	Portugal	421.40	430.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Departed from Rome.

J. DENNIS HASTERT, Speaker of the House, Feb. 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MALAYSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 17, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amory Houghton, Jr	1/12	1/17	Malaysia	3,401.00	895.00		7,005.25				7,900.25
Hon. Darrel E. Issa	1/13	1/16	Malaysia	2,720.80	716.00		5,052.24				5,768.24
Robert W. VanWicklin	1/12	1/17	Malaysia	3,401.00	895.00		7,350.75				8,245.75
Erica M. Ferri	1/12	1/17	Malaysia	3,401.00	895.00		7,350.75				8,245.75
Committee total					3,401.00		26,758.99				30,159.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———, Feb. 4, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 20, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donald Manzullo	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Judy Biggert	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Joseph Crowley	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Earl Blumenauer	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Leonard Boswell	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Michael Capuano	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Ruben Hinojosa	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Sheila Jackson Lee	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Ken Lucas	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Bill Pascrell, Jr	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Bernice Sanders	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Jan Schakowsky	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Hon. Charles Stenholm	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
J. Mattew Szymanski	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Ian Deason	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Katherine Kless	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Jennifer Osika	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Peter Yeo	1/12	1/19	China		1,773.00		[3] 273.00				2,046.00
Committee total					31,914.00		4,914.00				36,828.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Jan. 12, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 12 AND JAN. 16, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	1/14	1/16	Belgium		618.00		3,214.31				3,832.31
Carol Lawrence	1/13	1/16	Belgium		927.00		5,682.12				6,610.12
Committee total					1,545.00		8,897.43				10,442.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Mar. 6, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KYRGYSTAN, UZBEKISTAN, KUWAIT, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 13 AND FEB. 18, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Collins	2/13	2/14	Kyrgystan		233.00		([3])				
Hon. Terry Everett	2/13	2/14	Kyrgystan		233.00		([3])				
Hon. William J. Pascrell	2/13	2/14	Kyrgystan		233.00		([3])				
Hon. Michael Capuano	2/13	2/14	Kyrgystan		233.00		([3])				
Hon. Joe Wilson	2/13	2/14	Kyrgystan		233.00		([3])				
Chester C. (Bo) Bryant	2/13	2/14	Kyrgystan		233.00		([3])				
Brant Bassett	2/13	2/14	Kyrgystan		233.00		([3])				
Marcell Lettre	2/13	2/14	Kyrgystan		233.00		([3])				
Hon. Mac Collins	2/14	2/15	Uzbekistan		([4])		([3])				
Hon. Terry Everett	2/14	2/15	Uzbekistan		333.00		([3])				
Hon. William J. Pascrell	2/14	2/15	Uzbekistan		333.00		([3])				
Hon. Michael Capuano	2/14	2/15	Uzbekistan		333.00		([3])				
Hon. Joe Wilson	2/14	2/15	Uzbekistan		333.00		([3])				
Chester C. (Bo) Bryant	2/14	2/15	Uzbekistan		333.00		([3])				
Brant Bassett	2/14	2/15	Uzbekistan		333.00		([3])				
Marcel Lettre	2/14	2/15	Uzbekistan		333.00		([3])				
Hon. Mac Collins	2/15	2/16	Kuwait		385.00		([3])				
Hon. Terry Everett	2/15	2/16	Kuwait		385.00		([3])				
Hon. William J. Pascrell	2/15	2/16	Kuwait		385.00		([3])				
Hon. Michael Capuano	2/15	2/16	Kuwait		385.00		([3])				
Hon. Joe Wilson	2/15	2/16	Kuwait		385.00		([3])				
Chester C. (Bo) Bryant	2/15	2/16	Kuwait		385.00		([3])				
Brant Bassett	2/15	2/16	Kuwait		385.00		([3])				
Marcell Lettre	2/15	2/16	Kuwait		385.00		([3])				
Hon. Mac Collins	2/16	2/17	Germany		322.00		([3])				
Hon. Terry Everett	2/16	2/17	Germany		322.00		([3])				
Hon. William J. Pascrell	2/16	2/17	Germany		322.00		([3])				
Hon. Michael Capuano	2/16	2/17	Germany		322.00		([3])				
Hon. Joe Wilson	2/16	2/17	Germany		322.00		([3])				
Chester C. (Bo) Bryant	2/16	2/17	Germany		322.00		([3])				
Brant Bassett	2/16	2/17	Germany		322.00		([3])				
Marcel Lettre	2/16	2/17	Germany		322.00		([3])				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Denied per diem.

MAC COLLINS, Mar. 18, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LONDON, BRUSSELS, AND MADRID, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 23, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Goodlatte	2/15	2/18	England	739.00	1,197.00						1,197.00
	2/18	2/20	Belgium	1,418.63	1,532.00						1,532.00
	2/20	2/23	Spain	(3)							
							5,613.04				5,613.04
Hon. Rick Boucher, M.C	2/15	2/18	England	739.00	1,197.00						1,197.00
	2/18	2/20	Belgium	1,418.63	1,532.00						1,532.00
	2/20	2/23	Spain	(3)							
							5,613.04				5,613.04
Shelley Husband	2/15	2/18	England	739.00	1,197.00						1,197.00
	2/18	2/20	Belgium	1,418.63	1,532.00						1,532.00
	2/20	2/23	Spain	(3)							
							5,613.04				5,613.04
Committee total					8,187.00		16,839.12				25,026.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Expenditure in Euro currency.

BOB GOODLATTE, Mar. 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, NORTHERN IRELAND, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 21, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James T. Walsh	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
Hon. Tim Holden	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
Hon. Carolyn McCarthy	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
Hon. Jack Quinn	2/15	2/19	Ireland		1,516.00		3,458.46				4,974.46
John Mackey	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
John Feehery	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
Kristin Calabrese	2/15	2/19	Ireland/Northern Ireland		1,516.00		55.95				1,571.95
	2/19	2/21	United Kingdom		798.00						798.00
Committee total					15,400.00		3,794.16				19,194.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES T. WALSH, Mar. 20, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, FRANCE, TURKEY, SLOVAKIA, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 24, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/21	Slovakia		230.00						230.00
	2/21	2/24	United Kingdom		912.00		(3)				912.00
Hon. Joel Hefley	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Hon. John Tanner	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Hon. Paul Gillmor	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Hon. Scott McInnis	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Hon. Nick Lampson	2/19	2/20	France		763.00						763.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00						304.00
							(4)				4,040.90
Hon. Dennis Moore	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Susan Olson	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Virginia Johnson	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00						304.00
John Lis	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, FRANCE, TURKEY, SLOVAKIA, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 24, 2003—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
							(5)				3,061.95
Kay King	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Alicia O'Donnell	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00						304.00
Jo Weber	2/15	2/18	Belgium		966.00						966.00
	2/18	2/20	France		860.00						860.00
	2/20	2/23	Turkey		840.00						840.00
	2/23	2/24	United Kingdom		304.00		(3)				304.00
Committee total					36,401.00		7,102.85				43,503.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation +4,040.90.
[5] Military air transportation +3,061.96.

DOUG BEREUTER, Mar. 12, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 29, 2002 AND JAN. 4, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank R. Wolf		12/29	United States				6,981.81				6981.81
	12/31	12/31	Eritrea		184.00						184.00
	12/31	1/3	Ethiopia		840.00		235.00				1,075.00
		1/4	United States								
Committee total					1,024.00		7,216.81				8,240.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, Feb. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DANIEL SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 29, 2002 AND JAN. 4, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel Scandling		12/29	United States				6,981.81				6,981.81
	12/31	12/31	Eritrea		184.00						184.00
	12/31	1/3	Ethiopia		840.00		235.00				1,075.00
		1/4	United States								
Committee total					1,024.00		7,216.81				8,240.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL SCANDLING, Feb. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KIRK D. BOYLE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 24, 2003

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kirk D. Boyle	2/17	2/19	Austria		214.00				50.00		528.00
	2/19	2/21	Croatia		191.00				50.00		482.00
	2/21	2/24	Germany		272.00				50.00		916.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KIRK D. BOYLE, Mar. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19,, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	5/16	5/19	Mexico		345.65		(3)				345.65
Hon. David Dreier	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Charles Stenholm	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Joe Barton	5/16	5/19	Mexico		168.48		888.02				1,056.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2002—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Chris Cannon	5/16	5/19	Mexico		168.48		(3)				168.96
Hon. Tom Tancredo	5/16	5/19	Mexico		186.96		(3)				186.96
Hon. Howard Berman	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Calvin Dooley	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Ed Pastor	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Bob Filner	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Lucille Roybal-Allard	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Silvestre Reyes	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Tom Udall	5/16	5/19	Mexico		280.44		(3)				280.44
Fran McNaught	5/16	5/19	Mexico		252.72		(3)				252.72
Patrick Baugh	5/16	5/19	Mexico		252.72		(3)				252.72
Caleb McCarry	5/16	5/19	Mexico		252.72		(3)				252.72
Jim Farr	5/16	5/19	Mexico		252.72		(3)				252.72
Linda Solomon	4/16	4/20	Mexico		331.01		638.91		87.55		1,057.47
Linda Solomon	5/16	5/19	Mexico		252.72		(3)				252.72
Paul Oostburg Sanz	5/16	5/19	Mexico		252.72		(3)				252.72
Brad Smith	5/16	5/19	Mexico		252.72		(3)				252.72
Jean Carroll	5/16	5/19	Mexico		252.72		(3)				252.72
Delegation expenses:											
Representational									6,253.70		6,253.70
Interpreters									3,120.00		3,120.00
Miscellaneous									40.00		40.00
Payment to Treasury of accrued interest									1,602.86		1,602.86
Committee total					5,690.86		1,526.93		11,104.11		18,321.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Mar. 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 20, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amo Houghton	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. John LaFalce	5/16	5/20	United States		1,036.00		(3)				1,036.00
Liberty Dunn	5/14	5/20	United States		1,554.00		295.00				1,849.00
Hon. Phil English	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. Benjamin Gilman	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. Don Manzullo	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. Dan Miller	5/16	5/20	United States		1,036.00		(3)				1,036.00
Frank Record	5/16	5/19	United States		1,036.00		110.50				1,146.00
Hon. Clay Shaw	5/16	5/20.	United States		1,036.00		(3)				1,036.00
Hon. Mark Souder	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. Cliff Stearns	5/16	5/20	United States		1,036.00		(3)				1,036.00
Bob Van Wicklin	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. Louise Slaughter	5/16	5/20	United States		1,036.00		(3)				1,036.00
Hon. William Lipinski	5/16	5/20	United States		1,036.00		(3)				1,036.00
Ms. Jessie Shepard	5/16	5/20	United States		1,036.00		(3)				1,036.00
Dr. John Eishold	5/16	5/20	United States		1,036.00		(3)				1,036.00
Delegation expenses:											
Miscellaneous									209.30		209.30
Representational									39,485.99		39,485.99
Payment of Interest Accrued									502.59		502.59
Committee total					17,094.00		405.50		40,197.88		57,697.38

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

AMO HOUGHTON, Mar. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRANSATLANTIC LEGISLATORS' DIALOGUE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation Expenses:											
Representational									85,855.11		85,855.11
Miscellaneous									2,591.48		2,591.48
Translation									10,500.00		10,500.00
Travel									1,705.00		1,705.00
Lodging									28,968.60		28,968.60
Committee total									129,620.19		129,620.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY J. HYDE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION OF THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/21	2/25	USA				641.00				641.00
	10/4	10/7	Belgium				5,682.15				5,682.16
Robin Evans		2/21	France				[3] 2,866.16				2,866.16
Susan Olson	2/21	2/25	USA				576.50				576.50
	5/23		Bulgaria				[3] 2,910.59				[3] 2,910.59
	10/4	10/7	Belgium				5,682.15				5,682.15
Hon. Ralph Regula		11/8	Canada				[3] 605.25				605.25
Josephine Weber		2/22	France				[3] 2,866.16				2,866.16
	5/23		Bulgaria				[3] 2,910.59				2,910.59
Lodging and Miscellaneous									2,008.84		2008.84
Delegation Expenses:											2,866.16
Representational functions									20,690.09		20,690.09
Miscellaneous									4,667.78		4,667.78
Committee total							24,740.55		27,366.71		52,107.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] One-way airline tickets.

DOUG BEREUTER, Mar. 12, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BRITISH AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation Expense:											
Representational									14,812.11		
Travel									12,916.50		
Lodging									829.40		
Miscellaneous									125.37		
Payment to Treasury of accrued interest									2,615.68		
Committee total									31,299.06		

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

——— ———, Mar. 12, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1674. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—ABS and MBS Investments (RIN: 3052-AC14) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1675. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108—61); to the Committee on Appropriations and ordered to be printed.

1676. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending December 2002, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1677. A letter from the Inspector General, Department of Defense, transmitting the Department's report on the effectiveness of voting assistance programs, pursuant to 10 U.S. C. 1566 Public Law 107—107, section 1602; to the Committee on Armed Services.

1678. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Public Disclosure of Financial and Other Information (RIN: 2550-AA25) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1679. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Radiation Exposure Reports: Labeling Personal Information (RIN: 3150-AH07) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1680. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kuwait [Transmittal No. DTC 041-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1681. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 007-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1682. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 014-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1683. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France, United Kingdom, Germany, Switzerland, Sweden and Spain [Transmittal No. DTC 008-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1684. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 006-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1685. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Country Reports on Human Rights Practices for 2002," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

1686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1687. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endandered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Bexar County, Texas, Invertebrate Species (RIN: 1018-AI47) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1688. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plan; Correction [Docket No. 030124019-3040-02; I.D. 010703B] (RIN: 0648-AQ67) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1689. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher/processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-3037-02; I.D. 031303B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01-03-011] received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: Protection of Tank Ships, Puget Sound, WA [CGD13-02-018] (RIN: 1625-AA00 [Formerly 2115-AA97]) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security and Safety Zone: Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-003] (RIN: 1625-AA00) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1693. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Procedures for the Handling of Discrimination Complaints under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (RIN: 1218-AB99) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1694. A letter from the Acting General Counsel, Department of Homeland Security, transmitting the Department's final rule—Assistance to Firefighters Grant Program (RIN: 3067-AD21) received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1695. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice-Appeal Withdrawal (RIN: 2900-AK71) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1696. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Treatment of Retirement Pay—Employee Contributions—received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1697. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of fringe benefits (Rev. Rul. 2002-25) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diesel Fuel; Blended Taxable Fuel [TD 9051] (RIN: 1545-AX97) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claim for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-27) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Grants to individuals (Rev. Rul. 2003-32) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1701. A letter from the Inspector General, Department of Defense, transmitting the Department's results of an audit conducted in response to a report entitled, "Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern"; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1036. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; with an amendment (Rept. 108-59). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 1298. A bill to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; with an amendment (Rept. 108-60). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. Tauzin (for himself, Mr. Thomas, Mr. Boehlert, Mr. Pombo, and Mr. Oxley):

H.R. 6. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H.R. 1644 A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 1645 A bill to establish a research, development, and demonstration program in genetics, protein science, and computational biology of microbes and plants to support the energy and environmental mission of the Department of Energy; to the Committee on Science.

By Ms. CARSON of Indiana:

H.R. 1646 A bill to amend the Uniform Time Act of 1966 to modify the State exemption provisions for advancement of time; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 1647 A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes; to the Committee on Resources.

By Mrs. CAPPS:

H.R. 1648 A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; to the Committee on Resources.

By Mr. CRANE:

H.R. 1649 A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to clarify rules for determining whether certain agent-drivers and commission-drivers are employees; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 1650 A bill to ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas and to apply minimum milk price requirements to certain handlers of Class I milk products in the Arizona-Las Vegas marketing area under certain circumstances; to the Committee on Agriculture.

By Mr. RADANOVICH (for himself, Mr. Nunes, and Mr. Dooley of California):

H.R. 1651. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself, Mr. Cardin, Ms. Pelosi, Mr. Hoyer, Mr. Stark, Mr. Matsui, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Doggett, and Mrs. Jones of Ohio):

H.R. 1652. A bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. Smith of New Jersey, Mr. Foley, Mr. Wilson of South Carolina, Mrs. Jo Ann Davis of Virginia, Mr. Bartlett of Maryland, Mr. Boozman, Mr. Kennedy of Rhode Island, Mr. Filner, Mr. LoBiondo, Mr. Lynch, Mr. Lucas of Kentucky, Mr. Miller of Florida, Mr. Hefley, Mr. Bilirakis, Mr. Calvert, Mr. Turner of Texas, Mr. Andrews, Mr. Simpson, and Mr. Goode):

H.R. 1653. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2003; to the Committee on Armed Services.

By Mr. SMITH of Michigan:

H.R. 1654. A bill to amend chapter 8 of title 5, United States Code, to require congressional approval of proposed rules considered by the Congress to be significant rules; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 1655. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. King of Iowa):

H.R. 1656. A bill to amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Ms. Kilpatrick, Ms. Lee, Mrs. Jones of Ohio, Ms. Kaptur, Mrs. Maloney, Mr. Payne, Ms. Corrine Brown of Florida, Ms. Carson of Indiana, Mrs. Davis of California, and Mrs. Capps):

H.R. 1657. A bill to provide funding for programs at the National Institute of Environmental Health Sciences regarding breast cancer in younger women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Con. Res. 138. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005; to the Committee on House Administration.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Con. Res. 139. Concurrent resolution authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government", the publication entitled "Our Flag", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution; to the Committee on House Administration.

By Mr. CUMMINGS:

H. Con. Res. 140. Concurrent resolution expressing the sense of Congress regarding the awareness of and treatment for kidney disease; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. Ros-Lehtinen, Mr. Mario Diaz-Balart of Florida, Mr. Ballenger, Mr. Menendez, Mr. Smith of New Jersey, Mr. Lantos, Mr. Burton of Indiana, Mr. Kingston, Mr. McCotter, and Mr. Pallone):

H. Res. 179. A resolution expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro Regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. Holden, Mr. Sweeney, and Mr. Green of Wisconsin):

H. Res. 180. A resolution supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. POMBO introduced a bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. Snyder, Mr. Reyes, and Mr. Duncan.

H.R. 34: Mr. Tierney and Mrs. Wilson of New Mexico.

H.R. 44: Mr. Petri.

H.R. 49: Mrs. Capito and Mr. Baird.

H.R. 97: Mr. Saxton, Mr. Mica, Mr. Platts, Ms. Watson, Mr. Frank of Massachusetts, Mr. Gillmor, and Mr. Brown of Ohio.

H.R. 100: Mr. Snyder.

H.R. 119: Mr. Rehberg.

H.R. 133: Mr. Paul.

H.R. 140: Mr. Thompson of Mississippi.

H.R. 173: Mr. Doyle and Ms. Watson.

H.R. 198: Mr. Smith of Michigan.

H.R. 199: Mr. Foley.

H.R. 205: Mr. McCotter.

H.R. 218: Mr. Hefley and Mr. Ose.

H.R. 235: Mrs. Jo Ann Davis of Virginia, Mr. Boehner, Mr. Barton of Texas, Ms. Ros-Lehtinen, Mr. Carter, Mr. Cole, and Mr. Otter.

H.R. 284: Mr. Walsh, Mr. Serrano, Mr. Whitfield, Mr. Gordon, Mr. Davis of Florida, Mr. Ford, and Mrs. Maloney.

H.R. 300: Mr. Barrett of South Carolina.

H.R. 331: Mr. Platts.

H.R. 391: Mr. Bereuter and Mr. Hastings of Washington.

H.R. 466: Mr. Hunter, Mr. Doggett, and Mr. Rehberg.

H.R. 504: Mr. Inslee.

H.R. 527: Mr. Bishop of New York and Mr. McNulty.

H.R. 528: Mr. Langevin, Mr. Saxton, Mr. Capuano, and Mrs. McCarthy of New York.

H.R. 531: Mr. Radanovich, Mrs. Davis of California, and Mr. McIntyre.

H.R. 532: Ms. Woolsey.

H.R. 577: Ms. Slaughter and Mr. Farr.

H.R. 584: Mr. Doyle.

H.R. 627: Mr. Rangel and Mr. Doyle.

H.R. 648: Mr. Platts and Mr. Holden.

H.R. 685: Mr. Ryan of Ohio.

H.R. 693: Mr. Doyle.

H.R. 781: Mrs. Capito.

H.R. 791: Mr. Rogers of Michigan, Ms. Pryce of Ohio, Mr. Camp, Mr. Frost, Mr. Kennedy of Minnesota, Mr. Baker, Mr. Ramstad, Ms. Dunn, Mr. Pastor, Mr. Gordon, Mr. Lucas of Kentucky, and Mr. Gerlach.

H.R. 800: Mr. Platts.

H.R. 806: Mr. Green of Wisconsin and Mr. Neal of Massachusetts.

H.R. 813: Mr. McIntyre.

H.R. 816: Mr. Boswell, Mr. Olver, and Mr. Clay.

H.R. 844: Mrs. Jones of Ohio, Ms. Schakowsky, and Mr. Engel.

H.R. 876: Mr. Ehlers Mr. Ferguson, and Mr. Costello.

H.R. 886: Mr. Duncan.

H.R. 898: Mr. Gilchrest and Ms. McCollum.

H.R. 953: Mr. Pickering, Mr. Reyes, Mr. Ruppersberger, Mr. Acevedo-Vilá, and Mr. Pomeroy.

H.R. 972: Mr. Kildee, Mr. Lipinski, Mrs. Lowey, Mr. Ryan of Ohio, and Ms. Schakowsky.

H.R. 979: Ms. Loretta Sanchez of California.

H.R. 996: Mr. Tiberi, Mr. Bartlett of Maryland, Mr. Sweeney, Mr. Gillmor, and Mr. Royce.

H.R. 997: Mr. Barrett of South Carolina, Mr. Paul, and Mr. Graves.

H.R. 1038: Mr. Hayworth.

H.R. 1040: Mr. Kucinich.

H.R. 1049: Mr. Barton of Texas.

H.R. 1052: Mr. Gillmor.

H.R. 1072: Mr. Kingston and Mr. Calvert.

H.R. 1084: Mr. Stearns.

H.R. 1101: Mr. Ramstad.

H.R. 1105: Mr. Wynn, Ms. Loretta Sanchez of California, Mr. Rush, and Ms. Pelosi.

H.R. 1119: Mr. Carter, Mr. Burns, and Mr. Burgess.

H.R. 1136: Mrs. Tauscher.

H.R. 1137: Mr. Shuster.

H.R. 1157: Mr. Doggett and Mr. Waxman.

H.R. 1221: Mr. Crowley.

H.R. 1225: Ms. Ros-Lehtinen, Mr. McDermott, Mr. Tiberi, Mr. Frank of Massachusetts, and Mr. Lucas of Oklahoma.

H.R. 1231: Ms. DeGette, Mr. McNulty, Mr. Doolittle, Mr. Schrock, Mr. Simpson, Mr. Kucinich, Mr. Burton of Indiana, and Mr. Porter.

H.R. 1309: Mr. Kennedy of Rhode Island.

H.R. 1321: Mr. Ackerman and Mr. Doyle.

H.R. 1322: Mr. Hoeffel.

H.R. 1348: Mrs. Jones of Ohio.

H.R. 1375: Mr. Royce, Mr. Ney, Mr. LaTourette, Ms. Hart, Mr. Tiberi, and Mr. Sandlin.

H.R. 1409: Mr. Bishop of Utah

H.R. 1415: Mr. Kucinich, Mr. Andrews, Mr. Capuano, Ms. Lofgren, and Mr. McHugh.

H.R. 1429: Mr. Holt, Mr. Abercrombie, Mr. Kucinich, Ms. Solis, and Ms. DeLauro.

H.R. 1442: Mr. Lipinski, Mr. Platts, Mr. McGovern, Mr. Bishop of New York, Mr. Herger, Mrs. Cubin, Mr. Bishop of Utah, and Ms. Hart.

H.R. 1478: Mr. Michaud.

H.R. 1519: Mr. Bishop of New York.

H.R. 1577: Mr. Hayworth, Mr. Bartlett of Maryland, Mr. Rohrabacher, Mr. Graves, Mr. Norwood, Mr. Jones of North Carolina, and Mr. Shadegg.

H.R. 1585: Mr. McNulty.

H.R. 1633: Mr. Becerra.

H.J. Res. 4: Mr. Young of Alaska, Mr. Young of Florida, and Mr. Taylor of North Carolina.

H. Con. Res. 6: Mr. Kolbe.

H. Con. Res. 60: Mr. Foley.

H. Con. Res. 78: Mr. Delahunt.

H. Con. Res. 80: Mr. Kucinich.

H. Con. Res. 86: Mr. Holt, Mr. Meehan, Mr. Rush, Mr. Blumenauer, Ms. Roybal-Allard, and Mr. Kucinich.

H. Con. Res. 98: Mr. Nethercutt, Mr. Rehberg, Mr. Tiahrt, Mr. Fossella, Mr. Calvert, Mr. Bartlett of Maryland, and Mr. Ryun of Kansas.

H. Con. Res. 103: Mr. Calvert.

H. Con. Res. 115: Mr. Pallone, Mr. McDermott, Mr. Walsh, Mr. Frost, Mr. Engel, and Mr. Owens.

H. Con. Res. 119: Mr. McNulty, Mr. Frost, Mr. Akin, Mr. Abercrombie, Mr. Burgess, Mr. McGovern, and Mr. Wexler.

H. Con. Res. 122: Mr. Frost, Mr. Farr, and Mr. Pomeroy.

H. Res. 72: Mr. Kucinich.

H. Res. 127: Mr. McCotter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mr. Baca.

EXTENSIONS OF REMARKS

IN RECOGNITION OF BURT ADERHOLT, HERO OF THE WAR IN AFGHANISTAN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Staff Sergeant Burt Aderholt, a hero of our first war on terrorism in Afghanistan. Sergeant Aderholt of Auburn, AL, was wounded on January 16, 2003, during an attack on a patrol in western Afghanistan. His unit came under small-arms fire 23 miles southeast of the town of Shindand, and Sergeant Aderholt had to be evacuated to Germany and then to Walter Reed Army Medical Hospital. He has undergone a number of surgeries.

Sergeant Aderholt was born in Jacksonville, AL, where his paternal grandparents still live. His family moved to Auburn when he was 13 years old so that his father could take a teaching position at Auburn University. His maternal grandparents (the Burts) also live in Auburn.

Sergeant Aderholt's military career did not begin with the Army. Following graduation from high school, he joined the Navy and eventually began training as a Navy Seal. He was unable to complete the final round of training and returned home. Sergeant Aderholt then joined the Alabama National Guard and again moved into one of the most rigorous specialties when he joined the 20th Special Forces Unit. He has always pushed himself in the service to excel. His desire to serve his country in the armed forces is shared by his sister, Katy, who is now overseas with the Army.

I salute Staff Sergeant Burt Aderholt and individuals like him who are serving their country by fighting for freedom overseas.

CALLING ATTENTION TO THE RISKS OF HEART DISEASE FOR WOMEN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to call attention to a major health problem facing American women—heart disease.

Heart disease, is the number one killer of women in the United States, killing more than 250,000 women a year. This is 10 times as many women as those who die from breast cancer.

Heart attacks in women can often lead to other significant health problems like heart failure, stroke, and sudden cardiac death.

Poor eating habits, lack of exercise, high cholesterol and smoking are just a few of the risk factors that cause heart disease.

It is important that all women get screened and take the necessary steps to prevent this deadly disease.

We must work to encourage women in our districts to see their doctor regularly and learn healthy habits that may save them from heart disease.

HONORING LEO TOCA

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Leo Toca, a highly respected and influential Vice President of JP Morgan Chase. Today he is honored by Molloy College at its annual St. Martin de Porres Minority Scholarship Dinner Dance, for being a strong community leader. As the Community Relations Program Manager for JP Morgan Chase Leo manages programs such as the Community Advisory Board, Baseball Is for Kids and In-Kind Donation Program.

Leo has initiated many programs to improve the way of life in communities. He, along with other organizations, started the first childcare load program to help home-based childcare providers. Also, he was the first loan officer at Chase to cater to under-served communities while determining which mortgage producers were best for these communities.

In his free time, Leo maintains his community activism in a wide variety of organizations. These include the Long Island Hispanic Chamber of Commerce, Long Island Housing Partnership, and the Urban League.

I congratulate Leo on receiving this honor and applaud him for his dedication to our community. I thank him on behalf of the people of not only the 4th Congressional District but the rest of Nassau and Suffolk County who benefited from his hard work and commitment.

GREG AND DIANNE FRITZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Greg and Dianne Fritz on the occasion of receiving Mariposa County's Businessman and Businesswoman of the Year Award. The Mariposa County Chamber of Commerce will honor Dianne and Greg on April 11, 2003 at the Best Western—Yosemite Way Station in Mariposa, California.

The Fritz Family moved to Mariposa in November of 1994 from Sacramento, California. Greg was Vice President of a Fortune 500 Construction Company and Dianne managed a Carl's Jr. Restaurant. Greg and Dianne have always been best friends, and their mutual success and friendship led them to open their own business. They stopped at the real estate office in Mariposa and found the Happy Burger restaurant was for sale. After eating there, they purchased the restaurant and opened the doors under their new ownership on January 3, 1995. After seeking input from their customers, they began revising and expanding their menu which is now said to be one of the largest menus in the Sierras.

Dianne has been re-elected as the 2003 President of the Mariposa County Chamber of Commerce. She is involved in the Clean & Proud Mariposa Committee, Mariposa Airport Steering Committee, and is working with the Board of Supervisors on the Mariposa Town Advisory Task Force. Greg is active on the Board of Directors for the Chamber of Commerce and is also involved with Business Owners of Mariposa. They support several church and civic fundraisers, sponsor youth sports programs, and donate to area schools.

Greg and Dianne are planning to expand the menu and have recently changed their name to the Happy Burger Diner. They often hire youth so that they can experience real work ethics which will help to prepare them for their futures. Mr. and Mrs. Fritz work extremely hard, putting in a minimum of sixteen hours a day, to make their business a success.

Mr. Speaker, I am pleased to honor Greg and Dianne Fritz for their outstanding dedication and devotion to their business and their community. I urge my colleagues to join me in wishing Greg and Dianne many years of success.

CONGRATULATING MRS. PEGGY SAVAGE DUNN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Peggy Savage Dunn on being named the 2003 Michigan Elementary Science Teacher of the Year by the Michigan Science Teachers' Association. Her commitment to instilling a passion for learning in her students serves as an example for all teachers to follow.

One of Mrs. Dunn's greatest achievements was the design and creation of an outdoor classroom at Central Elementary School in Okemos, Michigan. The project took three years to implement and involved securing multiple grants and community support. The outdoor classroom is a garden area filled with various flowers and plants that serves as habitat for several animal and insect species. All

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

students and educators at the school have the opportunity to use the outdoor classroom to enhance their studies. It was recently distinguished with the title of a "schoolyard habitat" by the National Wildlife Foundation.

Mrs. Dunn is also committed to furthering the use of technology among her pupils. She maintains a class website every year. On her website, her students can find posted assignments and lessons. Furthermore, she updates the page with the class' activities and work for others to view.

Mr. Speaker, Peggy Savage Dunn's dedication to advancing science in elementary education is evident to all those around her. Earning the 2003 Michigan Elementary Science Teacher of the Year award is a well-deserved honor. I ask my colleagues to join me in recognizing her worthy achievement and her commitment to excellence in education.

HONORING JERRY A. STANPHILL, RECIPIENT OF 2002 GEICO PUBLIC SERVICE AWARD FOR PHYSICAL REHABILITATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. Jerry A. Stanphill, the recipient of the 2002 GEICO Public Service Award for Physical Rehabilitation.

The GEICO Public Service Awards were established 23 years ago to honor active and retired federal employees for their selfless and generous contributions in the fields of substance abuse prevention and treatment, fire prevention and safety, physical rehabilitation, and traffic safety and accident prevention. Mr. Stanphill was chosen as the absolute best from an outstanding field of federal employees nominated in the field of Physical Rehabilitation.

Jerry Stanphill is a physical security specialist with the Defense Logistics Agency (DLA), where he provides leadership and guidance to the DLA field activities on law enforcement and security issues. One of his many duties is to conduct antiterrorism vulnerability assessments for many DLA activities in order to safeguard DLA personnel, equipment and facilities. In the post 9/11 world, there is no more vital responsibility.

Not only has Mr. Stanphill achieved many career accomplishments, he has also dedicated much of his time and energy to the Special Olympics. He has served as a volunteer coach, program coordinator, referee, and chaperone with the Special Olympics in communities all over America. Fortunately, Northern Virginia is now the recipient of this man's service. Over the past 11 years he has helped coach over 400 Special Olympic athletes with the emphasis on their motto: "Let me win, but if I cannot, let me be brave in the attempt."

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to Mr. Stanphill on his 2002 GEICO Public Service Award. Northern Virginia is proud to have such a distinguished citizen in the community. Mr. Speaker, I call upon my colleagues to join me in applauding this remarkable citizen.

IN HONOR OF TEDDY, A BULL MASTIFF FROM SANTA ANA, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I rise to pay tribute to Teddy, a bull mastiff from Santa Ana, for winning Best of Breed at the Westminister Kennel Club Dog Show in New York City, which was held on February 10 and 11, 2003.

The Westminister Kennel Club Dog Show was initiated 120 years ago to increase an interest in dogs, and thus improve the breeds. The dog show lasts 2 days and is held annually in New York City.

The competition features entries from every state and many from Canada and other countries as well. Approximately a quarter of a million dogs have been in competition at Westminister's shows.

Teddy was among 2,500 dogs that participated in this year's show.

As a pet owner and animal lover, I truly appreciate the love and joy that animals provide.

I am very proud of Teddy and owner Carol Beans for their wonderful achievement. I wish them continued success in future competitions.

HONORING EDWARD G. LLOYD

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Edward G. Lloyd, a well-respected leader in the not-for-profit organization community. Today he is honored by Molloy College at its annual St. Martin de Porres Minority Scholarship Dinner Dance for his leadership in the non-profit community.

As the senior vice president of operations and chief financial officer of the United States Fund for UNICEF (USF), Edward is responsible for all financial accounting, human resources, and all administrative support operations for the USF. He also serves on a three-person committee charged with the strategic management of the USF.

Before joining USF Edward was executive vice president and chief financial officer of the nation's largest community building organization, Local Initiatives Support Corporation (LISC).

Although Edward is extremely busy, he still finds time to help the community in other areas. He is a board member of the United Enterprise Fund, chairman of the Business Resource Investment Service Center (BRISC), and sits on the Board of the New York Metropolitan Chapter of the Make-A-Wish Foundation.

I congratulate Edward on receiving this honor and applaud his devotion to helping others. He dedicates himself to improving the lives of others and I thank him for this on behalf of the people of not only the 4th Congressional District but the best of New York who benefited from his hard work and dedication.

HONORING STATE SENATOR CHUCK S. POOCHIGIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize State Senator Chuck S. Poochigian on the occasion of being voted "Man of the Year" by the Armenian National Committee of Central California. The banquet honoring Senator Poochigian will be held Saturday, April 12, 2003, at the Holy Trinity Armenian Apostolic Church Hall in Fresno, California.

Chuck Poochigian was born in Fresno, California, in 1949, as a third generation resident of the San Joaquin Valley. He received his degree in Business Administration from California State University, Fresno in 1972, and his law degree from the University of Santa Clara in 1975. Mr. Poochigian served as a member of the California Air National Guard for six years. He practiced general civil and business law from 1975 until November of 1988, at which time he was chosen, by then-Governor George Deukmejian, to serve as the Chief Deputy Appointments Secretary on the Governor's senior staff. Chuck assisted the Governor in the selection of key administration officials. In 1991, Governor Pete Wilson named Chuck as his Appointment Secretary, where he served until his election to the State Assembly in 1994.

Senator Poochigian's reputation for strong leadership and hard work was recognized by California Journal magazine, which ranked him as the Assembly Republican "Rookie of the Year" for 1996. In 2000, Chuck was chosen "Outstanding Senator" by the California State Sheriffs' Association, and received the "Legislator of the Year" Award from the California State Student Association, as well as the California Network of Educational Charters.

Senator Poochigian has received renowned recognition for his assistance in passing important public safety legislation and a transportation package which will significantly benefit local communities. His expertise in business and agriculture in California, and his belief in fair and limited taxation with minimal government regulation, have made him a beloved leader and respected member of the community.

Mr. Speaker, I rise today to recognize State Senator Chuck S. Poochigian for his meritorious defense of the Central Valley communities of California. His standards and morals are those of a true genuine leader. I invite my colleagues to join me in commending Chuck for his service and hard work and in wishing him many years of continued success.

PAYING TRIBUTE TO MR. LAWRENCE A. BASS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. ROGERS of Michigan. Mr Speaker, I rise today to pay tribute to Mr. Lawrence A. Bass on being named the recipient of the 2003 Sparrow Founder's Award, the highest honor given by the Sparrow Health System in Lansing, Michigan. His commitment to advancing Mid-Michigan's health care services is commendable.

Over the span of his career, Mr. Bass has occupied many impressive positions. He has served on Sparrow boards for 14 years, including 6 years as Chairman of the Board. He also sat on the Board of Directors for the American Heart Association of Mid-Michigan. Mr. Bass's negotiating skills were used to assist in the mergers of the St. Lawrence Hospital and Healthcare Services and Clinton Memorial Hospital with the Sparrow Health System.

Mr. Bass is not only an outstanding leader in his professional field, but a true servant to his community. Throughout the years, he has been a volunteer for YMCA, Ele's Place, and the Boy Scouts of America. He also provided voluntary assistance to Michigan State University and the Cities of Lansing and East Lansing in implementing their recycling programs. His contributions to Michigan's "Partners for Peace" initiative were recognized with a Legion of Merit Medal. Larry's selfless actions demonstrate his true concern for the well-being of others.

Mr. Speaker, Larry's commitment to helping his community and providing strong leadership in the health care field is evident to all around him. Receiving the 2003 Sparrow Founder's Award is a well-deserved honor. I ask my colleagues to join me in recognizing his worthy achievement and dedication to continued service to Michigan's residents.

* * *

HONORING THE 20TH ANNIVERSARY OF THE MAKE-A-WISH FOUNDATION OF THE MID-ATLANTIC, INC.

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 20th Anniversary of the Make-A-Wish Foundation of the Mid-Atlantic, Inc.

The Foundation's mission is pure and simple—to give children facing illnesses such as cancer, pediatric AIDS, and heart disease something positive to think about instead of doctors visits, medicines, or hospitals, by granting them their greatest wish. Whether a wish is to meet a sports hero or movie star, or to receive a home computer, the Foundation dedicates itself to making each child feel special.

The Make-A-Wish Foundation of the Mid-Atlantic, Inc. has served more than 3,800 children that reside in the D.C. Metropolitan Area and Delaware. The organization is one of seventy-seven chapters of the Make-A-Wish Foundation of America. Thanks to the work of thousands of Northern Virginia residents, the Foundation has been able to make these children's wishes come true.

I would like to take a moment to recognize several Northern Virginia residents who serve the Foundation as Board Members. They include John Elmes, Jeffrey Gabardi, Patty Gioia, David Joubran, Nancy Kfoury, Dr. Damon Moore, Norma Ramsey, Elizabeth Reinhardt, Jay Tompkins, and Foundation President and C.E.O. Ralph Nappi, Jr. It is the dedication of these people, along with numerous other D.C. Metropolitan residents who help to make wishes come true for these special children.

Mr. Speaker, in closing, I encourage my colleagues and others to learn more about this wonderful organization. The joy and hope that the Make-A-Wish Foundation of the Mid-Atlantic has brought to children for the past 20 years is a shining example of the American spirit. I ask my colleagues to join me in wishing the Foundation continued success and in applauding their accomplishments.

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EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes;

Mr. MURPHY. Mr. Chairman, I rise today in support of this bill, specifically the provision that would provide $3.2 billion in assistance to the Nation's airline industry. This funding is critical to the health of the industry as our Nation is at war. U.S. Airways, in particular, has a strong presence in Pennsylvania with major hubs in both Pittsburgh and Philadelphia. Since September 11, 2001, approximately 3,000 U.S. Airways employees have lost their jobs in the Pittsburgh region.

U.S. Airways, along with other major carriers, is seeking several remedies to deal with the current crisis within the airline industry. Among the proposed solutions are a repeal of the passenger security tax and the air carrier security fee, proposed takeover by TSA of all screening of passengers and property as provided for in the Aviation and Transportation Security Act, permanent extension of the Aviation Insurance program, and suspension of Aviation Trust Fund taxes. These are all important issues that this Congress should address.

Mr. Chairman, the health of U.S. Airways is critical to many more jobs in my district and the stability of the economy in the Pittsburgh region and the Commonwealth of Pennsylvania. I urge my colleagues to support this provision and by doing so help insure the viability of the airline industry and save many more jobs that may be lost through no fault of the workers that keep us flying.

* * *

WE THE PEOPLE NATIONAL COMPETITION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mrs. CUBIN. Mr. Speaker, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that Green River High School will represent the State of Wyoming in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day We the People national competition is modeled after Congressional hearings, consisting of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, but also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help the students to become active, responsible citizens.

The Green River High School class is currently preparing for their participation in the national competition in Washington, D.C. These young people inspire me as they advocate fundamental ideals that bind us together as a nation. They are setting a positive example for their peers as well as future generations. I am very proud of these students, and wish them the best of luck at the We the People national finals.

RECOGNIZING LANCE CORPORAL PATRICK O'DAY, USMC, WHO WAS KILLED IN ACTION IN IRAQ 24 MARCH 2003

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Lance Corporal Patrick O'Day, USMC, who was killed in action in Iraq 24 March 2003. Corporal O'Day, 20-year-old resident of Sonoma County, California, answered his country's call and paid the ultimate price.

Corporal O'Day served as a Tank Crewman/Gunner with the 1st Tank Battalion, 7th Regiment, 1st Marine Division. His tank was crossing the Euphrates River northwest of Nasiriyah in Southern Iraq when it plunged off a bridge and submerged in the river. All four crewmembers perished.

Corporal O'Day was born in Scotland and moved to Sonoma County when he was three years old. He loved his adopted country and chose to serve in the Marines, enlisting immediately after graduating from Santa Rosa High School. He was drawn to the Marines because of its reputation as the toughest of the military branches and he was driven to succeed. When he developed stress fractures in his legs during boot camp, he spent six months in rehabilitation rather than accept a medical discharge.

Corporal O'Day was the eldest of four boys. His brothers looked up to him for guidance and counsel.

He met his wife, Shauna, in high school. They married last fall and their first child will be born in September.

Corporal O'Day's tragic death reminds us that however just the cause, war brings tragedy to far too many families and that any casualty is one too many.

Corporal O'Day died serving the country he loved, with comrades he loved and with the love of his wife and family in his heart. Our nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time that we recognize Lance Corporal Patrick O'Day, USMC, who gave his life in service to his country.

KAYLEIGH JACK, IDAHO STATE WINNER OF GOPUSA'S YOUNG PATRIOTS ESSAY CONTEST

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. OTTER. Mr. Speaker, I rise today to call the attention of my colleagues to a stirring essay written by a young woman from my district, Eagle High School senior Kayleigh Jack. She is this year's Idaho State winner of GOPUSA's Young Patriots Essay Contest. In describing a visit to New York City and her encounter with a homeless veteran named "Sarge" who was seeking shelter near Ground Zero, Kayleigh paints a stark picture of the visceral impact that the events of September 11, 2001, had on millions of Americans like Sarge who have sacrificed for our freedoms. More than that, her work provides a valuable and hopeful insight into the hearts and minds of young people like her. The lessons of the past truly are learned anew with each lifetime. Kayleigh's essay shows just how profound that earned wisdom can be. I am grateful for the help in understanding more clearly that there is a generation growing to adulthood that now grasps what makes America, its people, principles and institutions so great.

IDAHO STATE WINNER—KAYLEIGH C. JACK EAGLE, ID, EAGLE HIGH SCHOOL, PUBLIC, 12TH GRADE

On a cold cement step sits a scruffy man in heavy clothing. A small American flag is propped atop his knapsack. Behind him, a fading golden hue illuminates a gaping hole in the earth where two magnificent towers once stood. For Sarge, it will be another cold night in the Big Apple.

On September 11, Americans were awakened to gleaming knives slicing through America's seemingly impenetrable national security. For older Americans, it was Pearl Harbor reawakened. For younger Americans, like me, these were new sounds, new visions—new feelings.

During a recent trip to New York City, I felt a discomfort when seeing Sarge, a homeless veteran, huddled near ground zero. I again felt that same discomfort while staring into the cold empty crevasse behind him. I later realized how much the man and the victims of September 11 had in common; all paid the price for freedom . . . for being Americans.

All of my life, I've sat in the comfort of my secure home and watched televised scenes from distant lands of people whose loss of liberty meant the loss of life. But, until September 11th, I've never been truly touched by these images. Now, reflecting on September 11th and remembering Sarge near ground zero, I feel threatened . . . and grateful.

While flying home from New York, I thought about the generosity and patriotism following September 11th. I wondered about the flag in front of my home. Was I a good American or just part of a passing national fervor? What about Sarge? Outside the VA Hospital a sign reads, The Price of Freedom is Visible Here. According to the National Coalition for the Homeless, 40% of all homeless are veterans . . . just like Sarge.

In appreciating what it means to be an American, my brother and I brought flowers to the Idaho State Veterans Home. Inside, experts on the topic warmly shared their views: respect the flag, constitution and one-another; be faithful; appreciate blessings and liberties as well as those who sacrificed for them; learn from the past; confront mistakes and shortcomings—regardless the discomfort.

While driving away, we passed a white-haired man pushing a walker. When he smiled and flashed a thumbs up, something said to turn back. His name was Bernard Wolff (WWII-Army). Amid falling leaves and scurrying squirrels, we shared a bench while he recounted exciting, yet tragic memories. Softly, he said, "Nothing worthwhile in life is free—especially freedom. The price is how we live it; being informed, making votes count, finding common ground, not taking anything for granted . . . making sacrifices." He thanked us for making his day. But really, he made ours.

I will always remember where I was on the morning of September 11th. I will always remember Sarge sitting near ground zero. I will not allow my 9/11 patriotism to become a passing fad. I will regularly visit the Veterans Home with my violin ensemble and take moments out of my life to honor those who paid the ultimate price so this nation might remain a beacon of hope for all who value freedom, justice, and liberty. It is but a small price for me, but a huge part of what it means to be an American. Conquered and oppressed are countries who forget their heroes.

HONORING THE LIFE OF PULITZER PRIZE-WINNING CARTOONIST BILL MAULDIN

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to the life of Pulitzer Prize-winning cartoonist Bill Mauldin.

Mr. Mauldin is best known for his cartoon "Willie and Joe" which was published in Stars and Stripes and other military newspapers. His cartoon of World War II infantrymen marching their way across Europe and surviving the enemy endeared him to thousands of soldiers.

Mr. Mauldin enlisted in 1940 and was assigned as a rifleman to the 180th Infantry. It was here where he started drawing cartoons and where he received his inspiration for "Willie and Joe." Five years later he won his first Pulitzer Prize.

He later worked for the Sun Times and the St. Louis Post-Dispatch, where he won his second Pulitzer Prize.

Throughout his entire life, Mr. Mauldin continued to receive praise and gratitude for his inspirational cartoons. He was not only admired by soldiers, but by his community as well for bringing laughter and comfort during difficult times.

He will truly be missed.

JEWISH WAR VETERANS EAST MEADOW—LEVITTOWN POST NO. 709: "CLASSMATES TODAY—NEIGHBORS TOMORROW"

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of four students from the Fourth Congressional District of New York. On April 27, the students will be honored by the Jewish War Veterans East Meadow—Levittown Post No. 709 at their annual awards ceremony.

Jewish War Veterans Post No. 709 has an innovative program, Classmates Today—Neighbors Tomorrow. It encourages local high school students to become active in community service, and in return, the program enriches many generations. Classmates Today—Neighbors Tomorrow is just one example of how the Jewish War Veterans have proven their dedication to providing a variety of services to our community.

This year, Post No. 709 has recognized the outstanding community service efforts of four students from my community. Ian Dorfman, of W.T. Clarke High School, and Stephan Schwartz, of East Meadow High School, are two of the four 2003 recipients of the Jean R. Tint Memorial Brotherhood award. Brandon Weinberg, of W.T. Clarke High School, and Jayme Feldheim, of East Meadow High School, are the two 2003 recipients of the Mike Pahl Music Award.

All of these students are most deserving of this honor and recognition. Their dedication to our community is clear and consistent. I anticipate great contributions to Long Island from each student, given the high level of community service each student has conducted during their high school years. I know I will hear about their achievements in the years to come, but in the meantime, I wish Ian, Stephan, Brandon and Jayme good luck in the future.

TRIBUTE TO ROBERTO CLEMENTE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. SERRANO. Mr. Speaker, the following tribute to Roberto Clemente by Mr. Mayoral appears in English in the CONGRESSONAL RECORD, No. 54, Book 11, page E674. I now submit the following Spanish version for the RECORD as well.

ROBERTO CLEMENTE

(Por Luis R. Mayoral)

Temprano una mañana en diciembre de 1987, mientras charlaba desayunando en un campo de golf en Dorado, Puerto Rico, con el golfista Chi Chi Rodriguez él dijo de *Roberto Clemente*, "Si yo fuera la mitad del hombre que él fue, diría que yo sería un hombre muy afortunado."

Lisas palabras me impactaron tan profundamente que desde entonces comencé a pensar, más que antes, en el Pirata de Pittsburgh miembro del Salón de la Fama, como un icono inspiracional más que un jugador marcadamente dotado.

La muerte de Clemente el 31 de diciembre de 1972, causó luto pues me enfrenté a la realidad de que jamás compartiría tiempo preciado con un querido amigo en eso de "arreglar" al mundo, sabiendo que el internacional mundo del béisbol habia perdido por siempre a una figura que personificaba excelencia.

Muchas personas pensaban en él como el Jackie Robinson de América Latina en la búsqueda de igualdad para los peloteros hispanos . . . pero yo siempre le vi como nuestro Joe DiMaggio, pues el nos brindaba esperanza con su toque de héroe perfecto.

Roberto fue un hombre sencillo, pero de palabras profundas que poseyó un interés genuino en la humanidad.

La última vez que le vi fue varios dias antes de su inesperada muerte mientras en el Estadio Hiram Bithom en San Juan él dirigia la colecta de bienes destinados a las victimas de terremotos en Nicaragua.

Esa tarde, en sus ojos vi la seriedad y dedicación que tantas veces vi mientras el vestia un uniforme de béisbol.

Momentos antes de salir del estadio, me invitó a su hogar en la vispera de Año Nuevo.

Eso jamás se logró; pues en el segundo que arribó el año 1973, ya él llevaba de muerto unas dos horas cuarenta y cinco minutos en las profundidades de Océano Atlántico a una milla al norte de Puerto Rico.

Roberto vivió 38 años, 4 meses, y 13 dias. Ese fue el tiempo que le tomó para convertirse en un miembro del Salón de la Fama, en una mejor persona y leyenda.

TRIBUTE TO CLARA BROSSELL CROOK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I ask my colleagues to join me in paying tribute to an extraordinary activist, volunteer and educator, Clara Brossell Crook, who recently passed away one week before her 93rd birthday.

Born in Canada in 1910, Clara immigrated to Milwaukee, Wisconsin in 1912, and was educated at the University of Wisconsin, Lawrence University, Marquette University, and the University of New Hampshire. As the single parent of two young children during World War II, she began a varied and amazing career that included being the Director of Personnel of St. Luke's Hospital, the Associate Director of the National Conference of Christians and Jews, and the Vice Dean of the Business School at the University of Wisconsin-Milwaukee.

During her 32 years as a resident of Burlingame, California, located in my congressional district, Ms. Crook was the founder of the Burlingame Senior Commission, the Emeritus Forum, and the Slippy Hippies support group. She was chair of the San Mateo County Commission on Aging, the College of San Mateo Emeritus Institute, the Burlingame Civil Service Commission, the Burlingame Senior Citizens Coordinating Council, chair of the Teamwork Ensuring Elder Support, and co-chair of the San Mateo County Alliance of Service Providers. Clara was also the gracious host of the KCSM-FM radio program "Senior Talk" and the KSOL weekly radio talk show host of TV program "Senior Focus". In addition to all of this, she was also a member of the Stanford Geriatric Advisory Committee and the San Mateo County Self-Esteem Task Force.

Mr. Speaker, Clara was a resounding voice and advocate for the senior citizens of our community and country, urging and supporting independence, self-sufficiency, and dignity for seniors. Her boundless energy for these projects, and for life itself, made her a pillar in our community. Her diligence and astounding capacity to achieve her goals resulted in her receiving numerous accolades including: Burlingame Citizen of the Year, California State Legislature's Woman of the Year, and the Lion's Club-Burlingame Citizen of the Year. Additionally, the litany of her achievements includes being the first recipient of the College of Notre Dame's Human Services Award, the Shinnyo-En USA Citizen of the Year, being selected as Woman of the Year in the 20th Assembly District, being recognized by the California State Senate, and commended by President Clinton. She has also been listed in Who's Who in American Women, Who's Who in Public Relations, 2000 Women of Achievement, and Worlds Who's Who of Women. Finally, in recognition of all these accomplishments, Clara Brossell Crook was recently inducted into the San Mateo County Women's Hall of Fame.

Mr. Speaker, it is without exaggeration when I say Clara was an exceptional influence on our district. Her amazing energy and extraordinary intellect was a source of inspiration for all and definitely provided us with a better understanding of the needs of our elderly, an area far too often neglected in our national zeitgeist. Her passing has taken away one of San Mateo's favored daughters and her contributions to the betterment of our local and national community will certainly be missed.

Clara is survived by her daughter Victoria B. Zenoff of Richmond, California, her son David B. Zenoff and his wife Janet N. Hunter of San Francisco, her grandchildren Andrew Zenoff, Fay Zenoff Ginzburg and Alexandria Hunter Zenoff, and her sister Goldye Mullen of San Francisco. Mr. Speaker, my wife Annette and I are deeply grieved by Clara's passing and I urge all of my colleagues to join us in offering our most sincere condolences to her family.

CONGRATULATIONS TO KATHLEEN GEARTY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, one of the important activities of the Veterans of Foreign Wars is the Voice of Democracy contest which that organization conducts for high school students. In 2003, more than 80,000 secondary school students took part. Given this, it is obviously a great honor for a young person to have won in one of the important categories.

I was therefore very pleased to be informed by Dennis Cullinan, Director of the National Legislative Service of the VFW, that Kathleen M. Gearty from the Congressional District that I represent won the 2003 broadcast scriptwriting contest. I am very pleased to have a chance to congratulate Ms. Gearty on her very significant accomplishment, and because the theme of her inspirational essay is so important, I ask that it be printed here.

FREEDOM'S OBLIGATION

(By Kathleen Gearty)

On a crisp January morning a baby girl entered the world. The cards were given, the gifts were received and a couple of months later the christening gown, a simple satin sleeveless under dress with a hand stitched cover dress and lace robe with matching bonnet, was placed on the baby and she was baptized. Although I don't know all the details I do know that someone painstakingly and lovingly hand-stitched this gown as if knowing it would be passed down and treasured by my family.

After that baby girl followed two more little girls. As the oldest had, the two after her wore the gown. This tradition has been passed down for forty years and will continue as more babies in my family are brought into the world. As the gown is passed down the obligation to preserve it, responsibility to inherit it and the love to cherish it is passed along with the garment. In a way freedom's obligations are similar to this heirloom.

The christening gown that was worn by the three sisters was then worn by the older daughter's two daughters and the youngest daughter's youngest child. While passing the gown down there was much at stake. The preparation of preserving the gown and the preparation of letting it go. The gown was kept and locked in a large cedar chest in its original box wrapped in tissue paper. Passing it on is a challenge but inheriting it is an honor. The next keeper of the beautiful gown has the responsibility of the task of preserving it, so that it may be passed on and treasured by the next proud mother and father.

As the gown was sewn together, so was our country, stitch by stitch. We fought for this freedom and the obligations that go along with it. We were all pierced by that great needle, and blood was shed but looking at the creation we have developed makes us realize that the sacrifices were worth while. The gown like our country's freedom had transformed and was no longer merely a piece of white cloth and a spool of thread but a privilege, an obligation and honor.

The gown was worn then passed on; freedom is earned and then also passed on. The baptism dress must be preserved and cherished by the holder whose children will wear it next. Freedom must also be conserved in a manner of respect and loyalty so that children can live an even better life than their parents. Both, the heirloom and freedom are similar in the respect that both have to be treasured, or the joy in possessing such beautiful treasures is gone. As an American it is an obligation to respect freedom and to care for it, for freedom is like a fragile christening gown and with one little snag of a thread it could unravel before your very eyes and be gone forever. My obligation is to ensure that whatever I do with my life involves the preservation and the passing on of freedom just as I will honor my family obligations.

KIDNEY DISEASE AWARENESS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. CUMMINGS. Mr. Speaker, I am pleased to reintroduce this resolution that expresses the sense of Congress regarding the awareness of and treatment for kidney disease. This resolution serves as the vehicle—to inform the American people about kidney disease—its potential causes, preventions, and medical advances. In addition, it promotes federally funded research focused on kidney disease.

The incidences of kidney disease are rising. What is even worse is that kidney disease works as "the silent killer," in that most people with kidney damage are unaware that their kidneys are beginning to fail. African-Americans, Native Americans, Hispanics, Asians, and Pacific Islanders are more at risk for the kidney disease.

End-Stage Renal Disease (ESRD) is a condition that causes permanent kidney failure. Over the last decade, the number of patients with ESRD has doubled to reach approximately 400,000 Americans, and has directly caused 50,000 deaths annually. This disease has affected at least 13 million people who have lost 50 percent of their kidney function without even knowing. And still, another 20 million more Americans are unknowingly at an increased risk of developing kidney disease.

Diabetes and hypertension are the number one and number two causes of kidney disease respectively. And although dialysis is a lifesaving process that helps patients perform many normal activities, there is no cure for kidney disease.

Knowledge is power and we should all arm ourselves with the power to fight kidney disease as best we can. The first step in the solution is to mount a comprehensive educational effort so that we all can become familiar with kidney disease. This resolution starts that important process.

I ask all of my colleagues to support this kidney disease awareness resolution by becoming a cosponsor.

RECOGNIZING DARRELL BOWLES, II UPON RECEIVING THE "YES I CAN" AWARD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to recognize the inspirational accomplishments and remarkable example set by Darrell Bowles, II. Darrell, who was born in Knoxville, TN and raised in nearby Blaine, was recently named a Tennessee recipient of the "Yes I Can!" award, given by the Tennessee Federation Council for Exceptional Children. This award recognizes outstanding achievement by students receiving special education services. I might add that Darrell was among the top five nominees at the National level.

Born weighing only 1 pound, 7 ounces at 26 weeks, Darrell suffered blindness shortly after birth. Despite this challenge, Darrell has continually proven that with steadfast determination each of us can achieve excellence in what we set out to do.

Now in the ninth grade at the Tennessee School of the Blind and Educational Resource Center for the Visually Impaired, Darrell excels in technology and computer studies. He has become an expert in specialized technology and is an advocate for the continued advancement of new software and hardware that further enables visually impaired individuals to excel in both the academic and business community.

Beyond his technological capabilities, however, Darrell's spirit of optimism and determination should be an example to each of us. In a recent news report, Darrell is quoted as saying that his inspiration to give his very best comes from God. He is quoted as saying, "I didn't ask for this, but I am following His will for me."

When speaking to people who have become discouraged or frustrated he said he likes to tell them that, "When God opens a door, its there. Go in before it closes."

Regardless of where we are in life or what challenges we face, I believe the advice of Darrell Bowles should apply to each of us.

I also want to commend the loving family members and dedicated teachers who have supported Darrell's efforts. I am sorry to say that Darrell's mother has passed away, but the love she shared with him continues to be a driving force in his life.

I am proud to be Darrell's Congressman and on behalf of this body, I want to thank Darrell for the example he continues to set for so many, and to wish him the greatest success in the future.

HONORING JAMES THOMAS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. NUNES. Mr. Speaker, I rise today to honor a constituent and fallen hero—James Thomas passed at the age of 82.

James Thomas, or better known as Jim, was a great-grandfather, grandfather, father and loving husband. Jim was a highly decorated veteran of World War II and served in the Army Air Corps as a gunner. After numerous heroic missions over the skies of Europe, Jim's plane was shot down. This led to his capture and he was subsequently held as a Prisoner of War (POW) until Allied Forces liberated him.

Jim played an active roll in our local community and has been a role model for many around him. He was a member of several farm organizations and military associations to include: the American Ex-Prisoners of War; the American Legion; AMVETS; and the Tulare Historical Society. Jim was also an active member of the First Church of God and volunteered year after year at the World Ag Expo in Tulare.

Jim is survived by his wife, Eleanor Thomas; his children, Mike Thomas, Jannette Hill and Carol Kemp; his brothers, Raymond and George Thomas; and eight grandchildren and four great-grandchildren.

Mr. Thomas was a personal friend and mentor whom I knew my entire life. I will never forget the many lessons he taught me about war, agriculture, personal integrity and perseverance. Today, I honor this brave soldier and family man.

HONORING THE 2003 REEBOK HUMAN RIGHTS AWARDS RECIPIENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. LANTOS. Mr. Speaker, I rise today to draw my colleagues' attention to a group of incredible human rights defenders. Each year the Reebok Human Rights Award recognizes young activists who, early in their lives and against great odds, have made significant contributions to the field of human rights strictly through nonviolent means. The Award aims to generate positive international attention for the recipients and to support their efforts. Honorees receive a $50,000 per person grant to a qualifying organization to further their work from The Reebok Human Rights Foundation. The recipients of the 2003 Award will visit Capitol Hill this week. I take this opportunity to commend Paul Fireman for creating this innovative corporate program for raising public awareness of human rights at Reebok and I congratulate the 2003 Award recipients for their remarkable accomplishments.

At a time when the world's attention is focused on the war in Iraq, we ought not lose sight of the fact a more safe and stable world rests in our ability to promote human rights and the rule of law. Recipients of the Reebok Human Rights Award are working every day to defend fundamental rights on every continent.

Award candidates must be 30 years of age or younger and cannot advocate violence or belong to an organization that advocates violence. Award candidates must be working on an issue that directly relates to the United Nations' Universal Declaration of Human Rights. Women and men of all races, ethnic groups, citizenship and religions are eligible.

Each year the Reebok Human Rights Award program undertakes an extensive nomination outreach program, with over 10,000 nomination packets being sent worldwide. After all nominations are received, a team of international human rights experts and researchers begin the exhaustive task of researching and qualifying all nominees. Over the next several months, references are obtained, facts are checked, and accomplishments are verified for each and every application received. A group of finalists is presented to the Reebok Human Rights Board of Advisors, who select the Award recipients.

A total of 72 women and men from 34 countries have received the Award. These young heroes have ranged from a Cuban prisoner of conscience to a Liberian human rights monitor to an American advocate for battered women. All of them have taught us unforgettable lessons about the true nature of courage and humanity.

The recipients of the 2003 Reebok Human Rights Award are:

ERNEST GUEVARRA (PHILIPPINES)

Early on, Ernest Guevarra (age 24) knew his life's mission was to be a doctor and to promote human rights. As a student activist, he helped found Medical Students for Social Responsibility and spearheaded campaigns advocating for the health needs of the vulnerable and disadvantaged. When Ernest graduated, he became a volunteer doctor in Mindanao with the Medical Action Group, providing care to victims of human rights violations. One month after September 11th, Ernest was asked to join a fact-finding mission to Basilan, an area with a number of Muslim rebel groups. Government forces were aggressively arresting hundreds of Muslim suspects, and it was alleged that many of them were being tortured.

As Ernest was examining the prisoners, an armed guard threatened him with an M–16 rifle and locked him up with the detainees. Undaunted, Ernest continued his examinations and demanded that the prisoners receive proper treatment. When he was finally released, Ernest and the team pressed on into the perilous region controlled by separatist rebels to provide humanitarian assistance to a community under siege.

They soon found themselves hostages. "After hours of talking and offering sacks of rice and dried fish, we were able to negotiate a safe passage home," Ernest said. "I was happy to come out of that situation alive, but sad that people there continue to confront harsher forms of violence and abuse. And, unlike us, they do not have the option to leave."

Despite the personal risk, Ernest chose to remain in Mindanao. Several days ago, the Philippine military invaded the region where Ernest is working in search of a rebel group. Thousands of villagers have been forced to leave the area. As the only doctor in the region, Ernest is responding to the crisis, providing an emergency health response system to over 40,000 refugees.

PEDRO ANAYA (UNITED STATES)

In his early teenage years, Pedro Anaya (age 24) was more interested in gangs than he was in human rights. But some influential mentors and a school assignment helped steer him in a different direction. When asked to write about an American hero, Pedro chose Mexican American activist Cesar Chavez. Dismayed when his teacher rebuked him for writing about a "Mexican" rather than an American hero, Pedro vowed to raise awareness about Chavez. Since then, he has used Chavez's life and values as a model to inspire young people.

Pedro fights human rights abuses against Latinos of Mexican origin, the frequent target of discrimination and prejudice in the San Diego area. While still in high school, he organized a campaign to rescind the California proposition that would prevent undocumented immigrants from receiving benefits or public services. In college, Pedro brought campus groups and inner-city organizations together to support the United Farm Workers. He proved to local farm workers that by organizing, they could gain a voice, regardless of legal status or language. And he marshaled support to force growers to address health and safety problems and to replace deplorable worker encampments with proper housing.

As continuing education director for the National Conference for Community and Justice, Pedro now pursues his personal campaign to empower Latinos. He has already worked with more than a thousand young people, fostering leadership and mobilizing them to learn to combat social injustices and prejudice.

OONA CHATTERJEE (UNITED STATES)

Community organizer Oona Chatterjee (age 29) took inspiration from poet Antonio Machado who wrote, "Searcher, there is no road. We make the road by walking." Oona became an activist for social change in Bushwick, a poor and largely immigrant neighborhood in Brooklyn, New York. In 1997, she and a colleague founded Make the Road by Walking (MRBW), a unique community-based organization built on the belief that the center of leadership must be within the community itself. Since then, the organization has grown dramatically and now includes over 600 members, a member-elected board composed of low-income community residents, and a staff of twelve.

Over the past 5 years, MRBW has achieved many improvements to the lives of Bushwick residents. Members recently forced New York City to conform to federal law and provide translation services to non-English speakers in all of its food stamp, welfare, and Medicaid offices. They also forced dozens of neighborhood employers to pay more than $100,000 in illegally withheld wages to garment workers. They have educated residents on how to prevent, detect, and treat lead poisoning. They launched GLOBE (Gays and Lesbians of Bushwick Empowered) to fight homophobia and to provide the community's first safe space for gay men and women. And, with Oona as the driving force, their Youth Power Project recently helped redirect $53 million of New York City's budget away from the expansion of juvenile jail facilities and toward youth development projects.

MOHAMED PA-MOMO FOFANAH (SIERRA LEONE)

Mohamed Pa-Momo Fofanah (age 30) is an attorney in Sierra Leone dedicated to defending the rights of children caught in a web of poverty and unspeakable atrocities.

Sierra Leone recently emerged from a ruthless, decade-long civil war, in which tens of thousands of civilians were killed, over 100,000 were mutilated, tortured and raped, and millions were driven from their homes. Many were compelled to work as slave laborers, and children were forced to become soldiers and commit violent acts against family and neighbors. This decade of destruction has left 75% of Sierra Leone's population under the age of 25, and has decimated the country's economy and infrastructure. Extreme poverty is rampant, and an adequate juvenile justice system is nearly non-existent. As a result, children have become both victims of abuse as well as offenders—often resorting to crime just to survive.

Since receiving his law degree in 1998, Pa-Momo has worked tirelessly to defend the rights of children and to improve the treatment of juveniles in the justice system. He has worked with the Sierra Leone office of Defense for Children International, where he provides free legal advice on children's rights, represents juveniles arbitrarily arrested and detained, and takes up cases of child abuse and rape. To further strengthen his fight for the protection of children, Pa-Momo also helped create the Lawyers Centre for Legal Assistance (LAWCLA), the only organization in Sierra Leone to offer free legal services to indigent victims of human rights abuses.

CHRISTIAN MUKOSA (DEM. REP. OF CONGO)

Christian Mukosa (age 28), also an attorney, fights to expose human rights violations in the Kivu provinces of the Democratic Republic of Congo, in one of the world's most dangerous and turbulent settings. Since 1998, the Kivu provinces have been the battleground between Congolese forces and a host of armed rebel groups. The broader war has fueled interethnic strife, resulting in civilian deaths and the punishment of groups for suspected loyalty to rival forces. Human rights defenders who try to report on the abuses are repeatedly threatened and arrested.

As a field investigator and lawyer for Horitiers de la Justice, Christian gathered information on abuses by meeting with victims and visiting detention centers. He also represented indigent victims at no cost, pressured local authorities to respect the law, and trained local activists to monitor human rights violations.

Christian and his colleagues responded to reports of human rights violations by confronting authorities directly with evidence. Each week, they released one-page appeals on particular cases and distributed them to local and international human rights organizations and the United Nations. They also published an annual report on human rights violations.

Mr. Speaker, I urge all my colleagues to join these outstanding human rights defenders at a reception in their honor on Tuesday, April 8, at 6:00 p.m. in the Rayburn Foyer.

NORTHERN IRELAND PEACE AND RECONCILIATION SUPPORT ACT OF 2003, H.R. 1208

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise to voice my support for H.R. 1208, the Northern Ireland Peace and Reconciliation Act of 2003. The International Fund for Ireland was established in 1985 to help bolster economic development and support programs that would foster peace and reconciliation in Northern Ireland and the affected border areas of the Republic of Ireland. The United States has contributed more than $386 million to the fund to help improve relations between Catholic and Protestants in Northern Ireland through the creation of jobs and cross-community business development. Over 80 percent of the fund's investment has been in disadvantaged areas offering work experiences and job training programs for disadvantaged and unemployed youth.

Since 1969, over 3200 people have died as a result of political violence in Northern Ireland, which is part of the United Kingdom. The conflict, which has it origins in the 1921 division of Ireland, has reflected a struggle between different nationals, cultures, and religious identities. The Protestant majority in Northern Ireland defines itself as British and largely supports continued incorporation in the United Kingdom, and are called unionists. The Catholic minority considers itself Irish and many Catholics desire a united Ireland, and are referred to as nationalists.

In 1998, former U.S. Senate Majority Leader George Mitchell, helped broker the "Good Friday Agreement" between and among the government of Ireland, the government of the United Kingdom, and political party leaders representing Catholics and Protestants in Northern Ireland.

The requested $25 million over the next five years will go a long way to carry out the accords of the Good Friday agreement. A large part of this effort is for programs that enhance relations between communities and between the police and the communities they serve, promote human rights training for police, and promote training programs to enhance the new district partnership police boards recommended by the Patten Commission.

Successive U.S. Administrations and the U.S. Congress have seen economic development as key to fostering peace in Northern Ireland. Support for the paramilitaries has been strongest in the communities suffering the highest level of unemployment and economic deprivation; thus, many see the creation of jobs and economic opportunity as on par with working out a political solution to the conflict in Northern Ireland. Critics of U.S. assistance to the region argue that the European Union, not the United States, is the appropriate source of aid and further that private investment, rather than aid, is central to job creation. Supporters of the aid program, including many Members of Congress, see aid and investment as complementary, with aid often serving as a good catalyst for investment. Mr. Speaker, I am a strong supporter of the aid program.

Mr. Speaker, all major social and economic indicators show that Catholics in Northern Ireland are disadvantaged relative to Protestants. The most persistent area of inequality has been employment. Catholics experience rates of unemployment over twice as high as Protestants, and Catholics are more likely than Protestants to experience long-term unemployment.

The British government sees inward investment and the creation of employment opportunities, linked to its fair employment legislation, as the best antidote to Catholic unemployment. Others believe implementation of the Mac Bride Principles would provide an important remedy. Introduced in 1984, the Mac Bride Principles are nine equal opportunity/affirmative action principles, intended to promote employment options for members of underrepresented religious groups in Northern Ireland. Among other things, the Principles call for provocative religious or political emblems to be banned from the workplace; for all job openings to be publicly advertised with special recruitment efforts to attract applicants from underrepresented groups; and for adequate security at the workplace.

For years, the British and Irish governments sought a formula that would facilitate a peaceful settlement. After many ups and downs, the British and Irish governments and the eight parties participating in peace talks announced agreement on a political settlement on April 10, 1998. The agreement recognizes the consent principle, namely, change in the status of Northern Ireland can only come about with the consent of the majority of its people. Voters in Northern Ireland and the Republic of Ireland approved the accords in referendums held on May 22. Elections to the new Assembly took place on June 25.

Mr. Speaker, the implementation of the peace agreement has been difficult. I applaud the efforts of leaders in the United Kingdom, Ireland, and Northern Ireland for their efforts in furthering peace and reconciliation in Northern Ireland.

FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

SPEECH OF

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 2, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes:

Mr. BAKER. Mr. Chairman, after considerable work by Chairman OXLEY and Mr. BACHUS, the House of Representatives is once again considering legislation to reform Federal deposit insurance. This is important legislation that will have an impact on our constituents and our economy.

As I stated last year, I am concerned about the potential effects of possible FDIC actions to develop and implement risk-based assessment standards under sections 4 and 7 of the legislation. My concern is that the FDIC may give excessive weight to Federal Home Loan Bank advances in the assessment process so that insured institutions with certain amounts or percentages of such advances would be classified as more risky and, therefore, pay higher deposit insurance premiums.

My concern arises from the FDIC's report on deposit insurance reform, issued in April 2001, which indicated that, under a risk-based assessment system, the FDIC could use a sample risk "scorecard" that would result in institutions with increased amounts of FHLB advances paying higher risk-based insurance assessments.

In my opinion, the use by the FDIC of risk-based assessment authority in this way would be contrary to Congress's clear intent to broaden access to FHLB advances in the Gramm-Leach-Bliley act of 1999. In the Gramm-Leach-Bliley act, we wanted to ensure that community institutions and housing lenders would be able to obtain adequate, reasonably priced FHLB advances as a source of funds to serve the borrowing needs of their customers. Providing this source of liquidity may actually reduce risk. I would anticipate, should the FDIC place undue weight on FHLB advances for its risk-based assessment system, the agency will likewise account for the risks associated with depository institutions holding U.S. agency debt and securities.

As the principal House sponsor of the FHLB provisions in the Gramm-Leach-Bliley act, I will follow very closely the FDIC's implementation of any new risk-based assessment standards to ensure such standards do not adversely affect the prudent use or cost of advances.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. OBERSTAR. Mr. Speaker, on Thursday, April 3, I had surgery to correct an injury I sustained during a bicycle accident in November 2002.

As a result of this surgery, I was unable to cast my vote on the supplemental appropriations bill that the House considered on that day. Had I been present, I would have voted "nay" on rollcall vote 103, I would have voted "nay" on rollcall vote 104; I would have voted "nay" on rollcall vote 105; I would have voted "aye" on rollcall vote 106; I would have voted "nay" on rollcall vote 107; and I would have voted "aye" on rollcall vote 108.

H. RES. 137 AND THE IMPORTANCE OF TITLE IX

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. McNULTY. Mr. Speaker, one of our nation's most vital and successful programs for equal opportunity for women has been under review. Rod Paige, Secretary of Education, recently assembled a commission to investigate the effectiveness of title IX in the Civil Rights Act. The mandate of the "Commission on opportunity in Athletics" is to investigate ways to enforce title IX efficiently.

The Commission has concluded its investigation and issued its findings. Secretary Paige said that all of the recommendations to which the Commissioners initially agreed would be treated as "consensus" recommendations. The minority report, filed by commissioners and former Olympians Donna de Varona and Julie Foudy, strongly disagree with two specific Commission recommendations, and express serious concerns about the others.

The dissenting Commissioners strongly believe that many of the Commission's "consensus" recommendations are worded so ambiguously that they could be interpreted in such a way as to undermine equal participation opportunities and scholarship dollars for women, as well as other title IX protections. Without clarification, say these distinguished athletes, there is no true "consensus" within the Commission.

I find it troubling, Mr. Speaker, that the minority report is not included in the Commissions report, thus excluding the serious objections raised by some during deliberation of the Commission. Secretary Paige submitted the majority report alone—without first discussing his decision with the Commission. Not surprisingly, a number of those on the panel have expressed their unease about the lack of a final meeting. They are concerned that areas of genuine consensus in the report have not been identified, and I certainly share their concerns.

I am a long time supporter of title IX and the opportunities it creates for women. I am a cosponsor of H. Res. 137, a bipartisan resolution to maintain the integrity of title IX of the Civil Rights Act. This resolution sends the message that we are committed to protecting title IX, and that the fight to save title IX is not over.

Over 70 percent of the country supports title IX in its current form. With such overwhelming support, we must recommit to enforcing the current standards. While gender equality in athletics still does not truly exist, we have taken great strides over the first 30 years since the enactment of title IX. Girls' high school athletic participation increased by 847 percent, and women's college athletic participation increased four fold. This progress was achieved even though two dollars are spent on men's collegiate sports programs for every dollar spent on women's collegiate sports programs.

Title IX is a basic question of equality. Equality of opportunity should not be compromised. I urge my colleagues to support H. Res. 137.

HONORING LEE GILES ON THE OCCASION OF HIS RETIREMENT

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to recognize the end of the era for Indianapolis, with the end of the long and exciting career of an Indianapolis broadcasting giant, Lee Giles.

These are times of trial for our nation. As is our country's custom, in circumstances like these we turn our faces steadily toward television, our window on the world, watching the events of far away, days of desperation and long nights of noise on parade through our living rooms. In those hours as we celebrate the devotion and the valor of our armed forces, we celebrate again the tremendous service television does to inform and link the people.

And Lee Giles, retiring next month as News Director of WISH TV, Channel 8, in Indianapolis and central Indiana, after forty years at the station, has witnessed history's march, at home in our city and the world around. 1963, his first year of service in Indianapolis, was marked by the loss of John F. Kennedy. Then came the war in Vietnam. 1968, the year he became news director at WISH, we lost Dr. Martin Luther King, and Bobby Kennedy, too. Other tragedies and other wars, intermixed with events of excitement and celebration, followed in full flow.

Many have been the events—happy and sad—that he witnessed and helped to distill and project to our community during this full career. And, throughout those years his work has been underscored by extra service to the profession: on the Society of Professional Journalists/Jane Pauley Task Force on Mass Communication Education and the faculties of Indiana University, Purdue University at Indianapolis and Butler University. At the same time, his life has been punctuated by professional honor: induction into The Indiana Journalism Hall of Fame and receipt of the Radio and Television News Directors Foundation's First Amendment Service Award.

Mr. Speaker, it is ever vital that we recognize, celebrate and honor those whose accomplishments are an inspiration to all. Lee Giles' long and steadfast service to broadcasting, to the vital news center of that art and to his community, has been a life of true professional distinction. Let us render Lee Giles a special salute on the occasion of his retirement.

TRIBUTE TO BOB FAUL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. FARR. Mr. Speaker, I rise today to honor George Faul, a dedicated and exceptional educator and military serviceman who served the Monterey Peninsula for over four decades. George, who was always known as Bob to his friends and family, passed away March 29, 2003 at the age of 84.

Bob and I have been neighbors and friends for years. Anyone who has lived in the close-knit community of Carmel, CA, where I was raised and still live today, can speak to the feeling of community that exists there. Through his work, many advances have been made towards providing students from all backgrounds with quality education throughout Monterey County.

Bob began his educational service shortly after World War II, traveling to community colleges to help them gain accreditation. At that time, the California community college system was growing fast to meet the demands of our returned soldiers, sailors and marines, and Bob saw a chance to make a difference. It was during his time as a guidance counselor at the College of the Sequoias in Visalia that he met his wife Pat, who has also been an active community member. Pat served for many years on the board of the Monterey Airport, and was always involved in the daily life of the students and faculty at Monterey Peninsula College. As the longest-serving president of Monterey Peninsula College, Bob immediately saw a need for greater outreach to students from underserved populations and set about creating those networks.

His service in the military during World War II helped instill that sense of public service, a feeling that he carried with him his entire life. Besides being president and a member of the board of trustees for the college, Bob served on the boards of many local organizations such as the Community Foundation for Monterey County, the Monterey Museum of Art, the Monterey Jazz Festival, the Carmel Bach Festival, Circle Theater and the American Civil Liberties Union.

Mr. Speaker, Bob Faul was an exceptional person, and I am proud to be able to honor him in this way. He and his wonderful wife Pat have been outspoken and energetic community members, and I wish to express my condolences to her and their son Robert on Bob's passing.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

Mr. HASTINGS of Florida. I rise in opposition to the Cunningham amendment. I am acutely aware that many of my colleagues feel that it's "pay-back" time for our ally, Turkey. But I believe that such a course would be unproductive and unwise. The relationships that exist between and among nations are, in many ways, as those which exist with our neighbors. There are times when we may take a course of action with which our friends will not agree; sometimes we may do something to anger our good neighbors and friends. But we don't run away from our friends of many years, or our neighbors who have been with us through thick and thin. Mr. Chairman, the relationships we have with our friends and neighbors are important and it is necessary that we act in ways to maintain these important relationships. Our former distinguished Secretary of State, George P. Shultz, has called this gardening. This diplomatic process is vitally important to us as a nation. Our relationship with Turkey falls within this category. America may be indispensable, but her powers are not without limits.

Mr. Chairman, Turkey is an important strategic ally of the United States. During the last 50 years, Turkey has stood shoulder to shoulder with the United States in nearly every major conflict. From the Korean war to our involvement in Bosnia, Turkey has been by our side. On March 1, Turkey demonstrated that she is a democracy, even while her actions did not please many of us in this body. While we may disagree with the outcome of the process, we must respect her democratically taken decision. Turkey is a predominantly Muslim country with a secular, democratic government. Turkey is a country that has one foot in the East and another in the West; since September 11, 2001, her importance to the United States has increased.

There are a number of important foreign policy issues that join our two countries in a unique relationship. Turkey's long border with Iraq has obvious importance in the current conflict with Iraq. Turkey's role will be important also in the peace and rebuilding stages of Iraq. During the Bosnia campaign, Turkey demonstrated her expertise in civic action as she helped rebuild needed infrastructure in that country. This country is in a position to play a key role in our efforts to rebuild Iraq.

Mr. Chairman, beyond the crises of the moment, there are other reasons that it's very important that we support this country. Turkey is with us in the war on terrorism. Turkey is playing a major role in Afghanistan, where it assumed command of the international peacekeeping force. Turkey is a key NATO member. Her geographic location provides regional security to a critical part of the alliance. Turkey is striving for European Union membership, and United States policymakers support that goal to anchor Turkey in the West. Turkey as a part of the European Union becomes an even stronger ally of the United States.

The United States has encouraged the development of Turkey's ties to Israel since 1996. Turkey and Israel have concluded important arms and water deals, and their relationship, which is based on mutual self-interest, has withstood differences over the years. It is important to note that other Muslim countries are now taking views toward Israel that are close to those of Turkey, who has led the way.

Mr. Chairman, while the issues highlighted above may not seem important at the moment, while we are in the midst of hot debate, let me reassure you, all my colleagues, that they remain very important. The Iraq crises will not be with us always. The issues that seem so distant and unimportant now will be in our face the minute the fighting in Iraq ends. Let us stand firm with our friend and ally Turkey as she has stood with the United States.

PERSONAL EXPLANATION

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Ms. HARRIS. Mr. Speaker, on rollcall No. 86 (H. Res. 160, Previous Question on the Rule for consideration of H.R. 1104, Child Abduction Prevention Act), I was unavoidably absent due to a request from the President of the United States that I travel with a Congressional Delegation to MacDill Air Force Base in Tampa, Florida. Had I been present I would have voted "yea."

GIVING THANKS TO THE "MAKE-A-WISH" FOUNDATION OF THE MID-ATLANTIC

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor the Make-A-Wish Foundation of the Mid-Atlantic, a great member of the community I represent, and an organization I am proud to call "neighbor." Today, April 7, 2003, the foundation marks its 20th anniversary. The foundation is a nonprofit organization that fulfills the wishes of children facing life-threatening illnesses to enrich the human experience with hope, strength and joy.

The foundation's mission is pure as it is simple—to give children facing illnesses such as cancer, pediatric AIDS and heart disease something positive to think about instead of doctors visits, hospitals and medicine. The Make-A-Wish Foundation fulfills each of these children's greatest wish. Whether the wish is to visit a theme park, meet a sports hero or movie star, or army soldier, the foundation works to make each child feel special.

The Make-A-Wish Foundation of the Mid-Atlantic serves children who reside in Maryland, Washington, DC, Northern Virginia, and Delaware. The foundation, which is headquartered in Kensington, MD—my hometown—also has offices in Baltimore, LaVale, Maryland, and Wilmington, Delaware.

I'd like to recognize some of my constituents who were there to help start the organization 20 years ago: Barbara Manfuso Appleby, Deborah Camalier Walker, BJ Bralower, Harry Martens III.

Mr. Speaker, it is my pleasure to report to you that the Make-A-Wish Foundation of the Mid-Atlantic has fulfilled the wishes of more than 3,800 children who reside in Maryland, Washington, DC, Northern Virginia, and Delaware including more than 1,500 from Maryland—that's 75 young Marylanders a year.

Mr. Speaker, I would like to share with you an example of the joy Make-A-Wish Foundation brings to young citizens in need. Ryan is a young man from Silver Spring, MD, who wished for a companion—the four-legged kind. The Make-A-Wish Foundation recently fulfilled Ryan's wish for a dog.

Ryan's father reports that the Ryan's new friend, named Chi-Chi, has brought pure joy to the young boy's life. "They play together like they have known each other forever," he said.

It is my pleasure to share with the U.S. House of Representatives the accomplishments of the Make-A-Wish Foundation of the Mid-Atlantic.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 8, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 9

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine transportation and border security.

SR–253

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense for Special Operations Command.

SR–222

Environment and Public Works

Business meeting to consider H.R. 145, to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building", S. 703, to designate the regional headquarters building for the National Park Service under construction in

Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building", S. 763, to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse", S. 616, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, S. 515, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency, H.R. 289, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, S. 163, to reauthorize the United States Institute for Environmental Conflict Resolution, S. 791, to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, S. 156, to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions, the nominations of Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, Robert Boldrey, of Michigan, Richard Narcia and Herbert Guenther, both of Arizona, Bradley Udall, of Colorado, and Malcolm B. Bowekaty, of New Mexico, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and the nomination of John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works.

SD-406

Foreign Relations

Business meeting to consider proposed legislation entitled "Foreign Relations Authorization Act", to authorize appropriations for the Department of State, and United States international broadcasting activities.

SD-419

Governmental Affairs

To hold hearings to examine Homeland Security.

SD-342

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Labor.

SD-138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine missile defense.

SD-192

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD-366

Finance

To hold hearings to examine the annual report for 2003 of the Board of Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds.

SD-215

Health, Education, Labor, and Pensions

Business meeting to consider S. 754, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.

SD-430

Indian Affairs

To hold hearings to examine S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, S. 558, to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and S. 555, to establish the Native American Health and Wellness Foundation.

SR-485

2 p.m.

Appropriations

Transportation, Treasury and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Internal Revenue Service.

SD-124

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine United States policy with respect to the trafficking in women and children in East Asia.

SD-106

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans.

SR-222

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Joseph LeBaron, of Oregon, to be Ambassador to the Islamic Republic of Mauritania, Gregory W. Engle, of Colorado, to be Ambassador to the Togolese Republic, Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin, Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique, and William M. Bellamy, of California, to be Ambassador to the Republic of Kenya.

SD-419

4:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Moldova, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey, Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia, Reno L. Harnish, of California, to be Ambassador to the Republic of Azerbaijan, Stephen D. Mull, of Virginia, to be Ambassador to the Republic of Lithuania,and Stephen M. Young, of New Hampshire, to be Ambassador to the Kyrgyz Republic.

SD-419

APRIL 10

9 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the teaching of American history and civics in the classroom.

SD-430

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine proposed legislation authorizing funds for the Federal Aviation Administration reauthorization.

SR-253

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold oversight hearings to examine the designation of critical habitat under the Endangered Species Act.

SD-406

Governmental Affairs

To hold hearings to examine the nomination of Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority.

SD-342

Indian Affairs

Business meeting to consider S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, S. 522, to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources, S. 523, to make technical corrections to law relating to Native Americans, and S. 428, to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

SR-485

Judiciary

Business meeting to consider pending calendar business.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine recent developments in Hedge Funds.

SD-538

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Federal Bureau of Investigation.

S-146, Capitol

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD-366

Appropriations

Interior Subcommittee

To hold hearings to examine proposed budget estimate for fiscal year 2004 for the Department of the Interior.

SD-124

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine proposed budget estimate for fiscal year 2004 for Corporation for National and Community Service and Community Development Financial Institutions Fund.

SD-138

Joint Economic Committee

To hold hearings to examine Medicare's financial crisis, focusing on the long-term financial viability of the program, proposals .to add a prescription drug benefit and other reforms.

SD-562

10:15 a.m.
Armed Services
To hold hearings to examine the military implications of NATO enlargement and post-conflict Iraq.
SD-106

12 noon
Governmental Affairs
To hold hearings to examine prosecuting Iraqi war crimes.
SD-342

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center.
SD-116

2 p.m.
Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for science and technology.
SD-192

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine brain mapping.
SR-253

APRIL 29

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD-366

APRIL 30

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD-366

Indian Affairs
To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.
SR-485

MAY 1

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD-366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.
SD-124

MAY 6

2:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs).
SD-419

MAY 8

1:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimate for the Secretary of the Senate and the Architect of the Capitol.
SD-124

MAY 12

3 p.m.
Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR-485

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR-485

JUNE 3

10 a.m.
Indian Affairs
To hold hearings to examine the status of tribal fish and wildlife management programs.
SR-485

JUNE 4

2 p.m.
Indian Affairs
To hold hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR-485

POSTPONEMENTS

APRIL 9

10 a.m.
Judiciary
To hold hearings to examine the nominations of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice.
SD-226

SENATE—*Tuesday, April 8, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Pastor Emeritus of Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Eternal God, we are creatures of a day, yet we thank Thee for touching our lives with eternity, endowing us with insight as well as sight, conscience as well as cleverness, spiritual responsiveness as well as physical reflexes. Forgive us whenever we deny the "better angels" of our nature, thus depriving ourselves of divine guidance and help.

We need Thy help now as a nation of nations, peerless in military power and economic potential, that we do not fall into the temptations of overweening superiority or self-centered isolationism. We know from this Republic's foundation, recognizing divine endowments received, that righteousness alone exalts a nation and where this vision is lacking, people cast off restraint and perish. Save us from such an end through corruption of the spirit. Teach us that we are alive for a purpose and that popularity in the world does not necessarily equate with divine approval. May we learn individually and collectively from the words of the old hymn:

> Some will hate thee, some will love thee,
> Some will flatter, some will slight;
> Cease from man, and look above thee:
> Trust in God and do the right.

Lord God, we need Thy help daily to discern the right. Knowing how mixed human motives can be, keep this Nation ever facing toward good ends of liberation from oppression, humanitarian help, others' self-determination and lasting peace. In this sinful world, grant wisdom to those creating necessary firebreaks of lesser evil to contain and extinguish the greater, since fervent wishing will not make it so.

Comfort and bless all whose suffering is part of the price of peace. Give grace to this Senate as they make decisions that will affect many, and grasp each opportunity for good afforded by the sacrifices made. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CHAMBLISS). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will be in a period of morning business today until 10:30 a.m. This is the time set aside for Senators to honor the men and women fighting in Iraq.

Following morning business, the Senate will resume debate on the nomination of Priscilla Owen to be a circuit court judge for the Fifth Circuit. A number of Senators have indicated they are prepared to speak on her nomination, and I hope they will do so during today's session.

As I mentioned yesterday, the Senate has only confirmed two circuit court nominees this year. We have a total of six circuit court nominations pending on the Executive Calendar awaiting Senate action. I will continue to work with the Democratic leader to try to schedule these judicial nominations for a vote at a time certain.

Having said that, it is my hope that later today we will be able to reach a consent agreement to vote on the pending Owen nomination. I hope Members will not object to that agreement once they are given an opportunity to speak during today's session.

The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

It is my expectation that the Senate will take up the CARE Act this afternoon under the agreement reached last week. There is an understanding that although we will begin this bill this afternoon, we will not finish the CARE Act until Wednesday morning. In addition, there are a number of other remaining issues that may be addressed this week prior to the April recess, and therefore Senators should expect votes each day of the session.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, from 10:30 until 12:30, is there any need that we, in effect, guard the floor, and that there will be no call for the vote on the Owen nomination this morning?

Mr. FRIST. That would be fine. We do not expect to vote between 10:30 and 12:30.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with time to be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or his designee.

The Senator from Texas is recognized.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, today I am going to continue what the Senate has been doing since our troops started the invasion of Iraq, and that is to take the first period before we go on to the business of the day to salute the troops who are in the field protecting our freedom.

Today, I want to salute the members of the 507th Maintenance Company. This is the company out of Fort Bliss in El Paso, TX, who really were the first to be captured, the first prisoners of war shown on Iraqi television. Some of them have now been recovered, but there are still five missing.

The rescue of PFC Jessica Lynch was a moment of triumph but also sadness, as the celebration was tempered by the recovery of the remains of fallen soldiers who were later identified as her comrades in arms. General Renuart at CENTCOM described the rescue this way: A special ops soldier called to Private Lynch saying:

> Jessica Lynch, we're United States soldiers and we're here to protect you and take you home. . . .

As he walked over to her bed, took his helmet off, she looked up to him and said:

> I'm an American soldier, too.

General Renuart also described the recovery of the remains of the soldiers who had been killed because they were told by the same sources that there were remains of other soldiers on the ground outside the hospital where Jessica lay. He said:

> At the same time, the team was led to a burial site, where, in fact, they did find a number of bodies that they believed could be Americans missing in action. They did not have shovels in order to dig those graves up, so they dug them up with their hands. And they wanted to do that very rapidly so they could race the sun and be off the site before the sun came up; a great testament to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> will and desire of coalition forces to bring their own home.

That one line says all you will ever need to know about the character of the young men and women in the military today, who refuse to leave their fallen comrades behind: They dug them up with their hands, and raced the sun.

On Friday evening, the families of those whose remains were recovered were officially notified that their loved ones had been killed in action. We mourn their loss.

They were PFC Lori Ann Piestewa, the first American woman soldier killed in the Iraq war. This is a picture showing the two friends, PFC Jessica Lynch and PFC Lori Piestewa. They were at Fort Bliss the day of their deployment. They were roommates and friends.

Private First Class Piestewa was a Hopi Indian, one of the few American Indian women serving in the military. She was PFC Jessica Lynch's good friend and roommate.

"Our family is proud of her; she is our hero," her brother Wayland said Saturday. "We are going to hold that in our hearts. She will not be forgotten. It gives us comfort to know that she is at peace right now."

Behind me are the pictures of some who have died in action, and I am going to speak about each of them.

In Texas, there is a town called Comfort that lived up to its name by embracing and comforting the parents of SP James Kiehl. In Comfort, TX, the parents of SP James M. Kiehl are being comforted by their friends and neighbors. The 6-foot 8-inch soldier was a high school basketball player and a member of the band. The people of Comfort, moved by James' death, created an impromptu memorial where basketballs, flower arrangements, personal notes, and even baseball bats have been left as tributes to James. His father summed up the family's feelings this way:

> We just want everyone to know we support the President and the troops, and we believe in what James went over there for.

James Kiehl's wife, Jill, is staying with her parents in Des Moines, IA, and is expecting their first child next month.

In Mobile, AL, Rev. Howard Johnson, Sr., buried his son, Army PFC Howard Johnson, Jr., from the same pulpit of the Truevine Baptist Church where he had stood so many times offering words of comfort to his congregation. Reverend Johnson said of his son:

> Howard, you out ran me, but I'll see you in the morning.

SGT Donald Walters of Kansas City, MO, fought in Operation Desert Storm and had followed in his father's footsteps by joining the military. His father, Norman Walters, is an Air Force veteran and said this about his son:

> He was a patriotic guy. He felt it was his duty to serve his country.

Sergeant Walters leaves behind a wife and three daughters.

MSG Robert Dowdy and PVT Brandon Sloan were both from Cleveland, OH. Master Sergeant Dowdy's brother-in-law had this to say about the career soldier:

> He was ready to accept the challenge. That's the type of person he was. He knew going in what he was in store for and who he was and what he was about.

Private Sloan's father, the Rev. Tandy Sloan, proudly said his son "was very committed to the cause of country."

PVT Ruben Estrella-Soto was from El Paso, TX. This is his graduation picture. His father said his son

> had a lot of desire to do something with his life, and wanted to go into the military so he could get education.

CWO Johnny Villareal Mata was from Amarillo, TX. He played football on the Pecos High School Eagles football team and graduated in 1986. Soon thereafter he joined the Army. The family remembered him this way:

> Our hearts are saddened, and we share the pain with the other families. He will be deeply missed and will never be forgotten.

SP Jamaal Addison of Roswell, GA, is remembered by his step-grandmother as "a mild-mannered, quiet child" who attended Bible study every Wednesday night before joining the Army.

The 507th Maintenance Company still has five soldiers who are prisoners of war. They are SP Shoshana Johnson, SP Edgar Hernandez, SP Joseph Hudson, PFC Patrick Miller, and SGT James Riley. I have talked with Claude Johnson, Shoshana's father, several times. He and his wife Eunice are caring for Shoshana's 2-year-old daughter.

These five have not been seen publicly since several hours after they were taken prisoner March 23, and the International Committee of the Red Cross has not yet been able to visit them in captivity. We join all Americans in urging the Iraqi Government to treat those prisoners in accordance with the Geneva Convention, just as we have treated the thousands of Iraqi prisoners we hold.

We pray those prisoners of war from the 507th Maintenance Company will be returned safely to their families. We pay tribute to them today for the sacrifices they have made.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I come to the floor today to pay tribute to our men and women in uniform serving at home and abroad and honor their service to this Nation. Our service men and women have risen to the call in the fight against terrorism. They have risen to the call to ensure peace and stability in the world. And they have risen to the call to provide humanitarian aid to those in need.

One of the great aspects about America is our military. We have a history in our armed services, a rich and deep history of honor and integrity, and we see that firsthand in Operation Iraqi Freedom.

I wish to acknowledge the ultimate sacrifice of two of our servicemen who fell in the line of duty: Hospital Corpsman Michael Vann Johnson, Jr., a 25-year-old Navy medic serving in the 3rd Battalion of the 5th Marine Expeditionary Force. Michael was born in Little Rock where his mother still lives. I talked with her by phone the other day. She is a soldier in her own right.

LCpl Thomas Blair was a 24-year-old marine whose father, Al Blair, resides in Gravette, AR.

They died very bravely, both serving their country and both trying to make life better for mankind. I pray for their families, and I honor them as brave and selfless men who put their lives on the line to make the world safer for others.

I also pray for Iraq and the Iraqi people. I pray that after Saddam Hussein leaves power and that regime ends, the next government in Iraq will be peaceful; that it will not be oppressive of its own people; that it will not be aggressive toward its neighbors; that Iraq will become a solid rock in the Middle East and in that part of the world and a model of stability.

I also honor the service of LCpl James, or as we know him, "Jason," Smedley of the U.S. Marine Corps. Jason was wounded in combat and, by the grace of God, he is returning to us now. When not fighting for his country, he serves in the office of my colleague from Arkansas, Senator BLANCHE LINCOLN, assisting Arkansans. We look forward to having Jason back, around and helping Arkansans in the many ways he does.

Military service is not a job; it is a calling. It takes a special person to pledge to serve their country, risking life and limb in doing so. It takes courage, commitment, and a true sense of self to be prepared to deploy and fight for America.

I have two young children, ages 7 and 9, and I think about the children of our military men and women. I think about the boys and girls whose fathers and mothers are far from home or working long hours in the United States. I want them to know we appreciate the sacrifices they are making, that we admire their valor in keeping their spirits up, and that their parents are doing a job that epitomizes the best in human character.

I pray to God for peace, for world peace, and for the safe return of our troops, and I thank God. I thank God for allowing me to serve the people of this Nation in this way. As a Senator and a member of the Armed Services Committee, I stand ready to work with my colleagues and the President to provide any and all support possible to ensure the success of our military forces conducting these operations.

Our Nation is one of diverse views, diverse ideologies, and diverse opinions. That is one of the aspects that make America great. We might not all agree on how we got to this point; nonetheless, we come together as one country to support the service men and women who are currently risking life and limb for this great Nation. They put themselves in harm's way not for personal aggrandizement or advancement but for immense love of country, liberty, and family.

If they can hear me today, I say be assured that the American people are behind you.

When appearing before the Senate Armed Services Committee a few weeks ago, GEN John Keane, Vice Chief of Staff of the U.S. Army, testified to the courage of our military personnel. He said, when asked what is their greatest challenge, his division commanders replied: Keeping our soldiers from being too brave. They are brave, but we want them to return home.

This is not just for our regular Armed Forces but also for our Reserves and our members of the National Guard. They all play a very key role in maintaining strong national defense. Just as we should thank our military overseas and at home, we should also thank our first responders who protect our hometowns. Firefighters, police, health care personnel, they risk their lives every day and sacrifice precious time with their families every day to keep us safe from those who would try to do us harm. Their commitment and contributions to national security and homeland security should not be forgotten. We all salute their spirit.

I urge all Americans to pray for our troops, their families and our President, as we defend our Nation and the world from those who seek to do us harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, as I stand on the floor of the Senate, it is crystal clear that the reign of the dictator of Iraq is quickly coming to an end. In fact, he may already have fallen as a result of yesterday's bombings. There is no question that his death grip around the throats of the Iraqi people is being lifted; his fingers pried by American, British, and other coalition forces at places such as Basra, Mosul, and Baghdad. But the freedom of Iraq has come at a loss, a loss of American, British, and Iraqi lives. I mourn the death of each and every one of our sons and daughters, folks who volunteered to stand in harm's way for freedom and liberties we wish for all people. They are sons and daughters of a great American revolution that never ends. The cause of freedom and liberty never ends.

We see pictures every day of uncommon valor, the soldiers who rescued a young Jessica Lynch from her captors, the young men and women who dashed hundreds of miles from Iraq to the borders of Baghdad to liberate the people of that oppressed nation, or the soldiers—and there was one scene I watched on the news of three soldiers with a reporter. They had enough juice in a cell phone to make one call. One of the soldier's wives was pregnant, but instead of calling their families, they chose to call the parents of a fallen comrade to see how his mom and dad were doing.

There are dozens of pictures of American soldiers comforting the people of Iraq, bringing them food and offering them compassion. These are America's sons and daughters. They are the pictures of America that the world sees today. They are the pictures of America that bring hope to oppressed people of the world. They are SPC Joshua Sams of St. Francis, MN, a paratrooper in the 173rd Airborne Brigade. Following in the boot steps of a military family, Joshua's father was in the Army during the Korean war. Two of his brothers are in the Army now and one is in the National Guard awaiting deployment. Joshua joined the National Guard at the age of 17. After 2 years, he wanted to do more for his country, and Joshua's mom said her son had trained hard for months and was anxious to go to Iraq, was ready to go to Iraq, ready to heed the call of duty. Two weeks ago today, Joshua was among the brave paratroopers who leapt into northern Iraq and remains there today guarding a vital airstrip. Thank you, Joshua, for your service, for your commitment and for your bravery.

I would also like to take a moment to pay tribute to David Bloom, a Minnesotan. Like millions of Americans, I watched the broadcasts of David Bloom of NBC from Iraq, a young man full of promise with a young vibrant family. This dedicated reporter left all of us much too soon. It is a long way from the shady streets of Edina, MN, David Bloom's hometown, to the outskirts of Baghdad. We are heartbroken at the death of David Bloom.

Like every other American, he was there as a volunteer. His job was not to fight but to help tell the world the truth about the courage and integrity of our country, even at war. He turned out to be an outstanding representative of these qualities himself.

Americans have always known that freedom and security come at a terribly high price. It humbles and inspires us all how many are willing to pay it for us. David Bloom made Minnesotans proud and he served his profession and his Nation with great valor. Our prayers and support will be with his spouse and his daughters.

I would like to use the words of some of his colleagues and friends to demonstrate the professionalism and humanism of this wonderful reporter. The following remarks were on MSNBC recently. Tom Brokaw said:

> David was the consummate reporter. He'd land in my office without knocking, slide the chair up to my desk and then begin to suck all the oxygen out of the room asking questions how to cover the story or who should he be contacting. And then, in a flash, he'd be gone.

Tim Russert, one of David's mentors, says:

> He had a sense of decency and civility. He didn't go for the cheap shot. You fuse that with professionalism, and he had something viewers wanted to watch, embrace.

Yes, the sacrifice of our troops and their families must never be forgotten. But we must also remember the outpouring of love back at home and the countless acts of kindness and support on behalf of our fighting men and women. I think of the small Catholic grade school in Hampton, MN, that has just 57 students in the entire school. The schoolchildren came up with a wonderful way to show their affection and appreciation for our troops on the battlefield.

They issued a "penny challenge" last week. Each class was given a pail and children were asked to drop pennies, do what they can, even on a small scale to show their support. Administrators were amazed at how much money they raised, more than $1,000 with the money going for care packages to U.S. troops in Iraq. Parents were very supportive as well, but the smallest children were the ones who collected the most money, the kindergartners.

Another show of support came from the magic of television. Believe it or not, the first pitch of the Minnesota Twins's home opener this week was thrown out from the Middle East by a group of Minnesota soldiers. Josh Tverger, a U.S. Army specialist from Norwood Young America, MN, threw out the first pitch from the Kuwaiti desert. In the Metro Dome, Army SP Greta Lind of Le Sueur, MN, was on the receiving end. It was all accomplished through the spectacular technical satellite links similar to what our military has put to such stunning use on the battlefield, and now on the ballfield.

Yes, there is much love at home. There is also much sadness in many homes and villages of those who have given their lives. We thank them. Our thoughts and prayers are with those who are on the front line today. Our thoughts and prayers are with the families of those who have given the ultimate sacrifice. If we could hug every one of them, moms and dads and sisters and brothers, I would do it and I know the Senator from Georgia would do the same.

They have our love. They have our prayers. They have our thoughts. God bless them all.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota for a wonderful statement. Certainly, every single life that is lost over there is appreciated and will be appreciated forever in the hearts of Americans because those young men and women are protecting the freedom we enjoy.

David Bloom, a constituent of the Senator from Minnesota, was also protecting our way of life. He was protecting the freedom of the press. He was serving so well to do that. I knew David personally, as most Members did, because he was such a special person and he did his job, worked hard, and was here a lot. We very much miss him and we know so many of his colleagues miss him, as well.

Mr. President, I wish to talk about T.R. Fehrenbach, a constituent of mine, who wrote what many think is the definitive book on the Korean war called "This Kind of War." It is appropriate today. We have been amazed at the technological capability of our military in the war in Iraq. They have launched missiles, dropped bombs, and delivered other ordnance on the battlefield with pinpoint accuracy. I came across a picture today reminiscent of our soldiers from an earlier era that reminds me of some basic truths that apply no matter how much technological capability we might acquire.

I have a picture of American troops from the Army's 101st Airborne Division marching into Bastogne during World War II. This was the counterattack against the Germans. We see the 101st Airborne Division. I have another picture taken last week of the 101st Airborne Division, nearly 60 years later—a column from the First Brigade march into Najaf, Iraq, on Wednesday, April 2, 2003, doing basically the same thing.

These photographs demonstrate an old axiom about military operations that was written by Ted Fehrenbach in "This Kind of War," a book about the Korean war:

> Americans in 1950 rediscovered something that since Hiroshima they had forgotten: You may fly over a land forever; you may bomb it, atomize it, pulverize it and wipe it clean of life—but if you desire to defend it, protect it, and keep it for civilization, you must do this on the ground, the way the Roman legions did, by putting your young men into the mud.

I know Ted Fehrenbach and I know he would have said today, by putting your brave young soldiers and marines in the mud, because what he is saying essentially is the same today as it was in 1950. And that is, if you want to protect a land and keep it for civilization, you must have our young men and women willing to go in on the ground. The truth is still the same today.

I yield the floor.

MORNING BUSINESS CLOSED

The PRESIDING OFFICER (Mr. COLEMAN). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar 86, which the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mr. HATCH. I rise today to express my unqualified support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Last evening I talked about the importance of this debate and this vote. I talked about this vote as an opportunity to remedy the mistreatment Justice Owen received last September when she was voted down in committee, along party lines, and blocked from receiving a Senate vote. We know she would have been confirmed in the Senate by both Democrat and Republican Members, but unfortunately she was never allowed to make it to that point. I talked about this vote as an opportunity for the Senate to show we can be fair to a well-qualified nominee and provide him or her a simple up-or-down vote.

Finally, I talked about this vote as an opportunity to place a great judge, Justice Owen, on the bench. I convened a hearing for Justice Owen last month because I wanted to provide all of my colleagues an opportunity to ask questions of her and to hear her answers. I want to clear up misstatements and misrepresentations of her record dating back to last year. I was confident Justice Owen would again demonstrate her intelligence and capacity for Federal judicial service. To put it mildly, she certainly did not disappoint. She handled questions with insightful and substantive answers. She was a superb witness, one of the best we have ever had before the Senate Judiciary Committee.

We heard valuable testimony from Senator CORNYN, a new Senator, but no newcomer to Justice Owen's record or the workings of the Judiciary. In fact, he served with Justice Owen on the Texas Supreme Court for a period of 3 years, serving side by side with her. He had been a Texas trial judge before that time. He also served as a Texas State attorney general for the last 3 years. Senator CORNYN answered a frequent criticism leveled at Justice Owen, a criticism that is false, that she is out of the mainstream on her own court. If anyone would know whether Justice Owen, in fact, fits this characterization, Senator CORNYN would know. He worked next to her, heard the very same oral arguments she did, examined and debated the same law and facts with her, and decided the very same cases she did.

There is no doubt, then, Justice Cornyn disagreed with Justice Owen at times. I can reel off a few case names as well as anyone. But the significant thing is that he supports her confirmation despite attempts by some to create division where none exists.

Former Texas Supreme Court Justices John L. Hill, Jack Hightower, and Raul Gonzalez, all Democrats, are united in concurring with Senator CORNYN's opinion calling Justice Owen unbiased and restrained in her decisionmaking and applauding her for her impeccable integrity, for her great character and great scholarship. The diverse and formidable group, made up of 15 former presidents of the Texas State bar, wrote in a letter of support: Although we prefer different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a true, unique, and outstanding candidate for the appointment to the Fifth Circuit.

There is no dissent from Hector De Leon, immediate past president of Legal Aid of Central Texas, who applauds Justice Owen's commitment to improving the quality of legal services for the poor, or from Mary Sean O'Reilly, lifelong member of the NAACP, pro-choice Democrat who worked with Justice Owen on gender and family law issues. They are joined in support by E. Thomas Bishop, president of the Texas Association of Defense Counsel, who writes: I cannot imagine a more qualified, ethical, and knowledgeable person to sit on the Fifth Circuit; and William B. Emmons, self-styled Texas trial attorney, Democrat, and "no friend of Priscilla Owen"—those are his words—who, nevertheless, said: Justice Owen will serve the Fifth Circuit of the United States exceptionally well.

Those who have been in support of Justice Owen are familiar with her record of service, but it deserves brief review in the Senate. Priscilla Owen is a native of Palacios, Texas, a town located on the southern coast of Texas, grew up in Waco, TX, and attended school there. Following graduation from high school, Justice Owen enrolled in Baylor University where she received a bachelor of arts degree cum laude. She attended Baylor University School of Law with a scholarship, again excelling in studies by achieving cum laude and serving as a member of the law review. She scored the highest score in the State on the Texas bar exam after finishing school, a terrific accomplishment in a State the size of Texas.

Justice Owen worked for the Houston firm Andrews & Kurth as a commercial litigator for 17 years, gaining seasoning in appearances before Texas State and Federal courts and courts elsewhere.

Besides extensive work in oil and gas litigation, she handled securities matters and did work on cases heard by the Texas Railroad Commission. She became a partner with the firm in the mid-1980s.

Priscilla Owen successfully ran for a seat on the Texas Supreme Court in 1994 and was reelected in the year 2000 for another 6-year term. Her reelection run in 2000 was supported by every major Texas newspaper. She won with 84 percent of the popular vote.

Based on this shining record of academic and professional achievement, the American Bar Association awarded Justice Owen a unanimous well-qualified rating. That is after sending representatives into the State, talking to people on all sides of various issues; talking to people on both sides of the political spectrum, both Democrats and Republicans; talking to fellow members of the bar, those who knew her the best. They came up with a unanimously well-qualified rating, the highest rating the American Bar Association can give.

This rating does mean that Justice Owen is at the top of the legal profession in her legal community; that she has outstanding legal ability, breadth of experience, and the highest reputation for integrity, and that she has demonstrated or exhibited the capacity for judicial temperament. Only a few people achieve that select highest rating.

Justice Owen is a member of the prestigious American Law Institute, the American Judicature Society and the American Bar Association, and a Fellow at the Houston and American Bar Associations. She has taken a genuine interest in improving access to justice for the poor while serving on the bench as a liaison to State committees on pro bono and legal services for the indigent. She worked with others to successfully petition the Texas State Legislature to provide better funding for organizations devoted to helping the poor with legal support services.

Earlier, I mentioned a letter of support for Justice Owen, which was sent by Hector De Leon, past President of Legal Aid of Central Texas. Let me just quote a small part of that letter, because it makes the point better than I can, regarding Justice Owen.

> Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit.

Justice Owen is active in her church and respected in her community. She is a mentor to young women attorneys, having made it to the top of the legal profession during a period of time when relatively few women went to law school—fewer were hired by preeminent firms—and even fewer are advanced thereafter to partnership. Justice Owen did all three.

As a judge, Justice Owen is an advocate for breaking glass ceilings in the legal field. She has served on the Texas Supreme Court Gender Neutral Task Force, a working group seeking to promote equality for women in the Texas legal system, and addressing problems of gender bias in the profession. And, she served as one of the editors of the Gender Neutral Handbook, a guide made available to all Texas lawyers and judges, and intended to educate and create awareness about gender bias.

If you look at her record, it is hard for me to imagine why my colleagues on the other side of the floor, on the Judiciary Committee, voted against her in any way. I don't see how they could possibly vote against her with the record that she has. But they did. I suspect that politics had a little bit to do with it.

Justice Priscilla Owen is an excellent choice for the Fifth Circuit. There is no doubt that some will pull isolated bits and pieces out of Justice Owen's rich and textured background in an attempt to discredit and diminish her accomplishments and abilities and jurisprudence. There is no doubt some will avoid mentioning the positive aspects of Justice Owen's career, and despite this fact, it bears noting once more that those who know Priscilla Owen best know what a terrific judge she is now and will be on the Federal court.

I have come to know Justice Owen and her record and I agree she has been an excellent State judge, and she promises to be an excellent Federal judge. I ask my distinguished colleagues in the Senate to join me in voting for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals, and I certainly hope this great justice is not going to be filibustered, as Miguel Estrada has been.

Nevertheless, we are prepared for whatever happens here. She stands in a unique position as one of the finest women lawyers in the country, one of the finest women justices in the country, and one of the finest people who really has worked so hard for women and women's issues and gender issues who has ever served in any court in this country. It is very difficult for me to see how anybody could vote against her.

I hope we can have this vote, up or down, within a relatively short period of debate. I hope everybody will get to the floor and say what they have to say about Justice Owen, and we will be happy to enter into debate at any time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to say first how much I appreciate Senator HATCH, the chairman of the Judiciary Committee, who has done an incredible job under very trying circumstances on the nomination of Priscilla Owen.

Senator HATCH saw early on what an outstanding person we have in Priscilla Owen, and though on a straight party-line vote she was turned down by the committee last year, and was unable to get to the floor even for a vote this year, with Senator HATCH's leadership she has been able to come out of committee, again on a straight party-line vote. I am very hopeful she will get a fair chance for a floor vote because she is one of the most outstanding people I know.

She has waited 1 year and 11 months. That is when the President first nominated her for the Fifth Circuit Court of Appeals. Priscilla Owen was among the group of 11 judicial nominees announced by President Bush on May 9, 2001. She is the kind of judge the people of the Fifth Circuit need on the bench, an experienced jurist who follows the law and uses good common sense. She has been nominated to a vacancy that has been classified as a judicial emergency and that should be filled expeditiously.

Justice Owen is an 8-year veteran of the Texas Supreme Court. She is highly qualified. She graduated cum laude from Baylor Law School in 1977. Thereafter, she earned the highest score on the Texas bar exam. Before joining the Texas Supreme Court in 1994, she was a partner in a major Texas law firm where she was a commercial litigator for 17 years.

She has used her legal talents to help those in need. She has worked to improve access to legal services for the poor. She fought to increase funding for these programs.

She has also helped organize a group known as Family Law 2000, which seeks to educate parents about the effects of divorce on children, and to lessen the adversarial nature of legal proceedings when a marriage is dissolved.

Justice Owen enjoys broad support. The American Bar Association Standing Committee on the Federal Judiciary has voted her unanimously well qualified. To merit this ranking, the ABA requires that the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity, and either have demonstrated or exhibited the capacity for judicial temperament.

I would say her judicial temperament has been proven in the 1 year 11 months that she has waited for confirmation because the way she has conducted herself has been exemplary. She has been available to meet with any Senator. She has answered every question. She has gone back into records to make sure that she was answering exactly correctly. She has maintained complete silence about this process about which I am sure she has some strong opinions. But I think she has shown her judicial temperament by being very much on an even keel, basically saying: I would love to be on the Fifth Circuit, but I am very happy on the Texas Supreme Court.

Of course, she is well regarded by those who know her best. We do elect judges in Texas. In 2000, Justice Owen was reelected to the Supreme Court with 84 percent of the vote. She was endorsed by every major newspaper in Texas—every one.

The Dallas Morning News called her record one of "accomplishment and integrity." The Houston Chronicle wrote she "has the proper balance of judicial experience, solid legal scholarship, and real world know-how."

Despite the fact that she is a well-respected judge who has received high praise, her nomination has been targeted by special interest groups that have mischaracterized her views.

Let me read the words of former elected attorney general and Texas Supreme Court Chief Justice John L. Hill, Jr., a lifelong Democrat, denouncing the false accusations about Priscilla Owen's record by special interest groups.

> Their attacks on Justice Owen in particular are breathtakingly dishonest, ignoring her long-held commitment to reform and grossly distorting her rulings. Tellingly, the groups made no effort to assess whether her decisions are legally sound. . . . I know Texas politics and can clearly say that these assaults on Justice Owen's records are false, misleading, and deliberate distortions.

That is a quote from former chief justice of the Texas Supreme Court, John Hill, elected as a Democrat.

Senator HATCH has taken the extraordinary step of holding a second hearing on Justice Owen in order to get the record straight and because Senator LEAHY, the ranking member, really insisted that she have another hearing. She did so well in those hearings. I watched them after I introduced her. Once again, her evenhandedness and her legal brilliance came through.

One issue that came up during the hearings involves Texas's parental notification statute. I believe Justice Owen has demonstrated that she is a judge who follows and upholds the law, and in this line of cases she has consistently applied Supreme Court precedent to help interpret uncertainty in the statute. The cases in question deal strictly with statutory interpretation of Texas law, not with constitutional rights.

These are not abortion cases: They are issues of parental involvement. They are notification—not consent—laws. Forty-three States have passed some form of parental involvement statute. During two lengthy committee hearings, Justice Owen defended her decisions as consistent with U.S. Supreme Court rulings.

In addition, almost all of the cases that came to the supreme court were cases in which she voted to affirm the district court and the circuit court of appeals rulings. So it would have been highly unusual for the supreme court to overturn the trier of fact and the first appellate court.

I hope my colleagues will see that her methods of statutory interpretation are sound and that she is an exemplary judge.

I urge my colleagues not to filibuster this well-qualified nominee but to give her an up-or-down vote. I hope we will confirm this outstanding supreme court judge from Texas who has waited almost 2 years now for the Fifth Circuit Court of Appeals appointment.

If there were anything in her record against integrity or competence or judicial demeanor, it would be a different case, but that is not the case about Priscilla Owen, whom I know well, whom I have been with on many occasions. I know the people who appear before her court. She is rated outstanding by all who know her, who are giving any kind of an objective view.

I hope this Senate will not do to Priscilla Owen what has happened to another well-qualified nominee, Miguel Estrada, who also has a sterling academic record, who also has a record of integrity and experience. I hope this Senate will not start requiring 60 votes, where the Constitution requires a simple majority for qualified nominees.

Let's have a vote up or down. We do not need a new standard. In fact, if we had a new standard, it should go through the constitutional process. We should have a constitutional amendment that says Supreme Court and circuit court and district court judge nominees will be required to have 60 votes. It would take a constitutional amendment to do that. But Miguel Estrada is being required to have 60 votes. I hope that is not the standard we put on Priscilla Owen.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate has begun an extraordinary, actually unprecedented, debate to reconsider the nomination of Priscilla Owen to the United States Court of Appeals for the Fifth Circuit. In the history of the country, there has never been a time when a President has resubmitted a circuit court nominee already rejected by the U.S. Senate Judiciary Committee for the same vacancy. Until 4 weeks ago, never before had the Judiciary Committee rejected its own decision on such a nominee and granted a second hearing. We have a case where the Senate Judiciary Committee, having decided not to give even one hearing to President Clinton's nominees to the Fifth Circuit from Texas, Enrique Moreno and Jorge Rangel, in fact having decided not to give a satisfactory hearing to President Bush's nominees to the DC and Sixth Circuits, John Roberts and Deborah Cook, the committee nonetheless proceeded with another hearing for Justice Owen.

It is unprecedented both in its procedures but also in its political partisanship.

What did we learn in that second hearing? We learned that given some time, Justice Owen was able to enlist the help of the talented lawyers working at the White House and the Department of Justice in their political arm to come up with some new justification for her activism. We learned that given six months to reconsider the severe criticism directed at her by her Republican colleagues, she still admits no error. Mostly, I think we learned that the objections expressed last September were sincerely held then, they are sincerely held now. Nothing Justice Owen amplified about her record—indeed, nothing anyone else tried to explain about her record—actually changed her record.

In September, when we considered this nomination in the committee the first time, I said I was proud the Democrats and some Republicans had kept to the merits of the nomination and chose not to vilify or castigate or unfairly characterize and condemn without basis Senators working conscientiously to fulfill their constitutional responsibility.

After hearing some of the ugly things that were subsequently said at that business meeting, some of the accusations made against my colleagues and those interested citizens across the country who expressed opposition to Justice Owen's nomination, I was sorely disappointed that some in the Senate had not kept solely to the merits.

I continue to believe what Senator FEINSTEIN said that day is true. By doing its job on the nomination, by exercising due diligence, by examining records, by not just rubber stamping every nominee the President sent us, the Judiciary Committee showed itself to be alive and well.

We confirmed the overwhelming majority of the President's judicial nominees, 100 out of 103 considered while I was chairman—incidentally, setting an all-time speed record. We took the time to look at their records. We gave each person who was nominated to this lifetime seat on the Federal bench the scrutiny he or she deserved. We did not have the assembly line which seems to be in overdrive since this last Congress took over.

The rush to judgment on so many of the nominees before us does not change the fact that we fully and fairly considered the nomination of Priscilla Owen last year. The record was sufficient when we voted last year. It did not need any setting straight.

I voted "no" the last time this nomination was before us. In sharp contrast to the record of the district court nominee Cormac Carney who was just confirmed by the Senate—he came to us with strong bipartisan support—Justice Priscilla Owen is a nominee whose record is too extreme in the context of the very conservative Texas Supreme Court. Her nomination presents a number of areas of serious concern to me.

The first area is her extremism even among a conservative Supreme Court of Texas. The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize Justice Owen, the dissents she wrote and the dissents she joined in ways that are highly unusual, and highlight not a law-oriented activism but an ends-oriented activism.

A number of justices on the Texas Supreme Court have pointed out how far from the language of statutes she has strayed in her attempts to legislate from the bench, to go far beyond what the legislature intended.

One example is a majority opinion in a case called Weiner v. Wasson. In this case, Justice Owen wrote a dissent advocating a ruling against a medical malpractice plaintiff, a plaintiff who was injured while he was still a minor. The issue was the constitutionality of a Texas State law requiring minors to file medical malpractice actions before reaching the age of majority or risk being outside the statute of limitations. Of interest is the majority's discussion of the importance of abiding by a prior Texas Supreme Court decision, a decision that was now stare decisis, unanimously striking down a previous version of the statute.

In what reads as a lecture to the dissent, one of the very respected members of the Texas Supreme Court, then-Justice John Cornyn, explains on behalf of the majority:

> Generally, we adhere to our precedents for reasons of efficiency, fairness and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in the previous case. . . . Finally, under our form of government, the legitimacy of the judiciary rests in large part upon a stable and predictable decision-making process that differs dramatically from that properly employed by the political branches of government.

That Justice Cornyn sure knows how to write. He did a great job on this one. Now, I may not agree with him on all other things, I may not even agree with him on the issue before us now, but I sure agree with his decision there.

Actually, I speak of it as being a conservative Supreme Court. In the 30 years I was practicing, we had a pretty conservative Supreme Court in Vermont, and I suspect they would have written the same thing. I suspect most supreme courts would have written the same lines about stare decisis. I do not think that is a case whether one is conservative or liberal on their supreme court. I suspect we could go through all 50 States, whether it is Wyoming, Vermont, Texas, or anywhere else, and find similar language.

The Republican majority on the Texas Supreme Court followed precedent. They followed stare decisis.

In Montgomery Independent School District v. Davis, Justice Owen wrote another dissent which drew fire from a conservative Republican majority, this time for her disregard for legislative language. In a challenge by a teacher who did not receive reappointment to her position, the majority found the school board had exceeded its authority when it disregarded the Texas Education Code and tried to overrule a hearing examiner's decision on the matter. Justice Owen's dissent advocated for an interpretation contrary to the language of the applicable statute.

The majority, which included Alberto Gonzales, now counsel at the White House, and two other appointees of then-Governor Bush, was quite explicit about the view that Justice Owen's position disregarded the law:

> The dissenting opinion misconceives the hearing examiner's role in the . . . process by stating that the hearing examiner "refused" to make findings on the evidence the Board relies on to support its additional findings. As we explained above, nothing in the statute requires the hearing examiner to make findings on matters of which he is unpersuaded.

The majority also noted the dissenting opinion's misconception, speaking of Justice Owen's opinion:

> The dissenting opinion's misconception of the hearing examiner's role stems from its disregard of the procedural elements the Legislature established in subchapter F to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards. The Legislature maintained local control by giving school boards alone the option to choose the hearing-examiner process in nonrenewal proceedings. . . . By resolving conflicts in disputed evidence; ignoring credibility issues, and essentially stepping into the shoes of the factfinder to reach a specific result, the dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . .

Then we have Collins v. Ison-Newsome, another case where a dissent, joined by Justice Owen, was roundly criticized by the Republican majority of the Texas Supreme Court. The court cogently stated a legal basis for its conclusion that they had no jurisdiction to decide the matter before it, and as in other opinions where Justice Owen was in dissent, took time to explicitly criticize the dissent's position contrary to the clear letter of the law.

At issue was whether the Supreme Court had the proper "conflicts jurisdiction" to hear the interlocutory appeal of school officials being sued for defamation. The majority explained that it did not because published lower court decisions do not create the necessary conflict between themselves. The arguments put forth by the dissent, in which Justice Owen joined, offended the majority, and they made their views known, writing:

> The dissenting opinion agrees that "because this is an interlocutory appeal . . . this Court's jurisdiction is limited," but then argues for the exact opposite proposition. . . . This argument defies the Legislature's clear and express limits on our jurisdiction. . . . The author of the dissenting opinion has written previously that we should take a broader approach to the conflicts-jurisdiction standard. But a majority of the Court continues to abide by the Legislature's clear limits on our interlocutory-appeal jurisdiction.

Listen to what they said. Justice Owen says because this is an interlocutory, the appeals court's jurisdiction is limited, but as the majority point out, she then argued for the exact opposite proposition.

They go on to say, "[W]e cannot simply ignore the legislative limits on our jurisdiction. . . ."

She was defiant of legislative intent, a total disregard of legislatively drawn limits.

I agree with what President Bush said during the campaign, he wanted people who would interpret the law on courts and not make the law. We have someone here who, time and again, substitutes her judgment for the legislature's judgment. In fact, she wants to be both the legislature and the judiciary.

You can be one or the other. You cannot be both, not in our system of government.

We are already saddled with an activist Supreme Court, the U.S. Supreme Court. We are creating more activist courts of appeals. This is someone who fits into the absolute motto of being an activist judge.

Frankly, I am opposed to the idea of having activists judges either on the liberal side or the conservative side. I want judges who interpret the law who do not make the law, justices who are fair and open to all litigants. I want litigants to be able to walk into a courtroom and look at the judge and say, it really does not make any difference whether I am plaintiff, defendant, rich, poor, liberal, conservative, what political party I belong to, what color I am, what religion I practice, that judge will hear my case fairly. That judge will either rule with me or rule against me but it will be based on the facts and the law before the judge and not because of their particular ideology or their particular bent or their desire to substitute themselves and their opinion, either for the executive or for the legislative branch of Government.

Some of the most striking examples of criticism of Justice Owen's writings, or the dissents and concurrences she joins, come in a series of parental notification cases heard in 2000.

In the case of Jane Doe I, the majority included an extremely unusual section explaining the proper role of judges, admonishing the dissent joined by Justice Owen for going beyond its duty to interpret the law in an attempt to fashion policy. Giving a pointed critique of the dissenters, the majority explained that:

> In reaching the decision of granting Jane Doe's application, we put aside our personal viewpoints and endeavored to do our jobs as judges—that is, to interpret and apply the Legislature's will as has been expressed in the statute.

In a separate concurrence, Justice Alberto Gonzales wrote to construe the law as the dissent did "would be an unconscionable act of judicial activism."

I will speak further on this. I see the distinguished Senator from Texas, who I understand may have a differing view than I do on this nomination, and I do want to make sure he is given a chance. I will speak for a few more minutes and then yield.

I note one thing. Justice Owen has been nominated to fill a vacancy that has existed since January 1997. We are now in the year 2003. This vacancy has existed for 6 years. One might wonder why nobody was nominated during that time. Actually, they were. President Clinton first nominated Judge Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. He had one of the highest ratings of the American Bar Association, a majority found him well qualified. He was strongly supported by so many across the political spectrum who wrote to me. It was not a question of being voted down; he was never even allowed to have a hearing.

Finally, after 15 months, out of frustration, he asked the President to withdraw his nomination. He said, if I am not going to be allowed to have a hearing, to say nothing about a vote, I am leaving.

Then September 16, 1999, 4 years ago, President Clinton nominated Enrique Moreno, another Hispanic attorney, to fill that same vacancy. This Harvard-educated lawyer also received a rating of well qualified from the ABA, and his was a unanimous well qualified.

Members may be wondering what the vote was on him. Well, there wasn't a vote. There was not even a hearing. He waited for a year and a half and never got a hearing. So both of these people were carefully rejected by not having a hearing.

For years, as I have spoken before, we needed 100 votes to get any nominee through. Unless every single Senator, every single Senator agreed, the nominee would not get a hearing. Time and time again, dozens upon dozens upon dozens of cases, every single Democratic Senator agreed they should at least have a hearing and a vote, and at least one Republican would disagree, and they would never be given a hearing. As Allen Snyder, DC Circuit, never given a vote. Elena Kagan, just named the dean of the Harvard Law School, never given a hearing or a vote; Robert Cindrich, Third Circuit, never given a hearing or a vote by the Republicans; Steven Orlofsky, Third Circuit, never given a hearing or a vote by Republicans; James Beatty in the Fourth Circuit, never given a hearing or a vote by Republicans because not all of them agreed. If one disagreed, if one objected, they were not given a hearing or a vote. Andre Davis, Fourth Circuit, never given a hearing or a vote because at least one Republican disagreed. They needed 100 votes to make it. Elizabeth Gibson, Fourth Circuit, never given a hearing or a vote because one Republican disagreed.

The Fifth Circuit, Alston Johnson, never given a hearing or a vote, because at least one Republican disagreed. Kent Markus, in the Sixth Circuit, Kathleen McCree Lewis, eminently well qualified, at least one Republican disagreed, never given hearings, never given votes. James Duffy in the Ninth Circuit, never given a hearing or a vote, because at least one Republican disagreed. And the same could be said about so many others. James Lyons in the Tenth Circuit. Interestingly enough, in the Tenth Circuit never given a hearing or a vote because one Republican disagreed, and Democrats had helped move forward somebody who many disagreed in that same circuit.

I might point out that of all these people, and so many others, there are dozens of others, but all of these had ratings of well qualified from the ABA. But at least one Republican disagreed, and if just one Republican disagreed, they were never allowed to have a hearing or a vote.

Interestingly enough, it wasn't until May of last year, in the hearing chaired by Senator SCHUMER, that this committee heard from any of President Clinton's three unsuccessful nominees for the Fifth Circuit. Last May, Mr. Moreno and Judge Rangel testified, along with other of President Clinton's nominees, about their treatment by the Republicans, when the Republicans were in charge of the Senate Judiciary Committee. These nominees were told by at least a couple of the members, senior members of the Republican Party, that if somebody in their caucus disagreed, that was too bad. It had nothing to do with their qualifications. They were not going to fill that vacancy.

This happened in a number of circuits, including the Fifth Circuit. In fact, when the committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit in 2001, it was the first hearing on a Fifth Circuit nominee in 7 years. By contrast, Justice Owen was the third nomination to the Fifth Circuit on which the Judiciary Committee, under my chairmanship, held a hearing in less than 1 year. In spite of the treatment by the former Republican majority of so many moderate judicial nominees of the previous President, we proceeded last July with a hearing on Justice Owen.

So Justice Owen was the third nominee to this vacancy. She was the first to be afforded a hearing before the committee. Actually, I set that hearing. I even set the vote on a day that President Bush personally asked me to set the vote. After having set it on the day he asked me to, the political arm of the Justice Department immediately started calling all these editorial writers and others, saying: It is terrible she is being set for a vote on that day.

It was interesting. They then, as they had the right to do, put it off for several weeks, the vote. I almost wonder what the vote would have been had it been on the day the President asked to have the vote, and the day I agreed with the President to have the vote, and then was castigated by the White House for going along with what President Bush wanted. It is, with this administration, sort of: No good deed goes unpunished.

But then I think it is interesting what happened. Because after the Republicans put it off and we did not have the vote on the day the President asked, there was so much partisan politicking that went on on her behalf that I think it solidified at least a couple of votes against her on that committee. We will never know.

But, even though Republicans had blocked many of President Clinton's nominees for the Fifth Circuit, we moved forward in a hearing for Priscilla Owen. At her hearing a couple of weeks ago, her second hearing, her unprecedented hearing, the chairman was very dismissive of our concerns and our efforts to evaluate this nomination on the merits. But the irony is, she has been before this committee twice now and neither time did the explanations change the facts before us. The President has said, and I am sure all his pollsters will tell him, people agree with this, as they should, the standard for judging judicial nominees would be that they "share a commitment to follow and apply the law, not make law from the bench."

Everybody agrees with that. I agree with that. I don't know anybody who disagrees with that. But that is not Priscilla Owen's record. She is ready to make law and legislate from the bench.

She is not qualified for a lifetime appointment to the Federal bench. This is something that affects all of us, these decisions. To put somebody in a lifetime appointment like that who has already shown she is an activist judge, I think is wrong. The President spoke of judicial activism without acknowledging that ends-oriented decisionmaking can come easily to ideologically motivated nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to law. I do not support that. I will not.

I am perfectly willing to consent to the confirmation of consensus, mainstream judges. I have on hundreds of occasions. When I was chairman, I did not allow the past rule—the past practice of anonymous holds. We even had a number I did not support, but brought them to a vote. When they got through the committee they came on the floor.

Justice Owen was plucked from a law firm by political consultant Karl Rove. She ran as a conservative pro-business candidate for the Texas Supreme Court. She certainly got a lot of support from the business community. Then she fulfilled her promise; she became the most conservative judge on a conservative court. She stood out for ends-oriented, extremist decisionmaking.

Now she is being asked to be placed in a lifetime appointment one step below the Supreme Court. I do not support that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to take the next few minutes to respond to some of the comments the ranking member of the Judiciary Committee has made with regard to the process by which we confirm judicial nominees of the President, and to specifically respond to some of the areas of criticism that he and a handful of special interest groups have directed at the nomination of Priscilla Owen.

I believe, even though I am a new Member of the Senate—having been a Senator for all of about 4 months now—I have, at least in this area, some special knowledge I would like to share with my colleagues with regard to this particular nominee because for 7 years I served on the Texas Supreme Court and for 3 years concurrently with Justice Priscilla Owen.

So during that time I had the chance to work with her on a daily basis, learn her work habits and her frame of mind when it came to addressing her responsibilities as a judge on the highest court of my State. I believe in each instance the criticism the ranking member has lodged—really repeating that which special interest groups have lodged unfairly against Priscilla Owen since her nomination on May 9, 2001—can be refuted, or at least explained in a way that I think demonstrates she should be given the opportunity for an up-or-down vote in the Senate, where I am convinced that a bipartisan majority of this body stands ready to confirm her nomination.

Senator LEAHY has gone through some history of the Clinton administration and the nominees of that administration and the treatment—unfair treatment, in his eyes—of President Clinton's nominees. I think what we are supposed to conclude from that is that somehow this game of tit for tat, or what is sauce for the goose is sauce for the gander, somehow rises to the high level of performance that the American people have cause to expect of us whom they send to the Senate.

I contend that rather than serve the interests of the American people, the way in which the Senate Judiciary Committee proceedings have been conducted for some time now—particularly as evidenced now by the filibuster being imposed against the nomination of Miguel Estrada—have been a disservice to the American people.

I have supported—and Senator LEAHY has said he agrees with me—that we need to find some way to bring a conclusion to this downward spiral, in a way that serves the interests of the American people and does credit to this institution. I hope, in the days that lie ahead, we will find an opportunity to do that. I trust we will. I only hope the Senate does not grab defeat from the jaws of victory in terms of our opportunity to reform this broken system of judicial confirmation, one that does not reflect well on this institution.

Senator LEAHY talked about how unprecedented this nomination is, pointing out that last year, during Senate Judiciary Committee hearings, Justice Owen was voted down in a strict party-line vote, and that she would now be renominated by the President and then brought to the floor. I guess these are unprecedented times when it comes to judicial confirmation proceedings.

As I mentioned just a moment ago, we have an unprecedented filibuster by the Democratic minority of Miguel Estrada, someone who, I believe, would receive a majority vote from a bipartisan group of Senators on this floor should the Senate just be allowed to vote. Of course, we have been through, I think, four cloture motions, which have failed, which means that debate continues on that nomination. Here again, unprecedented in the annals of this institution: a circuit court judge being filibustered for no good reason, I would contend.

Senator LEAHY says Justice Owen is an activist, someone who would impose her own will or political judgment on the people regardless of what precedent had established earlier decisions by the highest court in the land or what the legislature says. But the way he explains what he means by "activism" I think equates with: I don't agree with the results of the decision.

If that is the definition of "activism," then activism has no meaning, or certainly no commonly understood meaning, because, of course, any reasonable person might disagree with the outcome of any judicial decision and thereby label that judge who made the decision an activist. But that is certainly not the commonly understood meaning: just the fact that judges may, in fact, disagree with each other from time to time.

I think some have pointed out, as an example of Justice Owen's failings, that some judges at different times have had cause to disagree with her decision. But, in fact, that is what we expect of judges—certainly at the highest levels of our judiciary—that they will do their very best to research the law, to comb the record, to try to discern what precedents might apply, what statutes that have been passed by Congress might apply, and then to apply that law to the facts as decided by the fact finder in order to reach a decision.

At the highest levels of our judiciary we commit that decision to nine people, and frequently they disagree with each other. We do not point that out as a fault or a failing; we view that as a strength because in the debate, the dialog, the back and forth—the conversation really—these judges have, we believe the public purpose for which the judiciary was created is served. I believe that to say it represents a failing or represents a reason a judge should not be confirmed turns the whole purpose of that body on its head.

Senator LEAHY claimed that Justice Owen is simply too extreme to be confirmed—this notwithstanding the fact that in her last election to judicial office in the State of Texas, 84 percent of the voters voted in her favor.

She has been endorsed by a bipartisan group of the leadership of the bar in my State, Republicans and Democrats alike, former presidents of the Texas Bar Association. She has received the highest endorsement, the highest recommendation given by the American Bar Association. How, in any fair-minded person's view, could Justice Owen be characterized as too extreme in light of those simple facts?

As some evidence of his argument that Justice Owen is somehow an activist, somehow too extreme, Senator LEAHY has pointed to language in a number of opinions where she has been criticized for rewriting statutes. As somebody who has, for better or worse, served for 13 years as a judge before I came to this institution, I can tell you, that is simply the way judges talk to each other when they disagree about the outcome in any case. They do their very best to research the law, to try to ascertain what the legislative intent is in any particular case, and then they reach a conclusion. Someone who disagrees with that judge may say: Well, I disagree. I believe you are rewriting the statute. It is not as serious nor certainly as consequential a statement as Senator LEAHY might suggest. It is just another way of saying: I disagree.

Here again, judges disagree, particularly on the most difficult questions that confront our States or this Nation. We expect judges to speak their mind. We expect judges to enter into intelligent debate and discussion, and when they disagree, so much the better. But finally—finally—there has to be a decision. That is where the majority comes into play and makes a final decision.

So judges being accused of rewriting statutes does not have nearly the sinister connotation that some might suggest and, in fact, to me just represents judges trying to do their jobs to the best of their ability.

I just have to mention that Senator LEAHY pointed to one case where Justice Owen and I disagreed when I was on the Texas Supreme Court, the Weiner v. Wasson case, and it was one of a number of cases where she and I disagreed. But, here again, the fact that we disagreed does not make her incompetent to serve on the Fifth Circuit Court of Appeals or unqualified or somehow activist. It means simply that we had different opinions of how the law ought to be ascertained, what that law was, and how it should be applied to the facts.

The language Senator LEAHY read, with which he said he agreed, about the importance of stare decisis, adheres to the precedents set out by our highest court in terms of setting expectations of the litigants, achieving finality of a decision rather than relitigating the same legal questions over and over again. That was no lecture but merely an explanation to the one who was challenging the constitutionality of the statute in that case or the one who claimed the statute was constitutional; in fact, it was important that we adhere to an earlier decision where we had held a similar statute unconstitutional. It was certainly not a lecture.

It just goes to prove that when you read the written record in black and white, sometimes it fails to impart enough information to make an informed decision about what is going on. That is why we have juries, to listen to witnesses, confront witnesses face to face in court. That is why, as appellate judges, we defer to the facts found by juries and lower courts, because they are in the best position to determine the veracity of the testimony and the credibility of the witness. That is why a written record can sometimes simply mislead you into a wrong conclusion, which has happened in the case of Justice Owen.

I could not support the nomination of Justice Owen to the Fifth Circuit Court of Appeals more strongly. This court, of course, covers the States of Texas, Mississippi, and Louisiana and all Federal appeals that come from those States. I firmly believe Justice Owen deserves to be confirmed. She will be confirmed by a bipartisan majority of the Senate as long as the Senate applies a fair standard and as long as we continue to respect Senate traditions and the fundamental democratic principle of majority rule by permitting an up-or-down vote on her nomination.

The American people desperately need the Nation's finest legal minds to serve on our Federal courts, particularly vacancies such as those on the Fifth Circuit, which have been designated judicial emergencies by the U.S. Judicial Conference. We must ensure that all judicial nominees understand that judges must interpret the law as written and not as they personally would like to see them written.

Justice Owen satisfies both of these standards with flying colors. She is, quite simply and by any measure, an impressive attorney and jurist. She graduated at the top of her class at Baylor Law School and was an editor of the Law Review at a time when few women entered the legal profession. She received the highest score of her class on the bar examination, and she was extremely successful as a practicing attorney in Houston, TX, and across the State for 17 years before she began her service on the Texas Supreme Court, where she has served with distinction for 8 years.

I alluded to this a moment ago, but in her last election not only did she receive the overwhelming majority of the statewide vote, she was endorsed by virtually every Texas newspaper editorial board—hardly the record of an out-of-the-mainstream nominee. She has the support of prominent Democrats in Texas, including former members of the Texas Supreme Court such as former Chief Justice John Hill, former Justice Raul Gonzalez, and a bipartisan array of former presidents of the State bar association.

The American Bar Association has given her its unanimous and highest well-qualified rating, which some in this Chamber have called the gold standard.

I cannot understand nor fathom how any judicial nominee can receive all of these accolades from legal experts and public servants across the legal and political mainstream unless that nominee is both exceptionally talented as a lawyer and a judge who respects the law and steadfastly refuses to insert his or her own political beliefs into the decision of cases.

Based on this amazing record of achievement and success, it is no wonder that Justice Owen has long commanded the support of a bipartisan majority of the Senate while her nomination has lingered since May of 2001.

I would like to talk about my own personal perspective on this nominee, having worked with her for 3 years. During that time, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis precisely how she approaches her job as a jurist, what she thinks about the job of judging in literally hundreds, if not thousands, of cases. During those 3 years, I spoke with Justice Owen on countless occasions about how to read statutes faithfully and carefully and how to decide cases based on what the law says, not how we personally would like to see it read or to have come out.

I saw her take careful notes, pull the law books from the shelves and study them very closely. I saw how hard she works to faithfully interpret the law according to her oath and to apply the law as the Texas Legislature has written.

I can testify from my own personal experience, as a former colleague and as a former fellow justice, that Justice Owen is an exceptional judge, one who works hard to follow the law and enforce the will of the legislature, not her will.

Not once did I see her try to insert her own political or social agenda into her job as a judge. To the contrary, Justice Owen believes strongly, as do I, in the importance of judicial self-restraint, that judges are called upon not to act as legislators or as politicians but as judges, to faithfully read statutes and to interpret and apply them to the cases that come before the court.

It is because I have such a deep admiration for Justice Owen that I have taken such a personal interest in talking about her nomination and hoping, not beyond hope, that Senator LEAHY and others who, I am convinced, have profoundly misjudged this nominee will reconsider their views and perhaps will take what I have to say today in the overall context of the nominee and reconsider her nomination.

On the morning of Justice Owen's confirmation hearing in the Judiciary Committee last month, I published an op-ed in the Austin American-Statesman discussing Justice Owen's qualifications for the bench.

I ask unanimous consent to print that op-ed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Austin American-Statesman, Thursday, Mar. 13, 2003]

THE REAL PRISCILLA OWEN

(By John Cornyn, U.S. Senate)

After 22 months of obstruction, the record on Texas judicial nominee Priscilla Owen will finally be set straight this morning in a U.S. Senate Judiciary Committee hearing. For the second time, Owen comes before the committee and will prove, once again, that she deserves to be confirmed to the 5th U.S. Circuit Court of Appeals. The Circuit's jurisdiction encompasses Texas, Louisiana and Mississippi.

Owen is an impressive attorney and jurist. She graduated at the top of her class from Baylor Law School and edited the Law Review there, during a time when few women entered the legal profession. She received the highest score on the bar exam.

After practicing law in Texas for 17 years, Justice Owen won a seat on the Texas Supreme Court, and Texans re-elected her in 2000 with 84 percent of the statewide vote. Her nomination has received broad, bipartisan support, including former state Supreme Court justices and prominent Texas Democrats such as John Hill and Raul Gonzalez, 15 former presidents of the State Bar of Texas and many other leading Texans.

Owen's qualifications and record of accomplishment caused the American Bar Association to unanimously rate her "well-qualified" for the Federal bench—its highest rating—which some Democrats have called the "gold standard." But even that was not enough for the 10 Democrats on the Senate Judiciary Committee last year who blocked a vote on Owen by the full Senate.

Democrats on the Judiciary Committee used Owen as a political football last year in an attempt to embarrass President Bush and ridicule Texas during key elections. They tried unfairly to brand the native Texan as an extremist.

Partisan opponents point out that other judges sometimes disagree with Owen. But there is nothing wrong with disagreement; no two judges agree all the time—which is precisely why the Texas Constitution establishes a Supreme Court of nine justices. When the law is unclear, a good judge like Justice Owen searches in good faith for the right answer.

As a former justice on the Texas Supreme Court, I often agreed with Owen. When we disagreed, I always found her professional and her rulings based on a fair reading of the law.

Abortion advocates criticize her rulings on Texas's parental notification law. Unlike more restrictive states, Texas generally requires minors only to notify one parent before an abortion. The criticism is misplaced: Owen did not write the law, the state Legislature did.

Her opponents claim, disingenuously, that her interpretations of that law are out of the mainstream. Yet the author of the parental notification law, Texas state Sen. Florence Shapiro, filed briefs supporting Owen's view and endorses her nomination to the Federal bench. And among the few parental notification cases heard by her court, Owen dissented less frequently than two other justices. Owen's record is hardly one of an extremist.

When we set the record straight, it will be obvious in Washington—as it has long been in Texas—that Priscilla Owen is an outstanding person and well-qualified judge who deserves confirmation to the Federal court of appeals. After 22 months, Texans and the 5th Circuit have already waited long enough.

Cornyn, a Republican, is a member of the Senate Judiciary Committee.

Mr. CORNYN. Senator HATCH, chairman of the committee, also gave me the opportunity to chair a portion of the hearing at which Justice Owen's nomination was voted out. I publicly thank him for that special opportunity to not only express my strong support but to demonstrate it at that hearing.

At the same time I have taken a deeply personal interest in this nomination, I also want to step back and carefully consider the arguments that have been presented by opponents of the nomination.

I have mentioned some of those at the outset, particularly in response to what Senator LEAHY had to say. I am forced to conclude Justice Owen's opponents have no real arguments—none that stand up under scrutiny; at least none that will withstand scrutiny under any reasonably fair standard.

It bears noting, by the way, that Justice Owen's opponents are the same folks who predicted Lewis Powell's confirmation to the Supreme Court of the United States would mean "justice for women will be ignored."

Her opponents, the special interest groups who oppose her nomination, are the same folks who argued Judge John Paul Stevens had demonstrated "blatant insensitivity to discrimination against women" and "seems to bend over backward to limit" rights for all women.

Amazing as it may seem, her opponents are the same folks who testified that confirming David Souter to the Supreme Court would mean "ending freedom for women in this country." Then the same folks who said they "tremble for this country, if you confirm David Souter," even described now-Justice Souter as "almost neanderthal" and warned "women's lives are at stake" if the Senate confirms Souter.

Well, the rhetoric and the histrionics and the lack of credibility of those outlandish verbal assaults on judicial nominees sound all too familiar because, of course, these are many of the same accusations being made against Justice Owen, which are equally unfounded.

This reminds me of the story of the little boy who cried wolf. After these repeated charges, accusations, and shrill attacks—and we have heard many of the same directed against Miguel Estrada, without foundation—it makes you wonder just how credible these special interest groups really are that oppose some of President Bush's highly qualified nominees. It also makes you wonder whether these special interest groups makes these claims not because they believe they are truthful, but because they have another agenda, some other reason for making these claims, for scaring people.

In the particular case of Justice Owen, the attacks are, I am sad to say, true to form and conform to past patterns and practice, for they are, like the attacks of the past on the judges whose names I have mentioned, unfair and without foundation in either fact or law.

I mentioned just a moment ago how I believe the critics—people like the distinguished Senator from Vermont—point out judges sometimes disagree about the interpretation of statutes. You may read one judge's criticism of another judge's interpretation as "rewriting a statute." I hope you will consider those comments and take them into account, as I hope others will who currently oppose Justice Owen's nomination. But if that is the standard—and I don't think it should be—then such a standard would also disqualify numerous U.S. Supreme Court justices, whom Owen's opponents are known to adore.

For example, in a 1971 opinion, Justices Hugo Black and William O. Douglas sharply criticized Justices William Brennan, Harry Blackmun, and others, stating that the "plurality's action in rewriting the statute represents a seizure of legislative power that we simply do not possess."

In a 1985 decision, Justice John Paul Stevens accused Justices Lewis Powell, Sandra Day O'Connor, and Byron White of engaging in "judicial activism." Of course, these are not the only examples that pervade the U.S. Reports.

Would Justice Owen's opponents apply the same standard and exclude from consideration or confirmation their own favorite justice from Federal judicial service? I imagine not. Fairness only dictates that Justice Owen not be made to suffer from this same absurd and unreasonable standard either.

This whole issue reminds me of the scene from the movie "Jerry Maguire," when Cuba Gooding, Jr., tells Tom Cruise: "See, man, that's the difference between us. You think we're fighting, I think we're finally talking."

Well, simply put, this is the way judges talk in opinions, and it certainly does not disqualify Justice Owen from confirmation.

Those who emphasize critical quotes about Justice Owen from other justices on the Texas Supreme Court think they are fighting, but actually the justices are just talking. They are just judging and they are just doing the duty they were asked to do and took an oath to perform.

Mr. President, I note we have about 5 minutes remaining on the clock, so I will cut short the remainder of my remarks. I will be back on the floor as needed, depending upon how this debate continues. It is my hope we will see a unanimous consent agreement to achieve a limit on debate, an adequate time certainly, where everybody who wants to be heard can be heard on this highly qualified nominee. I hope during that debate the people listening—both colleagues in the Senate and those listening across this country—will take all of the debate into account, both the charges and the answers, some of which I have given today, and make their own assessment of the credibility of some of these charges—charges which I believe are unfair and unfounded and without any merit as regards Justice Owen.

Finally, let me just say I hope the Democratic minority in this body does not choose to make the same ill-considered decision to filibuster Justice Owen as they made in the case of Miguel Estrada. I believe debate is important. But, of course, sooner or later, we have to, and we should, do what the voters of our States have sent us here to do, what the Founders of this country, the Framers of our Constitution, expected us to do—that is, to vote. They expected the Senate to be a body where debate would be favored—and certainly it is that—where nothing happens precipitously—and certainly it is that—and where enough debate and time can be taken to cool tempers and emotions and passions and make the very best decisions we can possibly make on behalf of the American people.

But after everything has been said once, or twice, or five times, or 10 times, or a hundred times, you would think the Senate should vote. I believe the Senate should vote. I believe that is what the Framers expected, and I believe they never considered a minority of this body could obstruct the will of a bipartisan majority when it comes to the nomination of a highly qualified judicial nominee.

I hope at the appropriate time there will be that unanimous consent agreement and we will continue to debate Justice Owen's nomination for a reasonable period of time—as long as anyone has anything new to say—but, in the end, that we will have an up-or-down vote, which is something currently being denied to Miguel Estrada. I certainly hope the precedent that has been set now in the case of Miguel Estrada—which I believe is a black mark on the record of this institution—will not be repeated in the case of Priscilla Owen.

I thank the Chair, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Montana, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

CARE ACT OF 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now return to legislative session and proceed to the consideration of S. 476, the CARE Act, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 476) to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

The Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I have a few remarks on the legislation. I am sure my good colleague, Senator BAUCUS, has remarks as the manager for the Democratic Members. We would also like to take quick action on a managers' amendment that is in order under a unanimous consent agreement. There are a few issues that have to be cleared on the amendment.

I rise to speak on the CARE Act of 2003. I will first talk generally about the charitable provisions in the bill and then talk about those provisions designed to combat corporate tax shelters.

The CARE Act seeks to support that great American tradition—helping a neighbor in need. Our Nation's tradition of caring and charitable support goes back to the founding. When faced with tragedy or hardship in our communities, we have always been a people who have rolled up our sleeves to pitch in, rather than leaning on a shovel waiting for the government to show up.

The charitable tradition in America has certainly been for the common good. Unfortunately, there are not many K Street lobbyists for charities and for the common good.

That is why this legislation is a direct testimony to the leadership of President Bush. There is no question that but for his efforts, this legislation for the common good would not have seen the light of the Senate floor.

Let me note that commentators have rushed to state that the President's efforts to strengthen America's charitable tradition has been watered down. Nothing could be further from the truth. This legislation goes far in meeting the President's ambitious goals for a greater role for charities in assisting those most in need.

And legislation is only part of the story. The President's speeches and visits have done even more to energize the charitable sector of this country. Hardly a week goes by when I am not stopped by someone who runs a charity, or is active in a charity, and they ask me how they can get involved in the President's proposal, how they can help. Clearly, President Bush's words have been heard by America's charities and they are eager to turn his words into deeds of compassion and aid.

In addition to this legislation being a tribute to President Bush's leadership, let me also note the tremendous efforts of Senators SANTORUM and LIEBERMAN to bring this bill to the Senate floor. I commend them for their energy in making the CARE Act a reality. Finally, I'm pleased to have worked with Senator BAUCUS, the ranking member of the Finance Committee. This legislation continues our bipartisan efforts as to tax legislation.

Mr. President, for the benefit of my colleagues let me now highlight some of the major tax provisions of the CARE Act that encourage charitable giving.

First, is the creation of a charitable deduction for nonitemizers. Given that over half of Americans do not itemize their tax return, this provision will encourage taxpayers to give to charities, regardless of income. The legislation allows for charitable deduction of up to $500 for a married couple giving over $500 per year. For an individual filing single, it is a deduction of up to $250 for a person who gives over $250 per year. For example, an individual who doesn't itemize and gives $400 to charity, could deduct $150 from their taxes. This provision was designed to encourage new giving and also limit possible abuses.

Next is a major provision that will provide for tax-free distribution from Individual Retirement Arrangements, IRAs, to charities. This is a provision that is important to many major charities, particularly universities. The Finance Committee heard testimony from the President of the University of Iowa about the importance of this provision in encouraging new giving. The legislation provides that direct distributions are excluded from income at the age of 70½ and distributions to a charitable trust can be excluded after the age of 59½.

We then have language that encourages donations of food inventory, book inventory and computer technology. I would note that my colleagues, Senator LUGAR, and Senator LINCOLN, a member of the Finance Committee, were strong advocates for the legislation involving food donation. I'm particularly pleased that this legislation will give farmers and ranchers a fairer deal when it comes to donation of food.

Conservation is also a part of this bill. Efforts to conserve our land and limit development benefit our Nation as well as farmers and ranchers who work on the land. The CARE Act contains language I have long supported that will encourage conservation of land through a 25-percent reduction in the capital gains tax of the sale of undeveloped land, or conservation easements. The sale must be to a charitable organization and the land must be dedicated for conservation purposes. I am pleased that President Bush also included this proposal in his budget.

The bill also encourages gifts of land for conservation purposes. This is an issue long advocated by Senator BAUCUS, which I am pleased to support.

These are the major tax provisions that encourage charitable giving contained in this bill. I would note that I am pleased that the legislation does contain provisions requiring greater sunshine and transparency in the work of charities. It is my belief that just as we are encouraging people to write more checks, we need to ensure that those checks are being cashed for a charitable purpose. In addition, the bill authorizes a serious increase in funding for the Exempt Organizations Office at the IRS to better police the few bad apples among the nonprofits.

My colleagues should also be aware that this legislation addresses the abuse of charities by terrorist organizations, making it easier to shutdown or suspend such organizations.

Let me note also that this bill contains $1.4 billion in new funding for Social Services block grants, SSBG. This is a very important provision that will greatly benefit the States and, more importantly, those in need. I would note that this was a matter of great priority for me, and I am glad to see we have been able to include this funding. The provision also gives States greater flexibility in how to use the SSBG funds.

My colleagues will be pleased to know that this bill is fully paid for. I turn now to discuss those provisions regarding abusive corporate tax shelters that are of great importance.

We have known for many years that abusive tax shelters, which are structured to exploit unintended consequences of our complicated Federal income tax system, erode the Federal tax base and the public's confidence in the tax system. Such transactions are patently unfair to the vast majority of taxpayers who do their best to comply with the letter and spirit of the tax law.

As a result, the Finance Committee has worked exceedingly hard over the past several years to develop several legislative discussion drafts for public review and comment. Thoughtful and well-considered comments on these drafts have been greatly appreciated by the staff and members of the Finance Committee. The collaborative efforts of those involved in the discussion drafts combined with the recent request for legislative assistance from the Treasury Department and IRS formed the basis for our most recent approach to dealing with abusive tax avoidance transactions.

The antitax shelter provisions contained in the CARE Act encourages taxpayer disclosure of potentially abusive tax avoidance transactions. It is surprising and unfortunate that taxpayers, though required to disclose tax shelter transactions under present law, have refused to comply. The Treasury Department and IRS report that the 2001 tax filing season produced a mere 272 tax shelter return disclosures from only 99 corporate taxpayers, a fraction of transactions requiring such disclosure.

Today's bill will curb non-compliance by providing clearer and more objective rules for the reporting of potential tax shelters and by providing strong penalties for anyone who refuses to comply with the revised disclosure requirements.

The legislation has been carefully structured to reward those who are forthcoming with disclosure. I wholeheartedly agree with the remarks offered by a recent Treasury Assistant Secretary for Tax Policy, that "if a taxpayer is comfortable entering into a transaction, a promoter is comfortable selling it, and an advisor is comfortable blessing it, they all should be comfortable disclosing it to the IRS."

Transparency is essential to an evaluation by the IRS and ultimately by the Congress of the United States as to whether the tax benefits generated by complex business transactions are appropriate interpretations of existing tax law.

To the extent such interpretations were unintended, the bill allows Congress to amend or clarify existing tax law. To the extent such interpretations are appropriate, all taxpayers—from the largest U.S. multinational conglomerate to the smallest local feedstore owner in Iowa—will benefit when transactions are publicly sanctioned in the form of an "angel list" of good transactions. This legislation accomplishes both of these objectives.

This year's legislation contains a new provision that would clarify the economic substance doctrine. The economic substance doctrine was created by the courts as a flexible text to determine whether a transaction is a tax scam or valid business deal.

Last year, there were several court rulings that, in my view, misapplied this doctrine. These rulings now stand as legal precedent that can be used to justify abusive schemes in the future. Today's clarification is intended to overturn those rulings. If a court finds that a shelter violates our clarification, the shelter participant would be subject to a strict 40 percent penalty on any tax due. This is a very tough anti-shelter provision.

Mr. President, I appreciate my colleagues' patience as I have reviewed the key provisions of the CARE Act. I think it is legislation that provides needed encouragement for charities and charitable giving in this country. In addition, it takes real steps toward addressing corporate tax shelters. I strongly encourage my colleagues to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the chairman of the Finance Committee, Senator GRASSLEY, for the great job he has done in putting this bill together. It is not easy. There are lots of different components and many Senators have legitimately different points of view. I commend him for his yeoman work. He is not here at the moment, but I want him to know, in the arena of the Senate, and publicly, he has done a great job. The folks in Iowa must be very proud of him.

The chairman and I together are considering a bill designed to help charitable organizations—that is the main goal here—and, therefore, to help our communities.

The bill is called the Charity Aid Recovery and Empowerment Act, otherwise known as CARE. Our President said it well:

> In order to fight evil we must do good. [And] it is the gathering momentum of millions of acts of kindness and compassion which define the true face of America.

I think that is very true. More than peoples in any other country, Americans are noted for their openness, their generosity, and their kindness. At a time when Americans are at war and our economy is sagging, this bill is more important than ever.

The economy is in worse shape than it has been in over a decade. Too many Americans go to bed hungry at night. Two million Americans have lost their jobs since 2001. Men, women, and children are increasingly relying on charities to meet their needs. The problem is made worse because our States are strapped with huge budget deficits. States are actually the No. 1 provider of social services, but presently they are experiencing the largest deficits they have had in 40 years.

This is where charities come in. Charities deliver food, water, clothing, and counseling to those in need. They are the first responders to these quiet tragedies. Let me give a few examples from my own home State of Montana.

Each year, the Montana Food Bank Network serves 1.5 million meals, including 200,000 meals to our State's children. Clearly our children can't learn if they go hungry.

There are roughly 30 adult literacy programs in Montana serving over 5,000 people.

Programs such as the Adult Literacy Center in Billings, MT, and the Literacy Volunteers of America in Butte provide free adult literacy classes to anyone who walks in the door, free to anyone who walks in. Groups like the Blackfoot Challenge provide local voluntary solutions to environmental problems like restoring stream habitat.

I copied the model of Senator BOB GRAHAM of Florida. He has what is called workday projects once a month and I do, too. One day I worked at Blackfoot Challenge and all of us together in the Blackfoot Valley—not all but a bunch of us, 15 people—volunteered our time and work to restore a stream habitat. Ranchers in the old days just plowed a straight channel through their places and eliminated the meandering nature of streams, which made it difficult for bull trout to come up and spawn. We decided to do this project together, in part because the higher-ups couldn't agree on anything. The Fish and Wildlife Service, State Fish and Wildlife, and Parks and all the government agencies couldn't get together, so locally we just said we are going to do it ourselves—and we did. It is such volunteer, charitable efforts that make a huge difference.

Our State's economy also benefits from tourism, and keeping our streams clean and teeming with fish is good for our economy. In fact, I might say, I was delayed coming to the floor because I was talking to a fellow who could hardly wait to get back to Montana because the right hatch is going on now. He is going to go fishing in the next couple of days. He couldn't wait to get back home.

The list goes on: Montanans, working in homeless shelters, churches, libraries, schools, boys and girls clubs, substance abuse centers, and jails.

Our State is not alone. This is true all across our country. In communities, millions of Americans depend upon the generosity of their neighbors and upon charitable organizations. The CARE Act is designed to help these organizations, helping them by creating incentives to encourage more contributions to charity—help them receive more contributions.

Let me describe some of the main provisions of the bill. The provision that has received the most attention is the above-the-line deduction for charitable contributions for people who do not itemize their deductions. Most Americans actually use the standard deduction—about 70 percent. This says: OK, all you folks who use the standard deduction—that is, you do not itemize your deductions—we will provide for an above-the-line charitable contribution for you as well, even though you do not itemize.

I must say, I have some concerns about this provision. Why? Because we tried this before. It didn't work very well. That is why we eliminated the deduction in 1986. More specifically, I am concerned that the deduction will not provide much of an incentive for charitable giving while making the Tax Code even more complicated. Nonetheless, the President has made this particular proposal a top priority and, in light of that, I am willing to give the proposal a chance. So we limited the proposal to 2 years to give us time to study it and see how it is working and gain from the experience.

While the nonitemizer deduction has received most of the attention, there are several other provisions of the bill that have strong bipartisan support. They could provide a significant boost to charitable giving. First, we provide enhanced deductions for contributions of food, of books, and computers. In response to growing economic hardship and hunger that has gone along with it, we have increased the deduction for contributions of surplus food. In most cases, the Tax Code provides the same tax deduction for food hauled to a landfill as it does for food donated to charities. That does not make a lot of sense.

Businesses that choose to contribute food instead of throwing it away are faced with the added costs of storing, packaging, and trucking the food to the charity.

So our new enhanced deduction will encourage business, farmers, and ranchers to contribute the food by offsetting these costs associated with the donations.

This makes it easier for the farmer in Montana to receive a fair deduction for giving food to a local food bank, for example.

We also make it easier for a publisher to donate extra books to a local library. Sometimes lots of books get stacked up and cannot be sold. I think it is a good idea to be able to donate them. And kids will be able to get much better access to computers and cutting edge technology.

Second, we expand the IRA rollover exception to allow individuals to donate their IRAs directly to charity without taking a tax hit.

Under current law, taxpayers, say, who are prospective donors would include their IRA income as taxable income and then take a corresponding charitable deduction, subject to limits, when they want to donate that IRA to a charity. The provision in the bill makes that easier, allowing direct giving; that is, streamlining the process and eliminating the limits that impede giving.

Third, in this bill we provide several important new incentives for voluntary conservation; for example, incentives to encourage contributions of conservation easements, which are so important, especially for my State of Montana and throughout the Nation. This means that cash poor/land rich farmers—which I must say, regrettably, is the rule, not the exception—can donate the conservation rights of their property and get a tax benefit and still keep the family farm in the family.

While the majority of the provisions in this bill encourage giving to charities, there are also provisions that help ensure that charities are responsible public citizens. As many have noticed, national newspapers have recently detailed the secretive use of charities by terrorist organizations. This is, obviously, a serious problem. The large majority of American charities are law abiding and serve an invaluable function. But there are a few exceptions.

So this legislation gives authority to the IRS to immediately revoke the tax-exempt status of charities that are suspected of giving aid to terrorist groups. When there is a crisis in confidence with respect to charities, it hurts honest groups. The charities that have worked hard to further their noble missions should not be jeopardized because of bad "charities" doing bad things.

The Finance Committee bill attempts to cure this by giving watchdogs and donors better tools to monitor the activities of charities. The CARE Act gives State attorneys general more authority to review the IRS filings of tax-exempt organizations.

In addition, the bill lets donors see more information about communications between charities and the IRS. These important steps will go a long way to help restore America's confidence in charities.

I have just provided some highlights of the bill, but there are a number of other important provisions. All told, this package includes many proposals that enjoy widespread support. It has bipartisan support. In fact, many provisions have been approved by the Senate.

With war costs on the horizon, and current budget deficits, it is essential we pay for this bill. I applaud Chairman GRASSLEY for insisting that these tax cuts be paid for. So let me turn to the provisions which cover the costs.

First, we have included a proposal that takes aim at the proliferation of abusive tax shelters. I, along with Senator GRASSLEY, introduced the Tax Shelter Transparency Act to encourage more timely and accurate disclosure of these abusive transactions. Under the proposal, we provide a disincentive to promoters, advisors, and taxpayers by subjecting them to stiff penalties for failing to acknowledge these transactions to the IRS.

The proposal also clarifies a definition of what is known as economic substance. That means it forces companies to engage in real business planning instead of tax-driven hoaxes. The Joint Committee on Taxation recently released its Enron report. The transactions it reviewed demonstrate the need for strong anti-avoidance rules to combat tax-motivated transactions. These deals might satisfy the technical requirements of the Tax Code, as well as administrative rules, but they serve little or no other purpose than to generate income tax or financial statement benefits; that is, there is no economic substance to the transactions. And the American taxpayers are cheated, frankly—those who do not have the ability to hire high-paid counsel and accountants to find these very complicated measures which, frankly, even the IRS cannot figure out in a lot of cases.

It is just not right when the majority of taxpayers—such as the hardware store owner, say, in Butte, MT—have to pay their fair share of taxes while these big corporations twist their way out of paying their own fair share. That is, I think, simply wrong. But it is the right thing to do to use this proposal to pay for tax incentives to benefit the charitable community. It is the right thing to do and the right time to do it.

I urge my colleagues to support this legislation.

I yield the floor.

Mr. DURBIN. Mr. President, I rise today to discuss the CARE Act and my concerns regarding the implementation of President Bush's faith-based initiative.

Like many of my colleagues, I am a person of faith. I support the good work that religious organizations undertake every day. I agree with President Bush and the sponsors of this legislation that there is an important role for the Federal Government to play in encouraging religious organizations to do more for the good of society.

In fact, I support many of the provisions of the CARE Act before us today. For example, I have been an original cosponsor of the Charitable IRA Rollover Act and a cosponsor of the Good Samaritan Hunger Relief Tax Incentive Act in the last two Congresses. I also support the increased funding for the Social Services block grant.

However, when I read the specific details of how the President is implementing his faith-based initiative, I am concerned that the good intentions behind this proposal may be lead to troubling, unintended consequences.

It appears that what the President wants to achieve with this initiative is to fundamentally change the historic balance in the relationship between government and religion that our founding fathers struck over 200 years ago.

I believe and many of my colleagues agree: this Senate debate is historic. With our deliberations, we will test Constitutional principles regarding the place of religion in America in a way they have never been tested.

That is why many Senators joined me in insisting that the Senate take all deliberate time and attention to carefully review this bill and to add language to clarify and improve the bill.

Since the Senator from Pennsylvania has agreed not to add language that would raise concerns with respect to church and state, I have joined with Senator JACK REED of Rhode Island in agreeing not to offer our amendments at this time. However, I would like to take this opportunity to express my concerns regarding the President's implementation of his faith-based initiative which, if offered at a later time, I hope will be subject to a vigorous, important, and historic debate in the Senate.

We should begin this debate at the beginning. The opening words of our Bill of Rights state that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

For over two centuries, those 16 words have served us well and have protected religious freedom in America.

We must continue to respect the diversity of belief in America and remember that freedom from government interference was one of the few principles that early Americans, with a variety of religious backgrounds, could agree on.

In fact, many of the settlers who colonized America fled from religious persecution by government officials in their native countries and they still do.

James Madison recognized that this history of religious persecution was based upon Government involvement in establishing official churches. He believed that Government support of certain religions could threaten the liberty of every citizen to hold his or her own religious convictions.

Madison suggested that the Government support of religion differs only in a matter of degree, and he vehemently opposed the payment of taxes in support of any religion.

Before the American Revolution, the State of Virginia rescinded a tax in support of the Anglican Church, which was their so-called established church, and instead granted its citizens religious liberty. However, in 1784, Patrick Henry became concerned with the moral decline of Virginians and he proposed a bill to restore the tax to support "teachers of the Christian religion."

Madison responded to this proposal with his "Memorial and Remonstrance against Religious Assessments." This document—written 16 years before the Bill of Rights was adopted—reveals the earliest origins of the concepts behind the first amendment: Madison expressed his opposition to Government involvement in religion because he believed such involvement would interfere with citizens' right of free exercise. Madison also believed that the right of religious freedom was as important as freedom of the press, trial by jury, and the right to vote.

According to Madison, his Memorial was so widely accepted that Henry's proposal failed and Virginia instead enacted Thomas Jefferson's "Bill for Establishing Religious Freedom in Virginia."

In this bill, Jefferson expressed his belief that religious liberty is necessary to ensure that individuals are not forced to support religious opinions with which they disagree, to practice faiths they find abhorrent, or to voice allegiance to one faith over another, and:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful.

During their Presidencies, Jefferson and Madison had the opportunity to illustrate their understanding of the first amendment to the Constitution.

In 1801, the Danbury Baptist Association wrote a letter to President Jefferson because it feared that the State of Connecticut would establish the Congregationalist Church as the official religion.

Jefferson responded to the Danbury Baptist Association with a letter on January 1, 1802, in which he reaffirmed his belief that each individual has the right to hold whatever opinion he or she may choose and that the Government should not interfere in religion. This reply contained his now-famous view that the purpose of the first amendment was to build a—in Jefferson's words—"wall of separation between church and state."

President Madison, in his 8 years in office, vetoed only seven bills—two of which he believed violated the Establishment Clause of the first amendment.

In 1811, Congress passed a bill entitled "An act incorporating the Protestant Episcopal Church in the town of Alexandria in the District of Columbia." This bill would have enacted the rules of the church as a matter of law, thereby giving legal force to the provisions of the church's constitution.

Madison believed that even supporting churches in their charitable functions would give religious organizations too much power in public and civic affairs. He wrote that the bill would be "precedent for giving to religious societies as such a legal agency in carrying into effect a public and civic duty." Think of those words in the context of the proposal before us.

Madison also vetoed a bill "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting House, in the Mississippi Territory." This bill would have given a Baptist Church specific Federal Government property for the church's use.

Madison believed that:

> reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that "Congress shall make no law respecting a religious establishment."

Thanks to Jefferson and Madison, first amendment protections have made America the most tolerant society in the world—a tolerance many of our critics around the world neither understand nor accept. They live in nations where government and religious belief are so closely entwined that diversity of creed is officially discouraged, if not prohibited.

Each of us, when we return home, can drive through our cities and see a Protestant church down the street from a Catholic church, next to a Jewish synagogue which is not too far from a Muslim mosque, and perhaps across the street from a Sikh Gur-dwala. Some churches even share their facilities with congregations from other religious and ethnic groups. To me, this is proof positive that the wisdom of the first amendment is alive and well in America today.

Although some may argue that the faith-based initiative does not "establish a religion," the Supreme Court has "long held that the First Amendment reaches more than classic, 18th century establishments."

Indeed, the Supreme Court has examined the history of the first amendment and has come to the same conclusion that I have reached:

> For the men who wrote the Religion Clauses of the First Amendment the 'establishment' of a religion connoted sponsorship, financial support, and active involvement of the sovereign in religious activity.

That comes from the case of Walz v. Tax Commission in 1970.

This is one principle that President Bush seems to be willing to accept. I am heartened that the White House publication Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government is clear that faith-based organizations cannot use any part of a direct Federal grant to fund religious worship, instruction, or proselytization. Such activities must be separate in time or location.

The President also agrees that faith-based organizations cannot discriminate against beneficiaries or potential beneficiaries of a social service on the basis of religion.

However, one area where we clearly diverge is the issue of employment discrimination on the basis of religion.

The Civil Rights Act of 1964 prohibits most public and private employers with 15 or more employees from discriminating in their employment practices on the basis of race, color, national origin, sex, and religion.

However, religious employers have an exemption with respect to religious discrimination, which was expanded in 1972.

I will read the current exemption:

> This subchapter shall not apply . . . to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

In 1987, the Supreme Court upheld this title VII religious exemption in the case of Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos.

I support this right of religious organizations to use religious criteria in hiring people to carry out their religious work. I have no quarrel with the title VII religious exemption. It makes sense for people of common faith to work together to further their religion's mission.

At the same time, I recognize that discrimination "on the basis of religion" can often include discrimination based on other factors that are prohibited by civil rights laws, such as race, ethnicity, and sex.

Dr. Martin Luther King, Jr., observed that the hour of worship is one of the most segregated hours in American society. Sadly this is still true today, but many people of similar racial or ethnic backgrounds do prefer to worship together, and there are churches throughout this Nation that target only certain races or ethnic groups.

So, unfortunately, allowing religious organizations to hire only members of their own religion, in many cases, can also mean hiring only members of a certain race or ethnic background.

For example, if employment is limited to the co-religionists of the recipients, how many African Americans will be hired by Orthodox Jewish groups? How many white people will the Nation of Islam employ as security guards in public housing? And what of the many Protestant groups that are overwhelmingly White or overwhelmingly Black or overwhelmingly Hispanic?

The courts also have read the title VII exemption very broadly to allow discrimination on the basis of religion to include the religion's "tenets and teachings." This broad reading has resulted in situations where people of faith who do not necessarily follow the accepted lifestyle or private behavior of that religion have lost their jobs.

Here are some examples of how this law discriminates against people's everyday behavior in addition to their religious beliefs:

In the case of EEOC v. Presbyterian Ministries, Inc., a Christian retirement home fired a Muslim receptionist after she insisted on wearing a head covering as required by her faith.

The Church of Jesus Christ of Latter-Day Saints fired several employees because they failed to qualify for a "temple recommend," that is, a certificate that they were Mormons who abided by the church's standards in such matters as regular church attendance, tithing, and abstinence from coffee, tea, alcohol, and tobacco.

This exemption, unfortunately, has had a particularly harsh impact on women and people of different sexual orientation. Here are some examples of how courts have interpreted this exemption to allow employment discrimination against women and gays under the current title VII exemption:

Numerous Christian schools fired female teachers for having extramarital sex or committing adultery; upheld by the court. A Catholic school fired a teacher who remarried without seeking an annulment of her first marriage in accord with Catholic doctrine; upheld by the court. A Catholic school fired a teacher for marrying a divorced man; upheld by the court. A Catholic university refused to hire a female professor because her views on abortion were not in accord with Catholic teaching; upheld by the court. A Baptist nursing home fired a student services specialist after she was ordained a minister in a gay and lesbian church that advocated views on homosexuality "which were inconsistent with the [school's] perception of its purpose and mission"; upheld by the court. A church terminated the employment of an organist on the grounds that his homosexuality conflicted with the church's belief; upheld by the court.

I regret that these may be unintended discriminatory consequences today under the title VII exemption where religious organizations hire people using money raised by the church from its own congregation. But what of the case we are discussing? We are not talking about a situation where churches are spending their own money for their own religious purposes and following their own employment codes and practices under the title VII exemption. We are talking about opening up a new world where tax dollars are taken from the treasury and given to these same churches. What if the money is not raised by the congregation or coreligionists, but the money is being raised from the taxpaying public? What standard should we use?

Most scholars agree it is an open legal question as to whether a religious organization can take taxpayer money and use it to discriminate in hiring employees on the basis of religion. It would seem to me that the obvious answer to this question is no. Any other response would result in taxpayer-funded discrimination. I will return to this question and the reasons for my answer after examining how this issue fits into the broader picture of the President's faith-based initiative.

The faith-based initiative has been marketed as a proposal to "level the playing field" for religious organizations that seek government funds to pay for social service programs. However, it appears that the supporters of the initiative do not want to level the playing field; they want to create a special set of rules for religious organizations which would result in special treatment that other nongovernmental organizations do not currently enjoy.

President Bush has demonstrated, through his Executive orders and agency regulations, that his faith-based initiative goes far beyond religious icons, religious names, religious language in chartering documents or religious criteria for membership on governing boards. I do not object to any of those stated goals which I have heard from the Senator from Pennsylvania and the Senator from Connecticut as well as the President. I have seen the enforcement of rules and standards which I think have gone way too far.

I can think of my own hometown of Springfield where there is a long-simmering controversy still brought up regularly about whether a teacher could come in and teach a driver training course at the Catholic high school if that teacher were paid for out of public school funds and that Catholic high school and its classroom had a crucifix on the wall. It rubbed a lot of people of my Catholic religion the wrong way, that people would argue that the mere presence of that crucifix was somehow offensive or violated the law. That argument goes to the extreme. I do not hold those views. I support the position stated time and again by the Senators from Pennsylvania and Connecticut that we ought to draw a more reasonable line. The House of Representatives, with mottos on the walls "In God We Trust," with our currency reflecting that, with chaplains in the House and Senate, we can state a reasonable standard that does not violate the basic freedom of religion or establishment clause of our Constitution. But I do object to the administration bypassing Congress to write one set of rules for secular organizations and another for religious organizations.

For example, all recipients of government grants currently are required to abide by a host of regulatory requirements, including filing IRS documentation and complying with all State and local laws. Supporters of the faith-based initiative would like to exempt religious organizations from complying with these important regulations, such as those dealing with health and safety. Explain that for a moment.

If in the State of Illinois or my city of Springfield someone wants to run a daycare center and we have decided, for the safety of the children in the daycare center, there should be perhaps a sprinkler system, a fire alarm, or a fire escape, certain doors so that kids can get out in case of emergency, why, if this becomes a faith-based childcare center, should we reduce or limit that same application of health and safety standards? It doesn't make sense. One of the amendments which needs to be offered as part of this conversation on faith-based initiatives will address that.

Take a look at the Teen Challenge substance abuse program which President Bush has mentioned many times. In 1995, the Texas Commission on Alcohol and Drug Abuse threatened to close Teen Challenge after issuing a 49-page list of violations of State health and safety codes. The list included unlicensed counselors, food preparation that created a health hazard, a broken smoke detector system, and exposed wires and electrical outlets. Then-Governor Bush responded by exempting faith-based drug treatment programs from all of the State health and safety regulations that were followed by their secular counterparts.

I don't know how you could reach that conclusion. It is one thing to be imbued with a religion; it is another thing to ignore the obvious. If there is a terrible accident or fire or some disaster, children in faith-based institutions deserve the same level of legal protection as those in institutions run as businesses.

This special treatment was not limited to drug treatment programs. Faith-based childcare centers and residential children's homes could use an alternative accreditation program that would exempt them from State licensing. The special treatment for these alternatively accredited facilities was that there were no unannounced inspections of the facilities as required by State law. As a result, the rate of confirmed abuse and neglect at alternatively accredited facilities was 25 times higher than that of State-licensed facilities. Whom are we doing a favor for by exempting the faith-based charity from standards of unannounced inspections to make certain that they are living up to the letter of the law?

The complaint rate at alternatively accredited facilities was 75 percent compared to 5.4 percent at State-licensed facilities. Due to these staggering outcomes, this accreditation program sunset in 2001 and has never been renewed.

The White House has also given indications it may provide special treatment to religious organizations by exempting them from State and local laws addressing employment discrimination. I have a great deal of respect for the Salvation Army. They do wonderful work, not only in the United States but around the world. But they had a rather embarrassing incident in July of 2001 when an internal report was discovered that stated their group had received a "firm commitment" from the Bush White House to protect religious charities from State and local laws regarding sexual orientation discrimination and domestic partner benefits. I hope that is not the goal of the Bush White House in pushing this faith-based initiative.

Over the past 2 years, President Bush and his faith-based initiative have repeatedly eroded 200 years of carefully protected separation between church and state. In what the Washington Post called "faith-based by fiat," President Bush signed Executive Order 13279, in December of 2002, to overturn principles of nondiscrimination in Federal contracts that have stood for over 60 years.

The House of Representatives is currently considering the reauthorization of the Workforce Investment Act. The legislation has been marked up in the House, and it would repeal 20 years of civil rights protections against religious discrimination. The House also has held hearings regarding the reauthorization of the Corporation for National and Community Service, known as AmeriCorps. In its proposed legislation, the House would repeal a decade of civil rights protections against religious discrimination in employment that were signed into law by President Bush's father.

Finally, the Department of Housing and Urban Development has proposed rules to allow religious organizations to use Federal funds to build centers where religious worship is held as long as parts of the building are also used for social services.

Supporters of the faith-based initiative want to know why we are raising these issues now, when Congress included charitable choice provisions in legislation we passed as far back as 1996. The difference is this: Then-President Clinton made it clear, as part of the technical corrections package to the welfare reform bill, that nothing included therein would change the fundamental protections against religious discrimination which were currently in the law. President Clinton did that as well in the reauthorization of Community Services Block Grant Programs in 1998 and the reauthorization of the Substance Abuse Mental Health Services Act in 2000. Unfortunately, in this debate, that same assurance has not been given.

I want to go to a point which really gets to the heart of the issue. It is a difficult one. It is one for which I don't have an answer. When you talk about faith-based initiatives, you are talking about religion in America. The obvious and important question is: What is a religion? There are many that we readily will recognize as being established religions of all different denominations. But when it comes to the definition of religion, many people self-define their beliefs and activities as religion.

Jim Jones led people to a mass suicide in Guyana, and David Koresh and his Branch Davidians in Waco, TX, have become scarred in the American memory as tragic reminders of what happens when people are blindly led by fanatics who use the guise of religion for their own personal, violent agenda. I represent a State which is the home of the so-called World Church of the Creator, which has to be one of the most perverted extremist groups in America that I know of, which claims itself to be a religion. On its Web site, the so-called "Reverend" Matt Hale—who graduated from law school but was not allowed to be licensed under the rules and practices of the bar in Illinois—proudly welcomes visitors, saying:

> We are a religious, nonprofit organization, with our world headquarters in the State of Illinois. At the time of this writing, we have 24 regional and local branches of the church and members all over the world.

What are the tenets of his church and religion, of this World Church of the Creator? Here is what he says in his own words:

> After 6,000 years of recorded history, our people finally have a religion of, for, and by them. Creativity is that religion. It is established for the survival, expansion, and advancement of our white race exclusively. Indeed, we believe that what is good for the white race is the highest virtue, and what is bad for the white race is the ultimate sin.

I cannot think of any more hateful rhetoric spewed in the name of religion. That is exactly what is happening today. Recently someone challenged their dismissal of employment because they were members of this church. The court came back and said it is a religion and has to be treated as such for the purpose of the Civil Rights Act of 1964.

So here we come to a point where we are talking about giving Federal dollars to those who call themselves religions for the purpose of performing social services. What is the threshold question we should ask? Is this truly a religion or is this something else in the guise of a religion? What are we doing with taxpayer dollars? Would we want to spend $1 supporting the racist views of the World Church of the Creator because they tell the Federal Government they have a program to deal with drug abuse or to provide childcare services in central Illinois? I hope not. But once you have opened this door and start talking about Federal dollars given to religion for social services, you open up a can of worms, a set of questions and great challenges that we have not faced for many years, if ever.

I am worried as I look across the various religions of the world, not just those purporting to be Christian but some who are members of different religions that have taken what in fact are extreme views.

It was only a little more than a year ago that the people of Afghanistan were still suffering under the violent and oppressive regime of the Taliban, which suppressed and punished its people in the name of Islamic fundamentalist religious beliefs.

Thanks to the leadership of the United States and our military, we have now liberated the Afghan people from the Taliban, which, like Al Qaeda, had distorted the peaceful religion of Islam for their own destructive purposes.

The leaders of the Taliban were trained in "madrassas," which are characterized as religious schools. But those familiar with these institutions often call many of them "jihad factories" because of the extreme nature of their "religious" indoctrination and the militancy they train.

At madrassas, the Taliban preached that freedom afforded to women is the main reason for social degradation, and that the best place for women was inside the four walls of their homes—cut off from education and cut off from opportunity.

They also preached that television is the "spark of hell" responsible for moral degradation, and watching it or listening to music was un-Islamic and sinful. And when they came to power, the Taliban put all of these distorted lessons to practice against their own people.

The Taliban is perhaps the most recent example of extremism in the name of religion that we have witnessed.

But since the 1979 Islamic revolution in Iran, we have seen numerous radical Islamic fundamentalists utilize their religious ideology as the driving force behind the most active Middle Eastern terrorist groups and state sponsors.

For example, Hizballah of Lebanon calls itself the "Party of God" although there is nothing godly about its terrorist activities.

Hizballah was founded in 1982 as a faith-based organization by Lebanese Shiite clerics who were inspired by the Islamic ideology of Iran's Ayatollah Khomeini. Its original goal was to establish an Islamic republic in Lebanon. But many of the Shiite Muslims who rule Hizballah studied in Iran's theological seminaries while receiving terrorist training there as well.

The trainings paid off as this terrorist group became responsible for the detention of most, if not all, American and other Western hostages held in Lebanon during the 1980s and early 1990s. Eighteen Americans were held hostage during that period, three of whom were killed.

Hizballah is also suspected in the April 1983 suicide truck bombings of the U.S. Embassy in Beirut and the U.S. Marine barracks in October 1983 that killed 220 Marine, 18 Navy and 3 Army personnel.

And Hizballah is also suspected to have been behind the hijacking of TWA Flight 847 in 1985, and the killing of a Navy diver, Robert Stethem, who was on board.

Hamas, Al-Jihad, Abu Sayyaf, and Islamic Movement are some of the other better-known extremists that argue their organizations are based on Islamic religious beliefs.

There are radical Jewish groups as well, such as Kach and Kahane Chai. These two Jewish movements seek to expel all Arabs from Israel and expand Israel's boundaries to include the occupied territories and parts of Jordan. Founded by extremist Rabbi Meir Kahane, these groups also argue for strict implementation of Jewish law in Israel.

I do not mean to suggest here that the President's faith-based initiative will necessarily lead to such religious extremism.

At the same time, I want to make it clear that this is not an easy question. To dismiss it simply as a question about whether or not we are tolerant of religion is one thing, but the question of whether we are going to subsidize religious belief that reaches the extreme is really something else.

The important message we must send is that religious organizations that take taxpayers' money should not be able to use those funds to discriminate in hiring employees on the basis of religion. The American people have been asked their opinion on this issue. The response is interesting.

According to the Washington Post, in a 2001 survey conducted by the Pew Research Center:

> When people were asked whether "religious groups that use Government funds [should] be allowed to hire only those who share their religious beliefs," 78 percent said "no" and 18 percent said "yes"—a degree of objection that so surprised researchers that they repeated the question three different ways. . . .

They received the same answer time and time again. On the other hand, the Bush administration believes that Government-funded discrimination in hiring on the basis of religion is acceptable.

According to a U.S. Department of Justice Office of Legal Counsel memorandum on June 25, 2001:

> We conclude, for the reasons set forth more fully below, that a faith-based organization receiving direct Federal aid may make employment decisions on the basis of religion without running afoul of the Establishment Clause.

In the only case that directly addressed whether the Title VII exemption applies to a position funded by government funds, the Southern District Court of Mississippi ruled that it did not.

In the 1989 case Dodge v. Salvation Army, Jamie Dodge was employed by the Salvation Army in its Domestic Violence Shelter as the Victims Assistance Coordinator.

After the Director of the shelter saw Ms. Dodge using the Salvation Army's copy machine, Ms. Dodge admitted that she had made copies of manuals and information on Wiccan rituals.

Soon after making these admissions, Ms. Dodge was terminated.

She filed a complaint that because the shelter where she worked received substantial federal and state funds, the Title VII exemption could not be applied to her.

The District Court ruled that "even though the religious exemption does permit the Salvation Army to terminate an employee based on religious grounds, the fact that the plaintiff's position as Victims' Assistance Coordinator was funded substantially, if not entirely, by federal, state, and local government, gives rise to constitutional considerations which effectively prohibit the application of the exemption to the facts in this case."

Furthermore, the Court held that "Based on the facts in the present case, the effect of the government substantially, if not exclusively, funding a position such as the Victims' Assistance Coordinator and then allowing the Salvation Army to choose the person to fill or maintain the position based on religious preference clearly has the effect of advancing religion and is unconstitutional.

Despite this ruling, the issue is considered an open legal question because the case was not considered beyond the District Court and there are several other cases which at least partially address this question.

However, this is not just a legal question or a hypothetical line we are drawing in the sand.

One of the cases I would like to point out is a case that really talks about discrimination firsthand. It is the case of Alan Yorker and his experience with United Methodist Children's Home in Decatur, GA. The children's home, which receives almost half of its money from Government sources, provides residential group foster care for 70 young people, many of whom are in State custody.

Mr. Yorker responded to an advertisement in the Atlanta Journal-Constitution for a position at the home. As a psychotherapist with over 20 years experience counseling young people and their families and over a decade of experience teaching in Emory University professional schools, the home determined that his credentials placed him among the top candidates for the position. He was rushed in for an interview, where he was required to disclose in an application form his religious affiliation, his church and minister. Mr. Yorker, a Jew, supplied the names of his synagogue and rabbi. During the interview, an administrator noted that Mr. Yorker was Jewish and told him that this children's home doesn't hire people who are Jewish. He was shown the door.

Let me tell you that this didn't happen decades ago; this is of recent vintage. The same administrator told another employee that it is the home's practice to throw the resumes of applicants with Jewish-sounding names in the trash. The Yorker name got past her.

Ironically, Yorker has not always been the family name. Alan Yorker's Jewish paternal grandfather, Harry Monjesky, spent many years as a conductor on the New York Central Railroad. When the railroad began to face tough times, Jewish and African-American workers were singled out for layoffs first, regardless of their seniority. Mr. Monjesky was fired and left without a livelihood. Several years later, when Alan's father reached adulthood, he changed his name to Yorker. He wanted to make sure that his children would be judged by their merit and not by their surname or private religious beliefs.

That is how Alan Yorker's resume landed at the top of the pile instead of the home's trash bin. And nearly a century after his grandfather was turned away by the Railroad because of his religion, Alan Yorker faced the same discrimination when applying for a government-funded position.

I will conclude by saying that these are examples of what is being done in the name of religion. For it to be done by a religious organization to achieve a religious goal, with funds raised by coreligionists, is certainly allowed in title VII of the Civil Rights Act. To say, however, that we are going to open the Federal Treasury and provide millions of dollars to religions for social services, and then approve of their discriminatory activity in the name of religion, is branching out in a direction that our Founding Fathers could never have considered, let alone condoned.

In light of this complex constitutional issue, I think it is fair to ask why we even need a faith-based initiative. President Bush believes it is necessary because "people should be allowed to access money without having to lose their mission or change their mission." However, current law already permits groups that are affiliated with religious entities to provide social services with Government funding.

Catholic Charities, Lutheran Social Services, Jewish Federations, and many other religious organizations have received—and continue to receive—taxpayer funds from the Government to provide much-needed services that our Government is often unable and unavailable to provide.

These organizations access Federal funds without changing their missions. For example, Catholic Charities has a publication entitled "10 Ways Catholic Charities are Catholic." At the same time, Catholic Charities in Chicago, which I am proud to represent, also issues the following statement on its Web site:

> Catholic Charities employs more than 3,000 dedicated, compassionate and professional men and women, regardless of race, religion, or ethnic background.

Many Catholic Charities across the Nation have similar equal opportunity statements.

As thousands of Americans visit our Nation's Capital, many will stop at the Jefferson Memorial and read the following inscription, in the words of Thomas Jefferson:

> No man shall be compelled to frequent or support any religious worship ministry or shall otherwise suffer on account of his opinions in matters of religion.

These words, from Jefferson's "Bill for Establishing Religious Freedom in Virginia," are as relevant now as they were in 1785. Although we don't debate the faith-based initiative proposal in its entirety today, I look forward to the opportunity to continue to protect our historic balance in the relationship between church and state.

I yield the floor.

Mr. KENNEDY. Mr. President, the CARE Act is a significant bipartisan effort to create improved opportunities for charitable giving. That is a goal I wholeheartedly support. Charitable giving is a continuing reaffirmation of the deeply held community spirit of the American people. It recognizes our responsibility to help the less fortunate, and the work of charitable organizations is essential in protecting the well-being of millions of our fellow citizens.

The key provision of the bill will at long last allow those who do not itemize their deductions to receive a tax deduction for their charitable contributions. This deduction will benefit millions of low and middle-income families who are already making significant charitable contributions each year, and it will encourage even more charitable contributions in future years.

The agreement to remove the controversial title 8 makes sense, so the bill can move quickly through Congress. All of us share the goal of enhancing community-based services for low-income people through public, private, and faith-based organizations. Our concern with title 8 was that it failed to see that faith-based organizations do not use these public funds to discriminate on the basis of religion.

Many of us continue to be concerned about a separate development on the discrimination issue. The President has issued an Executive order repealing more than 60 years of Federal protections against religious discrimination in publicly funded programs. Under the President's order, organizations can receive public funds and then refuse to hire persons because of their religion, their marital status, or their sexual orientation. As the Senate considers future legislation to support and fund community-based organizations that provide social services, including faith-based organizations, I look forward to working with my colleagues to see that civil rights protections are safeguarded.

I am pleased that the CARE Act restores funding for the social services block grant. Congress made a promise in 1996 to do so, and it is essential to keep that promise, so that vulnerable Americans can continue to rely on the funding in the years ahead.

For too long, Congress has ignored its responsibility to those most in need. Since 1995, annual funding for SSBG has been cut by more than $1 billion, from a high of $2.8 billion to the current level of $1.7 billion. This bill will restore the amount to $2.8 billion in the next fiscal year.

The social services block grant pays for critical services for 11 million children, families, seniors, and persons with disabilities each year. In 2000, $683 million in these funds was used to support child protective services, foster care, and adoption services alone. Twelve percent of the funds was used for disability services, and $181 million was used to provide services to the elderly. This program is the only Federal source of funding for Adult Protective Services, which provides assistance and protection for elderly and disabled adults who are victims of abuse.

Restoring these funds is especially important now, when most States are cutting and even eliminating the very services and programs that the social services block grant was enacted to support. The economic downturn, escalating State deficits, and reduced funding for social services, has left State program officials with the impossible task of deciding who to help and who to turn away.

We must do all we can in Congress to ensure that States have the resources they need to support their most vulnerable citizens. I commend my colleagues on the Finance Committee on the provision to restore SSBG in the CARE Act for the coming year. Our goal now is to see that we keep doing that in future years as well.

Today's action should not be just a temporary, 1-year fix. We owe a lasting commitment to the children, families, and seniors who need our help the most, and I look forward to working with my colleagues to achieve this goal.

Mr. JEFFORDS. I would like to briefly discuss one of the provisions in the CARE Act, an incentive that will encourage the conservation of environmentally sensitive land. This conservation incentive will allow landowners who own environmentally sensitive land to exclude part of the gain they realize if they sell their land to conservation organizations for the purpose of conservation.

We are losing our farms, ranches, and open spaces at an alarming rate. Many landowners would like to transfer their land to a conservation organization that would conserve it or preserve its original use. For many of them, however, donating land to a conservation organization is not an option. Their land is an important asset, the sale of which will yield an important source of income.

The CARE Act creates a new tax incentive for these "land rich/cash poor" taxpayers who cannot take advantage of the current law's charitable deduction. This new incentive is an exclusion from income for one-fourth of the gain that taxpayers realize upon a sale of land, when the land is sold for conservation purposes, to a conservation organization. The exclusion will also be available for a transfer of a partial interest, such as a conservation easement. With this provision, landowners would pay less tax when they transfer land for conservation purposes.

I first introduced a bill similar to the CARE Act provision in the 106th Congress. In 2000, both Presidential candidates endorsed this approach. This year, and in the previous 2 years, a provision like the conservation exclusion in the CARE Act has been included in the President's budget proposals. It has also been endorsed by a diverse range of interest groups, including the Farm Bureau, Ducks Unlimited, the Land Trust Alliance, the American Farmland Trust, and the Nature Conservancy.

My bill—and President Bush's budget proposals—called for a 50-percent exclusion. If, as I believe, this tax incentive proves to be an effective way to encourage conservation, I hope that we will someday be able to increase the exclusion. This new tax incentive will mean more conservation with no new appropriations, and no new restrictions on land use. It adopts a new, market-based approach to conservation, using funds that have either been privately raised or set aside by State and local governments.

Mr. LUGAR. Mr. President, I rise today in support of the Charity, Aid, Recovery, and Empowerment Act. I am proud to be an original cosponsor of this important legislation, which would encourage more citizens to contribute to non-profit programs and institutions. I want to commend my colleagues, Senators SANTORUM and LIEBERMAN, for introducing this important bipartisan legislation. The CARE Act is designed to promote charitable giving at a time when charities report increasing demands on their services along with a decline in contributions.

After the tragedy of September 11, charitable contributions were greatly diminished. Donations to charitable organizations dropped last year by 2.3 percent and they are lagging even further behind this year. At the same time, more people are turning to charities for help because of job lay offs, health concerns, and the needs of our children. The tax incentives contained in the CARE Act to encourage charitable giving are needed now more than ever.

Included in this bill is language to encourage charitable giving by allowing a tax deduction for charitable giving for non-itemizers. Eighty-six million Americans do not presently itemize their deductions on their tax returns. This provision would allow for a tax deduction up to $250 for individuals and $500 for couples. Organizations such as the American Red Cross, the March of Dimes, and other charitable organizations that rely on low dollar donations believe that they will be able to generate more donations if everyone could take a deduction regardless of which form they file with the Internal Revenue Service.

The ability to roll over excess funds from Individual Retirement Accounts to a charitable organization or university is also a part of this legislation. Many organizations and universities benefit from planned gift revenues. The IRA rollover provision will allow charities to increase the number of planned gifts, while being able to diversify their planned gift portfolios.

I have been a supporter of Individual Development Accounts and was pleased that this initiative to expand these accounts is included in the bill before us. These accounts are made up of dollar-for-dollar matching contributions up to $500 from banks and community organizations to be used by lower-income working families to buy a home, start or expand a small business, or pay for college.

I believe that one of the most important provisions that has been included in this bill is the Hunger Relief Tax Incentive Act. This important provision allows for expanded charitable tax deductions for contributions of food inventory to our nation's food banks. Demand on food banks has been rising, and these tax deductions would be an important step in increasing private donations to the non-profit hunger relief charities playing a critical role in meeting America's nutrition needs.

As I have traveled around Indiana, I have visited many food banks in our state. They have confirmed the results of a study by the U.S. Conference of Mayors that showed demand for food at food banks has risen significantly. The success of welfare reform legislation has moved many recipients off welfare and into jobs. In many states, welfare roles have been reduced by more than half. But we need to recognize that these individuals and their families are living on modest wages. As the states' unemployment rates have risen, so has the demand placed on the food banks and soup kitchens.

According to the Conference of Mayors survey, during the last year, requests for emergency food assistance has increased one hundred percent. Forty-eight percent of the people requesting emergency food assistance are either children or their parents. The number of elderly persons requesting food assistance has increased by ninety-two percent.

Private food banks provide a key safety net against hunger. According to an August 2000 report by USDA, 31 million Americans are living on the edge of hunger.

USDA statistics show that up to 96 billion pounds of food go to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger.

The food bank provisions under the CARE Act would allow farmers and small business owners to take a deduction when they donate food to their community food bank. Currently this deduction is available to large corporations but not to small businesses. This approach would stimulate private charitable giving to food banks at the community level.

Each citizen can make an important contribution to the fight against hunger at a local level. I have been especially impressed by the remarkable work of food banks in Indiana. In many cases, they are partnered with churches and faith-based organizations and are making a tremendous difference in our communities. We should support this private sector activity, which not only feeds people, but also strengthens community bonds and demonstrates the power of faith, charity, and civic involvement.

I would like to thank Senators SANTORUM, LIEBERMAN, GRASSLEY, and BAUCUS for their efforts in helping America's charities meet their funding goals, and to those individuals who take advantage of the services provided by these groups.

Mr. GRAHAM of Florida. Mr. President, I am pleased that the Senate is considering the CARE Act today. By enacting this legislation, Congress acknowledges the inherent good in millions of Americans.

The bill includes a number of changes to the tax rules that will make it easier for individuals to donate to the tens of thousands of worthwhile charities that operate across this nation. By making the charitable deduction available to those taxpayers who don't itemize their deductions, married couples can deduct as much as $500 of the contributions they make to charity.

Provisions in the legislation also make it easier for individuals to donate funds they have saved in an IRA. Rather than having to report this amount in income and then take a commensurate deduction for the contribution, the new rule allows the funds to be transferred directly to the charity.

The bill also eases the burden of gaining tax benefits for those individuals who wish to make donations of food, books, and scholarly compositions to charity.

While these charitable giving incentives are useful to many citizens and the charities they desire to help, this legislation may be even more important because it contains strong provisions that will help the Internal Revenue Service and the Nation's courts crack down on abusive tax shelters.

In his last report to the IRS Oversight Board, the IRS Commissioner Charles Rossotti identified abusive corporate tax shelters and promoters of tax schemes of all varieties as among the most serious compliance problem areas. In addition to the revenue lost by the Federal Government—funds that could be used for defending the homeland, education, and protecting the environment—the proliferation of these schemes represents in Commissioner Rossotti's words "a failure of fairness to the millions of honest taxpayers whose commitment to paying their taxes is based on the principle that the IRS will act if they or their neighbors do not pay their fair share."

This administration has been slow to embrace measures that crack down on those who manipulate the Tax Code to avoid paying their taxes. Despite the previous administration having identified the proliferation of tax shelters as a large and growing problem as far back as 2000, President Bush's initial budget contained no legislative recommendations to stem the proliferation of tax shelters.

Only after it became clear that Congress was going to address this issue, did the Bush Administration take notice. Even then, their approach to combating this problem was, at best, timid. The Bush administration's solution was to continue to rely solely on the Service's ability to detect an abusive tax shelter from within the minutiae of a taxpayer's tax return. If the Service was fortunate to uncover a tax shelter, it could then initiate steps to shut it down. This is a difficult and time-consuming process for the IRS to undertake.

While disclosure of these schemes by taxpayers and promoters can be useful in combating the proliferation of tax shelters, the IRS also needs some additional tools. This is why the bill includes a statutory requirement that transactions utilized by taxpayers have an economic rationale beyond the creation of tax benefits, commonly referred to as the "economic substance doctrine". The bill backs up this new requirement with stiff penalties for taxpayers who engage in such transactions.

It is a simple requirement. You don't even need to be a tax attorney to understand it. Simply put, it would require that transactions conducted by taxpayers have a business purpose. What does that mean? The proposal requires that a taxpayer have a reason other than the creation of tax benefits for engaging in a transaction.

A cursory review of the recent Joint Committee on Taxation report on the tax returns of Enron Corporation highlights the dire need for this legislative change. The Joint Committee on Taxation found that Enron paid total federal income taxes for the period 1996 through 2001 of $63 million. During this same period Enron reported to investors that it had profits of nearly $6 billion. How was Enron able to paint such obviously contrasting pictures?

According to the Joint Committee on Taxation's report, Enron transformed its tax department from an administrative function to a profit center. Enron spent millions of dollars on tax attorneys and shelter promoters who helped it cook up transactions that had no purpose other than to artificially reduce its tax liability.

According to the JCT Report, these transactions:

> demonstrate the need for strong anti-avoidance rules to combat tax-motivated transactions that might satisfy the technical requirements of the tax statutes and administrative rules, but that serve little or no purpose other than to generate income tax or financial statement benefits.

This bill provides those strong anti-avoidance rules, and I hope they will become law sooner rather than later.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I thank Senator BAUCUS for the compliments he gave me. More importantly, it emphasizes, as I have tried to indicate, the great cooperation I have had from him. Legislation such as this has some controversial provisions in it, and you don't get a piece of legislation such as this to the floor without the bipartisan cooperation that has been exhibited. I thank him for that.

AMENDMENT NO. 526

(Purpose: To provide a Managers' amendment)

Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is what is referred to as the managers' amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 526.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 526) was agreed to.

Mr. GRASSLEY. Mr. President, I have already complimented Senator SANTORUM and Senator LIEBERMAN for their joint work on most of the provisions of this legislation. I am happy to have Senator SANTORUM, who is also a member of the Senate Finance Committee, manage a bill that he has been central to getting those provisions into law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I thank the Senator from Iowa, the chairman of the Finance Committee, for his kind words and his cooperation. I thank the ranking member of the committee for his cooperation.

There are some things in this legislation that he is not particularly enamored with, but he was most cooperative and helpful in moving the legislation forward. We are now at a point where we are within 24 hours of passing the legislation. Most of all, I thank my colleague from Connecticut, Senator LIEBERMAN, who has been a faithful partner—to use a play on words—a faithful partner in putting this initiative together.

We have worked together closely with the President, who has been truly the motivating force to try to provide some ammunition to the armies of compassion out there on the front lines every day, fighting for hope and opportunity for the millions of Americans who have yet to realize their dreams in dealing with the problems that confront them.

The President has, through his faith-based initiative, been very clear in the role of charitable organizations, particularly people of faith within those organizations, to heal many of the ills that confront society. We are a society that, while very prosperous by any measure, even at a time of economic downturn that we are experiencing right now, we are still the wealthiest country in the history of the world. With that great wealth comes responsibility. So many people have taken up that responsibility, trying to meet and serve those who in a society of great wealth have experienced a multitude of problems in trying to achieve, both from the economic perspective but again, as I said before, pursuing their dreams.

This piece of legislation, while it is not everything the President requested—it is not all of his faith-based initiative—certainly gets at one of the most important components which is the one funding organizations which do charitable purposes or have charitable purposes.

No. 2, there is a provision called the Compassionate Capital Fund which is grants to small organizations with less than six employees or less than $3½ million in funding, to go out and be able to, for the first time, compete for Federal funds.

A lot of these small organizations, most of which are faith based in nature, have not been successful in applying for government grants principally because they don't have the resources or the expertise to do so. When you are running a food pantry with one or two people, most of whom are part-time employees and many volunteers, you don't have the expertise to apply for Federal grant dollars or any other kind of grant dollars. You try to do what you can to make ends meet. This provides the kind of technical assistance necessary for a lot of smaller, mostly inner-city organizations that right now do not take advantage of the money available through the Federal Government, again, whether they are faith based or not.

Most of these organizations are faith based in nature so there is a faith component to this. As I will show later, many of the provisions in the act will have a disproportionate benefit to charitable organizations which are faith based.

It doesn't accomplish a couple of the things the President set out to do. The issue Senator DURBIN spoke of earlier having to do with equal treatment, even though it is not in this legislation, let me address it very briefly and then maybe in more detail later on.

The whole concept of equal treatment is to allow those who have some element of faith within their organization—and there is a whole range across the charitable organization horizon. There is a whole range of faith, how much faith is integrated into those organizations—some are, to use the term, "saturated" or completely faith based in nature and expressively faith based in their programs, to the whole range of the other side which are those that are exclusively secular and even to some degree hostile to faith. In between there are gradations.

What the President has tried to do is instead of, as we do right now, as we did prior to the 1996 welfare reform, which allowed for charitable choice, in other words, for some government programs to go, these dollars to go to faith organizations, we sort of eliminated all these people of faith and all these organizations that have faith as a component of their mission or their vision or their program and left it to a very rather narrow category.

We, in 1996, on the Senate floor, with President Clinton signing it, said we would stop that discrimination against people of faith who wanted to act based on their faith to help their fellow man, as long as they didn't do certain things such as use it for faith worship or proselytizing, things that are not delivery of service.

We expanded greatly the range of faith organizations and nonfaith organizations. We expanded greatly those who can participate in government funds. When you do that, you run into some problems, some questions.

We have seen tremendous success and very few cases where problems have arisen, but in the areas where they have, there have been questions as to what government statutes apply, what provisions or regulations apply to faith organizations as opposed to nonfaith organizations.

One of the principal questions has to do with people's religious liberties and their ability to practice their faith bumping up against other rights. The one that the House of Representatives dealt with and the Senator from Illinois referred to had to do with the issue of employment and whether religious organizations which are provided with government funds can say that someone cannot work for that organization or they can refuse to hire someone who works for that organization who doesn't share that organization's values with respect to tenets and teaching of the faith which is expressed through their program.

One of the things I believe is essential to a lot of faith organizations, one of the reasons that faith organizations should be and need to be included in providing social services, is that a lot of these faith-based organizations don't just treat the symptom. They don't just treat the hunger, if it is someone who comes in for food assistance, or they don't just treat the dependency on drugs or alcohol, if someone comes in for addiction treatment. It doesn't just treat the problem of a lack of a GED or education, if someone comes in for education and training. What they do, because of their mission, they treat the mind. They treat the spirit and they treat the emotional well-being of this person. They treat the whole person. That is one of the keys to success in trying to truly turn people's lives around in a way that brings them back into productive life in America.

The key to these faith organizations is having people who have this mission they share out there teaching and bringing people in based on a certain core value structure. My argument is, we should not discriminate against people who have programs that are value laden—those values may be based on Scripture, the Old or New Testament or some other book—as opposed to saying we are going to discriminate against you because the values you have are based upon a religious belief, as opposed to an organization that is secular and its values are not based on a religious belief. I don't understand the reason for the discrimination. I don't believe it should exist.

I have had this discussion in brief, and we can talk more about it. I am sure we will. But having said all that, none of that is in this bill. We decided not to have this issue before us today because the need of getting resources out to the charitable organizations meeting human service and educational and other needs is, frankly, too urgent.

While we will debate this—and I am sure others will want to debate this issue—the true debate will wait for another day. That will be when the welfare reauthorization comes up. That is where this whole conversation of charitable choice and allowing faith-based providers to participate in government grants came about, back in 1996. And it is where we should continue that debate. I pledge to you that whether we get that bill or have that amendment in committee, or whether we bring it to the floor, this will be a topic of discussion and one I encourage all Members to think about and participate in.

But the charitable crisis is real, and that is why I agreed—and my colleagues in the House have been more than cooperative in putting together, hopefully, a compromise we can quickly get to the President's desk. We understand the crisis is real. Adjusted for inflation, charitable giving 2 years ago, in 2001, was 2.3 percent lower than in 2000. You have to remember at the end of 2001, unfortunately, we had to deal with the aftermath of 9/11, where there was a tremendous outpouring of giving. Even with that outpouring of giving, because of the sluggish economy, charitable giving fell again last year. Corporate giving fell again between 2000 and 2001 by 14.5 percent.

Again, we don't have the final numbers for 2002, but it was supposed to be off again last year. We saw the American Red Cross—I'll give a couple of examples. Their contributions declined anywhere from 20 to 60 percent; Salvation Army, off 5 to 10 percent; United Way, off 4 to 5 percent. We can go on and on. Colleges and universities saw a decline in the amount of charitable giving to their organizations, too.

So what we are doing is trying to respond in a comprehensive way. When I say that, I mean if you look at this bill, it is carefully crafted to provide incentives for all different types of givers—corporate, foundations, and individuals who don't itemize on their tax forms. By the way, if those with IRA rollovers want to give money to charitable organizations, they can do so without having to pay taxes under this legislation. So whether it is the small giver to, hopefully, the retiree, or someone who has a large IRA, or corporations who may want to give more money—all the way down the line to food donations, which is another area where the Senator from Indiana, Senator LUGAR, has a provision in this legislation that I think is very important, we have a provision that will encourage literally billions of dollars of additional food donations over the next several years by providing a tax incentive for corporations; but for the first time, partnerships, individual proprietors, and S corporations will be able to take the fair market value of their donation as a deduction—it is up to twice the cost of the basis of that food item—as a deduction for giving to charitable purposes.

We have about a billion pounds of food donated right now to people in America to help feed the hungry in America. It feeds about 26 million people. There are 96 billion pounds of food wasted in America. That is just an enormous amount. It is almost incomprehensible that we are talking about that amount. When you consider the fact that roughly 1 billion pounds of food donated helps feed 26 million, can you imagine, if we just increase it by a very small percentage, the amount of donated food there could be and how many people we could feed in America?

Senator LUGAR's legislation is included. We believe it will make a dramatic impact on hunger in America. There are a lot of other provisions.

I see my colleague from Indiana, Mr. BAYH. I will be on the floor for a while. I want to give him the opportunity to share with us some of the things he has been active with. He has a provision in the legislation he has shepherded through the process. I will have him talk about that. He has also been a champion and strong supporter of this legislation and the entire package from day one. I thank him for his support, and I appreciate him coming to the floor to talk about this issue.

I yield the floor.

Mr. SANTORUM. Mr. President, I see the Senator from Indiana. I yield to him as much time as he may consume.

Mr. BAYH. Mr. President, I thank my colleague from Montana for his leadership, his friendship, and his devotion to this issue. I have listened with interest to his comments about the importance of ensuring that the incentives in the bill actually increase the charitable giving, as intended, and that we not inadvertently run a risk of lack of compliance. I concur with those sentiments and the need for a study to make sure we accomplish what it is we intend to accomplish.

I also want to begin by thanking our colleague from the State of Pennsylvania. It is fair to say we would not be here today without Senator SANTORUM's leadership. He has been persistent and willing to strike principled compromises. It has not always been easy, but it is to his credit in choosing to make progress rather than just having an issue. I thank him. Thanks to him, we are on the cusp of a significant breakthrough with regard to doing some things that will, in fact, lead to better care for the American people.

To our other colleagues involved in the effort, including Senators LIEBERMAN, NELSON, GRASSLEY, and my colleague from Indiana, Senator LUGAR, I salute them. I observe that at a time and in our body that is too often driven by politics and partisanship, this has truly been a bipartisan undertaking.

As I have observed before, just as faith can move mountains, perhaps it can also bring together Members of the Senate and span the political divide that too often separates those of us on one side of the aisle from the other. That is a good thing that the debate has brought to the Chamber—a greater sense of comity and devotion to progress and bipartisanship.

I reflect today, as our military men and women are in harm's way in Iraq, on the fact that our country's greatest military strength lies not in our weapons systems, not in the planes, the tanks, and the missiles, as important as they are but, rather, in the character, the bravery, and the courage those men and women honor us by demonstrating in the defense of our national security interests—just so our greatest strength domestically is not the financial markets we enjoy, not the technology or the factories, as important as they are to our prosperity. Instead, it is the innate goodness and spirit of the American people. That is what we celebrate today, Mr. President. That is what we advance with this legislation, and that is why I am such a strong supporter of the CARE Act. Through its provisions, we will enlist literally tens of millions of our fellow citizens in the urgent cause of making this country an even better place.

As my colleague mentioned, about 70 percent of American taxpayers currently do not itemize. The provisions of this legislation that will allow their charitable contributions to be tax deductible will enlist literally tens of millions of our fellow citizens in philanthropy, charity, good civic works, community level to address the urgent needs of our time: Homelessness, hunger, medical needs, fighting drug and alcohol abuse and addiction, teen and juvenile violence—these sorts of things—helping to mend the social fabric that is in too great a risk these days.

Very often, as my colleagues know, we get consumed in this Chamber in debates not about whether these urgent tasks are being performed, but instead about who is performing them. Mr. President, my strong sense of where the American people stand today, and my strong sense of where the Senate needs to stand today, is on the side of those who are getting these works done, effectively addressing the needs of the American people.

When it comes to housing the homeless, feeding the hungry, caring for the sick and afflicted, it is more important these tasks are being accomplished in the most effective way rather than getting bogged down into who is accomplishing it and exactly how.

We will enlist thousands of additional organizations, empower them, and increase their efforts—church groups, civic groups, other groups dedicated to doing good deeds, who enlist our citizens in the cause of not only doing well but also accomplishing good, and that is vitally important for the future well-being of our great society.

There are two additional points I think should be remarked upon. Senator SANTORUM alluded to the first. It is the individual development account provisions of this legislation. It involves a bringing together of the best thinking on both the left and the right. This provision would empower those who are less fortunate in our society to get a stake in the American dream, a stake toward owning a first home, starting a small business, going to college—the kinds of activities that will lead to greater prosperity and progress for individuals who currently do not have much in the way of hope for either. It gives them a property interest and a stake in the marketplace in which traditionally those on the ideological right would have a greater interest, but it focuses the property interest and the competitiveness in the marketplace on those who are less fortunate, giving them all an opportunity to make the most of their God-given talents, something that those on the ideological left speak to with great fervor.

This is a provision that brings the best of thinking across the ideological spectrum, regardless of ideology, to do what is right for the American people. That is why it is a sensible and important step that is included in this legislation.

There is something else in this legislation that is near and dear to my heart. We have an outstanding example in my home State of Indiana. I know my colleague from Pennsylvania has spent a great deal of time thinking about how to break the cycle of poverty. He has worked extensively in the area of welfare reform. As a matter of fact, to set an example for his colleagues of actually reaching out to individuals who have been in the welfare system and not only moving them from welfare to work, but moving them into jobs in his own office. I salute him for that success. Again, it is an example we would all do well to emulate.

As the Senator from Pennsylvania knows well, we spend hundreds of billions of dollars in this country dealing with the manifestations of what really are deeper underlying causes. If one looks at the causes of welfare dependency, at the causes of juvenile violence, teen pregnancy, alcohol and drug abuse, educational and economic underperformance, all too often one will find the root causes of these manifestations and all the expense we go to in how we treat our children.

There is an important provision in this legislation in this regard. It deals with maternity homes. We have an outstanding example: Saint Elizabeth's in Jeffersonville, IN, in Clark County. It is an outstanding example of how this money can be leveraged not only in helping the teen mothers but in helping the children and, in so doing, helping taxpayers and the rest of society.

Their experience indicates that 90 percent of these young women who are expectant mothers who have the benefits of the services of Saint Elizabeth's go on to finish their high school education, to get a diploma, to accomplish that first educational step on the ladder toward a more successful life.

It is about the same percentage for their children. New babies are born healthy rather than with serious health problems. And about the same percentage of those new mothers do not go on to have additional children out of wedlock. So it is good for the mothers because they finish their education, it is good for the children because they are born healthy, and it is good for society because we deal with some of the root causes of poverty, homelessness, teen violence, drug and alcohol addiction, and education underperformance, and in so doing, help society as a whole and the taxpayers in addressing these problems at the root cause, rather than waiting to address the symptoms, the manifestations at a later stage.

I am pleased to join with my colleague. This legislation, frankly, has been too long in coming, but here we are on the cusp of a great step forward to make our Nation not only more prosperous, not only more secure, but more decent, more compassionate, more just. That, at the end of the day, is the test of a great society and a great nation, measured not only by the strength of our arms as being demonstrated abroad as we speak, not only in the size of our gross domestic product, as important as that is, but in the opportunity and the decency we demonstrate to our fellow citizens in the course of their daily lives and in our own.

For all those reasons, Mr. President, I count myself a strong supporter of this legislation. I again thank the Senator from Pennsylvania. Without his efforts, we would not be here. I thank those on our side of the aisle who worked so hard on this legislation. I am hopeful that in short order we not only can pass this bill and send it to the President for signature, but, in so doing, help millions of our fellow citizens. I thank my colleagues for their time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Indiana for his overly kind words with respect to my participation in this legislation. The Senator from Indiana has been truly one of the people out front and has been very supportive. I cannot count the number of press conferences I have asked the Senator from Indiana to be at trying to keep this ball rolling, and at times with a very busy schedule. He has always found time to associate himself with this cause and to continue to make sure it was on track in a bipartisan way.

That is how we get things done around here. I am very happy to have him as one of the prime cosponsors of this legislation. I again appreciate very much his kind words, but even more so appreciate his tremendous effort on making this legislation a reality.

I see the Senator from Rhode Island. If he is on a time schedule, I will be happy to yield the floor to provide him an opportunity to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senators GRASSLEY and BAUCUS for bringing this important legislation to the floor, but I particularly commend and thank Senators SANTORUM and LIEBERMAN for their principled and tireless efforts to bring this legislation to the floor and for recognizing that original versions of this legislation contained elements that were, to say the least, controversial.

Senator SANTORUM particularly recognized the need to provide additional resources to faith-based organizations and other charitable organizations through new incentives in the tax code to encourage people to contribute to charities. All of these issues compelled him to make a very difficult choice, a very important choice, and I think a very statesmanlike choice to send to the floor today a version of the bill that I assume will get the unanimous approval of this Senate.

It recognizes our shared belief that the more resources we can direct to organizations that are committed to helping people, the better off we will be. The increase in the social service block grant is a tremendous step forward and is something I know I am proud of, but certainly the Senator from Pennsylvania has to be very proud of because he is the principal architect of this effort, and the new tax advantages also are very important.

Indeed, Senator SANTORUM and Senator LIEBERMAN worked very hard to improve legislation that in the other body was submitted as the Community Solutions Act of 2001, known as H.R. 7 in the 107th Congress. That legislation contained a number of controversial and potentially unconstitutional provisions, but they worked very diligently, very carefully, very thoughtfully to eliminate those provisions from their bill and ultimately today to bring this legislation to the floor, which I think and believe will get, as I said, unanimous approval by this body. Certainly I approve of it.

The CARE Act is going to provide increased resources for needed social services, and it is going to do so without including at this juncture troubling provisions that were in the original House bill. I know the Senator from Pennsylvania reserves his right to engage again on this issue—in fact, I believe he will exercise his right in all forums, and that is the glory of this body, and we shall engage in more extended debate, I think, in the future. But this afternoon is an opportunity to commend him, thank him, and recognize his wise and statesmanlike conduct. I again thank Senator SANTORUM.

The debate about church and state in this land precedes, indeed, the Constitution of the United States. It has been ongoing since the early days of the American experience. Religion has been an important part of our national life throughout our history. Indeed, European immigration in large part was motivated by the search for an environment conducive to freedom of conscience and religious exercise unhampered by State involvement.

Today, in the year 2003, religion remains a vital force in our national life and religiously affiliated institutions play a critical role in the provision of social services. For example, in 1996, Federal, State, and local governments granted $1.3 billion to Catholic Charities USA, comprising 64 percent of its budget. In 1999, 53 percent of Catholic Charities' budget came from State and local governments, and an additional 9 percent came from the Federal Government.

In 2001, United Jewish Communities received a Federal grant of $59.8 million. If indirect payments were included—for example, Medicaid, Medicare, vouchers, or food stamps—the amount flowing through religious organizations would be significantly higher.

Both of these mission-driven, faith-based groups are independently or separately incorporated as nonprofits and both are able to distinguish their religious activities from their secular social services activities.

So an initial point we must recognize in the debate about faith-based initiatives is that it is not whether religious groups will or should play a role in the spiritual and temporal lives of Americans—they do, and they will continue to do so—nor is the question about whether the government discriminates against faith-based charitable groups. The question is how the important roles faith-based organizations play can continue to meet the constitutional requirement of separation between church and state, both as a matter of law and as wise public policy.

This constitutional standard has strengthened religion in America compared to other countries around the world. We can see on the nightly newscasts the effects of intolerance across the globe, of established religions battling other beliefs. In America, we have been spared much of that. I believe it is directly attributable to the wise condition included in the First Amendment.

My awareness and sensitivity to these issues might spring in large part from my roots growing up in Rhode Island. As a child, I learned the history of Roger Williams and the founding of the colony of Rhode Island and Providence Plantation. Upon leaving the enforced orthodoxy of the Massachusetts Bay Colony, Roger Williams started a settlement that ultimately became Rhode Island. This settlement was founded on his belief, in his words: "that no man should be molested for his conscience."

The spirit of Roger Williams was captured by his contemporary, John Clarke, in the petition for a new royal charter by the people of Rhode Island in 1663. In his words, the people of Narragansett Bay:

> have it much in their hearts, if they may be permitted, to hold forth a lively experiment, that a flourishing and civil state may stand, yea, and best be maintained . . . with a full liberty in religious commitments.

As a result of this religious liberty, Rhode Island became a refuge for people persecuted for their religious beliefs elsewhere. And Anabaptists, Quakers, and Jews settled in Rhode Island because of its commitment to religious liberty and tolerance.

This lively experiment became a model for the Founding Fathers and helped lead to the drafting of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In explaining what the First Amendment meant to the Danbury Baptist Association in 1802, Thomas Jefferson wrote that the combined effect of the establishment and free exercise clauses of the Constitution was a "wall of separation between church and state."

Jefferson's comments were not unique to him. Senator DURBIN has already made a reference to President James Madison. President Madison made what was meant by this separation of church and state extremely clear in several messages he delivered on Government funding of religious endeavors. In 1811, he vetoed a congressional bill granting the use of some Federal land to a church in the Mississippi territory. President Madison stated:

> Because the bill in reserving a certain parcel of land in the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds to the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that "Congress shall make no law respecting a religious establishment". . . Resolved. That the said bill does not pass.

Indeed, I find it interesting that conservatives would so cavalierly dismiss so much of the history of this country and disregard so many of the fundamental principles of the Founding Fathers. President Bush and his conservative followers want to transform the relationship between church and state by directly funding pervasively sectarian organizations. He has done this by regulation and by Executive order, since he has largely been unsuccessful in accomplishing these tasks through the legislative process.

Just consider some of the changes that he has advanced thus far. In a June 2001 Department of Justice memorandum, the Department of Justice took the legal position that faith-based organizations that are given Federal taxpayer dollars to run governmental programs should be able to engage in employment discrimination on the basis of religion. Subsequent to this memorandum, the President by Executive order overrode a rule first enunciated by President Franklin Roosevelt that the Federal Government should not give contracts to employers who engage in discrimination on the basis of religion. Thus, it is now the position of the White House that government contractors can discriminate.

The President believes the government should fund faith-based organizations who use proselytization and prayer to cure drug addiction and other social programs. In his State of the Union Address, President Bush cited one such program in Louisiana that expressly combats drug abuse with faith. The head of another often-cited religious program, Teen Challenge, boasted to Congress that he was not only able to get kids to stop using drugs, he converted Jews into Christians in the process.

In newly proposed HUD regulations, the Administration says that Federal funds can be used to construct a religious building used for religious activities if the building also can be used for a public purpose such as counseling or a food pantry. At least that is the proposal.

With these and other initiatives, the President is attempting to breach the wall the Founding Fathers set up between church and state. These initiatives are clearly designed to fund proselytization and to promote certain types of religion.

There are legal challenges being raised to many of these proposals. But the long and short of it is, we have an opportunity to debate and to decide these issues through the legislative process, and we have an obligation to do so. And when there is a more robust, more extensive attempt to legislatively condone or sanction these faith-based initiatives, I believe there are going to be three major areas we will need to address.

One area is effective restraints on proselytization with taxpayer funds. The second is compliance with local regulatory standards in the delivery of public programs. And the third is prohibiting the use of public funds in employment discrimination.

First, with respect to proselytization. If the separation of church and state means anything, then in my mind, it must mean that no American should be compelled to pass a sectarian test or participate in sectarian exercises to receive a public benefit. This principle should be included in legislation and not left to the more shifting sands of regulatory pronouncements.

Second, many advocates of faith-based initiatives argue that they simply want a level playing field. Let's take them at their word. If State licensing arrangements are appropriate and necessary to protect children in publicly funded programs, why should religious providers be exempt from such licensing requirements? If we consider this issue, we will need to look for the even application of local and state laws, particularly laws with respect to the protection of children and public health. This is what we will need to do in order to truly create an even playing field.

Finally, we must address the issue of employment discrimination. Title VII provides an exemption for religious groups in certain situations. In the Amos case, the Supreme Court held that a religious group using its own funds may claim the Title VII exemption. In the words of the Court, the purpose of the exemption was to alleviate "significant governmental interference with the ability of religious organizations to define and carry out their religious missions."

Today, with respect to the Administration's proposal, we must recognize that rather than seeking autonomy from governmental interference, religious groups are seeking taxpayer funds to carry out governmental responsibilities. Indeed, in the one unreported case that has ruled on the use of public funds in this way, the court, in this labor case, concluded that the title VII exception does not apply.

As James Madison said in 1785, in his "Memorial and Remonstrance Against Religious Assessments," in opposition to a proposal by Patrick Henry that all Virginians be taxed to support teachers of the Christian religion:

> If "all men are by nature equally free and independent," . . . above all are they to be considered as retaining an "equal title to the free exercise of Religion according to the dictates of conscience." Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to man, must an account be rendered.

All of this leads me to my final point. In the words of the New England poet, Robert Frost, "Good fences make good neighbors." What might be permissible under the law does not always guarantee the wisest policy.

We need to remember that as we debate the President's faith-based initiative, religion has thrived in America because few people confuse religion with government. Religion has been a citadel of conscience and a check on government because it draws its strength and its support from its adherents, not from bureaucratic patrons.

The religious communities of America that have been unequivocally supporting the President's attempts to allow discrimination with Federal dollars might be mindful of the old saying: Be careful of what you pray for.

As the House of Representatives has made clear, we are going to be discussing this issue in the upcoming months on welfare, SAMSHA, National Service, and other programs. It is my hope the Senate will undertake a more careful look at how the charitable choice provisions in these bills inhibit the free exercise of religion, rather than encourage it.

Again, I thank the sponsors and the chairman and ranking member of the Finance Committee for bringing this bill to the floor. This is something we will all support, and we will do so with the notion and the idea and the commitment to provide resources for people who want to help other people, and do so consistent with the spirit and the letter of the Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Rhode Island for his kind remarks with respect to the compromise that Senator LIEBERMAN and I have engaged in to move this legislation forward. I appreciate his support of this legislation, as I do that of all of my colleagues.

As he stated, and he is correct, I do take issue with his perspective on the issue of charitable choice and the funding—allowing of government funds to be used by organizations that have some element of faith within their structure, whether it has been the guiding principles of the organization or with the programs that they administer.

I do not believe it violates the "separation of church and state." I do believe organizations of faith should not be discriminated against. We should not be in the business of just funding a set of organizations that have no faith component in them at the expense of those that do—for a lot of reasons, not the least of which is there is a lot of evidence out there, most of which is anecdotal I understand, but a growing body of evidence that organizations of faith are much more effective in dealing with problems, particularly the more systemic problems that we have.

But I object to the underlying premise of this argument that somehow or another we are violating the Founding Fathers' understanding of the separation of church and state.

I talk at a lot of schools. I ask kids: What words are in the Constitution, "the free exercise of religion" or "separation of church and state"? Usually about 75 to 80 percent of the kids say, "separation of church and state" is in the Constitution, which of course it is not.

The Senator from Rhode Island talked about the genesis of that in referring to one of the Founding Fathers, referring to the establishment clause as erecting a wall of separation between church and state. But what were they talking about? They were talking about certainly the country from which they came, which was England, which had an established church. The Government funded the church, as many European countries did historically, for long periods of time. Certainly prior to the Reformation, the Catholic Church was intertwined very much so with the state. After the Reformation, each reform church had its own country and was funded in many cases.

People came to this country for religious freedom. They did not want an established religion. But even at the time in America there were certain colonies that had affinities for different religions. Maryland, for example—neighboring Maryland was considered more of a Catholic colony. Pennsylvania was home to the Quakers—on down the line.

There was a concern that that could come over here to this country, so they put in this clause that we should not have an established religion.

The difference is between the constitutional provisions that allow for the free exercise of religion and the prohibition against the establishment of religion. But this is really about freedom of religion; in other words, to practice whatever religious tenets you want and for the government not to get in your way in doing so.

What some are really arguing is freedom from religion, which I can tell you is completely antithetical to what our Founding Fathers believed.

We will have this debate. I am looking forward to it because I think it is important for the Senate, arguably the greatest deliberative body in the world, to talk about these important issues.

The role of faith in our society is central. It is central to the success of America. One of the reasons we are a successful country is because we are a faith-filled country. One of the reasons we are a faith-filled country is because we have a tremendous marketplace of ideas, whether it is the street-corner preacher or the old church down the street that has been there for centuries.

We have a marketplace of ideas of faith and that is what makes us: People out preaching the Word, talking about the values that faith imparts and the messages that faith imparts and its relevance to people's lives.

Here is a statistic I just marvel over. There are more people who go to church in America over a weekend, church and synagogue and temple, than to all the sporting events throughout the entire year in America. On one weekend, more people go to their places of worship than to all the sporting events that are held in America over the course of a year. That is remarkable. It is a great thing about America. It is what makes us unique. It is because we have not established religion. But it is not because we are saying people need to be free from religion. I think that is one of the concerns I have with the tack that the Senator from Rhode Island was taking.

Let me mention a couple of issues. Again, this is the beginning of a debate that is not about this bill. I repeat, we have taken everything having to do with the concept of equal treatment out of this legislation. We will save that debate for another day. But there are some things in this legislation I would like to address very briefly.

I see the Senator from New Jersey. I will not keep him long.

One of the items I am most excited about in this legislation is a provision called individual development accounts. Senator LIEBERMAN and I and Senator FEINSTEIN and many others, who have been advocates of this legislation for quite some time, are very excited about it being part of this initiative. Individual development accounts are a matched savings account for low-income and low- to moderate-income individuals who will have an opportunity to put up to $500 a year into a savings account and have that matched, dollar for dollar, up to $500. So it will be $1,000 total.

It is an exciting opportunity for these individuals to be able to put money aside. For what? So they can put it aside for three reasons: to buy a home, to get education, higher education, or, in some cases, technical training, vocational training, as well as start a small business, start a business. So it is a way for people to save for events in their lives that can transform their future economically: better education; a home, a place where they can save, invest, and build equity.

As everybody knows in this Chamber, the place where most people have the bulk of their savings is in their home, in the equity they have in their home. So the opportunity for home ownership, and having that money for a downpayment, is so important. And IDAs create that opportunity.

And finally, for starting that small business, being that entrepreneur—that spirit really drives America and really is the ladder of success so many people in America have access to—we want to create a nest egg for people to be able to buy that first piece of equipment. If you want to start a landscaping service, you can buy that lawn mower, you can buy the other tools you need to do that job, or a variety of other interests people get engaged in as their first business.

So we, Senator LIEBERMAN and I, are very excited about this opportunity. We think it builds not just the opportunity for access to the home or to the education or to that small business, but it builds the virtue of deferred gratification. That is a virtue we sometimes do not practice very much in America, but it is a virtue of delaying the expenditure of that dollar, to put it aside, to save it for something that is more important than what you immediately have before you. And when I am talking about gratification, I am not talking about luxuries. I am talking about maybe simple things, maybe very minor things in the lives of people who are low to moderate income. But deferring that to something that may be transformational in their lives is really something we should create incentives to do because, again, it helps people move up that ladder of success in America.

I see a couple of my colleagues are in the Chamber. I am happy to yield the floor for their input.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleague from Pennsylvania.

Mr. DORGAN. Will the Senator from New Jersey yield for a consent request?

I ask unanimous consent that I be recognized for 10 minutes, following the Senator from New Jersey, to speak on the bill.

Mr. SANTORUM. Reserving the right to object, I may have a Senator on the way down to the Chamber who is trying to fit in here. How long is the Senator from New Jersey going to speak?

Mr. LAUTENBERG. Less than 10 minutes.

Mr. SANTORUM. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Once again, I thank my colleague from Pennsylvania. And I assure my friend from North Dakota, although it is not my time to give, I am happy he is going to be recognized.

Mr. President, I want to take just a few minutes to talk about the legislation before us, the CARE Act, and note its timeliness, because I think fundamental to a lot of good ideas is the fact that it is time to encourage participation in the spirit of harmony and unity within our country.

I have been struck by the fact I have not heard a call for either participation or voluntary—call it sacrifice, if you will, although compared to what our young men and women are doing in Iraq, nothing we are going to do here looks like that much of a sacrifice—but it does show good intent. To me, that is important.

So I am pleased the sponsors of this bill, Senators LIEBERMAN and SANTORUM, have agreed to make this more palatable by removing controversial language that raised some constitutional and civil rights concerns.

The bill contains several very good provisions, including changes to the Tax Code we all hope will increase charitable giving and certainly encourage the spirit of charitable giving, as well as being an incentive.

In addition, the bill increases funding for the social services block grant by over $1 billion. That will restore some of the cuts that have been made in the program over the years. This increase in the social services block grant funding will benefit thousands of Americans who are suffering in this economy, who truly need help.

If the President's faith-based initiative means anything, then, obviously, this dedication of funding for charitable work by religious and secular charities confirms that is an appropriate thing to do; that is, to look to our charitable interests to firm up the fact we do feel some commitment to commemorate the sacrifice that is being made by so many.

If this funding disappears in conference, I think it would be tragic because it would say, OK, if it passes the Senate—and I certainly hope and believe it will—and then suddenly this mystery hole opens up between here and the House of Representatives—and these things often fall in it—then it is left to people who have a curiosity about what happened, as they say, on the way to the other forum, when things just disappear. But it is a convenient sleight of hand for those who really don't want to support it but don't want to be identified with withdrawing their support.

So even though this bill is silent on civil rights issues, the President's overall faith-based initiative contains some disturbing civil rights problems. The President has announced several policies that I think should trouble Americans who care deeply about civil justice and equality.

The President has issued an Executive order that authorizes organizations that receive Federal funding to discriminate in employment—it is based on religion—for Government-funded positions. That is not fair, it is not appropriate, and I certainly don't think it is appropriate for faith-based organizations.

A policy that says "Catholics need not apply" should never, ever be funded by the Federal Government. If a religious group wants to restrict employment with their own money, that is their business, but they should not be able to discriminate in staffing up Government programs paid for with public dollars, tax dollars.

The American people agree. A poll by the Pew Forum on Religion and Public Life found that 78 percent of Americans oppose allowing religious groups that receive Federal funding to discriminate in employment.

And it is not merely a hypothetical problem. It is a real-life problem.

In Georgia, a man named Alan Yorker sent his resume to a Government-funded faith-based program for troubled youths. The position he sought was paid for with taxpayer dollars. The faith-based group said they were impressed with his resume and called him in for an interview. When Mr. Yorker arrived, he was asked to fill out an application form. The form asked for the name of his church. He wrote in the name of his synagogue. It also asked for the name of his pastor, and he filled in his rabbi's name.

When he sat down for the interview, he was told, straight out, they don't hire Jews. A former employee of the organization later told Mr. Yorker they usually throw resumes with "Jewish-sounding names" in the trash, but they did not recognize his last name as Jewish.

This was a taxpayer-funded job to perform social service work pursuant to a Government program. And President Bush thinks maybe it is OK to deny someone employment because they are of a different persuasion.

The administration thinks it is fine for a Government-funded program to tell a Catholic or a Mormon they can't get a taxpayer-funded job simply because of their religion. Well, I disagree. I think it is wrong. And I am going to join my colleagues, Senators REED and DURBIN, in fighting it during this session of Congress.

Again, I commend the sponsors of this legislation. The Senator from Pennsylvania did a very good job, I believe, in developing this legislation, for removing the controversial provisions from the bill before us.

I hope the bill will further the good work that faith-based and secular charities do every day. While this bill moves in the right direction, the administration is on, I believe, the wrong track regarding civil rights. I hope the President will reverse that course.

Mr. President, our faith should bring us together, not divide us.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a good piece of legislation. I am pleased to rise in support and pleased particularly that it is bipartisan legislation that advances very important interests.

A wise old fellow from my small hometown once asked me if I had ever seen a U-Haul hooked up to a hearse. I said: No. He said: Well, it goes to show you, you can't take it with you.

He is right. You can't take it with you. The question is, What do you do with the resources you develop over a lifetime? It seems to me you find ways to help other people.

There is an old saying that we make a living by what we get but we make a life by what we give. The issue of charitable giving and providing nourishment and incentives to the notion of charitable giving is a very important impulse. This legislation advances that in a significant way.

Two years ago I introduced S. 1375, and then, in this Congress, S. 283. I am pleased that these provisions were included in this legislation by the Senate Finance Committee. Let me describe what they are and why they are so important.

The provisions in the CARE Act that relate to the legislation I have introduced, with some of my colleagues, allow individuals to make tax-free outright gifts to charities from their IRAs at age 70½ and charitable life-income gifts at age 59½. The reason that is important—to be able to make tax-free gifts from IRAs to charities—is they won't face adverse tax consequences when they rollover that money from their IRAs. The detrimental tax consequences have persuaded some that they can't roll these assets over into a charity.

I heard from a good many charities, when I introduced this legislation 2 years ago, that people frequently ask them about being able to give to a charity by using their IRAs to make the donation itself. But many donors decide not to make a gift from their IRA after they are told about the potential tax consequences. Tax-free charitable IRA rollovers will eliminate this concern completely.

In his fiscal year 2004 budget, President Bush proposed allowing individuals to make tax-free outright charitable IRA rollover distributions after age 65. That proposal has a lot of merit. But the approach taken in the Public Good IRA Rollover Act, S. 283, and that's included in CARE Act, is superior because it will not only allow direct charitable IRA rollovers, but it will allow tax-free life-income gifts from the IRA at age 59½. That means the assets can be donated to the charities, but the donor retains an income stream from those assets. This approach would stimulate more charitable giving, while comporting with the federal government's policy of encouraging individuals to provide for and safeguard adequate resources after retirement. This is a very important provision that could put billions of dollars of additional dollars from a new source to work for the public good.

I'm told that a senior Salvation Army official once said that "providing for IRA charitable rollovers would be the single most important piece of legislation in the history of public charitable support in this country."

I don't think he necessarily understates the proposition. Charitable giving is critically important. The mechanisms by which we incentivize and nurture charitable giving are in this legislation and will advance the interests of charitable giving across the country.

Let me make another point. This legislation contains more than just that provision. I single that provision out simply because I have been working on it a couple of years.

I ask unanimous consent to print in the RECORD a list of principally North Dakota organizations, 18 of them, that have been working with me on this proposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA & FARGO-MOORHEAD CHARITIES THAT HAVE ENDORSED THE CHARITABLE IRA ROLLOVER

1. North Dakota State University Foundation, Fargo, ND; 2. University of North Dakota Foundation, Grand Forks, ND; 3. Bethany Homes, Inc., Foundation, Fargo, ND; 4. Red River Zoological Society, Fargo, ND; 5. Fargo Catholic Schools, Fargo, ND; 6. Oak Grove Lutheran School, Fargo, ND; 7. Meritcare Health System, Fargo, ND; 8. Evangelical Lutheran Church in America, Eastern North Dakota Synod, Fargo, ND; 9. Red River Human Services Foundation, Fargo, ND; 10. Eventide Homes, Moorhead, MN; 11. Fargo-Moorhead Community Theatre, Fargo, ND; 12. Plains Art Museum, Fargo, ND; 13. Fargo-Moorhead Symphony, Fargo, ND; 14. Village Family Service Center, Fargo, ND; 15. Fargo-Moorhead Area Foundation, Fargo, ND; 16. Foundation of Grand Forks, East Grand Forks & Region, Grand Forks, ND; 17. United Way of Fargo-Moorhead, Fargo, ND; and 18. Prairie Public Broadcasting, Fargo, ND.

As of Monday, May 13, 2002.

Mr. DORGAN. The provision in the CARE that deals with charitable deductions for non-itemizers is also very important. All of this coming together is legislation I am proud to support. It is a significant step for good.

Let me say one additional point. In order to pay for these proposals—and these proposals are paid for with a revenue portion of the bill—there are additional curbs on tax shelters. I strongly support that as a matter of good tax policy. Last year, former IRS Commissioner Rossetti told Congress:

> Nothing undermines confidence in the tax system more than the impression that the average honest taxpayer has to pay his or her taxes while more wealthy or unscrupulous taxpayers are allowed to get away with not paying.

He is correct. What we have seen, with front-page stories in journals and technical publications, as well as major daily newspapers, is the growth of abusive tax shelters. Shutting those down makes a lot of sense. I don't believe that there is a provision in this bill that deals with the issue of moving corporate headquarters overseas and renouncing your U.S. citizenship in order to save on taxes. But that is another piece we ought to do as well.

I simply make the point that the other piece of this bill that is important is we pay for this, and we pay for it with good tax policy by curbing tax shelters.

There are a lot of things in this country that are done that make people feel good. One of those is the charitable giving that Americans do. Americans do a great deal of charitable giving. They do it because they know there is a need, and they know people who need help can count on others who will offer it. With respect to the provision I have been working on, there is an impediment that has prevented people from saying, I would like to roll over my IRA assets to a charity and provide that charity with resources it needs. To do that under present law significantly penalizes them through the Tax Code. This legislation responds to that.

Allen Huffman on my staff and others have worked together for a long while on this particular provision of the bill. There are other provisions that have merit as well.

I thank the manager of the bill and the ranking member of the committee who bring it to the floor. When we pass this—and we will—it will represent a significant positive step toward good public policy. I am pleased to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I congratulate Senators SANTORUM and LIEBERMAN and everybody else who has had a voice and hand in shaping and crafting the CARE legislation before us. It makes a significant contribution to the strength of volunteer organizations and charitable organizations. It is a very significant contribution to that wonderful cause and to this wonderful land of ours. I commend them.

I would like to take a moment here to highlight a provision in the managers' amendment to strengthen the ability of the Securities and Exchange Commission to detect, investigate, and punish violations of Federal securities law. This provision has been added to the CARE Act, because we have had the support and we have been able to utilize the efforts of the managers of this bill, Senators GRASSLEY and BAUCUS, and of the chairman and ranking member of the Banking Committee, Senators SHELBY and SARBANES. This is an effort that Senator BILL NELSON and I and others have been involved in for some time. Now it will come to fruition, at least in the Senate, tomorrow when we adopt this legislation, including the managers' amendment.

I also thank the Securities and Exchange Commission for its assistance in crafting this legislation and for the agency's support of our efforts to enact it into law. Senator BILL NELSON and I and others have been working on this addition to the SEC enforcement powers for a long time. We are very grateful to all those who have worked with us, including Senators CORZINE and BIDEN who cosponsored the SEC Civil Enforcement Act, S. 183, which we introduced earlier this year—in January—which is identical to the language which is in the managers' amendment.

The SEC Chairman, Bill Donaldson, is very supportive of our SEC enforcement legislation. I ask unanimous consent that a letter from the SEC Chairman supporting this provision and describing it as one that will "significantly supplement and strengthen the Commission's ongoing enforcement efforts" be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SECURITIES
AND EXCHANGE COMMISSION,
Washington, DC, April 2, 2003.

Hon. CARL LEVIN,
Ranking Minority Member, Permanent Subcommittee on Investigations, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: I want to express my thanks for your recent introduction of S. 183, your proposal to enhance the Commission's authority to seek civil penalties for violations of the Federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

I support this proposal, which was previously reflected in a bill you introduced in the 107th Congress, to significantly supplement and strengthen the Commission's ongoing enforcement efforts. I very much appreciate your steadfast dedication to supporting the work of the Commission in protecting investors.

Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942-4500 if we can be of any assistance in this regard.

Sincerely,

WILLIAM H. DONALDSON,
Chairman.

Mr. LEVIN. Madam President, here is a description of what the Levin-Nelson provision would do.

First, the provision will grant the SEC administrative authority to impose civil monetary fines on any person who violates Federal securities laws. Under current law, only broker-dealers, investment advisers, and certain other persons are now subject to administrative fines by the SEC. Our legislation will allow the SEC to impose administrative fines on anyone who violates Federal securities law, including, for example, corporate officers, directors, auditors, lawyers, or publicly traded companies, none of whom are now subject to being fined by the SEC in administrative proceedings. These fines, of course, would be subject to judicial review, as are all SEC administrative determinations.

Last year, the Permanent Subcommittee on Investigations, which I then chaired, conducted an extensive investigation into the collapse of Enron. As a result of that investigation, the Subcommittee determined that Enron's board of directors and officers and certain major financial institutions assisted Enron in carrying out deceptive accounting transactions and other abuses that misled investors and analysts about the company's finances.

The Subcommittee's last Enron hearing in December also highlighted the fact that the SEC is in need of additional tools to deal with the individuals and entities that participated in Enron's deceptive accounting or tax strategies. Our legislation would give to the SEC new authority to impose an administrative fine on anyone who violates the Federal security laws—not just broker-dealers or investment advisers, but also corporate directors or officers, employees, bankers, lawyers, auditors, law firms, accounting firms, corporations, financial institutions, partnerships, and trusts.

Second, the provision will significantly increase the maximum civil administrative fine that the SEC is able to impose on persons who violate Federal securities laws. The civil administrative fines that the SEC is currently authorized to impose have statutory maximums that, depending upon the nature of the securities law violation, range from a maximum of $6,500 to a maximum of $600,000 per violation. Again, the particular amount depends upon the nature of the violation. In a day and age when some CEOs make $100 million in a single year, and a company like Enron can report gross revenues of $100 billion in a single year, a civil fine with a maximum of $6,500 is laughable. Here is what one SEC staff stated about the current maximums in a document dated June 2002, and this explains why the agency is supporting our legislation:

> The current maximum penalty amounts may not have the desired deterrent effect on

an individual or corporate violator. For example, an individual who commits a negligent act is subject to a maximum penalty of $6,500 per violation. This amount is so trivial it cannot possibly have a deterrent effect on the violator.

Our provision would increase the civil fine maximums from a range of a maximum of $6,500 to a maximum of $600,000 per violation, depending on the nature of the securities law violation, to a range that goes from a maximum of $100,000 to a maximum of $2 million per violation. At a time when we are seeing corporate restatements and misconduct involving billions of dollars, these larger fines are critical if the fines are to have an effective deterrent or punitive impact on wrongdoers.

Third, the Levin-Nelson provision would grant the SEC new administrative authority, when the SEC has opened an official SEC investigation, to subpoena financial records from a financial institution without having to notify the subject that such a records request has been made, thereby bringing the SEC's subpoena authority into alignment with the subpoena authority of Federal banking agencies like the Federal Reserve and the Office of the Comptroller of the Currency. This authority would allow the SEC to trace funds, evaluate financial transactions, and analyze financial relationships without having to alert the subject of an investigation to the SEC's inquiry. Under current law, the SEC either has to give the subject advance notice of the subpoena or spend precious time seeking to obtain a court order to delay notification.

Cases we are seeing today involve allegations of persons using offshore accounts to move millions of dollars or engage in complex transactions that materially affect the financial statements and tax returns of publicly traded companies in the United States. The SEC must be able to look at financial records quickly without giving the subject of the inquiry an opportunity to move funds, change accounts, or further muddy the investigative waters.

This authority is particularly important in light of the PATRIOT Act of 2001, which for the first time requires securities firms to detect and report possible money laundering through U.S. securities accounts. The SEC cannot be expected to effectively monitor these anti-money laundering efforts or act quickly to trace possible terrorist financing or other suspicious financial conduct if, as is the case now, the SEC must provide advance notice to investigative subjects or obtain court orders granting delayed notification. No Federal banking agency operates under these types of constraints in its anti-money laundering efforts, and there is no reason why the SEC should. Our provision would modernize the SEC's oversight authority and bring it into alignment with the Federal banking agencies.

Last year, the Sarbanes-Oxley law strengthened law enforcement and stiffened penalties for Federal securities crimes. By enacting the Levin-Nelson provision this year, Congress would help put some teeth into SEC enforcement on the civil side. We originally offered this legislation as an amendment to the Senate bill that resulted in the Sarbanes-Oxley Act, but were unable to obtain a vote before time ran out. That is why we are back.

Investor confidence in U.S. capital markets has not been fully restored, and Congress needs to provide strong leadership to assure U.S. investors that their interests are protected. A vigorous SEC that can act quickly to impose civil fines on those who violate Federal securities laws can help restore investor confidence in the effectiveness of U.S. securities laws and capital markets. In addition, since many securities violations warrant civil rather than criminal treatment, strengthening the SEC's civil enforcement authority would help streamline the available civil enforcement options and give the SEC better tools to fashion appropriate civil penalties.

Again, I thank my colleagues for supporting this provision.

Madam President, I ask unanimous consent that a letter from the former Chairman of the SEC, Harvey Pitt, dated August 30, 2002, also endorsing this legislation be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, August 30, 2002.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: This letter responds to your letter of August 9th, seeking my views on your proposal to enhance the Commissions' authority to seek civil penalties for violations of the federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

The three additional enforcement tools you contemplate reflect recommendations we have made previously in an effort to facilitate our goal of achieving "real-time enforcement." Especially in light of recent events, I believe these proposals would enhance our efforts and the interest of investors. As you know, during this Congressional session, with the bipartisan support of Congress and the Administration, the Commission already has been given, and has begun to implement, greater authority to pursue and punish corporate wrongdoers and enhance corporate accountability. The additional authority about which you inquire would be a welcome addition to our enforcement arsenal, if the proposals achieve bipartisan support.

Again, thank you for your interest in strengthening penalties for securities fraud violations. Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942-4500 if we can be of further assistance.

Yours truly,

HARVEY L. PITT.

Mr. LEVIN. Madam President, I thank the managers and all the other persons who worked with us to get this legislation included in the managers' amendment and, hopefully, passed tomorrow.

Mr. SARBANES. Madam President, I rise in support of the Levin-Nelson provision included in the managers' amendment to the CARE Act of 2003. This provision, the SEC Civil Enforcement Act, will strengthen the Securities and Exchange Commission's authority to prosecute securities fraud violations and augment investor protection. Senator LEVIN is to be commended for his unwavering advocacy on behalf of investors and his role in ensuring that our capital markets retain their reputation as being the fairest, most efficient, and most transparent in the world.

The Levin-Nelson provision has the full support of the SEC Chairman, William Donaldson, and it has been supported by the full Commission and by former SEC Chairman, Harvey Pitt, who remarked that this provision would promote the SEC's goal of achieving "real-time enforcement." The legislation has been sought by the SEC's Enforcement Division because it will eliminate inefficiency, provide the SEC with additional flexibility, and strengthen the Commission's ability to hold securities law violators accountable for their actions.

The SEC Civil Enforcement Act effectively complements the statutory framework created by the Public Company Accounting Reform and Investor Protection Act of 2002—the "Sarbanes-Oxley Act." Against the backdrop of a series of corporate scandals and a severe drop in investor confidence last year, the Sarbanes-Oxley Act sought to take steps to ensure investors that corporate executives and financial reports are trustworthy, accountants and analysts independent, and that the SEC has adequate resources and enforcement authority to fulfill its mandate.

In its continuing, "real-time" investigation into accounting irregularities at HealthSouth Corp., the Commission has put these new powers to work. As The Wall Street Journal of April 4 noted, "the HealthSouth inquiry has already netted eight criminal convictions, accomplishing in just weeks what might have stretched across months or even years in the past."

The Levin-Nelson provision will significantly buttress the SEC's enforcement efforts in this area. I urge enactment of the provision to further protect securities investors and help assure the U.S. capital markets remain the envy of the world.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to talk about the CARE Act. I rise to speak in favor of the Charity Aid Recovery and Empowerment Act, or the CARE Act.

As the Senate is considering this legislation, it is important to remember both Republicans and Democrats have cosponsored the CARE Act. This reflects the bipartisan spirit of this legislation which out of this legislative caldron was created by compromise, and we had last year as the goal of increasing charitable giving and helping the needy.

In light of the uncertain economy, charities across the Nation are serving the needs of more people with fewer resources. This particular legislation is an opportunity to encourage Americans to help their neighbors, community, and their country by giving. By extending the charitable contribution deduction for 86 million Americans who do not itemize their tax returns, and allowing people to make charitable contributions from their individual development accounts, IDAs, this legislation creates incentives for giving to charity.

This legislation also provides an enhanced charitable deduction for restaurants and businesses that make donations of food to charitable organizations. For some two decades, my wife Grace and I have been working with organizations to distribute food to the hungry. One such organization is back in our State of Florida. It is actually a part of our State Department of Agriculture. Its name is Farm Share. What it operates on is the original concept of gleaning, which was a biblical concept. In biblical times it was their social security system. When the farmers would go in and harvest the field, they would leave the rest of the crop so that then the poor people could come into the field and harvest the remaining crop, called gleaning; that was their way to support those least fortunate in the society of the day.

When you take that ancient concept and bring it forward to today, look at all the crops that are wasted. So this concept of Farm Share, a part of our State Department of Agriculture, although not going directly into the field, what we find is enormous amounts of edible food wasted in the distribution process—in the collection, in the actual harvesting, then at the packinghouse and the rest of the distribution process.

So what Farm Share does is go to the packinghouse where tomatoes, for example, a winter crop in south Florida, might have a blemish on them. They are completely edible, but they might not be marketable for that particular company buying those tomatoes. Or a company that uses a lot of tomatoes, such as McDonald's Corporation, wants a tomato of a certain size. So the tomatoes that are not that size are discarded. But it is good food that is going to waste. It is a form of gleaning, to save that, to have it packaged, and then ready for distribution.

When my wife and I announce a distribution and we reach out to all the soup kitchens and reach out to the churches that are so effective throughout the communities in distributing food to the poor, when we send word out that the next morning there is going to be a distribution of food, and you arrive the next morning, there is a lump in your throat to suddenly see the lines of hundreds of hungry people in America; that they are so grateful, so orderly, so polite, and so thankful for the food that is going to be distributed.

It is not unusual I would come as a cosponsor of this act and be very thankful that the Senate is considering it. It looks as if we have our differences worked out, and we are going to be able to pass it. This new legislation is more than just tax provisions. Individual development accounts are also expanded in this legislation. These IDAs are special savings accounts that offer matching contributions from participating banks or community organizations. This innovative program encourages low-income families to build assets and proposes reduced costs for banks and community organizations that offer the IDAs.

This legislation also increases the funding for the social services block grant. That supplies States with resources to support a variety of social services. These funds can be used to assist the elderly and disabled so they do not need to enter institutions. Those funds can also be used to prevent child and elder abuse and to prevent things that go on that we read about in the newspaper that we shudder at in regard to the care of our elderly. These funds can be used to provide child care, to promote and support adoption, and many other purposes.

By creating tax incentives for charitable contributions we can help support and give incentives to the natural instincts of the American people, which are to be generous, to give. When they do, faith-based and community organizations can pass on the gains to a community.

We know that faith-based groups are doing good work all over the country, and their work is already being funded by Federal dollars because they are running programs that work to better people's lives. These faith-based groups operate soup kitchens, they run homeless shelters, and they rehabilitate drug users. Our Nation already funds many of these programs. I have seen these programs all over Florida. I have seen them here in Washington, DC. Anyone would be amazed just a stone's throw from where we are in the U.S. Capitol at the kinds of programs going on in the inner city to feed the poor and minister to the least privileged in society.

Lives have been changed. I have seen cities, particularly the inner cities, being transformed from neglect to respect.

This legislation is all about grassroots change, change from the ground up, by people who are close to the problems and who care enough to take up the challenge.

I have cosponsored this legislation before. I am going to continue to work with our colleagues to try to find ways to help those who help others.

This is one way. As we have been considering this emergency funding bill that we just passed and that is now in the conference committee, I thank the Senate for increasing the food aid. Back earlier when we were considering legislation, the task fell to me to increase the appropriation with regard to food aid, particularly destined for Africa, where they are experiencing another enormous drought which has caused a great deal of famine and death. The United States is a generous country. So, too, from our generosity, when we see a problem such as that, we want to try to take care of it.

We passed a level of increased food aid here at $500 million. It was watered down in conference to $250 million. A lot of that money was squirreled away from Africa to meet the food needs there will be in Iraq. Because of that, a few nights ago on this floor we agreed to an amendment to the emergency supplemental appropriations bill that would have an additional $600 million to go for emergency food assistance. That will then be able to get to Africa with all of its famine that is ravaging the land.

It is my hope, as the Appropriations Committees are meeting in conference right now on the emergency supplemental to determine the final outcome, that they will honor all those images they have seen on television of starving children and they will not reduce that $600 million very much.

It is with this spirit of thanks, of humility, and thanksgiving that I come to speak on behalf of this legislation and to thank the Senate and the many participants here who have worked out all the kinks in this legislation so we could pass it in a unanimous fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—NOMINATION OF PRISCILLA OWEN

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that there be an additional 6 hours for debate on the Owen nomination, provided further that the time be equally divided between the chairman and ranking member of the Judiciary Committee, or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, we on this side are perplexed. We have indicated to the majority leader that there are at least three circuit judges who, with just a little bit of work, could be approved this week. The average during the Clinton 8 years was eight circuit judges a year. If the three were approved, that would be five already by Easter.

One of those is Edward C. Prado of the Fifth Circuit. They could go to that tomorrow—tonight. So we believe there is more here than meets the eye. There are three circuit judges who are available with just a little bit of work. This has all been discussed with the majority leader.

So for these and many other reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I modify the request to 10 additional hours.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes. Mr. President, reserving the right to object, we have approved, during the time President Bush has been President, 116 judges. Two have been turned down—116 to 2. One of those who was turned down is back. Owen is back. This would be the first time in the history of this country that a judge who has been turned down is back and would be approved.

The hours that have been suggested by my friend from Utah I appreciate very much, but there are productive things that could be done during those 10 hours, including the approval of more judges. There could be at the end of this week 120 judges instead of 116.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask if any number of hours would be sufficient for the Senator from Nevada.

Mr. REID. Speaking for the Senator from Nevada, there is not a number in the universe that would be sufficient.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBAN OPPRESSION

Mr. NELSON of Florida. Mr. President, I wish to call the attention of the Senate to the important events happening right now in the island nation of Cuba. Over the past several weeks, Fidel Castro has been rounding up democracy activists, independent journalists, librarians, and signers of the Varela Project and throwing them in jail.

Fidel Castro has used the world's focus on the war in Iraq to divert attention in order for him to brutally crack down and further oppress Cubans who yearn for freedom. It has been difficult to get the exact number, but we think it is approximately 80 Cubans who have been arrested. Yesterday, a number of those activists who had been arrested were sentenced to terms of 15 to 25 years—if you can believe that—on charges of "undermining the socialist state." It is reported that at least 11 of those could get life sentences, and at least one could get the death penalty.

I take the floor of the Senate to call to its attention that last night the Senate passed S. Res. 97, a resolution introduced by this Senator from Florida and cosponsored by the junior Senator from Virginia, Mr. ALLEN. The resolution passed the Senate unanimously. It condemns these actions, and it calls for the release of the prisoners of conscience in Cuba.

Why did the Senate want to take a stand, and why do we want to bring further attention to this other than has already been in the Nation's newspapers, pointing out that under the cloak of the world's attention being diverted to Iraq, Fidel Castro has started this crackdown and these arrests and these sentences, even possibly a death sentence? Well, it goes back to the fact that the Cuban Government does not like the world's attention that has been brought to the courageous 11,000 people who signed the petition under the Cuban law—the Cuban Constitution—which said that if at least 10,000 people sign a petition, the issues in that petition are then brought to the national assembly for action. Not only did 10,000 brave, courageous Cuban souls sign that petition, but over 11,000 did. It called for actions that you and I take for granted.

It called for freedom of speech, freedom of the press, release of political prisoners, and a free enterprise economy. It called for them to be brought before the Cuban National Assembly.

The Varela Project embodies the principles upon which all the world agrees: the right of the Cuban people to petition their government for civil and human rights, including free and fair elections.

The leader of this project, Oswaldo Paya, has continued to advance this important project at great risk to himself, his family, and his associates.

In May of 2002, Oswaldo Paya led a group of Cuban citizens who delivered exactly 11,020 verified signatures to the Cuban National Assembly supporting that referendum on civil liberties and all of the issues I have mentioned.

These are basic rights to which anyone is entitled. Recent reports indicate that the Varela network has been especially targeted in this crackdown by Fidel Castro. I take us back to last year, realizing the courageous effort by Senor Paya and the signers of that petition.

I sponsored and this Senate adopted the resolution 87 to 0, with the help of other supporters of the resolution, Senator DODD and Senator Helms. That resolution commended the Varela Project and Oswaldo Paya. It was an early step to providing international attention and support to Mr. Paya and those who signed on to the Varela Project.

The resolution that was adopted last year 87 to 0 was obviously bipartisan, and the resolution that was just adopted last night is similarly bipartisan and builds on that previous consensus and highlights that upon which we can all agree. What is that?

The resolution that was adopted last night condemns the recent arrest and other intimidation tactics against democracy activists by the Castro regime, and it calls on the Cuban Government to immediately release those imprisoned during the most recent crackdown for the acts that the Government of Cuba wrongly deems "subversive, counter revolutionary, and provocative."

The resolution adopted last night also reaffirms S. Res. 272, the Varela Project resolution, that the Senate unanimously agreed upon last year, which calls for, among other things, amnesty for all political prisoners. The resolution we adopted last night praises the bravery of those Cubans who, because they had simply practiced free speech and signed the Varela Project petition, have now been targeted in this most recent government crackdown.

The resolution we adopted last night urges the President to demand the immediate release of all the prisoners and to take all appropriate steps to secure their immediate release.

I wish to say this to those with whom we have contact from time to time representing the Cuban Government: We in the Senate are watching. We are not going to let Fidel Castro get away with these kinds of actions. And we are going to keep the glare of the public spotlight and the glare of world view in the international community on this kind of thuggery. We are going to call him to account in the name of human dignity and freedom because even in Cuba people are endowed by their Creator with certain unalienable rights, among these life, liberty, and the pursuit of happiness.

I specifically thank our Foreign Relations Committee which absolutely whizzed this resolution through the committee, our committee chairman, Senator LUGAR, and our ranking member, Senator BIDEN. I thank the subcommittee chairman, Senator COLEMAN. I thank my cosponsor, Senator ALLEN. I thank our ranking member of the Western Hemisphere Subcommittee, Senator DODD. All of them gave the green light and speeded this process.

I am going to continue to seek common ground with my colleagues as we seek to support the Cuban people in their struggle for freedom. I hope with this resolution having just been adopted that the administration will pursue a similar resolution of condemnation in the United Nations, and that the administration will seek immediate international support to secure the release of these and all freedom-loving Cubans who have been wrongly jailed because it is only through the constant and sustained recognition of this issue that our chances will be improved of creating forces of change on that long-suffering island.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the distinguished Senator from Florida is still in the Chamber, I wish to thank him for his impassioned comments. I am going to be speaking later this week on this same subject. I am one who, for a number of reasons—geopolitically, strategically, and economically—have not supported the current embargo on Cuba. I am, however—and I feel proud—as Vermonters say, I bow to nobody on the question of human rights on this floor.

I met with Mr. Castro in Havana a couple years ago at a time when there was another crackdown of dissidents. I told him specifically what I felt about that in very strong words. He obviously disagreed with me, but I felt as an American in Cuba, it would be wrong for me not to express such a view.

I will follow with a speech later this week on Cuba, but I hope my good friend from Florida, who has been such an extraordinary leader in this area over the years, when he was in State government in Florida, when he was in the House of Representatives, and as a Senator—he has been such an extraordinary leader. I hope he knows, no matter how one might feel about our overall relations with Cuba, no American should find justifiable the silence of those who simply wish to speak to basic human freedoms, basic human rights—the right of speech, the right of religion. These are issues that, from the time of Thomas Jefferson, Benjamin Franklin, John Adams, and George Washington, we have enunciated in this country, but I do not know any country that can claim any form of democracy and freedom that would feel that way. I commend my friend. I hope others will listen to him. I hope 90 miles from his home State that it will be heard as strongly as it was heard on the floor of the Senate. I commend him.

Mr. NELSON of Florida. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. NELSON of Florida. Mr. President, I wish to say how much I appreciate the comments of the Senator. Here is a great example of two Senators representing two different parts of the country, at the end of the day, we have the same conclusion—what we want is freedom for that island. That island is the jewel of the Caribbean. Once freedom comes to that island, it will economically blossom and prosper. That island has so much rich history and such a beautiful culture.

The Senator has pointed out that although we might have a difference of opinion about topics such as an economic embargo, at the end of the day what we earnestly want is change. We want the winds of change to blow, and blow very hard and rapidly so that freedom can come to Cuba.

I thank the Senator for yielding.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 16, in New York, NY. An Arab-American man was attacked in the bathroom of a supermarket by one of the store's employees. The teenage attacker called the man an "Arab terrorist" before slamming his head into the steel door of the men's room. The victim was knocked unconscious for a brief time and, when he left the lavatory, his assailant and several other employees laughed at him and refused him any aid.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WORLD HEALTH DAY

Mr. SARBANES. Mr. President, since 1948 the nations of the world have celebrated April 7 as World Health Day. Yesterday marked this day, which serves two important and related purposes. It focuses world attention on a specific international health issue that in the judgment of the World Health Organization, WHO, poses immediate and urgent problems. Further, it is a platform for marshaling resources to address this issue, through programs that will continue long after the day ends.

In years past World Health Day has focused on such crucial matters as the global eradication of polio and emerging infectious diseases. This year's theme is broad: "Healthy Environments for Children," and it has never been more timely. While we have made great progress in the treatment of infant diarrhea, typhoid, typhus, cholera, yellow fever, malaria, dengue fever, and other environment-based diseases, access to treatment is limited or nonexistent in many parts of the world. As a result, every year more than 5 million children—the most vulnerable members of society—die before reaching the age of 14. When war or civil conflict disrupts life, the danger of infection rises, as it does among those living in refugee camps. But there is no escaping the risk anywhere that water is contaminated, food unsafe, air polluted, and sanitation systems unreliable. Children fall ill in the very places where they live.

From our experience in treating infant diarrhea we know that treatment can be effective and efficient. Every year, 1.3 million children die of diarrhea often resulting from lack of access to safe drinking water or consuming dirty food. These deaths are preventable. If a child has diarrhea, a simple and effective sugar-and-salt solution called oral rehydration can treat severe loss of fluids in the body. The cost is minimal: just under 30 cents per child—this low-technology solution can save these children's lives. This year's World Health Day is a call to redouble our efforts not only to treat environment-based diseases where they occur, but especially to eliminate the conditions where they are bred. It can be done.

As the grave respiratory infection known as severe acute respiratory syndrome, or SARS, appears to be spreading rapidly, World Health Day is also an appropriate time to consider the vital role that the World Health Organization plays in our interconnected world, where mobility literally gives wings to life-threatening diseases. Today's New York Times documents the spread of SARS, under a headline reading "Fear Reigns as Dangerous Mystery Illness Spreads." SARS apparently first appeared in China last November. In February, when the Chinese Government began reporting cases to WHO, the organization undertook a major international tracking effort, and on March 15 WHO took what the New York Times describes as "the highly unusual step of issuing the global health alert." Just last week the Chinese Government permitted a WHO team to begin work on location, in the southern Chinese city of Guanzhou, where the infection rate is very high. WHO has also created a network of infections-disease laboratories in countries around the globe, and the truly extraordinary work undertaken in these laboratories has led to the tentative identification of the infectious agent. This marks a tremendous step in dealing with the intensifying threat to world health that SARS poses. According to the New York Times, SARS "has become an international epidemic," and WHO is instrumental in organizing the international response.

It is not just that WHO provides the administrative framework for a coordinated response to health issues; its personnel are on the front lines in every effort to keep diseases from spreading and in treating the victims. For the most part we do not know their names, but we do know that they have dedicated their skill and even their lives to WHO's mission.

A WHO physician—Dr. Carlo Urbani, Director of Infectious Diseases in the Western Pacific Region for WHO—was the first to recognize SARS as a new and deadly disease. He threw himself into the fight to control the disease when he saw his first case, in Vietnam, persuading the government to adopt infection-control and isolation procedures. He is credited, said the New York Times, with "shutting down Vietnam's first outbreak," and he was the first to alert the international medical community to the danger. Within weeks of his first intervention with a patient, however, he was infected. His heroic efforts cost him his life.

Dr. Urbani's medical specialty was worms—nematodes, trematodes, hookworms and other parasites, which are, in the words of his WHO colleague, Dr. Kevin Palmer, "a really basic problem for every child in the tropics." He knew how much damage these parasites do, and also how relatively little it would take to eliminate this scourge: a 3-cent pill given twice yearly to schoolchildren. His own efforts fell squarely within the broader campaign to create "healthy environments for children." At the time of his death he was working to secure the cooperation of school systems throughout southeastern Asia.

An eloquent account of Dr. Urbani's career in medicine and his tragic, too-early death appears in the today's edition of the New York Times. I ask unanimous consent to have the entire story, "Disease's Pioneer Is Mourned as a Victim," printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. SARS is only the most recent of the many international health emergencies that WHO has faced. In the complex effort to reduce the spread of HIV/AIDS, WHO also plays an important part. It is estimated that of the roughly 750,000 new HIV cases in children each year, more than 400,000 could be prevented by treating the most common route of infection, mother-to-child transmission, (MTCT). As in the case of infant diarrhea, we know that simple, cheap and effective interventions are available. The drug nevirapine, for example, reduces the likelihood of transmission of HIV from a mother to her newborn by up to 47 percent. It is administered in a single dose to the mother at the onset of labor and in a single dose to the baby in its first 3 days after delivery. The intervention costs less than $4, and the drug is now available at minimal or no cost in most countries where poverty levels are high and resources scarce. The use of nevirapine to address MTCT is based on the work and recommendations from WHO.

There is hardly any country, no matter how well guarded its borders, which can be confident of remaining immune from the urgent health problems that beset the world. In fact, for more than half a century the World Health Organization has served us well. Most recently, as SARS has spread WHO has stepped into the breach, collecting and disseminating information and facilitating an international response. In oral rehydration and MTCT projects, we have seen how effectively WHO can intervene. We must respond vigorously, therefore, as WHO calls on us on World Health Day 2003 to confront and vanquish the environmental causes that bring unnecessary illness and death to millions of the world's children every year. WHO is working to turn this year's initiative into an effective global alliance, to bring to local communities the resources necessary to raise the health standards of children most at risk, and thereby transform their lives. The benefits from these efforts will surely ripple outwards: to families, to communities, and indirectly to us all. By supporting WHO we can, and we should, make a difference.

EXHIBIT 1

[From The New York Times, April 8, 2003.]

DISEASE'S PIONEER IS MOURNED AS A VICTIM

(By Donald G. McNeil, Jr.)

When the microbe that causes severe acute respiratory syndrome is finally isolated, some people will know what to call it. They want a Latin variation on Carlo Urbani's name.

If SARS was an infectious cloud blowing out of southern China, Dr. Urbani was the canary in its path. Working in a hospital in Hanoi, Vietnam, as a mysterious pneumonia felled one nurse after another, he sang out the first warning of the danger, saw the world awaken to his call—and then died.

If not for the intuition of Dr. Urbani, director of infectious diseases for the Western Pacific Region of the World Health Organization, the disease would have spread farther and faster than it has, public health officials around the world say.

It was a tricky call. There is nothing as telltale about the disease as the bleeding of a hemorrhagic fever or the bumps of a pox, and its symptoms mimic other respiratory conditions.

Dr. Urbani, 46, died on March 29, a month after seeing his first case and 18 days after realizing he was coming down with the symptoms himself.

"Carlo's death was the most coherent and eloquent epilogue his life could produce," said Nicoletta Dentico, a friend from the Italian chapter of Médecins Sans Frontières, or Doctors Without Borders, which Dr. Urbani once headed. "His death was as a giver of new life."

And it was in keeping with his medical philosophy. When Dr. Urbani spoke in 1999 at the ceremony in which Doctors Without Borders accepted the Nobel Peace Prize, he described doctors' duty "to stay close to the victims." "It's possible to study an epidemic with a computer or to go to patients and see how it is in them," said Dr. William Claus, the group's emergency coordinator for Asia. "Carlo was in the second category."

In Italy, he had pushed the organization into working with the poorest of the poor, with Gypsies in Rome and with African and Albanian boat people who were landing in Sicily and Calabria.

Even as a student, said Fabio Badiali, a childhood friend who is now mayor of Castelplanio, their hometown on the Adriatic Coast, he had been a volunteer, organizing groups to take the handicapped on countryside picnics. As a family doctor, he had taken vacations in Africa, traveling with a backpack full of medicine.

He had accepted the W.H.O. post, friends said, because he wanted to be back in the third world and working with patients. It was that instinct that took him to the bedside of Johnny Chen, an American businessman who entered Vietnam-France Hospital in Hanoi on Feb. 26 with flulike symptoms.

Dr. Urbani might not have been an obvious choice as a consultant in Mr. Chen's case. In his heart, friends said, he was "a worm guy," a specialist in parasites.

"Other people didn't think worms were sexy," said Dr. Kevin L. Palmer, W.H.O.'s regional specialist in parasitic diseases and a friend. "but it's a really basic problem for every child in the tropics."

Dr. Urbani was an expert in Schistosoma mekongi in Vietnam, in the food-borne nematodes and trematodes of Laos and Cambodia and the hookworms of the Maldives.

. Dr. Lorenzo Savioli, who worked with Dr. Urbani in the Maldives, said they worked from sunup to sundown, ignoring the famous beaches and reefs, tracking hookworm epidemiology and training workers at a malaria control laboratory, who were used to working with blood, in testing for worms. Over rice and fish in the evenings, Dr. Savioli said, they had joked, "Nobody at headquarters was going to believe we were spending our days in the Maldives over fecal samples."

Dr. Urbani was a worm zealot, Dr. Palmer said, because they did so much damage but could be so easily treated. For example, he said, a 3-cent pill administered to schoolchildren twice a year could rid them of most intestinal worms. Dr. Urbani was working to have school systems in southeastern Asia cooperate.

He also attacked a worm that lived on fish farms. He could not get Cambodians and

Laotians to give up eating undercooked fish, Dr. Palmer said, but he hoped to solve the problem by teaching fish farmers to divert sewage from their ponds.

He was also testing the use of a veterinary drug to kill worm larvae that can reach human brains and cause seizures.

And, said Daniel Berman, a director of the Doctors Without Borders campaign for cheaper lifesaving drugs, Dr. Urbani was pushing Vietnamese farmers to grow more sweet wormwood, a plant that can produce artemisinin, a new malaria cure.

Still, when a troublesome case turned up in Hanoi, Dr. Palmer said, the W.H.O. staff usually said, "Call Carlo," because he was also known as an expert clinical diagnostician.

Mr. Chen was such a case, suffering with pneumonia and fever, as well as a dry cough. The hospital suspected that he had the Asian "bird flu" that killed six people in 1997 and was stopped by rigid quarantines and the slaughter of millions of chickens and ducks.

Rumors of a mysterious pneumonia had been coming out of the Guangdong region of southern China, but the Chinese authorities had been close lipped, even instructing local reporters to ignore it.

Although no one then realized the significance, Mr. Chen, 48, had also stayed in the Metropole Hotel in Hong Kong. He may have picked up the disease from a 64-year-old Guangdong doctor in town for a wedding, staying in Room 911. Investigators theorize that the doctor infected 12 other guests, several from the same floor, who carried the disease to Singapore, Toronto and elsewhere.

By the time Dr. Urbani arrived at Vietnam-France Hospital, the microbe that Mr. Chen carried was spreading. Before he died, he infected 80 people, including more than half of the health workers who cared for him. The virulence of his case alarmed world health officials, helping lead to the extraordinary health alert that W.H.O. issued on March 15. But Dr. Urbani, who first saw Mr. Chen in late February, quickly recognized that the disease was highly contagious and began instituting anti-infection procedures like high-filter masks and double-gowning, which are not routine in impoverished Vietnam. Then he called public health authorities.

Dr. Palmer recalled Dr. Urbani's conversation: "I have a hospital full of crying nurses. People are running and screaming and totally scared. We don't know what it is, but it's not flu."

On March 9, Dr. Urbani and Dr. Pascale Brudon, the W.H.O. director in Hanoi, met for four hours with officials at the Vietnam Health Ministry, trying to explain the danger and the need to isolate patients and screen travelers, despite the possible damage to its economy and image.

"That took a lot of guts," Dr. Palmer said. "He's a foreigner telling the Vietnamese that it looks bad. But he had a lot of credibility with the government people, and he was a pretty gregarious kind of character." With dozens of workers at the hospital sick, it was quarantined on March 11. Infection-control practices were instituted at other hospitals, including the large Bach Mai state hospital, where Dr. Claus of Doctors Without Borders oversaw them. Dr. Urbani's quick action was later credited with shutting down Vietnam's first outbreak.

In the middle of it, Dr. Savioli said, Dr. Urbani had an argument with his wife, Giuliani Chiorrini. She questioned the wisdom of the father of three children ages 4 to 17 treating such sick patients. Dr. Savioli said Dr. Urbani replied: "If I can't work in such situations, what am I here for? Answering e-mails, going to cocktail parties and pushing paper?" In an interview with an Italian newspaper, Ms. Chiorrini said her husband knew the risks. "He said he had done it other times," she recalled, "that there was no need to be selfish, that we must think of others."

But on March 11, as he headed to Bangkok for a conference on deworming schoolchildren, he started feeling feverish and called Dr. Brudon. "He was exhausted, and I was sure it was because he had had a lot of stress," Dr. Brudon said later. "I said, 'Just go.' "But she had second thoughts. "I called my colleagues in Bangkok and said, 'Carlo doesn't feel well, and we should be careful.' "

Dr. Scott Dowell, a disease tracker for the federal Centers for Disease Control and Prevention, who is based in Thailand, met him at the Bangkok airport near midnight. Dr. Urbani, looking grim, waved him back. They sat in chairs eight feet apart until an ambulance arrived 90 minutes later, its frightened attendants having stopped for protective gear.

For the first week in a Bangkok hospital, Dr. Urbani's fever receded, and he felt a bit better. But he knew the signs. "I talked to him twice," Dr. Palmer said. "He said, 'I'm scared.' "

That was uncharacteristic for a man who was known as big, charming and full of ironic wit. In Italy, he staved off boredom by hang gliding. In Hanoi, he negotiated the insane traffic on a motorcycle and took his children on overnight car jaunts to rural villages. He carried Bach sheet music and stopped at churches, asking if he could play. W.H.O. experts flew in from Australia and Germany to help. One scoured Australian drug companies for ribavirin, a toxic antiviral drug that was said to have helped some cases. It did not help Dr. Urbani, though, and was withdrawn.

Then patches showed up on a lung X-ray, and he told his wife to take the children and return to Castelplanio. Instead, she sent them ahead and flew to Bangkok. By the time she arrived, his room had been jury-rigged as an isolation ward. Carpenters had put up double walls of glass, and fans had been placed in the window to force air outside.

The couple could talk only by intercom, and Ms. Chiorrini saw him conscious just once. As his lungs weakened, Dr. Palmer said, he was put on a respirator. In a conscious moment, Dr. Urbani asked for a priest to give him the last rites and, according to the Italian Embassy in Bangkok, said he wanted his lung tissue saved for science.

As fluid filled his lungs, he was put on a powerful ventilator, sedated with morphine. The end came at 11:45 on a Saturday morning. Doctors and nurses heavily shrouded in anti-infection gear pounded on his chest as his heart stopped four times, Dr. Dowell said, but it was useless.

Most of those who had died of SARS were old or had some underlying condition that weakened them, but "he worked with patients for weeks, and we suspect he got such a massive dose that he didn't have a chance," Dr. Palmer said. "It's very sad," Dr. Claus said, "that to raise awareness as he did, you have to pay such a price."

COMMEMORATING THE 50TH ANNIVERSARY OF THE FOREIGN AGRICULTURE SERVICE

Mr. COCHRAN. Mr. President, fifty years ago, President Eisenhower and Secretary of Agriculture Ezra Taft Benson had the foresight to acknowledge that the future of American agriculture was dependent on the development of creative marketing tools and foreign markets for U.S. food and agricultural products. With that in mind, the Foreign Agricultural Service, FAS, was created to represent American agricultural interests worldwide.

During the past 50 years, the employees of FAS, working in coordination with partners in the agricultural community and other U.S. international agencies, have crafted important tools and programs to develop and expand foreign markets.

Recognizing the ever changing global economy, FAS has effectively developed the necessary resources to negotiate trade agreements, open and maintain foreign markets, and address international food crises and development needs.

Today, exports of American food and agricultural products have grown from less than $3 billion in 1953 to over $50 billion, experiencing a trade surplus year after year.

The realities of today's global marketplace, as well as the challenges facing American agricultural producers abroad, make the mission and continued success of the Foreign Agriculture Service more important than ever.

Therefore I rise today to submit resolution to congratulate the Foreign Agriculture Service on the 50th anniversary of its creation, and commend its dedicated employees for helping to create benefits for American farmers and ranchers by expanding global markets and reducing barriers to free trade.

I urge my colleagues to support this resolution.

Mr. HARKIN. Mr. President, in recognition of the 50th anniversary of the Foreign Agriculture Service of the U.S. Department of Agriculture on March 10, Senator COCHRAN and I are today submitting Senate resolution to honor that agency's many achievements over the past half century.

During the 83d Congress, President Eisenhower recognized that the productive capacity of the U.S. agricultural sector was outstripping the food and feed needs of our domestic economy. In order to assist American farmers and exporters in identifying, capturing, and maintaining overseas markets for our food and fiber, and thus boost the sector's earnings, Secretary Ezra Taft Benson established the Foreign Agriculture Service, FAS, by memorandum on March 10, 1953. The next year with the passage of the Agriculture Act of 1954, P.L. 83–690, agricultural attachés were transferred from the State Department to the new agency.

The mission of FAS is to serve U.S. agriculture's international interest by expanding export opportunities for U.S. agricultural, aquaculture, and forest products and promoting world food security. Since its inception, the agency has assisted in expanding U.S. agricultural exports from less than $3 billion in 1953 to projected exports valued at $57 billion for 2003, in nominal dollars.

In addition to providing in-country services and market analysis for the key importing countries in the agricultural attaché corps, FAS, through headquarters staff, conducts trade and food aid programs and works with staff from other USDA agencies to analyze world market trends. While the agency is not solely responsible for our large gains in exports over the past five decades, no one could argue it has not provided a crucial assistance in that effort. I salute the work of past and present FAS employees and look forward to their contributions in the future.

POLITICAL REFORM IN EGYPT

Mr. BUNNING. Mr. President, last week I offered an amendment to S. 762, the fiscal year 2003 supplemental appropriations bill, expressing the sense of the Senate for the need of political reform in Egypt. While I withdrew my amendment, I do intend to pursue this issue when the fiscal year 2004 foreign operations appropriations bill is considered on the floor.

I know a number of my colleagues are similarly concerned with the lack of political reform in Egypt, and I hope we have productive discussions on the Senate floor on how U.S. assistance can be better used to promote the development of democratic institutions and practices in that country. It is in the interests of the people of Egypt—and the United States—that freedom of association and thought are promoted and protected.

I will have more to say on this matter at a later date, and I hope my colleagues will join me in addressing this important issue.

HUMAN RIGHTS IN BURMA

Mr. FEINGOLD. Mr. President, I am deeply disappointed in the human rights record of Burma. Throughout my time in the Senate, I have consistently been critical of political and human rights abuses in Burma. I have been deeply troubled by reports, confirmed by the U.S. Department of State, that Burmese soldiers have systematically raped Shan women on a massive scale. I am also concerned about repeated charges of forced labor, the suppression of civil liberties, and widespread political repression. Recent events in Burma only serve to heighten my concern.

I am concerned by the recent decision by United Nations human rights envoy Paulo Sergio Pinheiro, to suspend his missions to Burma after finding a hidden listening device in a room where he was interviewing political prisoners. The incident raises very serious concerns about the depth of Burma's commitment to improving conditions within its borders. I am also concerned about the case of Dr. Salai Tun Than, an alumnus of the University of Wisconsin-Madison, who was arrested and sentenced in November 2001 after conducting a solitary protest of political conditions in front of Rangoon City Hall.

As a member of the Senate Foreign Relations Committee, I will continue to monitor human rights in Burma, as I have on human rights all over the world. Finally, I would like to offer my praise for students at several University of Wisconsin campuses who are working to highlight conditions in Burma. I am impressed by their dedication and heartened by their commitment to justice and freedom for the Burmese people.

GRANTING CITIZENSHIP TO IMMIGRANT SOLDIERS WHO DIE IN COMBAT

Mr. MILLER. Mr. President, I rise today to share with my colleagues the story of one of my Georgia constituents. It begins with a brave young 3rd Infantry soldier named Diego Rincon.

Diego was a native of Colombia and he came to the United States in 1989 with his family when he was 5 years old. He enjoyed a life of freedom and safety that might not have been possible in Colombia.

Diego was extremely loyal to the country that welcomed him. And after the September 11 attacks, he decided it was time to repay his adopted Nation.

Upon graduation from Salem High School in Conyers, GA, Diego enlisted in the Army. He became a member of the "Rock of the Marne," Fort Stewart's 3rd Infantry Division.

Sadly, Private First Class Rincon was killed March 29 in Iraq by a suicide bomber at a military checkpoint. Diego was 19 years old. Three other members of his 1st Brigade were also killed.

In late February, Diego wrote his final letter home to his mother just as his Brigade was getting ready to move out. Let me read just a little of that letter:

> So I guess the time has finally come for us to see what we are made of, who will crack when the stress level rises and who will be calm all the way through it. Only time will tell.
>
> I try not to think of what may happen in the future, but I can't stand seeing it in my eyes. There's going to be murders, funerals and tears rolling down everybody's eyes. But the only thing I can say is, keep my head up and try to keep the faith and pray for better days. All this will pass. I believe God has a path for me.
>
> Whether I make it or not, it's all part of the plan. It can't be changed, only completed.

This 19-year-old was wise beyond his years.

Diego joined the Army for the noblest of reasons. He fought and died in Iraq while defending our Nation's freedom.

And after his death, his family asked one last request of the Government in return for their son's life—to be able to bury him this Thursday as a U.S. citizen.

I am very pleased and proud to announce today that—with the help of the INS—Private First Class Diego Rincon has been awarded U.S. citizenship. This brave soldier will be buried Thursday as a citizen of our great country.

But there are thousands of noncitizens fighting in our military right now.

So, I, along with my fellow senator from Georgia, Senator CHAMBLISS, have introduced legislation calling for citizenship to be granted immediately to any soldier who fights in our armed services and dies in combat.

For those among our troops who are not citizens and who die on the battlefield, I believe the least we can do is to honor them with posthumous citizenship.

And I believe it should be done automatically by the Government, with no delay and no burden on the families.

Under our bill, the families of these brave soldiers would not have to fill out any forms or make any phone calls.

This citizenship would apply only to the deceased soldier and it would not make the soldier's family eligible for any extra benefits or special treatment.

It is simply a final gesture of thanks and gratitude for the ultimate sacrifice these immigrant soldiers have made for their adopted country.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN AND SARA BURCHARD

• Mr. JEFFORDS. Mr. President, today I wish to recognize Drs. John and Sara Burchard of Burlington, VT as this year's joint recipients of the Kids on the Block—Vermont "Puppets' Choice Award." This award is conferred annually by Kids on the Block—Vermont, a theatrical troupe, part of a national organization, which performs with puppets to deliver messages of personal safety, diversity, and acceptance of disabilities. As honorees, John and Sara are acknowledged for their outstanding contributions to children and families statewide.

Since their arrival in Vermont in 1970, John and Sara, both long-time professors of psychology at the University of Vermont, have worked tirelessly to improve children's care and families' strength. Describing their contributions as "outstanding" is an understatement. Professionally and personally, John and Sara have passionately dedicated themselves to making Vermont's communities better.

John's academic and professional life has focused on children who suffer from emotional and behavioral problems, for whom he has helped develop new methods of care. One example of John's innovation is the "wrap-around" approach, bringing care and services to the families, rather than relying on clinics. John also served on the Burlington School Commission and, during the late Richard Snelling's terms as Governor, as Commissioner of the Department of Social and Rehabilitation Services.

Sara's specialty lies with children and adults with developmental disabilities. Sara was an important voice of reason when she led efforts to enable Vermont to become the first state to close its institutions for the mentally retarded. Helping those with disabilities receive the care they need and deserve has been Sara's calling, and her efforts have been nationally recognized for excellence.

As professors, John and Sara have taught and mentored generations of students who have become compassionate and effective leaders who work with and advocate for the developmentally disabled, children, and their families. Their influence extends will beyond their classrooms and their State, making people's lives healthier and more productive.

Again, I wish Drs. John and Sara Burchard congratulations and my sincerest best wishes. Their tireless work is helping to make Vermont the kind of place that Vermonters are proud to call home.●

HONORING EAST BRUNSWICK HIGH SCHOOL'S SUCCESS IN "WE THE PEOPLE" PROGRAM

• Mr. LAUTENBERG. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, DC, to compete in the national finals of the "We the People: The Citizen and the Constitution" program. Administered by the Center for Civic Education and funded by the U.S. Department of Education, this program is designed to educate students about the importance and contemporary relevance of the Constitution. The program provides curricular materials at upper elementary, middle, and high school levels and incorporates critical thinking and problem-solving activities to complement the information gathered in classrooms, and gleaned from textbooks.

I am proud to announce that the class from East Brunswick High School will represent my home State of New Jersey in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. They have earned the honor to come to Washington for the national competition, which is modeled after a congressional hearing and includes oral testimony and questioning before a panel of judges.

It is inspiring to see these young people advocate the ideals and principles of our Government, and I wish these budding constitutional experts from East Brunswick, NJ, the best of luck at the "We the People" national finals.●

TRIBUTE TO THE WORKERS OF LAN-CAY INC.

• Mr. BUNNING. Mr. President, I rise today in the Senate to pay tribute to the nine employees of Lan-Cay Inc. in Carrollton, KY. This small business in northern Kentucky makes many products that help drive the American military machine.

Many Americans do not realize the important role that many small businesses play in military preparedness. The nine employees of Lan-Cay make parts for grenade launchers, survival tool pouches, equipment used to deactivate land mines, and other important products for all the branches of our military. Lan-Cay is currently making thousands of bayonets for M-16's one at a time.

The employees of Lan-Cay take their jobs very seriously because they know that the quality of their work may one day save a soldier's life. They do not hope for war, but they understand the importance of the nature of their jobs. The employees of Lan-Cay carefully inspect each of their finished products to ensure that it meets the military's strict guidelines.

I ask my colleagues in the Senate to pay tribute to the employees of Lan-Cay and the thousands of employees in many other small businesses across this great nation that produce the necessary products that enable the men and women of our military to perform their tasks as well and as safely as possible.●

A TRIBUTE TO STANLEY HIRSH

• Mrs. FEINSTEIN. Mr. President, I wish to honor Mr. Stanley Hirsh, a California businessman, and publisher of the widely read Los Angeles Jewish Journal, who dedicated his life to others. Mr. Hirsh lost his battle with brain cancer and passed away on March 22nd. Mr. Hirsh left behind his wife, Anita, four children, and four grandchildren. He was 76.

While Mr. Hirsh was a highly successful businessman, he will be remembered, to quote the Jewish Journal, as a "maverick philanthropist." Such a title was earned by Mr. Hirsh's plethora of donations to various charity organizations, his service during World War II in the United States Navy, and his formation of twelve kosher kitchens for Jewish seniors in the Los Angeles area.

In addition to his dedication to philanthropy, Mr. Hirsh sought to positively affect Arab-Israeli relations. In the early nineties, Mr. Hirsh and his family formed the Hirsh Family Early Childhood Development Center in Tel Aviv.

While no single accomplishment defined Mr. Hirsh, his friends remember him as an altruistic man who was steadfast in his leadership. Friend and Congressman HOWARD L. BERMAN recalled Hirsh as "a real generalist, interested in matters of the greater community."

Mr. Hirsh's dedication to community service is evidenced by his stint as president at the Jewish Federation, and in the mid 1980s, he chaired the United Jewish Fund General Campaign. Interestingly, Mr. Hirsh was the greatest contributor to the campaign.

Mr. Hirsh owned the Cooper Building in downtown Los Angeles and was a former chairman of the Community Redevelopment Agency in the city of Los Angeles.

Employees of Mr. Hirsh at the Jewish Journal remember him as being obsessed with fair and balanced reporting. Editor-in-Chief of the periodical, Robert Eshman, said that the paper grew "significantly" under Stanley's leadership.

People of Stanley Hirsh's caliber do not come very often and while his accomplishments still resonate, and his warmth and kindness honored, Mr. Hirsh will be sorely missed.●

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1055. An act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building".

H.R. 1368. An act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the "Norman D. Shumway Post Office Building".

The message also announced that the House insists upon its amendment to the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes, disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: That the following Members be the managers of the conference on the part of the House: From the Committee on Education and the Workforce, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. BOEHNER; Mr. HOEKSTRA, Mr. PORTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. GINGREY, Mr. BURNS, Mr. GEORGE MILLER of California, Mr. HINOJOSA, Mrs.

DAVIS of California, Mr. RYAN of Ohio, and Mr. DAVIS of Illinois.

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: and appoints the following Members as the managers of the conference on the part of the House: Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. ISTOOK, Mr. BONILLA, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, Mr. SERRANO, Mr. MORAN of Virginia, and Mr. EDWARDS.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1055. An act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1368. An act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the "Norman Shumway Post Office Building"; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1794. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL (COTP Tampa 03–006) (1625–AA00) (2003–0006)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1795. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Including 2 Regulations) [CGD05–02–080] [CGD13–02–018]" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1796. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; (Including 3 regulations) [CGD07–03036] [CGD01–03–009] CGD01–03–011]" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1797. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 2 Regulations) [CGD13–03–003] [CGD13–03–04]" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1798. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulations Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey (CGD01–03–017)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1799. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Long Island Sound Marine Inspection and Captain of the Port Zone (CGD01–01–187) (1625–AA00)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1800. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Nanticoke River, Seaford, DE (1625–AA09)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1801. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Illinois Waterway, Illinois (CGD08–03–009) (1625–AA09)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1802. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY (CGD01–03–024)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1803. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, Florida (CGD07–02–077) (1625–AA09)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Rolls Royce Deutschland Ltd and CO KG Model Tay 611–8, 620–15, 650–15, and 651–54 Turbofan Engines; Docket No. 2002–NE–37 [3–11/4–3] (2120–AA64)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Dassault Model Falcon 2000 and Mystere-Flacon 900 Series Airplanes: Docket No. 2003–NM–53 (2120–AA64) (2003–0155)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives General Electric Company CF 34–3A1, –3B, and –3B1 Turbofan Engines; Docket No. 2001–NE–21 (2120–AA64) (2003–0153)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, INC Models AT 300–, 301, 302, 400, and 400A Airplanes; Docket No. 2003–CE–09 (2120–AA64) (2003–0151)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Cnada Model 407 Helicopter; Docket no. 2002SW54 (2120AA64) (20030154)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 81, –82, –83, –87, and –88 Airplanes; CORRECTION; Docket no. 2002-NM–216 (2120–AA64) (2003–0152)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Wytwornia Sprzetu Komunikacyjnego PZL–Rzesow S.A. Franklin 6A–350–C1, C1A, C1L, C1R–C2, and 4A–235 Series Reciprocating Engines; Docket No. 2002–NE–20 (2120–AA64) (2003–0149)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Operating Rules for the Conduct of Instrument Flight Rules Area Navigation operations Using Global Positioning Systems in Alaska; Docket No. FAA–2003–14305 (2120–AH93)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aircraft Registration Requirements; Clarification of "Court of Competent Jurisdiction"; Docket No. FAA–2002–12377 (2120–AH75)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 145 Review: Repair Stations; Delay of effective date; Docket No. FAA–1999–5836 (2120–AC38) (2003–0001)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. No. 3047 (2120–AA65) (2003–0015)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (79); Amdt. 3049 (2120–AA65) (2003–0016)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (16); Amdt No. 3048 (2120–AA65) (2003–0018)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 3050 (2120–AA65) (2003–0017)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1818. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the pollock total allowable catch (TAC) for Statistical Area 630 of the GOA" received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1819. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the pollock total allowable catch (TAC) for Statistical Area 610 of the GOA" received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1820. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; United States; Northeast Multispecies Fishery; Commercial Haddock Harvest (I.D.031003B)" received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1821. A communication from the Chairman, Office of the General Counsel, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Procedures to expedite Of Rail Rate Challenges To Be Considered Under The StandAlone Cost Methodology (STB Ex Parte No 638)" received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1822. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "CIVIL PENALTIES (2126–AA81)" received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1823. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement a Seasonal Area Closure to Groundfish Fishing off Cape Sarichef (0648–AQ46)" received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1824. A communication from the Acting Director, Assistant Secretary, Communications, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Funds (RIN 0660–ZA06)" received on April 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1825. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Trade Agreements Act—Exceptions for U.S. Made End Products (RIN 2700–AC33)"; to the Committee on Commerce, Science, and Transportation.

EC–1826. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modified Acrylic Polymers; Revision of Tolerance Exemption (FRL 7297–8)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1827. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic acid, ethyl ester and Lactic acid, n-1 butyl ester, Exemptions from the Requirement of a Tolerance, Technical Correction (FRL 7298–4)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1828. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fellowships (FRL 7476–2)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1829. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans, Rhode Island; One-hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area (FRL 7476–7)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1830. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Gas Turbines (FRL 7476–5)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1831. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances; Correction (FRL 7477–7)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1832. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance; Technical Correction (FRL 7269–9)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1833. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Beaches Environmental Assessment and Coastal Health Act" received on April 4, 2003; to the Committee on Energy and Natural Resources.

EC–1834. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans, Wisconsin (FRL 7466–6)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1835. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Dakota (FRL 7475–1)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1836. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to 310 CRM 7.06, Visible Emission Rule (FRL 7466–2)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1837. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Guideline on Air Quality Models: Adoption of a Preferred Long Range Transport Model and Other Revisions (FRL 7478–3)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1838. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Lake County Air Quality Control District and San Diego County Air Pollution Control District (FRL 7471–4)" received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1839. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Filter Backlash Recycling Rule—Technical Guidance Manual" received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1840. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Primary Aluminum Reduction Plants: Air Toxics Amendments Fact

Sheet" received on April 1, 2003; to the Committee on Environment and Public Works.

EC-1841. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status and Designation of Critical Habitat for Polygonum hickmanii (Scotts Valley Polygonum)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC-1842. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kanuai Cave Wolf Spider and Kanuai Cave Amphipod (RIN 1018-AH01)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC-1843. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Bexar County, Texas, Invertebrate Species (RIN 1018-AI47)" received on April 1, 2003; to the Committee on Environment and Public Works.

EC-1844. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance: Crisis Counseling Regular Program; Amendments to Regulations 68 FR 9899 (RIN 3067-AD32)" received on April 3, 2003; to the Committee on Environment and Public Works.

EC-1845. A communication from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the report of a Statistical Summary for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC-1846. A communication from the Executive Director, Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the December 2002 Update of the Staff's Response to the Chairman's Tasking Memorandum; to the Committee on Environment and Public Works.

EC-1847. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report relative to Security related actions taken by the commission over the past seven months, received on April 3, 2003; to the Committee on Environment and Public Works.

EC-1848. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission's latest monthly report, covering December 2002, of the status of its licensing and regulatory duties, received on April 3, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Report to accompany S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes (Rept. No. 108-35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. Stabenow):

S. 808. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 809. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Mr. DeWINE (for himself, Mr. Grassley, Mr. Shelby, and Mrs. Hutchison):

S. 810. A bill to enhance the protection of children against crime by eliminating the statute of limitations for child abduction and sex crimes, providing for registration of child pornographers as sex offenders, establishing a grant program in support of AMBER Alert communications plans, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. Sessions):

S. 811. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. Daschle, Mr. Johnson, Mr. Nelson of Florida, and Mr. Durbin):

S. 812. A bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. CORZINE:

S. 813. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

By Mr. SANTORUM:

S. 814. A bill to include Hepatitis A vaccines in the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 815. A bill to establish a center for excellence for applied research and training in the use of advanced materials in transport aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. Thomas, Mr. Harkin, Mr. Grassley, Mr. Smith, Mr. Rockefeller, Mr. Roberts, Mr. Daschle, Mr. Dorgan, Mr. Domenici, Mrs. Lincoln, Mr. Burns, Mr. Bingaman, Mr. Jeffords, Mr. Johnson, Mr. Levin, Mr. Talent, Mr. Dayton, Mr. Bond, Mr. Edwards, Mr. Cochran, Mr. Pryor, Mrs. Murray, Ms. Snowe, Mr. Coleman, and Ms. Cantwell):

S. 816. A bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 817. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. Kerry, Mr. Bond, Mr. Pryor, and Mr. Harkin):

S. 818. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Ms. MIKULSKI (for herself, Mr. Sarbanes, Mr. Leahy, and Mr. Campbell):

S. 819. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 820. A bill to amend the Federal Water Pollution Control Act to establish a perchlorate pollution prevention fund and to establish safety standards applicable to owners and operators of perchlorate storage facilities; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 821. A bill to accelerate the commercialization and widespread use of hydrogen energy and fuel cell technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. Harkin, Ms. Landrieu, Mr. Pryor, Mr. Lieberman, Mr. Daschle, Mr. Bingaman, and Mr. Johnson):

S. 822. A bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans; to the Committee on Small Business and Entrepreneurship.

By Mr. SANTORUM (for himself, Mrs. Lincoln, Mr. Jeffords, Mr. Kyl, Mr. Coleman, and Mrs. Clinton):

S. 823. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Hollings, Mr. Lott, and Mr. Rockefeller):

S. 824. A bill to reauthorize the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. Durbin, Mr. Feingold, Mr. Kennedy, and Mrs. Boxer):

S. 825. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 107. A resolution expressing the sense of the Senate to designate the month of November 2003 as "National Military Family Month"; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. BROWNBACK, Mr. HATCH, and Mr. REID):

S. Res. 108. A resolution designating the week of April 21 through April 27, 2003, as "National Cowboy Poetry Week"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. DODD):

S. Res. 109. A resolution expressing the sense of the Senate with respect to polio; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself, Mr. FRIST, Mr. DASCHLE, Mr. STEVENS, Mr. McCONNELL, Mr. REID, Mr. BYRD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DeWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. McCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 110. A resolution honoring Mary Jane Jenkins Ogilvie, wife of former Senate Chaplain, Reverend Dr. Lloyd John Ogilvie; considered and agreed to.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. Con. Res. 34. A concurrent resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 271

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 331

At the request of Mr. DASCHLE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 331, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 386

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 386, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 395

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 395, a bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 516

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 587

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 587, a bill to promote the use of hydrogen fuel cell vehicles, and for other purposes.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 721

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 791

At the request of Mr. INHOFE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 791, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED), the Senator from Indiana (Mr. BAYH) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. RES. 97

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 808. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Sleeping Bear Dunes expansion bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) In General.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) Land Described.—The land referred to in subsection (a) consists of approximately 104.45 of unimproved lands generally depicted on National Park Service map number 634/80078, entitled "Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore". The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Purchase of Lands Authorized.—

(1) In general.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(2) Budget request.—The Secretary of the Interior shall include in the National Park Service budget submitted for fiscal year 2004 a request for funds necessary for the acquisition authorized by this subsection.

(d) Limitation on Acquisition by Exchange or Conveyance.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

By Mr. DEWINE (for himself, Mr. GRASSLEY, Mr. SHELBY, and Mrs. HUTCHISON):

S. 810. A bill to enhance the protection of children against crime by eliminating the statute of limitations for child abduction and sex crimes, providing for registration of child pornographers as sex offenders, establishing a grant program in support of AMBER Alert communications plans, and for other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Children Against Crime Act of 2003".

SEC. 2. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) Statute of Limitations.—

(1) In general.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3297. Child abduction and sex offenses

"Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3297. Child abduction and sex offenses.".

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

SEC. 3. REGISTRATION OF CHILD PORNOGRAPHERS IN THE NATIONAL SEX OFFENDER REGISTRY.

(a) Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program.—Section 170101 of subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.";

and

(2) in subsection (a)(3)—

(A) in clause (vii), by striking "or" at the end;

(B) by redesignating clause (viii) as clause (ix); and

(C) by inserting after clause (vii) the following:

"(viii) production or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code; or".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice, for each of fiscal years 2004 through 2007, such sums as may be necessary to carry out the amendments made by this section.

SEC. 4. GRANT PROGRAM FOR NEW TECHNOLOGIES TO IMPROVE AMBER ALERT COMMUNICATIONS PLANS.

(a) Program Required.—The Attorney General of the United States shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) Activities.—Activities funded by grants under the program under subsection (a) may include the development and implementation of new technologies to improve AMBER Alert communications.

(c) Federal Share.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent of the total cost thereof.

(d) Distribution of Grant Amounts on Geographic Basis.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) Administration.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of Justice $5,000,000 for each of fiscal years 2004 through 2007, to carry out this section.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 5. NATIONAL RESEARCH COUNCIL STUDY AND REPORT CONCERNING ON-LINE PORNOGRAPHY.

(a) Study.—The National Research Council of the National Academy of Sciences shall conduct a study of—

(1) the extent to which it is possible for Internet service providers to monitor Internet traffic to detect illicit child pornography sites on the Internet, and the extent to which they do so;

(2) the extent to which purveyors use credit cards to facilitate the sale of illegal child pornography on the Internet;

(3) which credit card issuers have in place a system to facilitate the identification of purveyors who use credit cards to facilitate the sale of illicit child pornography; and

(4) options for encouraging greater reporting of such illicit transactions to law enforcement officials.

(b) Report to Congress.—Not later than 12 months after the date of enactment of this Act, the National Research Council shall submit a report to the Congress on the study conducted under subsection (a).

SEC. 6. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

By Mr. ALLARD (for himself and Mr. SESSIONS):

S. 811. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, I rise today to introduce the American Dream Downpayment Act. I am pleased to have Senator SESSIONS join me in introducing this bill.

Homeownership has long been the American dream, and we are incredibly fortunate that in America more and more families have been able to achieve the dream of homeownership. In fact, right now more American families own their home than ever before, and that number continues to increase.

However, for some working families, low income families, women-headed households, minority families, urban dwellers, and young families the dream of homeownership remains elusive.

This is particularly true for minority families. While Americans enjoy the world's greatest opportunities for becoming homeowners, only 47 percent of African-American and Hispanic families own their homes, as compared to 75 percent of white families.

We must eliminate this gap in homeownership, so I am pleased to join with President Bush and Secretary Martinez in the initiative to create 5.5 million new minority homeowner families by the end of the decade.

One key component of this initiative is the American Dream Downpayment Initiative, which I am pleased to introduced today in the Senate. This bill will provide $200 million annually to State and local governments for downpayment assistance programs.

One of the greatest barriers for families in becoming homeowners is their inability to afford the downpayment requirements and closing costs. These are hard working families that can make mortgage payments, they simply need assistance with the downpayment and closing costs.

The American Dream Downpayment Initiative will create 40,000 new homeowners each year, focusing on low-income and first-time homebuyers. And because the initiative will be administered through HUD's existing HOME program, it will minimize bureaucracy and duplication while maximizing flexibility for local jurisdictions.

Homeownership has many benefits for cities, neighborhood, and families. In fact, a study released by the Homeownership Alliance revealed that children living in an owned home scored nine percent higher on math tests and seven percent higher in reading achievement.

Homeownership has the power to transform individual lives and to strengthen entire communities. Increasing homeownership, particularly among minorities, is a top goal for me.

The $200 million for the American Dream Downpayment Fund will help make that dream come true for more American families.

I look forward to the opportunity to working with my colleagues to get the American Dream Downpayment Initiative enacted into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Dream Downpayment Act".

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

"Subtitle E—Other Assistance

"SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

"(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—Grants made under this section may be used only for downpayment assistance toward the purchase of single family housing by low-income families who are first-time homebuyers.

"(2) DEFINITION.—For purposes of this subtitle, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

"(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy submitted under section 105 for such year, a description of the use of the grant amounts.

"(d) FORMULA ALLOCATION.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers.

"(2) ALLOCATION AMOUNTS.—The formula referred to in paragraph (1) may include minimum and maximum allocation amounts.

"(e) REALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d).

"(2) EXCEPTION.—If a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

"(f) APPLICABILITY OF OTHER PROVISIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, grants made under this section shall not be subject to the provisions of this title.

"(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants made under this section shall be subject to the provisions of title I, sections 215(b), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

"(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

"(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

"(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

"(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

"(h) FUNDING.—

"(1) FISCAL YEAR 2002.—This section constitutes the subsequent legislation authorizing the Downpayment Assistance Initiative referred to in the item relating to the 'HOME Investment Partnerships Program' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73; 115 Stat. 666).

"(2) SUBSEQUENT FISCAL YEARS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2003 through 2006.".

"(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following:

SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

"The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (84 Stat. 1894) shall not apply to downpayment assistance under this title.".

By Ms. COLLINS (for herself, Mr. DASCHLE, Mr. JOHNSON, Mr. NELSON of Florida, and Mr. DURBIN):

S. 812. A bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, at a time when our men and women in uniform are fighting valiantly to bring peace and opportunity to an oppressed people and ensure the security of our homeland, I am pleased to introduce the Selected Reserve Educational Assistance Act of 2003 to extend the opportunity of higher education to many of those very same men and women in uniform. This legislation provides our National Guard and Reserve personnel, hundreds of thousands of whom are currently mobilized, deployed, and fighting around the globe, with educational opportunities as intended by the Montgomery GI bill. I am pleased that my colleagues, Senators TOM DASCHLE, TIM JOHNSON, and BILL NELSON, have joined as cosponsors.

Through this legislation, we seek to promote both service to country and education in a way that is both logical and fair. Members of our National Guard and Reserve are members of our communities. The skills they learn from military service are reflected in the positions of leadership they assume among us. These citizen-soldiers have demonstrated their commitment to serve and as members of the "total force" deserve opportunities to further improve themselves through the civilian educational opportunities the Montgomery GI bill promotes. Service and education are prerequisites of a strong, vibrant democracy. This legislation seeks to further this combined effort.

The original GI bill, known as the Servicemen's Readjustment Act, was enacted in 1944. That bill provided a $500 annual education stipend as well as a $50 subsistence allowance. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of post-service education and training opportunities, including more than 2.2 million veterans who went on to college. My own father was among those veterans who volunteered for the war, fought bravely, and then returned to college with assistance from the GI bill.

Since the 1940's various versions of servicemen's education assistance have allowed millions of veterans to take advantage of educational opportunities. Over time, however, inflation and the escalating costs of higher education have eroded the value of those educational benefits. During the 107th Congress with the enactment of Public Law 107-103 Senator JOHNSON and I, along with many of our colleagues, made great strides returning value to educational assistance benefits available for active component service members and veterans. More remains to be done.

The United States military is an all volunteer force. In times of peace and prosperity and in times of trial, we rely on young men and women to come forward of their own accord to stand up for our collective defense. Though service to country and patriotism, particularly in times of crisis, factor into recruiting this all volunteer force, benefits still do and ought to matter. We must remain vigilant, as we are constantly recruiting new members of our armed forces, ensuring the benefits these individuals receive from military service are commensurate with the service they render to this nation.

At its inception in 1985, the Reserve Montgomery GI bill program, had been pegged at 47 percent of basic active component Montgomery GI bill benefits. During the ensuing 18 years, the parity of the reserve program with its active duty counterpart has slipped. At present the Chapter 1606 program, Selected Reserve Montgomery GI bill, is only about 28 percent of the Chapter 30 program. This legislation attempts to bring the reserve program back in line with the active component benefit.

In each of the last three years over 75,000 National Guard and Reserve members have taken advantage of Veterans Administration educational benefits for pursuing their educational or vocational objectives. While those citizen-soldiers currently mobilized may become eligible for veterans benefits, we must correct the disparity between the active and reserve Montgomery GI bill programs. Only two benefit increases have been legislated in the reserve program since its inception in 1985, other than cost-of-living increases. The reserve Montgomery GI bill benefit for full-time study stands at $276 compared to $985 per month for the Title 38 program. This legislation will bring the reserve Montgomery GI bill benefit to $428 per month in fiscal year 2004 and $473 per month in fiscal year 2005 and continue out-year increases in accordance with advances in the consumer price index.

The Military Coalition comprised of 33 member organizations representing over 5.5 million veterans and family members endorses rate increases and funds for the reserve Montgomery GI bill program so that National Guard and Reserve service members can reap an educational return on their voluntary service to country.

It is time to return reserve educational assistance benefits to the level intended by the original drafting of the Reserve Montgomery GI Bill. Coupling and reinforcing service with higher education will pay dividends for our future security, strength and prosperity. This legislation fulfills the promise made to our Nation's service members, helps with recruiting and retention, strengthens the economy, and partly offsets the increasing costs of higher education.

I urge all Members of the Senate to join me in support of the Selected Reserve Educational Assistance Act of 2003 and quickly pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE UNDER PROGRAM OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs (A) through (C):

"(A) For a program of education pursued on a full-time basis, at the monthly rate of—

"(i) for months occurring during fiscal year 2004, $428;

"(ii) for months occurring during fiscal year 2005, $473; and

"(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).

"(B) For a program of education pursued on a three-quarter-time basis, at the monthly rate of—

"(i) for months occurring during fiscal year 2004, $321;

"(ii) for months occurring during fiscal year 2005, $355; and

"(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).

"(C) For a program of education pursued on a half-time basis, at the monthly rate of—

"(i) for months occurring during fiscal year 2004, $214;

"(ii) for months occurring during fiscal year 2005, $237; and

"(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to months that begin on or after the date.

(c) CPI ADJUSTMENT.—No adjustment shall be made under paragraph (2) of section 16131(b) of title 10, United States Code, for fiscal years 2004 and 2005.

By Mr. CORZINE:

S. 813. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today with my colleagues Senators AKAKA and SARBANES to introduce the Financial Literacy for Self-Sufficiency Act.

Our bill would require States to promote financial education through their TANF, Temporary Assistance to Needy Families, programs. Financial education—education that promotes an understanding of consumer, economic, and personal finance concepts—is extremely important for all families, and is especially important for low-income families who are moving from welfare to work.

While TANF focuses on moving families off cash assistance and into work, it fails to provide recipients with the tools they need to maximize their earnings and manage their expenses in order to achieve financial stability once they are employed. If we truly expect to move these families to achieve financial independence, we must give them the tools they will need to make that transition.

One of these tools is a bank account. Millions of low-income families remain outside of the formal banking system, with many of them spending too much of their hard-earned dollars at costly check cashing operations. In fact, more than eight million families earning under $25,000 a year lack a checking or savings account. A study conducted by the United States Department of the Treasury in 2000 found that a worker earning $12,000 a year would pay approximately $250 a year just to cash their payroll checks at such an outlet. And, nearly 16 percent of the checks cashed at check cashing outlets are government benefit checks—including welfare benefit checks.

In addition to expanding the number of banks that do business in low-income communities, educating low-income unbanked families about the benefits of formal checking and savings accounts can significantly improve access to financial services.

But, financial education isn't just about bank accounts and savings. It is also about protecting low-income families from predatory lending and devastating credit arrangements. Financial education that addresses abusive lending practices can help prevent unaffordable loan payments, equity stripping, and foreclosure. I strongly support legislative efforts to end predatory lending practices in our country, but until we do, ensuring that consumers are aware of unfair and abusive loan terms is a measure that will provide them some protection from these tactics.

Finally, families leaving welfare for work face many challenges, including securing child care and transportation. One challenge that often is not mentioned, however, is the challenge of transitioning from a benefits-based income to a wage income. Financial literacy programs that educate families transitioning from welfare to work about taxes and tax benefits that they may be eligible for, such as the Dependent Care Tax Credit and the Earned Income Tax Credit, will ensure that they have access to these important work benefits.

The Financial Literacy for Self-Sufficiency Act will allow States to use their TANF funds to collaborate with community-based organizations, banks, and community colleges to create financial education programs for low-income families receiving welfare and for those transitioning from welfare to work. As Federal Reserve Chairman Alan Greenspan Chairman Greenspan has noted, "Educational and training programs may be the most critical service offered by community-based organizations to enhance the ability of low-income households to accumulate assets."

I hope members of the Senate Finance Committee will join my colleagues and me in promoting financial education for our nation's TANF recipients when they act to create a reauthorization framework for our nation's welfare program.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Financial Education Promotion Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Most recipients of assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Currently, personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Financial education speaks to the broader purpose of the temporary assistance to needy families program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

SEC. 3. REQUIREMENT TO PROMOTE FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Establish goals and take action to promote financial education, as defined in section 407(j), among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, and the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.".

(b) INCLUSION OF FINANCIAL EDUCATION AS A WORK ACTIVITY.—Section 407 of the Social Security Act (42 U.S.C 607) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A), by striking "or (12)" and inserting "(12), or (13)"; and

(B) in subparagraph (B), by striking "or (12)" each place it appears and inserting "(12), or (13)";

(2) in subsection (d)—

(A) in paragraph (11), by striking "and" at the end;

(B) in paragraph (12), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(13) financial education, as defined in subsection (j)."; and

(3) by adding at the end the following:

"(j) DEFINITION OF FINANCIAL EDUCATION.—In this part, the term 'financial education' means education that promotes an understanding of consumer, economic, and personal finance concepts, including the basic principles involved with earning, budgeting, spending, saving, investing, and taxation.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. HARKIN, Mr. GRASSLEY, Mr. SMITH, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. DASCHLE, Mr. DORGAN, Mr. DOMENICI, Mrs. LINCOLN, Mr. BURNS, Mr. BINGAMAN, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEVIN, Mr. TALENT, Mr. DAYTON, Mr. BOND, Mr. EDWARDS, Mr. COCHRAN, Mr. PRYOR, Mrs. MURRAY, Ms. SNOWE, Mr. COLEMAN, and Ms. CANTWELL):

S. 816. A bill to amend title XVII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, Senator THOMAS and I would like to introduce the Health Care Access and Rural Equity, (H-CARE), Act of 2003.

This proposal is the result of a tripartisan and Bicameral effort. We are proud to be joined by 24 Members who also support the bill, including—Senators HARKIN, GRASSLEY, ROBERTS, DASCHLE, DORGAN, SMITH, JOHNSON, LINCOLN, DOMENICI, ROCKEFELLER, BURNS, BINGAMAN, JEFFORDS, COCHRAN, LEVIN, TALENT, EDWARDS, BOND, PRYOR, DAYTON, SNOWE, CANTWELL and MURRAY. I would also like to thank our House companions, led by Representatives MORAN (R-KS), and POMEROY.

Working together, I believe we are taking important steps toward improving access to health care in our rural communities.

In addition, I would like to thank the National Rural Health Association, the Federation of American Hospitals, the American Hospital Association, Premier Hospital Alliance and the Coalition representing Sole Community Hospitals for their support of this effort.

As my colleagues may know, rural health care providers are often forced to operate with significantly less resources than larger, urban facilities. In my State of North Dakota, rural hospitals often receive only half the reimbursement of their urban counterparts—for treating the same patient. For example, a rural facility in North Dakota receives approximately $4,200 for treating pneumona, while a hospital in New York City can receive more than $8,500.

This funding disparity is simply unfair and has placed many rural providers on shaky ground. Continued funding shortfalls have resulted in rural providers having much tighter inpatient cost margins than their urban counterparts—today, the average rural hospital operates with a slim 3.9 percent cost margin compared to 11.3 percent for urban providers). This situation has resulted in more than 43 percent of rural hospitals operating in the red.

When you look at overall cost margins, the situation is even more bleak—rural providers are working with an average negative 2.9 percent Medicare margin, compared to 6.3 percent for urban hospitals). Our rural facilities cannot continue to provide high quality services if they lose nearly 3 percent on every Medicare patient they serve.

To address these problems, the bill we are introducing today would take many important steps to improve the rural health care system.

First, it would provide a much-needed low-volume adjustment payment. Today, it is nearly impossible for rural hospitals to take advantage of economies of scale realized by facilities located in larger communities. This situation has resulted in the majority of small facilities losing money. To address this problem, our bill would provide a new, extra payment to hospitals serving less than 2,000 patients per year. This provision would provide up to 25 percent in additional funding to help rural providers cover inpatient hospital services.

Second, H-CARE would close the gap in payments hospitals receive for serving low-income patients. It would do this by allowing rural hospitals to receive the same level of special "Disproportionate Share—or DISH Payments" currently available to urban providers.

Third, our legislation would take steps to permanently equalize the "base payment amount," which has been 1.6 times higher for urban facilities. The recent Omnibus bill temporarily fixed this problem—but only until the end of FY03. Our bill finishes the job.

Fourth, this legislation would help hospitals better meet labor costs by making some needed improvements to the Medicare "wage index" calculation. Across the Nation, rural hospitals have reported that the wage index does not accurately account for labor costs in their area. Our bill takes steps to address this problem.

Fifth, our bill would ensure that rural hospitals continue to be paid fairly for outpatient services. It does this by extending a provision in current law that protects these hospitals against losses under the current Medicare payment system. It also includes measures to protect rural hospitals' access to lab services.

I am happy to say that this set of proposals would go a long way toward placing rural facilities on much sounder financial footing. Let me provide some examples.

Today, the average small hospital located in the Midwest receives $3,926 as an average payment for inpatient services. If all the changes laid out in our bill are enacted, this will improve payments to smaller rural hospitals by about 25 percent.

If you look at a more specific service—such as treating pneumonia—this same hospital would see payments increase from about $4,326 to $5,405. These increases are clearly big improvements, which will bring reimbursements for rural hospitals more in line with their costs.

Before I close, I'd also like to mention that this bill would establish a new grant program to help rural hospitals repair crumbling buildings. Under this program, rural providers could apply for up to $5m in loan assistance. It is my hope these resources will help strengthen the infrastructure of our Nation's rural hospitals.

Finally, our bill includes a set of provisions that will make small—but important—changes to the Critical Access Hospital, CAH, program. These include measures to ensure CAHs have 24-hour emergency on-call providers and to ensure they can afford to provide quality ambulance care.

In total, the changes laid out in our bill will bring more than $72 million in new resources to my State of North Dakota over the next ten years. The bill will provide similar benefits to other rural States.

Thank you again to my Senate and House colleagues, as well as the organizations who worked with us, for your cooperation in developing this important health care proposal. It is my hope that this legislation will help to strengthen and sustain our Nation's rural health care system.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the "Health Care Access and Rural Equity Act (H-CARE) of 2003" with Senator CONRAD and fellow Senate Rural Health Caucus members, Senators HARKIN, GRASSLEY, JOHNSON, ROBERTS, DOMENICI, DASCHLE, BINGAMAN, BOND, LINCOLN, COCHRAN, BURNS, ROCKEFELLER, JEFFORDS, TALENT, LEVIN, SMITH, DAYTON, SNOWE, EDWARDS, CANTWELL, DORGAN, COLEMAN and MURRAY. As always, it is important to note that rural health care legislation has a long history of bipartisan and bicameral collaboration and cooperation.

The "Health Care Access and Rural Equity Act of 2003" will go a long way in addressing current inequities in the Medicare payment system that continually place rural providers at a disadvantage. This legislation recognizes the unique needs of rural hospitals and levels the playing field between them and their urban counterparts.

Rural hospitals are more dependent on Medicare payments as part of their total revenue. In fact, Medicare accounts for almost 70 percent of total revenue for small, rural hospitals. Rural hospitals have lower patient volumes, but must compete nationally to recruit providers due to the nursing and other health professional workforce shortages.

Additional burdens are placed on rural hospitals because of higher uninsured rates in rural America. Also, seniors living in rural areas tend to be poorer and have more chronic conditions than their urban and suburban counterparts.

H-CARE recognizes the special circumstances faced by rural hospitals and addresses these issues by equalizing Medicare Disproportionate Share Hospital, DSH, payments. These add-on payments help hospitals cover the costs of serving a high proportion of low income and uninsured patients. Current law allows urban facilities to receive unlimited add-ons based on the percentage of these types of patients served. However, small, rural hospital add-on payments are capped at 10 percent. H-CARE eliminates the Sole Community Hospital and small rural hospital caps, bringing their payments in line with the benefits urban facilities received.

This legislation permanently closes the gap between urban and rural "standardized payment" levels. Inpatient hospital payments are calculated by multiplying several different factors, including a standardized payment amount. The fiscal year 2003 appropriations bill corrected the 1.6 percent disparity, but the provision expires at the end of the fiscal year.

Our bill also acknowledges that low-volume hospitals have a higher cost per case, which results in negative operation margins. To alleviate this problem, H-CARE creates a low-volume inpatient payment adjustment for hospitals that have less than 2,000 annual discharges per year and are located more than 15 miles from another hospital. This provision will improve payments for more than one-third of all rural hospitals. Almost two-thirds of Wyoming hospitals would qualify for the low-volume provisions in H-CARE, which would result in $26.5 million in increased payments over 10 years.

Rural hospitals have long sought changes to the wage index which adjusts hospital inpatient payments to reflect the effect of their labor costs. Currently, the labor-related share of hospital inpatient payments is set nationally at 71 percent. As rural hospitals generally have a lower wage index than their urban counterparts, their inpatient payment is adjusted downward. H-CARE would lower the labor-related percent from 71 percent to 62 percent, which will increase payments to rural hospitals.

There are now more than 700 hospitals nationwide that have converted to Critical Access Hospital status. This program was created in the Balanced

Budget Act of 1997 and allows our smallest communities crucial access to 24 hour emergency services and some hospital care in their home towns. Almost 25 percent of my State's hospitals have downsized to Critical Access Hospital status. H-CARE contains several provisions to strengthen this important rural hospital program.

It is time for the Federal Government to recognize that rural hospitals are long overdue for a fair shake from the Medicare program. Rural providers care for patients under different circumstances than urban hospitals and H-CARE ensures that rural hospitals are paid accurately and fairly. I strongly encourage all my colleagues with an interest in rural health to cosponsor this legislation.

I also want to thank the American Hospital Association, the Federation of American Hospitals, Premier and the National Rural Health Association for their work and support in this effort.

By Mr. KOHL:

S. 817. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2003, a measure to address the abuse of secrecy orders issued by federal courts. All too often, courts sign off on secret settlements that shield important public health and safety information from the public view from mothers and fathers and children whose lives are potentially at stake, and from public officials we have asked to protect our health and safety.

The problem is a simple one and has been recurring for decades. An individual brings a cause of action against a manufacturer for an injury or fatality resulting from a product defect. The plaintiff, often reticent to continue the litigation process because of grief or lack of resources, settles the lawsuit quickly. In exchange, the defendant insists that the plaintiff agree to the inclusion of a confidentiality clause. This mechanism prevents either party from disclosing information revealed during the process of litigation. Both of the parties to the lawsuit believe that they have "won": the plaintiff won a satisfactory financial settlement, and the defendant won the right to conceal "smoking gun" documents.

But not everybody wins. Future victims of injuries or fatalities resulting from the same product defect lose, because they or their families must "reinvent the wheel" as they litigate virtually the same case. Even worse, the American public loses with this outcome, because they remain unaware of the critical public health and safety information which could prevent harm and save lives.

Currently, judges have broad discretion in granting protective orders when "good cause" is shown. But these protective orders are being misused. Tobacco companies, automobile manufacturers and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American public but endanger their business or reputation. We can all agree that the only appropriate use for such orders is to protect trade secrets and other truly confidential company information and our legislation makes sure it is protected. But protective orders are certainly not supposed to be used to hide public safety information from the public, especially when such information is neither trade secret nor proprietary.

There are no records kept of the number of confidentiality orders accepted by state or federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Let me share some examples that illustrate the dangerous and often deadly consequences that result from protective orders: Although an internal memo suggests that General Motors, "GM", was aware of the risk of fire deaths from crashes of pickup trucks with "side saddle" fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases only on the condition that these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Sixteen month-old Michael Bancroft was buckled into a Kolcraft booster-style safety seat in his mother's car when the car was involved in an accident. Due to a defect in product design, however, the seat did not protect him from a broken neck and paralysis. Kolcraft and the Bancrofts settled for $4.25 million and signed a confidentiality agreement that concealed the product's defect. Because this information remained a secret, countless parents continued to feel a false sense of safety when securing their children in Kolcraft safety seats.

From 1992-2000, tread separation of certain Bridgestone and Firestone tires caused a great number of car accidents, many involving serious injuries or fatalities. Bridgestone/Firestone quietly settled dozens of lawsuits resulting from faulty tire crashes, most of which included secrecy agreements. It was only in 1999, when a Houston public television broke the story, that the company admitted the defect and recalled 6.5 million tires.

Some States have been proactive in dealing with this problem. Florida, for example, has in place a Sunshine in Litigation law that severely limits the ability of parties to conceal information that effects public health and safety. Michigan has a rule that requires that secret settlements be unsealed two years after they are approved. And just last year, the judges of the United States District Court for the District of South Carolina unanimously agreed not to accept any secret settlements at all.

While these steps indicate movement in the right direction, we still have a long way to go. It is time to initiate a federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety. Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts; both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

And don't just take it from me. During his confirmation hearings before the Judiciary Committee in January 2001, Attorney General John Ashcroft voiced his support for this legislation, saying, "I think unnecessarily hiding or otherwise concealing from the public those [public health and safety hazards] would be against the interests of the people . . . I think there's great danger in not providing public information."

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public and from regulators. This is an entirely reasonable balancing test. It is time to eliminate the dark dangers of court secrecy and bring matters of public health and safety into the light, where they belong.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BOND, Mr. PRYOR, and Mr. HARKIN):

S 818. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise to introduce the "Independent Office of Advocacy Act of 2003." The SBA's Office of Advocacy is, unfortunately, one of our government's best kept secrets, and in many cases, the best hope for small businesses faced with over burdensome Federal regulations. The Office of Advocacy serves two critical roles: 1. it represents small business' interests before the Federal government in regulatory matters—taking advantage of its statutorily granted independence to argue against regulatory actions that impose too great a burden on small businesses to our economy and the forces that have an effect on them.

This bill is designed to build on the success achieved by the Office of Advocacy over the past 26 years and to strengthen that foundation by making the Office of Advocacy a stronger, more effective advocate for all small businesses throughout the United States. This bill was approved unanimously by the Senate during the 106th and 107th Congresses. However, regrettably, the House failed to act in both cases.

The Office of Advocacy, headed by the Chief Counsel for Advocacy, is a unique office with the Federal government. It is part of the SBA, and the Chief Counsel for Advocacy is nominated by the President and confirmed by the Senate. At the same time, the Office is also intended to be the independent voice for small business within the Federal Government. It is supposed to develop proposals for changing government policies to help small businesses, and it is supposed to represent the views and interests of small businesses before other Federal agencies in rulemaking activities. These roles can sometimes come into conflict.

The "Independent Office of Advocacy Act of 2003" resolves such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the Executive Branch acting on their behalf. The bill would establish a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the President and his or her Administration.

The Office of Advocacy, under the direction of the Chief Counsel, as envisioned by the "Independent Office of Advocacy Act of 2003", would be a wide-ranging advocate, free to take positions contrary to the Administration's policies and to advocate change in government programs and attitudes as they affect small businesses. During its consideration of the bill in 1999, the Committee on Small Business adopted unanimously an amendment to require the Chief Counsel to be appointed "from civilian life." This qualification is intended to emphasize that the person nominated to serve in this important role should have a strong small business background.

In 1976, Congress established the Office of Advocacy in the SBA to be the eyes, ears and voice for small business within the Federal government. Since then, the Office of Advocacy has become the "independent" voice for small business. Unfortunately, in certain cases, the Office has not been as independent as necessary to do the job for small business.

For example, funding for the Office of Advocacy currently comes from the Salaries and Expense Account of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. The current allocation of staff is 49, and fewer are actually onboard as the result of the long-standing hiring freeze at the SBA. The independence of the Office is diminished when the Office of Advocacy staff is reduced to allow for increased staffing for new programs and additional initiatives in other areas of SBA, at the discretion of the Administrator.

To address this problem, the "Independent Office of Advocacy Act of 2003" builds a firewall to prevent political intrusion into the management of day-to-day operations of the Office of Advocacy similar to the one that protects Inspectors General. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

Additionally, the bill provides that any funds appropriated will remain available without fiscal year limitation until expended. This will give the Chief Counsel the flexibility to use these funds as necessary instead of being forced to spend them, perhaps prematurely, because of the coming end of a fiscal year.

The bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management, OPM. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

As the New Chair of the Senate Committee on Small Business and Entrepreneurship, I have heard repeatedly about the importance of the Office of Advocacy and the vital role it plays for small enterprises and the self employed across the nation. With these comments in mind, I am committed to ensuring the complete independence of the Office of Advocacy in all matters, at all times, for the continued benefit of all small businesses. However, so long as any administration controls the budget allocated to the Office of Advocacy, the independence of the Office may be in jeopardy. We must correct this situation, and the sooner we do it, the better it will be for the small business community.

In addition to resolving the critical funding issues, the "Independent Office of Advocacy Act of 2003" would direct the Chief Counsel to submit an annual report on Federal agency compliance with the Regulatory Flexibility Act, RFA, to the President, the Senate Committee on Small Business and Entrepreneurship, House Committee on Small Business, the Senate Committee on Governmental Affairs, the House Committee on Government Reform, and the Senate and House Committees on the Judiciary.

The RFA is a very important weapon in the war against the over-regulation of small businesses. It requires agencies to analyze their regulations to determine their impact on small businesses before they are proposed and to explore alternatives to reduce the regulatory burden. In August, 2002, President Bush issued Executive Order 13272, which requires Federal agencies to establish plans detailing how they will handle their obligations under the Regulatory Flexibility Act and directs the Office of Advocacy to work with the agencies in developing these plans. In addition, the Executive Order directs the agencies to respond to comments from the Office of Advocacy regarding the agencies' analyses. Thus, there is even more reason today to have the Chief Counsel report to the President and Congress on how Federal agencies are complying with the Regulatory Flexibility Act than there was when this bill was introduced in previous Congresses.

The "Independent Office of Advocacy Act of 2003" is a sound bill. It is the product of a great deal of thoughtful, objective review and consideration by me; the former Chairman of the Committee on Small Business and Entrepreneurship, Senator BOND; staff of the Committee; representatives of the small business community; former Chief Counsels for Advocacy and many others. In short, this bill has been thoroughly vetted in my Committee and has been approved unanimously by the Senate in 1999 and 2001. It is time we see this bill enacted into law, and I urge my colleagues to support this important legislation for America's small businesses and entrepreneurs. I look forward to moving this bill through the Senate again, and hope that the third time will lead to the President's desk.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Office of Advocacy Act of 2003".

SEC. 2. FINDINGS.

The Congress finds that—

(1) excessive regulations continue to burden United States small business concerns;

(2) Federal agencies are reluctant to comply with the requirements of chapter 6 of title 5, United States Code, and continue to propose regulations that impose disproportionate burdens on small entities;

(3) the Office of Advocacy of the Small Business Administration (referred to in this Act as the "Office") is an effective advocate for small entities, including small business concerns, that can help to ensure that agencies are responsive to small business concerns and that agencies comply with their statutory obligations under chapter 6 of title 5, United States Code, and under the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121; 106 Stat. 4249 et seq.);

(4) the independence of the Office is essential to ensure that it can serve as an effective advocate for small business concerns without being restricted by the views or policies of the Small Business Administration or any other executive branch agency;

(5) the Office needs sufficient resources to conduct the research required to assess effectively the impact of regulations on small business concerns; and

(6) the research, information, and expertise of the Office make it a valuable adviser to Congress as well as the executive branch agencies with which the Office works on behalf of small business concerns.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that the Office has the statutory independence and adequate financial resources to advocate for and on behalf of small business concerns;

(2) to require that the Office report to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator of the Small Business Administration in order to keep them fully and currently informed about issues and regulations affecting small business concerns and the necessity for corrective action by the regulatory agency or the Congress;

(3) to provide a separate authorization for appropriations for the Office;

(4) to authorize the Office to report to the President and to the Congress regarding agency compliance with chapter 6 of title 5, United States Code; and

(5) to enhance the role of the Office pursuant to chapter 6 of title 5, United States Code.

SEC. 4. OFFICE OF ADVOCACY.

(a) In General.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking sections 201 through 203 and inserting the following:

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Office of Advocacy Act'.

"SEC. 202. DEFINITIONS.

"In this title—

"(1) the term 'Administration' means the Small Business Administration;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration;

"(3) the term 'Chief Counsel' means the Chief Counsel for Advocacy appointed under section 203;

"(4) the term 'Office' means the Office of Advocacy established under section 203; and

"(5) the term 'small business concern' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

"SEC. 203. ESTABLISHMENT OF OFFICE OF ADVOCACY.

"(a) Establishment.—

"(1) In general.—There is established in the Administration an Office of Advocacy.

"(2) Appropriation requests.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy, which shall be designated in a separate account in the General Fund of the Treasury.

"(b) Chief Counsel for Advocacy.—

"(1) In general.—The management of the Office shall be vested in a Chief Counsel for Advocacy, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the ground of fitness to perform the duties of the office.

"(2) Employment restriction.—The individual appointed to the office of Chief Counsel may not serve as an officer or employee of the Administration during the 5-year period preceding the date of appointment.

"(c) Primary Functions.—The Office shall—

"(1) examine the role of small business concerns in the economy of the United States and the contribution that small business concerns can make in improving competition, encouraging economic and social mobility for all citizens, restraining inflation, spurring production, expanding employment opportunities, increasing productivity, promoting exports, stimulating innovation and entrepreneurship, and providing the means by which new and untested products and services can be brought to the marketplace;

"(2) assess the effectiveness of Federal subsidy and assistance programs for small business concerns and the desirability of reducing the emphasis on those programs and increasing the emphasis on general assistance programs designed to benefit all small business concerns;

"(3) measure the direct costs and other effects of government regulation of small business concerns, and make legislative, regulatory, and nonlegislative proposals for eliminating the excessive or unnecessary regulation of small business concerns;

"(4) determine the impact of the tax structure on small business concerns and make legislative, regulatory, and other proposals for altering the tax structure to enable all small business concerns to realize their potential for contributing to the improvement of the Nation's economic well-being;

"(5) study the ability of financial markets and institutions to meet the credit needs of small business concerns, and determine the impact of government demands on credit for small business concerns;

"(6) determine financial resource availability and recommend, with respect to small business concerns, methods for—

"(A) delivery of financial assistance, including methods for securing equity capital, to small business concerns—

"(i) owned and controlled by socially and economically disadvantaged individuals;

"(ii) owned and controlled by women;

"(iii) owned and controlled by veterans; or

"(iv) designated as HUBZone small business concerns by the Administration;

"(B) generating markets for goods and services;

"(C) providing effective business education, more effective management and technical assistance, and training; and

"(D) assistance in complying with Federal, State, and local laws;

"(7) evaluate the efforts of Federal agencies and the private sector to assist small business concerns—

"(i) owned and controlled by socially and economically disadvantaged individuals;

"(ii) owned and controlled by women;

"(iii) owned and controlled by veterans; or

"(iv) designated as HUBZone small business concerns by the Administration;

"(8) make such recommendations as may be appropriate to assist the development and strengthening of small business concerns—

"(i) owned and controlled by socially and economically disadvantaged individuals;

"(ii) owned and controlled by women;

"(iii) owned and controlled by veterans; or

"(iv) designated as HUBZone small business concerns by the Administration;

"(9) recommend specific measures for creating an environment in which all small business concerns will have the opportunity—

"(A) to compete effectively and expand to their full potential; and

"(B) to ascertain any common reasons for the successes and failures of small business concerns;

"(10) determine the desirability of developing a set of rational, objective criteria to be used to define the term 'small business concern', and develop such criteria, if appropriate;

"(11) make recommendations and submit reports to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator with respect to issues and regulations affecting small business concerns and the necessity for corrective action by the Administrator, any Federal department or agency, or the Congress; and

"(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator and to the Congress in order to promote the establishment and growth of those small business concerns.

"(d) Additional Functions.—The Office shall, on a continuing basis—

"(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other department or agency of the Federal Government that affects small business concerns;

"(2) counsel small business concerns on the means by which to resolve questions and problems concerning the relationship between small business and the Federal Government;

"(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of this title and communicate such proposals to the appropriate Federal agencies;

"(4) represent the views and interests of small business concerns before other Federal agencies whose policies and activities may affect small business;

"(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government that are of benefit to small business concerns, and information on the means by which small business concerns can participate in or make use of such programs and services; and

"(6) carry out the responsibilities of the Office under chapter 6 of title 5, United States Code.

"(e) OVERHEAD AND ADMINISTRATIVE SUPPORT.—The Administrator shall provide the Office with appropriate and adequate office space at central and field office locations of the Administration, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.".

(b) REPORTS TO CONGRESS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 206 and inserting the following:

"SEC. 206. REPORTS TO CONGRESS.

"(a) ANNUAL REPORTS.—Not less than annually, the Chief Counsel shall submit to the President and to the Committees on Small Business of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives, a report on agency compliance with chapter 6 of title 5, United States Code.

"(b) ADDITIONAL REPORTS.—In addition to the reports required under subsection (a) of this section and section 203(c)(11), the Chief Counsel may prepare and publish such reports as the Chief Counsel determines to be appropriate.

"(c) PROHIBITION.—No report under this title shall be submitted to the Office of Management and Budget or to any other department or agency of the Federal Government for any purpose before submission of the report to the President and to the Congress.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Office to carry out this title, such sums as may be necessary for each fiscal year.

"(b) AVAILABILITY.—Any amount appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.".

(d) INCUMBENT CHIEF COUNSEL FOR ADVOCACY.—The individual serving as the Chief Counsel for Advocacy of the Small Business Administration on the date of enactment of this Act shall continue to serve in that position after such date in accordance with section 203 of the Office of Advocacy Act, as amended by this section.

Mr. KERRY. Mr. President, I am pleased to join with my friend and colleague, Chairwoman of the Senate Committee on Small Business and Entrepreneurship, OLYMPIA SNOWE, in reintroducing the "Independent Office of Advocacy Act", which our Committee and the full Senate endorsed unanimously last Congress. This legislation will help ensure the Small Business Administration's, SBA, Office of Advocacy has the necessary autonomy to remain an independent voice for America's small businesses. I would like to thank Senator SNOWE and her staff for working with me and my staff to make the necessary changes to this legislation to garner bipartisan support.

The independent Office of Advocacy Act rewrites the law that created the Small Business Administration's Office of Advocacy to allow for increased autonomy. It reaffirms the Office's statutory and financial independence by creating a separate funding account for the Office from the General Fund of the Treasury instead of being allocated through the SBA's annual appropriation.

At its heart, this legislation will allow the Office of Advocacy to better represent small business interests before Congress, Federal agencies, and the Federal Government without fear of reprisal for disagreeing with the position of any current Administration.

For those of my colleagues without an intimate knowledge of the critical role the Office of Advocacy and its Chief Counsel play in protecting and promoting America's small businesses, I will briefly elaborate its important functions and achievements. From studying the role of small business in the U.S. economy, to promoting small business exports, to advocating for the best interests of small business in a myriad of areas, to lightening the regulatory burden of small businesses through the Regulatory Flexibility Act, RFA, and the Small Business Regulatory Enforcement Fairness Act, SBREFA, the Office of Advocacy has a wide scope of authority and responsibility.

The U.S. Congress created the Office of Advocacy, headed by a Chief Counsel to be appointed by the President from the private sector and confirmed by the Senate, in June of 1976. The rationale was to give small businesses a louder voice in the councils of government.

Each year, the Office of Advocacy advises Congress and the executive branch regarding policy issues affecting small businesses, brings together small business people with members of Congress, congressional staff and executive branch officials to resolve issues affecting small business, publishes numerous studies and reports, compiles vast amounts of data and successfully lightens the regulatory burden on America's small businesses. In the area of contracting, the Office of Advocacy developed PRO-Net, a database of small businesses used by Federal contracting officers to find small business interests interested in selling to the Federal Government.

The U.S. Congress, the Administration, and, of course, small businesses have all benefited from the work of the Office of Advocacy. In October 2001, an Advocacy research study titled, The Impact of Regulatory Costs on Small Business, established that small businesses with less than 20 employees spend nearly $7,000 each year, per employee just to comply with Federal regulations and mandates. By working with Federal agencies to implement the Regulatory Flexibility Act, the Office of Advocacy in 2002 saved small businesses over $21 billion in foregone regulatory costs that can now be used to create jobs, buy equipment and expand access to health care for millions of Americans.

Small businesses remain the backbone of the U.S. economy. According to a study conducted by the Small business Administration Office of Economic Research and released in January 2003, small businesses account for approximately 99 percent of all employers, account for 51 percent of private-sector output, represent 52 percent of GDP and, in 2002, provided two-thirds of all net new jobs.

Small businesses have also taken the lead in moving people from welfare to work and an increasing number of women and minorities are turning to small business ownership as a means to gain economic self-sufficiency. Put simply, small businesses represent what is best in the United States economy, providing innovation, competition and entrepreneurship.

Their interests are vast, their activities divergent, and the difficulties they face to stay in business are numerous. To provide the necessary support to help them, SBA's Office of Advocacy needs our support.

The responsibility and authority given the Office of Advocacy and the Chief Counsel are crucial to their ability to be an effective independent voice in the Federal Government for small businesses. This bill has been endorsed by the U.S. Chamber of Commerce, the Small Business Legislative Council and the National Federation of Independent Businesses. Small businesses are asking us to do everything we can to protect and strengthen this essential office. I believe this legislation accomplishes that important goal.

I have always been a strong supporter of the Office of Advocacy and I am pleased to join with Chairwoman SNOWE in introducing this legislation, which will ensure that the Office of Advocacy remains an independent and effective voice representing America's small businesses.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. LEAHY, and Mr. CAMPBELL):

S. 819. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Law Enforcement Officers Retirement Equity act of 2003. I am proud to be joined on this bill by my colleagues, Senators Sarbanes, Leahy and Campbell. This legislation will ensure that all Federal law enforcement officers have the same retirement options and that their pay and benefits conform with the Federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. But, some Federal law enforcement personnel, such as customs and immigration inspectors at the Department of Homeland Security or police officers at Veterans Affairs, are not eligible for these same benefits. This legislation will amend current law and grant the same pay and 20-year retirement to all law enforcement officers.

We must honor our Federal law enforcement personnel. The names of Federal law enforcement officials who have died in the line of duty are engraved on the Law Enforcement Memorial. We include the names of the officers from Homeland Security and Veterans Affairs. We honor them when they die, but we don't recognize them when they are living.

We need to make sure that all Federal law enforcement officers earn the pay and benefits that they deserve. These brave men and women are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the same law enforcement training as all other law enforcement personnel, and face the same risks and challenges.

For example, U.S. Customs inspectors are responsible for the most arrests performed by Customs Service employees. Yet, they do not qualify for law enforcement officer status. Along with U.S. customs agents, uniformed U.S. Customs inspectors are helping provide additional security at the Nation's airports and help enforce U.S. customs laws. They were among the first to respond to the tragedy at the World Trade Center. After September 11, Customs inspectors are playing a critical role in ensuring that terrorists don't get their hands on weapons of mass destruction and smuggle them into the country.

In 2002, the U.S. Custom Service impounded over 4,100 pounds of heroin and 167,000 pounds of cocaine, and confiscated over 39,000 firearms and 6.4 million rounds of ammunition. In fact, on a typical day, employees of the Customs Service inspect over 57,000 trucks and containers. Customers inspectors are vital in winning the war on drugs and keeping America safe from terrorism.

Like customs inspectors, immigration inspectors at the Department of Homeland Security are also on the front lines of defense against terrorism. Immigration inspectors enforce the Nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, interrogate applicants for entry, search persons and effects, and seize evidence. Inspector's responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

These immigration inspectors help secure our borders. In FY 2001, over 510 million inspections were performed by these inspectors with 700,000 individuals denied entry, and approximately 71,000 criminal aliens were removed from the country.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government. This bill is supported by the Fraternal Orders of Police and the National Treasury Employees Union. I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Retirement Equity Act".

SEC. 2. AMENDMENTS.

(a) Federal Employees' Retirement System.—

(1) In general.—Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking "and" at the end of subparagraph (C), and by adding at the end the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;".

(2) Conforming amendment.—Section 8401(17)(C) of title 5, United States Code, is amended by striking "(A) and (B)" and inserting "(A), (B), (E), and (F)".

(b) Civil Service Retirement System.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after "position." the following: "For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee (not otherwise covered by this paragraph) who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).".

(c) Effective Date.—Except as provided in section 3, the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

SEC. 3. TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.

(a) Law Enforcement Officer and Service Described.—

(1) Law enforcement officer.—Any reference to a law enforcement officer described in this subsection refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by section 2.

(2) Service.—Any reference to service described in this subsection refers to service performed as a law enforcement officer (as described in this subsection).

(b) Incumbent Defined.—For purposes of this section, the term "incumbent" means an individual who—

(1) is first appointed as a law enforcement officer (as described in subsection (a)) before the date of the enactment of this Act; and

(2) is serving as such a law enforcement officer on such date.

(c) Treatment of Service Performed by Incumbents.—

(1) In general.—Service described in subsection (a) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which paragraph (2) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under paragraph (2).

(2) Retirement.—Service described in subsection (a) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of such section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(d) Individual Contributions for Prior Service.—

(1) In general.—An individual who makes an election under subsection (c)(2) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by section 2 had then been in effect.

(2) Effect of not contributing.—If no part of or less than the full amount required under paragraph (1) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) Prior service defined.—For purposes of this section, the term "prior service" means, with respect to any individual who makes an election under subsection (c)(2), service (described in subsection (a)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(e) Government Contributions for Prior Service.—

(1) In general.—If an incumbent makes an election under subsection (c)(2), the agency in or under which that individual was serving at the time of any prior service (referred to in subsection (d)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under paragraph (2) with respect to such service.

(2) Amount required.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (over and above those actually paid) that would have been required if the amendments made by section 2 had then been in effect.

(3) Contributions to be made ratably.—Government contributions under this subsection on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in subsection (d)(3).

(f) Exemption From Mandatory Separation.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in subsection (a)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(g) Regulations.—The Office of Personnel Mangement shall prescribe regulations to carry out this Act, including—

(1) provisions in accordance with which interest on any amount under subsection (d) or (e) shall be computed, based on section 8334(e) of title 5, United States Code; and

(2) provisions for the application of this section in the case of—

(A) any individual who—

(i) satisfies paragraph (1) (but not paragraph (2)) of subsection (b); and

(ii) serves as a law enforcement officer (as described in subsection (a)) after the date of the enactment of this Act; and

(B) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under subparagraph (A), who dies before making an election under subsection (c)(2)), to the extent of any rights that would then be available to the decedent (if still living).

(h) Rule of Construction.—Nothing in this section shall be considered to apply in the case of a reemployed annuitant.

By Mrs. BOXER:

S. 820. A bill to amend the Federal Water Pollution Control Act to establish a perchlorate pollution prevention fund and to establish safety standards applicable to owners and operators of perchlorate storage facilities; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation guaranteeing a community's right-to-know about pollution discharges, seepage and potential drinking water contamination by the toxic chemical perchlorate.

Perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. Perchlorate is also used in lesser amounts for ammunition, fireworks, and other products. It dissolves readily in many liquids, including water, and moves easily and quickly.

The sources of drinking water for up to 10 million Californians and millions of other Americans are contaminated with perchlorate. Alarming levels of perchlorate have been discovered in Lake Mead and the Colorado River, the drinking water source for millions of Southern Californians. Communities in the Inland Empire, San Gabriel Valley, Santa Clara Valley, and the Sacramento area are also grappling with perchlorate contamination. In addition, more than 20 million Americans in at least 19 states drink water contaminated with perchlorate.

Perchlorate is a clear and present danger to California's public health. Perchlorate poses a variety of serious health risks relating to thyroid function, especially in newborns, children, and pregnant women. Exposure to perchlorate interferes with the thyroid gland's ability to produce the hormones needed for normal prenatal development. This can cause both physical and mental retardation. Perchlorate is also linked to thyroid cancer.

Despite the gravity of the situation, we currently have no way of knowing who is dumping it or where they are dumping it. We cannot wait four more years to address this threat while EPA continues to delay regulation and clean ups. Communities need to get moving to protect their drinking water sooner rather than later. Guaranteeing a community the right-to-know about potential perchlorate contamination is a first step.

My bill would do just this. First, my bill addresses the legacy of perchlorate contamination by requiring anyone who has stored more than 375 pounds of perchlorate since January 1, 1950, to report annually to the U.S. EPA, beginning no later than June 1, 2005. This does not apply to facilities that store perchlorate for a retail or law enforcement purpose. EPA must annually publish the list of all perchlorate storage facilities in existence since January 1, 1950, beginning no later than June 1, 2005.

Second, my bill would also require anyone who discharges perchlorate into the water to report the discharge, its volume, monitoring methods, and remedial actions to the EPA. EPA must publish this information annually in the Federal Register beginning no later than June 1, 2005.

Third, failure to report as required under my bill would result in fines. All fines will be deposited into a loan fund for public water suppliers and private well owners to pay for clean water when their water supply is shut down because of perchlorate contamination.

Communities have a right to know what is in their water and where it comes from. My bill will ensure that communities have the necessary information to act now to address the health threat of perchlorate. I look forward to working with my colleagues to pass this important legislation.

By Mr. HARKIN:

S. 821. A bill to accelerate the commercialization and widespread use of hydrogen energy and fuel cell technologies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, imagine a world with cars that spew out no smog, no toxic emissions, and no greenhouse gases. The only thing that would come out of the tailpipe would be water pure enough to drink.

Imagine a world in which we don't import a drop of Mideast oil, because clean, domestic, renewable energy sources meet all of our needs.

Imagine a world in which we don't need to worry about a terrorist strike on our large nuclear power plants, or a storm causing a blackout over a large region, because we get all of our electricity from small distributed generators on farms and in buildings throughout the country.

Sound too good to be true? The technology to do this, using hydrogen energy and fuel cells, is out of the labs and being tested on our streets and in our buildings today. For those of us who have been working for many years to bring this vision into reality, that is very exciting. But we still need a major effort to bring the costs down and commercialize the technology.

And there is remarkable bipartisan agreement on the need for government action. A couple years ago we were fighting for scraps of funding. Now the President has proposed $1.7 billion over 5 years toward getting hydrogen fuel cell vehicles on the road. The Senate energy bill last year, before it died in conference, included tax incentives for stationary fuel cells, fuel cell vehicles, hydrogen vehicles, hydrogen fueling infrastructure, and hydrogen fuel.

But we are still too timid to bring about the fundamental shift to the hydrogen economy. The Department of Energy is working toward a go-no go decision by the car companies by 2015, and mass production of vehicles by 2020. But the car companies themselves have been talking about commercial vehicles by 2010.

We need a bolder, more comprehensive plan. That's why I am introducing the Hydrogen and Fuel Cell Energy Act of 2003. This bill addresses three critical requirements to bringing hydrogen energy and fuel cells into commerce, and start gaining their environmental and security benefits, as soon as technically feasible.

First we need a technological push. We need better fuel cell stack components to reduce costs and improve longevity. We need lighter, more efficient ways to store hydrogen on-board vehicles. In the long term, we need cheaper ways of converting renewable energy to hydrogen fuel.

This bill reauthorizes the Matsunaga Act, which established the Federal hydrogen energy research program. It updates the language and sets clearer priorities. It expands the authorization to cover fuel cell research and development as well, to reflect the technical and bureaucratic reality that research on fuel cells—the most efficient, flexible, and cleanest way to use hydrogen energy—has become inextricably linked to research on hydrogen energy. It supports work on domestic and international codes and standards, to work through a major regulatory barrier to working with combustible hydrogen and to making all the infrastructure pieces fit together. It includes a specific mandate to do public education on hydrogen and fuel cells and to do university training in critical skills needed in the industry. And it increases funding levels over the next few years to accelerate progress in pre-commercial technologies.

Second, and perhaps most important right now, we need a near-term demand pull. As long as the fuel cells and hydrogen appliances are made by hand, they will remain very expensive. But it's also expensive to build the factories to build them more cheaply. We need support to get industry over that initial cost hump.

The first step is large demonstration programs that serve a dual purpose: they provide a realistic test of how the laboratory technologies work in the real world, and they provide funding for pre-commercial prototypes of the technologies, including starting to build a hydrogen fueling infrastructure.

The Hydrogen and Fuel Cell Energy Act authorizes several new, large demonstration programs:

The main demostration program would provide over $1 billion over 7 years for demonstrations of the full range of fuel cell applications and associated hydrogen infrastructure. These demonstrations would include fleets of fuel cell passenger vehicles, fuel cell buses and farm vehicles, stationary fuel cells in houses and commercial buildings, and portable fuel cells such as auxiliary power units in trucks.

A second, closely related program, would provide hydrogen fueling infrastructure over major transportation corridors and entire regions, and then demonstrate hydrogen-powered vehicles that are not tethered to a single pump. Early demonstrations, at least, would likely use vehicles that burn hydrogen; these are similar to gas-electric hybrids that you can buy today, but run on hydrogen rather than gasoline. These vehicles provide most of the benefits of fuel cell vehicles at a fraction of the current cost. They are not as good as fuel cell vehicles in the long term, they are less efficient, less flexible, and produce a little pollution, but would move us a long way toward the goal and would provide a good large-scale test of a hydrogen fueling system.

A third program would demonstrate hydrogen and fuel cell technologies in foreign countries. Hydrogen energy could have an early application in places where a competing fossil fuel infrastructure is not already well-developed. And assisting this application is in our national interest in order to promote global development without causing global warming and other harmful environmental effects, and to increase the global market for American hydrogen and fuel cell technologies.

The last program would focus on emerging technologies for production of hydrogen from renewable resources. Two approaches show particular promise for clean, efficient production of hydrogen at this time. Biorefineries make hydrogen and other products from biomass. And in "electrofarming" the hydrogen is produced and used on the same farm. The hydrogen might be made by growing and reforming biomass, from wind energy, or from farm waste; it could be used in farm vehicles and equipment and for heat and electricity in farm buildings.

All these demonstration programs would be conducted using competitive merit review of funding proposals from a wide variety of companies and organizations, and they would require cost-sharing from awardees.

Third, we need to show there will be a market for commercial hydrogen and fuel cell technologies in the long term. The Federal Government can do this by buying early commercial products and by providing incentives to others to do so, in recognition of their public benefits.

The bill includes Federal purchase requirements for both zero emission vehicles and stationary fuel cells. The vehicle requirements are similar to Federal fleet requirements for purchase of alternative fuel vehicles. They would require zero emission vehicles, most likely hydrogen fuel cell vehicles, to make up an increasing percentage of Federal fleet vehicle purchases up to 75 percent. Alternative fuel vehicles with very low emissions, such as hydrogen hybrid vehicles, would get partial credit. For stationary fuel cells, the bill would require modifying energy efficiency regulations for Federal buildings to presume use of fuel cells to power new Federal buildings and to encourage their use in older buildings.

The bill also provides a broad array of tax incentives for stationary and portable fuel cells, hydrogen and fuel cell vehicles, hydrogen fueling infrastructure, and hydrogen fuel. These incentives are similar to those that have been proposed in the CLEAR Act on alternative fuel vehicles, in previous bills on stationary fuel cells, and in last year's energy bill. However, this bill makes some important changes. It makes all the tax credits tradable so that government agencies and non-profit organizations can use them as well as consumers and private companies. It increases the credit for hydrogen fueling infrastructure to recognize the cost of making the hydrogen on-site, not just pumping it. It adds an additional incentive for hydrogen from renewable resources to encourage a transition to a sustainable hydrogen system. And most importantly, it extends the tax credits so the industry will know the incentives will be there when they are needed—when real commercial products are available.

Finally, the bill ensures effective coordination and oversight of the expanded Federal hydrogen and fuel cell energy activities, with a new interagency task force to coordinate activities, a revamped technical advisory panel, and periodic outside review by the National Academies.

These measures will require a significant Federal investment in our energy future. But with these measures we can use hydrogen and fuel cell technologies to turn into reality a vision of cars that don't pollute, of power that won't go out, and of feeling less dependent on an area of the world where we are fighting the second war in recent years. It is time to take these steps now.

By Mr. KERRY (for himself, Mr. HARKIN, Ms. LANDRIEU, Mr. PRYOR, Mr. LIEBERMAN, Mr. DASCHLE, Mr. BINGAMAN, and Mr. JOHNSON):

S. 822. A bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, with most of the country's attention focused on the war in Iraq, important issues at home are falling through the cracks. Today I rise to talk about one of the needs of working moms and dads and their children—child care. We have a shortage of child care in this country, and it is a problem for our families, a problem for our businesses, and a problem for our economy. The Census Bureau estimates that there are approximately 24 million school age children with parents who are in the workforce or pursuing education, and the numbers are growing. There has been a 43 percent increase in dual-earner families and single parent families over the last half a century. As parents leave the home for work and education, the need for quality child care in America continues to increase.

As the Ranking Democrat of the Committee on Small Business and Entrepreneurship, I think we can foster the establishment and expansion of existing child care businesses through the Small Business Administration, SBA. Today with Senators HARKIN, LANDRIEU, PRYOR, LIEBERMAN, DASCHLE, BINGAMAN, and JOHNSON, I am introducing the Child Care Lending Pilot Act of 2003, a bill to create a three-year pilot that allows small, non-profit child care providers to access financing through SBA's 504 loans.

There is a real need to help finance the purchase of buildings, to expand existing facilities and improve the conditions of established centers to meet the demand for child care. It is appropriate to provide financing through the 504 program because it was created to spur economic development and rebuild communities, and child care is critical to businesses and their employees. Financing through 504 could spur the establishment and growth of child care businesses because the program requires the borrower to put down only between 10 and 20 percent of the loan, making the investment more affordable. Another advantage of 504 loans is that they have terms of up to 20 years, with fixed interest rates, allowing small businesses to keep their monthly payments low and predictable.

As anyone with children knows, quality child care comes at a very high cost to a family, and it is especially burdensome to low-income families. The Children's Defense Fund has estimated that child care for a 4-year-old in a child care center averages $4,000 to $6,000 per year in cities and states around the Nation. In all but one state, the average annual cost of child care in urban area child care centers is more than the average annual cost of public college tuition.

These high costs make access to child care all but non-existent for low-income families. While some states have made efforts to provide grants and loans to assist child care businesses, more must be done to increase the supply of child care and improve the quality of programs for low-income families. According to the Child Care Bureau, state and federal funds are so insufficient that only one out of 10 children in low-income working families who are eligible for assistance under federal law receives it.

For parts of the country, when affordable child care is available, it is provided through non-profit child care businesses. I formed a task force in my home state of Massachusetts to study the state of child care, and of the many important findings, we discovered that more than 60 percent of the child care providers are non-profit and that there is a real need to help them finance the purchase of buildings or expand their existing space. Child care in general is not a high-earning industry, and the owners don't have spare money lying around. Asking centers to charge less or cut back on employees is not the way to make child care more affordable for families and does not serve the children well. An adequate staff is needed to make sure children receive proper supervision and support. Furthermore, if centers are asked to lower their operating costs in order to lower costs to families, the safety and quality of the child care provided would be in jeopardy.

I urge my colleagues to join us in supporting this legislation so non-profit child care providers can access funds to start new centers or expand and improve upon existing centers. As we have done in Massachusetts, Senators could bring together 504 lenders, child care providers—now for-profit and non-profit—and the state department of child welfare to facilitate the increase of child care providers in their states.

As common sense tells us, and the child advocates if we listen, there is no magic bullet to addressing the shortage of safe and affordable child care in this country—it takes coordinated and complementary efforts to make a real difference. This is as much a child welfare issue as a workforce issue, and it makes sense to leverage one of SBA's effective resources to try and contribute to making a positive difference. I argue—we argue—that allowing non-profit child care centers to receive SBA loans can increase the availability of child care in the United States. Non-profit child care centers provide the same quality of care as the for-profit centers, and non-profit centers often serve our nation's neediest communities. I hope that my colleagues will recognize the vital role that early education plays in the development of fine minds and productive citizens and realize that in this great nation, child care should be available to all families in all income brackets.

I ask unanimous consent that several letters of support be printed in the RECORD. These letters demonstrate that this is a good investment and good for our country.

There being no objection, the additional materials were ordered to be printed in the RECORD, as follows:

OMNI BANK, N.A.,
Houston, Texas, July 30, 2002.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Please accept this letter as my full support of the bill, soon to be introduced, proposing a Pilot Program, operating through the Small Business Administration's 504 Loan Program, that would allow Day Care facilities designated as non-profits to be eligible for the program.

I believe the demand for such a product is strong, and is fiscally sound. My reasons are as follows:

1. Day Care Centers must carry a non-profit designation in order to accept children to the center from low-income families.
2. These businesses benefit low-income neighborhoods and enterprise zones by purchasing property, improving the physical appearance of the community and providing safe facilities for the children. The ability to utilize the SBA–504 program would enable these businesses to decrease lease/payment expense and hence, help more children.
3. These families are in the most need for quality day care facilities in their community, since many use mass transit to get to work.
4. Small businesses have provided most of the job growth in this country in the last ten years. By enabling these Day Care Centers to operate efficiently and provide quality facilities, we will be helping small business gain and maintain employees.
5. Designation as a non-profit business does not equate to an inability to pay loans, or other business expenses.

OMNIBANK, a 50-year-old community bank in Houston, Texas, has experienced a consistent demand for loans to Day Care Centers. Most loan requests from these entities are for the purpose of acquiring or expanding property (real-estate) or acquiring transportation equipment. An example of a specific, recent request follows:

The Executive Director and Owner of Teeter Totter Day Care Center approached OMNIBANK about a loan to purchase the building used to house the Center. The owner, an African-American woman, was experienced in this business. Cash flow to service the debt was sufficient and appropriate under prudent lending guidelines. The only deterrent from making a conventional loan was the amount available for down payment. Twenty percent or more is usually required.

Under the SBA-504 Program, a ten percent down payment is allowed and standard procedure for multi-use buildings. Additionally, it offers a fixed rate on the SBA portion of the loan. Most small businesses do not have access to fixed rate mortgages, due to the size of the loan requests, which enhances the attractiveness of the SBA–504 Program even further.

As we were preparing the request package, we realized that a non-profit did not qualify. The owner would personally guarantee the loan, and even agreed to form a for profit corporation to hold the property, because the underlying tenant was non-profit it would not work. The owner could not change Teeter Totter into a for profit corporation without jeopardizing its subsidies for low-income children.

OMNIBANK and the day care center are located in Houston's fifth ward, most of which is classified as low to moderate income. Its population is primarily low-income African Americans and Hispanics. The project was viewed by the Bank as a good loan from a business perspective, with many additional benefits to the community at large.

Ultimately, after appealing to SBA for an exception, and spending a great deal of time on the project, the loan was not completed. This delayed a good project from improving many aspects of an already underserved community, due to a simple tax classification.

As stated earlier, OMNIBANK receives consistent requests from day care centers, most of which are non-profit. I believe that a Pilot Program as proposed, will prove that these are viable and valuable businesses. I would recommend that all other standard criteria, proven track record, cash flow, management expertise, etc. remain.

I look forward to any questions you may have, or any further examples I can provide.

Sincerely,

JULIE A. CRIPE

President and Chief Operating Officer.

GUILD OF ST. AGNES,

Worcester, MA, July 3, 2002.

Senator JOHN KERRY,

Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: It has come to my attention that your committee is working on legislation that would expand the SBA 504 loan program to non-profit child care centers.

As the Executive Director of the Guild of St. Agnes Child Care Agency and a member of the Advisory Committee on Child Care and Small Business, I wholeheartedly support this legislation. The Guild of St. Agnes is a non-profit child care agency providing child care in Worcester, MA and its surrounding towns. Presently we care for 1200 children aged four weeks to twelve years in child care centers, family care providers' homes and public schools. Of our seven centers, we currently own one.

Four of our centers are in old, worn-down buildings, causing us difficulty in recruiting new clients. As we look towards the future, the Guild of St. Agnes has set a goal of replacing these centers with new buildings. In order to accomplish this goal, we need to look for creative funding sources to support our capital campaign. The SBA 504 loan program would allow us to invest 10 percent of our own funds for capital expenses, borrow 50 percent from the government and secure a bank loan for 40 percent. Not only is this loan program attractive to banking institutions, it allows child care agencies like the Guild of St. Agnes to continue to grow during these economically challenging times.

I urge you to support the SBA 504 loan program legislation. The future of non-profit child care agencies such as the Guild of St. Agnes depends no it!

Sincerely,

EDWARD P. MADAUS,

Executive Director.

ACCION USA,

Boston, MA, July 8, 2002.

Hon. JOHN KERRY,

Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: My name is Erika Eurkus, and as a member of your Advisory Committee on Child Care and Small Business, I am writing to voice my support of expanding the SBA 504 loan program to include nonprofit child care centers.

I am the greater Boston program director for ACCION USA, a nonprofit "micro" lender whose mission is to make access to credit a permanent resource to low- and moderate-income small business owners in the United States—helping to narrow the income gap and provide economic opportunity to small business owners throughout the country. Many of the struggling entrepreneurs we serve are the owners of small, family-based day care centers.

At ACCION, I regularly come into contact with women and men whose dream is to operate a successful child care center—to provide a service to the community while making a better life from something they love to do. Often, what keeps these hardworking entrepreneurs from fully realizing that dream is a lack of working capital to begin and grow their businesses. Microlenders like ACCION are the only place they can turn for the crucial capital they need for their businesses. Mauro Leija, an ACCION client in San Antonio, Texas, has tried—and failed—to secure capital from commercial banks. "The loan officer at the bank said, 'Be realistic—you'll never get a loan. You have no college diploma, no capital, no history with any bank,'" Mauro remembers. This lack of economic opportunity is too often the reality for countless child care providers—most of whom earn an average of $3 per hour for their services.

With increased access to capital through the expansion of the SBA 504 loan program, small, nonprofit day care centers can continue to provide their valuable services to the community—and build a better life for their own families at the same time. Suzanne Morris of Springfield, Massachusetts, a longtime ACCION USA borrower, already illustrates the potential successes that an expanded SBA 504—and an opportunity for capital—will bring to day care owners across the country. After years of hard work and several small loans from ACCION, Suzanne has moved her day care out of the home and has expanded her staff to include seven members of the community. The business supports her family of four. She also gives back by training other local home-based day care providers in Federal nutrition guidelines.

It is my hope that we can all witness more successes like those of Suzanne by opening the door to funding for small day care providers. Please include nonprofit child care centers in the scope of SBA 504.

Sincerely,

ERIKA EURKUS,

Greater Boston Program Director.

NEIGHBORHOOD BUSINESS BUILDERS,

Boston, MA, July 10, 2002.

Senator JOHN KERRY,

Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: I am writing on behalf of Neighborhood Business Builders and the Jewish Vocational Service of Boston in support of legislation to expand availability of SBA 504 loans to non-profit child care centers.

I am currently the Director of Loan Funds at Neighborhood Business Builders, which is an economic development program and US SBA Intermediary Microlender. I have been lending and consulting to small businesses for the past year after fifteen years in the private sector as founder of three different companies in Boston and Los Angeles. I have an MPA from the Kennedy School at Harvard University.

I am on Senator Kerry's Child Care and Small Business Advisory Committee, and am Co-chair of the Sub Committee on Family Child Care.

I support legislative change to the 504 loan program because our committee has uncovered a need for government support of non-profit child care centers. The basic reason for this is that, while we recognize a demand for child care in every part of the country, we do not consider that the market fails to profitably supply child care in every part of the country.

For-profit entities are able to access the capital they need by: (1) Demonstrating demand for the service provided and (2) Demonstrating ability to service market rate debt with acceptable risk. Non-profit centers emerge when: (1) Demonstrated demand for the service is evident, but (2) The market will not support the true cost of the service provided. These non-profit centers are unable to access traditional forms of capital because they cannot demonstrate an ability to service debt at an acceptable risk.

The SBA 504 loan program would help mitigate the risk to lenders who will then be able to provide the necessary capital for the service that we know is in demand. The tax status of a child care center should be irrelevant, since the 501(C)3 status is only granted when there is evidence of a public good being provided.

Sincerely,

ERIC KORSH,

Director of Loan Funds, Neighborhood Business Builders.

SOUTH EASTERN ECONOMIC DEVELOPMENT CORPORATION,

Taunton, MA, July 10, 2002.

Chairman JOHN KERRY,

Senate Committee on Small Business and Entrepreneurship, Russell Building, Washington, DC.

Re Non profit child care center eligibility under the SBA 504 program.

DEAR SENATOR KERRY: As a member of the Advisory Committee on Child Care and Small Business as well as Vice President at South Eastern Economic Development (SEED) Corporation, I am writing in support of the idea of expanding the SBA 504 program to allow for non profit child care centers to be eligible for financing under the program. SEED Corporation is a Certified Development Company certified and accredited to administer the SBA 504 program throughout southeastern Massachusetts. Over the past 2 years, SEED has been the number one SBA 504 lender in the state. SEED is also an approved SBA Microenterprise Intermediary and we have enjoyed and made use of the ability to provide micro loans to non-profit child care businesses since the microenterprise intermediary legislation made the special provision for non profit child care providers to be eligible for SBA micro loan funds. My primary responsibilities at SEED include origination, underwriting and closing SBA 504 loans as well as the oversight and development of SEED's micro loan and business assistance activities.

Over the past five years, SEED has assisted over 10 FOR-PROFIT child care businesses to obtain SBA 504 financing for their start-up or expansion projects. However, we have also had to turn away an equal number of non-profit child care centers that were seeking similar assistance due to the fact that non profit entities are not eligible under the SBA 504 program.

As we have learned from discussions and analysis with the Advisory Committee on Child Care and Small Business, access to long term, fixed market or below-market rate financing is essential to any child care center. The slim margins that characterize this industry limit any child care center's ability to grow. The SBA 504 program offers the type of fixed rate financing that not only assists the business to keep its occupancy costs under control but also serves to stabilize its operations over the long term. The program also provides an incentive to a bank to provide fixed asset financing to a business that might not otherwise be able to afford a conventional commercial mortgage. The non-profit child care centers provide the same quality of care as the for-profit centers. Preventing non-profit child care centers from making use of the SBA 504 program when their for-profit competitors are able to results in discrimination against the children they serve; and, in general, the majority of child care centers operating in our state's neediest areas are non-profit.

For these reasons, I would like to support your efforts to expand the SBA 504 program enabling non-profit child care centers to be eligible for fixed asset financing under the 504 program. Thank you for your efforts.

Sincerely,

HEATHER DANTON,
Vice President.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES, OFFICE OF CHILD CARE SERVICES,
Boston, MA, July 11, 2002.

Chairman JOHN KERRY,
Senate Committee on Small Business and Entrepreneurship, Russell Building, Washington, DC.

DEAR CHAIRMAN KERRY: The Massachusetts Office of Child Care Services (OCCS) fully supports expansion of the SBA 504 loan program to include non-profit child care programs. OCCS is the state's licensing agency responsible for setting and enforcing strong health, safety and education standards for child care programs throughout the Commonwealth. OCCS is also the lead state agency responsible for the administration and purchase of all human services child care subsidies across the state. As a result, this agency is greatly invested in the availability of these child care programs and in increasing the capacity of child care services to benefit more families in the Commonwealth.

Currently there are approximately 17,000 licensed child care facilities in the Commonwealth which can provide services to over 200,000 children. Many of these facilities are non-profit programs that serve low-income families that are receiving child care subsidies to help them become or remain employed, and families that are or were receiving TANF. The availability and accessibility of child care is one of the main reasons that families can continue to successfully transition from welfare to work. There are currently approximately 18,000 children on the waiting list for a child care subsidy. The reauthorization of TANF may further increase the number of families seeking subsidized child care and Massachusetts must be ready to provide quality care. Accordingly, current and future non-profit programs will greatly benefit from the expansion of the SBA 504 loan program, as will the families that they serve.

OCCS is a member of the Advisory Committee on Child Care and Small Business and fully supports the Committee's mission of uniting the small business and child care communities to help providers maximize their income while providing quality child care. Expansion of the SBA 504 loan program will undoubtedly help expand the availability and accessibility of quality child care. Thank you for your support of this important legislation. If I can be of further assistance please do not hesitate to contact me.

Sincerely,

ARDITH WIEWORKA,
Commissioner.

WESTERN MASSACHUSETTS ENTERPRISE FUND, INC.,
Greenfield, MA, July 12, 2002.

Senator JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Office Building, Washington, DC.

DEAR SENATOR KERRY: I am writing in strong support of the legislation to expand the use of the SBA 504 program to include the financing of non-profit childcare centers.

As a member of Senator Kerry's Childcare Advisory Committee and the Executive Director of the Western Massachusetts Enterprise Fund (which makes loans to non-profits), I have seen a clear need for both more flexible and lower cost financing.

The SBA 504 program meets both those needs. By providing up to 40 percent financing, the SBA 504 program can help childcare centers more easily leverage bank financing. Additionally, the program offers highly competitive interest rates.

Finally, allowing the SBA to make loans to non-profit childcare centers is not new to the agency. The SBA is already making working capital loans to non-profit childcare centers through its Microenterprise Loan Fund Program.

If you have any questions, please to not hesitate to contact me.

Sincerely,

CHRISTOPHER SIKES,
Executive Director.

By Mr. SANTORUM (for himself, Mrs. LINCOLN, Mr. JEFFORDS, Mr. KYL, Mr. COLEMAN, and Mrs. CLINTON):

S. 823. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am pleased to join today with my colleague, Senator BLANCHE LINCOLN, as well as Senators JEFFORDS, KYL, COLEMAN and CLINTON, in introducing the Medicare Innovation Responsiveness Act of 2003.

Given all that is going on in the world today, it is sometimes difficult to focus on issues related to Medicare coverage, coding and payment procedures. But we must, because every day there are seniors and people with disabilities in need of lifesaving and life-enhancing medical treatments and technologies.

And every day, there are creative people in Pennsylvania, Arkansas, and all across our great country developing new ways to prevent and treat illness and save lives. Medicare patients should not be denied access to these new procedures and technologies because the Medicare program is slow to respond to innovations in medical care and the changing needs of patients.

Congress passed legislation with strong bipartisan support in 1999 and in 2000 to try to address these problems. Unfortunately, however, Medicare has failed to deliver on key commitments in the legislation and these barriers persist.

That is why we are here today—to introduce legislation that will finally make timely access to lifesaving advanced medical tests and treatments for Medicare patients a reality. Our bill builds on constructive approaches the Centers for Medicare and Medicaid Services, CMS, has taken recently to help Medicare keep up with advancements in treating patients.

For example, CMS recently took proactive, unprecedented steps to address one of the newest innovations in minimally invasive cardiology that will soon be available for patients: drug-eluting stents. These tiny medal scaffolds, long-used to reopen blocked heart arteries, can be more effective now that researchers have combined them with time-released drugs to prevent the growth of unwanted cells. The Agency established new hospital inpatient codes and reimbursements for the new stints because it recognized that the technology will quickly become the standard of care when approved by FDA in the coming weeks. The Agency understood the potential the stents hold to transform patient care and health care delivery—and acted in a timely fashion.

This forward-looking approach should be the rule, not the exception, in dealing with new treatment breakthroughs. And that is what our legislation today seeks to achieve.

At an event where Senator LINCOLN and I spoke to underscore the need for this legislation, we were pleased to be joined by medical professionals from our respective states, people who took time out of their busy schedules to come to Washington, DC and help us explain the importance of some of the provisions in the bill we are introducing today.

For example, three years after a mandate from Congress, Medicare has yet to provide special transitional payments for any new medical device used in the inpatient setting. As a result, Medicare will continue to take anywhere from 15 months to five years to integrate a new medical technology into the inpatient setting—and that is after it has already been approved as safe and effective by the FDA. Dr. Mark Wholey from Pittsburgh is involved in research on carotid stenting, and he commented today on the promise of this new treatment option and the importance of reducing barriers to Medicare patient access for new and innovative technologies.

In another area of coverage policy, Medicare discourages development of breakthrough devices like heart assist devices because it does not cover the routine costs of clinical trials for many innovative technologies. Dr. Walter Pae, Professor of Surgery at Penn State University, also came to Washington today to share some details of the pioneering work he is doing at Hershey Medical Center and to reinforce the importance of patient access to these promising clinical trials.

These reforms are reasonable and bipartisan. Most importantly, they are critical to patients in need of new and breakthrough technologies. I look forward to working with Senator LINCOLN and my colleagues on the Finance Committee in moving these important reforms in Committee and the Senate this year.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, and Mrs. BOXER):

S. 825. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code 1986; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in the early 1990s, a large number of U.S. companies began a process of switching their defined benefit pension plans to cash balance plans. Many of the employees whose pension plans were to be altered drastically weren't told and didn't notice that they were essentially going to be working for years without earning any more benefits. Their not knowing was viewed as a key benefit by management. And the retirees were furious.

As Keith Williams with Watson Wyatt Worldwide and Amy Viener with William Mercer, two firms that put together these plans in 1998 said at an Actuaries conference:

> Mr. Williams: I've been involved in cash balance plans five or six years down the road and what I have found is that while employees understand it, it is not until they are actually ready to retire that they understand how little they are actually getting.
>
> Ms. Viener: Right, but they're happy while they're employed.

One of the most abusive practices in cash balance conversions is known as "wear away." Older workers see nothing added to their pensions as the value of the pensions is frozen, often for many years, until it reaches the lower value of the new pension plan. At the same time younger workers are getting their pensions increased. In my view, this is clearly age discrimination and bad pension policy. In 1999, I introduced a bill to make it illegal for corporations wear away the benefits of older workers during conversions to cash balance plans. I offered my bill as an amendment. Forty-eight Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. We did not have enough votes then, but I believe the tide is turning.

After that vote, more and more stories came out about how many workers were losing their pensions. In September of 1999, the Secretary of the Treasury put a moratorium on conversions from defined benefit plans to cash balance plans. That moratorium has been in effect now for over three years. In April of 2000, I offered a sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously.

But last December, the Treasury decided to end that moratorium. The Department proposed a regulation that will allow hundreds of companies, many employing thousands of workers each to go forward with conversions that will allow for the wear-away of the current benefits of people across the country. This plan is breathtaking in its audacity. In a time when people have lost their life savings to market downturns and corporate duplicity, they are looking at changing the rules so that employers can once again bolster their bottom line by shifting funds from the pensions they promised their workers. I will not stand by and let it happen.

There are over 800 age discrimination complaints currently pending before the EEOC based on cash balance conversions. How many more will there be if we again start allowing companies to make these abusive conversions?

I want to make it very clear: I am not opposed to all cash balance plans. Some cash balance plans can be very good. What I oppose is the unilateral decision of a company being able to change their plans and stop contributing to older employees' pensions while benefits are given to newer employees.

That is what this issue is all about. It is fairness. It is equity. I know discussion of pension law can become very convoluted. But in essence, what some of these companies have been doing to these workers is nothing less than sheer thievery. They are able to save millions, in some cases hundreds of millions of dollars, by converting their plans, robbing workers who have been loyal and hard working, robbing them of their rightful claims on future benefits, It is not right. It is not fair.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. At least we used to. That is one of the reasons pension plans exist—the longer you work somewhere, the more you earn in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We should value that loyalty.

If companies are able to wear away the benefits of the longest serving workers, what kind of a signal does that send to the workers? It tells workers they are fools if they are loyal because if you put in 20 to 25 years, the boss can just change the rules of the game, and break their promise. It tells younger workers that it would be crazy to work for a company for a long time, that it's best to hedge your bets and move on as soon as it is convenient.

This destroys the kind of work ethic we have come to value and that we know built this country. But some of these cash balance conversions counter all of that. Her is an analogy. Imagine I hire someone for five years with a promise of a $50,000 bonus at the end of five years of service. At the end of three years, however, I renege on the $50,000 bonus. But the employee has three years invested. Had they known that the deal was going to be off, perhaps they would not have gone to work for me. They could have gone to work someplace else for a total higher compensation package. Is that the way we want to treat workers in this country, where the employer has all the cards and employees have none, and employers can make whatever deal they want, but can change the rules at any time?

That is why I am introducing this legislation. It is simple. It says that you have to give older, longer serving employees a choice, at retirement, when their pension plan is converted to a cash balance plan to get the benefits earned in the old plan instead. It also says that employers must start counting the new cash balance benefits where the old defined benefit plan left off, instead of starting the cash balance plan at a lower level than an employee had already earned.

In the March 3, 2002 issue of Fortune magazine, Janice Revell said of the possible impending flood of cash balances conversions: "Brace yourself for a very un-fairy-tale ending to this story. Millions of American workers are sure to see a large slice of their retirement income go up in smoke. It may not happen right away, but the groundwork is being laid right now."

I urge my colleagues in the Senate to join me in cosponsoring this measure, so that we can stop the flood before it starts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—EXPRESSING THE SENSE OF THE SENATE TO DESIGNATE THE MONTH OF NOVEMBER 2003 AS "NATIONAL MILITARY FAMILY MONTH"

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 107

Whereas military families, through their sacrifices and their dedication to our Nation and its values, represent the bedrock upon which our Nation was founded and upon which our Nation continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the month of November 2003 should be designated as "National Military Family Month"; and

(2) to request that the President—

(A) designate the month of November 2003 as "National Military Family Month"; and

(B) issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by introducing a Resolution to designate November 2003, as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent "short week" conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observance on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A Concurrent Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

SENATE RESOLUTION 108—DESIGNATING THE WEEK OF APRIL 21 THROUGH APRIL 27, 2003, AS "NATIONAL COWBOY POETRY WEEK"

Mr. BURNS (for himself, Mr. BAUCUS, Mr. BROWNBACK, Mr. HATCH, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas throughout American history, cowboy poets have played a large part in framing the landscape of the American West through written and oral poetry;

Whereas the endurance of these tales and poems demonstrates that cowboy poetry is still a living art;

Whereas recognizing the contributions of these poets dates as far back as cowboys themselves; and

Whereas it is necessary to recognize the importance of cowboy poetry for future generations: Now therefore be it

Resolved, That the Senate—

(1) designates that week of April 21 through April 27, 2003, as "National Cowboy Poetry Week"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to celebrate the week with the appropriate ceremonies, activities, and programs.

Mr. BURNS. Mr. President, I would like to submit a resolution for consideration by the Senate marking the last week in April as "Cowboy Poetry Week." Many think cowboys are a thing of the past, but I can tell you otherwise. In many western States like Montana, cowboys gather around a campfire and swap stories just as frequently as they did one hundred years ago. This oral tradition is now captured in written form as well, and several websites are dedicated solely to preserving and disseminating cowboy poetry and its history. My resolution will recognize the contribution of cowboy poetry to our history of the West, but also to mark it as a thriving tradition that continues even today. I thank my colleagues Senators BAUCUS, BROWNBACK, HATCH, and REID for their support on this issue. The life of cowboys should not be relegated to small weekly radio shows or features done on public television; it is important to understand that cowboys live and breathe a unique culture which few may be exposed to. I would encourage all my colleagues to take a walk in their boots one day, and read a little cowboy poetry.

SENATE RESOLUTION 109—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO POLIO

Mr. FEINGOLD (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 109

Whereas polio has caused millions of casualties through history, paralyzing millions and killing untold numbers of others;

Whereas polio remains a public health threat in today's world, despite being easily preventable by vaccination;

Whereas polio is now limited to 10 countries, with the distinct possibility that it can be once and forever extinguished as an affliction on mankind by ensuring the vaccination of all children in these countries under the age of 5;

Whereas a Global Polio Eradication Initiative exists that seeks to once and forever end polio as an illness, which includes efforts underway by the Centers for Disease Control and Prevention; and

Whereas the United States has the capacity to act to speed the eradication of polio by assisting in the targeting of its few remaining reservoirs: Now, therefore, be it

Resolved, That the Senate—

(1) expresses serious concern about the continuing menace posed by polio;

(2) implores the United Nations and its component agencies, the private sector, private voluntary organizations and non-governmental organizations, concerned States, and international financial institutions to act with haste and manifold dedication to eradicate polio as soon as possible; and

(3) calls upon the executive branch to provide the necessary human and material resources to end the scourge of polio once and for all, including closely monitoring laboratory stocks of the polio virus.

Mr. FEINGOLD. Mr. President, I rise to submit a resolution supporting global efforts to eradicate the scourge of polio from the face of the earth.

It was not so long ago that American parents were afraid to send their children to public swimming pools in the summer for fear that they would contact this deadly disease. More than 57,000 cases were reported in the United States in 1952. President Franklin Roosevelt, himself disabled by polio, established the March of Dimes in 1938 to find a cure for the disease. Sixteen years later, mass vaccination began, using a serum developed by Dr. Jonas Salk. Infections declined nearly 90 percent within three years. Routine administration of the Salk vaccine, and the subsequent oral vaccine developed by Dr. Albert Sabin, soon relegated polio to the history books in the United States and many other countries. The disease continued to take its toll, however, in those parts of the world where universal vaccination was beyond people's means.

In 1988, the World Health Assembly set a goal of eradicating polio worldwide by the year 2000. In that year there were an estimated 350,000 polio cases in 125 countries. The World Health Organization, the U.S. Centers for Disease Control and Prevention, UNICEF, and Rotary International spearheaded a global campaign to eradicate polio, as smallpox had been eradicated in 1979. As a result of this campaign, the Western Hemisphere was certified polio free in 1994. The Western Pacific—including the world's largest country, China—followed suit in 2000. But polio hung on in 10 countries in Africa, South Asia, and the Middle East, with 480 cases reported in 2001. Since then, Europe has been certified polio-free. But the disease has bounced back in India and Nigeria, and there were 1,462 cases reported in seven countries in 2002. The eradication target has been extended to 2005.

This resolution seeks to bolster the efforts of the WHO, UNICEF, CDC and Rotary International to eliminate this dreaded disease once and for all. It has been estimated that doing so would produce direct, global financial benefits of $1.7 billion a year mostly by eliminating the need for further vaccinations and their associated risks and would free millions from fear.

I especially want to commend the efforts of Rotary members worldwide, who have set a goal of raising $80 million this year for polio eradication. Rotary has committed more than $500 million to the campaign since 1988. This represents the finest spirit of community action to address global problems, harkening back to when American families collected dimes to wipe out polio in this country. I urge all my colleagues to emulate the spirit of the Rotarians by supporting this resolution.

SENATE RESOLUTION 110—HONORING MARY JANE JENKINS OGILVIE, WIFE OF FORMER SENATE CHAPLAIN, REVEREND DR. LLOYD JOHN OGILVIE

Mr. KYL (for himself, Mr. FRIST, Mr. DASCHLE, Mr. STEVENS, Mr. MCCONNELL, Mr. REID, Mr. BYRD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas Mary Jane Jenkins Ogilvie, a friend to the United States Senate who succumbed April 1, 2003, to infirmities that she had battled courageously over many years was—

(1) petite in size, but grand in character, a woman with strong independent status, while still being steadfastly supportive of her husband during his chaplaincy;

(2) an active, vibrant, frank, honest, vigorous, and warm friend, especially to many Senate spouses, during her eight years here;

(3) a loving wife and mother who, though she missed her family in California, was a vital partner in her husband's service to the Senate, near the end of which she returned home to California;

(4) a devout woman, a fighter to the end, an individual impressive for her style, her spirit, and her strong faith; and

(5) the center of her family, cherished by her husband Lloyd, her children Heather, Scott, and Andrew, and her grandchildren Erin, Airley, Bonnie, and Scotter: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Mary Jane Jenkins Ogilvie;

(2) recognizes her contributions to the Senate family;

(3) admires her courage and loyalty; and

(4) expresses gratitude that she is now with the Lord.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of Mary Jane Jenkins Ogilvie.

SENATE CONCURRENT RESOLUTION 34—CALLING FOR THE PROSECUTION OF IRAQIS AND THEIR SUPPORTERS FOR WAR CRIMES, AND FOR OTHER PURPOSES

Mr. SPECTER (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 34

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom should ensure the prosecution by tribunal of persons in the Government of Iraq, persons in the armed forces of Iraq, and any other persons, regardless of nationality, who order, direct, solicit, procure, coordinate, participate in, or support acts in violation of the international law of armed conflict (including the aspects of such law set forth in the Hague and Geneva Conventions) that are directed at members of the armed forces of the coalition nations or at the people of Iraq or any other nation;

(2) in the determination of appropriate persons to be charged and tried by such tribunal on the basis of command responsibility for any violation, consideration should be given to identifying responsible persons throughout the full range of the chain of command, and not only persons within formal chains of command of the government and armed forces of Iraq, but also persons integral to any informal link by which a person in the government of Iraq or the armed forces of Iraq, or any other person, directs paramilitary, political, or guerrilla forces;

(3) in the determination of appropriate persons, to be charged and tried by such tribunal, consideration should also be given to identifying persons who use political position or mass media in any of the violations; and

(4) in the determination of the violations of the international law of armed conflict to be tried by the tribunal, particular attention should be given to acts in the nature of those that, as of the date of this resolution, have already been committed by Iraqi directed forces, such as—

(A) the abuse of places protected from military attack under international law of armed conflict, such as the use of mosques and hospitals as military headquarters or for other military purposes;

(B) the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces, including by means of suicide bombing by which a combatant appearing to be a civilian operator of a car detonates explosives concealed in the car;

(C) the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;

(D) the use of civilians or other persons protected under international law of armed conflict as human shields for Iraqi combatants on the battlefield;

(E) assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;

(F) abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

(G) recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

AMENDMENTS SUBMITTED AND PROPOSED

SA 526. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 476, to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

TEXT OF AMENDMENTS

SA 526. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 476, to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; as follows:

On page 24, strike lines 18 through 20, and insert the following:

"(i) IN GENERAL.—In the case of any such contributions by a taxpayer who is an eligible farmer or rancher for the taxable year in which such contributions are made—

On page 45, between lines 11 and 12, insert the following:

SEC. 113. 10-YEAR DIVESTITURE PERIOD FOR CERTAIN EXCESS BUSINESS HOLDINGS OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Section 4943(c) (relating to excess business holdings) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) 10-YEAR PERIOD TO DISPOSE OF CERTAIN LARGE GIFTS AND BEQUESTS.—

"(A) IN GENERAL.—Paragraph (6) shall be applied by substituting '10-year period' for '5-year period' if—

"(i) upon the election of a private foundation, it is established to the satisfaction of the Secretary that—

"(I) the excess business holdings (or increase in excess business holdings) in a business enterprise by the private foundation in an amount which is not less than

$1,000,000,000 is the result of a gift or bequest the fair market value of which is not less than $1,000,000,000, and

"(II) after such gift or bequest, the private foundation does not have effective control of such business enterprise to which such gift or bequest relates,

"(ii) subject to subparagraph (C), the private foundation submits to the Secretary with such election a reasonable plan for disposing of all of the excess business holdings related to such gift or bequest, and

"(iii) the private foundation certifies annually to the Secretary that the private foundation is complying with the plan submitted under this paragraph, the requirement under clause (i)(II), and the rules under subparagraph (D).

"(B) ELECTION.—Any election under subparagraph (A)(i) shall be made not later than 6 months after the date of such gift or bequest and shall—

"(i) establish the fair market value of such gift or bequest, and

"(ii) include a certification that the requirement of subparagraph (A)(i)(II) is met.

"(C) REASONABLENESS OF PLAN.—

"(i) IN GENERAL.—Any plan submitted under subparagraph (A)(ii) shall be presumed reasonable unless the Secretary notifies the private foundation to the contrary not later than 6 months after the submission of such plan.

"(ii) RESUBMISSION.—Upon notice by the Secretary under clause (i), the private foundation may resubmit a plan and shall have the burden of establishing the reasonableness of such plan to the Secretary.

"(D) SPECIAL RULES.—During any period in which an election under this paragraph is in effect—

"(i) section 4941(d)(2) (other than subparagraph (A) thereof) shall apply only with respect to any disqualified person described in section 4941(a)(1)(B),

"(ii) section 4942(a) shall be applied by substituting 'third' for 'second' both places it appears,

"(iii) section 4942(e)(1) shall be applied by substituting '12 percent' for '5 percent', and

"(iv) section 4942(g)(1)(A) shall be applied without regard to any portion of reasonable and necessary administrative expenses.

"(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, the $1,000,000,000 amount under subparagraph (A)(i)(I) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2002' for '1992' in subparagraph (B) thereof. If the $1,000,000,000 amount as increased under this subparagraph is not a multiple of $100,000,000, such amount shall be rounded to the next lowest multiple of $100,000,000.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts and bequests made after the date of the enactment of this Act.

On page 86, between lines 11 and 12, insert the following:

SEC. 313. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any qualified 501(c)(3) bond issued before the date which is 1 year after the date of the enactment of this subparagraph for the benefit of an organization described in section 501(c)(3), if such bond is part of an issue the proceeds of which are used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

"(I) Licensed nursing home facility.

"(II) Licensed or certified assisted living facility.

"(III) Licensed personal care facility.

"(IV) Continuing care retirement community.

"(ii) LIMITATION.—With respect to any calendar year, clause (i) shall not apply to any bond described in such clause if the aggregate authorized face amount of the issue of which such bond is a part when increased by the outstanding amount of such bonds issued by the issuer for such calendar year exceeds $15,000,000.

"(iii) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this subparagraph, the term 'continuing care retirement community' means a community which provides, on the same campus, a continuum of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking "and" at the end of paragraph (3), by striking the period in paragraph (4) and inserting "; and", and by inserting after paragraph (4) the following new paragraph:

"(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.".

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking "or" at the end of paragraph (4), by adding "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking "Paragraphs (4) and (5)" and inserting "Paragraphs (4), (5), and (6)".

(B) Section 6421(c) is amended by striking "or (5)" and inserting "(5), or (6)".

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)) for services or facilities furnished to such organization.".

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking "or (j)" and inserting "(j), or (k)".

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) sold to a qualified blood collector organization's (as defined in section 7701(a)(48)) for such organization's exclusive use;".

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking "Subparagraphs (C) and (D)" and inserting "Subparagraphs (C), (D), and (E)", and

(ii) by striking "(C), and (D)" and inserting "(C), (D), and (E)".

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting "sold to a qualified blood collector organization (as defined in section 7701(a)(48))," after "for its exclusive use,".

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

"(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—For purposes of this title, the term 'qualified blood collector organization' means an organization which is—

"(A) described in section 501(c)(3) and exempt from tax under section 501(a),

"(B) registered by the Food and Drug Administration to collect blood, and

"(C) primarily engaged in the activity of the collection of blood.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to excise taxes imposed on sales or uses occurring on or after October 1, 2003.

(2) REFUND OF GASOLINE TAX.—For purposes of section 6421(c) of the Internal Revenue Code of 1986 and any other provision that allows for a refund or a payment in respect of an excise tax payable at a level before the sale to a qualified blood collector organization, the amendments made by this section shall apply with respect to sales to a qualified collector organization on or after October 1, 2003.

SEC. 315. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term "qualified forest conservation bond" means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is issued for a qualified organization, and

(C) such bond is issued before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—

(A) IN GENERAL.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $2,000,000,000 for all projects (excluding refunding bonds).

(B) ALLOCATION OF LIMITATION.—The limitation described in subparagraph (A) shall be allocated by the Secretary of the Treasury among qualified organizations based on criteria established by the Secretary not later than 180 days after the date of the enactment of this section, after consultation with the Chief of the Forest Service.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term "qualified project costs" means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) capitalized interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date which is 180 days after the enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term "qualified harvesting activity" means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds,

(ii) with respect to which a written acknowledgement has been obtained by the qualified organization from the State or local governments with jurisdiction over such land that the acquisition lessens the burdens of such government with respect to such land, and

(iii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land or,

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity of a qualified organization occurring after the date on which there is no outstanding qualified forest conservation bond with respect to such qualified organization or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (3), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of the Internal Revenue Code of 1986 shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term "qualified conservation plan" means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term "qualified organization" means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term "unrelated person" means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting "25 percent" for "50 percent" each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

SEC. 316. CLARIFICATION OF TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.

(a) Clarification of Tax-Exempt Status of Trusts.—

(1) In general.—Subsection (b) of section 601 of the Homeland Security Act of 2002 is amended to read as follows:

"(b) Designation of Johnny Micheal Spann Patriot Trusts.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and meets the requirements described in subsection (c) shall be eligible to designate itself as a 'Johnny Micheal Spann Patriot trust'.".

(2) Conforming amendment.—Section 601(c)(3) of such Act is amended by striking "based" and all that follows through "Trust".

(b) Publicly Available Audits.—Section 601(c)(7) of the Homeland Security Act of 2002 is amended by striking "shall be filed with the Internal Revenue Service, and shall be open to public inspection" and inserting "shall be open to public inspection consistent with section 6104(d)(1) of the Internal Revenue Code of 1986".

(c) Clarification of Required Distributions to Private Foundation.—

(1) In general.—Section 601(c)(8) of the Homeland Security Act of 2002 is amended by striking "not placed" and all that follows and inserting "not so distributed shall be contributed to a private foundation which is described in section 509(a) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which is dedicated to such beneficiaries not later than 36 months after the end of the fiscal year in which such funds, donations, or earnings are received.".

(2) Conforming amendments.—Section 601(c) of such Act is amended—

(A) by striking "(or, if placed in a private foundation, held in trust for)" in paragraph (1) and inserting "(or contributed to a private foundation described in paragraph (8) for the benefit of)", and

(B) by striking "invested in a private foundation" in paragraph (2) and inserting "contributed to a private foundation described in paragraph (8)".

(d) Requirements for Distributions From Trusts.—Section 601(c)(9)(A) of the Homeland Security Act of 2002 is amended by striking "should" and inserting "shall".

(e) Regulations Regarding Notification of Trust Beneficiaries.—Section 601(f) of the Homeland Security Act of 2002 is amended by striking "this section" and inserting "subsection (e)".

(f) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Homeland Security Act of 2002.

On page 100, line 20, strike "**7525**" and insert "**7528**".

On page 101, after line 8, strike "7525" and insert "7528".

On page 123, before line 22, insert the following:

(e) Report Regarding Account Maintenance Fees.—The Secretary of the Treasury shall study the adequacy of the amount specified in section 45G(c)(2) of the Internal Revenue Code of 1986 (as added by this section). Not later than December 31, 2009, the Secretary of the Treasury shall report the findings of the study described in the preceding sentence to Congress.

On page 123, line 22, strike "(e)" and insert "(f)".

On page 125, strike lines 10 through 12, and insert the following:

(a) In General.—Section 7701, as amended by this Act, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

On page 125, line 13, strike "(m)" and insert "(o)".

On page 148, line 21, strike "section 7701(m)(1)" and insert "section 7701(o)(1)".

On page 148, line 24, strike "section 7701(m)(2)" and insert "section 7701(o)(2)".

On page 175, after line 20, add the following:

SEC. 723. SECURITIES CIVIL ENFORCEMENT PROVISIONS.

(a) Authority To Assess Civil Money Penalties.—

(1) Securities act of 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

"(g) Authority of the Commission To Assess Money Penalty.—

"(1) In general.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that a person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.

"(2) Maximum amount of penalty.—

"(A) First tier.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $100,000 for a natural person or $250,000 for any other person.

"(B) Second tier.—Notwithstanding subparagraph (A), the maximum amount of penalty for such act or omission described in paragraph (1) shall be $500,000 for a natural person or $1,000,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement.

"(C) Third tier.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each act or omission described in paragraph (1) shall be $1,000,000 for a natural person or $2,000,000 for any other person, if—

"(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement; and

"(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

"(3) Evidence concerning ability to pay.—In any proceeding in which the Commission or the appropriate regulatory agency may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission or the appropriate regulatory agency may, in its discretion, consider such evidence in determining whether the penalty is in the public interest. Such evidence may relate to the extent of the person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of that person and the amount of the assets of that person.".

(2) Securities exchange act of 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) in paragraph (4), by striking "supervision;" and all that follows through the end of the subsection and inserting "supervision.";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(1) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(2) Other money penalties.—In any proceeding under section 21C against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(3) Investment company act of 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) in subparagraph (C), by striking "therein;" and all that follows through the end of the paragraph and inserting "supervision.";

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(A) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(B) Other money penalties.—In any proceeding under subsection (f) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(4) Investment advisers act of 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) in subparagraph (D), by striking "supervision;" and all that follows through the end of the paragraph and inserting "supervision.";

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(A) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(B) Other money penalties.—In any proceeding under subsection (k) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(b) Increased Maximum Civil Money Penalties.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking "$5,000" and inserting "$100,000"; and

(ii) by striking "$50,000" and inserting "$250,000";

(B) in subparagraph (B)(i)—

(i) by striking "$50,000" and inserting "$500,000"; and

(ii) by striking "$250,000" and inserting "$1,000,000"; and

(C) in subparagraph (C)(i)—

(i) by striking "$100,000" and inserting "$1,000,000"; and

(ii) by striking "$500,000" and inserting "$2,000,000".

(2) SECURITIES EXCHANGE ACT OF 1934.—

(A) PENALTIES.—Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended—

(i) in subsection (b), by striking "$100" and inserting "$10,000"; and

(ii) in subsection (c)—

(I) in paragraph (1)(B), by striking "$10,000" and inserting "$500,000"; and

(II) in paragraph (2)(B), by striking "$10,000" and inserting "$500,000".

(B) INSIDER TRADING.—Section 21A(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(3)) is amended by striking "$1,000,000" and inserting "$2,000,000".

(C) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(i) in paragraph (1)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in paragraph (2)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in paragraph (3)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(D) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(i) in clause (i)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in clause (ii)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in clause (iii)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(3) INVESTMENT COMPANY ACT OF 1940.—

(A) INELIGIBILITY.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(B) ENFORCEMENT OF INVESTMENT COMPANY ACT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(4) INVESTMENT ADVISERS ACT OF 1940.—

(A) REGISTRATION.—Section 203(i)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(B) ENFORCEMENT OF INVESTMENT ADVISERS ACT.—Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(c) AUTHORITY TO OBTAIN FINANCIAL RECORDS.—Section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is amended—

(1) by striking paragraphs (2) through (8);

(2) in paragraph (9), by striking "(9)(A)" and all that follows through "(B) The" and inserting "(3) The";

(3) by inserting after paragraph (1), the following:

"(2) ACCESS TO FINANCIAL RECORDS.—

"(A) IN GENERAL.—Notwithstanding section 1105 or 1107 of the Right to Financial Privacy Act of 1978, the Commission may obtain access to and copies of, or the information contained in, financial records of any person held by a financial institution, including the financial records of a customer, without notice to that person, when it acts pursuant to a subpoena authorized by a formal order of investigation of the Commission and issued under the securities laws or pursuant to an administrative or judicial subpoena issued in a proceeding or action to enforce the securities laws.

"(B) NONDISCLOSURE OF REQUESTS.—If the Commission so directs in its subpoena, no financial institution, or officer, director, partner, employee, shareholder, representative or agent of such financial institution, shall, directly or indirectly, disclose that records have been requested or provided in accordance with subparagraph (A), if the Commission finds reason to believe that such disclosure may—

"(i) result in the transfer of assets or records outside the territorial limits of the United States;

"(ii) result in improper conversion of investor assets;

"(iii) impede the ability of the Commission to identify, trace, or freeze funds involved in any securities transaction;

"(iv) endanger the life or physical safety of an individual;

"(v) result in flight from prosecution;

"(vi) result in destruction of or tampering with evidence;

"(vii) result in intimidation of potential witnesses; or

"(viii) otherwise seriously jeopardize an investigation or unduly delay a trial.

"(C) TRANSFER OF RECORDS TO GOVERNMENT AUTHORITIES.—The Commission may transfer financial records or the information contained therein to any government authority, if the Commission proceeds as a transferring agency in accordance with section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), except that a customer notice shall not be required under subsection (b) or (c) of that section 1112, if the Commission determines that there is reason to believe that such notification may result in or lead to any of the factors identified under clauses (i) through (viii) of subparagraph (B) of this paragraph.";

(4) by striking paragraph (10); and

(5) by redesignating paragraphs (11), (12), and (13) as paragraphs (4), (5), and (6), respectively.

SEC. 724. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004; and

"(ii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

TITLE VIII—COMPASSION CAPITAL FUND

SEC. 801. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of Health and Human Services (referred to in this section as "the Secretary") may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) SUPPORT FOR STATES.—The Secretary—

(1) may award grants to and enter into cooperative agreements with States and political subdivisions of States to provide seed money to establish State and local offices of faith-based and community initiatives; and

(2) shall provide technical assistance to States and political subdivisions of States in administering the provisions of this Act.

(c) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $85,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(f) DEFINITION.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 802. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Corporation for National and Community Service (referred to in this section as "the Corporation") may award grants to and enter into cooperative agreements with nongovernmental organizations and State Commissions on National and Community Service established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State Commission, State, or political subdivision shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 803. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF JUSTICE.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Attorney General may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Attorney General) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 804. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of Housing and Urban Development (referred to in this section "the Secretary") may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 805. COORDINATION.

The Secretary of Health and Human Services, the Corporation for National and Community Service, the Attorney General, and the Secretary of Housing and Urban Development shall coordinate their activities under this title to ensure—

(1) nonduplication of activities under this title; and

(2) an equitable distribution of resources under this title.

TITLE IX—MATERNITY GROUP HOMES

SEC. 901. MATERNITY GROUP HOMES.

(a) PERMISSIBLE USE OF FUNDS.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2) is amended—

(1) in subsection (a)(1), by inserting "(including maternity group homes)" after "group homes"; and

(2) by adding at the end the following:

"(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.".

(b) CONTRACT FOR EVALUATION.—Part B of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

"SEC. 323. CONTRACT FOR EVALUATION.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a public or private entity for an evaluation of the maternity group homes that are supported by grant funds under this Act.

"(b) INFORMATION.—The evaluation described in subsection (a) shall include the collection of information about the relevant characteristics of individuals who benefit from maternity group homes such as those that are supported by grant funds under this Act and what services provided by those maternity group homes are most beneficial to such individuals.

"(c) REPORT.—Not later than 2 years after the date on which the Secretary enters into a contract for an evaluation under subsection (a), and biennially thereafter, the entity conducting the evaluation under this section shall submit to Congress a report on the status, activities, and accomplishments of maternity group homes that are supported by grant funds under this Act.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 388 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) in subsection (a)(1)—

(A) by striking "There" and inserting the following:

"(A) IN GENERAL.—There";

(B) in subparagraph (A), as redesignated, by inserting "and the purpose described in subparagraph (B)" after "other than part E"; and

(C) by adding at the end the following:

"(B) MATERNITY GROUP HOMES.—There is authorized to be appropriated, for maternity group homes eligible for assistance under section 322(a)(1)—

"(i) $33,000,000 for fiscal year 2003; and

"(ii) such sums as may be necessary for fiscal year 2004."; and

(2) in subsection (a)(2)(A), by striking "paragraph (1)" and inserting "paragraph (1)(A)".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 10, 2003, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to mark up pending committee legislation.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 10:15 a.m., in open and possibly closed session, to receive testimony on Homeland Defense in review of the defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 8, 2003, at 10:00 a.m., to conduct a hearing on "the impact of the proposed 'RESPA' rule on small businesses and consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 8; Wednesday, April 9; and Thursday, April 10 at 10:00 a.m., to consider comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 8, 2003, at 10:00 a.m., to hear testimony on Enron: Joint Committee on Taxation Investigative Report—Compensation—Related Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 9:30 a.m., to hold a hearing on NATO enlargement.

Witnesses

Panel 1: "New Members, New Missions." The Honorable Marc I. Grossman, Undersecretary of State for Political Affairs, Department of State, Washington, DC.

Panel 2: "The Future of NATO." General Wesley K. Clark, USA (ret.), Former SACEUR, Chairman and CEO, Wesley Clark & Associates, Little Rock, Arkansas.

Mr. William Kristol, Editor, The Weekly Standard, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 2:30 p.m., to hold a hearing on an overview of global energy security issues.

Witnesses

Panel 1: Mr. Kyle E. McSlarrow, Deputy Secretary of Energy, Department of Energy, Washington, DC; and

The Honorable Alan P. Larson, Under Secretary for Economic, Business and Agricultural Affairs, Department of State, Washington, DC.

Panel 2: Mr. Vahan Zanoyan, President & CEO, PFC Energy, Washington, DC

Dr. Daniel Yergin, Chairman, Cambridge Energy Research Associates, Cambridge, MA; and

Dr. Martha Brill Olcott, Senior Associate, Carnegie Endowment for International Peace, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on MQSA: Patient Access to Quality Health Care during the session of the Senate on Tuesday, April 8, 2003, at 10:00 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "A Proposed Constitutional Amendment to Protect Crime Victims, S.J. Res. 1" on Tuesday, April 8, 2003, at 10:00 a.m. in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Viet Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC.

Panel II: Collene Campbell, San Juan Capistrano, CA; Earlene Eason, Gary, IN; Jamie Orenstein, New York, NY; Patricia Perry, New York, NY; Duane Lynn, Peoria, AZ; Steve Twist, Phoenix, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 9:30 a.m., to conduct an oversight hearing on the operations of the Sergeant at Arms, Library of Congress and Congressional Research Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAR AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Tuesday, April 8 at 2:00 p.m. to conduct a legislative hearing on the Clear Skies Act, S. 484.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT SAFETY

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Consumer Affairs and Product Safety be authorized to meet on Tuesday, April 8, 2003 at 10 a.m. on promoting corporate responsibility through the elimination of dividend taxation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, April 8, 2003 at 9:30 a.m. for a hearing entitled "The Human Capital Challenge: Offering Solutions and Delivering Results" to review the federal government's strategic human capital management and consider pending legislation on the federal workforce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2003 at 2:30 p.m., in open and possibly closed session, to receive testimony on strategic forces and policy in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent for floor privileges during the consideration of the CARE Act for Tyler Garnett and Shawn White.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

On April 7, 2003, the Senate amended and passed H.R. 1559, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1559) entitled "An Act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

AGRICULTURAL PROGRAMS

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $98,000,000, to remain available until expended.

PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, $600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: Provided, That of this amount, $155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003: Provided further, That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS. (a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

SEC. 102. REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID. Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian

Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

DETENTION TRUSTEE

For an additional amount for "Detention Trustee" for the detention of Federal prisoners in the custody of the United States Marshals Service, $45,000,000, to remain available until September 30, 2003.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY LAW ENFORCEMENT SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and support joint Federal, State, local, and foreign law enforcement activities, including the design, development, test, deployment, maintenance, upgrade, or retirement of systems; the purchase, lease, loan, or maintenance of equipment and vehicles; the design, construction, maintenance, upgrade, or demolition of facilities; and travel, overtime, and other support, $72,000,000, which shall remain available until December 31, 2003: Provided, That the funds provided under this heading shall be managed only by the Attorney General or the Deputy Attorney General to be transferred to, and merged with, any appropriations account under this title: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigation", $63,000,000, to remain available until December 31, 2003, of which $13,380,000 shall be for language translation needs, of which $20,270,000 shall be for the Federal Bureau of Investigation participation in the Terrorist Threat Integration Center, and of which $29,350,000 shall be for the incorporation of the Foreign Terrorist Tracking Task Force into the Terrorist Threat Integration Center: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

CONSTRUCTION

For an additional amount for "Federal Bureau of Investigation, Construction", $10,000,000, to remain available until September 30, 2004, to accelerate construction and fit out of the new wing of the Engineering Research Facility.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", $91,000,000, to remain available until December 31, 2003, for the terrorism prevention and response training for law enforcement and other responders for increased costs associated with heightened homeland security alerts and law enforcement needs related to the temporary replacement of veteran officers called to duty: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", $109,500,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $83,420,000: Provided, That $15,600,000, to remain available until December 31, 2003, shall only be available for medical services: Provided further, That $2,000,000 shall only be available for the Consular Affairs requirements relating to American citizen services: Provided further, That $30,020,000 shall only be available for Machine Readable Visa fee shortfalls affecting the Border Security Program: Provided further, That notwithstanding any other provision of law, any shortfall in fee revenue resulting from a decrease in the number of visa applications to the United States shall be offset by a direct transfer of funds equal to the amount of the shortfall from the Diplomatic and Consular Programs general account to the Appropriations Point Deliminator Account Number X0113.6: Provided further, That $35,800,000 shall only be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq, of which $17,900,000 is for operational requirements, including housing, furniture, sundries, travel, vehicles, and office supplies and furnishings, and $17,900,000 is for security, of which $5,300,000 is for information technology, $1,945,000 is for courier shipments, $3,789,000 is for temporary duty assignments, and $2,503,000 is for armored vehicles, spares, and repairs.

In addition, for the costs of worldwide security upgrades, including increased local guard protection, chemical and biological countermeasures, requirements relating to intelligence, the assignment of temporary personnel to United States diplomatic presences, armored vehicles, and the security of the domestic facilities of the Department of State, $10,000,000, to remain available until December 31, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $72,000,000: Provided, That of the funds appropriated under this heading, $20,000,000 shall only be available for capital costs associated with the re-establishment of a United States Diplomatic presence in Baghdad, Iraq: Provided further, That of the funds appropriated under this heading, not less than $52,000,000 shall be available for the Center for Antiterrorism and Security Training.

In addition, for security enhancements to non-official facilities frequented by United States citizens overseas, including schools attended by the dependents of non-military United States Government personnel, $10,000,000, to remain available until September 30, 2004.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $40,000,000, to remain available until expended: Provided, That the Secretary of State may collect from the head of any other agency of the United States the cost incurred by the Department of State for evacuating an employee of such agency, and any member of the family of such an employee, from a location in a foreign country where the employee is authorized to be in connection with the performance of the employee's official duties: Provided further, That the head of an agency shall pay the Secretary of State the amount certified by the Secretary as the cost of evacuation of that agency's personnel: Provided further, That amounts collected by the Secretary of State under the previous two provisos shall be credited to the appropriation charged such cost, shall be merged with other sums in such appropriation, and shall be available for the same purposes and period as the appropriation to which credited within 60 days of certification by the Secretary of State.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $62,000,000, to remain available until September 30, 2004, for activities related to the Middle East Television Network broadcasting and radio broadcasting to Iraq.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $7,724,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,784,300,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,254,900,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $2,834,800,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $6,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $110,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,142,500,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $5,296,600,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,752,700,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $7,209,200,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $4,007,700,000, to remain available until expended, of which $1,400,000,000, which may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military-related support provided to the United States in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States and 15 days following notification to the appropriate congressional committees.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $15,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $50,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $88,400,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $20,000,000.

NATURAL RESOURCES RISK REMEDIATION FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to address emergency fire fighting, repair of damage to oil facilities and related infrastructure and preserve a distribution capability, $489,300,000, to remain available until expended: Provided, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided further, That the Secretary of Defense may transfer these funds to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $4,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $3,100,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $53,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $447,500,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $241,800,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $113,600,000.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $11,500,000.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Working Capital Funds", $550,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $501,700,000.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $34,000,000.

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Defense Emergency Response Fund", $11,019,000,000, to remain available until expended for ongoing military operations in Iraq, and those operations authorized by Public Law 107–040, of which not to exceed $50,000,000, to remain available until September 30, 2003, to support the military operations or activities of foreign nations in furtherance of the global war on terrorism, including equipment, supplies, services, and funding on such terms as the Secretary of Defense, following notification of the congressional defense committees, and with the concurrence of the Secretary of State, may determine: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Defense Oversight Committees of the details of any transfer of funds from the "Defense Emergency Response Fund": Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. Under the heading, "Operation and Maintenance, Defense-Wide", in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), strike "$25,000,000" and insert "$50,000,000". Section 166a of title 10, United States Code, is amended by striking "$7,000,000" in subsection (e)(1)(A) and inserting "$15,000,000"; by striking "$1,000,000" in subsection (e)(1)(B) and inserting "$10,000,000"; and by striking "$2,000,000" in subsection (e)(1)(C) and inserting "$10,000,000".

SEC. 302. Under the heading, "Operation and Maintenance, Defense-Wide", in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), strike "$34,500,000" and insert "$45,000,000".

(TRANSFER OF FUNDS)

SEC. 303. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking "$2,000,000,000", and inserting "$3,500,000,000"; and

(2) by striking the date "May 31, 2003", and inserting "June 30, 2003".

(TRANSFER OF FUNDS)

SEC. 304. In addition to amounts made available elsewhere in this Act for the Department of Defense, $165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 305. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(TRANSFER OF FUNDS)

SEC. 306. Of the amounts available to the Department of Defense, $63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 307. EXPANDED USE OF COOPERATIVE THREAT REDUCTION FUNDS. (a) IN GENERAL.—

(1) Notwithstanding any other provision of law, during fiscal year 2003 the President may use Cooperative Threat Reduction funds, including Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation as of the date of the enactment of this Act, for proliferation threat reduction projects and activities outside the states of the former Soviet Union if the President determines that such projects and activities will:

(A) assist the United States in the resolution of critical emerging proliferation threats; or

(B) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.

(2) The amount that may be obligated under paragraph (1) in each fiscal year for projects and activities described in that paragraph may not exceed $50,000,000.

(b) AUTHORIZED USES OF FUNDS.—The authority under subsection (a) to use Cooperative Threat Reduction funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity, and shall be subject to 22 U.S.C. Sec. 5955.

SEC. 308. None of the funds provided in this Act may be used to fund a program previously prohibited by the Congress, or to initiate a new procurement or research, development, test and evaluation program without prior notification of the congressional defense committees.

SEC. 309. The Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of $7,500,000.

SEC. 310. From funds appropriated in the Department of Defense Appropriations Act, 2003, Public Law 107–248, under the heading "Operation and Maintenance, Air Force", not more than $6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range.

SEC. 311. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608; 10 U.S.C. 2406c note) is amended by striking "on or after the date of the enactment of this Act" and inserting "on or after January 1, 2004".

SEC. 312. From funds appropriated in the Department of Defense Appropriations Act, 2003, Public Law 107–248, under the heading "Operation and Maintenance, Army National Guard", not more than $3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina National Guard.

SEC. 313. Appropriations available during fiscal year 2003 under the heading "Operation and Maintenance, Army" for the Air Battle Captain program at the University of North Dakota, may be used to provide summer flight training to United States Military Academy cadets.

SEC. 314. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2002 and shall apply with respect to months beginning on or after that date.

SEC. 315. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during fiscal year 2003 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading "Defense Health Program", $7,500,000 shall be available for the Armed Forces Institute of Pathology.

SEC. 316. Of the funds appropriated in the Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account and program in the specified amount: "Research, Development, Test and Evaluation, Navy, 2003", $3,400,000.

SEC. 317. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SEC. 318. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

CHAPTER 4

DEPARTMENT OF DEFENSE--CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operations and Maintenance, General", $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: Provided, That $25,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for "Nuclear Nonproliferation" for expenses necessary to safeguard fissile nuclear material, $150,000,000, to remain available until expended: Provided, That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: Provided further, That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: Provided further, That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: Provided further, That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: Provided further, That $5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: Provided further, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: Provided further, That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: Provided, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUNDS

For an additional amount for "Child Survival and Health Programs Fund", $90,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $112,500,000: Provided, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section.

LOAN GUARANTEES TO ISRAEL

During the period beginning March 1, 2003 and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, any part of which is to be guaranteed, not to exceed $9,000,000,000: Provided, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: Provided further, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003 to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: Provided further, That no appropriations are available under this heading for the subsidy costs for these loan guarantees: Provided further, That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of

1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year on a pro rata basis as each guarantee is issued during that year: Provided further, That all fees associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: Provided further, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: Provided further, That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this section.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $23,600,000, of which not more than $2,000,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General".

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,357,900,000, of which the amounts specified herein shall be available as follows:

(1) $300,000,000, to remain available until September 30, 2005, only for grants for Egypt: Provided, That during the period beginning March 1, 2003 and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed $2,000,000,000: Provided further, That up to $379,600,000 in funds appropriated under this heading in prior foreign operations, export financing, and related programs appropriations Acts for Egypt, including funds provided as Commodity Import Program assistance, may be made available on a grant basis as a cash transfer.

(2) $1,000,000,000 to remain available until September 30, 2005, only for grants for Turkey: Provided, That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed $8,500,000,000: Provided further, That none of the funds made available under this heading for Turkey may be made available if Turkey unilaterally deploys troops into northern Iraq during Operation Iraqi Freedom: Provided further, That the Secretary of State may waive the requirement of the previous proviso if he determines that to do so is in the national security interest of the United States: Provided further, That any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for "Iraq Relief and Reconstruction Fund".

(3) The Government of Egypt and the Government of Turkey will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with these loan guarantees: Provided further, That all fees associated with these loan guarantees or loans shall be paid by the Government of Egypt and the Government of Turkey to the Government of the United States: Provided further, That funds made available for assistance for Egypt and Turkey under chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Egypt and the Government of Turkey to pay such fees and costs to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That the President shall determine the terms and conditions for providing the economic assistance authorized in paragraphs (1) and (2): Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this heading, and shall transfer, and merge, such economic assistance with the "Iraq Relief and Reconstruction Fund".

(4) $700,000,000 for assistance for Jordan.

(5) Not less than $50,000,000 for assistance for the Philippines to further prospects for peace in Mindanao.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

For necessary expenses to enable the President to respond to unforeseen complex foreign crises, $150,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available only pursuant to a determination by the President that is in the national interest to furnish assistance on such terms and conditions as he may determine, after consultation with Congress, for the purpose of responding to such crises, including support for peace and humanitarian intervention operations: Provided further, That none of the funds appropriated under this heading shall be available to respond to natural disasters: Provided further, That for funds appropriated under this heading the President may make allocations to Federal agencies, other than the Department of Defense, to carry out the authorities provided under this heading: Provided further, That funds appropriated by this paragraph shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the President may furnish assistance under this heading notwithstanding any other provision of law: Provided further, That the previous proviso shall not apply to section 553 of Public Law 108–7: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: Provided further, That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

INDEPENDENT AGENCIES

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $25,000,000, to remain available until September 30, 2004.

ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the "Andean Counterdrug Initiative", $34,0000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than $5,000,000 should be made available for programs and activities to assist women and children who have been displaced as a result of armed conflict.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $75,000,000, to remain available until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $28,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $2,059,100,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That of the funds appropriated under this heading, not less than $1,000,000,000 shall be made available for assistance for Israel and not less than $406,000,000 shall be made available for assistance for Jordan: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 10 days in advance of the obligation of funds.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $150,000,000.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq, $2,468,300,000, including for the costs of: (1) feeding and food distribution; (2) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (3) humanitarian demining; (4) healthcare; (5) water/sanitation infrastructure; (6) education; (7) electricity; (8) transportation; (9) telecommunications; (10) rule of law and governance; (11) economic and financial policy; and (12) agriculture: Provided, That these funds may be transferred to and made available for any Federal Government activity, other than any Department of Defense activity, for expenses to meet such costs: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That prior to the initial transfer of funds made available under this heading to any Agency or Department, the Secretary of State shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: Provided further, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: Provided further, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the previous proviso shall not apply to section 553 of Public Law 108–7: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriation, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: Provided further, That of the funds appropriated under this heading, $4,300,000 shall be made available to the United States Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for reconstruction and related activities in Iraq: Provided further, That such sums are in addition to funds otherwise made available by this Act to such office

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. Any appropriation made available in this chapter under the headings "International Disaster Assistance", "United States Emergency Refugee and Migration Assistance Fund", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", "Peacekeeping Operations", or "Iraq Relief and Reconstruction Fund" may be transferred between such appropriations for use for any of the purposes for which the funds in the such receiving account may be used: Provided, That the totcl amount transferred from funds appropriated under each of these headings shall not exceed $200,000,000: Provided further, That the Secretary of State shall consult with the Committee on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

SEC. 502. Assistance or other financing under this chapter may be made available for assistance to Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108–7: Provided further, That funds made available for assistance for Iraq pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 503. The Iraq Sanctions Act of 1990 is hereby repealed: Provided, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484), except as such Act applies to water purification items and other humanitarian assistance for the Iraqi people: Provided further, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961, as amended, or other provision of law that applies to countries that have supported terrorism: Provided further, That section 307 of the Foreign Assistance of 1961, as amended, shall not apply with respect to programs of international organizations for Iraq: Provided further, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq should not be construed as applying to Iraq.

SEC. 504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any item subject to the Export Administration Regulations, 15 CFR chapter VII, subchapter C, or controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, 22 U.S.C. 2778, if the President determines that the export of such item is in the national interest of the United States.

SEC. 505. Of the funds appropriated by this chapter under the heading "Economic Support Fund", $10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for the establishment of an international tribunal to bring these individuals to justice: Provided, That 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on plans for the prosecution of these individuals, including jurisdictional options.

SEC. 506. It is the Sense of the Senate that, to the maximum extent practicable, contracts (including subcontracts) and grants for relief and reconstruction in Iraq from funds appropriated under this chapter should be awarded to United States companies (particularly small and medium sized businesses) and organizations, to companies and organizations located in the Near East region, and to those from countries which have provided assistance to Operation Iraqi Freedom.

SEC. 507. It is the sense of the Senate that the reconstruction of Iraq should be funded to the maximum extent practicable from revenues produced by Iraqi oil and that the United States Government should work with our allies, the future government of a free Iraq, and other appropriate entities to establish the necessary framework for this arrangement.

SEC. 508. Division E of Public Law 108–7, under the heading "Assistance for the Independent States of the Former Soviet Union", is amended by inserting in subsection (j) before the period: ": Provided further, That such funds may be made available without regard to the restriction in this subsection if the Secretary of State determines that to do so is in the national security interest of the United States".

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund," for necessary expenses as determined by the Secretary of Homeland Security, $1,135,000,000, to remain available until December 31, 2003, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: Provided, That of the total amount appropriated, not to exceed $215,000,000 may be transferred to any authorized Federal Government activity for necessary expenses to detect, prepare for, protect against, or respond to a potential terrorist attack: Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

BORDER AND TRANSPORTATION SECURITY

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for the "Office for Domestic Preparedness", as authorized by Sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107–296) and Section 1014 of the USA PATRIOT ACT of 2001 (Public Law 107–56), for grants, contracts, cooperative agreements, and other activities, including grants to States for terrorism prevention activities, $2,200,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,270,000,000 shall be made available for grants to states, and each state grant award shall ensure that at least 80 percent of the total amount of the grant shall be allocated to local governments within 60 days of receipt of the funds: Provided further, That of the total amount appropriated, $300,000,000 shall be made available for grants to states for critical infrastructure protection, and each grant award shall ensure that no less than one-third of the total amount of the grant shall be allocated to local governments within 60 days of receipt of the funds: Provided further, That of the total amount appropriated, $600,000,000 shall be made available for protection or preparedness of high-threat urban areas, as determined by the Secretary of Homeland Security.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for the Coast Guard in support of Department of Defense initiatives in relation to Operation Iraqi Freedom and Operation Liberty Shield, $580,000,000, to remain available until December 31, 2003: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to obligation of any amount of these funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 197, $109,500,000, to remain available until expended: Provided, That this amount shall be for grants to improve public safety communications and interoperability.

GENERAL PROVISION, THIS CHAPTER

SEC. 601. The Bureau of Customs and Border Protection shall inspect all commercial motor vehicles (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste and seeking to enter the United States through the Blue Water Bridge port-of-entry in Port Huron, Michigan, and the Ambassador Bridge port-of-entry in Detroit, Michigan, and ensure that by May 2003, the Blue Water Bridge in Port Huron, Michigan, shall be—

(1) equipped with radiation detection equipment; and

(2) staffed by Bureau inspectors formally trained in the process of detecting radioactive materials in cargo and equipped with both portal monitor devices and hand-held isotope identifiers.

SEC. 602. TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS. (a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SEC. 603. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the "Public Health and Social Services Emergency Fund", $35,000,000 for costs associated with compensating individuals with injuries resulting from smallpox vaccinations and countermeasures, to remain available until expended: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $105,000,000, to remain available until September 30, 2004: Provided, That this amount is transferred to the Centers for Disease Control and Prevention.

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

GENERAL PROVISION

REPATRIATION

SEC. 701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking "1991" and inserting "2003".

CHAPTER 8

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "General expenses", $38,165,000, to remain available until expended.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $111,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For an additional amount for "General administration", $18,672,000, which shall remain available until September 30, 2007.

CAPITOL BUILDING

For an additional amount for "Capitol building", $1,100,000.

CAPITOL POWER PLANT

For an additional amount for "Capitol power plant", $14,600,000, which shall remain available until September 30, 2007.

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for "Capitol police buildings and grounds", $40,140,000, to remain available until September 30, 2007.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,500,000 to remain available until September 30, 2007.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,863,000, to remain available until September 30, 2007.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,849,000.

GENERAL PROVISONS, THIS CHAPTER

SEC. 801. POSTAL PATRON POSTCARDS. The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking "with a population of less than 250,000".

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $48,100,000, to remain available until September 30, 2007.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $127,400,000, to remain available until September 30, 2007.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $2,000,000, to remain available until September 30, 2007.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. (a) Up to $150,000,000 of the amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense certifies are necessary to respond to or protect against acts or threatened acts of terrorism or to prosecute operations in Iraq.

(b) Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

(1) the determination to use such amounts for the project; and

(2) the estimated cost of the project and the accompanying Form 1391.

(c) In this section the term "appropriate committees of Congress" has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

SEC. 902. (a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $50,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $155,000,000: Provided, That such amount shall remain available until expended.

TITLE II—MISCELLANEOUS AND TECHNICAL CORRECTIONS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 201. (a) Section 756 in Division A of Public Law 108–7 is amended by striking "section 7404" and inserting in lieu thereof "section 7404(a)(1)".

(b) Section 10806(b) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(b)) is amended by adding at the end the following:

"(3) EFFECTIVE DATE.—This subsection and the amendment made by this subsection take effect on May 13, 2003.".

(c) Section 210 of the Agricultural Assistance Act of 2003, "Assistance to Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses", is amended in subsection (a)—

(1) by inserting "all" before "losses";

(2) by inserting after "losses" the following: "to crops, livestock, and trees, and interest and loss of income, and related expenses";

(3) by striking "during calendar years 2002 and 2003"; and

(4) by deleting "August" and inserting in lieu thereof "July".

(d)(1) STUDY ON THE SALE OF MILK INTO CALIFORNIA.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California State order.

(2) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

"(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest marketing area (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest marketing area of any handler's own farm production exceeds the lesser of—

"(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131) or the Pacific Northwest marketing area (Order No. 124); or

"(ii) 5,000,000 pounds.".

(3) EXCLUSION OF CLARK COUNTY, NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(A) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: "In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.".

(B) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7)) is amended by adding at the end the following:

"(3) GRANTS.—

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).".

SEC. 202. USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM. Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

SEC. 203. WILD SEAFOOD. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after section (b) the following:

"(c) WILD SEAFOOD.—

"(1) IN GENERAL.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

"(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

"(A) consult with—

"(i) the Secretary of Commerce;

"(ii) the National Organic Standards Board established under section 2119;

"(iii) producers, processors, and sellers; and

"(iv) other interested members of the public; and

"(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.".

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for satellite programs, $117,060,000, to remain available until September 30, 2004: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That of the amount provided under this heading, $2,460,000 shall be transferred to, and merged with, funds provided under the heading "International Fisheries Commissions" of Division B of Public Law 108–7 and shall only be available for the Pacific Salmon Commission: Provided further, That of the amount provided under this heading, $1,000,000 shall be transferred to, and merged with, funds provided under the heading "International Fisheries Commissions" of Division B of Public Law 108–7 and shall only be available for the Great Lakes Fishery Commission, of which $500,000 shall be used for sea lamprey control in Lake Champlain: Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Equal Employment Opportunity Commission, Salaries and Expenses", $23,300,000, of which $5,000,000 shall remain available until September 30, 2004.

NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "National Commission on Terrorist Attacks Upon the United States, Salaries and Expenses", $11,000,000, to remain available until September 30, 2004.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2001. (a) Of the funds made available in Title I of Division B of Public Law 108–7, under the heading "Juvenile Justice Programs", for Family Ties Supervised Visitation Services in Wakefield, Rhode Island, $100,000 are rescinded.

(b) For an additional amount in Title I of Division B of Public Law 108–7, under the heading "Juvenile Justice Programs", $529,000, which shall only be available for law enforcement costs related to the Station nightclub fire on February 20, 2003, to remain available until December 31, 2003.

SEC. 2002. Not later than 60 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall jointly report to the Committee on Appropriations on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the "Tipoff" database including the process by which classified information shall be secured from unauthorized disclosure.

SEC. 2003. For an additional amount for the law enforcement technology program under the heading "Community Oriented Policing Services" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, $5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

SEC. 2004. Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

CHAPTER 3

SUBCOMMITTEE ON DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $9,358,000 are rescinded (including $9,261,000 from local funds and $97,000 from other funds).

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic Development and Regulation", $14,998,000 (including $288,000 from local funds and $14,710,000 from other funds).

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public Safety and Justice" (Public Law 108–7), $10,422,000 from local funds.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $11,667,000 are rescinded (including a rescission of $13,778,000 from local funds and an additional amount of $2,111,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—An increase of $2,029,000 (including a rescission of $29,000 from local funds and an additional amount of $2,058,000 from other funds);

(2) STATE EDUCATION OFFICE.—A rescission of $181,000 from local funds;

(3) PUBLIC CHARTER SCHOOLS.—Notwithstanding any other provision of law, a rescission of $12,000,000 from local funds: Provided, That of these funds, not less than $3,000,000 shall be used for providing adequate charter school facilities and educational programming in public charter schools in the District of Columbia;

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—A rescission of $1,040,000 from local funds;

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—A rescission of $221,000 (including a rescission of $273,000 from local funds and an additional amount of $53,000 from other funds); and

(6) COMMISSION ON THE ARTS AND HUMANITIES.—A rescission of $255,000 from local funds.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSIONS)

For an additional amount for "Human Support Services", $28,278,000 (including an additional amount of $32,312,000 from local funds and a rescission of $4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7).

In addition, this heading in the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Public Law 108–7), is amended as follows:

(1) by striking the following proviso, "Provided further, That $3,209,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07):", and

(2) by amending the following proviso, ": Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund." to read as follows ": Provided further, That $74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.".

PUBLIC WORKS

(INCLUDING RESCISSIONS)

For an additional amount for "Public Works", $3,107,000 (including a rescission of $8,311,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), and an additional amount of $11,418,000 from other funds): Provided, That $512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

REPAYMENT OF LOANS AND INTEREST

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $2,466,000 are rescinded.

NON-DEPARTMENTAL

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $5,799,000 are rescinded.

WORKFORCE INVESTMENTS

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $2,000,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 3001. USE OF THE FUND BALANCE. (a) The District of Columbia is hereby authorized to transfer an amount not to exceed $32,900,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance to the local general fund to cover the impact of revenue shortfalls associated with the war economy: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)).

SEC. 3002. EXTENSION OF CHIEF FINANCIAL OFFICER'S AUTHORITY. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2004.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

STATE AND TRIBAL WILDLIFE GRANTS

Division F of Public Law 108–7 is hereby amended under the heading "United States Fish and Wildlife Service, State and Tribal Wildlife Grants" by striking "$3,000,000" and inserting "$5,000,000".

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Division F of Public Law 108–7 is hereby amended under the heading "National Park Service, Operation of the National Park System" by striking "$1,565,565,000" and inserting "$1,574,565,000".

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

Within thirty days of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107–63 for construction of the Ojibwa Indian School.

RELATED AGENCY

GENERAL PROVISION

Section 328 of Division F, Public Law 108–7 is amended by striking the phrase "under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19)" in the proviso.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall provide a report to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Resources and Appropriations of the House of Representatives detailing the Secretary's intent regarding the direct sale of 983 acres in Clark County, Nevada, known as Lake Las Vegas Phase II.

CHAPTER 5

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for the Employment and Training Administration, "Training and Employment Services" to carry out activities authorized under section 171(b) of the Workforce Investment Act, $1,000,000: Provided, That such sum shall be for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Public Law 108–7 is amended—

(1) by striking "Heart Beat, New Bloomfield, PA," and inserting "Heart Beat, Millerstown, PA," in lieu thereof;

(2) by striking "Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties" in lieu thereof;

(3) by striking "Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county" in lieu thereof;

(4) by striking "$298,153,000" and inserting "$296,638,000" in the first proviso; and

(5) by inserting after "a study regarding delivery of pediatric health care in northeastern Oklahoma," "$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA to establish centers of excellence for the treatment of autism".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The matter under the heading "Office of the Secretary, Public Health and Social Services Emergency Fund", in Public Law 108–7 is amended by striking ", to remain available until expended" after the "$5,000,000".

GENERAL PROVISION

INTERNATIONAL HEALTH ACTIVITIES

(a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, Division G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under the heading "Department of Education, School Improvement Programs", in Public Law 108–7 is amended—

(1) by striking "$8,052,957,000" and inserting "$8,053,507,000";

(2) by striking "$508,100,000" and inserting "$537,100,000";

(3) by striking "$4,132,167,000" and inserting "$4,233,167,000";

(4) by striking "$814,660,000" and inserting "$815,210,000"; and,

(5) by striking "$212,160,000" and inserting "$212,710,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $150,000 for Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: "Illinois State Board of Education, Springfield, Illinois, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, $150,000";

(2) the provision specifying $2,000,000 for Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title I schools shall be deemed to read as follows: "St. Petersburg College, St. Petersburg, Florida, for the Pinellas County EpiCenter, $2,000,000";

(3) the provision specifying $500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying $200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: "Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, $700,000";

(5) the provision specifying $25,000 for the Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs shall be deemed to read as follows: "Boys and Girls Club, Southeast Unit, El Dorado, Arkansas, for drug prevention and after school programs, $25,000";

(6) the provision specifying $100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

(7) the provision specifying $400,000 for the Milwaukee Public Schools, Wisconsin, to expand before- and after-school programs shall be deemed to read: "Milwaukee Public Schools, WI, for before- and after-school programs, $400,000";

(8) the provision specifying $200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: "Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, $200,000";

(9) the provision specifying $250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: "Community School District 8, Bronx, NY, for after-school programs, $250,000";

(10) the provision specifying $20,000 for Westside High School, Bakersfield, California, for equipment shall be deemed to read: "West High School, Bakersfield, California, for equipment, $20,000";

(11) the provision specifying $1,000,000 for the National Science Center Foundation, Atlanta, Georgia, for educational technology and other purposes shall be deemed to read: "National Science Center Foundation, Augusta, Georgia, for educational technology and other purposes, $1,000,000";

(12) the provision specifying $200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: "Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, $200,000" and a provision shall be added that reads: "Beresford Community Education in Beresford, SD to expand community education programs, $150,000";

(13) the provision specifying $100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: "University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, $100,000";

(14) the provision specifying $25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for technology shall be deemed to read as follows: "Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for school counseling services, $25,000";

(15) the provision specifying $40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky for technology shall be deemed to read as follows: "Father Maloney's Boys Haven, Louisville, Kentucky for an educational program, $40,000";

(16) the provision specifying $50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: "Joel II Restoration Outreach, Inc. for education programs, $50,000"; and

(17) the provision specifying $1,500,000 for the City of Upland, California, for after school programs shall be deemed to read as follows: "YMCA of the City of Upland, California, for after-school activities, $1,500,000".

HIGHER EDUCATION

The matter under the heading "Higher Education", in Public Law 108–7 is amended—

(1) by striking "$2,100,701,000" and inserting "$2,100,151,000"; and,

(2) by striking "$140,599,000" and inserting "$140,049,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the second reference to the provision specifying $1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying $500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: "American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, $100,000";

(3) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: "Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, $200,000";

(4) the provision specifying $150,000 for Beresford Community Education in Beresford, SD to expand community education programs shall be deleted;

(5) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hill Educational Alliance shall be deleted; and

(6) the provision specifying $250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: "National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, $250,000".

DEPARTMENT OF EDUCATION

GENERAL PROVISION

Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking "17" and inserting "19".

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The matter under the heading "Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses", in Public Law 108–7 is amended by inserting "for activities authorized by section 122 of Part C of Title I and Part E of Title II of the Domestic Volunteer Service Act of 1973" after "in this Act".

CHAPTER 6

SUBCOMMITTEE ON LEGISLATIVE BRANCH

CAPITOL POLICE

TRANSFER OF LIBRARY OF CONGRESS POLICE. Section 1015(a)(3) of the Legislative Branch Appropriations Act, 2003, is amended by inserting ", or, if earlier, on February 20, 2005" before the period.

CHAPTER 7

SUBCOMMITTEE ON TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF TRANSPORTATION

(a) Section 336 of Division I of Public Law 108–7 is amended by striking "transportation management" and inserting in lieu thereof "urbanized".

(b) Section 321 of Division I of Public Law 108–7 is amended by—

(1) inserting "or underneath" in subsection (q)(2) before "the Class B airspace";

(2) deleting "has sufficient capacity and" in subsection (q)(3) after "Title 49"; and

(3) inserting "passenger" in subsection (q)(3) before "delays".

GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SEC. 702. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

CHAPTER 8

SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statements of managers under the heading "Community development fund" in title II of Public Law 108–7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking "Glendale, Montana" and inserting in lieu thereof "Gendive, Montana".

The referenced statements of managers under the heading "Community development fund" in title II of Public Law 106–377 is amended by striking "$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless programs" and inserting in lieu thereof "$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh".

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Under the heading "Salaries and expenses" in title II of Public Law 108–7, strike out in the eighth proviso "and all other statutes and regulations related to the obligation and expenditure of funds made available in this, or any other Act" and strike out in the eleventh proviso "and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act".

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

To liquidate obligations previously incurred by the Corporation for National and Community Service ("Corporation"), up to $64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A–11 (2002): Provided further, That the second proviso under the heading "Corporation for National and Community Service" in Public Law 108–7 is deemed to be amended by inserting after "section 501(a)(4)" the following: "with not less than $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, without regard to the provisions of section 501(a)(4)(B) of the Act".

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking "$320,000,000" and inserting in lieu thereof: "$330,000,000".

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each "maximum annual fee payable" pursuant to 7 U.S.C. 136a–1(i)(5) (D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in division K of Public Law 108–7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107–73.

GENERAL PROVISIONS, THIS TITLE

SEC. 201. The Secretary of the Army, acting through the Chief of Engineers, shall use $3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterbury Dam, Vermont project.

TITLE III—COLUMBIA ORBITER MEMORIAL ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Columbia Orbiter Memorial Act".

SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) under the heading "OPERATION AND MAINTENANCE, ARMY", $500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

TITLE IV—AVIATION INDUSTRY RELIEF PROVISIONS

SEC. 401. TEMPORARY SUSPENSION OF SECURITY SERVICE FEES.

The Undersecretary of Homeland Security for Border and Transportation Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning on April 1, 2003, and ending on September 30, 2003.

SEC. 402. REIMBURSEMENT OF AIRLINES FOR CERTAIN INCREASED SECURITY COSTS.

There are appropriated to the Secretary of Transportation for fiscal year 2003 $1,000,000,000, such sums to remain available until expended, $600,000,000 of which shall be used to reimburse each air carrier engaged in air transportation and intrastate air transportation of passengers for compensation (as such terms are used in subtitle VII of title 49, United States Code) for the amount by which the costs incurred by such air carrier during calendar year 2002 in complying with aviation security requirements imposed by Federal law, including requirements imposed by the Transportation Security Administration, exceeded the aviation security costs the carrier would have incurred during that year in the absence of those requirements, and $400,000,000 of which shall be used to reimburse each such air carrier for the amount by which the costs incurred by the air carrier during calendar year 2003 exceeded the aviation security costs the carrier would have incurred during that year in the absence of those requirements, such costs to be determined by studies conducted by the air carriers in accordance with guidelines to be developed, within 30 days after the date of enactment of this Act, by the Undersecretary of Homeland Security for Border and Transportation Security in consultation with the Secretary of Transportation, describing in detail, by function, amount, and class (including operating expenses, capital expenditures, and one time and recurring costs), the costs for which reimbursement is sought: Provided, That the Inspector General of the Department of Transportation certifies the guidelines as being appropriate to determine such costs: Provided further, That the Inspector General certifies as complete and accurate all claims submitted by an air carrier for reimbursement under this section, and: Provided further, That if the sum of the costs to be reimbursed to all such air carriers for 2002 exceeds $600,000,000, the amount of the reimbursement to each such carrier shall be an amount that bears the same ratio to $600,000,000 as the reimbursable cost of that carrier bears to the sum of the reimbursable costs of all such carriers for that year, and if the sum of the costs to be reimbursed to all such air carriers for 2003 exceeds $400,000,000, the amount of the reimbursement to each such carrier shall be an amount that bears the same ratio to $400,000,000 as the reimbursable cost of that carrier bears to the sum of the reimbursable costs of all such carriers for that year.

SEC. 403. ADDITIONAL AMOUNT FOR COCKPIT DOOR REIMBURSEMENT.

In addition to amounts appropriated under the preceding section, there are appropriated to the Secretary of Transportation $100,000,000, to remain available until expended, to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act.

SEC. 404. AIRPORT SECURITY EXPENSES AND INVESTMENT.

There are appropriated to the Secretary of Transportation $375,000,000, to remain available until expended, to be made available, after consultation with the Secretary of Homeland Security, to airports for operating expenses and capital investment related to improvements in aviation security: Provided, That the amounts made available for capital expenses shall be made available to airport sponsors, as such term is used in chapter 471 of title 49, United States Code, on such terms and conditions, and pursuant to such applications, similar to the terms, conditions, and applications applicable to amounts made available under that chapter.

SEC. 405. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

(a) Extension of Policies.—Section 44302(f)(1) of title 49, United States Code, is amended by striking "2003," each place it appears and inserting "2004,".

(b) Extension of Liability Limitation.—Section 44303(b) of such title is amended by striking "2003," and inserting "2004,".

(c) Extension of Authority.—Section 44310 of such title is amended by striking "2003." and inserting "2004.".

SEC. 406. LIMIT ON EXECUTIVE COMPENSATION REQUIRED FOR EXTENDED WAR RISK INSURANCE COVERAGE.

(a) In General.—Notwithstanding any provision of law to the contrary, the Secretary of Transportation may not provide insurance or reinsurance under chapter 443 of title 49, United States Code, after August 31, 2003, and before January 1, 2005, to an air carrier operating aircraft for the transportation of passengers for compensation unless that air carrier executes a contract with the Secretary under which the air carrier agrees that—

(1) it will not provide total compensation during the 12-month period beginning on April 1, 2003, or the subsequent 12-month period, to an executive officer in an amount equal to more than the annual salary paid to that officer during the air carrier's fiscal year 2002; and

(2) if the air carrier violates its agreement under paragraph (1), it will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Transportation, equal to the difference between—

(A) the amount it paid for insurance provided or reinsured under chapter 443 of such title for the 12-month period in which the violation occurred; and

(B) the amount it would have paid for the same or similar insurance coverage for that period if the insurance had not been provided or reinsured under that chapter.

(b) Executive Officers Employed for Less Than 12 Months in Fiscal Year 2002 or Whose Employment Commenced After Fiscal Year 2002.—For the purpose of applying subsection (a)(1) to an executive officer—

(1) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act—

(A) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(B) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during that air carrier's fiscal year 2002; and

(C) that executive officer shall be deemed to have been employed during that fiscal year; and

(2) whose employment begins after the date of enactment of this Act—

(A) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

(B) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(C) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(c) Audit Authority.—The Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to implement subsection (a). The Comptroller General shall transmit a report of any investigation conducted under this subsection to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) Definitions.—In this section:

(1) Executive officer.—The term "executive officer" means a named executive officer (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. 229.402(a)(3))).

(2) Total compensation.—The term "total compensation" has the meaning given that term by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include amounts paid, under a contract, retirement plan, or other legally binding arrangement in effect on March 26, 2003, to an executive officer on account of that executive's retirement or termination of employment.

SEC. 407. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) Finding.—The Congress finds that the United States government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, the Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) Semiannual Reports.—The Comptroller General shall prepare a semiannual report to the Congress—

(1) analyzing measures being taken by air carriers engaged in air transportation and intrastate air transportation (as such terms are used in subtitle VII of title 49, United States Code) to reduce costs and to improve their earnings and profits and balance sheets; and

(2) stating—

(A) the total compensation (as defined in section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note)) paid by the air carrier to each officer or employee of that air carrier to whom that section applies for the period to which the report relates; and

(B) the terms and value (determined on the basis of the closing price of the stock on the last business day of the period to which the report relates) of any stock options awarded to such officer during that period.

(c) GAO Authority.—In order to compile the reports required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the reports. The Comptroller General shall submit with each such report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) Reports to Congress.—The Comptroller General shall transmit the compilation of reports required by subsection (c) to Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 408. AIR CARRIERS TO SUBMIT OPERATIONAL EXPENSE REDUCTION PLANS.

(a) In General.—Each air carrier that receives financial assistance under this Act shall transmit a plan to the Comptroller General within 90 days after the date of enactment of this Act that, if implemented, will reduce that air carrier's annual operating expenses by an amount equal to the greater of—

(1) 10 percent of that carrier's annual operating expenses determined as of June 15, 2002; or

(2) the amount of financial assistance that air carrier has received or will receive under this Act.

(b) Operating Expenses.—In determining annual operating expenses for purposes of this section, an air carrier shall compute operating expenses attributable to fuel on the basis of the average price of such fuel for June 15, 2002.

SEC. 409. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE RELATED WORKERS.

(a) Definitions.—For purposes of this section—

(1) the term "eligible individual" means an individual whose eligibility for temporary extended unemployment compensation under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), is or would be based on the exhaustion of regular compensation, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term "qualifying employment", with respect to an eligible individual, means employment—

(A) with an air carrier, employment at a facility at an airport, that involves the provision of transportation to or from an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term "Secretary" means the Secretary of Labor; and

(7) the term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

(b) ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR ELIGIBLE EMPLOYEES.—In the case of an eligible employee, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be applied as if it had been amended in accordance with subsection (c).

(c) MODIFICATIONS.—

(1) IN GENERAL.—For purposes of subsection (b), the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be treated as if it had been amended as provided in this subsection.

(2) PROGRAM EXTENSION.—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended to read as follows:

"SEC. 208. APPLICABILITY.

"(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending before December 29, 2003.

"(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title, including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section.

"(2) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004.".

(3) ADDITIONAL WEEKS OF BENEFITS.—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A), by striking "50" and inserting "150"; and

(ii) by striking "13" and inserting "39"; and

(B) in subsection (c)(1), by inserting "⅓ of" after "equal to".

(4) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN PARAGRAPH (3).—

(A) IN GENERAL.—The amendments described in paragraph (3)—

(i) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(ii) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment this Act, subject to subparagraph (B).

(B) SPECIAL RULES.—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this section) shall be applied subject to the following:

(i) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as deemed to have been amended by paragraph (3)(A).

(ii) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as deemed to be amended by this subsection—

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) shall be disregarded; and

(II) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by paragraph (3)(B)—

(aa) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this subsection, and including any amounts described in clause (i)) are in fact exhausted, except that

(bb) if such individual's account was both augmented by and exhausted of all TEUC–X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

TITLE VI—GENERAL PROVISIONS

SEC. 601. Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), is amended by inserting before the period at the end: "and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108–8,' after 'until expended,'".

SEC. 602. EXTENSION OF ENERGY SAVINGS PERFORMANCE CONTRACTING AUTHORITY. Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "October 1, 2003" and inserting "December 31, 2004".

SEC. 603. None of the funds in this Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States.

SEC. 604. Section 626 of title VI of division B of Public Law 108–7 is amended by striking "previously".

SEC. 605. Section 7304 of Public Law 107–110 is amended by striking "such as" and inserting in lieu thereof "operated by".

SEC. 606. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including

economic damages, solatium, pain and suffering).

"(2) A claim under paragraph (1) shall not be barred or precluded by the Algiers Accords.".

SEC. 607. Section 127b(b) of title 10, United States Code, is amended by striking "$200,000" and inserting "$5,000,000".

This Act may be cited as the "Supplemental Appropriations Act to Support Department of Defense Operations in Iraq for Fiscal Year 2003".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 108, 109, 110, 111, 112, 113, 114, and 115. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Allen Garber, Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

SECURITIES INVESTOR PROTECTION CORPORATION

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006.

Thomas Waters Grant of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006.

NATIONAL CONSUMER COOPERATIVE BANK

Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

HONORING MARY JANE JENKINS OGILVIE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 110, which was submitted earlier today by Senator KYL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) honoring Mary Jane Jenkins Ogilvie, wife of former Senate Chaplain, Reverend Dr. Lloyd John Ogilvie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. I would like to comment, Mr. President, about Mary Jane Ogilvie. Many public men are described in their own right for their own accomplishments, and then their wives are referred to casually.

Senator Alan Simpson's wife, who took my wife under her wing when we first came here, described it this way. She said: "We are just LWOs, which means 'lovely wives of.'"

Mary Jane Ogilvie was indeed the lovely wife of our Chaplain, Lloyd Ogilvie, but she was far, far more than an appendage to her husband. She had her own contribution to make to this body and to all of the Members in it.

Many wives of important men do not want to have anything to do with their husbands' careers and create areas of their own. They do not have an interest in what their husband does. Mary Jane Ogilvie was an incredibly important part of Lloyd Ogilvie's entire career.

The two of them were a team, inseparable. Her faith was as strong as his. Her dedication to the ministry and to the Gospel, as they understood it, was as deep as his. And her friendships forged here in the Senate were as strong as his. She was, as I say, an integral part of the ministry he performed here.

When she became too ill to carry on her portion of that ministry, he was unable to carry on his, which was very appropriate, in my view, because they were a team. He had his priorities straight, and he realized that, as important as his work here was, his duty to his wife was even greater.

When it became necessary for her, as she sought to find treatment for her condition, to move to California, there was never a doubt in Lloyd Ogilvie's mind that he would move with her. They were a team.

Some would have said: Well, she is hospitalized. I have a career. I will stay here. I will call her on weekends or get out there when I can, but I will let her go forward on her own. Lloyd Ogilvie is not that kind of a man, and their marriage was not that kind of a marriage. When she needed him, she had him, which is a manifestation of the fact that when he needed her, he had her.

So this resolution is but a small token of the Senate's gratitude for the contribution that Mary Jane Ogilvie made to the lives of all of us.

My wife and I were privileged enough to become friends of this team. We went to dinner together. We had conversations about our families. We had conversations about religion. We had conversations about the Senate and its spiritual health. As the leader of the Senate Prayer Breakfast during the time that Lloyd Ogilvie was our Chaplain, I got to know both of them extremely well.

It is with great sorrow that we note her passage. But as I have said before of others to whom we have had to say good-bye in this fashion, we do not mourn for Mary Jane. We know where Mary Jane is. We know that all is well with her. Our sense of loss is for ourselves and the fact that we have been deprived now of her company, her spirit, and the joy of her life.

I join with Senator KYL and thank Senator KYL for this resolution in paying tribute to a woman whose contribution to the Senate is not reflected in the payroll or any official record but is engraved in the hearts of all of us.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

Mr. REID. Reserving the right to object, Mr. President, I would like to extend, through the Chair, to my friend from Utah the appreciation of the whole Senate for the content of the remarks of the Senator from Utah and the manner in which they were delivered.

Those of us who know Lloyd Ogilvie certainly have great respect for him. I told him personally. My first knowledge of his presence was when I attended the funeral of the late departed Senator from Georgia, Mr. Coverdell. He did such a remarkable job at that funeral. Even though I had seen him here and listened to him give prayers many times, that was the first time I had really felt his presence.

I did not know his wife Mary Jane well. I had met her, but that was all. It was good to hear from the Senator from Utah about his knowledge of Mary Jane Ogilvie, who Reverend Ogilvie talked to me about many times, as every morning we were here together.

So I think the remarks of the Senator from Utah were timely. And I, on behalf of the whole Senate, extend my appreciation to the Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Nevada for his kind comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 110

Whereas Mary Jane Jenkins Ogilvie, a friend to the United States Senate who succumbed April 1, 2003, to infirmities that she had battled courageously over many years was—

(1) petite in size, but grand in character, a woman with strong independent status, while still being steadfastly supportive of her husband during his chaplaincy;

(2) an active, vibrant, frank, honest, vigorous, and warm friend, especially to many Senate spouses, during her eight years here;

(3) a loving wife and mother who, though she missed her family in California, was a vital partner in her husband's service to the Senate, near the end of which she returned home to California;

(4) a devout woman, a fighter to the end, an individual impressive for her style, her spirit, and her strong faith; and

(5) the center of her family, cherished by her husband Lloyd, her children Heather, Scott, and Andrew, and her grandchildren Erin, Airley, Bonnie, and Scotter: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Mary Jane Jenkins Ogilvie;

(2) recognizes her contributions to the Senate family;

(3) admires her courage and loyalty; and

(4) expresses gratitude that she is now with the Lord.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of Mary Jane Jenkins Ogilvie.

ORDERS FOR WEDNESDAY, APRIL 9, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 9. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 11:30 a.m., with the first 30 minutes equally divided between Senator HUTCHISON and the minority leader or their designees and the remaining time, until 11:30, equally divided between the two leaders or their designees; provided further that during the Republican-controlled time, Senator DOLE be recognized for up to 15 minutes and Senator KYL be recognized for up to 15 minutes.

Finally, I ask unanimous consent that at 11:30 a.m., the Senate return to consideration of S. 476, the CARE Act, and there then be 30 minutes equally divided for general debate remaining, with all other provisions of the consent remaining in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will be in a period of morning business tomorrow until 11:30 a.m. Following morning business, the Senate will resume debate on the CARE Act. When the Senate returns to the bill, Senator NICKLES will offer his amendment related to land sales. The Senate will vote on both the Nickles amendment and passage of the bill at approximately 12:30 tomorrow.

Following passage of the CARE Act, the Senate may resume consideration of the nomination of Priscilla Owen. In addition to the Owen nomination, the Senate may consider the PROTECT Act conference report, if available, as well as the POW resolution. Therefore, additional votes are expected.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Wednesday, April 9, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 8, 2003:

SECURITIES INVESTOR PROTECTION CORPORATION

NOE HINOJOSA, JR., OF TEXAS TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION.

THOMAS WATERS GRANT, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION.

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION.

NATIONAL CONSUMER COOPERATIVE BANK

ALFRED PLAMANN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RAUL DAVID BEJARANO, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

ALLEN GARBEN, OF MINNESOTA TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

HOUSE OF REPRESENTATIVES—*Tuesday, April 8, 2003*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 8, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. An act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 164. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement.

S. 212. An act to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plains Aquifer, and for other purposes.

S. 220. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

S. 328. An act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreational Area", and for other purposes.

S. 347. An act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.

The message also announced that pursuant to Public Law 101-509, the Chair announces, on behalf of the Secretary of Senate, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY) for 5 minutes.

HOUSE ACHIEVEMENTS SPEAK FOR THEMSELVES

Mr. DELAY. Mr. Speaker, the Members of the 108th House of Representatives have served the American people well during the longest legislative stretch we will have this year. We have passed, or will pass, legislation that has upheld American values, protected American families, affirmed fiscal discipline, and provided tax relief for millions. The record is clear.

We passed a permanent ban on human cloning.

We passed a resolution affirming Americans' identity as "one Nation, under God, indivisible" in the Pledge of Allegiance.

We passed the Social Security Protection Act to crack down on waste, fraud and abuse against the program's most vulnerable intended beneficiaries.

We passed a budget that sets the United States on a path to balance and provides tax relief necessary to stimulate an economy that can meet all our needs.

We passed a compassionate and effective welfare reform package.

We passed sweeping reforms to the Nation's bankruptcy system.

We passed medical liability reform.

We passed legislation providing $835 million in tax relief for America's military servicemen and their families.

We passed legislation to create a national AMBER Alert system.

We passed tougher penalties against criminals who prey on children and funding to assist battered-women shelters and victims of family violence.

Not a bad start. Yet before we recess, the House will also complete a final budget resolution with the Senate to provide tax relief and fiscal accountability. We will pass a comprehensive energy package to better secure the United States by reducing our dependence on foreign oil. We will pass the supplemental appropriation to fund the liberation of Iraq, the ongoing war on terror, and meet emerging homeland security needs. The House of Representatives has acted on behalf of our troops on the other side of the world and we have acted to secure their proud and grateful countrymen here at home.

Mr. Speaker, our actions speak for themselves, so I will stop interrupting.

OREGON CITIZEN MIKE HAWASH ADVERSELY AFFECTED BY MATERIAL WITNESS LAW

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I am reflecting on the words of the majority leader, actions speak for themselves, and I think we are going to have a series of discussions here on the floor of this Chamber dealing with the actions of the Republican majority and the mismatch between what the American public wants and needs. The notion that we are going to cut veterans benefits when we are sending our veterans-to-be into battle in the Middle East, the fact that we are providing even the tax treatment for the veterans that he referenced was achieved only after the Republican majority was embarrassed with their original proposal. They had to withdraw it because it confused assistance for our veterans with aid for people who gamble from overseas and manufacture tackle boxes. Mr. Speaker, I would like instead today to reflect on a moment of what times of stress especially in war serve as a mirror for who we are. There have been times in our history like World War II where it has reflected in a very positive sense on our character, it has brought out the best in the American public, but also during that same period of time, there was also reflected some of the things that we are least proud of. For example, our treatment of legal Japanese residents and Japanese citizens in this country, herding them up and putting them in concentration camps.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

One of the problems I have with the current situation is that it is fraught with danger, and if we are not careful, we will have a risk of losing track of who we are. I was struck last fall when I read an article in the Washington Post that talks about how the material witness law in this country casts dozens of citizens, of Americans, into limbo, where there were 44 people who were jailed as material witnesses and kept in maximum security conditions for a few days, in some cases for several months or longer. Seven of them were American citizens. I was troubled when I read that account, Mr. Speaker, but I must say that I was shaken when I saw it occur in my community, where 3 weeks ago Maher Hawash, Mike to his friends, a 38-year-old software engineer, although born in the West Bank and who grew up in Kuwait, has been an American citizen for over a dozen years, he lives with his wife Lisa, raising three children here in our community of Portland, Oregon, was arrested in the Intel parking lot at 6:30 in the morning. At the same time almost a dozen armed agents swept into his home. I heard from his former boss, Steve McGeady, a friend of mine, in Portland, who was stunned by the accusation but more by the treatment of this American citizen, kept in solitary confinement for 3 weeks under this material witness warrant, attorney and family subject to a gag order. This is a person with strong ties to the community and does not appear to represent any risk of flight.

Citizens who know Mike have organized their own Web site, freemikehawash.org, that says it all. Mr. Speaker, he had a hearing yesterday but he is bound over again under these conditions. We do not know what is going on. He is going to be kept in detention, it looks like, for at least another 2 to 3 weeks. Mr. Speaker, this is deeply troubling treatment for an American citizen. Put him before the grand jury now. If they think he has committed some sort of crime, charge him. If not, for heaven sakes, release him. We should not have a shroud of secrecy. We should not have indefinite detention in solitary confinement for American citizens. We should not be punishing them, their family and friends.

As I said, Mr. Speaker, at times difficult situations provide a mirror. I would hope that the mirror that we hold up to ourselves at this time should show America at its best, not at its worst.

IRAQI LIBERATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I rise to support the actions of the world's greatest fighting force, the United States Armed Forces, which is currently about 360,000 men and women deployed overseas defending our freedom. Though the terrains may differ greatly, their overall objectives remain the same, Mr. Speaker. From the sweltering jungles of Colombia and South Korea to the barren moonscapes of Iraq and Afghanistan, U.S. forces put life and limb in harm's way to maintain the security of our great country. War is a concept not easily understood, never black and white, its ramifications always permanent and, of course, severe. The fighting men and women of the United States know the consequences of war, yet continue to place upon their shoulders this great mantle of responsibility. Though victory in war always comes at a price, our efforts in the Iraqi theater have yielded great success. Our Armed Forces have liberated thousands of Iraqis and have begun the delivery of much needed humanitarian support. Saddam's regime seems to be on its knees, ready to collapse. In what has been a historic campaign, U.S. Marines, a sea-based service, have marched inland to Baghdad in what has been the deepest land penetration ever by its air-ground team of planes, helicopters, troops and tanks. American troops have Baghdad surrounded. We have demonstrated an ability to insert troops deep into the city and the 1st Brigade of the United States Army recently renamed Saddam International Airport to Baghdad International. The evil and torturous regime of Saddam Hussein and his Baath party cronies seems to be at its end, all due to the valiant efforts of coalition forces. Though support for this operation has been great and widespread, we as a body have been forced to face the politics of war. We have been faced with a task of funding this war and making sure that our troops are supplied with the best equipment in the world. This week we must pass the wartime supplemental conference report as soon as possible in order to keep our military machine safe and, of course, efficient. We must also continue to show the world that what we are doing is right and for the benefit of our global safety. We must uproot Saddam and show the world the atrocities that he has committed. So far, the terrorist links have been established, Mr. Speaker. Al Qaeda terrorists fought against coalition troops in southern Iraq. Foreign nationals—Egyptians, Jordanians, Saudis, Syrians, Yemenis—were captured Sunday and led U.S. soldiers to their training grounds at Salman Pak. And, most convincing, raids of the Ansar al-Islam camps in northern Iraq revealed extensive al Qaeda ties for this group believed to have extensive, high-ranking connections with the Iraqi regime. As initial reports concerning chemical weapons become more clear, we will learn the truth behind Saddam Hussein's lies. All we can do is pray that the maniacal leader will think of the people, the 4.5 million Iraqi citizens, before he considers unleashing all this chemical arsenal.

Mr. Speaker, after Baghdad is secured and the Republican Guard is completely destroyed, we will be faced with the task of reconstructing Iraq. But as eyes turn toward the U.N., many will turn to the rich oil fields of Iraq and the many ways in which their countries think they can profit from our military's work. Countries that denounced our actions will look for ways to get their hands on some of this Iraqi oil. France and its allies claim the United Nations is the only body with the international legitimacy to administer Iraq. But, Mr. Speaker, is it? The United Nations failed miserably in its supervision of Kosovo, Bosnia and Somalia. Until Bush stepped in last year, it had completely dropped any attempt to get Iraq to disarm. The United Nations has never successfully fostered a democracy. This is not surprising since many if not most of its members are nondemocratic countries and a police state like Libya heads the U.N. human rights commission.

There is at least one group of people among whom the United Nations has no legitimacy. That is the 24 million Iraqis who have suffered under more than two decades of Saddam Hussein's rule. Iraqis have seen U.N. inspectors come and go. They have seen U.N. officials rush to Baghdad to confer with Saddam with no easing of repression as a result. They have watched as U.N. resolutions, including those obligating Saddam to respect human rights, go not just unenforced but are not even cited in passing by the United Nations.

Again my congratulations to our Armed Forces and to our President. God bless them both.

NOTHING TO WORRY ABOUT?

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Hawaii (Mr. CASE) is recognized during morning hour debates for 5 minutes.

Mr. CASE. Mr. Speaker, I want to thank my colleague from Texas, our respected majority leader, for his remarks this morning. I think I and all of us owe him a happy birthday wherever he may be and we wish him a happy birthday on, I believe it is his 56th birthday. Unfortunately, there my commendations have to end for the morning because as the war in Iraq comes to its inevitable close and our focus turns back to our domestic issues, our domestic challenges and as they turn back to the number one challenge that we face domestically, which is our Federal budget and fixing our economy, which is an area that the majority leader did not cover, I must say to my colleagues and my constituents back home and my fellow citizens that when it comes to the Federal budget that has been proposed by our President and embraced by our Republican colleagues and as it comes to that budget that we will see later on the floor this week, I must say I am tempted to feel relieved, and I am tempted to feel relieved, because for too long I have been worrying about the little things like our economy and jobs and money and debt and education and health care.

At my State legislature like many of us in the State legislatures, I just spent a decade worrying about whether we had enough jobs, whether our taxes were fair, whether we were borrowing too much or whether we were spending too much, whether our kids were getting a good head start, whether our seniors had the basics, what my Hawaii would be like not next year but in 10, 20 years and what I could do to hand it off well. And at home, of course, because government is no different than a household in principle, my wife and I, we have long worried about our jobs and whether we could keep up with expenses, whether our debts were too high, whether our kids would grow up healthy, whether we could get a good, affordable education, whether our parents could live with decency. I am tempted to feel relieved because after all those years of worry both in my State legislature and at home, my Republican colleagues in the White House and here in the Congress have given me and are about to again give me a budget to vote on that says basically, do not worry, your fears are for naught. You can have your cake and eat it, too. You can do whatever you want. It will all work out. Do not worry, be happy.

For example, let us take debt. My wife and I, we have been worrying about how much we owe. We do not like debt and when we have to incur debt we do not like it to get too high. We worry about retiring in debt. We worry about whether our kids are going to have to bail us out. We do not think that that is good for us and it is certainly not good for them. In the State legislature back in Hawaii, I worried for a long time about how much my State was borrowing, about whether our hard-earned dollars were going just to pay off debt, whether we were handing off Hawaii in better shape to our children than the Hawaii that we had been responsible for administering. But now I am tempted to feel relieved, because I am told my Federal Government is somehow different. I am told debt is good, do not worry about it, that the largest debt run-up since President Reagan's era is no problem. And Alan Greenspan, somebody that says debt is not bad, chronic debt is bad. Chronic debt does not work. It leads to a worsening economy. It leads to interest rate increases. I am told about Mr. Greenspan, he is all wet, do not worry about him.

Let us take taxes. In my State House, I embraced some tax relief in the 1990s, but I worried about whether that tax relief was going to those most in need, whether that tax relief was going to result in economic revitalization. I worried about the connection between lower taxes and an increased economy. Would cuts fix our economy? But here I am told, do not worry. We cannot give you any evidence of a connection between the tax cuts that we recommend and economic revitalization. And we do not have to worry about the Congressional Budget Office saying there is no connection. Do not worry, it will all work out.

Let us take expenses, especially unknown or uncertain expenses. My wife and I worry about expenses that we know about and those that we do not yet know about. We worry about college. We worry about setting money aside. We worry about a little bit of a rainy day fund to worry about things that do not come along. But now I am told from this budget, do not worry, we do not need a little rainy day fund. We already have one. It is called Social Security. We can bail it out if we need to and we do not even have to include known expenses, expenses that we may not know how much they will be exactly but we sure know that they are coming.

We all know, for example, that $75 billion is just the first installment of our obligations overseas for the war with Iraq. Yet that is not factored into this budget. Why not? I do not know. I guess I am being told, do not worry about it, it will come later. And do not worry about that. Do not worry about the long-term. We can get through the next couple of years. We can get through the things that are coming at us down the road. Do not worry about the projections of an increasing deficit, a deficit projected to increase by some estimates from 300 to $400 billion up to close to a trillion dollars, given the full impact of this tax cut. Do not worry about that.

So I am a happy camper today. I do not have to worry. And if I were not so worried, I would be awfully scared.

MEDICAL SAVINGS ACCOUNTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, today I rise to talk about an issue that everyone should be aware of and I think more and more Americans are becoming concerned about and that is the rising cost of health care here in the United States. Some of the estimates this year, and we are talking to small businesspeople in my district, they are looking at increases in the cost of their health care of anywhere from 10 percent to 40 percent and some even more than that. One of the ideas that has been around for a number of years in terms of controlling the costs of health care in the United States is the concept of medical savings accounts. This is a plan that really goes back a long ways. As a matter of fact, in my district where we have an awful lot of farm families, they in effect have had medical savings accounts for a very long time. What they do is they essentially use their checking account as the medical savings account, but the principle is relatively simple and that is where people can put money away, either through their employer or individually, into a medical savings account to pay those ongoing medical bills. At the same time, they buy a catastrophic insurance policy that will pay those catastrophic expenses if they should come down with cancer, if they should need a major surgery, something like that. Catastrophic insurance is relatively inexpensive. And so in the last several years we have allowed more and more of the employers to do these medical savings accounts, to set up these programs on a pretax basis so that they get the advantages of the Tax Code. But there was one major, glaring error and omission from the legislation we passed in the past here in the Congress and that is that public employees could not participate in these. And so I have been talking to my public employees back in Minnesota. They would very much like to participate in medical savings accounts for a whole variety of reasons, one of which is it is a way that they can begin to save money for long-term care, because we are now beginning to realize we are all getting older. I happen to be 52 years old. I was born in 1951. There were more babies born in 1951 than any other year, we are the peak of the baby boomers, and we are looking at this thing and saying, are there ways we can begin to put money away for long-term care. One of the ways you can do that is with medical savings accounts. But it is a glaring omission and it is terribly unfair to say that private employees in the private markets can go ahead and have access to these medical savings accounts but public employees cannot.

And so today I am introducing along with my colleagues the gentleman from Minnesota (Mr. SABO), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from Minnesota (Mr. KENNEDY), the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentleman from Minnesota (Mr. KLINE) the Minnesota MSA Empowerment Act of 2003. Essentially what this bill will do is allow public employees on a pilot program basis to have access to the same kind of programs that private employees have access to. It is a very good bill. It is a way for us to actually find out just how well these MSAs will work, especially with public employees. I am confident that they will work if they are given a chance. This is a pilot program just for Minnesota to demonstrate that MSAs will work for the consumer, they will work to help reduce the cost of health care and ultimately make it possible so people can begin to set aside dollars long-term for long-term care.

This is a good piece of legislation. I hope the people of the appropriate policy committees will give it a fairing hearing and if they will I am confident that ultimately this will become law. Mr. Speaker, I hope my colleagues will join me in support of this important legislation.

CONCERNING THE CONFERENCE REPORT ON THE BUDGET RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the floor to call attention to the fiscal year 2004 budget resolution conference report and to express my opposition to the inclusion of any Medicaid or Medicare cuts as part of the final budget resolution.

Mr. Speaker, although the House-passed budget reconciliation contains an instruction to cut the Medicaid program by $93 billion over 10 years, neither the Senate budget resolution nor the administration budget includes such devastating cuts to the Medicaid program. As Members know, the Medicaid program provides essential health coverage to 47 million low-income children, working families, seniors and people with disabilities. Moreover, this critical safety net program under Medicare also contributes significantly to State economies by stimulating employment and business activity which we cannot afford to undermine.

States, Mr. Speaker, are currently facing the most severe budget crisis since World War II and nearly every State has proposed or enacted cuts in its Medicaid program. Any reduction in Federal Medicaid funding would place millions of vulnerable Americans now receiving Medicaid in jeopardy of losing their health insurance. Federal funding reductions would force States to implement even deeper cuts by restricting eligibility, eliminating or reducing critical health benefits and severely cutting or freezing provider reimbursement rates. As a result, Medicaid funding cuts would add millions more to the ranks of the 41 million Americans that are already uninsured.

In addition, Mr. Speaker, I oppose inclusion in the budget of sweeping mandatory cuts of potentially $75 billion over 10 years to the Medicare program. Although the Republican budget on the surface level appears to take a softer line on Medicare cuts as compared to Medicaid, in fact the budget requires billions of dollars of mandatory program cuts to the Medicare program. I will show my colleagues how. The budget provides $400 billion in a reserve fund for Medicare reform. However, the budget also instructs the Committee on Energy and Commerce to come up with $107 billion that have to be in cuts to either Medicare, Medicaid or S-CHIP, the kids' health insurance program, over 10 years and also requires the Committee on Ways and Means to require $62 billion in cuts, some or all of which could fall on Medicare. So although there is not an absolute requirement that it comes from Medicare, because those two committees will not have many choices, we are going to see Medicare cuts as well, as well as the mandatory Medicaid cuts.

Mr. Speaker, while the budget resolution does not direct Medicare cuts, I am very concerned because it does not preclude them and these committees will be allowed to cut Medicare if that is what is required to fulfill the reconciliation instructions. As a member of the Committee on Energy and Commerce, I would do my best to prevent such cuts from taking place because the effects would be devastating to the structure and function of the Medicare program and, more importantly, to the health of our seniors and disabled.

Again, Mr. Speaker, I have to express my strong opposition to the inclusion of any Medicaid or Medicare cuts in the final budget resolution. They will only mean that more people will be uninsured, less health care services will be provided to a whole range of individuals, and all this is being done basically so that the Republicans can make more cuts for wealthy people, more tax cuts for the wealthy, more tax cuts for corporate interests. It should not be done at the expense of Medicare or Medicaid.

IN MEMORY OF SERGEANT DONALD WALTERS, OREGON SERVICEMAN WHO MADE THE ULTIMATE SACRIFICE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Oregon (Ms. HOOLEY) is recognized during morning hour debates for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, today I rise to pay my respect to a fallen soldier, a hero from my district who made the ultimate sacrifice for our country.

Sergeant Donald Walters grew up in Colorado Springs, Colorado. His family moved to Salem, Oregon, when he was in middle school. As a teenager, Donald worked at a Salem grocery store. He liked to fish, camp and had a long-standing interest in the military. He wanted to make a difference. A year after graduating from North Salem High School, he joined the Army.

Donald was an aspiring writer of children's books. Donald served in the first Persian Gulf war, then left the military about 2 years ago. As a testament to his undying love of our country, he reenlisted in the Army after September 11. For the weeks that Sergeant Walters was missing in action, his community in Oregon showed their support. Nearly every house on the block was adorned with an American flag, a yellow ribbon, or both. Sergeant Walters leaves behind his wife Stacie, three loving daughters, his parents Arlene and Norman, and his sister Kimberly. To all those who he left behind, my heart and prayers are with you as well as the hearts and prayers of a grateful Nation. We will not forget you, Sergeant Donald Walters.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, because Your prophet Jeremiah is so highly personal, agonizing for his people and constantly interacting with the members of his community, he becomes a model for the Members of the 108th Congress.

His hopes and visions, doubts and hesitations, anger and resentments, as well as arguments and pleading and bonding with others, all these emotions and the troublesome times tear apart Jeremiah's fragile temperament and fling themselves upon the pages of his prophecy.

Jeremiah is realistic and bold as he declares sin inevitably brings its own sorrow. People who go after empty idols become empty themselves. We are all transformed for good or bad by that which we desire.

Lord, because this prophet will not evade the honest emotional reaction of what is going on around him, You make him a guide for Your people now caught up in war. Although Jeremiah is never far removed from the agony of people, hope for him is always stirring just beneath the surface of the barren Earth.

The word of the Lord endures forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to 40 U.S.C. 188a, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. YOUNG, Florida.

Mr. LATOURETTE, Ohio.

CONGRATULATING OUR LADY OF LOURDES ACADEMY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to congratulate Our Lady of Lourdes Academy in my congressional district for winning first place at the "Florida We the People: The Citizen and the Constitution" competition. This civics competition ensures that students understand the history and the philosophy of our U.S. Constitution and our Bill of Rights. It is an important program that aids students in understanding their rights and responsibilities as American citizens.

Lourdes Academy, the reigning national champions, will be coming to Washington this month to compete for the national title. Please join me in congratulating the students of Lourdes Academy and especially their teacher, Rosie Heffernan, on their outstanding achievement and wishing them much success in the national competition.

SUPPLEMENTAL LEAVES CRITICAL AREAS UNDERFUNDED

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to speak against the supplemental bill proposed by the Bush administration.

While Democrats strongly support the immediate passing of whatever is necessary to support our troops, the administration's war supplemental appears to leave critical areas severely underfunded.

Under the bill, there would be no money, no money, to provide communication equipment for first responders, leaving many local police, firefighters, and emergency workers unable to communicate with each other during an emergency.

There would be no money, no money, for homeland security grants, despite the Coast Guard's latest report that they are short almost $1 billion to meet port security needs in this year alone.

This bill also leaves nuclear security needs amounts unmet, providing only 7 percent of the $380 million which his own Secretary of Energy identified as an urgent homeland security requirement.

This bill is bad for the economy, and it is bad for our Nation's first responders. Underfunding critical programs and operations puts our homeland at risk.

AMERICAN DREAM DOWN PAYMENT ACT

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Madam Speaker, this afternoon the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services will begin hearings on President Bush's visionary plan to extend the dream of homeownership to tens of thousands of low-income families and individuals across our Nation.

As I have consulted with housing advocates throughout my district, I have repeatedly heard that a great number of low-income Americans could meet a monthly mortgage payment were it not for that initial obstacle of the closing costs and down payment associated with the traditional residential loan.

H.R. 1276, the American Dream Down Payment Act, removes that barrier for an estimated 40,000 low-income families and individuals every year.

Madam Speaker, the extension of affordable quality housing opportunities to every American is a moral imperative for a decent, compassionate society. H.R. 1276 represents a powerful step toward this goal, providing thousands of men, women and children across our Nation with the dignity, stability and economic empowerment of homeownership.

REPUBLICAN BUDGET SHORTCHANGES AMERICA

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, the budget shortchanges the security of cities and towns across America. The next terrorist we catch might be caught by the FBI, but it is more likely that they will be found by local law enforcement, like the routine traffic stop in April of 2001, where a police officer pulled over none other than the 9–11 ring leader Mohammed Atta.

It is not clear that the 9–11 attacks could have been prevented by a traffic stop, but what should be clear is that even if our government has information on would-be terrorists, local law enforcement is still out of the loop.

The President and the Republican leaders in Congress both ignore this issue in their budgets. While we spend billions to tear down and rebuild Iraq, the Republican budget shortchanges the local police officers, firefighters, and other first responders who are America's first defense against terror.

In my own district, the community of Culver City, California, is right next to the Los Angeles International Airport. They need our support with first responders.

KEEP NETHERCUTT-KENNEDY AMENDMENT ON SUPPLEMENTAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, this week we will be voting on our supplemental appropriations bill to help partially fund the war in Iraq. An important amendment, which was unanimously agreed to by the House that is on that bill, was called the Nethercutt-Kennedy amendment, and it has to do with the fact that the Congress has voted not to allow Germany, France, Syria and Russia to share in American taxpayer-funded reconstruction efforts in Iraq.

The idea behind this is that Russia, France, Syria and Germany have not been on our side and, in many ways, helped accelerate the war in Iraq by seeming to side with Saddam Hussein. We believe that if the U.N. Security Council and these members were unified against the weapons of mass destruction and the regime of Saddam Hussein, perhaps we would be at peace today in trying to find diplomatic solutions; but now, it seems these very countries who are against U.S. action, who have made a 4-month national pastime of bashing the U.S., now they want to get U.S. tax dollars and help rebuild Iraq.

The Nethercutt amendment speaks to this, and I hope that the conference committee will keep that in the legislation.

OFFICE OF PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, in a moment I will introduce legislation with 46 cosponsors to create a Department-level office of peace and the Department of Peace is introduced at this moment when it seems that war is inevitable, when our troops are in the streets of Baghdad, when members of the administration talk about the possibility of invasion of Iran and the possibility of invasion of Syria.

This is the moment when we need to ask whether war is inevitable or not. This is the moment when a Department of Peace can take steps to making nonviolence an organizing principle in our society and when we can create a structure in our government where we can strive to make war itself archaic.

Forty-seven Members of Congress have put their names on this legislation because we are at a moment in the history of our Nation and in the world where we need to be asking questions. Is war inevitable? Forty-seven Members of Congress say no. Is peace inevitable? The answer must be yes.

HOUSING ACTION RESOURCE TRUST

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY G. MILLER of California. Madam Speaker, one of the main barriers of homeownership today is the down payment requirement from individuals that do not have the money. Do down payment assistance programs work? They do.

One example is in Rancho Cucamonga, California. The Housing Action Resource Trust, called HART, was formed in 1995; and in 1998, they started giving homeowners down payment assistance, and it is all private funds. Not a dollar of it is government funds.

What they have done is help 40,000 families actually achieve homeownership, and it is significant. Like I said, not a dime of it is government funds.

The HART gift funds can be used for down payment, closing costs, prepaid payments that can be used to remit buy-downs; and the main obstacle we have for moving people from apartments and rental units to housing is basically they do not have the money.

There are programs that do work. The government needs to look at participating in this.

EXTENDED UNEMPLOYMENT RELIEF

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, 18 months ago, the Republican leadership during the debate on the first $15 billion bailout for the airline industry promised that soon, promptly, we would consider employee relief, including financial assistance, health insurance and training for new careers. It is 18 months later, and those 150,000 airline employees are still waiting, 18 months of waiting.

The airlines project they will lay off another 70,000 because of the war with Iraq. Boeing has cut 30,000 workers. They are all still waiting for that financial assistance and extended unemployment package.

Finally, today, here on the United States House of Representatives floor for the first time, 18 months too late, we are going to take a vote on that issue: and we will see where people really stand, whether they are with the workers or they just want to bail out the corporations.

REGULATORY TURMOIL

(Mr. BACHUS asked and was given permission to address the House for 1 minute.)

Mr. BACHUS. Madam Speaker, we should be particularly concerned about the negative effects which needless regulatory uncertainty and policy turmoil are having on this country's telecommunications industry.

□ 1215

The United States' economy is very dependent on an efficient and effective telecommunication industry and the links they provide. Maintaining these important systems and building new advanced networks we are going to need requires a climate of regulatory stability. No one is going to invest heavily if they do not know what the fundamental rules of the game are.

The 1996 Telecommunications Act envisions the FCC coming up with a workable, judicially sustainable, competitive framework in short order. Seven years have passed since the act was signed into law, and according to most authorities, the FCC's latest decision is almost certain to be reversed and remanded once more.

In closing, Congress has a responsibility to the shareholders of these companies, to the hundreds of thousands of employees, and, most of all, to millions of consumers to end this turmoil. It is not good for anyone.

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I rise today to mention a very important charitable project by our National Association of Letter Carriers, who have been engaged in this for several years. On the second Saturday in May, which will be May 10 this year, letter carriers in over 10,000 cities and towns will be delivering much more than mail on their routes. They will be collecting food donations left for them by their caring patrons on the 11th annual letter carriers national food drive.

I want to take this opportunity to commend the letter carriers for this incredible charitable endeavor. This effort by the letter carriers is the largest 1-day food drive in the Nation, and it has resulted in the last 10 years in over half a billion pounds of food donations to our local communities. I hope everyone listening will participate on May 10 by leaving a box of nonperishable food next to their mailbox before their mail arrives. It will help the estimated 30 million people who go hungry every day in America, including 12 million children.

Congratulations to our letter carriers for a job well done.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 1559, making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1559, recede to the Senate on section 409 of the Senate amendment, providing 26 weeks of additional temporary extended unemployment compensation for displaced airline related workers.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes, and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, American citizens often hear Members of Congress talk in terms that they do not understand. They hear us talking about Blue Dogs, Blue Dog Democrats, they hear us talking about Yellow Dog Democrats. Sometimes they see us acting like lap dogs, and today I am afraid that the House may wind up genuflecting to Top Dogs, because that has been the general pattern on the issue that I am raising this afternoon.

After 9/11, the Congress passed a $15 billion airline assistance package, $5 billion in direct cash payments and $10 billion in direct loans and loan guarantees. The Congress was asked at the same time, and a number of us have tried to get it done, but Congress had asked at the same time that we were bailing out the airline industry to also recognize workers within that same industry who were also losing their jobs and should have some help from the government. The Congress responded by saying, no, thank you.

Now, the bill that the House passed last week contained $3.2 billion in cash payments for the airline industry on this go-round and the Senate bill contained a figure of slightly over $2 billion. We are here today again to ask that if we are going to be bailing out the airline industry that we also provide some $275 million in assistance to the workers in that same industry by providing an additional 26 weeks of temporary extended unemployment benefits for displaced airline-related workers.

Now, the administration has let it be known what their position is, and essentially they are opposed to this proposal. And what they are telling Congress is that, instead, we should work with the administration to make sure that any aid package is appropriately scaled and "appropriately based on free market principles." Well, I guess I am kind of new around here and naive around here, and I am not quite sure what those "free market" principles are when it comes to the airline industry.

To me, I think that the airline industry is a let's pretend industry, run by let's pretend capitalists who are on the public dole, and I do not mean Bob. They are out here once again asking the taxpayers to help finance their survival. Now, we have had some of those airlines go bankrupt not once, not twice, but three times. I asked on the House floor last week how many times Continental Airlines had to go bankrupt before they were bankrupt. I still have not received an answer.

Now, I will fully grant that given the serious nature of the war, given the impact of 9/11, and given the fact that the airlines are a crucial part of our economy and our transportation system, I would fully grant that some kind of cooperative relationship between us and the airlines will be necessary in order to keep this economy healthy. But it seems to me that we ought to have some systematic way to assure that when we are bailing out the airline industry and its executives, that at least some of those taxpayers' dollars wind up trickling down to the workers who keep those airlines moving in the first place.

So that is the purpose of this amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. OBEY. I assume that does not come out of my time, Madam Speaker.

The SPEAKER pro tempore. It does not.

Mr. OBEY. So, as I was saying, lest anyone think that it is not needed, the airline industry itself estimates that we have had a 15 percent increase in unemployment in that industry since 9/11, and since January 1, we have seen another 15,000 layoffs.

So I would ask the Members of this House today to, for a change, let us not institutionally genuflect to the top dogs in this society. Let us keep in mind the needs of the underdogs and provide at least some modicum of assistance to the workers I am talking about.

Let me also explain that there will be a rollcall on this vote. I know that it may be possible that this motion could be adopted on a voice vote. But frankly, if we were to simply have a voice vote, it would not mean anything to anybody. It would be very easy to jettison this language in conference.

So I think to assure that this vote is a meaningful vote, let the chips fall where they may in terms of passage. To assure that it is a meaningful vote and not just a sleight of hand so Members can say, "Well, do not worry, airline worker, I voted with you. Of course, it was not a rollcall vote, and of course the leadership made us turn around in conference so that there would not be any." But I would urge Members to vote for the motion.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I rise in support of the motion to instruct.

Madam Speaker, I urge all of my colleagues to support this Democratic motion to instruct House conferees on the supplemental appropriations bill.

It's just. It's fair. And it enjoys bipartisan support in both the House and the Senate, even if the Bush administration has labeled it "objectionable."

In short, this motion would instruct House conferees to recede to the Senate provision providing an additional 26 weeks of unemployment compensation to workers in the air transportation industry.

This industry and its workers have borne the brunt of the continuing war on terrorism and have been wracked by our sluggish economy.

In fact, the industry is expected to lose $6.7 billion this year.

Approximately 200,000 airline workers have lost their jobs since September 11, 2001, and another 70,000 workers are expected to be laid off.

Last week, the world's largest carrier, AMR Corporation's American Airlines, averted Chapter 11 bankruptcy by negotiating $1.8 billion in labor concessions.

And U.S. Airways only recently emerged from bankruptcy after winning approval for a $900 million Federal loan guarantee.

Last week, I also had the opportunity to meet with representatives of the industry and airline workers.

And they know that their fate is inextricably linked; that one cannot survive without the other.

Today, through this motion, we recognize that and say: What's fair for the industry is fair for workers.

In fact, members on both sides of the aisle want to help.

This motion would instruct conferees to agree to a provision that is very similar to bipartisan legislation introduced last week by our colleagues, Mr. ENGLISH of Pennsylvania and Mr. OBERSTAR of Minnesota [H.R. 1553, the "Air Transportation Employees Assistance Act"].

The Senate has already passed a plan to extend unemployment insurance benefits in its version of this legislation.

The Members of this body should do the same thing to aid this struggling industry, and its workers and their families.

That's precisely what this motion to instruct seeks.

I urge my colleagues to support it.

Mr. OBEY. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

The SPEAKER pro tempore. If we may go first to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

I am sorry. Did the gentlewoman wish to go? I will always yield to the gentlewoman from California.

Ms. PELOSI. I am pleased to yield to the gentleman from Florida.

Mr. OBEY. Madam Speaker, if the gentlewoman would yield to me briefly, let me explain that I thought we had an understanding that I would explain the motion, that the gentlewoman would make her comments, and then the gentleman would close and we could yield back the balance of our time.

Mr. YOUNG of Florida. Madam Speaker, I apologize to the gentleman. I guess I did not understand exactly. But that is fine with me. No problem whatsoever.

Mr. OBEY. Fine. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time, and if that is not pleasing to the distinguished chairman of the committee, I am pleased to yield to him first. If it is okay, then I will proceed.

Madam Speaker, once again I wish to thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on this important issue, important to America's workers. Today, we have an opportunity to do the right thing for America's aviation workers.

Both the House and Senate versions of the supplemental appropriations bill include financial assistance for the airlines, as they should. Aviation is an essential cornerstone of the U.S. economy. Both the House and Senate bills focus primarily on mitigating for the cost of security provisions required by the Federal Government, as those bills should have that funding. But we cannot ignore the workers who form the backbone of the aviation industry.

Madam Speaker, at least 150,000 workers in the aviation industry have lost their jobs since 9/11, including those who work for the airlines and related industries. Many of these workers have exhausted their unemployment benefits, and that was months ago. But with the industry still contracting, new jobs are impossible to find. Thousands more airline workers have lost their jobs since the Iraq war began and layoffs in the industry could reach 70,000 more. Concern about the exposure to the deadly SARS disease in Asia is now reducing air travel from the U.S. to Asia even further.

The Senate has included $225 million for extended unemployment compensation for aviation workers. The House should recede to the Senate position.

□ 1230

Madam Speaker, it is the least that we can do. I urge Members to vote for relief for aviation workers. To support the Obey motion to instruct conferees, vote for the motion to instruct.

Mr. OBEY. Madam Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am not really opposed to what the gentleman is suggesting here. The Committee on Appropriations did add $3.2 billion to the wartime supplemental to deal with airline issues and to be helpful to the airline industry. So there is plenty of money to handle this issue, but I am going to vote against it because of the problems it could cause as we go to conference.

We have a tight schedule. The committees on both sides of the aisle have worked extremely well. Just a few days after receiving the President's request, the Committee on Appropriations reported the bill to the House. As Members know, last Thursday we passed this bill with an overwhelming vote in the House.

However, there are some significant differences between our bill and the bill presented by the other body. I just have the feeling this is going to be a fairly difficult conference because, while the House kept the bill very clean and close to what the President requested, to fight the war and provide for homeland security and to support those of our coalition who are helping us in this war effort, the other body, frankly, added quite a few things that were extraneous to the wartime issue; and that is going to make the conference a little difficult.

I want to get this conference completed. Leadership has advised me, as well as most of the Members, that we are not going to take our Easter district work period recess until this bill has left the Congress and has gone to the President since it is important to what the President is doing in Iraq. I will vote against this motion. I want to again emphasize we need to move this bill quickly. If the conference gets tied up for more than 2 days, we will not get this bill to the floor in time for the House to take its usual Easter recess. In addition, I am opposed to motions to instruct in general. I have no objection to what the gentleman wants to do, but it is just procedural for me. I think it could complicate the conference on this very important wartime supplemental.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

NUTRIA ERADICATION AND CONTROL ACT OF 2003

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 273) to provide for the eradication and control of nutria in Maryland and Louisiana.

The Clerk read as follows:

H.R. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutria Eradication and Control Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (Myocastor coypus) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

SEC. 3. NUTRIA ERADICATION PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this Act referred to as the "Secretary"), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) ACTIVITIES.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds", dated March 2002.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there is authorized to be appropriated to the Secretary $4,000,000 for the State of Maryland program and $2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.

SEC. 4. REPORT.

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled "Nutria in Louisiana", and the 2002 document entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds"; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to offer this measure along with the gentleman from Louisiana (Mr. TAUZIN). The fundamental goal of this legislation is to effectively address the growing problem of nutria that are destroying thousands of acres of essential wetland habitat. It also reauthorizes a 1998 law that created a pilot nutria program in Maryland at Blackwater National Wildlife Refuge, Fishing Bay Wildlife Management Area, and Tudor farms.

Since that time, Federal, State and local partners have worked together in Maryland to develop a nutria eradication strategy and to test restoration methods on the damaged marsh. Louisiana is working on a nutria control strategy and monitoring marsh recovery. These are both carefully crafted proposals which will systematically address nutria population control and marsh damage. They represent the culmination of scientific understanding about nutria population, dynamics and marsh impacts.

Because of the nutria's incredible ability to proliferate, partnerships in both States must act aggressively to avoid population increases that could nullify previous effort and investment of public and private resources. Both Maryland and Louisiana are serious about nutria control and have contributed several million in non-Federal funds, and both are committed to providing models for the control of nutria in the 14 other States in which they are found. Full commitment from both Federal and State partners is needed to complete these models over the next 5 years.

This semi-aquatic, nonnative rodent has no natural predators in Maryland, and they have consumed nearly half of the marsh lands on Blackwater National Wildlife Refuge. These marshes are vital to the survival of millions of migratory waterfowl, bald and golden eagles, and neotropical songbirds. The remaining acreage of Blackwater is in serious peril. Unless nutria are stopped, they will continue to destroy wetlands in Blackwater and other refuges on the Delmarva peninsula, and marshlands along the Atlantic coast and the Gulf of Mexico.

H.R. 273 will authorize Public Law 105–322, and it will implement the next step in the process, which is the eradication of nutria in Maryland as well as the restoration of damaged wetlands. In their testimony, the U.S. Fish and Wildlife Service stated: "We recognize the need to continue cooperative efforts to eradicate nutria in the Chesapeake Bay region and will continue as a key Federal member of the nutria eradication partnership."

In addition, H.R. 273 authorizes money to alleviate the tremendous problems that nutria have caused in Louisiana. According to the Louisiana Department of Wildlife and Fisheries, these pesky rodents have damaged or destroyed over 100,000 acres of wetlands in their State.

Under the terms of the bill, the Secretary of the Interior will undertake steps to control or eradicate nutria in the two states and together with the National Invasive Species Council develop a long-term nutria control and eradication program.

Madam Speaker, H.R. 273 will help to solve serious problems facing Maryland's Eastern Shore and Louisiana's marshlands. It will serve as a model for other States that may face the prospect of fighting against an invading population of nutria. I urge Members to vote for H.R. 273.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as stated by the gentleman from Maryland (Mr. GILCHREST), the overall purpose of this legislation is to better coordinate and provide financial assistance to the States of Maryland and Louisiana in their efforts to eradicate and/or control nutria, a large member of the rodent family that has decimated wetland areas in both States.

Madam Speaker, no one denies the fact that nutria have become far too abundant in some regions of both States. In addition, it is the consensus of wildlife biologists that greater effort should be undertaken now to control this invasive pest before it ruins more valuable fish and wildlife habitat. This legislation is noncontroversial and should also help conserve coastal wetlands, something which is very important to my district. I support H.R. 273 and urge Members to do likewise.

Madam Speaker, I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I thank the leadership on the other side of the aisle for moving this legislation. We appreciate the cooperation we have had from the Democrats, as well as staff on both sides. I urge Members to vote for this very important piece of legislation.

Mr. TAUZIN. Madam Speaker, Nutria is a rodent native to South America. They weigh approximately 18 pounds and resemble a beaver. In the 1930's, they were introduced into Louisiana. Studies indicate that female nutria are capable of producing up to 15 young per year. By 1943, they were well established in our state. The population of nutria in Louisiana reached levels of 20 million—many times higher than any other state in the country.

The preferred habitat of this rodent is wetland areas. They often dig intricate tunnel and burrow systems in their home range. Nutria have been known to eat rice, sugarcane, fruit and nut trees and seedlings of bald cypress, but prefer wetlands plants. Studies suggest that they waste 90 percent of plant material while feeding on the base and root system. This root system "holds" our fragile wetlands areas together. When the root systems are destroyed, so are the wetlands.

Researchers in Louisiana have fenced off areas of wetland plants in known nutria breeding areas. The protected area have had wetlands plants exceed six feet in height, while the unprotected areas have literally turned into mud, and eventually, open water. Between 2000 and 2001, the area of marsh converted to open water increased by over 4500 acres as a results of nutria damage. These rodents have damaged or destroyed over 100,000 acres in Louisiana.

The State of Louisiana has spent millions of dollars responding to this crisis. Nutria have been used as a source of fur, their meat has been placed on numerous restaurant menus and marketed by Louisiana's top chefs, they have been used as a food source for alligators in farming operations and the Audubon Zoo in New Orleans used them in their animal feed. In 2001 dollars, pelts sold at levels as high as $31 each in 1931, $23 each in 1977, and today, $2.18 per pelt. In the late 1970's, trappers removed up to 1.9 million nutria per year. More recently, despite the best efforts of the state, only 987 trapping licenses were sold and less than 30,000 nutria were taken.

The American alligator is the most significant natural predator of nutria. In Louisiana, where alligator are most abundant, nutria comprise up to 60 percent of alligator diet. However, efforts to control the growing nutria population with alligator have proven insufficient. In fact, efforts to increase the alligator population to control nutria only resulted in a decrease of nutria in the alligator's diet and an increase in nutria trappers in alligator's diets.

I am happy to join my friend from Maryland, Congressman GILCHREST, in this effort to protect our fragile wetland areas from future destruction by passage of H.R. 273. As you know, more endangered species depend upon the habitat provided by wetlands than any other environment for survival. In coastal areas, each mile of vegetated wetland also reduces storm surge by one foot—protecting these areas will save FEMA money in future natural disasters.

This bill recognizes the wetland destruction caused by nutria in Louisiana and authorizes the Department of Interior to become a partner in our state's ongoing efforts to prevent further damage to inland and coastal wetland areas as a result of nutria.

Mr. GILCHREST. Madam Speaker, I yield back the balance of my time.

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The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 273.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILCHREST. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REQUIRING SECRETARY OF AGRICULTURE TO PAY COSTS OF ENVIRONMENTAL REVIEWS WITH RESPECT TO CONVEYANCES UNDER EDUCATION LAND GRANT ACT

Mr. HAYWORTH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 108) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

The Clerk read as follows:

H.R. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COSTS OF REVIEWS FOR CONVEYANCES UNDER EDUCATION LAND GRANT ACT.

Section 202 of the Education Land Grant Act (16 U.S.C. 479a) is amended by adding at the end the following:

"(f) COSTS OF REVIEW.—The Secretary shall pay the costs of all action required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to any conveyance under this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 108, which amends the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews, is an important piece of legislation for many schools, many school districts, but most of all for many students across the United States of America.

Currently the new Education Land Grant Act enacted in the 106th Congress allows the Forest Service to convey up to 80 acres of its land to school districts to renovate, expand, or construct school facilities. The act requires that land conveyed is identified for disposal in the particular forest's plan and that the conveyance cost of the survey is borne by the applicant. The Forest Service has determined this cost to be $10 per acre.

However, both conveyance of land under this act and the forest plan amendment require an environmental analysis under the National Environmental Policy Act known as NEPA. Presently the Education Land Grant Act and the interim Forest Service manual fail to indicate who bears the cost of the environmental analysis.

Madam Speaker, this is the crucial point today. In implementing this law, the Forest Service staff has administratively determined that schools that apply for a conveyance under this act would need to pay for various administrative costs, analyses, and environmental compliance assessment. In fact, Madam Speaker, the interim directive that has now finally been distributed states various costs to be borne by school districts, and, I quote now, "Nominal costs includes the nominal fee of $10 per acre conveyed, plus all costs directly associated with the project that the Forest Service may incur to evaluate and process a school district's request to acquire National Forest Service lands under ELGA, such as, costs associated with National Environmental Policy Act compliance, document preparation, surveys, posting of property monuments, markers, or posts, and recordation."

In fact, another memo mentioned that even staff time, that even staff time used to process requests will need to be paid by school districts.

Madam Speaker, my colleagues, what we have here is a disconnection. In the 106th Congress this body passed the new Education Land Grant Act unanimously. The other body did likewise. It was signed into law by President Clinton in his final days of office. Here we have a textbook example of elected officials, constitutional officers, doing their job. As the author of the new Education Land Grant Act, it was never my intent for a governmental bureaucracy to determine administratively that they were going to charge the rural school districts of America for their staff time. Indeed, Madam Speaker, if I am not mistaken, anyone in the employment of the United States Government serves the people, and here we have an administrative directive saying we are going to charge school district X staff time for Federal workers to work on this. This is a disconnection between the intent of Congress, the assent of the executive branch, and the execution by a bureaucracy.

Madam Speaker, the costs associated with the conveyance under ELGA are truly minimal to the Forest Service, a drop in the bucket for that agency. Here is the problem: Those same costs can prove absolutely prohibitive to school districts seeking to expand their facility. Indeed, Madam Speaker, the intent of the legislation was to offer this land at minimal costs to school districts, and our studies have borne out that in 44 of our 50 States this will have a positive impact primarily for rural districts, but the entire intent of the legislation was to allow those rural districts to focus their financial resources where they are best used, helping teachers teach and helping children learn, not to be caught up in a bureaucratic morass that would prove to be prohibitive to those districts.

So this particular piece of legislation, Madam Speaker, H.R. 108, will require the Forest Service to accept the full cost of the environmental analysis required by NEPA for these small land conveyances. This would free local school districts from burdensome administrative costs, allow them to spend funds again on what is most important, what goes on in the classroom for their students.

The Education Land Grant Act was initially passed by this Congress for the purpose of aiding local school districts. This legislation will simply direct the Forest Service to pay for any environmental analysis costs, allowing the Act to achieve its original intent of improving communities and benefiting school children across the United States.

Madam Speaker, I would ask my colleagues to join me in support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 108 would require the Secretary of Agriculture to pay the costs of environmental reviews conducted pursuant to the Educational Land Grant Act. The majority and my colleague have already clearly and very passionately explained the bill, and we have no objection. So we support H.R. 108.

Madam Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Madam Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her favorable comments.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 108.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HAYWORTH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

McLOUGHLIN HOUSE NATIONAL HISTORIC SITE ACT

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "McLoughlin House National Historic Site Act".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) ASSOCIATION.—The term "Association" means the McLoughlin Memorial Association, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(2) CITY.—The term "City" means Oregon City, Oregon.

(3) HISTORIC SITE.—The term "Historic Site" means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior's Order of June 27, 1941, and generally depicted on the map entitled "McLoughlin House National Historic Site", numbered 007/80.000, and dated 12/01/01, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On June 27, 1941, Acting Assistant Secretary of the Interior W.C. Mendenhall, by means of the authority granted the Secretary under section 2 of the Historic Sites Act of August 21, 1935, established the McLoughlin Home National Historic Site, located in the City.

(2) Since January 16, 1945, the site has been known as McLoughlin House National Historic Site.

(3) The Historic Site includes the McLoughlin House and Barclay House, which are owned and managed by the Association.

(4) The Historic Site is located in a Charter Park on Oregon City Block 40, which is owned by the City.

(5) A cooperative agreement was made in 1941 among the Association, the City, and the United States, providing for the preservation and use of the McLoughlin House as a national historic site.

(6) The Association has had an exemplary and longstanding role in the stewardship of the Historic Site but is unable to continue that role.

(7) The Historic Site has been an affiliated area of the National Park System and is worthy of recognition as part of the National Park System.

SEC. 3. McLOUGHLIN HOUSE NATIONAL HISTORIC SITE.

(a) ACQUISITION.—The Secretary is authorized to acquire the Historic Site, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the Historic Site, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 733, introduced by the gentlewoman from Oregon (Ms. HOOLEY) authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer it as part of the existing Fort Vancouver National Historic Site, which has already been established as a unit of the National Park System.

I would like to say after reading some of the information before us here this morning that I want to thank the gentlewoman from Oregon (Ms. HOOLEY) for bringing this to the floor's attention and that the "father of Oregon," as it is stated here, Dr. John McLoughlin from the Hudson Bay Company, provided many weary travelers with the goods and the resources and the comfort that they needed as they traversed this great continent.

H.R. 733, introduced by Congresswoman DARLENE HOOLEY, authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer it as part of the existing Fort Vancouver National Historic Site, which has already been established as a Unit of the National Park System. The McLoughlin House, an Affiliated Area of the National Park System, has long been the beneficiary of a close working relationship between the managing entity, the McLoughlin Memorial Association, and its partner, the National Park Service. The McLoughlin Memorial Association is no longer in a position to be able to support and manage the National Historic Site. Consequently, this bill will enable the National Park Service to essentially exchange roles with the association to preserve this important historical treasure, while continuing to use the association as a resource. At the same time, the bill does not create a new park unit, but rather allows the House to be administered as part of an existing unit.

The McLoughlin House National Historic Site is named for Dr. John McLoughlin, the "Father of Oregon" who established the famous British Hudson Bay Company in Vancouver, Washington in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon.

The House passed the same language in this bill during the 107th Congress as part of a larger package. The bill still enjoys the same broad support that it did last Congress and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the McLoughlin House National Historic Site in Oregon honors the achievements of John McLoughlin, commonly referred to as the "Father of Oregon." The site has been preserved and managed by the McLoughlin Memorial Association since its designation as a national historic site in 1941. Unfortunately, the association is no longer in a position to be the primary management entity for this nationally very significant site and is therefore seeking Federal acquisition of the site. Once acquired, the site will be managed as part of the nearby Fort Vancouver National Historic Site.

The gentlewoman from Oregon (Ms. HOOLEY) has worked tirelessly on behalf of this legislation and is to be commended for her diligence and perseverance. The McLoughlin House site might have well begun to suffer serious deterioration had she not stepped in to preserve this important historic resource.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Speaker, I thank my colleague for yielding me this time.

I thank my colleague from Maryland for his kind words.

I rise today in appreciation of my colleagues who made bringing this bill to the floor possible.

Standing 6 foot 4 inches tall, Dr. John McLoughlin cast a giant of a shadow on the early development of the Oregon frontier. For 21 years his powerful voice was the only influence of law and order over an empire 2½ times the size of Texas. He had absolute control, and he maintained it peacefully and profitably with a balance of justice. With an overwhelming sense of compassion and generosity beyond reproach, it is little wonder that he was regarded by native Americans as a "Great White Eagle." John McLoughlin did indeed walk tall and cast the greatest shadow that ever fell so humbly on the changing face of Oregon.

Born in 1784 near Quebec, Canada, McLoughlin began his medical apprenticeship at age 14. In 1803 at the ripe old age of 19, he was granted his license to practice surgery and pharmacy. Soon after, Dr. McLoughlin was appointed medical officer for the North West Company, fierce competitor of Hudson's Bay Company in the fur trade. He continued there until 1821, until his acquisition by Hudson, for whom he continued working.

In 1824 Dr. McLoughlin was sent to Fort George, now Astoria, Oregon, near the mouth of the Columbia River. Charged with establishing administrative headquarters and supply depot for the expanding fur company, he was also tasked with creating a mercantile arm of the British Government with the goal of monopolizing the fur trade and maintaining peace among the numerous Indian tribes.

Upon arrival, he found the existing facility to be run down, the farmland to be poor, and the location that was in general unsuitable for his responsibilities. To remedy these deficiencies, he moved the site northwest and built a new settlement in Belle Vue Point, in what is now Washington State, and named it Fort Vancouver. The new fort was an imposing presence. It contained all the necessities for settlement with a school library, pharmacy, chapel, warehouses, smithy, and the largest manufacturing facility west of the Rockies. To the rear of the fort were fields of grain, vegetables, and an orchard for fresh fruits.

Dr. McLoughlin maintained friendly relationship with the local Indians, and in 1829 when a visiting ship brought a terrible fever that spread like wildfire, he spent countless hours tending the ill, trying to ease their suffering as much as he could. Despite his best efforts, the fever devastated the tribes and killed more than 30,000 people over the next 4 years.

Meanwhile, though, Fort Vancouver flourished under the guidance of Dr. McLoughlin. Even though he had no military forces, he was able to maintain peace and order through his personality and hard work. He was a figure larger than life.

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His good relationship with the local Indians kept the peace on that front, and it was not until his departure that any unrest developed from that quarter.

As a reward for his enlightened stewardship, he was knighted by Buckingham Palace by Queen Victoria in 1841. During the 1840s, the British came to the realization that preventing American settlers from homesteading in Oregon was all but impossible, but they tried their best to discourage settlers from beginning the trip. Tall tales of fierce Indians, unproductive land, and terrible weather conditions were spread far and wide.

Though it violated Hudson's Bay company policy, McLoughlin sympathized with the overwhelmed and often unprepared settlers. He extended credit so they could purchase supplies, clothing and seed for planting, offered food to those who were hungry, cared for those who took ill. This personal decision by Dr. McLoughlin and the compassion he showed to these settlers proved critical to establishing American settlers and solidified U.S. claims to the territory.

By 1845, Dr. McLoughlin's disgust for Hudson's policy toward American settlers was so great he was unable to stay with the company. After his resignation, he purchased the company's land claim at Willamette Falls in Oregon City and built a residence for his family, the McLoughlin House, and took up residence in 1846.

McLoughlin remained a public figure through his retirement and became a U.S. citizen in 1849. He donated land for the jail, for a female seminary, and in 1851 was elected mayor of Oregon City. He died in his home 6 years later.

In 1941, the McLoughlin House was designated a national historic site, the first one in the West; and in 1957 Dr. John McLoughlin was named Father of Oregon by the State legislature.

Clearly, Fort Vancouver and the McLoughlin House have a long and storied history together. The intent of my legislation is to see that this history is continued by expanding the boundaries of Fort Vancouver National Historic Site to include the McLoughlin House National Historic Site.

Currently, the McLoughlin House is maintained and managed by a nonprofit group. For nearly 100 years, the association has done admirable work to preserve and maintain this historic treasure. However, over the past several years, the association has been unable to raise the funds required to provide the needed maintenance and upkeep of the property that is now in jeopardy of falling into disrepair.

The McLoughlin House National Historic Act would do what should have been done 60 years ago, include these properties as part of the National Park System, rather than creating a new unit of the National Park System. This legislation simply adds this historic treasure to the existing Fort Vancouver National Historic Site, which is already administered by the park system.

I believe this addition will preserve in perpetuity the cultural, educational, and historical benefits of this historic site for future generations. I am proud of the wide-ranging support for this legislation, from the city, county, the citizens, the congressional delegation. The citizens in Oregon City approved a ballot measure by 80 percent to allow this to go into the National Park System.

Again, I would like to thank everyone who has contributed to making this legislation possible, and I feel certain this legislation will move swiftly through the Senate and to President Bush's desk.

Again, I thank all my colleagues for their time and effort.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the distinguished ranking member for yielding me time, and my dear friend, the gentlewoman from Oregon (Ms. HOOLEY).

As the proud Representative of America's Vancouver, as our Mayor Royce Pollard likes to describe it, I am privileged to represent Fort Vancouver itself.

As the gentlewoman from Oregon (Ms. HOOLEY) explained, the chief factor of Fort Vancouver in its early years was none other than John McLoughlin. He distinguished himself in numerable ways. His help to the American settlers of this region was invaluable, and many, many people described his hospitality.

Narcissa Whitman, the wife of frontier evangelist Marcus Whitman, whose statue resides in this very building, described Vancouver at the time as the "New York of the Pacific Ocean." Now, mind you, it was a pretty small New York. It was a stockade-type fort. But for those who had traveled that long journey across the Oregon Trail, it was a beacon of friendship, of health care, of food and of protection. Without John McLoughlin, that would not have been possible.

I am proud to represent Vancouver, I am proud to represent Fort Vancouver, as we call it, "Vancouver, not B.C.; Washington, not D.C."

Madam Speaker, I commend the gentlewoman from Oregon (Ms. HOOLEY) for her initiative, and our ranking member and the Chair of the committee for their initiative in preserving this valued historical site. I urge its passage, and I urge people to come visit the birthplace of American history in the Pacific Northwest, Fort Vancouver, Washington.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to vote for H.R. 733. I thank my friend, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), on the other side and the staff on both sides of the aisle, and certainly the two Members that spoke here this morning.

I urge passage of this important piece of legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 733.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Motion to instruct conferees on H.R. 1559, de novo;

Motions to suspend the rules and pass:

H.R. 273, by the yeas and nays; and

H.R. 108, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MOTION TO INSTRUCT CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL ACT, 2003

The SPEAKER pro tempore. The pending business is the question de novo on the motion to instruct conferees on H.R. 1559 offered by the gentleman from Wisconsin (Mr. OBEY).

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 150, not voting 19, as follows:

[Roll No. 112]

YEAS—265

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Burgess
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—150

Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Ehlers
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Graves
Greenwood
Gutknecht
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Linder
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Simmons
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Smith (TX)
Stupak
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1332

Messrs. SAM JOHNSON of Texas, POMBO, GALLEGLY, SIMPSON and BRADLEY of New Hampshire changed their vote from "yea" to "nay."

Messrs. GREEN of Wisconsin, WALSH, LATOURETTE, WHITFIELD, SWEENEY, FOLEY, FRELINGHUYSEN, GUTIERREZ, RENZI, FOSSELLA, LEWIS of Kentucky, WALDEN of Oregon, AKIN, LINCOLN DIAZ-BALART of Florida, MARIO DIAZ-BALART of Florida, PETERSON of Pennsylvania, BARTLETT of Maryland, EVERETT, Mrs. EMERSON, and Ms. ROS-LEHTINEN changed their vote from "nay" to "yea."

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Madam Speaker, on rollcall No. 112, had I been present, I would have voted "yea."

Stated against:

Mr. PORTMAN. Madam Speaker, on rollcall No. 112 I inadvertently pressed the "yea" button. I meant to vote "nay."

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, FRELINGHUYSEN, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, and Messrs. SERRANO, MORAN of Virginia, and EDWARDS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of votes in this series will be conducted as 5-minute votes.

NUTRIA ERADICATION AND CONTROL ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 273.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 273, on which the yeas and nays are ordered.

This will be a 5-minute-vote.

The vote was taken by electronic device, and there were—yeas 385, nays 30, not voting 19, as follows:

[Roll No. 113]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LATourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Barrett (SC)
Burgess
Burton (IN)
Coble
Collins
Culberson
Deal (GA)
Duncan
Everett
Feeney
Flake
Franks (AZ)
Goode
Graves
Hensarling
Hostettler
King (IA)
Miller (FL)
Norwood
Otter
Paul
Pearce
Pence
Rohrabacher
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Toomey
Wamp

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members that less than 1 minute remains in this vote.

□ 1340

Mr. NORWOOD changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Madam Speaker, on rollcall No. 113, had I been present, I would have voted "yea."

REQUIRING SECRETARY OF AGRICULTURE TO PAY COSTS OF ENVIRONMENTAL REVIEWS WITH RESPECT TO CONVEYANCES UNDER THE EDUCATION LAND GRANT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 108.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 108, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 8, not voting 20, as follows:

[Roll No. 114]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Flake
Franks (AZ)
Rohrabacher
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns

NOT VOTING—20

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis, Tom
Gephardt
Gerlach
Honda
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
Matsui
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are less than 2 minutes remaining in this vote.

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Mr. MILLER of Florida changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. SIMMONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2003

Mr. MANZULLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 205) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes

The Clerk read as follows:

H.R. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Small Business Regulatory Assistance Act of 2003".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.

SEC. 3. DEFINITIONS.

In this Act, the definitions set forth in section 36(a) of the Small Business Act (as added by section 4 of this Act) shall apply.

SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PROGRAM.

The Small Business Act (15 U.S.C. 637 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new section:

"SEC. 36. SMALL BUSINESS REGULATORY ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

"(2) ASSOCIATION.—The term 'Association' means the association recognized by the Administrator of the Small Business Administration under section 21(a)(3)(A).

“(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘participating Small Business Development Center’ means a Small Business Development Center participating in the program.

“(4) PROGRAM.—The term ‘program’ means the regulatory assistance program established under this section.

“(5) REGULATORY COMPLIANCE ASSISTANCE.—The term ‘regulatory compliance assistance’ means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

“(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘Small Business Development Center’ means a Small Business Development Center described in section 21.

“(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

“(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.

“(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

“(1) IN GENERAL.—In carrying out the program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—

“(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;

“(B) training and educational activities;

“(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

“(D) technical assistance; and

“(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.

“(2) REPORTS.—

“(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

“(i) a summary of the regulatory compliance assistance provided by the center under the program; and

“(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

“(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

“(C) INTERIM REPORTS.—A participating Small Business Development Center may transmit to the Administrator such interim reports as the center considers appropriate.

“(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal action.

“(d) DATA REPOSITORY AND CLEARINGHOUSE.—

“(1) IN GENERAL.—In carrying out the program, the Administrator shall—

“(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and

“(B) transmit to the President, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives an annual report that includes—

“(i) a description of the types of assistance provided by participating Small Business Development Centers under the program;

“(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the program;

“(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the program;

“(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the program, including any activities conducted in partnership with Federal agencies;

“(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;

“(vi) any recommendations for improvements in the regulation of small business concerns; and

“(vii) a list of regulations identified by the Administrator, after consultation with the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations.

“(e) ELIGIBILITY.—

“(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the program only if the center is certified under section 21(k)(2).

“(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the program, the administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

“(3) EFFECTIVE DATE.—The restriction described in paragraph (1) shall not apply to any Small Business Development Center before October 1, 2003.

“(f) SELECTION OF PARTICIPATING STATE PROGRAMS.—

“(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the program:

“(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

“(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

“(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

“(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

“(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

“(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

“(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

“(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

“(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

“(J) Group 10: Washington, Alaska, Idaho, and Oregon.

“(2) DEADLINE FOR INITIAL SELECTIONS.—The Administrator shall make selections under paragraph (1) not later than 60 days after promulgation of regulations under section 5 of the National Small Business Regulatory Assistance Act of 2003.

“(3) ADDITIONAL SELECTIONS.—Not earlier than the date 3 years after the date of the enactment of this paragraph, the Administrator may select Small Business Development Center programs of States in addition to those selected under paragraph (1). The Administrator shall consider the effect on the programs selected under paragraph (1) before selecting additional programs under this paragraph.

“(4) COORDINATION TO AVOID DUPLICATION WITH OTHER PROGRAMS.—In selecting programs under this subsection, the Administrator shall give a preference to Small Business Development Center programs that have a plan for consulting with Federal and State agencies to ensure that any assistance provided under this section is not duplicated by an existing Federal or State program.

“(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the program.

“(h) DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State program selected to receive a grant under subsection (f) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—

“(A) the amount made available for grants under this section for the fiscal year; and

“(B) the ratio that—

“(i) the population of the State; bears to

“(ii) the population of all the States with programs selected to receive grants under subsection (f) for the fiscal year.

“(2) MINIMUM AMOUNT.—The minimum amount that a State program selected to receive a grant under subsection (f) shall be eligible to receive under this section for any fiscal year shall be $200,000. The Administrator shall reduce the amount described in paragraph (1) as appropriate to carry out the purposes of this paragraph and subsection (j)(2).

“(i) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the program, the Comptroller General of the United States shall conduct an evaluation of the program and shall transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

$5,000,000 for fiscal year 2003 and each fiscal year thereafter.

"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program only with amounts appropriated in advance specifically to carry out this section.".

SEC. 5. PROMULGATION OF REGULATIONS.

After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the program.

SEC. 6. PRIVACY REQUIREMENTS APPLICABLE TO SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

"(9) PRIVACY REQUIREMENTS.—

"(A) IN GENERAL.—No Small Business Development Center, consortium of Small Business Development Centers, or contractor or agent of a Small Business Development Center shall disclose the name or address of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, except that—

"(i) the Administrator shall require such disclosure if ordered to do so by a court in any civil or criminal action; and

"(ii) if the Administrator considers it necessary while undertaking a financial audit of a Small Business Development Center, the Administrator shall require such disclosure for the sole purpose of undertaking such audit.

"(B) REGULATIONS.— The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (a)(ii).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

Mr. MANZULLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Madam Speaker, H.R. 205 is identical to legislation this House passed unanimously on October 2, 2001. Unfortunately, this bill did not pass the Senate last year. We are here today to try again.

H.R. 205 was so strongly supported by the Committee on Small Business that both the ranking member and I decided to skip the markup process and bring this bill straight to the House floor. It contains all the compromises within our committee and with the Senate. For those interested in the legislative history of the bill, I would encourage them to examine the committee's report from the 107th Congress on H.R. 205.

This bill is designed to help small businesses cope with the maze of Federal, State and local regulations that have created such a heavy burden on Main Street America. Every day we all receive complaints from our constituents about their inability to understand regulations that are written in legalese rather than in plain English and about arbitrary actions taken by some regulatory agencies.

Instead of creating a new program, H.R. 205 uses the existing Small Business Development Center network to provide regulatory compliance assistance to small businesses. The SBDC network has a good track record with small businesses. Because many small business owners fear going to regulatory agencies for compliance advice, SBDCs can serve as a buffer so that small business can receive the hands-on assistance it needs without retribution.

Already this fiscal year, the Small Business Administration received an additional $1 million appropriation for SBDCs to provide regulatory compliance assistance to small businesses. H.R. 205 simply builds upon this initial first step. In addition, the legislation includes enhanced privacy protections for small business clients of SBDCs.

I urge my colleagues to support H.R. 205.

Madam Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself as much time as I may consume.

Today, I rise in strong support of H.R. 205, the National Small Business Regulatory Assistance Act of 2003, which would establish a regulatory compliance assistance program to this Nation's small businesses. I thank the gentleman from New York (Mr. SWEENEY) for his hard work on this issue and congratulate him for bringing this bill to the floor.

With the American economy still struggling, it is now more important than ever to make it easier for small businesses, this Nation's economic backbone, to expand. In today's business environment, one of the greatest obstacles standing in the way of growth for many of this Nation's small businesses is regulatory compliance. Small businesses regularly find themselves lost in the maze of Federal regulations that are designed to create safer and healthier workplaces.

In fact, regulatory burdens are typically ranked as a top concern for small businesses, and the Small Business Administration estimates those burdens cost almost $7,000 per employee per year. That is 60 percent higher than costs for businesses with more than 500 employees.

Small firms are less equipped to deal with regulations than large corporations. Business owners want to comply with regulations because they know that a safe and healthy workplace makes them more productive, but often they do not know how to comply or where to start.

With the adoption of this legislation, we take a big step in helping our Nation's small businesses to navigate the regulatory process with passage of the National Small Business Regulatory Assistance Act. This legislation establishes a 3-year pilot program to provide confidential and nonpunitive advice to small businesses that are trying to weather a blizzard of complex Federal regulations.

Business owners sometimes fear approaching agencies for compliance assistance because these are the very agencies charged with enforcement. They worry, Can I talk about OSHA requirements with the labor Department? Can I discuss environmental regulations with the EPA?

By creating a compliance program through the Small Business Development Centers national network, we will provide a neutral, non-threatening environment small business owners use to get important information and advice without fear of retaliation.

The SBDCs, which have a solid reputation for aiding local enterprise, already provide counseling, training and education. This legislation creates a one-stop shop for regulatory compliance that will help small business owners who want to do the right thing to do the right thing.

In addition, this legislation would establish a database clearinghouse for information gathered by the SBDCs based on their interaction with local businesses. This data will be useful in further identifying the compliance needs of small business and tailoring assistance to them.

While SBDCs provide more compliance assistance and gather more information, we must ensure that the sensitive information brought forward by small business is kept absolutely confidential. This legislation guarantees privacy for those who receive compliance assistance and extends these protections to all small businesses that seek any assistance from their local SBDC.

This legislation bars the sharing of information that any SBDC collects on a business with any third body or agency. This will guarantee that small businesses receive the assistance they need in complete confidence and privacy.

Madam Speaker, we want all our small businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities; but oftentimes, small businesses do not have access to the resources they need if they want to comply with regulations in good faith. With the adoption of this legislation, we are giving small businesses the support they need to navigate the often complex realm of Federal regulations.

In closing, let me thank the gentleman from New York (Mr. SWEENEY) for this bill. I strongly urge the adoption of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MANZULLO. Madam Speaker, I yield myself such time as I may consume.

Sometime ago, the gentleman from New York (Mr. SWEENEY) came to me and said, Chairman, I have got a very interesting piece of legislation; and I took a look at it, and this is the type of legislation that really helps out small business people.

The gentleman from New York (Mr. SWEENEY) is the former labor commissioner for the State of New York, undoubtedly proud of Syracuse, and even though I am a graduate of Marquette, I am still here supporting the bill.

He explained how difficult it is, and I agree with him, for small business people to understand the web of regulations. He has experience in the private/public sector.

Madam Speaker, I yield as much time as he may consume to the gentleman from the Empire State (Mr. SWEENEY), whose idea fostered this legislation.

Mr. SWEENEY. Madam Speaker, I thank the gentleman for recognizing me; but more particularly, I would like to thank the chairman for his persistence in pursuing this matter.

As he mentioned, several years ago, I introduced the original of H.R. 205, the National Small Business Regulatory Assistance Act, passed it through the Committee on Small Business, passed it through the floor here; and unfortunately, we were not able to get the bill passed through the Senate and get our work completed.

The Chairman has stayed with us on this issue, and through his diligence we have been able to get it back on the floor, and I want to thank my friend and ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), because I know she, too, has been very committed and very persistent in pursuing this matter; and I am very, very thankful.

Madam Speaker, we strive in this era, in this time to find different ways to help the American economy as we travel down the road to recovery. We try to find ways that we can instill public confidence in our economy; and I think it is imperative that we in Congress, despite all of the other activity going on around us, continue to work in small ways and large ways and in any way we can to help the American economy.

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And I think this bill really is an effort on the part of this House to make a concerted effort to aid the cornerstone of the American economy, and that is the small business. The spirit of entrepreneurship is really a characteristic specifically unique to America. Recognized in that spirit is really the heroism and the important role that small business entrepreneurs and proprietors provide for the American economy in terms of jobs, opportunity, and even technology.

As Members of Congress, we receive the Federal Register daily in our offices. Though these documents are filed for safekeeping and reference, they are rarely poured over for specific details. However, for the average small business owner to understand his or her legal obligations as entrepreneurs trying to create these jobs, they have to be carefully analyzed, the Federal Registry, that is, to understand the ever-changing regulations to which the businesses are subjected.

I believe additional measures need to be taken to better assist small business owners in their compliance with Federal guidelines and statutes. H.R. 205 relieves the burden shouldered by the average small business owner throughout America.

In the 106th Congress, Mr. Speaker, this body passed the National Small Business Regulatory Assistance Act as a pilot program. In the 107th Congress, both the House and the Senate adopted versions of this bill, though they are nonconforming, and as I said before, no final action was taken before Congress adjourned. I was encouraged by the bipartisan enthusiasm for this program and have conferred with our colleagues in the Senate to work out technical disagreements with prior language, so it is my hope that H.R. 205 will receive the approval of both the House and the Senate in the near future so as to move forward in our efforts to increase the lifespan of American small businesses.

In the 108th Congress, the National Small Business Regulatory Assistance Act will function as a permanent project, not a pilot program. This legislation will establish small business compliance centers in 20 American States and territories. These facilities will provide assistance to small business owners, allowing them to better comply with regulatory guidelines and ease the burden of critical yet overworked small business development centers. It is important to note that H.R. 205 will not replace current regulatory compliance programs but complement them.

Mr. Speaker, the Small Business Administration does an exceptional job promoting the development of enterprise in our country. However, the current structure can only do so much. We need to better serve the small business community once they are given a leg to stand on. The Federal Government has invested a great deal in America's courageous entrepreneurs. By providing small business owners the necessary assistance to comply with ever-changing regulations, Congress will solidify the very foundation of the American economy.

Mr. Speaker, with that, I urge all my colleagues to support and pass H.R. 205, this bill, and I want to once again recognize the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for their great work and their persistence in staying with this bill and this idea.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I want to join in the remarks of my colleague from New York in thanking both my ranking minority member and my chair on the Committee on Small Business, a committee that I am very proud and happy to serve on, for their great bipartisan efforts. I also again thank the gentleman from New York (Mr. SWEENEY) for allowing me to cosponsor what I think is a very important bill for small businesses in our country.

I do not think we have to recite at any great length that small business is in fact the engine of our economy. This is especially true in Hawaii where small businesses represent 97 percent of all businesses. And it is not just small business as a category carried by the Federal Government, we are talking about the grassroots of small business in Hawaii. We are talking about businesses where 34 percent have annual sales, gross revenues of under $250,000, where well over 85 percent of all businesses have 10 or fewer full-time employees, and 69 percent 5 or fewer full-time employees.

When we ask those small businesses what are the challenges they face, no different from anywhere else in our country, they will say that their challenges are taxes and regulations. Now, we can deal with taxes some other place in some other debate, but today we are dealing with regulations. And for a small business, and those of us that have been in small business know this, government regulation means time and it means attorneys. And time and attorneys means money. And money for a small business on a thin margin means the difference between survival and failure. And to take it a step further, that in turn means the difference between government revenues coming about or not. So it is in all of our interests to deal with the regulatory situation, and this bill does that.

Let me give my colleagues a hard core example from my own home State. My big island, my home island, the big Island of Hawaii. There is a region of the Island of Hawaii known as Hamakua. And there is a town in Hamakua known as Honokaa. And Hamakua, as I was growing up on that island, was a sugar community. And Honokaa was a sugar town. And in the last 10 or 15 years, sugar has faded away. As I walk down the streets of Honokaa today, there is a revival; but it is a revival of small business, not of a large scale industry. As I walk down that street, that street is full of small businesses trying to survive and prosper. They are bringing about a revival of a rural economy in an area that needs to retain its employment.

Now, what concerns them? Taxes and regulation. They do not have great access to explanations of what is and is not the proper Federal Government regulation. They hardly have access to the Federal Register. They do not have too many attorneys in town, even if they could afford to pay them. But they do have a small business development center a few miles away in the town of Hilo. If they can go to that small business development center for free confidential advice on what Federal regulations are, that will make a world of difference to those small businesses, and that town will survive and that region will survive and prosper, and my island will survive and prosper, as will my State and country.

So we can easily see the benefit of this legislation as we go forward. And the benefit of this legislation, again, is to state that basically where our Federal Government does implement and impose regulation on the small businesses of our country, I believe and this legislation says that we also inherit a duty on the part of the Federal Government to ensure that the people that are subject to those regulations understand them and are able to comply with them. These are small businesses that want to comply, but the challenge is to comply fully and with the minimum expenditure of money so that that money can be put into investing in that company and producing tax revenues for all of us.

So this is a good bill. This is a bipartisan bill. This is an example of what we can do together. And again I commend the chair and the ranking minority member of the committee that I am proud to serve on, as well as the gentleman from New York (Mr. SWEENEY), and pledge my support to this and urge that it go forward.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me commend the chairman, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for bringing this legislation to the floor.

Mr. Speaker, small businesses are the economic engine that drive America because they create three-fourths of all new jobs, employ half our workers, account for half of our gross domestic product, and contribute more than 55 percent of innovations. Small businesses have and will continue to pull the U.S. economy out of recession. They anchor our neighborhoods, employ and train our workers, and take care of our families. They are the reason that the U.S. economy is the strongest in the world.

Despite all their contributions, small businesses face many obstacles. One of these obstacles is the expanding volumes of regulations where small businesses are mandated to learn and comply with government guidelines. The number of Federal regulations has nearly doubled over the past 20 years. The Federal Register, the resource book of Federal regulatory initiatives and changes, has increased to nearly 80,000 pages. With these kinds of rules and regulations, small businesses are finding themselves confused and often lost in piles of regulatory paperwork. It is difficult in this economy for small businesses to grow and prosper. The excess Federal Government paperwork requirements cost the economy about $100 billion a year. Much of this cost is paid by small business owners.

Mr. Speaker, this is the reason why I support the passage of H.R. 205, the National Small Business Regulatory Act of 2003. This bill requires the Small Business Administration to enter into an agreement with participating small business development centers to provide small businesses with the information necessary to improve their rate of compliance with Federal and State regulations. Businesses would receive confidential, free, one-on-one, in-depth counseling regarding compliance with Federal and State regulations and would indeed receive referrals to experts and other providers of compliance assistance.

Again, Mr. Speaker, I commend the chairman (Mr. MANZULLO) and the ranking member. I think that this is probably one of the most bipartisan committees in the House. It is a committee that does indeed work well together and it is indeed a committee that turns out legislation like this bill that I am pleased to support.

Mr. MANZULLO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 205, The National Small Business Regulatory Assistance Act of 2003. This bill amends the Small Business Act to direct the establishment of a program which would provide regulatory compliance assistance to small businesses through participating Small Business Development Centers (SBDCs), the Association for SBDCs, and Federal compliance partnership programs.

Mr. Speaker, my colleagues and I on the Small Business Committee have dedicated much time and energy to addressing the issue small business' burden of complying with federal regulations. One of the greatest challenges facing small business owners is understanding and affording their regulatory requirements. Often, small businesses are so heavily penalized for non-compliance with regulatory requirements, that they are forced out of business. Imagine being a small business, in the current state of our economy, and being faced with paying a $73,000.00 penalty for not submitting enough "supporting documentation." Mr. Speaker, this is not hypothetical—it is reality.

The House Small Business Committee has held many hearings to examine the myriad of regulations that small businesses are subjected to. For example, it is estimated that the Medicaid/Medicare program, alone, has over 100,000 pages of laws and regulations. The Center for Medicare and Medicaid Services has over 200 forms that generate 1.7 million annual responses from health care providers. These forms consume over 100 million hours every year that health care providers could have been using to treat patients.

Committee and Member staff often serve as an intermediary between small businesses and the federal government in resolving federal regulatory compliance issues. What we are doing in this bill is expanding the scope of the SBDC network to educate small business owners to ensure greater compliance of federal regulations. There are more than 1,000 SBDC service locations in the United States, Puerto Rico, US Virgin Islands, Guam and American Samoa. By using the SBDC network to conduct this pilot program, H.R. 205 ensures that American entrepreneurs receive regulatory information in a proven vessel.

Last Congress, this legislation passed the House but did not get signed into law. I continued support until we are finally able to adopt this into law. I would also like to commend Representative SWEENEY for continuing to move this bill forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 205.

I support H.R. 205 because the National Small Business Regulatory Assistance Act of 2003 establishes valuable programs that help America's small businesses and entrepreneurs.

H.R. 205 helps small businesses by establishing a program that provides confidential assistance to small business concerns, and provides small businesses with the information needed to improve their compliance with Federal and State regulatory agencies.

H.R. 205 also enhances the role of federal and state regulatory agencies by creating a partnership among various Federal agencies to increase outreach efforts to small businesses, and utilizes the service delivery network of Small Business Development Centers to assist small businesses with access to programs and assistance with regulatory compliance.

The positive impact of Small Business Development Centers on small businesses and local economies can be seen by looking at the Small Business Development Center (SBDC) at the University of Houston in my home District.

The University of Houston SBDC provides many services including business management, government procurement, and international trade assistance. It also provides training and consulting services. The Houston SBDC has helped many small businesses excel in Houston's business market. Each year the SBDC gives awards to Houston's Top 100 growing businesses. In 2002, in part because of the efforts of the SBDC, a small business Houston floral products distribution business, Arko Associates, Inc., experienced 191% growth. Another small business Smart Kids Software, an education software firm, experienced 199% growth. Each of these businesses made the Houston Top 100.

These small businesses enhance the quality of life in our local communities.

H.R. 205 provides the services and regulatory compliance assistance to help many small businesses and entrepreneurs stay in business.

I support H.R. 205.

Ms. VELÁZQUEZ. Mr. Speaker, I urge the adoption of this bill, and I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 205.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MANZULLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SINKING OF THE U.S.S. "THRESHER"

Mr. BRADLEY of New Hampshire. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 170) recognizing the 40th anniversary of the sinking of the U.S.S. *Thresher*.

The Clerk read as follows:

H. RES. 170

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas, with a crew of 16 officers, 96 sailors, and 17 civilians, the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963;

Whereas the military and civilian mix of the U.S.S. Thresher crew reflects the unity of the naval submarine service in the protection of the United States;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas, on April 10, 1963, the U.S.S. Thresher was declared lost with all hands;

Whereas the loss of the U.S.S. Thresher gave rise to the SUBSAFE program, which has kept United States' submariners safe at sea as the strongest and safest submarine force in history;

Whereas the loss of the U.S.S. Thresher gave rise to an ocean engineering curricula in institutions of higher education that has enabled and sustained the United States' preeminence in submarine warfare; and

Whereas the crew of the U.S.S. Thresher demonstrated the "last full measure of devotion" in service to the United States, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the sinking of the U.S.S. Thresher;

(2) remembers with profound sorrow the loss on April 10, 1963, of the U.S.S. Thresher and her gallant crew of sailors and civilians;

(3) expresses its deepest gratitude to all submariners on "eternal patrol", who are forever bound together by their dedicated and honorable service to the United States; and

(4) requests the Clerk of the House of Representatives to transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 170, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself such time as I may consume, and I rise today to honor the memory of the crew of the U.S.S. *Thresher*, an American nuclear submarine which was lost with all hands during sea trials off the coast of Cape Cod 40 years ago.

The *Thresher* was the first of a new class of nuclear submarines that would prove to be instrumental in ending the Cold War. I speak today to commend the bravery and heroism of 129 men who lost their lives in this terrible accident, and to honor all of our men and women in the armed services who have given their lives to protect our freedoms.

The nuclear attack submarine, U.S.S. *Thresher*, was commissioned on August 3, 1961 under the command of Commander Dean Axene. This was the second ship to carry the name *Thresher*, and was built at the Portsmouth Naval Shipyard. The Portsmouth Naval Shipyard has a long and distinguished history of building and maintaining the Navy's submarine fleet. During World War II, Portsmouth established a record for building the largest number of submarines during a single calendar year, 31 in 1944.

On October 18 of that year, the *Thresher* sailed south to Puerto Rico, where she conducted sea trials of her weapon systems and diving mechanisms. Upon completion of these extensive tests, the *Thresher* returned to her home port of Portsmouth for an overhaul before commencing active duty. After finishing the overhaul, she was escorted by the U.S.S. *Skylark* to an area 300 miles off the coast of Cape Cod, Massachusetts.

□ 1415

There she conducted a series of deep-diving tests. During one of these tests, the *Skylark* received a number of garbled transmissions from the *Thresher*, followed by what sounded like rushing water. After an extended loss of communications with the submarine, a search and rescue team was deployed. In April 1963, it was determined that she had gone down taking all 129 lives of her crew.

The brave men who served on this submarine died while in service of their country, but their sacrifice was not in vain because from this tragic accident came the creation of the United States Navy SUBSAFE program. This program increased the standards of all United States Naval submarines' reserve buoyancy, allowing submarines to rise to the surface more quickly and easily, even when damaged or flooding. Because of the success of this program, the United States Navy has the safest submarine force in history.

It is important not to forget the role that the United States submarine fleet played in winning the Cold War. It was the power and strength of the United States submarines that provided an invaluable deterrence which enabled the United States to win the Cold War and end the threat of Soviet aggression.

The submarine crews who gave their lives while protecting the United States made the ultimate sacrifice for their country and should be honored as they stand on eternal patrol. During this time of conflict and unrest, I believe we must pay tribute to the crew of the *Thresher* and all submarine crews who have given their lives to protect the freedoms and liberties that we enjoy as American citizens. I urge strong support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of H. Res. 170, a resolution to commemorate the 40th anniversary of the tragedy of the USS *Thresher*, and I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this resolution forward. The gentleman from New Hampshire and I jointly represent almost all of the workforce at Portsmouth Naval Shipyard where the *Thresher* was built in 1961 and which continues to serve a vital function for the Navy in submarine repair and overhaul.

Mr. Speaker, 40 years ago 129 sailors, officers and civilians lost their lives when the USS *Thresher* went down off the coast of Cape Cod. It was one of the worst peacetime submarine disasters in history. The *Thresher* was the lead ship of a new class of nuclear-powered submarines. Following commissioning in August 1961, the *Thresher* spent the next year and a half in sea trials to test its technological enhancements. It returned to Portsmouth Naval Shipyard for overhaul.

On April 9, 1963, the *Thresher* departed for deep-sea training. The next morning as the boat was near its maximum depth, something went wrong. The *Thresher's* crew notified its companion ship on the surface, the USS *Skylark*, that it was experiencing minor difficulties. The *Skylark* then received ominous but less clear signals, and soon realized that the *Thresher* had sunk to the depths with all souls on board.

Despite a depth of 8,400 feet, the Navy located the wreckage. It was able to investigate and discovered the likely cause of the catastrophe. A leak in the engine room seawater system had caused a reactor shutdown, and left the sub insufficient power to resurface. The loss of the *Thresher* and its crew left an important legacy for future generations of submariners.

The Navy subsequently implemented new procedures such as the SUBSAFE program to ensure that no submarine would ever again enter the water without a full safety certification and rigorous test program. These changes have benefited the Navy and saved lives over the last 4 decades.

This week, memorials are being conducted at the Portsmouth Naval Shipyard to mark the 40th anniversary of the tragedy. This resolution pays tribute to the crew of the USS *Thresher*, who continue to be remembered throughout New England for their bravery and sacrifice. Today we offer our remembrance and our gratitude to them and express our sorrow to the families they left behind.

Again, I appreciate the gentleman from New Hampshire (Mr. BRADLEY) in bringing forth this resolution and ask the whole House to join us in honoring the lost crew of the *Thresher*.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate this resolution being brought to the House floor today. April 10, 1963, marks the 40th anniversary for the loss of the *Thresher* and brings home once again the dangers inherent in military service, particularly with regard to new technology.

Our edge militarily in America has been and will continue to be our technology, but with new technology comes unexpected risks; and that is what was seen with the *Thresher*.

A word about nuclear-powered submarines, and that is that not only did these men demonstrate courage, but also the very nature of their work demonstrates intelligence, high levels of education, long-term commitments to the submarine service and to the nuclear force. We also have to recognize the dedication and perseverance of their family members who have to share with them their commitment to nuclear submarines.

So today we pay tribute to the 129 men, including 17 civilians, who were lost 40 years ago and now rest at 8,400 feet in the ocean. I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my deepest sympathies to the crew and families that perished with the USS *Thresher*. On board was a crew of 16 officers, 96 sailors and 17 civilians, and on April 10, 1963, the submarine was declared lost with all hands.

I am in support of the House Resolution 170, in recognizing the 40th anniversary of the sinking of the USS *Thresher*. I hope we all can take a moment to remember with profound sorrow the loss of those brave and gallant people aboard, both sailors and civilians.

I also want to take this time to express my deepest gratitude to all submariners on "eternal patrol." These men and women are forever bound together by their dedicated and honorable service to the United States, and we thank you for taking such pride in this honor.

The loss of the USS *Thresher* gave rise to the SUBSAFE program. This has kept United States Submariners safe at sea, and we have the safest and strongest submarine fleet in history. Its loss also gave rise to furthering oceanic studies, so we can continue to protect the men and women who serve our nation so well.

Mr. SNYDER. Mr. Speaker, I yield back the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the resolution, H. Res. 170.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BRADLEY of New Hampshire. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONDOLENCES OF HOUSE OF REPRESENTATIVES TO ASSASSINATION OF PRIME MINISTER ZORAN DJINDJIC OF SERBIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 149) expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia, and for other purposes.

The Clerk read as follows:

H. Res. 149

Whereas Prime Minister Zoran Djindjic symbolized the hopes of a new generation of Serbs exhausted by decades of war and turmoil until he was felled by 2 sniper bullets in front of his office in the center of Belgrade on Wednesday, March 12, 2003;

Whereas Djindjic's killing was a heinous attack on democracy;

Whereas Zoran Djindjic was born on August 1, 1952, in Bosnia and became politically active during his student years at the University of Belgrade;

Whereas after spending several months in jail for attempting to create an autonomous noncommunist student organization with fellow students from Croatia and Slovenia, Zoran Djindjic moved to Germany, where he earned a doctorate in philosophy under Jürgen Habermas in 1979, and returned to Yugoslavia in 1989 to teach philosophy at Novi Sad University;

Whereas in 1989, Djindjic joined a group of Serb dissident writers and intellectuals to found the Democratic Party;

Whereas one year later, Djindjic was voted the Chairman of the Democratic Party Executive Board and in January 1994, he was elected the party's president;

Whereas Djindjic became a member of the Serbian Parliament in 1990, serving as the party's parliamentary group whip and a member of the Republic's Council at the Federal Parliament 3 years later;

Whereas following 88 days of mass protests over electoral manipulation during local elections in 1996, Zoran Djindjic was elected Belgrade's first noncommunist mayor since World War II;

Whereas Djindjic is widely believed to be the chief strategist and main organizer behind the Yugoslav presidential elections of September 24, 2000, and the uprising of October 5, 2000, that resulted in the overthrow and delivery of former Yugoslav President Slobodan Milosevic to the International Criminal Tribunal for the former Yugoslavia (ICTY), that was investigating atrocities committed during the tragic and violent breakup of Yugoslavia;

Whereas subsequent cooperation with the ICTY has been judged to be less than optimal, but in recent months Prime Minister Djindjic moved forcefully to fight the organized criminal structures that Serbia inherited from the Milosevic era and to arrest war criminals who have remained at large;

Whereas Djindjic is also credited with masterminding the Serbian elections of December 2000, in which the Democratic Opposition of Serbia (DOS), a coalition of 18 parties spanning a broad range of the political spectrum, won 65 percent of the popular vote;

Whereas the DOS elected Djindjic to be Prime Minister of Serbia on January 25, 2001;

Whereas during his 2-year tenure as Prime Minister, Zoran Djindjic sought to advance democracy, human rights, free market reforms, and the rule of law;

Whereas Djindjic's leadership raised desperately low living standards and advanced the integration of Serbia into Europe; and

Whereas Prime Minister Djindjic managed to maintain a disparate 17-party coalition government with a narrow majority in order to achieve these urgently needed reforms: Now, therefore, be it

Resolved, That—

(1) the House of Representatives offers its condolences and deepest sympathy to the people of Serbia and the family of Zoran Djindjic following the assassination of Prime Minister Djindjic;

(2) the House of Representatives understands that organized criminal groups within Serbian society continue to threaten the free and democratic government of Serbia and Montenegro;

(3) the House of Representatives recognizes that while implementing necessary reforms and cooperating with the International Criminal Tribunal for the former Yugoslavia may carry significant risks for the leadership of Serbia and Montenegro, these reforms and this cooperation are necessary and must continue; and

(4) it is the sense of the House of Representatives that the United States should support continued democratic reforms initiated by Zoran Djindjic, should urge his successors to dedicate themselves to continue to support his road to reform, and should pledge to assist Serbia and its new leadership in accomplishing these necessary reforms, including efforts to fight organized crime and corruption.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises today in strong support of H. Res. 149, a resolution expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia. It is with sadness that this Member brings this resolution to the floor of the House of Representatives today. Prime Minister Djindjic was assassinated on March 12. This tragic event was a shock to the people of Serbia, to the people of the Balkans, and to people around the world.

If anyone represented the present state of the Balkans, all of the changes that occurred in recent years, the hope for a free, democratic and prosperous future, it was Prime Minister Djindjic. He was the decisive leader who played a critical role in bringing democracy to Serbia. He was probably the most visible and important proponent of helping the Serbian people come to terms with the past, the destruction and the injustices of the tragic events which have been happening in the Balkans over the past decade. He was the leader most determined to integrate his country into Europe and the community of Western democracies, to provide a future of security, prosperity, and hope to the Serbian people.

However, only 2½ years after the overthrow of Slobodan Milosevic, let us not forget how fragile freedom and democracy in the region really is. During this crucial period, Prime Minister Djindjic was the leader who represented the best hope for the changes and reforms necessary to lead the former Yugoslavia to a new and different direction; but in the context of a country and a region of so much violence, hatred and corruption over the past decade, anyone who would have made these necessary forums would certainly make enemies and endanger both himself and the path of reform in his country.

Prime Minister Djindjic sought to change the political system in Serbia, sought to fight organized crime and official corruption, and sought to bring suspected war criminals to justice. He attempted to develop better political institutions, to establish an independent judiciary, and to reform the police and the military. Although not exempt from what may have been legitimate criticism, perhaps even appearing to turn a blind or jaded eye to some of the forces that are so prevalent in Serbian society, he was seen to be making remarkable progress. He was the leader of a coalition and the leader of a younger generation who were bringing their efforts to bear to transform Serbian society. However, in the process, the forces of the past proved remarkably entrenched and widely based.

Mr. Speaker, let us recognize how significant the tragic event of March 12, 2003, is for Serbia and the Balkans. Let us recognize that the path of reform and fighting the forces of the past is not easy. Reformist leaders in Serbia and throughout the Balkans are vulnerable, and reformist and newly-democratic governments are fragile.

President Bush said Prime Minister Djindjic will be remembered for his role in bringing democracy to Serbia and for his role in bringing Slobodan Milosevic to justice.

Mr. Speaker, let us also remember Prime Minister Djindjic for his courage and bravery in fighting some of the most corrosive and virulent forces of the past in Serbia and the former Yugoslavia. This resolution shows that the House of Representatives supports the reforms that Prime Minister Djindjic spoke about most energetically and upon which he sought action. Reflecting upon the forces that brought his death must cause our country and the international community to redouble our efforts to assist the country of Serbia and Montenegro as it seeks a new and different future.

We offer our strongest encouragement to the new leaders of Serbia and Montenegro so that they may redouble their efforts in pursuit of crucial reforms. They must have the courage, the resources, and the support first of their citizenry and their country, but also the international community to aggressively fight the forces of the past, the forces of hatred and violence, the forces of organized crime and the history of official corruption in their country.

Mr. Speaker, in offering this resolution and statement, this Member offers his deepest sympathies and heartfelt condolences to the family of Prime Minister Djindjic and the people of Serbia and Montenegro.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. First, I would like to commend the gentleman from Illinois (Chairman HYDE); the chairman of the Subcommittee on Europe, the gentleman from Nebraska (Mr. BEREUTER); and the gentleman from Illinois (Mr. EMANUEL) for their leadership on this important resolution.

Mr. Speaker, the tragic assassination of Prime Minister Djindjic happened just a few weeks ago, but the repercussions of this barbaric act will be felt throughout the Balkans for years to come.

Prime Minister Djindjic was a courageous and bold political leader, an anti-communist and a democratic activist. He was one of the leaders of the ouster of dictator Slobodan Milosevic in the fall of 2000. Djindjic was a Serbian patriot who clearly understood that Serbia's future lay in Europe, not in the isolation nationalism that plagued the Balkans at the sunset of the 20th century.

Prime Minister Djindjic will go into history books as the man who made the brave decision to extradite former dictator Slobodan Milosevic to The Hague for trial on war crimes. It is widely believed that the renewed attempts by Mr. Djindjic and his government to go after entrenched organized crime in Serbia and war criminals in that country led to his assassination.

□ 1430

Prime Minister Djindjic was also a pragmatic politician. While pushing the Serbian nation towards Europe, Mr. Djindjic also tried to appease nationalistic elements of Serbian society. His government's cooperation with the International War Crimes Tribunal was uneven, but on balance Mr. Djindjic was leading Serbia in a positive direction, progress that will be set back as Serbia deals with the ramifications of this horrendous assassination.

Mr. Speaker, today we mourn, together with the Serbian people and with Mr. Djindjic's colleagues and loved ones. We know that the job of leading Serbia is risky and difficult, and we pledge to offer support to the continued democratic reforms initiated by Mr. Djindjic. That is why today, Mr. Speaker, I want to call on my colleagues in Congress and in our government to remain engaged in the Balkans and to offer continued support to the reformers there. Our national interest will suffer if this region backslides towards lawlessness and conflict.

The United States has unfinished business in the Balkans. The establishment of a genuine rule of law and a system of justice that benefits the citizens of these countries, the restructuring of local economies, the establishment of a vigorous civil society, the creation of independent media, and the resettlement of refugees are just a few of the tasks that remain.

Mr. Speaker, with continued U.S. leadership and engagement in the Balkans, these tasks can all be achieved. I urge all of my colleagues to support the passage of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL), one of the original movers of this important resolution.

Mr. EMANUEL. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, I rise as an original cosponsor and in strong support of House Resolution 149, expressing the sorrow of the House of Representatives in response to the assassination of Serbian Prime Minister Zoran Djindjic earlier this month.

On behalf of more than 1,000 of my constituents of Serbian descent, I commend the gentleman from Illinois (Chairman HYDE); the gentleman from California (Mr. LANTOS) ranking member; as well as the gentleman from Nebraska (Mr. BEREUTER), the Europe Subcommittee chairman; and the gentleman from Florida (Mr. WEXLER), ranking member, for their leadership in recognizing a truly remarkable reformer and a champion of democracy in the Balkans.

The world has lost a great friend and a true democrat in the Prime Minister. While our brave troops engage in another war-torn region, we identify with the war-weary citizens of Serbia and Montenegro who lived under Milosevic's cruelty.

Serbia has courageously demonstrated that it is willing to defeat a brutal tyrant and will not allow its democratic progress to unravel. As we mourn the Prime Minister's death, this resolution says loud and clear that America will work with Serbia to ensure that its path to democracy will never be deterred.

To all the young democracies of tomorrow, who, like Serbia, have also thrown off the yoke of dictatorship and totalitarianism and embraced the values of liberty and freedom, this resolution says to them that the United States, the House of Representatives, the people's House will stand with them no matter how many tomorrows it takes to achieve democracy.

The Serbian people are our fellow countrymen and allies because they embrace the values of democracy and freedom. Our nations share a mutual admiration for democracy, which is never a guarantee or a foregone conclusion. It is accomplished only through perseverance and courage. Democracy requires the force of vision and determination endowed upon great leaders like the late Prime Minister. His death at only 50 is a great loss for his family and friends, and it is also a tremendous loss for the democratic progress in the Balkans. The New York Times editorialized on the day after his murder: "In countries that lack institutions, individuals matter greatly."

After Yugoslavia fell apart following Marshal Tito's death, a common line that the nation had been held together by the force of his personality, Milosevic dragged Yugoslavia back to a darker time by igniting human genocide not seen in Europe since Hitler. But the brilliance, the charisma, the force of vision of Zoran Djindjic steered Serbia away from an era of ethnic cleansing and towards liberty and equality. The Prime Minister was a reformer who envisioned a free and modern Europe. In less than 2 years he liberalized markets, elections, the press, and parliamentary debate. He showed that the human spirit and desire for freedom can never be extinguished.

Through calm persuasion he brokered a compromise with Montenegro, helped prevent further bloodshed in Kosovo, restored human rights and economic realization, the rule of law to a nation torn apart by four wars and two rebellions started by his predecessor, Milosevic.

After extraditing Milosevic and other war criminals, the world contributed more than $1 billion in economic aid which proved a tremendous boost to a people whose standard of living had long been the worst in Europe. He taught his countrymen to appreciate the rewards of integrating into the Europe of tomorrow, the Europe of the 21st century, and his steadfast pursuit of reforms gave democracy a foothold in Serbia and the people of Serbia a hope of tomorrow.

In these difficult times, Mr. Speaker, we stand with our friends in the Balkans as they mourn a fallen hero and search for a new leader dedicated to fulfilling the democratic vision of modern Serbia who will always be remembered in history for his honor, his greatness, and his selfless commitment to the public good.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) for expediting the consideration of this resolution. I want to particularly note the contributions of the gentleman from Illinois (Mr. EMANUEL) who had the major role in drafting the legislation. I am grateful to have his assistance and his cosponsorship along with a substantial number of other Members who believe this is an important way for the House to recognize the contributions of the Prime Minister.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my deepest condolences to the nation of Serbia, the friends, family, admirers and supporters or Zoran Djindjic. The Serbian prime minister, who was tragically assassinated, was a leading proponent of democracy, human rights, and progress for the country of Serbia.

The assassination of Prime Minister Djindjic was more than the killing of an admirable leader; it was a heinous attack on democracy. Mr. Djindjic was elected Belgrade's first noncommunist mayor since World War II. He believed in the ideal and principles of maintaining a democratic state, and dedicated himself to pursuing that cause.

We can thank Zoran Djindjic for being a chief organizer of the Yugoslav presidential elections in September 2000. We also owe him tribute as being a principal strategist for the October 2000 uprising, which led to the delivery of Slobodan Milosevic to the International Criminal Tribunal. Mr. Djindjic understood that horrific war crimes were being committed, and was there to support his people to see their persecutor punished.

Zoran Djindjic was elected Prime Minister of Serbia on January 25, 2001. In his two year tenure, he sought to advance democracy, human rights and free market reforms. The United States values its democratic cohorts, and we can appreciate even more the people who seek to bring democracy to a region that has not had the privilege of maintaining it. Mr. Djindjic was an effective democratic leader; he raised the low living standard and opened the Serbian markets to precipitate trade throughout Europe. He was a stable Prime Minister who effectively dealt with the task of keeping a 17 party coalition government.

Zoran Djindjic understood the value of human rights, and worked tirelessly to maintain equal opportunities in a country that had been vacated of such leadership for half a century. He was an advocate of civil liberties and individual freedoms. We should feel so lucky to have had an ally of our American principles over in Eastern Europe.

The death of Prime Minister Zoran Djindjic is a travesty on so many levels. We have lost one of our democratic allies, someone who wanted the best for his country. The Serbian people have lost one of their greatest leaders. I stand firmly in support of this resolution, so the United States Congress can show its sympathy in a time of great mourning.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 149.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF HOUSE REGARDING SYSTEMATIC HUMAN RIGHTS VIOLATIONS IN CUBA COMMITTED BY CASTRO REGIME

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 179) expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba.

The Clerk read as follows:

H. RES. 179

Whereas the Cuban Government continues to repress all peaceful attempts by the Cuban people to bring democratic change to the island by denying universally recognized liberties, including freedom of speech, assembly, association, movement and of the press;

Whereas on March 9, 2003, many of Cuba's prominent dissidents issued a statement titled "Joint Statement" to the European Union, wherein they reaffirmed their view of the Cuban Government's "total vocation to immobility and its refusal to respect internationally recognized human rights or accept the existence of legitimate political opposition" and further stated that "in recent times the Cuban Government has intensified its political and social repression";

Whereas commencing on March 17, 2003, the Cuban Government carried out a massive, island wide crackdown on members of Cuba's pro-democracy movement, which included the arrest of over 80 dissidents, among them many who signed the "Joint Statement", activists of the Assembly to Promote Civil Society, promoters of the Varela Project, independent journalists, and numerous members of Cuba's nascent independent civil society;

Whereas the Cuban Government arbitrarily searched the homes and confiscated personal items belonging to pro-democracy activists;

Whereas independent journalists were among those incarcerated in this massive crackdown, including Raul Rivero, known as the dean of the dissident independent journalists in Cuba;

Whereas independent librarians, who make their homes available so that the Cuban population may have access to publications otherwise censored by the Cuban Government, also became victims of repression, as many were arrested, their homes ransacked and searched, and publications and other belongings confiscated;

Whereas Marta Beatriz Roque, and other leaders of the "Assembly to Promote Civil Society", an islandwide movement seeking to coördinate the various sectors of Cuba's nascent independent civil society who work for a democratic transition, were incarcerated and face lengthy sentences, including life sentences;

Whereas activists who have collected or signed petitions for the Varela Project were also incarcerated in this crackdown and may also face life sentences;

Whereas more than 80 pro-democracy leaders who work for a peaceful transition to democracy in Cuba have been incarcerated and sentenced under "Law 88" and "Law 91", two draconian totalitarian laws that call for long sentences of 10, 15, or 20 years, or life imprisonment, or even death for pro-democracy activity;

Whereas there is concern for the well-being and safety for all of Cuba's political prisoners, particularly Juan Carlos Gonzalez Leyva, who is a blind human rights activist incarcerated since March of 2002 without being formally charged, and Leonardo Bruzon Avila, who has been denied medical attention according to Amnesty International, despite the effects of a prolonged hunger strike while in prison.;

Whereas a plea for solidarity was made from within the notoriously harsh prison in Cuba known as "Combinado del Este" and signed by 21 political prisoners, among them Dr. Oscar Elias Biscet, Francisco Chaviano, Rafael Ibarra, and Jorge Luis Garcia Perez "Antunez" to the member states of the 59th Session of the United Nations Human Rights Commission;

Whereas the Cuban Government has carried out "summary trials" to expeditiously sentence pro-democracy leaders to try to intimidate and silence other pro-democracy activists on the island, while world attention is primarily focused on Iraq;

Whereas the Castro regime has engaged in mass arrests of dissidents while the United Nations Commission on Human Rights, of which Cuba is a member, is meeting in Geneva;

Whereas certain member countries of the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights are currently drafting a resolution on the violations of human rights by the Cuban Government;

Whereas the Cuban Government has repeatedly violated the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the mandates issued by the United Nations Commission on Human Rights;

Whereas foreign diplomats and members of the international press have been barred by the Cuban Government from being present at the "summary trials"; and

Whereas pro-democracy leaders on the island have come together to call for the immediate release of all Cuban political prisoners, and are requesting international solidarity with the internal opposition, as reflected in a March 31, 2003, statement signed by some of the most prominent dissidents on the island: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the brutal crackdown of the Cuban Government on the island's peaceful pro-democracy movement;

(2) calls for the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections;

(4) calls on the United States Permanent Representative to the United Nations and other International Organizations in Geneva, Switzerland, to work with the member countries of the United Nations Commission on Human Rights to ensure a resolution that includes the strongest possible condemnation of the current crackdown of dissidents and of the gross human rights violations committed by the Cuban Government; and

(5) calls on the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights to exclude Cuba from its slate of candidates for the United Nations Commission on Human Rights and urges all member nations to oppose renewing Cuba's membership on the United Nations Commission on Human Rights until the Government of Cuba adheres to international human rights standards, such as those delineated in the Universal Declaration of Human Rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Nobel peace laureate Eli Wiesel has said: ". . . to remain silent and indifferent is the greatest sin of all . . ."

Indifference breeds evil. Indifference is the enemy of freedom. Indifference helps cloak the deplorable actions of tyrants.

Cuba's ruthless dictator counts on this indifference. Taking advantage of global attention being focused on Iraq and noting the worldwide tendency to ignore or minimize the deplorable human rights condition in Cuba, the Castro regime has launched a full-scale assault on those who are struggling to bring freedom and democracy to this enslaved nation. Courageous men and women such as Marta Beatriz Roque, an independent economist and leading pro-democracy advocate, are being sentenced to harsh prison terms of 20 years. Marta Beatriz had previously spent nearly 3 years in prison for publishing, along with three other colleagues, a paper calling for democratic reforms. Independent journalists such as Raul Rivero, who is highlighted in the resolution before us, as the dean of the independent dissident Cuban journalists, was sentenced to 20 years. Fellow journalists such as Ricardo Gonzalez Alfonso and Hector Maseda Gutierrez also received 20-year sentences.

Other victims of this wave of repression include Jose Daniel Ferrer, a member of the Christian Liberation Movement, whose penalty was increased to death per a special request by the puppet whom the regime has as the presiding judge. There is also independent union labor leader Oscar Espinosa Chepe, and Manuel Vazquez Portal, Nelson Molinet Espino and Nelson Alberto Aguiar.

I enter into the RECORD their names and their sentences.

PINAR DEL RIÓ

Víctor Rolando Arroyo Carmona, Periodista Independiente—Life in prison.

Horacio Julio Piña Borrego, Periodista Independiente—12 years.

Eduardo Diáz Fleitas, opositor—15 years.

Fidel Suárez Cruz, opositor—12 years.

CIUDAD HABANA

Raúl Rivero Castañeda, Periodista Independiente—Life in prison.

Jorge Olivera Castillo, Periodista Independiente—Life in prison.

Ricardo Gonzáles Alfonso, Periodista Independiente—Life in prison.

Héctor Maceda Gutiérrez, Periodista Independiente—Life in prison.

Manuel Vázquez Portal, Periodista Independiente—16 years.

Osvaldo Alfonso Valdez, opositor—Life in prison.

Pedro Pablo Álvarez Ramos, opositor—Life in prison.

Héctor Palacio Ruiz, opositor—Life in prison.

LA HABANA

Miguel Galvań Gutiérrez, Periodista Independiente—Life in prison.

José Ubaldo Izquierdo Hernández, Periodista Independiente—20 years.

Héctor Raúl Valle Hernández, opositor—15 years.

VILLA CLARA

Librado Linares García, Periodista Independiente—20 years.

Lester González Pentón, Periodista Independiente—20 years.

Omar Ruiz Hernández, Periodista Independiente—18 years.

Margarito Broche Espinosa, opositor—25 years.

Omar Pernet Hernández, opositor—25 years.

ISLA DE PINO

Favio Prieto Llorente, Periodista Independiente—20 years.

The list seems endless as the daunting reality of what the dictatorship has done sinks into our consciousness. Since March 18, Mr. Speaker, Castro's security agents have been storming into the homes of dissidents and other opposition leaders across the island, confiscating typewriters, books, papers, and other professional and personal belongings. And what have been their so-called crimes? Engaging in such "threatening" activities such as possessing and lending books by authors such as Vaclac Havel, Ghandi and Martin Luther King. Hector Palacios Ruiz, for example, was engaged in such "treasonous" behavior, to quote the regime, as helping to draft the document in December of last year which called for "free hiring of employees." He was also found in possession of books such as "Castro's Final Hours" and "A Manual for Education in Human Rights" as well as children's games.

Every day more and more opposition leaders are sentenced to languish in squalid jail cells and subjected to the most inhumane and degrading treatment. We cannot and must not be silent. We cannot and must not be indifferent to the anguish and misery endured by the Cuban people just 90 miles off our shores at the hands of the depraved and cruel dictator and his agents of terror.

The European Union has issued statements condemning the arrests and demanding that these prisoners of conscience be immediately released. Amnesty International urged Cuba to release all of its prisoners of conscience and reform the laws which make such detentions possible. Human Rights Watch called on the United Nations Commission on Human Rights to condemn these abuses and do so strongly and unequivocally. Human Rights International, the American Society of Newspaper Editors, and the Inter-American Press Association have all denounced this incredible Stalinist crackdown. Newspapers such as the Houston Chronicle, the San Diego Union Tribune, the Pittsburgh Post-Gazette have run editorials with headlines underscoring that: "Saddam and Fidel are Birds of a Feather"; "Crackdown in Cuba: A Reminder that Castro is Still a Tyrant"; and "Castro's Regime as Repressive as Ever."

The Los Angeles Times led its editorials by saying: "After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes."

Just today the Washington Post ran an editorial by Richard Cohen which said: "I would like to hear some moral outrage about Castro . . . Fidel Castro is a thug and a fool."

But it is our turn now to speak. It is our time for the U.S. Congress to stand behind the Cuban people, side by side, as it has done for so many times before and is so doing with the Iraqi people.

This resolution is a strong first step. House Resolution 179 details the sequence of events which have transpired in recent weeks and places particular emphasis on the plight of these political prisoners such as Juan Carlos Gonzalez Leyva, a blind human rights dissident imprisoned for over a year who is gravely ill and has yet to receive medical attention.

□ 1445

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume and rise in strong support of this resolution.

Mr. Speaker, first I would like to thank my friend, the gentleman from Illinois (Chairman HYDE), for expediting consideration of this resolution; and I want to congratulate my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her powerful and eloquent statement and for her leadership on this resolution, as well as my colleagues, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. Speaker, after several years of masquerading as a liberalizing regime, the brutal and deplorable nature of Fidel Castro's sickening communist state has manifested itself once again.

In the last couple of weeks, Castro's thugs have arrested and detained approximately 80 Cubans. Their crime? They sought to express their disagreement with their government, provide an independent media voice, stock their shelves with banned literature that reports the interests of independent labor, and otherwise improve the lot of their fellow citizens.

Among those arrested, Mr. Speaker, were prominent political dissidents, such as Marta Beatriz Roque; independent journalists, such as Raul Rivero and Ricardo Gonzalez; independent labor advocates, like Pedro Pablo Alvarez; and civil society activists, such as Antonio Diaz Sanchez of the Varela Project.

The Castro regime intends to place these and other individuals on trial in what have been called kangaroo courts for allegedly collaborating with the United States to harm Cuba and its economy.

Just yesterday, a sham court sentenced Marta Beatriz Roque, Antonio Diaz Sanchez and Ricardo Gonzalez Alfonso, among others, to 20 years in prison for "acts of conspiracy." Neither representatives of the diplomatic corps nor the international press were permitted to witness the summary trials, which does not surprise those of us who have experienced the tactics of the Gestapo in Hitler's time and the KGB under Stalin. Fidel Castro is a worthy follower of both of these outrageous dictators.

Not only are the trumped-up charges against these political dissidents indefensible; Castro and his henchmen are convicting individuals for practicing their profession and exercising their fundamental political and civil liberties.

Accordingly, Mr. Speaker, our resolution calls upon the international community to recognize these outrageous violations of human rights and to exclude Cuba from the United Nations Commission on Human Rights after its term expires at the end of this year.

Mr. Speaker, while Castro and his henchmen seem intent to break the backs of many political dissidents and their growing organizations in a manner not seen since the 1960s, the regime has concentrated much of its fury against the Varela Project. Founded and led by Oswaldo Paya, the Varela Project asks Cubans to sign a petition calling for a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Despite gigantic risks, over 30,000 courageous Cubans have penned their names to the petition in the hope for change.

Mr. Speaker, we have had many contentious disagreements, both in committee and on this floor, on how best to bring about change in Cuba; but today this body stands united in solidarity with those who endure torture, incarceration, and deprivation of all types because they dare to strive for freedom.

We stand together in strong condemnation of these cowardly arrests and the outrageous prosecution and persecution of those 80 individuals, and we demand their immediate release and the release of all political prisoners in Castro's jails. We stand together in our conviction that, despite the Castro regime, democracy will prevail in Cuba.

Mr. Speaker, I strongly urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the author of this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I wish to also thank the gentleman from Illinois (Chairman HYDE) and the gentleman from North Carolina (Chairman BALLENGER), as well as the ranking members, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. MENENDEZ), for expediting this important resolution. It is important it be considered today because the dictatorship is in the midst of a brutal crackdown on the peaceful pro-democracy movement in Cuba.

Since the world's attention has been focused on Iraq for some weeks, the Cuban tyrant decided to crack down on the peaceful pro-democracy movement, including independent librarians, independent journalists, independent physicians, and many others; rounded them up and has thrown them in dungeons.

Some of the so-called summary trials have already taken place. Perhaps the best known independent journalist in Cuba, Raul Rivero, was already sentenced in one of those sham Roman circus trials, sentenced for having a typewriter, for having some articles published. For having articles published in Spain and in the United States and for other such "crimes," Raul Rivero has been sentenced to 20 years.

Marta Beatriz Roque, mentioned by the distinguished gentleman from California, perhaps one of the best known of the political prisoners rounded up in this totalitarian crackdown, was sentenced to 20 years. Her indictment makes interesting reading, if it can be called an indictment.

The dictatorship charged her with having created a Web page, with having a computer in her home, with utilizing a server in the United States for her Web page, for having spoken on Radio Marti, for having published articles in an independent publication known as "Encuentro," for having in her possession in her home a fax machine of the mark Panasonic, and for having a copy machine, a Canon copy machine.

That is in the so-called indictment in the year 2003, in this hemisphere, by the Cuban tyrant, the indictment prepared by the Cuban tyrant of Marta Beatriz Roque, who has been sentenced to 20 years.

I think that much of the responsibility for what is going on in Cuba today, unfortunately, lies with the fact that the international media does not report sufficiently with regard to what happens in Cuba.

A distinguished new colleague of ours recently actually told me she had witnessed a Special Order that we did precisely on this crackdown, a number of us last week, the distinguished new gentlewoman from Michigan (Mrs. MILLER of Michigan). She asked me, "Where can we read about what is going on? Why don't we read in our major newspapers about the details of this totalitarian brutal crackdown in a country 90 miles away?" I think she has a very legitimate point. I think the media has a responsibility to report about such things in a neighboring country 90 miles away.

So today is the day, Mr. Speaker, when we need to as a Congress of the United States set our differences aside and concentrate on the brutal totalitarian crackdown that is taking place in Cuba and speak with one voice that this Congress, as it has so many times in the past, stands for human rights and demands human rights, starting with the cessation of the brutal crackdown being perpetrated on the Cuban people. And as the resolution continues to state, we call for the respect of all elemental human rights, including the right of self-determination, which can be manifested only through free and fair multiparty elections.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to my good friend, the gentleman from New Jersey (Mr. MENENDEZ), the ranking member on the Subcommittee on the Western Hemisphere, the chairman of the Democratic Caucus and an indefatigable fighter for freedom in Cuba.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for yielding me time and for his statement before as well.

Mr. Speaker, where is the outrage? Where is the outrage regarding the latest barbarity from the dictatorship of Fidel Castro?

Where is the outrage that a blind dissident, Juan Carlos Gonzalez Leiva, is detained in the harshest of political prisons and that the Castro regime denies him his needed medication; that Leonardo Bruzon, an Amnesty International prisoner of conscience who suffers from the ill-effects of a hunger strike, is denied needed medical attention?

Where is the outrage, that three of the four brave authors of the pro-democracy essay, "La Patria Es De Todos," the nation belongs to everyone, Marta Beatriz Roque, Rene Gomez Manzano and Felix Bonne, have been mercilessly thrown in jail and face sentences ranging from 20 years to life?

Ms. Roque, who had the audacity to call herself an independent economist and criticized Cuba's economy, has already been sentenced to 20 years. The fourth author, the Afro-Cuban leader, Dr. Oscar Elias Biscet, who already served 3 years for displaying national flags upside down in an act of civil disobedience, will also be sentenced. His three colleagues having the audacity to fast peacefully to protest his detention.

Where is the outrage, that the independent journalists movement in Cuba, led by journalist and poet Raul Rivero, have been rounded up, had their houses ransacked by state security thugs, and their professional personal belongings taken from them?

We learned this morning that Raul Rivero was sentenced to 20 years. Among the dangerous materials that Rivero possessed was a collection of Martin Luther King's speeches autographed by former President Jimmy Carter on his recent trip to the island.

□ 1500

It was taken as evidence of subversive thought.

Where is the outrage, that those who gathered the signatures of 30,000 brave men and women who, much like our Founding Fathers, with the stroke of a pen, had the courage to peacefully demand a referendum calling for democratic changes, were unceremoniously rounded up and are being sentenced in show trials reminiscent of Hitler and Stalin?

Where is the outrage that independent union activists have been rounded up, that this crackdown occurs when the U.N. Human Rights Commission meets in its annual session in Geneva? The Castro dictatorship's membership of that commission is itself a mockery and a travesty.

The show trials have begun, with the same coerced confessions and the same betrayal of dissident organizations by Castro's security agents who infiltrated these groups.

And what are the verdicts? Guilty. Guilty of criminal association. Guilty of enemy propaganda. Guilty of dangerousness. Guilty of contempt for authority, of resisting authority. Guilty of seeking democracy and a respect for human rights. That is Castro's socialism.

So far, 47 peaceful dissidents have been sentenced to between 12 and 27 years in prison in what the State Department calls "Kangaroo courts" that began proceedings last Thursday.

Let me just mention a few of those sentenced.

Omar Rodriguez Saludes, an independent journalist known to ride his bicycle to news conferences with a camera dangling by a strap from his neck: 27 years, the hardest sentence so far. Hector Palacios, one of the key figures promoting the Varela Project: 25 years. Oscar Espinosa Chepe, who wrote critical articles about the Cuban economy for the Internet: 25 years. Ricardo Gonzalez Alfonso, Raul Rivero's editor at "De Cuba" magazine: 20 years.

And it goes on and on.

So to all who go sip wine with Castro, smoke his cigars and are regaled by his soliloquies, where is the outrage?

Mr. Speaker, the expression of international outrage has begun from European governments to Jimmy Carter to the AFL-CIO. May we all raise our voices to join the growing chorus of outrage and condemnation of this dictatorship heard around the world, heard everywhere, except for these hallowed halls. May this Congress not sit silent now as the show trials proceed. May this Congress stand in solidarity with those dissidents and human rights activists who heeded Pope John Paul's words during his visit to Cuba: "Do not be afraid." "Do not be afraid."

Let us in this bastion of democracy also not be afraid to vote for this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute to explain what this bill actually does. I have had some Members ask.

House Resolution 179 establishes the nexus which exists between the current wave of repression and the 59th session of the United Nations Commission on Human Rights which is currently being held in Geneva. And in doing so, it takes into account the dictatorship's systematic and gross human rights violations and its repeated demonstrations of contempt for the mandates issued by the U.N. Commission on Human Rights.

Further, it calls for a resolution to be offered and passed at the Human Rights Commission, which accurately reflects this grim reality. It seizes the opportunity which presents itself in May of this year when Cuba's membership on the commission expires. It does so by calling on the Nation of Latin America and the Caribbean group to oppose and deny the regime a seat on this human rights body. More importantly, this resolution calls for the immediate release of all Cuban prisoners of conscience. It sends a strong, definitive message that the United States Congress stands with the dissidents, the independent journalists, and all pro-democracy activists, and not with their oppressor.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means, and an indefatigable fighter for human rights across the globe.

Mr. RANGEL. Mr. Speaker, I rise in support of this legislation without any hesitation.

Most all Americans, and certainly those in this House, are strong advocates for democracy all over the world, and we had hoped that the seeds of democracy would have grown in Cuba. Many of us have taken different approaches how we would want to do this, but one thing is abundantly clear: It has taken too long for Castro to recognize the importance of open elections and, certainly, no Americans can find any justification of the wanton and massive arrests of people, many of whom were advocates of normalization, all of whom were advocates of democracy, to have been arrested with closed and secret trials and without any evidence that their conduct was a threat to the security of the people in Cuba.

While we also are reminded that some of us are old enough to have supported the July 26 resolution against Batista and recognize that we do not want those days ever to return, still we are not satisfied with the progress that has been made in terms of moving toward democracy, and it is hard for us to believe that the Cuban Government wants us to believe that these people were arrested because they were involved in a conspiracy with the United States of America to overthrow their government. If they truly believe that the United States intended to overthrow their government, they should have exercised their right to have kicked out the chief of the U.S. Interests Section there, and then not to hold their people hostage and subject to the painful sentences that have been imposed upon them.

I join in urging the Cuban Government to release these people, to open up these courthouses, and to whatever complaints they have about the conduct of any Americans that are in Cuba, to let the whole world see it. But I am glad to stand with my colleagues and ask for an immediate response to the call of this House, and that is to release the prisoners forthwith.

Mr. Speaker, I rise in support of the resolution introduced by my colleague, Congressman LINCOLN DIAZ-BALART condemning the actions of the government of Cuba in violation of the rights of its citizens. It is not the resolution that I would have drafted, but it comes close enough in reflecting my objections to these actions.

Representatives of the Cuban government want us to believe that their actions in arresting and prosecuting Cuban citizens were based on evidence of their involvement in a conspiracy with the United States to overthrow their government. The Cuban citizens being prosecuted—many of them journalists and advocates of open elections and supporters of normalization of relations with the United States—allegedly consorted with the Chief of the U.S. Interests Section in Havana in this conspiracy at private meetings, including visits to each others' homes.

The so-called evidence is that the United States government provided the Cuban activists with millions of dollars with which to carry out the conspiracy and that these Cuban citizens, therefore, were in violation of Cuban law.

It is hard to believe that the Cuban government feels so insecure that these mass arrests had to be carried out, that the trials had to be held in secret, without any evidence exposed to the Cuban people or to the international community, or that the God-given right of Cuban citizens would be so violated. It is even harder to believe that if this conspiracy theory held water, the person who was at the center of the conspiracy—the Chief of the U.S. Interests Section in Havana—would be allowed to remain in Cuba.

Hardly anyone could disagree that Castroled revolution of 1959 had improved the lives of the great majority of Cuban citizens. But we've waited too long for the revolution to take the next step in offering true democracy to all Cubans. Some Americans believe that the best way to bring democracy to Cuba is a policy of embargo, cutting off all food, medicines, travel, trade and social and family contacts.

Some of us believe that—as with other communist countries, such as China and North Vietnam—a better way is to tear down barriers and allow the Cuban people to see the benefits of democracy. In my view, such a policy of engagement is far better than the use of propaganda and the distribution of radios and pamphlets. U.S. citizens are the most effective ambassadors of democracy.

Despite the ability of supporters the embargo to sustain that failed policy for over 40 years, there has been a great deal of progress in the movement toward normalization of relations between our countries. Just as in February 1996, when the Cuban government shot down two unarmed private aircraft piloted by Cuban-Americans based in Miami, this time there was no threat to the security of the Cuban government. Just as the shooting incident set back the development of our relationship for several years, that unwarranted violation of the rights of ordinary Cubans, in my humble opinion, has further set back the efforts of the Cuban and American people to move toward democracy and free trade.

For 30 years, I have been part of a sometimes unpopular effort to improve relations between our countries. I would be less than honest if I did not say now that the response of the Cuban government to concerns raised from many quarters has been less than adequate. I will continue to support any effort by our two countries to improve that relationship, but I cannot support this action taken by the Cuban government. Indeed, I am forced to condemn it.

I know that this view is shared by many of my colleagues, and I hope that the Cuban government will seek ways to undo this unfortunate setback to relations between our countries.

I hope that they will reconsider this action against people who were seeking to demonstrate their political differences with their government. I hope that the government will take the most drastic action for any government to take, to reverse itself and release the prisoners.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from New York for his statement of support.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Arizona (Mr. FLAKE), a member of our Committee on International Relations

Mr. FLAKE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentlewoman and the gentleman from Florida for authoring this important resolution. It is important to all of us.

For those of us who have followed the situation in Cuba, we have been saddened and sickened by the events that have happened over the last month, although I do not believe any of us have been surprised. This latest crackdown typifies the last 43 years now that Fidel Castro has been in power. It is all too typical.

Let us look at what is going on here. I had the opportunity to be in Cuba just less than a month ago and we met with several of the dissidents at that time. Hector Palacios, director of the Independent Center for Social Studies and the key organizer of the Varela Project, was just sentenced to 25 years. Oswaldo Alfonsa, also an organizer for the Varela Project, 18 years. Oscar Espinosa Chepe, an economist, former diplomat and independent journalist, 20 years.

As the gentleman from New York noted, I do not think anybody, anybody, believes that these people are guilty of the crimes that they have been charged with. They are simply guilty of voicing ideas and ideas that this regime is too afraid of.

This resolution is important because it allows us to let people across the country and across the world, and particularly those who sit on boards and commissions of the United Nations, to understand that a regime like this does not deserve to sit in judgment of others on human rights after what is going on right now, and after a record like this.

Mr. Speaker, I urge support of the resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), one of the leaders on the House Committee on International Relations, and our acknowledged expert on Latin America.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

As others have stated, this for me, too, is a day of disappointment and sadness, profound sadness, of human rights violated, and of diplomatic opportunities squandered. As a sovereign nation, only Cuba can decide how to attend to its own national security. But over the last 3 weeks, decisions have been made in Havana that seriously undermine efforts to normalize relationships with the United States.

I come to the floor today as part of a group, the so-called Cuba Working Group. It is bipartisan in nature, 25 Republicans, 25 Democrats. We have spent considerable time and effort to tear the wall down that has divided our people for some 40 years. This has put us at odds with the White House. It has put us at odds with many of our colleagues that are sitting here today. But we are not at odds today.

At this moment, we stand together. In the past I have called on President Bush to lift the U.S. restrictions on travel by Americans to Cuba, to let our people go. Well, today, I call on President Fidel Castro to let his people go.

For me, this issue is more than political, it is personal, because some of those who have been arrested are my friends. I want to speak about 2 of them. My colleagues have heard their names here. Hector Palacios, a Varela Project organizer, and Oscar Chepe, an independent journalist. Their arrests and convictions pain me more than anyone in this Chamber can comprehend. They are men of exceptional character and integrity who seek peaceful change. They are not agents of violence or insurrection. Far from it. They acknowledge Cuba's advances in health and education brought about by the revolution, and they want to accelerate that progress in other areas, so they work through modest, small, yet courageous acts within the Cuban Constitution. They create and have made every effort to create political space.

Hector's apartment houses one of the first so-called independent libraries in Cuba, a few shelves devoted to old medical encyclopedias and geography texts, some children's books donated by members of my office. But when Hector was arrested, these books were taken away. Doctor Seuss is not a threat to the Cuban revolution.

During our visits, we talk about how to hasten a climate of mutual respect between the people of our 2 countries, between our governments. Ironically, they argued persuasively for an end to the embargo and travel restrictions on Americans to Cuba. Let me quote from Oscar Chepe, who presently is incarcerated for 20 years in a Cuban jail. This is his quote. These are his words: "Experience demonstrates that isolation breathes life into totalitarianism. On the other hand, contact between peoples free individuals from falsehoods and from the lives without dignity that they are forced to lead."

As the gentleman from New York (Mr. RANGEL) indicated, we are told that these arrests had nothing to do with the content of their words. Rather, they are intended to send a message to the United States in response to a perceived pattern of illegal provocations from our own State Department.

Well, I submit that the message we have received is very different and deeply disturbing. It is that diversity of thought is not welcome in Cuba, even at the expense of jeopardizing progress toward normalization. How else can we explain 20- and 25-year sentences for Hector and Oscar and dozens of others after only cursory consultations with their lawyers and quick trials, closed to the public, foreign diplomats, and the international media.

It is inconceivable, if one knows these men, that they were conspiring with the United States. Like dozens of other detainees, they were working in behalf of the Cuban people. Nobody else. They posed no threat to the Cuban Government.

As I said, I disagree with some of my colleagues in Cuba. For example, I have chosen to travel there, to visit with people like Hector Palacios and Oscar Chepe. And unlike my friends from Florida, some of my friends, I oppose U.S. policies which prevent ordinary Americans from offering the same solidarity to those seeking change in our relationship with Cuba, a relationship that has been stated so eloquently by another prominent Cuban dissident who was recently released from serving 5 years in a Cuban jail. His name is Vladimiro Roca, and he said that the relationship ought to be characterized by dialogue, negotiation, and reconciliation. Again, those are his words.

□ 1515

But that is a debate for another day. I might have written this resolution somewhat differently, but I commend my colleagues for bringing it to the floor of the House; and I urge my colleagues all of my colleagues to support it; and I ask the Cuban Government to release these people.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I am glad to rise in support of this resolution and in opposition to the deplorable behavior we see in Cuba today as evidenced by these so-called desires. That people whose only desire is freedom would be swooped up in these kinds of numbers and brought to trial at a time when it is clear in the mind of the dictator that we are looking at other things, shows just how wrong he is.

Once again this regime is showing its true colors. These actions continue to be proof of Castro's horrific record of repression, that no matter how much we argue and no matter which side we are on in other debates, people agree on this floor today, it continues to be the kind of commitment that Castro makes to his people, a commitment to repress them.

The Castro regime has chosen this particular time because they thought we were looking elsewhere. We show on the House floor today that we are not looking elsewhere, that we continue to look at Cuba, we continue to hope for the liberation of Cuba, we continue to hope for the greater freedom for the Cuban people. The civilized world cannot stand quietly by and tolerate these terrible abuses of individual rights. As we try to bring freedom to another country, we have to continue to stand for freedom in this hemisphere. And today we join the President of the United States, the European Union, and many others, including the Catholic Church, who have condemned these actions.

I urge the huge vote on this resolution as we send an important message to Castro.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side may have an additional 10 minutes so all of our colleagues may be heard.

Mr. MURTHA. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. TERRY). An objection is heard.

Mr. LANTOS. Mr. Speaker, I would like to request my colleague to reconsider his objection. This is a matter of great principle. Several colleagues would like to speak on this subject, and I think it is singularly unfair to deny them the opportunity to do so.

Mr. MURTHA. I object, Mr. Speaker.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that each side be granted an additional 5 minutes.

Mr. LANTOS. Mr. Speaker, would my friend agree to 5 minutes on each side?

Mr. MURTHA. Mr. Speaker, I withdraw my objection. I will agree to 5 minutes each side.

The SPEAKER pro tempore. There is a unanimous consent for 5 additional minutes for each side.

Hearing no objection, each side is granted an additional 5 minutes.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) now has 6 minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this resolution. All voices must condemn the recent crackdown by the Government of Cuba against political dissent. Those arrested include two dozen independent journalists, leaders of independent trade unions and opposition political parties, and pro-democracy activists involved in the countrywide reform effort known as the Varela project.

It makes no difference whether you are for or against change in U.S. policy towards Cuba. On this matter we speak with one voice. These arrests are unacceptable. The summary trials and harsh sentences merit universal condemnation.

Mr. Speaker, I have had the privilege of traveling to Cuba many times and have met directly with Cuban independent journalists and members of the dissident community. Many of these individuals were arrested in the latest crackdown. They are receiving harsh sentences for actions we take for granted here in the United States: the right to hold meetings, have discussions, and express opinions different from those held by our government.

The Cuban Government has said that these arrests are in response to actions by U.S. Ambassador Cason and the U.S. Interests Section that are perceived as deliberate attempts to foment subversion in Cuba.

Mr. Speaker, those grievances should be raised and resolved between the two governments, but no action of the United States Interests Section justifies in any way these recent arrests. The right of diplomats to meet with people who represent a range of views, including people who peaceably dissent from the policies and priorities of their own governments, should not be impeded. In fact, Mr. Speaker, I believe the restrictions on U.S. diplomats in Cuba and Cuban diplomats in the United States are just plain wrong.

Mr. Speaker, I am seriously concerned about the increased tensions and hardening of positions in U.S. Cuban relations. They do little to advance human rights or open political space in Cuba; in fact, quite the opposite. I fear that without a concerted effort to change our policies towards one another for the better, it will only lead to greater restrictions in both countries and fewer opportunities for moderate voices in both countries to engage directly with one another. I will conclude by urging the Cuban Government to release immediately all these prisoners and all prisoners of conscience.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. MCCOTTER), a member of our Committee on International Relations.

Mr. MCCOTTER. Mr. Speaker, I rise in support of the resolution.

We in America inhabit the bosom of freedom. Yet, scant miles, though a lifetime away from our shores, suffering and dying under an antiquated Communist tyrant, the Cuban people yearn to breathe free. By passing this resolution, we in the citadel of freedom say to the Cuban people, we hear you and we will help you. For if we do not, we will betray our own cherished democratic principles and our refusal will constitute a mute chorus of deafening silence in the face of human suffering. I urge adoption of the resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in support of H.Res. 179 that condemns the brutal crackdown of the Cuban Government on the island's peaceful pro-democracy movement and calls for the immediate release of all Cuban political prisoners.

Mr. Speaker, I have addressed this House on several occasions regarding Castro's continued assault on and disregard for human rights and democracy. I and several of my colleagues have spoken recently of Castro's decision to arrest and try over 80 nonviolent human rights advocates, prodemocracy leaders, and independent journalists in what has become a campaign by the regime to silence all voices of peaceful opposition on the island.

Inside of a month Castro has arrested, arraigned, tried, and sentenced many of the dissidents, some receiving prison terms as long as 27 years.

Mr. Speaker, there is an article in today's New York Times that I would like to enter into the RECORD, and it mentions James Cason, the U.S. diplomat that has been spoken of, and it says that the reason this is happening is because they have become such effective advocates that the government attacks them.

The reason this is happening is these dissidents are having an impact. People believe in them in Cuba. They are having an impact on basically changing and reforming the government ultimately. They have become voices of change. That is why it is so important that we here in the United States basically condemn what Castro is doing, because otherwise people like them will not continue.

Mr. Speaker, I strongly urge my colleagues to support this resolution. These recent actions by the Castro regime are simply the next step in the systematic denial of even the most basic human rights for the citizens of Cuba. Congress must send a strong message to Castro that despite his hopes that the world would be looking the other way, that his actions have not gone unnoticed and will not be allowed to continue.

[From the New York Times, April 8, 2003]

CUBAN DISSIDENTS GET PRISON TERMS AS LONG AS 27 YEARS

(By David Gonzalez)

MIAMI, Apr. 7.—Cuban courts today began handing out prison terms of up to 27 years to dozens of dissidents, including journalists and librarians, who had been advocating democratic reforms, according to human rights groups and news reports from Havana.

The harsh sentences capped five days of trials in which state security agents who had infiltrated dissident groups testified against their supposed colleagues on charges of subversion and collaborating with American diplomats. Almost 80 people were arrested in an islandwide sweep that started last month and that has been condemned by numerous human rights advocates, the European Union and foreign leaders.

Héctor Palacios, a key organizer of the Varela Project, which seeks democratic reforms, was sentenced to 25 years. Marta Beatriz Roque, an independent economist who angered authorities when she invited the chief American diplomat in Cuba to her home in February, received a 20-year sentence.

Omar Rodríguez Saludes, an independent journalist who covered the news scooting around Havana on a battered bicycle, was handed the longest sentence: 27 years.

Cuban authorities said the dissidents had conspired with James Cason, the United States diplomat, and they brought charges against them under a law that makes illegal any support of measures like the American trade embargo that would harm the island's economy or sovereignty. During an appearance at the University of Miami today, Mr. Cason had a one-word reply when asked if he thought—as the Cuban government had suggested—that he provoked the crackdown by his repeated meetings with dissidents.

"Lies," he said.

He defended his contacts with the dissidents as a normal part of his work, saying that the American mission in Havana provided people with books, Internet access and newspaper clippings, among other services. They did not, he said, pay the groups or give them their marching orders, but supported their call for a quick and peaceful transition to democracy.

"We should be clear, the opposition is not a shadow government waiting to move into power," Mr. Cason said in his speech. "They are simply among the few who openly say what so many others believe, that it is time for change. Because they have become effective advocates, the government attacks them, labeling them subversive traitors."

International groups condemned the sentences, saying those arrested were exercising fundamental freedoms protected by the Universal Declaration on Human Rights, of which Cuba is a signer. Several Latin nations have introduced a proposal to censure Cuba at the current session of the United Nations Commission on Human Rights in Geneva.

"It's perverse that there's a massive crackdown in Cuba just at the moment that the United Nations is examining Cuba's human rights record," said José Miguel Vivanco, the Americas director of Human Rights Watch. "The commission must condemn these abuses, and do so strongly and unequivocally."

Relatives of some dissidents denounced the lengthy prison terms as effective life sentences. Raul Rivero, a poet and the dean of the island's independent journalists, who was given a 20-year sentence, suffers from phlebitis and other illnesses.

"This is so arbitrary for a man whose only crime is to write what he thinks," said Mr. Rivero's wife, Blanca Reyes. "What they found on him was a tape recorder, not a grenade."

Mr. Cason said that the United States would offer moral support to those who would assume the work of those now in jail.

The Cuban government put limits on Mr. Cason's movements after he traveled some 6,000 miles around the island in his first six months. Some have speculated the government might decide to keep him out of the country, a possibility he accepted.

"They can shoot the messenger if they want," Mr. Cason said. "There will be more messengers coming."

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, since mid-March the Castro dictatorship has carried out a massive crackdown on human rights defenders, independent journalists, and trade unionists and other brave and noble pro-democracy activists throughout Cuba.

Not satisfied with the ongoing torture and mistreatment and incarceration of approximately 400 political prisoners, Castro has begun a new, ominous, and shameful attack on another 80 of the best and brightest and most courageous of Cuba. Now, as we meet here today, his people and his thugs are beating, victimizing, and sentencing to very long prison sentences those who are the cream of the crop in Cuba, who believe in freedom and democracy.

Castro, with all eyes diverted on Iraq and the war in Iraq, is trying to silence dissent with violence, "show" trials, and incarceration. This latest manifestation, Mr. Speaker, of cruelty by the Castro dictatorship is but another, but a highly significant other, reminder of the true character of this regime. It is cruel, brutal and an egregious violator of human rights.

Mr. Speaker, Castro's brutal actions hopefully will serve as a wake-up call to those in the United States, especially those in the United States Congress who argue that it is time to lift the travel ban and sanctions against Cuba. I especially want to focus, Mr. Speaker, on those in the European Union who have been trading with the island country of Cuba for so many years without any linkage whatsoever to human rights. Trade, trade, trade, while this barbaric dictatorship gets worse and worse and worse.

In previous Congresses, Mr. Speaker, I have offered an amendment to lift the travel ban, if and only if political prisoners are freed and felons who have committed acts of violence in the United States against U.S. police, including a trooper from the State of New Jersey, are brought to the U.S. in order to be held accountable. That amendment, sadly, lost.

Now, today on the floor we are united in rhetoric and sentiment for those who are being incarcerated and mistreated. But we also need linkage, Mr. Speaker. We need to recognize that actions, and particularly those that are linked to trade and travel bans, can be very efficacious—actions always speak louder than our words. I call upon the European Union, Mr. Speaker, to engage the human rights abuses of Castro with something more than rhetoric. Members of the EU have been trading, as has Canada, for so many years. What have they gotten for it? Maybe they made a few bucks or a few Euros or a few Canadian dollars, but they have, however unwittingly, aided and abetted this brutal tyrant in horrific repression against his people.

I urge strong support for the gentlewoman from Florida's (Ms. ROS-LEHTINEN) resolution, and I hope this is a wake-up call about what this regime is all about.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I want to thank all of the sponsors of this resolution, especially my friends from Florida.

Mr. Speaker, there is an old saying that people do not miss fresh air until they live without it. My friends from south Florida understand what it is like to live without freedom and without fresh air.

While American men and women are halfway around the world fighting for freedom and democracy, we are finding out who our friends are. We are also finding out throughout the world who the really bad actors are. You can judge bad guys because while the cat is away, the rats are playing just 90 miles off the Florida border. And I will say that the roundup of these individual freedom fighters, who remind me of the original founders of our Republic, who pledged in the Declaration their lives, their fortunes, and their sacred honor to stand up for what is right, the most recent roundup by Castro and his evil regime is nothing but a modern-day Stalinist purge.

I will say as we are fighting to free the Iraqi people, so we should stay the course and fight to free the Cuban people. I urge a unanimous vote by this House of Representatives and, once again, I want to thank all of my colleagues who are sponsors of this resolution.

Mr. LANTOS. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute. After speaking, I will yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART) to close.

Mr. Speaker, I started my remarks quoting Eli Wiesel, and I would like to end the remarks that I have on this resolution by this same gentleman who has meant so much for freedom and human rights and free expression of ideas throughout the world.

Eli Wiesel said, "Just as despair can come to one only from other human beings, hope too can be given to one only by other human beings."

Let us be that beacon of hope for the Cuban people. Let us support this resolution. Let us support those freedom fighters, those valiant fighters for free thought who are actually given sentences for possession of typewriters, for possession of books, for possession of computers, for giving interviews to foreign journalists. Let us be that beacon of hope that Eli Wiesel spoke about.

□ 1530

Mr. Speaker, I yield the remaining time to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding the time to me, and I also want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for bringing this resolution to the floor.

We have heard about this horrible thing that is going on just 90 miles away from the United States coast, these people getting arrested. What are they getting arrested for? What have they gotten convicted for? Let me just mention Raul Ramon Rivero, an independent journalist and leader of the Cuba press newspapers service who, by the way, has been sentenced to 20 years, Mr. Speaker, 20 years in prison for the following reasons:

Because he created an independent press organization, 20 years for that. Because he is circulating materials published by human rights groups, 20 years for that, Mr. Speaker. Because he is a member of the Cuban Society of Independent Journalists, 20 years in prison for that, Mr. Speaker. Because, the audacity, he has a Sony tape recorder. Mr. Speaker, furthermore, he has the audacity of having a Samsung computer; and if that was not enough to deserve 20 years in prison, it is because he has had meetings in his home with other independent journalists.

That is the reason, Mr. Speaker, why he is serving 20 years, why the tyranny has sentenced him for 20 years in prison. It is not a joke. It is not a cruel joke. Those are the reasons, and like reasons for why these people are being sentenced to 20 years or life imprisonment just 90 miles away from our coast.

Mr. Speaker, some still do business with that tyrant, with Castro; and some want to do business with Castro, with the Castro regime. Doing business with the Castro regime, Mr. Speaker, which is Castro's will, that is what he wants, he says it every single day, doing business with that tyrant, Mr. Speaker, and let us make it very clear, is doing business with a criminal. It is doing business with an international terrorist. It is doing business with a thug, with a tyrant. Mr. Speaker, it is doing business with a murderer; and yes, just listen to him, what he says, it is doing business with a mortal enemy of the United States of America and the American people.

Let us remember what Marta Beatriz Roque, who now has been sentenced to prison for these same types of issues, what she has been saying time and time again. One of the reasons that she is going to prison is because she has said that we must keep the sanctions on the tyranny; we must keep the pressure on until finally there are free elections in Cuba.

That is the goal, Mr. Speaker. That is what we need to do. That is what we need to succeed in achieving for the Cuban people, and that is why it is important. That is a step to free elections. That is a step to freedom in Cuba.

We overwhelmingly support this resolution and want to make sure that the world sees that everybody understands that we will not tolerate, we will not tolerate this type of behavior; and we are not going to do business with that kind of anti-American thug, criminal, assassin and terrorist just 90 miles away from our shores.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this resolution.

The world has condemned Cuba's recent crackdown on human rights and democracy activists. What is most troubling is that this is nothing new. The recent crackdown is merely a continuation of the systematic human rights violations in Cuba committed by the Castro regime.

Today I was most discouraged to learn of the prison sentences that have been handed down to dozens of these dissidents, who have been charged with "subversion" and collaborating with American diplomats, among other charges. Hector Palacios is but one I'll mention. Along with Oswaldo Paya Sardinas, Mr. Palacios has been a key organizer of the Varela Project, an effort to win Cuban popular support for a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Yesterday he was sentenced to 25 years in prison for advocating democratic reforms.

Today I join my colleagues in condemning Cuba's crackdown on democracy, in calling for the release of all Cuba's political prisoners, in supporting the right of the Cuban people to exercise their political and civil liberties, and in calling on the world to insist in the strongest terms that the Government of Cuba adhere to international human rights standards.

I enclose for the RECORD a letter to me from former Secretary of State Madeleine Albright, now Chairman of the National Democratic Institute for International Affairs. NDI has worked with organizers of the Varela Project to promote the movement internationally, and last year NDI honored Oswaldo Paya Sardinas for his courageous efforts to promote democracy. Enclosed also is a statement from him calling for the immediate release of the activists. Mr. Paya calls this moment the "Spring of Cuba" because for the first time, a peaceful movement is flourishing there. We must do all we can to help it take root.

Mr. FARR. Mr. Speaker, I rise today to offer my strong support for H. Res. 179. The recent crackdown by the Cuban government on political dissidents is without reason or measure. The Cuban government must recognize that if it wants to become a full member of the family of democratic nations, and re-establish ties with the United States, it must abide by the fundamental rules of a democracy. At the very top of that list is freedom of expression.

I believe that the United States can assist Cuba in its move towards greater freedom and openness. The American Congress and the Administration can lead by example, by lifting the travel ban, and lifting the trade embargo. How can we advocate for greater freedom when we prevent American companies and consumers from benefiting from trade with Cuba? How can we call for greater openness when we do not let American citizens exercise their constitutional right to travel freely, to Cuba if they so desire. America can also lead by example by avoiding needless antagonization of Cuba. Wherever they are, our diplomatic community must always act diplomatically.

Current U.S. policy towards Cuba has proved a failure. It makes no sense to continue down the path of isolation. The recent actions by the Cuban government, while reprehensible, do not change that central fact. U.S. policy should be based on U.S. national interests, not a system of rewards and punishments for good or bad behavior. In this instance, the Cuban government has behaved badly and they should be properly sanctioned for it, in America and in the world community.

This resolution is an appropriate measure. I do not think, however, that it should affect policy. This should not lead to greater restrictions. To the contrary, the response should be greater exchange between the U.S. and Cuba. Greater freedom and openness will lead to a more free and open Cuban society. As we call on Cuba now to change its policy, we must also ask ourselves what we can do to have a more free and open policy. Lifting the travel and trade ban on Cuba would be a good start.

Mr. MEEK of Florida. Mr. Speaker, I rise today in strong support of this resolution. I also thank my South Florida colleagues, LINCOLN DIAZ-BALART, ILEANA ROS-LEHTINEN and MARIO DIAZ-BALART for bringing this resolution to the floor. I stand with them today to condemn the brutal and inhumane attacks by Fidel Castro on innocent human rights activists, trade union leaders, journalists and ordinary citizens in Cuba.

Fidel Castro has taken advantage of the power he has in his country and over his citizens for years. Today, he is taking advantage of the world's focus on the war in Iraq to once again suppress Cuban dissidents who are trying to exercise basic rights of freedom of expression, seeking a peaceful evolution towards a democracy he so obviously deplores.

Mr. Speaker, here in the United States, protesters are using their First Amendment rights to speak their minds on the war in Iraq. Whether they support the Bush administration or not and whether we agree with them or not, people in this country rally to voice their concerns over the war, and other issues, without the fear of being brutally attacked and imprisoned for the rest of their lives.

In Cuba however, the freedom to express your mind is nonexistent. The imprisoned dissidents in Cuba are part of a growing movement who are continuously followed, harassed, phone-tapped and detained.

For merely stating their opinions, signing petitions and writing articles advocating the end of the dictatorship in Cuba, these activists are charged as criminals. They are threatened for gathering in each other's private homes to talk about the resurrection of a better life in Cuba for themselves and for future generations to come.

Mr. Speaker, these callous and repressive acts by Castro's regime are nothing new. They have been occurring long before my colleagues and I came to Congress. Many of the prisoners will probably face years of imprisonment, joining several hundred political prisoners who have been previously sentenced for similar harmless acts. For decades now, Castro has repeatedly used the repression of his citizens as a means of retaining authority and control over his country and over his people.

It is for these reasons I stand in strong support of this resolution and ask my fellow colleagues to join me to condemn the arrests of these individuals and insist the immediate release of all political prisoners in Cuba.

Mr. DELAY. Mr. Speaker, on March 17th of this year, Fidel Castro initiated his most draconian crack-down on political dissidents in recent years.

He has ordered the arrest of more than 80 pro-democracy activists. He has tried them in proceedings the State Department called a "kangaroo court." And he has sentenced them to decades in prison on illegitimate charges.

Castro was wrong to think he could tighten his choke-hold on the human rights of his people under the radar of the civilized world.

The United States may be engaged in armed conflict on the other side of the world, but no fog of war can conceal Castro's barbarism.

And no freedom-loving nation can reward such behavior with trade policies that, however well-intentioned, would enrich a terrorist regime 90 miles off our shores.

If Castro cared about the Cuban people, he would stop brutalizing members of the pro-democracy movement. He would release all his political prisoners, and restore individual liberties to his people.

He would recognize the human rights of all Cubans, especially those with the courage to speak the truth about his goon squad of a government.

This resolution calls on the Cuban dictator to do all of these things, and it puts the House of Representatives once again on the side of our oppressed neighbors and against their oppressor.

I urge all Members to support it.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 179.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CLEAN DIAMOND TRADE ACT

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways

and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is "controlled through the Kimberley Process Certification Scheme" if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term "exporting authority" means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term "importing authority" means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term "Kimberley Process Certificate" means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term "Kimberley Process Certification Scheme' means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled "Kimberley Process Certification Scheme" referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term "Participant" means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term "person" means an individual or entity.

(9) ROUGH DIAMOND.—The term "rough diamond" means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term "United States", when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The Secretary shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee should be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, to serve as co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberly Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I would like to begin by commending the gentleman from New York (Mr. HOUGHTON), the vice-chairman of the Subcommittee on Africa, for working long and hard on this legislation.

For several years now, the House has been focused on the problem of conflict diamonds around the world. Three years ago, the Subcommittee on Africa that I chair held a hearing on these conflict diamonds; and we have had several hearings on Sierra Leone where, again, these diamonds have fueled a conflict, frankly, a conflict that has brutalized many children in that country, a conflict that has led to the forced amputations of the arms and legs of little girls and little boys in Sierra Leone.

Concerted international action, including a U.N. curb on the diamond trade in Sierra Leone and neighboring Liberia, has helped give Sierra Leone a chance for peace. The legislation that we are considering today builds on that success.

We should note that the problem of natural resources fueling conflicts in Africa is not limited to diamonds. Over the last several years, an estimated 2.5 million people have died in the eastern Congo due to a conflict being fueled by an illegal natural resource rush. The U.N. has documented what it calls "elite networks," government officials from Rwanda, Uganda, Zimbabwe, and the Congo acting in collaboration with international criminals and war lords. What are they doing? They are gorging on diamonds, but also other minerals and on farm produce and land and tax revenue, and these characters thrive in an environment of conflict. They thrive on death, and we need to combat all of this exploitation.

Today, though, we are focused on a significant part of the problem, and that is diamonds; and this legislation is an important tool to fight this chaos that is going on in eastern Congo and elsewhere. Ending the trade in conflict diamonds is all the more important given reports of terrorists using rough diamonds to hide their funds and to transfer their funds.

Again, I would like to commend the gentleman from New York and the other Members; and to name a few, I would like to commend the gentleman from Virginia (Mr. WOLF); our former Member, the gentleman from Ohio (Mr. Hall); the gentleman from New York (Mr. RANGEL); and others who have worked on this legislation, which has been several years in the making. It promises to curb the trade in conflict diamonds while not harming the legitimate diamond trade that so many Africans depend on for their livelihood.

This is an important step forward and deserves strong support.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume, and I ask unanimous consent to yield the balance of the time, after I am done, to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and also that he be allowed to allocate that time as he desires.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I rise in support of this legislation. H.R. 1584, the Clean Diamond Trade Act, implements our obligations, the U.S. obligations under the Kimberley Process Certification Scheme, an international system designed to ensure that rough diamonds entering the U.S. are legally mined and traded.

Once in place, this system will be instrumental in ensuring that conflict diamonds, gems that have fueled decades-long wars and atrocities in Africa, are not imported into the United States.

This legislation represents the culmination of a 3-year effort led in substantial part by the gentleman from Virginia (Mr. WOLF) and former Member, the gentleman from Ohio (Mr. Hall), and the gentleman from New York (Mr. HOUGHTON), who is here today, and I salute his efforts, and the gentleman from New York (Mr. RANGEL).

Each of these Members has helped to keep the spotlight focused on the terrible toll trade in conflict diamonds has had on the people of sub-Saharan Africa. They have worked diligently and responsibly to address the concerns of the administration and of the gentleman from California (Mr. THOMAS). They have also worked to address concerns about the impact of rough diamond regulations on legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

Let me just say briefly a word about the circumstances under which this bill is being considered. There is an urgent time factor. As a result, this legislation was not considered in the Committee on Ways and Means or the Committee on International Relations; but this was not basically an effort to bypass the committee process which, in my view, is essential to the development of sound legislation. Rather, we agreed, on a bipartisan basis, because of time constraints, to proceed in this manner, in part in large measure because of the implications of continued nonaction by the U.S.

Specifically, as I understand it, the entire international certification system was not going to go into effect because we here had not implemented our obligations. So I am glad we were able to work across the aisle, across committees and with the NGO community, the diamond industry and the diamond mining country representatives to put this bill together.

I believe it is a beneficial work product, one which I urge my colleagues to pass; and also I think it is an example of how to proceed on a bipartisan basis. It makes sense here, and it makes sense on other important issues.

Specific provisions I am pleased to see included are inclusion of recordkeeping requirements for importers and exporters of rough diamonds, mandatory executive branch oversight of any entity that issues Kimberley process certificates and provisions to coordinate activities of the various agencies and departments that will implement this bill and U.S. Kimberley process obligations. With these additions, this bill sends an important signal to the international community that we here are engaged; that we here take this issue seriously; and that we here expect other nations to take the necessary steps to help eradicate this plight.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. ROYCE), the gentleman from New York (Mr. RANGEL). I want to thank particularly the gentleman from Virginia (Mr. WOLF) here who has been a leading light in this whole proposition and also Tony Hall, who is the ambassador to the Food and Agricultural Organization in Rome whose spirit just pervades this whole Chamber on this issue.

A lot of this has already been talked about. I will not go over it in detail, but let me just say a few things. This really is a follow-up to last year's bill. I will not give my colleagues the number, they know it, but this 1584 creates a system to monitor the blood diamonds coming from Africa. It is a very, very important bill for a variety of reasons, not the least of which the humanitarian aspect; and what it does, it attacks the problem of the trade in African diamonds by having the President implement the so-called Kimberley process. My colleagues know what that is. It is important. It is a vehicle for making this bill possible.

What the bill mechanically does is three things. First of all, it bans noncompliant rough diamonds. It severely punishes the violators of this ban, and it also helps other countries to set up similar systems.

Also, this bill will require various reports by the administration and a 24-month study by the GAO to report on the effectiveness of the system. It urges the President to continue negotiations to strengthen the system and protects the legitimate diamond trade and also remains consistent with our international trade obligations.

Like so many other things we do around here, all great ideas ultimately degenerate into work; and the people who did the great work, David Kavanaugh, Mike Walsh, Viji Rangaswami of the Subcommittee on Trade, Frank Record of the Committee on International Relations, Jay Bruns of the State Department, and many friends of the Campaign to Eliminate Conflict Diamonds, world vision, Amnesty International, Oxfam, and Catholic Relief Services. All have added their weight here to this very important piece of legislation.

I urge my associates and my colleagues to pass it.

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Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution. First, Mr. Speaker, I would like to commend my good friend and colleague, the gentleman from New York (Mr. HOUGHTON), who has done so much to promote human rights and human dignity and fairness and justice in Africa, and indeed throughout the globe. I also want to thank all of my colleagues on both sides of the aisle for making a contribution to this legislation.

Mr. Speaker, our legislation requires the United States to participate in the Kimberly Process certification scheme. This process is designed to prevent international trade in conflict diamonds while protecting legitimate trade.

One cannot speak of conflict diamonds, Mr. Speaker, without recalling in vivid detail the young children from Sierra Leone who came before this Congress as tiny witnesses to the horror of so-called resource wars in Africa. Little boys and little girls with arms and legs missing sat quietly before the Committee on International Relations as we listened to the gruesome details of the civil war in Sierra Leone.

The civil war was not a just war. This was a war of shameless greed and shameless corruption, an uncivilized war that knew no mercy, that knew no limit to cruelty. This war, and the wars in Angola and the so-called Democratic Republic of Congo, were fueled in large part by the illicit trade in so-called conflict diamonds. While some call these diamonds a curse on these countries, it is the evil men who would slaughter parents and maim children who are the ultimate curse on these countries and on humanity as a whole.

Mr. Speaker, the wars in Sierra Leone and Angola have ended, and in Sierra Leone many of the wrongdoers are being brought to justice. Sanctions against conflict diamonds played a significant part in helping to stop these wars. While the immediate crisis has passed, the effects will linger far into the future. I trust we will be willing to step up to the plate when we are called upon to help.

Mr. Speaker, H.R. 1584 will make sure that the United States and our jewelry industry are not complicit in any further exploitation of diamonds to fuel civil conflicts. Our legislation prohibits the importation to or exportation from the United States of any rough diamonds, from whatever source, that are not controlled through the Kimberly Process. I urge all of my colleagues to support H.R. 1584.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to say thanks to the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), and their staff, Angela Ellard and Dave Kavanaugh, with the help of Viji Rangaswami from the minority staff for their efforts on the bill. In addition, I want to thank the gentleman from New York (Mr. HOUGHTON) and his staff, Bob Van Wicklin for pulling this bill together and staying very faithful during this difficult time; also, Frank Record and Joan Condon from the Committee on International Relations for their important contributions.

The passage of this bill is really a tribute to a former Congressman, Tony Hall, who brought this issue to the body and asked me to go with him several years ago to Sierra Leone. So, Tony, this is really because of your work. And who says one person cannot make a difference?

Mr. Speaker, millions of people have died in Africa because of the bloodshed surrounding conflict diamonds. The bill we consider today may finally bring hope and justice to the millions of Africans who have suffered. In addition, major media organizations, the Washington Post and the BBC, have reported direct connections between blood diamonds and the al Qaeda terrorist network. Addressing the issue of conflict diamonds is not only essential for the millions dying and suffering in Africa but also for America's national security.

This version of the bill before the House is a good one, and I am confident the President has the tools to ban trade of rough diamonds that fund terrorists and other groups that commit despicable actions against innocent people. The al Qaeda, Hezbollah, and many other groups have been funded through this diamond trade.

This bill is an important improvement over other drafts we have seen this year. For example, the bill language has established the Kimberly Process Coordination Committee. The committee would coordinate the implementation of the act. Both the Secretaries of State and Treasury would be chairs of the committee. With the assistance of the Secretaries of Commerce, Homeland Security, and the U.S. Trade Rep, there would be greater impressure to be sure the process is implemented as the Congress intends.

Further, a former Ambassador to Sierra Leone, Ambassador Melrose, has told us that the ability to maintain statistical information is vital to make a determination as to whether or not the Kimberly Process is being successful or circumvented. This will take care of that.

The bill prevents illicit conflict diamonds from entering the United States. This is a tribute not only to former Congressman Hall, but also as a sign that we care deeply about the young men and women and children who had their arms cut off and all those activities that took place. And I just want to thank all the Members and the staff that have been involved in bringing this bill here.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. LEE), my good friend and neighbor, who has fought so hard for human rights in Africa and elsewhere.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his leadership in advocating human rights throughout the world and also for making sure that this is a bipartisan bill.

I rise today in support of the Clean Diamonds Trade Act. Finally, Congress, the international community, and the various grassroots organizations' efforts to sever the link between diamonds and war has come to the floor for a vote. So I want to thank the gentleman from New York (Mr. HOUGHTON), the gentleman from Illinois (Mr. HYDE), and again our ranking member, the gentleman from California (Mr. LANTOS), as well as the chair of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE) and our ranking member, the gentleman from New Jersey (Mr. PAYNE) for their continued commitment to this issue. I encourage all Members to support this bill.

Some have argued that regulating the global diamond industry should not be Congress' responsibility, but I argue that promoting peace over conflict, supporting our international communities' efforts to clean up the global diamond system, and introducing ways to support the people in Africa, who have not been able to benefit from their own resources, should be our goal. This legislation transforms diamonds into a commodity from which all communities can benefit, not just a chosen few.

H.R. 1584, the Clean Diamonds Trade Act, provides a long list of overdue regulation on conflict diamonds. The bill requires United States compliance with the Kimberly Process certification. It imposes costly, very costly, civil penalties and jail time, which is very important, jail time for those who willfully violate the act, and incorporates oversight from our Customs Service and other key agencies which oversee international trade.

I believe each component is essential to ending the sale of conflict diamonds. And, further, I hope that we will find a way to incorporate more Africans into the diamond industry itself to promote more entrepreneurship and sustainable development.

In closing, I would like to thank several organizations, including Amnesty International, World Vision, Physicians for Human Rights, Oxfam America, and World Relief for their continued support of conflict diamond reforms. Over 65 percent of these conflict diamonds, Mr. Speaker, were sold to people in our own country. So I want to thank our constituents for pushing for reform instead of accepting this unjust trade.

I urge all our colleagues to support this bipartisan bill and the passage of H.R. 1584, and I want to thank once again the gentleman from California (Mr. LANTOS) again and the gentleman from New York (Mr. HOUGHTON).

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time and for his great work on behalf of this legislation, and to the gentleman from New York (Mr. HOUGHTON) for his superb leadership in crafting this bill.

I rise in strong support, Mr. Speaker, of the Clean Diamond Trade Act, a long overdue measure that will restore the U.S. in a leadership position in the fight against the trade in conflict diamonds. For too long, the international community has looked the other way as rebel groups have trafficked in the sale of lethal military weapons using the profits from the sale of these diamonds to finance efforts to overthrow legitimate governments.

This bill will put in place the required laws and regulations designed to monitor and control the import and export of the trade in conflict diamonds so they can no longer be used to support instability and armed conflict throughout much of Africa and other parts of the world.

By all accounts, they are aptly named conflict diamonds. During the past decade, more than 6 million people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control for diamond mining areas.

I have met on several occasions, Mr. Speaker, with David Crane, the Sierra Leone Special War Crimes Prosecutor, who told me about ghastly war crimes committed in the name of diamond profits. Not only has the illegitimate trade of diamonds led to systematic and gross human rights violations and civil unrest, so too it has hurt the trade in legitimate diamonds, which makes a critical contribution to the economies of many developing countries.

Numerous resolutions, Mr. Speaker, of the United Nations Security Council under Chapter VII of the U.N. Charter, including resolutions 1173, 1295, 1306, and 1343, as well as a United Nations General Assembly resolution in 2000 have laid the groundwork for devising an international regime to stop the flow of these conflict diamonds.

The first meeting, as I think Members know, to discuss this took place in Kimberly, South Africa, in May of 2000 at the initiative of the African producing countries. Many technical and working group meetings took place subsequent to that throughout Africa and Europe, culminating in the November 2002 meeting in Interlaken, Switzerland, finalizing the so-called Kimberly Process.

This historic meeting committed all 48 participants, including the United States, to the rapid implementation of its diamond certification scheme for rough diamonds consistent with international trade rules. Fully consistent with the work of the diamond industry, including the World Diamond Council, numerous civil society representatives and key NGOs, the voluntary self-regulating initiatives from many producing importing countries have now been melded through the Kimberly Process into a global system of mutually recognized certificates for legitimate diamonds.

Our own Nation's extensive participation in this effort, under the auspices of the State Department's special negotiator for conflict diamonds, is reflected in the measure before us today. The bill implements our obligations to prohibit the import or export of rough diamonds not controlled by the Kimberly Process.

The bill specifies that the exporting authority under the bill will be the Bureau of the Census, and their role will be to issue the required regulations and guidelines to ensure that any proposed exports of rough diamonds be made through the automated export system. Any efforts to fully evaluate and enforce this system validating Kimberly Process Certificates would be undertaken by the United States Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

I would also point out to my colleagues that the legislation gives the State Department a lead role, together with the Treasury, in implementing the legislation. In this regard, the existing special negotiator for conflict diamonds in the Bureau for Economic and Business Affairs should continue to play a key role in this effort.

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Mr. Speaker, it is the expectation of the Committee on International Relations that it will be fully consulted by the Department to the extent it decides to take any action to modify this position in any way. It has been brought to my attention that a number of nongovernmental organizations who are taking an active role in monitoring the implementation of the Kimberly Process have expressed concerns that several countries, including the Republic of the Congo, the Democratic Republic of the Congo, Zimbabwe and the Central African Republic, have been admitted as participants in the certification scheme despite evidence of continued illegal trade in rough diamonds.

I would ask the Department to examine this evidence and take any and all appropriate actions necessary to mitigate and stop this illegal activity. I urge support for the bill.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank the ranking member of the Committee on International Relations, and all of the Members of the House that worked on this legislation, including the gentleman from New York (Mr. HOUGHTON) and our past Member, Tony Hall, for the interest and support that he has given. I would like to thank the nongovernment organizations for the work that they have done to make the Kimberly Process available to us, and the certificates, so we can move forward with better trade with those who produce raw diamonds.

Like other Members, I was motivated to get involved in this issue after seeing the horrific evidence of violence wrought by rebel groups financing their civil war activities and human rights abuses through the illegal diamond trade. Addressing this issue, it seemed to me, was part and parcel of our responsibility to assist the nations of sub-Saharan African countries by bringing peace to the continent.

In addition, I understood if we did not curtail trade in illegal diamonds, our failure to act would have a chilling effect on the legitimate diamond trade for countries such as Botswana where legitimately mined diamonds provide a significant source of her income. The stain of conflict diamonds threatens to have a tremendous adverse impact on her.

I would like to say a few words about the process by which this legislation is being considered. Normally, I have been a strong advocate that all legislation go through the committee process and be fully debated; but this particular bill did not go through the Committee on Ways and Means or the Committee on International Relations, but I do believe in view of the time pressure to pass this very important legislation that this should be an exception to the rule and there should not be any controversy. I am pleased to be working with the gentleman from California and on the other side of the aisle with the gentleman from Illinois (Mr. CRANE) to give this support in connection with the urgency that it deserves. I ask all of my colleagues to support this bill.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the ranking member, the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Chairman HYDE), and of course from the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL).

As a member of the Subcommittee on Africa, we spend a great amount of time on exploring and understanding conflicts in Africa and how devastating the symptoms of the civil war and low-intensity conflicts can be in terms of loss of life and loss of development opportunities.

However, we often do not spend sufficient time on the underlying causes of conflicts of the wars, including wars started and perpetuated over trying to control who gets to benefit from the free trade of Africa's vast natural resources like diamonds. Today's bill makes a positive step in the right direction to bring an end to those who would profit from conflict and war and violence at the expense of socio-economic development. It makes a step in the right direction to wage a war on the international trade nexus of money, diamonds and weapons which help fuel conflicts in Africa.

I want to thank Members on both sides of the aisle for supporting this initiative. It represents a compromise between doing more to help stop the trade of illegal conflict diamonds while also protecting the trade of diamonds from countries which produce and sell diamonds in ways which support economic development.

Mr. Speaker, H.R. 1584 is a measure we can all support. We must not lose sight of the fact that for centuries Africa's vast resources have been used in legal and illegal ways and provide little benefits to African societies.

If we want to change these realities, if we want the trade of Africa's diamonds, oil, and gold to support economic growth and development, we must devote as equal a level of attention and financial resources as we spend on trade liberalization and privatization efforts to assist African societies in building the necessary economic, regulatory, supervisory, and enforcement institutions and laws that every society must have to have a transparent, competitive and free market economy, an economy where both the rights and obligations of the private sector and consumers are protected, an economy which provides opportunities and freedom for all. This Congress can start today with H.R. 1584.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SYNDER).

Mr. SNYDER. Mr. Speaker, almost 20 years ago I lived and worked in Sierra Leone for 6 months. I was a doctor at a Catholic mission hospital. At that time, Sierra Leone was poor and unhealthy with a life expectancy of 42 years. It was inefficient with a low level of corruption, but it was not dangerous. And then along came these conflict diamonds, blood diamonds, which stimulated greed and provided purchasing power for the weapons and drugs that were used in this very, very brutal war.

As the international community responded to the war in Sierra Leone, a lot of Americans may ask themselves, What does that have to do with me? What is wrong with having a cheaper supply of diamonds? Sierra Leone is so far away.

Mr. Speaker, drying up the cash that supports terrorism is a very important part of the war on terrorism; but we can freeze all of the bank accounts we want and stop the cash transfers, but somebody can take a sock full of illegal diamonds, put it in their pocket, walk onto a plane, and they have an ability to move wealth all over the world, to bribe and buy weaponry and buy explosives. This bill is an important part of our national security, not just in Africa.

Rats have a way of finding a hole in the house, and one of the things that I like about this bill today is that it has the vigilance that legislation needs. It has reporting requirements so we can monitor the success and failures in this bill, and I hope that we will respond in a rapid manner should we see we have some gaps. I encourage a strong vote of support for the Clean Diamond Trade Act.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON), a former distinguished ambassador, and a distinguished member of the Committee on Ways and Means.

Ms. WATSON. Mr. Speaker, I rise in strong support of H.R. 1584, the Clean Diamond Trade Act. Over the past decade, many brutal civil wars throughout Africa have been financed with the sale of diamonds. These so-called conflict diamonds have been especially useful to the brutal Sierra Leone rebel organization, the Revolutionary United Front, which has been trading these diamonds to fund its war against the government of Sierra Leone.

This bill implements the Kimberly Process Certification Scheme, which prohibits importing rough diamonds into the United States unless they have been certified as not originating from areas where the diamond trade finances or generates violent conflict. In essence, this bill prohibits the importation of any rough diamond that has not been controlled through the Kimberly Process.

Mr. Speaker, I plan to introduce a bill in the next few days that also supports and endorses the Kimberly Process, but also encourages the global diamond industry, as represented by the World Diamond Council, to step up to the plate and establish a fund to support a variety of programs that will aid in the reconstruction and rehabilitation of African nations traumatized by civil wars financed through the diamond trade.

I believe the diamond industry, which has reaped the financial rewards of trade with nations engulfed in civil war, must also take responsibility in assisting these nations to heal the wounds of war and creating a just and lasting peace in those countries. While there have been a number of groups within the gemstone industry that have been responsive, others have not yet chosen to acknowledge the humanitarian emergency that the trade in conflict diamonds has produced.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I speak on the bill, I want to congratulate Members on both sides of the aisle, especially the gentleman from New York (Mr. HOUGHTON) for the gentleman's work on behalf of getting this bill introduced. I also thank the gentleman from Virginia (Mr. WOLF) and the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. RANGEL) on the other side of the aisle.

This is a very important bill that has nothing to do with partisan politics whatsoever. When it was introduced in 2001, it passed this body by a vote of 408 to six. I think the six Members that voted against it at the time are probably reconsidering it because there is no basis for anyone to find any objections to it.

I hope that the bill we have before us this evening, based on H.R. 2722 from the 107th Congress, which passed by that 408 to six vote, and since that time the administration has worked with the international community to finalize the structure of the Kimberly Process Certification Scheme which controls the trade in rough diamonds, that it is to all countries, and it prevents trade in conflict diamonds and the bill reflects the new structure. I thank the administration for its hard work and dedication to the effort on this important issue, too.

The funds derived from the sale of rough diamonds have been used by rebels and state actors to finance military activities and to overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed citizens.

During the past decade, more than 6.5 million people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. The United Nations Security Council has issued resolutions urging nations to take actions against conflict diamonds. In response, the United States has issued various Presidential executive orders to ban direct imports from nations subject to the United Nations resolution. The United States has also led international negotiations to reach an agreement that set standards for diamond extracting and trading nations to meet.

These international negotiations, the Kimberly Process it is called, came after the name of the city in which they were initiated. It creates a system of checks and balances for rough diamonds throughout the world. This system tracks through governmentally verifiable certificates that trade in diamonds between countries and individuals. Since its January 1 implementation date, over 40 countries are participating in this system. The United States requires this system to ensure that its leadership position in this critical matter continues. Finally, this bill is consistent with our WTO obligations.

Mr. Speaker, I strongly urge my colleagues to support this bipartisan bill and to pass this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1584—To implement effective measures to stop trade in conflict diamonds, and for other purposes. The Clean Diamonds Act prohibits the import of diamonds into the United States unless the exporting country is implementing a system of controls on the export or import of rough diamonds that meets specified requirements, consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000, or a future international agreement which implements such controls and to which the United States is a signatory. Additionally, this legislation sets forth both civil and criminal penalties for violations of the bill's requirements. It prohibits the Overseas Private Investment Corporation and the Export-Import Bank from engaging in certain transactions in connection with projects or exports to countries violating the requirements of this Act. If further expresses the sense of Congress that the President should take steps to negotiate an international agreement to eliminate the trade in diamonds used to support conflict in the country or regions in which such diamonds are mined.

Mr. Speaker, to many people, diamonds symbolize love, happiness, or wealth. But for others, they mean conflict, misery and poverty. In African countries such as Angola, Democratic Republic of Congo, and Sierra Leone, the profits from unregulated diamond trade allows rebel forces to obtain weapons and fund armed conflicts. Also, this practice spills over into neighboring countries that can be used as trading and transit grounds for illicit diamonds, and once the diamonds are brought to market, their origin is difficult to trace and once polished, they can no longer be identified. As a result of the complex nature of this process, tens of thousands of civilians have been killed, raped, mutilated or abducted.

In an amputee camp in the capital of Freetown, one will find a three-year-old girl whose right arm was chopped off with a machete. One might also not be shocked to find her or himself opposite a 14-year-old girl, pregnant by rape, who will never be able to hold her child because the rebels who raped her also hacked off both of her arms. Other amputees describe the horror of being forced to select at random a piece of paper out of a bag, and losing the body part written on the scrap—arm, leg, ear, or nose.

The enactment of this legislation will not only eliminate the degree to which human lives are negatively impacted by the brutal practices of these rebel forces, but also it would do much to increase consumer confidence with respect to the purchase of diamonds by allowing American jewelers and jewelry store to tell their consumers the diamonds in their store are clean diamonds. Currently, no jeweler knows where their diamonds come from, and they cannot assure their customers their diamond purchases are not unwittingly subsidizing a cruel and abusive rebel force in one of these nations. Nonetheless, once the "Clean Diamonds Act" is passed, jewelers will at last have a "clean stream" of diamonds to sell. They can be confident the United States government is evaluating every diamond supplying country and excluding those that fail to conform to internal standards.

In a statement by Ambassador Juan Larrain, Chairman of the Monitoring Mechanism on sanctions against UNITA, he stated "It has been said that war is the price of peace. . . [These nations] have already paid too much. Let them live a better life."

Mr. Speaker, I urge my colleagues to join in this momentous effort to end the devastation that is occurring as a result of these conflicts. Now is the time to act on behalf of the many lives being sacrificed and those that are calling for our help and our immediate attention to their pain and suffering. for this reason, we must remain vigilant and not allow ourselves to ignore the blood of the blameless.

However, it is imperative that we not penalize African countries like Ghana, that have been diligent in certifying their diamonds and standing up against the rebel, terrorist, and violent use of such diamonds. This is an important economic resource of such countries and the legislature must acknowledge that.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1584, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 1584, the bill just passed.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House of April 7, 2003, I call up the Senate bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, 2003, the bill is considered read for amendment.

The text of S. 380 is as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Civil Service Retirement System Funding Reform Act of 2003".

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking "'normal cost'" and inserting "'normal-cost percentage'"; and

(B) by inserting "and standards (using dynamic assumptions)" after "practice";

(2) by amending paragraph (18) to read as follows:

"(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

"(A) the Federal Employees' Retirement System; or

"(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;"; and

(3) by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by adding at the end the following:

"(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

"(A) investment yields;

"(B) increases in rates of basic pay; and

"(C) rates of price inflation.".

(b) DEDUCTIONS AND CONTRIBUTIONS.—

(1) IN GENERAL.—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)";

(B) by designating the matter following the first sentence as subparagraph (B)(i) and aligning the text accordingly;

(C) in subparagraph (B)(i) (as so designated by subparagraph (B)), by striking "An equal" and inserting "Except as provided in clause (ii), an equal"; and

(D) by adding at the end the following:

"(ii) In the case of an employee of the United States Postal Service, the amount to be contributed under this subparagraph shall (instead of the amount described in clause (i)) be equal to the product derived by multiplying the employee's basic pay by the percentage equal to—

"(I) the normal-cost percentage for the applicable employee category listed in subparagraph (A), minus

"(II) the percentage deduction rate that applies with respect to such employee under subparagraph (A).".

(2) CONFORMING AMENDMENTS.—Section 8334(k) of title 5, United States Code, is amended—

(A) in paragraph (1)(A), by striking "the first sentence of subsection (a)(1) of this section" and inserting "subsection (a)(1)(A)";

(B) in paragraph (1)(B)—

(i) by striking "the second sentence of subsection (a)(1) of this section" and inserting "subparagraph (B) of subsection (a)(1)"; and

(ii) by striking "such sentence" and inserting "such subparagraph"; and

(C) in paragraph (2)(C)(iii), by striking "the first sentence of subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(c) POSTAL SUPPLEMENTAL LIABILITY.—Subsection (h) of section 8348 of title 5, United States Code, is amended to read as follows:

"(h)(1)(A) For purposes of this subsection, 'Postal supplemental liability' means the estimated excess, as determined by the Office, of—

"(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service, over

"(ii) the sum of—

"(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter pursuant to section 8334;

"(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

"(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, including earnings on those payments; and

"(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

"(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

"(2)(A) Not later than June 30, 2004, the Office shall determine the Postal supplemental liability as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

"(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

"(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

"(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent dynamic actuarial valuation of the Civil Service Retirement System.

"(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

"(F) An amortization schedule established under subparagraph (B) or (C) shall supersede any amortization schedule previously established under this paragraph.

"(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

"(4) Notwithstanding any other provision of this subsection, any determination or redetermination made by the Office under this subsection shall, upon request of the Postal Service, be subject to reconsideration and review (including adjustment by the Board of Actuaries of the Civil Service Retirement System) to the same extent and in the same manner as provided under section 8423(c).".

(d) Repeals.—

(1) In general.—The following provisions of law are repealed:

(A) Subsection (m) of section 8348 of title 5, United States Code.

(B) Subsection (c) of section 7101 of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note).

(2) Rule of construction.—Nothing in this subsection shall be considered to affect any payments made before the date of the enactment of this Act under either of the provisions of law repealed by paragraph (1).

(e) Military Service Proposals.—

(1) Proposals.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO review and report.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) In General.—Savings accruing to the United States Postal Service as a result of the enactment of this Act—

(1) shall, to the extent that such savings are attributable to fiscal year 2003 or 2004, be used to reduce the postal debt (in consultation with the Secretary of the Treasury), and the Postal Service shall not incur additional debt to offset the use of the savings to reduce the postal debt in fiscal years 2003 and 2004;

(2) shall, to the extent that such savings are attributable to fiscal year 2005, be used to continue holding postage rates unchanged and to reduce the postal debt, to such extent and in such manner as the Postal Service shall specify (in consultation with the Secretary of the Treasury); and

(3) to the extent that such savings are attributable to any fiscal year after fiscal year 2005, shall be considered to be operating expenses of the Postal Service and, until otherwise provided for by law, shall be held in escrow and may not be obligated or expended.

(b) Amounts Saved.—

(1) In general.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management for each such fiscal year in accordance with paragraph (2).

(2) Methodology.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) Requirements.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(c) Reporting Requirement.—The Postal Service shall include in each report rendered under section 2402 of title 39, United States Code, the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) Sense of Congress.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used in the computation of any bonuses for Postal Service executives.

(e) Postal Service Proposal.—

(1) In general.—The United States Postal Service shall, by September 30, 2003, prepare and submit to the President, the Congress, and the General Accounting Office its proposal detailing how any savings accruing to the Postal Service as a result of the enactment of this Act, which are attributable to any fiscal year after fiscal year 2005, should be expended.

(2) Matters to consider.—In preparing its proposal under this subsection, the Postal Service shall consider—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) delaying or moderating increases in postal rates; and

(v) any other matter; and

(B) the work of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO review and report.—Not later than 60 days after the Postal Service submits its proposal pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(4) Legislative action.—Not later than 180 days after it has received both the proposal of the Postal Service and the evaluation of such proposal by the General Accounting Office under this subsection, Congress shall revisit the question of how the savings accruing to the Postal Service as a result of the enactment of this Act should be used.

(f) Determination and Disposition of Surplus.—

(1) In general.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a "surplus")—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) Determination date.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(g) Definitions.—For purposes of this section—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act shall, for any fiscal year, be equal to the amount (if any) by which—

(A) the contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund for such fiscal year if this Act had not been enacted, exceed

(B) the contributions made by the Postal Service to such Fund for such fiscal year; and

(2) the term "postal debt" means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, except that the amendments made by section 2(b) shall apply with respect to pay periods beginning on or after such date.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in the Congressional Record, if offered by the gentleman from California (Mr. Waxman), or his designee, which shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or to a demand for a division of the question.

The gentleman from Virginia (Mr. Tom Davis) and the gentleman from California (Mr. Waxman) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Virginia (Mr. Tom Davis).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003, is a bipartisan bill in the Senate. Its House counterpart is sponsored by the gentleman from New York (Mr. MCHUGH), the gentleman from California (Mr. WAXMAN), the gentleman from Illinois (Mr. DAVIS), myself and others. It reforms the way the Postal Service funds its obligations to the Civil Service Retirement System. It prevents the Postal Service from overfunding its obligations to CSRS and postpones a rate increase for the American people and postal ratepayers.

Last year the Office of Personnel Management, at the request of GAO, reviewed the status of the Postal Service's funding of its CSRS benefits. OPM found that based on payments currently required by law, the Postal Service would overfund its CSRS benefits by more than $70 billion. OPM proposed a legislative solution modeling the Postal Service's payments to CSRS after its payments to the current Federal Employee Retirement System. This would result in a reduction in the Postal Service's annual obligation to CSRS, allowing the Postal Service to delay its next rate increase beyond 2004 to at least fiscal year 2006.

The bill we are considering today, S. 380, differs from OPM's proposal in that it places tight restrictions on how the Postal Service uses the savings. The bill requires the Postal Service to work with the Department of the Treasury to apply the funds saved to pay down its debt to Treasury in fiscal years 2003 and 2004 and directs the Postal Service to use the savings in 2005 to delay an anticipated rate increase. Subsequently, the Postal Service and OPM are to calculate the difference between the cost to fund CSRS under the bill and under the current law.

The Postal Service will develop a proposal for the use of the funds. Without congressional action on the Postal Service proposal, the funds would be placed in escrow.

This legislation will also require the Postal Service to fund the portion of retirement benefits attributable to the prior military service of postal employees which, again, models the Postal Service's payments to CSRS after the current Federal Employee Retirement System, or FERS.

I think this is an issue that demands further study because no other agency in the Federal Government that I am aware of funds its CSRS military obligations within the department. It may ultimately be unfair to make postal customers and ratepayers fund military retirement benefits.

Working with the gentleman from California (Mr. WAXMAN), my ranking member, I prepared an amendment to the House version of the bill, H.R. 735, requiring the Department of the Treasury, the Office of Personnel Management, and the Postal Service to develop proposals on this issue. So this is an issue that will be revisited.

The Committee on Government Reform and the Senate Committee on Government Affairs will look at those proposals and revisit the issue. This amendment was incorporated in S. 380, so we do not need to offer it today. I also understand the gentleman from California (Mr. WAXMAN) will be offering and withdrawing an amendment on this subject in a few moments in order to further highlight its importance, and I thank and congratulate him for his leadership in highlighting this issue and pledge to him that we will continue to work on this; and this is, in my judgment, not the end of the matter.

Many people do not know this, but the Postal industry, including ancillary businesses, represents approximately 9 percent of the gross domestic product, the GDP. The industry has been hit hard in the last several years, first by the economic slowdown and then by events of September 11, 2001 and subsequent anthrax attacks. During this same period, postal rates increased three times within 18 months. The Postal industry needs relief.

The Postal Service will be able to hold off on a rate increase if this legislation passes. This gives money back to the Postal customer and allows us all to hold on to our 37-cent stamps for 2 more years. It also stabilizes the Postal Service financially, securing the jobs of nearly 9 million people in the postal industry.

Postal consumers have implored us to address this problem before it is too late. The United States Postal Service, all four postal unions, the postal management associations, and a very broad coalition of postal customers support this bill. I hope that we can pass it expeditiously and put off the next rate increase until at least 2006.

Mr. Speaker I urge adoption of S. 380.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time that I may consume.

I rise in support of the legislation before us. As the ranking member of the Committee on Government Reform, I support this bill, S. 380, and before I begin my remarks on the bill, I would like to commend my colleagues, the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH) for the time and effort they have spent in refining this proposal. The bill in S. 380, is identical to the version of the bill we reported out of committee with the exception of a provision requiring a new study on military pensions that I worked out with the gentleman from Virginia (Chairman TOM DAVIS). This is a very positive bipartisan start for our committee.

I would also like to commend our Senate colleagues, Senators SUSAN COLLINS and JOSEPH LIEBERMAN, for their work on this issue.

The bill we are considering today corrects the calculation of the Postal Service's contributions to its pension fund and provides immediate and needed financial relief to the Postal Service. The legislation would credit the Postal Service for the real value of Civil Service Retirement System contributions it made in the past and change how contributions will be computed in the future. Under S. 380, the Postal Service will save $9 billion over the next 3 years and $36 billion over the next 10 years. S. 380 divides the money saved by the Postal Service into two parts. For the savings received in fiscal years 2003, 2004, and 2005, the bill provides that the Postal Service will use the money to pay down the debt and hold postage rates stable. This will allow the Postmaster General to keep his commitment to hold off on any rate increases through the year 2006.

For fiscal years beyond 2005, the bill requires the Postal Service to submit to Congress a plan for using the savings. This plan must then be reviewed by the General Accounting Office and approved or modified by Congress. The planning provisions contained in the bill provide an opportunity for Congress to review how the Postal Service will use the savings to address a number of long-term challenges facing the service such as its debt load, underfunded capital projects, and unfunded liabilities for post-retirement health care.

This legislation is being acted upon quickly because without it, the Postal Service faces an increasing financial crisis. In fact, the Postmaster General and the Postal Board of Governors have indicated that in the absence of such a change, the Postal Service will be forced to apply for a rate increase later this year.

S. 380 has broad support among the postal community and it deserves our passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCHUGH) who has been the former chairman of the Subcommittee on the Postal Service and one of the real experts on this issue to address this issue and put his stamp of approval.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding me this time.

The puns notwithstanding, I deeply appreciate his very kind comments, and, Mr. Speaker, I certainly welcome this chance in the next 5 minutes to add my words of great appreciation and approval to I think a very important piece of legislation and certainly one that I hope bodes well for the future, because we have before us here today a bipartisan agreement, as the ranking member so correctly stated, one that sets and bodes very well a brighter future for this full committee, and, I am hopeful, as someone who has had the honor and opportunity to delve into postal issues over the past several years, a fine start to continued bipartisan cooperation in terms of our continuing efforts to modernize the Postal Service in even broader measures. And I, too, deeply appreciate the great leadership, the very hard work of the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the standing committee; the gentleman from California (Mr. WAXMAN), the ranking member; and my long partner in these postal issues, the gentleman from Illinois (Mr. DAVIS) for their very concerted effort to bring this very necessary and, as the ranking member and the chairman both said, very timely piece of legislation to the floor at this moment.

Both the chairman and the ranking member, I think, have struck on the major points of importance here, very eloquently and very appropriately. But let me just highlight for a moment the very critical nature of what we are doing. Certainly to the Postal Service's future viability, its ability, as the gentleman from California (Mr. WAXMAN) said, to dedicate these savings that will accrue from what I hope the House is about to do here today toward all of those issues to ensure even better mail delivery service, to ensure their continued viability, to say to those some 800,000 dedicated Postal employees that we understand the great challenges that they face, that where the opportunities present themselves we are not just willing, but here through this bill apparently able to assist in that very worthy effort.

But this is an important piece of economic development legislation as well, Mr. Speaker. Just as way of illustration, the Postal Service, the entire postal delivery sector today represents some $635 billion annually in direct economic activity in the production of mail and delivery services. Mail advertising alone generates some $725 billion in economic activity each and every year. And the parcels handled by the Postal industry, including all postal and parcel carriers, have a value exceeding $850 billion.

A lot of us spend a lot of time, understandably and rightfully so, delving into the issue of what we can do to stimulate this economy, and this bill today in supporting those significant segments of our economic activity and our economic sector certainly would go a long way towards boosting the economic activities of this Nation as a whole into the future, and they certainly speak of the absolutely essential nature of this bill, S. 380. And my compliments to Ms. COLLINS and to Mr. LIEBERMAN, our colleagues in the Senate, for their leadership and their great work.

The gentleman from California (Mr. WAXMAN) said it, and he is absolutely right. Time is of the essence. Without this initiative it is likely, in fact absolutely certain, the Postal Service would be forced to impose a potential rate increase in postage rates within a matter of weeks, and through this action we can forestall that, as has been said here repeatedly on the floor, until at least the fiscal year 2006 to help the Postal Service expand its declining mail volumes, to help it become even more viable into the future.

And as the gentleman from California (Mr. WAXMAN) and others have said, rarely do we have a chance on this floor to support a piece of legislation so uniformly supported by all the affected parties. The Postal Service, the administration, the postal unions, the very vital mail industry throughout this Nation all see this as the proper thing to do.

□ 1630

I want to just say for the record, I understand and in large measure support what both the ranking member and the chairman have said with respect to the treatment of military pay. I think we do have to take a look at that.

I commend the gentleman from California (Mr. WAXMAN) for not clouding the issue at this particular moment, but there are others who have differing opinions, and I think we need to have a full discussion on that. So I urge the full support of the House on this bill.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS), the ranking Democrat on the Postal Task Force of the Committee on Government Reform.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, as the ranking minority member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I rise in support of S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003. As an original cosponsor of the House version, H.R. 735, I am pleased to join my colleagues in the consideration of S. 380, legislation which will correct the way payments are made to the Civil Service Retirement System.

At this time, Mr. Speaker, I want to thank especially the chairman of this committee, the gentleman from Virginia (Mr. TOM DAVIS), and the ranking member, the gentleman from California (Mr. WAXMAN), for their ability to come together in a unified, bipartisan way, to reach agreement and bring to the floor this legislation in a very timely manner.

I also want to thank the gentleman from New York (Mr. McHUGH), who has provided leadership on postal issues for a number of years, and all of their staffs, as well as my staff, for the enormous time and effort spent in crafting H.R. 735.

I am particularly proud of the fact that we have worked together in a productive, constructive, and bipartisan manner. We have begun the 108th Congress on a very positive note, and we look forward to the continuation of that in our committee.

I would also like to thank the Senate for striking their language and substituting the language from our bill, H.R. 735, and including the military study language of the gentleman from Virginia (Mr. TOM DAVIS).

Since the introduction of the House postal pension bill and throughout the committee's markup process, I received hundreds of letters from members of the business mailing community expressing support of the legislation and urging quick action. I was pleased to have been contacted by so many businesses in the Chicago area and within the State of Illinois.

In the face of a depressing economy and a swift and steady decline in mail volume, businesses and consumers are in no mood for postage rate increases. To that end, I am pleased that the bill before us not only corrects the calculation of the postal service's contributions to the CSRS fund, it will also allow the postal service to hold off on rate increases for at least 2 years, while allowing the postal service to reduce its $11.9 billion debt.

Mr. Speaker, I appreciate the opportunity to express my support for this important legislation. Although this is a good bill, it is not a perfect bill. At the appropriate time, I certainly expect to express support for the military amendment of the gentleman from California (Mr. WAXMAN), an amendment which would retain current law with respect to Treasury paying the costs related to the military service of employees in the Civil Service Retirement System.

Practically all of the postal service's stakeholders are in support of this legislation: printers, mailers, the unions, and the consuming public. It is a good bill. I urge its passage.

Again, I commend the chairman and ranking member for their leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the former chairman of the full committee and a leader in postal reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time.

I agree with what my colleague with the great voice, the gentleman from Illinois (Mr. DAVIS), just said; and I rise in support of the Postal Civil Service Retirement System Funding Reform Act of 2003. I commend the gentleman from Virginia (Chairman TOM DAVIS) on our side of the aisle for guiding this bill through this legislative body at this time.

It is very important that we have a strong and viable postal service, and that is why during the last Congress I was disappointed when we did not pass the Postal Accountability and Enhancement Act. The gentleman from New York (Mr. MCHUGH) and others worked very hard on that legislation, and it would have helped a great deal.

As the gentleman from Virginia (Mr. TOM DAVIS) just said a few minutes ago, there are a lot of problems with the postal service that need to be addressed, but this is a very important one; and that is why I am happy to see this bill before us today.

Why is immediate action needed? Because, if we do not do anything, that simply is not an option. If Congress does not correct the retirement benefit formula in current law, postal rates will probably increase in the not-too-distant future, and everybody who deals with the postal service and has businesses understands how important that is. Such an increase in postal rates in the current economic environment threatens the postal service, its employees and the entire country, as well as the mailing industry.

Congress has a duty to ensure that the U.S. Postal Service is on a sound fiscal footing and to protect the American postal customers from unstable rates. Changing the way the U.S. Postal Service retirement payments are made is going to go a long way toward accomplishing that goal. Without this change, businesses throughout the country will continue to be unfairly taxed by having postal rate increases.

This bill is very, very needed and will ensure stable postal rates into the foreseeable future, and I think will help facilitate an economic recovery in many sectors of the economy.

Once again I want to thank the gentleman from Virginia (Chairman TOM DAVIS) for his hard work on this. He is doing a great job as a new chairman, and I appreciate that.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), a very important member of our committee.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to recognize the gentleman from Virginia (Mr. TOM DAVIS) and certainly the gentleman from California (Mr. WAXMAN), the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) for their fine work on this bill.

The gentleman from New York (Mr. MCHUGH) has worked tirelessly on postal issues for several years. S. 380 contains the same language as H.R. 735. As such, I am pleased to support S. 380, a bill that goes a long way to ensure the viability of the postal service.

This bill provides financial relief to the postal service by reducing the amount that the postal service has to pay into the Civil Service Retirement System. The postal service will save $9.1 billion over the next 3 years and $35.6 billion over the next 10 years.

I am also pleased that S. 380 contains language that calls on the postal service and other Federal agencies to study the military pensions and report back to the Congress. Currently, the postal service is paying billions of dollars more into CSRS each year than is needed to fully fund its pension obligations. The Office of Personnel and Management determined that by changing the funding formula the postal service could reduce the amount of money needed to pay into the fund. The funding formula would be more like the one used in the Federal Employees Retirement System.

This bill requires the postal service to work with the Treasury Department, applying the saved funding to pay down its debt in the first 2 years. In fiscal year 2005, the bill allows for the money saved to be used to keep postal rates stable through 2006.

Mr. Speaker, this bill enjoys broad support from the postal service, postal labor unions, mailing industry representatives, and postal consumers. Passage of this legislation will ensure that the postal service pays down its debts and will forestall the need for another postage rate increase until 2006. This legislation strengthens the postal service, lowers the postal service's debts, and protects postal consumers. I urge all of my friends in the Congress to vote in favor of S. 380.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), a member on the Committee on Government Reform.

Mr. PUTNAM. Mr. Speaker, I rise today in strong support of S. 380, which contains the same language as H.R. 735. This legislation, as has been said earlier, is critically important to our Nation's economy, especially in these uncertain times.

S. 380 is good for the American consumers because it means that we will be able to hold the line on postal rate increases for at least 2 more years. It also relieves pressure on those who rely heavily on the postal service to deliver their products, allowing them to reinvest that savings into their local communities and provide more jobs. Most importantly, by freezing rates for 2 years, the postal service and its customers are afforded great stability in their mailing and long-term planning budgets.

As has been said earlier, this involved the support of all of the postal service customers, the unions, the administration; and it involved a great deal of compromise for those folks to come on board, setting the tone for long-term structural reform of the postal service.

The bill buys everyone valuable time to develop a comprehensive long-term solution to the post office's solvency, while avoiding the temptation to micromanage post offices.

Mr. Speaker, I would like to thank my good friend, the gentleman from New York (Mr. MCHUGH), a congressional leader on postal issues, and my chairman, the gentleman from Virginia (Mr. TOM DAVIS), for his hard work bringing the bill so swiftly to the floor. The gentleman from Virginia (Chairman TOM DAVIS) has demonstrated his leadership in legislative capabilities as chairman of the Committee on Government Reform in a very short period of time, and I appreciate his work on this issue.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for his leadership on this issue and so many others, and, of course, thank the gentleman from Virginia (Mr. TOM DAVIS) and subcommittee minority member, the gentleman from Illinois (Mr. DAVIS), for their work on this important bill.

I rise in strong support of S. 380, the Postal Civil Service Retirement System Funding Program. As a member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight and a cosponsor of H.R. 735, the House companion, I am very pleased that the House is taking up this very important legislation today that is important to the postal service and important to the American consumer.

With the postal service facing $11 billion in debt over the next few years and the General Accounting Office listing the postal service on their high-risk list, S. 380 and its stabilizing effects on the postal service is very good news for our country.

S. 380 corrects the formula used to determine the amount of annual lump-sum payments the postal service makes to the Civil Service Retirement System. If current law remains unchanged, the postal service-required share of this Federal Government retirement fund will result in a very significant long-term overpayment of more than $70 billion.

S. 380 will credit the postal service for its past payments, which is only fair, to seed SRS, and change how contributions will be made in the future. The bottom line is that the postal service will get some very needed fiscal relief, a cash inflow of money, and the American people get a promise of stable postal rates until 2006. The American public and all postal customers will enjoy a 3-year rate freeze on the cost of postage because of this fix.

I would like to thank my colleague, the gentleman from New York (Mr. McHUGH), along with others, the gentleman from Illinois (Mr. DAVIS) and, of course, the chairman and ranking member, as well as the postal service and the very diverse coalition of postal, labor unions, management groups, business and industry and other postal consumers, all of whom support this legislation.

The mailing industry is tremendously important to the economy of our Nation. The United States Postal Service is the second largest civilian employer in the Nation, employing over 770,000 talented and dedicated workers, workers who lately have had to do their job under tremendous pressure with the threat of anthrax attacks and terrorist attacks.

□ 1645

The mail industry is 8 percent of our GNP, a $900 billion industry that includes not only the Postal Service, but also 9 million Americans in the private sector who work in this industry. I represent many businesses that rely greatly on the Postal Service, and this bill will not only benefit the Postal Service directly, but because this will stabilize the rates, and this is very important, because it will help struggling and ailing businesses like the magazine industry, which happens to be headquartered in the district that I represent. And they have seen many longtime popular magazines fail, like Mademoiselle, Mode, and Brill's Content shut down operations because of the tough economy and also because of the escalating postal rates. All USPS customers need the best service possible from the Postal Service, and certainly a healthy Postal Service is vital to a healthy economy.

Mr. Speaker, I am very pleased that the House is taking action today to help strengthen the Postal Service.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am happy to yield 4 minutes to the gentlewoman from Macomb County, Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentleman for yielding me this time.

The Postal Civil Service Retirement System Funding Reform Act of 2003 is a very, very long name, but appropriately so, because it addresses reform that is certainly very long overdue. The Postal Service, in fact, has not seen any real reform since 1971 when the Congress passed the Postal Reorganization Act. Since then, of course, the Postal Service has dramatically expanded.

Consider some rather startling numbers. Today, the mailing industry accounts for 9 million jobs, $900 billion in commerce, and 9 percent of the United States gross domestic product. S. 380, as approved by the Senate, is really nearly identical to H.R. 735 which was passed by the Committee on Government Reform under the extraordinary leadership of our great chairman, the gentleman from Virginia (Mr. DAVIS).

The purpose of this legislation is to change the manner in which the Postal Service pays into the Civil Service Retirement System.

This legislation is so very necessary because under current law, the Postal Service will overpay its obligations to the Civil Service Retirement System by more than $70 billion. In effect, the Postal Service would be forced to subsidize the retirement obligations of other Federal agencies.

The net result is that the Postal Service has to continually implement rate increases which would otherwise be unnecessary.

S. 380 does not affect the payment of retiree benefits. It has no negative impact on retirees. It simply addresses how those benefits are funded.

The anticipated savings from this bill would be utilized in two ways: first of all, to pay down the total debt that the Postal Service currently has with the Department of the Treasury; and secondly, to delay any rate increases on consumer and commercial mailings until fiscal year 2006.

Certainly, for most of us if one has a postal rate increase, it might just be a nuisance, just 1 cent or 2 cents. That kind of an increase might not mean too much if you send only a few letters per month. However, if you are a business who is sending literally millions of pieces of mail, this is a tremendous increase in your costs, and we can just think about the impact that a postal rate increase has on the mail order catalog businesses or on magazine businesses or so many businesses that rely on the United States Postal Service to conduct their business.

If the 108th Congress does not act on this legislation, it will necessitate a postal rate increase, and we will, in effect, be levying an unfair tax increase on the American consumer.

Passage of this bill would be very much the first stage of substantial postal reform that will bring the service into the 21st century. I think it is important that this Congress demonstrate to the citizens of our Nation that it will be committed to improving the cost-effectiveness and the efficiency certainly of government, and this legislation is an excellent first step in that direction.

No other governmental entity serves its customers more directly than the Postal Service. Almost every citizen of our Nation is impacted at varying degrees by the Postal Service. Customer service should not be a novel concept within the Federal Government. It should be an operative phrase for us.

S. 380 will allow post offices to better serve their customers and, by voting in favor of this legislation, Congress will be voting to fix a wrong that has hampered the Postal Service for years. I certainly urge my colleagues to vote in favor of S. 380.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. JANKLOW), former Governor.

Mr. JANKLOW. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from California (Mr. WAXMAN) and clearly the gentleman from New York (Mr. McHUGH) for taking the leadership to move forward on this.

Mr. Speaker, it is an unusual day in America when people can look to the Congress and understand that we may really solve a problem. If we can agree on something being a problem, it should not be hard to fix it. The debate ought to be around what does it take to bring about a solution, but we have to agree there is a problem.

There is no question but that when one charges more for a monopoly like the Postal Service, when one charges more money for something than one is supposed to, then that is an unfair tax on the people, just as if the Congress had passed the tax. Two, it has a stifling effect on the economy and all of those businesses, but just as importantly, all of those individual human beings that use the Postal Service for everything from mailing their monthly bills to mailing out anniversary and Christmas cards. Three, they have not been able to figure out in the past how to take care of funding the Civil Service Retirement System adequately.

It is a red letter day when the Republicans and Democrats can come together on a bill that they agree solves a problem.

Mr. Speaker, that is what we have here today. We have had anthrax in the Postal Service, we have had the situation of rate increases in the Postal Service, we have had the situation in the Postal Service where we are dealing with a down economy, but this is a real shot in the arm for this organization. One, we are going to be able to use the excess monies to go into funding the operational aspects for fiscal years 03, 04 and 05. The second thing we are going to be able to do is to fix the Civil Service Retirement System. And the third thing we are going to be able to do is to move the Postal Service more towards a sound financial setting.

I have heard from the mail carriers, I have heard from the postmasters, I have heard from the newspaper organizations and the magazine organizations. The one group that I have not heard from are the consumers of America, the individual people, because they have not been aware that this problem has been going forward.

So, Mr. Speaker, it is really an exciting day, truly an exciting day when people can come together in this Congress, in this House, and solve problems.

Now, having said that, I think we all have to recognize that this gives the Postal Service a couple additional years of opportunity to look at their organization, to look at the things they have to do, to make this a more efficient, more effective service. It is the largest single business in this country. There is no business bigger. We always talk about the Fortune 500 or the top 100 or whatever. There is no business in this Nation that is as large as the U.S. Postal Service in terms of its economic impact, its economic might, and its economic power. It can also be an economic drag, because this Nation cannot run without that service.

So to the extent that we are able to find billions of dollars and move them into the operational side, move them into the side to reduce the capital expenditure demands for increased funding, there is no question but what that does is give us the ability to be able to more effectively deal with the economy of this country.

This is a couple billion dollars a year, but the cumulative effect would have been $70 billion, 7 followed by 0, 0, 0, 0, 0, 0, 0, 0, 0. As Senator Dirksen once said, If you take a billion here and a billion there, pretty soon it adds up to real money.

So what we are doing today is taking the first giant step towards solving a real money problem for the American people. What we are doing today is starting the long-range fix of the problem in the Postal Service to the benefit of the employees, to the benefit of the consumers, to the benefit of the users, and to the benefit of the economy of America.

I say to the gentleman from Virginia (Mr. DAVIS), I sincerely applaud you as the chairman of the committee that has drafted this in the first couple of months in the Congress. The gentleman from California (Mr. WAXMAN) has done the same thing. They have come together in a committee that had historically a lot of contention. They have come together to move forward on something that is for the good of all of the people of this great country, and so I thank the gentleman from New York (Mr. MCHUGH) for having planted the seed and kept the tree nurtured until the others could seize upon it.

This is a red letter day for the people of America, and I urge my colleagues to support it unanimously.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments. I thank everybody involved with this legislation for their efforts. I think this is a bill that we can all look at with pride.

Mr. Speaker, we have no further requests for time on our side, so I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no other requests at this time. I would urge adoption of this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003. This legislation provides financial relief to the Postal Service in a time of great need. By enacting this legislation, we will help the Postal Service carry out its stated mission of providing universal service—the idea that mail service in our rural areas should be as speedy, efficient, and inexpensive as mail service in our largest cities. In my district in New Mexico where there are numerous rural communities, this mission is especially important. Additionally, by providing relief for the Postal Service, we can keep postal rates stable until 2006.

Mr. Speaker, I am pleased with the steps this Congress has taken toward helping the Postal Service to carry out their vital services. I thank my colleagues for showing their support not only for the Postal Service and its many employees, but for all communities throughout the country.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded, it is now in order to consider Amendment No. 1 printed in the CONGRESSIONAL RECORD by the gentleman from California (Mr. WAXMAN).

AMENDMENT NO. 1 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WAXMAN:

In section 8348(h)(1)(B)(i) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike "include" and insert "exclude".

In section 8348(h)(1)(B)(ii) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike "included shall not" and insert "excluded shall".

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, 2003, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 380. The bill strengthens the Postal Service, lowers their debt, and protects postal consumers. The legislation, however, is not perfect. In particular, I do not believe that requiring the Postal Service to pay the pension costs associated with the military service, the previous military service of their employees, is a good idea.

Under current law, the Department of the Treasury pays the costs of retirement benefits related to military service for employees who are part of the Civil Service Retirement System. My amendment would maintain the status quo, keeping the responsibility for paying these costs with the Federal Treasury where they have always been, and where they belong.

In contrast, S. 380 shifts the burden of paying these costs from Treasury to the Postal Service. The legislation even has the effect of requiring the Postal Service to reimburse the Treasury for payments that have already been made. This shift will require the Postal Service to pay billions more than it otherwise would have to pay.

I believe it is wrong and unfair to require the Postal Service to shoulder this burden.

Many believe that the Postal Service should run more like a private business, yet no private business, including the Postal Service's competitors, is required to pay benefits for military service. S. 380 would also make the Postal Service the only entity in the Civil Service Retirement System that has to pay for military benefits.

I will not seek a vote on this amendment because, for reasons that I do not understand, the White House has signaled that it would oppose this legislation if my amendment were included. Thus, the result of adopting the amendment would be to bring down a bill that has many other worthwhile components.

Instead of pursuing this amendment, S. 380 contains language that we worked out with the gentleman from Virginia (Chairman TOM DAVIS) that calls for a study of whether the Department of the Treasury or the Postal Service should be responsible for pension costs associated with military service with reports to the Congress. I do not believe this study language is as good as my amendment, yet at least it preserves this issue for further consideration.

Under the language of the study provision, the submission and evaluation of the proposals regarding military pension are timed to coincide with our review of the Postal Service's proposed use of the savings resulting from this legislation. I hope that at that point in time, we will reconsider our approach toward military costs.

□ 1700

At the appropriate time, Mr. Speaker, I will seek to withdraw this amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I stated before, I agree in principle with the concept behind the gentleman's amendment. This bill, which adopts the administration's approach on the treatment of military funding, would make the postal service the only agency responsible for the military costs of the CSRS retirees. I do not think it is right. I do not think it is fair to postal rate payers. Unlike other agencies in government, this is an enterprise fund that is paid for by the rate payers who should not have to bear this burden. I think it puts strains on the post office that should not be there.

The postal service's mandate is to charge rate payers for its operating and overhead expenses and to break even over time. While the postal service does pay for military benefits for its FERS employees, it has never been required to for its CSRS employees, and neither is any other agency in government.

However, the administration is categorically opposed to any treatment of military funding other than the FERS model that they propose. The bill's principle sponsor, the gentleman from New York (Mr. McHUGH), is going to speak on this more fully in just a moment. But with so much at stake in this legislation, I think we have to move forward on what we can agree on and follow the administration's approach at this time.

We will carefully consider the results of the studies that we have mandated in this bill. But still, I want to thank my colleague from California (Mr. WAXMAN) for highlighting this important issue.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding me time.

Let me express my appreciation, as well, to the ranking member, the gentleman from California (Mr. WAXMAN), for raising this issue. I think it is a very appropriate question, and it needs full and total debate, and also for having the diplomatic position of withdrawing it because of the problems.

And I am certainly one who would support any measure that brings an added $18 billion or even more to the postal service and all the good that that could accrue. But I think it is important for the House to know as we set the stage here for future debate that, as the chairman said, the administration has serious concerns about this. And their argument is simply that if we are going to use the FERS model, which is indeed what applies here and accrues the nearly over-$70 billion in savings, that the FERS modeling should indeed be applied across the board, which under FERS does require military retirement to be paid by the agency instead of by the Federal Treasury.

I should note as well, whether or not we agree with them, the OPM has, in meetings that all of us sat in on, our staffs, that if this provision were to be included, they would strongly recommend a veto which I think underscores again the gentleman from California's (Mr. WAXMAN) willingness to deal with this particular issue of the funding question and then get on to the equally important debate with respect to the military obligation.

Mr. Speaker, I want to thank again the chairman and the ranking member for working this out. And certainly I am hopeful we can work with the administration to try to bring about an agreement that accrues to the most possible good for the postal service and its customers.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I simply rise in support of the Waxman amendment. But I also rise in support of the agreement that the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) have been able to arrive at.

I think once again this is an indication of the manner in which the chairman and ranking member of the Committee on Government Reform have been able to provide leadership that moves us from the discussion point to the position of being able to actually do something. And so I commend both of the gentlemen for their diplomacy, for their leadership, and for their legislative skill.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we have made our point on this amendment. We will have this issue out there for further consideration at another time; but in the interest of moving this legislation forward and getting a good bill enacted into law, I will withdraw my amendment.

Mr. Speaker, I withdraw my amendment.

The SPEAKER pro tempore (Mr. LINDER). The amendment is withdrawn.

Pursuant to the order of the House of April 7, 2003, the previous question is ordered on the Senate bill.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that further proceedings on motions to suspend the rules and agree to House Resolution 170 and House Resolution 149, postponed earlier today, will resume tomorrow.

The Chair announces that this vote will be followed by three 5-minute votes on the motion to suspend the rules related to H.R. 205, House Resolution 179, and H.R. 1584, as amended.

This is a 15-minute vote on passage of S. 380.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 115]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind

King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Combest
Gephardt
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Smith (MI)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). There are 2 minutes left in this vote.

☐ 1724

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, H.R. 735 is laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 205, by the yeas and nays;

H. Res. 179, by the yeas and nays;

H.R. 1584, as amended, by the yeas and nays.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 205.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 205, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 13, as follows:

[Roll No. 116]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Culberson
Flake
Hostettler
Paul

NOT VOTING—13

Combest
Gordon
Hart
Hyde
Jenkins
Johnson (CT)
Lucas (OK)
Majette
McCarthy (MO)
Musgrave
Payne
Radanovich
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the reading). There are 2 minutes remaining in this vote.

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 116 I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. MAJETTE. Mr. Speaker, on rollcall No. 116 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF HOUSE REGARDING SYSTEMATIC HUMAN RIGHTS VIOLATIONS IN CUBA COMMITTED BY CASTRO REGIME

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 179.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 179, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered "present" 11, not voting 9, as follows:

[Roll No. 117]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

ANSWERED "PRESENT"—11

Ballance
Conyers
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lee
Paul
Rush
Waters
Wynn

NOT VOTING—9

Combest
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Rothman
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1740

Mr. SMITH of Michigan changed his vote from "nay" to "yea."

Mr. JACKSON of Illinois and Mr. RUSH changed their vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLEAN DIAMOND TRADE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1584, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1584, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 2, answered "present" 1, not voting 12, as follows:

[Roll No. 118]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

ANSWERED "PRESENT"—1

Waters

NOT VOTING—12

Brown-Waite, Ginny
Combest
DeLay
Gordon
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Meehan
Payne
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members have 2 minutes to cast their votes.

☐ 1749

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore (Mr. QUINN). Pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), and the order of the House of January 8, 2003, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention for a 3-year term:

Mr. Michael J. Mahoney of Chicago, Illinois.

HAITIAN TELEVISION NETWORK DEBUTS

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, I rise today to bring attention to Members and to our Nation of an important point in television history that took place on Friday, March 28, 2003. The Haitian Television Network of America went on the air in Miami, Florida. The Haitian Television Network is the first Creole and French language 24-hour-a-day station in the Nation. We were very proud, based on the fact that it is in Miami.

After years of programming on public access stations on cable, the president of the station, Claude Mancuso, has succeeded in his vision of reaching a broader audience. Mr. Mancuso has also worked within the Haitian community in providing Haitian programming. This is very important to our Haitian-Americans, that their Haitian culture, religion and history is daily programmed throughout south Florida and throughout the Nation. News, sports, movies, sitcoms and documentary programs for children are going to be able to help our Nation grow and understand one another. The Haitian-American population is estimated nationally at over 2 million, with over 700,000 Haitian-Americans residing in the State of Florida, with 500,000 in south Florida. I commend the Haitian Television Network for achieving its goal of being able to be a 24-hour station and look forward to many years of programming.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENDING ARMY RESERVE'S 319TH TRANSPORTATION COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, our Nation is at war. Thousands of the fighting men and women of our Armed Forces are serving on the battlefields of Iraq, defending freedom, liberating the Iraqi people, and making our world a safer place to live. Today I rise to recognize and commend all of these courageous service personnel, but wish to pay particular tribute to the brave soldiers serving in the 319th Transportation Company. The 319th, part of the larger 375th Transportation Group out of Mobile, Alabama, is an Army Reserve unit based in my hometown of Augusta, Georgia.

The 319th has a proud history. During the Vietnam War, the 319th Transportation Company logged over a million miles, delivered over 92,000 tons to the battlefield, and was ambushed by the enemy on seven separate occasions.

Today, for the Reservists serving in the 319th, the voyage from Wrightsboro Road Reserve Center in Augusta to the war zone of Iraq began this past January with a short trip to nearby Ft. Stewart for specialized training. Then in mid-February, the 319th Transportation Company, along with the unit commander, Captain Mohandas Martin, deployed to northern Kuwait where they received their assignment, to support the more than 50,000 Marines in the 1st Marine Expeditionary Force.

When Saddam Hussein thumbed his nose for the last time and the war began in Iraq roughly 3 weeks ago now, the 319th began the next phase of their voyage, going into the deserts of Iraq, delivering by truck the critically important fuel to the Marines advancing to Baghdad and Saddam Hussein's final day of reckoning.

Their mission is an unheralded one; but as we have all realized on the round-the-clock cable news broadcasts, it is the success of the supply units traveling the roads of Iraq, like the 319th, that have been vital in the early success of our coalition forces and will ensure our ultimate victory.

As I said, Mr. Speaker, theirs is an unheralded mission, but also one that puts the members of the 319th at great risk and peril. In their first week operating in Iraq, the 319th headed out from their base of Camp Viper in Iraq for a multiday mission to deliver fuel near the front lines. According to the reports, while on their journey, vehicles of the company came under heavy enemy fire more than once in their ambush attempts. Thanks in large part to the efforts of the Marines, the 319th continues to supply, the attacks were thwarted, and all members of the 319th Transportation Company returned safely to regroup and prepare for the next mission and the next journey to the front lines of war.

Mr. Speaker, to the people of the Ninth Congressional District of Georgia, my constituents, the soldiers of the 319th Transportation Company represent different things: a good neighbor who lives down the street, a close relative or spouse that is sorely missed at home, or even a mother or father to a child that misses a parent and needs them back. It is true the soldiers of the 319th Transportation Company are all different, but they are all the same in one simple and very important way, they are all heroes.

Because of them, these same Marines moved closer to finally ending Saddam Hussein's horrific reign of terror and ability to aid and assist terrorists around the globe. Because of them and others serving in the war today, loyalty, duty, honor, and personal courage are not words relegated to the history books, but instead living and shining examples for all of us on the battlefields of Iraq.

Lastly, Mr. Speaker, it is because of them that the battle cry in our Nation's war against terrorism is particularly meaningful today in the deserts of Iraq. So finally I say to the 319th, keep up the good work and "Let's roll."

□ 1800

NATIONAL RAIL INFRASTRUCTURE PROGRAM

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, freight transportation is a vital and growing industry in the United States. Rail is the most prudent way of expanding the capacity to accommodate growth in freight traffic, allowing for congestion relief on our roadways, cost benefits to shippers, and improving our air quality. However, our Nation's aging and congested infrastructure does not adequately support the rail needs of today. Across the country from Los Angeles to Chicago to New York City, the movement of freight is being stalled and delayed by a variety of bottlenecks. For example, every day 37,500 freight cars travel through Chicago at a snail's pace of 7 to 12 miles per hour. Added on top of that, 700 commuter and Amtrak trains. Today it takes 2 days to move rail shipments through Chicago.

It is clear that capacity constraints and congestion thrive within our rail system and the situation is quickly worsening. The Chicago Area Transportation Study predicts that freight car traffic through the Chicagoland area will increase nearly 79 percent in less than two decades. But this is not just the Chicago problem. A recent report from the American Association of State Highway and Transportation Officials states that growth in domestic and international freight tonnage is expected to grow 67 percent by the year 2020. The result will mean a shift of 900 million tons of freight onto our interstate system, adding a $21 billion need to highway costs in the next 17 years.

In an economy where just-in-time delivery demands are the norm, slow cross-country freight movement results in economic losses that are felt throughout the United States of America. Our communities also suffer. Traffic tie-ups and idling trains affect the quality of life of many of our constituents.

The status quo must not continue. As Daniel Burnham, the famous Chicago-based architect and city planner, encouraged us to "make no small plans," we need to make big plans to address these tremendous capital needs. In order to sufficiently fund our country's freight rail infrastructure needs, the Federal Government should create a new significant and dedicated stream of funds for rail projects. Just as we have a Highway Trust Fund and an Aviation Trust Fund, the legislation I introduced last week, H.R. 1617, would create a National Rail Infrastructure Program.

As in all things here in Washington, the big question on everyone's mind is where can we get the funds to support these needs? H.R. 1617 would fund these improvements through various funding streams including a reallocation of the 4.3 cents per gallon diesel-fuel tax that railroads currently pay into the general revenue fund. I believe that putting these funds into a rail infrastructure program that would benefit the public is the only logical thing to do. The total revenue stream in my legislation would amount to about $3 billion per year.

There are some who may disagree with such a proposal; however, it would be a serious mistake to ignore our country's growing rail infrastructure needs and the gridlock that will result if we fail to expand our freight rail capacity. So let us heed Daniel Burnham's remarks. Let us think big and make some big plans to address the growing national problem facing our rail system. I hope my colleagues will join the 25 bipartisan co-sponsors and me and support H.R. 1617, the National Rail Infrastructure Program.

Remember, this Nation is great because we dare to dream great dreams. Please support this bill because this bill can do what we need to be done for freight movement in this Nation.

FINANCIAL ASSISTANCE TO AIRLINE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, finally, 18 months after it was promised, the United States House of Representatives voted overwhelmingly, almost 2 to 1 when finally forced, to provide some financial assistance to the 150,000 airline workers who have lost their jobs as a result of 9/11 and the horrendous recession in the United States. It is expected that as many as another 70,000 will lose their jobs because of the slowdown in travel due to the war in Iraq and even more probably with the threat of SARS and other problems.

It is time that we recognize the service of these people to our country and the fact that they need a little bit of help in their time of need. The Congress rushed through a $15 billion airline bailout shortly after 9/11 to try to help keep the industry in the air when people were afraid to fly. And that bailout provided more funds in one day than the entire deregulated industry has made in its entire history. Its entire 26-year history was eclipsed, their profits, by that one bill.

But the bill glaringly omitted any assistance directly to workers and it meaninglessly pretended to limit the salaries of CEOs. I have seen the results of the meaningless limits adopted by that legislation 2 years ago, or 18 months ago, in bailing out the airlines with the huge compensation packages and salaries and specially protected retirement that is being made available to the executives. It is defended. They said how could we get execs to work here if we did not pay them these outrageous salaries and if we did not totally protect their retirement? Guess what? All of the line workers, all the flight attendants, all the pilots, all the mechanics, all the gate agents, all the ticket agents, none of those people have specially protected pensions, and yet there has not been support from the industry or from this administration or from the majority in this House of Representatives to help those distressed workers.

And finally today, in one of those opportunities that rarely comes, a week ago when we were taking up the supplemental bill I tried to offer an amendment to help the workers; in fact, a Republican Member had gone earlier to a press conference with me and others to announce the legislation, and I asked him if he would go to the Committee on Rules and ask to have it made in order during the bill, and he said absolutely. Guess what? He did not show up. He did not show up because he was intimidated by the Republican leadership.

I came to the floor and offered that amendment, but the Republicans struck it down on a procedural technicality. They said we cannot take up a bill here to help the workers. We will get to it soon. Just like the 18 months we had promised previously, soon. Soon when?

Today, because we had one opportunity, which was a motion to instruct, usually a technical sort of thing in the House of Representative, we focused in on assistance to workers that has been long overdue; and when forced to vote, we find that nearly two-thirds of the United States House of Representatives supports that, but their leadership and the White House leadership has been preventing us from taking that step.

Congratulations to the House for that vote today and shame on the leadership and shame on the leadership downtown that did not allow that vote, and shame on them if they find some way to try to kill this in the conference committee because the White House is objecting that there is too much money in the bill to help the airlines now that we have added a little bit of money to directly help the workers. We will all be watching to see what comes in that final conference report, and we will know who killed the assistance to workers if it is stripped out of the bill.

After this overwhelming vote here and the overwhelming vote in the Senate, let the majority work its will and let us help these workers and their families.

AUTISM AND VACCINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, on a regular basis I come down here and talk about children who are autistic and the reasons for it. We have been receiving letters from across the country from literally hundreds and probably thousands of parents who have autistic children, and they do not know what to do about it, and all of them believe their children were damaged by the mercury that is in vaccines. It has been in children's vaccines for a long, long time.

Children get between 25 and 30 vaccinations before they go to school, and up until just recently almost all of them contained thimerosal which was 50 percent mercury. We all know mercury is toxic to the brain, and yet they had it as a preservative in vaccines. And our children, in my opinion, and scientists and doctors from across the globe and here in the States believe that mercury in the vaccines was one of the major causes.

Here on this easel I have pictures of probably 50 or 60 or 70 kids who were damaged by the mercury in the vaccines, and I have letters that I read every night. We have a system here called the Vaccine Injury Compensation Fund that is supposed to take care of these children if they are damaged by vaccines. It has $1.8 billion in it. It is supposed to protect the pharmaceutical companies from lawsuits, and yet these parents of these kids have had a very difficult time getting satisfaction and restitution from that fund, and many of them, because there was a 3-year statute of limitations, could not even get in the fund.

The reason I bring this up right now is because we are in the process of working on legislation that would deal with this problem, that would help these kids who missed the opportunity by getting in that 3-year window of opportunity to be put in the program so that their case could be reviewed on a case-by-case basis by the special master. These families are spending hundreds of thousands of dollars, they are going bankrupt, selling their homes, borrowing money, doing everything to help their children, and there is nowhere for them to turn. We need to make sure that they have access to this fund for which it was created and not have to go to courts to have class action lawsuits. And that is what we are working on with the other body and the majority leader in the other body to get done.

I want to read just a couple of letters that come from these people who have no place to turn. Here is a letter that came from a Marcy Kelly from Mullica Hill, New Jersey, and she writes:

"My son turned 4 in October, 2002, and was diagnosed with autism after a long history of medical problems that began at 2 months, within 1 week of his first series of thimerosal-containing vaccines. His immune system, weakened to where he couldn't handle viruses (resulting in recurring ear infections and RSV), he had reflux, terrible allergies and eczema, and a reaction to his MMR shot that is documented to have caused vomiting nightly for 6 months post vaccination and 2 years of diarrhea. Medical tests show toxic levels of metals, reduced glutathione, malabsorption, maldigestion, severe allergies, and liver problems, all common in those poisoned by mercury. He regressed into autism between 18 and 24 months." As a father and grandfather, you understand the heartbreak that I felt.

This is a picture of him.

"We have spent well over $100,000 in the last 2 years, mostly on medical visits, tests, and therapies. Our insurance company, Aetna US Healthcare, stopped paying for these funds." So they have noplace to go.

And she ends up by saying, "I understand that you intend to take our stories before Congress, not individually but as a group. If you could take a single child (or family with more than one child on the spectrum) and pile up all of the medical and therapy bills, ADA drill books and materials, and supplements used to help them heal from the effects of vaccines, it would be quite mountainous and tell a story as well. God be with you and with other politicians as they vote on matters relating to autism. In the quiet of night, if politicians would ask themselves the question 'what is right?' the answer in their hearts would be to help their children and their families."

We have the ability to do that, and we must do something and we must do it very soon, because these families are suffering; and we have to be very diligent to make sure the other body does not put some language in the bill that would be like what was in the homeland security bill which protected pharmaceutical companies but not the children.

I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I thank the gentleman so very much. I caught his presentation on the screen as I was going through the cloakroom, and I cannot tell him how proud I am of him for dealing with this issue of autism and children. I commend him for his interest. I commend him for the work that he is doing on it.

I came in close contact with children who were autistic when I started in the Head Start program.

□ 1815

Prior to the Head Start program, we had children who were autistic and had other kinds of deficiencies that never got discovered, and that is one reason I love the Head Start program so very, very much. But the most interesting and the most challenging and the most undertold story was the story of children with autism.

I join the gentleman in his efforts and will do everything that I can to bring attention and resources to help these families of children who have autism.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, we will contact the gentlewoman on that legislation. We will be down here every night that is available to talk about this issue. I thank the gentlewoman.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. BURGESS) laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 8, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to (40 U.S.C. 188a), I hereby appoint Rep. Chaka Fattah as a member of the United States Capitol Preservation Commission for the 108th Congress.

Best Regards,

NANCY PELOSI.

WILL WE WIN THE PEACE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, due to the bravery and the magnificent performance of American troops, our Armed Forces will soon win a resounding victory over Saddam Hussein, disarming him and eliminating the threat of his regime. Now that we are on the verge of winning the war, we must now turn our attention to winning the peace.

The morning after our military victory over Saddam, we will wake up to four challenges in Iraq: peacekeeping, humanitarian relief, reconstruction, and governance. How we face those challenges will determine whether we win the peace, win the battle for the hearts and minds of the people of Iraq, enhance our status in the Muslim world, and maintain our credibility as the leader of free and democratic nations.

I fear we could fail to meet those challenges if we pursue an aggressive, antagonistic diplomacy that makes demands of our allies, but does not listen to them. We could fail if we embrace unilateralism and abandon our traditional reliance on multinational action. We could fail if we allow the reality or even the appearance of an American military colonial government in Iraq.

To meet these challenges and best serve American national interests, as well as the best interests of the citizens of Iraq, I suggest eight steps:

First, the State Department, not the Defense Department, must be in charge of American policy after the military victory.

Second, whenever and wherever possible, we must internationalize the stabilization and reconstruction operations and not try to do it all ourselves.

Third, American troops in the field will be needed to keep the peace, but we should move quickly to spread the burden of peacekeeping by giving NATO the task. NATO is a robust military alliance that defeated one tyrant in Kosovo and surely could keep order in a post-Saddam Iraq.

Fourth, emergency relief authority must begin with the State Department and USAID, but there is no better chief administrator for the humanitarian challenges than the United Nations. Its vast resources, experience and expertise are unparalleled.

Fifth, we must engage expert multilateral organizations like the United Nations, the International Monetary Fund, and the World Bank in the reconstruction of Iraq's infrastructure. A debt restructuring is needed to deal with Iraq's financial burden of $383 billion including foreign debt, compensation claims, and pending contracts.

Sixth, we should convene a donor's conference soon after the military victory. Funds will be needed right away for quick start reconstruction projects. This could provide a funding opportunity for the Arab League.

Seven, Iraqis must establish corruption-free control over their own oil. We should advocate for a transparent and reformed industry that accounts for oil revenues and devotes profits to rebuilding the country.

Eight, we should urge the United Nations to sponsor a conference on the formation and direction of a transitional Iraqi-based government. Iraqi provisional leaders, internal Saddam opponents, exiles and the international community should be brought together to establish a stable representative government of Iraqis.

We must seize this opportunity to stabilize and unify Iraq and demonstrate to the entire world our commitment to democratic values, personal liberties, and social justice. That is how we win the peace in Iraq.

REDUCING THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, a couple of weeks ago I came to the well of the House, and I said that the FDA had declared war on American consumers. Now the battle is joined.

Mr. Speaker, I want to share a brochure, a little brochure that my staff and I have put together. On the cover it says, "If we want to allow Americans to keep and spend over $600 billion during the next 10 years, here is a good place to start." Then at the bottom you have a picture of some pharmaceutical capsules.

Then if you open the brochure, the second page says, "That is right. According to the CBO," that is congressional language for the Congressional Budget Office, they are our official bean counters, "According to the CBO, American seniors will spend over $1.8 trillion." By "seniors" they mean only those people who are 65 years of age or older. So over the next 10 years, the CBO tells us that seniors alone will spend over $1.8 trillion on prescription drugs.

Now, a conservative estimate, not done by me, but by experts who are a whole lot smarter than I am, a conservative estimate would be that we can save 35 percent by allowing free markets to work. Again, I am not particularly good at math, but 35 percent times $1.8 trillion works out to $630 billion.

Here we have a chart. This is the latest chart. I have actually had in the last 4 years four different charts. I do not use my own numbers, although we have actually done our own research to confirm that these are very accurate in terms of the average prices that Americans pay, and these are some of the most commonly prescribed drugs in the United States.

Let us start right at the top, a drug called Augmentin. Here in the United States, according to the Life Extension Foundation that has been doing research on this for more than a decade, the average price for a 30-day supply in the United States is $55.50. That same drug sells in Canada for about $12, and it sells in Europe for an average price of only $8.75. There are differences in the value of currency, but the net effect is that Americans pay that much more for the same drug.

Look at another drug, a drug made by a German company called Bayer. We usually call it Bayer, Bayer Aspirin. Cipro became real popular last year when we had anthrax here in these buildings, because it is one of the most effective drugs for things like anthrax. But Cipro in the United States sells for an average of $87.99 for a month's supply. In Canada it sells for $55.53 cents, and in Europe, in Germany, where they make it, they sell it for $40.75.

The list goes on. Let me talk about a drug called Coumadin. My 85-year-old father takes Coumadin. Fortunately, because he worked for a union all of his life, worked as a union worker all of his life, under his contract he has prescription drug coverage, so it does not cost him $64.88, which is what it costs the average American consumer in the United States if they do not have prescription drug coverage; $64.88 in the United States, $24.94 in Canada, and only $15.80 in Europe.

The list goes on. This is reflective, and it goes on and on and on.

Down here, I put a famous quote by one of my favorite Presidents, President Ronald Reagan. He said, "Markets are more powerful than armies." At the end of the day, you cannot hold markets back; but unfortunately, that is what is happening in the United States.

Now, I have no qualms with the big pharmaceutical industry in the sense that they ought to be able to sell their drugs for what they want to sell them for. But they should not be allowed to hide behind the FDA to do it. So I do not say shame on them as much as I say shame on us. It is we the Congress, we the policymakers here in the United States that have allowed these disparities to happen.

Finally, we are having a big debate right now about tax cuts, how much should we give in tax cuts. Is it going to be $625 billion or $535 billion or $375 billion?

Tax cuts are great, particularly at a time when the economy is soft. But if we really want to help seniors, if we want to lower prescription drug prices and allow Americans to keep and spend $630 billion of their money over the next 10 years, let us open markets now.

Finally, it just says simply Americans deserve world-class drugs at world-class prices. All we are asking for is open markets. All we want is what German pharmacists have the right to do, and that is buy drugs where they can get them the cheapest.

Mr. Speaker, I would like to yield to one of my heroes. The gentleman from Indiana (Mr. BURTON) held a hearing last week, and it was one of the best hearings I have ever participated in.

Mr. BURTON of Indiana. Mr. Speaker, I think the gentleman covered the issue very well.

I just wanted to make one comment, and that is that some of the pharmaceutical companies, like SmithKline of England, are going into Canada and saying if you sell pharmaceutical drugs in the United States for the price that you are paying in Canada, which is about one-fourth or one-half of what they are here, we are going to cut you off. They are doing that in a bullying way.

I do not think pharmaceutical companies should say to a country, you cannot sell those drugs in the United States because it is the same product that in America we are paying two or three times for it. It makes no sense to me.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, the gentleman is absolutely right. What is being done by some of the big pharmaceutical companies is nothing short of shameful. I also say shame on us.

I said the other day that Teddy Roosevelt must be rolling in his grave, the Republican President who believed in breaking up the trusts, in enforcing competition, because he understood, as President Reagan understood, that markets are more powerful than armies.

Mr. Speaker, it is time for this Congress to live up to its responsibilities. It is time for Congress to allow Americans to have access to world-class drugs at world-market prices.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1036

Mr. FLAKE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1036.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

WINNING THE ECONOMIC WAR AT HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there are two major stories in the news. There is one that we see daily, and that is the story of the war in Iraq. The other story we hear little about, and that is the economic war right here at home.

Last month the Pentagon announced we will be sending another 100,000 troops to Iraq, and our hearts are with them. They are putting their lives at risk for us. They deserve our support. But last week the Associated Press reported that an even greater number of people, 108,000, lost their jobs, as U.S. companies dealt with the battered economy right here at home. These Americans also work every day to support the ideals of our Nation and the work ethic. They deserve our support.

It is also ironic to note that prior to the Pentagon's recent deployment, there were already 300,000 troops in the vicinity of Iraq. In February, according to the Associated Press, businesses here at home shed almost as many jobs, 357,000 more than previously reported; and yet this morning, President Bush announced his opposition to the unemployment extension that we attempted to get here today in the budget resolution, calling it "objectionable" in the statement of administration policy.

We are hearing lots of plans about aid to flow to the Iraqi people, including food and medicine. This is aid that must be provided. But while the United States Army also takes on the role of humanitarian assistance in a military zone, the Salvation Army here at home is facing a swelling need for services and a downturn in donations that have led to an unprecedented lack of food for people in our own economic war zone.

The Salvation Army in my own hometown has seen a 42 percent increase in requests for assistance just this year. At the start of the fiscal year last October, our Women, Infants and Children food program reported the highest level of participants ever; and nationally we have the highest number of participants in the last 5 years.

Just since January 2001, America has lost nearly 2 million more jobs. In Toledo, my hometown, military spouses are showing up at the Women, Infants and Children feeding offices because their husbands have been called up for active duty, cutting the income of families by drastic amounts.

□ 1830

The Cleveland Plain Dealer last month told us, at a pantry in Columbus's west side, a 67-year-old retiree gets groceries to help feed a daughter and a granddaughter who moved in with him last year. He remembers relatives telling of bread lines during the Great Depression. He never imagined he would see himself in one, let alone wait in one.

There is no doubt that the United States is the freest and most bountiful Nation on earth. That is why people want to come here. But do we not owe as much to hardworking Americans as we do to war-torn Iraqis? Do we not need to build our economic might here at home as much as our military might abroad? Do we not need to plan as much for our economic-torn economy as much as we do the Iraqi war-torn economy? Do we not need a coalition of allies with labor and management for job creation and economic improvement as much as we need a coalition of military forces in the Gulf? If we can provide money to airlines who are claiming they are being hurt by the war, should we not also provide an additional 26 weeks of unemployment benefits to airline workers who are the real victims of the slowdown?

Military war, of necessity, is receiving most of our attention of late, but how about the enemy within? The economic war here at home? It seems to me that the weapons of war may be more visible when they are used, but the damage of an economic war is just as real for individuals and families and communities that are suffering here at home. Our State is over $4 billion in debt. Our mayor, he is broke. It just seems to me that our news ought to talk a little bit about what is happening here at home.

Mr. Speaker, it is time the second war that we are in on our home soil gets equal attention in the media.

FEDERAL GOVERNMENT IS FAILING IN ITS DUTIES TO LOCAL COMMUNITIES TO PROVIDE FUNDING FOR HOMELAND SECURITY

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, the United States Government is still not doing its job on homeland security. It is failing in a very, very elementary manner. The way it is failing is that it is failing to give the tools that our local communities need to prepare an adequate homeland security plan and procedures in our towns and in our cities.

It is very sad to say that where the rubber meets the road on homeland security, and that is in our cities and towns, this administration and the majority party in this Congress are not giving our cities and towns the tools they need to do the job. The sad fact is, the Federal Government is not cutting the mustard when it comes to helping our cities and towns prepare their police departments for terrorism, prepare their fire departments for terrorism, prepare their emergency response plans for terrorism. The job is simply not getting done.

Now, we had a little bit of good news today out in the State of Washington. The city of Seattle will be receiving about $11 million to help with some of their plans. But unfortunately, all of the cities and towns around Seattle are not getting help from the Federal Government, and they need it.

I will give an example. The town of Bothell, Washington has and will spend over $200,000 this year on their homeland security plans to deal with terrorism, from buying gas masks to training for their personnel. Over $200,000, Mr. Speaker, and no help from the Federal Government. The city of Monroe will spend over $45,000. The city of Monroe is not the largest city in the whole country. They are not getting help from the Federal Government. Mountlake Terrace, a small town in my district, they are spending $2,400 on gas masks, just one little tiny element for their expenditures, together with overtime for their officers, no help from the Federal Government. The city of Edmonds is spending $145,000 for homeland security, a significant figure for overtime, for training of their personnel, and over $30,000 of training of their fire department for hazardous materials training, no help from the Federal Government.

Mr. Speaker, where is the help of the Federal Government for Edmonds to deal with terrorism training, for Bothell to deal with gas masks, for Mountlake Terrace to deal with overtime, for Edmonds for their HAZMAT training? Where is the help for our cities that the Federal Government should be giving to these local communities? It is not getting done. The reason it is not getting done is that this Chamber and the other Chamber are not passing the appropriations that should be passed to help these local communities.

Now, on this floor last week, we in the minority party made an effort to increase the appropriation and supplemental budget to get help to Edmonds, to Mountlake Terrace, to Bothell so that they can prepare an adequate homeland security response. And we wanted to boost, by $2.5 billion, help for our first responders, for our police and fire departments. But unfortunately, the majority party stymied that and would not support these increases in our plans to deal with homeland security.

I think it is important to point out the reason for that. The reason that this bill did not pass to help these local communities is that the majority party thought it was more important to give the folks at Enron tax breaks in their multibillion-dollar tax package than it was to give the city of Edmonds help for gas masks, the city of Bothell help for overtime for their police departments.

We believe in the Democratic Party it is more important to help these local communities deal with the threat of terrorism as a first job before giving these tax cuts, a predominant amount of which goes to the wealthiest Americans in the country. We believe that, because the city of Edmonds has a job to do for the people they represent, and that is to do an adequate job to get ready for potential terrorism. The city of Bothell has that responsibility. The city of Mountlake Terrace has that responsibility. We are going to continue working on this until we get this job done, because Americans are entitled to know their local communities have responded with as much vigor as we are seeing in Iraq from our very, very proud, honest, and effective military personnel today serving in Iraq.

Mr. Speaker, I hope that folks will join us in this effort, because our local communities need the help of the Federal Government.

IMPORTANT TOPICS FOR DISCUSSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

HONORING OFFICER CHARLES CLARK, A DEDICATED PUBLIC SERVANT

Ms. JACKSON-LEE of Texas. Mr. Speaker, many times we come, sadly, to the floor of the House to acknowledge a valiant citizen of our community. All of us have been giving our praise and our commitment to the valiant troops who are now representing us, and we wish them well, we wish them a safe return, we wish for them the resources that they need to finish the job and to return to their families. But in our own communities we have valiant individuals who offer their lives so that we might be safe.

Today in Houston, Texas we laid to rest Charles Clark, Officer Charles Clark, an individual who was selfless in his commitment to our community, a member of the Houston Police Department who lost his life tragically in a brutal robbery that also saw the loss of Alfredia Jones, the mother of two children.

Officer Clark was born and raised in the community which he served: South Park, Texas. Married for 24 years, with a lovely wife by the name of Hilda, and he was almost about to see 20 years of service with the Houston Police department. He was known as the consummate police officer. He loved his job. We are told that he wanted to serve in the South Park community, where he did not live, because he had been born and raised there. The tragedy of his death is that he was rushing to the scene to help this young mother, a young mother who was working to support her children at a cash-checking place, when three or more brutal individuals who could find nothing in their life to do but to kill two innocent human beings on that day.

Mr. Speaker, we ask the question: Can we do better as Americans?

I believe this valiant soul should be laid to rest with our respect and admiration, Mr. Speaker. So I come to the floor today to pay tribute to Officer Charles Clark, to tell him that may he rest in peace and may he be considered forever and ever in the annals of the history of the Houston Police Department, our dear friend. I thank him for his service. May he rest with the angels.

HELPING FELLOW AMERICANS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to turn to another subject, and that is a cry that has been amongst us for a long time, and that is helping fellow Americans. Just recently we provided a bailout for our airlines. I am gratified that today we enthusiastically, although I wish it had been unanimous, voted to instruct the conferees to assist the airline employees. These are our neighbors, hardworking neighbors who have been laid off because of the tragedy of 9/11 and the war. I hope that the conferees will not ignore helping fellow Americans by providing them with the 26 weeks of extended pay. These are mothers and fathers, sisters and brothers, some of them single parents who are supporting their children, some of them going to school and, frankly, they are suffering. We can bail out the airlines, we can cause them to pay off some of their debt, but that does not deal with the human failure or the human need, and that is those who are not working because of where we find ourselves.

So to the appropriators who may be listening to the sound of our voices: We have been trying to do this since 9/11, and it has gotten worse. Let us do something that is gratifying in helping our fellow Americans.

THE AFTERMATH OF WAR

Ms. JACKSON-LEE of Texas. Let me simply close by saying that as we wish well for our troops, we have something to deal with: the aftermath of war, Mr. Speaker. I intend to engage in a vigorous discussion so that we as Americans can pull together, so that the aftermath of this war can be one of reconciliation, working with our world allies.

I will be dropping legislation that deals with the putting back together of this Nation, but also putting back together the world feelings, relationships. I hope that we will work with NATO and the United Nations in a working group, if you will, scenario where we work together with the United States involved and all of those who are with us or against us, because, Mr. Speaker, that is the right thing to do. We must ensure that we reignite the war against terrorism where all of us were working together. We must reinsure that we work on the Mideast peace process, giving humanitarian aid, rebuilding families, helping schools and hospitals being built, as well as recognizing the needs in this Nation. We cannot do it unless we do it together.

I will be looking forward to dropping that legislation and having my colleagues go forward and not go backwards.

Mr. Speaker, also, we will be looking to give a briefing or to present a briefing with several of the caucuses in this Congress to deal with the aftermath of war, the plight of the children. We have not looked to the damage and the danger of children, not only of those in Iraq, but the children of our soldiers. What has been the damage? What can we do to assist or to help their lives be better?

So I hope this Congress will join together in a bipartisan manner, Mr. Speaker, to address the questions of the aftermath of war. Peace still is a possibility, that we may live in peace in this world.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1036, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–64) on the resolution (H. Res. 181) providing for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, which was referred to the House Calendar and ordered to be printed.

HONORING STUDENT DEMONSTRATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, democracy is the cornerstone of our government. True democracy allows room for dissent, discussion, and demonstration.

□ 1845

Last week, students from around the country arrived in our Nation's capital to demonstrate in support of affirmative action in higher education. They actively participated in a peaceful way in our democracy. And I am sure that the founders of this Nation must have been as proud of them as I am of the students who participated.

Students marched, sang songs, prayed, and urged the Supreme Court to allow schools like the University of Michigan to continue the practice of allowing diversity in higher education. The students realize that in spite of the progress made over the last 40 years, minorities, women and people with disabilities, still face major barriers in education, business, and employment. They also realize that the prerequisite for change is struggle, and that without struggle there is indeed no progress.

Many people dismiss students because they are generally perceived as not actively engaged in the political process. In addition, others suggest that they are unwilling to sacrifice and do the things necessary for group liberation. The enlightened students I encountered at the Supreme Court represented America at its best. They represented America and its great diversity.

Their message was clear, strong, and compelling. It was a message that affirmative action is a powerful, proven, and effective tool for removing the remnants of prejudice and bias. It was a message that affirmative action capitalizes on the strength of our diversity and opens the doors for opportunities. I am proud of the students who sacrificed their sleep, their classroom work, to brave the cold weather and proclaim that affirmative action is relevant and needed in higher education. They realized that education is the great equalizer. It is the ladder to success.

The thousands of students who demonstrated came by train, car, bus and many on foot. The impressive gathering of college and high school students was reminiscent of some of the activities done to achieve fairness and equalities throughout the 1960's. Of course, the challenge for all of us now is to keep the momentum and the pressure on.

Again, I commend the students for standing for something as important as equal opportunity to higher education. I commend them for their efforts and remind them that the struggle must continue.

STRENGTHENING AMERICAN BORDERS AGAINST ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I come to the floor tonight to discuss the issue of immigration and immigration reform. It is a topic that I often take this floor in order to advance, and I have over the last several weeks chosen to separate the topic up into various component parts. And we talked about immigration reform and how much it was needed because of the dangerous situations that exist on our borders. That was the first week.

We talked about, the next week, I tried to address the issue of immigration and open borders and what that meant to the importation of drugs into the country and the impact that that is having on our land.

Today I am going to talk about another aspect of this subject that is seldom discussed. It is one that a lot of people do not want to really focus on because they are not sure how to deal with it. I think specifically of the people in, say, the Sierra Club, Friends of the Earth, and a variety of other environmental organizations that are out there and that focus in on matters that harm the environment; and they have constantly come to us, come to this body in the form of lobbying activity to tell us that we have to do more to protect the land and the environment, the water, the air, because of what man is doing to it. And yet there is almost a deafening silence, if you will, from the same people, the same organizations, when it comes to the degradation of the land that is as a result of the massive numbers of people coming across our borders illegally, the millions of people that are crossing these borders.

There is a great quote from a gentleman who is the program manager of something called the National Parks Conservation Association. His name is Randall Rasmussen. Mr. Rasmussen said, "Organ Pipe National Monument is becoming Organ Pipe National Catastrophe." I call it the Organ Pipe Cactus National Dump.

I have been down there several times in Arizona. Of course, that part of the country is beautiful. Arizona has a 372-mile border with Mexico and it ranges from very sandy deserts and lava flows in the West, where you get about 3 or 4 inches of rainfall in a wet year, to oak-dotted grasslands and mountaintop forests in the East, where snowfall may be measured in feet. Really, few areas of the North American continent boast such natural beauty and such a great amount of diversity. Yet, cutting across that landscape is one huge problem.

The entire region is getting hammered by wave after wave after wave of illegal border crossers, by horse, by foot, by bicycle, motorcycle, all-terrain vehicles, cars, trucks, even utralight gliders. They stream across the border every day and every night. They dump tons of trash and human feces in places that are set aside for their scenic beauty. They blaze hundreds of new roads and trails through fragile desert soils. They ruin habitats for endangered species and they start forest fires that consume hundreds of thousands of acres of forest and brush.

When I was visiting the Coronado National Forest not too long ago, I left there on a Sunday morning and a fire started by an illegal alien campsite had been left unattended after starting a warming fire in the evening, and then they walk on, and they leave the fire often times burning, it caught the rest of the brush on fire, and before I got back to Denver on the plane, before I got back to Denver, it had consumed 35,000 acres in the Coronado National Forest. We did not hear much about that. Even if we did, we probably only heard about the fire, but no one wanted to talk about how it started because this is a delicate subject. This is because people get very antsy, even here in this body, when we start talking about immigration and the impact of illegal immigration especially on the Nation.

The reason why I have divided this subject up into various component parts is because it is an enormous subject. It has enormous, massive implications, immigration, that is, for our Nation. I have often said that it will determine not just what kind of a Nation we will be in the future, that is divided and balkanized, it will determine whether or not we will be a Nation at all. And there are, as I say, implications of massive immigration into this country which are absolutely incredible and need to be talked about, need to be debated, even if it makes people uncomfortable. And certainly this is one part of it. This is just one part. That is the environment.

Mr. Speaker, I have been down to the border several times. I have been both to the northern and southern borders of the country. And the sites that I see are sites I wish many of my colleagues here on the floor would also see. Sites like this on Department of Interior wildland where new trails, abandoned vehicles, trash, and human waste are strewn. These are trails that you see all over that particular part of country. Trails like this. When you look on a trail map, by the way, there is no trail there on the map, because these are not official trails. These are all made by people walking through by the hundreds, by the thousands; in fact, by the millions. Once they start these trails, they will use them for a couple of weeks, and then they think that we put sensors on them, and sometimes we do, the Border Patrol puts a sensor on there, so therefore what will happen is they will move over a little bit.

When you fly over this area, you look down and it looks like cobwebs that spread out from a particular area coming across the border, but it is really just the number of people that have come across by foot, by horse, even, as I say, bicycles sometimes, and often times by cars. Vehicles will be driving along a highway that is adjacent to a national park or some sort of protected site, we will say a national forest, and at some point in time they just decide this is it, and they will peel right off of the highway and start right through the forest. And so as you drive along that road, it may be a blacktop road, as you drive along you can see on both sides where people have simply driven off the road into the desert and, of course, are trying to take people into this country and drugs into this country illegally, and they have caused enormous damage to that environment.

They leave cars. Again, once they abandon the vehicle, once they take the drugs that they were carrying in or the people that they are carrying in and move them to a driven form of transportation, they usually abandon the vehicle. So if you fly over this area you will see literally hundreds and hundreds of abandoned vehicles in the desert rotting away. They leave clothes. They leave trash, water bottles like this in areas sometimes that encompass 50 or 60 acres and are knee-deep in trash. These are called pick-up sites. These sites are areas where people will come to on foot. They will come across the border on foot into the United States, and then they have been told where they should gather. And it is often on private land. It is often, however, in the middle of a national park or a national forest area. They gather and they wait to be picked up to be taken into the interior of the United States.

Sometimes these groups will be as large as several hundred. And over the course of about a month, many thousands will have gathered in one place, waiting for their transportation into the United States. And they are told by the people who bring them here, and often times we refer to these people as "coyotes," these are people paid by Mexican immigrants, primarily Mexicans, but certainly not entirely by Mexicans, paid by the immigrant coming into the country, the illegal, sometimes $1,500, sometimes if the case is more difficult it gets more expensive, where in fact we have cases today where we are looking very carefully at people coming into the country from places like Iraq and Iran and all over the Middle East. These folks have to pay upwards of $30,000 to have to be smuggled into the United States. So it has become a very big business.

Once they get them into these pick-up sites they tell them you have to discard everything you have got, everything you have been carrying, all the water bottles, all the trash, the food, the clothes, discard everything because we have to pack you into, well, they do not tell them why, they just tell them that they have to discard everything. Then they pack them so tight into the backs of cars and trucks and trailers and vans that many suffocate on the way up. But what they do, of course, is to make room for more people. That is why they tell them everything has to be abandoned here.

When you walk through these pick-up sites you will see literally tons and tons and tons of trash. You will be overcome sometimes by the smell because, of course, this is also a place where people deposit their own human waste. And so the feces by thousands of people in this area, this is certainly not a pleasant topic, I assure you, but it also is not just unpleasant from an olfactory sense, it does not just smell bad; when it does get a little bit of rain into this area, that is washed into some of the water supplies. We have had ranches down there where farm animals and ranch animals have stopped drinking in the wells. They have essentially been ruined by this kind of activity. It does seep, of course, into the ground, then, after it has been washed down into this arroyos. This is not the kind of area, this is not the kind of land where that kind of waste can be disposed of easily.

The rest of this stays in place. The Border Patrol is not going to pick it up. The ranchers try to pick it up because it becomes very dangerous, but they can spend their entire day, week, month, year, picking up trash on their land. Their cattle eat this trash, especially that black plastic that most of us have seen and we certainly use ourselves. It is strewn all over the desert and the cattle will eat that and die. We have had thousands of head of cattle here that eat this trash and that die as a result of it. These are just, as I say, some of the environmental problems that you have when you have got literally hundreds of thousands, in fact, millions of people coming across this land.

We have had archeological areas, areas of great archeological value destroyed. In Pinacate, which is also a national park, the Mexican soldiers destroyed some of the archeological areas, including one with a 100,000-year-old drawing on the wall. This was according to the Pinacate Park Director, Carlos Castillo.

In addition, the Mexican Army has dug deep trenches to destroy 19 clandestine airstrips which mar hundreds of acres of volcanic desert that took 4 million years to form.

□ 1900

These soldiers' markings could last for another 100 years.

Few parks really have taken a greater toll than the U.N.-designated biosphere reserve El Pinacate and Arizona's adjoining Organ Pipe Cactus National Monument.

Last year, officials caught 200,000 migrants coming through Organ Pipe. Remember, we get one in five. That is a conservative estimate. I think it is closer to one in 10 we actually will try to interdict; 200,000 were caught in Organ Pipe last year; 700,000 pounds of drugs were confiscated in Organ Pipe last year.

The drug runners use every imaginable form of transportation: cars, trucks, ATVs. When they are chased, they throw these spikes out behind them, so that the border patrol, whoever may be chasing them, have their own tires blown out. This is something, of course, that our border police and law enforcement agencies use themselves, the spikes to stop people who are chasing. In this case, the trespassers, the people carrying either individuals or drugs, throw out these spikes to stop the people from chasing them.

Again, cars that are abandoned all over the forest, these kinds of roads that have been cut into the forest. Ruts that have been created by so many cars coming across this area; this will not go away for hundreds of years.

They cut down some of the cactus that actually grows in this area, I mean, actually Organ Pipe Cactus National Monument, that is why they call it that, that is why the park is there because it does not grow anywhere else. This is a unique form of cactus. They are cut down and saguaro cactus are cut down and laid across the roads as obstacles so people when they will be driving along the road they stop, their cars are carjacked. They are taken and used to transport drugs and/or illegals and then abandoned all over the area.

Meth labs, this is another interesting one. This is mostly on the northern border, but not exclusive to the northern border.

In Canada, there is a group in Calgary, about 25,000 actually; about 25,000 Muslims reside in the Calgary, Canada area. Strange as that may sound to some, that is the case. There are really several hundred thousand Muslims in Canada. They have been immigrating to Canada for the last several years. This one group in Calgary, according to the folks I talked to that work security for the national parks and the national forests, are telling me that this group is the one that is primarily responsible for the importation into the United States of millions and millions and millions of tabs that are the component parts for methamphetamine. They are shipped from Calgary into the United States. They are cooked at these meth labs that are out there in the national parks and then the proceeds from the sale of these methamphetamine go back up to the organization in Canada, the Muslim group in Canada; and they use that money to support the terrorist activities all over the world.

This particular site, this is a meth lab that is being cleaned up in a national park. People have to come in there with hazmat suits. It is a very, very dangerous area; and for every pound of methamphetamine, there are 6 or 7 pounds of this material that is left, and it is a very dangerous substance. It has to be treated like this, as I say, hazmat suits and very, very carefully.

The drug smugglers will use natural caverns and/or tunnels, caves to deposit this stuff. So we have got kids, we have got hikers, bikers, we have got people coming in walking through the national parks, legitimately walking through, legitimately trying to enjoy the scenery and will go down into these caverns and into these various caves and come in contact with this material and become quite ill.

The fact is that the animal life in most of our national parks have been damaged by so many people coming through. This is a pristine environment with a lot of people coming across the deserts. We find that some of the migration patterns for some of these animals are disrupted. They are kept oftentimes away from water because that is where these pick-up sites are. So some, like the Sonoran pronged horn, which is an endangered species, is becoming even more endangered as a result of this kind of activity in their environment. Take this cactus. As I said earlier, these are unique in the world, this kind of cactus, organ pipes. We can see here the graffiti that they have carved into it.

This goes on and on, and yet nothing is really said about this. Nothing is done about this part of it. It is fascinating to me, we actually send billions of dollars around the world to Third World countries, Mr. Speaker. We hear the discussion on the floor of the House. I hear it in the Committee on Resources.

We spend billions of taxpayers dollars in Third World countries because we say in these countries we have to do something to help them create an economic environment where they will stop degrading their own environment, where they will stop destroying the forests, where they will stop cutting down old-growth forests, where they will stop polluting because they are doing it because they are a Third World country, they are very poor; and so we have to come in there and try to help them.

We go to Africa. We spend billions of dollars in Africa and in Latin America trying to get them to change their economy, trying to do something to get them to stop doing what they are doing to their land, and we do this with great relish, and we do it in this way that makes us think and feel good that we have taken care of our land. We know how to deal with our problems. We know how to deal with the environment in the United States. We have passed law after law after law. We have slapped people into chains and sent them off to jail. We have fined companies billions of dollars. We will pick a person up in certain States and arrest them for littering. I mean, we have got signs along the highway that says no littering. We do a lot of stuff in the United States, but we completely ignore these particular phenomena in our own country.

We have National Geographic specials, we see them all the time on television. They are documentaries talking about how we need to do things in countries around the world to address the problem of the degradation of our environment on a worldwide basis, but no one will talk about this.

No one will talk about the smugglers that have left 95 percent of their garbage and junk vehicles in our borders. At Cabeza Prieta National Wildlife Refuge, smugglers have made a 26-mile road into the Growler Valley that slices into protected wilderness. I saw that road. I have been down to Cabeza Prieta. Along the refuges is famed Camino del Diablo where crosses mark places where 19th century travelers paid for their ignorance of the area with their lives.

The dirt is now a dirt road. It features big pits of nearly impassable moon dust. Smugglers just drive around these areas, widening these pits a quarter mile into the wilderness. It is estimated to fix the dirt road up to $30 million. That is if we can get down there to fix it, but they are probably not going to get appropriations for that purpose because why? Because that particular part of our environment, that particular problem was caused by illegal immigration, and we do not want to talk about that so we are going to ignore it.

As I mentioned earlier, there are cars all over. Officials estimate smugglers drove 5,000 cars through protected wilderness last year alone. Once that road is there, it will be there for 60 to 70 years, says Vergial Harper, the refuge's outdoor recreation planner. Seventeen abandoned vehicles now sit in the Growler Valley area. They probably have to be removed by helicopters to minimize further damage to the soil that serves as the skin of the desert, as they put it.

Do my colleagues know how much it costs to try and get one vehicle out of there by helicopter? It is a very expensive undertaking. There are thousands of vehicles all over the desert.

On a recent afternoon in Organ Pipe, discarded water bottles, backpacks, hot sauce containers, and Spanish-language comic books littered the ground around a sprawling ironwood tree estimated to be 1,000 years old.

Another endangered species' affected growth in Tucson, the Pima pineapple cactus, is also in the way of crossborder traffic. Just northeast of Nogales, fences meant to protect a patch of these cacti from being knocked down and allowing cattle to enter and possibly trample them, well, anyway, the fence is being destroyed. The crossers, the horses and their vehicles, have also gone right through that same plot.

The tiny cacti "don't have any legs. They can't get up and move," Coronado national forest spokesman Gail Aschenbrenner said. At Leslie Canyon Wildlife Refuge near Douglas, areas thick with a particular kind of water umbel, an endangered plant, had been trampled to death by illegal immigrants waiting to be picked up, according to a congressional study. The plant has adapted to flood, draught and water fluctuation, said refuge manager Bill Radke, but not adapted to people squashing it.

So much of this has been documented by the kind of information that even the Congress has had at its disposal by hearings, by the CRS, the Congressional Research Service, and again, nothing, absolutely nothing, done.

Let us talk about fires for a moment. Illegal border crossers are suspected of causing eight major wild fires in southern Arizona in 2002 sticking taxpayers with $5.1 million in fire fighting costs. These eight fires that charred 68,000 acres are nearly 108 square miles near the border according to the Arizona Daily Star. Only the fires bigger than 100 acres were included in that analysis, but officials say border crossers cause many smaller blazes that were quickly controlled. Food containers, juice cans, water bottles from Mexico were found at many of the fires' starting points.

The Ryan fire, a 38,000 acre fire that raced across grasslands toward Fort Huachuca in late April and early May. The Oversight fire burned 2,189 acres in the Huachuca Mountains. The Walker Community fire burned 17,000 acres west of Nogales in June. These were all started by illegal aliens.

When we were down there, it was fascinating to talk to the people, the forest service. They will tell you, they now have changed the way that they actually try to fight the fires because it has gotten so dangerous to go in there. There are so many people coming through those forests with guns protecting drug trafficking activities that they do not go into the forests at night even to fight the fire. So the fires are allowed to burn because we are afraid to send people in there. We are also afraid to dump the retardant on there because we are dumping it on a lot of people who are out there. These are illegal aliens, but there are so many in the forests that we cannot fight fires appropriately.

The whole area is susceptible to this kind of thing, and yet again, where are the environmental groups? I hear from them. I am sure every Member of this body hears from people in the Sierra Club and everybody else that are demanding that we do more to protect the environment. Where are the groups demanding that we do something to stop illegal immigration and the degradation to the land that occurs as a result of this policy of open borders?

Just considering the environmental damage alone, we can wonder why those dedicated to the protection of the land and its resources have never intervened forcefully in any way. For example, the County of Santa Barbara, California, where lawyers representing environmental groups are ever ready to go to court on behalf of possible damage to oaks, endangered species, habitat or wetlands, if they are disturbed in any way by the action of California ranchers or farmers on their own property. If there are similar organizations in Arizona, the vast environmental damage being done by hundreds of thousands of illegal immigrants does not seem to disturb them.

Evidently, political correctness demands that one first consider who is destroying the environment, not the extent of the destruction itself or whether it should be stopped. With environmental groups these days, social justice is in the form of immigrant rights; and it trumps concerns about overpopulation, damage to plants, land and wildlife; and those are the quality of life issues in the United States.

These priorities mirror those of the Ford and associated major charitable foundations from both the National Council of La Raza and the Sierra Club where they give their financial support.

□ 1915

Interestingly, the Sierra Club does have one part of its organization, maybe 30 or 40 percent of their membership, that have decided to start sort of a splinter group, I guess I would say, in the Sierra Club. And they in fact have actually done a pretty good job of trying to bring to the attention of the rest of the members of the Sierra Club the problems that are endemic with our national grasslands, our national parks, and our national forests as a result of our completely and totally abandoned borders.

This is from a report to the House of Representatives Committee on Appropriations on impacts caused by undocumented aliens crossing Federal lands in southeastern Arizona. It was a joint project by the Immigration and Naturalization Service, the Department of the Interior and the Environmental Protection Agency. It was completed on April 29, 2002. It has only recently been released. It constitutes an extensive and official documentation of the harm that migrant smuggling has done to the fragile ecosystems and natural resources in southeastern Arizona, and, one might reasonably conclude, other frequently traveled areas along the southern border.

Sometimes our environmentally based arguments fall on deaf ears because environmental effects are indirect or long term. I am reading from a report that was issued by FAIR, an organization devoted to immigration reform. Here are some of the quotes from the report to the House of Representatives Committee on Appropriations on impacts caused by undocumented aliens. Here are some of the quotes.

Page 2: Undocumented aliens crossing Federal lands in southeast Arizona not only cause damage to natural and cultural resources, they impact Federal land visitors, public services, Federal employees working in the area, and residents and businesses located on Federal and reservation lands.

Impact visitors: Let me tell my colleagues what happens. Here is mom and dad out there in their Winnebago, camped out in any one of these different types of campgrounds in our national parks, and all of a sudden, and this has happened, all of a sudden they look out the window of the camper and there, coming across the camping ground, is a group being led by a guy with an M-16, a bunch of people carrying 60-pound backpacks carrying drugs, and a guy following them with another M-16. And I am sure they thought to themselves, this is a national park? This is a campground? Am I in the right place?

Well, yes, they are in the right place. They have been confronted, their vehicles have been vandalized and stolen by these people, and they have been threatened by folks smuggling drugs across that border and through our national parks. Yet nobody really seems to care.

Another quote: Certain Federal lands in southeast Arizona can no longer be used safely by the public. These are our public lands. This is where we want to go when we want to take the kids out hiking, camping, and fishing. Certainly Federal lands in southeast Arizona can no longer be used safely by the public or Federal employees due to the significance of smuggling of undocumented aliens and controlled substances into the United States. The mere number of undocumented aliens traveling in the border area intimidates legitimate visitors and creates a reluctance by some in the public to use the public lands.

I guarantee that is true. There are people who are afraid to actually go into our own public lands.

Another quote: Ranchers, farmers, miners, and other legitimate users of Federal lands are heavily impacted financially by smuggling operations that cut fences, break down or leave gates open, damage water supplies, steal or damage equipment, and disrupt grazing and irrigation schedules.

Every week I come on the floor with a picture of another person we are inducting into the Homeland Heroes Hall of Fame. These are primarily ranchers down along the Arizona border that are having their entire lives turned upside down. Their ranches are being destroyed, and their government does not seem to care one iota. They are not coming to help them, but they are facing the brunt of the invasion. And it is just that. It is an invasion. That is the appropriate word. Michelle Malkin, author, uses that word to describe her book. In fact, it is title of her book, and it is about this phenomena. And it is absolutely accurate. It is an invasion, but we do not intend to address it.

We are fearful of actually trying to stop it for fear that there will be a political backlash here; for fear that some of the business interests that support our side of the aisle will say we need the cheap labor; for fear some of the immigrant and lawyer groups that support the other side of the aisle will say, look, these are all going to be voters sometime and they comprise a big chunk of our voter base, so let us not talk about illegal immigration. These are the reasons why we do not face the issue of invasion.

Going back to the report: Breaking and entering and burglaries along the border are common and include historic and government structures, employees, and private residences and businesses.

Another quote: Federal law enforcement officers assigned to land management agencies and tribal police often face situations where they are at personal risk and must deal with overwhelming odds.

In Arizona, on the reservation land that we refer to as the Tohono O'odham Indian Reservation, they have about 1,500 people a day coming in to their land, 1,500 a day coming in to that tribe's lands, coming across it and destroying the land and the life-style of the people who live there. Go down and talk to the Tohono O'odham Indians yourself. Talk to the people who try their best to maintain some degree of order on that reservation and they will tell you it is a madhouse. Life there is a nightmare for them. I have seen little children, 5 years old, walking around stoned. The drug smugglers have turned several small villages there into their encampments essentially, because they have been able to, both with drugs and money, entice people into participating in this activity.

Going back to the report: The character of congressionally designated wilderness areas have been reduced by the creation of unwanted trails and roads, damage to existing trails, and large amounts of trash. Encounters with large groups of undocumented aliens reduces the quality of the wilderness experience for many visitors.

I assure my colleagues that that is true. When someone comes across a bunch of people carrying drugs in and guns on their backs, it does have a tendency to, as they put it here, to decrease the quality of the wilderness experience.

Gates are rammed, security locks are cut, signs are driven over and heavy damage or destruction of water developments and other improvements by undocumented aliens traveling through the Federal lands and seeking drinking water in remote locations occur regularly. Some ranchers actually put out cups for these folks and say, look, do not destroy the well, do not break the pipeline, here is a cup, here is water. But they have disregarded it. There is some animosity there. They break the pipeline, they pollute the well, and move on.

Recreational, cultural, and administrative sites are repeatedly vandalized and damaged, 1,000-year-old carvings destroyed.

Would that not have made the front page in most papers around the country if that had happened by a bunch of vandals destroying some pristine area, some prehistoric site, for instance, like that? That certainly would have made the news somewhere. But you did not see a word here. Why? Because it was done by illegals. In one case it was done by the Mexican Army coming across the border. Why were they in the United States? They were protecting a drug load: protecting drug traffickers coming into the United States.

Believe me, the Mexican Army, which is on the border to a large extent, is not there to protect the border. They are there essentially to provide cover for illegal drug activity on that border.

Going back to the report: Tons of trash and concentrations of human waste are left behind by undocumented aliens. This impacts wildlife, vegetation, and water quality in the uplands, in washes and along the rivers and streams. It also detracts from scenic qualities and can affect human and animal health from the spread of bacteria and disease.

We have not even gotten into the issue of disease tonight. We will talk about that more at a later time.

State, county, and local governments and private property owners experience most of the same problems caused by undocumented aliens crossing their lands as mentioned herein. Additionally, there is a significant increased workload on Federal and local court systems and increased costs to medical providers caring for the sick and injured. Health care providers especially are heavily impacted. Twenty-six percent of all the people in Federal prisons are illegal aliens, 26 percent in Federal prisons. We do not know how much it is in State and local prisons all over the Nation. Hospitals, especially their neonatal care units, are closing up all over. Douglas Hospital is going through bankruptcy. If it goes under, it is going under because of the care they provide to illegal immigrants, without of course reimbursement. If it goes under, there will not be a hospital around for 100 miles.

Back to the report: Literally hundreds, if not a thousand or more, of new trails have been created on Federal lands in southeastern Arizona by undocumented alien crossings. And more and more trails are being created by the hundreds of thousands that cross Federal lands in southeastern Arizona each year. This proliferation of trails damages and destroys cactus and other sensitive vegetation, disrupts and prohibits revegetation, disturbs wildlife and their cover and travel routes, causes soil compaction and erosion, impacts stream bank stability, and oftentimes confuses legitimate uses of trails on Federal lands.

There are so many trails on lands that people that are out there legitimately are looking for a way to get around the land, and they take these trails that the drug users have created and, of course, go off into never-never land.

The impacts of such fragmentation are perhaps most severe to breeding birds, many of which nest directly on the ground in short shrubs and trees on or adjacent to the network of undocumented alien routes. The continual disturbance to nesting birds during day and night typically leads to direct nest failure or abandonment of breeding birds. That leads to increased predation on active nests and keeps birds from maintaining egg temperatures and adequately feeding any young that do hatch.

Again, let me suggest that if this were happening anywhere else in the world, especially anywhere else in our country, there would be an outcry on this floor. There would be an outcry heard by every news outlet in the Nation. They would interrupt the report about the war to talk about the fact that some bird has been removed from its nest, or its nesting area has been destroyed by some sort of action taken by man. In this case, however, because it is an illegal immigrant, we will not hear a word about it.

There are high concentrations of human fecal material in heavily used undocumented alien pickup points in and adjacent to washes, rivers, and streams and in other heavily traveled routes. This also impacts wildlife, vegetation, and water quality in the uplands, in washes, and along rivers and streams. The human waste presents a health risk to all people.

Now, this is in a report that is provided to this body and to the United States of America, to the people in this Nation. We provide this particular information. And what happens as a result of it? I wonder if any of my colleagues have ever read it. I wonder if any of the news media that so quickly uses this kind of thing to pick up on when they say a report delivered today to Congress talks about environmental damage, talks about global warming, talks about how the world is changing as a result of man's interference with nature. Usually, that just gets snapped up like that if there is one sentence in any Federal report, scientifically supported, that draws attention to some problem with the environment, especially some problem that we can attribute to mankind. Well, we certainly cannot attribute this to anything else.

There is no way to say that what I have talked about here tonight is not a problem created by human beings. What we can say, however, is that this problem is not being solved. It is not being solved because there is not some technical solution, or maybe we just do not have the right kind of pollution control device and/or we have not come up with the correct mix for gasoline to remove some of the pollutants.

□ 1930

We cannot say that is why this pollution is occurring in our national forests. We can say it is occurring because we do not have the will to stop it. We are destroying this land. It will be gone. Our children will never be able to enjoy it. Certainly their grandchildren will not be able to, and how will we explain this to them.

Will we say it was because we just did not have the technology, but there was an argument about whether or not it was really caused by man's interference or whether it is natural. No, that is not an argument that we can use in this situation. We know what has created this. It is millions and millions and millions of feet across this land every year. It is hundreds of thousands of vehicles coming across this land every year. And for what purpose? To enter this country, to do so illegally, to bring human beings or drugs into the Nation. That is the purpose. Because we find that so sensitive, so off the charts when we are talking about issues, we refuse to deal with it. It is amazing. We cannot get an argument about what the cause is. Not a single soul will stand up and argue about the cause here for this pollution. We know exactly what creates it; but we categorically refuse to deal with it because the subject is difficult to deal with because it is not politically correct to talk about it as a result of human traffic, illegal traffic into this country.

There are huge, huge economic benefits that accrue to certain groups, to certain businesses, to certain individuals to have lots and lots of cheap labor. There are political advantages that accrue to others to have lots and lots of immigration into the country. These two things, the political advantage, the economic benefit of cheap labor and illegal immigration, stop this from being addressed. It is a shame at least. It needs to be addressed. It needs at least to be debated.

Maybe I am wrong, maybe I am 100 percent wrong about what is happening. Maybe this report is just fabricated, just a bunch of lies that somebody wrote down because they have it in for immigrants. Go there yourself if you think I am exaggerating this problem. I encourage Members to go there themselves and observe it, observe the Organ Pipe National dump and see whether Mr. Eggle, Mr. Robert Eggle whose son was killed at Organ Pipe a year ago August, his son was killed there by two people who had come through after killing four other people in Mexico, part of a drug deal. They came into the United States and they came up against Kris Eggle. He was a park ranger, and he was not trained and he did not have the equipment to deal with terrorists. That is who they were. And they cut him down with an AK-47. We went to where he was killed, and Bob said the following: "If they do not get the crime situation under control, they are not going to have any resources left to protect." That was quoted in Outside Magazine February 2003. His son lies dead. The environment is being destroyed. Hundreds of illegals are dead in the desert, all because we do not have the guts in this body to take this issue on.

Americans do, I assure Members of that. Poll after poll after poll will tell us that Americans believe we have to do something to control our borders, something to reduce immigration to a manageable level. I have a bill that would reduce immigration, annual legal immigration into the United States to 300,000 a year. That is far more than came into the United States during the heyday of immigration of the early 1900s. I am accused of trying to build a Berlin Wall.

And how can we create a bill for guest workers to come into this country legally, how can we say we have some sort of legal immigration number by say 300,000 or 3 million, how can we say that if the borders are porous? It does not matter how many the government says we will allow in or how many workers we will take in as a temporary basis. As long as the borders are porous, they will come at their will, not according to what our needs are. And they will pollute.

The only way to defend this Nation against the danger that exists as a result of terrorist activity, the only way to defend this Nation in terms of the drugs that are imported across this border every single day, the only way to defend the environment in this Nation is to put the military on the border to augment our border patrol and our Forest Service personnel and stop this degradation of the land and stop the invasion. That is the only solution to the problem. The only one. Nothing else will work.

We must use the military to defend our borders against the invasion until the Department of Homeland Security can effectively control this problem. Until then, the invasion goes on. Our homes are threatened, our lives are threatened, our environment is being destroyed. Let us not shy away from that on the House floor. It is our duty, it is our sworn duty to take on these kinds of issues, and I urge Members to do just that.

CONCENTRATED ASSAULT ON ENVIRONMENTAL PROTECTIONS

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I come to the floor this evening while there is a battle raging in Iraq, one that is well known to the American public, and I want to spend a few minutes this evening dealing with another battle that is taking place, a battle that is raging in this country that has potential risks that are every bit as great as that of international terror for the safety, health, and well-being of our citizens and, indeed, the citizens of the planet.

I am talking about a concentrated assault on environmental protections in this country. I am deeply troubled by the gap between what we have seen growing in terms of the political process with some of my Republican Members and people in the administration in terms of what environmental protection means, where we are, and where we should go.

Now, I come from the perspective as somebody who was part of an Oregon tradition of politics that was decidedly nonpartisan or, in fact, aggressively bipartisan when it came to environmental protection. My first assignment as a college student from a government official was from the legendary Republican Governor of Oregon, Tom McCall, who appointed me to his Livable Oregon committee. Throughout the years that I worked in Oregon politics on the State and local level, I was pleased to work hand in glove with a wide variety of people who put environmental protection first, and partisanship and special interests came later.

On the floor this evening, I must, I guess, acknowledge my dismay about the growing gap between the parties when it comes to environmental protection. I think this was crystallized for me when I received a copy of a widely circulated memorandum from the famous Republican pollster and political consultant, Frank Luntz, that was distributed to Republicans in Congress earlier this year. It was ironically entitled "Straight Talk."

Frankly, Mr. Speaker, I do not think this memorandum has been given enough attention, and I hope to do a little bit of that this evening because I think it is very important to understand the differences between the two parties as they relate to environmental protection; and this memorandum is revealing strategy where some of my Republican friends, people in the administration and Congress, are advised do not use your ingenuity to develop more environmental protection, do not use your creativity and political muscle to put the money behind enforcing our environmental laws to try to extend the boundaries. Instead, the approach of this memorandum is to put the time and the energy into how you describe what you are doing, try and feather the impact, try and obscure the real record. I think there is no place it is going to be more telling for the American public this week than to look at the energy bill that is on its way to the floor.

There we see instance after instance where the bill that has been passed by the Republican majority is going to put off our energy problems into the future for the next generation or maybe even the generation that follows them to deal with. There is a refusal to deal with global climate change.

In committee, I am sorry that the Republicans rejected both the bipartisan language that had been passed unanimously in the Senate as well as even the President's woefully inadequate voluntary climate change initiative. We will not find these in the energy bill.

We will find that the critical area of transportation, which consumes 70 percent of the United States oil consumption, indeed just to provide fuel for our automobiles, takes for the United States just our cars, and we represent less than 5 percent of the world's population, that consumes 10 percent of the world's oil production. But amazingly, the bill that is coming before us does not act on efficiency standards. Indeed, they are giving additional tax breaks, and it seems that my Republican friends in committee have yet to find a problem in this country that is so great that it cannot be solved by another tax break, tax deduction, or tax benefit.

But these tax breaks do not go to the 99 percent of the American public that arguably if we can afford tax reductions, and this will be the first time in war that we are proposing not sacrifice but tax deductions for those that need it the least, these tax breaks and royalty relief are to the interest of oil, gas, coal, and nuclear energy. Indeed, some of the provisions incredibly at this time would take away the payments that are due to the American public, royalties for energy sources that are extracted from public lands at a time of skyrocketing energy prices. Well, the proposal there is to reduce the royalties that would otherwise be paid to the American taxpayers.

When we speak of the environment, one of the strategies that is being suggested by Mr. Luntz is to hug a tree, to support open space and parks. Well, by reducing the money that otherwise would go to the Federal Treasury to provide support for our public priorities, one of the most important sources of the revenue that comes from the royalties would go to the Land and Water Conservation Fund, which has been eviscerated under the President's budget.

Also in this legislation, there are proposals to again open the pristine lands in the Arctic Wildlife Refuge, a land that was set aside for all time by Republican pro-business President Teddy Roosevelt. Instead, it is proposed that we open up this area even though, and here I will show a little bit of hometown favoritism, I quote from the Portland Oregonian from earlier this month which I think says it as well as anybody: "The oil beneath the refuge would not lead America to energy independence.

□ 1945

It would not allow the country to recede from Mideast policies. It will have no impact on current gas prices or any shortage that is caused by the war in Iraq, and it will take 7 to 10 years even to get the first drop of oil from the refuge."

And I could not agree with my hometown newspaper more. The irony is that having visited the wildlife refuge, Mr. Speaker, having looked at that fragile Arctic environment and weighing the costs and consequences, it is clear to me that this ought to be the last place in America that we drill for oil, not the first. And I note that the American public in survey after survey has sided unequivocally with the protection of the wildlife refuge.

It is important, Mr. Speaker, that we spend a little time focusing on that energy bill, because I am afraid as it comes rushing to the floor it is unlikely that we are going to have adequate time and energy to devote to it.

But I would reference one other in these times of very difficult problems that are radiating out from our military action in Iraq. When people are looking at the tremendous stresses on our military, they are thinking about ways that we ought to protect the ability of our military to be able to maintain its position as the mightiest fighting force in the world. We are seeing that there has been under the guise of military exigency an attempt by the administration to exempt the Department of Defense from protection of the environment, using the rhetoric of defense to cover up environmentally destructive actions, to exempt the Department of Defense from some of the most environmental protections. These exemptions seek to address theoretical encroachments to military readiness. There is no evidence, no sound science, showing that our environmental laws have hampered our troops' ability to prepare for war. Instead, these laws actually protect the health of families living on or near military bases and actually support readiness by sustaining and extending the life of training ranges.

I would hope, Mr. Speaker, at a time when the Members of Congress are spending more time thinking about the condition of our military and how to maintain its effectiveness, that instead of attempting to eliminate these fundamental environmental protections that put our soldiers, their families, and surrounding communities at risk, we would think about being aggressive in terms of protecting the environment so that we actually coax more out of these resources.

I will be speaking more about that, Mr. Speaker, in the course of this hour. But I wanted, if I could, to take a moment to acknowledge that I have been joined by the gentlewoman from southern California (Ms. SOLIS), a woman I have known during her tenure in Congress to care passionately about the environment, to work with her community at home dealing with issues of environmental integrity and environmental justice, working to try to make sure that the big picture is made. And, Mr. Speaker, I yield to my colleague to speak to these issues with me this evening.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for the opportunity to be here tonight to join him in helping the public better understand the decoding of the environmental rhetoric that we keep hearing from the other side. And for some time we suspected that the Republicans were speaking from the same talking points as we have on environmental policy issues. Now we have confirmation. The Republicans have been trained to use so-called straight talk; false language, distract people with personal stories, and muddy the issues with claims that the environment and the economy cannot coexist without measures that will cause dirtier water, fewer parks and polluted air.

In a memo that I saw recently circulated by the Luntz Research Companies, Republicans are told that the environment is one of the most important issues that they are in fact very vulnerable on, and we know that. Some of us here in the House know that, and out there in our communities, and in order to combat this vulnerability, the Luntz memo, to use buzz words in their arguments, words like, for example, "safer," "cleaner," and "healthier." They are told to avoid the economic arguments first so that personal stories can be shared. The Luntz memo notes that Republicans should stay away from big words and provide examples about how Federal agencies are not protecting our natural resources. And we can see this rhetoric being used every day in policies that the GOP is offering.

In fact, I brought a copy of the memo that was outlined. It was circulated by the Luntz Research Group, and if I start reading from it, my colleagues would be amazed by what they would see.

And if I could maybe share some of that, on page 132, Overview: The environment is probably the single issue on which Republicans in general and President Bush in particular are most vulnerable.

Secondly, indeed it can be helpful to think of the environment and other issues in terms of a story, a compelling story, even if factually inaccurate, and I underscore that, factually inaccurate, can be more emotionally compelling than a dry recitation of the truth. So here we are talking about falsehoods.

Let me go on, Mr. Speaker. This week we are going to be debating the energy bill, and this is a good example of how using rhetoric can be made publicly available to folks, but it is a bad policy for people and consumers and especially those that I represent in the State of California. The Republicans claim that the bill is a fair balance between the environment and the economy, but the bill encourages our continued dependence on fossil fuels; drilling in the Arctic, the National Wildlife Refuge, and other ecologically sensitive areas; and it fails to create a comprehensive plan for renewable alternatives. My goodness.

And last year, as my colleagues know, California faced blackouts and price gouging. My constituents faced energy bills that rose upwards of 300 percent in a short 4-year span.

This bill that is being proposed will provide very little relief for the constituents that I represent, and I do not think it is a fair and balanced approach, and I believe that the Republicans claim that they are supporting development and advancement of technology. At least that is what they are representing. Yet the bill is loaded, loaded, with subsidies to the oil and gas industry, subsidies that do not necessarily require research and development, subsidies that reward pollution instead of innovation and technology and efficiency. These industries that the Republicans are subsidizing often put their plants in the center of districts like mine, in low-income, economically underprivileged communities. And I know that, because they believe that our community is not paying attention and that they can get away with planning and siting projects that are harmful to our water, to our air, to the environment, and to the people that we represent.

This is the case in the San Gabriel Valley, and I say that because many of these folks come into our district promising jobs, redevelopment, cleaning up the blight, giving jobs to poor people, and then they leave us with a blank check, nothing there, no jobs, pollution, and, in my district, four Superfund sites and little enforcement by EPA at this point to really do a better job of cleaning up the environment.

So I have a lot of questions about the message that the other side is using to say that they are now on the side of the consumer and the population about cleaning up the environment.

One last item I would like to talk about also is on the budget. Another example of effective messaging and lax policy is the Bush budget. The President and his supporters claim that the budget will create a "safer" and "cleaner" and "healthier" Nation. However, the budget uses creative accounting to raid the Land and Water Conservation Fund, a fund that has impacted hundreds of communities as they try to protect their natural resources through restoration and cleanup projects, projects that are directly linked to the health of our families, because we are talking about the very water that they drink.

And President Bush claims that he "preserves and protects" the environment; however, his budget request for the environment is slated for a $1.6 billion reduction compared to fiscal year 2002, falling from $29.6 billion to $28 billion.

Projects on the chopping block, for example, are dealing with environmental education like lead-poisoning prevention, a serious concern in our district where many young children are affected by this particular additive that is very harmful to the development and puts many children, millions of children younger than 6 years of age, at risk for intelligence, behavior, and physical disparities that they will be affected by if they are exposed to lead. And we all know that but we are not doing enough to help address this. We are actually cutting back in that area.

And I say that it is time to do a better job. It is time to look at why water quality investments are also falling short. For example, in this budget, $2.7 billion in FY 2002 to only $1.8 billion in 2004, a loss of $861 million, or more than a 32 percent cut. What in the world are the Republicans really saying? We want to protect the environment, we want to protect families and consumers, but at the same time they keep chopping, chopping, chopping.

So that is what the message, I think, tonight has to be, Mr. Speaker: that we clarify what our agenda is and whom we are standing up for. And I am very proud to represent the district that I come from, the San Gabriel Valley, where now people are having hardships. We have unemployment rates upwards of 11 percent, and this has gone on for more than 2 years.

People want clean drinking water. They do not want to be notified in the mail that their drinking wells have to be closed because they found rocket fuel in their water. We need to have more tools to do the cleanup. We need to go after the responsible parties, and we cannot afford to let people off the hook who are the polluters. That is what the Superfund law was all about, and that is what we should be here to enforce tonight and every single day that we are here fighting for our communities.

I would just say, lastly, that it is a privilege to be here as a Member of the House advocating for environmental issues, in particular environmental justice activities that affect not just my area but many corners of our country. And people need to better understand that environmental justice issues are issues of better health care, better education, and an opportunity to begin to clean up their communities and enhance economic development in a positive way so that everybody can grow and prosper, and children, whether they are rich or poor, can live in a clean environment.

I thank the gentleman from Oregon (Mr. BLUMENAUER) for the opportunity to speak tonight on this very important message regarding the truth about the environment and who is sticking up for environmental justice.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS). I appreciate her zeroing in on the notion of how to interpret, read between the lines. We have joked a little bit about having a decoder ring so that people can understand what is being offered, and her points about the disconnect between the budget, which really is a tangible expression of priorities; that is, a budget submission that is antienvironmental and has actually been made worse by the Republican budget resolution; the simple notion accepted by the American public to aid environmental cleanup by having the polluter pay that has been suspended, and abandoning the Superfund, making it very difficult to be able to continue the notion of environmental justice where we have put such a burden on people who often have no alternatives, who are unaware of what is happening, and how the administration is suggesting that we not initiate new activities but, in fact, we pull back from what we are doing now that is, in fact, inadequate. I appreciate her forthright expression of that.

I think it is important that we work together to have that decoder ring to understand. I hope that we are able to deal with the advice that Mr. Luntz has given to the Republicans. I think it is important that he points out that scientific consensus is against them, that the public is suspicious, but we hope that instead of trying to deal with semantics, rhetorical cover-up, that we can encourage people to go back to what we started with in terms of the Clean Water Act, which was actually from the Nixon Administration, to have an opportunity where people are embracing environmental values.

□ 2000

We have been joined this evening by the distinguished gentleman from New Mexico (Mr. UDALL). I have been pleased to work with the gentleman on the floor of this House. I have been very impressed in my visits to his district, as the gentleman reflects the strong environmental values of the people of New Mexico, and we are honored the gentleman will join us this evening to join in this discussion.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman very much and thank the gentleman from Oregon for that very kind introduction.

Let me also say about our colleague, the gentlewoman from California (Ms. SOLIS), who has been a real champion on environmental issues in California, she served in the California legislature and I think has been at one point written up as a Profile in Courage on environmental issues because she took on an environmental racism issue in her community and fought it for a number of years and passed a significant piece of environmental legislation. So what the gentlewoman says about these issues, I think she has lived and walked the walk.

The gentleman from Oregon (Mr. BLUMENAUER) has also been a key environmental leader on many, many issues here in the Congress, including energy, which we are talking about tonight. The gentleman has pushed for livable communities. The gentleman has tried to make sure that the Federal Government does everything it can to be a good partner in communities.

One of the things we see is the Federal Government owns a lot of the landscape; and because of one of the gentleman's pieces of legislation, we are trying to make sure that the Federal Government in fact is a good neighbor, and when they locate buildings or relocate buildings, that they visit with the locals in addition to going through the normal planning processes.

The gentleman has been to my community. I know many of the people very much appreciate the gentleman's efforts in terms of transportation and trying to make sure that we develop sensible transportation alternatives in our communities: allow people to bike to work, have mass transit, have alternatives that make sense from the perspective of energy, which is one of our big topics tonight.

I know that the gentleman mentioned earlier the Arctic National Wildlife Refuge. Rather than go directly into my comments, I wanted to say a few things about what the gentleman was talking about, because the gentleman said he has been there.

I have also been there. I just wanted to talk a little bit about how that is a very special place, and I think anybody that is going to vote in this body on this issue ought to take the opportunity to try to go up and visit it. When I say go up and visit it, I do not mean go to Kaktovik, the little village up on the very upper end, which is a community that has a lot of problems but does not represent at all the environment in the Arctic National Wildlife Refuge.

What I did was I spent a week in this whole area, floating on a river by the name of the Hula Hula River, named after the whalers that came in the area hunting down whales, Hawaiian whalers; and they called the river the Hula Hula. In the course of floating out of this river, it floats out of the Brooks Range. It is probably one of the clearest, most pristine streams you have ever seen. We took the opportunity to stop and fish in the Hula Hula River for Arctic char. We saw a variety of wildlife. We saw grizzly bears, musk oxen, herds of caribou.

Coming back from that trip, and after experiencing that and camping in this area, I cannot think of any area that is more deserving of being a wilderness area than the Arctic National Wildlife Refuge.

The argument is that we need to raid the oil that is there. In fact, what the situation is on the whole coastal area in Alaska is that 97 percent, 97 percent of that coast is open to exploration, is open to oil production, and just a little part of it we are trying to preserve as a wildlife refuge.

It has been a wildlife refuge, it was put in many years ago under a Republican President, and we do not see that bipartisanship today on the environment, by the way. So I think the gentleman's remarks are right on point when it comes to the Arctic National Wildlife Refuge.

I also would like to say a few words about the energy bill that we are going to start debating this week, the Energy Policy Act of 2003. During the last Congress, the House spent countless hours debating a similar bill.

Unfortunately, one of the major provisions in the last energy bill on which Members could not agree was renewable energy. As my colleague, the gentleman from Oregon, has said earlier, the Republicans are putting off dealing with our Nation's energy dependence problem and leaving it to legislators of a future generation. Their theme seems to be, "Why do today what we can leave for the next generation to deal with in the future?"

Last month I introduced legislation that establishes a Federal renewable energy portfolio and establishes standards in that area for certain retail electric utilities. There are some who say that a long-term sustainable energy plan is impossible, or that renewable energy and energy efficiency are just dreams and that the U.S. will never be able to break its reliance on traditional energy sources, like oil and coal.

I disagree, and I know the gentleman from Oregon disagrees; and now, in the post-September 11 world, as we are in the midst of a war with Iraq, the renewed conflict in the Middle East shows us that we cannot continue to rely on imported oil from that region.

When my father, Stewart Udall, was Secretary of the Interior, and this shows the dramatic change in our society, what happened in the last generation, the U.S. imported when he was Secretary of the Interior in the 60s 20 percent of its oil. My father argued that we should not import more than 20 percent because this was a national security issue if we were relying too much on one area of the world.

Our people may not know it, but today we import 53 percent of our oil, 47 percent which comes from the OPEC countries; and by 2020, the United States will import 62 percent of its oil unless we change the way we are doing business here in the United States.

Even more concerning, world oil production is expected to peak sometime in the next few decades, even some say as early as 2007. That means as energy demand increases more and more rapidly, the world's oil supply will be proportionately diminished.

Energy production has brought tremendous prosperity and allowed us to grow our economy at unprecedented rates. However, nonrenewable forms of energy are responsible for many of the greatest environmental threats to America's well-being.

For these reasons, I am particularly interested in a renewable portfolio standard. I believe that an RPS paves the road for development and investment in clean energy technologies and local economic development. RPS, in my mind, clearly serves as a model for tomorrow's small and medium businesses to draw a profit from their own environmental responsibility.

As a Nation of what I call "petroholics," we claim only 2 percent of our electricity is generated by nontraditional sources of power, such as wind, solar and geothermal energy. Instead of pushing for the exploration of oil development and contributing to this country's addiction to oil, we should be pushing for the exploration of renewable energy development. I believe this bill goes a long way to develop a strategy for putting renewable energy into place.

With that, let me just say to the gentleman from Oregon that I think we need to focus as a country on renewable energy. We obviously need a strong domestic industry, the production of oil. But as many of us know, that peaked in the 1970s; and we are headed down. The rest of the country and the rest of the world, in particular the rest of the world, are going to be going after more and more limited supplies of oil. So the further we can get ahead of that curve, the better off we are going to be.

Mr. Speaker, I thank the gentleman from Oregon for providing leadership on this, for being on the floor and fighting for these issues; and I hope that on some of these battles we can be victorious in the coming weeks.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his comments. I am pleased to be a cosponsor of the gentleman's, I think, really far-seeing bill on renewable energy; and I am hopeful that the leadership in this Congress will have the foresight to allow it to come to the floor and to allow a spirited debate. I am convinced that if we put it to the Congress and to the American public that that legislation will pass.

As I was listening to the gentleman describe the experience we both have shared in the Arctic wilderness, I had in the back of my mind, I think I said Teddy Roosevelt designated it. It was another Republican President, President Eisenhower, who made the designation.

If I said Roosevelt, I was there dealing with the pristine jewel, Yellowstone, which was the creation of then-President Teddy Roosevelt, which we are now seeing under assault, where the administration is proposing that the place in America with the worst air, not L.A., not Houston, it is in Yellowstone Park, where we see park rangers forced to wear gas masks because of the pollution, and we see the rule on restricting the use of snowmobiles being rescinded. I guess I got a little ahead of myself. I apologize if I said that.

I appreciate the gentleman focusing on the opportunity to truly make us energy independent, dealing with renewable energy sources, particularly the nontraditional: the fuel cells, wind, geothermal. As we look at how these will be treated in the energy bill that will find its way to the floor, we will find that there is but a tiny fraction of the attention, the resources, to be able to accelerate those developments. Again, it is a disconnect between the "green" rhetoric that is being couched by the Republican pollsters and pundits and what could have been actual accomplishment.

The bill will fall terribly short, as the gentleman mentions, in terms of environmental stewardship. It will fall short in terms of our meeting our international obligations and opportunities, and it will be a fiscal disaster. It is interesting, the Taxpayers for Common Sense and others in the Green Scissors Coalition are going to come forward to point out how this is a lost opportunity that is going to cost the American taxpayers billions and billions of dollars.

It is sad that a country with less than 3 percent of the recoverable supply of the world's oil, and as we have talked about, much of it in ecologically important areas, we are going to be focusing on trying to extract every last drop and avoiding things that will put us in a positive position.

I would like to acknowledge that we have one of our other colleagues who is with us here this evening. Time is winding down, but we could not not acknowledge the leadership and advocacy of our colleague, the gentleman from the Puget Sound area of Washington (Mr. INSLEE), from the Seattle area, a gentleman with whom I was pleased to take a tour of the Arctic, as we saw what was on the line.

I say to the gentleman, welcome. I would yield to the gentleman for some comments about this critical area that I know the gentleman has spent so much time and effort to provide better alternatives for the people on this floor.

Mr. INSLEE. Mr. Speaker, I appreciate the opportunity to briefly talk about the Arctic, because we were on the banks of the Ivishak a couple summers ago. I have been to Yellowstone, I have been to Glacier, I have been to the Grand Canyon; and this area is the most biologically dynamic place I have ever been, one of the most beautiful places I have ever been in my life, and certainly it will not solve our energy needs.

People sort of feel about the Arctic the way they feel about the Mona Lisa. They may not get to see the Mona Lisa. The advocates of drilling are saying it is going to be a small footprint, just a relatively small oil production facility. I think that is a little bit like putting a small mustache on the Mona Lisa.

□ 2015

It is small, but it is still disfiguring, and Americans do not want it.

I hope that we will have an opportunity to offer a new approach to energy in this year's debate that is akin to a new Apollo energy project for America that will be as bold as the Apollo project that John F. Kennedy stood in this Chamber in 1961 and challenged America to go to the Moon in 10 years. We think the U.S. Congress ought to be challenging America to go to a future of self-reliance in energy to break our addiction on Middle Eastern oil, to adopt and embrace a goal of reducing our global warming gas emissions and, in fact, grow jobs in America.

That is what we need, a visionary, bold, creative energy policy; not one that relies just on the technologies of the past, but one that will, in fact, engage the American talent and that can-do spirit.

We know that Americans have the most creative talent in the world. We have created most of the technologies of the last century. Now it is time for us to create the energy technologies of the next century. We know the world will beat a path to the door of the country that does this. We do not think we should give these markets of wind turbines to Denmark, or the market for fuel-efficient vehicles to Japan, or the market of solar power to Germany. We believe those jobs should be right here in the United States.

So we hope to offer, and in fact, we will be going to the Committee on Rules tomorrow, to offer America a new Apollo energy project which will, in fact, attempt to use all of our sectors in a creative way; to do research on coal to see if we can find a way to sequester the climate-changing gases of coal emissions; to help both consumers in the auto industry to get more fuel-efficient cars; to help our local domestic auto manufacturers with tax breaks for the retooling expenses they are going to need to make fuel-efficient vehicles; to help improve some of the productivity of some of our oil wells in our domestic facilities now. Because we believe that America ought to adopt the can-do spirit of a new vision of energy, rather than simply relying on the old, the old types of technologies that we have used.

So I appreciate the opportunity to talk with the gentleman. In fact, we may be back tonight or tomorrow to talk some more about that.

Mr. BLUMENAUER. Mr. Speaker, I hope we are able to. I appreciate the gentleman focusing on the fact that we have had a tremendous technological series of advances in this country, and it is time, first of all, to make sure that we do not lose control of some of those, and that we blaze a trail for the future. It is stunning to me that we have an opportunity to give a little nudge to some of the promising technologies, some of the fledgling enterprises, all across the country. And I know the gentleman has been visited by people from our own Pacific Northwest who are on the cutting edge of being able to give a little bit of a push, a little bit of incentive, to have the government step up and lead by example.

Our Department of Defense, for instance. I had been talking earlier about my personal dismay that this administration is bent on somehow exempting the Department of Defense, the largest manager of infrastructure in the world, and, sadly, the source of some of the most serious pollution. Rather than encouraging, rather than giving the resources to clean up after themselves, they are talking about exempting from the Clean Air Act, the Clean Water Act. I know the gentleman from Washington has given thought to the notion of what will happen if we gave a little bit of the money we are giving now to the Department of Defense, almost $1 million a minute, if a little of that were devoted to making sure that we had the most energy-efficient military in the world.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for a minute, I am glad he brought this point up, because we out in Washington State think the administration's effort to essentially gut, and it really is gutting, five major environmental bills for the Department of Defense activities is seriously misguided. The reason I say that is out in Washington, we have a whole host of military establishments. We have the Akamai Firing Center in eastern Washington. In my district we have the Bangor Nuclear Submarine Facility. We have the Puget Sound Naval Shipyard. And at every single one of those sites, we have had the Department of Defense work with our local communities and we have solved some of the environmental challenges without any great failure of training or security.

The Department of Defense has worked with these local communities to solve a problem with the sage grouse at the Akamai, to solve the problem of water quality in the Puget Sound Naval Shipyard, to solve a salmon habitat issue at the Bangor facility. And this proposal to gut these environmental protections is really a solution looking for a problem, because the Department of Defense in the State of Washington, one of the most heavily defense-oriented places in the country, has not experienced any particular qualm or difficulty in solving this problem.

Mr. BLUMENAUER. Mr. Speaker, I think that is telling. There is already, as the gentleman well knows but unfortunately the public is not aware, there are opportunities in the case of national defense exigency for the suspension of this legislation. But the gentlemen raises a point that mirrors my experience time and time again. The characteristics, the leadership, the training, the commitment, that makes our men and women in the Armed Forces the finest fighting force in the world also makes them uniquely qualified to solve problems. And when they are given an opportunity, whether it is building a green building, whether it is solving an environmentally difficult problem, if we give them the order, the resources, the clearance, I am stunned at the progress that can be made.

I am likewise troubled, and the gentleman comes from the State that probably more than any in the country bears the scars of past shortcuts environmentally. We could talk about an area the gentleman is well aware of in terms of the Hanford Nuclear Reservation where we were in a rush to develop nuclear weapons before the Nazis, but now we are spending billions of dollars a year to clean it up.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, that is true. And the Hanford site, this is going to be a 50-year recovery effort.

But some of the problems in the State of Washington, perhaps less known, but every bit as concerning, are water quality issues now, of some of the toxic chemicals that have been, by necessity, associated with the Department of Defense sites. And I can say without hesitation that the people of Tacoma and Federal Way and Paulsville, Washington do not believe it is necessary to allow a degradation of their drinking water standards in their kids' drinking water in order to have the most secure Nation we have. And the reason they are confident of that is they have seen the dedicated men and women of the Army and Navy work with these communities to solve these problems.

So they cannot understand why this administration would come in for what appears to be simply idealogical reasons and gut the protections that have assured citizens that their Federal Government is not going to let tetrachloride or some of these other heavy metals get into their drinking water. It just does not make any sense to them when we have been able to solve these problems because of the flexibility that the gentleman alluded to.

So we hope that this effort will be beaten back and that the common sense that has been used, both by the Department of Defense and our local towns around this country, will prevail.

Mr. BLUMENAUER. Mr. Speaker, the gentleman raises very important points from his own experience.

I had been working on areas of military toxins and unexploded ordnance, and have been frankly amazed at the breadth of the problem, in every State in the Union, coast to coast, areas right here in the District of Columbia. Eighty-five years after the conclusion of World War I, there are still cleanup operations taking place on the American University campus, which was the site of American chemical weapons production and testing during World War I. We have yet to clean that up, not because the men and women in the military do not know how to do it, but it has been a failure of commitment on behalf of several administrations, including this one. Congress has been missing in action. At the rate we are going right now, it is going to take potentially 500 to 1,000 years or more to clean up from the problems of the past.

We have some signature areas. The Massachusetts Military Reservation, there is water pollution that threatens all of the water for the Martha's Vineyard area, but it is almost every district, every single State. Right now, we do not even know how many million acres are polluted, for instance, with unexploded ordnance.

I think the gentleman's point is well taken. I am hopeful that we do not suspend these five critical environmental laws. Not only will it put the health of the American public at risk, but it also threatens the men and women in the military who are around these areas.

And, last but not least, we face a situation now where there are some problems of military readiness. There are fewer and fewer areas that the military can train by going in, treating them right, cleaning them up, solving environmental problems. It is going to save the military problems in the long run, and it is going to extend the life of these scarce areas where important training takes place that is critical to military readiness.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, he just prompted a thought.

One of the problems on this sort of assault on environmental protection by this administration is that it is not just one front, it is a multifront assault on environmental protection. One that the gentleman just alerted me to is the attempt to weaken our ability to successfully prosecute Superfund toxic waste dump cleanups, and the gentleman may have talked about this this evening. I do not know. But in my district, I live right across the harbor from a site called the Waco Creosote Plant. It was an old creosote plant, where a lot of the lumber they brought in, in fact some I think may have gone to the Panama Canal construction project, was created there. Creosote is really effective at killing little bugs that might get into your pilings, but it is very, very toxic. It has some very, very nasty chemicals in it.

That stuff is on a point at a harbor right across the bay from where I live on a little island just west of Seattle. That Superfund site now, to clean it up, is costing tens of millions of dollars to successfully clean up that creosote, because it is leaking into Puget Sound now, and that stuff is a carcinogen and we believe it has caused some pretty awful things to happen to the fish that a lot of people like to eat. In fact, the shell beds, the shell beds are closed around this area. You cannot eat the clams and oysters and the like.

But the administration, despite the ongoing demand to clean up not this one, but thousands of toxic waste dumps around the country, has decided not to fund those by canceling the tax that would pay for this cleanup. That are now paid by the polluters. Before we have had a policy that the polluters will pay to clean up this pollution, rather than John Q. Citizen. This administration wants to take the cost of the cleanup of this creosote toxic waste dump, and there are thousands arose the country, and take it off of the polluters who put the creosote in the ground, who should be morally, ethically, and legally responsible for that, and put it over on the taxpayers, so the taxpayers have to pay for this cleanup.

Well, I can tell the gentleman that my neighbors do not think it should be their job to clean up the creosote that these companies put in the ground, because they were not following the law for decades. And we believe the administration is flat wrong in trying to take care of these special interests by putting that enormous cost of these cleanup efforts on to people who are playing by the rules, earning a paycheck, paying their house payment, and they are now having to pay their taxes for that Superfund cleanup.

Mr. Speaker, it is one manifestation of how special interests here in this Chamber have got their way when they should not get their way. These cleanups ought to be borne by the polluters. Not only is it an equity issue, but the clear fact of the matter is that because of the costs associated, these are billions and billions of dollars, one little cleanup on my little island, it is about 16 acres, is going to cost something like $20 million or $30 million, and we need to repeat that across the country to keep this stuff out of our water. If we do not keep that polluter-pays concept, these jobs are not going to get done.

So this is related to the issue, and I just want to point out that it is not the only assault that we suffer.

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Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments. I appreciate his leadership and look forward to working with him on energy, on defense, and on the areas generally of making sure that we are strengthening, not weakening, our environmental protections.

In conclusion, Mr. Speaker, I know the time is about up, I know you will be disappointed, but I want to summarize because it is important for us to be working with friends like the gentleman from Washington (Mr. INSLEE) and others to focus on actions, not just rhetoric.

And one of the things that I have found most disconcerting as I have watched what this administration has done is taking Mr. Luntz's advice to not be rolling back regulations but, as they call it, updating Washington's rules on the environment. Now, he has been encouraging Republicans not to attack the principles behind environmental protections, but to try and shift things around in terms of the regulatory configuration. Well, the Bush administration has made significant and far-reaching changes to environmental protections since the President assumed office. But not through outright legislation, not putting it before the American public and having a discussion about what our values are, what we are trying to protect and how best to encourage more environmental protection.

We have been having a series of late Friday afternoon rule changes and clarifications at a time when asthma and cancer rates are on the rise. When people in Alaska are seeing tropical insects, when we are having roadways buckle, permafrost is disappearing, the public knows that we should be strengthening, not weakening, environmental laws. We are not just seeing a broad depth and breadth of changes, but we are seeing them done under the radar screen. For example, we have seen a series of rollbacks occurring on Friday afternoons, during the holiday season, when Congress is not in session and when the public's attention is diverted. For example, the EPA announced its biggest rollback of the Clean Air Act since its inception on the afternoon before Thanksgiving and another on New Year's Eve calculated to try and shield the action from the public.

Three of the most egregious rollbacks occurred first earlier this year when we had proposed changes to the Clear Water Act that will have sweeping impacts on 20 million acres of wetlands across the country. Now, these rules changes were in response to a Supreme Court decision that very narrowly interpreted the Clean Water Act and brought attention to what bodies of water the act should apply to.

Now, instead of advancing clarifying legislation that would make clear we want to protect these precious wetlands, half of which are gone already, some communities have lost 90 percent of their wetlands, deteriorating the quality of water, increasing threats to flood, instead they have proposed leaving out lots of, these appear to be de minimis efforts, they want to talk about creeks, small streams, natural ponds, types of wetlands like bogs, marshes, prairie potholes. These will all be waterways no longer protected by the Clean Water Act. They sound de minimis, but they are part of the critical green infrastructure that has protected our communication for generations. Now they will all be vulnerable to dredging, filling, and waste dumping.

I mentioned earlier the confusion surrounding the snowmobiles in some of our country's most beautiful national parks. During his Presidential campaign, candidate Bush spoke of protecting national parks as an ongoing responsibility and a shared commitment of the American people and their government. The budgets, I will mention, cut funding to this ongoing responsibility. And even though the public has spoken out again and again in favor of banning snowmobiles from areas like Yellowstone, the administration announced last November a proposal to increase the number of snowmobiles in both Yellowstone and Grand Teton National parks by 35 percent.

Now, against the wishes of the American public, the EPA, the National Park Service, the administration has decided to jeopardize the health of the park's ecosystem and employees in areas that President Bush in the campaign referred to as "silent places unworn by man."

Finally, I want to mention, Mr. Speaker, the environmental rollback that will have a significant impact in my community in the Pacific Northwest, the national roadless policy. Near the end of his term, President Clinton restricted logging and road building in almost 60 million acres of national forest. This was after the most extensive public input process in the history of our national park system. There were over a million and a half public comments. Over 600 public hearings. Well, a district judge in Idaho placed an injunction on the rule. The Bush administration did not choose to contest it. Luckily, in one of the few victories that those of us who care about the environment have had recently, the 9th Circuit Court has upheld the roadless rule, which will effectively protect it for the time being. But this reckless degradation of our Nation's air, water, forest, and soil protection will have a severe and long-term impact on the planet, leave a far greater legacy of environmental problems that our children, not us, our children will be left to manage.

And I hope that the American public will focus on what Republican consultants like Frank Luntz are suggesting, understand the significant impacts of environmental rollbacks proposed, and understand that there are significant opportunities, not just for the American public and the environmental community, but significant environmental opportunities like I mentioned this evening in terms of environmental clean up with the Department of Defense that will save tax dollars, that will protect the environment for generations to come, that will improve military readiness, and not be at the expense of the health of our communities or our men and women in the fighting forces.

I hope that instead of greenwash, instead of rhetorical flourishes, instead of dodging the issues and obscuring the record, I hope that the administration will join with people on both sides of the aisle who care about the environment and give the American public what they request in terms of livable communities, protected open space, clean air, and clean water. It is within our grasp. It is within our budget. I hope that it is within our will before we adjourn.

WHY WE NEED AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MEEK of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MEEK of Florida. Mr. Speaker, every week the Congressional Black Caucus comes together here for an hour on the floor to not only speak of events that took place in the Congress but also in our Nation. And this week we are coming together as a caucus and to be able to share with Americans and those that came to Washington, DC, on April 1 of this month to march in front of the Supreme Court on the march on Washington.

We rise today to commend the courage of these college students and young adults that participated in the march, held forums and also held workshops on affirmative action and the positive benefits of it.

While the marchers were assembled in front of the Supreme Court, men and women of every color, every nationality stood together in front of the Supreme Court, whether it be in front of the bench as proponents or opponents of affirmative action or behind the bench with the responsibility to uphold the Constitution.

Students came from far and wide, from as far as California, as close as here, right here in Washington, DC, to be able to speak on behalf of those who did not have the opportunity to speak for themselves on that day. 250 colleges, universities, high schools, middle schools, and other community organizations mobilized themselves for this national march on Washington with thousands attending.

Today we commend them, today we commend them for fighting for our children. I commend them personally for standing for my 5-year-old and 8-year-old son and daughter. These students participated for equal justice. They marched for equal opportunities. They stood for equal protections side by side, men and women alike. So they have come without any reservations. Some stayed out overnight in front of the Supreme Court just to hear, just for a moment or two the arguments that were argued on that day.

Some did not get an opportunity to go in. Some traveled all night. Some students missed class and had to go back and make those classes up or exams. Some had to ask their loved ones to take other loved ones to the doctor, to feed their children, to be able to do things that they would ordinarily be doing if they did not have to come to Washington. But that is all part of our democracy that we cherish and that we love.

Tonight you will be hearing from members of the Congressional Black Caucus commending these students and other Americans for participating in this democracy, standing on behalf of equal opportunity, standing on behalf of fair play for all that makes America great.

We want to make sure that organizers and those individuals that came to march here on Washington know that not only are Members of the Congress but members of the military are supporting them 110 percent for standing for what they believe in. And tonight, Mr. Speaker, I would like to recognize some Members to be able to speak before us and share some comments as we go to not only commend but also talk a little bit about the importance of affirmative action.

Our chairman, the distinguished Member from Maryland (Mr. CUMMINGS), Mr. Speaker, I would like to recognize at this points.

Mr. CUMMINGS. Mr. Speaker, I thank the distinguished gentleman for yielding, and I also will take a moment to thank him for organizing this Special Order on behalf of the Congressional Black Caucus.

Mr. Speaker, I rise to applaud the young Americans of our time who by the tens of thousands are standing up for what Dr. King dreamed about. They stood on the streets of our Nation's capital as my colleague, the gentleman from Florida (Mr. MEEK) said, many of them sleeping in the cold of night, trying simply to make a difference.

Last week, lawyers argued in the Supreme Court debating the merits of the University of Michigan admissions case. As the justices pondered the constitutionality of policies of inclusion in America's great public universities, young Americans of every racial background marched for justice on the streets of Washington, D.C. These young people filled my heart with hope and pride, Mr. Speaker. They fully understand, as Dr. King often declared, that to change America for the better we must be prepared to exercise the full measure of our citizenship. And they also understand that their acts of citizenship are inextricably intertwined with universal educational opportunities.

I should also note, Mr. Speaker, that last week America marked the anniversary of that tragic moment in 1968 when Dr. King was killed while standing up for what is simply right. A growing number of young Americans are honoring that sacrifice in our time. They are determined, as members of the Congressional Black Caucus are, to realize Dr. King's dream for America now, not in some distant time. They understand that a dream deferred is indeed a dream denied. They care about somebody other than themselves. But more than caring, they were willing to share their time, their convenience, and their efforts to speak out.

It has often been said that so many people measure their responses to a crisis by the level of their inconvenience. In other words, if they are going to be inconvenienced, they do not do anything. And it is so pleasing to see these young people know that they were going to be inconvenienced but still stand up.

Mr. Speaker, those who cite Dr. King's dream to support their assertion that this Nation must be color blind to the racial exclusion that continues to plague America should take the time to read what Dr. King actually had to say. I recall for you and for this House that Dr. King once wrote a book entitled "Why We Can't Wait."

Anyone who reads his words will understand that the unwaivering focus of Dr. King's life was his unrelenting struggle for universal justice and inclusion in every important area of American life.

Mr. Speaker, the peaceful demonstrators out there on the Capital's streets last week were advancing a simple, eloquent, and peaceful demand for more justice and opportunities in their lives and, yes, for generations yet unborn. They were marching in the footsteps of heroes like our good friend and colleague, the gentleman from Georgia

(Mr. LEWIS), and the recently departed Reverend Josiah Williams.

□ 2045

JOHN LEWIS' contribution to America reminds us that the men and women who led that 1965 "Bloody Sunday" march for voting rights across Selma, Alabama's Edmund Pettus Bridge were also young and brave.

So I rise today, Mr. Speaker, to declare that the young Americans of today are determined to change our future for the better. They have the seed of greatness within them. They believe that they too can change the course of history and change the course of destiny. They are justified in this faith. Principled acts of citizenship convinced Virginia Tech's Board of Regents just last week to restore that university's policy of inclusion.

Mr. Speaker, from their college dormitories and homes throughout the United States, the young people of America are watching what we say and do in this great chamber of democracy tonight. They have sent us a powerful message and they are waiting to see how we respond. Their message is the same challenge Dr. King delivered in the years of my youth when he said, "Now is the time for all of us to move forward, not retreat, on the road toward a more just society." Dr. King declared, "Now is our time. We cannot wait."

Today, our young people are reminding us that their lives are moving forward in time. They are telling us that they deserve justice and opportunity now. And we who hold national positions of trust should be listening to what these young Americans are saying, Mr. Speaker. We must listen and we must act accordingly and we must synchronize our conscience with our conduct.

As I bring these brief remarks to a close, permit me to recall for you what Dr. King declared during a freedom rally in St. Louis back in 1957. He said, "The destiny of our Nation is involved. We can't afford to slow up. The motor is now cranked up," Dr. King went on to say, "we are moving up the highway of freedom toward the city of equality. We can't afford to slow up because our Nation has a date with destiny."

I was a small child when Dr. King spoke in St. Louis about our national date with destiny, Mr. Speaker. Now our own children's shared destiny is at stake, whatever the color of their skin may be. And we are the ones to whom they are looking for a renewed America of universal opportunity.

We must do what is required, Mr. Speaker. America's young people cannot wait, and we thank them for being impatient.

Mr. MEEK of Florida. Mr. Speaker, I just want to, number one, commend the gentleman from Maryland as not only chairman of the Congressional Black Caucus, but being a part of this, how should I say, coalition of not only Members of Congress, not only black Members of Congress or women of Congress, but Members of Congress that commend the organizers for bringing forth a march to be in support of affirmative action. Even though it was being argued in the courts, as we know, and as I mentioned that the retired military generals filed a brief in this case, I am looking forward to talking a little more about this tonight and also about the U.S. corporations as it relates to the diversity of what Dr. King talked about so long ago which has made America what it is.

But I just want to congratulate the gentleman on behalf of myself, this Member from the 17th Congressional District in Florida, with regard to what the Congressional Black Caucus is doing in relation to sticking with this issue in the halls of Congress and also encouraging those to do what they are doing now.

Mr. CUMMINGS. Well, I thank the gentleman for his comments, Mr. Speaker. As we engage in this dialogue this evening, I cannot help but think about the mayor of Detroit. I shall never forget when he won, a young man who had been prepared for that. He had had an opportunity to get the kind of education that he needed to run a city, and a major city. It is just amazing to me that so often our young people are at the point of taking and grabbing ahold of opportunity, but they have to be equipped to do it.

So this is what this is all about. These young people were not out there partying, they were out there trying to cut a path and say, look, we are going to make sure in our time and in our space we make a difference for those future mayors of Detroit, so that people so often overlooked will have opportunities to lead and inspire others.

So I think this is one of the greatest things that our caucus could do to lift up our young people and salute them for all that they are.

Mr. MEEK of Florida. Mr. Speaker, I am going to yield now to a distinguished gentlewoman who is a member of the Committee on Appropriations, the gentlewoman from the 13th Congressional District of Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, to our fine colleague, the former State Senator and now Congressman from Florida, for coming in and taking the mantle of leadership by the hand and helping to move our country forward, I want him to know he is to be admired. He is certainly a fine symbol for young people all over this world to know that when we speak up and have a conscience about what we believe, our families are better, our people are better, and our countries are better. So I thank the gentleman for coming here. He really had big shoes to fill, but I want Mrs. Carrie Meek to know that he is doing a wonderful job and we are very proud of him.

I am honored and privileged to be here with my colleagues tonight for what I consider to be one of the most important issues we will ever consider during my stay here in this United States Congress. The young people of America and the citizens across this country by the tens of thousands came to Washington, D.C. last Tuesday, April 1, to speak out and to demonstrate, to assemble, as our Constitution allows, to say to the world that we do not want our country to go back. We want to go forward. We are the sons and daughters of this civilization, and we believe that if we can go to war, we can also go to the universities, and that the doors of the American universities funded by public dollars must stay open.

It was wonderful to see all the people there. And I want to particularly talk about the young people, the young faces that were there last week. I am a graduate of the University of Michigan, Ann Arbor, Michigan. I was born and raised in Michigan all my life. I think it is not coincidental that this case being heard is from the University of Michigan. This university of over 35,000 students for many years has produced leaders for this country, and has produced fine scientists and teachers and engineers and other kinds of people, like so many other universities around this country.

This is not the time to wipe out opportunity. It is a time to expand opportunity so that all God's children can have a higher education experience. I believe that education is the key to a person's life. The more of it that one gets, the more interaction one has with people like oneself, but also people who are different than we are, who come from different backgrounds, this prepares us to be the kind of citizen who can lead anything, who can make this country move forward, and can even, yes, serve in this United States Congress.

So the young people who came, my colleagues, and I know we all saw them from all walks of life, from universities all over this country, they came to say to this Supreme Court, please do not shut the door of opportunity now. We are ready. We have been raised, we have excelled, and we need you to keep the doors of our public universities open.

Now, this case at the University of Michigan not only affects that university, as my colleagues know, but educational institutions all over America. Over 100 businesses have filed amicus briefs with the court. General Motors, headquartered in my district; Microsoft, and many other corporations in this country have filed briefs to say that a diverse workforce not only strengthens our companies and helps to increase the bottom line, but allows our workers to have the mix and experiences of not only their own ethnicity but those of others. So this is not the time, the corporations are saying, to turn the clocks back.

As my colleague mentioned earlier, General Schwarzkopf and others, the highest elements in our military commands, have supported the university's admission policy. They are saying do not go back. The beauty of our Armed Forces, yes, as we fight today in two foreign lands, in Afghanistan and also in Iraq, keep the doors of opportunity open. These are generals, former generals in our armed services, who know that a diverse military is what best serves our country and they are supporting the University of Michigan's policy.

We all need to be aware, too, that not only the young people who were here from all over the country, but the young students at the University of Michigan raised $50,000 themselves, sent 12 buses of their children, young people, to this Capitol of our United States. After the march, at noon, they had another rally where thousands of young people came and said, Congresswoman, we are here because we want the court to hear us. We want the court to know that we will do whatever is necessary to be the best that we can be, and we want the court to keep the opportunity for doors to be open so that we can raise our children to have the best opportunities in life, so they can be the best citizens they can be, and we believe an education is the key to that.

As was mentioned, I am a graduate of the University of Michigan. The two cases before the Supreme Court, one for the undergraduate school, talks about a point system. There is a base of 150 points that can be had. A student needs 100 points to be considered for admission. At least 80 of those points they get from scholastic ability, from middle school right through high school, with the SAT scores. So 80 points of that 150 can come from the academic achievements from middle school right through the high school experience. Then there are about 15 other categories, my colleagues, where other points can be had. For instance, if someone had a father or a grandfather go to the university, they get what is called legacy points. If a student is from Michigan and they live in the upper peninsula, they get a certain number of points. If they are from a socioeconomic background that is low and they need help, they get points. If they are an athlete, they can also get points to add to that. If they are from a minority class, African American, Asian American, Latino American, or Native American, they can get points.

It is amazing to me, with those few that I mentioned and at least 10 others, why are we singling out the ethnicity of that category? Why not the legacy points? Why not if a student lives in an underrepresented county, like the upper peninsula? This is not the time now to put the race card in American society. We have our hands full just keeping the doors of opportunity open for all our institutions of higher learning. This is not a time to confuse our young people by telling them, yes, you can go fight on the front line, but, no, you cannot go to the university. Something is inherently wrong with that.

And what those beautiful students and young people said last Tuesday was, no, America, no, Supreme Court, do not take our country back. Let us move forward in the greatness that this country is.

I had an opportunity to sit in the Court last Tuesday. It was a wonderful experience. The young people were also there in the Court, those who could get in, and we heard the arguments on both sides. We know now that the Supreme Court will be deliberating, some say June, some say right through the end of this session, which will be later on in October-November when the Court is finished before we get our decision. What we need people to do now, who believe that America should be open for its citizens, for all citizens, that the public universities of this country should not be closed, that the military opportunities should not be shut down, that corporate America continues to grow and expand and create work environments that all people from all backgrounds can participate in, if they believe in a just and open America, we need them to fax, to e-mail, to write and to call the nine justices of the Supreme Court.

Those nine justices will be determining in the next several months whether the admissions policy should be upheld or if it should not be. So those who are listening tonight, and we are happy that we are able as the Congressional Black Caucus to bring the information to them, they should let their voices be heard. They need to speak out through fax, e-mail, writing or calling and let the justices know. This is the greatest country in the world. We want to maintain that. Education is the key to that.

Young people have stood up to say that we are here on the steps of the Supreme Court to ask our Court, our justices, to keep justice in America. Keep the doors open. I am very proud of the young people. I want them to know that many years ago, during the 1960s civil rights movement, I was one of those students.

□ 2100

Speak out against injustice. Our Constitution allows us to demonstrate and to assemble when we think something is wrong. Some countries do not have that opportunity. The University of Michigan is a fine university, as are universities all over the country. What happens with this decision in the Supreme Court will determine what kind of country we live in in the next 10, 20, 30 years of this country. Stand up America. I thank the young people, and continue the struggle because it is young people who must keep America strong, and it is you who must have the opportunity to raise, defend, and build your families. God bless you. We are so proud of you.

Mr. Speaker, it is indeed an honor and privilege to address the floor this evening and acknowledge the efforts of the young people from throughout our Nation who mobilized to travel to Washington, DC to demonstrate in support of the ideals associated with affirmative action and the historic cases being considered by the Supreme Court regarding the University of Michigan admission policies for the law school and the undergraduate program.

I am especially pleased to commend the efforts of the students who traveled from Michigan to demonstrate their support for, and commitment to the University's affirmative action policies. The efforts of U of M were particularly gratifying to me. I am an alumnus of the University. I am a witness to the virtues of affirmative action policies enacted by U of M.

On April 1, on the steps of the Supreme Court, I was also a witness to the assemblage of people from around the country, but especially from the great State of Michigan who braved the elements and other obstacles to form a coalition believers and supports of affirmative action.

I am personally aware of the sacrifices the students made to come to Washington, DC. The students were responsible for raising over $50,000 and bringing 12 buses of students. The shining faces and fervent voices of the students were a sight to behold. Their efforts were a testament to the importance of preserving affirmative action, and a message to the Supreme Court Justices to do the right thing. I salute the students and pledge to them I will continue to fight on behalf of affirmative action. Finally, I offer my heartfelt thanks to each and everyone of them for joining the coalition of black, brown, yellow, red and white supporters of affirmative action.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for assisting in the organizing and assisting young people coming to Washington, and also the pride and energy that I hear in her voice of this generation and generations after this particular generation to be stimulated and motivated to continue to struggle in the fight for equal opportunity. We appreciate the entire State of Michigan, the Motor City for what they did, and the corporations for standing for what is right in this country.

Ms. KILPATRICK. Mr. Speaker, let me add that the mayor of the city of Detroit was here representing the young people. He is 32 years old and attended a historically black college; he is now a lawyer. It just demonstrates we can be anything that we want to be if we just rise up and speak out and be the very best that God asked us to be.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON), who has appeared before the Supreme Court as a lawyer many times.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his leadership this evening. I want to say to the gentleman that his leadership is especially appropriate because this Special Order is devoted to actions inspired by young people, many of the age or close to the age of the gentleman who leads this Special Order. He well may be the youngest member of the Congressional Black Caucus, one of the youngest Members of Congress; and what we are here to talk about tonight has everything to do with young people and what they themselves initiated on April 1, first by some of them staying up all night in order to prepare for the rally and to get into the Court, others coming to go to a town meeting at Howard University convened by the Chair of the Congressional Black Caucus at a wind-up rally.

Now April 1 is April Fool's Day. That is not why we are going to remember it this year. We are not even going to remember it first and foremost because the University of Michigan case was argued on that day. The University of Michigan case is largely to be remembered by the date it is decided, not the date it is argued. That is how we remember Supreme Court cases; but even that is not how we are going to remember April 1, 2003.

I think we are going to remember April 1, 2003, as the day that gave birth to a new American civil rights movement, a second American civil rights movement. This is not my characterization. This is how these young people title themselves, and if I may say what their long title is, Coalition to Defend Affirmative Action, Integration and Fight for Equality by Any Means Necessary, which they have boiled down to the acronym BAMN. They came from everywhere. They came from every college and university in the District of Columbia, and they came from as far west and as far north as we can go. It is amazing that these students poured in from all over the country. Why were the students here?

There is the stereotype the courts read the newspapers, and the courts read the election returns. We all know that courts are independent and that even rallies cannot and must not decide how courts rule. Black people know that most of all because if rallies or public opinion could have decided how courts rule, we would never have gotten Brown v. Board of Education in 1954 when the majority of American people in the South were not for integration of public schools. Courts are independent branches of government which must rule by the rule of law.

So why were the students here? The students are very sophisticated. That is why they did not call themselves the students to influence the University of Michigan case before the Supreme Court of the United States. They have called themselves the second civil rights movement. They knew they were bigger than this case, and they knew that the Court when it raises its hand must rule on the law as they see the law. I think this Court has been real wrong on the law, but they knew that they were not going to essentially affect this Court, even those who argued the Court are trying to affect one justice in a closely divided Court where frankly we have lost most of these cases 5-4, not won them. They knew by what they called themselves, which did not even have "Supreme Court" in the title that what they were doing on April 1 was much bigger and more important than any single case in 25 years since the Bakke case was decided. They knew that they could be in worse shape than their parents were because many of their parents were like the Member, the gentlewoman from Michigan (Ms. KILPATRICK), who went to the University of Michigan, and here she is with grandchildren who may not be able to enter the University of Michigan on that same basis.

It took 100 years after the Civil War to get to the enforcement of the Civil War amendment, so the notion of getting as far as we have gotten, which is not even halfway home, is not what this generation is about. This generation has been touched finally by this issue, affirmative action, as they have not been touched by any other issue.

I am not critical that they have not been touched by any other issue because these are the beneficiaries of the civil rights movement. They mean to see that they continue to be beneficiaries of the civil rights movement and that they are not the generation that lost the benefit of the civil rights movement.

My generation, and I see the gentleman from Georgia (Mr. LEWIS), who I know from the Nonviolent Coordinating Committee, and back then the entire spectrum of discrimination and segregation was here. I went to segregated schools in the District of Columbia. Black people in the South could not vote, equal opportunity and employment was not available north, south, east or west, and housing discrimination was the order of the day. Inside of 15 years, a combination of court suits and Federal laws changed that, at least as a matter of law. As we know today, not entirely as a matter of practice, but as a matter of law.

Brown v. Board of Education began it all, and then there was the 1964 Civil Rights Act, and it was my great privilege to enforce title 7 and a number of other statutes under that act. Then there was the 1965 Voting Rights Act, the 1968 Fair Housing Act. Here is the work of one generation, the so-called civil rights generation. Over. Done. Even we were not naive enough to believe that, but we did think that we would continue to move forward and would not be pushed back. But the only way not to be pushed back is to produce a new generation of freedom fighters, to produce what these young people tell us they are, a new civil rights movement; and that is who came to Washington on April 1.

These folks came to Washington. They did not go to where the gentleman from Georgia (Mr. LEWIS) went to Alabama or Selma, or to where I went, to the delta in Mississippi. They came to Washington. We went South because that is where we saw the threat to be. They came to Washington because they know that it is here that the threat is now. They know it because they see a President of the United States who has filed on the wrong side of a civil rights case, and that has not happened in a very long time. That has not happened in my lifetime. That President has placed himself on the wrong side of history, and they saw it and saw what kind of act it was.

They saw the threat at the Supreme Court which has already taken down affirmative action as far as it could go. Interestingly, and I want to praise and thank my colleagues, my colleagues have not passed a single bill that has taken down affirmative action. All of the problems have come from the Supreme Court, the 5-4 Supreme Court with us on the 4 end and they on the 5 end, and a lot of it has been in areas like contracting with implications for affirmative action and every other area as well.

These students from every college and university in the metropolitan region and in the country saw that the threat could well be in this Congress if the Congressional Black Caucus and its allies on both sides of the aisle did not continue to stand fast and say look, do not even go there. My colleagues know that we have had to say that. In the 1990s, we had to say do not even go to the floor with an amendment to take back affirmative action. We are going to close down this House if that is what you are going to do.

I will not say that is the reason that it did not happen; there were Members on the other side of the aisle who believed that was the wrong thing to do. I want to go on record right now paying tribute to my colleagues on the other side of the aisle that have kept that from happening.

Nevertheless, the threat is here. It is not where it was for the last civil rights generation. The threat is here that can carry us back to Brown v. Board of Education. Yes, they say that because that is the effect and could carry us back to where most higher education in the United States of America was for whites only, and that is what it was for when I went to college.

Mr. Speaker, these students from colleges and universities around the United States simply put America on notice. They say, Court, do what you will and we hope you do the right thing; but whether you do or not, America be on notice there is a new civil rights movement in this country, and we are determined to finish the job that the gentleman from Georgia (Mr. LEWIS) and his colleagues in the civil rights movement began. We are determined to finish the work begun with the march on Washington, and we are determined to finish the work still unfinished. And as long as we need affirmative action and affirmative action is a remedy, it is temporary, it goes away when the job is done, the numbers are built in the system, they are there so long as it takes to get and keep a critical mass of the excluded coming in.

They say we are there as long as we see other indications of inroads into the work of the last generation, such as the judges that this President has continuously put forward. As long as he puts forward a Priscilla Owens, this generation says we will be there. Or as long as he puts forward a Charles Pickering, we will be there because the courts are the last great hope of any excluded people, or of any people treated unjustly.

They say, look, we see a whole new species of intentional segregation with racial profiling which largely affects the younger generation, young black people on the streets subject to being stopped because of their race, color, or ethnicity. As long as that is there, this generation has stepped up and said I do not know where my parents are, but I have not gone away. We are still here.

We come to simply thank these young people tonight and to encourage them to continue to take up the mantle and to say that we are going to do whatever we can to be with them and behind them. We have asked only one thing of this generation. We noted that they are underregistered, and we know if you are underregistered and if you do not vote, the powers that be will walk all over you because people pay attention to people who vote. We have asked them to make sure that their movement begins by getting every young person at their university registered to vote and out to the polls.

□ 2115

We recognize that the incentives that their parents had to vote, the New Deal generation, the World War II generation, the civil rights generation, the Vietnam War generation, are not there for this generation, but they have found their incentive in the University of Michigan's case. We applaud them for using that case as the catalyst to move forward with a new civil rights movement. We applaud them for making April 1 a memorable and historic date for the people of the United States of America.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her outstanding comments, and I want to thank those institutions of higher learning in the D.C. area that took just such a vital part in playing host to so many of these marchers.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his kindness for yielding, and I likewise, Mr. Speaker, want to thank you for your leadership because you are presiding over, I believe, one of the more instructive hours that we have engaged in in terms of speaking to our colleagues and providing a history for this House, a history that has been painful, but I would admit a history that has seen bipartisan collaboration and recognition that this Nation is a much better place for correcting its ills.

Mr. Speaker, I serve on the House Committee on the Judiciary, and the experience has been both good and bad. I view it as one of the nobler committees in this House because it is a committee that cherishes the Constitution. But we have had our moments, and we have even had a moment when discussions of eliminating the desegregation orders to remove orders from districts that were engaged in busing was discussed prematurely. We even had amendments proposed to eliminate affirmative action. It was the wisdom of this House and the other body that saw fit to join with those of us to recognize that the time was not yet that we then were able to turn those amendments back.

Mr. Speaker, I think it is important to chronicle the history of African Americans in this Nation. Obviously slavery is well known, but out of slavery came emancipation. Those of us in Texas heard of it 2 years later, reconstruction that was short-lived in this Nation, and then the ugly head of Jim Crowism raised its head in the early 1900s. In fact, Mr. Speaker, George White stood in the well of the House after he was drawn out of this august body by segregationist legislators who drew out the last African American and said that the Negro would rise like the phoenix. I can see him right now, with a little suitcase and rope tied around it, in his eloquent voice suggesting that it may not be now but that the Negro would rise as a phoenix.

We went through the 1900s experiencing the tragedies of the deep South, the hanging trees as known to many of us. We saw our young men go off to both World War I and World War II but come back to a segregated America. Members of my family fought in World War II but, Mr. Speaker, came back to a segregated America. Korean War, Vietnam War. We began to see changes when Thurgood Marshall argued before the Supreme Court. Then we moved with Rosa Parks who refused to stand up on a crowded bus in Montgomery, Alabama, and a young man named Martin Luther King took her cause. We came through that era, Mr. Speaker, and we had the Voting Rights Act of 1965 and the Civil Rights Act of 1964. We might be able to call that the second reconstruction. And it continued, Mr. Speaker, to the executive signing by Richard Nixon, bipartisan, a Republican, of affirmative action.

As we moved through the second reconstruction, many of us, the doors being opened, going into white institutions, thought for a moment that we would be able to lay our burdens down, that we would be able to find a resting place in this Nation where all of us could be treated equally. The Declaration of Independence says with certain inalienable rights of life and liberty and the pursuit of happiness.

But lo and behold, Mr. Speaker, we come to the 21st century, the age of technology, the age of promoting young people for all that they can be, and find ourselves in the Supreme Court. And might I just say today that all might hear, Mr. Speaker, I want all or nothing. I do not want a bifurcated hybrid decision. I will not accept it. I will not recognize it. My pronouncement will be, whatever the Supreme Court says in a hybrid decision, that this United States of America has denied me and the young people of America their civil rights. Frankly, Mr. Speaker, I believe that we have a unique chance in the world to show that America is better than that.

So let me thank the wonderful thousands of bright stars, by any means necessary, who I had the pleasure of speaking before them at the Lincoln monument. What an enormously powerful scene. I did not organize it. School presidents did not organize it. Congress people, Senators did not organize it. They organized it. And I want to thank them, and they will go down in history.

I would like to acknowledge, likewise from Houston, Texas, the Shrine of the Black Madonna and Reverend Fana; the NAACP, local chapter, the regional chapter; the Houston Area Urban League. I would like to acknowledge Reverend James Dixon, Community of Faith Church, as well as Carmen Watkins with Sunday Morning Live. All of this in Houston, by the way; 95.7 Power Radio and the Box 97.9, Ada Edwards. All of these were local people who were promoting the idea that we are Americans, too. Texas Southern University, holding a very unique Sunday town hall meeting, very difficult to do that, Mr. Speaker.

But what I would say is that our work is not done. For if the Supreme Court rules that affirmative action is unconstitutional, Mr. Speaker, all of what we built up in openness of contracting, in openness of creating opportunities to small and minority businesses and women-owned businesses and opportunities for education will be null and void, and we will be back in the history of the beginning of the 20th century when the ugly head of Jim Crowism raised its head. What a tragedy to be here in the 21st century when the ugly head of Jim Crowism will raise its head again.

Allow me to close, Mr. Speaker, with a slight bit of history. Right now the State of Texas is making noises about redrawing these voter rights districts. Here I go again. I believe I have run about six or eight times in the course of being elected to this Congress, because someone believes that the opportunity for many of us to select the person of our choosing is discriminatory, protected by the Voter Rights Act of 1965. It was in our State that the Solicitor General first came, not as a Solicitor General, to argue the Hopwood case and slashed the coattails of equal opportunity in the State of Texas. For the last 5 years or so, we have seen droves of our young people leave the State because of the inability to get into State institutions that they have paid taxes for.

The tragedy is, to the distinguished gentleman from Florida, who I join in his courageous effort to turn back the Jim Crowism in the State of Florida when 25,000 people marched against eliminating affirmative action, and we can claim victory in their presence, but the Solicitor General was the lawyer who argued Hopwood. Gratefully, that case went only to the Fifth Circuit, but it destroyed the institutions of higher learning in Texas for a number of years when they sent Hispanics and African Americans fleeing from the State. The tragedy is that this same gentleman became the Solicitor General, and rather than recusing himself because of the potential of bias, engaged in the discussion at the White House, creating, I think, a bias to go and have the United States of America, my tax dollars, the young men and women of years past, who served in wars past, who never reached their full promise because they came back to a segregated America, never reaching their dream, this United States of America went into the courthouse, Supreme Court on April 1, 2003, and argued against our interests. The first time, I think, in the last 50 years of civil rights litigation that the United States did that.

So, Mr. Speaker, as I close let me say, because I see such warriors on the floor like the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. JEFFERSON), my good friend who was with me in Texas, many of us had the pleasure of being in some way affiliated with these civil rights movements, obviously some more at the forefront, but our histories are intertwined with the visions of these outstanding individuals and their leadership and their power. I simply say that I stand here broken-hearted but not without strength, broken-hearted because my Nation failed me on April 1.

And so that is why, Mr. Speaker, in saying to these young people and encouraging them for providing this kind of leadership, applauding them and joining with them and suggesting that we will never go back, never turn the clock back, it is my pronouncement today that I will accept nothing but a full vindication of affirmative action in this Nation to the Supreme Court. Whatever hybrid they decide to give would be unacceptable and we will march on to victory and we shall overcome.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE), and I want to commend her not only on behalf of Americans but also on behalf of myself and members of the Congressional Black Caucus for the workshop that she had in her district dealing with affirmative action prior to the Supreme Court hearing and commitment of those universities and individuals that she mentioned and those that went yet unmentioned, their contributions. So we thank her.

Mr. Speaker, at this time I can say that this is one of these moments that I am glad that God allowed me to live long enough for this moment to be able to have such a soldier on behalf of fair opportunity, equal treatment for all, someone that had marks on his body on behalf of this country, with many other patriots that are here and that have gone on.

I yield to the gentleman from Georgia (Mr. LEWIS), Member from the Fifth District, distinguished member of the Committee on the Budget and the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Florida (Mr. MEEK), my friend and colleague, for holding this Special Order, and I want to thank all of the members of the Congressional Black Caucus for participating in this order tonight.

I want to be very brief. I had gone home and I turn on C-SPAN, and supper was happening, and I was deeply moved to come to the House floor and to say something. So I want to thank him again for doing what he is doing because I think it is important that we take time to salute and pay tribute to the young people who came here on April 1. By coming here and standing at the steps of the Supreme Court, they were standing up for what is right, for what is fair, for what is just. They were standing up for the very best in America.

I remember when I first came to Washington many, many years ago in 1961, I was 21 years old, had all of my hair, and I was a few pounds lighter, to go on something called the Freedom Ride during those days in Washington, but throughout the American South, segregation was the order of the day. We saw those signs that said white waiting, colored waiting, white men, colored men, white women, colored women. There was so much violence, so much fear, so much hate, and it was the students following in the tradition of Martin Luther King, Jr., in the tradition of Gandhi. So sitting in, going on the Freedom Ride, marching all over the country, and by marching, by sitting in or sitting down, really they have created the climate, the environment, to get the Civil Rights Act of 1964, the Voting Rights Act of 1965.

□ 2130

Nothing but nothing, I tell you, nothing moved me more in the last 50 years, or maybe in the last 40 years, than to see these hundreds and thousands of students really marching, protesting, exercising their constitutional right. In America we have a right to protest, as Dr. King would say, protest for what is right. This type of protest helped move our country to the point to get people to say yes, when they may have a desire to say no.

These young people believe in the Constitution. They believe in America. They, like many of us, believe in affirmative action. It is the affirmed inclusion, the participation of people, where they are left out and left behind. I like to think these young people were touched by the spirit of history. Sometimes there comes a time when you have to be moved by the spirit of history.

In 1960, 1961, 1962, and 1963 we did not have a fax machine, we did not have a Web site, we did not have a cellular telephone. We had the Constitution. We had our bodies. And that is what these young people had. They had ideas; they had the Constitution.

I think when historians pick up their pens and write about this period, Mr. Speaker, they will have to say that these young people that came to Washington on April 1, not just college students, high school students, elementary school students, by the hundreds and thousands, they started, as the gentlewoman from the District of Columbia (Ms. NORTON) said, a new civil rights movement.

I say to them tonight, and to young people and students all over our country, we will not go back, we will not stand still. We will go forward. We will create a truly interracial democracy in America. We will create a beloved community in America. For we are one people, we are one Nation. I say to all of these young people, keep the faith; do not give up, do not give in, do not give out, keep your eyes on the prize.

Mr. MEEK of Florida. Mr. Speaker, I thank the distinguished gentleman from Georgia for his contributions, not only in the past but in the present. We commend you.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are witnessing today the best of the leadership of the civil rights movement, that of the past and the present, and that of the present and the future, in JOHN LEWIS and in KENDRICK MEEK, a young Congressman who envisioned this hour for America.

Mr. Speaker, I rise to honor the many students that traveled all over the country to rally in support of affirmative action. Particularly I would like to acknowledge the many students from my own State, Louisiana, who made the journey. Students from Xavier, Southern, Grambling, Dillard, and throughout Louisiana, let me say I am very proud of you.

Martin Luther King, Jr., said, "Everyone can be great because everyone can serve." It is in this spirit that I have dedicated much of my life to public service, and I found it very encouraging that on April 1, 3 days before the anniversary of Dr. King's death, thousands of students honored him and all that he fought for by actively getting involved and actively serving as well.

Mr. Speaker, it is shocking to observe that 141 years ago, virtually every African American in this country would be somebody else's property. Just think about that: unable to earn, unable to learn, unable to hold wealth. It is this legacy of subjugation, of discrimination, of denial, over 400 years of segregation, that justifies affirmative action today.

If the government, and it did, took race into account to create this legacy of disabilities, then it is the government's responsibility today to take race into account to obliterate them. So it is particularly disappointing that 40 years later, after Dr. King's historic march to Washington, that we as a democratic Nation are still struggling to realize his dream; and 140 years after the emancipation of slavery, there still exists two Americas, separate and unequal, one black and one white. As one student's sign read: "Surely 400 years of slavery is worth 20 points."

Without affirmative action, these disparities will likely widen, not only in education, but also in employment and property ownership and income levels. Yet, as Dr. King noted, "Whenever the issue of compensatory treatment for the Negro is raised, some of our friends recoil in horror, because while they agree that the Negro," as he said, "should be granted equality, they believe that he should ask for nothing more."

I cannot tell you how proud I am of all our young men and women who have worked tirelessly in participating in efforts to demonstrate supports of the University of Michigan. Students of all races around the country have worked in some capacity to protest this attack on equal opportunity, realizing that any successful attempt would be a major setback for our society as a whole.

Numerous other students took action and demonstrated and spoke out on their respective college campuses, such as my daughter Akilah and other young people at her college who did not travel to Washington.

I was especially pleased to join the Black Law Students Association from my alma mater, Harvard Law School, as one of several counsel on an amicus brief. This brief was submitted on behalf of the Harvard Black Law Students Association, as well as those from Yale and Stanford.

As I stated then, I believe that we live in a country that affords us great liberties. However, for some Americans, the pursuit of these freedoms is hindered by tremendous barriers. Opportunities for some are limited because of America's sins of the past. Therefore, it is incumbent upon us to make conscious attempts to right these wrongs. Hence, initiatives like affirmative action.

Affirmative action in education programs, such as the one at the University of Michigan, looks beyond students' limitations and sees their potential, potential that may be realized if presented the opportunity. More importantly, affirmative actions, like the one at the University of Michigan, benefits not just African American students, but all students.

Mr. Speaker, it promotes a diverse student body, which provides an education that equips our future leaders, both black and white, with the capabilities to successfully function in a diverse society.

Mr. Speaker, it was our hope during the civil rights movement many years ago that we were fighting this battle now so that our sons and daughters would not have to fight it later. And though I am dismayed that still this fight goes on, even today, I am heartened by the tremendous number of fresh soldiers for civil rights, eager, active and capable of engaging in the battle and winning the struggle. I commend them all.

I thank the gentleman from Florida (Mr. MEEK) for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman. His comments were very appropriate for the moment and the time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to commend all those who participated in last week's protest of the University of Michigan's admission's policies.

Many students from institutions across this great nation traveled to the nation's capitol to have their voices heard on this issue. Thousands of students from Howard University to Harvard University, walked from the Supreme Court to the Lincoln Memorial chanting, "Saving Affirmative Action."

Affirmative action ensures that all people have all equal rights. Affirmative action is one of the most effective solutions to diversifying a historically unfair society.

Mr. Speaker, I would like to take a moment to say "thank you" to the countless students, volunteers, and workers who believe in this historically significant effort. It is vital that America's higher education system continue the critical role in preparing our students to be leaders in business, law, medicine, education, and other pursuits that affect public interest.

Societal discrimination has adversely affected institutions of higher education since the founding of this country. Affirmative action programs have helped to desegregate America. Racial and societal discrimination is not just limited to higher education. It also exists in voting, housing, employment, and many other sectors of modern day society.

Equal rights in higher education must start somewhere. I agree that the University of Michigan's policy is clearly and rightfully designed to attempt to make up for discrepancies that do not afford minorities and the economically deprived access to quality education.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my appreciation to all the students who participated in last week's demonstration in support of equality and justice at America's institutions of higher learning.

Ms. CARSON of Indiana. Mr. Speaker, I rise to pay tribute to the thousands of Americans who voiced their support for affirmative action admissions policies at colleges and universities on April 1, here in Washington, DC.

For twenty five years the affirmative action policies at our nation's colleges and universities have produced a stronger and better educated America. We must not turn the clock back now when so much is at stake for the future of America.

Mr. Speaker, I am proud that 25 Indiana University School of Law-Indianapolis students journeyed to Washington last week to say that affirmative action policies strengthen not weaken this nation.

Vanessa Villegas-Densford was one of those law students. Vanessa, the daughter of Puerto Rican immigrants, arrived in this country when she was 8 years old. She didn't speak English and was placed in classes for learning-disabled students. She worked hard to overcome so many obstacles and her dream is to practice law and serve the Hispanic American community. Her dreams, determination and drive to serve, balanced an average law school test score and won her acceptance at 9 of the 12 law schools to which she applied. She attends Indiana University School of Law-Indianapolis.

Without affirmative action, the Hispanic community, Indiana and America may well have missed the bright promise that Vanessa offers in spite of her average law school test score.

Gerald Bepko, interim President of Indiana University School of Law-Indianapolis is quoted in a recent Indianapolis Star article saying, "You cannot rely on numbers (test scores and grades) alone. You need to know the person."

I'm proud that Indiana University supports an affirmative action admissions program.

It's sad, Mr. Speaker, when our young people can see this nation embroiled in conflict in the highest court of the land, not about the athletic factor or the alumni factor or the legacy factor in college admissions, but race.

The case against affirmative action is weak, resting, as it does so heavily, on myth and misunderstanding.

One myth, "The only way to create a color-blind society is to adopt color-blind policies." The facts show that a so-called color-blind system tends to favor White students because of their earlier educational advantages. Unless preexisting inequities are corrected or otherwise taken into account, color-blind policies do not correct racial injustice—they reinforce it.

Another myth is "Affirmative action may have been necessary 30 years ago, but the playing field is fairly level today." Not true, despite the progress that has been made, the playing field is far from level.

Women continue to earn 76 cents for every male dollar. African Americans continue to have twice the unemployment rate, twice the rate of infant mortality, and make up just over half the population of people who attend four years or more of college. In fact, without affirmative action the percentage of African American and Hispanic students at many selective schools would drop to minuscule percentages of the student body.

That decline would effectively choke off African American and Hispanic access to top universities and severely restrict progress toward racial equality.

Mr. Speaker, this is America and we can do better than that. So I commend the advocacy and passion of those who marched last week. I have no doubt that they understand what could be lost if this precious opportunity is eliminated.

IN SUPPORT OF AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much. I will not take all the time. I would like to be able to yield to the gentleman and to a number of our colleagues on the floor, but I note that we are blessed by the presence of some of the warriors that were engaged in the heroic and historic day on April 1, 2003.

What I wanted to encourage with the chairman of our august body here is to restate I believe the willingness of members of this caucus and Members of this House to be able to be on the campuses of these outstanding students who have taken up the challenge, the bloodstained banner, if you will, to be able to be on their campuses, pronouncing our commitment that we will never go back, and to restate what has been stated by all of you, that affirmative action is not a handout, it is a hand up, and to clearly indicate that what we have occurring to us, meaning opportunities, is not to deny others.

So I hope that we will be able to, if you will, make it very clear tonight that this is not the last time that we will be engaged in this discussion, debate, but that we will be out at the campuses surrounded by or hand in hand with these outstanding new civil rights activists of the 21st century.

I want to thank the distinguished gentleman and thank the distinguished gentleman from Georgia and would be happy to yield to the distinguished gentleman or yield to the gentleman from Florida to comment.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, let me just say in regards to what the gentlewoman from Texas (Ms. JACKSON-LEE) just said, just this evening, Mr. Speaker, we held a conference, a teleconference, with student leaders from all over the country. And it was such an exciting event. We have already come to an agreement that we are going to take all of that energy that they had back here on April 1 and we are going forward.

As our first Vice Chair has said, we will be traveling from campus to campus and organizing here in Washington and across the country, because we realize that all of our young people, that one day it should not end there, but it must go forward. So we will be doing that.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, I would say to the gentleman from Maryland (Mr. CUMMINGS), Mr. Chairman, I want to thank you for what you are suggesting, your recommendation and your plan of action. It reminds me of another period in our history when we just got out there and did what we had to do.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will allow me, there is a saying I love. It says, "In our time, in our space, we will make a difference, with God's grace."

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I just wanted to say that not only all of the Members here, but the Members who could not be here that did place information in the RECORD, it is such an honor to be here, coming from Florida. So many of you were involved in that effort there to save and work towards a better affirmative action in Florida and this country.

Words are inadequate to even describe the kind of work that is going to have to be done for the understanding of this country of how important affirmative action is. I tell every American, if you have a daughter and a mother, and obviously we all do, you are for affirmative action.

I commend those individuals that came before us, and the NAACP and other organizations that organized to get them here. I look forward to working with the gentleman and the members of the Congressional Black Caucus as we continue to work with these young people and younger people that have done so well for us.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, we will work together and pull together and push together to make it all happen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. DELAY) for April 7 on account of attending to district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOEFFEL) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, April 9.

Mr. JONES of North Carolina, for 5 minutes, April 9.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 164. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement; to the Committee on Resources.

S. 212. An act to authorize the Secretary of the Interior to cooperate with the High Plans Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plans Aquifer, and for other purposes; to the Committee on Resources.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

S. 328. An act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes; to the Committee on Resources.

S. 347. An act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois

H.R. 672. An act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

ADJOURNMENT

Mr. LEWIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 9, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1702. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance; Technical Correction [OPP-2002-0-217; FRL-7298-4] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1703. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Modified Acrylic Polymers; Revision of Tolerance Exemption [OPP-2003-0079; FRL-7297-8] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1704. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

1705. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report regarding assured access to space for the United States; to the Committee on Armed Services.

1706. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Development of Research, Development, Test, and Evaluation Programs and Activities Beginning in FY 2004"; to the Committee on Armed Services.

1707. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Education [DFARS Case 2002-D038] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1708. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2002 Unified Command Plan; to the Committee on Armed Services.

1709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 2002-D009] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1710. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; One-hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area [A-1-FRL-7476-7] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1711. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7476-5] (RIN: 2060-AK35) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2002 to March 31, 2003, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Jordan [Transmittal No. DTC 005-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 011-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 2, 2001, to April 1, 2002; to the Committee on International Relations.

1716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States-Hong Kong Policy Act of 1992, pursuant to 22 U.S.C. 5731; to the Committee on International Relations.

1717. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's inventory of functions pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

1718. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1719. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1720. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status and Designation of Critical Habitat for Polygonum hickmanii (Scotts Valley polygonum) (RIN: 1018-AH76) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1721. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Departmernt of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kauai Cave Wolf Spider and Kauai Cave Amphipod (RIN: 1018-AH01) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1722. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2000, pursuant to Public Law 105—89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

1723. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fellowships [FRL-7476-2] (RIN: 2030-AA77) received April 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Education and the Workforce, Transportation and Infrastructure, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; with an amendment (Rept. 108-61). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1297. A bill to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter (Rept. 108–62 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 658. A bill to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; with an amendment (Rept. 108–63 Pt. 1). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 181. Resolution providing for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others (Rept. 108–64). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 1297 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1644. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with an amendment; Rept. 108–65, Part I; referred to the Committee on Judiciary for a period ending not later than April 9, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 658. Referral to the Committee on Government Reform extended for a period ending not later than June 2, 2003.

H.R. 1297. Referral to the Committee on Science extended for a period ending not later than April 8, 2003.

H.R. 1644. Referral to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure for a period ending not later than April 9, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUNES:

H.R. 1659. A bill to ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas; to the Committee on Agriculture.

By Mr. WICKER (for himself, Mr. Hinojosa, and Mr. McKeon):

H.R. 1660. A bill to amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. Stark, Mr. Matsui, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Becerra, Mr. Doggett, Mr. Sandlin, and Mrs. Jones of Ohio):

H.R. 1661. A bill to provide balanced taxpayer protections in tax administrations, including elimination of abusive tax strategies, simplification of the earned income tax credit, and taxpayer protections; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. Hunter, Mr. Gibbons, Mr. Herger, Mr. Simpson, Mr. Hastings of Washington, Mr. Otter, Mr. Pearce, Mr. Paul, Mr. Cannon, Mr. McInnis, Mrs. Cubin, Mr. Stenholm, Mr. Nethercutt, Mr. Rehberg, Mr. Doolittle, Mr. Renzi, and Mr. Brady of Texas):

H.R. 1662. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Ms. Norton, Mr. Cummings, Mr. Clay, Mr. Payne, Mrs. Christensen, Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Towns, Mr. Jackson of Illinois, Mr. Fattah, Mr. Clyburn, Ms. Lee, Ms. Kilpatrick, Mr. Gutierrez, Ms. Kaptur, Ms. Schakowsky, Mr. Sanders, Ms. Berkley, Mr. Ryan of Ohio, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Conyers, and Ms. Jackson-Lee of Texas):

H.R. 1663. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 1664. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. BOYD:

H.R. 1665. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 1666. A bill to amend title 38, United States Code, to provide that discontinuance of veterans' disability compensation upon the death of a veteran shall be effective as of the date of death of the veteran rather than the last day of the month preceding the veteran's death; to the Committee on Veterans' Affairs.

By Mr. BURNS:

H.R. 1667. A bill to provide an additional opportunity for administrative or judicial relief for socially disadvantaged farmers and ranchers who were discriminated against by the Department of Agriculture in farm credit and benefit programs; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself, Mr. Ramstad, Ms. Dunn, and Mr. Souder):

H.R. 1669. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. GUTKNECHT (for himself, Mr. Sabo, Mr. Peterson of Minnesota, Mr. Ramstad, Mr. Kennedy of Minnesota, Ms. McCollum, and Mr. Kline):

H.R. 1670. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. Pomeroy, Mr. English, Mr. Graves, Mr. Hulshof, Mr. Ramstad, and Mr. McCrery):

H.R. 1671. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. Knollenberg):

H.R. 1672. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Ms. Woolsey, Mr. Conyers, Mr. Oberstar, Mr. Abercrombie, Ms. Baldwin, Mr. Brown of Ohio, Ms. Carson of Indiana, Mr. Clay, Mr. Cummings, Mr. Davis of Illinois, Mr. DeFazio, Mr. Evans, Mr. Farr, Mr. Filner, Mr. Grijalva, Mr. Gutierrez, Mr. Hinchey, Mr. Honda, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Lee, Mr. Lewis of Georgia, Mrs. Maloney, Mr. McDermott, Mr. McGovern, Mr. Meeks of New York, Mr. George Miller of California, Mr. Nadler, Mr. Olver, Mr. Owens, Mr. Payne, Mr. Rahall, Mr. Rangel, Mr. Ryan of Ohio, Mr. Sanders, Ms. Schakowsky, Mr. Scott of Virginia, Mr. Serrano, Ms. Solis, Mr. Stark, Mr. Towns, Mr. Udall of Colorado, Ms. Waters, and Ms. Watson):

H.R. 1673. A bill to establish a Department of Peace; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1674. A bill to amend the Internal Revenue Code of 1986 to provide that the vaccine excise tax shall apply to any vaccine against hepatitis A; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. Pomeroy, Mr. Walden of Oregon, Mr. Stenholm, Mr. Peterson of Pennsylvania, Mr. Berry, Mr. Kind, Mr. McHugh, Mr. Sandlin, Mr. Evans, Mr. Davis of Alabama, and Mr. Case):

H.R. 1675. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. Jo Ann Davis of Virginia, and Mrs. Emerson):

H.R. 1676. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for Federal criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain areas, and for other purposes; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. George Miller of California, Mr. Visclosky, Mr. Emanuel, Mr. Serrano, Mr. Engel, Mr. Grijalva, Mr. Ortiz, Mr. Brown of Ohio, Mr. Petri, Mr. Oberstar, Mr. Taylor of Mississippi, Mr. Hinchey, Mr. Towns, Mr. Ross, Mr. Delahunt, Mr. Olver, Mr. Payne, Mr. Andrews, Mr. Wynn, Ms. Schakowsky, Mr. Strickland, Mr. Gutierrez, Ms. Norton, Ms. Solis, Mr. Wexler, Mr. Schiff, Ms. Slaughter, Mr. Meehan, Mr. Nadler, Mr. Rahall, Mr. Goode, Mr. Baca, Mr. Kucinich, Mr. Costello, Mr. Markey, Ms. Kilpatrick, Ms. Lee, Mr. Obey, Mr. Green of Texas, Mr. Deutsch, Mr. Michaud, Mrs. Jones of Ohio, Mr. Udall of New Mexico, Mr. Weiner, Mr. DeFazio, Mr. Pallone, Mr. McGovern, Mrs. Napolitano, Mr. Thompson of Mississippi, Mr. Jefferson, Mr. Reyes, Mr. Cummings, Mr. Owens, Ms. Hooley of Oregon, Ms. Millender-McDonald, Mr. Doggett, Ms. Woolsey, Mr. Pascrell, Ms. Baldwin, Ms. Bordallo, Mr. Ryan of Ohio, Ms. DeLauro, Mr. Frank of Massachusetts, Mr. Abercrombie, Mr. Rodriguez, Ms. Jackson-Lee of Texas, Ms. Carson of Indiana, Mr. Davis of Illinois, Mr. Filner, Mr. Hoeffel, Mr. Langevin, Mr. Lynch, Mr. Hastings of Florida, Mr. Scott of Georgia, Mr. Capuano, Mr. Bishop of New York, Mr. Dingell, Ms. McCollum, Mr. Tierney, Mr. Kennedy of Rhode Island, Mr. Rush, Mr. Spratt, Mr. Kildee, Mr. Berry, Mr. Lampson, Mr. Scott of Virginia, Ms. Kaptur, Mr. Crowley, Ms. Eshoo, Mrs. Maloney, Mr. Udall of Colorado, Mrs. McCarthy of New York, Mr. Inslee, Mr. Conyers, Mr. Lantos, Mr. McIntyre, Mr. Holt, Mr. Blumenauer, Mr. Meek of Florida, Mr. Boehlert, Mr. Farr, Mr. Holden, Mr. Ackerman, Ms. Linda T. Sánchez of California, Mrs. Christensen, Mr. Rothman, Mr. Murtha, Ms. McCarthy of Missouri, Mrs. Davis of California, Ms. Velázquez, Mrs. Capps, Mr. Doyle, Mr. Menendez, Mr. Case, Mr. Allen, and Mr. Berman):

H.R. 1677. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. Schiff, Mr. Brady of Texas, Mr. Green of Wisconsin, Mr. Keller, Mr. Oxley, Mr. Wolf, and Mr. Ferguson):

H.R. 1678. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 1679. A bill to repeal the so-called Forest Service Appeals Reform Act and to authorize the Secretary of Agriculture to develop an administrative appeals process for the Forest Service in the same manner as other Federal land management agencies; to the Committee on Agriculture.

By Ms. WATSON (for herself and Mr. Burton of Indiana):

H.R. 1680. A bill to prohibit after 2007 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs; to the Committee on Ways and Means.

By Mr. WALSH (for himself, Mr. Quinn, Mr. Boehlert, Mr. McHugh, and Mr. Hinchey):

H. Con. Res. 142. Concurrent resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship; to the Committee on Education and the Workforce.

By Mrs. CAPITO:

H. Res. 182. A resolution commending Private First Class Jessica Lynch, United States Army, the special operations forces who on April 1, 2003, rescued her from captivity by Iraqi forces, and all United States and coalition forces in Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H. Res. 183. A resolution commending Mohammed, an Iraqi lawyer, for his fearless and courageous actions in helping to save the life of an American solider; to the Committee on International Relations.

By Mr. WYNN:

H. Res. 184. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 4 memorializing the United States Congress to urge the President and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; to the Committee on Education and the Workforce.

11. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 10 memorializing the United States Congress to enact legislation to give states the authority to ban importation of out-of-state solid waste; to the Committee on Energy and Commerce.

12. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution No. 16 memorializing the United States Congress to urge increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on International Relations.

13. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

14. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 9 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

15. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

16. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Congress to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter *Bramble* to the Port Huron Museum of Arts and History programs; to the Committee on Transportation and Infrastructure.

17. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 6 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and

transit programs; to the Committee on Transportation and Infrastructure.

18. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 71 memorializing the United States Congress to direct FAA to include noise reduction as major goal of redesign of aircraft traffic patterns over New Jersey; to the Committee on Transportation and Infrastructure.

19. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6005 memorializing the United States Congress to enact financially sustainable, voluntary, universal and privately administered out-patient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to the public bills and resolutions as follows:

H.R. 20: Mrs. LOWEY, Mr. ALLEN, Mr. KUCINICH, Mr. FERGUSON, Mr. LARSON of Connecticut, Mr. DICKS, and Mr. UDALL of Colorado.

H.R. 25: Mr. KINGSTON.

H.R. 44: Mr. BLUNT.

H.R. 49: Mr. BURNS.

H.R. 83: Ms. LINDA T. SÁNCHEZ of California.

H.R. 84: Ms. LINDA T. SÁNCHEZ of Califorinia.,

H.R. 85: Ms. LINDA T. SÁNCHEZ of California.

H.R. 100: Ms. HEFLEY, Ms. CARSON of Indiana, and Mr. KILDEE.

H.R. 111: Mr. BARRETT of South Carolina, Mr. TIERNEY, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, and Mr. PAYNE.

H.R. 205: Mr. MANZULLO.

H.R. 218: Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, and Mr. DEAL of Georgia.

H.R. 240: Ms. CORRINE BROWN of Florida.

H.R. 245: Mr. SCOTT of Georgia.

H.R. 273: Mr. VITTER.

H.R. 284: Mr. ENGEL, Mr. WEINER, Ms. LEE, Mr. SOUDER, and Mr. BURR.

H.R. 292: Mr. SIMMONS.

H.R. 307: Mr. PLATTS.

H.R. 315: Ms. GRANGER.

H.R. 340: Ms. HART.

H.R. 344: Mr. TAYLOR of Mississippi.

H.R. 359: Mr. HINOJOSA.

H.R. 384: Mr. MILLER of Florida and Mr. PAUL.

H.R. 401: Mr. ROTHMAN and Mr. ENGEL.

H.R. 419: Mr. GONZALEZ.

H.R. 440: Mr. BACA.

H.R. 463: Mr. ACEVEDO-VILÁ, Mr. UDALL of Colorado, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PRICE of North Carolina, Mr. OWENS, Mr. LEVIN, and Mr. GORDON.

H.R. 466: Mr. MILLER of North Carolina, Mr. HALL, and Mr. ORTIZ.

H.R. 490: Mr. FRANKS of Arizona.

H.R. 501: Ms. SLAUGHTER.

H.R. 502: Mr. SULLIVAN.

H.R. 527: Mr. McHUGH.

H.R. 528: Mrs. MALONEY.

H.R. 571: Mr. UPTON, Mr. RYAN of Wisconsin, Mr. WICKER, Mr. FRANKS of Arizona, and Mr. STEARNS.

H.R. 584: Mr. OWENS.

H.R. 594: Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. NEY, Mr. DICKS, Mr. FOLEY, Mr. CASE and Mr. BURNS.

H.R. 660: Mr. BURNS.

H.R. 687: Mr. WILSON of South Carolina and Mrs. JO ANN DAVIS of Virginia.

H.R. 715: Ms. McCOLLUM.

H.R. 727: Mr. KUCINICH.

H.R. 728: Mr. SOUDER and Mr. STEARNS.

H.R. 734: Mr. FRANK of Massachusetts.

H.R. 756: Mr. MILLER of Florida.

H.R. 776: Mr. ABERCROMBIE

H.R. 784: Mr. NEAL of Massachusetts.

H.R. 785: Mr. GRIJALVA.

H.R. 806: Mr. LEACH.

H.R. 813: Mr. STRICKLAND.

H.R. 818: Mr. KUCINICH and Ms. HART.

H.R. 833: Mr. BROWN of South Carolina and Mr. WELLER.

H.R. 847: Mr. GUTKNECHT.

H.R. 850: Mr. GILLMOR.

H.R. 854: Mr. HOLT

H.R. 876: Mr. SOUDER, Ms. HART, and Mr. WALDEN of Oregon.

H.R. 879: Mr. SMITH of Michigan, Mr. McINTYRE, and Mr. ROSS.

H.R. 898: Mr. HINOJOSA.

H.R. 930: Mr. McINTYRE.

H.R. 934: Mr. GARRETT of New Jersey.

H.R. 935: Ms. JACKSON-LEE of Texas, Mr. KUCINICH, and Mr. ACKERMAN.

H.R. 953: Mr. HASTINGS of Florida.

H.R. 955: Mr. LAMPSON, Mr. HOLT, Mr. GREENWOOD, Mr. LaHOOD, Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, Mr. SHAYS, Mr. LEACH, Mr. BURGESS, Mr. DINGELL, Mr. PASCRELL, Mr. SERRANO, Mr. GARRETT of New Jersey, Mr. ISRAEL, Mr. BLUMENAUER, and Mr. SNYDER.

H.R. 973: Mr. RAMSTAD, Mr. QUINN, and Mr. HOEKSTRA.

H.R. 977: Mr. MEEK of Florida, Mr. RADANOVICH, and Mr. GILCHREST.

H.R. 983: Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, and Ms. ROYBAL-ALLARD.

H.R. 1008: Mr. PLATTS.

H.R. 1033: Mr. YOUNG of Alaska.

H.R. 1043: Mr. THOMPSON of California.

H.R. 1056: Mr. MICHAUD, Mr. BISHOP of New York, and Mr. PUTNAM.

H.R. 1068: Mr. RUSH, Mr. MORAN of Virginia, Mr. PORTER, Mr. COLE, Mr. CANTOR, Mr. FROST, and Mr. KLINE.

H.R. 1070: Mr. ACKERMAN.

H.R. 1075: Mr. TIBERI.

H.R. 1077: Mr. KUCINICH.

H.R. 1093: Mr. BOEHLERT.

H.R. 1098: Ms. HART.

H.R. 1102: Mrs. TAUSCHER.

H.R. 1105: Mr. ENGEL and Mr. LEWIS of Georgia.

H.R. 1114: Mr. BEAUPREZ.

H.R. 1146: Mr. MILLER of Florida.

H.R. 1154: Mr. CALVERT.

H.R. 1163: Mr. BARTLETT of Maryland.

H.R. 1169: Mr. RAMSTAD.

H.R. 1170: Mr. PAUL.

H.R. 1179: Mr. McHUGH and Mr. MILLER of Florida.

H.R. 1191: Mr. MOORE and Mr. ALLEN.

H.R. 1214: Mr. KING of New York, Mr. OSBORNE, Mr. INSLEE, and Mr. WATT.

H.R. 1222: Mr. CANTOR and Mr. DUNCAN.

H.R. 1235: Mr. TANCREDO, Mr. HAYWORTH, Mr. CALVERT, and Mr. SOUDER.

H.R. 1244: Mr. BLUMENAUER, Mr. MARKEY, Ms. MILLENDER-McDONALD, and Ms. NORTON.

H.R. 1245: Ms. LEE, Mrs. LOWEY, and Ms. LOFGREN.

H.R. 1252: Mr. MILLER of Florida.

H.R. 1272: Ms. WATSON.

H.R. 1294: Mrs. LOWEY, Mr. SABO, Ms. WATSON, and Mr. FILNER.

H.R. 1297: Mr. BOOZMAN, Mrs. DAVIS of California, and Mr. SNYDER.

H.R. 1301: Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. SOUDER.

H.R. 1309: Mr. KILDEE.

H.R. 1342: Mr. FROST.

H.R. 1345: Mr. OWENS.

H.R. 1349: Mr. WEXLER and Mr. LIPINSKI.

H.R. 1350: Mr. EHLERS, Mr. LaTOURETTE, Mr. PUTNAM, Mr. KENNEDY of Minnesota, Mr. GILLMOR, and Mr. BURGESS.

H.R. 1355: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. ALLEN, and Mr. LEVIN.

H.R. 1359: Mr. ALLEN.

H.R. 1372: Mr. HERGER, Mr. MOORE, Mr. KIND, and Mr. SIMPSON.

H.R. 1374: Mr. MILLER of Florida.

H.R. 1377: Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. DOYLE, Mr. PALLONE, Mr. HOEFFEL, Mr. KILDEE, Mr. OWENS, and Mr. McHUGH.

H.R. 1388: Mr. ENGLISH, Mr. McNULTY, and Mr. HOEFFEL.

H.R. 1392: Mr. OWENS.

H.R. 1408: Mr. BURR.

H.R. 1415: Mr. SOUDER and Mr. SMITH of New Jersey.

H.R. 1421: Mr. REHBERG.

H.R. 1422: Mr. BISHOP of New York, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. CUMMINGS, Mr. JENKINS, Ms. CARSON of Indiana, Mr. DAVIS of Tennessee, Mr. ACKERMAN, Mr. LANGEVIN, Mr. FORD, Mr. DUNCAN, Mr. LEACH, and Mr. POMEROY.

H.R. 1442: Mr. HOLDEN, Mr. RANGEL, Mr. JOHN, Mr. McNULTY, Mr. RENZI, and Mr. PEARCE.

H.R. 1451: Mr. LEACH and Mr. COLE.

H.R. 1462: Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Mr. WAXMAN, and Mr. KUCINICH.

H.R. 1470: Ms. SLAUGHTER, Mr. WAXMAN, Mr. CLAY, Mr. BISHOP of New York, and Ms. KAPTUR.

H.R. 1472: Mr. BERMAN, Mr. LEVIN, Mr. TIBERI, Ms. DeLAURO, and Mr. GEORGE MILLER of California, Mr. INSLEE, Ms. LEE, Mr. DICKS, and Mr. BACA.

H.R. 1480: Mr. CASE and Mr. ALLEN.

H.R. 1483: Mr. FILNER and Mr. FARR.

H.R. 1508: Mr. KUCINICH.

H.R. 1510: Mr. KUCINICH.

H.R. 1511: Mr. McNULTY, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. SKELTON, and Mr. GILCHREST.

H.R. 1519: Mr. GARRETT of New Jersey.

H.R. 1534: Mr. ALLEN, Mr. OWENS, and Mr. KLECZKA.

H.R. 1536: Mr. ENGLISH and Mr. LEVIN.

H.R. 1565: Mr. KILDEE.

H.R. 1568: Mr. CROWLEY, Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. SCOTT of Georgia, Mr. SABO, and Mr. MURTHA.

H.R. 1576: Mr. KUCINICH.

H.R. 1584: Mr. SMITH of New Jersey.

H.R. 1605: Mr. SHAYS.

H.R. 1634: Mr. BLUNT, Mr. RENZI, and Mr. DOYLE.

H.J. Res. 44: Mr. SHAW and Mr. HAYWORTH.

H. Con. Res. 50: Mr. GRAVES.

H. Con. Res. 56: Mr. MILLER of Florida and Mr. FILNER.

H. Con. Res. 99: Mr. WEINER, Mr. OWENS, Mr. MEEKS of New York, Mr. LaTOURETTE, Mr. ABERCROMBIE, Mr. FATTAH, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Ms. BALDWIN, Mr. McDERMOTT, Mr. WAXMAN, Mr. HOEFFEL, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. DeFAZIO, Mr. PALLONE, Mr. LANGEVIN, Mr. NADLER, Mr. PAYNE, Mr. HINCHEY, Mr. ENGEL, Mr. BROWN of Ohio, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 111: Mr. McGOVERN, Mr. STARK, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 130: Mr. CUMMINGS and Mr. ABERCROMBIE.

H. Con. Res. 136: Mr. HOEFFEL and Mr. BERMAN.

H. Res. 60: Mr. TURNER of Ohio, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr.

RAMSTAD, Mr. JEFFERSON, Mr. HAYWORTH, Mr. JOHN, Mr. BOUCHER, Mr. DOGGETT, and Mr. MCCRERY.

H. Res. 140: Mr. DEUTSCH and Mr. SOUDER.

H. Res. 157: Mr. CAPUANO and Ms. LORETTA SÁNCHEZ of California.

H. Res. 173: Mr. KIND and Ms. DELAURO.

H. Res. 179: Mr. FEENEY, Ms. HARRIS, Mr. ANDREWS, Mr. FOLEY, and Mr. BLUNT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 1036: Mr. FLAKE.

H.R. 1119: Mr. SIMMONS.

PETITIONS, ETC.

Under clause 3 of rule XII,

8. The SPEAKER presented a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03-14 petitioning the United States Congress to designate the Paia Post Office Building in honor of the late United States Representative Patsy Takemoto Mink; which was referred to the Committee on Government Reform.

EXTENSIONS OF REMARKS

TRIBUTE TO CAPTAIN LASZLO OCSKAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to honor posthumously Captain Laszlo Ocskay, a courageous and righteous individual whose actions saved the lives of thousands of Jews during the Nazi occupation of Budapest, Hungary in 1944–1945. I am not the first to recognize Captain Ocskay's outstanding humanitarian service on this floor, and I proudly add my voice to those who have paid tribute to this remarkable man's life. Much of the recognition of Captain's Ocskay's historic contributions has fortunately come to light in recent years thanks to the research and writings of Dan Danieli of Riverdale, New York.

Captain Laszlo Ocskay served in the Austro-Hungarian army as an officer during World War I, during which he suffered wounds to his leg that left him ineligible for active service in the post-war Hungarian army. Captain Ocskay remained on inactive reserve until 1944 when he requested to be reactivated to the 101/359 Labor Service Battalion. Despite his injuries, Captain Ocskay was appointed to the post of Commanding Officer of Labor Service Battalion, assigned the task of collecting and warehousing clothes.

At great risk to his personal safety, Captain Ocskay sought and then used this position to protect and sustain more than two thousand men, women and children who were threatened by the Hungarian Arrow-Cross's increasing violence against Jews in Budapest. Against official policy, Captain Ocskay allowed many escapees from other forced labor units, survivors of anti-Jewish campaigns, family members of the men in his labor service, and others facing persecution to join the ranks of the 101/359 Battalion.

Through his connections with sympathetic German military officials and his partnership with Section-T of the International Red Cross, Captain Ocskay was able to successfully shield these individuals from the increasing persecution of Jewish residents as well as provide them with food, medicine and other necessities. The Section-T was in fact quite dependent on Captain Ocskay, who opened his private home to be used as their headquarters, as well as a sanctuary for a small number of Jews in hiding. Raoul Wallenberg, the Swedish diplomat who rescued tens of thousands of Jews during this same period, is also known to have operated from Captain Ocskay's home and was hidden at his house shortly before being captured by the Soviet troops. Captain Ocskay persevered in his extraordinary efforts to protect the lives and safety of those in his labor camp until the Soviet liberation of the Labor Camps.

Following the end of World War II, Captain Ocskay was arrested numerous times by the communists who alleged that he was an American spy. Captain Ocskay's position in an American oil company's Budapest office and his ties with Wallenberg and others who the Soviets had disappeared may have made him suspect. After repeated arrests and releases, he escaped to Austria and then later moved to the United States to live with his son. Captain Ocskay died in 1966 in Kingston, New York, where he is buried. He is survived by his son, George Ocskay, his daughter-in-law, Helen Ocskay, and his granddaughter, Elisabeth.

Captain Ocskay's outstanding humanitarian contributions were largely unrecognized during his lifetime. He was however posthumously awarded a gold metal by the President of Hungary, and the city of Budapest has honored him with a permanent public memorial. Certainly, Captain Ocskay's bravery and resolve in the face of the inhuman and brutal Holocaust perpetuated against European Jews stands as an important reminder of the difference that principled and moral individuals can make against even the most egregious manifestations of human hatred and bigotry.

Mr. Speaker, I am delighted to join the Jewish Federation of Ulster County this April 27, 2003 in honoring the distinguished legacy of Captain Ocskay and in paying tribute to his surviving family members.

HONORING THE 25TH ANNIVERSARY OF THE SOLOMON SCHECHTER DAY SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MCGOVERN. Mr. Speaker, I rise to pay tribute to the Solomon Schechter Day School in Worcester, Massachusetts and to congratulate the teachers, students, and parents of the school on the occasion of its 25th anniversary.

Solomon Schechter Day School was founded in 1977 when a group of local parents explored the idea of establishing a Jewish day school for the Worcester community. They shared a common vision: educate their students intellectually and spiritually and, in doing so, inspire them to assume leadership roles within secular and Jewish worlds.

Under the leadership of Principal Malka Levine, the school opened its doors on September 6, 1978 with 21 students in kindergarten through Grade 3. By 1990 the school enrolled students through Grade 8, completing their original goal to serve students from K to 8. Today enrollment has grown to 116 students who come from a wide variety of families in Worcester County representing diverse religious and socio-economic backgrounds. Graduates have gone on to further their education at some of our finest institutions and serve their community as educators, teachers, physicians, scientists, and many other fields.

Mr. Speaker, I am proud to congratulate the Solomon Schechter Day School on 25 years of providing an exceptional education for Worcester County's children and for instilling in them the importance of serving their community. I am confident that the entire U.S. House of Representatives joins me in my admiration for the school and its accomplishments.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GALLEGLY. Mr. Speaker, on April 7, 2003, I was unable to vote on H.R. 1055, the "Dr. Roswell N. Beck Post Office Building" Designation Act (rollcall vote 109), H. Res. 127, Expressing the sense of the House that a month should be designated as "Financial Literacy for Youth Month" (rollcall 110), and H.R. 1368, "Norman Shumway Post Office Building" Designation Act (rollcall vote 111). Had I been present, I would have voted "yes" on all three measures.

THE PENSION BENEFITS PROTECTION ACT OF 2003

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join today my good friend from Vermont, the Honorable BERNIE SANDERS, in cosponsoring his bi-partisan legislation to protect the pension benefits of older employees. Over 100 members of the House are original co-sponsors of this important bill.

I am also very pleased that this bill enjoys the support of the AFL–CIO, the AARP, the Communication Workers of America, the Pension Rights Center, and other organizations as well as individual employees throughout the country impacted by what are known in the pension world as "cash balance plan conversions." These groups and individuals have been important leaders in this very difficult but important fight.

Millions of white-collar employees and other workers in America will benefit from our bill. Our bill is about fairness. Our bill says that if a company with a traditional defined benefit plan switches—in mid-stream—to a cash balance plan that costs that company less, an older employee has the right to choose to be in whichever of the two plans is better for him or her. We say, let the employee choose.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As you know, the reason that employers can save hundreds of millions of dollars by switching to the increasingly popular cash balance plans is because they will pay their employees less in benefits.

We are not proposing that all employers must have a traditional defined benefit plan for all employees. We are not saying that, nor could we. We are saying very clearly, however, that if you promised an employee a certain pension, pay that employee the pension you promised.

Our bill would guarantee the right of employees who are 40 years old or older, or who have worked for ten or more years for the same company, to choose to stay in the traditional defined benefit pension plan even if the company decides to convert that plan to a cash balance plan.

When Treasury Secretary Snow visited with Senators DURBIN and HARKIN this past January prior to his confirmation, he told them that he believed in choice. He told them that his railroad company, CSX, offered choice. He said a board he sat on, Verizon, offered choice.

But now he is overseeing a pending change to pension regulations at the Department of Treasury that would not require companies to offer choice. Under the pending rules, a well-meaning company would be allowed to offer choice or otherwise treat their employees fairly.

The problem is that the rules do not require that they be treated fairly. That is wrong. And that is why we are sponsoring this legislation.

As BERNIE pointed out a few weeks ago, no member of Congress would want to see the pension system here changed in mid-stream if it meant that after working for 25 years you would find your expected pension cut in half

Millions of employees across the country don't want to see their hard-earned benefits cut either. But they are afraid. They are looking at their retirement years, after a lifetime of work, and they are afraid that after a cash balance conversion they will lose half of the benefits they expected and worked so hard to achieve. The General Accounting Office has documented that conversions especially hurt older employees and can cost them as much as half of their pension benefits.

These employees are looking at the cost of health insurance, the cost of college for their children, and the cost of retirement. They have counted on their pension to help them through some of those costs. But under a conversion, they risk seeing those benefits and those dreams, cut.

Mr. Speaker, I have been contacted by employees in every industry from across the country, from the airline industry, the finance industry, and industrial companies. They are wondering why in the world would President Bush promote new rules that deliberately give employers the legal protection to slash pension benefits.

The President's proposal raises serious questions about the direction in which he is taking the nation and the people who work so hard every day to make ends meet.

The President does not have a policy to create jobs.

The President does not have a policy to eliminate the budget deficit.

The President does not have a policy to provide health insurance to the uninsured.

But President Bush does have a plan to help companies slash employees' pension benefits.

The business press is full of stories about this problem—retirement security. This isn't something BERNIE SANDERS and RAHM EMANUEL and I have made up. The economic future of Americans is in serious jeopardy and these pension rules are one important part of that problem.

Our legislation will not create jobs, or restore the budget surplus, provide health insurance, or turn around the stock market, although we have proposals to accomplish those goals. Those are not the goals of this particular bill.

But our bill will establish fairness for the treatment of older employees' hard-earned pension benefits. That is what they deserve, what they expect, and what they need.

REGARDING THE UNTIMELY DEATH OF SERGEANT ORLANDO MORALES IN AFGHANISTAN ON MARCH 29, 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I stand here today with a saddened heart for the untimely death of a resident in South Florida who paid the ultimate sacrifice in the name of freedom. On Saturday, March 29, 2003, gunmen on motorcycles ambushed a U.S. military reconnaissance patrol in Southern Afghanistan and killed Sergeant Orlando Morales. I wish to express my deepest condolences to Ms. Maria Roxana Morales and the entire Morales family, and at the same time offer all my support and prayers.

I believe a person's life is not measured by the time spent on this earth, but by what is accomplished while here. With this in mind, Sergeant Morales will always be considered a hero. The ultimate passing of any true hero is a tragedy.

This tragedy only crystallizes the great risk and danger these brave men experience in the name of the people of the United States. All of America mourns the loss of our military men and women, though we cannot feel the depth of the families' pain. We never forget that the peace and prosperity that we enjoy are founded on the ultimate sacrifices made by those who have lost their lives in war throughout our nation's history. They have earned our gratitude and respect.

Because of the very high regard in which I hold all members of the armed services, it is especially disturbing to me when one of these fine young men or women is killed. By any measure, their contributions, in terms of human sacrifice, are immense. As a nation we share the sense of loss that the Morales family is experiencing. Though sorrow runs deep, our pride for Orlando Morales shines brightly.

HONORING JIM AND KATHLEEN HURCKES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Jim and Kathleen "Bonnie" Hurckes, outstanding former residents of the City of Chicago and the greater Southwest side. They will be celebrating their 50th wedding anniversary on Good Friday, April 18, 2003. Their celebration is scheduled for April 13, 2003 at St. Andrew the Apostle in Romeoville, Illinois.

Jim and Bonnie have spent five decades of married life together and have produced a loving and nurturing family consisting of eight children: James (Carol), John, Jeff, Judith (Ron), Joyce, Jerry (Mary Ann), Joseph, and June (Dominic). They are also proud grandparents of their 17 grandchildren: Jay, Jackie, Christine, Rick, Joe, Peggy, Mike, Robert, John, Jeff, Stephanie, Kathleen, Dominic, Nick, Jenna, Mark, and Megan, as well as their first greatgrandchild, Jayton.

Jim and Bonnie have passed fifty years of marriage in loving and consistent devotion to one another, truly exemplifying the spirit of the sacrament of holy matrimony and serving as a model and inspiration to their children and grandchildren.

Mr. Speaker, as Jim and Bonnie continue their wedded journey, I would ask that my colleagues join me in honoring this remarkable couple.

HONORING THE FAIRFAX COUNTY HEALTHY FAMILIES PROGRAM AS A RECIPIENT OF THE 2003 COUNTIES CARE FOR KIDS AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate Fairfax County's Healthy Families program on their recognition by the National Association of Counties as a 2003 Counties Care for Kids Award recipient.

Healthy Families Fairfax was launched in 1992 under the parent organization Healthy Families America, and has now been working to improve childcare in Fairfax for over a decade. This Counties Care for Kids Award recognizes the program as an innovative and model county government effort that has demonstrated measurable outcomes for children and their families. Healthy Families Fairfax works directly with first-time parents to promote child health. A public-health nurse and family support worker provide educational and therapeutic support to the family at home, from prenatal through age four of the child.

Studies have shown the immense impact of early childhood care on child development, but unfortunately many children are neglected and even abused during their pivotal formative years. By assisting parents with parenting, health, nutrition, problem-solving, and stress management, Healthy Families Fairfax gives children and families the opportunity to grow up together in a healthy environment. While similar programs do exist, most do not approach the comprehensive approach of Healthy Families Fairfax, whose support teams not only address parenting issues, but also assist families with family problems not directly related to the new baby. This inclusive method affords homes a viable chance to succeed in raising their baby and building a life together.

This worthy project is a voluntary prevention program of the Department of Family Services, in partnership with the Fairfax County Department of Health, Northern Virginia Family Service, UCM Community Solutions, and Reston Interfaith. Only eight programs nationwide have been chosen as 2003 Counties Care for Kids Award recipients, and Healthy Families Fairfax certainly exemplifies the positive impact that county-wide programs hope to achieve.

Mr. Speaker, in closing, it is an honor to extend my warm congratulations to Healthy Families Fairfax for all of their achievements. The recognition by the National Association of Counties is well deserved. I call upon my colleagues to join me in wishing the Healthy Families Fairfax future success.

HONORING OAK CLIFF LIONS CLUB

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. FROST. Mr. Speaker, I rise today to honor the Oak Cliff Lions Club. This organization has served the Oak Cliff Community faithfully and continually now for seven decades. It is with great pleasure that I congratulate them on their 70th Anniversary. I am proud to be a member of such an organization, one that promotes education, leadership, strong values, and togetherness.

Lions commit themselves to improving the lives of everyone. They are always determined to help the less fortunate, whether they are thousands of miles away, or just down the street. Through the Lions Club, young people can earn scholarships to participate in both international exchanges and community outreach programs.

Lions Clubs not only promote service to their communities, but to the entire world, with over 1.4 million members in 190 countries. In today's global society, Lions clubs are perhaps more important than ever before. Oak Cliff Lions are looking forward to the challenges of today and tomorrow with optimism and unwavering loyalty. Our message is simple but clear. We serve.

Since Lions clubs were established, Lions have been dedicated to giving something back, and I am certain that the Oak Cliff Lions Club will continue its tradition of selfless service and pride in our great community.

A BILL TO PERMIT COOPERATIVES TO PAY DIVIDENDS ON PREFERRED STOCK WITHOUT REDUCING PATRONAGE DIVIDENDS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HERGER. Mr. Speaker, today I rise to introduce the Cooperative Dividend Equity Act. This legislation will help to end an unfair tax on cooperatives and their members.

As those of us from agricultural and rural areas can attest, cooperatives play a vital role in many Americans' lives. Whether it be farmers pooling their resources in order to survive in the global marketplace, consumers maximizing their buying power through volume purchasing, or healthcare facilities providing community-based services—cooperatives facilitate people working together for a common good.

One of the greatest challenges facing cooperatives today is access to capital. In order to raise much needed capital and avoid further debt, many cooperatives are considering issuing preferred stock. However, under the current tax laws, stock dividends paid to stockholders are taxed three times: (1) When they are earned by the cooperative; (2) when received by the stockholder; and (3) at the corporate level when earnings are distributed.

Members of cooperatives are taxed on income generated by the cooperative. The cooperative itself, however, is not taxed so long as any "patronage income" is distributed to its members. Cooperatives frequently earn at least some non-member, or "nonpatronage," income. Much like a corporation, a cooperative must pay taxes on such nonpatronage income, just as the stockholder, whether a member or non-member, must also pay tax on that income when it is distributed as a dividend. Unlike a corporation, however, cooperatives must then pay what amounts to a third tax due to the operation of an obscure IRS rule.

The "dividend allocation rule" imposes a third level of taxation on the cooperative by reducing the amount of patronage dividends paid to cooperative members. Cooperatives, such as a typical farming cooperative, may deduct dividends paid to patrons from taxable income. IRS regulations, however, provide that net earnings eligible for the patronage dividend deduction are reduced by dividends paid on capital stock. This requirement has been interpreted to mean that even dividends paid out of nonpatronage earnings will be "allocated" to a cooperative's patronage and nonpatronage earnings in proportion to the relative amount of patronage/nonpatronage business done by the cooperative. This "allocation" significantly reduces the amount of net earnings from the patronage operation that may be claimed as a deduction, thus increasing the cooperative's level of taxation.

Put more simply, the "dividend allocation rule" allocates income already taxed against what would have otherwise been a deduction. As a result, cooperatives pay more taxes on income used to pay a dividend on stock than would a non-cooperative corporation.

It is time to end the triple taxation on cooperative income and give farmers, consumers, hospitals, and other coop members the flexibility they deserve in structuring their affairs. It is time to eliminate the dividend allocation rule and pass the Cooperative Dividend Equity Act of 2003.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

Mr. STARK. Mr. Chairman, I rise today in support of the wartime supplemental appropriations bill. Yet, I am greatly troubled by this vote.

The President's crusade to preemptively invade Iraq without regard to peace or diplomacy was wrong. I voted against the resolution giving him the authority to do so and remain opposed to this war. I continue to question the President's judgment as commander-in-chief. Yet, when our troops are in harms way, Congress has a duty to support them and support them we must.

This bill provides our men and women in uniform with the resources that I hope will bring a swift end to the war and minimize the loss of life. That is why I am voting in favor of it today.

HONORING THE POEMS OF STUDENTS FROM THE JFK INTERMEDIATE SCHOOL IN DEER PARK, NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share the poems of the students of the JFK Intermediate School in Deer Park, New York.

Like all of us, the war in Iraq is on the minds of America's children. Students at the JFK Intermediate School have taken time to acknowledge the troops and thank them for their dedication and service to our country.

Kyle Thorn, age 10, writes: "I just want to thank you for protecting not only your country, you are also protecting your people. I also want to thank you for risking your life for every American when you don't even know them. You are what a true American citizen is. When you are out there in Iraq you are not only saluting your country, you are saluting the people in your country."

I join with these students in their continued support and appreciation for our troops at home and abroad and pray for their safe return home.

DEAR SERVICE MEN & WOMEN: Hi my name is Kyle Thorn, I am 10 years old and I live in

Derr Park, Ny. I have an older brother who is 14 and a younger sister that is 6. I dont know if you know him but I have an Uncle whose in the Air National 106th Reserve. His name is George Kalamoros.

In this letter I just want to thank-you For protecting not only your country you are also protecting your people. I also want to thank-you for risking your life for every american when you dont-even know them. You are what a true american citizen is. When you are out there in Iraq you are not only saluting your country you are saluting the people in your country.

From,

KYLE THORN.

DEAR ALEX: hI my name is George. Ylitelo. I rote this Letter To Thank you for sirving this countrey. I hope thear is no war. You are thought of ever day. IF thear is A war Dont worry because you are not alone you have U.S.A.

This is the real world so that means George W. Bush mite make some kind of Deal. If he dose not you have the Navy, Army, Air Force, Marines. I know you will make It threw the Long Days of hard work in the Desert.

Your Friend,

GEORGE YLITELO.

PLEASE SAVE THE WORLD

(By Heather Lake)

DEAR SOLDIER: Hi, my name is Heather. I am 8 years old. But I will be 9 in April 24th. I want to thank you for volentearing to save the world from losing. Please pray to all that have died in your group that have tried to save this world. I hope you do well. Be carefully with the weapons. We are sending things like: Toilet paper, newspaper, pictures, tishuses, chap stick. I hope you do really really well. I hope you get binladin Hussan.

Thank you and win the war.

P.S. Thank you for your time.

OUR FREEDOM FIGHTERS

(By Mrs. Orofino's Fourth Graders)

John F. Kennedy Intermediate School, Deer Park School District, Deer Park, New York

You're our Knights in Shining Armor.
The personnel carriers your steeds and body protection.
Thundering over the desert on toward Baghdad.
You left home and traveled to foreign lands in the name of Freedom.
You crossed thousands of miles,
Leaving your loved ones behind.
You crossed barren lands over hundreds of miles through the desert.
Listening to artillery fire.
Treating Iraqi citizens
With Kindness and Respect.
Thank you for being our heroes, the World's Protectors of Liberty and Justice.
"Let Freedom Ring!"

TO OUR MARINES

(By Jessica Gulotta)

When you are out there in your tanks
I am giving you a special thanks.
I truly trust you. I really do.
Leaving your homes and families too.
Keep your hopes up; it will get you through.
Heroes, Heroes, that's what you are.
You left your homes and traveled far
Off to war, hoping an end will soon come.
Just fight, fight, fight, and then you're done.

HONORING HARRY BLOWEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Harry Blowey and his contributions to this country. Harry began his service to our nation in the 1940s, serving in the Navy in the Pacific theatre during World War II, and today I would like to honor his accomplishments before this body of Congress and this nation.

Harry was aboard an aircraft carrier, the USS *Bismarck Sea*, during the battle for Iwo Jima when his ship was hit by two Japanese kamikazes. The explosions broke the ship in half, and as the ship sank, Harry lowered himself down a line and jumped into the water, keeping himself afloat for five hours before he was rescued. Harry's ship was the last American aircraft carrier sunk in World War II.

Harry also served as a belly-gunner during the battles for Leyte and Luzon in the Philippine Islands, earning the Distinguished Flying Cross, a Navy and Marine Corps medal for heroism, and three air medals for special combat missions. Now Harry is continuing to serve his country by sharing his story with his neighbors and the Veterans' History Project, ensuring that his experiences will be permanently archived at the U.S. Library of Congress.

Mr. Speaker, it is a great privilege to honor Harry Blowey for his service to this country. He served selflessly during a time when our country was in great need. His actions have brought great credit to himself and his nation, and his willingness to share his story with posterity will benefit generations to come. Thanks, Harry, for your service to this nation.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, April 7, 2003, had I been present for rollcall vote Nos. 109, 110, and 111, I would have voted the following way: Rollcall vote No. 109—"aye"; Rollcall vote No. 110—"aye"; Rollcall Vote No. 111—"aye."

TRIBUTE TO 2003 NCAA CHAMPIONS SYRACUSE UNIVERSITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. WALSH. Mr. Speaker, I rise today to honor the Syracuse University Orangemen. Last night, Syracuse laid claim to the school's first Division I Basketball National Championship after defeating the University of Kansas, 81–78. In addition to the players and coaching staff, many deserve recognition, including school administrators, faculty, staff, alumni, students, and one of the most loyal fan bases in all of collegiate athletics.

Mr. Speaker, as you may know, Syracuse has been to the Final Four before. Last night's championship game proved for Head Coach Jim Boeheim that the third time was the right time as his Orangemen came full circle to defeat a national powerhouse in the Louisiana Superdome, avenging a heartbreaking 1987 loss to Indiana in the same facility. Preparing for a championship match up against a senior-led Kansas team is not an easy task. Jim deserves much credit for his young team's outstanding determination and accomplishment.

Knowing Coach Boeheim personally, I would like to congratulate him here on the House floor. He is Syracuse basketball. Coaching his alma mater for twenty-seven years and being part of Syracuse basketball for more than half his life, this championship is deserved not only for all of Syracuse's supporters and community but for the coach himself. Also deserving praise this afternoon is Head Assistant Coach Bernie Fine and the rest of the Syracuse coaching staff.

Syracuse's championship team was led by Final Four MOP, freshman Carmelo Anthony, with outstanding support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace. This young team demonstrated poise, presence, and pride in their performance throughout the tournament and all season long.

The Orangemen's win last night certifies that Syracuse is a national college basketball powerhouse. Congratulations to the entire Syracuse University community. We are proud of you.

TRIBUTE TO THE FRIENDS OF NORRIS COTTON CANCER CENTER

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BASS. Mr. Speaker, I rise today to honor the contributions made by the Friends of Norris Cotton Cancer Center in Lebanon, New Hampshire.

Whereas the Friends of Norris Cotton Cancer Center began in 1982, when a group of civic-minded citizens, all friends of Senator Norris Cotton, founded an organization to support Norris Cotton Cancer Center, which was established in 1972, through the efforts of Senator Norris Cotton and Dr. Frank Lane.

Whereas the Friends of Norris Cotton Cancer Center have lived up to their stated purpose to promote the welfare of the Cancer Center at Dartmouth-Hitchcock Medical Center during the past two decades.

Whereas the Friends of Norris Cotton Cancer Center have adopted the Audrey Prouty Century Ride & Fitness Walk as its signature fundraiser.

Whereas the Prouty first began 22 years ago when four nurses rode 100 miles through the White Mountains of New Hampshire as a tribute to one patient's courage in her battle with ovarian cancer.

Whereas last year's proceeds from the Prouty enabled Norris Cotton Cancer Center researchers to continue their work assessing a person's genetic risk for cancer, developing new and better medications to fight the disease, and advancing basic science investigations critical to finding a cure for cancer.

Whereas the recent purchase of an Agilent Microarray System, a powerful weapon in the war against cancer, was made possible through the work of the Friends of Norris Cotton Cancer Center has made possible the identification of previously unidentified targets within tumors and the development of novel drugs to attack and hopefully kill these tumors.

Whereas the continued fundraising efforts of the Friends of Norris Cotton Cancer Center through the Prouty and other venues will most assuredly translate into even more discoveries in the search for a cure for cancer.

Therefore I invite my colleagues in the House of Representatives to join me in extending heartfelt appreciation and admiration to the Friends for their contributions towards the cure for cancer in our lifetime.

TRIBUTE TO JERRY PINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Sergeant Jerry Pino and thank him for the contributions he has made to the community police department of Pueblo, Colorado. Jerry recently retired after twenty-five years with the Pueblo police force, and today I would like to honor his accomplishments before this body of Congress and this nation.

Jerry joined the department in 1978 after leaving the U.S. Marine Corps, and earned his promotion to sergeant in 1994. In the course of his career, Jerry won three commendations for his actions on the job, catching two armed robbery suspects by anticipating their escape route and almost single-handedly unraveling a theft ring. Just this past year, Jerry saved the life of an eighty-four year old woman when he found her collapsed just outside her apartment in freezing weather. As a former police officer myself, I know of the dedicated service, long hours and unrivaled commitment that our law enforcement officers give to their communities. Jerry's twenty-five years of service exemplify this dedication.

Mr. Speaker it is a great privilege to honor Sergeant Jerry Pino and wish him the best as he leaves the Pueblo Police Department. He has been an effective officer and an integral part of the police force for twenty-five years. Jerry, thank you for your dedicated service.

GERRY McNAMARA MAKES NORTHEASTERN PENNSYLVANIA PROUD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the key role that Gerry McNamara of Scranton played in the outstanding season of the Syracuse University men's basketball team, culminating in their winning the NCAA championship Monday.

For example, he scored 18 of the team's 81 points in the title game. Clearly, the phrase "just a freshman" does not apply to him, and he certainly earned the honor of being named to the Final Four All-Tournament Team. He was also a unanimous selection to the Big East All-Rookie Team, which is selected by the league's head coaches.

By helping lead his collegiate team to victory, Mr. McNamara is continuing his outstanding record from Bishop Hannan High School, where he set records and led the team as it won the state Class AA championship last year. Before that, he led the Holy Rosary team to a Catholic Youth Organization title in the eighth grade.

Those who know Mr. McNamara's history from Scranton were not at all surprised by how well he has played at the national level.

Mr. Speaker, Gerry McNamara has continued to make Scranton and Northeastern Pennsylvania proud. I expect we will see more great things from this fine young man in years to come, and I send my congratulations to him and his family and friends.

IN HONOR OF KUP'S COLUMN ON ITS 60TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. LIPINSKI. Mr. Speaker, today I would like to place in the CONGRESSIONAL RECORD an article by Steve Neal, a political editor for the Chicago Sun Times. The article, entitled Kup's column turns 60—and still going strong, is about Irv Kupcinet, the greatest and most influential columnist that Chicago has ever had, and one of the most influential columnists in the history of America.

Steve Neal wrote the following:

He is without peer.

Irv Kupcinet, who is celebrating the 60th anniversary of his column, is one of the more durable institutions in the history of American journalism. "Kup's Column," which started in January 1943, is the nation's longest running newspaper column.

"He'll delve into every phase of local enterprise and activity . . . business, politics, nightclubs, the theater, sportsband . . ." the old Chicago Times announced in a house ad. "Intimate, sprightly, his column will be brimming over with names that make news."

In his first item, Kup reported that Irving Berlin berated the cast of his musical revue, "This is The Army," after a published report that they tired of the road tour and wanted to resume their military duties.

Kup also disclosed that state Sen. Abraham Lincoln Marovitz (D-Chicago) was about to enlist in the Marines, and that comedian Joe E. Lewis, who was then performing at the Chez Paree, would soon be embarking for North Africa to entertain U.S. troops.

In looking back, Kup says that first six months of the column were the most difficult. But then he soon found a voice and went on to become one of the nation's more influential columnists.

He has appeared as a character in a Saul Bellow novel and two of Otto Preminger's classic films. Kup is the only living Chicago journalist to have a bridge named after him. The Kupcinet Bridge is on Wabash Avenue over the Chicago River.

His success is no accident. Kup is a man of incredible drive and energy. He is fair, honest, accurate, and has more contacts than anyone else in the newspaper game.

He met with future President Gerald R. Ford when they were teammates on the 1935 College All-Star football team. Kup, a quarterback who played at North Dakota and later for the Philadelphia Eagles, stood behind Ford, a center for the University of Michigan.

"I have a somewhat different view of the president of the United States," Kup later remarked.

"I've always liked Kup," Ford told me in a 1996 interview at his home in Vail, Colo. "He's a good friend and a darned good reporter. One of the best."

Kup loves Jerry Ford. But his favorite president is Harry Truman, whom he met when Truman was about to be nominated for the vice presidency at the 1944 Democratic National Convention in Chicago. He gave Kup a card on which he wrote: "Kup, you're entitled to admission, the front door and the back door is always open."

Truman's portrait still hangs behind Kup's desk at the Chicago Sun-Times. Clifton Truman Daniel, the late president's grandson, said Truman felt a bond with the Chicago newsman because "they were both straight shooters and were comfortable with each other."

In the final stretch of the 1948 presidential campaign, when Truman was trailing in the polls, he told Kup: "I'm out slugging doing the best that I can. No man can do more."

Kup may have been the only columnist in America who gave Truman a chance to win. Truman later confided to Kup that the reason he fired Gen. Douglas MacArthur during the Korean War was that MacArthur "wanted to use the atomic bomb against the Chinese."

It was Kup who got the scoop when Truman decided not to seek re-election in 1952. Kup also accurately predicted that Illinois Gov. Adlai Stevenson would be drafted that year as the Democratic presidential nominee.

At the 1956 Democratic National Convention, Kup noted that the young John F. Kennedy was the "brightest young hope to emerge from the conclave."

Kup championed civil rights in his column and provided a forum for such voices of freedom as the Rev. Martin Luther King, Jr., Malcolm X, Muhammad Ali, and the Rev. Jesse L. Jackson.

When Bill Clinton won the presidency, Kup was among the strongest advocates for lifting the barrier against gays in the military. Kup also supported Truman when he issued his executive order to desegregate the armed services.

Kup is probably more identified with Frank Sinatra, than any other show business personality. A half a century ago, Sinatra won the Academy Award for his role in "From Heaven to Eternity." Kup persuaded Harry Cohn of Columbia Pictures to give Sinatra this part.

It should be noted that Stella Foster, Kup's associate for 34 years, is a major contributor to the success of the column. Kup's late wife, Essee, also was an integral part of the column.

On May 18, a celebration of Kup's 60th anniversary will be held at the Hilton Chicago.

The proceeds will go to the Chicago Academy for the Arts. Larry King is scheduled to be the master of ceremonies.

Playboy Chief Executive Officer Christie Hefner and her husband, former state Sen. William A. Marovitz, are cochairing this special event with Kup's grandchildren, David Kupcinet and Kari Kupcinet-Kriser. For more information, call (312) 595–1400.

TRIBUTE TO MR. CHARLIE NATHANIEL HALL, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Charlie Nathaniel Hall, Sr. Mr. Hall was born and raised in my hometown of Newark, New Jersey and has become a very active member within the community.

Attending public schools in Newark, Mr. Hall went on to earn an art degree from the Newark School of Fine and Industrial Arts, with a concentration in Product Design. While there Mr. Hall was also a member of the Gamma Delta Phi Fraternity and worked part-time in downtown Newark, where he earned the reputation of a "laborer".

Mr. Hall's ability to grasp and handle multiple tasks sent him through the ranks and earned him the Vice-Presidency of Local 108 in 1984. He was eventually elected President of the Local Union in 1989 and served until 1998. Later in that same year he would be elected vice-president of the UFCW. Working in all aspects of these organizations, Mr. Hall is an integral component of the development and success of all organizations with which he works. He is currently President Emeritus of Local 108, RWDSU.

In addition to being an active member in the Labor movement, Mr. Hall is also very active within the community, working with the Young Businessmen's Association of Newark as well as the Benevolent Protective Order of Reindeer, Inc. His contributions to the community are innumerable, and I am thankful to stand here today to recognize his work.

As Mr. Hall gathers with family and friends to celebrate his long and successful career, I know that my colleagues in the U.S. House of Representatives join me in recognizing his substantial contributions and in wishing him the very best as he pursues other endeavors.

HONORING MIKE DAVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Mike Davis of Pueblo, Colorado. As the president of Pueblo Community College, he has done much to promote the importance of higher education in my district, and today I would like to highlight his accomplishments before this body of Congress and this nation.

Mike worked as a clinical social worker before entering academia as an instructor at Vincennes University in Indiana, the community college where he earned an associate's degree in psychology in 1972. Taking on increasing leadership roles at Vincennes, Mike eventually earned a doctorate in higher education administration. He came to Pueblo from Indiana to serve as PCC's executive vice president in 2000, assuming the job of president in 2001.

As a community college graduate himself, Mike understands the pivotal role these institutions play in the intellectual development of his students. As president of PCC, Mike has been an exceptional supporter of the Phi Theta Kappa honor society that promotes scholarship and a lively intellectual climate among students at two-year colleges. Mike will receive the Shirley B. Gordon Award of Distinction from Phi Theta Kappa for his support of the society and its PCC chapter.

Mr. Speaker, our nation's community colleges are learning centers for a wide variety of students, helping them to achieve their goals. Mike Davis encourages high standards for intellectual achievement in the academic community he heads, and his support for Phi Theta Kappa is only one measure of that support. It is a great privilege to salute Mike before this body of Congress and this nation for his achievements as both a teacher and a community leader.

ENERGY DEVELOPMENT AND WILDLIFE—PERSPECTIVE FROM WYOMING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, this week the House will be debating major legislation to revise our national policies regarding energy.

There are many aspects to that debate. One that must not be overlooked is the need to balance energy development on Federal lands with the other resources, values, and uses of those lands. Colorado and the other Rocky Mountain states have a great stake in that part of the debate—something that was well illustrated by a recent article by one of our neighbors, Ted Kerasote, entitled "Wyoming Lives Uneasily with Big Game and Big Equipment."

For the benefit of our colleagues, I am attaching that article:

[From the Writers on the Range]

WYOMING LIVES UNEASILY WITH BIG GAME AND BIG EQUIPMENT

(By Ted Kerasote)

As meat lockers go, this corner of northwestern Wyoming is one of the prettiest on earth. Behind me, as I sit on this sage-covered bluff, is a great horseshoe of snow-dusted peaks: the Wind Rivers, the Gros Ventres, the Wyoming Range. Ahead lies the Upper Green River Valley: empty, vast and skeined with moving lines of pronghorn antelope.

Twice each year, these herds move south to their winter range and return north to summer forage. Some of these antelope routinely trek 200 miles to Grand Teton National Park, making their particular migration the longest undertaken by any mammal in the Lower 48.

In addition to the 32,000 pronghorn out here, there's also 48,000 mule deer, some of them moving upwards of a hundred miles to reach the surrounding national forests and their summer haunts. Now and then I see some of the 8,000 elk that seep down from the high country, and there's rarely a morning when, walking across these hills and draws, I don't flush a covey of sage grouse.

The size of small turkeys, the birds stop my heart when they burst directly from beneath my feet.

With the quarters of one antelope already on ice, I'm sitting up here and looking for another; in fact, two. Like many people in Wyoming, I haven't eaten farm-raised meat in decades. Three antelope, one elk and a variety of grouse, ducks, and geese feed my family and me, and the friends who help with the packing, from fall to fall. It's one of the blessings of living amid lots of publicly owned land: Food is inexpensive, healthy and fills the soul while it's gathered.

Or so it's been until recently.

Today, when I look south, I can see several pickup trucks leaving dust plumes, here and there an ATV skittering through the sage, men erecting aerials on hilltops, and a line of enormous "thumper trucks," big as tanks, rumbling their slow way across the landscape. Overhead, helicopters flash as they tend seismic equipment that read what lies below. The antelope, trying to negotiate this gantlet, rush helter-skelter from thumper truck to hovering helicopter and back.

Natural gas happens to be one of the other blessings of these public lands. The Bureau of Land Management has already permitted 3,090 wells in what's called the Pinedale Resource Area, with many more on the way. In fact, with the Bush administration's push to fast-track the production of domestic energy resources, the BLM has exceeded the number of wells permitted by its 1988 Resource Management Plan. It's now in the midst of writing a new one, which will decide the fate of the Upper Green's wildlife for next 15 to 20 years.

I suspect that many hunters in the basin (2,600 go after antelope, 7,300 after mule deer, and 7,600 after elk) feel about the way I do: We all use natural gas, but we're not willing to extract it at the expense of the region's wildlife. So what I've been saying to the BLM is this: Protect the land critical to these animals in winter; make it off-limits to anything that might disturb it.

The animals' transitional habitat needs to be protected as well. That's all the country antelope and deer use for food and rest while on their migrations to and from their summer and winter ranges. Anyone who has spent some time in this basin has probably noticed the passages through which deer and antelope have migrated for millennia, some of them only a half-mile wide. These bottlenecks need to be safeguarded.

The Bureau of Land Management also needs to recognize that more than energy development is taking place out here. Private lands are being subdivided even as some livestock grazing continues, and an ever-increasing number of recreationists—from hunters and anglers to snowmobilers and ATVers—use roads and trails and everything in between.

What I'm describing, of course, are cumulative impacts—something the federal agency has done a poor job of adding up. The current resource plan, in fact, lacks such an analysis. Most of all, what I keep asking of our federal land managers is caution: Let's find out what's happening to wildlife before we permit more gas well development.

Today, though, I have nothing left to say. Thumper trucks shaking the ground approach my bluff, and I head back to the car, looking for some undisturbed bit of country. These days in the Upper Green, it is getting harder and harder to find.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BOYD. Mr. Speaker, I was unavoidably detained and missed the following votes. Had I been present for rollcall votes 105, 109, 110, and 111, I would have voted the following way: rollcall Vote No. 105: "nay;" rollcall Vote No. 109: "yea;" rollcall Vote No. 110: "yea;" rollcall Vote No. 111: "yea."

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HONDA. Mr. Speaker, on rollcall Votes Nos. 109, 110, and 111, I was unavoidably detained with important matters in my district.

As a result, I was unable to cast a vote on the measure to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building," the measure expressing the sense of the House of Representatives that the month of April should be designated as "Financial Literacy for Youth Month" and the measure to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the "Norman D. Shumway Post Office Building."

Had I been present, I would have voted "aye" on rollcall Vote No. 109, "aye" on rollcall Vote No. 110 and "aye" on rollcall Vote No. 111.

HONORING THE MONTROSE SENIOR CENTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Senior Center of Montrose, Colorado on the occasion of its thirtieth anniversary. Since 1973, the Senior Center has provided a place for seniors to gather, share a hot meal, and participate in a variety of group activities. The center plays a pivotal role in the Montrose community, and today I would like to celebrate its anniversary before this body of Congress and this nation.

The Senior Center has grown and changed over the thirty years since it first offered a Valentine's Day bingo game, finally establishing a permanent meeting place in 1990 with the opening of the Montrose Pavilion. The center's meal program has steadily grown, now serving an average of 139 meals at the center and delivering seventy-two more to homebound seniors every day. The senior recreation department offers about twenty-five classes a week, introducing seniors to computers, yoga, and oil painting and offering events such as lectures and sporting tournaments for over 1,500 participants a month. In a rural community like Montrose, the senior center provides an important focal point for enhancing the lives of senior citizens, both physically and mentally.

Mr. Speaker, the Montrose Senior Center has been providing many services crucial to the local senior community for thirty years and it shows no signs of slowing down. Its longevity is admirable—a credit to its members and the surrounding community. Today I would like to congratulate the Senior Center of Montrose for its outreach to the senior citizen community.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HOEFFEL. Mr. Speaker, unfortunately, I was absent for votes on Monday, April 7, 2003, as a result of a medical procedure. Had I been present, I would have cast my votes as follows: Rollcall vote No. 111: "aye"; rollcall vote No. 110: "aye"; and rollcall vote No. 109: "aye."

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BACHUS. Mr. Speaker, on Monday, April 7th, I missed rollcall votes 109, 110 and 111, due to a flight delay. If I had been present I would have voted "yea" on rollcall No. 109, "yea" on rollcall No. 110 and "yea" on rollcall No. 111.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PORTMAN. Mr. Speaker, on April 7, 2003, I was unavoidably detained at a leadership meeting and missed the vote on rollcall No. 109 on H.R. 1055, the Roswell N. Beck Post Office Building Designation Act.

Had I been present, I would have voted, "yes."

TRIBUTE TO THE TOLEDO-LUCAS COUNTY HEALTH DEPARTMENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Ms. KAPTUR. Mr. Speaker, Lucas County, Ohio will celebrate Public Health Week April 7–13, 2003. I am pleased to recognize the efforts of the Toledo-Lucas County Health Department and its Public Health Planning Committee in its efforts to promote health education for the citizenry of our region.

The Toledo-Lucas County Health Department provides a wide array of services, including immunizations, AIDS/HIV counseling and testing, specialty health clinics, wellness programs, outreach, and advocacy. It is the local agency responsible for ensuring safe water and air, environmental services, food protection, animal control, and health assessments of the people in Lucas County. Its staff, administration, and volunteers are committed to public service, and deeply dedicated to the promotion of public health and wellness.

Celebrated in 46 states, Public Health Week is a coordinated effort to utilize the resources of the systems of public health to educate people about a wide array of issues. This year's effort focuses on weight and obesity. With two-thirds of adults overweight, and the number of overweight children tripling in twenty years, Public Health Week 2003 urges Americans to "shape up their future."

HONORING DEE CRANE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Dee Crane for her exemplary service to the Mesa County Valley School District in Colorado. Dee has been an educator for forty-two years and today I would like to honor her accomplishments before this body of Congress and this nation.

Dee began teaching at Lincoln Orchard Mesa Elementary School before serving as Assistant Principal at Appleton, Pomona, and Lincoln Park Elementary Schools. She became principal at Taylor Elementary School in 1971 after two years as the district's Administrative Supervisor of Elementary Education. Since then, Dee has earned a reputation as an innovative and effective educator, consistently implementing new teaching methods and helping her students to achieve high scores on assessment tests.

Dee also recognizes the critical role of parental and community involvement in a child's education, and works with the local PTA to organize volunteer programs at Taylor. As principal, Dee plays a very active role in the lives of her students and faculty, spending her days in classrooms and on the playground rather than in the principal's office. For her efforts, Dee has earned numerous community honors, most recently named a Woman of Distinction by the Grand Junction American Business Women's Association.

Mr. Speaker, it is a great privilege to recognize Dee Crane for her service to Mesa County Valley School District and to elementary education in Western Colorado. Dee is a guiding force in the lives of her young students and a dedicated leader of Taylor Elementary School. It is my great privilege to honor her today, and I wish her the best in all of her future endeavors.

TRIBUTE TO ERIC SCOTT RUSSELL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise to recognize a great American youth, Eric Scott Russell. Eric Scott Russell was born on May 1, 1985 to Julie and Daryll Russell.

The family is a member of St. Dominic parish where Eric attended elementary school. His academic learning was broadened with his attendance at University School, St. Ignatius High School and Charles Rush, where he was to graduate June 2003. In addition to his schooling, Eric was an exceptional athlete in cross country track and field and football.

Eric had a desire to have a career in journalism. As a result of his diligence and hard work, the Cleveland Plain Dealer and the Cleveland National Association of Black Journalists selected Eric to participate in a seven-week internship and seminar, where he was honored as "the most knowledgeable on current events".

At his home going services, I read Eric Scott Russell's college entrance essay entitled, "Overcoming Adversity". It read:

> Many people say that the adversity we face in life can either make us or break us. Well, it all depends on the way that you look at obstacles, placed in your path, and what you learn as a result of going through them. I have learned the true relevance of this for myself because of recent adversity that I have faced. This adversity has taught me that you have to always work for your best and never settle for anything less because, even if you don't deserve it, people will try to put you down and slight your name and your character. If you haven't made sure that you are at the top of your game, these attacks can break you.
>
> The obstacle that I was forced to face was racism. Racism is, unfortunately, a common obstacle for African-American people, but my situation was unique in that it allowed a great number of people to learn of it. At the end of my junior year, a student who worked as the sports editor of the school yearbook decided, for reasons I still do not know, to deliberately and maliciously misrepresent me in print. Instead of putting my name under the Cross-Country Team picture, this student editor put the slur "Blacky". The yearbook staff and faculty advisor submitted then published the yearbook and it was distributed to the entire school.
>
> When I was confronted with what this boy did it blew me away. I couldn't understand why this had happened to me and it sent me through a myriad of emotions. At first I was confused, then anger set in to cloud my thinking even more. I was filled with self-pity and fear of what people might say or do. I worried what this boy's hateful actions would do to my future and there wasn't much anyone could say to make me feel any better. I had to sort it out on my own and come up with my own answers.
>
> Over time, and after much thought, I was left with two realizations. The first did not take me too long to reach. I decided that I should not feel any self-pity because the slur did not reflect on my character, but rather on the character of the boy who did this to me. The second realization took much more time because of its importance and its impact on my life. I realized that up to that point, I had not accomplished much in my high school career, and had not made a lasting mark to show that the slur was not a reflection of who I am. I decided to remain at my high school and complete my senior year, rather than allow the pain of racism to drive me away. I would face the racism and work to correct it. I joined the "Project LOVE" student group to begin this task.
>
> Although the long-term ramifications of this one horrific event can never be speculated upon with accuracy or fully understood there are few things that I know for sure. I know that our society often projects the guilty behind a veil of obscurity while the victim is hung out to dry. I know that there are poor people who will rush to defend, or even worse, condone racism in our society. But, I also know that I must show, by my deeds, that character and integrity mean something in this world, because I believe as professed by Mahatma Gandhi, that education without character is one of the seven deadly social sins in our society. I know that my actions must reflect my beliefs and that my life must be a testimony to this fact.

On behalf of the people of the 11th Congressional District of Ohio and the United States Congress, I extend my sincere condolences.

GUATEMALA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. KUCINICH. Mr. Speaker, in the past year, Guatemala has relapsed into some of the same anarchic behavior it demonstrated during its brutal civil war from 1960 to 1996, which pitted leftist guerrillas against the military and associated right-wing death squads. An alarming escalation is now taking place not only in the country's general level of violence, but also in the activity of death squads linked to the military. There has been an ominous increase in human rights violations. HIJOS, a humanitarian organization based in Guatemala, released a study on January 29 which reported that 61 young people have been murdered in Guatemala City during just the first 3 weeks of the new year.

These covert paramilitary groups, which are remnants of the anti-Communist military and civil institutions that existed during the country's bitter civil strife, have reemerged to protect a burgeoning drug trade.

Guatemala's government, led by President Alfonso Portillo, is hopelessly mired in corruption, intertwined with illicit activity on the part of the military, and is complicit with the expansion of the drug trade. Since Portillo took office, drug seizures have decreased dramatically. According to a 2001 United Nations Office of Drug and Crime (UNODC) study, Guatemala's reported seizure of cocaine steadily increased from 956 kg in 1995 to 9,959 kg in 1999. In 2000, however, the year after Portillo took office, this trend reversed and the number plunged to 1,517 kg of cocaine.

The country's difficulties with drugs, corruption, and human rights abuses are germane because they jeopardize the White House's plans for the development of a U.S.-sponsored free-trade agreement with Central America. The Bush administration, by decertifying Guatemala but not suspending its $53 million in aid, is purposefully misusing the decertification process by sacrificing its war on drugs for a potential trade accord, continuing aid to the corrupt Portillo regime in order to maintain relations with Guatemala at all costs.

The following research memorandum was authored by Jason Ballet, a research associate with the Washington-based Council on Hemispheric Affairs (COHA), a nonpartisan, non-profit organization that has been long committed to addressing issues associated with democracy and human rights throughout the hemisphere.

GUATEMALA'S DRUG WOES AND THE MISUSE OF THE DRUG CERTIFICATION PROGRAM

(By Jason Ballet, Research Associate, Council on Hemispheric Affairs)

> In the past year, Guatemala has relapsed into some of the same anarchic behavior it demonstrated during its brutal civil war from 1960 to 1996, which pitted leftist guerrillas against the military and associated right-wing death squads. The latter groups were responsible for most of the 200,000 deaths that occurred during the conflict. An alarming escalation is now taking place not only in the country's general level of violence, but also in the activity of death squads linked to the military. These groups have reemerged with a new motivation—to protect a burgeoning drug trade. By deferring to the military, a weak government led by Alfonso Portillo is either unwilling or unable to halt rights violations and impede the now booming narcotics trade. The Bush administration, by maintaining normal relations with Guatemala through decertifying it but not suspending its $53 million in aid, is sacrificing the drug war in favor of cultivating a free trade agreement with Central America. Today, Portillo's government more closely resembles a "drugocracy" than a democracy; it is corrupt, an utter captive of the drug trade, and linked to growing rights violations.

THE RETURN OF DEATH SQUADS

> Rightist death squads have resurfaced, relying on an arsenal of tactics ranging from death threats, to the intimidation of prominent political figures, judges, and human rights activists, and political assassinations. These groups have committed numerous rights violations just within the past month. On January 9, 2003, unidentified gunmen assassinated the former congressional leader and head of the Christian Democrats, Jose Lubon Dubon. A few weeks later, on January 27, assailants attacked the opposition leaders of the National Unity for Hope (UNE) party, resulting in 5 injuries. Furthermore, the Supreme Court of Guatemala recently revealed that more than 130 judges received death threats since 2001. The majority of international and local observers attribute such activities to illegal arms groups.

High profile assassinations are not a new phenomena in Guatemala, occurring in the thousands during the 1980s. Former foreign Minister Alberto Fuertes Mohr, Myrna Mack, an anthropologist who investigated displaced indigenous populations during the civil war, and Bishop Juan Gerardi, the head of the Guatemalan Archdiocese who published a major Truth Commission study implicating the military in the vast majority of deaths during the war, were all murdered by clandestine groups due to their democratic standing.

Preliminary statistics recorded this year demonstrate an ominous increase in murder rates compared to the already substantial levels over the past two years. HIJOS, a humanitarian organization based in Guatemala, released a study on January 29 which reported that 61 young people have been murdered in Guatemala City during just the first 3 weeks of the new year. The report explains that "50 percent of the victims showed a bullet wound to the head," indicating that many were premeditated executions designed by organized groups.

A NEW MOTIVATION AND PORTILLO'S COMPLICITY

Why have the death squads reemerged? The escalation of violence and the reintroduction of death squads have accompanied an expansion of the drug trade under the tenure of Portillo, beginning in December of 1999. The government is hopelessly mired in corruption and intertwined with illicit activity on the part of the military. Both the military and government are complicit in protecting and expanding the drug trade in Guatemala, from which they handsomely benefit.

The illegal armed groups now being found in Guatemala are in fact remnants of the anti-Communist military and civil institutions that existed during the country's bitter civil strife of the 1980s. According to a 2002 Canadian Disarmament Information Service (CANDIS) report, retired military officers often transformed their entire units into criminal enterprises. These former soldiers possess intimate knowledge of the nation's facilities that in the past were used in covert operations, such as secluded landing strips, and safe houses for the monitoring of local populations. This knowledge, along with an easy access to weapons, has facilitated the expansion of the drug trade and incidents of political intimidation, making attempts to restrain drug trafficking more difficult.

These tainted groups are capitalizing on the pivotal geographic location of Guatemala to advance the drug trade. Occupying the southern border of Mexico, it plays a strategic role in trafficking and storing the cocaine being moved from South America to the United States.

Many of these officials have a history of human rights abuses. The United Nations Mission to Guatemala (MINIGUA) observed that "the army and former military officials are all too often appointed to carry out and supervise strictly civilian work." The current president is a protégé of Efrain Rios Montt, the former military dictator of the nation from 1982 to 1983. The ex-general, who now leads the nation's congress, conducted brutal genocide campaigns during the civil war and many believe he still exerts enormous influence on Portillo. Rios Montt's brother, Bishop Mario Rios Montt, became the Catholic Church's new head of its human rights office after the murder of Bishop Gerardi. His appointment created a situation of a radical conflict of interests; Mario Rios Montt's job is to investigate the same rights violations for which his own brother was allegedly responsible while he ruled.

Portillo has done little to discourage the expansion of the illicit drug trade. Since he took office, drug seizures have decreased dramatically. According to a 2001 United Nations Office of Drug and Crime (UNODC) study, Guatemala's reported seizure of cocaine steadily increased from 956 kg in 1995 to 9,959 kg in 1999. In 2000, however, the year after Portillo took office, this trend reversed and the number plunged to 1,517 kg of cocaine.

A corrupt anti-narcotics police force is partially culpable. The scope of the problem, however, extends beyond this inadequate anti-narcotics unit, penetrating deep within Portillo's complicit, corrupt administration. Gabriel Aguilera, Guatemala's vice minister of foreign relations, as cited by the Washington Times on January 31, stated that his own government "hasn't yet achieved a control of the criminal organizations that are behind these illegal activities." Many speculate, including some senior U.S. officials, that Portillo's acknowledged failure to curb the drug trade is no accident and is due to his links to criminal organizations. Otto Reich, the former Assistant Secretary of State for the Western Hemisphere who now has shifted to the National Security Council (NSC), testified before a House subcommittee in October 2002 that since Portillo has taken office, "narcotics trafficking and alien smuggling are on the rise. Some of the leaders of these activities have very close ties to the highest levels of government and regularly influence decisions, especially with respect to personnel nominations in the military and the ministry of government."

DECERTIFYING GUATEMALA

On January 31, President Bush decertified Guatemala, declaring it, along with Haiti (which hardly deserved such treatment) and Burma, to be "demonstrably failing" in the past 12 months in their anti-drug efforts. Established in 1986 by Congress, the drug certification program annually evaluates whether a foreign nation is cooperating with Washington in its international war on drugs. If decertified, the U.S., according to the program, should have suspended the $3.5 million it contributes to Guatemala's antinarcotics unit and close to $50 million in general assistance it sends annually to the nation.

The suspensions of Guatemala, Haiti, and Burma, however, were more empty and symbolic than meaningful policy formulations. Burma receives no U.S. aid and President Bush granted Guatemala and Haiti vital national interest waivers, which allows for, despite decertification, the continuation of U.S. aid to each designated country.

While a strong case can be made for Haiti's waiver on humanitarian grounds (because of the impact on that beleaguered island of benighted U.S. policies), no such case can be made for the continuation of aid to Guatemala. Unlike the latter, Haiti does not have death squads, a president who is indifferent to drug trafficking, or a military which is the prime factor in both rights violations and the drug trade.

Furthermore, the drug traffickers and the political figures that support the drug trade give minimal credence to the decertification branding, as long as U.S. aid continues. Directly following the announcement, congressional leader Rios Montt declared the U.S.'s negative assessment as an "eminently political" maneuver that "seeks to affect the government but will not have, from any point of view, any social, economic, or financial repercussions." Montt correctly, if insolently, affirms that there is essentially no U.S. policy change towards Guatemala. As a result, government activity, including its corrupt practices and complicit actions with organized crime, will continue unimpeded.

Guatemala's difficulties with drugs, corruption, and rights abuses are germane because they jeopardize the White House's plans for the development of a U.S. sponsored free-trade agreement with five Central American nations: El Salvador, Costa Rica, Nicaragua, Honduras, and Guatemala. The U.S. would be hard put to exclude Guatemala from the potential arrangement because it is Central America's most populated nation and is critical to making any free-trade pact a success.

The Bush administration is purposefully misusing the decertification process by sacrificing its war on drugs for a potential trade agreement, continuing aid to the corrupt Portillo regime in order to maintain relations with Guatemala at all costs.

WHAT TO DO

Cleaning up Guatemala demands not only the accountability on the part of the Guatemalan government, but the moral fortitude of U.S. authorities to suspend all aid to that country, if need be. Despite potential economic gains, the U.S. cannot establish a free trade pact with Central America until Guatemala reforms and becomes a sound investment, both financially and morally. Guatemala should serve as a warning to Washington as well as to the rest of Latin America of the increasing power and influence of the drug trade and its implications on vulnerable governments throughout the region.

HONORING TENNESSEE'S NATIONAL GUARD TROOPS FOR SERVICE TO OUR NATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TANNER. Mr. Speaker, I rise today to commend the thousands of men and women who serve in the Tennessee National Guard, many of whom have dutifully answered the call to serve our country in this time of war.

In Tennessee, we have always been proud of our strong volunteer spirit, made famous when volunteers from Tennessee traveled with Davy Crockett in 1836 to defend the Alamo in Texas' fight for independence. Today, the volunteer spirit is still alive, and one fine example is in the more than 14,000 men and women who serve in the Tennessee Army National Guard and Tennessee Air National Guard, under the leadership of Tennessee Adjutant General Gus Hargett.

I have had the privilege of working alongside Tennessee National Guard members during my 26 years in the Tennessee Army National Guard. I know from working with these men and women that their dedication to Tennessee and to our nation is unequaled. That dedication has been proven time and time again.

Immediately following the attacks on our nation on September 11, 2001, members of the Tennessee National Guard responded. Guard members secured airports and Tennessee landmarks, refueled fighters for battle and prepared for deployment overseas. The 164th Airlift Wing from Memphis deployed four C-141 aircraft within 20 hours of the attacks. The 118th Airlift Wing helped save the life of a small child on September 11th of that year by transporting a liver transplant from Nashville to Texas.

Now, thousands of Tennessee's National Guard troops are again answering the call to duty, leaving their families, homes and jobs to serve our country in its time of need.

Mr. Speaker, I hope you will join me in honoring the thousands of Tennessee volunteers who are serving our country honorably as members of the Tennessee National Guard.

TRIBUTE TO CLAUS HUME

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Claus Hume and thank him for his extraordinary contributions to Colorado. Judge Hume is officially retiring as the Chief Judge of the Colorado Court of Appeals, and today I would like to honor his long and distinguished career of service to his community before this body of Congress and this nation.

Judge Hume's legal career has spanned three decades. After a brief stint as a photographer, he graduated from the University of Colorado law school in 1965 and moved to Craig, Colorado, where he began his career and started a family. One of few lawyers in Craig, Judge Hume began working for the local prosecutor's office and was elected District Attorney in 1972, serving for two years until he was appointed to a district court judgeship. He served on the 14th Judicial District bench for thirteen years, until he received his appointment to the Colorado Court of Appeals in 1988. Judge Hume's service to Colorado is a credit to our state and I am grateful for his dedication to justice for all Coloradans.

Mr. Speaker, Claus Hume is an exemplary servant to his community and to the State of Colorado, and it is with great pride that I recognize his career before this body of Congress and this nation. Judge Hume's presence in the courtroom will be greatly missed throughout the state, and I would like to extend to him my congratulations on his retirement and wish him the best in his future endeavors.

COMMENDING THE GILES COUNTY HIGH SCHOOL BOYS BASKETBALL TEAM

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I wish to recognize the Giles County High School boy's basketball team, who recently won the Tennessee Class AA championship. This is the first such championship for the boy's basketball team in school history.

I want to commend this team not only for winning the championship, but the fashion in which they accomplished this great feat. They never reached for individual awards and recognition, as often is the case in today's society. They worked together as a cohesive unit to accomplish something greater than any individual award, and as a result they are all champions. During their championship run they displayed values and character that we as Americans hold so dear. They were determined, worked hard, showed heart, displayed teamwork, and were consummate sportsman.

I would also like to take this time to applaud the local community which rallied around the team. I must say that I am extremely proud to represent a group of people who still hold family values and a sense of community in such high regards.

Mr. Speaker, I hope that you will join me in saluting the fine group of talented young men from Giles County, Tennessee. These young men show maturity beyond their years, and represent what is good with our country's youth.

IN RECOGNITION OF THE DISTINGUISHED ALUMNI OF ASBURY PARK HIGH SCHOOL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a number of people I am proud to represent from the sixth district of New Jersey. On Friday, April 11th, 2003, Asbury Park High School will induct its first class of distinguished alumni into its Hall of Fame. These individuals are being honored for their commitment to the mission of Asbury Park High, which is to promote the educational, physical, and social well being of children of Asbury Park. In their own way, each of these extraordinary people have encouraged and inspired the students of Asbury Park to strive for excellence, and become our future leaders and role models.

Mr. Speaker, on this day I ask my colleagues to rise in honor of these unique individuals for the invaluable services that they provide to their community:

Mr. Joseph Agris, Mr. C Regan Almonor, Esq., Mr. Frank Buddy, Ms. Judith Coleman, Mr. James Coleman, Mr. John Hayes, III, M.D., Mr. Lorenzo W. Harris, Jr., M.D., Dr. Benjamin Moffett, Mr. Jules Plangere, Jr., Mr. Joseph Reed, Jr., Dr. Phillip Schien, M.D., Mr. Thomas Schebell, Jr., Mr. Stanley Smith, Esq., Mr. Thomas Smith, Sr., Mr. Thomas Smith, Jr., Ms. M. Monica Sweeney, Mr. Carl Williams, and Mr. Melvin Wilmore.

INTRODUCTION OF THE PENSION BENEFITS PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. SANDERS. Mr. Speaker, today, all across this country, American workers and the middle class are under severe attack. Unemployment is rising, our manufacturing base is collapsing, health care costs for workers are soaring, the minimum wage has not been raised for years and the decline of the stock market has devastated the retirement plans for millions of workers. And now, on top of all of that, the Bush administration and corporate America and the CEOs who receive compensation packages are attempting to destroy the pensions that have been promised to millions of American workers.

In response, I am introducing the Pension Benefits Protection Act to protect the pensions of American workers with 117 original cosponsors. This legislation has been endorsed by the AARP representing more than 35 million Americans, the AFL–CIO representing more than 13 million American workers, the Pension Rights Center and the Communication Workers of America. I have attached the statements of David Certner, AARP Director of Federal Affairs, and Richard Trumka, Secretary Treasurer at the AFL–CIO, in support of this legislation for inclusion in the CONGRESSIONAL RECORD.

Those of us in Congress who care about this issue, along with the grass roots organizations, will do everything we can to see that workers in America do not see their pensions slashed by up to 50 percent as a result of cash balance conversions.

The Pension Benefits Protection Act requires the Department of Treasury to withdraw proposed cash balance conversion regulations that would give companies the green light to violate the pension age discrimination laws that are on the books. The legislation would also require companies that convert to cash balance plans to allow older workers and those with at least 10 years on the job the choice to remain in their traditional pensions.

Specifically, this legislation does 2 things:

First, it requires companies that convert to cash balance plans to allow workers who are at least 40 years old or have at least 10 years of service the choice to remain in the traditional defined benefit pension plan that was promised to them when they started working for the company. In other words, they cannot be forced into an inferior plan.

When a company makes a promise to its employees regarding their pension benefits, it must not be able to pull the rug out from under its employees by cutting their pension benefits in mid-stream. Companies receive some $100 billion in tax incentives to set up these pension plans. Given that reality, Congress must allow older workers or those with at least 10 years of service the option to remain in their traditional defined benefit pension plan.

Secondly, this legislation requires the Bush administration to immediately withdraw all of their proposed cash balance pension regulations that, if finalized, would give companies the green light to commit age discrimination against older workers by converting to cash balance schemes. Just yesterday, the Treasury Department withdrew a portion of the proposed regulations dealing with highly compensated employees. While, in my view, this is a step in the right direction, the Administration must go further and withdraw all of these proposed regulations, and require all companies that convert to cash balance plans to protect older workers. We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we will not tolerate discrimination based on age. Last January, in a letter to the President, 217 Members from both the House and the Senate made that very clear.

Through my involvement with the IBM cash balance conversion, I have heard from thousands of workers throughout the country who have expressed their anger, their disappointment, and feelings of betrayal by cash balance conversions. These are employees who had often stuck with their companies when times were tough. These were employees who had often stayed at their jobs precisely because of the pension program that the company offered. And, these are the same employees who woke up one day to discover that all of the promises that their companies made to them were not worth the paper they were written on.

Instead of providing protections for these workers, President Bush has proposed regulations on cash balance plans that would devastate the traditional pension benefits of millions of employees in large companies throughout the United States.

The White House policy on cash balance pension plans is a direct assault on the retirement plans of millions of American workers. Hundreds of companies all across America have already reneged on the retirement promises they made to their employees by switching to cash balance pension plans. If the White House proposal is aloud to stand, it will give the green light to hundreds more—resulting in financial disaster for workers all across the country who will not be receiving the pensions they were promised.

Of the 44 million Americans with traditional defined benefit plans, some 8 million employees with $334 billion in pension fund assets have been impacted by cash balance pension conversions. According to the General Accounting Office, older employees can have their pensions slashed by up to 50 percent by a cash balance scheme.

The Equal Employment Opportunity Commission has received over 1,000 age discrimination complaints from workers in over 30 different companies who have been negatively impacted by these schemes.

According to the Labor Department's Inspector General, companies that have converted to a cash balance scheme are illegally slashing the pension benefits of their employees by as much as $199 million each and every year. Even worse, the Inspector General found that the Federal Government was not enforcing the pension laws and regulations that are on the books when companies shift to cash balance.

The courts have ruled that Xerox, Georgia Pacific and the Bank of Boston illegally slashed over $300 million in pension benefits of more than 20,000 employees by converting to a cash balance plan.

Last July, 308 Members of Congress voted in favor of an amendment that I offered to prohibit the IRS from using any funds that are in violation of the pension age discrimination laws that are on the books when companies shift to cash balance schemes.

According to the President's spokesman Ari Fleischer, criticisms that cash balance plans hurt older workers are "not valid."

Well, tell that to Larry Cutrone, a 54-year-old employee from New Jersey, who worked for AT&T for 28 years, who woke up one day to find that his pension had been slashed by over 50 percent as a result of a cash balance conversion.

Tell that to House Majority Leader TOM DELAY, Speaker of the House DENNIS HASTERT, or Rep. ROB PORTMAN. According to the Congressional Research Service, they would have their pensions slashed by as much as 69 percent under cash balance plans.

During the next debate on pension legislation, I will be asking my colleagues in the House, if cash balance plans are good enough for workers, why aren't they good enough for Members of Congress?

The answer to that question, of course, is that cash balance pension conversions are not good for older workers. They need to be given a choice.

H.R. 1276: AMERICAN DREAM DOWNPAYMENT ACT

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, we all know that home equity appreciation is one of the most important drivers of wealth creation in the United States. By helping people become homeowners, we promote long-term economic stability for our Nation. It is for this reason that I rise today to urge my colleagues to cosponsor H.R. 1276, the American Dream Downpayment Act. This important legislation sets first-time, low-income homebuyers on the path to homeownership by providing help with downpayments and closing costs.

One of the primary barriers to achieving the "American Dream" of homeownership for low- and moderate-income people is the lack of accumulated wealth and disposable income. Downpayments and closing costs are traditionally the most significant obstacles that would-be homebuyers face.

In order to accumulate enough to cover downpayment and closing costs, households must consume less and save more or receive assistance from relatives or other benefactors. With rent prices skyrocketing, it is very difficult for a family to have enough money leftover for a downpayment after paying for basic needs such as shelter, health care and food. This bill attempts to assist those who have not been able to save enough money upfront but who are earning enough to make the monthly mortgage payments.

Downpayment assistance programs are proven successful in expanding homeownership opportunities for low- and moderate-income families. And the truth is, the private sector has been working, without government intervention, to assist individuals and families who lack the necessary funds for downpayment and other related costs become homeowners.

I would like to talk about one such program, based in Rancho Cucamonga, CA. The Housing Action Resource Trust (HART) was established in 1995 and began its Downpayment Assistance Program in July of 1998. HART is an established non-profit housing organization with a proven track record. The HART program has partnered with builders and listing agents to assist prospective homebuyers across the nation who qualify for a first mortgage loan, but fall short of the downpayment and other closing costs essential in purchasing a home.

The HART program has been recognized as one of the top downpayment programs in the country. The HART program has helped 40,000 families who rent across the country realize their dream of becoming a homeowner.

The American Dream Downpayment Act will complement the tremendous work programs such as HART are doing to help build communities. I urge my colleagues to make the dream of homeownership a reality for even more Americans by supporting this legislation.

IN RECOGNITION OF MR. CARL WILLIAMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PALLONE. Mr. Speaker, I rise up today to honor a friend of the Sixth District of New Jersey, Mr. Carl Williams, a resident of Asbury Park. On Friday, April 11, 2003 Mr. Williams will be inducted into the Asbury Park High School Hall of Fame as a member of its first class of distinguished alumni. He is receiving this award for his untiring commitment to uniting his community in celebration of its achievements.

Mr. Williams grew up in the beach side town of Asbury Park, and has been a resident ever since. Today Mr. Williams is the owner of a successful clothing store and has proven himself as an accomplished businessman. Mr. Williams has been witness to many changes, both positive and negative, to the city of Asbury Park. Yet, his commitment to this community has never wavered and to this day he continues to serve his hometown and fellow citizens.

Mr. Williams is being honored by his community for advancing the educational, physical and social well being of the children of Asbury Park. Through his work in the community, Mr. Williams has encouraged the youth of Asbury Park to strive for excellence and become our future leaders and role models. He is truly an inspiration.

Mr. Speaker, through his tireless efforts, Carl Williams has fostered a sense of community and strived to help those less fortunate than himself Mr. Williams, is an extraordinary individual who is dedicated to enriching the lives of those around him and on this day I would like to ask my colleagues to join me in honoring the distinguished Carl Williams.

COMMENDING THE ACTIVITIES OF THE AMERICAN LEGION AUXILIARY UNIT 146 IN LAWRENCE COUNTY, LORETTO, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I wish to recognize and commend the activities of the American Legion Auxiliary Unit 146 in Loretto, Tennessee. This fine organization really believes in helping Veterans, children, and the community in every way they can.

During the Holiday Season, and throughout the year, this active Veteran's Organization visits VA hospitals, nursing homes, law enforcement agencies, and hospitals to distribute gifts and goodwill. The Legion has even adopted an indilgent individual at the Murfreesboro Tennessee VA, where they send him a quarterly check to help defray the costs of personal items, as well as gifts, snacks, and cards throughout the year.

Mr. Speaker, the tireless and unselfish activities of those involved with the American Legion Auxiliary Unit 146 in Loretto Tennessee, is truly commendable. I hope you will join me in saluting this outstanding organization and all that they do.

TRIBUTE TO SPECIALIST MATHEW G. BOULE, UNITED STATES ARMY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to United States Army Specialist Mathew G. Boule, 22, who died on April 2 in service to his country.

Mathew Boule was a resident of a community in my district, Dracut, Massachusetts, who was serving with the armed forces deployed as part of Operation Iraqi Freedom. Mathew Boule was the first confirmed casualty of the conflict from the state of Massachusetts.

After graduating from high school, Mathew Boule signed up for a five-year Army tour. He learned discipline and the value of camaraderie during his tour of duty, and was proud to tell his family of his plans to someday pilot military planes.

Mathew Boule's parents Leo and Sue are proud of their son, not just for the supreme sacrifice he paid on behalf of his country, but for the time he shared with them during his life. Sue Boule eagerly and happily boasts of her son's generosity. "The kind of kid who would give you the shirt off his back," she fondly recalls. His giving of his life, along with the other brave soldiers who have lost their lives so far in this conflict, has contributed immensely to the freedom and security of the United States, Iraq, and the world.

In Mathew's honor, his parents continue their efforts to collect care packages for their son's unit, a project which has both mobilized and unified his hometown.

Mathew was a proud member of the United States army, a loving son and brother. Mathew Boule served his family, his hometown, and his country, valiantly and faithfully. Specialist Boule died serving the country he loved, with comrades he loved and with the love of his family in his heart. Our nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time we recognize Specialist Mathew G. Boule, United States Army, who gave his life in service to his country.

A SALUTE TO JOHN ANDREW MARTIN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is a great honor for me to pay tribute to one of Dallas' truly outstanding citizens. As the Dallas Lawyers Auxiliary gathers tomorrow to give John Andrew Martin its 21st Justinian Award for his volunteer work, I would like to take a moment to reflect on the achievements of this exceptional individual.

Mr. Martin was born and raised in segregated Birmingham, Alabama. From 1962 to 1964, Mr. Martin was an attorney with the Civil Rights Division of the United States Department of Justice where he helped enforce the Voting Rights Act and other civil rights laws.

He has a broad legal practice which includes experience in hospital and health care law; administrative law; general business litigation, including appellate work.

Mr. Martin's administrative law experience spans more than 20 years, and includes particular experience in utility regulation. He has been involved in major rate cases, certification proceedings, and show cause hearings before the Public Utility Commission.

For over 20 years, he has served as general counsel to a tertiary care pediatric hospital and has had involvement in all aspects of its operation, including financing, Medicaid-Medicare issues, physician credentialing, medical malpractice insurance issues, equipment financing, and environmental issues, to name a few.

His litigation experience is equally broad and he is certified as a civil trial lawyer. This experience includes securities litigation, general business litigation, and condemnation and eminent domain proceedings and will contests. He appellate practice has occurred before the United States Court of Appeals for the Fifth Circuit and in Texas Appellate Courts.

Throughout the years, Mr. Martin has served various civic boards including the YMCA of Metropolitan Dallas and the Children's Medical Center.

Mr. Speaker, significantly I want to honor Mr. Martin, for his courageous work in the U.S. vs. Cecil Price et al. The trial that followed was a milestone in the civil rights era. Thirty six years ago, a Justice Department team led by Attorney General John Doar and Mr. Martin prosecuted eighteen Klan conspirators, including the Sheriff and Deputy Sheriff of Philadelphia, Mississippi, for violating the civil rights of the three young civil rights workers: James Chaney, Michael Schwerner, and Andrew Goodman. Despite facing an all-white jury and a segregationist judge, the legal team which Mr. Martin was part of succeeded in winning the first convictions ever recorded in a civil rights case in Mississippi.

The film "Mississippi Burning" portrayed those outstanding Americans who have dedicated their lives to the defense of our civil rights. Mr. Martin and his colleagues participated in the Civil Rights Movement, understanding that there was a danger to their own lives.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my appreciation to John Andrew Martin for over four decades of service to the people of Dallas, Texas and this nation. Congratulations, Mr. Martin and best wishes for future successes.

TRIBUTE TO PULITZER PRIZE WINNING EAGLE TRIBUTE NEWSPAPER—LAWRENCE, MA

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Eagle Tribune, a newspaper in Lawrence, Massachusetts. This week the Eagle Tribune was awarded journalism's highest honor the Pulitzer Prize for breaking news, for its coverage of four young children from Lawrence, Massachusetts who drowned in the Merrimack River earlier this year.

The tragedy was one of the worst on the Merrimack River in the last century. Three young boys, ages 7, 8, and 9 attempted to save their friend, age 11, who had fallen through the thin ice. All four young boys died.

Just as these children, so young and innocent, acted upon their first instinct, which was to help their friend, so did the Eagle Tribune reach out to help their community by reporting this story not only with accuracy and depth, but also with compassion and justice. Expressing their commitment to preventing future tragedies on the River, the Eagle Tribune donated their Pulitzer Prize cash award to a fund established to aid the families of the victims and to the Boys & Girls Club of Greater Lawrence.

As Eagle Tribune publisher Irving "Chip" Rogers III said, "The job of a newspaper is to get the news and publish it instantly, but in doing so we are not immune from its heartbreak." Indeed, the reporters and staff of the Eagle Tribune, led by metro editor Gretchen Putnam, with reporters Jim Patten, O'Ryan Johnson, and Jason Grosky, covered the story with a deep sense of grief and regret felt by both the reporters and the community, while maintaining a stunning truthfulness.

The Eagle Tribune produced excellence at a time when our communities depend on fair and accurate news coverage more than ever. The paper and its reporters are to be commended not only for their excellence in journalism and professionalism, but also for their compassion and generosity in the face of tragedy. They are role models for all of us in public service.

SENATE—*Wednesday, April 9, 2003*

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, CAPT Wilbur C. Douglass III, who is the Chaplain of the U.S. Coast Guard.

PRAYER

The guest Chaplain offered the following prayer:

Please join me in prayer.

Holy and Merciful God, Lord of all Creation, hear this our prayer that emanates from the collective hearts assembled here today. Envelop and bless this gathering of Your chosen servants as they now prepare to face the arduous challenges of this day. In the silence of these brief solemn moments cause each of them to fully know that You have placed Your guiding hand upon them, protecting them both individually and as one united body.

Lord God, as You give guidance to these audacious men and women here today, enable them to clearly and distinctively hear the guidance of Your loving voice well above the confusion and chaos of a world conflicted in turmoil.

Bless, guide, encourage, and protect the courageous men and women of our Armed Forces, our Congress, our President, and, especially, our beloved United States of America. Hear us, as we pray together in Your gracious and powerful name and say in one voice . . . Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will be in a period of morning business for the next hour and a half, until 11:30 a.m., with the first 30 minutes equally divided between Senator HUTCHISON and the minority leader or their designees. This time is dedicated to the men and women fighting in Iraq. The remaining time until 11:30 a.m. will be equally divided between the two leaders or their designees. During the Republican-controlled time, Senator DOLE will be recognized for up to 15 minutes and Senator KYL will be recognized for up to 15 minutes.

Following morning business, the Senate will resume debate on the CARE Act. When the Senate returns to consideration of the bill, Senator NICKLES will offer his amendment related to land sales. The Senate will vote on both the Nickles amendment and final passage of the CARE Act at approximately 12:30 p.m. today.

Following passage of the CARE Act, the Senate may resume consideration of the nomination of Priscilla Owen. In addition to the Owen nomination, the Senate may consider the PROTECT Act conference report, if available, as well as a POW resolution. Additional votes are, therefore, expected.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, as we have been doing over the last several weeks, we are devoting a few moments each morning to pay respect to the tremendous work our troops are doing overseas. Evidence continues to build that American and coalition forces are advancing, that they will prevail in this war.

Coalition aircraft destroyed a complex believed to be the site of an Iraqi leadership meeting.

Coalition forces are conducting operations at will throughout Baghdad, and British forces now control most of Iraq's second largest city.

The threat of Chemical Ali, the Iraqi general responsible for the atrocious chemical attacks on the Kurds in the 1980s, has reportedly been eliminated.

We have captured more than 7,000 Iraqi prisoners of war.

Of the more than 800 tanks in the Iraqi Army when this conflict began, all but a few, a couple dozen, have been destroyed or abandoned.

Coalition forces continue to generate good will among the Iraqi people, as we saw on the television early this morning, by delivering humanitarian supplies the country so desperately needs.

I applaud a very special group of people in Iraq, and that is the medical workers, the medical personnel, the troops who are responsible for delivering care, both in Iraq and the surrounding region. They are providing superb care, not only to fellow Americans who have been wounded on the battlefield but also to nearly 300 wounded Iraqi soldiers, as well as civilians. On the hospital ship Comfort in the northern Arabian Gulf, we are treating 75 Iraqi prisoners of war.

Yesterday, the Pentagon quoted one doctor who said:

> We do not differentiate between patients, whether they are friends or foes.

I cannot imagine a more powerful statement about the compassion of our men and our women in uniform and our country.

On Monday, GEN Tommy Franks paid a visit to the 101st Airborne in Najaf. He awarded Bronze Stars to two 1st Brigade soldiers: SGT James Ward of the 1st Battalion and SGT Lucas Goddard of the 3rd Battalion. PFC Miguel Pena of the 2nd Battalion will also receive a Bronze Star at a future date.

In closing, General Franks said in a brief speech during the ceremony something that really captures, I believe, the feelings of all Americans when he said:

> There's something real special to stand with these two young noncommissioned officers back here—and stand with these heroes.

He continues:

> What I meant when I said stand with "these heroes" is I meant all of you.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with the first 30 minutes to be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader, or their designees, with the remaining time to be equally divided between the two leaders or their designees.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield such time that the Senator from Tennessee may consume.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. LEVIN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. ALEXANDER. Of course.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from Tennessee, the Senator from Georgia be recognized and I be recognized immediately following the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I further ask unanimous consent that after Mr. LEVIN, the senior Senator from Michigan, speaks, the junior Senator from Michigan be recognized.

Mrs. HUTCHISON. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. That will be up until the 15 minutes for their side, and with that I agree to the unanimous consent request. There is another Senator coming for our 15-minute period.

Ms. STABENOW. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

HONORING OUR ARMED FORCES

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas.

The majority leader mentioned the 101st Airborne Division in his remarks. Both he and I feel a special pride in that division because it sits on the border of Tennessee and Kentucky. The majority leader was there 10 days ago with the families over a weekend, and I was there over the past weekend with the Secretary of the Army at a luncheon in honor of the families there.

I suppose this must be said of every part of our military today, but no one can go to Fort Campbell without being enormously impressed with every single military person one meets, especially the family members. Among those was Holly Petraeus, who is the wife of the commanding general of the 101st Airborne Division.

We talked about a great many things on Saturday. We talked about the bravery of the men and women from the 101st and from the Army Special Forces Divisions who have been in Iraq even longer. We talked about the number of Tennessee reservists, American reservists, and National Guard men and women who have been deployed since 9/11.

If I remember correctly, the Secretary of the Army estimated that nearly two-thirds of all of our reservists and National Guard men and women have been activated in one form or another since 9/11. We owe them enormous gratitude.

We talked about one other thing at Fort Campbell last Saturday, and that was the debt we owe to our allies because we are not in Iraq alone. We talk about the coalition of the willing. So today, I rise not just to talk about our brave men and women at Fort Campbell, about whom I will have more to say later this week, but I want to express our appreciation for and salute our allies in the military action in Iraq.

Many of our colleagues have noted the leadership of Great Britain and Prime Minister Blair, and rightfully so. Great Britain has long been a great ally of this country, and we are deeply grateful for that. But another ally has contributed significantly to military resources in this effort, a country we sometimes might overlook. That country is Australia.

Although their military is not as large as Great Britain, their contribution is significant and they deserve our thanks. Australia has long been a friend and ally to the United States. Not only did they send troops to support us in the 1991 war in the Persian Gulf, they also joined us in military action in Korea and in Vietnam. Australians share our values of democracy and a pioneering spirit. Australia also shares our history of being a former British colony with a strong independent streak. The British may be our ancestors, but the Australians are our first cousins.

Today, Australia is standing with us again. In fact, they have committed more troops to our current efforts in Iraq than they did 12 years ago in 1991. Australia's commitment includes: 14 F-18 jet fighters, 3 C-130 transport aircraft, three naval vessels, one transport and two frigates, CH-47 troop-lift helicopters and accompanying troops, and a Special Forces task group of 500 troops.

In total, Australia has committed about 2,000 army, air force, and naval personnel—their second largest military deployment since Vietnam. And they have been very active.

Australia's Special Forces have seen combat in what their commander describes as "shoot and scoot" missions. They have destroyed installations behind enemy lines and provided important reconnaissance information.

An Australian diving team has been instrumental in clearing underwater mines at the Iraqi port of Umm Qasr, making it possible for the arrival of humanitarian aid.

Their ships aided in the capture of an Iraqi vessel that was trying to lay more mines in the Gulf.

And their F-18 fighter aircraft have joined ours in air strikes on enemy military targets.

Australian Prime Minister John Howard told his Parliament on March 18:

> We have supported the Americans position on this issue because we share their concerns and we share their worries about the future if Iraq is left unattended to.
>
> Alliances are two-way processes and, when we are in agreement, we should not leave it to the United States to do all of the heavy lifting just because they are the world's superpower.

Now that is a true friend. Australia may not have the largest military in the world, but that won't stop them from sending what they can to help our brave men and women fighting in Iraq. They do not want to leave us to do all the "heavy lifting." And, as I noted earlier, their help has been real and significant.

Australia, led by Prime Minister Howard, has taken a courageous stand by supporting us in this war and committing so many of its troops. They are a true friend and ally of the United States, and I know we are all grateful for their help and support.

If I may say, in 1987, after I left the Tennessee Governor's office, my family and I moved to Australia. We lived in Sydney for 6 months. We did that to get to know each other as a family even better, after so many years in politics. It gave us a chance to know our first cousins in Australia and to see our country at home in an even different way.

In 1992, when I served in President Bush's Cabinet, the President asked then-Secretary of Defense CHENEY and me to go to Australia to help celebrate the 50th anniversary of the Battle of the Coral Sea. I have been reminded many times that our Australian friends remember that the United States of America stood with them during World War II, and they stand with us today. That is why on last Saturday, at Fort Campbell, we were not only talking about the bravery of American men and women and about our own National Guardsmen and reservists, we were talking about how much we respect and appreciate the support our fighting men and women have received from our allies overseas, especially from the brave men and women in Australia.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I rise this morning to share with my colleagues the story of one of my Georgia constituents. It beings with a brave young 3rd Infantry soldier named Diego Rincon.

Diego was a native of Colombia and he came to the United States in 1989 with his family when he was 5 years old. He enjoyed a life of freedom and safety that might never have been possible in Colombia.

Diego was extremely loyal to the country that welcomed him. And after the September 11 attacks, he decided it was time to repay his adopted Nation.

Upon graduation from Salem High School in Conyers, GA, Diego enlisted in the Army. He became a member of the "Rock of the Marne," Fort Stewart's 3rd Infantry Division.

Sadly, PFC Rincon was killed March 29 in Iraq by a suicide bomber at a military checkpoint. Diego was 19 years old. Three other members of his 1st Brigade were also killed.

In late February, Diego wrote his final letter home to his mother just as his brigade was getting ready to move out. I would like to read just a couple of paragraphs from that letter:

> So I guess the time has finally come for us to see what we are made of, who will crack when the stress level rises and who will be calm all the way through it. Only time will tell.
>
> I try not to think of what may happen in the future, but I can't stand seeing it in my eyes. There's going to be murders, funerals and tears rolling down everybody's eyes.
>
> But the only thing I can say is, keep my head up and try to keep the faith and pray for better days. All this will pass. I believe God has a path for me.
>
> Whether I make it or not, it's all part of the plan. It can't be changed, only completed.

This 19-year-old young man, was wise beyond his years. Diego joined the Army for the noblest of reasons. He fought and died in Iraq while defending our Nation's freedom.

And after his death, when I talked with his family, they asked one last request of the Government in return for their son's life—to be able to bury him this Thursday as a U.S. citizen.

I am very pleased and proud to announce today that, with the help of the INS, PFC Diego Rincon has been awarded U.S. citizenship. Tomorrow, this brave soldier will be buried in Georgia as a citizen of this great country.

But there are thousands of noncitizens fighting in our military right now. So I, along with my fellow Senator from Georgia, Mr. CHAMBLISS, have introduced legislation calling for citizenship to be granted immediately to any soldier who fights in our armed services and dies in combat.

For those among our troops who are not citizens and who die on the battlefield, I believe the least we can do is to honor them with posthumous citizenship. I believe it should be done automatically by the Government, with no delay and no burden on the families.

Under our bill, the families of these brave soldiers would not have to fill out any forms or make any phone calls. This citizenship would apply only to the deceased soldier, and it would not make the soldier's family eligible for any extra benefit or any special treatment. It is simply a final gesture of thanks and gratitude for the ultimate sacrifice these immigrant soldiers have made for their adopted country.

I yield the floor.

The PRESIDING OFFICER. The Chair wishes to announce there are 2 minutes 49 seconds remaining on the Republican side and 6 minutes 14 seconds on the Democratic side.

The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, we have moved into morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. I wonder if there would be any objection to adding 10 minutes to this period of time, given the number of speakers we have on the floor. I would not want to do that without the leadership knowing about it. I wonder if somebody could check to see if there would be any objection to our adding 10 minutes to this particular period.

Mr. President, one of my greatest pleasures and privileges of serving on the Armed Services Committee has been the close working contact I have had with the men and women who make up America's Armed Forces. They truly represent the best our Nation has to offer. Whenever I visit them, no matter where they are stationed or deployed, I come away proud and impressed by their courage, their professionalism and their commitment.

Across the country, Americans have rallied, volunteered, and sent donations to show their support for our military members serving in Operation Iraqi Freedom. This generosity of heart has been apparent in every corner of my home State of Michigan.

Michigan has a long tradition of giving its all in support of young Americans waging a war overseas. Over 60 years ago, Michigan's automotive factories were the heart of the "Arsenal of Democracy", which helped to bring an Allied victory in World War II. As President Franklin Delano Roosevelt said at that time, Americans at home were a crucial component of the war: "We must apply ourselves to our task with the same resolution, the same sense of urgency, the same spirit of patriotism and sacrifice" as those serving on the front lines.

And Michiganders have always stepped up to that challenge, giving of their time, their resources, their energy, and their love in support of our troops. Since the war in Iraq began, in countless ways, Michiganders have sought to express their thanks to our service members.

There are currently over 3,400 Michiganders from National Guard and Reserve units who have been activated, in addition to many active duty service members for Michigan serving in support of ongoing military operations. In February, I traveled to Kuwait, Qatar, and other places in the region and had the honor of meeting with a group of about 20 Marines from Michigan at Camp Commando. These dedicated, professional men and women were highly motivated, well prepared, and their morale was high. They are remarkable representatives of America and the values we stand for.

To show our gratitude for their work, thousands have rallied across Michigan in support of the troops. At the Capitol in Lansing, at Centennial Park in Holland, at Calder Plaza in Grand Rapids, at Veterans Memorial Park in Ann Arbor, and St. Mary's Park in Monroe—among many other locales—groups have gathered to voice support for the troops and wish them a quick, safe return home.

In Jackson, people lined the streets for a parade to send off members of a local Army Reserve unit mobilized to active duty. A parade was held in Houghton, where uniformed men and women displayed their colors for the troops, and a similar event in support of the service members is planned in Cheboygan. Bowen Holliday Post 35 of the American Legion in Traverse City is giving out Blue Star Service Banners to military families as a visual reminder of sons and daughters serving the country.

And Rudyard, Michigan—a town of 1,315 in the Upper Peninsula—has seen more than ten percent of its population mobilized on active military duty.

Although the Defense Department prohibits sending care packages to "any servicemember" due to security concerns and transportation constraints, Michigan residents have found many ways to provide service people with a piece of home.

Girl Scouts in the Upper Peninsula are conducting a campaign called "Cookies From Home." The scouts are collecting donations from U.P. residents, and the money will be used to buy boxes of Girl Scout cookies which they will send to the troops. Last year, Girl Scouts in the Upper Peninsula sent 2,076 boxes of cookies to Bosnia and Saudi Arabia as part of the campaign.

Students at Ishpeming High School in the U.P. have started a letter writing campaign to Ishpeming graduates who are now serving in the military overseas. The Gogebic County Sheriff's Department is participating in Operation Adopt-A-Family, which is intended to help people who need assistance as the result of the deployment of a spouse or parent. Many groups—including the Milan Area Chamber of Commerce—have "adopted" soldiers, sending them correspondence, thoughts and prayers. Two Jackson, Michigan, men have teamed up to write "Heroes Piano," a song supporting the troops.

A group of Wayne schoolchildren is showing their support by making a special video in appreciation of U.S. service members. Similarly, but on a larger scale, the ABC television station in Detroit is traveling around town with a camera for a project called "To Our Troops," in which they provide residents with an opportunity to send a message directly to the men and women in the battlefield.

Unfortunately, war is a dangerous business and it grieves me to report that four Michigan service members have made the ultimate sacrifice in the service of their country in Operation Iraqi Freedom: Marine Major Kevin G. Nave of Union Lake, Army Sergeant Todd J. Robbins of Pentwater, Army Sergeant Michael F. Pedersen of Flint, and Private First Class Brandon Sloan of Fraser. I want to close my remarks this morning by paying tribute to their sacrifice and the sacrifice of their families. Our thoughts and prayers are with their families as they cope with their loss. They should know that a grateful Nation will never forget their loved one and the sacrifice they have made.

On behalf of all of the people of Michigan, I say thank you to all the men and women of our armed forces who are carrying out the dangerous mission of disarming Saddam Hussein and his regime. May God speed you home.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

First, for the purpose of the information of the Democratic leadership, there are 17 seconds remaining on the Democratic side.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the junior Senator from Michigan be allowed 5 minutes extra. I am going to withhold, and then my colleague from North Carolina will follow Senator STABENOW because there is a very important speech and a timetable for the Senator from North Carolina. I ask unanimous consent that the Senator from Michigan be recognized for 5 minutes, after which the Senator from North Carolina be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I rise to commend my colleague from Michigan for his comments and rise to support and join him in praising our men and women in uniform who are putting their futures on hold and their lives on the line to defend our Nation and protect and advance freedom around the world.

The military action is going very well. We expect no less from our men and women in uniform; they are highly prepared and trained and dedicated.

Already many of these dedicated men and women have made the ultimate sacrifice.

Across the Nation last week we rejoiced at the dramatic rescue of Army PFC Jessica Lynch.

Sadly, among the bodies found in or near the hospital where Lynch was held was the body of Private Brandon Sloan of Fraser, MI—one of Lynch's comrades in the 507th Ordnance Maintenance Company that was ambushed by the Iraqis on March 23.

Others from Michigan who have given their lives in Iraq are: Marine MAJ Kevin Nave of White Lake Township, Army SGT Michael Pedersen of Flint, MI, and Army SGT Todd Robbins of Pentwater, MI.

And in the continuing operation in Afghanistan, Michigan mourns the loss of Air Force SrA Jason Plite of Grand Ledge who died in a helicopter accident as he flew on a mission to rescue two injured Afghan children.

Our hearts and prayers go out to the families of these men and the families of all the other men and women who, as Lincoln said, "gave the last measure of full devotion" for their country.

Our troops who wear the uniform of this Nation with such honor deserve to know they are held in honor here at home.

My father was in the Navy during World War II and my husband served in the Air Force during the first Gulf War. Both have told me how important it was for the morale of all those who served to know they had the support of their Nation.

Military officials tell me there are things Americans can do right here at home to let our troops overseas know they are in our thoughts and prayers—things that will make life a little better for people right in our hometowns as well.

I commend, as did Senator LEVIN, all who are reaching out to support our troops.

Unlike previous conflicts, the Defense Department is asking people not to send care packages or letters not addressed to specific military personnel. Since the anthrax attacks of October 2001, these kinds of mailings just pose too much of a security risk.

However, the military encourages individuals or groups to show their support for the troops abroad by showing support at home for our veterans and the families of current National Guard and Reserve personnel whose loved ones are deployed far away—and then sharing your efforts with our troops in Iraq.

For instance, my home State of Michigan is home to almost 875,000 veterans of conflicts going all the way back to World War I. Volunteers are always needed at veteran's hospitals and veteran's homes.

Volunteers are also needed to help family readiness groups that assist the families of the National Guard and Reserve personnel who have been deployed far from home.

From my home state of Michigan, the men and women of the 127th Air National Guard Wing in Selfridge, the 110th Fighter Wing in Battle Creek and the Combat Readiness Training Center in Alpena have been mobilized and deployed to bases around the world, including Kuwait, Saudi Arabia, the United Arab Emirates, South West Asia, and Turkey.

Army National Guard and Reserve units from Owosso, Taylor, Grand Ledge, Grayling, Sault Ste. Marie, Midland, Pontiac, Three Rivers, Augusta, Selfridge, and Ypsilanti have been mobilized and are awaiting their deployment orders.

Many of these men and women leave families and well-paying jobs behind—creating hardships for themselves and their families just so they can serve their Nation.

Family readiness volunteers help families of Guard and Reserve units with everything from arranging for baby sitting and lawn care to staffing phone trees that keep families informed of the most recent developments regarding the deployment of their loved ones.

Once you have volunteered, military officials encourage you to go to a special website called *www.operationdearabby.net*.

There you can post a note to our troops letting them know what you and your neighbors are doing here at home to show your support as they serve abroad.

Military mail officials sort these messages so they can be delivered to soldiers who would be the most interested.

Mr. President, over the past 2 weeks our men and women in uniform have put on an amazing display of bravery and toughness. We have all seen the picture of our troops standing up against not just the enemy—but pounding sandstorms and blistering heat.

But something about the scene is very familiar—and very American. In fact, it is a scene as old as our Republic itself, as old as the brutal winter at Valley Forge in 1777.

Listen to the words of George Washington when he bid farewell to his troops when the war was finally over.

Against all odds, including that bitter winter and Valley Forge, these soldiers had won their freedom and created a new Nation.

It was almost with a sense of awe that Washington said to them:

> The unparalleled perseverance of the Armies of the United States, through almost every possible suffering and discouragement, was little short of a standing miracle.

The spirit of that first American army lives on in our men and women in uniform today.

It is still little short of a standing miracle, it still inspires awe, and it commands us to do whatever we can do here at home to show our unwavering support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

TRIBUTE TO SENATOR BOB DOLE

Mrs. DOLE. Mr. President, I rise today to pay tribute to the remarkable accomplishments of a former Member of this body, a friend of many Senators, who delivered his first speech in this Chamber 34 years ago next week.

It was April 14, 1969, when the gentleman from Kansas, Senator Bob Dole, stood not far from here to address his Senate colleagues for the first time. He spoke eloquently about a group of Americans who were very close to his heart . . . Americans who, prior to his involvement, had largely been ignored.

It was a group of Americans he had joined exactly 24 years earlier, when on April 14, 1945, he was wounded in the hills of Italy as he led his men in battle. As a result of his wounds, Bob spent 39 months in various hospitals, and doctors operated on him eight times. Eventually, he was left without the use of his right arm.

So it was that Senator Bob Dole who rose on April 14, 1969, not just to speak as a U.S. Senator, but as one of the millions of Americans who have a disability.

Mr. President, at this time, I ask unanimous consent to have printed in the RECORD a copy of the April 14th speech.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HANDICAPPED AMERICANS

Mr. DOLE. Mr. President, my remarks today concern an exceptional group which I joined on another April 14, twenty-four years ago, during World War II.

It is a minority group whose existence affects every person in our society and the very fiber of our Nation.

It is a group which no one joins by personal choice—a group whose requirements for membership are not based on age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige.

As a minority, it has always known exclusion—maybe not exclusion from the front of the bus, but perhaps from even climbing aboard it; maybe not exclusion from pursuing advanced education, but perhaps from experiencing any formal education; maybe not exclusion from day-to-day life itself, but perhaps from an adequate opportunity to develop and contribute to his or her fullest capacity.

It is a minority, yet a group to which at least one out of every five Americans belongs.

Mr. President, I speak today about 42 million citizens of our Nation who are physically, mentally, or emotionally handicapped.

WHO ARE THE HANDICAPPED?

Who are the handicapped?

They are persons—men, women, and children—who cannot achieve full physical, mental, and social potential because of disability.

Although some live in institutions, many more live in the community. Some are so severely disabled as to be homebound, or even bed-bound. Still others are able to take part in community activities when they have access and facilities.

They include amputees, paraplegics, polio victims. Causes of disability include arthritis, cardio-vascular diseases, multiple sclerosis, and muscular dystrophy.

While you may have good vision and hearing, many persons live each day with limited eyesight or hearing, or with none at all.

While you may enjoy full muscle strength and coordination in your legs, there are those who must rely on braces or crutches, or perhaps a walker or wheel chair.

While you perform daily millions of tasks with your hands and arms, there are many who live with limited or total disability in theirs.

And in contrast to most people, thousands of adults and children suffer mental or emotional disorders which hinder their abilities to learn and apply what is learned and to cope adequately with their families, jobs, and communities.

Then there are those who are affected with combination or multiple handicaps.

NOT JUST THE HANDICAP

For our Nation's 42 million handicapped persons and their families, yesterday, today, and tomorrow are not filled with "everyday" kinds of problems which can be solved or soothed by "everyday" kinds of answers. Their daily challenge is: accepting and working with a disability so that the handicapped person can become as active and useful, as independent, secure, and dignified as his ability will allow.

Too many handicapped persons lead lives of loneliness and despair; too many feel and too many are cut off from our work-oriented society; too many cannot fill empty hours in a satisfying, constructive manner. The leisure most of us crave can and has become a curse to many of our Nation's handicapped.

Often when a handicapped person is able to work full or part time, there are few jobs or inadequate training programs in his locale. Although progress is being made, many employers are hesitant to hire a handicapped person, ignoring statistics that show he is often a better and more dependent worker.

The result is that abilities of a person are overlooked because of disabilities which may bear little or no true relation to the job at hand. The result to the taxpayer may be to support one more person at a cost of as much as $3,500 per person a year. To the handicapped person himself, it means more dependency.

STATISTICS

Consider these statistics: Only one-third of America's blind and less than half of the paraplegics of working age are employed, while only a handful of about 200,000 persons with cerebral palsy who are of working age are employed.

Beyond this, far too many handicapped persons and their families bear serious economic problems—despite token Government pensions and income tax deductions for a few, and other financial aids. I recall a portion of a letter received recently from the mother of a cerebral palsy child in a Midwestern urban area: "There are the never-ending surgeries, braces, orthopedic shoes, wheelchairs, walkers, standing tables, bath tables and so on . . . we parents follow up on every hopeful lead in clinics and with specialists; we go up and down paths blindly and always expensively . . . I have talked with four major insurance companies who do not insure or infrequently insure CP children . . . although our daughter is included in her father's group hospitalization plan, many families are not as fortunate. These are just a few of the problems, compounded by the fact we must try to adequately meet the needs of our other "normal" children. In many cases, some kind of financial assistance would enable us and others like us to provide for our children in our homes, avoiding overcrowding of already overcrowded facilities and further adding to the taxpayer's burden costs for complete care."

There are other problems—availability and access of health care personnel and facilities at the time and place the individual with handicaps needs them. In my own largely rural State of Kansas, many handicapped persons travel 300 miles or more to receive the basic health services they require.

Education presents difficulties for many parents of handicapped children. Although a child may be educable, there may be few, if any, opportunities in the community for him to receive an education. Private tutoring, if available, is often too expensive. Sadly to date, the Council for Exceptional Children estimates less than one-third of the Nation's children requiring special education are receiving it.

In rehabilitation, the Department of Health, Education, and Welfare said recently 25 percent of America's disabled have not received rehabilitation services and do not know where to seek such help. They estimate that at least 5 million disabled persons may be eligible for assistance.

Other problems the handicapped person faces each day include availability and access of recreation and transportation facilities, architectural barriers in residences and other buildings, and many, many more.

STILL A PROMISING OUTLOOK

We in America are still far from the halfway point of assuring that every handicapped person can become as active and useful as his capacities will allow. The outlook for the handicapped person in 1969, however, is not altogether bleak. Unparalleled achievements in medicine, science, education, technology as well as in public attitudes have cemented a framework in which the handicapped person today has more opportunities available to him than ever before. Consider first what government is doing.

THE GOVERNMENT STORY

The story of what the Federal Government, hand in hand with State governments, is doing to help meet the needs of the handicapped is not one that draws the biggest and boldest headlines. Broadly, the story is a "good" one, consisting of achievements in financial assistance, rehabilitation, research, education, and training of the handicapped—a massive effort to help many disabled Americans live as normal, as full and rich lives as possible.

It is, in part, the story of a man who, at age 21, became a paraplegic after sustaining injuries to his spinal cord and head in an accident while on the job.

In 1968, he joined over 2,300,000 other disabled men and women who have been restored to more productive, useful lives since the State-Federal vocational rehabilitation program began 48 years ago.

In 1964, the young man—a high school dropout with a wife and child—was referred to his State's division of vocational rehabilitation where a thorough program of total rehabilitation began. In addition, he was enrolled in a training school and was graduated as a fully licensed insurance agent.

Today—4 years later—he has his own successful insurance business. He and his wife have built a new home and adopted a baby.

It is a measure of America's concern for its handicapped citizens that even 50 years ago, this story could not have been told.

It takes place now because the Congress and the Federal Government initiated and guided a vital, vigorous program of vocational rehabilitation.

Mr. President, vocational rehabilitation is one of many ways of the Federal Government works to aid the handicapped. But none of the Federal programs necessarily reaches or helps every handicapped person.

Nevertheless, the role of the Government has been basically successful in terms of numbers assisted, basic research performed, and the movement of increasingly large numbers of persons into more productive, satisfying channels. It demonstrates what Congress and Federal and State governments are doing to help America's handicapped better participate and achieve.

Mr. President, at this point, I ask unanimous consent to have printed in the Record, at the close of my remarks, a brief summary of Federal programs for the handicapped.

The PRESIDENT OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THE PRIVATE SECTOR

Mr. DOLE. Mr. President, it is in the American tradition and spirit that parallel to Government effort there has developed the vital and growing effort for the handicapped by individuals, business and industry, churches and private, voluntary organizations. It is a herculean task to properly assess the many, far-reaching effects of the private sector—in health care, education, employment; in research, rehabilitation, by fundraising drives and through professional organizations and groups for the handicapped themselves. But it is here in the private sector—with its emphasis on the creativity, concern, and energies of our people—that America has become the envy of the world. Our private economy and the resources of our people have combined to improve the quality of life in America in ways and for persons the Government could not begin to match or reach.

For the handicapped, their achievements have been no less. I shall not today, detail or single out the achievements of the voluntary groups and private enterprise involved in aiding the handicapped. But let the record show that without the sincerity, scope, and success of their efforts—in public information, employment and training, in upgrading health care and education personnel and facilities, in fundraising and in supporting research to conquer or at least minimize the effects of handicapping conditions—the prospects for the handicapped individuals would not be as hopeful as they are today.

WHERE DO WE GO FROM HERE?

Mr. President, as new public and private programs are developed, as old ones are strengthened and some, perhaps eliminated, as we in Congress allocate comparatively limited funds to help the handicapped, the responsibilities and opportunities loom large before us.

We must insure our efforts and money are not misplaced or misdirected—that they do not just promise, but really do the job.

Are we all doing our best to see that all the knowledge, information, money, and other help is consolidated and available to the handicapped person in the form he can use and at the time and place he most needs it?

Is there sufficient coordination and planning between and among the private groups and the Government agencies to avoid multiplicity and duplication so that we best serve America's handicapped?

Are we sometimes engaged in a numbers race—attending to cases that respond more quickly in order to show results to donors, members, and taxpayers, thus sacrificing some attention which should be focused on the really tough problems?

Many handicapped persons of our Nation are no longer helpless or hopeless because of private and public efforts which have helped them to better help and be themselves.

But the fact remains that some of our Nation's handicapped and their families are attacking the very programs and projects created to help them.

Some are disillusioned and disaffected by the programs.

Too often, the information, the services, the human help and encouragement are not reaching the person for whom they were intended and at the time and place he needs them.

Some sincerely believe there may be better ways we can demonstrate our concern and thereby better achieve for the person with handicaps the independence, security, and dignity to which he is entitled.

I am reminded of a statement given recently by the 1968 president of the National Rehabilitation Association: "It is the person, not the program that is of overwhelming importance. It is not the disability that claims our attention, it is the person with handicaps. It is not the maintenance of prestige of a particular profession that matters. It is the contribution of the profession to solving the complex problems of the individual who has handicaps."

When more of this emphasis on the individual better influence the agencies and professions dealing with the handicapped, I believe we can begin to open new, more meaningful vistas for more persons with handicaps.

We have been involved in efforts which have been creditable to date. Of this, there is no doubt.

But are we doing our best?

A highly respected official of the U.S. Department of Health, Education, and Welfare summed up the problem this way: "I do not feel we are spending our dollars—public or voluntarily—as effectively as we could. We need to take a whole new look at what is going on, where the service is given. We need to try to design new methods and clearer purposes for our efforts. We need to relate our efforts more closely to the needs of a community, to the needs of its individuals. And we need to try to measure, as concretely and specifically as possible what is actually achieved by our expenditures."

Our handicapped citizens are one of our Nation's greatest unmet responsibilities and untapped resources. We must do better.

PRESIDENTIAL TASK FORCE

With this in mind, I suggest the creation of a Presidential task force or commission to review what the public and private sectors are doing and to recommend how we can do better.

Composed of representatives of the public and private sectors, this task force or commission could provide an overview of how to provide the handicapped more help and hope.

Such a task force or commission could provide valuable assistance to Congress and the administration as we develop programs and allocate comparatively limited funds for the handicapped.

It could also help private organizations and voluntary groups conduct their efforts more efficiently and effectively.

The goal of a task force or commission, to achieve maximum independence, security, and dignity for the individual with handicaps, should encompass the total needs of the handicapped, not just employment or education or any other.

Rather the task force or commission should concern itself with the whole broad spectrum of needs and services, because as I have pointed out the problems of the handicapped do not begin and end with the handicap itself.

Although there are hundreds of areas a task force or commission could review, I am hopeful, if created, it would include the following subjects:

First. Expansion of employment, transportation, and recreation opportunities for the handicapped.

Second. A directory or central clearinghouse to help inform the handicapped person and his family of available public and private assistance.

There are many helpful handbooks and information sources available. But most are not comprehensive and are more accessible to professionals in the field than to the handicapped who really need the guidance and information.

Third. Removal of architectural barriers.

Many persons cannot secure employment or fill their leisure hours because their disabilities bar use of the facilities. It is just as easy to build and equip buildings so that the handicapped and unhandicapped can use them. The Federal Government is doing this now for federally financed structures.

Fourth. More development of health care on a regional or community basis.

This is a tough, but priority matter and one which cannot be accomplished quickly or inexpensively. But we must begin to move toward more adequate health care facilities and personnel which serve each person at the time and place he needs them.

Fifth. Better serving the special educational needs of the handicapped.

Both the person and the Nation suffer when any educatable child—handicapped or unhandicapped—does not receive an education.

Sixth. Income tax deductions and/or other financial assistance to extend relief to more handicapped persons and their families.

Seventh. More attention on the family of the handicapped person.

These are the people who often need a degree of encouragement, counseling, and "rehabilitation" themselves. Are there services we should provide to family members whose own lives and resources are deeply affected by the presence of a handicapped person?

Eighth. Increased dialog and coordination between private and voluntary groups and Government agencies to avoid multiplicity and duplication.

What is at stake is not the agency, group, or program. What is at stake is the future of the handicapped person with his own abilities and potentialities.

CONCLUSION

This, then, Mr. President, is the sum and substance of my first speech in the Senate.

I know of no more important subject matter, not solely because of my personal interest, but because in our great country some 42

> million Americans suffer from a physical, mental, or emotional handicap. Progress has been and will continue to be made by Federal and State governments, by private agencies, and individual Americans; but nonetheless there is still much to be done, if the handicapped American: young, old, black, white, rich, or poor is to share in the joys experienced by others. The task ahead is monumental, but I am confident that there are forces in America ready and willing to meet the challenge—including, of course, many of my distinguished colleagues who by their acts and deeds have demonstrated their great interest.

Mrs. DOLE. I urge my colleagues to read it, because it is as compelling today at it was 34 years ago. It offers a comprehensive analysis of the challenges facing those with disabilities, and the steps needed to fulfill their dreams of full participation in society. Thanks to the leadership and perseverance of Bob Dole—and thanks to the work of others like Senator DOMENICI, Senator HARKIN and Senator KENNEDY—the dreams of millions of disabled Americans have become reality.

Indeed, over the course of the past three decades, Bob Dole's fingerprints can be found all over every piece of legislation that increased opportunities for the disabled, including, of course, the landmark Americans with Disabilities Act.

Bob has described July 26, 1990—the day President Bush signed the ADA into law—as one of the most rewarding days of his life. He once said, "I suppose there were some that day, who saw only a White House lawn covered with wheelchairs and guide dogs. But that just goes to show who in our society is truly limited. My own perspective was very different. As I looked around, I saw Americans with amazing gifts, who could finally contribute to a nation much in need of their skills and insights."

Bob's concern for individuals with disabilities was not limited to those within America's borders. His leadership prodded the State Department to include the status of people with disabilities in its annual report on human rights.

And since leaving the Senate, he has continued his advocacy on behalf of disabled Americans. Bob strongly supported the Ticket to Work and Work Incentives Act of 1999, which expanded health coverage for persons with disabilities and created a new employment program through the Social Security Administration.

And I can attest to the fact that Bob's devoted leadership to assisting disabled Americans in his public life is matched by leadership in his private life.

In 1983, Bob attended a meeting of the Kansas Bankers Association in Dodge City. Waiting for him outside the room where two severely disabled young people with their parents. The young man was named Tim, and he was in a special wheelchair, unable to move anything except his eyes. The young woman, Carla, was only slightly more mobile. Both wanted to talk to Bob about gaining greater access to a more physically independent lifestyle.

Bob stopped to talk and to listen, and as his nervous aides looked at their watches and suggested he was running behind schedule, he stayed and talked and listened some more.

On his way back to Washington, Bob kept thinking about Tim and Carla. And when he arrived at our apartment he immediately told me how moved he was by the meeting. "I've been meaning for years to start a foundation for the disabled," he said, "and I haven't done it. This is the time"

In the years that followed, the Dole Foundation would raise over $7 million to address issues like job training and placement for disabled workers. One of the foundation's grants helped New York City's National Theater Workshop for the handicapped teach its members advanced communication skills. In Kentucky, a grant paved the way for a fast-food restaurant that employs the mentally retarded. Disabled students in Seattle were taught campground management skills, thanks to another Dole Foundation grant. A grant to Goodwill Industries of East Central North Carolina assisted the setting up of a Bank for people with disabilities—and in Raleigh, NC. A grant to Partnerships in Assisted Technology provided Internet training and support for people with disabilities.

The focus of that foundation is now being carried on at the Robert J. Dole Human Development Center at the University of Kansas in Lawrence. And the Dole Center for Disabilities and the Law at Washburn University in Topeka, KS, is leading the way in the study and analysis of the legal rights of individuals with disabilities.

I want to take a moment to give special recognition to two groups in North Carolina who deserve accolades for working every day to help those facing special challenges.

The North Carolina Office on Disability and Health has the noble goal of increasing awareness and understanding of the health related needs of individuals with disabilities. And the North Carolina Governor's Advocacy Council for Persons with Disabilities is a group that lives its motto: "Every person is entitled to equal protection under the law." Both are changing lives in North Carolina, and I look forward to working with these agencies on issues that impact North Carolians with disabilities.

Bob Dole is a man of great modesty, and he is only learning of this speech as I speak. Bob doesn't talk about the number of young people who write to him for inspiration, telling him he is their hero. He always writes back or calls with words of encouragement, and often a pen-pal relationship develops.

One of Bob's former staffers, the very talented Kerry Tymchuk, now with Senator GORDON SMITH, has shared with me the story of Whitney Duggan. Whitney, a young girl from Oregon, was confined to a wheelchair due to injuries sustained in a horse riding accident. She wrote to Bob to express her thanks for his work on behalf of persons with disabilities and to encourage him in his 1996 campaign for the presidency. Bob responded, and he and Whitney were soon trading letters back and forth. Whitney and her mother eventually made their first visit to Washington, where Bob arranged tours of all the landmarks and lunch in the Capitol. Whitney became one of Bob's most loyal campaign volunteers, and sent words of encouragement to him when they were needed most.

Two days after the presidential election in November of 1996, Bob said to Kerry Tymchuk, "I bet Whitney is feeling pretty low. Let's give her a call." And Bob called her up to make sure she wasn't taking the loss too hard. Here was a man who just 48 hours earlier had lost a Presidential election. And rather than thinking of himself, he was thinking about a young disabled girl in Medford, OR. That is Bob Dole.

I know my colleagues will agree with Bob in his belief that, despite all that has been accomplished, there is still much to be done. While we have eliminated many of the barriers the eye can see, there are still those we can't see and that no law can remove—barriers created by attitudes and misperceptions. Too often we overlook the talents of people with disabilities, whether they are physical or developmental.

The remarkable Helen Keller once said, "One must not consent to creep when one feels an impulse to soar." To make further progress, we must insist that ignorance not be tolerated, and we must work to ensure that all Americans have a chance to soar as far, and fly as high, as their skills and talents will take them.

This mission is made all the more important by the ongoing courage and sacrifice of the men and women who wear the uniform of our country. As I traveled last week with President Bush to Camp Lejeune, in North Carolina, I was reminded of a time when Bob and I were dating, and he was visiting with my parents in Salisbury. Bob appeared one morning in the kitchen as Mother was preparing breakfast, with a towel draped over his right shoulder. "Mrs. Hanford," he told my mother, "I think you ought to see my problem."

"That's not a problem, Bob," she told him. "That's a badge of honor."

As courageous American soldiers return home, some will be doing so with their own "badge of honor." It is our duty to ensure that those who return with a disability have every opportunity to live a full and productive life.

It is very fitting that the state motto of Kansas is "Ad astra per aspera"—To the stars through difficulties. Quite simply, I can think of no American who has done more in his life and career than Bob Dole to ensure that individuals with disabilities have the opportunity to reach their full potential.

In doing so, he has earned more than just the pride and admiration of a loving wife. He has earned the respect of a grateful nation and the enduring thanks of millions of individuals he will never meet, but whose lives are better and richer and more productive because of him.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. DEWINE. Madam President, I rise this morning to discuss a bill I believe the Senate will be taking up later today or possibly tomorrow. But before I do, I cannot come to the floor this morning without commenting about the magnificent work and service that our service men and women are doing in Iraq, and also the service men and women who are supporting our folks in Iraq. What an absolutely tremendous job they are doing, and how proud all Americans are of the work they are doing.

We are having an opportunity in this war, unlike any previous war in American history, to see, sometimes firsthand, the tremendous work they are doing.

As I talk to people in Ohio, talk to my colleagues, and talk to family members and friends, everyone is so proud of what they are doing.

Our hearts go out to the families of those who have lost their lives. We pray for them. We pray for those who have been injured. We pray for those who are recovering. And we think about them. We think about them every day.

THE CLEAN DIAMOND ACT OF 2003

Mr. DEWINE. Madam President, later today the Senate will take up a bill that the House has acted upon; that is, the Clean Diamond Act of 2003. There are many tragedies in this world, a lot of suffering. This bill deals with one of these problems. There are many atrocities that are occurring.

One area of the world where such atrocities are occurring on a daily basis is in Sierra Leone, Africa. For at least a decade, Sierra Leone, one of the world's poorest nations, has been embroiled in a civil war. Rebel groups—most notably, the Revolutionary United Front—RUF—have been fighting for years to overthrow the recognized government. In the process, violence has erupted as the rebels have fought to seize control of the country's profitable diamond fields which, in turn, helps finance their terrorist regime.

Once in control of a diamond field, the rebels confiscate the diamonds and then launder them onto the very legitimate market through other nearby nations, such as Liberia. We refer to these as "conflict" or "blood" diamonds. These gems are a very lucrative business for the rebel groups. In fact, over the past decade, the rebels have smuggled out of Africa, we estimate, approximately $10 billion in these diamonds.

It is nearly impossible, of course, to distinguish the illegally gathered diamonds from legitimate or "clean" stones. And so, Members of the Senate, regrettably and unwittingly, the United States—as the world's biggest buyer of diamonds—has contributed to the violence. Our Nation accounted for more than half of the $57.5 billion in the global retail diamond trade last year, and some estimates suggest that illegal diamonds from Africa account for as much as 15 percent of the overall diamond trade.

Since the start of the rebels' quest for control of Sierra Leone's diamond supply, half of the nation's population of 4.5 million have left their homes, and at least a half million have fled the country. But it is the children, as it usually is—it is the children—of Sierra Leone who are bearing the biggest brunt of the rebel insurgency. For over 8 years, the RUF has conscripted children—children often as young as 7 or 8 years old—to be soldiers in this makeshift army. They have ripped at least 12,000 children from their own families.

As a result of deliberate and systematic brutalization, child soldiers have become some of the most vicious—and effective—fighters within the rebel factions. The rebel army—child-soldiers included—has terrorized Sierra Leone's population—killing, abducting, raping, and hacking off the limbs of victims with their machetes. This chopping off of limbs is the RUF's trademark strategy. In Freetown, the surgeons are frantic. Scores of men, women, and children—their hands partly chopped off—have flooded the main hospital. Amputating as quickly as they can, doctors toss severed hands into a communal bucket.

The RUF frequently and forcibly injects the children with cocaine in preparation for battle. This is a picture of a little girl who, obviously, has had her arm amputated.

In many cases, the rebels force the child-soldiers at gunpoint to kill their own family members or neighbors and friends. Not only are these children traumatized by what they are forced to do, they also are afraid to be reunited with their own families because of the possibility of retribution.

Madam President and members of the Senate, I cannot understate nor can I fully describe the horrific abuses these children are suffering. The most vivid accounts come from the child-soldiers themselves. I would like to read a few of their stories—their own stories—taken from Amnesty International's 1998 report entitled: "Sierra Leone—A Year of Atrocities against Civilians." According to one child's recollection:

> Civilians were rounded up, in groups or in lines, and then taken individually to a pounding block in the village where their hands, arms, or legs were cut with a machete. In some villages, after the civilians were rounded up, they were stripped naked. Men were then ordered to rape members of their own family. If they refused, their arms were cut off and the women were raped by rebel forces, often in front of their husbands . . . victims of these atrocities also reported women and children being rounded up and locked into houses which were then set [on fire].

A young man from Lunsar, describing a rebel attack, said this:

> Ten people were captured by the rebels and they asked us to form a [line]. My brother was removed from the [line], and they killed him with a rifle, and they cut his head with a knife. After this, they killed his pregnant wife. There was an argument among the rebels about the sex of the baby she was carrying, so they decided to open her stomach to see the baby.

According to Komba, a teenager:

> My legs were cut with blades and cocaine was rubbed in the wounds. Afterwards, I felt like a big person. I saw the other people like chickens and rats. I wanted to kill them.

Rape, sexual slavery, and other forms of sexual abuse of girls and women have been systematic, organized, and widespread. Many of those abducted have been forced to become the "wives" of combatants.

According to Isatu, an abducted teenage girl:

> I did not want to go; I was forced to go. They killed a lot of women who refused to go with them.

She was forced to become the sexual partner of the combatant who captured her and is now the mother of their 3-month-old baby:

> When they capture young girls, you belong to the soldier who captured you. I was "married" to him.

Look at how some of these children have depicted themselves, the violence and bloodshed in their own drawings. That is how they depict it. Children strike at the heart of what they see and, more importantly, what they feel.

We are losing these children, an entire generation of children, if the situation is not improved. These kids have no future. But as long as the rebel diamond trade remains unchallenged, nothing really will change at all. That is why I have been working with Senator DURBIN, Senator FEINGOLD, Senator GREGG, and so many others in the Senate and the other body for over 2 years to pass legislation that would help stem this illegal trade in conflict diamonds. I thank Senator GRASSLEY for his good work. Together we have worked extensively with our House colleagues, including my good friend and former colleague from Ohio, former Congressman Tony Hall. We have also worked with a champion in this area, my good friend, FRANK WOLF from Virginia.

We have worked to develop much needed legislation to help remove the rebel's market incentive because that is what you have to do is to get rid of the incentive. While we have not yet been successful in getting this legislation signed into law—not yet—I credit my colleagues' continued commitment to this often forgotten issue. I know our countless congressional hearings and meetings, letters, and legislative initiatives have encouraged the administration and the international community to keep this issue alive. I thank those in the administration who have kept the issue going and worked so very hard. We have kept the pressure on. We are beginning to see very positive results.

Just this past January, an international agreement called the Kimberley Process Certification Scheme was launched. Specifically, this is a voluntary international diamond certification system among over 50 participating countries, including all of the major diamond producing and trading countries. This is a positive step. I commend the tireless work of human rights advocates and the diamond industry for making this certification system a reality.

Because of their success, today we are faced with the urgent need of providing legislative measures to enable effective U.S. implementation of the certification scheme. We need to provide the administration with the authorization necessary to ensure U.S. compliance with this global regulatory framework. This is why last week I joined with my distinguished colleagues and my friends—Senator GRASSLEY, Senator DURBIN, Senator FEINGOLD, Senator BAUCUS, Senator BINGAMAN, Senator GREGG, and several additional cosponsors—to introduce the Clean Diamond Act, legislation that commits the United States to mandatory implementation of the Kimberley Process Certification. This legislation is similar to a measure passed just last night in the House of Representatives, H.R. 1584. I am optimistic we can pass this legislation in the Senate very shortly, possibly even as early as today.

The whole idea behind this is to commit the United States to a system of controls on the export and import of diamonds so that buyers can be certain their purchases are not fueling the rebel campaign.

I know there is not one person in this country who goes in and buys a diamond with the intention to fuel a rebel campaign. No one wants to do that. This is a way we can ensure buyers they are not doing that.

Specifically, our legislation would prohibit the import of any rough diamond that has not been controlled through the Kimberley Process Certification Scheme. Put simply, this means every diamond brought into the United States would require a certificate of origin and authenticity to indicate the rebel or terrorist group has not laundered it on to the legitimate market.

Additionally, the bill calls on the President to report annually to the U.S. Congress on the control system's effectiveness and also requires the General Accounting Office to report on the law's effectiveness within 2 years of enactment.

Finally, our bill emphasizes the Kimberley Process Certification Scheme is an ongoing process and that our Government should continue to work with the international community to strengthen the effectiveness of this global regulatory framework. As the world's biggest diamond customer, biggest consumer, purchasing well over half of all the diamonds purchased in the world, our Nation has a moral responsibility to show continued leadership on this issue. Quite candidly, there are a lot of terrible, tragic things going on we don't have the power to change or fix or have much impact on at all, but today in the Senate we can have impact on this issue. We can make a difference. We have the power to help put an end to this indescribable suffering and violence caused by diamond-related conflicts. We have that power, and we must use it.

I urge my colleagues to join me in support of this much needed legislation. We have a moral obligation to help stop the violence, help stop the brutality, and help stop the needless killing and the maiming going on, to help stop the victimization of these children.

No other child should kill or be killed in diamond-related conflicts. I believe it is absolutely imperative that we pass the bill we have introduced and pass it quickly to help end these atrocities once and for all. It certainly is the humane thing to do. It is the right thing to do. It is the only thing to do.

Mr. LEAHY. Mr. President, when I pick up the newspaper, turn on the radio, or watch television, almost all of the media's attention is, understandably, focused on the war in Iraq. As a result, some important issues in other parts of the world are being overlooked or unreported. I want to call attention to some good news that has received very little attention: Congress has made some much needed progress on the very important issue of conflict diamonds.

The role of diamonds in fueling brutal conflicts in Africa and funding terrorism is well documented, so I will not take much time recounting this history. Suffice it to say, that it is a critical problem and deserves serious attention and resources from Congress, the Bush Administration, and the international community.

It is also well known that the diamond industry, key nongovernmental organizations (NGOs), and a number of governments came together to create an international regime aimed at stopping the trade in conflict diamonds, called the Kimberley Process. In January 2002, the process was launched and now the individual countries involved need to pass implementing legislation.

It is important that the Congress pass legislation before the next Kimberley Process Plenary Meeting on April 28, 2003, to ensure that the United States continues to play a leadership role on this issue.

However, the timing of the bill should not be the only factor. The legislation needs to reflect not just the wishes of the administration but also the views of a bipartisan group of Senators, including Senators DURBIN, DEWINE, FEINGOLD, GREGG, and BINGAMAN, who have been working on this issue for years. The bill must also incorporate input from a wide range of NGOs, from Oxfam to Catholic Relief Services, that have dealt first-hand with the devastating consequences of conflict diamonds.

S. 760, the Clean Diamonds Trade Act, does just that. I rise today to support this legislation. And assuming that a word in the section concerning the Kimberley Process Implementation Coordinating Committee is changed, I also support the House companion, H.R. 1584, which is virtually identical to S. 760.

I commend Senators GRASSLEY and BAUCUS for producing a solid, bipartisan bill to implement the Kimberley Process Certification Scheme (KPCS), an international system designed to ensure that rough diamonds entering the United States are legally mined and traded.

When we began drafting this bill several months ago, the administration's proposed legislation was little more than hortatory. It was filled with permissive authorities that would have required the administration to do virtually nothing. It essentially said: "Thanks, but we'll take care of the problem by ourselves."

Through a consultative, bipartisan process, Senators GRASSLEY and BAUCUS worked with interested Senators, the NGO community, and the diamond industry to shape the administration's proposal into meaningful legislation that contains a number of important provisions.

For example, the bill contains a prohibition of the importation of rough diamonds; requires Government oversight of the U.S. Kimberley Process Authority—the industry body responsible for issuing certificates for U.S. rough diamond exports; and includes reporting requirements that can be used to gauge the effectiveness of the system and monitor attempts to circumvent it. In the administration's original proposal, these provisions either did not exist or were seriously watereddown.

While S. 760 is a good bill and is one that I am pleased to cosponsor, there is room for improvement.

There is nothing in this legislation that deals with polished stones. As a result, if an exporter were to make just one "cut" to a diamond it would be exempt from KPCS and the implementing legislation. I also think improvements can be made to the criminal penalties language, the provision on statistics collection, and a handful of other sections.

But we all know that no bill is perfect and no Senator gets everything he or she wants in a broad, bipartisan bill. I mention these shortcomings, not to criticize the efforts of the authors of the bill, but rather for two important reasons.

First, the shortcomings in the S. 760, as well as the KPCS itself, highlight the fact that Kimberley is an ongoing process and that additional regulations, legislation, and other measures will be necessary in the future. I am very pleased that Senators GRASSLEY and BAUCUS have included a sense of Congress in S. 760 that says just that.

Second, because the legislation gives the administration a good deal of flexibility, it is imperative that the State Department, Treasury Department, and other agencies follow through and implement the KPCS in an effective and timely manner. I can assure you that those of us who are co-sponsors of this legislation will be working to ensure this happens.

As I have said with countless other pieces of legislation, you can have the best bill in the world, but it is not worth a whole lot if Congress and the administration do not put the resources behind it.

I applaud the authors of the bill for including a Section in the bill that authorizes the President to provide technical assistance to developing nations seeking to implement the KPCS. But, it is up to the Appropriations Committee to make sure this initiative is funded.

As ranking member of the Foreign Operations Subcommittee, I included a provision in the fiscal year 2003 bill that appropriated $2 million for this purpose. However, I have been informed that it is unclear if the State Department plans on utilizing these funds for their intended purpose, and that the Department might transfer it to other programs.

This would be a big mistake. In order to effectively implement Kimberley, extremely poor nations, where diamonds are mined, will have to set up viable export-control and law enforcement systems. Many of these nations simply do not have enough resources to do this.

Because of the links between conflict diamonds and terrorism, as well as human rights and humanitarian concerns, it is important that the United States provide technical assistance in order to have the most effective system possible. If providing a small amount of funding helps strengthen the KPCS, we should do it.

Some in the administration might ask how one would go about implementing such a program.

Those who ask those questions need to look no further than two programs that the U.S. Government has implemented in the past.

The United States Agency for International Development supported a successful program in Sierra Leone to improve controls associated with the mining and export of diamonds. In addition, the United States provides technical assistance to nations to implement the World Trade Organization agreement. I am confident that these two programs can provide a model for the use of these funds.

Americans buy 65 to 70 percent of the world's diamonds, including rough diamonds, polished stones and jewelry containing diamonds. It is up to the United States to provide leadership on this very important issue. Without us, the world will not make the kind of progress it needs to on this and other human rights related matters.

This should not be hard for us to do. It is in our security interests. It is in our humanitarian interests. It is in our economic interests.

With the passage of the Clean Diamonds Trade Act, Congress will take an important step forward. There is much more work that needs to be done, but I am confident that it can be done.

In closing, I would like to thank some of those involved with this effort, including Everett Eissenstat and Carrie Clark of Senator GRASSLEY's staff, Shara Aranoff of Senator BAUCUS' staff, Randy Soderquist of Senator BINGAMAN's staff, Laura Parker of Senator DEWINE's staff, and last but certainly not least Cara Thanassi of Oxfam America. Without the help of these individuals, this bill would not have made it to first base. I thank them for their hard work.

EMERALD ASH BORER

Mr. LEVIN. Madam President, over the past 450 years, more than 6,500 non-indigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish—typically encounter few, if any, natural enemies in their new environments, and as a result they can wreak havoc on native species. Invasive species threaten biological diversity. Some experts consider invasive species and the ecological damage they cause to be a greater environmental threat worldwide than chemical pollutants. Estimates of the annual economic damage caused nationwide by these species go as high as $137 billion.

In my home State of Michigan, there is a disaster unfolding which could dramatically increase this cost. For the past few years, scientists have been concerned with the unusually high number of dead and dying Ash trees in the metro-Detroit area. Late last summer, scientists determined that the problem is caused by a beetle which came into the country from Asia: the Emerald Ash Borer. This beetle is indigenous to Asia and has been found in China, Korea, Japan, Taiwan, Mongolia and Eastern Russia.

Like other invasive species, the Emerald Ash Borer is destroying native species. While scientists believe that the insect came into the country as little as five years ago, it has already left millions of trees in the Detroit area dead or dying. Since there is no economically feasible manner to treat trees, there is concern that all of the Ash trees in the Detroit area will be dead within 5 years.

In order to stop the spread of the Ash Borer, last summer the Michigan Department of Agriculture imposed a quarantine to stop Ash trees, logs and firewood as well as Ash tree nursery stock from being removed from Wayne, Oakland, Macomb, Washtenaw or Livingston countries in Southeastern Michigan. Later in the fall, Monroe country was added. The Michigan Department of Agriculture is currently working with the U.S. Department of Agriculture on the creation of a program to potentially eradicate the Emerald Ash Borer, yet funds from USDA, for a comprehensive effort, have yet to be provided.

The presence of this beetle has been allegedly reported in other parts of Michigan, and the beetle has recently been positively identified in Toledo, Ohio and Windsor, Ontario. Ohio, Indiana and the Province of Ontario, Canada, are very concerned about the spread of this pest, and the web-sites of their respective Departments of Agriculture have contained warnings about the beetle. Now, with the presence of the beetle in Toledo and Windsor, those fears have increased.

One proposal for stopping the spread of the Emerald Ash Borer would be to create a "fire break" by removing trees in a ring around the affected area. Since scientists believe that this beetle can only fly three miles, such an approach, which is already underway in the area surrounding Windsor, Canada, could be successful. However, doing so would be expensive and money is desperately needed not only for beetle eradication and tree removal but also for research.

While the effects of the Ash Borer on Southeast Michigan have already been devastating, the potential results of the beetle's spreading could be catastrophic. As one of the most popular urban trees, Ash trees are found across much of the country. This invasive pest has the potential to be as destructive as the historic Dutch Elm Disease. The sad irony is that Ash trees were planted in place of many of the Elm trees that our State and Nation lost years ago. Should the Ash Borer spread continue, the Forest Service estimates that the potential impact could affect "up to 2 percent of total leaf area and could impose a value loss between $20–60 billion." This number is arrived at without including the cost of replanting deforested areas.

This devastation has already crossed state borders and will cross more unless dealt with. State and local governments cannot be expected to deal with it. They also face budget shortfalls that are necessitating drastic cuts in basic services because of declining revenue, increasing demands and extensive budget constraints. They are having trouble funding existing obligations to schools and police forces even without having to pay to address the new multi-State threat posed by the Emerald Ash Borer. I have received letters from cities in Michigan, civic organizations and from the Southeast Michigan Council of Government, or SEMCOG, which represents 151 local governments in the region all asking that the Federal Government take an active role in stopping the spread of the Emerald Ash Borer. Without such active and timely support, coordination and funding from USDA, it is unlikely that this problem can be adequately addressed.

SEMCOG has stated that "the Emerald Ash Borer is decimating the Ash tree population in a 2000 square mile core area within the counties of Wayne, Oakland, Macomb, Livingston and Washtenaw." Michigan State Senator Raymond Basham and State Representative Glenn Anderson have written to me about this problem. In his letter to me, Representative Anderson said that "Michigan is facing another round of budget cuts at the local levels and local communities simply will not be able to afford the added burden of removing and replacing these trees." Adding to this burden is the fact that local governments are required to remove these trees from rights of ways and government properties because dead trees create significant public health risks and liability issues for property and personal damage.

Governor Granholm has worked hard to support cooperative efforts that are underway between the State of Michigan and United States Departments of Agriculture. In meetings with her, she has said that USDA funding is essential to address this problem.

If the spread of the Emerald Ash Borer is not arrested, it will cost billions of dollars to pay for the removal of dead Ash trees and the replanting of new trees. The costs associated with the loss of the Ash tree are not merely financial in nature. Habitat will be destroyed, scenic vistas will be denuded and residential streets that were once tree-lined will no longer have needed shade.

It is critical that we address the Emerald Ash Borer before it is able to spread across a greater area. It is essential that the United States Department of Agriculture complete its efforts to provide much-needed emergency funding to address the Emerald Ash Borer. The Michigan delegation has written twice to Agriculture Secretary Ann Veneman about this matter. In these letters, the Michigan delegation has stated that without "swift and sure action, the entire ash tree population will be lost." To avoid this tragedy, we asked that USDA provide funds to "determine the problem's extent," and "for combating and eradicating this invasive species."

It is imperative that the USDA provide $17 million in Fiscal Year 2003 emergency funds from the Commodity Credit Corporation to combat the Emerald Ash Borer and that the Office of Management and Budget approve these funds as expeditiously as possible. Additionally, USDA should provide research monies that would enable USDA's Animal Plant Health Inspection Service and the Forest Service's North Central Research Station to work with Michigan State University, Michigan Technological University and other world-class schools of forestry to fund vital research into this problem. The beetle's larvae hatch in the Spring, and while it may not be possible to kill this year's hatch of beetles, time remains of the esssence if the Emerald Ash Borer is to be eradicated. Addressing the matter now will be costly, but delays in addressing the matter will only increase the costs and diminish the likelihood of success.

The Emerald Ash Borer's spread can be halted, but action must be taken quickly. It is for that reason that I urge Secretary Veneman to immediately provide the emergency and research funds that will be a vital component of any effort to address the problems created by this persistent pest.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. FRIST. Madam President, I will be speaking on leader time over the next few minutes.

The PRESIDING OFFICER. The Senator has that right.

THE CARE ACT

Mr. FRIST. Madam President, I rise to speak on the CARE Act. I applaud my colleagues, Senators SANTORUM, LIEBERMAN, GRASSLEY, and BAUCUS, for bringing this bipartisan bill to the Senate floor.

The CARE Act comes none too soon. Charities across America are indeed facing tough and challenging times. A sluggish economy, which we all feel in our communities, is hampering in many ways their ability to secure funds to operate. This bill, which we will pass shortly, will help change that. It is not a total solution but will help move in the direction to change that.

I take a moment and ask the question, Why are we doing this bill? This bill is about recognizing that Washington does not have all of the answers; that we in this body do not have all of the answers; that our Government does not have all of the answers to America's problems. But America, her people, and her spirit, all throughout this land do have the answers.

Some in Washington, on the right and on the left, prefer to address social problems with legislative solutions. But many of our Nation's problems simply do not reduce themselves to a solution that can be devised in the U.S. Congress, in the legislature itself. What they need are neighborhood solutions, solutions that begin to address problems that are identified in local communities, that are addressed locally, that are addressed by communities and neighborhoods, solutions that are not delivered by a form letter from a government bureaucrat, but from the hand of somebody in that neighborhood—a local neighborhood, someone who really cares, who understands the problem locally.

I am thinking of a wonderful charity down the street from here. For 20 years the volunteers of the Neighborhood Learning Center at the corner of 9th and Maryland have been tutoring at-risk children. They do so without fanfare, without a lot of publicity, without Federal funds. They are faith-based and their service is motivated by their love of God. They are making a difference—yes, one child at a time.

I think of LeSharon, who herself was tutored when she was a girl from a broken family. A few years later, LeSharon was back at the center but this time as a college graduate and one of their instructors. That is exciting. Or I think of the Room in the Inn program in my hometown of Nashville, TN. Over 125 congregations provide nightly housing for homeless adults and children. This is a tangible and compassionate response to human need.

These charities, like the Neighborhood Learning Center, like the Room in the Inn program, are only small rays of light in our American landscape. Their service is only part of what makes us a strong and a vibrant Nation. Almost 200 years ago Alexis de Tocqueville warned: The morals and intelligence of a democratic people would be in as much danger as its commerce and industry if ever a government wholly usurped the place of private associations.

What de Tocqueville understood was that the house of a democratic nation does not stand by just government. A healthy nation needs vigorous private associations, charities, and civic clubs all coming together. The CARE Act recognizes this vital fact. That is why it helps to foster private charity in our Nation. It encourages more charitable giving—of money, of food, of art, or securities. It provides incentives for low-income people to begin saving for a house, a business, or education. And it helps small charities learn how to access Federal grants to further their work.

Some might suggest America's problems are much bigger than what the CARE Act can handle, that they demand larger and grander solutions. But I respond that America's problems—problems like malnourishment, illiteracy, domestic violence, broken families, teen pregnancies—are problems that are too big for Government to fix. Some problems are so large that all the money in the world simply will not fix them. So many of these problems are rooted in the soul and Government cannot fix problems of the soul. But people can. And God can.

This bill empowers people, real people rooted in their communities, rooted in their churches, rooted in their synagogues, rooted in their mosques, to help, to reach out to their neighbors. And that kind of help is the type of help that changes hearts.

It is hard to feel loved when you are getting a handout from a government bureaucrat. But receiving a cold cup of water from a volunteer touches your heart, it changes you, and it changes the person giving that help, as well. For years I have had the wonderful opportunity, indeed the real privilege, of being able to travel to Africa to conduct and participate in medical missions. When I go to Africa, I don't go as a Senator. I go there as a physician, as a person of faith, as a neighbor, as a friend, as a person who cares about others throughout the world. Those trips have changed me as much, I promise, as they have changed any of the people I have helped.

My hope, today, is that we help invigorate what Edmund Burke called those "little platoons," those private associations that help us love our country, our fellow human beings. We need to strengthen the quiet but profound work of the little platoons of nonprofit agencies, of groups like the Neighborhood Learning Center, the Church of the Brethren Soup Kitchen, or the Room in the Inn. And when we strengthen them, we strengthen America.

Will the CARE Act cure all our problems? No. Sadly, no, of course not. But it will help us to help ourselves help others. Let's get this good bill moving to the President's desk. It will form a strong part of his faith-based initiative. I know the House is committed to moving quickly on a companion bill. I hope we can continue to work together across party lines to empower America's charities and to empower people throughout the country.

I yield the floor.

CARE ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 476, which the clerk will report.

The legislative clerk read as follows:

The bill (S. 476) to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

Pending:

Grassley/Baucus Amendment No. 526, to provide a manager's amendment.

The PRESIDING OFFICER. Under the previous order there will now be 30 minutes equally divided for general debate.

Mr. GRASSLEY. Madam President, the amendment by Senator NICKLES is in order, is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Senator NICKLES will offer his amendment in just a minute. He asked if I would do my speaking on that amendment at this point. I am very happy to do that.

I appreciate my friend's continued efforts to reform and reduce long term capital gain tax on real estate. And Senator NICKLES is correct—by excluding 25 percent of the capital gain on the sale of property we reduce the effective capital gain rate on sales for conservation purposes.

However, that is not the purpose of the provision. We intend to preserve precious, environmentally sensitive land from ever being developed. I need not remind my fellow Senators that they are not making any more land and if we do not preserve sensitive wetlands and open space from development it will be lost forever and all of our children and grandchildren will suffer from our lack of responsibility.

Senator NICKLES' amendment would literally make it easier to develop the very land we are attempting to preserve. That is certainly not the intent of this provision. I will be voting no and I strongly urge my fellow Senators to also vote no on Senator NICKLES' amendment.

I would like to take a few minutes to review the long history of this important provision. As you all know, the President's budget has included this proposal. In all of his budgets, in fact, the President actually continues to propose the exclusion of 50 percent of the capital gain for the sale of property for conservation purposes. So by comparison, this 25 percent proposal is modest, but still addresses the President's priorities.

In addition, the Senate Finance Committee has a long history of building support. In both the 106th and 107th Congresses, we held hearings specifically discussing this proposal. We had witnesses from the forests of Maine to the wetlands of Louisiana and the ranches of Arizona. Besides, this effort brings about bipartisan support for the issue.

Not only have we heard huge support for this provision from all the traditional conservation organizations, like the Nature Conservancy and the Land Trusts and Iowa's own Heritage Foundation, but I know both I and Senator BAUCUS continue to receive very vocal support from the farmers and ranchers who populate our States. Both the Farm Bureau and the Cattleman's Association have let us know that this gives our citizens choices to stay on the land and yet preserve the open space.

The opportunity to give an easement, preserve our farm and ranch lifestyles and give up the right to ever develop the land is important public policy and I urge my fellow Senators to vote no on Senator NICKLES' amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think it is important at the outset to know we are including in the CARE bill incentives to help provide charitable contributions for good voluntary purposes, and I think this bill should continue to honor that thrust. The amendment before us does not. The amendment before us essentially is a capital gains tax amendment and applies generally to all property that would be sold. I think this is not the place for that kind of amendment.

The underlying provisions of the bill provide that taxpayers who voluntarily sell land to a qualified conservation organization can exclude 25 percent of the gain on that sale from capital gains tax. The purpose, obviously, is to help people, most of whom are land rich and cash poor and do not have much income from their ranching or farm operations—to help by transferring the property to a conservation organization.

There are many organizations in this country—a lot in my State of Montana—such as the Nature Conservancy, lots of very good, solid organizations which take land and save it for conservation purposes. This is very important because our country is losing a lot of land to development each day, each year. In fact, in the United States about 2 acres of farmland per minute, or about 1 million per year, are lost to development; that is, shopping centers and new homes or what-not that are just taking away some of the natural land that we have in our country and converting it at a very rapid rate to shopping centers and developments.

That is part of America. We need to build shopping centers. We need to also build new homes, housing tracts, and so forth. But we also need to remember there are other values in our country, and those are protecting open space and protecting farms and ranches. A lot of our farms and ranches are under great stress. I know the Presiding Officer knows that is true in her home State as is the case in every State.

We are trying to figure out a balanced way to help those farmers and ranchers donate a portion of their land to a conservation organization. They cannot do that today because they have no income. Because they have no income, they can't take the usual charitable deduction. To help them, we are saying you don't have to worry about the charitable deduction; you can still get a little bit of benefit because we will exclude 25 percent of the gain. It is extremely important.

I might point out, this is actually a little less generous than provisions suggested by the President. The President, in his budget, suggested an appreciably larger exclusion for this very purpose.

The amendment before us, though, is not geared at all toward conservation. Essentially, it provides the same benefit, a 25-percent exclusion that would be available to anyone who sells property for any purpose. It does not have to be conservation. It would be pretty expensive, I might add, too—about a $1.4 billion additional cost to the Treasury.

I understand the concerns the Senator has, but this is just not the time or place for capital gains tax reform. This is, rather, a CARE bill, a bill that is encouraging conservation, encouraging charitable giving. I urge my colleagues to not accept the amendment because I do not think it is properly placed in this bill.

I reserve my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I compliment both my colleagues from Iowa and Montana for bringing up this bill.

AMENDMENT NO. 527

(Purpose: To exclude 25 percent of gain on sales or exchanges of land or water interests to any nonprofit entity for any charitable purpose)

Madam President, this bill has a lot of good provisions in it. It has two provisions of which I question the value. I decided to do one amendment.

One of the ones I question is, how much good does the above-line deduction do? If you are an individual, you have to donate $500, and you get a $250 deduction. So if you are in the 25-percent tax bracket, that means you get to save $62. And we add a lot of complexity to the Tax Code in the process. So I question the value of that.

There are several other provisions in the bill that are good—donations from IRAs to charities. The purpose of the bill is to increase donations to charities. I compliment the thrust of that. I compliment the President for trying to enact it.

I am disappointed this bill does not do more for allowing charitable and/or religious groups to be eligible to participate in Federal programs. That is not in the bill. I am not faulting anybody. I compliment Senator SANTORUM because he worked tirelessly to get this bill forward. And I, as a legislator, am willing to take half a loaf.

I think the Senator from Pennsylvania has about half of his original bill. I compliment him. He has been tenacious. I also compliment my colleague, Senator LIEBERMAN, because he is a cosponsor of the bill. I worked with him on other legislation, including the religious liberty, freedom bill that we cosponsored some time ago.

One of the provisions I am trying to amend right now is a provision that says you will have a 25-percent reduction in capital gains tax if you sell property for land conservation or sell to an organization that qualifies for land conservation. I question the wisdom of doing that. I say, if we are going to have a 25-percent reduction in capital gains tax for charitable purposes, make it for all charities.

I happen to be a big fan of Nature Conservancy. They have a big facility in my State, with a lot of land, a big buffalo farm or ranch. I helped create that. The Nature Conservancy gets support from lots of corporations all across the country and my State as well. I support that.

But what I question is, if we want to help charities, let's help all charities, so if people want to sell land to the Red Cross, they would get a 25-percent reduction as well, or if they want to sell land to a church—and the church may want to build a parking lot or build a bigger church on that land—let's give them the 25-percent reduction.

Why should we say: Well, you are going to get a lower tax rate only if you sell to the charity we choose. That is land conservation? I question the wisdom of that. I do not like trying to micromanage, in the Tax Code, how people are going to spend their money.

So I would encourage our colleagues, let's help all charities. I do not think you can defend saying: Well, I think it is fine to donate land to the Nature Conservancy or to the Sierra Club or to the Land Trust Alliance or a lot of little groups that are going to be created as a result of this—you don't donate the land; you sell the land—you can donate your land to anybody in the country—but if you want to sell your land, you can sell it to this group, and you are going to get a 25-percent reduction in your capital gains tax. So we would rather give you that if you sell it to the Nature Conservancy but not sell it to the First Baptist Church in rural Iowa. To me, that does not make sense. Or if you want to help the Red Cross—and the Red Cross has a nice facility in Oklahoma, thanks to the Presiding Officer—and they need land, and if a farmer wants to sell that land—they could not afford to donate it, but they wanted to sell it—why would we say: You can only sell it for land conservation, and we will give you a 25-percent reduction in your tax bill. But if you want to sell it to the Red Cross, or if you want to sell it to a church, or if you want to sell it to a children's hospital, no, we are sorry, you are out of luck. Congress decided that charity does not deserve the same tax benefits as land conservation.

I disagree. I say, if we are going to give a lower capital gains tax rate, and this would be 15 percent—frankly, I think we should do it for all Americans, but if we are going to do it for one charity or two or three charities, let's do it for all charities.

So that is the essence of my amendment. If we are going to have a lower capital gains tax rate on some charities, let's make it available for all charities.

We have offsets in this amendment. It does not increase the deficit. I urge my colleagues to support the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, is the amendment pending?

The PRESIDING OFFICER. No.

Mr. NICKLES. Madam President, I apologize. I send the amendment to the desk and thank my colleagues for their cooperation. I thought the amendment was pending. I apologize to my colleagues.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 527.

Mr. NICKLES: Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Montana.

Mr. BAUCUS. Madam President, I believe the Senator from Connecticut would like the floor. I yield to him such time as he wishes to consume.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Montana.

I rise to speak in favor of the CARE Act, the Charity Aid, Recovery, and Empowerment Act. This began as an attempt to give support to faith-based groups to perform good works.

CONGRATULATING THE UCONN WOMEN HUSKIES

If I may use that as a segue for a seemingly unrelated comment, I want to express this morning the pride and exultation of the people of Connecticut whose faith in our UConn Women Huskies was vindicated last night as they achieved an extraordinary victory over a very tough and proud Tennessee team. The UConn Women won another national championship for the UConn Women Huskies, the fourth in the program's history.

My congratulations to Coach Geno Auriemma, Assistant Coach Chris Dailey, and the great UConn women who rebuilt a lot of young talent that came together and made us all proud. They set an extraordinary example for young women all over America who, like my 15-year-old daughter, love basketball, love to play it, and are inspired by the skill and grit and team spirit of the UConn Women Huskies.

So our faith was redeemed, and you give us faith, Lady Huskies, as we go on.

Returning to the CARE Act, I must say that I am proud and, in some senses, relieved to join my colleagues in supporting this act. This act is a compromise version of the initial faith-based and community initiative. It comes to the Senate floor after a difficult path. But the important point is that we are here.

This is a different plan than the President originally proposed. It is different than the plan that Senator SANTORUM—who I have been so pleased to work with as lead cosponsor with him—and I negotiated with the White House to address concerns that were blocking its initial movement.

Perhaps most notably, it no longer contains any provisions targeted specifically at carving out a larger lawful space for faith-based groups in our social service programs. But despite this evolution, the heart of the proposal remains the same; and I guess, I would add, the soul of the proposal remains the same as well.

That is why the CARE Act enjoys overwhelming support from America's philanthropic community, with endorsements from more than 1,600 charities of all sizes and denominations, as well, as we can see, strong bipartisan support here in the Senate. And that is why I feel confident this measure will help transform the spirit of good will in America today into more good works at a time of growing hardship and make this country as good as its values are.

Any doubt about the vitality of America's spirit was firmly laid to rest on September 11, 2001, when so many Americans gave so much and all of us collectively embraced the values of compassion and community. But if we truly hope to keep moving America closer to our founding ideals, we have to extend that commitment to helping those who continue to live in a different type of need—children living in poverty and despair; drug addicts desperate for treatment and a better life; low income working families who are struggling for self-sufficiency.

Our Government, of course, runs many programs at the Federal, State, and local levels that aim to fill those needs as best they can by establishing a safety net. But all of us here, regardless of party or geography, recognize that Government can't do it all on its own, nor should it. We have long relied on a wide network of private charities and social service providers, community organizations and religious groups, what you might call the sinews of our civil society, to partner with the public sector, to fill in the gaps of the Government's reach and, in particular, to target aid to local priorities and problems. That is what this bill will do.

We start with a new focus on building and leveraging the capacity of the small faith-based and community organizations who are often in the best position to help people in need because they are closest to them. But in many cases, they don't have the technical wherewithal to find the public resources to do so. So to help those groups, the CARE Act creates a Compassion Capital Fund authorized at $150 million a year that will underwrite a wide range of technical assistance efforts. But the bill goes beyond just expanding the pool of applicants and enlarges the pie of resources that is available to America's charities and social services providers. That will be particularly critical at this difficult time in our Nation's economic history when charities are stretched.

I saw an article in the paper in the last 24 hours that said the United Way expects a significant drop in its fundraising this year because of the economic problems America faces. I hope and believe this bill will create the incentives for more giving to the United Way and a host of other charities, national and local. It will do so by creating several well targeted tax incentives over the next years that total $10.6 billion which, working from the general rule that most tax incentives are worth about 30 cents on the dollar to a taxpayer, should lead to new donations to charities, community-based, faith-based, of more than $30 billion over the next 10 years. How much good will come from that is wonderful to contemplate.

Part of the CARE Act that may make as big a difference and of which I am particularly proud is the $1.3 billion increase in Social Service Block Grant (SSBG) funding over the next 2 years. The CARE Act will finally make good on our commitment by restoring SSBG funding to its authorized level of $2.8 billion over the next 2 years and in so doing would empower charities across the country to do good for so many people in need.

I want to mention one other provision in the bill which has been a labor of love for me and Senator SANTORUM. That provision would expand on the use of innovative savings accounts, known as Individual Development Accounts (IDAs), to help low-income working families build wealth and achieve financial self-sufficiency. There have been a number of IDA demonstration projects around America that have proven successful in making home ownership, college, and small business not just a dream but a reality for thousands of low-income people nationwide. The CARE Act aims to build on those successes and significantly increase the availability of IDAs by offering America's financial institutions new incentives to help low-income families who want to save for their future which represents a whole new strategy in fighting poverty. It is based on a growing body of research that shows the best path to the middle class comes not just from hard work but also through savings and asset accumulation.

In sum, this CARE Act represents a comprehensive response to a complicated problem. That is why it is broadly and enthusiastically embraced by charities all over America. This bill puts our shared values into action by elevating the priority we place on helping our most vulnerable citizens. For that I thank my colleagues for their support.

I particularly thank Senator SANTORUM with whom it has been a pleasure to work in this long-time effort. His dedication, his commitment, his faith, his persistence, and his willingness to accommodate and reach common ground is a good part of the reason why we are on the verge of this very significant accomplishment. I thank the leaders of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, and I thank my leader, Senator DASCHLE, who worked with us as we negotiated this logjam-breaking compromise with the administration and then pushed hard among our ranks to have this bill considered on the Senate floor. Senator DASCHLE's staff, particularly Jennifer Duck and Andrea LaRue, has been indispensable to this mission.

Finally, I thank my own staff for the dedicated work they have done on this exceedingly challenging but important legislation. Specifically, I am grateful to Laurie Rubenstein, Debbie Forrest, Dan Gerstein, Chuck Ludlam, and Michelle McMurray. We could not have passed the bill without them.

I urge my colleagues to support the bill and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield such time as he might consume to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank my colleague from Connecticut for his kind remarks and for his steadfast support. It was a struggle and took a lot of persistence. That is a virtue we have seen exhibited on this legislation. He has been persistently for it, has worked diligently to find the common ground. That is what this legislation is all about—finding common ground. We have seen very strong bipartisan support for the bill. It is nice to see that every now and then on the floor of the Senate. We will help people who are in need of help, people who are out there serving our fellow man. It is a good day in the Senate that we are doing something positive to help those in need in society. We are doing it in a bipartisan way, and we are doing it in a fiscally responsible way. It is a win-win-win across the board.

I thank my leader, Senator FRIST. He has been a steadfast supporter as well. He has fought for this priority of our conference. This is one of the high priority items we have fought for on our side of the aisle, and gratefully we have seen it also as a high priority on the other side of the aisle. That is a wonderful thing.

I thank Senator DASCHLE and Senator REID for their cooperation and willingness to continue to work this issue until we could arrive at a point where we are successful today.

I think we will be successful in a very overwhelming way. We have already seen that the House is going through the process of marking up—they have not done it yet, but they have a template laid out for their version of the bill. We are optimistic that the House will promptly act to move a piece of legislation with which we can go to conference and get a bill to the President expeditiously to help many in our society who are out there working on the front lines trying to help people in need—particularly those people of faith.

One of the things I have heard is that the faith-based elements have been stripped. I counter that by saying if you look at the donations we are encouraging and some of these provisions that we have—for example, maternity group homes or food donation provisions—food donation in this country is overwhelmingly done by organizations of faith. They are the ones who collect the donations and distribute them. It is the same thing with maternity group homes. A large segment of those homes out there are faith based in nature, as well as a lot of the charitable giving provisions that will disproportionately have a positive impact on faith-based organizations. This will help faith-based organizations on the giving side, and, as I mentioned yesterday, the compassion capital fund in the bill provides technical assistance to small charities.

Again, the principal beneficiaries will be small, inner-city, faith-based organizations, these neighborhoods with many nondenominational churches which are already receiving technical assistance and instruction on how to apply for Federal funds through the charitable choice provisions of the 1996 Welfare Act. Already we are providing that assistance. This will increase that amount and will increase the grassroots, faith-based, inner-city entities, working in many cases in the most difficult neighborhoods, with the opportunity to access funds. Their base of funds isn't that great. They are some of the poorest neighborhoods in America.

So it is a great day for those who have been working hard and committing their lives in some of the most difficult neighborhoods of the country that will be getting the resources that are much needed to the grassroots organizations that, as the President has said, are driven by their faith commitment.

I yield the floor.

Mr. GRASSLEY. Madam President, I move to table the——

Mr. NICKLES. Will the Senator yield first? I am not sure we used all of our time.

The PRESIDING OFFICER. There is time remaining for debate.

Mr. NICKLES. I am happy to conclude shortly. Correct me if I am wrong, but I was thinking the vote was at 12:30, or are we trying to move it up?

Mr. GRASSLEY. I think we should wait until 12:30. I will wait. I yield the floor.

Mr. NICKLES. If the Senator wants to ask consent to move to table the amendment and have the vote commence at 12:30, I am happy to do that. Usually, when you move to table, you conclude the debate.

Mr. GRASSLEY. Madam President, I move to table the amendment and I ask for the yeas and nays and then that the vote occur at 12:30.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Madam President, parliamentary inquiry: How much time remains on the amendment?

The PRESIDING OFFICER. Six and a half minutes remain for the Senator from Oklahoma.

Mr. CRAIG. Will the Senator yield for a minute?

Mr. NICKLES. I am happy to yield.

Mr. CRAIG. I thank the Senator from Oklahoma for his amendment. I think it improves the legislation substantially in the context of what it is. This bill is not what it was. The CARE Act has all of the right reasons for passing the Congress—faith-based organizations gaining the benefit to serve people in a broader sense. We have gone beyond that now.

Now we are talking about providing an opportunity for charities and conservation groups to buy private land, or acquire private land, and, for the sale of that land, to gain a benefit. In public land States such as mine, where private land is, and it is the single tax base of counties and local entities of government, as we deplete that land, for whatever reason, we deplete the ability of counties to provide for themselves and their citizens. I am struggling with this bill in the final analysis because of that.

I do not oppose, obviously, the intent of CARE and the intent of rewarding and extending for faith-based organizations their ability to serve our country and its citizens. I thank my colleague for his amendment. I hope we will not table it. I think it clearly helps improve the legislation overall.

Mr. NICKLES. Madam President, I appreciate the comments of my colleague and friend from Idaho. He makes a very good point. Western States have a lot of public land and not a lot of private land. This amendment says if you are going to sell land to a charity that deals with conservation, you get a 25 percent lower capital gains tax than if you sell to any other charity.

My amendment would say if you sell to any charity, you will get a reduced capital gains tax. I mentioned the Nature Conservancy. They are big in my State. They bought one of the biggest ranches—a buffalo ranch—in Oklahoma. It is in the tall grass prairie. I love it. I helped make that happen. The Nature Conservancy is a big group. I don't know how great their assets are, but I guess it is in the millions of dollars—lots of land and lots of millions of dollars. If you sell to that group, you get a 25 percent reduction in your capital gains tax. I don't think they need it, compared to a church in Oklahoma, maybe in a rural area, which might want to build or expand. But if you want to sell to that church, you have to pay a 25 percent higher tax than if you sell it to a conservancy group, or the Sierra Club, that wants to build a conservancy or other groups that might want to say: Hey, you get a lower deal; sell it to us.

Let's encourage charitable contributions, but let's also encourage sales to charitable organizations. If we are going to do it for one charitable organization, let's do it for all charitable organizations. That is the essence of my amendment. We have paid for it. It is offset. I urge my colleagues to support it. If we are going to encourage charitable sales, let's do it for all of them, not just conservation groups. I urge my colleagues to vote against the motion to table.

I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 527. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—62

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Grassley
Gregg
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Smith
Snowe
Stabenow
Stevens
Sununu
Voinovich
Wyden

NAYS—38

Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Specter
Talent
Thomas
Warner

The motion was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Madam President, it is my intention to yield back all of my time except for 30 seconds.

WELFARE BENEFIT PLANS IN RELATION TO TITLE VII

Mr. SANTORUM. Madam President, I rise today to engage the distinguished chairman of the Finance Committee in a colloquy regarding welfare benefit plans in relation to title VII of S. 476.

Employee Welfare Benefit plans, regulated under ERISA, are employer-sponsored plans that provide security to employees at the time of an event that interrupts or impairs their earning power by providing benefits such as death benefits, medical insurance, long-term care and child care.

By way of introduction, sections 419 and 419A of the Internal Revenue Code set forth special rules for the deduction of contributions to a welfare benefit fund, including limitations on the amount of the deduction that would otherwise be deductible.

Moreover, 419A(f)(6) provides that the rules of sections 419 and 419A do not apply in the case of a welfare benefit fund that is part of a plan to which more than one employer contributes and to which no employer normally contributes more than 10 percent of the contributions of all employers under the plan. This exception for 10 or more employer plans, however, does not apply to any plan that maintains experience rating arrangements with respect to individual employers.

It is my understanding that there is ongoing review of sections 419 and 419A as the Department of Treasury seeks to establish further guidance relative to 10 or more employer plans. It is my understanding that such considerations have contributed to uncertainty in the tax treatment of these plans.

I inquire of Chairman GRASSLEY if he is aware of the concerns surrounding the uncertain tax treatment of 10 or more employer plans, and if so, if he would agree to continue discussions with Treasury in an effort to achieve clarity.

Mr. GRASSLEY. I am aware that the Treasury and Labor Departments are always examining the so-called welfare benefit plans because of aggressive uses of some arrangements. Taxpayers need certainty and clarity from the enforcement agencies that they can rely upon, so they do not run afoul of the rules and operate plans in accordance with the requirements of the law. It would be unwise to exclude a particular type of arrangement from the rules governing tax shelters, however, based upon some of the abuses we have seen. But we can urge the Treasury Department to provide clearer guidance on the many welfare benefit plan arrangements. I am willing to join you in writing the Treasury Department to ask them for clearer guidance as soon as practicable.

Mr. SANTORUM. I thank the chairman for agreeing to work with me on this important issue.

Mr. BROWNBACK. Mr. President, it gives me great pleasure to join with my colleagues today and support this magnificent bill, the Charity Aid, Recovery, and Empowerment Act of 2003. This was a long fought endeavor—one that is worthy of the effort—and an endeavor that will continue to promote the act of charity, but also serve as a catalyst for those who need help in gaining self-sufficiency.

As you may know, the motto of my State, Kansas, is, Ad Astra Per Aspera or "to the stars through difficulty." Indeed this is not only true of my State, but true of our Nation as well. The act of charity and benevolence is a hallmark of our great Nation and this bill will help to continue that legacy and provide a pathway for success for those in need.

During the aftermath of the September 11 attacks on our Nation, we saw the best of America in one of the darkest times of our Nation's history. Though as a Nation we were physically and emotional battered, we were able to rise up and come together as one Nation united, determined to help those in need. Many organizations such as the Salvation Army, the Red Cross and countless other charities and nonprofit organizations stood together with the men and women who attended to the victims and their families. The strength and resolve of our Nation was truly remarkable through the benevolence shown to the families of those lost on that tragic day.

It is time now that we help these and many other charitable organizations continue to help those in need. This bill, the CARE Act, will do just that. This act provides charitable giving incentives in the form of tax deductions for individuals and couples who do not itemize their tax returns—$250 for individuals and $500 for couples. It allows IRA holders to make charitable contributions from their accounts, and provides an enhanced charitable deduction for donations of food and books to charitable organizations.

Additionally, it provides an expedited review process for organizations seeking a 501(c)(3) status designation, which makes it easier to qualify for Federal grants and contracts. Along those same lines, the bill requires the IRS to expedite the 501(c)(3) application for any group that needs that status to apply for a government grant or contract. To further help in this arena, the bill requires the IRS to waive the application fee for groups whose annual revenues do not exceed $50,000.

I am also pleased that we are encouraging savings accounts for those in our society who are in the lower income brackets. The Individual Development Accounts, IDA, section provides a tangible incentive for folks to save and become self-sufficient, which not only provides financial security but increases the participants' self-esteem which is priceless. Participants are able to withdraw these matched funds for a first home purchase, higher education costs, or to start a new business.

Lives are dramatically changed by this program and I am pleased to see the Senate backing this important incentive.

Lastly, I would like to highlight an issue that I am passionate about, an issue of the value of human life. I am very pleased that this bill will provide additional funding—$33 million to be exact—for helping teenage mothers achieve self-sufficiency by strengthening Federal support for locally run maternity group home programs. As we know, this was an important agenda item in the 1996 Welfare Reform bill. Under the 1996 law, minors are required to live at home under adult supervision or in a maternity group home in order to receive benefits. Teenagers who are provided the opportunity to live in these homes are more likely to continue their education or receive job training—this is paramount for not only economic stability but for the efficacy of the participant as well. These young women, who enter this program are less likely to have a second pregnancy, and more likely to find gainful employment that allows them to end a dependence upon Federal Government programs.

I am positive that this bill will continue to financially aid those organizations that reach out to those in need and will help them to build on the success they have already seen in their communities.

Indeed in my own State, I have, for several years, toured charitable organizations such as the Grace Center, which is a home for unwed mothers, and Bread of Life, which is an inner-city church that is leading community revitalization by partnering with schools and neighborhood organizations to provide scholastic, mentoring and bible study programs.

As a nation, we are strongest in our ability to provide assistance to those in need, and to provide individuals with the tools necessary to succeed. Dr. King once said, "The ultimate measure of a man is not where he stands in moments of comfort and confidence, but where he stands at times of challenge and controversy." These organizations embody the epitome of Dr. King's statement. I encourage all of my colleagues to support this legislation, support those organizations who have committed their lives to helping others and who are indeed helping individuals through difficulties reach for the stars.

Mr. HATCH. Madam President, I rise today to express my support for the CARE Act, which is currently before the Senate. This bill is dedicated to improving the incentives for individuals and corporations to donate to charitable entities.

Through their generosity, Americans have shown their true colors as a compassionate, caring people. Unfortunately, many charities have had a difficult time raising money since the tragedy of September 11, as the economy has remained weak. This bill, which is a priority for President Bush, will help America's charities to continue their invaluable work.

I applaud the leadership of Chairman GRASSLEY and Ranking Democrat BAUCUS in getting this bill through the Finance Committee and onto the Senate floor. I also applaud the perseverance of Senators SANTORUM and LIEBERMAN, who have championed this bill for many months and have kept at it despite the discouragement of not being able to get the unanimous consent needed to bring it to the floor until very recently.

The CARE Act includes several important incentives to encourage additional contributions to charity. One of the more important ones is the provision to allow individuals who do not itemize to take a deduction under certain circumstances. I am particularly pleased that the Finance Committee chose to craft this incentive as a targeted provision, rather than as a provision that would allow a deduction for the first dollar of contributions. Two-thirds of Americans do not itemize their deductions, but most of them do make contributions. Allowing a deduction for contributions that were already being made is not an incentive—it is a giveaway. The provision in the CARE Act encourages us to stretch and give more. It provides a much bigger incentive for Americans to donate that marginal dollar and it also lowers the cost of this provision to the Treasury.

I am also very pleased that the bill includes two other provisions, which I have been promoting for some time. The first would simplify a complex area of the current law and eliminate significant roadblocks that now stand in the way of businesses with excess book inventory to donating those books to schools, libraries, and literacy programs, where they are much needed. Unfortunately, the current tax law benefits for donating such books to schools or libraries are often no greater than the tax benefits of sending the books to the landfill.

The provision in the CARE Act addresses the obstacles of donating excess book inventory by providing a simple and clear rule whereby any donation of book inventory to a qualified school, library, or literacy program is eligible for an enhanced deduction. This means that booksellers and publishers would receive a higher tax benefit for donating the books rather than throwing them away and would thus be encouraged to go to the extra trouble and expense of seeking out qualified donees and making the contributions.

The second provision deals with a problem that owners of S corporations have in donating their stock to charitable entities. Under the current law, a donor of S corporation stock worth $500 but having a tax basis of $100 would receive a deduction for ony the amount of the basis, or $100. A holder of shares in a C corporation, however, is allowed to deduct the full $500 value of the stock. There is no justification for this disparity in treatment between S corporations and C corporations, and a provision in the CARE Act corrects it.

I am also pleased that another provision, which Senator LINCOLN and I added as an amendment to the bill in the Finance Committee, is included in the CARE Act. Similar to the books provision I mentioned before, this provision provides a larger deduction, and therefore a stronger incentive, for businesses to donate their excess inventory to charitable entities, such as schools or churches.

The CARE Act includes many worthwhile incentives designed to increase charitable contributions. Its enactment should make a real difference in our Nation.

There is, however, one portion of the CARE Act in which I am disappointed. As an offset, the bill includes a package of measures designed to crack down on abusive corporate tax shelters. While I am certainly not in favor of abusive tax shelters, I am concerned that part of this package of antitax shelter provisions, known as the clarification of the economic substance doctrine, could also close down legitimate tax planning techniques and give the Internal Revenue Service an unprecedented degree of authority to recast the tax treatment of transactions it does not like, regardless of whether the transactions are otherwise allowed under the tax law. The provision would also override a significant body of case law, some of which reaches back almost to the inception of the income tax.

I hope that the codification of the economic substance doctrine can be deleted in the conference with the House.

All in all, however, the CARE Act is a very good bill, and it deserves the support of the Senate. I urge all of my colleagues to vote for this bill.

Mr. FEINGOLD. Madam President, I am delighted that the Finance Committee has included my volunteer mileage reimbursement legislation in the

CARE Act, and I want to take this opportunity to thank Chairman GRASSLEY and the ranking member BAUCUS for their efforts to include this needed provision. I am also pleased that some troubling provisions have been deleted from this legislation. In particular, I congratulate the sponsors for agreeing to drop title VIII before bringing the bill to the floor. Doing so strengthens this bill, and will greatly speed consideration of the measure.

Under current law, when volunteers use their cars for charitable purposes, the volunteers may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organization or the volunteers. If the charitable organization reimburses any more than that, the organization is required to file an information return with the IRS, and the volunteers must include the amount over 14 cents per mile in their taxable income. By contrast, the mileage reimbursement level currently permitted for businesses is 36 cents per mile.

At a time when Government is asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is posing a very real hardship on charitable organizations and other nonprofit groups. I have heard from a number of people in Wisconsin on the need to increase this reimbursement limit.

At a listening session I held in Portage County, WI, representatives of the local Department on Aging explained just how important volunteer drivers are to their ability to provide services to seniors in that county. The Department on Aging reported that in 2001, 54 volunteer drivers delivered meals to homes and transported people to medical appointments, meal sites, and other essential services. The Department noted that their volunteer drivers provided 4,676 rides, and drove nearly 126,000 miles. They also delivered 9,385 home-delivered meals, and nearly two-thirds of the drivers logged more than 100 miles per month in providing these needed services. Together, volunteers donated over 5,200 hours last year, and as the Department notes, at the rate of minimum wage, that amounts to over $27,000, not including other benefits.

As many of my colleagues know, the senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors or that seniors can be taken to meal sites is an essential part of that program. Unfortunately, federal support for the senior nutrition programs has stagnated in recent years. This has increased pressure on local programs to leverage more volunteer services to make up for lagging federal support. The 14 cents per mile reimbursement limit, though, increasingly poses a barrier to obtaining those contributions. Portage County reports that many of their volunteers cannot afford to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the department, costs that come directly out of the pot of funds available to pay for meals and other services.

By contrast, businesses do not face this restrictive mileage reimbursement limit. The comparable mileage rate for someone who works for a business is currently 36 cents per mile. This disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees over double the amount permitted the volunteer without a tax consequence.

This doesn't make sense. The 14 cents per mile volunteer reimbursement limit is badly outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to 14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The provision included in the CARE Act addresses this problem by raising the limit on volunteer mileage reimbursement to the level permitted to businesses, currently 36 cents per mile.

Once again, I thank the chairman and ranking member of the Finance Committee for their help in including this provision in the CARE Act. This timely measure will help ensure that charitable organizations can continue to attract the volunteers who play such a critical role in helping to deliver services, and it will simplify the tax code both for nonprofit groups and the volunteers themselves.

As I noted earlier, I am also pleased that the sponsors of the CARE Act agreed to drop title VIII before bringing the bill to the floor. I had two serious concerns about title VIII. First, it threatened to undermine our Nation's long-standing public policy against discrimination in employment. Religious organizations currently enjoy an exemption from title VII of the Civil Rights Act of 1964, allowing them to discriminate against individuals on the basis of religion when making employment decisions about individuals involved in religious services. The bill as introduced was silent on this issue and therefore threatened to extend this exemption and allow religious groups that provide federally funded social services to discriminate on the basis of religion in hiring, firing, or promotion decisions.

Second, title VIII could have allowed religious organizations receiving Federal funds to proselytize during the provision of the federally funded social service. Faith-based organizations do a lot of good work in our society. But the Founders were right when they crafted the Constitution's separation of church and state provision. We need to protect each American's right to practice his or her religion as he or she chooses. I am troubled by the possibility that, regardless of good intentions, in practice, people who are in trouble would feel pressured to engage in religious activities that they are not comfortable with in order to get access to help, or otherwise be denied the services that they desperately need.

Again, I am pleased that title VIII, the problematic faith-based provision, has been dropped from the version of the bill that is before the Senate today. Congress, however, must continue to be vigilant to ensure that we do not enact legislation that allows taxpayer dollars to be used to promote employment discrimination based on religion, or religious instruction, worship, or proselytization.

Mr. INOUYE. Mr. President, I want to express my appreciation to Chairman GRASSLEY and Senator BAUCUS for the inclusion of the hospital support organization provision to the CARE Act. This provision is important to all teaching hospital support organizations, including those in Hawaii. The provision would treat borrowing by these support organizations as qualified exceptions under the unrelated business income rule for debt acquisition.

As a requirement for tax exemption status, nonprofit hospitals must provide significant charity services. They do this mainly by treating Medicaid and Medicare patients and by running an open emergency room that treats anyone without regard to payment. For example, Medicare and Medicaid admissions comprise nearly 60 percent of all admissions at the largest private, nonprofit hospital in my State. The demand for indigent or charitable hospital care will continue to grow especially in an economic down turn.

A number of charitable hospitals, such as the Queen's Medical Center in the State of Hawaii, also provide residency training as teaching hospitals for our future doctors. In addition, they must extend staff privileges to all qualified physicians in nearly all specialties. Accordingly, they cannot be selective as to their patients or to their staff physicians. To pay for these charitable services nonprofit hospitals must use their endowment income as well as fees from other patients.

For-profit enterprises can easily borrow or raise the capital to build the most up-to-date facilities to compete for the high-profit patients. In comparison, charitable hospitals face lower reimbursements for Medicaid and Medicare patients, while at the same time they struggle to cope with rising costs for wages, supplies and insurance. In order to meet the growing demand for indigent care, many charitable hospitals postpone updating their equipment and defer modernizing their facilities. As a result, there is a growing trend for charitable hospitals to sell off their facilities to for-profit operations because they can easily secure the required capital to update or expand the facilities.

In the past, Congress has allowed nonprofit schools, colleges, universities, and pension funds to invest in real estate with borrowed funds, and the income from real investments has allowed these institutions to meet their financial needs. Accordingly, with this provision, teaching hospitals' support organizations would also be allowed to borrow in order to repair and improve the real property held in the portfolio assets of their endowments, thereby increasing the value of the real property segment of their endowments. The resulting increase of income can then help cover the growing costs for more charitable services.

Again, I thank Chairman GRASSLEY and Senator BAUCUS for the support they have given me

Mr. LEAHY. Madam President, I rise today in support of the Charity Aid, Recovery, and Empowerment, CARE Act of 2003. The tax provisions in the CARE Act will encourage increased giving to charitable organizations across the country. In community after community, our charitable organizations have seen donations drop off significantly because of the sluggish economy.

The CARE Act would allow taxpayers who do not itemize tax deductions to write off a portion of their charitable donations for 2 years—nonitemizers would be limited to $250 for individuals and $500 for couples filing joint returns. The bill would also permit tax-free distributions from IRAs for charitable purposes and would provide enhanced deductions for contributions of food, books, computers and conservation easements. It is important to note that the $13.1 billion in tax allowances in the CARE Act are fully offset by tax shelter legislation that would impose stiff penalties on those who try to hide assets from the IRS. I am also pleased that the bill reported by the Senate Finance Committee on February 5 contains none of the controversial "charitable choice" provisions that hindered its passage in the last Congress.

There are a number of bipartisan and noncontroversial tax incentive provisions in the CARE Act that I have supported as stand-alone bills, including the Artist-Museum Partnership Act, S. 287, that I coauthored with Senator BENNETT, and the Good Samaritan Hunger Relief Act, S. 85, that I coauthored with Senator LUGAR.

Senator BENNETT and I introduced the Artist-Museum Partnership Act to enable our country to keep cherished art works in the United States and to preserve them in our public institutions, while erasing an inequity in our Tax Code that now serves as a disincentive for artists to donate their works to museums and libraries. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink—a sum that does not come close to the works' true value. This is unfair to artists and it hurts museums and libraries large and small that are dedicated to preserving works for posterity. Our bill would allow artists, writers, and composers who donate works to museums and libraries to take a tax deduction equal to the fair-market value of the work.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty, and its cultural heritage. Anyone who has gained a greater understanding of both the artist and the subject by contemplating a painting in a museum or examining an original manuscript or composition knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

I would like to thank Senators ALLEN, BINGAMAN, CANTWELL, CHAFEE, CLINTON, COCHRAN, DASCHLE, DODD, DURBIN, FEINSTEIN, GRAHAM of Florida, JEFFORDS, JOHNSON, KENNEDY, KERRY, LIEBERMAN, LINCOLN, MILLER, STEVENS, and WARNER for cosponsoring our bill.

The Good Samaritan Hunger Relief Act that Senator LUGAR and I introduced represents a great partnership between businesses and organizations working to alleviate hunger. The bill will increase donations to food banks, soup kitchens, and other hunger relief charities and therefore help local communities and organizations become the first line of defense against hunger in America.

Under current tax law, the deduction allowed for donated food does not cover expenses incurred by the business. In many cases, this means that it is cheaper for a business or farmer to throw away leftover food instead of donating it to the hungry. This legislation will make it easier for restaurants, food processors, and farmers to contribute food to food banks, pantries, and homeless shelters by allowing the deduction of the full market value of food donated.

Over the years, the legislation has received the endorsement of various hunger relief and food community organizations, including America's Second Harvest Food Banks, the American Farm Bureau Federation, the California Emergency Foodlink, the Council of Chain Restaurants, the Grocery Manufacturers of America, Lighthouse Ministries Inc., the National Restaurant Association and the Salvation Army. I would like to thank Senators AKAKA, ALLEN, BAYH, BOND, COCHRAN, DAYTON, DEWINE, DODD, DURBIN, ENSIGN, FITZGERALD, HARKIN, KERRY, LANDRIEU, MILLER, ROBERTS, SANTORUM, SCHUMER, and SMITH for also cosponsoring our bill.

I want to thank the chairman and ranking member of the Senate Finance Committee for including the Artist-Museum Partnership Act and the Good Samaritan Hunger Relief Act in the CARE Act. As we pass this important legislation today, I look forward to working with my colleagues to ensure that the bipartisan compromises contained in the Senate bill are preserved.

Mr. KERRY. Madam President, I rise today to offer my support for the CARE Act of 2003. Now that the objectionable "charitable choice" provisions of the bill have been removed, and the Republicans have agreed to pay for the tax provisions in the bill, the positives of the legislation clearly outweigh the negatives and the final result is worthy of support.

There are several aspects of the bill of which I want to make note. Let me briefly mention them.

First, several elements in the bill were included as amendments after several Senators, including myself, worked to add them in the Finance Committee. These include an enhanced tax deduction for contributions of food inventory, which will be very helpful for food banks assisting the poor; a new market-value deduction for art donated to nonprofit institutions by an artist during his or her lifetime; and some restoration of funding for the social service block grant program. These are all worthy provisions.

Second, I have argued that while we have the largest deficits in history and face pressing domestic needs and the long-term expense of rebuilding Iraq, we should not have any new tax cuts that are not paid for. That is why I have offered a stimulus package whose costs are offset in future years, so we can stimulate the economy today without passing the bill to our kids. I am pleased that the Finance Committee worked in a bipartisan way to pay for the provisions in the CARE Act, in order to eliminate any long-term cost. Moreover, I am especially pleased that the major pay-for provisions in the bill are clarification of the economic substance doctrine and other provisions related to tax shelters. I introduced legislation to reform these shelters during the 107th Congress and the Finance Committee took much of the language from my original bill when they needed a more comprehensive offset this year. Most notably, last year's offsets for the CARE Act did not include the economic substance provision; now it represents the single largest pay-for. At a time when we are learning how far companies will go to abuse the tax system, changes to these shelter provisions come at just the right time.

Finally, although the nonitemizer deduction for charitable contributions is getting the most attention in this bill, the largest permanent provision of the CARE Act will allow tax-free IRA rollovers to charitable organizations. Under the bill, people will be able to make planned charitable gifts out of IRAs at age 59½, and direct gifts at age 70½, without any tax consequence. This is language that I worked on with Senator DORGAN, and I worked hard in the Finance Committee to have the Dorgan-Kerry language included in the CARE markup. The new language will be very beneficial to the many colleges, universities, and cultural institutions throughout my home State.

The new law will make a big difference, and it is important that people understand how it works. Under current law, one's itemized deductions are generally limited to one-half of one's income. In the case of a retired worker with $30,000 of annual income, but $150,000 accumulated in an IRA, this limitation would prevent the retiree from making a $30,000 donation from the IRA to the charity of his or her choice. The entire $30,000 withdrawal from the IRA would be taxed as income, but only $15,000—50 percent of annual income—would be allowed as a charitable deduction. Under this bill, however, the entire contribution would be free of any tax consequence: The withdrawal would not be taxed as income, and the contribution would not be counted as a deduction. The taxpayer can simply make the transfer to the charity completely tax-free.

If the objective of this bill is to increase charitable giving, this is the central provision that will drive that result. I thank the sponsors of the bill, Senators LIEBERMAN and SANTORUM, and the Finance Committee leadership, Senators GRASSLEY and BAUCUS, and I urge my colleagues to support the CARE Act.

Mr. LIEBERMAN. Madam President, I am disappointed that the administration has put out a statement today opposing the SSBG provisions in this bill, especially after we negotiated a bill with the Administration that included those provisions. The SSBG funding is critically important to this bill. It funds a number of essential social services that have been harmed by cuts to that program. I'd like to put in the record here the results of a survey done by the United Way of America.

In January 2000, UWA conducted an informal survey to assess the impact cuts to SSBG have had on local United Ways and their community partners. This study represents the impact of cuts from a funding level of $2.8 billion to SSBG in fiscal year 1995, to $1.9 billion in fiscal year 1999. Since conducting the survey, SSBG funding has been further reduced to $1.7 billion.

Following summarizes "The Stories Behind the Social Services Block Grant: A Survey by United Way of America."

Effect of SSBG Cuts on Health and Human Service Agencies: One hundred thirty-eight agencies from 26 States responded.

Effect on budget: 38 percent received less SSBG money in 1999 than in the 1995; 42 percent have been level funded for the past 5 years.

Effect on services: 17 percent of the total respondents had to cut programs to compensate for SSBG cuts; 29 percent of the agencies that received less SSBG money in 1999 than in 1995 were forced to cut programs; 32 percent of the total respondents had to cut staff to compensate for SSBG cuts; 50 percent of the agencies that received less SSBG money in 1999 than in 1995 had to cut staff; 46 percent of the total respondents were forced to serve fewer clients; 73 percent of the agencies that received less SSBG money in 1999 than in 1995 were forced to serve fewer clients.

Respondents' median 1999 grant: $70.472.00.

Median percent of respondents' budget that SSBG represents: 10 percent.

Median number of people served with respondents' SSBG funds: 180.

The survey found that further cuts to SSBG would greatly reduce the reach and impact programs that provide services for a full range of health and human services from child welfare and child care to youth development, job training and other work supports for those transitioning off welfare, assistance for domestic violence victims, respite care, home care services and information and referral. The administration's backtracking on its assurances about funding this program will further damage these efforts.

Mr. BUNNING. Madam President, I would like to express my support for S. 476, the CARE Act. The bill before us today contains many important provisions that work toward a single goal of encouraging charitable giving in the United States. The bill does this by making it easier for individuals to deduct their charitable contributions from their incomes taxes, by allowing tax-free distributions from IRAs for charities and by encouraging donations of books, food inventory, and computers.

I particularly would like to thank the managers of this bill for including a provision in the Managers' amendment that I had discussed in the Finance Committee earlier this year. That provision which will be in effect for certain tax-exempt bonds issued 1 year after the date of enactment of this bill, is aimed at making it easier for non-profit nursing and elder-care facilities to gain access to tax-exempt bond markets which might not otherwise be available to it. The provision was crafted to address some of the affordable funding issues facing the non-profit agencies that are attempting to provide these important and much-needed elder-care facilities, particularly in underserved regions of our country.

As you well know, Madam President, with the aging of our population, the challenges facing the underserved community of the elderly will continue to grow. One way that we can contribute to the good work that these non-profit nursing homes are doing is by finding ways to help them gain access to affordable capital so that they can continue to serve this important segment of our population.

I thank Chairman GRASSLEY and Ranking Member BAUCUS of the Finance Committee and Mr. SANTORUM, the chief supporter of this bill, and their staffs for their assistance with this issue.

Mr. GRASSLEY. Madam President, I rise today to speak in support of a key provision in the CARE Act, the restoration of $1.375 billion for the Social Services Block Grant Program or SSBG.

As my colleagues know, SSBG is an extremely flexible grant program that states use to pay for a wide variety of social services activities. States have broad discretion over the use of these funds. In recent years, the largest expenditures for services under the SSBG were for child protective services, children's foster care and prevention and intervention services.

Additionally, SSBG funds go to provide crucial services such as respite care for the elderly, adult protective services, as well as adoption programs.

In 1996, during the debate over welfare reauthorization, the Congress and the States agreed to temporarily decrease SSBG from $2.8 billion a year to $2.38 billion a year, until welfare reform was firmly established. The agreement further stipulated that SSBG would be funded at $2.38 billion per year until fiscal year 2003 when it would be restored to $2.8 billion per year.

We have not lived up to our promise. Funding for SSBG has been reduced considerably. Currently this vital program is funded at $1.7 billion a year.

This program is very important in my State of Iowa.

There were over 119.708 children and adults benefitting from SSBG-funded services in the state of Iowa in fiscal year 2000.

Iowa spent almost half of their $29 million block grant—48 percent—on services to persons with disabilities covering both physically disabled and developmentally disabled persons. Services include adult residential care, adult day care, community-supervised living, sheltered workshops and work activities.

Iowa used $982.078 in SSBG for the prevention of abuse and neglect to elderly and disabled persons compared to receiving only $55,927 from the title VII Elder Abuse under the Older Americans Act.

I worked very hard to ensure that SSBG was included in the CARE Act. The reason why I felt so strongly that it be included in the bill is because I see an SSBG increase as one of the ways we can direct fiscal relief to the states.

States are currently suffering under the worst fiscal crisis since World War II. I am committed to finding ways to assist the states manage this fiscal crisis. I view the inclusion of the restoration of SSBG funds as a good first step towards assisting the States make it through this current crisis.

I appreciate my colleagues' hard work on this bill and look forward to its enactment into law.

Mr. BAUCUS. Madam President, the CARE Act is an important piece of legislation that will help those organizations that are always there to help us. On balance, I believe the bill will encourage more charitable giving. And this is particularly important now, when demand on these organizations is out-pacing resources.

This legislation would not have been possible without the contributions of many.

First, I would like to thank the Finance Committee staff for their expert counsel and hard work. They spent many long hours perfecting this legislation. They are role models for those in public service.

I appreciate the cooperation we received from the Republican staff members including Kolan Davis, Mark Prater, Dean Zerbe, Elizabeth Paris, Christy Mistr, and Ed McClellan.

I want to especially thank my staff, including Jeff Forbes, John Angell, Russ Sullivan, Patrick Heck, and Jonathan Selib. I also want to mention our hardworking interns, Shawn White and Tyler Garrett.

The Finance Committee staff worked closely with staff members from other Senate offices. They also were in touch with officials from the Administration, including Susan Brown and others from Treasury.

The Joint Committee on Taxation provided technical assistance. Lindy Paull, Mary Schmitt, Roger Colinvaux, Ron Schultz, Sam Olchyk, Ray Beeman, and Brian Meighan. And many others. We owe many thanks for the assistance they provided.

Second, I want to thank Senators LIEBERMAN and SANTORUM. The CARE Act has been a priority for them for a long time. They have worked tirelessly to get this bill before the Senate. We are grateful for their diligence, cooperation and input.

I also want to thank our leaders Senators FRIST and DASCHLE for their decision in moving the CARE Act forward.

I want to thank my good friend and colleague, Chairman GRASSLEY. As always, he has been instrumental in ensuring a truly bipartisan bill. And, it continues to be a pleasure to work with him.

Finally, I look forward to seeing this bill passed into law—and soon. It is my hope that the House will take up this legislation quickly.

The CARE Act is one of the President's top priorities. There is a lot in this bill that enjoys widespread, bipartisan support.

Together, we have been working on this bill for more than 2 years. There is no need for further delay.

I urge the House to act quickly on this legislation so that we can have the CARE Act on the President's desk by the Memorial Day recess.

This is a good bill. I urge my colleagues to vote for the CARE Act.

Madam President, the CARE Act takes bold steps to combat the devastating problem of hunger—an issue that affects far too many of my constituents in Montana.

Today, in the greatest and most prosperous nation in the world, hunger remains a real problem for our families.

According to the USDA, more than 1 in 8 households were food insecure in Montana between 1999 and 2001. This means that they do not consistently know where their next meal will come from.

And 4 percent of households in Montana—that is 32,000 people, 12,000 of whom are children—live in conditions so severe that they are classified as actually experiencing hunger.

These numbers are on the rise—Montana's hunger rate had the second highest jump of any state from an identical USDA study done just three years earlier.

Many of these are working poor families, making gut-wrenching decisions between whether to spend their hard-earned money on housing, healthcare, child-care, or food.

So this is an issue that concerns me deeply.

The CARE Act will provide a valuable weapon in the war to end hunger. It will do so by making it easier for farmers and small businesses to donate surplus food to our struggling hunger relief charities.

Simply put, these difficult economic times mean that more people are showing up to food pantries and soup kitchens at a time when these organizations are struggling the most to meet demand.

These community groups—usually consisting solely of volunteers—are often "first-responders" in the battle against hunger.

The CARE Act will help food pantries and soup kitchens to keep food on the shelves for hungry families.

The CARE Act is also good for America's struggling farmers and businesses. It helps them do the right thing by donating surplus food that would otherwise have been thrown away.

Here is what Peggy Grimes, of the Montana Food Bank Network has to say about the CARE Act:

> It has come to my attention that these struggling farmers and small grocers do not receive any tax benefit for their increasing donations. They have been donating out of concern for their neighbors as they have been hearing reports of increased food insecurity throughout Montana. . . . For Montana, as an agricultural state, the Care Act will be of significant benefit to both those donating food and those in need of food.

Hunger in America is not a problem of lack of food. The USDA estimates that 96 billion pounds of food are thrown away each year.

This is simply shameful when working families are struggling to make ends meet. There is a problem when it is more profitable to throw away food than it is to donate it to those who need it.

The CARE Act helps solve this problem by providing incentives to farmers and small businesses, whose resources are also constrained in these economic times.

America's Second Harvest, the nation's largest anti-hunger charity, estimates that the CARE Act will result in enough donated food to provide roughly 765 million meals over the next 10 years.

These results are real, and I am proud to support this provision.

The CARE Act is a win-win-win situation. It is a win for anti-hunger charities that work hard to ensure that America's families have food on the table.

It is a win for our farmers and businesses that want to help their neighbors in need. And most importantly, it is a win for America's low-income families, who will see food on their tables.

I urge my colleagues to support the CARE Act.

Madam President, it is a sad fact that in a large number of homes—particularly in the homes of our poorest, most at-risk children—you cannot find a book. Sixty percent of kindergartners—in neighborhoods that performed poorly in school—did not own a single book.

The lack of access to books poses the greatest barrier to literacy. That is why we must change the status quo.

Unfortunately, the tax law functions as a disincentive to the charitable donation of books to schools, libraries, and literacy programs. Under the tax law, it is actually more economical to truck books to a dump than it is to give them to your local school or library.

Through the title I program, however, we have nearly 15 million youngsters nationwide enrolled. This allows us to reach at least a portion of the disadvantaged children in our country.

In my State of Montana, there are an estimated 35,000 poor children who qualify for the title I program. These children will also benefit from the provision in the CARE Act which encourages the donation of books. For a child who has never owned a book—their first book is a prized possession.

An increase in charitable book contributions would especially benefit the State of Montana. According to the Montana Library Association, the Montana State Library has fallen victim to a 26 percent budget cut in 2003. These reductions will mean less money for local libraries. And they will mean cuts in the State subsidies that currently fund book purchases, interlibrary loans, and audio and other special books for the elderly, disabled, and sick.

According to the Montana Commissioner of Higher Education, Montana universities will also receive fewer books. In the wake of the latest budget cuts, the state legislature has cut university budgets 8.4 percent. That puts university funding below 1992 levels.

The University of Montana leads the list with a 10.9 percent cut in state money. Followed by Montana State University at a 9.8 percent cut. And MSUY-Billings at a 8.5 percent cut. The libraries at Montana universities will experience cuts of $1.6 million for new materials.

These cuts will not only hurt universities—they will also hurt the programs in which university students participate. For example, the Montana Reads literacy program—started by University of Montana President Dennison in 1997.

This program is critical to the 60-plus University of Montana student volunteers who regularly tutor kindergarten through fifth grade Missoula students. I think it is simple common sense that a critical component of any successful literacy program is for the students to have books. These Montana tutors depend on book donations to help their students. The CARE Act helps them to help the elementary kids in Missoula.

Of course these donations will also greatly aid adult literacy. Campaigns such as the Montana Adult Basic & Literacy Education, ABLE, program serve adults who lack sufficient mastery of basic skills to function in society, a high school diploma, or basic English skills. In Montana, 75,000 adults aged 25 and over do not have a high school diploma or a GED. Twenty-five thousand adults have less than a ninth grade education.

Every effort we make to improve reading in Montana will suffer if we do not include books in the equation. The Federal Government granted 36 Montana schools $11 million over 3 years to find reading coaches, family literacy programs and tutors.

These grants are so important to Montana. But if we fail to supply books as part of the equation, then the grants are not put to use in the most efficient way. Allowing charitable donations for books ensures that we use taxpayer dollars more effectively. We cannot afford not to.

Madam President, earlier this year, Senator GRASSLEY and I reintroduced S. 701, the Rural Heritage Conservation Act. This bill will help the nation's hard-working farmers and ranchers preserve their heritage and way-of-life. At the same time, it promotes conservation of valuable open space and wildlife habitat. This legislation is included as a provision in the CARE Act.

S. 701 provides targeted income tax relief to small farmers and ranchers who wish to make a charitable contribution of a qualified conservation easement.

The bill would allow eligible farmers and ranchers to increase the currently deductible amount for charitable contributions of qualified conservation easements. That means that farmers and ranchers can deduct amounts up to 100 percent of adjusted gross income.

The bill also extends the carryover period from 5 years to 15 years. In the case of all other landowners, the AGI limitation would be raised from 30 percent to 50 percent.

Senator GRASSLEY has worked closely with me to include the provisions of S. 701 in the CARE Act. I believe our bipartisan cooperation is the reason why we have come so far in moving this very important piece of legislation.

Passing the provisions in S. 701 will mean that farmers and ranchers facing the potential of having to sell their ranch will have another financially viable option. Under this proposal, they will be able to choose to take advantage of the conservation easement incentives, stay on their land, and invest in their farming or ranching business.

In practical terms, that means these farmers and ranchers do not have to sell the family farm or ranch. They can keep it in the family. This is so important to preserving the character and economic vitality of our rural communities.

Over the past 25 years, over 3 million acres of agricultural lands have been lost to development in Montana alone. Many of those lands were lost when family farms—hit hard by tough times—were forced to give up their generations' old farming operations and sell to developers in order to pay the bills.

We have to find additional tools to help these folks keep their land in agricultural production and in open space. Our legislation provides one of those tools.

To illustrate why this legislation is so important, let me give you an example of the impact of current law on farmers and ranchers.

Jerry Townsend was born and raised on his family's ranch in Highwood, Montana. He has operated the ranch since purchasing it from his parents in 1974. On his ranch, called the Elk Run Ranch, he raises commercial beef cattle.

In 1995, Mr. TOWNSEND donated a conservation easement to the Montana Land Reliance. His "donation" was calculated at $528,000. However, because his ranch is held as a C corporation, his tax deduction was limited to10 percent of the ranch's net income. His tax deduction over the six years totaled a paltry $1,998—less than one percent of the total value of his donation.

In contrast, a landowner with more in income would have a much greater incentive to enter into an easement agreement because he or she would be able to deduct more of the value of the donation from their taxes.

S. 701 would do nothing more than level the playing field for farmers and ranchers when it comes to the tax benefits of donating conservation easements. What should matter is the value of your land—not the amount of your income.

Our conservation easement bill, and as included in the CARE Act, have been endorsed by 210 land trusts representing 44 States. Other supporters include the Montana Stockgrowers, the American Farmland Trust, and the Colorado Cattlemen.

This is a win-win proposition. Farmers and ranchers will be able to preserve their important agricultural and ranching lands for future generations. They will be able to continue to operate their businesses. They will be able to stay on their land.

It is a purely voluntary, incentive-based way to promote conservation. And it will allow us to bring people together. Landowners. Conservationists. The Federal Government. And local communities. All working together to preserve our precious natural resources and agricultural heritage.

Madam President, I rise to talk about another important, but often overlooked, aspect of the CARE Act additional funding for the Social Services Block Grant, or SSBG.

SSBG funds are very flexible. States can use these funds to assist abused children cope with their trauma; to help seniors live at home, instead of nursing homes; to provide day care for children in low-income working families; so that we know those kids are in safe places while their parents work; to assist the disabled so that they can fully participate in our society; to help parents adopt children, so that every child has a loving parent.

In my State of Montana, we use SSBG to help children with developmental disabilities, like those with cerebral palsy.

SSBG is "glue money." Communities use it to fill holes in the safety net. It is up to States and localities to decide where it goes. We give them a long menu of options, and they use it the way they see fit, based on local needs. This bill provides over $1 billion more in SSBG to fill those holes over 2 years.

The goal of the CARE Act is to increase compassionate activity in our country. We are a big-hearted country. We want to help each other. This bill will help turn more of that desire into action and will make sure Government is doing its part.

SSBG funds support the activities of faith-related charities. We give the money to the States and they often contract with faith-related organizations to do the hands-on work that they do so well. If you want to support Catholic Charities, then you should support SSBG. If you want to support Lutheran Social Services, then you should support SSBG. These organizations have told me that SSBG funds are crucially important to them.

The CARE Act is about increased individual giving. That is absolutely vital. But if the Government does less, then any increase in individual giving may only be filling that gap left by the withdrawal of the Government.

The additional SSBG funding in this bill is our way of saying that the Government will keep its part of the bargain and continue to play a role. It is a flexible source of funds, so it won't be bureaucrats in Washington dictating the money will be used. And much of the funding will go to faith-related charities—the very organizations we want to bolster.

We haven't talked much about the SSBG provision. That is a good sign. Around here, we tend to talk about the things we disagree about. I am glad we could find common ground on this provision so easily. I'm sure the faith-related charities will thank us for doing so.

I commend Senators LIEBERMAN and SANTORUM for their work on the CARE Act.

Madam President, on February 5, 2003, the Finance Committee passed tax shelter legislation to offset the cost of the CARE Act.

How appropriate it is for a bill to encourage more charitable giving to be paid for by those shirking their responsibility to pay their fair share of taxes.

The tax shelter legislation included in the CARE Act was developed by the Finance Committee over the past 4 years.

The committee has taken time to develop appropriately targeted legislation. Care has been taken to avoid encumbering legitimate business transactions. Nevertheless, we will all be burdened until we get this problem in check.

Without these changes, honest businesses will continue to be burdened to the extent they compete against companies avoiding taxes.

Tax shelters are carefully engineered tax transactions. Most have little or no economic substance. That means that they are designed to achieve unwarranted tax benefits rather than business profit. And, they place honest taxpayers at a considerable disadvantage.

As Michael Graetz, Professor of Law at Yale University, once said: "a tax shelter is a deal done by very smart people that, absent tax considerations, would be very stupid."

It is time to put a stop to the unsavory practice of mining the Tax Code for these abusive shelters.

These transactions are designed to take advantage of the complexity of the tax law to obtain benefits that Congress never intended.

They pose a real threat to the integrity of our self-assessment system by eroding the public's respect of the tax law.

Under tax shelter legislation produced by the Finance Committee, promoters, advisors, and taxpayers would be subject to stiff penalties for failing to acknowledge these transactions to the IRS.

Treasury believes that if a taxpayer feels comfortable entering into a transaction; if a promoter feels comfortable selling a transaction; and, an advisor feels comfortable recommending a transaction, they should all feel comfortable disclosing the transaction to the IRS.

We have worked closely with the Treasury Department in crafting this legislation. We have given Treasury authority to fine-tune the provisions so as to protect legitimate tax planning.

But make no mistake, I am committed to combating abusive tax transactions. The tax shelter package is the first installment. It will not be the last.

The tax shelter package reinforces steps already taken by Treasury by requiring more transparency.

Taxpayers will now be required to disclose certain reportable transactions on their tax returns or face stiff penalties. Promoters will have to provide information to IRS on their tax avoidance strategies or face stiff sanctions.

These provisions are designed to change the cost-benefit ratio of those contemplating engaging in egregious tax planning strategies.

The bill would also eliminate abusive tax shelters by denying tax benefits with little or no economic substance.

That means that taxpayers will have to enter into transactions for legitimate economic and business reasons and not purely for tax avoidance.

This was the key recommendation made by the Joint Committee on Taxation in response to the investigation of Enron's tax transactions.

Presently, there is lack of uniformity regarding the proper application of the economic substance doctrine. Some courts apply a conjunctive test that requires a taxpayer to establish the presence of both economic substance and a substantial nontax business purpose. Other courts have found the existence of one of these as sufficient to respect a transaction.

The provision will clarify the application of the doctrine. It does not tell the court when to apply it.

A tax shelter disallowed in New York should not be permitted elsewhere. The clarification ensures uniformity across the country.

The tax shelter legislation included in the CARE Act is only a down payment. It will go a long way toward curbing abusive transactions. But it is not the final answer.

Based on the Joint Committee's investigation of Enron's tax returns, additional steps are needed. The Joint Committee made several specific recommendations for additional changes. We are looking closely at these recommendations. Additional legislation will be forthcoming. I am confident we will make any additional changes with bipartisan support.

Enron kept the IRS in the dark and out-maneuvered. The lack of adequate disclosure rules and the lack of sufficient IRS enforcement resources clearly helped Enron and its executives walk away with millions maybe billions. Our legislation would bring more transparency to these Enron-type transactions. The Enron report clearly demonstrates the need for meaningful shelter legislation.

I urge my colleagues to support this measure.

Mr. DASCHLE. Madam President, this is an important day for Senate.

As American service men and women risk their lives to relieve the suffering of an oppressed people in Iraq, the Senate is setting aside ideological differences to energize American compassion to relieve suffering here at home.

Over the past few years, the country's economic troubles have carried a double sting for America's charities. While more Americans are in need, charitable donations have dropped as families feel the pinch of the economic downturn. As a result, many charities have had to cut back on the services they provide. That means fewer meals for the hungry, fewer beds for the homeless, fewer safe havens for battered wives and children.

This legislation, the CARE Act, expands our Nation's capacity to respond to the needs of its citizens who need help. With its passage, the Senate adds the resources of the Federal Government to the commitment of our charities and faith-based organizations.

This bill won't solve every problem in our cities and towns. But it will get meaningful aid to organizations and institutions that are equipped to help those who need help the most. It also creates real incentives to encourage giving and makes it easier for Americans to come to the aid of their fellow citizens.

Our country has a history of pulling together to help the less fortunate, and the religious community and private charities are an integral part of these efforts.

I am pleased that the Senate is helping carry that spirit forward by reaffirming the relationship between the Federal Government and our community and faith-based groups.

I want to commend Senator LIEBERMAN and Senator SANTORUM for their leadership on this legislation.

Throughout their work, they have kept sight of two fundamental goals: First, increasing assistance to those organizations that lend a hand to those in need; and second crafting a bill that reflects the Senate's strong bipartisan support for America's charities.

Today all their hard work is being rewarded. And the result will be community and faith-based groups that are better equipped to tackle the challenges facing our families and neighborhoods today.

This legislation increases funding for social services block grants and maternity homes that help teen mothers get their lives back on the right track. It also creates new avenues for giving, by making it easier to transfer retirement savings into charitable gifts and by expanding the range of deductible donations.

While we are forgoing a stronger relationship between the Federal Government and the faith community, we have been able to accomplish this goal without undermining basic constitutional protections.

I was particularly pleased that Senators SANTORUM and LIEBERMAN were able to eliminate some of the more divisive elements of the version that passed the House of Representatives.

This compromise package will not privatize Federal social service programs, or pre-empt State and local civil rights laws. These are difficult and divisive issues. But American charities need help today. And by passing this legislation, the Senate sends a message that when our citizens are in need, we cannot hold aid hostage to endless ideological debate. Compassion is not a partisan issue.

All Americans, indeed, all human being, are bound by a common commandment to pursue justice, love kindness, and seek mercy for the oppressed. It is a standard that should guide all our work.

Today, with the passage of this bill, we move a little closer to embodying the spirit of these words, and ever closer to fulfilling our obligation to one another.

Mr. GRASSLEY. Madam President, I yield back all of my time except for 30 seconds that I want to yield to the Senator from Pennsylvania, because of his hard work on this legislation.

The PRESIDING OFFICER. I ask those who are speaking to please take their conversations off the floor so we can hear the Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I thank the chairman and ranking member of the Finance Committee for the tremendous bipartisan work it took to bring this bill to the floor, where I hope we will have a very strong vote on final passage. Particularly I thank the Senator from Connecticut, Mr. LIEBERMAN, for his outstanding cooperation and work to make sure this was done in a very strong, bipartisan way.

Finally, I thank Randy Brandt, from my staff, who has put his heart and soul into this legislation and just did an outstanding job. I thank him and yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GRASSLEY. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—5

Craig
Crapo
Enzi
Nickles
Thomas

The bill (S. 476), as amended, was passed, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "CARE Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 103. Charitable deduction for contributions of food inventories.
Sec. 104. Charitable deduction for contributions of book inventories.
Sec. 105. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 106. Modifications to encourage contributions of capital gain real property made for conservation purposes.
Sec. 107. Exclusion of 25 percent of gain on sales or exchanges of land or water interests to eligible entities for conservation purposes.
Sec. 108. Tax exclusion for cost-sharing payments under Partners for Fish and Wildlife Program.
Sec. 109. Adjustment to basis of S corporation stock for certain charitable contributions.
Sec. 110. Enhanced deduction for charitable contribution of literary, musical, artistic, and scholarly compositions.
Sec. 111. Mileage reimbursements to charitable volunteers excluded from gross income.
Sec. 112. Extension of enhanced deduction for inventory to include public schools.
Sec. 113. 10-year divestiture period for certain excess business holdings of private foundations

TITLE II—PROPOSALS IMPROVING THE OVERSIGHT OF TAX-EXEMPT ORGANIZATIONS

Sec. 201. Disclosure of written determinations.
Sec. 202. Disclosure of Internet web site and name under which organization does business.
Sec. 203. Modification to reporting capital transactions.
Sec. 204. Disclosure that Form 990 is publicly available.
Sec. 205. Disclosure to State officials of proposed actions related to section 501(c) organizations.
Sec. 206. Expansion of penalties to preparers of Form 990.
Sec. 207. Notification requirement for entities not currently required to file.

Sec. 208. Suspension of tax-exempt status of terrorist organizations.

TITLE III—OTHER CHARITABLE AND EXEMPT ORGANIZATION PROVISIONS

Sec. 301. Modification of excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 302. Modifications to section 512(b)(13).
Sec. 303. Simplification of lobbying expenditure limitation.
Sec. 304. Expedited review process for certain tax-exemption applications.
Sec. 305. Clarification of definition of church tax inquiry.
Sec. 306. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 307. Definition of convention or association of churches.
Sec. 308. Payments by charitable organizations to victims of war on terrorism and families of astronauts killed in the line of duty.
Sec. 309. Modification of scholarship foundation rules.
Sec. 310. Treatment of certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness.
Sec. 311. Charitable contribution deduction for certain expenses incurred in support of Native Alaskan subsistence whaling.
Sec. 312. Matching grants to low-income taxpayer clinics for return preparation.
Sec. 313. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.
Sec. 314. Excise taxes exemption for blood collector organizations.
Sec. 315. Pilot project for forest conservation activities.
Sec. 316. Clarification of treatment of Johnny Micheal Spann Patriot Trusts.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

Sec. 401. Restoration of funds for the Social Services Block Grant.
Sec. 402. Restoration of authority to transfer up to 10 percent of TANF funds to the Social Services Block Grant.
Sec. 403. Requirement to submit annual report on State activities.

TITLE V—INDIVIDUAL DEVELOPMENT ACCOUNTS

Sec. 501. Short title.
Sec. 502. Purposes.
Sec. 503. Definitions.
Sec. 504. Structure and administration of qualified individual development account programs.
Sec. 505. Procedures for opening and maintaining an individual development account and qualifying for matching funds.
Sec. 506. Deposits by qualified individual development account programs.
Sec. 507. Withdrawal procedures.
Sec. 508. Certification and termination of qualified individual development account programs.
Sec. 509. Reporting, monitoring, and evaluation.
Sec. 510. Authorization of appropriations.
Sec. 511. Matching funds for individual development accounts provided through a tax credit for qualified financial institutions.
Sec. 512. Account funds disregarded for purposes of certain means-tested Federal programs.

TITLE VI—MANAGEMENT OF EXEMPT ORGANIZATIONS

Sec. 601. Authorization of appropriations.

TITLE VII—REVENUE PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 701. Clarification of economic substance doctrine.
Sec. 702. Penalty for failing to disclose reportable transaction.
Sec. 703. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 704. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 705. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 706. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 707. Disclosure of reportable transactions.
Sec. 708. Modifications to penalty for failure to register tax shelters.
Sec. 709. Modification of penalty for failure to maintain lists of investors.
Sec. 710. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 711. Understatement of taxpayer's liability by income tax return preparer.
Sec. 712. Penalty on failure to report interests in foreign financial accounts.
Sec. 713. Frivolous tax submissions.
Sec. 714. Regulation of individuals practicing before the Department of Treasury.
Sec. 715. Penalty on promoters of tax shelters.
Sec. 716. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 717. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
Sec. 718. Authorization of appropriations for tax law enforcement.

Subtitle B—Other Provisions

Sec. 721. Affirmation of consolidated return regulation authority.
Sec. 722. Signing of corporate tax returns by chief executive officer.
Sec. 723. Securities civil enforcement provisions.
Sec. 724. Review of State agency blindness and disability determinations.

TITLE VIII—COMPASSION CAPITAL FUND

Sec. 801. Support for nonprofit community-based organizations; Department of Health and Human Services.
Sec. 802. Support for nonprofit community-based organizations; Corporation for National and Community Service.
Sec. 803. Support for nonprofit community-based organizations; Department of Justice.
Sec. 804. Support for nonprofit community-based organizations; Department of Housing and Urban Development.
Sec. 805. Coordination.

TITLE IX—MATERNITY GROUP HOMES

Sec. 901. Maternity group homes.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—In the case of an individual who does not itemize deductions for any taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions, to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the direct charitable deduction.".

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—By not later than December 31, 2004, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002, and before January 1, 2005.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity, and

"(ii) which is made on or after—

"(I) in the case of any distribution described in clause (i)(I), the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(II) in the case of any distribution described in clause (i)(II), the the date that such individual has attained age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

"(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

"(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

"(A) the amount of the deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

"(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

"(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

"(B) the trust is described in section 4947(a)(1).".

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.".

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions—

(A) described in section 408(d)(8)(B)(i)(I) of the Internal Revenue Code of 1986, as added by this section, made after the date of the enactment of this Act, and

(B) described in section 408(d)(8)(B)(i)(II) of such Code, as so added, made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

"(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

"(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

"(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions from any trade or business (or interest therein) of the taxpayer for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's net income from any such trade or business, computed without regard to this section, for such taxable year.

"(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

"(C) DETERMINATION OF BASIS.—If a taxpayer—

"(i) does not account for inventories under section 471, and

"(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to

25 percent of the fair market value of such food.

"(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards or such lack of market and

"(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term 'apparently wholesome food' has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

"(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

"(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

"(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

"(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

"(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

"(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

"(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

"(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

"(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

"(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

"(II) the donee will use the books in its educational programs.

"(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term 'bona fide published market price' means, with respect to any book, a price—

"(I) determined using the same printing and edition,

"(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

"(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm's length transactions within 7 years preceding the contribution of such a book.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act

SEC. 105. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembling" after "construction".

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(2) SPECIAL RULE EXTENDED.—Section 170(e)(6)(G) is amended by striking "2003" and inserting "2005".

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 106. MODIFICATIONS TO ENCOURAGE CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Section 170(h) (relating to qualified conservation contribution) is amended by adding at the end the following new paragraph:

"(7) ADDITIONAL INCENTIVES FOR QUALIFIED CONSERVATION CONTRIBUTIONS.—

"(A) IN GENERAL.—In the case of any qualified conservation contribution (as defined in paragraph (1)) made by an individual—

"(i) subparagraph (C) of subsection (b)(1) shall not apply,

"(ii) except as provided in subparagraph (B)(i), subsections (b)(1)(A) and (d)(1) shall be applied separately with respect to such contributions by treating references to 50 percent of the taxpayer's contribution base as references to the amount of such base reduced by the amount of other contributions allowable under subsection (b)(1)(A), and

"(iii) subparagraph (A) of subsection (d)(1) shall be applied—

"(I) by substituting '15 succeeding taxable years' for '5 succeeding taxable years', and

"(II) by applying clause (ii) to each of the 15 succeeding taxable years.

"(B) SPECIAL RULES FOR ELIGIBLE FARMERS AND RANCHERS.—

"(i) IN GENERAL.—In the case of any such contributions by a taxpayer who is an eligible farmer or rancher for the taxable year in which such contributions are made—

"(I) if the taxpayer is an individual, subsections (b)(1)(A) and (d)(1) shall be applied separately with respect to such contributions by substituting 'the taxpayer's contribution base reduced by the amount of other contributions allowable under subsection (b)(1)(A)' for '50 percent of the taxpayer's contribution base' each place it appears, and

"(II) if the taxpayer is a corporation, subsections (b)(2) and (d)(2) shall be applied separately with respect to such contributions, subsection (b)(2) shall be applied with respect to such contributions as if such subsection did not contain the words '10 percent of' and as if subparagraph (A) thereof read 'the deduction under this section for qualified conservation contributions', and rules similar to the rules of subparagraph (A)(iii) shall apply for purposes of subsection (d)(2).

"(ii) DEFINITION.—For purposes of clause (i), the term 'eligible farmer or rancher' means a taxpayer whose gross income from the trade or business of farming (within the meaning of section 2032A(e)(5)) is at least 51 percent of the taxpayer's gross income for the taxable year, and, in the case of a C corporation, the stock of which is not publicly traded on a recognized exchange.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 107. EXCLUSION OF 25 PERCENT OF GAIN ON SALES OR EXCHANGES OF LAND OR WATER INTERESTS TO ELIGIBLE ENTITIES FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following new section:

"SEC. 121A. 25-PERCENT EXCLUSION OF GAIN ON SALES OR EXCHANGES OF LAND OR WATER INTERESTS TO ELIGIBLE ENTITIES FOR CONSERVATION PURPOSES.

"(a) EXCLUSION.—Gross income shall not include 25 percent of the qualifying gain from a conservation sale of a long-held qualifying land or water interest.

"(b) QUALIFYING GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying gain' means any gain which would be recognized as long-term capital gain, reduced by the amount of any long-term capital gain attributable to disqualified improvements.

"(2) DISQUALIFIED IMPROVEMENT.—For purposes of paragraph (1), the term 'disqualified improvement' means any building, structure, or other improvement, other than—

"(A) any improvement which is described in section 175(c)(1), determined—

"(i) without regard to the requirements that the taxpayer be engaged in farming, and

"(ii) without taking into account subparagraphs (A) and (B) thereof, or

"(B) any improvement which the Secretary determines directly furthers conservation purposes.

"(3) SPECIAL RULE FOR SALES OF STOCK.—If the long-held qualifying land or water interest is 1 or more shares of stock in a qualifying land or water corporation, the qualifying gain is equal to the lesser of—

"(A) the qualifying gain determined under paragraph (1), or

"(B) the product of—

"(i) the percentage of such corporation's stock which is transferred by the taxpayer, times

"(ii) the amount which would have been the qualifying gain (determined under paragraph (1)) if there had been a conservation sale by such corporation of all of its interests in the land and water for a price equal to the product of the fair market value of such interests times the ratio of—

"(I) the proceeds of the conservation sale of the stock, to

"(II) the fair market value of the stock which was the subject of the conservation sale.

"(c) Conservation Sale.—For purposes of this section, the term 'conservation sale' means a sale or exchange which meets the following requirements:

"(1) Transferee is an eligible entity.—The transferee of the long-held qualifying land or water interest is an eligible entity.

"(2) Qualifying letter of intent required.—At the time of the sale or exchange, such transferee provides the taxpayer with a qualifying letter of intent.

"(3) Nonapplication to certain sales.—The sale or exchange is not made pursuant to an order of condemnation or eminent domain.

"(4) Controlling interest in stock sale required.—In the case of the sale or exchange of stock in a qualifying land or water corporation, at the end of the taxpayer's taxable year in which such sale or exchange occurs, the transferee's ownership of stock in such corporation meets the requirements of section 1504(a)(2) (determined by substituting '90 percent' for '80 percent' each place it appears).

"(d) Long-Held Qualifying Land or Water Interest.—For purposes of this section—

"(1) In general.—The term 'long-held qualifying land or water interest' means any qualifying land or water interest owned by the taxpayer or a member of the taxpayer's family (as defined in section 2032A(e)(2)) at all times during the 5-year period ending on the date of the sale.

"(2) Qualifying land or water interest.—

"(A) In general.—The term 'qualifying land or water interest' means a real property interest which constitutes—

"(i) a taxpayer's entire interest in land,

"(ii) a taxpayer's entire interest in water rights,

"(iii) a qualified real property interest (as defined in section 170(h)(2)), or

"(iv) stock in a qualifying land or water corporation.

"(B) Entire interest.—For purposes of clause (i) or (ii) of subparagraph (A)—

"(i) a partial interest in land or water is not a taxpayer's entire interest if an interest in land or water was divided in order to create such partial interest in order to avoid the requirements of such clause or section 170(f)(3)(A), and

"(ii) a taxpayer's entire interest in certain land does not fail to satisfy subparagraph (A)(i) solely because the taxpayer has retained an interest in other land, even if the other land is contiguous with such certain land and was acquired by the taxpayer along with such certain land in a single conveyance.

"(e) Other Definitions.—For purposes of this section—

"(1) Eligible entity.—The term 'eligible entity' means—

"(A) a governmental unit referred to in section 170(c)(1), or an agency or department thereof operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A), or

"(B) an entity which is—

"(i) described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B), and

"(ii) organized and at all times operated primarily for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A).

"(2) Qualifying letter of intent.—The term 'qualifying letter of intent' means a written letter of intent which includes the following statement: 'The transferee's intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986, that the transferee's use of the property so acquired will be consistent with section 170(h)(5) of such Code, and that the use of the property will continue to be consistent with such section, even if ownership or possession of such property is subsequently transferred to another person.'

"(3) Qualifying land or water corporation.—The term 'qualifying land or water corporation' means a C corporation (as defined in section 1361(a)(2)) if, as of the date of the conservation sale—

"(A) the fair market value of the corporation's interests in land or water held by the corporation at all times during the preceding 5 years equals or exceeds 90 percent of the fair market value of all of such corporation's assets, and

"(B) not more than 50 percent of the total fair market value of such corporation's assets consists of water rights or infrastructure related to the delivery of water, or both.

"(f) Tax on Subsequent Transfers or Removals of Conservation Restrictions.—

"(1) In general.—A tax is hereby imposed on any subsequent—

"(A) transfer by an eligible entity of ownership or possession, whether by sale, exchange, or lease, of property acquired directly or indirectly in—

"(i) a conservation sale described in subsection (a), or

"(ii) a transfer described in clause (i), (ii), or (iii) of paragraph (4)(A), or

"(B) removal of a conservation restriction contained in an instrument of conveyance of such property.

"(2) Amount of tax.—The amount of tax imposed by paragraph (1) on any transfer or removal shall be equal to the sum of—

"(A) either—

"(i) 20 percent of the fair market value (determined at the time of the transfer) of the property the ownership or possession of which is transferred, or

"(ii) 20 percent of the fair market value (determined at the time immediately after the removal) of the property upon which the conservation restriction was removed, plus

"(B) the product of—

"(i) the highest rate of tax specified in section 11, times

"(ii) any gain or income realized by the transferor or person removing such restriction as a result of the transfer or removal.

"(3) Liability.—The tax imposed by paragraph (1) shall be paid—

"(A) on any transfer, by the transferor, and

"(B) on any removal of a conservation restriction contained in an instrument of conveyance, by the person removing such restriction.

"(4) Relief from liability.—The person (otherwise liable for any tax imposed by paragraph (1)) shall be relieved of liability for the tax imposed by paragraph (1)—

"(A) with respect to any transfer if—

"(i) the transferee is an eligible entity which provides such person, at the time of transfer, a qualifying letter of intent,

"(ii) in any case where the transferee is not an eligible entity, it is established to the satisfaction of the Secretary, that the transfer of ownership or possession, as the case may be, will be consistent with section 170(h)(5), and the transferee provides such person, at the time of transfer, a qualifying letter of intent, or

"(iii) tax has previously been paid under this subsection as a result of a prior transfer of ownership or possession of the same property, or

"(B) with respect to any removal of a conservation restriction contained in an instrument of conveyance, if it is established to the satisfaction of the Secretary that the retention of the restriction was impracticable or impossible and the proceeds continue to be used in a manner consistent with 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A).

"(5) Administrative provisions.—For purposes of subtitle F, the taxes imposed by this subsection shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.

"(6) Reporting.—The Secretary may require such reporting as may be necessary or appropriate to further the purpose under this section that any conservation use be in perpetuity.".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 121 the following new item:

"Sec. 121A. 25-percent exclusion of gain on sales or exchanges of land or water interests to eligible entities for conservation purposes.".

(c) Effective Date.—The amendments made by this section shall apply to sales or exchanges occurring after the date of the enactment of this Act.

SEC. 108. TAX EXCLUSION FOR COST-SHARING PAYMENTS UNDER PARTNERS FOR FISH AND WILDLIFE PROGRAM.

(a) In General.—Section 126(a) (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following:

"(10) The Partners for Fish and Wildlife Program authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).".

(b) Effective Date.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

SEC. 109. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

"The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 110. ENHANCED DEDUCTION FOR CHARITABLE CONTRIBUTION OF LITERARY, MUSICAL, ARTISTIC, AND SCHOLARLY COMPOSITIONS.

(a) In General.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property), as amended by this Act, is amended by adding at the end the following new paragraph:

"(8) Special rule for certain contributions of literary, musical, artistic, or scholarly compositions.—

"(A) In general.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) Qualified artistic charitable contribution.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) Maximum dollar limitation; no carryover of increased deduction.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) Artistic adjusted gross income.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) Paragraph not to apply to certain contributions.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) Copyright treated as separate property for partial interest rule.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 111. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) In General.—Part III of subchapter B of chapter 1 is amended by inserting after section 139 the following new section:

"SEC. 139A. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) In General.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) Application to Volunteer Services Only.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(c) No Double Benefit.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to the expenses under subsection (a).

"(d) Exemption From Reporting Requirements.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

"Sec. 139A. Mileage reimbursements to charitable volunteers.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 112. EXTENSION OF ENHANCED DEDUCTION FOR INVENTORY TO INCLUDE PUBLIC SCHOOLS.

(a) In General.—Subparagraph (A) of section 170(e)(3) (relating to special rule for certain contributions of inventory and other property) is amended by striking "to an organization which is described in" and all that follows through the end of clause (i) and inserting "to a qualified organization, but only if—

"(i) the property is to be used by the donee solely for the care of the ill, the needy, or infants and, in the case of—

"(I) an organization described in section 501(c)(3) (other than an organization described in subclause (II)), the use of the property by the donee is related to the purpose or function constituting the basis for its exemption under section 501, and

"(II) an organization described in subsection (b)(1)(A)(ii), the use of the property by the donee is related to educational purposes and such property is not computer technology or equipment (as defined in paragraph (6)(F)(i));".

(b) Qualified Organization.—Paragraph (3) of section 170(e) of such Code is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Qualified organization.—For purposes of this paragraph, the term 'qualified organization' means—

"(i) an organization which is described in section 501(c)(3) and is exempt under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), and

"(ii) an educational organization described in subsection (b)(1)(A)(ii).".

(c) Effective Date.—The amendments made by this section shall apply to contributions made after December 31, 2003.

SEC. 113. 10-YEAR DIVESTITURE PERIOD FOR CERTAIN EXCESS BUSINESS HOLDINGS OF PRIVATE FOUNDATIONS.

(a) In General.—Section 4943(c) (relating to excess business holdings) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) 10-year period to dispose of certain large gifts and bequests.—

"(A) In General.—Paragraph (6) shall be applied by substituting '10-year period' for '5-year period' if—

"(i) upon the election of a private foundation, it is established to the satisfaction of the Secretary that—

"(I) the excess business holdings (or increase in excess business holdings) in a business enterprise by the private foundation in an amount which is not less than $1,000,000,000 is the result of a gift or bequest the fair market value of which is not less than $1,000,000,000, and

"(II) after such gift or bequest, the private foundation does not have effective control of such business enterprise to which such gift or bequest relates,

"(ii) subject to subparagraph (C), the private foundation submits to the Secretary with such election a reasonable plan for disposing of all of the excess business holdings related to such gift or bequest, and

"(iii) the private foundation certifies annually to the Secretary that the private foundation is complying with the plan submitted under this paragraph, the requirement under clause (i)(II), and the rules under subparagraph (D).

"(B) Election.—Any election under subparagraph (A)(i) shall be made not later than 6 months after the date of such gift or bequest and shall—

"(i) establish the fair market value of such gift or bequest, and

"(ii) include a certification that the requirement of subparagraph (A)(i)(II) is met.

"(C) Reasonableness of plan.—

"(i) In general.—Any plan submitted under subparagraph (A)(ii) shall be presumed reasonable unless the Secretary notifies the private foundation to the contrary not later than 6 months after the submission of such plan.

"(ii) Resubmission.—Upon notice by the Secretary under clause (i), the private foundation may resubmit a plan and shall have the burden of establishing the reasonableness of such plan to the Secretary.

"(D) Special rules.—During any period in which an election under this paragraph is in effect—

"(i) section 4941(d)(2) (other than subparagraph (A) thereof) shall apply only with respect to any disqualified person described in section 4941(a)(1)(B),

"(ii) section 4942(a) shall be applied by substituting 'third' for 'second' both places it appears,

"(iii) section 4942(e)(1) shall be applied by substituting '12 percent' for '5 percent', and

"(iv) section 4942(g)(1)(A) shall be applied without regard to any portion of reasonable and necessary administrative expenses.

"(E) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2003, the $1,000,000,000 amount under subparagraph (A)(i)(I) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2002' for '1992' in subparagraph (B) thereof. If the $1,000,000,000 amount as increased under this subparagraph is not a multiple of $100,000,000, such amount shall be rounded to the next lowest multiple of $100,000,000.".

(b) Effective Date.—The amendments made by this section shall apply to gifts and bequests made after the date of the enactment of this Act.

TITLE II—PROPOSALS IMPROVING THE OVERSIGHT OF TAX-EXEMPT ORGANIZATIONS

SEC. 201. DISCLOSURE OF WRITTEN DETERMINATIONS.

(a) In General.—Section 6110(l) (relating to section not to apply) is amended by striking all matter before subparagraph (A) of paragraph (2) and inserting the following:

"(l) Section Not To Apply.—

"(1) In general.—This section shall not apply to any matter to which section 6104 or 6105 applies, except that this section shall apply to any written determination and related background file document relating to an organization described under subsection (c) or (d) of section 501 (including any written determination denying an organization tax-exempt status under such subsection) or a political organization described in section 527 which is not required to be disclosed by section 6104(a)(1)(A).

"(2) Additional matters.—This section shall not apply to any—".

(b) Effective Date.—The amendment made by this section shall apply to written determinations issued after the date of the enactment of this Act.

SEC. 202. DISCLOSURE OF INTERNET WEB SITE AND NAME UNDER WHICH ORGANIZATION DOES BUSINESS.

(a) In General.—Section 6033 (relating to returns by exempt organizations) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Disclosure of Name Under Which Organization Does Business and Its Internet Web Site.—Any organization which is subject to the requirements of subsection (a) shall include on the return required under subsection (a)—

"(1) any name under which such organization operates or does business, and

"(2) the Internet web site address (if any) of such organization.".

(b) Effective Date.—The amendments made by this section shall apply to returns filed after December 31, 2003.

SEC. 203. MODIFICATION TO REPORTING CAPITAL TRANSACTIONS.

(a) Requirement of Summary Report.—Section 6033(c) (relating to additional provisions relating to private foundations) is amended by adding at the end the following new sentence: "Any information included in an annual return regarding the gain or loss from the sale or other disposition of stock or securities which are listed on an established securities market which is required to be furnished in order to calculate the tax on net investment income shall also be reported in summary form with a notice that detailed information is available upon request by the public.".

(b) Disclosure Requirement.—Section 6104(b) (relating to inspection of annual information returns), as amended by this Act, is amended by adding at the end the following new sentence: "With respect to any private foundation (as defined in section 509(a)), any information regarding the gain or loss from the sale or other disposition of stock or securities which are listed on an established securities market which is required to be furnished in order to calculate the tax on net investment income but which is not in summary form is not required to be made available to the public under this subsection except upon the explicit request by a member of the public to the Secretary.".

(c) Public Inspection Requirement.—Section 6104(d) (relating to public inspection of certain annual returns, applications for exemptions, and notices of status) is amended by adding at the end the following new paragraph:

"(9) Application to private foundation capital transaction information.—With respect to any private foundation (as defined in section 509(a)), any information regarding the gain or loss from the sale or other disposition of stock or securities which are listed on an established securities market which is required to be furnished in order to calculate the tax on net investment income but which is not in summary form is not required to be made available to the public under this subsection except upon the explicit request by a member of the public to the private foundation in the form and manner of a request described in paragraph (1)(B).".

(d) Effective Date.—The amendments made by this section shall apply to returns filed after December 31, 2003.

SEC. 204. DISCLOSURE THAT FORM 990 IS PUBLICLY AVAILABLE.

(a) In General.—The Commissioner of the Internal Revenue shall notify the public in appropriate publications or other materials of the extent to which an exempt organization's Form 990, Form 990–EZ, or Form 990–PF is publicly available.

(b) Effective Date.—The amendments made by this section shall apply to publications or other materials issued or revised after the date of the enactment of this Act.

SEC. 205. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c) ORGANIZATIONS.

(a) In General.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Disclosure of proposed actions related to charitable organizations.—

"(A) Specific notifications.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

"(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

"(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

"(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

"(B) Additional disclosures.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

"(C) Procedures for disclosure.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

"(i) upon written request by an appropriate State officer, and

"(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(D) Disclosures other than by request.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

"(3) Disclosure with respect to certain other exempt organizations.—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may be inspected only by or disclosed only to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(4) Use in civil judicial and administrative proceedings.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

"(5) No disclosure if impairment.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

"(6) Definitions.—For purposes of this subsection—

"(A) Return and return information.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

"(B) Appropriate state officer.—The term 'appropriate State officer' means—

"(i) the State attorney general,

"(ii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

"(iii) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 6103 is amended—

(A) by inserting "or any appropriate State officer who has or had access to returns or return information under section 6104(c)" after "this section" in paragraph (2), and

(B) by striking "or subsection (n)" in paragraph (3) and inserting "subsection (n), or section 6104(c)".

(2) Subparagraph (A) of section 6103(p)(3) is amended by inserting "and section 6104(c)" after "section" in the first sentence.

(3) Paragraph (4) of section 6103(p), as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18) or any appropriate State officer (as defined in section 6104(c))".

(4) The heading for paragraph (1) of section 6104(c) is amended by inserting "FOR CHARITABLE ORGANIZATIONS".

(5) Paragraph (2) of section 7213(a) is amended by inserting "or under section 6104(c)" after "6103".

(6) Paragraph (2) of section 7213A(a) is amended by inserting "or 6104(c)" after "6103".

(7) Paragraph (2) of section 7431(a) is amended by inserting "(including any disclosure in violation of section 6104(c))" after "6103".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 206. EXPANSION OF PENALTIES TO PREPARERS OF FORM 990.

(a) In General.—Section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by adding at the end the following new subsections:

"(h) Certain Omissions and Misrepresentations.—

"(1) In general.—Any person who prepares for compensation any return under section 6033 who omits or misrepresents any information with respect to such return which was known or should have been known by such person shall pay a penalty of $250 with respect to such return.

"(2) Exception for minor, inadvertent omissions.—Paragraph (1) shall not apply to minor, inadvertent omissions.

"(3) Rules for determining return preparer.—For purposes of this subsection and subsection (i), any reference to a person who prepares for compensation a return under section 6033—

"(A) shall include any person who employs 1 or more persons to prepare for compensation a return under section 6033, and

"(B) shall not include any person who would be described in clause (i), (ii), (iii), or (iv) of section 7701(a)(36)(B) if such section referred to a return under section 6033.

"(i) Willful or Reckless Conduct.—

"(1) In general.—Any person who prepares for compensation any return under section 6033 who recklessly or intentionally misrepresents any information or recklessly or intentionally disregards any rule or regulation with respect to such return shall pay a penalty of $1,000 with respect to such return.

"(2) Coordination with other penalties.—With respect to any return, the amount of the penalty payable by any person by reason of paragraph (1) shall be reduced by the amount of the penalty paid by such person by reason of subsection (h) or section 6694.".

(b) Conforming Amendments.—

(1) The heading for section 6695 is amended by inserting "**AND OTHER**" after "**INCOME TAX**".

(2) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by inserting "and other" after "income tax".

(c) Effective Date.—The amendments made by this section shall apply with respect to documents prepared after the date of the enactment of this Act.

SEC. 207. NOTIFICATION REQUIREMENT FOR ENTITIES NOT CURRENTLY REQUIRED TO FILE.

(a) In General.—Section 6033 (relating to returns by exempt organizations), as amended by this Act, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Additional Notification Requirements.—Any organization the gross receipts of which in any taxable year result in such organization being referred to in subsection (a)(2)(A)(ii) or (a)(2)(B)—

"(1) shall furnish annually, at such time and in such manner as the Secretary may by forms or regulations prescribe, information setting forth—

"(A) the legal name of the organization,

"(B) any name under which such organization operates or does business,

"(C) the organization's mailing address and Internet web site address (if any),

"(D) the organization's taxpayer identification number,

"(E) the name and address of a principal officer, and

"(F) evidence of the continuing basis for the organization's exemption from the filing requirements under subsection (a)(1), and

"(2) upon the termination of the existence of the organization, shall furnish notice of such termination.".

(b) Loss of Exempt Status for Failure To File Return or Notice.—Section 6033 (relating to returns by exempt organizations), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) Loss of Exempt Status for Failure To File Return or Notice.—

"(1) In general.—If an organization described in subsection (a)(1) or (i) fails to file an annual return or notice required under either subsection for 3 consecutive years, such organization's status as an organization exempt from tax under section 501(a) shall be considered revoked on and after the date set by the Secretary for the filing of the third annual return or notice. The Secretary shall publish and maintain a list of any organization the status of which is so revoked.

"(2) Application necessary for reinstatement.—Any organization the tax-exempt status of which is revoked under paragraph (1) must apply in order to obtain reinstatement of such status regardless of whether such organization was originally required to make such an application.

"(3) Retroactive reinstatement if reasonable cause shown for failure.—If upon application for reinstatement of status as an organization exempt from tax under section 501(a), an organization described in paragraph (1) can show to the satisfaction of the Secretary evidence of reasonable cause for the failure described in such paragraph, the organization's exempt status may, in the discretion of the Secretary, be reinstated effective from the date of the revocation under such paragraph.".

(c) No Declaratory Judgment Relief.—Section 7428(b) (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) Nonapplication for certain revocations.—No action may be brought under this section with respect to any revocation of status described in section 6033(j)(1).".

(d) No Inspection Requirement.—Section 6104(b) (relating to inspection of annual information returns) is amended by inserting "(other than subsection (i) thereof)" after "6033".

(e) No Disclosure Requirement.—Section 6104(d)(3) (relating to exceptions from disclosure requirements) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) Nondisclosure of annual notices.—Paragraph (1) shall not require the disclosure of any notice required under section 6033(i).".

(f) No Monetary Penalty for Failure To Notify.—Section 6652(c)(1) (relating to annual returns under section 6033 or 6012(a)(6)) is amended by adding at the end the following new subparagraph:

"(E) No penalty for certain annual notices.—This paragraph shall not apply with respect to any notice required under section 6033(i).".

(g) Secretarial Outreach Requirements.—

(1) Notice requirement.—The Secretary of the Treasury shall notify in a timely manner every organization described in section 6033(i) of the Internal Revenue Code of 1986 (as added by this section) of the requirement under such section 6033(i) and of the penalty established under section 6033(j)—

(A) by mail, in the case of any organization the identity and address of which is included in the list of exempt organizations maintained by the Secretary, and

(B) by Internet or other means of outreach, in the case of any other organization.

(2) Loss of status penalty for failure to file return.—The Secretary of the Treasury shall publicize in a timely manner in appropriate forms and instructions and through other appropriate means, the penalty established under section 6033(j) of such Code for the failure to file a return under section 6033(a)(1) of such Code.

(h) Effective Date.—The amendments made by this section shall apply to notices and returns with respect to annual periods beginning after 2003.

SEC. 208. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) In General.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Suspension of Tax-Exempt Status of Terrorist Organizations.—

"(1) In general.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) Terrorist organizations.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) Period of suspension.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) Denial of deduction.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

"(5) Denial of administrative or judicial challenge of suspension or denial of deduction.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) Erroneous designation.—

"(A) In general.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) Waiver of limitations.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) Notice of suspensions.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.".

(b) Effective Date.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

TITLE III—OTHER CHARITABLE AND EXEMPT ORGANIZATION PROVISIONS

SEC. 301. MODIFICATION OF EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—

"(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) Excise tax.—

"(A) In general.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust which has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) Tax court proceedings.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 302. MODIFICATIONS TO SECTION 512(b)(13).

(a) In General.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Paragraph to apply only to excess payments.—

"(i) In general.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

"(ii) Addition to tax for valuation misstatements.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

"(I) such excess determined without regard to any amendment or supplement to a return of tax, or

"(II) such excess determined with regard to all such amendments and supplements.".

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to payments received or accrued after December 31, 2000.

(2) Payments subject to binding contract transition rule.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 303. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) Repeal of Grassroots Expenditure Limit.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

"(1) General rule.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.".

(b) Excess Lobbying Expenditures.—Section 4911(b) is amended to read as follows:

"(b) Excess Lobbying Expenditures.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.".

(c) Conforming Amendments.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking "limits of section 501(h)(1) have" and inserting "limit of section 501(h)(1) has".

(4) Paragraph (1)(C) of section 4911(f) is amended by striking "limits of section 501(h)(1) are" and inserting "limit of section 501(h)(1) is".

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking "limits of section 501(h)(1)" and inserting "limit of section 501(h)(1)".

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting "and" at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 304. EXPEDITED REVIEW PROCESS FOR CERTAIN TAX-EXEMPTION APPLICATIONS.

(a) In General.—The Secretary of the Treasury or the Secretary's delegate (in this section, referred to as the "Secretary") shall adopt procedures to expedite the consideration of applications for exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 filed after December 31, 2003, by any organization that—

(1) is organized and operated for the primary purpose of providing social services;

(2) is seeking a contract or grant under a Federal, State, or local program that provides funding for social services programs;

(3) establishes that, under the terms and conditions of the contract or grant program, an organization is required to obtain such exempt status before the organization is eligible to apply for a contract or grant;

(4) includes with its exemption application a copy of its completed Federal, State, or local contract or grant application; and

(5) meets such other criteria as the Secretary deems appropriate for expedited consideration.

The Secretary may prescribe other similar circumstances in which such organizations may be entitled to expedited consideration.

(b) Waiver of Application Fee for Exempt Status.—Any organization that meets the conditions described in subsection (a) (without regard to paragraph (3) of that subsection) is entitled to a waiver of any fee for an application for exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 if the organization certifies that the organization has had (or expects to have) average annual gross receipts of not more than $50,000 during the preceding 4 years (or, in the case of an organization not in existence throughout the preceding 4 years, during such organization's first 4 years).

(c) Social Services Defined.—For purposes of this section—

(1) In general.—The term "social services" means services directed at helping people in need, reducing poverty, improving outcomes of low-income children, revitalizing low-income communities, and empowering low-income families and low-income individuals to become self-sufficient, including—

(A) child care services, protective services for children and adults, services for children and adults in foster care, adoption services, services related to the management and maintenance of the home, day care services for adults, and services to meet the special needs of children, older individuals, and individuals with disabilities (including physical, mental, or emotional disabilities);

(B) transportation services;

(C) job training and related services, and employment services;

(D) information, referral, and counseling services;

(E) the preparation and delivery of meals, and services related to soup kitchens or food banks;

(F) health support services;

(G) literacy and mentoring programs;

(H) services for the prevention and treatment of juvenile delinquency and substance abuse, services for the prevention of crime and the provision of assistance to the victims and the families of criminal offenders, and services related to the intervention in, and prevention of, domestic violence; and

(I) services related to the provision of assistance for housing under Federal law.

(2) Exclusions.—The term does not include a program having the purpose of delivering educational assistance under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 305. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by inserting after paragraph (5) the following:

"(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.".

SEC. 306. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after "509(a))" the following: "or as a private operating foundation (as defined in section 4942(j)(3))"; and

(2) by amending subparagraph (C) to read as follows:

"(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) or 501(d) which is exempt from tax under section 501(a), or".

(b) Court Jurisdiction.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking "United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia" and inserting the following: "United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),".

(c) Effective Date.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after December 31, 2002.

SEC. 307. DEFINITION OF CONVENTION OR ASSOCIATION OF CHURCHES.

Section 7701 (relating to definitions) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Convention or Association of Churches.—For purposes of this title, any organization which is otherwise a convention or association of churches shall not fail to so qualify merely because the membership of such organization includes individuals as well as churches or because individuals have voting rights in such organization.".

SEC. 308. PAYMENTS BY CHARITABLE ORGANIZATIONS TO VICTIMS OF WAR ON TERRORISM AND FAMILIES OF ASTRONAUTS KILLED IN THE LINE OF DUTY.

(a) In General.—For purposes of the Internal Revenue Code of 1986—

(1) any payment made by an organization described in section 501(c)(3) of such Code to—

(A) a member of the Armed Forces of the United States, or to an individual of such member's immediate family, by reason of the death, injury, wounding, or illness of such member incurred as the result of the military response of the United States to the terrorist attacks against the United States on September 11, 2001, or

(B) an individual of an astronaut's immediate family by reason of the death of such astronaut occurring in the line of duty after December 31, 2002,

shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payment is made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) Effective Dates.—This section shall apply to—

(1) payments described in subsection (a)(1)(A) made after the date of the enactment of this Act and before September 11, 2004, and

(2) payments described in subsection (a)(1)(B) made after December 31, 2002.

SEC. 309. MODIFICATION OF SCHOLARSHIP FOUNDATION RULES.

In applying the limitations on the percentage of scholarship grants which may be awarded after the date of the enactment of this Act, to children of current or former employees under Revenue Procedure 76-47, such percentage shall be increased to 35 percent of the eligible applicants to be considered by the selection committee and to 20 percent of individuals eligible for the grants, but only if the foundation awarding the grants demonstrates that, in addition to meeting the other requirements of Revenue Procedure 76-47, it provides a comparable number and aggregate amount of grants during the same program year to individuals who are not such employees, children or dependents of such employees, or affiliated with the employer of such employees.

SEC. 310. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) In General.—Subparagraph (C) of section 514(c)(9) (relating to real property acquired by a qualified organization) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by adding at the end the following new clause:

"(iv) a qualified hospital support organization (as defined in subparagraph (I)).".

(b) Qualified Hospital Support Organizations.—Paragraph (9) of section 514(c) is amended by adding at the end the following new subparagraph:

"(I) 'Qualified hospital support organizations.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

"(i) more than half of the organization's assets (by value) at any time since its organization—

"(I) were acquired, directly or indirectly, by testamentary gift or devise, and

"(II) consisted of real property, and

"(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

SEC. 311. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts), as amended by this Act, is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $10,000 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—

"(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

"(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

"(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

"(iii) storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contributions made after December 31, 2003.

SEC. 312. MATCHING GRANTS TO LOW-INCOME TAXPAYER CLINICS FOR RETURN PREPARATION.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

"SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

"(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RETURN PREPARATION CLINIC.—

"(A) IN GENERAL.—The term 'qualified return preparation clinic' means a clinic which—

"(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

"(ii) operates programs which assist low-income taxpayers in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

"(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"(2) CLINIC.—The term 'clinic' includes—

"(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

"(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

"(c) SPECIAL RULES AND LIMITATIONS.—

"(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (5) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

"Sec. 7526A. Return preparation clinics for low-income taxpayers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 313. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any qualified 501(c)(3) bond issued before the date which is 1 year after the date of the enactment of this subparagraph for the benefit of an organization described in section 501(c)(3), if such bond is part of an issue the proceeds of which are used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

"(I) Licensed nursing home facility.

"(II) Licensed or certified assisted living facility.

"(III) Licensed personal care facility.

"(IV) Continuing care retirement community.

"(ii) LIMITATION.—With respect to any calendar year, clause (i) shall not apply to any bond described in such clause if the aggregate authorized face amount of the issue of which such bond is a part when increased by the outstanding amount of such bonds issued by the issuer for such calendar year exceeds $15,000,000.

"(iii) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this subparagraph, the term 'continuing care retirement community' means a community which provides, on the same campus, a continuum of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking "and" at the end of paragraph (3), by striking the period in paragraph (4) and inserting "; and", and by inserting after paragraph (4) the following new paragraph:

"(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.".

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking "or" at the end of paragraph (4), by adding "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,".

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking "Paragraphs (4) and (5)" and inserting "Paragraphs (4), (5), and (6)".

(B) Section 6421(c) is amended by striking "or (5)" and inserting "(5), or (6)".

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)) for services or facilities furnished to such organization.".

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking "or (j)" and inserting "(j), or (k)".

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) sold to a qualified blood collector organization's (as defined in section 7701(a)(48)) for such organization's exclusive use;".

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking "Subparagraphs (C) and (D)" and inserting "Subparagraphs (C), (D), and (E)", and

(ii) by striking "(C), and (D)" and inserting "(C), (D), and (E)".

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting "sold to a qualified blood collector organization (as defined in section 7701(a)(48))," after "for its exclusive use,".

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

"(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—For purposes of this title, the term 'qualified blood collector organization' means an organization which is—

"(A) described in section 501(c)(3) and exempt from tax under section 501(a),

"(B) registered by the Food and Drug Administration to collect blood, and

"(C) primarily engaged in the activity of the collection of blood.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to excise taxes imposed on sales or uses occurring on or after October 1, 2003.

(2) REFUND OF GASOLINE TAX.—For purposes of section 6421(c) of the Internal Revenue Code of 1986 and any other provision that allows for a refund or a payment in respect of an excise tax payable at a level before the sale to a qualified blood collector organization, the amendments made by this section shall apply with respect to sales to a qualified collector organization on or after October 1, 2003.

SEC. 315. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term "qualified forest conservation bond" means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is issued for a qualified organization, and

(C) such bond is issued before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—

(A) IN GENERAL.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $2,000,000,000 for all projects (excluding refunding bonds).

(B) ALLOCATION OF LIMITATION.—The limitation described in subparagraph (A) shall be allocated by the Secretary of the Treasury among qualified organizations based on criteria established by the Secretary not later than 180 days after the date of the enactment of this section, after consultation with the Chief of the Forest Service.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term "qualified project costs" means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) capitalized interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date which is 180 days after the enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term "qualified harvesting activity" means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds,

(ii) with respect to which a written acknowledgement has been obtained by the qualified organization from the State or local governments with jurisdiction over such land that the acquisition lessens the burdens of such government with respect to such land, and

(iii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term "qualified harvesting activity" shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land or,

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity of a qualified organization occurring after the date on which there is no outstanding qualified forest conservation bond with respect to such qualified organization or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (3), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of the Internal Revenue Code of 1986 shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term "qualified conservation plan" means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term "qualified organization" means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term "unrelated person" means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting "25 percent" for "50 percent" each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

SEC. 316. CLARIFICATION OF TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.

(a) CLARIFICATION OF TAX-EXEMPT STATUS OF TRUSTS.—

(1) IN GENERAL.—Subsection (b) of section 601 of the Homeland Security Act of 2002 is amended to read as follows:

"(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and meets the requirements described in subsection (c) shall be eligible to designate itself as a 'Johnny Micheal Spann Patriot trust'.".

(2) CONFORMING AMENDMENT.—Section 601(c)(3) of such Act is amended by striking "based" and all that follows through "Trust".

(b) PUBLICLY AVAILABLE AUDITS.—Section 601(c)(7) of the Homeland Security Act of 2002 is amended by striking "shall be filed with the Internal Revenue Service, and shall be open to public inspection" and inserting "shall be open to public inspection consistent with section 6104(d)(1) of the Internal Revenue Code of 1986".

(c) CLARIFICATION OF REQUIRED DISTRIBUTIONS TO PRIVATE FOUNDATION.—

(1) IN GENERAL.—Section 601(c)(8) of the Homeland Security Act of 2002 is amended by striking "not placed" and all that follows and inserting "not so distributed shall be contributed to a private foundation which is described in section 509(a) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which is dedicated to such beneficiaries not later than 36 months after the end of the fiscal year in which such funds, donations, or earnings are received.".

(2) CONFORMING AMENDMENTS.—Section 601(c) of such Act is amended—

(A) by striking "(or, if placed in a private foundation, held in trust for)" in paragraph (1) and inserting "(or contributed to a private foundation described in paragraph (8) for the benefit of)", and

(B) by striking "invested in a private foundation" in paragraph (2) and inserting "contributed to a private foundation described in paragraph (8)".

(d) REQUIREMENTS FOR DISTRIBUTIONS FROM TRUSTS.—Section 601(c)(9)(A) of the Homeland Security Act of 2002 is amended by striking "should" and inserting "shall".

(e) REGULATIONS REGARDING NOTIFICATION OF TRUST BENEFICIARIES.—Section 601(f) of the Homeland Security Act of 2002 is amended by striking "this section" and inserting "subsection (e)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Homeland Security Act of 2002.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

SEC. 401. RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) FINDINGS.—Congress makes the following findings:

(1) On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105) was signed into law.

(2) In enacting that law, Congress authorized $2,800,000,000 for fiscal year 2003 and each fiscal year thereafter to carry out the Social Services Block Grant program established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(b) RESTORATION OF FUNDS.—Section 2003(c)(11) of the Social Security Act (42 U.S.C. 1397b(c)(11)) is amended by inserting ", except that, with respect to fiscal year 2003, the amount shall be $1,975,000,000, and with respect to fiscal year 2004, the amount shall be $2,800,000,000" after "thereafter.".

SEC. 402. RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS TO THE SOCIAL SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

"(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to amounts made available for fiscal year 2003 and each fiscal year thereafter.

SEC. 403. REQUIREMENT TO SUBMIT ANNUAL REPORT ON STATE ACTIVITIES.

(a) IN GENERAL.—Section 2006(c) of the Social Security Act (42 U.S.C. 1397e(c)) is amended by adding at the end the following: "The Secretary shall compile the information submitted by the States and submit that information to Congress on an annual basis.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to information submitted by States under section 2006 of the Social Security Act (42 U.S.C. 1397e) with respect to fiscal year 2002 and each fiscal year thereafter.

TITLE V—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 501. SHORT TITLE.

This title may be cited as the "Savings for Working Families Act of 2003".

SEC. 502. PURPOSES.

The purposes of this title are to provide for the establishment of individual development account programs that will—

(1) provide individuals and families with limited means an opportunity to accumulate assets and to enter the financial mainstream,

(2) promote education, homeownership, and the development of small businesses,

(3) stabilize families and build communities, and

(4) support continued United States economic expansion.

SEC. 503. DEFINITIONS.

As used in this title:

(1) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means, with respect to any taxable year, an individual who—

(i) has attained the age of 18 but not the age of 61 as of the last day of such taxable year,

(ii) is a citizen or lawful permanent resident (within the meaning of section 7701(b)(6) of the Internal Revenue Code of 1986) of the United States as of the last day of such taxable year,

(iii) was not a student (as defined in section 151(c)(4) of such Code) for the immediately preceding taxable year,

(iv) is not an individual with respect to whom a deduction under section 151 of such Code is allowable to another taxpayer for a taxable year of the other taxpayer ending during the immediately preceding taxable year of the individual,

(v) is not a taxpayer described in subsection (c), (d), or (e) of section 6402 of such Code for the immediately preceding taxable year,

(vi) is not a taxpayer described in section 1(d) of such Code for the immediately preceding taxable year, and

(vii) is a taxpayer the modified adjusted gross income of whom for the immediately preceding taxable year does not exceed—

(I) $18,000, in the case of a taxpayer described in section 1(c) of such Code,

(II) $30,000, in the case of a taxpayer described in section 1(b) of such Code, and

(III) $38,000, in the case of a taxpayer described in section 1(a) of such Code.

(B) INFLATION ADJUSTMENT.—

(i) IN GENERAL.—In the case of any taxable year beginning after 2004, each dollar amount referred to in subparagraph (A)(vii) shall be increased by an amount equal to—

(I) such dollar amount, multiplied by

(II) the cost-of-living adjustment determined under section (1)(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, by substituting "2003" for "1992".

(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A)(v), the term "modified adjusted gross income" means adjusted gross income—

(i) determined without regard to sections 86, 893, 911, 931, and 933 of the Internal Revenue Code of 1986, and

(ii) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term "Individual Development Account" means an account established for an eligible individual as part of a qualified individual development account program, but only if the written governing instrument creating the account meets the following requirements:

(A) The owner of the account is the individual for whom the account was established.

(B) No contribution will be accepted unless it is in cash, and, except in the case of any qualified rollover, contributions will not be accepted for the taxable year in excess of $1,500 on behalf of any individual.

(C) The trustee of the account is a qualified financial institution.

(D) The assets of the account will not be commingled with other property except in a common trust fund or common investment fund.

(E) Except as provided in section 507(b), any amount in the account may be paid out only for the purpose of paying the qualified expenses of the account owner.

(3) PARALLEL ACCOUNT.—The term "parallel account" means a separate, parallel individual or pooled account for all matching funds and earnings dedicated to an Individual Development Account owner as part of a qualified individual development account program, the trustee of which is a qualified financial institution.

(4) QUALIFIED FINANCIAL INSTITUTION.—The term "qualified financial institution" means any person authorized to be a trustee of any individual retirement account under section 408(a)(2) of the Internal Revenue Code of 1986.

(5) QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM.—The term "qualified individual development account program" means a program established upon approval of the Secretary under section 504 after December 31, 2002, under which—

(A) Individual Development Accounts and parallel accounts are held in trust by a qualified financial institution, and

(B) additional activities determined by the Secretary, in consultation with the Secretary of Health and Human Services, as necessary to responsibly develop and administer accounts, including recruiting, providing financial education and other training to Account owners, and regular program monitoring, are carried out by the qualified financial institution.

(6) QUALIFIED EXPENSE DISTRIBUTION.—

(A) IN GENERAL.—The term "qualified expense distribution" means any amount paid (including through electronic payments) or distributed out of an Individual Development Account or a parallel account established for an eligible individual if such amount—

(i) is used exclusively to pay the qualified expenses of the Individual Development Account owner or such owner's spouse or dependents,

(ii) is paid by the qualified financial institution—

(I) except as otherwise provided in this clause, directly to the unrelated third party to whom the amount is due,

(II) in the case of any qualified rollover, directly to another Individual Development Account and parallel account, or

(III) in the case of a qualified final distribution, directly to the spouse, dependent, or other named beneficiary of the deceased Account owner, and

(iii) is paid after the Account owner has completed a financial education course if required under section 505(b).

(B) QUALIFIED EXPENSES.—

(i) IN GENERAL.—The term "qualified expenses" means any of the following expenses approved by the qualified financial institution:

(I) Qualified higher education expenses.

(II) Qualified first-time homebuyer costs.

(III) Qualified business capitalization or expansion costs.

(IV) Qualified rollovers.

(V) Qualified final distribution.

(ii) QUALIFIED HIGHER EDUCATION EXPENSES.—

(I) IN GENERAL.—The term "qualified higher education expenses" has the meaning given such term by section 529(e)(3) of the Internal Revenue Code of 1986, determined by treating the Account owner, the owner's spouse, or one or more of the owner's dependents as a designated beneficiary, and reduced as provided in section 25A(g)(2) of such Code.

(II) COORDINATION WITH OTHER BENEFITS.—The amount of expenses which may be taken into account for purposes of section 135, 529, or 530 of such Code for any taxable year shall be reduced by the amount of any qualified higher education expenses taken into account as qualified expense distributions during such taxable year.

(iii) QUALIFIED FIRST-TIME HOMEBUYER COSTS.—The term "qualified first-time homebuyer costs" means qualified acquisition costs (as defined in section 72(t)(8)(C) of the Internal Revenue Code of 1986) with respect to a principal residence (within the meaning of section 121 of such Code) for a qualified first-time homebuyer (as defined in section 72(t)(8)(D)(i) of such Code).

(iv) QUALIFIED BUSINESS CAPITALIZATION OR EXPANSION COSTS.—

(I) IN GENERAL.—The term "qualified business capitalization or expansion costs" means qualified expenditures for the capitalization or expansion of a qualified business pursuant to a qualified business plan.

(II) QUALIFIED EXPENDITURES.—The term "qualified expenditures" means expenditures normally associated with starting or expanding a business and included in a qualified business plan, including costs for capital, plant, and equipment, inventory expenses, and attorney and accounting fees.

(III) QUALIFIED BUSINESS.—The term "qualified business" means any business that does not contravene any law.

(IV) QUALIFIED BUSINESS PLAN.—The term "qualified business plan" means a business plan which has been approved by the qualified financial institution and which meets such requirements as the Secretary may specify.

(v) QUALIFIED ROLLOVERS.—The term "qualified rollover" means the complete distribution of the amounts in an Individual Development Account and parallel account to another Individual Development Account and parallel account established in another qualified financial institution for the benefit of the Account owner.

(vi) QUALIFIED FINAL DISTRIBUTION.—The term "qualified final distribution" means, in the case of a deceased Account owner, the complete distribution of the amounts in the Individual Development Account and parallel account directly to the spouse, any dependent, or other named beneficiary of the deceased.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

SEC. 504. STRUCTURE AND ADMINISTRATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) ESTABLISHMENT OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.—Any qualified financial institution may apply to the Secretary for approval to establish 1 or more qualified individual development account programs which meet the requirements of this title and for an allocation of the Individual Development Account limitation under section 45G(i)(3) of the Internal Revenue Code of 1986 with respect to such programs.

(b) BASIC PROGRAM STRUCTURE.—

(1) IN GENERAL.—All qualified individual development account programs shall consist of the following 2 components for each participant:

(A) An Individual Development Account to which an eligible individual may contribute cash in accordance with section 505.

(B) A parallel account to which all matching funds shall be deposited in accordance with section 506.

(2) TAILORED IDA PROGRAMS.—A qualified financial institution may tailor its qualified individual development account program to allow matching funds to be spent on 1 or more of the categories of qualified expenses.

(3) NO FEES MAY BE CHARGED TO IDAS.—A qualified financial institution may not charge any fees to any Individual Development Account or parallel account under a qualified individual development account program.

(c) COORDINATION WITH PUBLIC HOUSING AGENCY INDIVIDUAL SAVINGS ACCOUNTS.—Section 3(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(e)(2)) is amended by inserting "or in any Individual Development Account established under the Savings for Working Families Act of 2003" after "subsection".

(d) TAX TREATMENT OF PARALLEL ACCOUNTS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. TAX INCENTIVES FOR INDIVIDUAL DEVELOPMENT PARALLEL ACCOUNTS.

"For purposes of this title—

"(1) any account described in section 504(b)(1)(B) of the Savings for Working Families Act of 2003 shall be exempt from taxation,

"(2) except as provided in section 45G, no item of income, expense, basis, gain, or loss with respect to such an account may be taken into account, and

"(3) any amount withdrawn from such an account shall not be includible in gross income.".

(2) Conforming amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Tax incentives for individual development parallel accounts.".

(e) Coordination of certain expenses.—Section 25A(g)(2) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) a qualified expense distribution with respect to qualified higher education expenses from an Individual Development Account or a parallel account under section 507(a) of the Savings for Working Families Act of 2003.".

SEC. 505. PROCEDURES FOR OPENING AND MAINTAINING AN INDIVIDUAL DEVELOPMENT ACCOUNT AND QUALIFYING FOR MATCHING FUNDS.

(a) Opening an Account.—An eligible individual may open an Individual Development Account with a qualified financial institution upon certification that such individual has never maintained any other Individual Development Account (other than an Individual Development Account to be terminated by a qualified rollover).

(b) Required Completion of Financial Education Course.—

(1) In general.—Before becoming eligible to withdraw funds to pay for qualified expenses, owners of Individual Development Accounts must complete 1 or more financial education courses specified in the qualified individual development account program.

(2) Standard and applicability of course.—The Secretary, in consultation with representatives of qualified individual development account programs and financial educators, shall not later than January 1, 2004, establish minimum quality standards for the contents of financial education courses and providers of such courses described in paragraph (1) and a protocol to exempt individuals from the requirement under paragraph (1) in the case of hardship, lack of need, the attainment of age 65, or a qualified final distribution.

(c) Proof of Status as an Eligible Individual.—Federal income tax forms for the immediately preceding taxable year and any other evidence of eligibility which may be required by a qualified financial institution shall be presented to such institution at the time of the establishment of the Individual Development Account and in any taxable year in which contributions are made to the Account to qualify for matching funds under section 506(b)(1)(A).

(d) Special Rule in the Case of Married Individuals.—For purposes of this title, if, with respect to any taxable year, 2 married individuals file a Federal joint income tax return, then not more than 1 of such individuals may be treated as an eligible individual with respect to the succeeding taxable year.

SEC. 506. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Parallel Accounts.—The qualified financial institution shall deposit all matching funds for each Individual Development Account into a parallel account at a qualified financial institution.

(b) Regular Deposits of Matching Funds.—

(1) In general.—Subject to paragraph (2), the qualified financial institution shall deposit into the parallel account with respect to each eligible individual the following amounts:

(A) A dollar-for-dollar match for the first $500 contributed by the eligible individual into an Individual Development Account with respect to any taxable year of such individual.

(B) Any matching funds provided by State, local, or private sources in accordance with the matching ratio set by those sources.

(2) Timing of deposits.—A deposit of the amounts described in paragraph (1) shall be made into a parallel account—

(A) in the case of amounts described in paragraph (1)(A), not later than 30 days after the end of the calendar quarter during which the contribution described in such paragraph was made, and

(B) in the case of amounts described in paragraph (1)(B), not later than 2 business days after such amounts were provided.

(3) Cross reference.—

For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 45G of the Internal Revenue Code of 1986.

(c) Deposit of Matching Funds Into Individual Development Account of Individual Who Has Attained Age 65.—In the case of an Individual Development Account owner who attains the age of 65, the qualified financial institution shall deposit the funds in the parallel account with respect to such individual into the Individual Development Account of such individual on the later of—

(1) the day which is the 1-year anniversary of the deposit of such funds in the parallel account, or

(2) the first business day of the taxable year of such individual following the taxable year in which such individual attained age 65.

(d) Uniform Accounting Regulations.—To ensure proper recordkeeping and determination of the tax credit under section 45G of the Internal Revenue Code of 1986, the Secretary shall prescribe regulations with respect to accounting for matching funds in the parallel accounts.

(e) Regular Reporting of Accounts.—Any qualified financial institution shall report the balances in any Individual Development Account and parallel account of an individual on not less than an annual basis to such individual.

SEC. 507. WITHDRAWAL PROCEDURES.

(a) Withdrawals for Qualified Expenses.—

(1) In general.—An Individual Development Account owner may withdraw funds in order to pay qualified expense distributions from such individual's—

(A) Individual Development Account, but only from funds which have been on deposit in such Account for at least 1 year, and

(B) parallel account, but only—

(i) from matching funds which have been on deposit in such parallel account for at least 1 year,

(ii) from earnings in such parallel account, after all matching funds described in clause (i) have been withdrawn, and

(iii) to the extent such withdrawal does not result in a remaining balance in such parallel account which is less than the remaining balance in the Individual Development Account after such withdrawal.

(2) Procedure.—Upon receipt of a withdrawal request which meets the requirements of paragraph (1), the qualified financial institution shall directly transfer the funds electronically to the distributees described in section 503(6)(A)(ii). If a distributee is not equipped to receive funds electronically, the qualified financial institution may issue such funds by paper check to the distributee.

(b) Withdrawals for Nonqualified Expenses.—An Individual Development Account owner may withdraw any amount of funds from the Individual Development Account for purposes other than to pay qualified expense distributions, but if, after such withdrawal, the amount in the parallel account of such owner (excluding earnings on matching funds) exceeds the amount remaining in such Individual Development Account, then such owner shall forfeit from the parallel account the lesser of such excess or the amount withdrawn.

(c) Withdrawals From Accounts of Noneligible Individuals.—If the individual for whose benefit an Individual Development Account is established ceases to be an eligible individual, such account shall remain an Individual Development Account, but such individual shall not be eligible for any further matching funds under section 506(b)(1)(A) for contributions which are made to the Account during any taxable year when such individual is not an eligible individual.

(d) Effect of Pledging Account as Security.—If, during any taxable year of the individual for whose benefit an Individual Development Account is established, that individual uses the Account, the individual's parallel account, or any portion thereof as security for a loan, the portion so used shall be treated as a withdrawal of such portion from the Individual Development Account for purposes other than to pay qualified expenses.

SEC. 508. CERTIFICATION AND TERMINATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Certification Procedures.—Upon establishing a qualified individual development account program under section 504, a qualified financial institution shall certify to the Secretary at such time and in such manner as may be prescribed by the Secretary and accompanied by any documentation required by the Secretary, that—

(1) the accounts described in subparagraphs (A) and (B) of section 504(b)(1) are operating pursuant to all the provisions of this title, and

(2) the qualified financial institution agrees to implement an information system necessary to monitor the cost and outcomes of the qualified individual development account program.

(b) Authority To Terminate Qualified IDA Program.—If the Secretary determines that a qualified financial institution under this title is not operating a qualified individual development account program in accordance with the requirements of this title (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such institution's authority to conduct the program. If the Secretary is unable to identify a qualified financial institution to assume the authority to conduct such program, then any funds in a parallel account established for the benefit of any individual under such program shall be deposited into the Individual Development Account of such individual as of the first day of such termination.

SEC. 509. REPORTING, MONITORING, AND EVALUATION.

(a) Responsibilities of Qualified Financial Institutions.—

(1) In general.—Each' qualified financial institution that operates a qualified individual development account program under

section 504 shall report annually to the Secretary within 90 days after the end of each calendar year on—

(A) the number of individuals making contributions into Individual Development Accounts and the amounts contributed,

(B) the amounts contributed into Individual Development Accounts by eligible individuals and the amounts deposited into parallel accounts for matching funds,

(C) the amounts withdrawn from Individual Development Accounts and parallel accounts, and the purposes for which such amounts were withdrawn,

(D) the balances remaining in Individual Development Accounts and parallel accounts, and

(E) such other information needed to help the Secretary monitor the effectiveness of the qualified individual development account program (provided in a non-individually-identifiable manner).

(2) ADDITIONAL REPORTING REQUIREMENTS.—Each qualified financial institution that operates a qualified individual development account program under section 504 shall report at such time and in such manner as the Secretary may prescribe any additional information that the Secretary requires to be provided for purposes of administering and supervising the qualified individual development account program. This additional data may include, without limitation, identifying information about Individual Development Account owners, their Accounts, additions to the Accounts, and withdrawals from the Accounts.

(b) RESPONSIBILITIES OF THE SECRETARY.—

(1) MONITORING PROTOCOL.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall develop and implement a protocol and process to monitor the cost and outcomes of the qualified individual development account programs established under section 504.

(2) ANNUAL REPORTS.—For each year after 2004, the Secretary shall submit a progress report to Congress on the status of such qualified individual development account programs. Such report shall, to the extent data are available, include from a representative sample of qualified individual development account programs information on—

(A) the characteristics of participants, including age, gender, race or ethnicity, marital status, number of children, employment status, and monthly income,

(B) deposits, withdrawals, balances, uses of Individual Development Accounts, and participant characteristics,

(C) the characteristics of qualified individual development account programs, including match rate, economic education requirements, permissible uses of accounts, staffing of programs in full time employees, and the total costs of programs, and

(D) process information on program implementation and administration, especially on problems encountered and how problems were solved.

(3) REAUTHORIZATION REPORT ON COST AND OUTCOMES OF IDAS.—

(A) IN GENERAL.—Not later than July 1, 2008, the Secretary of the Treasury shall submit a report to Congress and the chairmen and ranking members of the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means, the Committee on Banking and Financial Services, and the Committee on Education and the Workforce of the House of Representatives, in which the Secretary shall—

(i) summarize the previously submitted annual reports required under paragraph (2),

(ii) from a representative sample of qualified individual development account programs, include an analysis of—

(I) the economic, social, and behavioral outcomes,

(II) the changes in savings rates, asset holdings, and household debt, and overall changes in economic stability,

(III) the changes in outlooks, attitudes, and behavior regarding savings strategies, investment, education, and family,

(IV) the integration into the financial mainstream, including decreased reliance on alternative financial services, and increase in acquisition of mainstream financial products, and

(V) the involvement in civic affairs, including neighborhood schools and associations, associated with participation in qualified individual development account programs,

(iii) from a representative sample of qualified individual development account programs, include a comparison of outcomes associated with such programs with outcomes associated with other Federal Government social and economic development programs, including asset building programs, and

(iv) make recommendations regarding the reauthorization of the qualified individual development account programs, including—

(I) recommendations regarding reforms that will improve the cost and outcomes of such programs, including the ability to help low income families save and accumulate productive assets,

(II) recommendations regarding the appropriate levels of subsidies to provide effective incentives to financial institutions and Account owners under such programs, and

(III) recommendations regarding how such programs should be integrated into other Federal poverty reduction, asset building, and community development policies and programs.

(B) AUTHORIZATION.—There is authorized to be appropriated $2,500,000, for carrying out the purposes of this paragraph.

(4) USE OF ACCOUNTS IN RURAL AREAS ENCOURAGED.—The Secretary shall develop methods to encourage the use of Individual Development Accounts in rural areas.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2004 and for each fiscal year through 2012, for the purposes of implementing this title, including the reporting, monitoring, and evaluation required under section 509, to remain available until expended.

SEC. 511. MATCHING FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS PROVIDED THROUGH A TAX CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45G. INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDIT.

"(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the individual development account investment credit determined under this section with respect to any eligible entity for any taxable year is an amount equal to the individual development account investment provided by such eligible entity during the taxable year under an individual development account program established under section 504 of the Savings for Working Families Act of 2003.

"(b) APPLICABLE TAX.—For the purposes of this section, the term 'applicable tax' means the excess (if any) of—

"(1) the tax imposed under this chapter (other than the taxes imposed under the provisions described in subparagraphs (C) through (Q) of section 26(b)(2)), over

"(2) the credits allowable under subpart B (other than this section) and subpart D of this part.

"(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT.—For purposes of this section, the term 'individual development account investment' means, with respect to an individual development account program in any taxable year, an amount equal to the sum of—

"(1) the aggregate amount of dollar-for-dollar matches under such program under section 506(b)(1)(A) of the Savings for Working Families Act of 2003 for such taxable year, plus

"(2) $50 with respect to each Individual Development Account maintained—

"(A) as of the end of such taxable year, but only if such taxable year is within the 7-taxable-year period beginning with the taxable year in which such Account is opened, and

"(B) with a balance of not less than $100 (other than the taxable year in which such Account is opened).

"(d) ELIGIBLE ENTITY.—For purposes of this section, except as provided in regulations, the term 'eligible entity' means a qualified financial institution.

"(e) OTHER DEFINITIONS.—For purposes of this section, any term used in this section and also in the Savings for Working Families Act of 2003 shall have the meaning given such term by such Act.

"(f) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which—

"(A) is taken into account under subsection (c)(1)(A) in determining the credit under this section, or

"(B) is attributable to the maintenance of an Individual Development Account.

"(2) DETERMINATION OF AMOUNT.—Solely for purposes of paragraph (1)(B), the amount attributable to the maintenance of an Individual Development Account shall be deemed to be the dollar amount of the credit allowed under subsection (c)(1)(B) for each taxable year such Individual Development Account is maintained.

"(g) CREDIT MAY BE TRANSFERRED.—

"(1) IN GENERAL.—An eligible entity may transfer any credit allowable to the eligible entity under subsection (a) to any person other than to another eligible entity which is exempt from tax under this title. The determination as to whether a credit is allowable shall be made without regard to the tax-exempt status of the eligible entity.

"(2) CONSENT REQUIRED FOR REVOCATION.—Any transfer under paragraph (1) may be revoked only with the consent of the Secretary.

"(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including

"(1) such regulations as necessary to insure that any credit described in subsection (g)(1) is claimed once and not retransferred by a transferee, and

"(2) regulations providing for a recapture of the credit allowed under this section (notwithstanding any termination date described in subsection (i)) in cases where there is a forfeiture under section 507(b) of the Savings for Working Families Act of 2003 in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.

“(i) Application of Section.—

“(1) In general.—This section shall apply to any expenditure made in any taxable year ending after December 31, 2004, and beginning on or before January 1, 2012, with respect to any Individual Development Account which—

“(A) is opened before January 1, 2012, and

“(B) as determined by the Secretary, when added to all of the previously opened Individual Development Accounts, does not exceed—

“(i) 100,000 Accounts if opened after December 31, 2004, and before January 1, 2007,

“(ii) an additional 100,000 Accounts if opened after December 31, 2006, and before January 1, 2009, but only if, except as provided in paragraph (4), the total number of Accounts described in clause (i) are opened and the Secretary determines that such Accounts are being reasonably and responsibly administered, and

“(iii) an additional 100,000 Accounts if opened after December 31, 2008, and before January 1, 2012, but only if the total number of Accounts described in clauses (i) and (ii) are opened and the Secretary makes a determination described in paragraph (2).

Notwithstanding the preceding sentence, this section shall apply to amounts which are described in subsection (c)(1)(A) and which are timely deposited into a parallel account during the 30-day period following the end of last taxable year beginning before January 1, 2012.

“(2) Determination with respect to third group of accounts.—A determination is described in this paragraph if the Secretary determines that—

“(A) substantially all of the previously opened Accounts have been reasonably and responsibly administered prior to the date of the determination,

“(B) the individual development account programs have increased net savings of participants in the programs,

“(C) participants in the individual development account programs have increased Federal income tax liability and decreased utilization of Federal assistance programs relative to similarly situated individuals that did not participate in the individual development account programs, and

“(D) the sum of the estimated increased Federal tax liability and reduction of Federal assistance program benefits to participants in the individual development account programs is greater than the cost of the individual development account programs to the Federal government.

“(3) Determination of limitation.—The limitation on the number of Individual Development Accounts under paragraph (1)(B) shall be allocated by the Secretary among qualified individual development account programs selected by the Secretary and, in the case of the limitation under clause (iii) of such paragraph, shall be equally divided among the States.

“(4) Special rule if smaller number of accounts are opened.—For purposes of paragraph (1)(B)(ii)—

“(i) In general.—If less than 100,000 Accounts are opened before January 1, 2007, such paragraph shall be applied by substituting “applicable number of Accounts' for '100,000 Accounts'.

“(ii) Applicable number.—For purposes of clause (i), the applicable number equals the lesser of—

“(I) 75,000, or

“(II) 3 times the number of Accounts opened before January 1, 2007.”.

(b) Credit Treated as Business Credit.—Section 38(b) (relating to current year business credit) is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following new paragraph:

“(16) the individual development account investment credit determined under section 45G(a).”.

(c) No Carrybacks.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

“(11) No carryback of section 45G credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the individual development account investment credit determined under section 45G may be carried back to a taxable year ending before January 1, 2004.”.

(d) Conforming Amendment.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45G. Individual development account investment credit.”.

(e) Report Regarding Account Maintenance Fees.—The Secretary of the Treasury shall study the adequacy of the amount specified in section 45G(c)(2) of the Internal Revenue Code of 1986 (as added by this section). Not later than December 31, 2009, the Secretary of the Treasury shall report the findings of the study described in the preceding sentence to Congress.

(f) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2004.

SEC. 512. ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of Federal law (other than the Internal Revenue Code of 1986) that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount (including earnings thereon) in any Individual Development Account of such individual and any matching deposit made on behalf of such individual (including earnings thereon) in any parallel account shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such Individual Development Account.

TITLE VI—MANAGEMENT OF EXEMPT ORGANIZATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Secretary of the Treasury $80,000,000 for each fiscal year to carry out the administration of exempt organizations by the Internal Revenue Service.

(b) Implementation of Section 527.—There is authorized to be appropriated to the Secretary of the Treasury $3,000,000 to carry out the provisions of Public Laws 106-230 and 107-276 relating to section 527 of the Internal Revenue Code of 1986.

TITLE VII—REVENUE PROVISIONS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 701. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) In General.—Section 7701, as amended by this Act, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) Clarification of Economic Substance Doctrine; Etc.—

“(1) General rules.—

“(A) In general.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

“(B) Definition of economic substance.—For purposes of subparagraph (A)—

“(i) In general.—A transaction has economic substance only if—

“(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

“(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

“(ii) Special rule where taxpayer relies on profit potential.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

“(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

“(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

“(C) Treatment of fees and foreign taxes.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

“(2) Special rules for transactions with tax-indifferent parties.—

“(A) Special rules for financing transactions.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

“(B) Artificial income shifting and basis adjustments.—The form of a transaction with a tax-indifferent party shall not be respected if—

“(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

“(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

“(3) Definitions and special rules.—For purposes of this subsection—

“(A) Economic substance doctrine.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

“(B) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle

A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) Exception for personal transactions of individuals.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) Treatment of lessors.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) Other common law doctrines not affected.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after February 15, 2004.

SEC. 702. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

"(a) Imposition of Penalty.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

"(2) Listed transaction.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

"(3) Increase in penalty for large entities and high net worth individuals.—

"(A) In general.—In the case of a failure under subsection (a) by—

"(i) a large entity, or

"(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

"(B) Large entity.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

"(C) High net worth individual.—The term 'high net worth individual' means, with respect to a transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

"(c) Definitions.—For purposes of this section—

"(1) Reportable transaction.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

"(2) Listed transaction.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

"(d) Authority To Rescind Penalty.—

"(1) In general.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

"(A) the violation is with respect to a reportable transaction other than a listed transaction,

"(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

"(C) it is shown that the violation is due to an unintentional mistake of fact;

"(D) imposing the penalty would be against equity and good conscience, and

"(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

"(2) Discretion.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

"(3) No appeal.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

"(4) Records.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

"(A) the facts and circumstances of the transaction,

"(B) the reasons for the rescission, and

"(C) the amount of the penalty rescinded.

"(5) Report.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

"(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

"(B) a description of each penalty rescinded under this subsection and the reasons therefor.

"(e) Penalty Reported to SEC.—In the case of a person—

"(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

"(2) which—

"(A) is required to pay a penalty under this section with respect to a listed transaction,

"(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

"(f) Coordination With Other Penalties.—The penalty imposed by this section is in addition to any penalty imposed under this title.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

"Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.".

(c) Effective Date.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 703. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

"(a) Imposition of Penalty.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

"(b) Reportable Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'reportable transaction understatement' means the sum of—

"(A) the product of—

"(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

"(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

"(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

"(2) Items to which section applies.—This section shall apply to any item which is attributable to—

"(A) any listed transaction, and

"(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

"(c) Higher Penalty for Nondisclosed Listed and Other Avoidance Transactions.—

"(1) In general.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

"(2) Rules applicable to compromise of penalty.—

"(A) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(B) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

"(d) Definitions of Reportable and Listed Transactions.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

"(e) Special Rules.—

"(1) Coordination with penalties, etc., on other understatements.—In the case of an understatement (as defined in section 6662(d)(2))—

"(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

"(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

"(2) Coordination with other penalties.—

"(A) Application of fraud penalty.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

"(B) No double penalty.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

"(3) Special rule for amended returns.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

"(5) Cross reference.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).".

(b) Determination of Other Understatements.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

"The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.".

(c) Reasonable Cause Exception.—

(1) In general.—Section 6664 is amended by adding at the end the following new subsection:

"(d) Reasonable Cause Exception for Reportable Transaction Understatements.—

"(1) In general.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

"(2) Special rules.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

"(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

"(B) there is or was substantial authority for such treatment, and

"(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

"(3) Rules relating to reasonable belief.—For purposes of paragraph (2)(C)—

"(A) In general.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

"(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

"(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

"(B) Certain opinions may not be relied upon.—

"(i) In general.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

"(I) the tax advisor is described in clause (ii), or

"(II) the opinion is described in clause (iii).

"(ii) Disqualified tax advisors.—A tax advisor is described in this clause if the tax advisor—

"(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

"(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

"(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

"(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

"(iii) Disqualified opinions.—For purposes of clause (i), an opinion is disqualified if the opinion—

"(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

"(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

"(III) does not identify and consider all relevant facts, or

"(IV) fails to meet any other requirement as the Secretary may prescribe.".

(2) Conforming amendment.—The heading for subsection (c) of section 6664 is amended by inserting "for Underpayments" after "Exception".

(d) Conforming Amendments.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking "(as defined in section 6662(d)(2)(C)(iii))" in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

"(C) Tax shelter.—For purposes of subparagraph (B), the term 'tax shelter' means—

"(i) a partnership or other entity,

"(ii) any investment plan or arrangement, or

"(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.".

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking "this part" and inserting "section 6662 or 6663".

(5) Subsection (b) of section 7525 is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 1274(b)(3)(C)".

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.".

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

"Sec. 6662. Imposition of accuracy-related penalty on underpayments.

"Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 704. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) In General.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

“(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

“(1) In general.—The term ‘noneconomic substance transaction understatement’ means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A applies.

“(2) Noneconomic substance transaction.—The term ‘noneconomic substance transaction’ means any transaction if—

“(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

“(B) the transaction fails to meet the requirements of any similar rule of law.

“(d) Rules Applicable To Compromise of Penalty.—

“(1) In general.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

“(2) Applicable rules.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

“(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

“(f) Cross References.—

“(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

“(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).”.

(b) Clerical Amendment.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

“Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.”.

(c) Effective Date.—The amendments made by this section shall apply to transactions entered into after February 15, 2004.

SEC. 705. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) Substantial Understatement of Corporations.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

“(B) Special rule for corporations.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

“(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

“(ii) $10,000,000.”.

(b) Reduction for Understatement of Taxpayer Due to Position of Taxpayer or Disclosed Item.—

(1) In general.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

“(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or”.

(2) Conforming amendment.—Section 6662(d) is amended by adding at the end the following new paragraph:

“(3) Secretarial list.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 706. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) In General.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

“(b) Section Not To Apply to Communications Regarding Tax Shelters.—The privilege under subsection (a) shall not apply to any written communication which is—

“(1) between a federally authorized tax practitioner and—

“(A) any person,

“(B) any director, officer, employee, agent, or representative of the person, or

“(C) any other person holding a capital or profits interest in the person, and

“(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).”.

(b) Effective Date.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 707. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) In General.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

“SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

“(a) In General.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

“(1) information identifying and describing the transaction,

“(2) information describing any potential tax benefits expected to result from the transaction, and

“(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

“(b) Definitions.—For purposes of this section—

“(1) Material advisor.—

“(A) In general.—The term ‘material advisor’ means any person—

“(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

“(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

“(B) Threshold amount.—For purposes of subparagraph (A), the threshold amount is—

“(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

“(ii) $250,000 in any other case.

“(2) Reportable transaction.—The term ‘reportable transaction’ has the meaning given to such term by section 6707A(c).

“(c) Regulations.—The Secretary may prescribe regulations which provide—

“(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

“(2) exemptions from the requirements of this section, and

“(3) such rules as may be necessary or appropriate to carry out the purposes of this section.”.

(b) Conforming Amendments.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

“Sec. 6111. Disclosure of reportable transactions.”.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

“SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

“(a) In General.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

“(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

“(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.”.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting “written” before “request” in paragraph (1)(A), and

(ii) by striking “shall prescribe” in paragraph (2) and inserting “may prescribe”.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

“Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.”.

(3)(A) The heading for section 6708 is amended to read as follows:

“SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.”.

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

“Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.”.

(c) Effective Date.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 708. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) In General.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

"(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 709. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

"(a) IMPOSITION OF PENALTY.—

"(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 710. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.".

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 711. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "UNREALISTIC" in the heading and inserting "IMPROPER".

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 712. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 713. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 714. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting ", or censure," after "Department", and

(B) by adding at the end the following new flush sentence:

"The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

"(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.".

SEC. 715. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: "Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 716. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

"(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 717. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 718. AUTHORIZATION OF APPROPRIATIONS FOR TAX LAW ENFORCEMENT.

There is authorized to be appropriated $300,000,000 for each fiscal year beginning after September 30, 2002, for the purpose of carrying out tax law enforcement to combat tax avoidance transactions and other tax shelters, including the use of offshore financial accounts to conceal taxable income.

Subtitle B—Other Provisions

SEC. 721. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: "In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.".

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) Effective Date.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 722. SIGNING OF CORPORATE TAX RETURNS BY CHIEF EXECUTIVE OFFICER.

(a) In General.—Section 6062 (relating to signing of corporation returns) is amended by striking the first sentence and inserting the following new sentence: "The return of a corporation with respect to income shall be signed by the chief executive officer of such corporation (or other such officer of the corporation as the Secretary may designate if the corporation does not have a chief executive officer). The preceding sentence shall not apply to any return of a regulated investment company (within the meaning of section 851).".

(b) Effective Date.—The amendment made by this section shall apply to returns filed after the date of the enactment of this Act.

SEC. 723. SECURITIES CIVIL ENFORCEMENT PROVISIONS.

(a) Authority To Assess Civil Money Penalties.—

(1) Securities act of 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

"(g) Authority of the Commission To Assess Money Penalty.—

"(1) In general.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that a person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.

"(2) Maximum amount of penalty.—

"(A) First tier.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $100,000 for a natural person or $250,000 for any other person.

"(B) Second tier.—Notwithstanding subparagraph (A), the maximum amount of penalty for such act or omission described in paragraph (1) shall be $500,000 for a natural person or $1,000,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement.

"(C) Third tier.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each act or omission described in paragraph (1) shall be $1,000,000 for a natural person or $2,000,000 for any other person, if—

"(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement; and

"(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

"(3) Evidence concerning ability to pay.—In any proceeding in which the Commission or the appropriate regulatory agency may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission or the appropriate regulatory agency may, in its discretion, consider such evidence in determining whether the penalty is in the public interest. Such evidence may relate to the extent of the person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of that person and the amount of the assets of that person.".

(2) Securities exchange act of 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) in paragraph (4), by striking "supervision;" and all that follows through the end of the subsection and inserting "supervision.";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(1) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(2) Other money penalties.—In any proceeding under section 21C against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(3) Investment company act of 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) in subparagraph (C), by striking "therein;" and all that follows through the end of the paragraph and inserting "supervision.";

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(A) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(B) Other money penalties.—In any proceeding under subsection (f) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(4) Investment advisers act of 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) in subparagraph (D), by striking "supervision;" and all that follows through the end of the paragraph and inserting "supervision.";

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margins 2 ems to the right;

(C) by inserting "that such penalty is in the public interest and" after "hearing,";

(D) by striking "In any proceeding" and inserting the following:

"(A) In general.—In any proceeding"; and

(E) by adding at the end the following:

"(B) Other money penalties.—In any proceeding under subsection (k) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.".

(b) Increased Maximum Civil Money Penalties.—

(1) Securities act of 1933.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking "$5,000" and inserting "$100,000"; and

(ii) by striking "$50,000" and inserting "$250,000";

(B) in subparagraph (B)(i)—

(i) by striking "$50,000" and inserting "$500,000"; and

(ii) by striking "$250,000" and inserting "$1,000,000"; and

(C) in subparagraph (C)(i)—

(i) by striking "$100,000" and inserting "$1,000,000"; and

(ii) by striking "$500,000" and inserting "$2,000,000".

(2) Securities exchange act of 1934.—

(A) Penalties.—Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended—

(i) in subsection (b), by striking "$100" and inserting "$10,000"; and

(ii) in subsection (c)—

(I) in paragraph (1)(B), by striking "$10,000" and inserting "$500,000"; and

(II) in paragraph (2)(B), by striking "$10,000" and inserting "$500,000".

(B) Insider trading.—Section 21A(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(3)) is amended by striking "$1,000,000" and inserting "$2,000,000".

(C) Administrative proceedings.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(i) in paragraph (1)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in paragraph (2)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in paragraph (3)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(D) Civil actions.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(i) in clause (i)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in clause (ii)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in clause (iii)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(3) Investment company act of 1940.—

(A) Ineligibility.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(B) Enforcement of Investment Company Act.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(4) Investment Advisers Act of 1940.—

(A) Registration.—Section 203(i)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(B) Enforcement of Investment Advisers Act.—Section 209(e)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking "$5,000" and inserting "$100,000"; and

(II) by striking "$50,000" and inserting "$250,000";

(ii) in subparagraph (B)—

(I) by striking "$50,000" and inserting "$500,000"; and

(II) by striking "$250,000" and inserting "$1,000,000"; and

(iii) in subparagraph (C)—

(I) by striking "$100,000" and inserting "$1,000,000"; and

(II) by striking "$500,000" and inserting "$2,000,000".

(c) Authority To Obtain Financial Records.—Section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is amended—

(1) by striking paragraphs (2) through (8);

(2) in paragraph (9), by striking "(9)(A)" and all that follows through "(B) The" and inserting "(3) The";

(3) by inserting after paragraph (1), the following:

"(2) Access to Financial Records.—

"(A) In General.—Notwithstanding section 1105 or 1107 of the Right to Financial Privacy Act of 1978, the Commission may obtain access to and copies of, or the information contained in, financial records of any person held by a financial institution, including the financial records of a customer, without notice to that person, when it acts pursuant to a subpoena authorized by a formal order of investigation of the Commission and issued under the securities laws or pursuant to an administrative or judicial subpoena issued in a proceeding or action to enforce the securities laws.

"(B) Nondisclosure of Requests.—If the Commission so directs in its subpoena, no financial institution, or officer, director, partner, employee, shareholder, representative or agent of such financial institution, shall, directly or indirectly, disclose that records have been requested or provided in accordance with subparagraph (A), if the Commission finds reason to believe that such disclosure may—

"(i) result in the transfer of assets or records outside the territorial limits of the United States;

"(ii) result in improper conversion of investor assets;

"(iii) impede the ability of the Commission to identify, trace, or freeze funds involved in any securities transaction;

"(iv) endanger the life or physical safety of an individual;

"(v) result in flight from prosecution;

"(vi) result in destruction of or tampering with evidence;

"(vii) result in intimidation of potential witnesses; or

"(viii) otherwise seriously jeopardize an investigation or unduly delay a trial.

"(C) Transfer of Records to Government Authorities.—The Commission may transfer financial records or the information contained therein to any government authority, if the Commission proceeds as a transferring agency in accordance with section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), except that a customer notice shall not be required under subsection (b) or (c) of that section 1112, if the Commission determines that there is reason to believe that such notification may result in or lead to any of the factors identified under clauses (i) through (viii) of subparagraph (B) of this paragraph.";

(4) by striking paragraph (10); and

(5) by redesignating paragraphs (11), (12), and (13) as paragraphs (4), (5), and (6), respectively.

SEC. 724. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004; and

"(ii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

TITLE VIII—COMPASSION CAPITAL FUND

SEC. 801. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) Support for Nongovernmental Organizations.—The Secretary of Health and Human Services (referred to in this section as "the Secretary") may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) Support for States.—The Secretary—

(1) may award grants to and enter into cooperative agreements with States and political subdivisions of States to provide seed money to establish State and local offices of faith-based and community initiatives; and

(2) shall provide technical assistance to States and political subdivisions of States in administering the provisions of this Act.

(c) Applications.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) Limitation.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $85,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(f) Definition.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 802. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) Support for Nongovernmental Organizations.—The Corporation for National and Community Service (referred to in this section as "the Corporation") may award grants to and enter into cooperative agreements with nongovernmental organizations and State Commissions on National and Community Service established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) Applications.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State Commission, State, or political subdivision shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

(c) Limitation.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) Definition.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 803. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF JUSTICE.

(a) Support for Nongovernmental Organizations.—The Attorney General may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) Applications.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(c) Limitation.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Attorney General) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) Definition.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 804. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) Support for Nongovernmental Organizations.—The Secretary of Housing and Urban Development (referred to in this section "the Secretary") may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) Applications.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Limitation.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) Definition.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 805. COORDINATION.

The Secretary of Health and Human Services, the Corporation for National and Community Service, the Attorney General, and the Secretary of Housing and Urban Development shall coordinate their activities under this title to ensure—

(1) nonduplication of activities under this title; and

(2) an equitable distribution of resources under this title.

TITLE IX—MATERNITY GROUP HOMES

SEC. 901. MATERNITY GROUP HOMES.

(a) Permissible Use of Funds.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2) is amended—

(1) in subsection (a)(1), by inserting "(including maternity group homes)" after "group homes"; and

(2) by adding at the end the following:

"(c) Maternity Group Home.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.".

(b) CONTRACT FOR EVALUATION.—Part B of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

"SEC. 323. CONTRACT FOR EVALUATION.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a public or private entity for an evaluation of the maternity group homes that are supported by grant funds under this Act.

"(b) INFORMATION.—The evaluation described in subsection (a) shall include the collection of information about the relevant characteristics of individuals who benefit from maternity group homes such as those that are supported by grant funds under this Act and what services provided by those maternity group homes are most beneficial to such individuals.

"(c) REPORT.—Not later than 2 years after the date on which the Secretary enters into a contract for an evaluation under subsection (a), and biennially thereafter, the entity conducting the evaluation under this section shall submit to Congress a report on the status, activities, and accomplishments of maternity group homes that are supported by grant funds under this Act.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 388 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) in subsection (a)(1)—

(A) by striking "There" and inserting the following:

"(A) IN GENERAL.—There";

(B) in subparagraph (A), as redesignated, by inserting "and the purpose described in subparagraph (B)" after "other than part E"; and

(C) by adding at the end the following:

"(B) MATERNITY GROUP HOMES.—There is authorized to be appropriated, for maternity group homes eligible for assistance under section 322(a)(1)—

"(i) $33,000,000 for fiscal year 2003; and

"(ii) such sums as may be necessary for fiscal year 2004."; and

(2) in subsection (a)(2)(A), by striking "paragraph (1)" and inserting "paragraph (1)(A)".

Passed the Senate April 9, 2003.
Attest:
Secretary.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, S. 476 will be held at the desk.

Mr. GRASSLEY. Madam President, I want to take a brief moment to thank the many, many people that helped bring President Bush's words supporting charities and charitable giving into reality.

First, I thank my colleague, Senator BAUCUS. I appreciate his bipartisanship on this matter. The people of Montana are well served by his leadership on the Senate Finance Committee. In addition, I thank the Democratic staff on the Finance Committee, Russ Sullivan, Pat Heck and Jon Selib, for their work.

At this time, I should also commend the work of my staff on the Finance Committee, Dean Zerbe for the charitable provisions and Ed McClellan for the corporate shelter legislation. In addition, Mark Prater, Elizabeth Paris, Christy Mistr and Diann Howland were critical in putting this bill together.

It is clear that without the drive and energy of Senators SANTORUM and LIEBERMAN we would not have had this success. I thank them for their efforts and their staff: Randy Brandt and Chuck Ludlam.

I also thank all those behind the scenes who have toiled on the CARE Act. Roger Colvineaux, Ron Schultz, Joe Naga from the Joint Committee on Taxation, as well as Mark Mathiesen from Legislative Counsel who did all the drafting.

Finally, let me note just a few of the members of the administration who ably served the President in this effort: Jim Towey, David Kuo, and Susan Brown at Treasury.

Thanks to all for their efforts.

Mr. MILLER. Mr. President, I rise today to express my thanks for the Senate's passage of S. 476, the CARE Act, which included my amendment requiring chief executive officers to sign their company's tax returns.

And I especially thank Senator GRASSLEY and Senator BAUCUS and their staffs for working with me on this issue.

I offered this amendment last summer when we were debating the corporate governance bill amid the corporate scandals involving Enron, World Com, and others. In these corporate scandals, the corporate big shots got the gold mine while the poor employees and innocent stockholders got the shaft.

Now, I am as probusiness as anyone in this body. As Governor and Senator I have worked to give tax cuts and tax incentives and pay for the training of their employees, all to provide a probusiness environment in which the entrepreneurial spirit can thrive and prosper and create jobs.

But folks, there comes a time when so much greed and so many lies become so bad—even if it is by only a few—that something has to be done. The corporate governance bill we passed last summer will go a long way to protect the investor, provide some security for the worker and restore confidence in the market place.

My amendment today will help even more. It is only two short paragraphs, but it goes to the very essence of fairness. It simply says that when the tax man cometh, we all—workers and high-dollar bosses alike—must face him just alike without any go-betweens, liability firewalls or corporate veils.

The standard 1040 tax form that individuals must fill out each year says:

> Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct and complete.

If Joe Sixpack is required to sign this oath for his family, why shouldn't Josepheus Chardonnay be required to sign that same oath for his big corporation?

So, my amendment simply requires that henceforth the chief executive officer of all publicly owned and publicly traded corporations must sign the corporation's annual Federal tax return.

Currently, there is an IRS rule that corporations can designate any corporate officer to sign their tax return. But that won't get it, Mr. president. Let's be specific. The CEO is the one who must sign the tax return and must be accountable for it.

Where I come from it is expected that those being paid to mind the store should at least know whether the store is losing or making money.

If any CEO is not willing to sign the company tax return, if they are not willing to take steps to satisfy themselves that their corporation is accurately reporting financial information—then those CEOs have no right to the prestige and respect that goes with the position they hold.

What is good for the goose is good for the gander.

So, I thank my colleagues for holding our CEOs to the same standard that we now impose upon our average wage earners.

ORDER OF PROCEDURE

Mr. SUNUNU. Mr. President, I ask unanimous consent that there now be a period of morning business until 2:30 p.m. today, with Senators to speak for up to 10 minutes each and the time equally divided in the usual form. Further, I ask unanimous consent that at 2:30 the Senate stand in recess until 3:30 today.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, it is my understanding the recess is because the Secretary of Defense is coming to the Capitol; is that right?

Mr. SUNUNU. That is correct.

Mr. REID. Does the acting majority leader know what we will do at 3:30?

Mr. SUNUNU. I am sorry; I didn't hear the question.

Mr. REID. The question is, Is the acting majority leader informed as to what we will do at 3:30?

Mr. SUNUNU. I am, indeed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 31

Mr. SUNUNU. Mr. President, I ask unanimous consent that at the 3:30 p.m. today, the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 31 and the Senate proceed to its immediate consideration, provided that there be 1 hour of debate on the resolution equally divided between the majority leader and the minority leader or their designees, with no amendments or motions in order to the resolution, that the only amendment in order be a Lieberman amendment to the preamble which is at the desk, and that upon the use or yielding back of the time, the Senate proceed to a vote on the resolution. I further ask unanimous consent that following the adoption of the resolution, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and all of the above mentioned occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from North Carolina, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 2:30 p.m., recessed until 3:30 p.m., and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

The PRESIDING OFFICER. In my capacity as a Senator from North Carolina, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM "WILLIE" McCOOL SCHOOL

Mr. REID. Madam President, 2 days ago, the Senate passed by unanimous consent H.R. 672, a bill to rename Guam South Elementary, and Middle School after CDR William McCool, the pilot of the *Columbia* Space Shuttle.

Guam has a unique tie to LCDR William McCool. He lived on Guam and attended Dededo Middle School and John F. Kennedy High School in the 1970s while his father served as a Navy and Marine pilot, a veteran of the Vietnam conflict. His father, Barry, is a Las Vegas resident, as is his mother, Audrey. Commander McCool's mother is dean at the University of Nevada, Las Vegas. His dad, Barry, after retiring from the military, teaches and is a graduate student at UNLV.

Willie was an exceptional student and a talented athlete in high school. He graduated with good grades in high school, of course, and went to the U.S. Naval Academy. He graduated with a 4.0 grade point average at the Academy in Annapolis, but only finished second in his class because one person had a better grade point average. After he graduated from the Academy, he received advanced degrees in computer science and engineering and became an elite pilot.

He had more than 400 carrier landings and almost 3,000 hours of flight experience in the Navy. Willie McCool was a dedicated father and husband. Due to the tragedy in space, he left behind his wife Lani and their three sons, Sean, Christopher, and Cameron.

As I indicated, Nevada also has a tie with Willie McCool because of his parents. It is traditional in Nevada that every legislative session, the congressional delegation—it used to be very small, of course, with only three members in the Nevada congressional delegation, but now there are five because of our Third Congressional District. We always go to the legislature and speak. When I spoke this February at the State legislature shortly after this tragedy in space, I had his parents there. They traveled from Las Vegas to Carson City for this joint session of the legislature. I said a few things, I am sure, that the members of the legislature agreed and thought was OK when I mentioned and pointed out his parents. Everyone in the Chamber rose and applauded these two very sad but proud parents.

So I am happy that there is a school in faraway Guam named after Willie, who pursued his dream of space with vigor and passion. Teachers on Guam point to his remarkable life to inspire schoolchildren to dare to dream big and believe in themselves and to reach for the stars.

While he was at Dededo Middle School in Guam, young Willie wrote a poem that was published on the front page of the school newspaper that revealed his love of Guam and his early ambition to be an astronaut. This is a poem written by a child in middle school, but I think it really gives insight into this young man's dreams. This is the poem he wrote:

I came to an island in the middle of the sea,
It was so nice that I jumped for glee.
There are palm trees, coconuts, and bananas, too
Plus birds and fish so unbelievable but true.
It is so nice that no one can complain.
But he who does must be insane.
This is such a nice and beautiful place,
You'd think it was heaven—or outer space.

Even back then, Willie was thinking of going into space, and he did, now leaving behind the proud family members and an entire Nation that is aware of the sacrifice he made along with those others on that spacecraft.

I salute Willie McCool and his family and join in applauding and congratulating those school authorities in Guam who will have a school named after a visionary, talented American hero.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRISONERS OF WAR RESOLUTION

Mr. NELSON of Florida. Madam President, it is my understanding that the sponsors of the resolution on the POWs are on their way to the Chamber. I just left Senator WARNER in a briefing with the Secretary of Defense. I wish to speak before the sponsors arrive on the subject of the POW resolution.

There are two POWs from Florida. Those whom we suspect are POWs are the ones who were interviewed on Al-Jazeera television, who were captured at about the time that PFC Jessica Lynch was captured. Of course, that was such a wonderfully successful mission of finding and retrieving her. The entire world has rejoiced at her return. From my State, one of the unaccounted whom we think is a POW is CWO2 David Williams from Orlando, FL.

Naturally, I will lend my support to this resolution which is most important not only to express our concern, but to express and demand that these prisoners of war be treated according to the Geneva Convention, which means that under the rules of war we treat prisoners of war humanely.

The conviction that arises in my voice comes from another POW in Iraq of 12 years from Jacksonville, FL, CAPT Scott Speicher. Our Defense Department made a mistake and initially declared him dead. On the first night of the gulf war 12 years ago, his F-18 was shot down, and we left a downed pilot. There were a series of mistakes. He was declared dead when there was not the evidence that he was dead.

When we repatriated the POWs in a POW exchange with Iraq, we did not even ask for him because at the time, through mistakes, they did not think he was a POW. They sent back surveillance assets to look at the crash site. They gave them the wrong coordinates, so they did not see the wreckage. It was not until some 5 years later that a Qatar hunting party found the wreckage of his jet.

Once that happened, we started making more inquiries. The American press got into it. Lo and behold, years later, the Defense Department finally admitted some of its mistakes and changed his status from killed in action to missing in action. Then just last fall, thanks to the Secretary of the Navy, they changed his status from missing in action to missing captured, which is the status for a POW.

The Defense Department says they do not know that he is alive. Madam President, I can tell you that Senator ROBERTS, who has been joined at the hip with me on this matter because the Speicher family was originally from Kansas and now lives in Florida, and I believe, through the information we have received, that he is alive.

It has been published that we have a special team that is now going into Iraq to look for him. What a great day it will be for America if we bring home this American pilot who we walked away from and who has been gone for 12 years.

Of course, we can imagine what has happened to his family, his minor children first being told their father was dead, and now having hope that he might be alive. It is a tragedy of gargantuan proportions. It is a tragedy that is borne out of the fog of war. It is a tragedy of bureaucratic ineptness and bureaucratic footdragging, but we can make that right by finding him.

Of course, the possibility is that in the ensuing melee, he might be used. It is our hope that we will resolve the fate of CAPT Scott Speicher, and it is my prayer, and the prayer of Americans all over this country, that he can be brought home and that he will be alive.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

EXPRESSING OUTRAGE AT TREATMENT OF CERTAIN AMERICAN PRISONERS OF WAR BY IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 31. The clerk will report the title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 31) expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 1 hour of debate evenly divided on the resolution.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this resolution reads in part in the whereas clauses that Saddam Hussein has failed to comply with United Nations Security Council resolutions, and we enumerate a series of resolutions that the military action now underway against Iraq is lawful and fully authorized by the Congress in section 38 of Public Law 107-243, which passed the Senate on October 10, 2002, by a vote of 77 to 23 and which passed the House of Representatives on that same day by a vote of 296 to 33.

The whereas clauses, which will be printed in the RECORD, are numerous but very important, each and every one of them. I shall not go through them all, but they are:

> *Resolved by the Senate,* with the House of Representatives concurring, that Congress express its outrage at the flagrant violations by the Government of Iraq of the customary international law and the Geneva Convention relative to the treatment of prisoners of war dated August 12, 1949, and entered into force October 21, 1950;
>
> *Further resolved,* with the Senate supporting, in the strongest terms, the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;
>
> *Further,* expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War which afford prisoners of war the proper and humane treatment they are entitled.

And lastly:

> Expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

Throughout today, the Senate has had a series of briefings from senior representatives from the Departments of Defense and State and over 50 Senators attended a briefing given by the Secretary of Defense, Mr. Rumsfeld, accompanied by the Chairman of the Joint Chiefs, Richard Myers.

So far as we know, to date, none of the requirements of international law have yet been met by—I say the Government of Iraq, as the resolution does—Saddam Hussein's regime.

Prisoners of war have always been a subject that is very important to the Congress of the United States. Just down this hallway in the historic Rotunda, capped by the dome which is seen throughout the Nation's Capitol, and which is viewed throughout the world as a symbol of liberty—beneath the Capitol dome hangs that flag. It has been there ever since I was privileged to join this institution, and this is my 25th year, a quarter of a century. It is there because of the constant feeling of the Congress for the unaccounted-for prisoners of war and our compassion for the families and the loved ones they leave behind. I just want all America to know how important POWs are to this institution.

The distinguished majority leader, Mr. FRIST, the distinguished Democratic leader, Mr. DASCHLE, Mr. SANTORUM, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, myself, and others working very carefully—Senator LUGAR joined us—put together, in very simple language, the expressions of this body of our concern for those unaccounted for in this war.

Today, I think our hearts were somewhat lifted, generally speaking, by the reports we received about the progress of the war to date. We watched, with the embedded journalists, as they are referred to, who risked their own lives and safety—a number having been lost of recent days—to get the pictures, real time, so the world could see the statue of Saddam Hussein being dragged down to Earth, an act made possible by brave men and women of the coalition of forces fighting at this very moment in Iraq.

It was a historic moment today. For those of us who have had the opportunity to share in history, it brought back memories of the Berlin Wall. It brought back the memories of the American School, stories of when the Bastille fell and the prisoners were released.

A picture is worth a thousand words. Indeed, this was worth tens upon tens of thousands of words as the world witnessed.

Our President from the very first characterized this conflict as a war of liberation, a war where the coalition of the willing nations, primarily the United States, Great Britain, Poland, Australia—others that have contributed forces—a coalition of the willing to liberate the people of Iraq. We looked into the faces of many of those people today and shared with the world their joy—today in Baghdad; a day or two ago, Basra and elsewhere.

We were reminded just a few minutes ago by the Secretary of Defense and the Chairman of the Joint Chiefs that it is not over. Much could remain to be done. Our forces are committed. Our forces are in place. The sacrifices could once again result from the commitment of these brave young men and women of the Armed Forces of the United States. We are witnessing true liberation of an oppressed people, as our President, George Bush, said it would be.

It is important to remember that this moment could not have arrived without the bravery and professionalism and sacrifices of our young men and women in uniform. Those of us who have had the privilege of wearing that uniform in years past—and in a very modest way I have had that opportunity, together with many Members of this Chamber—I do not think we can recall a contemporary chapter in our lifetimes where we have seen a greater degree of professionalism, commitment, and bravery than by these troops. There were troops on the ground, troops in the air, sailors at sea—the precision with which the airmen have dropped their ordnance, often taking risks to protect as best we can in war the innocent people of this Nation of Iraq.

From the very onset we have made it clear we are not waging this conflict against those people. It is for those people and for their liberation. We must also acknowledge the exceptional professionalism, military professionalism of those who drew up this plan. There was none quite like it in the annals of military history. It had bold features, which historians will study for years to come. But Secretary Rumsfeld and General Tommy Franks, the CENTCOM commander, and others put it together. There were periods when some—not this Senator but some—questioned whether it was properly drawn up. But now I think without a doubt in the minds of any reasonable people, that plan is working well. It will continue to work well. It will fulfill the goals for which this conflict, by necessity of the failure of diplomacy, was initiated.

It is also important to remain cautious and vigilant. We were reminded of that again in the past hour by the Secretary and the General. Much remains to be done to stabilize a precarious security situation and restore order so that humanitarian and reconstruction efforts, which are really now underway, can grow in intensity and embrace, I hope, the contributions of many nations, not just the coalition of the willing but others who are willing to help these people.

Regrettably, more lives may be lost before we can be sure that freedom has been secured and the Saddam Hussein regime has no vestige of control for now and forevermore, so we can pursue, in relative security, fulfilling the goals for which we set out—to free these people and enable them to establish their own government, hopefully through a voting process, and elect their own representatives as quickly as possible.

As we have an uplifting of hearts and minds over the signs of what could be the beginning of the end of this conflict, we mourn for those we lost and renew our pledge to leave no one behind. There are still service men and women missing or captive, and we are make every effort to recover them. I particularly note CDR Scott Speicher, U.S. Navy. The Secretary just reaffirmed reports that we had heard a special team has been sent in to rescue this aviator who was among the very first who fell in the line of duty. Hopefully, he is alive and one day he can be repatriated to his family and the Navy which he loves so much.

The manner in which we have seen the Iraqi regime treat our people has been outrageous, unacceptable by any reasonable standard, by any interpretation of international law, by any understanding of common decency.

The resolution we consider today expresses the concerns of the Senate about this treatment and demands that they be treated humanely, as all civilized nations have agreed to do. To those who have witnessed the mistreatment or participated in the mistreatment of these brave men and women, we pledge that they will be held accountable.

The fact that there may be no longer a Government of Iraq is of no consequence. Those responsible for violating the rights of our service men and women will be held accountable. No matter where they are, we will eventually find them and hold them accountable.

It is noteworthy that we consider this resolution today not only because of the apparent increase in freedom for the people of Baghdad and the symbolic end of this oppressive regime but because President Bush has declared this day "National Former POW Recognition Day."

As we recall the service of those national heroes who gave so much in defense of our country, we also must think of our men and women still in captivity: We will not forget you. We will work for your fair treatment. We will tirelessly endeavor for your safe and speedy return. We will care for your families. We will leave no one behind.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY, 2003

Americas former Prisoners of War are national heroes whose service to our country will never be forgotten. These brave men and women who fought for America and endured cruelties and deprivation as prisoners of war helped to protect our Nation, liberated millions of people from the threats of tyranny and terror, and advanced the cause of freedom worldwide.

This year, our Nation commemorates the 50th anniversary of the signing of the armistice to end armed conflict in the Korean War. We remember Operation Little Switch, conducted April through May 1953, that freed 149 American POWs, and Operation Big Switch, conducted August through September 1953, which returned 3,597 Americans to our country. Finally, Operation Glory, conducted July through November 1954, was responsible for the return of the remains of 2,944 Americans from North Korea. During this observance, we also recognize and honor the more than 8,100 Americans still unaccounted for from the Korean War.

This year also marks the 30th anniversary of Operation Homecoming, in which 591 American POWs from Vietnam were returned. We also recognize and honor those Americans still unaccounted for from the Vietnam War.

All of these individuals are to be honored for their strength of character and for the difficulties they and their families endured. From World War II, the Korean War, and Vietnam, to the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our Nation, and free the oppressed. By answering the call of duty and risking their lives to protect others, these proud Patriots continue to inspire us today as we work with our allies to extend peace, liberty, and opportunity to people around the world.

As we honor our former POWs, we are reminded of our current POWs, captured in Operation Iraqi Freedom. We will work to secure their freedom, and we pray for their speedy and safe return. These brave men and women in uniform follow in the footsteps of these former POWs who placed country above self to advance peace in a troubled world.

Now therefore, I GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2003, as National Former Prisoner of War Recognition Day. I call upon all the people of the United States to join me in remembering former American prisoners of war by honoring the memory of their sacrifices and in praying for the safe return of our POWs. I also call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

GEORGE W. BUSH.

Mr. LIEBERMAN. Mr. President, the progress in Iraq has been stunning. The war is not over, but it is within sight. I think we can safely say this looks like the beginning of the end. Saddam Hussein, that brutal and murderous dictator, is nowhere to be seen. Baghdad has been reclaimed, and the Iraqi people are being liberated.

But let us not for a moment forget the service and sacrifice of our brave and brilliant men and women in uniform, which brought us to this day. And let us not for a moment forget that in the midst of all this, while the Iraqi people are being freed, men and women of the American military remain prisoners—prisoners of the remnants of Saddam's brutal regime.

We all recall the heroic rescue of PFC Jessica Lynch last week. One soldier rescued, and so much joy. But that joy and the rush of events in Iraq cannot overshadow the danger that continues to face others like her who were not so fortunate to be saved from captivity.

We cannot and we shall not forget any missing American or POW, not for a moment. And, whether this regime is dying or dead, we cannot and will not allow the brutal treatment of American prisoners at the hands of Saddam's regime to unchallenged.

One way to do that, is to have the American Government speak with a strong and unified voice against this abhorrent behavior.

That is precisely what the resolution before us, S. Con. Res. 31, does. It expresses support for our troops reaffirms the international standards that have bound and will continue to bind the U.S. military in our treatment of Iraqi prisoners, makes clear the outrage of this Congress at Iraq's appalling and criminal treatment of American prisoners of war, and commits us, as a nation, to follow through and hold those who commit crimes against our soldiers accountable for their actions.

My colleague from Virginia and I offer this resolution proudly, for those

Americans in captivity and those who may fall into captivity from this day forward. I am sure that I speak for both of us when I say that we are deeply gratified that our colleagues from Alaska and Hawaii, Senator STEVENS and Senator INOUYE—two honorable men whose contributions to this Nation on the battlefield are well-known—have joined us in cosponsoring this resolution. I further wish to thank Senator FRIST, our majority leader, and my good friend, Senator TOM DASCHLE, the Democratic leader, for their support.

This is not a partisan issue. It is not a question of politics. This is a matter of honor. And honor is something clearly lacking in the Iraqi regime.

The insulting and humiliating manner in which American prisoners of war have been publicly paraded and interrogated on state television is bad enough. To have members of the American Armed Forces allegedly executed in public—shot in the back of the head—is reprehensible. To have their bodies publicly displayed on state television was inhumane sacrilege.

I have been appalled—and I know I am not alone—by the flagrant violations of the rules of warfare and the Geneva Convention that we have witnessed these past weeks.

It is a violation of the Geneva Convention and the customary rules of war to mistreat prisoners of war. If the detailed legal terms are too much for Iraq's rulers, let me put it simply. You don't shoot prisoners. You don't torture them. You protect them. You treat them with decency as enemies in combat but fellow human beings.

But I am not surprised at what Saddam's henchmen are doing. For anyone who has yet to be convinced of the evil and tyrannical nature of Saddam's regime, I cannot imagine what greater proof is needed than the conduct of this regime in this conflict.

During the course of this war, which is hopefully now drawing to a close, Saddam has once again proven himself to be every bit as barbarous, every bit as cruel, and—yes—every bit as evil as we knew him to be.

Saddam and his son, Uday, have inserted members of the Fedayeen into the regular army in order to force soldiers and conscripts to fight, under the threat of murder or torture. They have sent those same Fedayeen into the villages and streets of Iraq, intimidating and terrorizing innocent civilians. These disgraceful thugs have been reported to have turned their guns on innocent Iraqi civilians—their own people—attempting to leave Basra.

The list goes on and on. Last week, paramilitary troops hid in the Ali Mosque in Kut, and opened fire on coalition forces—hoping that we would respond, and fire upon one of the holiest shrines in Shi'a Islam. I am pleased to note, that our troops showed restraint. Respect. They did not respond to the provocations.

That is honor. That is the understanding that even in war there are norms and there are rules. There is a difference between right and wrong. That is why the Coalition forces are providing prisoners of war with food and water. We have given the Red Cross free and open access. We do not believe that the crimes and inhumanity of Saddam's regime naturally extend to every member of his military.

We have especially sought to spare civilian life. It is a painful reality of war that civilian lives are lost in conflict. But the precision with which our military operates, the care we take to avoid civilian casualties, is unparalleled in the history of armed conflict. It has been said that the United States is more concerned about the safety and welfare of Iraqi civilians than the Iraqi Government. That is sadly, true.

Let me say again. This is—and I hope I can change the verb tense soon to "has been"—a just and necessary war against a dangerous dictator. Coalition forces have fought with honor, with nobility, and with morality.

Our attempts to avoid civilian casualities, however, have been made more difficult by the Iraqi regime's adoption of terrorist tactics: Weapons hidden in hospitals, anti-chemical warfare suits and antidotes secreted in schools, troops hidden in civilian clothing who surrender, only to shoot our troops in the back.

The Iraqi regime has officially sanctioned the use of suicide bombings against our soldiers—adopting a tactic they have seen used with what they would call success against innocent civilians in Israel.

All this made clear that in Iraq we were not fighting, are not fighting, a separate war from the war against terrorism. Some say Saddam and bin Laden have different ideologies, different ambitions. But they share the same inhumane tactics, the same hatred for all who are different, the same fear of freedom, the same brutality and cruelty.

The resolution that we offer today cannot adequately convey our shock and disgust at the manner in which Saddam's regime has acted because there are not sufficient words to do so. But it is a clear statement of anger and of principle, and a clear statement of our intent to hold all those who commit war crimes accountable.

There should be no mistake. America does not simply speak about the rules of war. We live by them. And we do not merely condemn atrocities. We, as a Nation, will find those responsible and make them pay.

This is only a resolution. It cannot do what those Marines and Special Forces did in rescuing an American POW any more than a yellow ribbon tied around a lamppost or a tree. But it is an appropriate expression of our values, of our resolve, and a statement of our solidarity with those who risk their lives half a world away to secure our freedom.

I urge my colleagues to support this resolution.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the world is now well aware of the story surrounding PFC Jessica Lynch, the young soldier from Palestine, WV, who was taken prisoner by the Iraqi military on March 23. She is now recovering from her captivity at a military hospital in Germany. While we regard with awe the reports of her courage at the time of her capture, as well as the daring of the troops who carried out her rescue from that hospital deep in Iraq, our Nation cannot forget that there are others who have been captured or who have gone missing during this war. The Pentagon reports that seven Americans remain in Iraqi hands, and that eight of our troops remain missing.

These troops deserve to be treated with dignity and respect. The resolution before the Senate, which will shortly be voted on, is right to point out that the Government of Iraq, even in the waning days of its authority, is obligated under the Geneva Convention and customary international law to give humane treatment for our captured troops and protect them against acts of violence or intimidation and against insults and public curiosity.

The resolution makes a clear and commendable statement about how we expect our prisoners of war to be treated by Iraq. I think it is unfortunate that the resolution raises political issues about the policies that brought us to war in the Persian Gulf. Like two previous resolutions passed by the Senate, the preamble to this resolution, as it will be amended, will contain a clause which states, in part, "Whereas, the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec. 3(a) of Public Law 107-243."

I do not concede that this war is lawful. I do not concede that it has been fully authorized by Congress. The Constitution clearly states that Congress shall have the power to declare war. That is one of the powers that Congress should not have the power to delegate to any President, which is exactly what Congress attempted to do in the use of force resolution passed by the Senate on October 11, 2002, which I voted against, and which I am proud I voted against. Allowing a President, whether Democrat or Republican, to exercise powers that are intended to reside only with the legislative branch is the surest way to upset the careful system of checks and balances that was designed by the Framers of the Constitution.

It appears that Baghdad is now falling under the control of U.S. forces. It is my sincere hope that the war can soon be brought to its conclusion, but the cessation of hostilities may still be some time away. We do our captured and missing service men and women no favors by glossing over the realities of this war. I hope that the 15 service members who are now captured or missing will be able to return to the safety of their homes and the love of their families. And it is in this vein that I will vote for the resolution.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SMITH. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote on adoption of S. Con. Res. 31, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 106, Dee Drell, to be U.S. District Judge for the Western District of Louisiana; provided further, that following that vote, the Senate proceed to a vote on Calendar No. 107, Richard Bennett, to be U.S. District Judge for the District of Maryland; finally, I ask consent that following those votes, the President be immediately notified of the Senate's action.

Also, I ask unanimous consent that all time be yielded back on S. Con. Res. 31 and that the vote occur immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of S. Con. Res. 31.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Harkin

The resolution (S. Con. Res. 31) was agreed to.

The amendment (No. 528) to the preamble was agreed to, as follows:

In the preamble strike the first 6 whereas clauses, and insert:

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec. 3(a) of Public Law 107–243, which passed the Senate on October 11, 2002, by a vote of 77–23, and which passed the House of Representatives on that same date by a vote of 296–133;

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. Con. Res. 31, as amended and adopted was passed as follows:

S. CON. RES. 31

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in section 3(a) of Public Law 107-243, which passed the Senate on October 11, 2002, by a vote of 77-23, and which passed the House of Representatives on that same date by a vote of 296-133;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiryah, demonstrating, as the President said on March 26, 2003, that "in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners";

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950 ("the Geneva Convention");

Whereas the Geneva Convention requires that "[p]risoners of war must at all times be humanely treated" and specifically "must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity";

Whereas the Geneva Convention stipulates that "[p]risoners of war are entitled in all circumstances to respect for their persons and their honour" and that "[w]omen shall be treated with all the regard due to their sex";

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its outrage at the flagrant violations by the Government of Iraq of the customary international law of war and the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950;

(2) supports in the strongest terms the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

(3) expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War, which afford prisoners of war the proper and humane treatment to which they are entitled; and

(4) expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

The PRESIDING OFFICER (Ms. COLLINS). The motion to reconsider is laid upon the table.

EXECUTIVE SESSION

NOMINATION OF DEE D. DRELL TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order at this point to request the yeas and nays for both nominees; that is, Dee Drell and Richard Bennett.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays at this time? Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on both nominees.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Harkin

The nomination was confirmed.

* * *

NOMINATION OF RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MARYLAND

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to consider Executive Calendar No. 107, which the clerk will report.

The legislative clerk read the nomination of Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard D. Bennett, of Maryland, to be a United States District Judge for the District of Maryland? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—1

Harkin

The nomination was confirmed.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's actions on these nominations.

Mr. HATCH. Madam President, I am pleased today to speak in support of Dee Dodson Drell, who has been nominated to the United States District Court for the Western District of Louisiana, Alexandria Division.

Mr. Drell began his legal career with the U.S. Army Judge Advocate General's Corp upon graduation from Tulane University School of Law in 1971. He began his tour of duty as a defense counsel for courts martial, handling both misdemeanor and felony-level cases. He next moved to the position of prosecutor, during which time he was named Chief of Military Justice. He remained in that position until he completed his military service in 1975, after which he entered private practice.

Mr. Drell then joined the law firm of Gravel, Roy & Burnes. His practice focused primarily on personal injury, criminal defense and general civil litigation. In 1981, Drell joined the law firm of Gold, Weems, Bruser, Sues & Rundell, where he is currently a member and director. His primary areas of practice are insurance defense, contracts, employment law, health benefits and civil litigation.

Mr. Dell has a strong commitment to *pro bono* work that extends beyond his regular law practice. It includes work with organizations that provide services to people suffering from AIDS and AIDS-related illnesses. He provides legal services as a volunteer counselor for Central Louisiana AIDS Support Services and AIDSLaw of Louisiana, Inc. He has also served as a legal advisor to the board of Shepherd Ministries, an ecumenically-based religious organization that provides services to the disadvantaged.

Throughout his career, Mr. Drell has won many accolades, such as recognition in Outstanding Young Men of America, 1976; designation as a Louisiana Bar Foundation Charter Fellow, 1998; and receipt of the Professionalism Award from the Crossroads-American Inn of Court, 2000.

I am confident that Mr. Drell will serve on the bench with compassion, integrity and fairness.

I yield the floor.

Madam President, I am also pleased today to speak in support of Richard D. Bennett, who has been nominated to the United States District Court for the District of Maryland.

Mr. Bennett is a distinguished practitioner whose career includes two terms of service with the United States Attorney's Office for the District of Maryland. His outstanding legal skills have been widely recognized, including mention in the 2003–2204 edition of The Best Lawyers in America.

Mr. Bennett began his legal career following his graduation from the University of Maryland School of Law in

1973. After graduation, he worked for the Baltimore law firm of Smith, Somerville & Case, where he specialized in insurance defense, as well as general civil and criminal litigation.

Mr. Bennett left private practice in 1976 to serve his first term with the U.S. Attorney's Office for the District of Maryland as Assistant U.S. Attorney. While there, he persecuted white collar crime, drug offenses, environmental violations, and virtually every kind of criminal case brought by the office. He served in that position until the end of 1980.

Next, Mr. Bennett and another former prosecutor formed a law partnership, Marr & Bennett, in early 1981. The practice specialized in federal and state litigation, with an emphasis on insurance and white collar criminal defense.

Mr. Bennett then merged his practice with the firm of Weaver & Bendos in 1989. He continued to specialize in Federal and State litigation.

In 1991, Mr. Bennett left Weaver, Bendos & Bennett to serve a second term with the U.S. Attorney's Office, this time as a U.S. Attorney, after being nominated by President George H.W. Bush and confirmed by the Senate. He served in that capacity until 1993.

Mr. Bennett has since returned to private practice as a partner with Miles & Stockbridge, one of Maryland's most prestigious law firms. His practice has increasingly focused on white collar criminal defense, government investigations, internal investigations, and grand jury practice. He served as Special Counsel to the Government Reform and Oversight Committee of the U.S. House of Representatives from August 1997 until June 1998.

Mr. Bennett has the support of both Maryland Senators, along with a unanimous "Well Qualified" ABA rating. With his legal acumen and experience as both defense counsel and federal prosecutor, I am confident that Mr. Bennett will make a fine jurist on the Federal bench.

I yield the floor.

Mr. LEAHY. With today's confirmation vote on the nominations of Dee Drell to the United States District Court for the Western District of Louisiana and Richard Bennett to the United States District Court of Maryland, Senate Democrats again demonstrate their bipartisanship toward consensus nominees.

With these confirmations the Senate will have confirmed 18 judicial nominees of President Bush so far this year and 118 overall.

During the entire four years of President Clinton's second term as President, Republicans never, not once, allowed the number of vacancies to dip below 50. The last time vacancies hit 49 was 7 years ago.

So far this year we have confirmed more judicial nominees of President Bush than the Republican majority was willing to confirm in the entire 1996 session when President Clinton was in the White House. That entire year only 17 judges were confirmed all year and that included none to the circuit courts, not one. In contrast, already this session two highly controversial circuit court nominees have already been confirmed among the 18 judges the Senate has approved to date. Those confirmations, including one that had more negative votes than the required number of be filibustered but who was not filibustered, never get acknowledged in partisan Republican talking points.

We are also ahead of the pace the Republican majority set in 1999 when it was considered President Clinton's judicial nominees—almost 6 months ahead. It was not until October that the Senate confirmed as many as 18 judicial nominees in 1999.

In the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. We were able to do so despite the White House's refusal to consult with Democrats on circuit court vacancies and many district court vacancies.

There is no doubt that the judicial nominees of this President are conservatives, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the Federal courts. And we continue to do so.

Unfortunately, many of this President's judicial nominees have proven to be quite controversial and we have had serious concerns about whether they would be fair judges if confirmed to lifetime positions. Those controversial judges take more time and raise more concerns.

So, despite the fact that we are considering more controversial nominees from this President than with President Clinton, and despite the progress we have made in reducing judicial vacancies to the lowest level ever attained while President Clinton was in office and despite the pace of the lowest level ever attained while President Clinton was in office and despite the pace of confirmations, which exceeds that maintained by the Republican majority in 1999, Republicans still do nothing but criticize and castigate Senators if every judicial nominee is not confirmed by the Senate after a short debate.

The question I have been asking and the American people should ask is why are the Senate Republicans picking fights rather than working with us to make additional progress. The best example of that is the Republican insistence on seeking to proceed on the most controversial among the President's nominees instead of the circuit court nominations that Democratic Senators have supported and will support to the Fifth Circuit, the nomination of Judge Edward Prado of Texas. Judge Prado's nomination was unanimously reported by the Judiciary Committee. To date, there has been no effort by the Republican leadership to allow the Senate to consider and vote on that nomination. I do not believe the cynical comments of some that Republicans will not allows us to turn to the Prado nomination because he is Hispanic and when the Senate confirms him it would demonstrate yet again that the outrageous charges of anti-Hispanic sentiment that Republicans have tried to make against Democrats were and are ridiculous.

When Senator HATCH was chairman of the Committee and a Democratic President occupied the White House, Senator HATCH denied that even 100 vacancies was a vacancies crisis, according to a column he wrote for the September 5, 1997 edition of USA Today. During the Clinton administration, Senator HATCH repeatedly said that 67 vacancies was the equivalent of "full employment" in the Federal judiciary. As of these confirmations, there are not 49 judicial vacancies.

By Senator HATCH's standards we have reached well beyond "full employment" on the Federal bench.

Vacancies have dropped to this level in large part because during 17 months of Democratic control of the Senate, we confirmed 100 of President Bush's judicial nominees, even though Republicans averaged only 38 confirmations per year during their prior 6½ years of control of the Senate. We inherited 110 vacancies by the time the committee was permitted to reorganize in the summer of 2001, and we confirmed 100 judicial nominees.

This historic number of confirmations in less than a year and a half, cut the number of vacancies to 60. There were 40 new retirements in this period. Chairman HATCH never acted as quickly on Clinton nominees.

The Democratic leadership also moved to confirm 17 circuit court nominees, some of them quite controversial, in those 17 months, even though Chairman HATCH averaged only 7 circuit court confirmations per year during the Clinton administration. This year, two more circuit nominees of President Bush have been confirmed, although other controversial ones have not.

These 19 confirmations of Bush circuit court nominees have reduced the number of circuit vacancies to 23. During the Clinton administration, Chairman HATCH and Senate Republicans blocked the confirmation of 22 circuit court nominees through anonymous holds, blue slips, and other procedures. Had those nominees been confirmed, and had Bush won the confirmation of 19 circuit nominees to vacancies that arose during his Presidency, the current number of circuit vacancies would be 1.

Republicans caused what they call the circuit vacancy crisis. The number of circuit vacancies more than doubled from 16 in January 1995 when Republicans took over the Senate to 33 in the summer of 2001, when the committee was permitted to reorganize under Democratic control. Still, the Senate has already confirmed 19 of his circuit court nominees in less than 2 years. By comparison, President Reagan had 19 circuit nominees confirmed in his first 2 years in office as did President Clinton. The difference is that in both of those administrations, the Presidents were working with Senate majorities of the same political party.

Lately I have heard Republicans complaining that not all of this President's circuit nominees have yet been confirmed, but he has had so many vacancies due to the massive obstruction of circuit seats by Republicans in the Clinton administration, doubling the number of circuit vacancies, as opposed to keeping the rate of vacancies steady or reducing them. Republicans now can be heard to complain that some circuit court nominees did not get a vote in 1992, but that situation does not compare to the long stall of Clinton's circuit court nominees, and here is why:

Only 10 of the circuit nominees of President George H.W. Bush did not get a vote by the committee. Twenty-two of Clinton's circuit nominees did not get votes by the committee during Republican control. That is more than twice as many. Additionally, President George H.W. Bush won the confirmation of 67 percent of his circuit nominees between 1991 and 1992, a Presidential election year, which was consistent with prior Presidential election year congresses for President Reagan. In contrast, President Clinton won confirmation of only 15 of 34 circuit nominees in 1999–2000, about 44 percent.

Thus, because of the Republican success in blocking appellate judges, President Clinton's circuit court nominees were actually more likely than not to not be confirmed, an indignity not suffered by Bush's nominees. This was nothing compared to 1996, the first election year in modern history and recollection in which not a single circuit nominee was confirmed all year, with Republicans in charge. Plus, I would note that 6 of President Clinton's circuit nominees in 1999–2000 were actually re-nominees, like Judge Richard Paez who even Chairman HATCH admitted was "filibustered" in 2000 and who waited more than 1,500 days to be confirmed.

In fact, when you look at the actual percent of confirmations by session rather than the combined figure for two years, the percent of Clinton nominees blocked by Republicans is even more shocking. During 1999, only 7 of 25 Clinton circuit nominees were confirmed, or 28 percent, and 1999 was not a Presidential election year. In contrast, in 1991, the first President Bush won the confirmation of 9 of 17 nominees, or 53 percent. In 2000, Clinton won confirmation of 8 out of 25 nominees, including those not acted on in 1999, or 32 percent. In contrast in 1992, Bush won the confirmation of 11 of 21 circuit nominees, including those not acted on in 1991, which again was more than 52 percent.

Despite the wide-scale obstruction or filibustering of Clinton circuit vacancies—filibustering after all comes from the Dutch word for piracy or taking things that do not belong to you—Democrats worked hard to turn the other cheek and fill vacancies that were allowed to go unfilled due to Republican holds.

For example, under Democratic leadership, the Senate held the first hearing for a nominee to the Fourth Circuit in 3 years and confirmed him and another most controversial nominee, even though seven of President Clinton's nominees to that circuit never received hearings from Republicans. We proceed with the first hearing for a nominee to the Fifth Circuit in 7 years and confirmed her, even though three of President Clinton's nominees to that circuit never received hearings. In fact, we held hearings for all three of President Bush's nominees to that circuit even though three of President Clinton's nominees, Enrique Moreno, Jorge Rangel, and Alston Johnson, were never allowed hearings by Republicans.

We proceeded with the first hearing on a nominee to the Sixth Circuit in almost 5 years and confirmed her and another controversial nominee to that circuit even though three of President Clinton's nominees to that circuit never received a hearing. We proceeded with the first hearing on a nominee to the Tenth Circuit in 6 years and confirmed three, even though two of President Clinton's nominees to that circuit were never allowed hearings. With the confirmation of the controversial Tim Tymkovich to the Tenth Circuit last week we have now filled a total of four vacancies on that court. The seat to which he was nominated had been vacant for more than 4 years despite President Clinton having nominated two qualified nominees, neither of whom was ever accorded a hearing.

Had President Clinton's circuit court nominees been confirmed, the circuit courts would have been evenly balanced, with six circuits with a majority of Democratic appointees and six circuits with a majority of Republican appointees and one circuit with an even number of Democratic and Republican appointees.

If President Bush succeeds in winning the confirmation of nominees to every circuit vacancy he inherited plus the ones that have arisen since then, only two circuits will have a majority of Democratic appointees and 11 will have a majority of Republican appointees. In many of those circuits, the Republican appointees will have at least a 2–1 majority on every panel on average. More than 67 percent of the appointments to those courts will be by Republicans.

It is also important to remember when comparing what Republicans did to President Clinton's circuit nominees to what happened in 1992 that Chairman BIDEN moved through 66 of President Bush's judicial nominees in 1992, President George H.W. Bush's best year for confirmations, despite it being a Presidential election year. However, the Senate could not get through all of the nominees following the bipartisan judgeship bill of 1990 which increased the size of the Federal courts by more than 100 seats.

In the 102nd Congress, Chairman BIDEN got through 124 of President George H.W. Bush's nominees, including his nominee to the Supreme Court, Clarence Thomas. In fact, the Republicans did not allow President Clinton to win the confirmation of a many judges in 1999 and 2000 combined as Chairman BIDEN got through for President Bush in 1992 alone.

Finally, I would note that Chairman BIDEN moved through 20 circuit court nominees for President Bush in the 102nd Congress. As a consequence, the first President Bush was able to appoint 42 circuit judges in his one term as a President. Because of Republicans' blockade of any circuit court nominee to be confirmed in 1996, President Clinton was able to appoint only 30 circuit judges in his first term, more than 25 percent fewer than his predecessor, President George H.W. Bush, who had a Democratic Senate during his entire Presidency. In President Clinton's two full terms, Republican obstruction limited him to 65 circuit court appointment in those 8 years.

In contrast, President George W. Bush has already appointed 19 circuit judges and, as I have indicated, the 20th confirmation, that of Judge Prado is stalled only because Republicans have refused to proceed to his consideration.

President Bush is poised to appoint at least one-quarter of Federal appellate courts in just one term, due to the large number of circuit court vacancies he inherited from President Clinton which were the result of widespread Republican obstruction.

The solution to the current logjam over circuit court judges is not to move them through more quickly with less scrutiny. The solution is for this President to consult with Senators from both parties in finding mainstream, consensus nominees, rather than this parade of activists and extremists that we have witnessed over these past few months. This President wants a clean slate on judicial nominees, but he refuses to do any of the work necessary to clean that slate. Instead of being a uniter in his judicial choices, he has divided this Senate and the American people by deferring to the far right wing of his party in the only lifetimes appointments in our entire government.

The Senate Judiciary Committee has been ridiculed, and I am sad to say, rightly so, for becoming a rubberstamp, an assembly line for these important nominations to the second highest courts in our Federal Government. The solution is genuine consultation and accommodation rather than this race to pack the courts and tip the balance with nominees who have shown a lack of respect for individual rights.

I am pleased to say, however, that not all of his nominees have been extremists. Particularly for the district court nominees when there has been bipartisan consultation, some of the judicial nominees have been conservative but within the mainstream.

Since the Republican majority will not allow the Senate to consider Judge Prado, let me turn briefly to the nominees before the Senate. Mr. Drell has been a lawyer's lawyer, rather than a political or judicial activist as so many of President Bush's circuit nominees are. Dr. Drell has been a member and a leader of numerous State and Local bar associations. He served on the State Committee or Post-Conviction Representation for 5 years and assisted the State bar with attorney disciplinary matters. Dr. Drell has been active in the Family Mediation Council of Louisiana, where he served as a board member from 1986 to 1992.

He also served as board member of the Rapides Parish Indigent Defender Board from 1987 to 1994. He served on the Louisiana Task Force on Racial and Ethnic Fairness in the Courts.

Mr. Drell has also devoted a considerable amount of time to helping individuals suffering with AIDS on a pro bono basis. He is directly involved as volunteer counsel for Central Louisiana AIDS Support Services and AIDSLaw of Louisiana, Inc. These two organizations provide services to persons with AIDS and AIDS-related complex. He has also devoted time to the Delta Region AIDS Education and Training Center. In 1997, he received the Pro Bono Publico Award in 1997 from AIDSLaw of Louisiana.

Mr. Drell has a record of accomplishment and compassion as a lawyer of which we can all be proud. He has the full support of both of his home-State Senators. His record has generated no controversy or criticism. If only, our circuit court nominees had records such as his. This nomination is a good example of the kind of candidate who engenders bipartisan support.

I congratulate Mr. Drell, his family and the Senators from Louisiana on his nomination and confirmation.

The other nominee confirmed today is Richard Bennett of Maryland. There is no doubt that Mr. Bennett is a conservative and a Republican, yet he has the support of his home-State Senators and the support of Senate Democrats.

In 1991, Mr. Bennett was chosen by President George H.W. Bush to be the United States Attorney for the District of Maryland and the Senate confirmed him without dissent. He has also run for State office as a Republican. He has litigated more than 100 cases, civil and criminal, most of which were in the Federal court to which he is nominated.

He has received an AV rating from Martindale-Hubbell, been selected to The Best Lawyers in America, and also received a meritorious service medal for his work in the military as a staff judge advocate.

Mr. Bennett served as special counsel to the Government Reform and Oversight Committee in 1997 and 1998 with Republican U.S. Representative Dan Burton, who was investigating campaign contributions during the 1996 election. He heads the Miles & Stockbrige Foundation, a charitable foundation.

I congratulate Mr. Bennett and his family on his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U CONN HUSKIES NCAA WOMEN'S CHAMPIONSHIP

Mr. DODD. Madam President, with a sense of parochial pride—although I note the Presiding Officer is from my region of the country, and I presume she may enjoy a sense of regional pride as well—I rise to address the victory last evening of the University of Connecticut women's basketball team in the national championship game. I don't want to take a long time today, but I send my congratulations to the team, the fans, and Coach Geno Auriemma, who is a wonderful friend of mine, his family, his remarkable coaching staff, and the tremendous team, led by Diana Taurasi, who is a junior, along with other underclassmen, who did what no one predicted they would be able to do following last year's national championship victory, and that is to follow on with a record of only one loss this season and to beat a great Tennessee team.

I note the Senator from Tennessee is in the Chamber, but I want my colleagues to know there are a couple of lobsters that are today enjoying life somewhere along the bottom of Long Island Sound because they did not end up on the dinner plate of the majority leader. Last evening at a gathering of friends, I wagered two New England lobsters versus some barbecue from Tennessee. So two lobsters on Long Island Sound are enjoying their freedom tonight; they are obviously pleased as well that the University of Connecticut team did as well as it did.

Congratulations to our State and their fans and the wonderful team. A resolution will be adopted later this evening commending this fine team and the staff of the University of Connecticut.

HONORING OUR ARMED FORCES

Mr. DODD. Madam President, we lost a young man from Connecticut in the Iraq conflict a few days ago. I want to take a few minutes to pay tribute to Marine SSGT Phillip Jordan of Enfield, CT, who was killed in action while on a combat mission in Iraq.

All Americans have been closely following our troops in Iraq since the war began 2 weeks ago. Every day we hear lots of facts and figures about the war, the number of sorties in the air, the number of tanks in the field, and the locations of various divisions throughout Iraq. We must never forget that behind those statistics are people. These people are our constituents, young men and women in uniform from all across this great land of ours, some who are not even citizens of this country but who have green cards and want to demonstrate their commitment to America by serving in the Armed Forces and commit themselves to do a job in the Persian Gulf because they have been asked to by the President.

We must never forget that each and every one of the more than 225,000 brave service men and women fighting in Iraq have family and friends at home to fight for our country overseas. Each of these heroes is making a tremendous contribution, a personal sacrifice, so all of us can be more secure in the United States.

Inevitably, in a conflict such as this, there are those who will make the ultimate sacrifice, some who will never return to their family and friends and communities. I would like to share the story of one of those fine Americans for a few moments this evening.

The individual I want to talk about is SSGT Phillip Jordan who was 42 years of age. He lived in Enfield with his wife Amanda and their 6-year-old son Tyler. His devotion to his country caused him to enlist in the Marines some 15 years ago as a private. Sergeant Jordan quickly advanced in the ranks to become a gunnery sergeant.

In 1991, he served in his first combat mission as a platoon leader in Operation Desert Storm, the first Persian Gulf war. After that conflict, Sergeant Jordan was based at Camp Lejeune in North Carolina before becoming a drill sergeant at Parris Island, SC. For 3 years he taught countless new recruits how to become U.S. marines. Few were better suited for the task—friends, family and his marine colleagues referred to Sergeant Jordan as a "Marine's Marine" for his can-do professional attitude. Just before he was shipped out in January to serve in the second Persian Gulf war, Sergeant Jordan was asked how he felt about once again being called to serve in combat. His response was: "This is what I do. That's my job."

He did that job with unflinching valor. Phillip Jordan was much more than just a fine marine. He was an incredibly fine, loving husband and remarkable father. Amanda Jordan described her husband as a caring and loving man who would go out of his way to do a favor for anyone at all. Each and every Sunday when he was home, he would make his family a homemade breakfast, right down to the flowers and fresh-squeezed orange juice. While stationed overseas, letters home always included two parts, one that began "Dear Amanda" and the other began "Dear Tyler" so that Tyler would have a letter of his own. Tyler certainly read those letters. He says he wants to grow up to be a marine some day, just like his father. There would be, perhaps, no more fitting tribute to a man who showed such tremendous dedication and devotion to his family and his Nation.

Phillip Jordan's friends liked to call him "Gump," after the movie 11Forrest Gump," for his eternal optimism. Tragically, in times of war, such optimism is not always rewarded. We, as a Nation, can be assured a victory in this conflict and any others which may challenge us down the line, because we know our fighting forces are made up of men and women who share Phillip Jordan's sense of commitment and strength of character. We must always be mindful of the price they and their loved ones have paid for our freedom and our security, especially those like Phillip Jordan who paid the highest price of all.

Phillip Jordan was not the first casualty of this war and regrettably he will not be the last. It is important for all of us at this moment in time to reach out to the many families who have an empty chair at their dinner table because a father or mother, brother, sister, son, or daughter has been called to serve their Nation in a distant land. These families need our support more now than ever.

Young Tyler Jordan was asked the other day about his dad. He said he was confident his father was the best marine in Heaven.

On behalf of the Senate, I thank Phillip Jordan for his service to America, and extend the deepest sympathies, not only of my family but also of all of the Senate, to express our condolences to Amanda and Tyler Jordan and to that family. Our thoughts and prayers are with them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 28, 2001 in New York, NY. A Yemeni man was badly beaten in the Bronx while working at his newsstand. Three local men allegedly yelled, "You Arabs get out of my neighborhood—we hate Arabs! This is war!" before dragging him outside and hitting him in the head with a bottle.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ARMENIAN GENOCIDE 88TH ANNIVERSARY

Mr. FEINGOLD. Mr. President, today people around the world are pausing to remember and honor the victims of the Armenian genocide, which began 88 years ago in what is now Turkey. Between 1915 and 1923, one-and-a-half million Armenians—roughly 60 percent of the total Armenian population—were systematically murdered at the hands of agents of the Ottoman Empire, and hundreds of thousands more were forced to leave their homes. At that time, the word "genocide" had not yet entered our vocabulary. Now, 88 years later, this brutal episode of violence against the Armenian people is considered to have been the first, but unfortunately not the last, genocide of the 20th century.

Two decades later, in 1939, as Adolph Hitler, confident that history would exonerate him, prepared to send his armies into Poland with instructions to slaughter people indiscriminately and without mercy, he rhetorically asked his advisers: "Who, after all, speaks today of the annihilation of the Armenians?" That is precisely why I speak today, and every year on this date, to honor the Armenian people who lost their lives nearly a century ago and to remind the American people that the capacity for violence and hate is still prevalent in our world today.

Just in the last decade, we have seen systematic efforts to extinguish people because of their ethnicity in Bosnia, Rwanda, and Kosovo. Last year the Organization for Security and Cooperation in Europe noted a "sharp escalation" of anti-Semitic violence in Europe. Apparently, even lessons as searing and tragic as those of the Holocaust can be forgotten if we do not remain vigilant in our efforts to remember them.

Last year, as the chairman of the Subcommittee on Africa, I had the opportunity to visit the International Criminal Tribunal for Rwanda, which is setting groundbreaking legal precedents with regard to the treatment of genocide. Through such tribunals, the international community should send a powerful message to would-be mass-murderers that such horrific acts will not go unpunished. Since I became a member of the U.S. Senate, I have striven to make protection of basic human rights, and accountability for such atrocities, cornerstones of U.S. foreign policy, and I will continue to do so as long as I am here.

Today, we remember the men, women and children who perished in the Armenian genocide, because to forget them, or any of the countless millions who have been murdered because of their ethnicity over the past century, would be to invite such tragic episodes to be repeated.

PROTECTING CHILDREN AGAINST CRIME ACT OF 2003

Mr. DEWINE. Mr. President, as you know, April is Child Abuse Prevention Month, and this week is National Crime Victims' Rights Week. Furthermore, just last week, I joined with my friends and colleagues, Senators LINCOLN and SHELBY, in announcing our creation of a new, bipartisan Senate Caucus on Missing, Exploited, and Runaway Children. And, just yesterday, I introduced the Protecting Children Against Crime Act of 2003, S.810.

I thank Senators GRASSLEY, HUTCHISON, and SHELBY for joining me as original cosponsors of the Protecting Children Against Crime Act of 2003. This important legislation would help protect our nation's children from the most heinous of criminals—child abductors, child pornographers, and others who would exploit or abuse children.

Every day, our local police and prosecutors are on the front line in the fight against the criminals who target children, and they deserve recognition for their hard work. However, the data suggest that law enforcement is fighting an uphill battle—child victimization remains a large, pervasive, and extremely troubling problem in the United States.

According to the Congressional Research Service, up to one in three girls and one in seven boys will be sexually abused in this nation before they reach the age of 18. Many child molesters prey upon dozens of victims before they are reported to law enforcement. Furthermore, some child molesters evade detection for long periods because many children never report the abuse. In fact, Bureau of Justice Statistics suggests that between 60 percent and 80 percent of child molestations and 69 percent of sexual assaults are never reported to the police. Of those sexual assaults that are reported, 71 percent of the victims are children.

We also have a long way to go on behalf of missing children. According to the National Center for Missing and Exploited Children, in 2001, 840,279 persons—adults and juveniles—were reported missing and entered into the FBI's national crime computer. As many as 725,000 of those reported missing were juveniles. On average, 2,000 children per day were reported missing to law enforcement in 2001, according to the National Center for Missing and Exploited Children.

Most missing children are eventually returned safely to their parents, but a small group of them are victims of more predatory abductors. The average victim of abduction and murder is a "low risk" 11-year-old girl from a middle-class neighborhood with a stable family relationship who has initial contact with an abductor within one-quarter mile of her home—this is according to a report by the U.S. Department of Justice and the Washington State Attorney General's Office.

For all of these reasons, it is vitally important that Congress do everything in its power to support parents and law enforcement in their efforts to protect our nation's most vulnerable citizens. Enacting the Protecting Children Against Crime Act of 2003 would be a step in the right direction.

Among its major provisions, this legislation would eliminate the statute of limitations, under our federal criminal code, for prosecuting certain sex crimes against children and child abduction offenses. This provision recognizes that victims of such crimes often do not come forward until years after the abuse, out of shame or a fear of further humiliation. It is important that a sexual predator still be held accountable once a sexual abuse victim courageously chooses to come forward.

In addition, this bill would call for those who produce or distribute child pornography to be included in the national sex offender registry. As stated by the United States Supreme Court more than two decades ago, child pornography "is intrinsically related to the sexual abuse of children." Families need to know when a child pornographer moves into the neighborhood.

To assist States in finding their missing and runaway children, our bill also would authorize a new, grants-to-States program that encourages technology enhancements in the States' Amber Alert Communications Plans. Similar language, authored by Congressman Mark Foley, already has passed the House of Representatives as part of the Child Abduction Prevention Act, H.R. 1104. This language builds on the national Amber Alert legislation authored by Senator HUTCHISON and passed by the Senate earlier this year. Under the bill I introduced yesterday, this new grant program would be authorized at $5 million per year in each of fiscal years 2004 through 2007.

Finally, our bill would require the National Research Council of the National Academy of Sciences to conduct a study for Congress on the feasibility of having Internet Service Providers monitor online traffic to detect child pornography sites. The study also would examine both the extent to which credit cards are used to facilitate the sale of online child pornography and options for encouraging greater reporting of such illicit transactions to law enforcement officials.

Our bill would help ensure that our children are protected from the most treacherous of criminals. This is a fight we need to win and a fight for which we must give our law enforcement officers every tool at our disposal. I urge my colleagues to support the enactment of S. 810.

* * *

THE UNITED STATES AND ISRAEL: UNITED AGAINST TERROR

Mr. BUNNING. Mr. President, I would like to take a few minutes to talk to my colleagues in the Senate about the important relationship America has with our friends in Israel, and the crucial role that this relationship plays in the ongoing War on Terror.

As American and Coalition troops continue military operations to liberate the people of Iraq, it is important to recall that amidst all of the criticism in the world community for American actions, there has been at least one nation that has steadfastly stood by our side since September 11 and even before.

That nation is the State of Israel.

Americans awoke fully to the realities of terrorism on that fateful morning in September, 2001. But for the children of Israel, acts of terrorism are an all too common occurrence. Israel long ago learned all too well about the true nature of the threat we face, and their assistance in combating that threat has been invaluable to the American people.

American support for Israel was strong even before September 11, but I believe it is even stronger now. It is strong in the Congress, in the White House, and throughout America.

Israel is our greatest friend in a very troubled region. This is as it should be; Israel has suffered greatly, in blood and treasure, and deserves strong American support. Israel has been an island of stability in a turbulent Middle Eastern sea.

That is why I have strongly supported economic and military aid to Israel, including the $9 billion in loan guarantees and $1 billion in FMF funds now pending before Congress as part of the supplemental spending bill to pay for the War on Terror. And that is why I have signed a letter to President Bush urging him to remain true to his vision for peace between Israel and the Palestinians as stated in his historic June 24, 2002, Rose Garden speech.

Since September 2000, when Yasser Arafat rejected the Camp David offer put forth by Israeli Prime Minister Ehud Barak—and the subsequent, even more generous Taba offer backed by President Clinton that would have granted the Palestinians a sovereign state on 97 percent of the West Bank and Gaza, removed the majority of Israeli settlements, and allowed for Palestinian control over the Temple Mount—Israel has faced an onslaught of organized terrorism against its men, women and children.

The Dolphinarium disco, a Sbarro pizzeria, the Moment Café, a Passover seder—all were targets of homicide bombers sent by Palestinian terror groups who have been permitted to operate freely within Palestinian society by Arafat's Palestinian Authority.

I actually ate once at that pizzeria. In 1999, I visited Israel and spent a week there so I could better understand its history and events. On one of our last nights, my wife, Mary and I, along with our friends decided to eat out at that restaurant. To later then actually see a place with which you are familiar destroyed in a senseless act of violence really helps to put these chillingly serious matters in perspective.

It is a perspective that Israelis live with every day, and it is a perspective more and more Americans are coming to understand.

On the surface, these acts of terrorism are barbaric. But, on a deeper level, they also represent the utter failure of Arafat to live up to his commitment to Israel and the United States, made as part of the 1993 Oslo peace accords, and for which Arafat was ironically given the Nobel Peace Prize, to renounce violence and crack down on terrorism.

Let me be perfectly clear: there is no moral equivalence between those who send teenagers to blow themselves up in crowded Israeli cafes and a government that must utilize its armed forces in order to defend its citizens.

Israeli Prime Minister Ariel Sharon has no choice but to fight a war against the terrorist infrastructure in the Palestinian territories so long as Arafat's police forces are doing nothing to stop terrorism, and worse, aiding it.

President Bush was exactly right when in his June 24 Rose Garden speech he called on the Palestinian people to elect new leaders untainted by terror, to build a democracy, and to end the scourge of terror, if they truly wanted the United States to recognize a Palestinian state. And it is vital that any "roadmap" toward the establishment of a Palestinian state be based on Palestinian performance, not timetables. Further, this performance should be judged by the party most trusted by Israelis—the United States—and not the United Nations, France, Russia or others.

On September 11, 2001, Israelis spontaneously gathered on the streets to mourn for the victims of that day's brutal attacks. Israel immediately offered the United States whatever assistance it might need. Israelis know terrorism, but they will never become inured to it.

At a time when Israel is treated as a pariah by the U.N. and much of Europe, when American academics seek to have universities divest from Israel, when anti-Semitic language reminiscent of the worst days of Nazism are considered fair game, it is imperative that the United States stand in solidarity with its true friend and ally, the State of Israel.

U.S. RELATIONS WITH ISRAEL

Ms. MURKOWSKI. Mr. President, as U.S.-led coalition forces act to remove Saddam Hussein from power, I would like to speak about another conflict in the Middle East that is, unfortunately, all too often in the news for the wrong reasons.

During the opening days of Operation Iraqi Freedom, U.S. forces seized two key airfields, known as H2 and H3, in Western Iraq. It was from these airfields that 39 Scud missiles were launched against Israel during the first Gulf War in 1991, prompting chaos and panic. While Israel was fortunate that the Scud strikes were ineffective, many more people died from heart failure blamed on war-related stress—68—than from the missile strikes themselves—2.

It was the intent of Saddam Hussein to prompt backlash by Arab nations against the U.S.-led coalition should Israel respond with military force to the Scud attacks. That concern remains valid today.

Much of the current opposition in the Muslim community to military action against Saddam Hussein stems from their desire to see an end to the ongoing Israeli-Palestinian conflict.

The United States policy toward Israel has been roundly criticized by some as lopsided in its support. There is no question that the United States provides Israel with more foreign assistance than any other nation—and deservedly so.

The United States played a critical role in the establishment of Israel in 1948. Our two nations are bound closely by historic and cultural ties as well as by mutual interests. As a key ally, and the only democracy in the Middle East, she deserves our support.

This does not mean, however, that the United States and Palestinians cannot build a similarly positive relationship.

On March 14, President Bush reiterated his support for the creation of a peaceful Palestinian State. I agree, and share the President's vision of two states, Israel and Palestine, living side by side in peace and security.

I welcome the appointment of Mahmoud Abbas as Prime Minister and applaud the Palestinian Authority's decision to rebuff Yasir Arafat's attempts to retain power over the Cabinet.

I am not convinced, however, that these actions alone are enough to warrant the United States' full endorsement. The Palestinian Authority must crack down on those terrorist organizations that seek to derail any prospects for peace in the Middle East. Groups like Hamas, Islamic Jihad and the al-Aqsa Martyrs Brigade.

I pose this simple test. If the Israeli military were to withdraw its forces to pre-1967 boundaries, what is the likelihood that Palestinian terrorist organizations would end their suicide attacks against innocent Israelis?

Likewise, if attacks by Palestinian terrorists were to end, what is the likelihood that Israeli troops would end their excursions into Palestinian held land?

At present, I would suggest the latter is a much more likely scenario.

Israel has every right to defend herself against these terrorist attacks—and the United States should not endorse efforts that would undermine Israel's national security.

There are those who suggest that U.N. peacekeepers should be sent in, or that the Middle East "quartet"—the United States, Russia, the European Union and the United Nations—should present a roadmap for peace.

The United States should not—must not—be drawn into endorsing any "roadmap" that does not require the dismantling of the operational capabilities and financial support of terrorist groups within a Palestinian state. When Palestinian leaders refuse to crack down on terrorist organizations, Israel has every right to take the necessary measures to protect its national security.

Certainly, there is a role for the international community to play in the process. To provide assurances to both sides that their interests will not be steamrolled.

But, for true peace to be achieved, it is inherent that Israel and the Palestinian people reach a peace accord between themselves, without outside influence. An agreement dictated and enforced by a third party will not result in long lasting peace.

History has shown that peace cannot be achieved with Yasir Arafat in charge of the Palestinian Authority. At the Camp David summit in July 2000, then-Israeli Prime Minister Ehud Barak offered Chairman Arafat a remarkable array of concessions. Unfortunately, Arafat was unable to muster the political courage to accept these concessions—because to accept would mean the end of his reign; the end of his power over the Palestinian people. Yasir Arafat was not willing to make that sacrifice for peace in the Middle East.

We have seen this type of behavior from Arafat in the past. There is no indication that it will change in the future.

But now, the Palestinian Authority has moved past Yasir Arafat. The position of Prime Minister has been created. A Prime Minister has been appointed. The power to appoint a cabinet is his alone. The potential is there for truly significant reform.

This is encouraging. But it is only a beginning. Now, they must recognize that terror and violence do not work. That arrested extremists must remain in jail. That denouncing suicide attacks entails more that just words.

Certainly, Israel must do its part. The establishment of settlements in the territories seized in the 1967 war must be stopped. Retaliatory violence against innocent Palestinians must be curtailed. I was pleased to read that on March 24, Israeli troops dismantled an illegal Jewish settlement near Hebron. This crackdown on settlements must continue.

There is a dual responsibility here. Israeli and Palestinian authorities must prevent extremists on both sides from setting and driving the agenda. The continued acts of violence and aggression only demonstrate that some groups in the region will always oppose a peace agreement. These groups must be placed on the sidelines. They must be delegitimized.

Peace is possible. But it takes real effort by both sides to make it happen. We have seen significant concessions from Israel in the past. Yasir Arafat was unwilling to reciprocate. I am hopeful that Prime Minister Abbas proves more amenable.

THE MARQUETTE UNIVERSITY MEN'S BASKETBALL TEAM FINAL FOUR APPEARANCE

Mr. FEINGOLD. Mr. President, today, it is with great admiration that I congratulate the Marquette University Men's Basketball Team on their accomplishment in making it to the Final Four of this year's NCAA Basketball Tournament. Their season was extremely impressive and made folks proud to be from Wisconsin.

This was Marquette's third trip to the Final Four. Their first trip was in 1974, and they won the NCAA Championship in 1977. Their hard work and perseverance carried them into this prestigious position, which undoubtedly honored the instillings of Al McGuire, who was the coach from 1964 to 1977 and represents the spirit of this basketball program. With this great accomplishment, Marquette's coach Tom Crean graduates to the honors bestowed on this program in years past and has ignited the strong traditions of success that have long been a part of Marquette.

I take great pride in recognizing the Marquette University Men's Basketball Team in their attainment of a spot in the Final Four of the NCAA Tournament. I wish Coach Crean and the Marquette University basketball team all the best. Wisconsin is very proud.

ADDITIONAL STATEMENTS

HONORING DONNELL D. ETZWILER, M.D.

• Mr. COLEMAN. Mr. President, I rise today to honor a great American and a most distinguished Minnesotan, Donnell D. Etzwiler, M.D., as he receives the National Institute of Health Policy's Health Care Leadership Award.

Donnell D. Etzwiler, M.D., earned a Doctor of Medicine from Yale University School of Medicine in 1953. He practiced as a pediatrician specializing in diabetes care at the Park Nicollet Clinic in Minneapolis, Minnesota from 1957 to 1996.

In 1967, Dr. Etzwiler founded the International Diabetes Center, IDC, in Minnesota where he served as its President and Chief Medical Officer until 1996. The IDC's mission is to ensure that every individual with diabetes or at risk for diabetes receives the best possible care. Under Dr. Etzwiler's three decades of leadership, the IDC trained over 12,000 health professionals, including hundreds from other countries, including Japan, Poland, Russia, Mexico, and Brazil. Dr. Etzwiler's dedication to his pediatric patients resulted in the IDC organizing and hosting the First International Symposium on Diabetes Camps in 1974. This important group significantly contributed to the establishment of standards and accreditation for diabetes camp programs.

Donnell D. Etzwiler, M.D. served as President of the American Diabetes Association from 1976 to 1977. From 1982 to 1994, Dr. Etzwiler served as a Principal Investigator for the National Institutes of Health Diabetes Control and Complications Trial, a landmark study that showed that keeping blood glucose levels as close to normal as possible slows the onset and progression of eye, kidney, and nerve diseases caused by diabetes.

Dr. Etzwiler's commitment to improving diabetes care was international in scope. From 1986 to 1994 he served as the Chairman of the Diabetes Collaborating Centers for the World Health Organization in Geneva, Switzerland. In 1994, the Russian Government, awarded Dr. Etzwiler a Peace Award for cofounding and co-directing the International Diabetes Programme in Russia from 1989 to 1997.

Dr. Etzwiler was extensively involved in professional medical associations, where he served in numerous leadership positions. He was a member of the Institute of Medicine. He has received over 30 hours and awards from professional and civic organizations, including the Charles H. Best Medal for Distinguished Service in 1994 from the American Diabetes Association. A Professor of Medicine for over 40 years, Dr. Etzwiler has published over 180 articles and abstracts about diabetes care.

Today, I ask my colleagues to join me in honoring this great man. Through his commitment and compassion, Dr. Donnell D. Etzwiler has improved health care both nationally and internationally for people with diabetes. Thanks to Don, people—especially children—with diabetes live happier and healthier lives.•

TOWNS COUNTY MIDDLE SCHOOL TRIP TO WASHINGTON, DC

Mr. MILLER. Mr. President, in recognition of being named one of TIME magazine's 2001 Schools of the Year and for being selected as the first Georgia Lighthouse School to watch this year, Senator ZELL MILLER invited the student council representing Towns County Middle School to visit, tour, and study the Nation's Capital, Washington, DC. The students were accompanied by Mrs. Margaret Dendy, Partners in Education Coordinator for the school, and Mr. Stephen H. Smith, principal and 2003 Georgia Principal of the Year. Senator MILLER provided a tour of the Senate to Amber Allen, Bart Arencibia, Sam Clay, Nathan Dye, Katie Dyer, Ali Jones, Josh Lickey, Bryan Miller, Kayla Moody, Jentry Moss, Katie Scott, Anderson Sutton, and Carolyn Sutton.

RECOGNIZING THE ACCOMPLISHMENTS OF STUDENTS AT GRACE KING HIGH SCHOOL IN THE WE THE PEOPLE COMPETITION

• Ms. LANDRIEU. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, DC to compete in the national finals of the We the People: The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that the class from Grace King High School from Metairie will represent the State of Louisiana in this national event. These young scholars, led by their teacher Jamie Staub, have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The 3-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The class from Grace King High School is currently preparing for their participation in the national competition in Washington, DC. It is inspiring to see these young people advocate the fundamental ideals and principles of our Government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles, which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 108. An act to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

H.R. 205. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes.

H.R. 273. An act to provide for the eradication and control of nutria in Maryland and Louisiana.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

H.R. 1584. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 380. An act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

The message further announced that pursuant to section 206 of the Juvenile Justice and Delinquency Protection Act of 1974 (42 U.S.C. 5616), and the order of the House of January 8, 2003, the Speaker reappoints the following member on the part of the House of Representatives to the Coordinating Council on Juvenile Justice and Delinquency Prevention for a 3-year term: Mr. Michael J. Mahoney of Chicago, Illinois.

The message also announced that pursuant to 40 U.S.C. 188a, and the order of the House of January 8, 2003, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. YOUNG of Florida and Mr. LATOURETTE of Ohio.

The message further announced that pursuant to 40 U.S.C. 188a, the Minority Leader appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission for the 108th Congress: Mr. FATTAH of Pennsylvania

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. An act to rename the Guam South Elementary /Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools system in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 108. An act to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 205. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1849. A communication from the Director, Regulations Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals; Rules of Practice—Appeal Withdrawal (2900–AK71)" received on April 3, 2003; to the Committee on Veterans' Affairs.

EC–1850. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the March 2003 Report to the Congress: Medicare Payment Policy, received on April 3, 2003; to the Committee on Finance.

EC–1851. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2003–25)" received on April 2, 2003 ; to the Committee on Finance.

EC–1852. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Diesel Fuel; Blended Taxable Fuel (TD 9051)" received on April 2, 2003; to the Committee on Finance.

EC–1853. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Information Reporting Requirements Under Section 60501 For Cash Transactions That Involve The Rental Of Taxicabs For A Daily Shift (Rev. Proc. 2003–27)" received on April 2, 2003; to the Committee on Finance.

EC–1854. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Section 4945 Scholarship Grants by Employer-Related Private Foundation in Qualified Disaster Context (Rev. Rul. 2003–32)" received on April 2, 2003; to the Committee on Finance.

EC–1855. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Tax-Exempt Bond Look Through (Rev. Proc. 2003–32)" received on April 2, 2003; to the Committee on Finance.

EC–1856. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule entitled "Announcement and Report Concerning Advance Pricing Agreements (2003–19)" received on April 2, 2003; to the Committee on Finance.

EC–1857. A communication from the Regulations Officer, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of rule entitled "Medicare Program; Improvements to the Medicare and Choice Appeal and Grievance Procedures (0938–AK48)" received on April 4, 2003; to the Committee on Finance.

EC–1858. A communication from the Regulations Officer, Center for Medicare and Management, Centers for Medicare and Medicaid Services, transmitting, pursuant to law, the report of rule entitled "Update of Ambulatory Surgical Center List of Council Procedures Effective July 1, 2003 (0938–AM02)" received on March 28, 2003; to the Committee on Finance.

EC–1859. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Critical Energy Infrastructure Information (RIN 1903–AC11)" received on April 1, 2003; to the Committee on Energy and Natural Resources.

EC–1860. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the judiciary's courthouse construction requirements and construction budget for fiscal year 2004 along with the out-year requirements for fiscal years 2005–2008, received on April 4, 2003; to the Committee on the Judiciary.

EC–1861. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Wage Garnishment (RIN 0990–AA05)" received on March 28, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1862. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR 1979, Procedures for the Handling of Discrimination Complaints under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; Final Rule (1218–AB99)" received on April 1, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1863. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of the Strategic Plan of the Social Security Administration (SSA) for Fiscal Years 2003–2008; to the Committee on Finance.

EC–1864. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report relative to the Inspector General of the Department of Defense (DOD) annual assessment of the DOD voting assistance program, received on April 1, 2003; to the Committee on Rules and Administration.

EC–1865. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled "Methodology and Formulas for Allocation of Loan and Grant Program Funds (RIN 0570–AA30)" received on April 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1866. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a Draft Bill that would repeal an existing statutory provision relating to the Department of Agriculture's Cushion of Credit Payments Program, received on March 28, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1867. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for the Broadcasting Board of Governors for Fiscal Years 2004 and 2005, received on April 4, 2003; to the Committee on Foreign Relations.

EC–1868. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed license for the export of major defense equipment and defense articles in the amount of 25,000,000 or more to Greece, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1869. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed license for the export of major defense equipment and defense articles in the amount of $50,000,000 or more to France, United Kingdom, Germany, Switzerland, Sweden, and Spain, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1870. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed license for the export of major defense equipment and defense articles in the amount of $100,000,000 or more to the United States, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1871. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed license for the export of major defense equipment and defense articles in the amount of 1,000,000 or more to Greece, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1872. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed manufacturing license for the manufacture of significant military equipment abroad to Germany, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1873. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report of certification of a proposed manufacturing license for the manufacture of significant military equipment abroad to Jordan, received on March 28, 2003; to the Committee on Foreign Relations.

EC–1874. A communication from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, the report on the Country Reports on Human Rights Practices for 2002, received on March 31, 2003; to the Committee on Foreign Relations.

EC–1875. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report relative to international agreements other than treaties entered into by the United States under the Case-Zablocki Act with Portugal, Israel, Cape Verde, received on April 1, 2003; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with amendments:

S. 760. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes (Rept. No. 108–36).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 145. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 289. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

S. 163. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 243. A bill concerning participation of Taiwan in the World Health Organization.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse".

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 3. A joint resolution expressing the sense of Congress with respect to human rights in Central Asia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations:

*Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Nominee: Lino Gutierrez.

Post: Argentina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children:

Susana Gutierrez, none.
Alicia Tio-Messina, none.
Diana Gutierrez, none.

4. Parents:

Maria Gutierrez-Novoa, none.
Lino Gutierrez-Novoa, deceased.

5. Grandparents:

Lino Gutierrez Alea, deceased.
Eugenia Novoa, deceased.
Luis Fernandez, deceased.
Etelvina Caubi, deceased.

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*Roland W. Bullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Nominee: Roland Wentworth Bullen.

Post: Guyana.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

No contributions were made by any family members.

*Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

*John W. Snow, of Virginia, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated and ask unanimous consent to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning Louise Brandt Bigott and ending Kathleen Hatch Allegrone, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

By Mr. INHOFE for the Committee on Environment and Public Works.

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority.

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

*Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years.

*Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

*Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environment Policy Foundation for a term two years.

*Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

*Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

*Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

*Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. Kennedy, and Mr. Biden):

S. 826. A bill to amend the Violence Against Women Act of 1994 to provide for transitional housing assistance grants for child victims of domestic violence; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Warner, Mr. Allen, and Mr. Specter):

S. 827. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Allen, and Ms. Mikulski):

S. 828. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Allen, Ms. Mikulski, and Mr. Specter):

S. 829. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Allen, and Ms. Mikulski):

S. 830. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Allen, and Ms. Mikulski):

S. 831. A bill to establish programs to enhance protection of the Chesapeake Bay, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 832. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 833. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Parks System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 834. A bill for the relief of Tanya Andrea Goudeau; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 835. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation, to provide notice regarding loan consolidation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 836. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care; to the Committee on Veterans' Affairs.

By Mr. BROWNBACK (for himself, Mr. Miller, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Cornyn, Mr. Ensign, Mr. Enzi, Mr. Fitzgerald, Mr. Graham of South Carolina, Mr. Inhofe, Mr. Santorum, Mr. Thomas, and Mr. Bunning):

S. 837. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

By Ms. COLLINS (for herself, Mr. Carper, and Mr. Durbin):

S. 838. A bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Ms. Collins):

S. 839. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. REID (for himself, Mr. Bennett, Mr. Ensign, and Mr. Hatch):

S. 840. A bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Ms. Mikulski, Mr. Kennedy, Mrs. Boxer, Mr. Akaka, Mr. Leahy, Mrs. Murray, Mr. Feingold, and Mr. Durbin):

S. 841. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 842. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. Chafee, and Mr. Gregg):

S. 843. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself, Ms. Murkowski, Mr. Enzi, Mr. Allard, Mr. Kyl, and Mr. Craig):

S. 844. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida (for himself, Mr. Chafee, Mr. McCain, Mr. Daschle, Mr. Jeffords, Mr. Bingaman , Mrs. Lincoln, Ms. Collins, Mr. Kennedy, Mrs. Feinstein, Mr. Corzine, Mr. Levin, Mr. Sarbanes, Mr. Dodd, Ms. Landrieu, Mrs. Boxer, Mr. Kerry, and Mr. Nelson of Florida):

S. 845. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs; to the Committee on Finance.

By Mr. SMITH (for himself and Mrs. Lincoln):

S. 846. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mrs. Clinton, Ms. Collins, Mr. Bingaman, Ms. Cantwell, Mr. Corzine, Mrs. Feinstein, Ms. Landrieu, Mrs. Murray, and Mr. Wyden):

S. 847. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV; to the Committee on Finance.

By Mr. HATCH:

S. 848. A bill for the relief of Daniel King Cairo; to the Committee on the Judiciary.

By Mr. McCAIN (for himself and Mr. Kyl):

S. 849. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH:

S. Res. 111. A resolution designating April 30, 2003, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. DEWINE, Mr. JOHNSON, Mr. BAYH, Mr. BAUCUS, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Ms. LANDRIEU, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, and Mr. STEVENS):

S. Res. 112. A resolution designating April 11th, 2003, as "National Youth Service Day", and for other purposes; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 113. A resolution commending the Huskies of the University of Connecticut for winning the 2003 NCAA Division I Women's Basketball Championship; considered and agreed to.

By Mr. DAYTON (for himself, Mr. COLEMAN, and Mrs. DOLE):

S. Res. 114. A resolution honoring the life of NBC Reporter David Bloom, and expressing the deepest condolences of the Senate to his family on his death; considered and agreed to.

By Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. BIDEN):

S. Res. 115. A resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship; considered and agreed to.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. Res. 116. A resolution commemorating the life, achievements, and contributions of Al Lerner; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. GREGG, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.

S. 68

At the request of Mr. INOUYE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 196

At the request of Mr. ALLEN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 243

At the request of Mr. LUGAR, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 243, supra.

S. 317

At the request of Mr. GREGG, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 317, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs for work and family, and for other purposes.

S. 538

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 538, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 616, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.

S. 634

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 634, a bill to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a national historic trail.

S. 661

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 703

At the request of Mr. HAGEL, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New Mexico (Mr. DOMENICI), the Senator from Hawaii (Mr. INOUYE), the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 703, a bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

S. 726

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 758

At the request of Mr. LIEBERMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 758, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property.

S. 760

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 780

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Virginia (Mr. ALLEN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 796

At the request of Ms. COLLINS, the names of the Senator from Connecticut

(Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 805

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 805, a bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 822

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 823

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 823, a bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the medicare program, and for other purposes.

S. 825

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 825, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 8

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S.J. Res. 8, a joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. MILLER), the Senator from Virginia (Mr. ALLEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 31

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Con. Res. 31, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. KENNEDY, and Mr. BIDEN):

S. 826. A bill to amend the Violence Against Women Act of 1994 to provide for transitional housing assistance grants for child victims of domestic violence; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will provide much-needed grants for transitional housing services to victims of domestic violence who are brave enough to leave an abusive situation and seek a new life of safety and freedom. I am pleased that Senators KENNEDY and BIDEN join me as original cosponsors of this important legislation.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. Today, more than 50 percent of homeless individuals are women and children fleeing domestic violence. More than half the cities surveyed by the U.S. Conference of Mayors in 2000 cited domestic violence as a primary cause of homelessness. The women and children who leave their abusers tend to have few, if any, funds with which they can support themselves. Shelters offer short-term assistance, but are overcrowded and unable to provide the support needed. Transitional housing allows women to bridge the gap between leaving a domestic violence situation and becoming fully self-sufficient, but such assistance is limited because there is currently no Federal funding for transitional housing specifically for those victims.

If we truly seek an end to domestic violence, then transitional housing must be available to all those fleeing domestic abuse. The stable, sustainable home base for women and their children found in transitional housing allows women the opportunities to learn new job skills, participate in educational programs, work full-time jobs, and search for adequate child care in order to gain self-sufficiency. Without such resources, many women eventually return to situations where they are abused and even killed. This cycle of domestic abuse must end, and transitional housing assistance is one of the tools we can use to end it.

A transitional housing grant program was last authorized for only one year as part of the reauthorization of the Violence Against Women Act in 2000. This program would have been administered through the Department of Health and Human Services and provided $25 million in fiscal year 2001. Unfortunately, funds were never appropriated for the program, and the authorization has now expired.

The grant program established in the bill I introduce today with Senators KENNEDY and BIDEN would establish a new Department of Justice grant program that authorizes the Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, in consultation with the Secretary of Housing and Urban Development and the Secretary of Health and Human Services. This program would have the benefit of a wide range of expertise in the three departments, and has enormous potential to improve people's lives. It would authorize $30 million in DOJ transitional housing grants for each of the fiscal years 2004 through 2008.

This new grant program administered through DOJ will make a big impact in many areas of the country where availability of affordable housing is at an all-time low. There are many dedicated people working to provide victims of domestic violence with resources, such as Rose Pulliam of the Vermont Network Against Domestic Violence and Sexual Assault, but they can not work alone. We should all be concerned with providing victims of domestic violence a safe place to gain the skills and stability needed to make the transition to independence. This is an important component of reducing and preventing crimes that take place in domestic situations, ranging from assault and child abuse to homicide, and helping the victims of these crimes.

I am please that our bill will be included in the conference report on the PROTECT Act, S. 151. I thank the conferees for including in the conference agreement this language for a grant program that will supply to victims fleeing domestic violence situations tangible means by which they may move on with their lives.

I ask unanimous consent that a section by section analysis of this bill be printed in the RECORD.

There being no objection, the additional materials were ordered to be printed in the RECORD, as follows:

A BILL TO AMEND THE VIOLENCE AGAINST WOMEN ACT OF 1994 TO PROVIDE FOR TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE—SECTION-BY-SECTION ANALYSIS

SECTION 1. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

This section amends Subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13701 note; 108 Stat. 1925) to include a new Chapter 11—Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault.

Subsection (a) of this section authorizes the Attorney General, acting in consultation with the Director of Violence Against Women Office of the Department of Justice, in consultation with the Secretary of Housing and Urban Development and the Secretary of Health and Human Services, to award grants to organizations, States, units of local government, and Indian tribes to carry out programs to provide assistance to minors, adults, and their dependents who are homeless or in need of transitional housing or related assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

Subsection (b) provides that the grants awarded may be used for programs that provide short-term housing assistance, which includes rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for minors, adults and their dependents. Grants will also be available for support services designed to help those fleeing a situation of domestic violence to locate and secure permanent housing, as well as integrate into a community by providing with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

Subsection (c) states that a minor, an adult, or a dependent who receives assistance under this section may receive that assistance for not more than 18 months. The recipient of a grant under this section may waive the time restriction for not more than an additional 6 month period with respect to any minor, adult, or dependent, so long as he or she has made a good-faith effort to acquire permanent housing; and has been unable to acquire permanent housing.

Subsection (d) specifies the application process for transitional housing grants. Each eligible entity desiring such grants shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require. Each application shall describe the activities for which assistance under this section is sought; and provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of the grant program.

Subsection (e) states that a recipient of a Justice Department transitional housing grant must annually prepare and submit to the Attorney General a report describing the number of minors, adults, and dependents assisted, and the types of housing assistance and support services provided.

Subsection (f) provides that the Attorney General, with the Director of the Violence Against Women Office, must also annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted by grant recipients. Copies of this report will also be transmitted to the Office of Community Planning and Development at the United States Department of Housing and Urban Development and the Office of Women's Health at the United States Department of Health and Human Services.

Subsection (g) authorizes that there be appropriated to carry out the Department of Justice transitional housing grant program $30,000,000 for each of the fiscal years 2004 through 2008. Of the amount made available to carry out this section in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses. States, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants for transitional housing. The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SPECTER):

S. 827. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 828. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MIKULSKI, and Mr. SPECTER):

S. 829. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 830. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 831. A bill to establish programs to enhance protection of the Chesapeake Bay, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SARBANES. Mr. President, today I am introducing a package of five measures to sustain and, indeed, renew the Federal commitment to restoring the water quality and living resources of the Chesapeake Bay watershed. Joining me in sponsoring one or more of these measures are my colleagues from Virginia, Pennsylvania, and Maryland, Senators WARNER, ALLEN, MIKULSKI and SPECTER.

This year marks the 20th anniversary of the Chesapeake Bay Agreement, the historic Federal-State compact that launched the Chesapeake Bay restoration effort. Over the past two decades, we have made important progress both in putting in place the comprehensive, coordinated Federal-State-local and private sector management structure to guide the program and in specific initiatives to address key problems in the watershed. Three subsequent agreements were signed in 1987, in 1992 and in 2000, respectively, setting specific goals and action plans to restore the Chesapeake watershed. There are today over 700 groups and some 40 committees involved in the Bay Program. More than twenty-five Federal agencies are partnering with EPA and the Bay area States and there are numerous State agencies, local governmental organizations and citizen groups actively engaged in the restoration efforts. The level of public support and the degree of cooperation and coordination among all parties is unparalleled.

Despite these efforts, the job of restoring the Chesapeake to levels of quality and productivity that existed earlier in this century is far from complete. In its latest report card issued in November, 2002, the Chesapeake Bay Foundation gave the Chesapeake Bay a score of 27 out of 100—far short of the "70" level believed necessary for the Bay to be declared "saved." The index underscores the continuing serious challenges facing the Bay. Nitrogen pollution from farms and city streets, sewage treatment plants, and air deposition, among other so-called non-point sources, continue to overload the Bay. Many of the living resources—oysters, shad, white perch, crabs—which are indicators of the Bay's health, are still in decline. Toxic chemicals are still present in the Bay's surface and bottom waters, having untold impacts on water quality and wildlife. A recent analysis undertaken by the Chesapeake Bay Commission estimates that the costs to clean the Bay and achieve the goals of the Chesapeake 2000 agreement over the course of the next seven years will exceed projected income by nearly $13 billion. Pollution from all sources will have to be further reduced, thousands of acres of watershed property must be preserved, significant efforts must be made to restore living resources, buffer zones to protect rivers and streams need to be created, education and stewardship efforts must be dramatically expanded.

While $13 billion seems like an enormous sum, we should remember that the health of the Chesapeake Bay is vital not only to the more than 15 million people who live in the watershed, but to the Nation. It is one of our Nation's and the world's greatest natural resources covering 64,000 square miles within six States. It is a world-class fishery that still produces a significant portion of the finfish and shellfish catch in the United States. It provides vital habitat for living resources, including more than 3600 species of plants, fish and animals. It is a major resting area for migratory waterfowls and birds along the Atlantic including many endangered and threatened species. It is also a one-of-a-kind recreational asset enjoyed by millions of people, a major commercial waterway and shipping center for much of the eastern United States, and provides jobs for thousands of people. In short, the Chesapeake Bay is a magnificent, multifaceted resource worthy of the highest levels of protection and restoration.

The five measures that we are introducing today are intended to help address some of the highest priority needs in the watershed and provide a Federal blueprint for restoring the Bay in the years ahead. I want to address each of these measures briefly.

The first measure, the Chesapeake Bay Watershed Nutrient Removal Assistance Act, would establish a grants program in the Environmental Protection Agency to support the installation of nutrient reduction technologies at major wastewater treatment facilities in the Chesapeake Bay watershed. I first introduced this measure during the 107th Congress and provisions of the legislation were included as part of S. 1961, the Water Investment Act of 2002, reported favorably by the Senate Environment and Public Works Committee. Unfortunately, no further action was taken on that legislation. Despite important water quality improvements over the past decade, nutrient over-enrichment remains the most serious pollution problem facing the Bay. The overabundance of the nutrients nitrogen and phosphorous continues to rob the Bay of life sustaining oxygen. Recent modeling of EPA's Bay Program has found that total nutrient discharges must be reduced by more than 35 percent from current levels to restore the Chesapeake Bay and its major tributaries to health. To do so, nitrogen discharges from all sources must be reduced drastically below current levels. Annual nitrogen discharges into the Bay will need to be cut by at least 110 million pounds from the current 300 million pounds to less than 190 million pounds. Municipal wastewater treatment plants, in particular, will have to reduce nitrogen discharges by nearly 75 percent.

There are 304 major wastewater treatment plants in the Chesapeake Bay watershed: Pennsylvania, 123, Maryland, 65, Virginia, 86, New York, 18, Delaware, 3, Washington, D.C., 1, and West Virginia, 8. These plants contribute about 60 million pounds of nitrogen per year—one-fifth—of the total load of nitrogen to the Bay. Upgrading these plants with nutrient removal technologies to achieve nitrogen reductions of 3 mg/liter would remove 46 million pounds of nitrogen in the Bay each year or 40 percent of the total nitrogen reductions needed. Nutrient removal technologies have other benefits, as well. They provide significant sayings in energy usage, 20 to 30 percent, in chemical usage, more than 50 percent, and in the amount of sludge produced, five to 15 percent. They are one of the most cost-effective methods of reducing nutrients discharged to the Bay.

My legislation would provide grants for 55 percent of the capital cost of upgrading the plants with nutrient removal technologies capable of achieving nitrogen reductions of 3 mg/liter. Any publicly owned wastewater treatment plant which has a permitted design capacity to treat an annual average of 0.5 million gallons per day within the Chesapeake Bay watershed portion of New York, Pennsylvania, Maryland, West Virginia, Delaware, Virginia and the District of Columbia would be eligible to receive these grants. As a signatory to the Chesapeake Bay Agreement, the EPA has an important responsibility to assist the states with financing these water infrastructure needs.

The second measure, the Chesapeake Bay Environmental Education Pilot Program Act, would establish a new environmental education program in the U.S. Department of Education for elementary and secondary school students and teachers within the Chesapeake Bay watershed. There is a growing consensus that a major commitment to education—to promoting an ethic of responsible stewardship and citizenship among the nearly 16 million people who live in the watershed—is necessary if all of the other efforts to "Save the Bay" are to succeed. Expanding environmental education and training opportunities will lead not only to a healthier Chesapeake Bay ecosystem, but a more educated and informed citizenry, with a deeper understanding and appreciation for the environment, their community and their role in society as responsible citizens.

One of the principal commitments of the Chesapeake 2000 Agreement, is to "provide a meaningful Bay or stream outdoor experience for every school student in the watershed before graduation from high school" beginning with the class of 2005. Despite important efforts by Bay area states and not-for-profit organizations, only a very small percentage of the more than 3.3 million K–12 students in the watershed have had the opportunity to engage in meaningful outdoor experiences or receive classroom environmental instruction. Many of the school systems in the Bay watershed are only at the beginning stages in developing and implementing environmental education into their curriculum, let alone exposing students to outdoor watershed experiences. What's lacking is not the desire or will, but the resources and training to undertake more comprehensive environmental education programs.

This legislation would authorize $6 million a year over the next three years in Federal grant assistance to help close the resource and training gap for students in the elementary and secondary levels in the Chesapeake Bay watershed. It would require a 50 percent non-Federal match, thus leveraging $12 million in assistance. The funding could be used to help design, demonstrate or disseminate environmental curricula and field practices, train teachers or other educational personnel, and support on-the-ground activities or Chesapeake Bay or stream outdoor educational experiences involving students and teachers, among other things. The program would complement the NOAA Bay Watershed Education and Training Program that we established last year.

The third measure would reauthorize and enhance the Chesapeake Bay Environmental Protection and Restoration Program. This program, which was first established in Section 510 of the Water Resources Development Act of 1996, Public Law 104–303, authorizes the U.S. Army Corps of Engineers to provide design and construction assistance to State and local authorities in the environmental restoration of the Chesapeake Bay. To date, the Corps of Engineers has constructed or approved $9.3 million in projects under the Chesapeake Bay Environmental Restoration and Protection Program including oyster restoration projects in

Virginia, shoreline protection and wetland/sewage treatment projects at Smith Island in Maryland and the upgrade of the Scranton Wastewater Treatment Plant in Pennsylvania to reduce the amount of nutrients delivered to the Chesapeake Bay. These projects have nearly exhausted the current $10 million authorization.

This legislation increases the authorization for this program from $10 million to $30 million. Consistent with all other environmental restoration authorities of the Corps of Engineers, it enables States and local governments to provide all or any portion of the 25 percent non-Federal share required in the form of in-kind services. It also establishes a new small-grants program for local governments and nonprofit organizations to carry out small-scale restoration and protection projects in the Chesapeake Bay watershed. The program would be administered by the National Fish and Wildlife Foundation which has extensive experience and expertise in managing these kinds of grants for other Federal agencies. Ten percent of the funds appropriated each year under this program would be set-aside for these grants. In view of the great need and the many requests for assistance from the Bay area states, this legislation is clearly unwarranted.

The forth measure, the Chesapeake Bay Watershed Forestry Act, would continue and enhance the USDA Forest Service's role in the restoration of the Chesapeake Bay watershed. Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resources Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987–1997 or almost 100 acres per day. More and more rural areas are being converted to suburban developments resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecological benefits, such as controlling storm water runoff, erosion and air pollution, all critical to the Bay clean-up effort.

Since 1990, the USDA Forest Service has been an important part of the Chesapeake Bay Program. Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six-state Chesapeake Bay region to demonstrate how forest protection, restoration and stewardship activities, can contribute to achieving the Bay restoration goals. Over the past 12 years, it has provided modest levels of technical and financial assistance, averaging approximately $300,000 a year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship.

With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this Agreement requires the signatories to conserve existing forests along all streams and shoreline; promote the expansion and connection of contiguous forests; assess the Bay's forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands. To address these goals, the USDA Forest Service must have additional resources and authority, and that is what this measure seeks to provide.

This legislation codifies the role and responsibilities of the USDA Forest Service to the Bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied forestry research and training program to enhance urban, suburban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-State, 64,000 square mile watershed.

The fifth measure, the NOAA Chesapeake Bay Watershed Education, Training, and Restoration Act, would enhance the National Oceanic and Atmospheric, NOAA, Chesapeake Bay Office's authorities to address the living resource restoration and education and training goals and commitments of the Chesapeake 2000 agreement. It builds upon provisions contained in the Hydrographic Services Improvement Act Amendments of 2003, and addresses several urgent and unmet needs in the watershed. To help meet Bay-wide living resource education and training goals, it codifies the Bay Watershed Education and Training or, B–WET, Program—the first federally funded environmental education program focused solely on the Chesapeake Bay watershed—that we initiated in the Fiscal 2002 Commerce, Justice, State Appropriations bill and establishes an aquaculture education program to assist with oyster and blue crab hatchery production.

To better coordinate and organize the substantial amounts of data collected and complied by Federal, State and local government agencies and academic institutions—data such as information on weather, tides, currents circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions—and make this information more useful to resource managers, scientists and the public, it establishes an internet-based Coastal Predictions Center for the Chesapeake Bay. It also authorizes a shallow water monitoring program to address critical gaps in information on near shore and river area water quality conditions needed for restoration of living resources. And to help meet Chesapeake 2000 living resource restoration goals, it codifies the ongoing oyster restoration program an authorizes a new submerged aquatic vegetation restoration program.

Mr. President, these measures would provide an important boost to our efforts to save the Chesapeake Bay and a blueprint for the course ahead. They are strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation, and other organizations in the watershed. I ask unanimous consent that the text of the bills and supporting letters to printed in the RECORD. I urge my colleagues to join with us in supporting the measures and continue the momentum contributing to the improvement and enhancement of our Nation's most valuable and treasured natural resource.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Watershed Nutrient Removal Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) nutrient pollution from point sources and nonpoint sources continues to be the most significant water quality problem in the Chesapeake Bay watershed;

(2) a key commitment of the Chesapeake 2000 agreement, an interstate agreement among the Administrator, the Chesapeake Bay Commission, the District of Columbia, and the States of Maryland, Virginia, and Pennsylvania, is to achieve the goal of correcting the nutrient-related problems in the Chesapeake Bay by 2010;

(3) by correcting those problems, the Chesapeake Bay and its tidal tributaries may be removed from the list of impaired bodies of water designated by the Administrator of the Environmental Protection Agency under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d));

(4) nearly 300 major sewage treatment plants located in the Chesapeake Bay watershed annually discharge approximately 60,000,000 pounds of nitrogen, or the equivalent of 20 percent of the total nitrogen load, into the Chesapeake Bay; and

(5) nutrient removal technology is 1 of the most reliable, cost-effective, and direct methods for reducing the flow of nitrogen from point sources into the Chesapeake Bay.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Administrator of the Environmental Protection Agency to provide

financial assistance to States and municipalities for use in upgrading publicly-owned wastewater treatment plants in the Chesapeake Bay watershed with nutrient removal technologies; and

(2) to further the goal of restoring the water quality of the Chesapeake Bay to conditions that are protective of human health and aquatic living resources.

SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"TITLE VII—MISCELLANEOUS

"SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

"(a) Definition of Eligible Facility.—In this section, the term 'eligible facility' means a municipal wastewater treatment plant that—

"(1) as of the date of enactment of this title, has a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day; and

"(2) is located within the Chesapeake Bay watershed in any of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, or West Virginia or in the District of Columbia.

"(b) Grant Program.—

"(1) Establishment.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish a program within the Environmental Protection Agency to provide grants to States and municipalities to upgrade eligible facilities with nutrient removal technologies.

"(2) Priority.—In providing a grant under paragraph (1), the Administrator shall—

"(A) consult with the Chesapeake Bay Program Office;

"(B) give priority to eligible facilities at which nutrient removal upgrades would—

"(i) produce the greatest nutrient load reductions at points of discharge; or

"(ii) result in the greatest environmental benefits to local bodies of water surrounding, and the main stem of, the Chesapeake Bay; and

"(iii) take into consideration the geographic distribution of the grants.

"(3) Application.—

"(A) In general.—On receipt of an application from a State or municipality for a grant under this section, if the Administrator approves the request, the Administrator shall transfer to the State or municipality the amount of assistance requested.

"(B) Form.—An application submitted by a State or municipality under subparagraph (A) shall be in such form and shall include such information as the Administrator may prescribe.

"(4) Use of funds.—A State or municipality that receives a grant under this section shall use the grant to upgrade eligible facilities with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter.

"(5) Cost sharing.—

"(A) Federal share.—The Federal share of the cost of upgrading any eligible facility as described in paragraph (1) using funds provided under this section shall not exceed 55 percent.

"(B) Non-federal share.—The non-Federal share of the costs of upgrading any eligible facility as described in paragraph (1) using funds provided under this section may be provided in the form of funds made available to a State or municipality under—

"(i) any provision of this Act other than this section (including funds made available from a State revolving fund established under title VI); or

"(ii) any other Federal or State law.

"(c) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated to carry out this section $132,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

"(2) Administrative costs.—The Administrator may use not to exceed 4 percent of any amount made available under paragraph (1) to pay administrative costs incurred in carrying out this section.".

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Environmental Education Pilot Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) increasing public environmental awareness and understanding through formal environmental education and meaningful bay or stream field experiences are vital parts of the effort to protect and restore the Chesapeake Bay ecosystem;

(2) using the Chesapeake Bay watershed as an integrating context for learning can help—

(A) advance student learning skills;

(B) improve academic achievement in core academic subjects; and

(C)(i) encourage positive behavior of students in school; and

(ii) encourage environmental stewardship in school and in the community; and

(3) the Federal Government, acting through the Secretary of Education, should work with the Under Secretary for Oceans and Atmosphere, the Chesapeake Executive Council, State educational agencies, elementary schools and secondary schools, and nonprofit educational and environmental organizations to support development of curricula, teacher training, special projects, and other activities, to increase understanding of the Chesapeake Bay watershed and to improve awareness of environmental problems.

SEC. 3. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART D—CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM

"SEC. 4401. DEFINITIONS.

"In this part:

"(1) Bay watershed state.—The term 'Bay Watershed State' means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

"(2) Chesapeake executive council.—The term 'Chesapeake Executive Council' has the meaning given the term in section 307(e) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(e)).

"(3) Eligible institution.—The term 'eligible institution' means—

"(A) a public elementary school or secondary school located in a Bay Watershed State; and

"(B) a nonprofit environmental or educational organization located in a Bay Watershed State.

"(4) Program.—The term 'Program' means the Chesapeake Bay Environmental Education and Training Grant Pilot Program established under section 4402.

"SEC. 4402. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

"(a) In General.—The Secretary shall establish a grant program, to be known as the 'Chesapeake Bay Environmental Education and Training Grant Pilot Program', to make grants to eligible institutions to pay the Federal share of the cost of developing, demonstrating, or disseminating information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed.

"(b) Federal Share.—The Federal share referred to in subsection (a) shall be 50 percent.

"(c) Administration.—The Secretary may offer to enter into a cooperative agreement or contract with the National Fish and Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), the Under Secretary for Oceans and Atmosphere, a State educational agency, or a nonprofit organization that carries out environmental education and training programs, for administration of the Program.

"(d) Use of Funds.—An eligible institution that receives a grant under the Program shall use the funds made available through the grant to carry out a project consisting of—

"(1) design, demonstration, or dissemination of environmental curricula, including development of educational tools or materials;

"(2) design or demonstration of field practices, methods, or techniques, including—

"(A) assessments of environmental or ecological conditions; and

"(B) analyses of environmental pollution or other natural resource problems;

"(3) understanding and assessment of a specific environmental issue or a specific environmental problem;

"(4) provision of training or related education for teachers or other educational personnel, including provision of programs or curricula to meet the needs of students in various age groups or at various grade levels;

"(5) provision of an environmental education seminar, teleconference, or workshop for environmental education professionals or environmental education students, or provision of a computer network for such professionals and students;

"(6) provision of on-the-ground activities involving students and teachers, such as—

"(A) riparian forest buffer restoration; and

"(B) volunteer water quality monitoring at schools;

"(7) provision of a Chesapeake Bay or stream outdoor educational experience; or

"(8) development of distance learning or other courses or workshops that are acceptable in all Bay Watershed States and apply throughout the Chesapeake Bay watershed.

"(e) Required Elements of Program.—In carrying out the Program, the Secretary shall—

"(1) solicit applications for projects;

"(2) select suitable projects from among the projects proposed;

"(3) supervise projects;

"(4) evaluate the results of projects; and

"(5) disseminate information on the effectiveness and feasibility of the practices, methods, and techniques addressed by the projects.

"(f) Solicitation of Applications.—Not later than 90 days after the date on which amounts are first made available to carry out this part, and each year thereafter, the Secretary shall publish a notice of solicitation for applications for grants under the Program that specifies the information to be included in each application.

"(g) Applications.—To be eligible to receive a grant under the Program, an eligible institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(h) Priority in Selection of Projects.—In making grants under the Program, the Secretary shall give priority to an applicant that proposes a project that will develop—

"(1) a new or significantly improved environmental education practice, method, or technique, in multiple disciplines, or a program that assists appropriate entities and individuals in meeting Federal or State academic standards relating to environmental education;

"(2) an environmental education practice, method, or technique that may have wide application; and

"(3) an environmental education practice, method, or technique that addresses a skill or scientific field identified as a priority by the Chesapeake Executive Council.

"(i) Maximum Amount of Grants.—Under the Program, the maximum amount of a grant shall be $50,000.

"(j) Notification.—Not later than 3 days before making a grant under this part, the Secretary shall provide notification of the grant to the appropriate committees of Congress.

"(k) Regulations.—Not later than 1 year after the date of enactment of the Chesapeake Bay Environmental Education Pilot Program Act, the Secretary shall promulgate regulations concerning implementation of the Program.

"SEC. 4403. EVALUATION AND REPORT.

"(a) Evaluation.—Not later than December 31, 2007, the Secretary shall enter into a contract with an entity that is not the recipient of a grant under this part to conduct a detailed evaluation of the Program. In conducting the evaluation, the Secretary shall determine whether the quality of content, delivery, and outcome of the Program warrant continued support of the Program.

"(b) Report.—Not later than December 31, 2007, the Secretary shall submit a report to the appropriate committees of Congress containing the results of the evaluation.

"SEC. 4404. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this part $6,000,000 for each of fiscal years 2004 through 2007.

"(b) Administrative Expenses.—Of the amounts made available under subsection (a) for each fiscal year, not more than 10 percent may be used for administrative expenses.".

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(2)—

(A) by striking "The assistance" and inserting the following:

"(A) In general.—The assistance"; and

(B) by adding at the end the following:

"(B) Agreements.—In providing assistance under this subsection, the Secretary may enter into 1 or more cooperative agreements, to provide for public involvement and education and other project needs, with—

"(i) federally designated coastal ecosystem learning centers; and

"(ii) such nonprofit, nongovernmental organizations as the Secretary determines to be appropriate.";

(2) in subsection (c), by adding at the end the following:

"(3) Nonprofit entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include, with the consent of the affected local government, a nonprofit entity.";

(3) in subsection (d)(2)(A)—

(A) in the heading, by striking "AND RELOCATIONS" and inserting "RELOCATIONS, AND IN-KIND CONTRIBUTIONS"; and

(B) by striking "and relocations" and inserting "relocations, and in-kind contributions";

(4) by striking subsection (i);

(5) by redesignating subsection (h) as subsection (i);

(6) by inserting after subsection (g) the following:

"(h) Small Watershed Grants.—

"(1) In general.—The Secretary shall establish a program, to be administered by the National Fish and Wildlife Foundation, to provide small watershed grants for technical and financial assistance to local governments and nonprofit organizations in the Chesapeake Bay region.

"(2) Use of funds.—A local government or nonprofit organization that receives a grant under paragraph (1) shall use funds from the grant only for implementation of cooperative tributary basin strategies that address the establishment, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem."; and

(7) by inserting after subsection (i) (as redesignated by paragraph (5)) the following:

"(j) Funding.—

"(1) Authorization of appropriations.—There is authorized to be appropriated to carry out this section $30,000,000.

"(2) Annual grant expenditure.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, not more than 10 percent may be used to carry out subsection (h) for the fiscal year.".

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Watershed Forestry Program Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) trees and forests are critical to the long-term health and proper functioning of the Chesapeake Bay and the Chesapeake Bay watershed;

(2) the Chesapeake Bay States are losing forest land to urban growth at a rate of nearly 100 acres per day; and

(3) the Forest Service has a vital role to play in assisting States, local governments, and nonprofit organizations in carrying out forest conservation, restoration, and stewardship projects and activities.

(b) Purposes.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to protect, restore, and manage forests in the Chesapeake Bay watershed; and

(2) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) Chesapeake bay agreement.—The term "Chesapeake Bay Agreement" means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem; and

(B) signed by the Council.

(2) Chesapeake bay state.—The term "Chesapeake Bay State" means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the District of Columbia.

(3) Coordinator.—The term "Coordinator" means the Coordinator of the program designated under section 4(b)(1)(B).

(4) Council.—The term "Council" means the Chesapeake Bay Executive Council.

(5) Program.—The term "program" means the Chesapeake Bay watershed forestry program carried out under section 4(a).

(6) Secretary.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service and the Coordinator.

SEC. 4. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

(a) In General.—The Secretary shall carry out a Chesapeake Bay watershed forestry program under which the Secretary shall make grants and provide technical assistance to eligible entities to restore and conserve forests in the Chesapeake Bay watershed, including grants and assistance—

(1) to promote forest conservation and stewardship efforts in urban, suburban, and rural areas of the Chesapeake Bay watershed;

(2) to manage National Forest System land in the Chesapeake Bay watershed in a manner that protects water quality and sustains watershed health;

(3) to assist in developing and carrying out projects and partnerships in the Chesapeake Bay watershed;

(4) to conduct research, assessment, and planning activities to restore and protect forest land in the Chesapeake Bay watershed;

(5) to develop communication and education resources to enhance public understanding of the value of forests in the Chesapeake Bay watershed; and

(6) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

(b) Office; Coordinator.—

(1) In general.—The Secretary shall—

(A) maintain an office within the Forest Service to carry out the program; and

(B) designate an employee of the Forest Service as Coordinator of the program.

(2) Duties.—As part of the program, the Coordinator, in cooperation with the Secretary and the Chesapeake Bay Program, shall—

(A) provide grants and technical assistance to restore and protect forests in the Chesapeake Bay watershed;

(B) enter into partnerships to carry out forest restoration and conservation activities at a watershed scale using the resources and programs of the Forest Service;

(C) carry out activities, in collaboration with other units of the Forest Service, that contribute to the goals of the Chesapeake Bay Agreement;

(D) represent the Forest Service in deliberations of the Chesapeake Bay Program; and

(E) support and collaborate with the Forestry Work Group in planning and implementing program activities.

(c) Eligible Entities.—To be eligible to receive assistance under the program, an entity shall be—

(1) a Chesapeake Bay State;

(2) a political subdivision of a Chesapeake Bay State;

(3) an organization operating in the Chesapeake Bay watershed that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; or

(4) any other person in the Chesapeake Bay watershed that the Secretary determines to be eligible.

(d) Grants.—

(1) In general.—The Secretary shall make grants to eligible entities under the program to carry out projects to protect, restore, and manage forests in the Chesapeake Bay watershed.

(2) Federal share.—The Federal share of a grant made under the program shall not exceed 75 percent, as determined by the Secretary.

(3) Types of projects.—The Secretary may make a grant to an eligible entity for any project in the Chesapeake Bay watershed that—

(A) improves habitat and water quality through the establishment, protection, or stewardship of riparian or wetland forests or stream corridors;

(B) builds the capacity of State and local organizations to implement forest conservation, restoration, and stewardship actions;

(C) develops and implements watershed management plans that—

(i) address forest conservation needs; and

(ii) reduce urban runoff;

(D) provides outreach and assistance to private landowners and communities to restore or conserve forests in the watershed;

(E) implements communication, education, or technology transfer programs that broaden public understanding of the value of trees and forests in sustaining and restoring the Chesapeake Bay watershed;

(F) coordinates and implements community-based watershed partnerships and initiatives that—

(i) focus on the restoration or protection of urban and rural forests; or

(ii) focus programs of the Forest Service on restoring or protecting watersheds;

(G) provides enhanced forest resource data to support watershed management;

(H) enhances upland forest health to reduce risks to watershed function and water quality; or

(I) conducts inventory assessment or monitoring activities to measure environmental change associated with projects carried out under the program.

(4) State watershed foresters.—Funds made available under section 6 may be used by a Chesapeake Bay State to employ a State watershed forester to carry out activities and coordinate watershed-level projects relating to the program.

(e) Study.—

(1) In general.—The Secretary, in consultation with the Council, shall conduct a study of urban and rural forests in the Chesapeake Bay watershed, including—

(A) an assessment of forest loss and fragmentation in the Chesapeake Bay watershed;

(B) an identification of forest land within the Chesapeake Bay watershed that should be restored or protected; and

(C) recommendations for expanded and targeted actions and programs that are needed to achieve the goals of the Chesapeake Bay Agreement.

(2) Report.—Not later than 1 year after amounts are first made available under section 6, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 5. WATERSHED FORESTRY RESEARCH PROGRAM.

(a) In General.—The Secretary, in cooperation with the Council, shall establish a watershed forestry research program for the Chesapeake Bay watershed.

(b) Administration.—In carrying out the watershed forestry research program established under subsection (a), the Secretary shall—

(1) use a combination of applied research, modeling, demonstration projects, implementation standards, strategies for adaptive management, training, and education to meet the needs of the residents of the Chesapeake Bay States for managing forests in urban, developing, and rural areas;

(2) solicit input from local managers and Federal, State, and private researchers, with respect to air and water quality, social and economic implications, environmental change, and other Chesapeake Bay watershed forestry issues in urban and rural areas; and

(3) collaborate with the Chesapeake Bay Program Scientific and Technical Advisory Committee and universities in the Chesapeake Bay States to—

(A) address issues in the Chesapeake Bay Agreement; and

(B) support modeling and informational needs of the Chesapeake Bay program.

(c) Watershed Forestry Research Strategy.—Not later than 1 year after the date of enactment of this Act, the Secretary, in collaboration with the Northeast Forest Research Station and the Southern Forest Research Station, shall submit to Congress a strategy for research to address Chesapeake Bay watershed goals.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the program $3,500,000 for each of fiscal years 2004 through 2010, of which—

(1) not more than $500,000 shall be used to conduct the study required under section 4(e); and

(2) not more than $1,000,000 for any fiscal year shall be used to carry out the watershed forestry research program under section 5.

SEC. 7. REPORT.

Not later than December 1, 2005, and annually thereafter, the Coordinator shall submit to the Secretary a comprehensive report on activities carried out under the program.

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chesapeake Bay Watershed Education, Training, and Restoration Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Center.—The term "Center" means the Coastal Prediction Center for the Chesapeake Bay established under paragraph (1) of section 3(a).

(2) Chesapeake 2000 agreement.—The term "Chesapeake 2000 agreement" means the agreement between the United States, the States of Maryland, Pennsylvania, and Virginia, and the District of Columbia entered into on June 28, 2000.

(3) Chesapeake executive council.—The term "Chesapeake Executive Council" has the meaning given that term in subsection (d) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

(4) Director.—The term "Director" means the Director of the Chesapeake Bay Office appointed under paragraph (2) of section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

(5) Eligible entity.—The term "eligible entity" means a State government, an institution of higher education, including a community college, a not-for-profit organization, or an appropriate private entity.

(6) Chesapeake bay office.—The term "Chesapeake Bay Office" means the Chesapeake Bay Office within the National Oceanic and Atmospheric Administration established under paragraph (1) of section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

SEC. 3. COASTAL PREDICTION CENTER.

(a) Establishment.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Director, in collaboration with scientific institutions located in the Chesapeake Bay watershed, shall establish a Coastal Prediction Center for the Chesapeake Bay.

(2) Purposes.—The purposes of the Center established under paragraph (1) are to serve as a knowledge bank for—

(A) assembling, integrating, and modeling coastal information and data related to the Chesapeake Bay and the tributaries of the Chesapeake Bay from appropriate government agencies and scientific institutions;

(B) interpreting such information and data; and

(C) organizing such information and data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

(b) Activities.—

(1) Information and prediction system.—The Center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning the Chesapeake Bay and the tributaries of the Chesapeake Bay related to—

(A) climate;

(B) land use;

(C) coastal pollution;

(D) coastal environmental quality;

(E) ecosystem health and performance;

(F) aquatic living resources and habitat conditions; and

(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events.

(2) Agreements to provide data, information, and support.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the Center.

(3) Agreements relating to information products.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the Center.

SEC. 4. CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.

(a) Establishment.—

(1) IN GENERAL.—The Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed education and training program.

(2) PURPOSES.—The program established under paragraph (1) shall continue and expand the Chesapeake Bay watershed education programs offered by the Chesapeake Bay Office for the purposes of—

(A) improving the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay; and

(B) meeting the educational goals of the Chesapeake 2000 agreement.

(b) GRANT PROGRAM.—

(1) AUTHORIZATION.—The Director is authorized to award grants to pay the Federal share of the cost of a project described in paragraph (3)—

(A) to a not-for-profit institution;

(B) to a consortia of not-for-profit institutions;

(C) to an elementary or secondary school located within the Chesapeake Bay watershed;

(D) to a teacher at a school described in subparagraph (C); or

(E) a State Department of Education if any part of such State is within the Chesapeake Bay watershed.

(2) CRITERIA.—The Director is authorized to award grants under this section based on the experience of the applicant in providing environmental education and training projects regarding the Chesapeake Bay watershed to a range of participants and in a range of settings.

(3) FUNCTIONS AND ACTIVITIES.—Grants awarded under this section may be used to support education and training projects that—

(A) provide classroom education, including the use of distance learning technologies, on the issues, science, and problems of the living resources of the Chesapeake Bay watershed;

(B) provide meaningful outdoor experience on the Chesapeake Bay, or on a stream or in a local watershed of the Chesapeake Bay, in the design and implementation of field studies, monitoring and assessments, or restoration techniques for living resources;

(C) provide professional development for teachers related to the science of the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

(D) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

(E) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

(F) develop or disseminate projects designed to—

(i) enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or of a goal of the Chesapeake Bay Program; or

(ii) protect or restore living resources of the Chesapeake Bay watershed.

(4) FEDERAL SHARE.—The Federal share of the cost of a project authorized under paragraph (1) shall not exceed 75 percent of the total cost of that project.

(c) REPORT.—Not later than December 31, 2006, the Director, in consultation with the Chesapeake Executive Council, shall submit to Congress a report through the Administrator of National Oceanic and Atmospheric Administration regarding the program established under subsection (a) and, on the appropriate role of Federal, State, and local governments in continuing such program.

SEC. 5. STOCK ENHANCEMENT AND HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed stock enhancement and habitat restoration program.

(2) PURPOSES.—The purposes of the program established in paragraph (1) are to support the restoration of oysters and submerged aquatic vegetation in the Chesapeake Bay and enhance education programs related to aquaculture.

(b) ACTIVITIES.—To carry out the purpose of the program established in paragraph (1) of subsection (a), the Director is authorized to enter into grants, contracts, and cooperative agreements with an eligible entity to support—

(1) the establishment of oyster hatcheries;

(2) the establishment of submerged aquatic vegetation propagation programs;

(3) the development of education programs related to aquaculture; and

(4) other activities that the Director determines are appropriate to carry out the purposes of such program.

SEC. 6. CHESAPEAKE BAY AQUACULTURE EDUCATION.

The Director is authorized to make grants and enter into contracts with an institution of higher education, including a community college, for the purpose of—

(1) supporting education in Chesapeake Bay aquaculture sciences and technologies; and

(2) developing aquaculture processes and technologies to improve production, efficiency, and sustainability of disease free oyster spat and submerged aquatic vegetation.

SEC. 7. SHALLOW WATER MONITORING PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in cooperation with the Chesapeake Executive Council and scientific institutions located in the Chesapeake Bay watershed, shall establish a program to monitor shallow water throughout the Chesapeake Bay.

(2) PURPOSE.—The purpose of the program established in paragraph (1) shall be to provide data on water quality conditions necessary for restoration of living resources in near-shore and tidal tributary areas of the Chesapeake Bay.

(b) ACTIVITIES.—To carry out the purpose of the program established in paragraph (1) of subsection (a), the Director is authorized to carry out, or enter into grants, contracts, and cooperative agreements with an eligible entity to carry out activities—

(1) to collect, analyze, and disseminate scientific information necessary for the management of living marine resources and the marine habitat associated with such resources;

(2) to interpret the information described in paragraph (1);

(3) to organize the information described in paragraph (1) into products that are useful to policy makers, resource managers, scientists, and the public; or

(4) that will otherwise further the purpose of such program.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) CHESAPEAKE BAY OFFICE.—Subsection (e) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—

(1) by striking "$6,000,000" and inserting "$8,000,000"; and

(2) by striking "2006" and inserting "2008".

(b) PROGRAMS.—There is authorized to be appropriated the following amounts to carry out the provisions of this Act:

(1) $500,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 3.

(2) $6,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 4.

(3) $7,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 5.

(4) $1,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 6.

(5) $3,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 7.

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, April 8, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: We would like to express our deepest appreciation for your continued leadership on behalf of the Chesapeake Bay. Your proposed legislation for the 108th Congress will provide essential new resources and policy direction for top Chesapeake priorities, consistent with the ambitious goals of the 2000 Chesapeake Bay Agreement. We pledge our support for the legislation, and we stand ready to help you in any way possible to secure enactment.

We are particularly pleased with your proposed Chesapeake Bay Watershed Nutrient Removal Assistance Act, which will significantly help reduce nitrogen pollution by providing first-time federal assistance to local communities for improving sewage treatment throughout the watershed. The bill will provide $660 million over five years, and more than 300 major sewage treatment plants will be eligible to participate in the new federal program. Importantly, the legislation will limit assistance to only those treatment plants willing to install state-of-the-art pollution controls, which is precisely consistent with the scientific conclusions of the Chesapeake Bay Program.

Your other Chesapeake initiatives will strengthen environmental education, improve forestry management, and enhance the work of the Army Corps of Engineers. Together, these bills will authorize significant new federal financial support for the Chesapeake Bay Program.

This year marks the 20th anniversary of the modern Chesapeake Bay Program. While we have made significant progress in the past two decades, Chesapeake scientists now believe we must redouble our efforts if we are to succeed in the goals that we all share. Your legislation will provide new direction and federal resources to the Chesapeake at a key time.

We thank you for your continued leadership on behalf of the Chesapeake Bay.

Sincerely,

ROBERT M. FERRIS,
Vice President,
Environmental Protection and Restoration.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, April 9, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: Federal funding has played a crucial role in supporting the

Chesapeake Bay restoration. Thanks in large part to your efforts, federal funds have supported nearly one-fifth of the projects currently underway.

However, in signing Chesapeake 2000, the signatories (both state and federal) vowed to substantially enhance their efforts to reduce nutrient pollution and restore the Bay's fisheries. With science driving these decisions, the expenditure of some $18.7 billion dollars will be required to restore the Bay to its former health and abundance. A commitment of this size will require the substantial involvement of all partners, including the federal, state, and local governments and the private sector.

With this financial need solidly in focus, we are writing to convey our unanimous, tri-state support for your Chesapeake Bay legislative package. Together, these five bills promote the kinds of enhanced funding and technical assistance called for in Cheasapeake 2000 (C2K). We hope that the 108th Congress will join us in our support of:

1. The Chesapeake Bay Watershed Nutrient Removal Act;
2. The reauthorization and improvement of The Chesapeake Bay Environmental Restoration and Protection Program of WRDA.
3. The Chesapeake Bay Environmental Education Pilot Program Act;
4. The Chesapeake Bay Watershed Forestry Act; and
5. NOAA Chesapeake Bay Watershed Education, Training and Restoration Act.

The Chesapeake Bay Watershed Nutrient Removal Assistance Act is of keen interest to this Commission. As a signatory to C2K, we have committed to reducing the Bay's nitrogen loads by 110 million pounds. Translated, this goal represents a doubling of the load reductions achieved since 1983. If accomplished, it will restore the Bay waters to conditions that are clean, clear and productive.

The Act provides grants to upgrade the major wastewater treatment plants (WWTP) in our six-state watershed with nutrient removal technologies. It will allow the region to demonstrate that state-of-the-art nutrient removal is possible on a large scale. It will single-handedly result in the removal of 41 million pounds of nitrogen, or 40 percent of the total nitrogen reduction needed. Only the federal government is in the position to trigger such remarkable reductions. It is an opportunity that should not and cannot be ignored.

In addition to the removal of nitrogen loads from our WWIPs, The Chesapeake Bay Watershed Forestry Act will help to control pollution running off the land. Forests and riparian buffers play a critical role in filtering and absorbing sediment and nutrient runoff, while providing valuable habitat for animals and birds and food and shelter for fish. Enhanced support for the Bay Program Forest Service will ramp up its provision of interstate coordination, technical assistance, and forest assessment and planning services that are otherwise limited or unavailable in our region.

Finally, let us emphasize the important support for education that this package provides. Sustaining hard won progress in the restoration of the Chesapeake Bay will ultimately rest in the hands of citizens and their communities. Sustainability, then, rests in our ability to provide ample education and opportunity for community involvement. This effort to supply financial and technical support is provided by the The Chesapeake Bay Environmental Education Pilot Program Act and the NOAA Chesapeake Bay Watershed Education, Training and Restoration Act. Education and community engagement are two activities of C2K that are woefully underfunded. The monies provided by these two acts will substantially improve our ability to keep our commitments on track and reach our stated goals.

Since the Bay Program's inception the federal government has been a strong partner, providing approximately 18 percent of the funds needed. For the federal government to maintain its level of support in the face of rising costs to attain our C2K objectives, it will need to triple its investment. Your five-bill package puts the federal government soundly on this track. As a Bay-region leader, you are to be commended. Please instruct us as to how we can further support these measures.

Sincerely,

Delegate ROBERT S. BLOXOM,
Chairman.

By Mr. GRASSLEY:

S. 832. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the "Corporate Accountability in Bankruptcy Act." This bill would clarify that the bonuses and other excessive compensation of corporate directors and wrongdoers can be brought back into a bankruptcy estate when a company goes bankrupt. It is only fair that corporate officers and employees who have engaged in wrongdoing and violated the securities and accounting laws should not be able to make money off of a company which has gone bankrupt, while company employees, shareholders and creditors are left carrying the burden of the bankruptcy. Moreover, corporate officers and insiders should not be allowed to keep their bonuses and loans when a company has done so poorly to go bankrupt.

Currently, the Bankruptcy Code permits a trustee to recover assets which a debtor has previously distributed to creditors within a certain time period prior to the filing of a bankruptcy petition. This allows a trustee to increase a debtor's assets for the fair treatment and equitable distribution of assets among all creditors, as well as to help shore up a debtor's assets during a reorganization.

Section 547 of the Bankruptcy Code currently allows a trustee to recover assets from an insider made within a year of the filing of a bankruptcy petition. Section 548 of the Bankruptcy Code allows a trustee to recover transfers of assets, made within one year, where there has been a fraudulent transaction or where a debtor has received less than what is reasonably equivalent in value. However, the Bankruptcy Code is not clear as to whether these sections would include the bonuses and other extraordinary or excessive compensation of officers, directors or other company employees. That needs to change.

The Corporate Accountability in Bankruptcy Act clarifies section 547 of the Bankruptcy Code to provide that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation as determined by the court, made to an insider, officer or director and made within one year before the date of the filing of the bankruptcy petition.

In addition, the bill amends section 548 of the Bankruptcy Code to provide that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation, as determined by the court, paid to an officer, director or employee who has committed securities or accounting violations, within 4 years of the filing of the bankruptcy petition. The reason that the bill extends the present one year reachback period for fraudulent transfers to four years is because a majority of States have adopted a four year time period or the Uniform Fraudulent Transfer Act, (which allows for 4 years).

The plain fact is that corporate officers and employees who have violated the law, as well as corporate officials who have not done a good job in managing a company, should not be allowed to benefit where their actions have contributed to the downfall of the company. Corporate mismanagement and irresponsibility should not be rewarded, and the bad guys need to be held accountable. The changes to the Bankruptcy Code contained in this bill are tied to excessiveness and wrongdoing and are fair. We need to do something about bringing more accountability and fairness to the system, and the Corporate Accountability in Bankruptcy Act does that.

By Mr. ALLARD:

S. 833. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Parks System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Public Lands Fire Regulations Enforcement Act of 2003, a bill that I am introducing, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Lands Fire Regulations Enforcement Act of 2003".

SEC. 2. PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS RESULTING IN PROPERTY DAMAGE.

(a) INCREASED PENALTIES ON INTERIOR LANDS.—Notwithstanding section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) or section 3 of the Act of August 25, 1916 (16 U.S.C. 3), a violation of the rules regulating the use of fire by visitors and other users of lands administered by the Bureau of Land Management or National Park System lands shall be punished by a fine of not less than $1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(b) INCREASED PENALTIES ON NATIONAL FOREST SYSTEM LANDS.—Notwithstanding the eleventh undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (16 U.S.C. 551), a violation of the rules regulating the use of fire by visitors and other users of National Forest System lands shall be punished by a fine of not less than $1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(c) RELATION TO OTHER SENTENCE OF FINE AUTHORITY.—The maximum fine amount specified in subsections (a) and (b) applies in lieu of the fine otherwise applicable under section 3571 of title 18, United States Code.

(d) USE OF COLLECTED FINES.—Any moneys received by the United States as a result of a fine imposed for a violation of fire rules applicable to lands administered by the Bureau of Land Management, National Park System lands, or National Forest System lands shall be available to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, without further appropriation and until expended, for the following purposes:

(1) To cover the cost to the United States of any improvement, protection, or rehabilitation work rendered necessary by the action that resulted in the fine.

(2) To reimburse the affected agency for the cost of the response to the action that resulted in the fine, including investigations, damage assessments, and legal actions.

(3) To increase public awareness of rules, regulations, and other requirements regarding the use of fire on public lands.

By Ms. LANDRIEU:

S. 834. A bill for the relief of Tanya Andrea Goudeau; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, I rise today to offer a private bill on behalf of Tanya Andrea Goudeau and her family to grant Tanya immediate relative status. The Goudeaus adopted Tanya in 2001, but due to misinformation and an undue delay in the adoption process, the adoption was not completed until a week after Tanya's 16th birthday. As a result, Tanya was no longer considered a child under the law and therefore was not eligible to receive permanent resident status. Currently, Tanya faces deportation to Sri Lanka where she no longer has a family to care for her. What is more, she is now legally a part of the Goudeau family. Tanya is the Goudeau's daughter and they are her parents.

Tanya Goudeau was born to Mrs. Goudeau's sister in 1984 in Sri Lanka. During a visit with the Goudeaus in 1999 at their home in Baker, LA, Tanya's mother announced that she was moving and that she did not want any further contact with her daughter. Tanya's father had walked out on the family 11 years earlier and could not be located. The Goudeaus realized that Tanya had no family to return to and they decided to adopt her. They could not bear to send their niece back to her native home where she would be on her own at age 14. Without any children of their own, they lovingly took Tanya into their family and have lovingly cared for her for the past 4 years.

Tanya has overcome her mother's and father's abandonment and after a period of adjustment, she has grown to love her new home. She is currently a senior in high school with aspirations to earn an advanced medical degree. Without the passage of this private bill, Tanya could face deportation to Sir Lanka at a time when she should be focused on her college degree with the support of her parents. The Goudeaus' situation is an unintended consequence of the requirement to complete the adoption process before a child's sixteenth birthday. We need to grant Tanya immediate relative status to allow the Goudeaus to remain a family.

By Ms. LANDRIEU:

S. 835. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation, to provide notice regarding loan consolidation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, throughout the next month, hundreds of thousands of high school seniors across this Nation will open up their mailboxes and receive acceptance letters for college. They will begin planning where they will live and what they will study for the next 2 or 4 years. These students will dream big and have grand ideas about what college will mean for them, but before they can officially enroll, they will be slapped in the face with a very real question: how are they going to pay for it?

Attending an institution of higher education can be expensive. According to the National Center for Higher Education, the cost of attending two or four year, public and private colleges has increased faster than both inflation and family income. In 2000, families in the lowest quartile of the income bracket spent as much as 25 percent of their annual income to send their children to a public, four year college, compared with only 13 percent in 1980. At the same time, though, sources of federal assistance are diminishing. The Federal Pell Grant program, which was designed to help alleviate the financial burden on low income families, covered only 57 percent of the cost of tuition at public, four year colleges in 1999, whereas Pell Grants covered 98 percent of the costs in 1986.

As the cost of college increases and the impact of Federal grants decreases, school loans have become a gateway to attending college for the majority of students. However, because of a provision in the 1998 re-authorization of the Higher Education Act, entitled the "Single Lender Rule," students who have all of their student loans from a single lender are barred from getting a lower rate by consolidating their loans with a different lender. The financial benefits for the consumer by using a different lender for loan consolidation are easily seen in other areas of finance, such as homeowners refinancing their mortgage. What appears to me to be an arbitrarily contrived limitation that protects lenders more than students has prevented college graduates from consolidating their multiple student loans into a single, new loan, thus driving up the cost of attending college.

Having a college degree is fast becoming a necessary pre-requisite to long-term success. That is why I rise today to introduce to my colleagues the "Consolidation Student Loan Flexibility Act of 2003." This bill would repeal the Single Lender rule, and knock down this arbitrarily contrived barrier that hinders students from gaining access to higher education.

Some of my colleagues may be asking, why now? Why not wait to repeal the Single Lender rule when we readdress the Higher Education Act? As the close of this school year fast approaches, and high school graduates begin making important decisions about their educational future, we cannot put off the repeal of the Single Lender rule. The effects of maintaining the Single Lender rule are devastating. In 2001, 143,504 students were forced to pay higher rates on their student loans because the Single Lender rule denied them benefits of loan consolidation. Over 3,300 of these students were from my home State of Louisiana. We cannot force another class of college students to pay more for college than necessary. Studies have shown that a major factor influencing a student's choice of college and degree program is the amount of debt connected with the type of institution of profession. These choices greatly impact not only the lives of the students themselves, but also society as a whole. At a time when our society is in dire need of nurses, teachers, and many other professions, we must not frighten students away from college for fear of substantial debt burdens after their graduation.

The greatest investment we can make in our future is in the education of our children. Today, with the changing world, educating our children includes assisting those who desire to obtain a college degree. By not repealing the Single Lender rule, we will be continuing to drive up the cost of college, thus impeding access, especially for lower-income students. According to the Census Bureau, the income gap between people receiving a bachelor's degree and people receiving only a high school diploma has increased from 57 percent in 1975, to 76 percent in 2002. By financially hindering the entrance into college, we will be adding to this income gap, which only further hurts our already recessed economy.

The Consolidation Student Loan Flexibility Act is an important first step to making college more affordable for all American families. I hope and urge my colleagues to join me in making the dream of a college education a reality for all.

By Mr. ROCKEFELLER:

S. 836. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I rise to reintroduce a bill that is enormously important to veterans in my State of West Virginia and to all veterans across this great Nation. The bill I am reintroducing will extend VA's ability to provide long-term care under two specific authorities of the Veterans Millennium Health Care and Benefits Act of 1999.

In November of 1999, Congress passed comprehensive long-term care legislation that required VA for the first time to provide extended care services to enrolled veterans. Section 101 of Public Law 106–117 directed VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, VA was to have provided non-institutional care, such as respite care, adult day care, home-based primary care, homemaker/home health aide and skilled home health care to all enrolled veterans. Without extension, both authorities will expire in December, 2003.

Long-term care for veterans has been, and remains, a priority for me. And the extension of these services is critically important to veterans and their families in every State across this country.

Prior to the passage of the Millennium Health Care Bill, when families in West Virginia were told by VA that the long-term care services they needed were not available to them, they would turn to me in despair. I still frequently hear from families of aging, sick veterans who want desperately to keep their husbands, fathers or brothers at home, but in order to do that they need help.

Many of our aging veterans are suffering from debilitating diseases, such as Alzheimer's or Parkinson's, or a stroke. A large number of these veterans are WW II combat veterans, whose wives are lovingly caring for them at home with very limited resources. The noninstitutional long-term care services currently available within VA provide an array of care that can be a lifesaver for the dedicated care givers of critically ill veterans, and allow these veterans to remain at home.

While the purpose of this bill is clear, let me explain the reason it is so necessary. Within three years of the enactment of Public Law 106–117, VA was to evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both the nursing home care and non-institutional care provisions, and to make recommendations on extending or making permanent these provisions. These programs were given an expiration date of four years.

But unfortunately, very little has happened with these long-term care programs. It was not until October, 2001, that VA addressed the requirements of the law by issuing a directive on such noninstitutional long-term care services as respite and adult day care. And even now, we find that how these services are being provided, if at all, varies widely throughout the VA health care system. The delay in implementing these programs will greatly impede our ability to adequately study their effects.

Additionally, in September, 2001, two years after Congress passed the Millennium Health Care and Benefits Act of 1999, I asked the General Accounting Office to identify the long-term care services that are available at each of VA's medical centers, and the standards and criteria used by VA to determine which veterans may receive these services.

GAO is expected to release their final report on VA long-term care by May 1, but their preliminary report confirms that VA has not made much progress in implementing noninstitutional long-term care services for veterans.

Therefore, I believe it is critical that both long-term care authorities, due to expire in December of this year, be extended for an additional five years, until December 31, 2008, so that we can be properly evaluate the services and, if need be, make appropriate adjustments.

By Mr. BROWNBACK (for himself, Mr. MILLER, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. CORNYN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. SANTORUM, Mr. THOMAS, and Mr. BUNNING):

S. 837. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the bipartisan Commission on the Accountability and Review of Federal Agencies, CARFA, Act.

We need accountability in Federal spending. With our Nation at war and with a recovering economy, the Congress needs to take concrete steps to ensure that hard-earned taxpayer dollars are being efficiently used by the Federal Government.

Indeed, few things are more upsetting to my Kansas constituents than to see wasteful Federal spending. Kansans often say to me: "I do not mind paying my taxes, but it is infuriating to see my hard-earned money being poorly spent by the Federal Government. If I am going to work hard to earn this money, I want it spent wisely." These are real concerns that need to be addressed.

The bipartisan legislation that I introduce today with 13 original cosponsors would help to provide accountability to Federal spending by establishing a commission to review Federal domestic agencies and programs within agencies.

The Senate is already on record strongly supporting this concept through an amendment that I offered to the Senate Budget Resolution. On March 21, the Senate passed S.A. 282 to the budget resolution by a voice vote. S.A. 282 briefly describes the CARFA Act, expressing the sense of the Senate that a commission should be established to review Federal domestic agencies and programs within agencies, and that the commission should submit to Congress: (1) recommendations to realign or eliminate wasteful agencies and programs within agencies; and (2) legislation to implement its recommendations.

The CARFA Act is modeled on successful commissions of the past. If enacted, the 12-member presidentially appointed commission would conduct a 2-year review of Federal domestic agencies and programs within agencies, using a narrow set of criteria in its review.

Upon completion of its evaluation, the commission would submit to Congress both its recommendations of agencies and programs that should be realigned or eliminated, and proposed legislation to implement its recommendations. As with successful commissions of the past, the Congress would consider this legislation on an expedited basis with a comment period from the committees of jurisdiction. Within the expedited timeframe, the Congress would take an up-or-down vote on the legislation as a whole without amendment.

I urge my colleagues to support and pass this important piece of legislation.

By Mr. REID (for himself, Mr. BENNETT, Mr. ENSIGN, and Mr. HATCH):

S. 840. A bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself, Senator ENSIGN, Senator HATCH, and Senator BENNETT to introduce this bill, which will establish a National Heritage Route in eastern Nevada and western Utah.

National Heritage areas, corridors, and routes are regions in which residents and businesses, as well as local and tribal governments join together in partnership to conserve and celebrate cultural heritage and special landscapes. The Great Basin National Heritage Route includes historic mining camps and ghost towns, Mormon and other pioneer settlements, as well as Native American communities. The Route passes through classic Great Basin country along the trails of the Pony Express and the Overland Stage. Cultural resources within the route include Native American archaeological sites dating back to the Fremont Culture.

Our bill will also help highlight some of the Great Basin's natural wonders. Passing through Millard County, Utah, and parts of the Duckwater Reservation and White Pine County in Nevada, the Route contains items of great biological and geological interest. In Nevada, it encompasses forests of bristlecone pine, the oldest living things on the earth. In Utah, the Route includes native Bonneville cutthroat trout as well as other distinctive species and ecological communities.

Designation of the corridor as a Heritage Route will ensure the protection of key educational and recreational opportunities in perpetuity without compromising traditional local use of the land. The Great Basin National Heritage Route will provide a framework for celebrating Nevada's and Utah's rich historic, archeological, cultural, and natural resources for both visitors and residents.

The bill will establish a board of directors consisting of local officials from both counties and tribes to manage the area designated by the route. The board will develop a management plan within 3 years of the bill's passage, and the Secretary of the Interior will enter into a memorandum of understanding with the Board of Directors for the management of the resources of the heritage route. Our legislation also authorizes up to $10 million to carry out the Act but limits Federal funding to no more then 50 percent of the project's cost. The bill allows the Secretary to provide assistance for 15 years after the bill is enacted.

Our bill benefits not just the people of Nevada and Utah, but citizens of all States. It highlights an area of outstanding cultural and natural value and brings people together to celebrate values that they can be proud of. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Basin National Heritage Route Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 3. DEFINITIONS.

In this Act:

(1) GREAT BASIN.—The term "Great Basin" means the North American Great Basin.

(2) HERITAGE ROUTE.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 4(a).

(3) MANAGEMENT ENTITY.—The term "management entity" means the Great Basin Heritage Route Partnership established by section 4(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the management entity under section 6(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) Boundaries.—The management entity shall determine the specific boundaries of the Heritage Route.

(c) Management Entity.—

(1) In general.—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) Board of directors.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 5. MEMORANDUM OF UNDERSTANDING.

(a) In General.—In carrying out this Act, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) Inclusions.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) Additional Requirements.—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) Amendments.—

(1) In general.—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) Use of funds.—Funds made available under this Act shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 6. MANAGEMENT PLAN.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 4(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 4(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) Considerations.—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 5(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) Failure To Submit.—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) Approval and Disapproval of Management Plan.—

(1) In general.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) Criteria.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) Action following disapproval.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) Implementation.—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) Amendments.—

(1) In general.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) Use of funds.—Funds made available under this Act shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) Authorities.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) Duties.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) Prohibition on the Acquisition of Real Property.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(d) Prohibition on the Regulation of Land Use.—The management entity shall not regulate land use within the Heritage Route.

SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 9. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this Act—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this Act—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this Act shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Mr. AKAKA, Mr. LEAHY, Mrs. MURRAY, Mr. FEINGOLD, and Mr. DURBIN):

S. 841. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, on behalf of myself and Senators MURRAY, KENNEDY, MIKULSKI, DURBIN, LEAHY, AKAKA, FEINGOLD and BOXER, I am introducing the Fair Pay Act.

April 15, tax day, is also Equal Pay Day. If you add what women made last year and so far this year, that would be the same amount men made in all of last year. In other words, it takes women 16 months to make what men make in 12.

There's been a lot of tax talk from Congress and the White House lately. We've got more than 1 million people out of work. And we've got millions of families struggling to make ends meet. The White House believes a new $750 billion tax cut for the rich is the solution.

I disagree. One way we can put more money in the pockets of working families—pay women what they're worth. Nearly 40 years after the Equal Pay Act became law, women are still paid only 76 cents for every dollar a man earns.

Working women at all income and education levels are affected by the wage gap. Last year, the GAO found that the pay gap continues to affect women in management and that, for these women, the pay gap has actually widened since 1995.

Regardless of education, the impact is the same. These women work as hard as men, but have less money to pay the bills, to put food on the table, or to save for their retirement or their child's education. That is simply wrong and it must end. We must close the wage gap once and for all.

First, we need to do a better job by enforcing and strengthening the penalties for the law that demands equal pay for equal work. That's why I support the Paycheck Fairness Act, sponsored by Senator DASCHLE and Congresswoman DELAURO.

Another part of discrimination against women in the work place is the historic pattern of undervaluing and underpaying so-called "women's jobs."

Millions of women today working in female-dominated jobs—as social workers, teachers, child care workers and nurses—are "equivalent" in skills, effort, responsibility and working conditions to similar jobs dominated by men. But these women aren't paid the same as men.

That's what the Fair Pay Act—that Congresswoman NORTON and I are reintroducing today—would address. Unfairly low pay in jobs dominated by women is un-American, it is discriminatory and our bill would make it illegal.

20 States have "fair pay" laws and policies in place for their employees, including my State of Iowa. And Iowa had a Republican legislature and Governor when this bill passed into law. So, ending wage discrimination against women is a nonpartisan issue.

Some say we don't need any more laws; market forces will take care of the wage gap. If we had relied on market forces we would have never passed the Equal Pay Act, the Civil Rights Act, the Family Medical Leave Act or the Americans with Disabilities Act.

I first introduced the Fair Pay Act in 1996 after the Iowa Business and Professional Women alerted me to this problem. And as long as I'm in the U.S. Senate I will continue to fight to pass this important legislation so we can end wage discrimination against women once and for all.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Fair Pay Act of 2003".

(b) REFERENCE.—Except as provided in section 8, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials—

(A) depresses wages and living standards for employees necessary for their health and efficiency;

(B) prevents the maximum utilization of the available labor resources;

(C) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(D) burdens commerce and the free flow of goods in commerce; and

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5)(A) A General Accounting Office analysis of wage rates in the civil service of the State of Washington found that in 1985 of the 44 jobs studied that paid less than the average of all equivalent jobs, approximately 39 percent were female-dominated and approximately 16 percent were male dominated.

(B) A study of wage rates in Minnesota using 1990 Decennial Census data found that 75 percent of the wage rate differential between white and non-white workers was unexplained and may be a result of discrimination.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for "equal work" on the basis of sex.

(7) Title VII of the Civil Rights Act of 1964 prohibits discrimination in compensation because of race, color, religion, national origin, and sex. The Supreme Court, in its decision in County of Washington v. Gunther, 452 U.S. 161 (1981), held that title VII's prohibition against discrimination in compensation also applies to jobs that do not constitute "equal work" as defined in section 6(d) of the Fair Labor Standards Act of 1938. Decisions of

lower courts, however, have demonstrated that further clarification of existing legislation is necessary in order effectively to carry out the intent of Congress to implement the Supreme Court's holding in its Gunther decision.

(8) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 3 decades after the passage of section 6(d) of the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964. Elimination of such barriers would have positive effects, including—

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) Amendment.—Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

"(h)(1)(A) Except as provided in subparagraph (B), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

"(B) Nothing in subparagraph (A) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to—

"(i) a seniority system;

"(ii) a merit system;

"(iii) a system that measures earnings by quantity or quality of production; or

"(iv) a differential based on a bona fide factor other than sex, race, or national origin, such as education, training, or experience, except that this clause shall apply only if—

"(I) the employer demonstrates that—

"(aa) such factor—

"(AA) is job-related with respect to the position in question; or

"(BB) furthers a legitimate business purpose, except that this item shall not apply if the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice; and

"(bb) such factor was actually applied and used reasonably in light of the asserted justification; and

"(II) upon the employer succeeding under subclause (I), the employee fails to demonstrate that the differential produced by the reliance of the employer on such factor is itself the result of discrimination on the basis of sex, race, or national origin by the employer.

"(C) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. Such guidelines shall not include a list of such jobs.

"(D) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

"(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1)(A).

"(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this section or section 7.

"(4) In this subsection:

"(A) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(B) The term 'equivalent jobs' means jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.".

(b) Conforming Amendment.—Section 13(a) (29 U.S.C. 213(a)) is amended in the matter before paragraph (1) by striking "section 6(d)" and inserting "sections 6(d) and 6(h)".

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following new paragraphs:

"(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

"(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h).".

SEC. 5. REMEDIES.

(a) Enhanced Penalties.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: "Any employer who violates subsection (d) or (h) of section 6 shall additionally be liable for such compensatory or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.";

(2) in the sentence beginning "An action to", by striking "either of the preceding sentences" and inserting "any of the preceding sentences of this subsection";

(3) in the sentence beginning "No employees", by striking "No employees" and inserting "Except with respect to class actions brought under subsection (f), no employee";

(4) in the sentence beginning "The court in", by striking "in such action" and inserting "in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection"; and

(5) by striking "section 15(a)(3)" each place it occurs and inserting "paragraphs (3), (6), and (7) of section 15(a)".

(b) Action by Secretary.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting "or, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages," before "and the agreement"; and

(B) by inserting before the period the following: ", or such compensatory or punitive damages, as appropriate";

(2) in the second sentence, by inserting before the period the following: "and, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages"; and

(3) in the third sentence, by striking "the first sentence" and inserting "the first or second sentence".

(c) Fees.—Section 16 (29 U.S.C. 216) is amended by adding at the end the following:

"(f) In any action brought under this section for violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.".

SEC. 6. RECORDS.

(a) Technical Amendment.—Section 11(c) (29 U.S.C. 211(c)) is amended by inserting "(1)" after "(c)".

(b) Records.—Section 11(c) (as amended by subsection (a)) is further amended by adding at the end the following:

"(2)(A) Every employer subject to section 6(h) shall preserve records that document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wage rates paid to the employees of the employer. Every employer subject to section 6(h) shall preserve such records for such periods of time, and shall make such reports from the records to the Equal Employment Opportunity Commission, as shall be prescribed by the Equal Employment Opportunity Commission by regulation or order as necessary or appropriate for the enforcement of the provisions of section 6(h) or any regulation promulgated pursuant to section 6(h).".

(c) Small Business Exemptions.—Section 11(c) (as amended by subsections (a) and (b)) is further amended by adding at the end the following:

"(B)(i) Every employer subject to section 6(h) that has 25 or more employees on any date during the first or second year after the effective date of this paragraph, or 15 or more employees on any date during any subsequent year after such second year, shall, in accordance with regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), prepare and submit to the Equal Employment Opportunity Commission for the year involved a report signed by the president, treasurer, or corresponding principal officer, of the employer that includes information that discloses the wage rates paid to employees of the employer in each classification, position, or job title, or to employees in other wage groups employed by the employer, including information with respect to the sex, race, and national origin of employees at each wage rate in each classification, position, job title, or other wage group.".

(d) Protection of Confidentiality.—Section 11(c) (as amended by subsections (a) through (c)) is further amended by adding at the end the following:

"(ii) The rules and regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), relating to the form of such a report, shall include requirements to protect the confidentiality of employees, including a requirement that the report shall not contain the name of any individual employee.".

(e) USE; INSPECTIONS; EXAMINATIONS; REGULATIONS.—Section 11(c) (as amended by subsections (a) through (d)) is further amended by adding at the end the following:

"(C) The Equal Employment Opportunity Commission may publish any information and data that the Equal Employment Opportunity Commission obtains pursuant to the provisions of subparagraph (B). The Equal Employment Opportunity Commission may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based on the information and data as the Equal Employment Opportunity Commission may consider appropriate.

"(D) In order to carry out the purposes of this Act, the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any person of the information and data contained in any report submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B).

"(E) The Equal Employment Opportunity Commission shall by regulation provide for the furnishing of copies of reports submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B) to any person upon payment of a charge based upon the cost of the service.

"(F) The Equal Employment Opportunity Commission shall issue rules and regulations prescribing the form and content of reports required to be submitted under subparagraph (B) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under subparagraph (B), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome.".

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

"(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including—

"(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section 6(h);

"(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

"(C) sponsoring and assisting State and community informational and educational programs; and

"(D) providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

"(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evaluation and appraisal regarding the implementation of section 6(h).".

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking "subsections (a)(1) and (d) of section 6" and inserting "subsections (a)(1), (d), and (h) of section 6"; and

(B) by striking "206 (a)(1) and (d)" and inserting "206 (a)(1), (d), and (h)".

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: "or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))".

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104–331; 110 Stat. 4053), is amended by striking "subsections (a)(1) and (d) of section 6" and inserting "subsections (a)(1), (d), and (h) of section 6".

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: "or, in an appropriate case, under section 16(f) of such Act".

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

By Mr. KERRY:

S. 842. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing a package of targeted, affordable tax relief provisions designed to help the Nation's small businesses during this time of economic stagnation. After the Easter recess, I know that the Finance Committee will be marking up a wide-ranging tax bill whose ultimate size is yet to be determined. I also know, however, that few of the proposals offered by the President will truly stimulate the economy or help the millions of struggling small businesses. Instead, the Bush tax proposal will reward the richest among us and pass the bill to our children. We can and must do better.

As the Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have drafted legislation that will truly help small businesses and the Nation. It is a tax proposal with meaningful, affordable reforms that will make a difference without sticking our kids with a huge bill. I hope that all of part of this legislation can be incorporated into a Senate economic stimulus package. I have titled the bill that I am introducing today "The Affordable Small Business Stimulus and Simplification Act of 2003," and it builds upon a bill that I introduced in the 107th Congress.

I call my bill an "affordable" stimulus package for small business because it targets the policies that can make the biggest difference and uses our limited resources as wisely and efficiently as possible. It does not include everything that I would like to do for small business, but it includes enough to help stimulate this essential component of our economy. Moreover, the bill will help address the tax complexity concerns of small businesses because it includes the Single Point Tax Filing Act that has passed the Senate on two previous occasions and a new standard deduction that will benefit millions of small businesses.

Let me briefly explain the contents of my bill.

First, my bill increases the expensing limitation for small businesses. It raises it to $35,000, rising to $40,000 in 2008, and it increases the phase-out level, above which expensing is not allowed, to $350,000, rising to $400,000 in 2008. I know that others have proposed raising this limit as high as $75,000, but such an increase is simply unaffordable while we face huge budget deficits. Raising it to $35,000 now, rising to $40,000 in 2008, is a more responsible approach and will provide an immediate investment incentive to many small businesses.

Second, my bill creates a new standard deduction of $500 for sole proprietorships. This provision provides tax relief and real tax simplification to the smallest of small businesses because it would relieve these businesses of the paperwork burden of having to itemize the myriad of small expenses on IRS forms. Of course, businesses with expenses greater than $500 would retain the option of full itemization. But for the very smallest businesses, many of them home-based or part-time, this new provision will be a significant step towards tax simplification.

Third, the bill modifies and expands a provision that was signed into law in 1993 regarding new equity investments in small businesses' stock. Under my bill, new investments in companies with capitalization of up to $100 million at the time of investment will have a 75 percent capital gains exclusion if the investments are held at least four years. The exclusion for such investments will be 100 percent if they are made in a business involved in such critical technologies as transportation or homeland security, defense-related technologies, anti-terrorism, pollution control, energy efficiency, or waste management. The 100-percent exclusion would also be allowed for investments in specialized small business investment companies, or SSBICs, whose investments are made solely in disadvantaged small businesses. Both the 75 and 100 percent exclusion levels would be available for investments made by both individuals and corporations. In addition, the rollover period for such investments would be increased from 60 days to 180 days. The provision passed in 1993 was crafted too narrowly to stimulate substantial new investment. I hope that this new, expanded capital gains treatment will prompt new investments in small and entrepreneurial businesses.

Fourth, my bill recognizes that the current depreciation schedules for high-tech equipment and software are out of date, given how quickly such items become obsolete in our fast-changing economy. My bill would reduce the recovery period for computers or peripheral equipment from five years to three, and for software from three years to two. This change would be permanent.

Fifth, my bill would fix a problem with the tax deductibility of health insurance expenses for the self-employed. Under current law, these expenses are fully deductible in 2003 for the first time—but the Internal Revenue Code denies the deduction to taxpayers who are eligible to participate in another plan, such as their spouse's employer's plan. My bill would clarify that the deduction is denied only if the taxpayer actually participates in the other plan.

Sixth, to simplify tax filing, my bill would include the Single Point Tax Filing Act. This section would simplify the tax filing process for employers that choose to participate by allowing the Internal Revenue Service and State agencies to combine, on one form, both State and Federal employment tax returns. This provision has been passed by the Senate twice before, but has not yet become law. There is currently a demonstration project along these lines in Montana, which is working very well. I believe such authority should extend to all States.

Seventh, my bill clarifies that married couples who co-own a business can elect to be sole proprietors for purposes of filing their Federal income taxes. This provision aligns the law with the way many married couples actually do business. Under present law, married couples who co-own a business technically own that business as a partnership for Federal income tax purposes. This treatment carries with it all the complications of the partnership provisions of the Internal Revenue Code, including having to file partnership returns. But in reality, many married couples in this situation consider themselves sole proprietors and are incorrectly filing tax returns as such. While the IRS may not be strictly enforcing the law against these taxpayers, this technical non-compliance can cause trouble down the road. Upon divorce, for example, it may not be clear that the business had been jointly owned. This same ambiguity might complicate a spouse's ability to get the full Social Security and Medicare benefits to which they are entitled. My bill makes clear that for Federal income tax purposes, married couples who co-own a business can be treated as sole proprietors.

Eighth, my bill would extend the existing income averaging provisions to cover fishing as well as farming. In other words, the choice to average income from a farming trade or business under present law would be extended to cover income from the trade or business of fishing as well. Under my bill, a farmer or fisherman electing to average his or her income would owe the alternative minimum tax, AMT, only to the extent he or she would have owed AMT had averaging not been elected. This is an important change that will benefit not only people in my state, but also throughout New England, the Pacific Northwest, the Gulf of Mexico region, Alaska, and in other areas of the country where fishing is an important industry.

Finally, my bill would modify the tax treatment of investments in debenture small business investment companies, or SBICs, so they are less likely to create unrelated business taxable income, UBTI, liability. The current tax treatment of money borrowed from the government by a debenture SBIC creates taxable income for an otherwise tax-exempt investor, which makes it almost impossible to raise capital from these investors. Free to choose, tax-exempt investors opt to invest in venture capital funds that do not create any UBTI liability. Therefore, my bill would assure that money borrowed from the government by an SBIC does not subject tax-exempt investors to UBTI. In so doing, the bill would encourage greater investment in SBICs, which provide critically needed venture capital to emerging small businesses. These venture capital funds are sorely needed in today's stalled economy.

I believe that "The Affordable Small Business Stimulus and Stimulus Act of 2003" will provide a much-needed stimulus to small business in a way that we can afford, particularly if we can find offsets to pay for the bill. I look forward to working with the Chairman and Ranking Member of the Finance Committee to have some or all of its provisions enacted into law.

By Mr. CARPER (for himself, Mr. CHAFEE, and Mr. GREGG):

S. 843. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, today along with Senators LINCOLN CHAFEE and JUDD GREGG, I am introducing comprehensive legislation to reduce harmful emissions from our Nation's power plants. Developed after extensive input from electric generators who would be affected by such legislation, leaders in the environmental community, and State and local regulators who will enforce any new requirements, the Clean Air Planning Act is a balanced approach to a difficult challenge.

The Clean Air Planning Act takes a market-based approach that would aggressively reduce electric power generators' emissions of sulfur dioxide, SO_2, by 80 percent, nitrogen oxides, NO_X, by 69 percent, mercury by 80 percent, and return carbon dioxide, CO_2, emissions to 2001 levels within a decade. It provides planning and regulatory certainty to electric generators who would be required to achieve these regulations.

The negative public health and environmental impacts of SO_2, NO_X and mercury emissions have been well documented. While there is bipartisan agreement that emissions of these three pollutants from power plants need further control, there is disagreement over how much and how fast. The bill includes a flexible trading system that allows for attainment of the caps in the most efficient manner and updates the new source review program to help encourage emission reductions to occur.

There is also a growing consensus that greenhouse gases such as CO_2 emissions from power plants are contributing to climate change. The time has come to set up mechanisms that will address these emissions without impeding economic growth. The Clean Air Planning Act establishes modest goal of capping CO_2 emissions from electrical generators at 2001 levels by 2013. Generators could meet that goal with a flexible system that allows both trading between generators and earning credits through off-system reductions of greenhouse gases.

Today, America's power plants will emit over 6 million tons of harmful emissions. They will also power the world's most productive economy. Reducing emissions while retaining affordable electricity is the goal of the Clean Air Planning Act, and I urge others to join in this effort.

In the months ahead, this clean air bill and others will be compared and debated. Opponents and supporters will be heard, but at the outset I believe we should agree on a set of guiding principles.

Four is better than three: A comprehensive four-emission strategy that includes carbon reductions provides regulatory certainty and offers the greatest environmental and economic benefits.

Markets work: Cape and trade based emission standards provide the maximum incentive to achieve cleaner power.

Stairs are better than cliffs: Prompt but gradual reductions through multiphase or declining caps are more desirable than single phased cuts.

Eliminate redundancy: Existing regulatory programs will need some modernization in light of tight emission caps.

Clean air is a basic right all Americans deserve. The responsibility to ensure that right falls to Congress and the President. By putting our differences aside and focusing on the challenge at hand the result will be healthy citizens breathing clean air, a vibrant economy with abundant affordable electricity, and a model for the rest of the world to follow.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Air Planning Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Integrated air quality planning for the electric generating sector.
Sec. 4. New source review program.
Sec. 5. Revisions to sulfur dioxide allowance program.
Sec. 6. Air quality forecasts and warnings.
Sec. 7. Relationship to other law.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fossil fuel-fired electric generating facilities, consisting of facilities fueled by coal, fuel oil, and natural gas, produce nearly ⅔ of the electricity generated in the United States;

(2) fossil fuel-fired electric generating facilities produce approximately ⅔ of the total sulfur dioxide emissions, ⅓ of the total nitrogen oxides emissions, ⅓ of the total carbon dioxide emissions, and ⅓ of the total mercury emissions, in the United States;

(3)(A) many electric generating facilities have been exempt from the emission limitations applicable to new units based on the expectation that over time the units would be retired or updated with new pollution control equipment; but

(B) many of the exempted units continue to operate and emit pollutants at relatively high rates;

(4) pollution from existing electric generating facilities can be reduced through adoption of modern technologies and practices;

(5) the electric generating industry is being restructured with the objective of providing lower electricity rates and higher quality service to consumers;

(6) the full benefits of competition will not be realized if the environmental impacts of generation of electricity are not uniformly internalized; and

(7) the ability of owners of electric generating facilities to effectively plan for the future is impeded by the uncertainties surrounding future environmental regulatory requirements that are imposed inefficiently on a piecemeal basis.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment and safeguard public health by ensuring that substantial emission reductions are achieved at fossil fuel-fired electric generating facilities;

(2) to significantly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides that enter the environment as a result of the combustion of fossil fuels;

(3) to encourage the development and use of renewable energy;

(4) to internalize the cost of protecting the values of public health, air, land, and water quality in the context of a competitive market in electricity;

(5) to ensure fair competition among participants in the competitive market in electricity that will result from fully restructuring the electric generating industry;

(6) to provide a period of environmental regulatory stability for owners and operators of electric generating facilities so as to promote improved management of existing assets and new capital investments; and

(7) to achieve emission reductions from electric generating facilities in a cost-effective manner.

SEC. 3. INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR

"Sec. 701. Definitions.
"Sec. 702. National pollutant tonnage limitations.
"Sec. 703. Nitrogen oxide and mercury allowance trading programs.
"Sec. 704. Carbon dioxide allowance trading program.

"SEC. 701. DEFINITIONS.

"In this title:

"(1) AFFECTED UNIT.—

"(A) MERCURY.—The term 'affected unit', with respect to mercury, means a coal-fired electric generating facility (including a cogenerating facility) that—

"(i) has a nameplate capacity greater than 25 megawatts; and

"(ii) generates electricity for sale.

"(B) NITROGEN OXIDES AND CARBON DIOXIDE.—The term 'affected unit', with respect to nitrogen oxides and carbon dioxide, means a fossil fuel-fired electric generating facility (including a cogenerating facility) that—

"(i) has a nameplate capacity greater than 25 megawatts; and

"(ii) generates electricity for sale.

"(C) SULFUR DIOXIDE.—The term 'affected unit', with respect to sulfur dioxide, has the meaning given the term in section 402.

"(2) CARBON DIOXIDE ALLOWANCE.—The term 'carbon dioxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of carbon dioxide during or after a specified calendar year.

"(3) COVERED UNIT.—The term 'covered unit' means—

"(A) an affected unit;

"(B) a nuclear generating unit with respect to incremental nuclear generation; and

"(C) a renewable energy unit.

"(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(5) INCREMENTAL NUCLEAR GENERATION.—The term 'incremental nuclear generation' means the difference between—

"(A) the quantity of electricity generated by a nuclear generating unit in a calendar year; and

"(B) the quantity of electricity generated by the nuclear generating unit in calendar year 1990;

as determined by the Administrator and measured in megawatt hours.

"(6) MERCURY ALLOWANCE.—The term 'mercury allowance' means an authorization allocated by the Administrator under this title to emit 1 pound of mercury during or after a specified calendar year.

"(7) NEW RENEWABLE ENERGY UNIT.—The term 'new renewable energy unit' means a renewable energy unit that has operated for a period of not more than 3 years.

"(8) NEW UNIT.—The term 'new unit' means an affected unit that has operated for not more than 3 years and is not eligible to receive—

"(A) sulfur dioxide allowances under section 417(b);

"(B) nitrogen oxide allowances or mercury allowances under section 703(c)(2); or

"(C) carbon dioxide allowances under section 704(c)(2).

"(9) NITROGEN OXIDE ALLOWANCE.—The term 'nitrogen oxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of nitrogen oxides during or after a specified calendar year.

"(10) NUCLEAR GENERATING UNIT.—The term 'nuclear generating unit' means an electric generating facility that—

"(A) uses nuclear energy to supply electricity to the electric power grid; and

"(B) commenced operation in calendar year 1990 or earlier.

"(11) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from—

"(A) wind;

"(B) organic waste (excluding incinerated municipal solid waste);

"(C) biomass (including anaerobic digestion from farm systems and landfill gas recovery);

"(D) fuel cells; or

"(E) a hydroelectric, geothermal, solar thermal, photovoltaic, or other nonfossil fuel, nonnuclear source.

"(12) RENEWABLE ENERGY UNIT.—The term 'renewable energy unit' means an electric generating facility that uses exclusively renewable energy to supply electricity to the electric power grid.

"(13) SEQUESTRATION.—The term 'sequestration' means the action of sequestering carbon by—

"(A) enhancing a natural carbon sink (such as through afforestation); or

"(B)(i) capturing the carbon dioxide emitted from a fossil fuel-based energy system; and

"(ii)(I) storing the carbon in a geologic formation; or

"(II) converting the carbon to a benign solid material through a biological or chemical process.

"(14) SULFUR DIOXIDE ALLOWANCE.—The term 'sulfur dioxide allowance' has the meaning given the term 'allowance' in section 402.

"SEC. 702. NATIONAL POLLUTANT TONNAGE LIMITATIONS.

"(a) SULFUR DIOXIDE.—The annual tonnage limitation for emissions of sulfur dioxide from affected units in the United States shall be equal to—

"(1) for each of calendar years 2009 through 2012, 4,500,000 tons;

"(2) for each of calendar years 2013 through 2015, 3,500,000 tons; and

"(3) for calendar year 2016 and each calendar year thereafter, 2,250,000 tons.

"(b) NITROGEN OXIDES.—The annual tonnage limitation for emissions of nitrogen oxides from affected units in the United States shall be equal to—

"(1) for each of calendar years 2009 through 2012, 1,870,000 tons; and

"(2) for calendar year 2013 and each calendar year thereafter, 1,700,000 tons.

"(c) MERCURY.—

"(1) IN GENERAL.—The annual tonnage limitation for emissions of mercury from affected units in the United States shall be equal to—

"(A) for each of calendar years 2009 through 2012, 24 tons; and

"(B) for calendar year 2013 and each calendar year thereafter, 10 tons.

"(2) MAXIMUM EMISSIONS OF MERCURY FROM EACH AFFECTED UNIT.—

"(A) CALENDAR YEARS 2009 THROUGH 2012.—For each of calendar years 2009 through 2012, the emissions of mercury from each affected unit shall not exceed either, at the option of the operator of the affected unit—

"(i) 50 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

"(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator based on an input-based rate of 4 pounds per trillion British thermal units.

"(B) CALENDAR YEAR 2013 AND THEREAFTER.—For calendar year 2013 and each calendar year thereafter, the emissions of mercury from each affected unit shall not exceed—

"(i) 30 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

"(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator.

"(d) CARBON DIOXIDE.—Subject to section 704(d), the annual tonnage limitation for emissions of carbon dioxide from covered units in the United States shall be equal to—

"(1) for each of calendar years 2009 through 2012, the quantity of emissions projected to be emitted from affected units in calendar year 2006, as determined by the Energy Information Administration of the Department of Energy based on the projections of the Administration the publication of which most closely precedes the date of enactment of this title; and

"(2) for calendar year 2013 and each calendar year thereafter, the quantity of emissions emitted from affected units in calendar year 2001, as determined by the Energy Information Administration of the Department of Energy.

"(e) REVIEW OF ANNUAL TONNAGE LIMITATIONS.—

"(1) PERIOD OF EFFECTIVENESS.—The annual tonnage limitations established under subsections (a) through (d) shall remain in effect until the date that is 20 years after the date of enactment of this title.

"(2) DETERMINATION BY ADMINISTRATOR.—Not later than 15 years after the date of enactment of this title, the Administrator, after considering impacts on human health, the environment, the economy, and costs, shall determine whether 1 or more of the annual tonnage limitations should be revised.

"(3) DETERMINATION NOT TO REVISE.—If the Administrator determines under paragraph (2) that none of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register a notice of the determination and the reasons for the determination.

"(4) DETERMINATION TO REVISE.—

"(A) IN GENERAL.—If the Administrator determines under paragraph (2) that 1 or more of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register—

"(i) not later than 15 years and 180 days after the date of enactment of this title, proposed regulations implementing the revisions; and

"(ii) not later than 16 years and 180 days after the date of enactment of this title, final regulations implementing the revisions.

"(B) EFFECTIVE DATE OF REVISIONS.—Any revisions to the annual tonnage limitations under subparagraph (A) shall take effect on the date that is 20 years after the date of enactment of this title.

"(f) REDUCTION OF EMISSIONS FROM SPECIFIED AFFECTED UNITS.—Subject to the requirements of this Act concerning national ambient air quality standards established under part A of title I, notwithstanding the annual tonnage limitations established under this section, the Federal Government or a State government may require that emissions from a specified affected unit be reduced to address a local air quality problem.

"SEC. 703. NITROGEN OXIDE AND MERCURY ALLOWANCE TRADING PROGRAMS.

"(a) REGULATIONS.—

"(1) PROMULGATION.—

"(A) IN GENERAL.—Not later than January 1, 2005, the Administrator shall promulgate regulations to establish for affected units in the United States—

"(i) a nitrogen oxide allowance trading program; and

"(ii) a mercury allowance trading program.

"(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall establish requirements for the allowance trading programs under this section, including requirements concerning—

"(i)(I) the generation, allocation, issuance, recording, tracking, transfer, and use of nitrogen oxide allowances and mercury allowances; and

"(II) the public availability of all information concerning the activities described in subclause (I) that is not confidential;

"(ii) compliance with subsection (e)(1);

"(iii) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (e); and

"(iv) excess emission penalties under subsection (e)(4).

"(2) MIXED FUEL, CO-GENERATION FACILITIES AND COMBINED HEAT AND POWER FACILITIES.—The Administrator shall promulgate such regulations as are necessary to ensure the equitable issuance of allowances to—

"(A) facilities that use more than 1 energy source to produce electricity; and

"(B) facilities that produce electricity in addition to another service or product.

"(3) REPORT TO CONGRESS ON USE OF CAPTURED OR RECOVERED MERCURY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this title, the Administrator shall submit to Congress a report on the public health and environmental impacts from mercury that is or may be—

"(i) captured or recovered by air pollution control technology; and

"(ii) incorporated into products such as soil amendments and cement.

"(B) REQUIRED ELEMENTS.—The report shall—

"(i) review—

"(I) technologies, in use as of the date of the report, for incorporating mercury into products; and

"(II) potential technologies that might further minimize the release of mercury; and

"(ii)(I) address the adequacy of legal authorities and regulatory programs in effect as of the date of the report to protect public health and the environment from mercury in products described in subparagraph (A)(ii); and

"(II) to the extent necessary, make recommendations to improve those authorities and programs.

"(b) NEW UNIT RESERVES.—

"(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of nitrogen oxide allowances and a reserve of mercury allowances to be set aside for use by new units.

"(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

"(A) not later than June 30, 2005, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for each of calendar years 2009 through 2013; and

"(B) not later than June 30 of each fifth calendar year thereafter, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for the following 5-calendar year period.

"(c) NITROGEN OXIDE AND MERCURY ALLOWANCE ALLOCATIONS.—

"(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate nitrogen oxide allowances and mercury allowances to affected units—

"(A) not later than December 31, 2005, for calendar year 2009; and

"(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

"(2) ALLOCATIONS TO AFFECTED UNITS THAT ARE NOT NEW UNITS.—

"(A) QUANTITY OF NITROGEN OXIDE ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of nitrogen oxide allowances that is equal to the product obtained by multiplying—

"(i) 1.5 pounds of nitrogen oxides per megawatt hour; and

"(ii) the quotient obtained by dividing—

"(I) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours; by

"(II) 2,000 pounds of nitrogen oxides per ton.

"(B) QUANTITY OF MERCURY ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of mercury allowances that is equal to the product obtained by multiplying—

“(i) 0.0000227 pounds of mercury per megawatt hour; and

“(ii) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours.

“(C) ADJUSTMENT OF ALLOCATIONS.—

“(i) IN GENERAL.—If, for any calendar year, the total quantity of allowances allocated under subparagraph (A) or (B) is not equal to the applicable quantity determined under clause (ii), the Administrator shall adjust the quantity of allowances allocated to affected units that are not new units on a prorata basis so that the quantity is equal to the applicable quantity determined under clause (ii).

“(ii) APPLICABLE QUANTITY.—The applicable quantity referred to in clause (i) is the difference between—

“(I) the applicable annual tonnage limitation for emissions from affected units specified in subsection (b) or (c) of section 702 for the calendar year; and

“(II) the quantity of nitrogen oxide allowances or mercury allowances, respectively, placed in the applicable new unit reserve established under subsection (b) for the calendar year.

“(3) ALLOCATION TO NEW UNITS.—

“(A) METHODOLOGY.—The Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances and mercury allowances to new units.

“(B) QUANTITY OF NITROGEN OXIDE ALLOWANCES AND MERCURY ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of nitrogen oxide allowances and mercury allowances to be allocated to each new unit based on the projected emissions from the new unit.

“(4) ALLOWANCE NOT A PROPERTY RIGHT.—A nitrogen oxide allowance or mercury allowance—

“(A) is not a property right; and

“(B) may be terminated or limited by the Administrator.

“(5) NO JUDICIAL REVIEW.—An allocation of nitrogen allowances or mercury allowances by the Administrator under this subsection shall not be subject to judicial review.

“(d) NITROGEN OXIDE ALLOWANCE AND MERCURY ALLOWANCE TRANSFER SYSTEM.—

“(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1)(A) shall—

“(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any nitrogen oxide allowance or mercury allowance before the calendar year for which the allowance is allocated;

“(B) provide that unused nitrogen oxide allowances and mercury allowances may be carried forward and added to nitrogen oxide allowances and mercury allowances, respectively, allocated for subsequent years; and

“(C) provide that unused nitrogen oxide allowances and mercury allowances may be transferred by—

“(i) the person to which the allowances are allocated; or

“(ii) any person to which the allowances are transferred.

“(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances or mercury allowances are transferred under paragraph (1)(C)—

“(A) may use the nitrogen oxide allowances or mercury allowances in the calendar year for which the nitrogen oxide allowances or mercury allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (e)(1); or

“(B) may transfer the nitrogen oxide allowances or mercury allowances to any other person for the purpose of demonstration of that compliance.

“(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance or mercury allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

“(4) PERMIT REQUIREMENTS.—An allocation or transfer of nitrogen oxide allowances or mercury allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

“(e) COMPLIANCE AND ENFORCEMENT.—

“(1) IN GENERAL.—For calendar year 2009 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator—

“(A) a quantity of nitrogen oxide allowances that is equal to the total tons of nitrogen oxides emitted by the affected unit during the calendar year; and

“(B) a quantity of mercury allowances that is equal to the total pounds of mercury emitted by the affected unit during the calendar year.

“(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantities of nitrogen oxides and mercury that are emitted at each affected unit.

“(3) REPORTING.—

“(A) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of nitrogen oxides and mercury carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

“(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

“(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of nitrogen oxides and mercury from each affected unit.

“(4) EXCESS EMISSIONS.—

“(A) IN GENERAL.—The owner or operator of an affected unit that emits nitrogen oxides or mercury in excess of the nitrogen oxide allowances or mercury allowances that the owner or operator holds for use for the affected unit for the calendar year shall—

“(i) pay an excess emissions penalty determined under subparagraph (B); and

“(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

“(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—

“(i) NITROGEN OXIDES.—The excess emissions penalty for nitrogen oxides shall be equal to the product obtained by multiplying—

“(I) the number of tons of nitrogen oxides emitted in excess of the total quantity of nitrogen oxide allowances held; and

“(II) $5,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

“(ii) MERCURY.—The excess emissions penalty for mercury shall be equal to the product obtained by multiplying—

“(I) the number of pounds of mercury emitted in excess of the total quantity of mercury allowances held; and

“(II) $10,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

“SEC. 704. CARBON DIOXIDE ALLOWANCE TRADING PROGRAM.

“(a) REGULATIONS.—

“(1) IN GENERAL.—Not later than January 1, 2005, the Administrator shall promulgate regulations to establish a carbon dioxide allowance trading program for covered units in the United States.

“(2) REQUIRED ELEMENTS.—Regulations promulgated under paragraph (1) shall establish requirements for the carbon dioxide allowance trading program under this section, including requirements concerning—

“(A)(i) the generation, allocation, issuance, recording, tracking, transfer, and use of carbon dioxide allowances; and

“(ii) the public availability of all information concerning the activities described in clause (i) that is not confidential;

“(B) compliance with subsection (f)(1);

“(C) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (f);

“(D) excess emission penalties under subsection (f)(4); and

“(E) standards, guidelines, and procedures concerning the generation, certification, and use of additional carbon dioxide allowances made available under subsection (d).

“(b) NEW UNIT RESERVE.—

“(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of carbon dioxide allowances to be set aside for use by new units and new renewable energy units.

“(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units and new renewable energy units—

“(A) not later than June 30, 2005, the quantity of carbon dioxide allowances required to be held in reserve for new units and new renewable energy units for each of calendar years 2009 through 2013; and

“(B) not later than June 30 of each fifth calendar year thereafter, the quantity of carbon dioxide allowances required to be held in reserve for new units and renewable energy units for the following 5-calendar year period.

“(c) CARBON DIOXIDE ALLOWANCE ALLOCATION.—

“(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate carbon dioxide allowances to covered units—

“(A) not later than December 31, 2005, for calendar year 2009; and

“(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

“(2) ALLOCATIONS TO COVERED UNITS THAT ARE NOT NEW UNITS.—

“(A) IN GENERAL.—The Administrator shall allocate to each affected unit that is not a new unit, to each nuclear generating unit with respect to incremental nuclear generation, and to each renewable energy unit that is not a new renewable energy unit, a quantity of carbon dioxide allowances that is equal to the product obtained by multiplying—

"(i) the quantity of carbon dioxide allowances available for allocation under subparagraph (B); and

"(ii) the quotient obtained by dividing—

"(I) the average net quantity of electricity generated by the unit in a calendar year during the most recent 3-calendar year period for which data are available, measured in megawatt hours; and

"(II) the total of the average net quantities described in subclause (I) with respect to all such units.

"(B) Quantity to be allocated.—For each calendar year, the quantity of carbon dioxide allowances allocated under subparagraph (A) shall be equal to the difference between—

"(i) the annual tonnage limitation for emissions of carbon dioxide from affected units specified in section 702(d) for the calendar year; and

"(ii) the quantity of carbon dioxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

"(3) Allocation to new units and new renewable energy units.—

"(A) Methodology.—The Administrator shall promulgate regulations to establish a methodology for allocating carbon dioxide allowances to new units and new renewable energy units.

"(B) Quantity of carbon dioxide allowances allocated.—The Administrator shall determine the quantity of carbon dioxide allowances to be allocated to each new unit and each new renewable energy unit based on the unit's projected share of the total electric power generation attributable to covered units.

"(d) Issuance and Use of Additional Carbon Dioxide Allowances.—

"(1) In general.—

"(A) Allowances for projects certified by independent review board.—In addition to carbon dioxide allowances allocated under subsection (c), the Administrator shall make carbon dioxide allowances available to projects that are certified, in accordance with paragraph (3), by the independent review board established under paragraph (2) as eligible to receive the carbon dioxide allowances.

"(B) Allowances obtained under other programs.—The regulations promulgated under subsection (a)(1) shall—

"(i) allow covered units to comply with subsection (f)(1) by purchasing and using carbon dioxide allowances that are traded under any other United States or internationally recognized carbon dioxide reduction program that is specified under clause (ii);

"(ii) specify, for the purpose of clause (i), programs that meet the goals of this section; and

"(iii) apply such conditions to the use of carbon dioxide allowances traded under programs specified under clause (ii) as are necessary to achieve the goals of this section.

"(2) Independent review board.—

"(A) In general.—

"(i) Establishment.—The Administrator shall establish an independent review board to assist the Administrator in certifying projects as eligible for carbon dioxide allowances made available under paragraph (1)(A).

"(ii) Review and approval.—Each certification by the independent review board of a project shall be subject to the review and approval of the Administrator.

"(iii) Requirements.—Subject to this subsection, requirements relating to the creation, composition, duties, responsibilities, and other aspects of the independent review board shall be included in the regulations promulgated by the Administrator under subsection (a).

"(B) Membership.—The independent review board shall be composed of 12 members, of whom—

"(i) 10 members shall be appointed by the Administrator, of whom—

"(I) 1 member shall represent the Environmental Protection Agency (who shall serve as chairperson of the independent review board);

"(II) 3 members shall represent State governments;

"(III) 3 members shall represent the electric generating sector; and

"(IV) 3 members shall represent environmental organizations;

"(ii) 1 member shall be appointed by the Secretary of Energy to represent the Department of Energy; and

"(iii) 1 member shall be appointed by the Secretary of Agriculture to represent the Department of Agriculture.

"(C) Staff and other resources.—The Administrator shall provide such staff and other resources to the independent review board as the Administrator determines to be necessary.

"(D) Development of guidelines.—

"(i) In general.—The independent review board shall develop guidelines for certifying projects in accordance with paragraph (3), including—

"(I) criteria that address the validity of claims that projects result in the generation of carbon dioxide allowances;

"(II) guidelines for certifying incremental carbon sequestration in accordance with clause (ii); and

"(III) guidelines for certifying geological sequestration of carbon dioxide in accordance with clause (iii).

"(ii) Guidelines for certifying incremental carbon sequestration.—The guidelines for certifying incremental carbon sequestration in forests, agricultural soil, rangeland, or grassland shall include development, reporting, monitoring, and verification guidelines, to be used in quantifying net carbon sequestration from land use projects, that are based on—

"(I) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of such a project;

"(II) comprehensive carbon accounting that—

"(aa) reflects net increases in carbon reservoirs; and

"(bb) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of the project;

"(III) adjustments to account for—

"(aa) emissions of carbon that may result at other locations as a result of the impact of the project on timber supplies; or

"(bb) potential displacement of carbon emissions to other land owned by the entity that carries out the project; and

"(IV) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of the carbon stored in a carbon reservoir.

"(iii) Guidelines for certifying geological sequestration of carbon dioxide.—The guidelines for certifying geological sequestration of carbon dioxide produced by a covered unit shall—

"(I) provide that a project shall be certified only to the extent that the geological sequestration of carbon dioxide produced by a covered unit is in addition to any carbon dioxide used by the covered unit in 2009 for enhanced oil recovery; and

"(II) include requirements for development, reporting, monitoring, and verification for quantifying net carbon sequestration—

"(aa) to ensure the permanence of the sequestration; and

"(bb) to ensure that the sequestration will not cause or contribute to significant adverse effects on the environment.

"(iv) Deadlines for development.—The guidelines under clause (i) shall be developed—

"(I) with respect to projects described in paragraph (3)(A), not later than January 1, 2005; and

"(II) with respect to projects described in paragraph (3)(B), not later than January 1, 2006.

"(v) Updating of guidelines.—The independent review board shall periodically update the guidelines as the independent review board determines to be appropriate.

"(E) Certification of projects.—

"(i) In general.—Subject to clause (ii), subparagraph (A)(ii), and paragraph (3), the independent review board shall certify projects as eligible for additional carbon dioxide allowances.

"(ii) Limitation.—The independent review board shall not certify a project under this subsection if the carbon dioxide emission reductions achieved by the project will be used to satisfy any requirement imposed on any foreign country or any industrial sector to reduce the quantity of greenhouse gases emitted by the foreign country or industrial sector.

"(3) Projects eligible for additional carbon dioxide allowances.—

"(A) Projects carried out in calendar years 1990 through 2008.—

"(i) In general.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

"(I) is carried out on or after January 1, 1990, and before January 1, 2009; and

"(II) consists of—

"(aa) a carbon sequestration project carried out in the United States or a foreign country;

"(bb) a project reported under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); or

"(cc) any other project to reduce emissions of greenhouse gases that is carried out in the United States or a foreign country.

"(ii) Maximum quantity of additional carbon dioxide allowances.—The Administrator may make available to projects certified under clause (i) a quantity of allowances that is not greater than 10 percent of the tonnage limitation for calendar year 2009 for emissions of carbon dioxide from affected units specified in section 702(d)(1).

"(iii) Use of allowances.—Allowances made available under clause (ii) may be used to comply with subsection (f)(1) in calendar year 2009 or any calendar year thereafter.

"(B) Projects carried out in calendar year 2009 and thereafter.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

"(i) is carried out on or after January 1, 2009; and

"(ii) consists of—

"(I) a carbon sequestration project carried out in the United States or a foreign country; or

"(II) a project to reduce the greenhouse gas emissions (on a carbon dioxide equivalency basis determined by the independent review board) of a source of greenhouse gases that is not an affected unit.

"(e) CARBON DIOXIDE ALLOWANCE TRANSFER SYSTEM.—

"(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1) shall—

"(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any carbon dioxide allowance before the calendar year for which the carbon dioxide allowance is allocated;

"(B) provide that unused carbon dioxide allowances may be carried forward and added to carbon dioxide allowances allocated for subsequent years;

"(C) provide that unused carbon dioxide allowances may be transferred by—

"(i) the person to which the carbon dioxide allowances are allocated; or

"(ii) any person to which the carbon dioxide allowances are transferred; and

"(D) provide that carbon dioxide allowances allocated and transferred under this section may be transferred into any other market-based carbon dioxide emission trading program that is—

"(i) approved by the President; and

"(ii) implemented in accordance with regulations developed by the Administrator or the head of any other Federal agency.

"(2) USE BY PERSONS TO WHICH CARBON DIOXIDE ALLOWANCES ARE TRANSFERRED.—Any person to which carbon dioxide allowances are transferred under paragraph (1)(C)—

"(A) may use the carbon dioxide allowances in the calendar year for which the carbon dioxide allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (f)(1); or

"(B) may transfer the carbon dioxide allowances to any other person for the purpose of demonstration of that compliance.

"(3) CERTIFICATION OF TRANSFER.—A transfer of a carbon dioxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

"(4) PERMIT REQUIREMENTS.—An allocation or transfer of carbon dioxide allowances to a covered unit, or for a project carried out on behalf of a covered unit, under subsection (c) or (d) shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the covered unit under this Act, without a requirement for any further review or revision of the permit.

"(f) COMPLIANCE AND ENFORCEMENT.—

"(1) IN GENERAL.—For calendar year 2009 and each calendar year thereafter—

"(A) the operator of each affected unit and each renewable energy unit shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the affected unit or renewable energy unit during the calendar year; and

"(B) the operator of each nuclear generating unit that has incremental nuclear generation shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the nuclear generating unit during the calendar year from incremental nuclear generation.

"(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantity of carbon dioxide that is emitted at each covered unit.

"(3) REPORTING.—

"(A) IN GENERAL.—Not less often than quarterly, the owner or operator of a covered unit, or a person that carries out a project certified under subsection (d) on behalf of a covered unit, shall submit to the Administrator a report on the monitoring of carbon dioxide emissions carried out at the covered unit in accordance with the regulations promulgated under paragraph (2).

"(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the covered unit, who shall certify the accuracy of the report.

"(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of carbon dioxide from each covered unit.

"(4) EXCESS EMISSIONS.—

"(A) IN GENERAL.—The owner or operator of a covered unit that emits carbon dioxide in excess of the carbon dioxide allowances that the owner or operator holds for use for the covered unit for the calendar year shall—

"(i) pay an excess emissions penalty determined under subparagraph (B); and

"(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

"(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—The excess emissions penalty shall be equal to the product obtained by multiplying—

"(i) the number of tons of carbon dioxide emitted in excess of the total quantity of carbon dioxide allowances held; and

"(ii) $100, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

"(g) ALLOWANCE NOT A PROPERTY RIGHT.—A carbon dioxide allowance—

"(1) is not a property right; and

"(2) may be terminated or limited by the Administrator.

"(h) NO JUDICIAL REVIEW.—An allocation of carbon dioxide allowances by the Administrator under subsection (c) or (d) shall not be subject to judicial review.".

SEC. 4. NEW SOURCE REVIEW PROGRAM.

Section 165 of the Clean Air Act (42 U.S.C. 7475) is amended by adding at the end the following:

"(f) REVISIONS TO NEW SOURCE REVIEW PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED UNIT.—The term 'covered unit' has the meaning given the term in section 701.

"(B) NEW SOURCE REVIEW PROGRAM.—The term 'new source review program' means the program to carry out section 111 and this part.

"(2) REGULATIONS.—In accordance with this subsection, the Administrator shall promulgate regulations revising the new source review program.

"(3) APPLICABILITY CRITERIA.—Beginning January 1, 2009, the new source review program shall apply only to—

"(A) construction of a new covered unit (which construction shall include the replacement of an existing boiler); and

"(B) an activity that results in any increase in the maximum hourly rate of emissions from a covered unit of air pollutants regulated under the new source review program (measured in pounds per megawatt hour), after netting among covered units at a source.

"(4) PERFORMANCE STANDARDS.—Beginning in 2020, each affected unit (as defined in section 701(1)(B)) on which construction commenced before August 17, 1971, shall meet performance standards of—

"(A) 4.5 lbs/MWh for sulfur dioxide; and

"(B) 2.5 lbs/MWh for nitrogen oxides.

"(5) BIENNIAL IDENTIFICATION OF BEST AVAILABLE CONTROL TECHNOLOGIES AND LOWEST ACHIEVABLE EMISSION RATES.—Notwithstanding the definitions of 'best available control technology' under section 169 and 'lowest achievable emission rate' under section 171, the Administrator shall identify the best available control technologies and lowest achievable emission rates, on a biennial basis, as those rates and technologies apply to covered units.

"(6) REVISION OF LOWEST ACHIEVABLE EMISSION RATE WITH RESPECT TO CONSIDERED COSTS.—

"(A) IN GENERAL.—Notwithstanding the definition of 'lowest achievable emission rate' under section 171, with respect to technology required to be installed by the electric generating sector, costs may be considered in the determination of the lowest achievable emission rate, so that, beginning January 1, 2009, a covered unit (as defined in section 701) shall not be required to install technology required to meet a lowest achievable emission rate if the cost of the technology exceeds the maximum amount determined under subparagraph (B).

"(B) MAXIMUM AMOUNT OF COST.—The maximum amount referred to in subparagraph (A) shall be an amount (in dollars per ton) that—

"(i) is determined by the Administrator; but

"(ii) does not exceed an amount equal to twice the amount of the applicable cost guideline for best available control technology.

"(7) EMISSION OFFSETS.—No source within the electric generating sector that locates in a nonattainment area after December 31, 2008, shall be required to obtain offsets for emissions of air pollutants.

"(8) ADVERSE LOCAL AIR QUALITY IMPACTS.—The regulations shall require each State—

"(A) to identify areas in the State that adversely affect local air quality; and

"(B) to impose such facility-specific and other measures as are necessary to remedy the adverse effects in accordance with the national pollutant tonnage limitations under section 702.

"(9) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection affects the obligation of any State or local government to comply with the requirements established under this section concerning—

"(A) national ambient air quality standards;

"(B) maximum allowable air pollutant increases or maximum allowable air pollutant concentrations; or

"(C) protection of visibility and other air quality-related values in areas designated as class I areas under part C of title I.".

SEC. 5. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

"SEC. 417. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

"(a) DEFINITIONS.—In this section, the terms 'affected unit' and 'new unit' have the meanings given the terms in section 701.

"(b) Regulations.—Not later than January 1, 2004, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

"(c) New Unit Reserve.—

"(1) Establishment.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

"(2) Determination of quantity.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

"(A) not later than June 30, 2005, the quantity of allowances required to be held in reserve for new units for each of calendar years 2009 through 2013; and

"(B) not later than June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

"(3) Allocation.—

"(A) Regulations.—The Administrator shall promulgate regulations to establish a methodology for allocating allowances to new units.

"(B) No judicial review.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

"(d) Existing Units.—

"(1) Allocation.—

"(A) Regulations.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.

"(B) Required elements.—The regulations shall provide for—

"(i) the allocation of allowances on a fair and equitable basis between affected units that received allowances under section 405 and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same or similar allocation methodology as was used under section 405; and

"(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a).

"(2) Timing of allocations.—The Administrator shall allocate allowances to affected units—

"(A) not later than December 31, 2005, for calendar year 2009; and

"(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

"(3) No judicial review.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

"(e) Western Regional Air Partnership.—

"(1) Definitions.—In this subsection:

"(A) Covered state.—The term 'covered State' means each of the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

"(B) Covered year.—The term 'covered year' means—

"(i)(I)(aa) the third calendar year after the first calendar year in which the Administrator determines by regulation that the total of the annual emissions of sulfur dioxide from all affected units in the covered States is projected to exceed 271,000 tons in calendar year 2018 or any calendar year thereafter; but

"(bb) not earlier than calendar year 2016; or

"(II) if the Administrator does not make the determination described in subclause (I)(aa)—

"(aa) the third calendar year after the first calendar year with respect to which the total of the annual emissions of sulfur dioxide from all affected units in the covered States first exceeds 271,000 tons; but

"(bb) not earlier than calendar year 2021; and

"(ii) each calendar year after the calendar year determined under clause (i).

"(2) Maximum emissions of sulfur dioxide from each affected unit.—In each covered year, the emissions of sulfur dioxide from each affected unit in a covered State shall not exceed the number of allowances that are allocated under paragraph (3) and held by the affected unit for the covered year.

"(3) Allocation of allowances.—

"(A) In general.—Not later than January 1, 2013, the Administrator shall promulgate regulations to establish—

"(i) a methodology for allocating allowances to affected units in covered States under this subsection; and

"(ii) the timing of the allocations.

"(B) No judicial review.—An allocation of allowances by the Administrator under this paragraph shall not be subject to judicial review.".

(b) Definition of Allowance.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

"(3) Allowance.—The term 'allowance' means an authorization, allocated by the Administrator to an affected unit under this title, to emit, during or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).".

(c) Technical Amendments.—

(1) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(A) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. prec. 7651) is amended by adding at the end the following:

"Sec. 417. Revisions to sulfur dioxide allowance program.".

SEC. 6. AIR QUALITY FORECASTS AND WARNINGS.

(a) Requirement for Forecasts and Warnings.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall issue air quality forecasts and air quality warnings as part of the mission of the Department of Commerce.

(b) Regional Warnings.—In carrying out subsection (a), the Secretary of Commerce shall establish within the National Oceanic and Atmospheric Administration a program to provide region-oriented forecasts and warnings regarding air quality for each of the following regions of the United States:

(1) The Northeast, composed of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

(2) The Mid-Atlantic, composed of Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

(3) The Southeast, composed of Alabama, Florida, Georgia, North Carolina, and South Carolina.

(4) The South, composed of Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

(5) The Midwest, composed of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

(6) The High Plains, composed of Kansas, Nebraska, North Dakota, and South Dakota.

(7) The Northwest, composed of Idaho, Montana, Oregon, Washington, and Wyoming.

(8) The Southwest, composed of Arizona, California, Colorado, New Mexico, Nevada, and Utah.

(9) Alaska.

(10) Hawaii.

(c) Priority Area.—In establishing the program described in subsection (a), the Secretary of Commerce and the Administrator shall identify and expand, to the maximum extent practicable, Federal air quality forecast and warning programs in effect as of the date of establishment of the program.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7. RELATIONSHIP TO OTHER LAW.

(a) Exemption From Hazardous Air Pollutant Requirements Relating to Mercury.—Section 112 of the Clean Air Act (42 U.S.C. 7412) is amended—

(1) in subsection (f), by adding at the end the following:

"(7) Mercury emitted from certain affected units.—Not later than 8 years after the date of enactment of this paragraph, the Administrator shall carry out the duties of the Administrator under this subsection with respect to mercury emitted from affected units (as defined in section 701)."; and

(2) in subsection (n)(1)(A)—

(A) by striking "(A) The Administrator" and inserting the following:

"(A) Study, report, and regulations.—

"(i) Study and report to congress.—The Administrator";

(B) by striking "The Administrator" in the fourth sentence and inserting the following:

"(ii) Regulations.—

"(I) In general.—The Administrator"; and

(C) in clause (ii) (as designated by subparagraph (B)), by adding at the end the following:

"(II) Exemption for certain affected units relating to mercury.—An affected unit (as defined in section 701) that would otherwise be subject to mercury emission standards under subclause (I) shall not be subject to mercury emission standards under subclause (I) or subsection (c).".

(b) Temporary Exemption From Visibility Protection Requirements.—Section 169A(c) of the Clean Air Act (42 U.S.C. 7491(c)) is amended—

(1) in paragraph (3), by striking "this subsection" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(4) Temporary exemption for certain affected units.—An affected unit (as defined in section 701) shall not be subject to subsection (b)(2)(A) during the period—

"(A) beginning on the date of enactment of this paragraph; and

"(B) ending on the date that is 20 years after the date of enactment of this paragraph.".

(c) NO EFFECT ON OTHER FEDERAL AND STATE REQUIREMENTS.—Except as otherwise specifically provided in this Act, nothing in this Act or an amendment made by this Act—

(1) affects any permitting, monitoring, or enforcement obligation of the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) or any remedy provided under that Act;

(2) affects any requirement applicable to, or liability of, an electric generating facility under that Act;

(3) requires a change in, affects, or limits any State law that regulates electric utility rates or charges, including prudency review under State law; or

(4) precludes a State or political subdivision of a State from adopting and enforcing any requirement for the control or abatement of air pollution, except that a State or political subdivision may not adopt or enforce any emission standard or limitation that is less stringent than the requirements imposed under that Act.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator CARPER today to introduce the Clean Air Planning Act of 2003. Congress needs to advance four-pollutant legislation that offers the best chance for broad bipartisan support, and I believe this bill meets that test. The testimony received through hearings in the Environment and Public Works Committee over the past several years has clearly outlined the need for controlling the major emissions from power plants—sulfur dioxide, nitrogen oxide, mercury and carbon dioxide—while at the same time recognizing the added costs of these new controls. We know through experience that we will only be successful at passing legislation if we find middle ground.

The parameters of this debate have been established. Some will say this bill doesn't go far enough in some respects. Others will say the legislation goes too far, especially as it pertains to the mandatory control of carbon dioxide emissions. However, the relationship of fossil fuels to global warming is clear and scientifically validated. The "U.S. Climate Action Report 2002" released by the administration last May tells us we need to take real actions to address the problem. The longer we wait, the harder this problem will be to solve. The Rio Convention is a perfect example of why waiting is not reasonable. In 1992, we agreed to voluntarily reduce harmful emissions to 1990 levels. It didn't happen. Now, in 2003 we are told that reductions to 1990 levels will stall the economy. If we wait much longer before taking any action, imagine how much harder it will be to achieve real reductions without harming the economy.

The legislation we are introducing today would achieve significant reductions in a more cost effective way than other proposals. For sulfur dioxide, nitrogen oxide, and mercury, we will establish emissions caps that are superior to reductions that will be achieved under the existing Clean Air Act. In addition, for the first time, we will ensure real reductions of carbon dioxide emissions are achieved. By 2013, the utility sector will be required to reduce carbon dioxide emissions to 2001 levels. This proposal will allow the United States to address carbon pollution for the first time and, when compared to a three-pollutant bill, at very small incremental costs.

I believe that the Carper-Chafee bill offers a real opportunity to break the stalemate that exists today and begin an honest debate that will eventually lead to enactment of strong legislation. I look forward to working with all of my colleagues as we move forward to pass a bill that enjoys the broadest support and adequately addresses the serious health, environmental, and economic issues facing the Nation.

By Mr. CRAPO (for himself, Ms. MURKOWSKI, Mr. ENZI, Mr. ALLARD, Mr. KYL, and Mr. CRAIG):

S. 844. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce the Water Adjudication Fee Fairness Act. This bill would require the Federal Government to pay the same filing fees and costs associated with state water rights adjudications as is currently required of States and private parties.

To establish relative rights to water—water that is the lifeblood of many States, particularly in the West—States must conduct lengthy, complicated, and expensive proceedings in water rights' adjudications. In 1952, Congress recognized the necessity and benefit of requiring Federal claims to be adjudicated in these State proceedings by adopting the McCarran Amendment. The McCarran Amendment waives the sovereign immunity of the United States and requires the Federal Government to submit to State court jurisdiction and to file water rights' claims in State general adjudication proceedings.

These Federal claims are typically among the most complicated and largest of claims in State adjudications, and Federal agencies are often the primary beneficiary of adjudication proceedings where states officially quantify and record their water rights. However, in 1992, the United States Supreme Court held that, under existing law, the U.S. need not pay fees for processing Federal claims.

When the United States does not pay a proportionate share of the costs associated with adjudications, the burden of funding the proceedings unfairly shifts to other water users and often delays completion of the adjudications by diminishing the resources necessary to complete them. Delays in completing adjudications result in the inability to protect private and public property interests or determine how much unappropriated water may remain to satisfy important environmental and economic development priorities.

Additionally, because they are not subject to fees and costs like other water users in the adjudication, Federal agencies can file questionable claims without facing court costs, inflating the number of their claims for future negotiation purposes. This creates an unlevel playing field favoring the Federal agencies and places a further financial and resources burden on the system.

I recognize the Federal Government has a legitimate right to some water rights; however, the Federal Government should play by the same rules as the States and other private users. The Water Adjudication Fee Fairness Act is legislation that remedies this situation by subjecting the United States, when party to a general adjudication, to the same fees and costs as State and private users in water rights adjudications.

This measure has the full support of the Western States Water Council and the Western Governor's Association. I ask my colleagues to join me in supporting water users, taxpayers, the States, and welcome their co-sponsorship.

By Mr. GRAHAM of Florida (for himself, Mr. CHAFEE, Mr. MCCAIN, Mr. DASCHLE, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. LINCOLN, Ms. COLLINS, Mr. KENNEDY, Mrs. LANDRIEU, Mrs. BOXER, Mr. KERRY, and Mr. NELSON of Florida):

S. 845. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs; to the Committee on Finance.

Mr. GRAHAM of Florida. Mr. President, I rise today with my friend and colleague from Rhode Island, Mr. CHAFEE, and a bipartisan group of cosponsors to introduce the Immigrant Children's Health Improvement Act of 2003.

This legislation will give states the option to provide Medicaid and State Children's Health Insurance Program, CHIP, coverage to legal immigrant children and pregnant women during their first five years in this country.

Medicaid and CHIP are vital components of our nation's health care safety net. They provide coverage to over 40 million non-elderly, low-income Americans, most of them children. These programs have helped dramatically reduce infant mortality, and they have provided health care financing for millions of poor children whose families cannot afford the high cost of private health insurance.

However, for many low-income families that are eligible for Medicaid and CHIP, these safety net programs are little more than a mirage in a desert—an illusion to those who need them most. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as the welfare reform law, arbitrarily barred states from using federal funds to provide health coverage to low-income legal immigrants during their first five years in the United States. While the goal of welfare reform was to encourage self-sufficiency in adults, the legislation unintentionally punished children.

Prior to 1996, Medicaid coverage was available to qualified children, parents, seniors, and people with disabilities in both citizen and legal immigrant families alike. After passage of the 1996 welfare reform law, many low-income and working legal immigrant families were left without a viable option for health insurance coverage.

In fact, while the percentage of our nation's children with health insurance has risen in recent years, the percentage of children in immigrant families with health insurance has fallen. According to the Kaiser Commission on Medicaid and the Uninsured, in 2000, half of low-income children in such families were uninsured.

Florida is home to over half a million uninsured children, many of whom are legal immigrants. Take the Sardinas family of Miami.

The Sardinas family immigrated to the United States from Cuba in 2001. Mr. Sardinas works in a factory assembling airplanes while Mrs. Sardinas maintains a low-wage job. The family's four children—Swani, 17; Sinai, 13; Samuel, 8; and Sentia, 5—have been on a State waiting list for health insurance for almost two years. Sentia has allergies and Swani suffers from asthma. Mrs. Sardinas worries about not having access to regular check-ups for her children, but she has no choice. She does not know what the family will do if Sentia has a severe allergic reaction or Swani is hospitalized after an asthma attack.

The Immigrant Children's Health Improvement Act eliminates the arbitrary designation of August 22, 1996, as a cutoff date for allowing children to get health care. More than 155,000 children like Swani, Sinai, Samuel, and Sentia will have access to health coverage each year, allowing them to receive preventive services, have their chronic conditions properly diagnosed and treated, and receive timely care for acute conditions.

States have asked for this option. In its 2003 Winter Policy Report, the National Governors Association endorsed this common-sense policy proposal. The National Council of State Legislators has also endorsed this bill.

Twenty-two States are already providing health coverage for legal immigrants through State-funded replacement programs. However, severe budget shortfalls may prevent such states from being able to continue these important programs in the future. Our bill provides immediate fiscal relief for these States by allowing them to draw down federal matching funds. It also gives states that are not currently providing health coverage to legal immigrant children and pregnant women the flexibility to do so.

Legal immigrants pay taxes, serve in the military, and have the same social obligations as United States citizens. Legal immigrant children are, as much as citizen children, the next generation of Americans. It is important that all children, both citizen children and legal immigrant children alike, start off on the right foot towards full civil participation.

Our bill is supported by Senators MCCAIN, DASCHLE, JEFFORDS, BINGAMAN, LINCOLN, COLLINS, KENNEDY, FEINSTEIN, CORZINE, LEVIN, SARBANES, DODD, LANDRIEU, BOXER, KERRY, and BILL NELSON.

Representatives LINCOLN DIAZ-BALART of Florida and HENRY WAXMAN of California have also introduced bipartisan companion legislation in the House.

We call upon Congress and the President to act this year and pass this important bill.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM and Senator CHAFEE in introducing the Immigrant Children's Health Insurance Act, which will benefit tens of thousands of immigrant children and families across the Nation.

The 1996 welfare reform legislation disqualified legal, taxpaying immigrants from major Federal assistance programs, including health coverage through Medicaid and the State Children's Health Insurance Program. As a result, many of these individuals and families go without needed care or rely on hospital emergency rooms for their care.

This bill will enable States to provide health insurance coverage for legal immigrant children and pregnant women under Medicaid and SCHIP. This is an important step in alleviating the health disparities that exist for immigrant children. Research shows that children of immigrant are twice as likely to be uninsured as children of U.S. citizens. They are more than three times as likely not to have regular care, and more than twice as likely to be in fair or poor health. Enacting this legislation will help to eliminate these inequalities.

This bill will also help to reduce the number of uninsured in our country. Today, there are 42 million uninsured, and 10 million are children. Most of the uninsured are earning incomes below or near the poverty line, and can't afford the high cost of private insurance. The 1996 legislation barring legal immigrants from federally funded health care has contributed to the increase in the number of uninsured. The Congressional Budget Office estimates that this bill will cover an additional 155,000 children and 60,000 pregnant women this year alone.

Throughout our history, immigrants have made important contributions to our country. They work hard, pay taxes, and play by the rules. In fact, immigrants and their children make significant contributions to our long-term economic well-being by adding an estimated $10 billion annually to our economy. However, they are disproportionately employed in low-wage, low-benefit jobs, and are more likely to be uninsured. This bill will enable legal immigrant families to receive the services they are paying for as taxpayers. It is a matter of basic fairness.

The bill makes good economic sense, as well. Twenty-six states and the District of Columbia already use their own State funds to provide medical coverage for legal immigrants, but continuing these programs is becoming increasingly difficult as state budget constraints worsen. In fact, Massachusetts, which currently provides health coverage at State expense, is proposing to eliminate Medicaid for adult immigrants. Allowing States to use Federal funds to support their health care initiatives will provide needed fiscal relief, and ensure that these children receive a health start.

Both good nutrition and adequate health care are fundamental for health child development. Last year, with President Bush's support, Congress restored food stamp benefits to legal immigrants in the farm bill. It is long past time for Congress to guarantee that legal immigrants also have access to health care.

America has a proud tradition of welcoming immigrants, and we must live up to our history and heritage as a nation of immigrants. Restoring these health benefits will ensure that children in immigrant families have the same opportunities for good health as every other child in the Nation. The Immigrant Children's Health Insurance Act is a needed step to achieve this goal, and I urge my colleagues to support this important legislation.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 846. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today with my Finance Committee colleague, Senator LINCOLN, to introduce the The Mortgage Insurance Fairness Act. This legislation will extend the mortgage interest tax deduction to mortgage insurance payment premiums, both government and private. It will make mortgage insurance payments tax-deductible and will boost homeownership in Oregon and across the Nation, for those lower-income, minority and veteran borrowers that typically need mortgage insurance to purchase a home.

It is widely recognized that homeownership helps create stable and safe communities. Thus, the Federal Government has long sought to increase homeownership. The Bush Administration has announced a target of 5.5 million new homeowners by the year 2010. To achieve that goal, groups that have typically had difficulty purchasing homes—young people, low-income families, members of minority groups—must be able to participate in the housing market.

Government and private mortgage insurance programs help first-time, low-income and veteran borrowers afford to purchase a home. The Veterans Affairs, VA, Federal Housing Authority, FHA, Regional Housing Authority, RHA, and Private Mortgage Insurance, PMI, programs allow buyers to make a down payment of 3 percent or less of the appraised value. Mortgage insurance is a critical factor in allowing middle-income families and minorities to become homeowners. In Oregon, more than 137,000 families held mortgages with either FHA or private mortgage insurance at the end of 2002 and insured mortgages covered 25 percent of home purchase loans originating in 2001. Sixty-two percent of the insured home purchases in Oregon in 2001 were low-income borrowers. The Mortgage Insurance Fairness Act will bring tax relief to those who need it the most.

In 2001, nationwide, mortgage insurance covered 57-percent of mortgage purchase loans made to African American and Hispanic borrowers and 54 percent percent of the loans to borrowers with incomes below the median income. The people who use mortgage insurance are regular working families who live in every community throughout the country. Currently, twelve million American families use mortgage insurance.

Presently, these borrowers cannot deduct the cost of their mortgage insurance payments for Federal tax purposes. If mortgage insurance payments were made deductible, the cost of homeownership would be further reduced for these borrowers, enabling new buyers to get into a home that they might not have been able to afford. It is estimated that the Mortgage Insurance Fairness Act would increase the number of homeowners by 300,000 per year.

Extending the tax deduction for home mortgage interest payments to mortgage insurance payments will significantly contribute to making the American dream of owning a home come true for many more of our citizens. I urge my colleagues to support this important bi-partisan legislation and join us in working towards its enactment at the earliest opportunity this year. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Insurance Fairness Act".

SEC. 2. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Paragraph (3) of section 163(h) of the Internal Revenue Code of 1986 (relating to qualified residence interest) is amended by adding after subparagraph (D) the following new subparagraph:

"(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

"(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this subsection as qualified residence interest.

"(ii) PHASEOUT.—The amount otherwise allowable as a deduction under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).".

(b) DEFINITION AND SPECIAL RULES.—Paragraph (4) of section 163(h) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

"(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

"(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.".

SEC. 3. INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.

Section 6050H of the Internal Revenue Code of 1986 (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

"(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

"(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

"(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

"(3) SPECIAL RULES.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (c) shall apply, and

"(B) the term 'mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to amounts paid or accrued after the date of enactment of this Act in taxable years ending after such date.

By Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. CORZINE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, and Mr. WYDEN):

S. 847. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, ETHA, of 2003. Senator CLINTON joins me in introducing this bill, and I want to thank her for her steadfast support for people living with HIV. HIV knows no party affiliation, and I am pleased to say that ETHA cosponsors sit on both sides of the aisle.

Simply stated, ETHA gives States the opportunity to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that AIDS must disable most patients before they can qualify for

Medicaid coverage. We can do better, and we should do everything possible to ensure that all people living with HIV can get early, effective medical care.

Current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease. That is why it was so devastating for people in Oregon when, just a few weeks ago, the state announced that its Medically Needy program ran out of money, and that many patients, including those living with HIV, would have to go elsewhere for their treatments. The fact of the matter is that safety net programs all over the country are running out of money, and are generally unable to cover all of the people who need paying for their medical care. As other programs are failing, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

Importantly, ETHA also offers states an enhanced Federal Medicaid match, which means more money for States that invest in treatments for HIV. This provision models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows states to provide early Medicaid intervention to women with breast and cervical cancer. Even in these difficult times, forty-five states are now offering early Medicaid coverage to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of people living in every State in the Union. Some get the proper medications, and too many do not. This is literally a life and death issue, and ETHA can help many more Americans enjoy long, healthy lives.

I want to thank Senators COLLINS, BINGAMAN, CANTWELL, CORZINE, FEINSTEIN, LANDRIEU, MURRAY, and WYDEN for joining us as cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill. I have received a stack of support letters from those organizations, and I ask unanimous consent that those letters be printed in the CONGRESSIONAL RECORD. In particular, I want to thank the ADAP Working Group and the Treatment Access Expansion Project, led by Robert Greenwald, for helping bring so much attention to ETHA. I hope all of my colleagues will join us in supporting this critical, life-saving legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION
FOR AIDS RESEARCH,
Washington, DC, April 9, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you for your sponsorship of the Early Treatment for HIV Act of 2003 (ETHA), which would allow states to extend Medicaid coverage to low-income people living with HIV.

Currently, Medicaid coverage is limited to people who meet very strict income requirements and meet other qualifications, such as being disabled. The disability requirements for Medicaid are such that many low-income uninsured people living with HIV are unable to qualify for Medicaid until their disease has progressed to the point where they are fully disabled by AIDS. Since individuals who are HIV-positive generally do not qualify for Medicaid, many do not have access to the early intervention and treatment that can help slow the progression of HIV and prevent the onset of opportunistic infections.

There are many benefits to providing access to early intervention and treatment to low-income HIV-positive people. By delaying the progression from HIV to AIDS, savings in treatment costs are realized. Most important, however, the health and quality of life of individuals living with HIV is greatly improved.

The Early Treatment for HIV Act would provide states with the option of extending Medicaid coverage to low-income, non-disabled people living with HIV. As a result, ETHA could help provide early access to care for thousands of individuals around the country.

We thank you for your leadership and sponsorship of this very important legislation.

Sincerely,

JEROME J. RADWIN,
Chief Executive Officer.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you, on behalf of the more than 500,000 members of the Human Rights Campaign, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualify for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with asymptomatic HIV infection is not eligible for Medicaid until he or she has progressed to full-blown AIDS. Since HIV-positive individuals do not qualify for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as 'categorically needy'. In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Sincerely,

WINNIE STACHELBERG,
Political Director.

L.A. GAY & LESBIAN CENTER,
Los Angeles, CA, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the L.A. Gay & Lesbian Center, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We wholeheartedly support your efforts to ensure that low-income people with HIV have access to health care by allowing States the option to expand Medicaid programs to cover non-disabling HIV disease.

ETHA represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

Research has shown that providing highly active antiretroviral therapy produces significant cost-savings in reduced hospital costs. By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible, enabling individuals to lead productive lives.

Increasing need as people with HIV live longer and the rise in new infections demand additional resources to provide care and treatment. It is unconscionable that low-income people with HIV should not have access to care and treatment. The demographics of the HIV epidemic have shifted into more impoverished and marginalized communities. Rates of HIV infection are staggeringly high in some communities, with one in ten gay men infected and one in three African American gay men living with HIV.

In an era of constrained federal resources for health care spending, we must aggressively fight for effective means to finance care for people with HIV. This bill will begin to address these challenges through a permanent funding solution, allowing states to expand the safety net to cover eligible persons with early-stage HIV disease.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

REBECCA ISAACS,
Interim Executive Director.

SAN FRANCISCO AIDS FOUNDATION,
San Francisco, CA, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: The San Francisco AIDS Foundation would like to thank you for your sponsorship of the Early Treatment for HIV Act 2003.

The Act would provide states with the option of covering low-income people living with HIV as 'categorically needy' provide them with medical care and treatment, reduce long term health care costs to states, and address a serious gap in public health care access. Recent breakthroughs in medical science and clinical practice have transformed the possibilities in HIV/AIDS care in the United States. Today, we know that early intervention with medical care and treatment for HIV disease slows the progression of HIV and prevents the onset of opportunistic infections. Application of this knowledge lengthens the life expectancy and dramatically improves the quality of life for many. These changes in science and medical practice demand revisions in the treatment of HIV disease under Medicaid.

Currently Medicaid eligibility for childless adults is tied to the Supplemental Security Income (SSI) eligibility. The result of this determination is that people living with HIV must wait for Medicaid access until their disease has progressed to a disabling AIDS diagnosis. The cruel irony of this practice is that individuals are forced to incur often-irreparable damage to their immune systems before receiving treatments that could have delayed or avoided the damage. This is counter to sound public health practices and all but guarantees higher cost of care for thousands of affected individuals. This serious anomaly in public health care coverage must be rectified by the enactment of this legislation.

The AIDS Foundation thanks you both for your leadership and sponsorship of this important legislation.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

TREATMENT ACCESS
EXPANSION PROJECT,
Boston, MA, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Treatment Access Expansion Project (TAEP) would like to thank you on behalf of our broad-based coalition of members. Your leadership and support of the Early Treatment For HIV Act (ETHA) and your commitment to AIDS and to the HIV community are greatly appreciated.

As you are well aware, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. This breakthrough in assuring early access to care for thousands of low-income people living with HIV is imperative. Under current law, AIDS must disable most patients before they can qualify for Medicaid coverage. Enacting ETHA into law would represent an important step toward ensuring that all people living with HIV could get the medical care necessary to remain healthy for as long as possible.

Current HIV treatments are successful in delaying the progression from HIV infection to AIDS, and thus help improve the health and quality of life for many people living with the disease. By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the ETHA would ultimately save taxpayer dollars.

The members of TAEP fully endorse the Early Treatment for HIV Act and thank you again for your dedication to the passage of this important legislation.

Sincerely,

ROBERT GREENWALD,
Project Director.

ENDORSERS OF THE EARLY TREATMENT FOR HIV ACT, AS OF FEBRUARY 6, 2003

BACKGROUND

The Early Treatment for HIV Act (ETHA) is currently pending in Congress. ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Currently, most individuals with HIV must become disabled by AIDS in orders to receive Medicaid coverage.

HIV/AIDS treatments are successfully delaying the progression from HIV infection to full-blown AIDS. These advancements have improved both the health and quality of life for many people living with this disease. However, without access to early intervention health care and treatment, these advances remain out of reach for thousands of non-disabled, low-income people living with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections, and slowing the progression to AIDS, ETHA could ultimately save taxpayer dollars. Most importantly, if ETHA can garner the bipartisan support needed to become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

ENDORSEMENTS

The following organizations support passage of the Early Treatment for HIV Act:

ACT UP Atlanta, Atlanta, GA
ACT UP Philadelphia, Philadelphia, PA
ADAP Working Group, Washington, D.C.
AIDS Atlanta, Atlanta, GA
AIDS Action, Washington, D.C.
AIDS Action Baltimore, Baltimore, MD
AIDS Alabama, Birmingham, AL
AIDS Alliance for Children, Youth, and Families, Washington, D.C.
AIDS Foundation of Chicago, Chicago, IL
AIDS Healthcare Foundation, Los Angeles, CA
AIDS Project Los Angeles, Los Angeles, CA
AIDS Project Rhode Island, Providence, RI
AIDS Services Foundation Orange County, Irvine, CA
AIDS Survival Project, Atlanta, GA
AIDS Taskforce of Greater Cleveland, Cleveland, OH
AIDS Treatment Data Network, New York, NY
AIDS Vaccine Advocacy Coalition, New York, NY
AIDS Volunteers of Northern Kentucky, Covington, KY
Africa Eridge, Inc., West Linn, OR
American Foundation for AIDS Research, Washington, D.C.
American Society of Addiction Medicine, Chevy Chase, MD
Association of Maternal and Child Health Programs, Washington, D.C.
Association of Reproductive Health Professionals, Washington, D.C.
AsUR Volunteer Services, Oakland, CA
Beaver County AIDS Service Organization, Aliquippa, PA
Center for AIDS: Hope & Remembrance Project, Houston, TX
Center for Women Policy Studies, Washington, D.C.
Community Advisory Board of the Miriam ACTG, Providence, RI
Community Care Management, Johnstown, PA
Council on AIDS In Rockland, Rockland, NY
Critical Path AIDS Project, Philadelphia, PA
District of Columbia Primary Care Association, Washington, D.C.
Elizabeth Glaser Pediatric AIDS Foundation, Washington, D.C.
Florida AIDS Action, Tampa, FL
Florida Keys HIV Community Planning Partnership, Key West, FL
Foundation for Integrative AIDS Research, Brooklyn, NY
Gay and Lesbian Medical Association, San Francisco, CA
Gay Men's Health Crisis, New York, NY
Georgia AIDS Coalition, Inc., Snellville, GA
HIV/AIDS Alliance for Region Two, Inc. (HAART), Baton Rouge, LA
HIV/AIDS Dietetic Practice Group, American Dietetic Association, Chicago, IL/Washington, D.C.
HIV/AIDS Women's Caucus of Long Beach and South Bay, Long Beach, CA
HIV/Hepatitis C in Prison Committee/California Prison Focus, San Francisco, CA
HIV Medicine Association, Alexandria, VA
HUG-M3 Program at Orlando Regional Healthcare, Orlando, FL
Human Rights Campaign, Washington, D.C.
International AIDS Empowerment, El Paso, TX
Kitsap Human Rights Network, Silverdale, WA
Lifelong AIDS Alliance, Seattle, WA
Louisiana Lesbian and Gay Political Action Caucus, New Orleans, LA
Los Angeles Gay and Lesbian Center, Los Angeles, CA
Matthew 25 AIDS Services, Inc., Henderson, KY
Michigan Advocates Exchange, Ypsilanti, MI
Michigan Persons Living With AIDS Task Force, Okemos, MI
Montrose Clinic, Houston, TX
National Alliance of State and Territorial AIDS Directors, Washington, D.C.
National Association of People With AIDS, Washington, D.C.
National Association for Victims of Transfusion-Acquired AIDS, Bethesda, MD
National Coalition for LGBT Health, Washington, D.C.
National Center on Poverty Law, Chicago, IL
National Health Law Program, Los Angeles, CA
National Minority AIDS Council, Washington, D.C.
New York City AIDS Housing Network, New York, NY
NO/AIDS Task Force, New Orleans, LA
North Carolina Council for Positive Living, Raleigh, NC
Northern Manhattan Women & Children HIV Project, Mailman School of Public Health, Columbia University, New York, NY
Northland Cares, Flagstaff, AZ

Okaloosa AIDS Support and Informational Services (OASIS), Fort Walton Beach, FL
Parents, Families and Friends of Lesbians and Gays (PFLAG), Washington, D.C.
Philadelphia FIGHT, Philadelphia, PA
Pierce County AIDS Foundation, Tacoma, WA
Presbyterian Church (U.S.A.) Washington Office, Washington, D.C.
Primary Health Care, Inc., Des Moines, IA
Program for Wellness Restoration, Houston, TX
Project Inform, San Francisco, CA
Provincetown AIDS Support Group, Provincetown, MA
Power of Love Foundation, San Diego, CA
San Antonio AIDS Foundation, San Antonio, TX
San Francisco AIDS Foundation, San Francisco, CA
San Francisco Community Clinic Consortium, San Francisco, CA
Shelter Resources, Inc. d.b.a. Belle Reve New Orleans, New Orleans, LA
STOP AIDS Project, San Francisco, CA
Test Positive Aware Network, Chicago, IL
Title II Community AIDS Action Network, Washington, D.C.
Treatment Action Group, New York, NY
United Communities AIDS Network, Olympia, WA
University of IOWA HIV Program, Iowa City, IA
Vermont People With AIDS Coalition, Montpelier, VT
Visionary Health Concepts, New York, NY
Whitmar Walker Clinic, Washington, D.C.
Williamsburg/Greenpoint/Bushwick HIV CARE Network, Brooklyn, NY
Women Accepting Responsibility, Baltimore, MD
Women's HIV Collaborative of New York, New York, NY.

ADAP,
Washington, DC, April 4, 2003.

Hon. Hillary Rodham Clinton,
Hon. Gordon Smith,
U.S. Senate,
Washington, DC.

RE: ETHA—The Early Treatment for HIV Act

Dear Senator Clinton and Senator Smith: I write on behalf of our membership to express our support and appreciation for your bipartisan efforts in introducing the Early Treatment for HIV Act.

Passage of this act into law is a priority for this coalition and we believe ETHA can eventually be a major step towards providing the medically desirable early access to treatment, medical care, support services and prevention education for Americans with HIV disease.

While we recognize that budgetary resources are constrained we also recognize the cost effectiveness potential ETHA would present to state government resources. Naturally we also realize the extreme health importance of insuring proper medical attention and access to care at the earliest possible moment for HIV + patients.

Thank you for your leadership in this very important effort to deliver health care to HIV + positive Americans who otherwise are likely to have to wait until diagnosed with full blown AIDS before receiving access to Medicare which would then be able to provide them with the care and treatment which could prevent them from progressing to full blown AIDS—in the first place.

Our membership intends to devote time and energy towards passing ETHA into law as this session of Congress proceeds. We are aware of hundreds of other organizations that are equally committed to the passage of ETHA. We look forward to actively supporting your efforts and to a final passage of ETHA during the 108th Congress.

Sincerely,

William E. Arnold,
Director.

Whitman-Walker Clinic,
April 8, 2003.

The Hon. Gordon Smith,
U.S. Senate,
Washington, DC.
The Hon. Hilary Rodham Clinton,
U.S. Senate,
Washington, DC.

Dear Senators Smith and Clinton: On behalf of the thousands of men and women with HIV served by Whitman-Walker Clinic, the board of directors, staff and volunteers thank you for introducing the Early Treatment For HIV Act (ETHA). We strongly support the goals of this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, as well as improving the health and quality of life for many people living with the disease. However, without access to early intervention, health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Whitman-Walker Clinic provides a broad range of services including HIV testing and counseling, medical and dental care, substance abuse and mental health services and housing. Yet maintaining access to these services for those in need is increasingly difficult.

Despite nearly two decades of success in HIV prevention and care which has kept tens of thousands alive and healthy in our community, Washington, DC has a rate of AIDS ten times the national average. And, our region, including Northern Virginia and Suburban Maryland, ranks 5th in reported number of cases.

Thank you again for your leadership on behalf of people living with HIV. We look forward to working with you to secure passage of this important legislation.

Sincerely,

Mark M. Levin,
Board Chair.
A. Cornelius Baker,
Executive Director.

National Coalition
for LGBT Health,
Washington, DC, April 9, 2003.

Hon. Gordon Smith,
U.S. Senate,
Washington, DC.

Hon. Hillary Rodham Clinton,
U.S. Senate,
Washington, DC.

Dear Senators Smith and Clinton: Thank you, on behalf of the more than 75 organizations of the National Coalition for Lesbian, Gay, Bisexual, and Transgender Health, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualify for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with a symptomatic HIV infection is not eligible for Medicaid until he or she has progressed to AIDS. Since HIV-positive individuals do not qualify for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, due to cost savings the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later improved lives and reduces cost for all.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as "categorically needy." In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Very truly yours,

A. Cornelius Baker,
Co-Chair, Executive Committee.
Eugenia Handler,
Co-Chair, Executive Committee.

Gay & Lesbian Medical Association,
San Francisco, CA, April 7, 2003.

Hon. Gordon Smith,
Hon. Hillary Rodham Clinton,
U.S. Senate,
Washington, DC.

Dear Senators Smith and Clinton: Thank you, on behalf of the more than 1,500 members of the Gay & Lesbian Medical Association, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualified for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with asymptomatic HIV infection is not eligible for Medicaid until he or she has progressed to full-blown AIDS. Since HIV-positive individuals do not qualify for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as 'categorically needy'. In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage, through a federally funded program, to women diagnosed with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Sincerely,

KENNETH HALLER Jr.,
President.

VERMONT PWA COALITION,
Montpelier, VT, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Vermont People with AIDS Coalition, I am writing to thank you for agreeing to be the lead sponsor of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

Access to health care is an important issue for all Vermonters. Any program that will give people who are HIV+ early access to medical care gets our enthusiastic support. In the long run, early treatment will save money and, more importantly, keep people healthy and productive.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

KATHY KILCOURSE,
Program Administrator.

BEAVER COUNTY AIDS
SERVICE ORGANIZATION,
Aliquippa, PA, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Beaver County AIDS Service Organization (BCASO), I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment for HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

DAVID ADKINS,
Program Coordinator.

AIDS COUNCIL
OF NORTHEASTERN NEW YORK,
Albany, NY, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR GORDON: On behalf of the AIDS Council of Northeastern New York, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment for HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

JULIE M. HARRIS,
Deputy Executive Director.

MORRISON CENTER,
PORTLAND, OR, APRIL 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the thousands of parents and children served by Parents Anonymous® of Oregon, I wish to thank you for the support you have provided to the Parents Anonymous® Programs in your State. These vital federal funds and support from Parents Anonymous® Inc. allow us to meet the ever increasing demand and ensure that the proven effective, child abuse prevention programs of Parents Anonymous® are available to strengthen families here at home.

For over twenty-five years, Parents Anonymous® of Oregon (PAO) has been dedicated to the prevention of child abuse and neglect by strengthening families in our community. Currently we provide 14 free weekly Parent Support Groups and Children's Programs to parents experiencing challenges and stress in their family and who have the courage to seek help. PAO is committed to providing services to anyone in parenting role, but particularly to at risk populations, including low income Latino families, women transitioning from federal prison and women in residential treatment for substance abuse.

I respectfully request your support and advocacy for two funding initiatives for Parents Anonymous® Inc. for fiscal year 2004.

$4 million in the current level of appropriations under the Commerce-Justice-State ("CJS") appropriations bill, for strengthening and expanding nationwide services to families in local communities to prevent child abuse, neglect, and juvenile delinquency.

$3 million under the Labor-Health and Human Services ("LHHS") appropriations bill for establishing, operating, and maintaining a national parent helpline.

Research demonstrates that child abuse and neglect is often a precursor to delinquent and adult criminal behavior and that children who are abused or neglected are 40% more likely to engage in delinquency or adult criminal behavior. In fact, being abused or neglected as a child increases the likelihood of an arrest as a juvenile by 59%, as an adult by 28%, and for a violent crime by 30%. The requested CJS funding will enable us to continue Parents Anonymous® Programs and address the needs of at-risk populations. In addition, this funding will help, in the long run, to reduce expenditures in other Department of Justice programs.

The requested LHHS funding for a national parent helpline run by Parents Anonymous® Inc. will enable parents throughout the country, in all states, on reservations, in urban and rural areas, to obtain immediate support and help, 24 hours a day, 7 days a week. Currently, there is no national toll-free telephone system aimed at providing immediate support to parents seeking help with their child-raising crises and connecting them with effective community-based programs for assistance—the first cry for help needs to be answered in order to prevent child abuse and neglect.

Given your strong commitment and leadership to addressing the needs of families in your State, we wish to thank you in advance for championing these two FY 04 funding initiatives.

Very truly yours,
RUTH TAYLOR,
Program Director,
Parents Anonymous® of Oregon.

METROPOLITAN COMMUNITY CHURCH
OF PORTLAND
Portlands, OR, April 9, 2003.

Hon. Gordon Smith,
U.S. Senate, Washington DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATORS SMITH AND CLINTON, I want to take this opportunity to thank you for your sponsorship of the Early Treatment for HIV Act of 2003. Esther's Pantry has been a food bank for individuals living with AIDS since 1985. As funding for AIDS programs such as ours continue to decline and disappear, it very important that individuals diagnosed with HIV receive medical benefits as soon as possible so they may maintain some level of health and be able to provide for themselves long term. We have learned so much about HIV/AIDS over the past several years and the most important lesson has been early detection and treatment. Your bill will address that further piece of the solution by providing some resources to enable those infected to follow through.

At Esther's Pantry, we regularly provide individually shopped food boxes to approximately 150 clients every month for a total annual population of clients numbering 250. We recently lost Ryan White Title 1 funding and now provide our service through local donation and grant funding from a variety of sources. All clients must have AIDS and be at less than twice the federal poverty level. We are a provider for these clients who are struggling to cope with increased medical costs. Earlier treatment of all these clients would have helped to maintain their health, and enable them to expend their resources for other life necessities. Failure to do this has only created a dire situation.

This is certainly a bill that takes the necessary steps to improve the situation for so many men, women and children suffering from this disease. Thank you for your continuing efforts.

In Gratitude,
DAVID R. BECKLEY,
Executive Director.

PARENTS, FAMILIES AND FRIENDS OF
LESBIANS AND GAYS,
Washington, DC, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

Re: Early Treatment for HIV Act of 2003

DEAR SENATORS SMITH and CLINTON: I am the executive director of Parents, Families and Friends of Lesbians and Gays (PFLAG), the nation's foremost family organization dedicated to fair treatment for gay, lesbian, bisexual and transgender (GLBT) persons. Founded in 1973 by heterosexual parents who were brought together by their deep desire to understand and accept their GLBT loved ones, PFLAG consists of almost 500 chapters and represents over 250,000 members and supporters—Republicans and Democrats—throughout the country. On behalf of our national membership, I write to thank you for your sponsorship of the Early Treatment for HIV Act of 2003.

As a national organization whose mission focuses on the health and well-being of GLBT persons, PFLAG strongly believes that treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as "categorically needy". In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

PFLAG is proud to support you in calling for these critical steps to be taken in our national fight against AIDS/HIV, and we applaud you for your leadership in this important battle we must all win.

Sincerely,
DAVID TSENG,
Executive Director.

ELIZABETH GLASER PEDIATRIC
AIDS FOUNDATION,
Washington, DC, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express my strong support for the Early Treatment for HIV Act of 2003. We applaud your efforts to give states the option to extend critical Medicaid benefits to low-income HIV-infested individuals.

For children and adults infected with HIV the recent dramatic advances in treatment offer great hope for living long and healthy lives. Unfortunately, for too many low-income and uninsured individuals the cost of these life-saving medications is out of reach. A "catch-22" in the current Medicaid rules requires that they must be disabled by AIDS before Medicaid will begin to cover the drugs that would have prevented or delayed their becoming disabled in the first place.

Improving the access of HIV-positive individuals to treatment early in the progression of the disease is not only humane, but also cost-effective. Early treatment lowers the need for expensive medical interventions and, by decreasing viral loads, reduces the likelihood of new infections. Just as importantly, by preserving the ability of HIV-infected individuals to be productive and healthy workers, parents and citizens, early treatment also reduces the attendant social costs of AIDS.

Thank you for your leadership and commitment to this issue. We look forward to working with you toward passage of the Early Treatment for HIV Act.

Sincerely,
MARK ISAAC,
Vice President for Governmental
and Public Affairs.

NATIONAL ALLIANCE OF STATE AND
TERRITORIAL AIDS DIRECTORS,
Washington, DC, April 8, 2003.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the "Early Treatment for HIV Act." NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS. ETHA will also save states money in the long-run by treating HIV positive individuals earlier in the disease's progression and providing states with a federal match for the millions of dollars they are presently spending on HIV/AIDS care.

Thank you very much for your continued commitment to persons living with HIV/AIDS. I look forward to working with you to gain support for this important piece of legislation.

Sincerely,
JULIE M. SCOFIELD,
Executive Director.

SOUTHERN CALIFORNIA
HIV ADVOCACY COALITION,
April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of the Southern California HIV Advocacy Coalition, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV. The delay in getting individuals into a system of care is having a huge detrimental impact on the HIV delivery system and the entire health safety net in the Southern California area.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early

Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

In an era of constrained federal resources for health care spending, we must aggressively fight for effective means to finance care for people with HIV. This bill will begin to address these challenges through a permanent funding solution, allowing states to expand the safety net to cover eligible persons with early-stage HIV disease.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

TOM PETERSON,
Co-Chair, Southern California HIV Advocacy Coalition.

THE CENTER FOR AIDS,
Houston, Tx, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of The Center for AIDS: Hope & Remembrance Project (CFA), I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV. Moreover, without these treatments to stave off disease progression, hospitalizations and associated costs would unnecessarily add millions of dollars in burdens to the U.S. health care system.

The CFA has the largest collection HIV/AIDS-specific treatment information in the southwestern U.S. The CFA specializes in research/treatment information and advocacy. The proposed ETHA legislation will help The CFA's clients—those affected by HIV/AIDS both locally in Houston and nationally—stay healthier and lead productive lives in society.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, ETHA could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

THOMAS GEGENY,
MS, ELS, Editor & Interim Director.

ASSOCIATION OF MATERNAL
CHILD HEALTH PROGRAMS,
Washington, DC, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of the Association of Maternal and Child Health Programs (AMCHP), I am writing to thank you for agreeing to be a lead sponsor of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

AMCHP represents the directors and staff of state public health programs for maternal and child health (funded by the Federal Maternal and Child Health Services Block Grant), including children with special health care needs. These programs provided services to over 27 million Americans in FY 1999, including 18 million children between the ages of 1 and 22, 16% of whom had no known source of health insurance.

With this legislation, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on this issue. Please let me know how I can help support your efforts to secure passage of this important legislation.

Sincerely,

DEBORAH DIETRICH,
Acting Executive Director.

SAN FRANCISCO
AIDS FOUNDATION,
San Francisco, CA, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH and CLINTON: the San Francisco AIDS Foundation would like to thank you for your sponsorship of the Early Treatment for HIV Act 2003.

The Act would provide states with the option of covering low-income people living with HIV as 'categorically needy' provide them with medical care and treatment, reduce long term health care costs to states, and address a serious gap in public health care access. Recent breakthroughs in medical science and clinical practice have transformed the possibilities in HIV/AIDS care in the United States. Today, we know that early intervention with medical care and treatment for HIV disease slows the progression of HIV and prevents the onset of opportunistic infections. Application of this knowledge lengthens the life expectancy and dramatically improves the quality of life for many. These changes in science and medical practice demand revisions in the treatment of HIV disease under Medicaid.

Currently Medicaid eligibility for childless adults is tied to Supplemental Security Income (SSI) eligibility. The result of this determination is that people living with HIV must wait for Medicaid access until their disease has progressed to a disabling AIDS diagnosis. The cruel irony of this practice is that individuals are forced to incur often-irreparable damage to their immune systems before receiving treatments that could have delayed or avoided the damage. This is counter to sound public health practices and all but guarantees higher cost of care for thousands of affected individuals. This serious anomaly in public health care coverage must be rectified by the enactment of this legislation.

The AIDS Foundation thanks you both for your leadership and sponsorship of this important legislation.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

Mr. President, I ask unanimous consent that a copy of the Early Treatment for HIV Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Treatment for HIV Act of 2003".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking "or" at the end of subclause (XVII);

(B) by adding "or" at the end of subclause (XVIII); and

(C) by adding at the end the following:

"(XIX) who are described in subsection (cc) (relating to HIV-infected individuals);"; and

(2) by adding at the end the following:

"(cc) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

"(1) who have HIV infection;

"(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

"(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.".

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking "section 1902(a)(10)(A)(ii)(XVIII)" and inserting "subclause (XVIII) or (XIX) of section 1902(a)(10)(A)(ii)".

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "or" at the end of clause (xii);

(2) by adding "or" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

"(xiv) individuals described in section 1902(cc);".

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

"(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(cc) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XIX).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 849. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to join with Senator KYL today to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This bill facilitates an exchange of over 50,000 acres of Federal and private land in Arizona for the primary purpose of consolidating National Forest lands currently in checkerboard ownership in the northwestern portion of the State. Included in the exchange are a number of other Federal land parcels located in the communities of Flagstaff, Williams, Clarkdale, Cottonwood, and Camp Verde and other lands currently leased by six different camps.

This is a complex land exchange because of its size, the diverse nature of the lands involved, and the range of potential benefits and impacts that would result. The Forest Service has stated that the consolidation of the checkerboard in the Prescott National Forest will yield significant benefits and cost-savings to the public. In putting forth this exchange with the Yavapai Ranch Limited Partnership, the Forest Service has identified opportunities to achieve better and more cost-effective management of Federal lands and resources, to acquire lands that will meet the important public objectives of protection of wildlife habitat, cultural resources, watershed, wilderness and aesthetic values, and also meet the needs of State and local residents and their economies.

The communities of Flagstaff and Williams and the camps are strongly in favor of this bill as it will allow them to acquire federal lands that will be exchanged to Yavapai Ranch, providing them beneficial economic and land use management opportunities. The communities of Clarkdale, Cottonwood, and Camp Verde are also an important part of this exchange. Inclusion of these parcels, totaling more than 300 acres, has focused discussion on essential issues of available water supply, the limits of sustainable growth, and quality of life concerns.

The issue of potential adverse impacts of new development on limited water resources has been addressed in this bill through the establishment of conservation easements which limit water use on the Verde Valley parcels after private acquisition. This foresighted provision is intended to conserve precious surface and ground water resources and protect the water users and State water right holders dependent upon them. Given the uncertainty about available water supplies and future uses, I believe this is a responsible measure which is in the interest of both Arizona citizens and the American public.

Of primary importance to me are the procedural terms and conditions by which the land exchange will be conducted. The Forest Service has stated that the procedures set forth in this bill represent standard practice and will allow for the desired outcome of a fair and equal value exchange of public property. I have also made an effort to solicit public input on the exchange in order to appreciate the potential benefits and costs involved. I held several public meetings in Arizona on the exchange and have heard and read the differing views of hundreds of interested Arizonans.

After careful consideration, I believe it is appropriate that the bill be introduced at this time. While the proposed exchange has the support of the Forest Service, the elected representatives of the affected communities, and the camps, introduction of this bill advances us to the next phase of public consideration of key aspects and procedural issues associated with the legislation.

I expect that public hearings will be held here and in Arizona on the bill in the near future. The Forest Service will have an opportunity to provide public statements concerning the specific provisions of the bill, as will other parties affected by the exchange. I anticipate that in the next phase of the legislative process, our state delegation will receive the information needed to address any remaining issues and ensure that this exchange will be conducted in a manner that benefits the citizens of Arizona and Federal taxpayers alike.

Mr. KYL. Mr. President, today, I am pleased to join with Senator MCCAIN to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This bill, which facilitates a large and very complex land exchange in Arizona, is the product of months of discussions between the Forest Service, community groups, local officials, and other stakeholders. It will allow communities to accommodate growth and improve the management of our forests; it will also yield many environmental benefits to the public.

This bill will protect some of Arizona's most beautiful ponderosa pine forests from future development by placing approximately 35,000 acres of private land into public use. It consolidates a 110-square mile area in the Prescott National Forest near the existing Juniper Mesa Wilderness under Forest Service ownership, to preserve the area in its natural state and prevent its subdivision. This land has old growth ponderosa pine that is at least 250 years old and juniper that is 500 years old or older. Consolidation will preserve the area for watershed management, wildlife habitat, and outdoor recreation. Without consolidation, these tracts would be open to future development. I am pleased that this bill will preserve them for future generations.

This bill significantly improves management of the Prescott National Forest. The existing checkerboard ownership pattern in the Prescott makes management and access difficult. The exchange improves management of the forest by consolidating this land, and allowing the Forest Service to effectively apply forest-restoration treatments designed to improve forest health and reduce hazardous fuels. In turn, better management will help decrease the fire risk in Arizona's forests. The importance of improved management and efficient restoration treatments cannot be overstated given last year's devastating Rodeo-Chediski fire.

In addition to protecting Arizona's natural resources, this bill allows several Northern Arizona communities to accommodate future growth and economic development, and to meet other municipal needs. The exchange will allow the Cities of Williams and Flagstaff to expand their airports and water-treatment facilities, and develop town parks and recreation areas. The town of Camp Verde will have the opportunity to acquire lands for view shed protection. Several youth organizations throughout northern Arizona will be able to acquire land for their camps.

Even as it addresses environmental and community needs, this bill saves significant taxpayer dollars. It obviates the administrative route for land exchange—doing an exchange of this size administratively would require considerable financial and personnel resources within the Forest Service. The agency estimates that the legislative approach will cost half as much as the administrative alternative—resulting in potential savings to the taxpayers in excess of $500,000.

This land exchange is supported and endorsed by many municipalities, religious institutions, environmental groups, and other nongovernmental organizations in Arizona. Experts from the Arizona Game and Fish Department have reviewed the lands to be exchanged and strongly support the proposal. I have received hundreds of letters and petitions from residents expressing support for it. This exchange is extremely important to the residents of Arizona.

This land exchange is a unique opportunity to protect Arizona's natural resources while accommodating the tremendous growth that my State is experiencing. This bill is good for the state of Arizona and I plan to work with my colleagues to ensure that we pass this important legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 112—DESIGNATING APRIL 11TH, 2003, AS "NATIONAL YOUTH SERVICE DAY", AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. DEWINE, Mr. JOHNSON, Mr. BAYH, Mr. BAUCUS, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Ms. LANDRIEU, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 112

Whereas National Youth Service Day is an annual public awareness and education campaign that highlights the amazing contributions that young people make to their communities throughout the year;

Whereas the goals of National Youth Service Day are to mobilize youths to identify and address the needs of their communities through service, recruit the next generation of volunteers, and educate the public about the contributions young people make as community leaders throughout the year;

Whereas young people in the United States are volunteering more than has any generation in American history;

Whereas the ongoing contributions young people make to their communities throughout the year should be recognized and encouraged;

Whereas young people should be viewed as the hope not only of tomorrow, but of today, and should be valued for the inherent idealism, energy, creativity, and commitment that they employ in addressing the needs of their communities;

Whereas there is a fundamental and absolute correlation between youth service and lifelong adult volunteering and philanthropy;

Whereas, through volunteer service and related learning opportunities, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Whereas service-learning, an innovative teaching method combining service to the community with classroom curriculum, is a proven strategy to increase academic achievement;

Whereas National Youth Service Day was first organized in 1988 by Youth Service America and the Campus Outreach Opportunity League, and is now being observed in 2003 for the 15th consecutive year;

Whereas Youth Service America continues to expand National Youth Service Day, now engaging millions of young people nationwide with 50 Lead Agencies in nearly every State to organize activities across the United States;

Whereas Youth Service America has expanded National Youth Service Day to involve over 60 National Partners;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in 127 countries and is now in its fourth year; and

Whereas young people will benefit greatly from expanded opportunities to engage in meaningful volunteer service: Now, therefore, be it *Resolved*,

SECTION 1. RECOGNITION AND ENCOURAGEMENT OF YOUTH COMMUNITY SERVICE.

The Senate recognizes and commends the significant contributions of American youth and encourages the cultivation of a common civic bond among young people dedicated to serving their neighbors, their communities, and the Nation.

SEC. 2. NATIONAL YOUTH SERVICE DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate April 11, 2003, as "National Youth Service Day".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating April 11, 2003, as "National Youth Service Day"; and

(2) calling on the people of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of our Nation's young people throughout the year; and

(C) support these efforts as an investment in the future of our Nation.

SENATE RESOLUTION 113—COMMENDING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT FOR WINNING THE 2003 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas the University of Connecticut women's basketball team won its third national championship in 4 years by defeating arch-rival University of Tennessee by the score of 73 to 68;

Whereas the Huskies finished the 2002–2003 season with a record of 37 wins and 1 loss, and have now won 76 of their last 77 games;

Whereas during the 2002–2003 season the Huskies won their 70th game in a row, setting a new record for NCAA Division I Women's Basketball;

Whereas Coach Geno Auriemma has been coaching the Huskies for 18 years, and achieved his 500th career win this season;

Whereas Coach Auriemma won his second-straight Coach of the Year honor this year;

Whereas Diana Taurasi was chosen as the national women's player of the year, and the NCAA Tournament's most valuable player;

Whereas Ashley Battle was chosen as Big East defensive player of the year;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies unparalleled success continues to bring enormous pride and joy to the people of Connecticut and to sports aficionados around the country: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

(1) completing the 2002–2003 women's basketball season with a record of 37 wins and 1 loss, including winning their record 70th game in a row; and

(2) winning the 2003 NCAA Division I Women's Basketball Championship, their fourth national championship.

SENATE RESOLUTION 114—HONORING THE LIFE OF NBC REPORTER DAVID BLOOM, AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DAYTON (for himself, Mr. COLEMAN, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 114

Whereas the Senate has learned with sadness of the death of NBC Reporter David Bloom;

Whereas David Bloom, a native of Edina, Minnesota, greatly distinguished himself by his rapid rise in the field of journalism;

Whereas, most recently, David Bloom was embedded with the Third Infantry Division of the United States Army to provide in-depth reporting on the war in Iraq;

Whereas David Bloom, as a skilled and determined reporter, covered many major news stories for NBC News, including reporting from Israel on the escalating violence in the Middle East, the recovery efforts from Ground Zero after September 11, 2001, the war on terrorism at home, and the Washington, D.C., sniper story;

Whereas, while covering the White House beat between 1997 and 2000, David Bloom reported on the Maryland Peace Summit with Yassir Arafat and Benjamin Netanyahu, on Operation Desert Fox in Iraq, and on the NATO air campaign in Kosovo;

Whereas, prior to being named White House Correspondent, David Bloom was a Los Angeles-based correspondent for NBC News, where he reported extensively on the Unabomber, the Freeman ranch standoff, and the war in Bosnia;

Whereas David Bloom was a co-recipient of the 1992 George Foster Peabody Award, a winner of the Radio-Television News Directors Association Edward R. Murrow Award for his coverage of Hurricane Andrew, and a 1991 Regional Emmy Award winner for Investigative Journalism for his report on the shipment of arms to Iraq from south Florida;

Whereas David Bloom was a devoted husband to his wife, Melanie, and a proud father to three exceptional daughters, Nicole, Christine, and Ava; and

Whereas David Bloom's life was distinguished for its great ambition, multitude of accomplishments, standards of excellence, dedication to family, and important contributions to the dissemination of unbiased information to citizens throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career and devoted work of David Bloom;

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of David Bloom.

SENATE RESOLUTION 115—CONGRATULATING THE SYRACUSE UNIVERSITY MEN'S BASKETBALL TEAM FOR WINNING THE 2003 NCAA DIVISION I MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 115

Whereas on Monday, April 7, 2003, the Syracuse University Orangemen men's basketball team won its first Division I national basketball championship;

Whereas Syracuse University won the championship game by defeating the University of Kansas Jayhawks 81 to 78;

Whereas the Syracuse University team was led by freshman Carmelo Anthony, who was voted Most Outstanding Player of the Final Four, and received outstanding effort and support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace;

Whereas the roster of the Syracuse University team also included Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, and Andrew Kouwe;

Whereas Head Coach Jim Boeheim has coached at Syracuse University for 27 years and been involved with the Syracuse University men's basketball team for more than half his life;

Whereas Coach Boeheim had previously coached in 2 national championship games, including a heartbreaking loss in 1987;

Whereas Coach Boeheim and his coaching staff, including Associate Head Coach Bernie Fine and Assistant Head Coaches Mike Hopkins and Troy Weaver, deserve much credit for the outstanding determination and accomplishments of their young team; and

Whereas the students, alumni, faculty, and supporters of Syracuse University are to be congratulated for their commitment and pride in their national champion men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the Syracuse University men's basketball team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs Secretary of the Senate to make available enrolled copies of this resolution to Syracuse University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's basketball national championship team.

SENATE RESOLUTION 116—COMMEMORATING THE LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF AL LERNER

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 116

Whereas Alfred Lerner ("Al" to those who knew him best) was a successful, humble, compassionate, and well respected member of his family and community whose life was devoted to civic involvement and efforts to improve the quality of education and health care available to his fellow citizens;

Whereas Al Lerner was born in Brooklyn, New York in 1933, graduated from Brooklyn Technical High School in 1951, and received a B.A. from Columbia College in 1955;

Whereas Al Lerner was a Marine Corps officer and pilot from 1955 through 1957, displaying his love of country by wearing his Marine Corps cap long after finishing his tour of duty, and later was a director of the Marine Corps Law Enforcement Foundation;

Whereas Al Lerner was the son of Russian immigrants, and in 2002 received the Ellis Island Medal of Honor, which celebrates immigrant heritage and individual achievements;

Whereas Al Lerner and his high school sweetheart, best friend, and partner in life, Norma Lerner, shared 47 years of marriage and were deeply committed to their 2 children, Randy and Nancy;

Whereas Al and Norma Lerner made extremely generous contributions to local and national charities, including a contribution of $10,000,000 in 1993 to Rainbow Babies and Children's Hospital in Cleveland, a donation of $16,000,000 to support construction of the Lerner Research Institute, and a donation of $100,000,000 to the Cleveland Clinic—one of the largest donations to academic medicine in the history of the United States;

Whereas Al Lerner served as president and trustee of the Cleveland Clinic Foundation where the Lerner Research Institute was established to conduct research of new treatments for cancer, coronary artery disease, and AIDS;

Whereas Al Lerner, along with his business partner Carmen Policy, reestablished a National Football League team in Northern Ohio when he purchased the expansion Cleveland Browns football organization in 1998, worked hard to make the people of Cleveland and Northern Ohio proud of their football team, and was subsequently appointed chairman of the National Football League Finance Committee;

Whereas the Cleveland Browns, on the strength of Al Lerner's leadership, reached the National Football League playoffs following the 2002 season, only 4 years after returning to the league;

Whereas Al Lerner served as founder, chairman, and chief executive of MBNA Corporation, which employs thousands of people in Ohio and is the Nation's largest issuer of independent credit cards;

Whereas Al Lerner served as vice chairman, trustee, and benefactor of Columbia College, which is now known as Columbia University, and also served as a trustee for Case Western Reserve University and New York Presbyterian Hospital;

Whereas Al Lerner helped raise funds, through his affiliation with MBNA and the Cleveland Browns, for the "Cleveland Browns Hero Fund" to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks;

Whereas Al Lerner was appointed in 2001 by President Bush as 1 of 15 members of the President's Foreign Intelligence Advisory Board, which advises the President concerning the quality and adequacy of intelligence collection, intelligence analysis and estimates, counter-intelligence, and other intelligence activities;

Whereas Al Lerner is survived by his wife, partner, and best friend, Norma, their son Randy, their daughter Nancy, and 7 grandchildren; and

Whereas Al Lerner passed away on October 23, 2002, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alfred Lerner; and

(2) extends its deepest sympathies to the family of Alfred Lerner for the loss of a great and generous man.

AMENDMENTS SUBMITTED AND PROPOSED

SA 527. Mr. NICKLES proposed an amendment to the bill S. 476, to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

SA 528. Mr. LIEBERMAN proposed an amendment to the concurrent resolution S. Con. Res. 31, expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

TEXT OF AMENDMENTS

SA 527. Mr. NICKLES proposed an amendment to the bill S. 476, to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; as follows:

Beginning on page 26, line 8, strike all through page 36, line 13, and insert the following:

SEC. 107. EXCLUSION OF 25 PERCENT OF GAIN ON SALES OR EXCHANGES OF LAND OR WATER INTERESTS TO NONPROFIT ENTITIES FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following new section:

"SEC. 121A. 25-PERCENT EXCLUSION OF GAIN ON SALES OR EXCHANGES OF LAND OR WATER INTERESTS TO NONPROFIT ENTITIES FOR CHARITABLE PURPOSES.

"(a) EXCLUSION.—Gross income shall not include 25 percent of the qualifying gain from a qualifying sale of a long-held qualifying land or water interest.

"(b) QUALIFYING GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying gain' means any gain which would be recognized as long-term capital gain.

"(2) SPECIAL RULE FOR SALES OF STOCK.—If the long-held qualifying land or water interest is 1 or more shares of stock in a qualifying land or water corporation, the qualifying gain is equal to the lesser of—

"(A) the qualifying gain determined under paragraph (1), or

"(B) the product of—

"(i) the percentage of such corporation's stock which is transferred by the taxpayer, times

"(ii) the amount which would have been the qualifying gain (determined under paragraph (1)) if there had been a qualifying sale by such corporation of all of its interests in the land and water for a price equal to the product of the fair market value of such interests times the ratio of—

"(I) the proceeds of the qualifying sale of the stock, to

"(II) the fair market value of the stock which was the subject of the qualifying sale.

"(c) QUALIFYING SALE.—For purposes of this section, the term 'qualifying sale' means a sale or exchange which meets the following requirements:

"(1) TRANSFEREE IS AN ELIGIBLE ENTITY.—The transferee of the long-held qualifying land or water interest is an eligible entity.

"(2) QUALIFYING LETTER OF INTENT REQUIRED.—At the time of the sale or exchange, such transferee provides the taxpayer with a qualifying letter of intent.

"(3) NONAPPLICATION TO CERTAIN SALES.—The sale or exchange is not made pursuant to an order of condemnation or eminent domain.

"(4) CONTROLLING INTEREST IN STOCK SALE REQUIRED.—In the case of the sale or exchange of stock in a qualifying land or water corporation, at the end of the taxpayer's taxable year in which such sale or exchange occurs, the transferee's ownership of stock in such corporation meets the requirements of section 1504(a)(2) (determined by substituting '90 percent' for '80 percent' each place it appears).

"(d) LONG-HELD QUALIFYING LAND OR WATER INTEREST.—For purposes of this section—

"(1) IN GENERAL.—The term 'long-held qualifying land or water interest' means any qualifying land or water interest owned by the taxpayer or a member of the taxpayer's family (as defined in section 2032A(e)(2)) at all times during the 5-year period ending on the date of the sale.

"(2) QUALIFYING LAND OR WATER INTEREST.—

"(A) IN GENERAL.—The term 'qualifying land or water interest' means a real property interest which constitutes—

"(i) a taxpayer's entire interest in land,

"(ii) a taxpayer's entire interest in water rights,

"(iii) a qualified real property interest (as defined in section 170(h)(2)), or

"(iv) stock in a qualifying land or water corporation.

"(B) ENTIRE INTEREST.—For purposes of clause (i) or (ii) of subparagraph (A)—

"(i) a partial interest in land or water is not a taxpayer's entire interest if an interest in land or water was divided in order to create such partial interest in order to avoid the requirements of such clause or section 170(f)(3)(A), and

"(ii) a taxpayer's entire interest in certain land does not fail to satisfy subparagraph (A)(i) solely because the taxpayer has retained an interest in other land, even if the other land is contiguous with such certain land and was acquired by the taxpayer along with such certain land in a single conveyance.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a governmental unit referred to in section 170(c)(1), or an agency or department thereof, or

"(B) an entity which is described in section 170(b)(1)(A)(vi) or section 170(h)(3)(B).

"(2) QUALIFYING LETTER OF INTENT.—The term 'qualifying letter of intent' means a written letter of intent which includes the following statement: 'The transferee's intent is that this acquisition will serve 1 or more of the charitable purposes of the transferee and that the use of the property will continue to be consistent with such purposes, even if ownership or possession of such property is subsequently transferred to another person.

"(3) QUALIFYING LAND OR WATER CORPORATION.—The term 'qualifying land or water corporation' means a C corporation (as defined in section 1361(a)(2)) if, as of the date of the qualifying sale—

"(A) the fair market value of the corporation's interests in land or water held by the corporation at all times during the preceding 5 years equals or exceeds 90 percent of the fair market value of all of such corporation's assets, and

"(B) not more than 50 percent of the total fair market value of such corporation's assets consists of water rights or infrastructure related to the delivery of water, or both.

"(f) TAX ON SUBSEQUENT TRANSFERS OR REMOVALS OF CHARITABLE USE RESTRICTIONS.—

"(1) IN GENERAL.—A tax is hereby imposed on any subsequent—

"(A) transfer by an eligible entity of ownership or possession, whether by sale, exchange, or lease, of property acquired directly or indirectly in—

"(i) a qualifying sale described in subsection (a), or

"(ii) a transfer described in clause (i), (ii), or (iii) of paragraph (4)(A), or

"(B) removal of a charitable use restriction contained in an instrument of conveyance of such property.

"(2) AMOUNT OF TAX.—The amount of tax imposed by paragraph (1) on any transfer or removal shall be equal to the sum of—

"(A) either—

"(i) 20 percent of the fair market value (determined at the time of the transfer) of the property the ownership or possession of which is transferred, or

"(ii) 20 percent of the fair market value (determined at the time immediately after the removal) of the property upon which the charitable use restriction was removed, plus

"(B) the product of—

"(i) the highest rate of tax specified in section 11, times

"(ii) any gain or income realized by the transferor or person removing such restriction as a result of the transfer or removal.

"(3) LIABILITY.—The tax imposed by paragraph (1) shall be paid—

"(A) on any transfer, by the transferor, and

"(B) on any removal of a charitable use restriction contained in an instrument of conveyance, by the person removing such restriction.

"(4) RELIEF FROM LIABILITY.—The person (otherwise liable for any tax imposed by paragraph (1)) shall be relieved of liability for the tax imposed by paragraph (1)—

"(A) with respect to any transfer if—

"(i) the transferee is an eligible entity which provides such person, at the time of transfer, a qualifying letter of intent, or

"(ii) the transferee is not an eligible entity, it is established to the satisfaction of the Secretary, that the transfer of ownership or possession, as the case may be, will be consistent with charitable purpose of the transferor, and the transferee provides such person, at the time of transfer, a qualifying letter of intent, or

"(iii) tax has previously been paid under this subsection as a result of a prior transfer of ownership or possession of the same property, or

"(B) with respect to any removal of a charitable use restriction contained in an instrument of conveyance, if it is established to the satisfaction of the Secretary that the retention of the restriction was impracticable or impossible and the proceeds continue to be used in a manner consistent with 1 or more charitable purposes.

"(5) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subsection shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.

"(6) REPORTING.—The Secretary may require such reporting as may be necessary or appropriate to further the purpose under this section that any charitable use be in perpetuity.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 121 the following new item:

"Sec. 121A. 25-percent exclusion of gain on sales or exchanges of land or water interests to nonprofit entities for charitable purposes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges occurring after December 31, 2003, in taxable years ending after such date.

SEC. 107A. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	**Average fee**
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2007.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SA 528. Mr. LIEBERMAN proposed an amendment to the concurrent resolution S. Con. Res. 31, expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq: as follows:

In the preamble strike the first 6 whereas clauses, and insert:

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in Sec. 3(a) of Public Law 107-243, which passed the Senate on October 11, 2002, by a vote of 77-23, and which passed the House of Representatives on the same date by a vote of 296-133;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 9, 2003, at 10 a.m. on transportation and border security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, April 9 at 10 a.m. to consider Comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 9 at 9:30 a.m. to conduct a business meeting to mark up legislative bills, nominations, and a resolution.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 9, 2003, at 10 a.m., to hear testimony on the 2003 Annual Report of the Board of Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2003 at 9:30 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2003 at 2:30 p.m. to hold a hearing on Trafficking in Women and Children in East Asia and Beyond: A Review of U.S. Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2003 at 3 p.m. to hold a hearing on Africa Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 2003 at 4:30 p.m. to hold a hearing on Europe Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 9, 2003 at 9:30 a.m. for a hearing entitled "Investing in Homeland Security, Challenges on the Front Line."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to met on Wednesda, April 9, 2003 at 9:30 a.m. for a hearing entitled "Investing in Homeland Security, Challenges on the Front Line."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, April 9, 2003.

The following agenda will be considered:

Agenda

S. 754, The Improved Vaccine Affordability and Availability Act.

Any nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 9, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; S. 558, a bill to elevate the Director of the Indian Health Service to be Assistant Secretary for Indian Health, and for other purposes; and S. 555, to establish the Native American

Health and Wellness Foundation, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "SBA Re-Authorization: Non-Credit Programs" and other matters on Wednesday, April 9, 2003, beginning at 9 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 9, 2003, at 9:30 a.m., in open session and possibly closed session, to receive testimony on the U.S. Special Operations Command in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 9, 2003, at 2:30 p.m., in open session to receive testimony on the readiness of the military services to conduct current operations and execute contingency plans in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 32

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that on Friday, April 11, the Senate proceed, at a time determined by the majority leader, after consultation with the Democratic leader, to executive session for the consideration, for debate only, of Calendar No. 32, the nomination of Jeffrey Sutton to be U.S. Circuit Judge for the Sixth Circuit. I further ask unanimous consent that following debate on that day, the nomination be set aside and the Senate resume consideration of the nomination on Monday, April 28, for debate only. Further, I ask unanimous consent that following debate on Monday, the nomination be set aside, and on Tuesday, April 29, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, we appreciate the majority working with us on this nomination. I am sure it is conversely appreciated, our working with them on this nomination. The majority leader indicated he had the intention of filing cloture on this nomination today. We have been able to work out an arrangement, so this will be unnecessary.

I only ask that when the majority leader sets a time on Tuesday, he give some consideration to having the vote after the time set for our party caucuses.

Mr. McCONNELL. Mr. President, I say to my friend from Nevada, we will be glad to take that under advisement and discuss that possibility.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUTRIA ERADICATION AND CONTROL ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 273, just received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 273) to provide for the eradication and control of nutria in Maryland and Louisiana.

The PRESIDING OFFICER. Is there objection to proceeding to the bill at this time?

Mr. REID. Mr. President, I have no objection to proceeding to the measure, but I ask the distinguished majority whip, is this the rat eradication bill?

Mr. McCONNELL. The nutria eradication bill.

Mr. REID. Is that the rat eradication?

Mr. McCONNELL. It certainly is.

Mr. REID. Yes, I think so.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, this legislation would reauthorize and expand the Nutria Control Project established under Public Law 105-322 to help address the non-native rodent nutria which is destroying wetlands and valuable habitat at and around Blackwater National Wildlife Refuge on the Eastern Shore of Maryland and in Louisiana. Sponsored by my colleague, Representative WAYNE GILCHREST, the legislation authorizes $4 million in grant assistance to the State of Maryland and $2 million to the State of Louisiana for each of the next 5 fiscal years to help alleviate this invasive problem.

Blackwater National Wildlife Refuge and its surrounding wetlands are being threatened by the prolific and highly invasive non-indigenous species nutria which is destroying the tidal marshes and even displacing other native species. Over the past three decades, the population of nutria in Maryland has grown exponentially from about 150 to as many as 150,000—a thousand-fold increase. During that same period, Blackwater National Wildlife Refuge has lost more than 40 percent of its marshes—approximately 7,000 of 17,000 acres—due, in large part, to nutria. As nutria population densities continue to increase, so does the range of the creature and its associated ecological damage. According to the U.S. Fish and Wildlife Service, every Maryland county south of the Chesapeake Bay Bridge on both the eastern and western shores has reported nutria. Without action, resource managers believe that valuable habitat will continue to be lost at an accelerated rate, numerous fish and wildlife resources will be impacted, and the range and distribution of this invasive species will continue to expand.

In 1998, the Congress enacted legislation Public Law 105-322—authorizing $2.9 million for a 3-year pilot project designed to develop techniques to control nutria populations and to restore degraded marsh habitat. Over the past 3 years, approximately $2 million has been appropriated for studies of the reproductive capacity of the species, methods to eradicate nutria populations, and prospects for restoring wetlands destroyed by the critter along Maryland's Eastern Shore. The authorization expired in September 2002, and new legislation is needed to move to the next phase of a control and ultimately an eradication program. Results of the project in phase II are expected to be applicable throughout the range of nutria in North America, which includes 15 States and potentially over 1 million acres of marsh habitat on national wildlife refuges.

This legislation authorizes the Federal funds necessary to carry out the program. I urge adoption of the legislation.

Mr. McCONNELL. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 273) was read the third time and passed.

NATIONAL YOUTH SERVICE DAY

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 112, which was submitted earlier today by Senators MURKOWSKI and AKAKA.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 112) designating April 11th, 2003, as National Youth Service Day, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise in support of S. Res. 112, a resolution that requests the President of the United States to designate April 11, 2003 as "National Youth Service Day," acknowledges the remarkable community service efforts of youth today, and encourages all people to recognize and support the significance of these contributions.

NYSD is a public awareness and education campaign that highlights the extraordinary contributions that young people make to their communities throughout the year. On this day, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. NYSD is the largest service event in the world with over three million participants. NYSD brings a diverse group of local, regional, and national partners together to support and promote youth service.

As a mother of two young sons, I understand the importance of recognizing and supporting the positive contributions that youth make to our country and the world each and every day. It is imperative to keep young people active and motivated, and instilled with a sense of community responsibility. Volunteer work gives youth an outlet to gain this responsibility, and to learn valuable skills that are essential to personal and academic achievement.

I thank my colleagues—Senators AKAKA, BAUCUS, BIDEN, BROWNBACK, BUNNING, CAMPBELL, CLINTON, COCHRAN, COLLINS, DEWINE, DOMENICI, DURBIN, JOHNSON, KENNEDY, LANDRIEU, LUGAR, MIKULSKI, MURRAY, and STEVENS—for co-sponsoring this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas National Youth Service Day is an annual public awareness and education campaign that highlights the amazing contributions that young people make to their communities throughout the year;

Whereas the goals of National Youth Service Day are to mobilize youths to identify and address the needs of their communities through service, recruit the next generation of volunteers, and educate the public about the contributions young people make as community leaders throughout the year;

Whereas young people in the United States are volunteering more than has any generation in American history;

Whereas the ongoing contributions young people make to their communities throughout the year should be recognized and encouraged;

Whereas young people should be viewed as the hope not only of tomorrow, but of today, and should be valued for the inherent idealism, energy, creativity, and commitment that they employ in addressing the needs of their communities;

Whereas there is a fundamental and absolute correlation between youth service and lifelong adult volunteering and philanthropy;

Whereas, through volunteer service and related learning opportunities, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Whereas service-learning, an innovative teaching method combining service to the community with classroom curriculum, is a proven strategy to increase academic achievement;

Whereas National Youth Service Day was first organized in 1988 by Youth Service America and the Campus Outreach Opportunity League, and is now being observed in 2003 for the 15th consecutive year;

Whereas Youth Service America continues to expand National Youth Service Day, now engaging millions of young people nationwide with 50 Lead Agencies in nearly every State to organize activities across the United States;

Whereas Youth Service America has expanded National Youth Service Day to involve over 60 National Partners;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in 127 countries and is now in its fourth year; and

Whereas young people will benefit greatly from expanded opportunities to engage in meaningful volunteer service: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION AND ENCOURAGEMENT OF YOUTH COMMUNITY SERVICE.

The Senate recognizes and commends the significant contributions of American youth and encourages the cultivation of a common civic bond among young people dedicated to serving their neighbors, their communities, and the Nation.

SEC. 2. NATIONAL YOUTH SERVICE DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate April 11, 2003, as "National Youth Service Day".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating April 11, 2003, as "National Youth Service Day"; and

(2) calling on the people of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of our Nation's young people throughout the year; and

(C) support these efforts as an investment in the future of our Nation.

NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 113 submitted earlier by Senators DODD and LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 113) commending the Huskies of the University of Connecticut for winning the 2003 NCAA Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today to acknowledge the outstanding accomplishments of this year's NCAA women's basketball champions—the University of Connecticut Huskies—and offer, along with my colleague Senator LIEBERMAN, a Senate resolution commending the Huskies for another phenomenal season.

Sports and other forms of entertainment have taken a backseat over the past few weeks, and rightfully so, as our full national attention has been focused on our brave service men and women risking—and some losing—their lives in our war with Iraq.

The beginning of this year's NCAA tournament coincided almost to the hour with the beginning of America's war with Iraq. For millions of Americans who eyes were glued to the television watching live coverage of our swift invasion, and whose hearts and prayers remain with our troops overseas, the NCAA tournament offered us all a much needed diversion.

Compared to the stakes in the real battles being fought by our young men and women in cities and towns across Iraq, the stakes in this year's tournament seem very insignificant.

But watching the NCAA tournament reminded us of the simple joy we feel from witnessing America's finest young athletes engage in the heights of competition.

And for thousands of soldiers who watched the games live by satellite in the Persian Gulf, it gave them a little taste of home, where, it is my hope, they will be returning very, very soon.

I would like to take a few moments to commend all the participants in the men's and women's basketball tournament this year. I want to especially congratulate the Syracuse Orangemen for their victory over Kansas on Monday night in the men's championship game.

It was truly a spectacular year for the Big East, which also included St. John's winning the NIT championship.

But most of all, I would like to specifically recognize the UConn Lady

Huskies for their tremendous accomplishments this season, culminating with winning the national championship over their arch-rival Tennessee last night, by a score of 73–68.

A casual observer picking up a newspaper today might remark, "UConn wins. Just like every year." And indeed, this marks the second straight year, and the third time in the last four years, that the Lady Huskies have ended the season as champions.

But anyone who has followed UConn knows that this year was not just like any other year—and it certainly wasn't like last year. Last season, an undefeated UConn team, led by four outstanding All-American seniors—Sue Bird, Swin Cash, Tamika Williams, and Asjha Jones—won its games by an average of 35 points.

After these four women graduated—each one moving on to play professionally in the WNBA—many pundits believed that a younger, less experienced UConn team filled with underclassmen, and not a single senior, had little chance to win much of anything this season. To many, this was considered a rebuilding year. Preseason polls had the Huskies ranked as low as 12th in the Nation.

Yet through grit, determination, talent, teamwork—and an exceptional coaching staff led by Geno Auriemma—the Huskies exceeded all expectations. They opened the season with 31 straight wins, extending their record winning streak to 70 games—one of the greatest streaks in the history of team sports.

After moving with relative ease through the first few rounds of the NCAA tournament, they survived a grueling test against Texas in the semifinal game last Sunday night, when they rallied from a 9-point deficit with 12 minutes remaining to win by only two points. And last night, they held off a furious late rally by Tennessee.

As usual, the tremendous play of two-time All-American junior Diana Taurasi sparked the Huskies to victory. This year, Ms. Taurasi sparked the Huskies to victory. This year, Ms. Taurasi rewrote the record books, as she put together one of the most outstanding seasons in the history of women's college basketball. She was recognized as the player of the year by every organization that gives out that honor, and was also named the Most Outstanding Player of the NCAA East Regional and the Final Four.

Her 157 points in the NCAA tournament represented the third highest total in history. And her on and off court leadership was a steadying force for such a young team, prompting one of her teammates to describe her as "the most amazing leader you could ask for."

But it was not only Diana Taurasi who won the championship for UConn. In fact, in the final game, despite scoring 28 points, she did not score a single point in the last 6 minutes. Instead, she relied upon her teammates to take center stage. The final free throws that inched the team closer to victory were made by a freshman, Ann Strother, who played one of the best games of her young career. And the steal that clinched the game was made by a sophomore reserve, Defensive Player of the Year, Ashley Battle.

Last night's game showed all of America what we in Connecticut have known for years: that the Lady Huskies are not a collection of individual players, but a team in every sense of the word.

Though the players all played their hearts out this year, UConn's success is also a testimony to their outstanding coach, Geno Auriemma. This year, Coach Auriemma was recognized for the fourth time as the Coach of the Year by the Associated Press and by the United States Basketball Writers Association. In his amazing 18 years as head coach of the Huskies, he has won 501 games and lost only 99.

His success has made him one of the most recognizable figures in the Nutmeg State. Coach Auriemma has taught his players not only how to win, but how to do so with grace.

In an age when sportsmanship has become almost a forgotten word, UConn women stand as a model which all young children can emulate, extending helping hands to fallen opponents and congratulating them after a game's conclusion.

And every single student-athlete brought to UConn by Coach Auriemma has received her undergraduate degree.

The success of the Lady Huskies has extended far beyond their own team. During their recent dynasty, women's basketball, and women's athletics in general, have risen to new prominence. This year, for the first time ever, all 63 games in the women's NCAA tournament were televised nationally. Over 28,000 fans attended last night's title game at the Georgia Dome in Atlanta, and millions more watched on television.

I am proud that the UConn Huskies have contributed to the flourishing of women's sports in America. Anyone who watched last night's game knows why this is so: the athletic ability of these women is truly amazing, matched only by their intensity and enthusiasm. And the caliber of women's basketball will only continue to get better and better as more and more young girls are inspired by these athletes to play sports in elementary and high school.

I would like to recognize every member of the Huskies: players Ashley Valley, Diana Taurasi, Maria Conlon, Stacey Marron, Morgan Valley, Nicole Wolff, Ashley Battle, Willnett Crockett, Jessica Moore, Barbara Turner, Ann Strother. Head Coach Geno Auriemma, Associate Head Coach Chris Dailey, and Assistant Coaches Tonya Cardoza and Jamelle Elliott.

I would also like to congratulate the runners-up, the University of Tennessee Volunteers, and their Head Coach Pat Summitt, for an outstanding season as well. For years, Tennessee has been synonymous with success in women's basketball, and there is no doubt that when the Huskies won last night, they beat the best.

With the great joy and pride that I and all Connecticut residents feel right now, I am almost sorry to see the season end. But with every single member of the team set to return next year, I am already looking forward to another great season. If anyone can top this year's accomplishments, I know the Huskies can.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise today to congratulate the University of Connecticut Huskies on their national championship, the fourth in the school's history. With their impressive 73–68 victory over the Tennessee Lady Vols, another powerhouse program, the Huskies proved that they could do much more than rebuild their team after last year's undefeated season. The Huskies showed that they could repeat as the best team in the land. That makes them just the third repeat champion in women's college basketball history.

With this victory, the great Geno Auriemma—national coach of the year—has earned a place, alongside Jim Calhoun of course, as one of the best basketball coaches in America. Diana Taurasi, the Naismith Player of the Year and the Final Four's Most Outstanding Player, has become a full-fledged superstar. And the rest of this young team has demonstrated a harmony and chemistry that are almost impossible to match, especially for such a young group. Do you realize this is the first team ever to win the championship without a senior on the roster? That says a lot about the coaching prowess of Geno, the leadership of Diana, and the spirit of the UConn program.

This season, things did not come quite as easy as they did in the last one. Last year, the program dominated with its four superstar seniors and its then-sophomore phenom. This time, many, many games were close. Sometimes they came close to blowing big leads. They even lost . . . once. Honestly, after their record-breaking 70-game winning streak, that single loss in an otherwise perfect season was big, big news in my State of Connecticut.

But this team did not flinch. They did not waver. They kept their eyes on the prize and reached down into their gut, game after game.

The championship game itself was no different. It was intense, hard fought.

Everybody found a way to contribute. Tough play in the paint, graceful outside shooting. Strong defense. And "D"—that's Diana—scored 28 in a passionate and poised performance. After the game, she was humble about it. "No superstars, just blue collar," she said.

In the process, Connecticut-Tennessee has become, hands down, the best rivalry in women's college basketball. The Huskies against the Vols. Geno Auriemma against Pat Summit, both basketball legends. And, with my condolences to the Tennessee delegation, I must say proudly that Connecticut has the upper hand, with four straight victories over the Lady Vols, including in the 1995, 2000, and 2003 title games.

I do not want to get mushy here, but when speaking of the Huskies, it is hard to stop myself from wagging my tail with joy. All of Connecticut, and especially girls who love basketball like my daughter, are cheering today, and eager to welcome the Huskies home for a victory celebration.

With so much success already under the belt of this great program, it is hard to say that we are surprised by what they have accomplished yet again. But with such a remarkable road to their second straight title, it is easy to say we are proud.

Mr. McCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 113

Whereas the University of Connecticut women's basketball team won its third national championship in 4 years by defeating arch-rival University of Tennessee by the score of 73 to 68;

Whereas the Huskies finished the 2002–2003 season with a record of 37 wins and 1 loss, and have now won 76 of their last 77 games;

Whereas during the 2002–2003 season the Huskies won their 70th game in a row, setting a new record for NCAA Division I Women's Basketball;

Whereas Coach Geno Auriemma has been coaching the Huskies for 18 years, and achieved his 500th career win this season;

Whereas Coach Auriemma won his second-straight Coach of the Year honor this year;

Whereas Diana Taurasi was chosen as the national women's player of the year, and the NCAA Tournament's most valuable player;

Whereas Ashley Battle was chosen as Big East defensive player of the year;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies unparalleled success continues to bring enormous pride and joy to the people of Connecticut and to sports aficionados around the country: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

(1) completing the 2002–2003 women's basketball season with a record of 37 wins and 1 loss, including winning their record 70th game in a row; and

(2) winning the 2003 NCAA Division I Women's Basketball Championship, their fourth national championship.

HONORING THE LIFE OF NBC REPORTER DAVID BLOOM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 114, introduced earlier today by Senators DAYTON and COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 114) honoring the life of NBC reporter David Bloom, and expressing the deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 114

Whereas the Senate has learned with sadness of the death of NBC Reporter David Bloom;

Whereas David Bloom, a native of Edina, Minnesota, greatly distinguished himself by his rapid rise in the field of journalism;

Whereas, most recently, David Bloom was embedded with the Third Infantry Division of the United States Army to provide in-depth reporting on the war in Iraq;

Whereas David Bloom, as a skilled and determined reporter, covered many major news stories for NBC News, including reporting from Israel on the escalating violence in the Middle East, the recovery efforts from Ground Zero after September 11, 2001, the war on terrorism at home, and the Washington, D.C., sniper story;

Whereas, while covering the White House beat between 1997 and 2000, David Bloom reported on the Maryland Peace Summit with Yassir Arafat and Benjamin Netanyahu, on Operation Desert Fox in Iraq, and on the NATO air campaign in Kosovo;

Whereas, prior to being named White House Correspondent, David Bloom was a Los Angeles-based correspondent for NBC News, where he reported extensively on the Unabomber, the Freeman ranch standoff, and the war in Bosnia;

Whereas David Bloom was a co-recipient of the 1992 George Foster Peabody Award, a winner of the Radio-Television News Directors Association Edward R. Murrow Award for his coverage of Hurricane Andrew, and a 1991 Regional Emmy Award winner for Investigative Journalism for his report on the shipment of arms to Iraq from south Florida;

Whereas David Bloom was a devoted husband to his wife, Melanie, and a proud father to three exceptional daughters, Nicole, Christine, and Ava; and

Whereas David Bloom's life was distinguished for its great ambition, multitude of accomplishments, standards of excellence, dedication to family, and important contributions to the dissemination of unbiased information to citizens throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career and devoted work of David Bloom;

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of David Bloom.

CONGRATULATING SYRACUSE UNIVERSITY MEN'S BASKETBALL TEAM

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of S. Res. 115, submitted earlier today by Senators SCHUMER and CLINTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 115) congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, as all of America now knows, Syracuse defeated Kansas in the national championship Monday night 81 to 78. This is the Syracuse Orangemen's first national championship. My, how long we have waited. But my, how sweet and deserved victory is.

As you remember, in 1987, in New Orleans, the same building, the same site as this year's championship, Syracuse lost to Indiana by 1 point on an acrobatic shot by Keith Smart. Coach Jim Boeheim said: "I think that building owed us." Well, the building did, and Syracuse is now the national champion.

In a time of war, when so much sorrow is among us, it is a time for a little happiness, the happiness that the Orangemen brought New Yorkers, soldiers overseas who follow the game, and the tens and tens and tens of thousands of Syracuse fans across New York State and across the country.

This is Jim Boeheim's first national championship. He has been coach for 27 years. His loyalty to his alma mater, Syracuse, is unparalleled. Now, Boeheim has been criticized for not being able to win the big game, but he has quieted his critics and has established himself as a legitimate candidate for the Hall of Fame. He called the win not a validation of his coaching skills but a testament to the talent of his players—typical of Jim Boeheim's modesty. This Syracuse team is a model for all of America. They have persisted and persisted and persisted. Coach Boeheim persisted and persisted and persisted, and we so admire him. His heart belonged to Syracuse.

Jim Boeheim is Mr. Syracuse. As the old story goes, Boeheim was sitting on the beach in Hawaii with his former assistant, Rick Pitino, and Pitino's wife, Joanne. Someone posed a question: If you could live anywhere, where would it be?

Rick picked San Francisco, and his wife Joanne picked New York City. "Syracuse," Boeheim said. "Hawaii was just Syracuse in July," Boeheim sniffed. "For 8 months a year, it's the best weather in the country, and the other 4 months we are playing basketball."

Well, the Orangemen had an amazing story this year. They came in to the season as underdogs, not even earning a ranking in the ESPN/USA Today coaches poll until February. They stormed through the regular season, finishing tied for first in the Big East, with a 13–3 record. They finished the regular season 24–5 overall.

Of course, one of the biggest stories is the youth of this team. Where have we ever seen—ever—two freshmen guards lead as well as they have?

Carmelo Anthony, a freshman and leader of the team, had 20 points Monday night, with 10 rebounds and seven assists in the final game against Kansas. You could see the pain on his face. He was playing with an injured back, but he kept going and going, as he has done all season. He scored a career high 33 points and had 14 rebounds against Texas in the semifinal. Many scouts believe he could be the No. 1 or No. 2 draft pick this year in the NBA lottery.

How about Gerry McNamara, that feisty Irishman, a freshman point guard. He was huge in the championship game. In the first half, he hit six 3-pointers and scored 18 points.

Hakim Warrick, only a sophomore, made the biggest play of the game. As all of us were sitting around holding our breath as Kansas came within three points, with 1.5 seconds left, Warrick made an amazing block of Michael Lee's 3-point attempt that would have tied the game.

What a game it was, Mr. President. What a victory for Syracuse. All of central New York is cheering. It is 80 degrees and that orange sun is shining brightly over Syracuse in central New York this afternoon, and it will continue to do so for a long time. Because Syracuse has so many proud alumni and fans from one end of New York State to the other, there is a smile across our State this afternoon spreading from Buffalo to New York City.

Mr. President, we are proud of the coach, Jim Boeheim; we are proud of the team, the great Orangemen; we are proud of the university, Syracuse University.

I yield the floor.

Mr. MCCONNELL. I ask unanimous consent the resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table without intervening objection or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 115) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 115

Whereas on Monday, April 7, 2003, the Syracuse University Orangemen men's basketball team won its first Division I national basketball championship;

Whereas Syracuse University won the championship game by defeating the University of Kansas Jayhawks 81 to 78;

Whereas the Syracuse University team was led by freshman Carmelo Anthony, who was voted Most Outstanding Player of the Final Four, and received outstanding effort and support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace;

Whereas the roster of the Syracuse University team also included Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, and Andrew Kouwe;

Whereas Head Coach Jim Boeheim has coached at Syracuse University for 27 years and been involved with the Syracuse University men's basketball team for more than half his life;

Whereas Coach Boeheim had previously coached in 2 national championship games, including a heartbreaking loss in 1987;

Whereas Coach Boeheim and his coaching staff, including Associate Head Coach Bernie Fine and Assistant Head Coaches Mike Hopkins and Troy Weaver, deserve much credit for the outstanding determination and accomplishments of their young team; and

Whereas the students, alumni, faculty, and supporters of Syracuse University are to be congratulated for their commitment and pride in their national champion men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the Syracuse University men's basketball team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs Secretary of the Senate to make available enrolled copies of this resolution to Syracuse University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's basketball national championship team.

ORDERS FOR THURSDAY, APRIL 10, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Thursday, April 10. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m. with the first 30 minutes equally divided between Senator HUTCHISON and the minority leader or his designee, and the remaining time until 11 a.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. For the information of all Senators, the Senate will be in a period of morning business tomorrow until 11 a.m. Following morning business, the Senate may address any of the following items: The FISA bill, if a unanimous consent can be reached; the PROTECT Act conference report; and the nomination of Priscilla Owen to be U.S. circuit judge; the BioShield bill; and any other conference reports that may become available, including the budget and supplemental conference reports. Members should expect rollcall votes throughout the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Thursday, April 10, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 2003:

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE FARYAR SHIRZAD.

THE JUDICIARY

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EMMETT RIPLEY COX, RETIRED.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE WILLIAM L. STANDISH, RETIRED.

J. RONNIE GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE THOMAS G. HULL, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 2003:

THE JUDICIARY

DEE D. DRELL, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:30 p.m., adjourned until Thursday, April 10, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 2003:

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE FARYAR SHIRZAD.

THE JUDICIARY

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EMMETT RIPLEY COX, RETIRED.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE WILLIAM L. STANDISH, RETIRED.

J. RONNIE GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE THOMAS G. HULL, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 2003:

THE JUDICIARY

DEE D. DRELL, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

HOUSE OF REPRESENTATIVES—*Wednesday, April 9, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. GIBBONS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 9, 2003.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, God, You are the living God, the eternal King of Nations.

Yet, in tumultuous times, confident prayer is parsed with frustration. Constant trust is punctuated with anger. The weeks of war chip away resistance and lay bare the anguish of the human heart. With the prophet Jeremiah the cry goes out: "You are just, O Lord! Yet I must argue my case against You. Why does the way of the godless prosper?"

Let such defiant questions only prove the deep faith of this Nation, Lord.

Strengthen here the leaders of Your people. Be with our troops in battle.

Bring about the resolve of justice that will build peace.

For no one is like You, O Lord. Great are You, great and mighty is Your Name, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maine (Mr. MICHAUD) come forward and lead the House in the Pledge of Allegiance.

Mr. MICHAUD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minutes per side.

HONORING SOUTH FLORIDA'S Y-100 RADIO STATION AND JOHN KROSS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on this great day, as we celebrate the freedom of the Iraqi people and continue the international war against terrorism, let us also continue our war against domestic drug abuse. And because of their valiant cause against substance abuse, I would like to take this opportunity to recognize south Florida's Y-100 radio station and John Kross, known as "Footy," for this weekend's upcoming 16th Annual Wing Ding.

This annual charity event benefits Here's Help, Incorporated, a private, non-profit, comprehensive youth drug and alcohol treatment facility in south Florida. This important grass-roots effort seeks to combat the menace of drug abuse among the most vulnerable members of our society, our young people.

Here's Help has made an invaluable contribution to protecting the dignity and the innocence of the youth of south Florida.

I ask my colleagues to join me in thanking Y-100 and Footy for their unwavering commitment to our precious south Florida young people, as well as for the patriotic support that the radio station Y-100 has given to our Armed Forces throughout Iraqi Freedom.

VIETNAM NEEDS TO RELEASE BUDDHIST MONKS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of two of Vietnam's most prominent Buddhist leaders and outspoken dissidents, the most Venerable Thich Huyen Quang, patriarch of the banned Unified Church of Vietnam, and his deputy, the Venerable Thich Quang Do, a 2003 Nobel Peace Prize nominee.

Last week, 36 of my colleagues joined me in sending an urgent appeal to the Government of Vietnam, calling for the immediate release of both of these individuals, both of whom are facing complications from advancing age and deteriorating health.

Both men have been detained without charge or trial for most of the past 25 years for their peaceful advocacy of human rights and religious freedom, rights guaranteed by the Vietnamese constitution and by the U.N. Covenant on Human Rights, which Vietnam has both ratified and has pledged to uphold.

The Venerable Thich Quang Do's alleged crimes included launching an appeal for democracy in Vietnam and organizing a humanitarian effort to rescue flood victims.

I urge the Government of Vietnam to release these two men.

U.N. SHOULD NOT BE CENTRAL TO PEACE IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, just three weeks from the launch of Operation Iraqi Freedom, the battle for Baghdad is drawing to a close. Less than 2 hours ago, amidst the cheers and grateful smiles of the newly freed people of Iraq, the 3rd Army met the 1st Marine expeditionary force at the Tigris River.

Thanks to U.S. and coalition courage and leadership, liberty has reached the center of Baghdad, darkened by tyranny for more than a quarter of a century.

Soon we will turn this body's attention to reconstruction, to interim governments, to the creation of a free and democratic Iraq, and as the President said in Belfast yesterday, the United Nations will play a vital role in helping to stand up our humanitarian efforts.

Despite the fondest wishes of the President of France, I would offer, Mr. Speaker, since the U.N. chose against being central to the war, the U.N. should not and will not be central to the peace.

AMERICA RX

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, today, nearly 65 million Americans go without adequate prescription drug coverage, yet drug prices continue to rise, forcing more people to choose between medicine and food.

Today, I am introducing America RX, which uses the power of the free market to negotiate fairer drug prices for Americans. Like the law we passed in Maine, it is a fresh approach that will not cost the taxpayer a single dime. This approach is simple, it is fair and it works.

Everyone has heard of a volume discount. That is exactly what we are talking about when we are talking about America RX. More Americans can afford to buy prescription drugs, which means higher volume, low prices.

The time has come to lower drug prices so that more Americans are not forced to ride a bus to Canada.

I invite my colleagues to join me in moving this initiative forward.

CONGRATULATING MITCHELL HIGH SCHOOL LADY MOUNTAINEERS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today to congratulate North Carolina's 2A high school basketball champions, the Mitchell High School Lady Mountaineers. Led by Coach Bruce Woody, the Lady Mountaineers blazed victory's trail by winning their final 19 games of the season, knocking off the top three ranked teams in the State.

In spite of their winning streak going into the March 15 championship game in Chapel Hill, the Lady Mountaineers were considered underdogs against the previously undefeated and formidable Lady Red Devils of Red Springs High School, but the Lady Mountaineers knew they could win, and cheered on by over 1,100 loyal fans in purple, the Lady Mountaineers fought hard through five lead changes and three ties.

Defense was the name of the game, and every athlete in purple did her part. Coach Woody could not believe his eyes when the final buzzer rang and the score read 61 to 50, with the Lady Mountaineers winning.

North Carolina's 10th District salutes our Lady Mountaineers. We are all inspired by the team's tenacity and winning spirit. Congratulations, Mitchell High School Lady Mountaineers.

NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, I rise today to give voice to those who are silent: the many youth in our high schools who are afraid to speak of their place in our society because they are gay or lesbian, bisexual or transgender.

Today marks the National Day of Silence in which we celebrate the diversity of our population, but mourn the population's ignorance and intolerance toward that diversity.

I commend my colleague, the gentleman from New York (Mr. ENGEL), for introducing H. Con. Res. 86, which memorializes the National Day of Silence. This resolution encourages each State and local jurisdiction to adopt laws to prohibit discrimination and harassment against persons of alternative sexual orientation or gender identity. This is a goal I applaud and support.

It is hard to believe that in a country dedicated to the principles of freedom and individual liberty that some persons still experience out-and-out harassment because they are not heterosexual. This is especially true of gay, lesbian, bisexual or transgender youth who literally fear for their safety at school and on the street, where they are subjected to violence, hatred and taunts.

The National Day of Silence is a way to raise awareness of this issue and to work for the justice of those most vulnerable among us: our youth. I ask you all to support H. Con. Res. 86 and to support the National Day of Silence.

IS RUSSIA OUR ALLY?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, right after September 11, Russia stood with us as an ally in the war on terrorism, but recent weeks have shown that Russia may have another agenda.

Russian companies have sold military equipment to Iraq, equipment used to harm American soldiers. Russian officials were told about this in June of 2002, but did nothing.

The Russian Government continues to maintain friendly relations with Kim Jong Il of North Korea, a fact that only encourages this regime's dangerous actions.

Russia has also been involved in helping Iran develop two nuclear facilities that are part of a nuclear weapons program. This is in addition to building Iran a nuclear reactor and providing them with low-enriched uranium in 1995.

Russia is deeply involved in arming terrorist-sponsoring countries.

Arming rogue regimes cannot be compatible with being an American ally. We must make it clear that Russia cannot arm America's enemies and call itself an ally. If Russia wants to be an ally, it is time to start acting like one.

MINORITY HEALTH MONTH

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, last year with the help of Congressman J.C. Watts and many others, we passed a sense of Congress that April should be Minority Health Month.

There have already been many conferences, briefings and other activities to call attention to the poor health, the lack of access and the wide disparities in the health of this country's minority populations. Whether it is heart disease, cancer, stroke, diabetes or AIDS, just to name a few, African Americans in particular, but all people of color, die and are disabled in numbers far disproportionate to their representation in our country.

No country can achieve its full greatness when it continues to essentially ignore the plight of one-third of its citizens and residents, when the right of health care is denied to so many.

Reverend Dr. Martin Luther King said that "of all the forms of injustice, the denial of health care is the most shocking and inhumane." As we debate the budget, it would be shocking and inhumane to pass a tax cut of any size while almost 75 million people do not have full health insurance and while hundreds of people of color die every day prematurely from preventable causes.

We are a better country than this. Let us prove it before we go home to face our constituents and celebrate the most important holy days of the Christian and Jewish faith. In health, as in education, no one should be left behind.

HONORING CAPTAIN CHRIS WACHTER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as coalition forces enter the fourth week of military action to disarm Iraq and liberate its people, we have seen daily reminders of heroic actions. These men and women answering the call to duty have served with distinction as they continue to advance, freeing those long oppressed and removing once and for all the threat posed by Saddam Hussein and his weapons of mass destruction.

While I stand here to salute the service of all those now serving, among those is one man whom I had the honor of nominating, along with my former colleague Carlos Moorehead, to the Air Force Academy in 1992. Captain Chris Wachter, who graduated in 1997, currently serves as a pilot aboard a B-1B Lancer, the backbone of America's long-range bomber force.

Mr. Speaker, earlier this week, following the intelligence reports that indicated a possible sighting of Saddam Hussein, Chris piloted his B-1B to a location where four satellite-guided bombs were dropped on target. It serves as one example of the tireless dedication, determination and professionalism of our men and women in uniform.

□ 1015

Mr. Speaker, the price of freedom is never free and there are more days and dangers ahead. I stand with the American people united in support of our troops and in remembrance of those who paid the ultimate price in this fight.

A CLEAR SIGN OF DESPERATION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, our Republican friends are desperate. House and Senate Republicans are so far apart on their tax proposals that GOP leaders are actually considering writing two reconciliation tax numbers into the budget resolution. That is an outrage. It is unprecedented, and it is a farce; and GOP leaders have no one to blame but themselves.

Senator GRASSLEY, the chairman of the Senate Committee on Finance, is quoted as saying: "It's a pipe dream to think you can get above 350 (billion dollars) without dramatic changes of position." In response, the gentleman from Texas (Mr. DELAY), majority leader, warns that House Republicans may reject the budget resolution that fails to include the President's tax proposal, and the gentleman from Texas (Mr. DELAY) added: "It probably would not be the worst thing in the world to not have a budget resolution." Imagine that. One year after hammering, hammering Senate Democrats for failing to pass a budget, congressional Republicans say that is not such a bad idea after all. Situational ethics. My, oh, my, how Republicans have changed their tune.

THE 88TH OBSERVANCE OF THE ARMENIAN GENOCIDE

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Mr. Speaker, between 1915 and 1923, the Ottoman Empire systematically murdered more than 1.5 million innocent Armenian men, women, and children; and 500,000 Armenians were compelled to flee their homes and escape into exile. This crime constituted a heinous milestone in modern evil. It was the 20th century's first recorded instance of genocide. This tragedy, this crime against humanity, must be remembered by all people of good conscience, lest only evil men remember and be tempted to repeat this horrific lesson of history. For in fact, while most of the civilized world resisted acknowledging this mass murder, one barbarian at the gate did not; and that is why on the eve of his own paroxysm of mass murder, Adolph Hitler blithely remarked: "Who today remembers the annihilation of the Armenians?"

Mr. Speaker, on the 88th observance of one of human history's greatest tragedies and most savage crimes, we have the vile Herr Hitler's answer. We remember the murdered Armenians. Today. Tomorrow. Forever.

BUDGET IMPACT ON HEALTH CARE

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to express my dismay at the budget. It is being pushed through this House by Members on the other side of the aisle. The Republican budget resolution cuts over $90 billion from Medicaid and State Children's Health Insurance Program, the S-CHIP program, better known as Healthy Families in the State of California. This provides 30 million children with coverage in their health care. The cuts will put health care coverage in jeopardy for one in five children under the age of 18.

In California, we already are experiencing a disaster in terms of health care at the fringes. We need to do more to restore that assistance for low-income families, for seniors, for children, especially for services like dental care, physical therapy and diabetes management. None of us would want to go without these services. So why should we force the most vulnerable populations to go through this? The Democratic budget provides $10 billion in fiscal relief for Medicaid, programs for low-income seniors and children.

I urge my colleagues to pass a real budget before we leave for our break.

UNLAWFUL IMPRISONMENT OF DR. SALAI TUN THAN BY THE BURMESE GOVERNMENT

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to speak on a matter of great importance to my constituents in Athens, Georgia, the unlawful imprisonment of Dr. Salai Tun Than. Dr. Tun Than is a graduate of the University of Georgia and is being held as a political prisoner by the Burmese Government for making a pro-democracy speech. He is 74 years old, in poor health, and may not live through the ordeal of imprisonment. The Burmese Government is a military dictatorship. It does not respect the individual freedoms that we as Americans hold dear. Matthew Daley, the State Department chief for the Bureau of East Asia and the Pacific testified on the conditions in Burma before the House Committee on International Relations last month. He said: "The military dictatorship in Burma severely abuses the human rights of its citizens. There is no real freedom of speech, press, assembly, association, or travel. Patterns of abuse are even worse in ethnic minority areas."

Mr. Speaker, the situation in Burma is unacceptable. We must work to stop this regime from imprisoning political dissidents and work toward a freer nation for all Burmese citizens. I call on the Burmese Government for the immediate release of Dr. Salai Tun Than.

CONGRATULATIONS TO UNIVERSITY OF CONNECTICUT HUSKIES

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, I rise in celebration of women's basketball and to specifically congratulate the national champion University of Connecticut Huskies for the outstanding job they did last night in defeating the University of Tennessee, an equally great program. This victory underscores the importance of title IX and what it means to women's sports. And on the way, the University of Connecticut has distinguished itself. Coaches Auriemma and Dailey, athletic director Perkins, and the entire program along with the Lady Huskies deserve our admiration for the inspiration that they have provided each and every one of us. They make us so proud in the State of Connecticut.

And by the way, I am happy to collect my wager from the gentleman from Tennessee (Mr. FORD), a soon-to-be someday President of the United States who I will be able to say at some point lost his wager on Tennessee and had to pay up because of the University of Connecticut.

PAY EQUITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, go Huskies. But let me speak about an issue that I think the Huskies care about as well and that is pay equity, and I want to speak on an issue that is important to every woman and every family in America, one that has been ignored by this Chamber. Again, it is about pay equity. The issue of pay equity goes to the heart of what we fight for as working women. It is about ensuring that women who work every bit as hard as men and who play basketball every bit as hard as men are paid what they deserve. Fair pay is not a women's issue. It is a family issue.

Two-earner families are not the only norm. Particularly in this economy, they are a necessity. Robbing women of their due worth robs entire families. It underminds their dreams, and that is why closing the wage gap must be an integral part of any pro-working family agenda. Today women are shortchanged, undervalued to the tune of 76 cents on the dollar. For African American women, they earn only 69 cents for every dollar that men earn. Hispanic women, that number plummets to 56 cents.

I am reintroducing today the Paycheck Fairness Act, and what it would do for the first time is put wage discrimination on the basis of gender on the same footing as wage discrimination occurring on the basis of race or ethnicity. I ask this House leadership to please bring this legislation to the floor so that we can pass it.

PROVIDING FOR CONSIDERATION OF H.R. 1036, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 181 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 181

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GIBBONS). The gentlemen from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, I am exceedingly pleased today that we will consider legislation protecting interstate commerce in firearms and ammunition under the direction of a structured rule that allows for a total of five minority party amendments to be made in order.

Today, Mr. Speaker, I call up H. Res. 181 to do my part to ensure that businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, and sale to the public of firearms or ammunition are not and should not be negligent through lawsuit for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as they are designed and intended. The people who choose to bring these lawsuits want to hold manufacturers negligent for the criminal abuse of their products, but it is like suing the Louisville Slugger for harm caused by criminals using one of their famous products to unlawfully threaten or harm a third party and not for hitting baseballs, for which that product was intended.

It is my intention today to provide Members with information about this fair and balanced rule and also the underlying legislation that will be on the floor today. This underlying bill must be passed today if we are to beat back the forces who believe that responsible gun ownership is an oxymoron and those who are bent on destroying a citizen's right to firearms for lawful purposes. Lawsuits have been filed nationwide and are pending in our courts today that seek to hold these businesses responsible on a negligence theory for the harm caused by criminals or unlawful use of firearms or ammunition by others, when the product functioned and was designed and was intended to perform and it did, once again, a dangerous and slippery proposition which the underlying bill will prevent.

Guns can be dangerous and deadly when criminals and others who unlawfully use them do so. But then again, so can automobiles, especially when they are used illegally, which I will never condone, and which the underlying bill does not condone or seek to excuse from negligent causes of action. In fact, under the provisions underlined in this bill, H.R. 1036, plaintiffs may still bring negligence causes of action for harm caused by the criminal or unlawful misuse of guns or ammunition.

The forces arrayed against this bill today believe that guns have no constructive purpose in American society and believe that all firearms are so inherently dangerous that no level of responsible caution and education could ever render them useful or enjoyable to a law-abiding citizen. It is on this most tenuous, dangerous, and shaky logic that the gun haters have mounted their present flank maneuvering on the second amendment in both our State and Federal courts through these negligence lawsuits. These hostile forces to the second amendment can only be repelled when every single American who believes in the right to keep and bear arms shall be firmly entrenched by passage of this underlying legislation.

□ 1030

I believe today that the House of Representatives is rightly and correctly again invoking its right to regulate interstate commerce in the name of protecting our citizens' constitutional rights, in this case, the constitutional right to keep and bear arms. Without it, the myriad lawsuits nationwide advancing a negligence theory for the harm caused by the criminal or unlawful use of firearms or ammunition by others, when the product is functioning as it was designed and intended to do, will form a very real threat, completely halting the movement of these lawful products in interstate commerce. In fact, this is the very intent, what this bill is all about. It is to stop the chilling effect that would stop the design, production, trade and ownership of legal firearms and ammunition in the United States by lawsuits.

Mr. Speaker, I want to wrap up what I have said today by stating that the interstate commerce clause thankfully gives us the power and the right to be here in the House today to protect the Second Amendment from these dangerous attempts by others who would twist the common law to meet their goal of eroding its protections by flanking maneuvers in State and Federal courts.

I am proud of this legislation that we are on the floor to pass today.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend, the gentleman from Texas (Mr. SESSIONS), for yielding me this time.

Mr. Speaker, I rise today in strong opposition to the base bill, H.R. 1036. In my view, this is a cynical, political bill that like other so-called tort reform bills that the majority has brought to the floor this year, would protect and favor wealthy businesses and campaign contributors at the expense of those victimized by irresponsible conduct.

I advocate a decent society. My strong opposition to H.R. 1036 does not reflect a broad opposition to gun ownership. I own a gun. I am for sensible gun laws that do not take away the legal rights of individuals to have guns for recreational purposes and personal protection. Gun ownership can further American values, but H.R. 1036, instead, usurps them.

I said to someone earlier today that since I was a child I have had, family and others, BB guns to single shot .22 rifles, that are sports persons and are involved at some degree in having owned a gun. I have no family member that has ever caused a criminal problem because of a gun. That does not mean that my family is any better than anyone else's, and I believe that I would go to my grave fighting for the right of Americans' values, which include owning a gun.

But I cannot have anyone make sense for me how AK–47s can be sold on the open market at a gun show. Nobody can make that make sense to me, that anyone other than the military and law enforcement should be endowed to hold those guns in their possession. I see no reason for them.

The majority, encouraged by a forceful and wealthy industry, is pushing Congress to enact a disastrous bill to give gun makers and dealers extraordinary shelter from liability suits. I do not wish to prey on the misery of one family that has suffered immensely at the hands of a gun, but several Members in this body represent the area of Palm Beach County, four of us do, and in our constituency are people who suffered a few years ago, none more than Ms. Pamela Grunow, the widow of a schoolteacher killed by gun violence.

Pamela Grunow deserves to have her day in court, and I am appalled that some representatives of the people have the contempt to propose legislation that would deny her this right.

On May 26, 2000, a 13-year-old student, a young man named Nathaniel Brazil, shot and killed his language arts teacher, Barry Grunow, at Lake Worth Middle School, that is in my district and the district of three other Members, two Republican and two Democrat.

The gun used to kill Mr. Grunow was a .25 caliber semiautomatic pistol, which is commonly known as a junk gun, or "Saturday night special." Such handguns have little or no sporting or self-defense use, and are disproportionately used by criminals and juveniles to commit murder and other violent offenses. Pamela Grunow is seeking to hold the distributor of this gun responsible for selling an unreasonably dangerous and defective product.

Under Florida law, a distributor or dealer who sells a defectively designed product can be held liable, just as the manufacturer can be held liable. But some congressional colleagues of mine have the audacity to challenge the federalist and legal systems of the United States. Their hubris is infinite. You do not know better than the State governments legislating on this issue or the judges listening to these lawsuits.

Pamela Grunow deserves her day in court. She may not win, but, under Florida law, she should have that opportunity to lose or win.

An identical bill was reported out of committee last October, but the majority leaders decided not to put the measure on the floor after a series of sniper attacks in the metropolitan Washington area. Those sniper attacks made even the bill's sponsors squeamish. But less than a year later, even before the suspects in that particular atrocious crime are prosecuted, the majority is pushing an identical antivictim bill to be enacted. Less than a year later, H.R. 1036 would bar legal action filed by victims of the sniper shootings against the gun dealer, where the sniper suspects, two federally prohibited purchasers, allegedly obtained their Bushmaster assault rifle.

At a time when America needs more corporate responsibility, Congress should not give one industry a free pass. Gun makers and dealers act as though their industry was being treated unfairly. That is absurd. The gun industry wants to receive special legal protection that no other industry in America enjoys. Gun makers and dealers want to be free from the accountability of their negligent or dangerous conduct, regardless of how many people they injure or cause to be killed.

I want to make this clear: Absent legal immunity, gun makers would simply be treated like any other industry. Pharmaceutical companies must design medicine bottles that are childproof. Car manufacturers must design automobiles that withstand crashes. But those in the majority party are prepared to exempt gun makers from the responsibility of designing their products to protect against misuse that is reasonably foreseeable.

Robert A. Ricker, former Executive Director and Director of Government Affairs of the American Shooting Sports Council and former Assistant General Counsel for the NRA, recently revealed that the gun industry has long known its practices aid criminal access to guns, yet has done very little about it. In light of Mr. Ricker's declarations, it would be the height of irresponsibility for Congress to pass H.R. 1036.

America cannot afford for Congress to act irresponsibly on this issue. In 1999, firearm homicide was the number one cause of death for black men ages 15 to 34, as well as the leading cause of death for all black 15- to 24-year-olds. Former Surgeon General Satcher even saw fit to declare this an epidemic.

As a representative of the American people, I am sickened that those culpable of causing pain and devastation may be immunized from liability due to their political clout.

My dear colleagues, blood money is guiding this bill. Those supporting H.R. 1036 are pushing ill-conceived and reckless legislation through Congress, motivated by the wrong priorities.

This bill is not only a gift to the gun lobby, its timing, with floor consideration coming just a few weeks before the April 24, 2003, National Rifle Association's annual meeting, is particularly suspect. In my view, some politicians are more concerned about satisfying the priorities of contributors than in seeking justice under our American values.

The cold barrel of the gun industry is pushing on its victims' throats. The majority is proposing that Congress pull the trigger. H.R. 1036 will shoot down the fundamental right to a day in court, even retroactively. It is scandalous that this anti-American, antivictim, anti-American values, prointerest group bill is being brought to the People's House.

I oppose the bill.

I wish to end, Mr. Speaker, by saying what I said when I began: Let the NRA and all people who own guns know that one Congressperson stands here for their right to own their gun, so do not misunderstand my opposition to this scandalous bill that will do detriment to the fundamental premise of a person's right to sue someone that has caused foreseeable harm.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are continuing the debate today on the floor after we had an opportunity yesterday in the Committee on Rules to talk about this, and the bill is pretty straightforward. It says that a manufacturer of a gun, ammunition or other product that might be used, with the gun working as it was intended, we would hold them harmless; but if a person was illegally or unlawfully using these guns or obtaining these guns under some measure, that they would be held responsible.

The interesting part about this, and there are so many analogies that could be used, but it would be like an automobile, which kills millions of Americans every year. It would be like an automobile that was properly designed, properly structured, properly placed upon the roadway, and there is not one parent or one person that I know of that has years of experience in using an automobile that would not say to an occupant or to someone who was going to use their car that this could be a dangerous product.

But if we use it properly, then we have no worry about it. But if the manufacturer of that product, the car, manufactured it, designed it or did something that they know they should not have done, and it has happened in the automobile industry, it has happened with side fuel tanks, it has happened with any other number of defective parts of that product, then they would be held liable.

Such is true today also if gun manufacturers do something that is inherently wrong with their product.

□ 1045

But what this bill says is, once that gun or ammunition, just like a car is designed properly, is sold legally and properly under the laws of this country, and if it is utilized properly, that they could not be held liable. Such is true with guns.

The bottom line is that what is true is that the Democrat Party chooses to take this up as an issue because they are antigun. That is what this is about. We see these forces every day. We see them on the street. We see them with the things that they do. This is another way to get in the way of the second amendment of the Constitution of the United States.

So the reasonable legislation that we propose today is one that says that if someone has a legally manufactured product that they obtained legally, and it is used properly within the laws of this country, that a gun manufacturer will be held harmless. It is as simple as it is. I think it makes sense. We support what we are doing here with this underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 30 seconds.

I want my friend from Texas to catch my voice as it thunders in his direction. I am not antigun. I am prosensible gun legislation, and I am in favor of American values that allow for people to own guns legally. And I do not believe any of my colleagues that are opposed to this legislation would argue that under the Constitution a person has a right to bear arms. But under that same aegis that gives us a system that has served us well these number of years, a person has a right to sue.

Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from Massachusetts (Mr. MCGOVERN), who serves on the Committee on Rules with distinction.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I oppose this rule. I guess the most I can say about the rule is that it is not as bad as it might have been, but it is not as good as it should have been. Five amendments were made in order. Eight Members were denied the opportunity to come to this floor and be able to speak their mind and offer their amendments. In the Committee on Rules yesterday many people who testified who had good amendments were denied the opportunity to come here today to be able to debate them. For the life of me, I cannot quite understand why. But having said that, Mr. Speaker, I want to say a few words about the underlying bill, because I think this is an awful bill.

This House is not considering this bill today because it is good policy, because it is not. And this House is not considering this bill today because it is the right thing to do, because it is not. No, Mr. Speaker, this body is considering this bill today, as my colleague from Florida pointed out, because the National Rifle Association is holding their annual convention at the end of April and the majority leadership in this Chamber feels compelled to prove to the progun special interests that they will do whatever it takes, pass whatever legislation that they can come up with, no matter how bad it is, so they get an applause line at that convention. That includes bringing a bill like this to the floor, a bill that, in my opinion, is unconstitutional.

This bill not only absolves any gun manufacturer from any claim of negligence; it prevents any lawsuit, current or future, from being filed against any gun manufacturer. In other words, any lawsuit against any gun manufacturer currently being considered by the courts will be thrown out.

Mr. Speaker, on Christmas Eve, 1999, in my hometown of Worcester, Massachusetts, 26-year-old Danny Guzman was shot and killed. A week later, police recovered the 9 millimeter Kahr Arms handgun used to kill young Danny. Through ballistics, the police determined that the gun was one of several stolen from Kahr Arms by Kahr employees with criminal records, and Kahr Arms is in my district. According to the police, one of the employees had been hired by Kahr to work in its Worcester manufacturing facility, despite the fact that he had a long history of drug addiction, theft to support that addiction, alcohol abuse, and violence, including several assault and battery charges.

Police determined that the guns were stolen from Kahr even before the weapons had serial numbers stamped on them and then resold to criminals in exchange for money and drugs. In March 2000, police arrested Mark Cronin, who pled guilty to the gun thefts. The investigation also led to the arrest of Kahr employee Scott Anderson, a man with a criminal history who pled guilty to stealing from Kahr a pistol and a slide for another weapon.

Now, the company did not conduct any criminal or general background checks on employees. Kahr did not even have any metal detectors or x-ray machines or security cameras or other similar devices to monitor the facility or to determine if employees were stealing; nor did they check employees at the end of their shifts. At the time, the company did not have security guards.

Now, Mr. Speaker, unlike diamonds stolen from a jewelry store or funds embezzled by an accountant, a gun stolen from the manufacturer can have lethal and deadly results, and the Guzman family found out the hard way.

Now, if this bill becomes law, gun manufacturers would be shielded from being held accountable for their own negligence, and the Guzman family's suit that they have filed would be dismissed.

Now, the NRA has dubbed this bill the Reckless Lawsuit Protection Act. I disagree. Reckless is hiring an employee with a rap sheet to work in a gun factory. Reckless is not locking up and keeping track of every single gun produced in that factory, and reckless is bringing this legislation to the floor.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The previous speaker just hijacked the intent of this law, and he misled people who are listening in this body today. The fact of the matter is that any gun manufacturer who is negligent for their product by what they produce would be held responsible under this bill, and for any person to assume otherwise means they have not read the bill. They would be incapable of understanding, and they choose not to, they choose not to.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. Mr. Speaker, the gentleman was allowed his opportunity to speak, and I am sure that the minority has lots of time left.

Mr. MCGOVERN. Mr. Speaker, the gentleman is mischaracterizing the bill and my statement.

Mr. SESSIONS. Mr. Speaker, I appreciate the Speaker's help. Regular order, please.

So, Mr. Speaker, what happens is that anyone who chooses to mislead those people that are in this body today, that they would not be held liable, is simply not true. That is not what this bill is about. The bill that we know and the underlying legislation makes perfect sense, and that is why we are here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the original author of this bill. I, as an original cosponsor, am pleased to have him.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Let me just see if we can discuss this bill without sort of inflaming the emotions of people. It has been said on the floor that it is not good policy. This is a policy that has been passed by 31 States. Thirty-one States have adopted this almost similar language. So I think if the people on this side or if there is anybody on the Republican side who decides they do not want to vote for this bill, please go back to your State legislatures and see if they passed this language. I will have a graph when we move to the debate on this bill, and I will show my colleagues that 31 States have already passed this same type of legislation.

So it is good policy, so good that the majority of the States in the United States have passed it. In fact, I say to my good colleague, the gentleman from Florida (Mr. HASTINGS), the State of Florida has also passed this bill. So in his comments, I appreciate what he says, that he is not for gun control, that he has a gun himself, so he could appreciate the fact that this Bill is good policy.

The second point I want to make is there is going to be a lot of attacks on the NRA this morning and this afternoon. I authored this bill in the Committee on Commerce; and it passed out of the subcommittee, out of the full committee, and also passed out of the subcommittee of the Committee on Judiciary and out of the full Committee on the Judiciary. That was in the 107th Congress. There is nothing about timing for bringing this Bill up on the floor because the NRA is having a convention at the end of this month. We have been trying to get this bill to the floor; and as many Members know, when we try and get a bill passed, we have to go around to our colleagues day after day and ask them to cosponsor it. I had about 235 cosponsors in the last Congress, and we were ready to vote on it. So it is not a case of timing for the NRA. It is just good policy, and I think the 31 States that have passed it have shown that it is good policy.

The other thing I would point out to my colleagues is the public is now aware how important it is to pass this type of legislation. I want to mention a couple of surveys taken recently of almost 1,100 adults by DecisionQuest, a jury-consulting firm. They found that 66.2 percent of American adults oppose these types of lawsuits. These are simply lawsuits that State and local municipalities are forcing on gun manufacturers simply because they do not like the product. They do not like the distribution of the weapon. So I say to my colleagues, we cannot start attacking a company because we do not like their distribution system or their design, because under the Constitution, one has the right under the commerce clause to manufacture and distribute.

So when people say this bill is unconstitutional, no, on the contrary, it is constitutional in the sense it is saying, allow people to legally manufacture and distribute products.

So only 19 percent of Americans oppose this type of legislation that protects manufacturers from nuisance lawsuits.

Then in April 1999, an ICR/Associated Press poll found that 70 percent of the respondents thought manufacturers should not be held liable to recoup hospital and police costs. In 1999, a Gallup poll found 61 percent of Americans are opposed to lawsuits to cover costs incurred because of gun violence. A May 1999 poll by Zogby International found 71 percent of Americans opposed allowing cities to sue gun manufacturers.

I can just take my colleagues up to the current day that the public is behind us on this. They want to say that there is too much litigation. These third-party cases where violence occurs is because of the third party and one cannot go after the manufacturer with deep pockets only because he is distributing the weapons or because of the person who sells it to him because there is negligence. Still, in fact, based upon that information, I can tell my colleagues this. The question is, does this bill protect unlicensed dealers, and the answer is simply no. The bill defines manufacturers and sellers only as licensed manufacturers, dealers, or importers of firearms or trade associations representing those persons. The only exception is for ammunition sellers who are not required to be licensed by the Federal Government.

The second question: Does the bill protect those who commit State crimes or engage in negligent conduct? Under the bill, manufacturers or sellers must operate entirely within Federal and State laws.

So the bill is not giving any exemption to them if they perform criminal or negligent acts. So basically, it is just saying, we are trying to prevent these nuisance suits.

Now, I will just conclude by giving my colleagues one example of a nuisance suit and that took place in Bridgeport, Connecticut. Superior Court Judge Robert McWeeney threw out the City of Bridgeport's suit. "The plaintiffs have no statutory common law basis to recoup their expenditures," he said. "They lack any statutory authorization to initiate such claims."

□ 1100

Those were his exact words. Yet, Bridgeport was using taxpayers' money to sue this gun manufacturer with frivolous lawsuits.

Basically, the judge said they seek to regulate firearms in a manner that is preempted by State law. In other words, they are taking the mere fact that they are involved with commerce, manufacturing a product and distributing it as a way to sue.

I can give case after case of examples where the judge has thrown out these nuisance lawsuits.

So between what the judges have said, what the States have said by passing legislation in 31 States, and what the public says, I think we have a very credible bill. I urge my colleagues to support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. McGOVERN) to respond to our colleague.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding time to me.

I just want to make clear that under this bill, if any victim files a lawsuit based on the common law principle of negligence, it would be barred. So I would urge my colleague, the gentleman from Texas (Mr. SESSIONS) to read the bill to understand what the bill is doing. This bill is designed to protect gun manufacturers at any cost for whatever is filed against them, and I think this bill should be defeated.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 6 minutes to my very good friend, the gentleman from North Carolina (Mr. WATT), the ranking member of the relevant subcommittee of the Committee on the Judiciary.

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding time to me.

I first want to associate myself with the remarks that the gentleman made so eloquently in his statement. I am sure that both of us throughout the course of the day will be subjected to a number of phone calls saying that we are antigun. I personally do not think that is what this debate is about or should be about. The debate is about the bill that is in front of us and what it does to legal rights of people that have been recognized throughout history.

I am sure that my staff in the office is prepared for the barrage of phone calls, but I hope we can keep this debate based on what is before us at this point.

I am going to reserve my comments about the bill itself to the general debate on the bill, but I did want to rise in opposition to the rule reported by the Committee on Rules on this bill.

Twelve Democratic amendments were timely submitted to the Committee on Rules. Of those 12, 10 were offered by members of the Committee on the Judiciary, and five of the 12 were made in order under this rule. I am the first to admit that that is a better record than the Committee on Rules has enjoyed throughout this Congress, and some people say I should be happy about that. But the process by which this bill came to the Committee on Rules and now comes to the floor leads me to be concerned that the rule does not do justice to us as Members or to the public.

The bill first came before the Subcommittee on Commercial and Administrative Law, on which I serve as the ranking member, one day before the full committee markup. There was no markup of the bill in the subcommittee, and the hearing was conducted at a disadvantage by the fact that two of the witnesses' statements arrived late, one coming the night before the hearing and one coming the morning of the hearing.

Under these circumstances, the full committee markup provided the sole opportunity for all Members, not just Democrats and not just those with concerns about the bill but all Members of the Committee on the Judiciary, to speak to the merits and concerns, or even in support of the legislation.

But that never happened in the full committee, either. There was no deliberative process that brought this bill to the floor. There was no debate on what the various provisions of the bill mean. There was no opportunity to seek clarification, no opportunity to praise or explain, no opportunity to criticize or correct the bill. There was simply no process in the committee.

Now, we wonder, how did that happen? Well, during the markup of the bill while one of my amendments was pending and numerous other Democratic amendments were at the desk to be considered, the majority abruptly decided that they would call a 5-minute recess in the proceeding, and they went into the back room. As soon as we got through deliberating the one amendment that was being considered, then they moved the previous question on the amendment, on the bill, and all other amendments got cut off.

Mr. Speaker, the amendment that I was debating when they abruptly called this recess was the only amendment that was actually offered and considered throughout the process. One other amendment had been offered and withdrawn earlier, and debate was cut off.

I raise the question, if we have had no subcommittee process and we have had no full committee process, and if only five out of 12 amendments that people seek to offer on the floor will be considered, then when will this bill be considered? I raise the question, what are the supporters afraid of? Are they afraid to defend the bill? I am baffled by what this is all about.

Now, I said in committee that I was concerned that we were rushing through the markup to get the bill to the floor so that the bill could be reported out in advance of the National Rifle Association's convention. Now I am wondering whether we are rushing through the process on the floor. When is this bill going to be considered? I think that is a relevant question.

Now, the one amendment that I offered that was not made in order by the Committee on Rules would have had us have a debate about whether pending lawsuits, lawsuits that have already been filed by people who think that they were proceeding in good faith, maybe some of them were proceeding in good faith, but they were proceeding based on the law that existed at that time, those lawsuits would be wiped out by this bill.

I think that is unconstitutional. If it is not unconstitutional as an ex post facto law, then it is certainly unfair and it is obscene. We should not be going back saying to the courts of appeals, trial courts, to dismiss cases based on a statute that we are passing at this point.

Mr. Speaker, I think this bill needs to be considered, and I hope we will send it back to committee for that consideration.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules took a lot of time yesterday. We heard a lot of testimony. The gentleman is correct, he did come and approach the Committee on Rules, as well as other Members of this great body.

I think the Committee on Rules, through the leadership of the gentleman from California (Mr. Dreier), heard the testimony and, in fact, Mr. Speaker, made in order several amendments, five, and two from the gentleman from North Carolina (Mr. Watt). That gives him the ability today to have two amendments for a total of 40 minutes. Three others are allowed for a total of 60 minutes, 20 minutes each. I think that is pretty good. I think that does allow debate on the floor of this House, more than almost 2 hours of debate, to talk about these issues.

Best of all, they are going to get their own vote. They are going to get their vote that they asked for up on the board, and every single Member will be here, so they have a chance to tell their story. I think that this process, while it may not always work the way every single Member wants, the Committee on Rules did the right thing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. Linder) from the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of House Resolution 181 providing for the consideration of the Protection of Lawful Commerce in Arms Act of 2003. This is a fair but structured rule that provides for the consideration of a number of Democrat amendments submitted to the Committee on Rules yesterday afternoon. We have made in order two amendments submitted by the gentleman from North Carolina (Mr. Watt). We have made one each by the gentleman from Virginia (Mr. Scott), the gentlewoman from California (Ms. Linda T. Sánchez), and the gentleman from Massachusetts (Mr. Meehan).

The committee heard persuasive testimony and has worked to create an amendment process that is fair and as evenhanded as possible. It is unfortunate that this bill is on the floor at this time. It is unfortunate that this Congress has to sit down and construct a law to protect a legal industry from acting legally in every State in the Nation.

For those who want to just get rid of guns, do it the right way: Propose to put a repeal of the second amendment on the floor and vote it up or down. There was a reason that our Founding Fathers fashioned the second amendment. It was for people to be able to protect themselves, in some instances, from their government.

But instead of doing it the honest way, we pick around the edges. We have lawyers willing to sue gun manufacturers who acted legally because a crime was committed with a stolen gun, and we have friendly juries willing to hand over that money. This is nothing more or less than a ripping-off of the system by a bunch of greedy people, and I want to see us have this debate in the honest way: Put their repeal of the second amendment on the floor and let us vote it up or down.

We should not have to come here every time and defend legal industries. Fifteen percent of the crimes are committed with knives. Are we going to be forced to defend the cutlery industry? Eighty percent of the crimes involve alcohol. Will we be suing distillers next? We have a tort system, a court system that has run amok. It is unfortunate that we have to sit here on the floor and protect it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield an additional 30 seconds to the gentleman from North Carolina (Mr. Watt).

Mr. WATT. Mr. Speaker, I would just encourage my colleagues to make their own judgment. If we add up all of the debate time about this bill, there will be about 3 hours. We are talking about undoing a system of law that has existed throughout our history, and we are doing it with 3 hours' worth of debate. Members should make the judgment about whether that is reasonable.

Additionally, we are talking about doing it without consideration of any of the amendments, other than the five that were made in order, that were offered by people in this body who have or who represent the same number of people that the gentleman on the opposite side represents. Those amendments were not considered in committee and they will not be considered on the floor.

So I do not know what this process is all about. We have made a mockery of the process in committee, and now we are about to do the same thing on the floor.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman makes some points. They are that he felt that these amendments were denied through the process. But the way we operate here is that the Committee on Rules operates in the daylight. We come and tell people when they may file amendments. Either those amendments may or may not have ever seen the light of day in another committee.

This Speaker and this Committee on Rules chairman want to make sure that we are open for business, that we tell people when we will be there; that we have, in my opinion, an appropriate number of people who sit through the hearings, as I have done, as I did in this case again; and responsible people listen to the arguments and the debates about the merits of those things which they wish to have placed in order.

We then hear the deliberation, we hear the debate, and then we go back and make a decision about it. Then there is a vote. The votes are in the open where everybody can see them happen.

Mr. Speaker, my chairman allows many times more debate than what I probably would think would be reasonable, but he does it. It is a fair and open process. We know what this bill is about. We know where there is disagreement. We know why we are doing this. It is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. HASTINGS of Florida. Mr. Speaker, I have no further speakers. Does my friend from Texas (Mr. SESSIONS) have additional speakers?

Mr. SESSIONS. Mr. Speaker, I have one additional speaker. Mr. Speaker, what is the time remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 9½ minutes remaining. The gentleman from Florida (Mr. HASTINGS) has 8¼ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am prepared to yield back after closing.

Mr. SESSIONS. Mr. Speaker, I will close after this speaker.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Texas for yielding me time. I probable will not take 5 minutes.

Mr. Speaker, this is an important bill. It seems to me, it seems very basic to me that an industry that manufacturers, distributes, imports and/or sells a legal product lawfully should not be held liable for criminal acts of a third party. If an individual sells a firearm following all the rules and regulations of firearms, sales including conducting backgrounds checks to ensure that the purchaser is eligible to own a firearm, and the purchaser who buys the firearm violates the law by surrendering that firearm to an individual who subsequently uses the gun to commit a crime, why should the law-abiding dealer be liable?

Laws are violated in that hypothetical, Mr. Speaker, it seems to me, when the purchaser shared his firearm or surrendered his firearm to a third party, not at the point of sale. In my opinion, that means that the liability should lie with those who violated the law and not with a manufacturer who made the firearm to standard, maybe 6 months earlier, or even with the dealer who sold the gun complying with existing law.

H.R. 1036 which, by the way, came out of our House Committee on the Judiciary, does nothing to exempt the firearm industry from liability if the industry acts negligently, if the industry produces or sells a defective product, or if a firearm is sold in violation of any State or Federal law. The bill simply protects the industry from unwarranted and frivolous lawsuits. Once again, it is important to note that the firearm industry is heavily regulated, and I am not averse to that. I think it ought to be heavily regulated at both State and Federal levels.

This is not an industry that is operating willy-nilly, unchecked and unmonitored. Licensed firearm dealers are required to meet various regulations prior to the sale of a firearm. Furthermore, the industry itself is very actively involved in ensuring that dealers know and are enforcing current firearm laws. Firearm trade groups, Mr. Speaker, to my friend from Texas (Mr. SESSIONS) I would say, are responsible for publishing literature on gun safety, responding to questions about firearms, and the proper manner in which to store firearms, for example. The firearm industry also, I am told, sponsors seminars across the country for gun dealers and distributors to certify that all gun sales adhere to strict transaction requirements.

The bottom line, Mr. Speaker, it seems to me, is that firearms are legal products that are heavily regulated at the State and Federal level. It is my belief that a manufacturer, distributor, dealer, and/or importer of firearms who follows all laws of sale and marketing and does not act in any way negligently should not be held responsible for the criminal behavior of a third party.

I think this is a good piece of legislation, Mr. Speaker; and I urge my colleagues to support it. I thank the gentleman from Texas (Mr. SESSIONS) again for yielding me time.

Mr. HASTINGS of Florida. Mr. Speaker, I have had one additional speaker show up.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), my friend, who was a leader in the State senate in Maryland on this particular issue.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I have not been in this body very long, but I have quickly learned that the titles we give bills often come out of "Alice in Wonderland." The title of this bill is "Protecting Commerce." The way I read this bill, it is protecting those gun dealers who are engaged in wrongdoing.

I am very disappointed that this bill is even on the floor. I had an amendment proposed that I took to the Committee on Rules the other day; and unfortunately, they did not approve it. I represent an area that was recently ravaged just last fall by a sniper. This body at that time was taking up this legislation and, in deference to the victims' families, took this legislation off the floor. But by taking this up today, we are adding insult to injury to the victims and the families of those victims. We are rubbing salt in their wounds because many of the families of those victims decided to go to court. They went to court. They took their case to court against a gun dealer whose activities over many years had shown a pattern of negligence that could very well have contributed to the suffering in their families. And this legislation which was taken off the floor in deference to those victims will now deny them their fair day in court. They are not going to get a fair hearing. And I find this decision of this body to proceed on this to be an insult, not just to those families, but really to decency and justice in the United States.

I had an amendment that would have addressed an issue that was adopted in the middle of the night a couple of months ago as part of the 2003 omnibus appropriations bill. At that time we exempted the ATF from requirements that all other Federal agencies are subject to under the Freedom of Information Act to get the information collected with the ATF with respect to those gun dealers who are engaged actively in selling to the criminal market. Why do we want to hide that information from the American people? But we did this in the middle of the night.

And so I had an amendment proposed to reinstate the ability of the American people to have access to that information. The committee denied us that opportunity. I think we should have had a fair debate on that question. This bill protects gun dealers who are engaged in wrong doing. It is unfair to all those gun dealers and manufacturers out there who are playing by the rules. It is unfair to them because it taints them with the wrong-doing of a few. And what this bill does is give protection, not to those who are engaged in the fair dealing in guns. What this does is protect those who are engaged in wrong-doing, those who are engaged in selling mostly to the criminal market, and we have already provided them some additional protection by denying the American people access about who they are. And now they are further shielding them from the justice that American families and the victims are due in this great country. I am sorry we are carving out a special exception for these wrong-doers, and I urge the body to reject this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am prepared to close if the gentleman from Texas (Mr. SESSIONS) is prepared to close.

Mr. SESSIONS. Mr. Speaker, I am prepared to close.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Texas (Mr. SESSIONS), and I also thank my friend from Florida (Mr. STEARNS), who is still here, for reminding me that Florida has a law that is similar to this that I do not think ought to be preempted. But at the very same time, Florida under the aegis of a previous Attorney General did in fact sue gun manufacturers too. So we have been a leader on both fronts.

Mr. Speaker, let me say this in closing. The gentleman from Florida (Mr. STEARNS) and I live very close to Orlando. I was born and raised in Alta Mont Springs that is 10 miles north of Orlando. I will not be in Orlando when the National Rifle Association meets there 3 weeks from now. I will not be receiving contributions from some of their members, interestingly. I am sure that there are some of their members who agree with me.

Gun dealers and owners who illegally sell or use guns are subject to prosecution under Federal laws, as my friend from Texas pointed out at the Committee on Rules yesterday, such as Brady. That is not what we are talking about here today. Today we are talking about the civil damages these actions cause, the innocent victims of gun violence. This bill, in my opinion, would eviscerate this possibility; and I think in that regard that it is wrong.

Let me says that with my warm live hands I will protect the right of American citizens and American values to legally own guns. In that place where I was born in the halcyon days of segregation, be assured that almost every family member and everybody there had a gun, and I can assure you they needed them. And, therefore, when we talk about the right to bear arms, know that there were many of us that believe in that right. So the National Rifle Association should know that with these warm live hands I will defend their right to own a gun, but none of them can make sense of AK-47s being sold in the street. None of them can make sense of Saturday night specials that have caused devastating damage to this overall society, such that one Surgeon General declared an epidemic because of gun violence against our children and their community.

None of them can make sense for the gun manufacturers and gun dealers, who may be few, of being exempted from legislation that rightly ought be considered if it were not exempting certain people and giving them special conditions that so many on the majority side rail about all the time saying others are seeking special conditions. If car manufacturers have to meet standards that avoid liabilities, if drug manufacturers, and I can go on and on and on through the product liability phase of this discussion, then be assured gun manufacturers, if they do something that is foreseeably wrong, should be held to the same standards as everybody else.

Mr. Speaker, I urge this body to vote against this bill and for each one of them to use their warm live hands to protect American values.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the very end of the debate about a very, very important commonsense piece of legislation.

The amendments that were before the Committee on Rules would have done a lot of things. I disagree with us having the Federal Government print a list of all the people who have a gun in this country. I think that is dangerous. I think that is dangerous precedent for us as consumers to think that we would purchase a product and then someone would print our name about a product that we buy. But that is what we were asked to do yesterday, and we denied them. We did allow the minority the chance to have its debate on five amendments. That is what is going to take place today.

This legislation is common sense. The process has been open and fair. The Committee on Rules was available yesterday. The Speaker, the gentleman from Illinois (Mr. HASTERT), and the gentleman from California (Mr. DREIER), the chairman, intentionally went out of their way to make sure that we would have a vigorous debate today because we think the light of day is the best disinfectant there is to fairness.

The gentleman from Florida (Mr. STEARNS), the original sponsor of this bill, the author of this bill, showed up on the floor and offered a hardy debate. We have had others that have done the same. So I think America is free. I think we are using this body for what it was intended, as a sharing of issues and ideas. And most of all I would like to applaud the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Committee on the Judiciary. The gentleman has been to the Committee on Rules, placed himself available before each and every Member to answer questions. I think that the commonsense legislation that he brings forward at this time with respect to what we are going to do on floor debate is important and good.

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Mr. Speaker, I would ask that Members would support this bill, this rule, and of course, all the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose the Rule to H.R. 1036, The Protection of Lawful Commerce in Arms Act.

My opposition to the Rule to H.R. 1036, is based largely on my outrage at the disgrace that has occurred in the Mark-up and Amendment of this Bill.

The Amendment process at the Judiciary Committee Mark-up of H.R. 1036 was unfair, discourteous, and a complete departure from the accepted Committee procedures of debate. The Amendments offered by myself and my Democratic colleagues were never given the opportunity to be fully debated. The Mark-up was simply shut down by the Chairman while Amendments were at the table. The actions of the Chairman are not in the spirit of comity that both parties try to maintain in this Chamber. Every Amendment that is offered is entitled to the full consideration of the committee. Our Amendments to H.R. 1036 were not given that consideration.

Likewise, the Rules Committee has not given the Democratic Amendments full and fair consideration. The Rules Committee has picked and chosen a select few Amendments offered by my Democratic colleagues and myself. The Democrats proposed a total of thirteen Amendments to H.R. 1036. The Rules Committee concluded that only five Amendments would be made in order. Neither of the two Amendments that I offered were made in order.

One of the Amendments that I offered exempted from the scope of the bill those lawsuits brought by or on behalf of minors who were injured or killed by negligently transferred guns. This is an Amendment to the bill designed to protect America's children from the unlawful transfers of firearms. As the Chair of the Congressional Children's Caucus, I believe that provisions that protect America's children should be included in every bill that shapes gun rights. However, my Amendment to H.R. 1036 protecting minor's rights to sue negligent gun sellers was shut out of the Judiciary Committee, and not made in order by the Rules Committee.

A second Amendment that I offered exempted from the scope of the bill lawsuits against the sellers of machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices. Congress has banned all of these weapons because they are inherently dangerous. Assault weapons are even more dangerous in the hands of criminals. However, under H.R. 1036, if a gun merchant negligently sells a banned gun and that gun is used to injure or kill, the plaintiff will have no cause of action against the seller.

All of the Amendments proposed by my Democratic colleagues and myself are provisions that protect American lives. They deserved more sincere consideration by both the

Judiciary Committee and the Rules Committee. That consideration was not provided.

That, Mr. Chairman, is why I oppose the Rule to H.R. 1036 bill.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S.151, PROSECUTORIAL REMEDIES AND OTHER TOOLS TO END THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003

Mr. SENSENBRENNER submitted the following conference report and statement on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children:

CONFERENCE REPORT (H. REPT. 108-66)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1151), to amend title 18, United States Code, with respect to the sexual exploitation of children, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003" or "PROTECT Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—SANCTIONS AND OFFENSES

Sec. 101. Supervised release term for sex offenders.
Sec. 102. First degree murder for child abuse and child torture murders.
Sec. 103. Sexual abuse penalties.
Sec. 104. Stronger penalties against kidnapping.
Sec. 105. Penalties against sex tourism.
Sec. 106. Two strikes you're out.
Sec. 107. Attempt liability for international parental kidnapping.
Sec. 108. Pilot program for national criminal history background checks and feasibility study.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Sec. 201. Interceptions of communications in investigations of sex offenses.
Sec. 202. No statute of limitations for child abduction and sex crimes.
Sec. 203. No pretrial release for those who rape or kidnap children.
Sec. 204. Suzanne's law.

TITLE III—PUBLIC OUTREACH

Subtitle A—AMBER Alert

Sec. 301. National coordination of AMBER alert communications network.
Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER alert communications network.
Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children.
Sec. 304. Grant program for support of AMBER alert communications plans.
Sec. 305. Limitation on liability.

Subtitle B—National Center for Missing and Exploited Children

Sec. 321. Increased support.
Sec. 322. Forensic and investigative support of missing and exploited children.
Sec. 323. Creation of cyber tipline.

Subtitle C—Sex Offender Apprehension Program

Sec. 341. Authorization.

Subtitle D—Missing Children Procedures in Public Buildings

Sec. 361. Short title.
Sec. 362. Definitions.
Sec. 363. Procedures in public buildings regarding a missing or lost child.

Subtitle E—Child Advocacy Center Grants

Sec. 381. Information and documentation required by Attorney General under Victims of Child Abuse Act of 1990.

TITLE IV—SENTENCING REFORM

Sec. 401. Sentencing reform.

TITLE V—OBSCENITY AND PORNOGRAPHY

Subtitle A—Child Obscenity and Pornography Prevention

Sec. 501. Findings.
Sec. 502. Improvements to prohibition on virtual child pornography.
Sec. 503. Certain activities relating to material constituting or containing child pornography.
Sec. 504. Obscene child pornography.
Sec. 505. Admissibility of evidence.
Sec. 506. Extraterritorial production of child pornography for distribution in the United States.
Sec. 507. Strengthening enhanced penalties for repeat offenders.
Sec. 508. Service provider reporting of child pornography and related information.
Sec. 509. Investigative authority relating to child pornography.
Sec. 510. Civil remedies.
Sec. 511. Recordkeeping requirements.
Sec. 512. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile.
Sec. 513. Miscellaneous provisions.

Subtitle B—Truth in Domain Names

Sec. 521. Misleading domain names on the Internet.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Penalties for use of minors in crimes of violence.
Sec. 602. Sense of congress.
Sec. 603. Communications decency act of 1996.
Sec. 604. Internet availability of information concerning registered sex offenders.
Sec. 605. Registration of child pornographers in the national sex offender registry.
Sec. 606. Grants to States for costs of compliance with new sex offender registry requirements.
Sec. 607. Safe id act.
Sec. 608. Illicit Drug Anti-Proliferation Act.
Sec. 609. Definition of vehicle.
Sec. 610. Authorization of John Doe DNA indictments.
Sec. 611. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault.

SEC. 2. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting "on any such revocation" after "required to serve";

(2) in subsection (h), by striking "that is less than the maximum term of imprisonment authorized under subsection (e)(3)"; and

(3) by adding at the end the following:

"(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life.".

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "child abuse," after "sexual abuse,"; and

(B) by inserting "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery;"; and

(2) by inserting at the end the following:

"(c) For purposes of this section—

"(1) the term 'assault' has the same meaning as given that term in section 113;

"(2) the term 'child' means a person who has not attained the age of 18 years and is—

"(A) under the perpetrator's care or control; or

"(B) at least six years younger than the perpetrator;

"(3) the term 'child abuse' means intentionally or knowingly causing death or serious bodily injury to a child;

"(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

"(5) the term 'serious bodily injury' has the meaning set forth in section 1365; and

"(6) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).".

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "20" and inserting "30"; and

(ii) by striking "30" the first place it appears and inserting "50";

(B) in section 2252(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40";

(C) in section 2252(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20";

(D) in section 2252A(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40"; and

(E) in section 2252A(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking "10" and inserting "20";

(B) in section 2422(b), by striking "15" and inserting "30"; and

(C) in section 2423(a), by striking "15" and inserting "30".

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking "20" and inserting "40".

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "or imprisoned not less than 10" and inserting "and imprisoned not less than 15";

(ii) by striking "and both,";

(iii) by striking "15" and inserting "25"; and

(iv) by striking "30" the second place it appears and inserting "35";

(B) in section 2251A(a) and (b), by striking "20" and inserting "30";

(C) in section 2252(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15";

(D) in section 2252(b)(2), by striking "2" and inserting "10";

(E) in section 2252A(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15"; and

(F) in section 2252A(b)(2), by striking "2" and inserting "10".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(b)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both"; and

(B) in section 2423(a)—

(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking ", or both".

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base offense level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32;

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking "shall be subject to paragraph (2)" in paragraph (1) and all that follows through paragraph (2) and inserting "shall include imprisonment for not less than 20 years.".

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(d) ANCILLARY OFFENSES.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

"(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

"(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

"(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.".

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), 2422(b) (relating to coercion and enticement of a minor into prostitution), or 2423(a) (relating to transportation of minors);

"(B) the term 'State sex offense' means an offense under State law that is punishable by more than one year in prison and consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

"(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

"(D) the term 'minor' means an individual who has not attained the age of 17 years; and

"(E) the term 'State' has the meaning given that term in subsection (c)(2).

"(3) NONQUALIFYING FELONIES.—An offense described in section 2422(b) or 2423(a) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(A) the sexual act or activity was consensual and not for the purpose of commercial or pecuniary gain;

"(B) the sexual act or activity would not be punishable by more than one year in prison under the law of the State in which it occurred; or

"(C) no sexual act or activity occurred.".

(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting ", unless section 3559(e) applies" before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ", or attempts to do so," before "or retains"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Uniform Child Custody Jurisdiction and Enforcement Act" before "and was"; and

(B) in paragraph (2), by inserting "or" after the semicolon.

SEC. 108. PILOT PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS AND FEASIBILITY STUDY.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a pilot program for volunteer groups to obtain national and State criminal history background checks through a 10-fingerprint check to be conducted utilizing State criminal records and the Integrated Automated Finger Print Identification system of the Federal Bureau of Investigation.

(2) STATE PILOT PROGRAM.—

(A) IN GENERAL.—The Attorney General shall designate 3 States as participants in an 18-month State pilot program.

(B) VOLUNTEER ORGANIZATION REQUESTS.—A volunteer organization in one of the 3 States participating in the State pilot program under this paragraph that is part of the Boys and Girls Clubs of America, the National Mentoring Partnerships, or the National Council of Youth Sports may submit a request for a 10-fingerprint check from the participating State. A volunteer organization in a participating State may not submit background check requests under paragraph (3).

(C) STATE CHECK.—The participating State under this paragraph after receiving a request under subparagraph (B) shall conduct a State background check and submit a request that a Federal check be performed through the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation, to the Attorney General, in a manner to be determined by the Attorney General.

(D) INFORMATION PROVIDED.—Under procedures established by the Attorney General, any criminal history record information resulting from the State and Federal check under subparagraph (C) shall be provided to the State or National Center for Missing and Exploited Children consistent with the National Child Protection Act.

(E) COSTS.—A State may collect a fee to perform a criminal background check under this paragraph which may not exceed the actual costs to the State to perform such a check.

(F) TIMING.—For any background check performed under this paragraph, the State shall

provide the State criminal record information to the Attorney General within 7 days after receiving the request from the organization, unless the Attorney General determines during the feasibility study that such a check cannot reasonably be performed within that time period. The Attorney General shall provide the criminal history records information to the National Center for Missing and Exploited Children within 7 business days after receiving the request from the State.

(3) CHILD SAFETY PILOT PROGRAM.—

(A) IN GENERAL.—The Attorney General shall establish an 18-month Child Safety Pilot Program that shall provide for the processing of 100,000 10-fingerprint check requests from organizations described in subparagraph (B) conducted through the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

(B) ELIGIBLE ORGANIZATIONS.—An organization described in this subparagraph is an organization in a State not designated under paragraph (2) that has received a request allotment pursuant to subparagraph (C).

(C) REQUEST ALLOTMENTS.—The following organizations may allot requests as follows:

(i) 33,334 for the Boys and Girls Clubs of America.

(ii) 33,333 for the National Mentoring Partnership.

(iii) 33,333 for the National Council of Youth Sports.

(D) PROCEDURES.—The Attorney General shall notify the organizations described in subparagraph (C) of a process by which the organizations may provide fingerprint cards to the Attorney General.

(E) VOLUNTEER INFORMATION REQUIRED.—An organization authorized to request a background check under this paragraph shall—

(i) forward to the Attorney General the volunteer's fingerprints; and

(ii) obtain a statement completed and signed by the volunteer that—

(I) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

(II) states whether the volunteer has a criminal record, and, if so, sets out the particulars of such record;

(III) notifies the volunteer that the Attorney General may perform a criminal history background check and that the volunteer's signature to the statement constitutes an acknowledgment that such a check may be conducted;

(IV) notifies the volunteer that prior to and after the completion of the background check, the organization may choose to deny the provider access to children; and

(V) notifies the volunteer of his right to correct an erroneous record held by the Attorney General.

(F) TIMING.—For any background checks performed under this paragraph, the Attorney General shall provide the criminal history records information to the National Center for Missing and Exploited Children within 14 business days after receiving the request from the organization.

(G) DETERMINATIONS OF FITNESS.—

(i) IN GENERAL.—Consistent with the privacy protections delineated in the National Child Protection Act (42 U.S.C. 5119), the National Center for Missing and Exploited Children may make a determination whether the criminal history record information received in response to the criminal history background checks conducted under this paragraph indicates that the provider or volunteer has a criminal history record that renders the provider or volunteer unfit to provide care to children based upon criteria established jointly, the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, the National Mentoring Partnership, and the National Council of Youth Sports.

(ii) CHILD SAFETY PILOT PROGRAM.—The National Center for Missing and Exploited Children shall convey that determination to the organizations making requests under this paragraph.

(4) FEES COLLECTED BY ATTORNEY GENERAL. The Attorney General may collect a fee which may not exceed $18 to cover the cost to the Federal Bureau of Investigation to conduct the background check under paragraph (2) or (3).

(b) RIGHTS OF VOLUNTEERS.—Each volunteer who is the subject of a criminal history background check under this section is entitled to contact the Attorney General to initiate procedures to—

(1) obtain a copy of their criminal history record report; and

(2) challenge the accuracy and completeness of the criminal history record information in the report.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to the National Center for Missing and Exploited Children for fiscal years 2004 and 2005 to carry out the requirements of this section.

(2) STATE PROGRAM.—There is authorized to be appropriated such sums as may be necessary to the Attorney General for the States designated in subsection (a)(1) for fiscal years 2004 and 2005 to establish and enhance finger print technology infrastructure of the participating State.

(d) FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 180 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(A) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(B) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(C) The number of volunteers, employees, and other individuals that would require a fingerprint-based criminal background check.

(D) The impact on the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on Federal Bureau of Investigation work practices and staffing levels.

(E) The current fees charged by the Federal Bureau of Investigation, States and local agencies, and private companies to process fingerprints and conduct background checks.

(F) The existence of "model" or best practice programs which could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks authorized in the National Child Protection Act (Public Law 103–209), as amended by the Volunteers for Children Act (sections 221 and 222 of Public Law 105–251).

(J) The extent to which States currently provide access to nationwide criminal history background checks to organizations that serve children.

(K) The extent to which States currently permit volunteers to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) The implementation of the 2 pilot programs created in subsection (a).

(M) Any privacy concerns that may arise from nationwide criminal background checks.

(N) Any other information deemed relevant by the Department of Justice.

(2) INTERIM REPORT.—Based on the findings of the feasibility study under paragraph (1), the Attorney General shall, not later than 180 days after the date of the enactment of this Act, submit to Congress an interim report, which may include recommendations for a pilot project to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

(3) FINAL REPORT.—Based on the findings of the pilot project, the Attorney General shall, not later than 60 days after completion of the pilot project under this section, submit to Congress a final report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled, and which may include recommendations for amendments to the National Child Protection Act and the Volunteers for Children Act so that qualified entities can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after "chapter 37 (relating to espionage)," the following: "chapter 55 (relating to kidnapping),"; and

(2) in paragraph (c)—

(A) by inserting "section 1591 (sex trafficking of children by force, fraud, or coercion)," after "section 1511 (obstruction of State or local law enforcement),"; and

(B) by inserting "section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes)," after "sections 2251 and 2252 (sexual exploitation of children),".

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

Section 3283 of title 18, United States Code, is amended to read as follows:

"§3283. Offenses against children

"No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse, or kidnaping, of a child under the age of 18 years shall preclude such prosecution during the life of the child.".

SEC. 203. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by striking "1901 et seq.), or" and inserting "1901 et seq.),"; and

(2) by striking "of title 18 of the United States Code" and inserting "of this title, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title".

SEC. 204. SUZANNE'S LAW.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking "age of 18" and inserting "age of 21".

TITLE III—PUBLIC OUTREACH

Subtitle A—AMBER Alert

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) Coordination Within Department of Justice.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) Consultation With Federal Bureau of Investigation.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(e) Report.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) Establishment of Minimum Standards.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) Limitations.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) Cooperation.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) Program Required.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) Development Grants.—

(1) In general.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) Eligible activities.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) Implementation Grants.—

(1) In general.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) Eligible activities.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) Federal Share.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) Distribution of Grant Amounts.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) Administration.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) Definition.—In this section, the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) Study of State Programs.—

(1) Study.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) Program Required.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) Activities.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans;

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) Federal Share.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) Distribution of Grant Amounts on Geographic Basis.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) Administration.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) Authorization of Appropriations.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. LIMITATION ON LIABILITY.

(a) Except as provided in subsection (b), the National Center for Missing and Exploited Children, including any of its officers, employees, or agents, shall not be liable for damages in any civil action for defamation, libel, slander, or harm to reputation arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any clearinghouse, hotline or complaint intake or forwarding program or in connection with activity that is wholly or partially funded by the United States and undertaken in cooperation with, or at the direction of a Federal law enforcement agency.

(b) The limitation in subsection (a) does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law. For purposes of this subsection, the prevention, or detection of crime, and the safety, recovery, or protection of missing or exploited children shall be deemed, per se, to be an activity mandated by Federal law.

Subtitle B—National Center for Missing and Exploited Children

SEC. 321. INCREASED SUPPORT.

(a) In General.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking "fiscal years 2000 through 2003" and inserting "fiscal years 2004 through 2005.".

(b) Annual Grant to National Center for Missing and Exploited Children.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking "$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003" and inserting "$20,000,000 for each of the fiscal years 2004 through 2005".

SEC. 322. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(f) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.".

SEC. 323. CREATION OF CYBER TIPLINE.

Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(H) coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of—

"(i) distribution of child pornography;

"(ii) online enticement of children for sexual acts; and

"(iii) child prostitution.".

Subtitle C—Sex Offender Apprehension Program

SEC. 341. AUTHORIZATION.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;".

Subtitle D—Missing Children Procedures in Public Buildings

SEC. 361. SHORT TITLE.

This subtitle may be cited as the "Code Adam Act of 2003".

SEC. 362. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) Child.—The term "child" means an individual who is 17 years of age or younger.

(2) Code Adam Alert.—The term "Code Adam alert" means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) Designated Authority.—The term "designated authority" means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to the Supreme Court Building, the Marshal of the Supreme Court; with respect to the Thurgood Marshall Federal Judiciary Building, the Director of the Administrative Office of United States Courts; and with respect to all other public buildings owned or leased for use by an establishment in the judicial branch of government, the General Services Administration in consultation with the United States Marshals Service; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) Executive Agency.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(5) Federal Agency.—The term "Federal agency" means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) Public Building.—The term "public building" means any building (or portion thereof) owned or leased for use by a Federal agency.

SEC. 363. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) Notification and Search Procedures.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam Alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

Subtitle E—Child Advocacy Center Grants

SEC. 381. INFORMATION AND DOCUMENTATION REQUIRED BY ATTORNEY GENERAL UNDER VICTIMS OF CHILD ABUSE ACT OF 1990.

(a) Regional Children's Advocacy Centers.—Section 213 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001b) is amended—

(1) in subsection (c)(4)—

(A) by striking "and" at the end of subparagraph (B)(ii);

(B) in subparagraph (B)(iii), by striking "Board" and inserting "board"; and

(C) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B); and

(2) in subsection (e), by striking "Board" in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting "board".

(b) Authorization of Appropriations.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

"(a) Sections 213 and 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 and 2005.

"(b) Section 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 and 2005.".

TITLE IV—SENTENCING REFORM

SEC. 401. SENTENCING REFORM.

(a) Enforcement of Sentencing Guidelines for Child Abduction and Sex Offenses.—Section 3553(b) of title 18, United States Code is amended—

(1) by striking "The court" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), the court"; and

(2) by adding at the end the following:

"(2) Child crimes and sexual offenses.—

"(A) Sentencing.—In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117, the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless—

"(i) the court finds that there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence greater than that described;

"(ii) the court finds that there exists a mitigating circumstance of a kind or to a degree, that—

"(I) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, taking account of any amendments to such sentencing guidelines or policy statements by Congress;

"(II) has not been taken into consideration by the Sentencing Commission in formulating the guidelines; and

"(III) should result in a sentence different from that described; or

"(iii) the court finds, on motion of the Government, that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense and that this assistance established a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence lower than that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.".

(b) Conforming Amendments to Guidelines Manual.—The Federal Sentencing Guidelines are amended—

(1) in section 5K2.0—

(A) by striking "Under" and inserting the following:

"(a) Downward Departures in Criminal Cases Other Than Child Crimes and Sexual Offenses.—Under"; and

(B) by adding at the end the following:

"(b) Downward Departures in Child Crimes and Sexual Offenses.—

"Under 18 U.S.C. § 3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

"(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

"(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

"(3) should result in a sentence different from that described.

The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.".

(2) At the end of part K of chapter 5, add the following:

"§ 5K2.22 Specific Offender Characteristics as Grounds for Downward Departure in child crimes and sexual offenses (Policy Statement)

"In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.1.

"An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

(3) Section 5K2.20 is amended by striking "A" and inserting "Except where a defendant is convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, a".

(4) Section 5H1.6 is amended by inserting after the first sentence the following: "In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, family ties and responsibilities and community ties are not relevant in determining whether a sentence should be below the applicable guideline range.".

(5) Section 5K2.13 is amended by—

(A) striking "or" before "(3)"; and

(B) replacing "public" with "public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code.".

(c) Statement of Reasons for Imposing a Sentence.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking "described." and inserting "described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.";

(2) by inserting ", together with the order of judgment and commitment," after "the court's statement of reasons"; and

(3) by inserting "and to the Sentencing Commission," after "to the Probation System".

(d) Review of a Sentence.—

(1) Review of Departures.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

"(3) is outside the applicable guideline range, and

"(A) the district court failed to provide the written statement of reasons required by section 3553(c);

"(B) the sentence departs from the applicable guideline range based on a factor that—

"(i) does not advance the objectives set forth in section 3553(a)(2); or

"(ii) is not authorized under section 3553(b); or

"(iii) is not justified by the facts of the case; or

"(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or".

(2) Standard of Review.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking "shall give due deference to the district court's application of the guidelines to the facts" and inserting ", except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts".

(3) Decision and Disposition.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking "the sentence";

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting "the sentence" before "was imposed";

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

"(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

"(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

"(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);"; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting "the sentence" before "is not described".

(e) Imposition of Sentence Upon Remand.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

"(g) Sentencing Upon Remand.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

"(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

"(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

"(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to the appeal; and

"(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.".

(f) Definitions.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

"(j) Definitions.—For purposes of this section—

"(1) a factor is a 'permissible' ground of departure if it—

"(A) advances the objectives set forth in section 3553(a)(2); and

"(B) is authorized under section 3553(b); and

"(C) is justified by the facts of the case; and

"(2) a factor is an 'impermissible' ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).".

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting "upon motion of the government stating that" immediately before "the defendant has assisted authorities"; and

(B) by striking "taking one or more" and all that follows through and including "additional level" and insert "timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level";

(2) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking "one or both of"; and

(B) by adding the following new sentence at the end: "Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b) may only be granted upon a formal motion by the Government at the time of sentencing."; and

(3) in the Background to section 3E1.1, by striking "one or more of".

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

"(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

"(A) the judgment and commitment order;

"(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

"(C) any plea agreement;

"(D) the indictment or other charging document;

"(E) the presentence report; and

"(F) any other information as the Commission finds appropriate.

"(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

"(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.

"(4) The Commission shall make available to the Attorney General, upon request, such data files as the Commission may assemble or maintain in electronic form that include any information submitted under paragraph (1). Such data files shall be made available in electronic form and shall include all data fields requested, including the identity of the sentencing judge.".

(i) SENTENCING GUIDELINES AMENDMENTS.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

"(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.".

(B) Section 2G2.4(b) is amended by adding at the end the following:

"(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

"(5) If the offense involved—

"(A) at least 10 images, but fewer than 150, increase by 2 levels;

"(B) at least 150 images, but fewer than 300, increase by 3 levels;

"(C) at least 300 images, but fewer than 600, increase by 4 levels; and

"(D) 600 or more images, increase by 5 levels.".

(C) Section 2G2.2(b) is amended by adding at the end the following:

"(6) If the offense involved—

"(A) at least 10 images, but fewer than 150, increase by 2 levels;

"(B) at least 150 images, but fewer than 300, increase by 3 levels;

"(C) at least 300 images, but fewer than 600, increase by 4 levels; and

"(D) 600 or more images, increase by 5 levels.".

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5.

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except that the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsection.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

"(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

"(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or";

(B) in paragraph (4)(B), by inserting ", taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)" after "Code";

(C) by amending paragraph (5) to read as follows:

"(5) any pertinent policy statement—

"(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

"(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.".

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any Federal statute".

(l) REPORT BY ATTORNEY GENERAL.—

(1) DEFINED TERM.—For purposes of this section, the term "report described in paragraph (3)" means a report, submitted by the Attorney General, which states in detail the policies and procedures that the Department of Justice has adopted subsequent to the enactment of this Act—

(A) to ensure that Department of Justice attorneys oppose sentencing adjustments, including downward departures, that are not supported by the facts and the law;

(B) to ensure that Department of Justice attorneys in such cases make a sufficient record so as to permit the possibility of an appeal;

(C) to delineate objective criteria, specified by the Attorney General, as to which such cases may warrant consideration of an appeal, either because of the nature or magnitude of the sentencing error, its prevalence in the district, or its prevalence with respect to a particular judge;

(D) to ensure that Department of Justice attorneys promptly notify the designated Department of Justice component in Washington concerning such adverse sentencing decisions; and

(E) to ensure the vigorous pursuit of appropriate and meritorious appeals of such adverse decisions.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the United States Sentencing Guidelines, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate containing the information described under subparagraph (B).

(B) CONTENTS.—The report submitted pursuant to subparagraph (A) shall set forth—

(i) the case;

(ii) the facts involved;

(iii) the identity of the district court judge;

(iv) the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart; and

(v) the position of the parties with respect to the downward departure,' whether or not the United States has filed, or intends to file, a motion for reconsideration.

(C) APPEAL OF THE DEPARTURE.—Not later than 5 days after a decision by the Solicitor General regarding the authorization of an appeal of the departure, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate that describes the decision of the Solicitor General and the basis for such decision.

(3) EFFECTIVE DATE.—Paragraph (2) shall take effect on the day that is 91 days after the date of enactment of this Act, except that such paragraph shall not take effect if not more than 90 days after the date of enactment of this Act the Attorney General has submitted to the Judiciary Committees of the House of Representatives and the Senate the report described in paragraph (3).

(m) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Not later than 180 days after the enactment of this Act, the United States Sentencing Commission shall—

(1) review the grounds of downward departure that are authorized by the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission; and

(2) promulgate, pursuant to section 994 of title 28, United States Code—

(A) appropriate amendments to the sentencing guidelines, policy statements, and official commentary to ensure that the incidence of downward departures are substantially reduced;

(B) a policy statement authorizing a downward departure of not more than 4 levels if the Government files a motion for such departure pursuant to an early disposition program authorized by the Attorney General and the United States Attorney; and

(C) any other conforming amendments to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission necessitated by this Act, including a revision of paragraph 4(b) of part A of chapter 1 and a revision of section 5K2.0.

(n) COMPOSITION OF SENTENCING COMMISSION.—

(1) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by striking "At least three" and inserting "Not more than 3".

(2) APPLICABILITY.—The amendment made under paragraph (1) shall not apply to any person who is serving, or who has been nominated to serve, as a member of the Sentencing Commission on the date of enactment of this Act.

TITLE V—OBSCENITY AND PORNOGRAPHY

Subtitle A—Child Obscenity and Pornography Prevention

SEC. 501. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Ferber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 502. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) so that subparagraph (B) reads as follows:

"(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or";

(2) by striking "; or" at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(b) Section 2256(2) of title 18, United States Code, is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

"(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(ii) bestiality;

"(iii) masturbation;

"(iv) sadistic or masochistic abuse; or

"(v) lascivious exhibition of the genitals or pubic area of any person;

"(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

"(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

"(ii) graphic or lascivious simulated;

"(I) bestiality;

"(II) masturbation; or

"(III) sadistic or masochistic abuse; or

"(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;".

(c) Section 2256 is amended by inserting at the end the following new paragraphs:

"(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; and

"(11) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.".

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

"(c) It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) that—

"(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

"(B) each such person was an adult at the time the material was produced; or

"(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.".

SEC. 503. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) knowingly—

"(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

"(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

"(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

"(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;";

(B) in paragraph (4), by striking "or" at the end;

(C) in paragraph (5), by striking the comma at the end and inserting "; or"; and

(D) by adding after paragraph (5) the following:

"(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

"(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

"(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

"(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal."; and

(2) in subsection (b)(1), by striking "paragraphs (1), (2), (3), or (4)" and inserting "paragraph (1), (2), (3), (4), or (6)".

SEC. 504. OBSCENE CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1466 the following:

"§ 1466A. Obscene visual representations of the sexual abuse of children

"(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

"(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

"(1)(A) depicts a minor engaging in sexually explicit conduct; and

"(B) is obscene; or

"(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

"(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

"(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

"(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

"(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

"(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

"(1) possessed less than 3 such visual depictions; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

"(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2)(A) or 2256(2)(B); and

"(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1466 the following new item:

"1466A. Obscene visual representations of the sexual abuse of children.".

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to

be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) Ranges.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 1466A of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 505. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

"(e) Admissibility of Evidence.—On motion of the government, in any prosecution under this chapter or section 1466A, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.".

SEC. 506. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking "subsection (d)" each place that term appears and inserting "subsection (e)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

"(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.".

SEC. 507. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 506(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting "chapter 71," immediately before each occurrence of "chapter 109A,"; and

(2) by inserting "or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice)," immediately before each occurrence of "or under the laws".

SEC. 508. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting "2252B," after "2252A,"; and

(B) by inserting "or a violation of section 1466A of that title," after "of that title),";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.".

(b) Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking subparagraph (B);

(B) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively;

(C) by striking "or" at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);"; and

(2) in subsection (c)—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 509. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized" and inserting "the information specified in section 2703(c)(2)".

SEC. 510. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(f) Civil Remedies.—

"(1) In general.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) or section 1466A may commence a civil action for the relief set forth in paragraph (2).

"(2) Relief.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

"(A) temporary, preliminary, or permanent injunctive relief;

"(B) compensatory and punitive damages; and

"(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.".

SEC. 511. RECORDKEEPING REQUIREMENTS.

(a) In General.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking "of this section" and inserting "of this chapter or chapter 71,";

(2) in subsection (h)(3), by inserting ", computer generated image, digital image, or picture," after "video tape"; and

(3) in subsection (i)—

(A) by striking "not more than 2 years" and inserting "not more than 5 years"; and

(B) by striking "5 years" and inserting "10 years".

(b) Report.—Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

SEC. 512. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 513. MISCELLANEOUS PROVISIONS.

(a) Appointment of Trial Attorneys.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography and obscenity laws.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) Report to Congressional Committees.—

(1) In general.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 or section 1466A of title 18, United States Code.

(2) Contents.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 or section 1466A of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

Subtitle B—Truth in Domain Names

SEC. 521. MISLEADING DOMAIN NAMES ON THE INTERNET.

(a) In General.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§2252B. Misleading domain names on the Internet

"(a) Whoever knowingly uses a misleading domain name on the Internet with the intent to *deceive a person into viewing material constituting obscenity shall be fined under this title or imprisoned not more than 2 years, or both.*

“(b) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

“(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as ‘sex’ or ‘porn’, is not misleading.

“(d) For the purposes of this section, the term ‘material that is harmful to minors’ means any communication, consisting of nudity, sex, or excretion, that, taken as a whole and with reference to its context—

“(1) predominantly appeals to a prurient interest of minors;

“(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

“(3) lacks serious literary, artistic, political, or scientific value for minors.

“(e) For the purposes of subsection (d), the term ‘sex’ means acts of masturbation, sexual intercourse, or physcial contact with a person’s genitals, or the condition of human male or female genitals when in a state of sexual stimulation or arousal.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following new item:

“2252B. Misleading domain names on the Internet.”.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“§25. Use of minors in crimes of violence

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) CRIME OF VIOLENCE.—The term ‘crime of violence’ has the meaning set forth in section 16.

“(2) MINOR.—The term ‘minor’ means a person who has not reached 18 years of age.

“(3) USES.—The term ‘uses’ means employs, hires, persuades, induces, entices, or coerces.

“(b) PENALTIES.—Any person who is 18 years of age or older, who intentionally uses a minor to commit a crime of violence for which such person may be prosecuted in a court of the United States, or to assist in avoiding detection or apprehension for such an offense, shall—

“(1) for the first conviction, be subject to twice the maximum term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense; and

“(2) for each subsequent conviction, be subject to 3 times the maximum term of imprisonment and 3 times the maximum fine that would otherwise be authorized for the offense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“25. Use of minors in crimes of violence.”.

SEC. 602. SENSE OF CONGRESS.

(a) FOCUS OF INVESTIGATION AND PROSECUTION.—It is the sense of Congress that the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice should focus its investigative and prosecutorial efforts on major producers, distributors, and sellers of obscene material and child pornography that use misleading methods to market their material to children.

(b) VOLUNTARY LIMITATION ON WEBSITE FRONT PAGES.—It is the sense of Congress that the online commercial adult entertainment industry should voluntarily refrain from placing obscenity, child pornography, or material that is harmful to minors on the front pages of their websites to protect juveniles from material that may negatively impact their social, moral, and psychological development.

SEC. 603. COMMUNICATIONS DECENCY ACT OF 1996.

Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “, lewd, lascivious, filthy, or indecent” and inserting “or child pornography”; and

(B) in subparagraph (B), by striking “indecent” and inserting “child pornography”; and

(2) in subsection (d)(1), by striking “, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs” and inserting “is obscene or child pornography”.

SEC. 604. INTERNET AVAILABILITY OF INFORMATION CONCERNING REGISTERED SEX OFFENDERS.

(a) IN GENERAL.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)) is amended by adding at the end the following: “The release of information under this paragraph shall include the maintenance of an Internet site containing such information that is available to the public and instructions on the process for correcting information that a person alleges to be erroneous.”.

(b) COMPLIANCE DATE.—Each State shall implement the amendment made by this section within 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making a good faith effort to implement the amendment made by this section.

(c) NATIONAL INTERNET SITE.—The Crimes Against Children Section of the Criminal Division of the Department of Justice shall create a national Internet site that links all State Internet sites established pursuant to this section.

SEC. 605. REGISTRATION OF CHILD PORNOGRAPHERS IN THE NATIONAL SEX OFFENDER REGISTRY.

(a) JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.”;

and

(2) in subsection (a)(3)—

(A) in clause (vii), by striking “or” at the end;

(B) by redesignating clause (viii) as clause (ix); and

(C) by inserting after clause (vii) the following:

“(viii) production or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code; or”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, for each of fiscal years 2004 through 2007, such sums as may be necessary to carry out the amendments made by this section.

SEC. 606. GRANTS TO STATES FOR COSTS OF COMPLIANCE WITH NEW SEX OFFENDER REGISTRY REQUIREMENTS.

Section 170101(i)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)(3) is amended to read as follows:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of the fiscal years 2004 through 2007 such sums as may be necessary to carry out the provisions of section 1701(d)(10) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)(10)), as added by the PROTECT Act.”.

SEC. 607. SAFE ID ACT.

(a) SHORT TITLE.—This section may be cited as the “Secure Authentication Feature and Enhanced Identification Defense Act of 2003” or “SAFE ID Act”.

(b) FRAUD AND FALSE STATEMENTS.—

(1) OFFENSES.—Section 1028(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting “, authentication feature,” after “an identification document”;

(B) in paragraph (2)—

(i) by inserting “, authentication feature,” after “an identification document”; and

(ii) by inserting “or feature” after “such document”;

(C) in paragraph (3), by inserting “, authentication features,” after “possessor)”;

(D) in paragraph (4)—

(i) by inserting “, authentication feature,” after “possessor)”; and

(ii) by inserting “or feature” after “such document”;

(E) in paragraph (5), by inserting “or authentication feature” after “implement” each place that term appears;

(F) in paragraph (6)—

(i) by inserting “or authentication feature” before “that is or appears”;

(ii) by inserting “or authentication feature” before “of the United States”;

(iii) by inserting “or feature” after “such document”; and

(iv) by striking “or” at the end;

(G) in paragraph (7), by inserting “or” after the semicolon; and

(H) by inserting after paragraph (7) the following:

“(8) knowingly traffics in false authentication features for use in false identification documents, document-making implements, or means of identification;”.

(2) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting “, authentication feature,” before “or false”; and

(II) in clause (i), by inserting “or authentication feature” after “document”; and

(ii) in subparagraph (B), by inserting “, authentication features,” before “or false”; and

(B) in paragraph (2)(A), by inserting “, authentication feature,” before “or a false”.

(3) CIRCUMSTANCES.—Section 1028(c)(1) of title 18, United States Code, is amended by inserting “, authentication feature,” before “or false” each place that term appears.

(4) DEFINITIONS.—Section 1028(d) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (7), (8), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

“(1) the term ‘authentication feature’ means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;”;

(C) in paragraph (4)(A), as redesignated, by inserting “or was issued under the authority of

a governmental entity but was subsequently altered for purposes of deceit'' after ''entity'';

(D) by inserting after paragraph (4), as redesignated, the following:

''(5) the term 'false authentication feature' means an authentication feature that—

''(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

''(C) appears to be genuine, but is not;

''(6) the term 'issuing authority'—

''(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

''(B) includes the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;'';

(E) in paragraph (10), as redesignated, by striking ''and'' at the end;

(F) in paragraph (11), as redesignated, by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(12) the term 'traffic' means—

''(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

''(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.''.

(5) ADDITIONAL PENALTIES.—Section 1028 of title 18, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following:

''(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.''.

(6) TECHNICAL AND CONFORMING AMENDMENT.—Section 1028 of title 18, United States Code, is amended in the heading by inserting '', **AUTHENTICATION FEATURES,**'' after ''**DOCUMENTS**''.

SEC. 608. ILLICIT DRUG ANTI-PROLIFERATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Illicit Drug Anti-Proliferation Act of 2003''.

(b) OFFENSES.—

(1) IN GENERAL.—Section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)) is amended—

(A) in paragraph (1), by striking ''open or maintain any place'' and inserting ''open, lease, rent, use, or maintain any place, whether permanently or temporarily,''; and

(B) by striking paragraph (2) and inserting the following:

''(2) manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.''.

(2) TECHNICAL AMENDMENT.—The heading to section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended to read as follows:

''SEC. 416. MAINTAINING DRUG-INVOLVED PREMISES.''.

(3) CONFORMING AMENDMENT.—The table of contents to title II of the Comprehensive Drug Abuse and Prevention Act of 1970 is amended by striking the item relating to section 416 and inserting the following:

''Sec. 416. Maintaining drug-involved premises.''.

(c) CIVIL PENALTY AND EQUITABLE RELIEF FOR MAINTAINING DRUG-INVOLVED PREMISES.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following:

''(d)(1) Any person who violates subsection (a) shall be subject to a civil penalty of not more than the greater of—

''(A) $250,000; or

''(B) 2 times the gross receipts, either known or estimated, that were derived from each violation that is attributable to the person.

''(2) If a civil penalty is calculated under paragraph (1)(B), and there is more than 1 defendant, the court may apportion the penalty between multiple violators, but each violator shall be jointly and severally liable for the civil penalty under this subsection.

''(e) Any person who violates subsection (a) shall be subject to declaratory and injunctive remedies as set forth in section 403(f).''.

(d) DECLARATORY AND INJUNCTIVE REMEDIES.—Section 403(f)(1) of the Controlled Substances Act (21 U.S.C. 843(f)(1)) is amended by striking ''this section or section 402'' and inserting ''this section, section 402, or 416''.

(e) SENTENCING COMMISSION GUIDELINES.—The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving gamma hydroxybutyric acid (GHB);

(2) consider amending the Federal sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of offenses involving GHB and the need to deter them; and

(3) take any other action the Commission considers necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS FOR A DEMAND REDUCTION COORDINATOR.—There is authorized to be appropriated $5,900,000 to the Drug Enforcement Administration of the Department of Justice for the hiring of a special agent in each State to serve as a Demand Reduction Coordinator.

(g) AUTHORIZATION OF APPROPRIATIONS FOR DRUG EDUCATION.—There is authorized to be appropriated such sums as necessary to the Drug Enforcement Administration of the Department of Justice to educate youth, parents, and other interested adults about club drugs.

SEC. 609. DEFINITION OF VEHICLE.

Section 1993(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air.''.

SEC. 610. AUTHORIZATION OF JOHN DOE DNA INDICTMENTS.

(a) LIMITATION.—Section 3282 of title 18, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(b) DNA PROFILE INDICTMENT.—

''(1) IN GENERAL.—In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

''(2) EXCEPTION.—Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to—

''(A) the limitations period described under subsection (a); and

''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

''(3) DEFINED TERM.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7(c)(1) of the Federal Rules of Criminal Procedure is amended by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, for which the identity of the defendant is unknown, it shall be sufficient for the indictment to describe the defendant as an individual whose name is unknown, but who has a particular DNA profile, as that term is defined in that section 3282.''.

SEC. 611. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

Subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13701 note; 108 Stat. 1925) is amended by adding at the end the following:

''CHAPTER 11—TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT

''SEC. 40299. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

''(a) IN GENERAL.—The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, shall award grants under this section to States, units of local government, Indian tribes, and other organizations (referred to in this section as the 'recipient') to carry out programs to provide assistance to minors, adults, and their dependents—

''(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

''(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

''(b) GRANTS.—Grants awarded under this section may be used for programs that provide—

''(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a); and

''(2) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence to—

''(A) locate and secure permanent housing; and

''(B) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

''(c) DURATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a minor, an adult, or a dependent, who receives assistance under this section shall receive that assistance for not more than 18 months.

"(2) WAIVER.—The recipient of a grant under this section may waive the restriction under paragraph (1) for not more than an additional 6 month period with respect to any minor, adult, or dependent, who—

"(A) has made a good-faith effort to acquire permanent housing; and

"(B) has been unable to acquire permanent housing.

"(d) APPLICATION—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought; and

"(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

"(3) APPLICATION.—Nothing in this subsection shall be construed to require—

"(A) victims to participate in the criminal justice system in order to receive services; or

"(B) domestic violence advocates to breach client confidentiality.

"(e) REPORT TO THE ATTORNEY GENERAL—

"(1) IN GENERAL.—A recipient of a grant under this section shall annually prepare and submit to the Attorney General a report describing—

"(A) the number of minors, adults, and dependents assisted under this section; and

"(B) the types of housing assistance and support services provided under this section.

"(2) CONTENTS.—Each report prepared and submitted pursuant to paragraph (1) shall include information regarding—

"(A) the amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance;

"(B) the number of months each minor, adult, or dependent, received assistance under this section;

"(C) the number of minors, adults, and dependents who—

"(i) were eligible to receive assistance under this section; and

"(ii) were not provided with assistance under this section solely due to a lack of available housing; and

"(D) the type of support services provided to each minor, adult, or dependent, assisted under this section.

"(f) REPORT TO CONGRESS.—

"(1) REPORTING REQUIREMENT.—The Attorney General, with the Director of the Violence Against Women Office, shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e).

"(2) AVAILABILITY OF REPORT.—In order to coordinate efforts to assist the victims of domestic violence, the Attorney General, in coordination with the Director of the Violence Against Women Office, shall transmit a copy of the report submitted under paragraph (1) to—

"(A) the Office of Community Planning and Development at the United States Department of Housing and Urban Development; and

"(B) the Office of Women's Health at the United States Department of Health and Human Services.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2004 through 2008.

"(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

"(3) MINIMUM AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), unless all eligible applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

"(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference:

F. JAMES SENSENBRENNER,
HOWARD COBLE,
LAMAR SMITH,
MARK GREEN,
MELISSA A. HART.

For consideration of the Senate bill and House amendments, and modifications committed to conference:

MARTIN FROST.

From the Committee on Education and the Workforce, for consideration of sec. 8 of the Senate bill and secs. 222, 305, and 508 of the House amendments, and modifications committed to conference:

PETE HOEKSTRA,
PHIL GINGREY,
RUBÉN HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of sec. 303 and title IV of the House amendments, and modifications committed to conference:

DON YOUNG,
TOM PETRI,
JIM MATHESON,
Managers on the Part of the House.

ORRIN HATCH,
CHUCK GRASSLEY,
JEFF SESSIONS,
LINDSEY GRAHAM,
JOE BIDEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151), to amend title 18, United States Code, with respect to the sexual exploitation of children, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Section 1. Short title; table of contents

The short title is the "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003" or "PROTECT Act." This section is similar to the Senate bill.

Section 2. Severability

Section 2 of the conference report is identical to section 17 of the Senate bill and section 509 of the House amendment. This section states that if any provision of this Act is held to be invalid, the remainder shall not be affected by such invalidation.

TITLE I—SANCTIONS AND OFFENSES

Sec. 101. Supervised release term for sex offenders

Section 101 of the conference report is substantively identical to section 101 of the House amendment. There is no equivalent provision in the Senate bill. This section amends 18 U.S.C. §3583 to provide a judge with the discretion to extend the term of post-release supervision of sex offenders up to a maximum of life. The House amendment required the supervised release term to be no less than five years and up to life. Under current law, the maximum period of post-release supervision in Federal cases is generally five years even for the most serious crimes, and the maximum period for most offenses is three years or less.

This section responds to the long-standing concerns of Federal judges and prosecutors regarding the inadequacy of the existing supervision periods for sex offenders, particularly for the perpetrators of child sexual abuse crimes, whose criminal conduct may reflect deep-seated aberrant sexual disorders that are not likely to disappear within a few years of release from prison. The current length of the authorized supervision periods is not consistent with the need presented by many of these offenders for long-term—and in some cases, life-long—monitoring and oversight. This section is similar to H.R. 4679, the "Lifetime Consequences for Sex Offenders Act of 2002," which passed the House 409–3 on June 25, 2002.

Sec. 102. First degree murdei-for child abuse and child torture murders

Section 102 of the conference report is substantively identical to section 102 of the House amendment. There is no equivalent provision in the Senate bill. This section amends 18 U.S.C. §1111, by inserting "child abuse" and "the pattern or practice of assault or torture against a child or children" that results in murder as a predicate for first degree murder. Section 1111 is the Federal murder statute. Under current law, first degree murder includes murder committed in the perpetration of, or attempt to perpetrate, certain crimes including arson, escape, kidnapping, sexual abuse, and several other crimes. "Child abuse" and "torture" would be added to the list for first degree murder. Acts of child abuse with lethal consequences are as deserving of such treatment as killings occurring in the course of such offenses as burglary or robbery. Since first degree murder is punishable by death or life imprisonment, these changes will help to ensure that child abusers who kill their victims will receive penalties that reflect the heinousness of their crimes. However, with regard to the definition of child abuse, it is the intent of the conferees that this section is not intended to impair the free exercise of one's religious beliefs with regard to a parent's decision about the provision of medical care for their children.

Sec. 103. Sexual abuse penalties

Section 103 of the conference report is substantively identical to section 103 of the House amendment. There is no equivalent provision in the Senate bill. This section increases the maximum and minimum penalties of section 1591 and chapters 110 and 117 of title 18, United States Code, relating to the sexual exploitation of children and the sex trafficking of children. This section increases the mandatory minimum penalties for only the most serious crimes of sexual abuse and sexual exploitation of children at the request of the Senate.

Statutory maximum penalties provide only an upper limit on punishment, and accordingly should be coordinated to the type of penalty which would be appropriate for the most aggravated forms of the offenses in question, as committed by offenders with the most serious criminal histories. Where the statutory maximum penalty is too low, it may be impossible to impose a proportionate penalty in cases involving highly aggravated offense conduct. Likewise, in cases involving incorrigible offenders, low statutory maximum penalties may force the court to impose a sentence that is less than what is warranted in light of the offender's criminal history.

The increased mandatory minimum sentences are responsive to real problems of excessive leniency in sentencing under existing law. For example, the offenses under chapter 117 of title 18, United States Code, apply in sexual abuse cases involving interstate movement of persons or use of interstate instrumentalities, such as luring of child victims through the Internet. Courts all too frequently impose sentences more lenient than those prescribed by the sentencing guidelines in cases under chapter 117, particularly in situations where an undercover agent rather than a child was the object of the enticement. Yet the offender's conduct in such a case reflects a real attempt to engage in sexual abuse of a child, and the fact that the target of the effort turned out to be an undercover officer has no bearing on the culpability of the offender, or on the danger he presents to children if not adequately restrained and deterred by criminal punishment. Likewise, courts have been disposed to grant downward departures from the guidelines for child pornography possession offenses under chapter 110, based on the misconception that these crimes are not serious.

Sec. 104. Stronger penalties against kidnapping

Section 104 of the conference report is identical to section 104 of the House amendment. There is no equivalent provision in the Senate bill. This section directs the United States Sentencing Commission to increase the base offense level for kidnapping from level 24 (51–63 months) to a base offense level of 32 by amending §2A4.1(a) of the United States Sentencing Guidelines. It further deletes §2A4.1(b)(4)(C) of the United States Sentencing Guidelines, which rewards kidnappers for releasing the victim within 24 hours by reducing the base offense level by one point. Under the current Guidelines, if a defendant sexually exploits the kidnapping victim, then the defendant's base offense level is increased by 3 levels. This is amended to a 6 level increase by amending §2A4.1(b)(5) of the United States Sentencing Guidelines.

This section also amends 18 U.S.C. §1201 to provide for a mandatory minimum sentence of 20 years if the victim of the non-family kidnapping is under the age of 18.

Sec. 105. Penalties against sex tourism

Section 105 of the conference report is substantively identical to section 105 of the House amendment. There is no equivalent provision in the Senate bill. This section addresses a number of problems related to persons who travel to foreign countries and engage in illicit sexual relations with minors. Current law requires the government to prove that the defendant traveled with the intent to engage in the illegal activity. Under this section, the government would only have to prove that the defendant engaged in illicit sexual conduct with a minor while in a foreign country. This section also criminalizes the actions of sex tour operators who arrange, induce, procure, or facilitate the travel of a person for commercial advantage or private financial gain, knowing that such a person is traveling in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct. The maximum penalty a defendant could receive is up to thirty years imprisonment. This section is similar to H.R. 4477, the "Sex Tourism Prohibition Improvement Act of 2002," which passed the House by 418 yeas to 8 nays on June 26, 2002.

Sec. 106. Two strikes you're out

Section 106 of the conference report is similar to section 106 of the House amendment. There is no equivalent provision in the Senate bill. This section would establish a mandatory sentence of life imprisonment for twice-convicted child sex offenders. This section amends 18 U.S.C. §3559 to provide for a mandatory minimum sentence of life imprisonment for any person convicted of a "Federal sex offense" if they had previously been convicted of a similar offense under either Federal or state law. The legislation defines Federal sex offense to include offenses committed against a person under the age of 17 and involving the crimes of sexual abuse, aggravated sexual abuse, sexual exploitation of children, abusive sexual contact, and the interstate transportation of minors for sexual purposes. This section is similar to H.R. 2146, the "Two Strikes and You're Out Child Protection Act," which passed the House by 382 to 34 on March 14, 2002.

Sec. 107. Attempt liability for international parental kidnapping

Section 107 of the conference report is identical to section 107 of the House amendment. There is no equivalent provision in the Senate bill. This section amends 18 U.S.C. §1204, which generally prohibits removing a child from the United States or retaining a child outside the United States with intent to obstruct the lawful exercise of parental rights. As amended, the statute would prohibit attempts to commit this offense, as well as completed offenses.

This change is needed to facilitate effective intervention and prevention of parental kidnappings of children before they are removed from the United States. The current absence of attempt liability has created difficulties in cases in progress where the abducting parent is on the way out of the country, but is still transiting in the United States. In those cases, the FBI now has very limited ability to become involved and prevent the abduction from becoming an international occurrence. Local and state law enforcement must be looked to prevent the removal of the child from the country in such cases, but state and local authorities have been very reluctant to become involved. The addition of attempt liability will resolve these problems by enabling the FBI to deal with these cases directly. In addition, it will make penalties and means of restraint available through criminal prosecution and conviction in cases where persons attempt international child abductions in violation of 18 U.S.C. §1204, but are apprehended before they succeed in getting the child out of the country.

Sec. 108. Pilot program for National Criminal History Background Checks and Feasibility Study

Section 108 of the conference report is similar to section 307 of the House amendment. There is no equivalent provision in the Senate bill. The National Child Protection Act was enacted in 1993 to provide a process for background checks for volunteers, but according to the groups that depend on volunteers to work with children, the disabled, and the elderly, the process was not working as intended. Additional legislation to improve this process was enacted through the Volunteers for Children Act of 1998. Concerns remain about the background check process.

This section responds to those concerns and establishes criminal history records check pilot programs and requires the Attorney General to study the current state of fingerprinting technology and the Federal and state governments capacity to perform these checks. The first pilot program permits certain volunteer organizations designated in three states selected by the Attorney General to request state criminal background checks and Federal 10-fingerprint criminal background checks on their volunteers. The second pilot program authorizes three designated volunteer organizations to receive 100,000 Federal 10-fingerprint criminal background checks, equally allocated, to determine whether potential volunteers are fit to work with children. Each pilot program will last for eighteen months. The Attorney General will report to Congress on the implementation of the pilot programs at their conclusion.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Sec. 201. Interceptions of communications in investigations of sex offenses

Section 201 of the conference report is substantively identical to section 15 of the Senate bill. Current Federal law allows the interception of oral and electronic communications ("wiretapping") if authorized by a court order. A number of requirements must be satisfied to issue such an order, including probable cause to believe that an offense specifically enumerated in 18 U.S.C. §2516 has been or will be committed and that particular communications concerning the offense will be obtained through the proposed interception.

Current law provides inadequate investigative tools to combat child sexual exploitation, Internet luring of children for purposes of sexual abuse, and sex trafficking. For example, the list of wiretap predicates now includes a variety of offenses such as theft, fraud, and trafficking in stolen property. The current wiretap predicates, however, do not include the crime of buying or selling a child to be used in the production of child pornography,[1] or the offense of sex trafficking in persons,[2] or the crimes under chapter 117 of title 18 of the United States Code prohibiting interstate transportation or travel or use of interstate instrumentalities to promote prostitution. Section 201 enhances investigative authority for these heinous crimes by adding as wiretap predicates for several offenses under the sex offense chapters of the criminal code which are not currently covered—specifically, 18 U.S.C. §§2251A, 2252A, 2260, 2421, 2422, 2423, and 2425, as well as the sex trafficking statute, 18 U.S.C. §1591. This section is similar to H.R. 1877, the "Child Sex Crimes Wiretapping Act of 2002," which passed the House by 396 yeas—11 nays on May 21, 2002.

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[1] 18 U.S.C. §2251A.

[2] 18 U.S.C. §1591.

Sec. 202. No statute of limitations for child abduction and sex crimes

Section 202 of the conference report contains similar language to section 202 of the House amendment. The Senate bill did not have comparable language. The House amendment created a new section in the criminal code that provided that child abductions and felony sex offenses are not subject to a statute of limitations. The conference report amends the current law that covers the statute of limitations for offenses involving the sexual or physical abuse of a child. This section adds crimes of kidnapping and extends the statute of limitations to the life of the child victim. Under current law, the limitation period applicable to most Federal crimes is five years.[3] There are some exceptions to this limitation.[4] Under current law, the standard limitation rules do not bar prosecution "for an offense involving the sexual or physical abuse of a child under the age of eighteen years . . . before the child reaches the age of 25 years."[5] While this is better than a flat five-year rule, it remains inadequate in many cases. For example, a person who abducted and raped a child could not be prosecuted beyond this extended limit—even if DNA matching conclusively identified him as the perpetrator one day after the victim turned 25.

Sec. 203. No pretrial release for those who rape or kidnap children

Section 203 of the conference report is substantively identical to section 221 of the House amendment. There is no equivalent provision in the Senate bill. This section provides a rebuttable presumption that child rapists and kidnappers should not get pretrial release. Under current law, a defendant may be detained before trial if the government establishes by clear and convincing evidence that no release conditions will reasonably assure the appearance of the person and the safety of others. Current law also provides rebuttable presumptions that the standard for pretrial detention is satisfied in certain circumstances. For example, such a presumption exists if the court finds probable cause to believe that the defendant committed a drug offense punishable by imprisonment for 10 years or more, or that the person committed a crime of violence or drug trafficking crime while armed with a firearm, in violation of 18 U.S.C. §924(c).[6] Thus, existing law creates a presumption that, for example, an armed robber charged under 18 U.S.C. §924(c) cannot safely be released before trial. This section will provide the same presumption for crimes such as child abduction and child rape.

Sec. 204. Suzanne's law

Section 204 of the conference report is identical to section 241 of the House amendment. There is no equivalent provision in the Senate bill. This section amends section 3701 (a) of the Crime Control Act of 1990 (42 U.S.C. §5779(a)) to require law enforcement agencies to report missing persons less than 21 years of age to the National Crime Information Center. Current law only requires reporting for children under the age of 18.

TITLE III—PUBLIC OUTREACH

SUBTITLE A—AMBER ALERT

Sec. 301. National coordination of AMBER Alert communications network

Section 301 of the conference report is identical to section 301 of the House amendment. There is no equivalent provision in the Senate bill. This section codifies the establishment of an AMBER Alert Coordinator within the Department of Justice to assist states with their AMBER Alert plans. This coordinator will eliminate gaps in the network, including gaps in interstate travel, work with states to encourage development of additional AMBER plans, work with states to ensure regional coordination among plans, and serve as a nationwide point of contact. On October 2, 2002, President Bush directed the Attorney General to designate a Justice Department officer to serve as AMBER Alert Coordinator to help expand the AMBER Alert system nationwide. Assistant Attorney General Deborah J. Daniels was designated as that coordinator and has been working to assist state and local officials with developing and enhancing AMBER plans, and to promote statewide and regional coordination among plans ever since. This section requires that not later than March 1, 2005, the Coordinator submit a report to Congress on the effectiveness and status of the AMBER plans of each state.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.

Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network

Section 302 of the conference report is identical to section 302 of the House amendment. There is no equivalent provision in the Senate bill. Section 302 requires the Department of Justice Coordinator to establish nationwide minimum standards for the issuance of an AMBER alert and the extent of dissemination of the alert. The legislation allows for voluntary adoption of these standards. The Conference Committee intends that the establishment of minimum standards will limit the use of the system to those rare instances of serious child abductions. Limiting the use of AMBER Alerts is critical to the long-term success of the program because overuse or misuse of AMBER Alerts could lead to public fatigue or apathy to the alerts.

Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children

Section 303 of the conference report is identical to section 303 of the House amendment. There is no equivalent provision in the Senate bill. This section authorizes $20,000,000 for fiscal year 2004 for the Secretary of Transportation to make grants to states for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children. The guidelines for these grants are intended to mirror what the AMBER Alert grant program that the Department of Transportation has been developing since October, 2002, and currently has in place.

Sec. 304. Grant program for support of AMBER Alert communications plans

Section 304 of the conference report is identical to section 304 of the House amendment. There is no equivalent provision in the Senate bill. This section authorizes $5,000,000 for fiscal year 2004 for the Attorney General to administer a grant program for the development and enhancement of programs and activities for the support of AMBER Alert communication plans. This section also authorizes an additional $5,000,000 for fiscal year 2004 for grants to develop and implement new technologies to improve AMBER Alert communications.

Sec. 305. Limitation on liability

Section 305 of the conference report is a new section that is related to the purpose of this title. This section provides the National Center for Missing and Exploited Children (NCMEC) with civil immunity arising out of any action by NCMEC in connection with activity that is undertaken with, or at the direction of, a Federal law enforcement agency.

SUBTITLE B—NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

Sec. 321. Increased support

Section 321 of the conference report is identical to section 305 of the House amendment. There is no equivalent provision in the Senate bill. The National Center for Missing and Exploited Children (NCMEC) is the nation's resource center for child protection. The Center provides assistance to parents, children, law enforcement, schools, and the community in recovering missing children and raising public awareness about ways to help prevent child abduction, molestation and sexual exploitation. To date, NCMEC has worked on more than 73,000 cases of missing and exploited children and helped recover more than 48,000 children. This section amends the Missing, Exploited, and Runaway Children Protection Act by reauthorizing NCMEC, and reauthorizing and doubling the annual grant to NCMEC from $10,000,000 to $20,000,000 through fiscal year 2005.

Sec. 322. Forensic and investigative support of missing and exploited children

Section 322 of the conference report is substantively identical to section 308 of the House amendment. There is no equivalent provision in the Senate bill. This section amends section 3056 of title 18, United States Code, to allow the U.S. Secret Service to provide forensic and investigative support to the National Center for Missing and Exploited Children to assist in efforts to find missing children. Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) in cases involving missing and exploited children. This began a strong partnership between the Secret Service and NCMEC, and resulted in the Secret Service providing critical forensic support—including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions/regressions and audio and video enhancements—to NCMEC and local law enforcement in numerous missing children cases. This section will provide explicit statutory authorization permitting the Secret Service to continue this forensic and investigative support upon request from local law enforcement or NCMEC.

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[3] See 18 U.S.C. §3282.

[4] See, e.g., 18 U.S.C. §3281 (no limitation period for capital crimes); 18 U.S.C. §3293 (ten-year limitation period for certain financial institution offenses); 18 U.S.C. §3294 (twenty-year limitation period for certain thefts of artwork).

[5] 18 U.S.C. §3283.

[6] See 18 U.S.C. §3142(e).

Sec. 323. Creation of a cyber tipline

Section 323 of the conference report is a new section that is related to the purpose of this title. This section amends the Missing Children's Assistance Act to coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet related child sexual exploitation.

SUBTITLE C—SEX OFFENDER APPREHENSION PROGRAM

Sec. 341. Authorization

Section 341 of the conference report is identical to section 306 of the House amendment. There is no equivalent provision in the Senate bill. This section would authorize Community Oriented Policing Services (COPS) funding for Sex Offender Apprehension Programs in states that have a sex offender registry and have laws that make it a crime for failure to notify authorities of any change in address information, among other things. The money could be used by local law enforcement agencies to fund officers who would check up on sex offenders and arrest them for noncompliance. Keeping up to date records will help law enforcement in future investigations of missing children.

SUBTITLE D—MISSING CHILDREN PROCEDURES IN PUBLIC BUILDINGS

Sec. 361. Short title

Section 361 of the conference report is substantively identical to section 401 of the House amendment. There is no equivalent provision in the Senate bill. This section states that this subtitle may be cited as the "Code Adam Act of 2003."

Sec. 362. Definitions

Section 362 of the conference report is identical to section 402 of the House amendment. There is no equivalent provision in the Senate bill. This section defines the following terms: child, code adam alert, designated authority, executive agency, Federal agency, and public building.

Sec. 363. Procedures in public buildings regarding a missing or lost child

Section 363 of the conference report is substantively identical to section 403 of the House amendment. There is no equivalent provision in the Senate bill. This section requires that, not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building. The procedures shall provide, at a minimum, the notification of security personnel, obtaining a detailed description of the child, monitoring all points of egress from the building, conducting a thorough search of the building, and notifying local law enforcement.

The original Code Adam is one of the country's largest child-safety programs, and it is supported by the National Center for Missing and Exploited Children. The Wal-Mart retail stores created it in 1994, and it is used in more than 36,000 stores across the United States.

SUBTITLE E—CHILD ADVOCACY CENTER GRANTS

Sec. 381. Information and documentation required by the Attorney General under Victims of Child Abuse Act of 1990

Section 381 of the conference report is substantively identical to section 222 of the House amendment. There is no equivalent provision in the Senate bill. This section reauthorizes grant programs within the Victims of Child Abuse Act of 1990, 42 U.S.C. §13001 et seq., that provide funding to child advocacy centers and training and technical assistance to programs to improve the prosecution of child abuse cases. This funding trains law enforcement agencies, prosecutors and local jurisdictions to help them establish comprehensive, interdisciplinary approaches to the investigation and prosecution of child abuse. The goal of these programs is to minimize the trauma of the justice system for children who are victims of abuse as well as to ensure that the mental, emotional and physical needs of these children are not forgotten. The authorization for this funding expired in fiscal year 2000, however, the Department of Justice has continued to receive funds for these programs and continues to administer them.

TITLE IV—SENTENCING REFORM

Sec. 401. Sentencing reform

Section 401 of the conference report is a modification of section 109 of the House amendment. There is no equivalent provision in the Senate bill. This section addresses the longstanding problem of downward departures from the Federal Sentencing Guidelines. According to the Sentencing Commission's 2001 Sourcebook of Federal Sentencing Statistics, trial courts reduced the sentence of those convicted of all non-immigration offenses in 12.2 percent of the cases while those convicted of sexual abuse received a downward departure over 16 percent of the cases, and granted reductions below the guideline range of those convicted of sexual abuse by an astonishing 63 percent from the guideline range. For those convicted of pornography and/or prostitution related offenses, trial courts departed from the recommended guidelines over 18 percent of the time, reducing these defendants' sentences by a staggering 66 percent.

The provisions of this section would restrict departures in cases under section 1201 involving a minor victim, section 1591, or under chapters 109A, 110 or 117 of title 18, United States Code. Specifically, in those cases, a court could only sentence a defendant outside the guideline range upon grounds specifically enumerated in the guidelines as proper for departure. This would eliminate ad hoc departures based on vague grounds, such as "general mitigating circumstances."

In addition, this section would for all cases require courts to give specific written reasons for any departure from the guidelines; change the standard of review for appellate courts to a de novo review to allow appellate courts more effectively to review illegal and inappropriate downward departures; prevent sentencing courts, upon remand, from imposing the same illegal departure on a different theory; and only allow courts to grant an additional third point reduction for "acceptance of responsibility" upon motion of the government.

Also, the definition of "pattern of activity involving prohibited sexual conduct" in the Sentencing Guidelines is broadened. Currently, the guidelines provides that such a pattern exists only where the defendant engaged in prohibited sexual conduct on at least two separate occasions with at least two different minor victims. This definition does not adequately take account of the frequent occurrence of repeated sexual abuse against a single child victim, and the severity of the harm to such victims from the repeated abuse. This section would broaden the definition to include repeated abuse of the same victim on separate occasions.

For cases other than those involving offenses in section 1201 involving a minor victim, section 1591, or chapters 109A, 110 or 117 of title 18 of the United States Code, this section directs the Sentencing Commission to review grounds for downward departures and promulgate amendments to ensure that the incident of downward departure are substantially reduced.

The Sentencing Guidelines are also amended with regard to the penalties for possession of child pornography in two ways. First, penalties are increased if the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence and, second, penalties are increased based on the amount of child pornography involved in the offense.

TITLE V—OBSCENITY AND PORNOGRAPHY

SUBTITLE A—CHILD OBSCENITY AND PORNOGRAPHY PREVENTION

This subtitle is a compromise that incorporates parts of the House and Senate anti-child pornography bills. Both these bills address the April 16, 2002 Supreme Court decision in *Ashcroft* v. *the Free Speech Coalition*.[7] That decision struck down parts of a 1996 law written to combat computer-generated pornography as too broad.

Sec. 501. Findings

Section 501 of the conference report is identical to section 501 of the House amendment and similar to section 2 of the Senate bill. This section provides detailed congressional findings.

Sec. 502. Improvements to prohibition on virtual child pornography

Section 502 addresses the Supreme Court's holding that the definition of child pornography under 18 U.S.C. §2256(8)(B), relating to virtual child pornography, was over broad and unconstitutional. Section 502 incorporates the House definition for computer-generated child pornography and the Senate affirmative defense language, with a technical amendment.

Section 502(a) of the conference report is substantively identical to section 502(a) of the House amendment and similar to section 5 of the Senate bill. This section narrows the definition of child pornography under 18 U.S.C. §2256(8)(B) to depictions that are "digital images" (e.g., picture or video taken with a digital camera), "computer images" (e.g., pictures scanned into a computer), or "computer-generated images" (e.g., images created or altered with the use of a computer). The Supreme Court was concerned in Free Speech Coalition that the breadth of the language would prohibit legitimate movies like "Traffic" or plays like "Romeo and Juliet." Limiting the definition to digital, computer, or computer-generated images will help to exclude ordinary motion pictures from the coverage of "virtual child pornography." Section 502(a) further narrows the definition by replacing the phrase "appears to be" with the phrase "is indistinguishable from." That new phrase addresses the Court's concern that cartoon-sketches would be banned under the statute. "The substitution of 'is indistinguishable from' in lieu of 'appears to be' more precisely reflects what Congress intended to cover in the first instance, and eliminates an ambiguity that infected the current version of the definition and that enabled those challenging the statute to argue that it 'capture[d] even cartoon-sketches and statues of children that were sexually suggestive.'"[8]

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[7] 535 U.S. 234 (2002).

[8] Department of Justice Transmittal Letter with draft legislation to the Speaker of the House, at 3 (May 2002) (citing *Free Speech Coalition*, 535 U.S. at

Section 502(b) also narrows the definition of child pornography by amending 18 U.S.C. §2256(2) to require a simulated image to be lascivious to constitute child pornography under the new definition in 18 U.S.C. §2256(8)(B). Thus, child pornography that simulates sexually explicit conduct must be lascivious as well as meet the other requirement of the definition. This language is identical to the House Amendment.

Section 502(c) of the conference report is similar to section 502(c) of the House amendment and defines the terms "graphic" and "indistinguishable."

Section 502(d) of the conference report amends the existing statutory provision in the Federal criminal code to conform with the Supreme Court's holding by replacing 18 U.S.C. §2252A(c), the affirmative defense for violations of 18 U.S.C. §2252A. The section contains a modified affirmative defense provided in section 3(c) of the Senate bill.

The current affirmative defense in 18 U.S.C. §2252A(c) provides a defense for violations of subsections 2252A(a)(1)–(4) of title 18, United States Code, where the person producing the material used adults and did not distribute the material so as to convey the impression that the material was child pornography. The Supreme Court in *Free Speech Coalition* did not rule on the existing affirmative defense in 18 U.S.C. §2252A(c). The Court left open the possibility that the 1996 statute might have survived the constitutional challenge as overbroad if the affirmative defense had been more complete. Specifically, the Court stated, "We need not decide, however, whether the Government could impose this burden [of an affirmative defense] on a speaker. Even if an affirmative defense can save a statute from First Amendment challenge, here the defense is incomplete and insufficient, even on its own terms."[9] Justice Thomas, in his concurring opinion, stated that the "Court does leave open the possibility that a more complete affirmative defense could save a statute's constitutionality."[10] Thus, the Court appears to have implicitly accepted that some reculation of virtual child pornography might be constitutional and this provision strengthens the affirmative defense as suggested by the Court.

Like the House Amendment, the Senate language creates a new and comprehensive affirmative defense for anyone charged with distributing or possessing child pornography. With this new affirmative defense an accused can completely escape liability by showing that the sexually explicit depictions in question were produced without using any actual minors. The provision also makes clear that the defendant must provide timely and specific notice of his intent to raise either the youthful-looking adult or virtual porn defense. The Senate language was modified to ensure the defense does not apply to the pandering provisions or the morphing provisions. This defense does not apply to any old or new obscenity provisions.

Sec. 503. Certain activities relating to material constituting or containing child pornography

Section 503 of the conference report is identical to section 3(a) and (b) of the Senate bill and substantively identical to sections 503 and 505 of the House Amendment. Section 503 includes a new pandering provision (to be codified at 18 U.S.C. §2252A(a)(3)(B)) that prohibits "advertis[ing], promot[ing], present[ing], distribut[ing], or solicit[ing]" real or purported materials that the actor believes, or intends to cause another to believe, contain depictions of actual or obscene child pornography. This provision bans the offer to transact in unprotected material, coupled with proof of the offender's specific intent. Thus, for example, this provision prohibits an individual from offering to distribute anything that he specifically intends to cause a recipient to believe would be actual or obscene child pornography. It likewise prohibits an individual from soliciting what he believes to be actual or obscene child pornography. The provision makes clear that no actual materials need exist; the government establishes a violation with proof of the communication and requisite specific intent. Indeed, even fraudulent offers to buy or sell unprotected child pornography help to sustain the illegal market for this material.

Section 503 (to be codified at 18 U.S.C. §2252A(a)(6)) creates a new offense that criminalizes the act of using any type of real or apparent child pornography to induce a child to commit a crime.

Sec. 504. Obscene child pornography

Section 504 of the conference report is substantively identical to section 6 of the Senate bill and similar to section 504 of the House amendment. Section 504 of the conference report creates new obscenity offenses under Chapter 71 of title 18, United States Code, (to be codified at 18 U.S.C. §1466A) that criminalizes obscene sexually explicit depictions of minors. This section prohibits any obscene depictions of minors engaged in any form of sexually explicit conduct and prohibits a narrow category of "hardcore" pornography involving real or apparent minors, where such depictions lack literary, artistic, political, or scientific value. These new offenses are subject to the penalties applicable to child pornography, not the lower penalties that apply to obscenity, and it also contains a directive to the U.S. Sentencing Commission requiring the Commission to ensure that the U.S. Sentencing Guidelines are consistent with this fact.

Sec. 505. Admissibility of evidence

Section 505 of the conference report is identical to section 4 of the Senate bill. There is no comparable provision in the House amendment. This section (to be codified at 18 U.S.C. §2252A(e)) protects the privacy of minors depicted in obscenity and child pornography by permitting the government to seek an order that shields non-physical identifying information from public scrutiny. Of course, such information may be a critical component of the government's proof at trial. There may be evidence, for example, that the defendant stored the sexually explicit depiction in a folder labeled "Jennifer—Age 12." For this reason, this provision does not require the government to seek the exclusion of such information in every instance. When the government moves to do so, however, this provision creates a strong presumption that the privacy of the minor shall be protected. In that event, the government also is entitled to obtain a jury instruction that the absence of this information shall not be used to infer that the depictions are not, in fact, actual minors.

Sec. 506. Extraterritorial production of child pornography for distribution in the United States

Section 506 of the conference report is identical to section 10 of the Senate bill and substantively identical to section 506 of the House amendment. This section amends current law by providing the Government with the authority to prosecute foreign producers of child pornography if that material is transported, or intended to be transported, to the United States. Persons and entities who target, exploit, profit from, or help to perpetuate the market for child pornography in the United States are fairly subject to our system of laws and penalties. The purpose of this section is to stop efforts by producers of child pornography to avoid criminal liability based on the fact that the child pornography was produced outside of the United States, but intended for use inside the United States.[11]

Sec. 507. Strengthening enhanced penalties for repeat offenders

Section 507 of the conference report is identical to section 507 of the House amendment and similar to section 12 of the Senate bill. This section amends chapter 110, the child pornography chapter of title 18, United States Code, which provides enhanced penalties for recidivists in that chapter, chapter 109A (relating to sexual abuse), and chapter 117 (relating transportation for illegal sexual activity and related crimes). The new language includes the offenses under the obscenity chapter, chapter 71 and the sexual assault crimes under military law in article 120 of the Uniform Code of Military Justice. Recidivism is a huge problem in sexual exploitation cases. This section addresses the problem by enhancing the penalties for repeat offenders.

Sec. 508. Service provider reporting of child pornography and related information

Section 508 of the conference report is substantively identical to section 508 of the House Amendment and substantively identical to sections 8 and 9 of the Senate bill. The conference report amends section 227 of the Victims of Child Abuse Act of 1990, which requires providers of electronic communications and remote computing services to report apparent offenses that involve child pornography.[12] Section 508 of the conference report strengthens this reporting system by adding the new offenses under §§2252B and 1466A.

Section 508(b) amends 18 U.S.C. §2702 to be consistent with section 227 of the Victims of Child Abuse Act, which provides that, in addition to the required information that is reported to NCMEC, the reports may include "additional information." This should make it clear, for example, that an Internet service provider can disclose the identity of a subscriber who sent a message containing child pornography, in addition to the contents of such a communication already required to be reported under current law. Section 2702(b)(6)(B) of title 18, United States Code, only authorizes disclosure of content information required by the Victims of Child Abuse Act, and contains no language that appears to cover relevant non-content information, such as the identity of the sender of

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264 (O'Connor, J., concurring in part and dissenting in part)).

[9] *Free Speech Coalition*, 535 U.S. at 256.

[10] *Free Speech Coalition*, 535 U.S. at 259 (Thomas, J., concurring).

[11] See, e.g., *United States* v. *Thomas*, 893 F. 2d 1066 (9th Cir. 1990).

[12] Under the current law, communications providers must report to the National Center for Missing and Exploited Children (NCMEC) when the provider obtains knowledge of facts or circumstances from which a violation of sexual exploitation crimes against children occurs. 42 U.S.C. §13032(b)(1). A provider of electronic communication services may be fined for knowingly and willfully failing to make a report. 42 U.S.C. §13032(b)(3). Federal criminal law provides that "[n]o provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section." 42 U.S.C. §13032(c).

the child pornography in the example described above. This section corrects that inconsistency.

This section also includes a provision to change the current law that prevents the Federally funded Internet Crimes Against Children Task Forces to receive reports from the Cyber Tipline. These Task Forces are state and local police agencies that have been identified by the NCMEC as competent to investigate and prosecute computer facilitated crimes against children. The new language authorizes Internet Crimes Against Children Task Forces access to the Cyber Tipline Reports as the vast majority of cases in this area are investigated and prosecuted by state and local law enforcement.

Sec. 509. Investigative authority relating to child pornography

Section 509 of the conference report is identical to section 510 of the House amendment and section 16 of the Senate bill. This section is technical in nature. This section updates the current law regarding the use of administrative subpoenas. Section 3486 of title 18, United States Code, covers administrative subpoenas. Recent changes to the law updated the transactional information that may be obtained under 18 U.S.C. §2703(c)(2) through an administrative subpoena. To update 18 U.S.C. §3486, which covers subpoenas issued involving the sexual exploitation or abuse of children, this provision inserts the information specified in 18 U.S.C. §2703(c)(2) for the list of transactional information in 18 U.S.C. §3486. Transactional information includes billing records and other similar records.

Sec. 510. Civil remedies

Section 510 of the conference report is identical to section 11 of the Senate bill. There is no equivalent provision in the House amendment. This section creates a new civil cause of action against producers, distributors, and possessors of obscenity relating to children and child pornography. Persons aggrieved by such conduct may bring suit seeking appropriate relief, including punitive damages and reasonable attorneys' fees.

Sec. 511. Recordkeeping requirements

Section 511 of the conference report reflects a merger of two related, but not identical, reporting requirements. The conference report merges section 7 of the Senate bill and section 512 of the House amendment. Section 7 of the Senate bill expands the scope of materials subject to the record keeping requirements of 18 U.S.C. §2257. Specifically, "computer generated image[s], digital image[s], or picture[s]" are added to the existing categories of sexually explicit materials for which records must be created and maintained. In making these changes, 18 U.S.C. §2257 is designed to include the most common medium for distributing, exchanging or obtaining child pornography over the Internet. This section further increases the existing penalties for violations of 18 U.S.C. §2257, and incorporates the requirement in section 512 of the House amendment that the Department of Justice detail its record of enforcing such violations.

Sec. 512. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile

Section 512 of the conference report is identical to section 12 of the Senate bill. There is no equivalent House provision. This section directs the United States Sentencing Commission to review the existing penalties for persons who travel across state lines to engage in sexual activity with a minor in violation of 18 U.S.C. §2423. The current penalty structure for this offense in the United States Sentencing Guidelines appears too lenient, as such offenders are punished less harshly than offenders who simply possess child pornography.

Section 513. Miscellaneous provisions

Section 513 of the conference report is identical to section 14 of the Senate bill. The House amendment has no equivalent provision. This section directs the Department of Justice to appoint twenty-five more attorneys who are dedicated to the enforcement of child pornography laws, and authorizes the appropriations of funds necessary to fulfill this mission. It also directs the Department of Justice to prepare periodic reports to Congress on the enforcement of the Federal child pornography laws and obscenity laws related to children, as well as the technology being employed by the producers and distributors of child pornography. Finally, the section requires the United States Sentencing Commission to carefully review and consider the penalties needed to deter and punish the new offenses created in 18 U.S.C. §2252A.

SUBTITLE B—TRUTH IN DOMAIN NAMES

Sec. 521. Misleading domain names on the Internet

Section 521 of the conference report is similar to section 108 of the House amendment. The Senate bill has no equivalent provision. Section 521 makes it a crime to knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet and a crime to knowingly use a misleading domain name with the intent to deceive a minor into viewing "material that is harmful to minors" on the Internet.

The term "material that is harmful to minors" means any communication, consisting of nudity, sex, or excretion, that, taken as a whole and with reference to its context—(1) predominantly appeals to the prurient interest of minors; (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and (3) lacks serious literary, artistic, political, or scientific value for minors. Section 2252B(e) defines "sex."

A domain name that includes a word or words to indicate the sexual content of the site, such as "sex" or "porn", is not misleading.

Neither obscenity[13] nor material deemed "harmful to minors" is protected by the First Amendment as to minors.[14] Congress, therefore, may ban such material outright. While Congress, may not ban material harmful to minors on the Internet in a manner that results in "an unnecessarily broad suppression of speech addressed to adults,"[15] prohibiting misleading domain names on Web sites containing material "harmful to minors" would only limit unintentional access by adults to such Web sites, and is not an unnecessarily broad restriction on adults.

Furthermore, under the Central Hudson[16] test, speech that concerns an unlawful activity or misleading is not protected by the First Amendment. The domain names that the amendment would prohibit would be misleading, and therefore would not be protected by the First Amendment if the Web sites that they name propose a commercial transaction.

This provision is constitutional and necessary. There is a growing trend for those attempting to sell pornography to use aggressive and misleading tactics to deceive unsuspecting and unwilling individuals, both adults and minors, into viewing the pornography—often obscene or harmful to minors.

Title VI—Miscellaneous Provisions

Sec. 601. Penalties for use of minors in crimes of violence

Section 601 of the conference report is a new section that is related to the purpose of this Act. Section 601 adds a new section 25 of title 18 to the United States Code to provide that any person who is 18 years of age or older who intentionally uses a minor to commit a crime of violence shall be imprisoned up to twice the maximum term of imprisonment and twice the maximum fine authorized for the offense for a first offense. New section 25 provides that for each subsequent conviction, a defendant shall be subject to imprisonment to three times the maximum term of imprisonment and three times the maximum fine authorized for the offense.

Sec. 602. Sense of Congress

Section 602 of the conference report is a new section that is related to the purpose of this Act. Section 602(a) states that it is the sense of the Congress that the Department of Justice should focus its investigative and prosecutorial efforts on major producers, distributors, and sellers of obscene material and child pornography that use misleading methods to market their material to children. Section 602(b) states that it is the sense of the Congress that the online commercial adult entertainment industry should voluntarily refrain from placing obscenity, child pornography, or material that is harmful to minors on the front pages of their websites to protect juveniles from material that may negatively impact their social, moral, and psychological development.

Sec. 603. Comniunications Decency Act of 1996

Section 603 of the conference report is a new section that is related to the purpose of this Act. Section 603(1)(A) and (B) amends the Communications Decency Act by making it unlawful to use a telephone device to make or solicit transmission of child pornography to adults and minors. Section 603(2) also making it a crime to send or display child pornography by computer to persons under 18.

Sec. 604. Internet availability of information concerning registered sex offenders

Section 604 of the conference report is a new section that is related to the purpose of this Act. To protect children, current law requires a state, or any agency authorized by the state, to release information to the public regarding persons required to register as sex offenders. Section 604 amends the Violent Crime Control and Law Enforcement Act of 1994 to authorize states to create an Internet site containing the names of sex offenders within three years.

Sec. 605. Registration of child pornographers in the National Sex Offender Registry

Section 605 of the conference report is a new section that is related to the purpose of this Act. Current law requires a person convicted of certain criminal offenses against a minor or certain sexually violent offenses to register with the sex offender registry. Section 605 amends Violent Crime Control and Law Enforcement Act of 1994 by including in the crimes against children and sexually violent offender registration program persons convicted of crimes relating to the production and distribution of child pornography and appropriates sufficient funds to make such chance to the Department of Justice.

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[13] *Miller* v. *California*, 413 U.S. 15 (1973).

[14] *Ginsberg* v. *New York*, 390 U.S. 629, 631 (1968).

[15] *Reno* v. *American Civil Liberties Union*, 521 U.S. 844, 875 (1997).

[16] *Central Hudson Gas & Electric Corp.* v. *Public Service Commission of New York*, 447 U.S. 557 (1980).

Sec. 606. Grants to states for costs of compliance with new sex offender registry requirements

Section 606 of the conference report is a new section that is related to the purpose of this Act. The Violent Crime Control and Law Enforcement Act of 1994 authorized $25 million for fiscal years 1999 and 2000 to establish a grant program, the Sex Offender Management Assistance program, to the states to offset the costs associated with establishing and maintaining a sex offender registry. Section 606 amends the Violent Crime Control and Law Enforcement Act of 1994 by authorizing sufficient funds to the states for fiscal years 2004 through 2007 to continue to carry out Sex Offender Management Assistance Programs.

Sec. 607. SAFE ID Act

Section 607 of the conference report is a new section that is related to the purpose of this Act. Under current law, it is not illegal to possess, traffic in, or use false or misleading authentication features whose purpose is to create fraudulent IDs. Section 607 would correct this oversight by making it a crime to counterfeit or alter "authentication features," as well as to traffic such features in false identification documents or without the authorization of the appropriate authority. Authentication features are the holograms, symbols, codes, etc., used by the issuing authority to verify that an ID is authentic. In addition, this section requires forfeiture of equipment used in creating or trafficking in illicit authentication features. This section will help the fight against child abduction, terrorism, identity theft, and underage drinking, among other things, by addressing the growing trade in illicit authentication feature for IDs.

Sec. 608. Illicit Drug Anti-Proliferation Act

Section 608 of the conference report is a new section that is related to the purpose of this Act. This section, known as the Illicit Drug Anti-Proliferation Act, helps to protect children by amending the Controlled Substances Act to expand the "crack house" statute.[17] This expansion makes it clear that anyone who knowingly and intentionally uses their property, or allows another person to use their property, for the purpose of distributing or manufacturing or using illegal drugs will be held accountable. This section raises the penalties for people who traffic in a substance often marketed to children at clubs; and authorizing funds for drug prevention activities. It also creates a civil penalty for violating 21 U.S.C. §856.

In addition, the language directs the Sentencing Commission to consider increasing the sentencing guidelines for offenses involving gamma hydroxybutyric acid (GHB), a Schedule I substance often used to facilitate sexual assault. Under current law, an offender would have to have 13 gallons (equivalent to 100,000 doses) of GHB to qualify for a five year penalty. Because large-scale GHB dealers generally distribute gallon quantities of the drug, they generally are not prosecuted at the federal level because the penalties are too low. In order to prevent the abuse of club drugs and other illicit substances, the bill also authorizes $5.9 million for the Drug Enforcement Administration to hire a Demand Reduction Coordinator in each state and authorizes such sums as may be necessary for the Drug Enforcement Administration to educate youth, parents and other interested adults about the dangers associated with club drugs.

Sec. 609. Definition of vehicle

Section 609 of the conference report is a new section that is related to the purpose of this Act. This section amends 18 U.S.C. §1993(c) prohibiting terrorist attacks and other acts of violence against mass transportation systems to add a new section (a)(9) to define "vehicle" as itany carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air."

Sec. 610. John Doe/DNA indictments

Section 610 of the conference report is a new section that is related to the purpose of this Act. Section 610 would change current law to encourage Federal prosecutors to bring "John Doe/DNA indictments" in Federal sex crimes. Specifically, the provision amends 18 U.S.C. §3282 to authorize Federal prosecutors to issue an indictment identifying an unknown defendant by a DNA profile within the five-year statute of limitations. If the indictment is issued within the five-year statute of limitations, the statute is then tolled until the perpetrator is identified through the DNA profile at a later date. The John Doe/DNA indictment would permit prosecution at anytime once there was a DNA "cold hit" through the national DNA database system. John Doe/DNA indictments strike the right balance between encouraging swift and efficient investigations, recognizing the durability and credibility of DNA evidence, and preventing an injustice if a "cold hit" occurs years after the crime and law enforcement did not promptly process forensic evidence. Providing incentives for law enforcement to test crime scene DNA from sexual assaults will also help identify sex offenders (who are often recidivists) to permit their speedy apprehension and prosecution.

Sec. 611. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault

Section 611 of the conference report is a new section that is related to the purpose of this Act. This section amends Subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13701 note; 108 Stat. 1925) to authorize $30 million for the Attorney General to award grants to organizations, States, units of local government, and Indian tribes to carry out programs to provide assistance to individuals who are in need of transitional housing or related assistance as a result of fleeing, a situation of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

The grants may be used for programs that provide short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses. Grants will also be available for support services designed to help individuals locate and secure permanent housing, as well as integrate into a community by providing with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance. Any recipient of a grant must annually prepare and submit a report to the Attorney General describing the number of minors, adults, and dependents assisted, and the types of housing assistance and support services provided.

Under the program, victims would be eligible for assistance for a period of 18 months and would be entitled to seek a waiver for an additional six months of assistance based on an inability to obtain adequate housing.

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference:

F. James Sensenbrenner,
Howard Coble,
Lamar Smith,
Mark Green,
Melissa A. Hart.

For consideration of the Senate bill and House amendments, and modifications committed to conference:

Martin Frost.

From the Committee on Equation and the Workforce, for consideration of sec. 8 of the Senate bill and secs. 222, 305, and 508 of the House amendments, and modifications committed to conference:

Pete Hoekstra,
Phil Gingrey,
Rubén Hinojosa.

From the Committee on Transportation and Infrastructure, for consideration of sec. 303 and title IV of the House amendments, and modifications committed to conference:

Don Young,
Tom Petri,
Jim Matheson,
Managers on the Part of the House.

Orrin Hatch,
Chuck Grassley,
Jeff Sessions,
Lindsey Graham,
Joe Biden,
Managers on the Part of the Senate.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1036 to be considered later.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The SPEAKER pro tempore (Mr. Sessions). Pursuant to House Resolution 181 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1036.

The Chair designates the gentleman from Illinois (Mr. Shimkus) as chairman of the Committee of the Whole, and requests the gentleman from Idaho (Mr. Simpson) to assume the chair temporarily.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, with Mr. SIMPSON (Chairman pro tempore) in the chair.

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[17] 21 U.S.C. §856.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, logic and fairness dictate that manufacturers and sellers should not be held responsible for the unlawful use of their lawful products. H.R. 1036 will stop ludicrous lawsuits against the manufacturer or seller of firearms for harm resulting from the criminal or unlawful misuse of their products by prohibiting such lawsuits from being filed in State or Federal court.

H.R. 1036, which has significant bipartisan support, does not preclude lawsuits against a person who transfers a firearm or ammunition knowing that it will be used to commit a crime of violence or a drug trafficking crime. It also does not prevent lawsuits against a seller for negligent entrustment or negligence per se.

The bill also includes several additional exceptions, including an exception for actions in which a manufacturer or seller of a qualified product knowingly and willfully violates any State or Federal statute applicable to sales or marketing when such violation was a proximate cause of the harm for which relief is sought. Other exceptions include actions for breach of contract or warranty and an exception for actions for damages resulting directly from a defect in design or manufacture.

Recent litigation against the tobacco industry that forced multibillion dollar settlements has inspired lawsuits against a much smaller firearms industry on theories of liability that would hold it financially responsible for the harm caused, through no fault of its own, by those who criminally misuse its products. While some of these lawsuits have been dismissed, and some States have acted to limit them in one way or another, the fact remains that these lawsuits continue to be aggressively pursued. Such lawsuits threaten to rip tort law from its moorings in personal responsibility and drive firearms manufacturers out of business.

John Coale, one of the personal injury lawyers suing the gun industry, told the Washington Post, "The legal fees alone are enough to bankrupt the industry." The police, along with our military, also rely on the domestic firearms industry to supply them with reliable and accurate weapons that can best protect them in the line of fire. The best and most reliable guns are not going to be those designed under requirements personal injury attorneys seek to impose in firearms lawsuits.

Lawsuits seeking to hold the firearms industry responsible for the criminal and unlawful use of its products are brazen attempts to accomplish through litigation what has not been achieved by legislation and the democratic process. Various courts have correctly described such suits as "improper attempts to have the court substitute its judgment for that of the legislature." As explained by another Federal judge, "The plaintiff's attorneys simply want to eliminate handguns."

Under the currently unregulated tort system, personal injury lawyers are seeking to obtain through the courts stringent limits on the sale and distribution of firearms beyond the court's jurisdictional boundaries. Such State lawsuits in a single county could destroy a national industry and deny citizens nationwide the right to keep and bear arms guaranteed by the Constitution. Insofar as these lawsuits have the practical effect of burdening interstate commerce in firearms, Congress has the authority to act under the commerce clause of the Constitution.

In 1985, one Federal judge said it would be nonsensical to claim that a product can be defective under the law when it has no defect. He predicted that the plaintiff's unconventional application of tort law against such a product would also apply to automobiles, knives and even high-calorie food.

In 1999, another judge observed that cities suing the firearms industry "have envisioned the dawning of a new age of litigation during which the gun industry, liquor industry, and purveyors of junk food would follow the tobacco industry in reimbursing government expenditures." Only a few years later, that disastrous new age of litigation is already upon us, and even once-fanciful lawsuits against fast food companies are rapidly proliferating.

Congress must do what it can to stop the slide down this slippery slope. It is time for Congress to fulfill its constitutional duty and exercise its authority under the commerce clause to prevent a few State courts from bankrupting the national firearms industry and denying all Americans their fundamental right to bear arms.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I ask unanimous consent to control the time of the gentleman from Michigan (Mr. CONYERS) in opposition to the bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT. Mr. Chairman, I yield myself as much time as I may consume.

First of all, I think I want to clarify this debate because, starting at 7:30 this morning, eight o'clock this morning, I was on a television show debating about the bill I thought, and I heard all of the arguments related to how trial lawyers are irresponsible, how judges are irresponsible. I heard arguments about whether people ought to have guns or not have guns.

I submit to my colleagues that this debate is not about any of that. It is about a bill which I believe is an extreme bill, and I want to call my colleagues' attention to five points.

This is reform. I believe it is extreme reform. We are not talking about capping recoveries or putting a limit on recoveries from gun manufacturers, sellers, dealers, importers. We are talking about immunizing them from their liability for negligence. So this is extreme reform. It is not the kind of reform that we have been talking about in other contexts.

The second point I want to make is, this is unprecedented reform. The reform that this bill would provide is not available to any other manufacturer in America. It is not available to the automobile industry. It is not available to the pharmaceutical industry. It is not, despite what my chairman has said, about the tobacco industry. It is not available to the tobacco or the cigarette industry. There is no industry in America that has this kind of immunity. So it is unprecedented reform that is being sought here.

The third point I want to make is, this is not well-thought-out reform. There are major problems with this bill, and the committee made no effort to try to debate those problems, consider those problems, try to correct those problems.

There was no markup. If my colleagues heard the debate on the rule, there really was no markup. The total markup of this bill in committee took a total of 44 minutes, 44 minutes, and most of that was spent debating and arguing about whether the previous question ought to have been called. So these issues have not been considered. So we have got a bill that has not been well thought out because nobody has taken the time to worry about the specific provisions in the bill.

The fourth point I would make to my colleagues is that this is unconstitutional reform. We have a bill that says, not only will it apply henceforth, now and forever, forward, but it will apply henceforth, now and forever, backwards. So if a person had a lawsuit and they are already in court, they already had their trial, their case is on appeal, this lawsuit would tell the appeals court to dismiss that lawsuit. If a person is in the middle of selecting a jury, if they have had motions and arguments about whether the conduct of the manufacturer or seller or dealer has been outrageous, this legislation would require that that lawsuit be dismissed. I think that retroactivity is unconstitutional, and if it is not unconstitutional, it is certainly unfair, unwise and unwarranted.

The fifth point I want to make about this legislation is that it is politically motivated reform. The reason this bill had not gotten any attention in the Committee on the Judiciary and that nobody wants to take the time to really debate about it on the floor is that we are rushing this bill through to the other side so that 2 weeks from now, when the National Rifle Association convenes its national convention in Florida, they will be energized, they will be motivated to do whatever they need to do to support many of the supporters of this bill. There is no reason that this bill has to be dealt with in the form that it is being dealt with.

So it is extreme. It is unprecedented. It is not well thought out, has not been debated. It is unconstitutional and if not unconstitutional, certainly unfair and unwise, and it is politically motivated.

Those five things should give us pause today, even aside from how this bill got here. We should be concerned that this institution is moving an irresponsible piece of legislation that is solely for the benefit of some right-wing agenda.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman of the Committee on the Judiciary for his help in bringing this bill to the floor. I also want to thank my colleagues, the gentleman from Louisiana (Mr. JOHN), the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Virginia (Mr. BOUCHER) for their support.

H.R. 1036, the Protection of Lawful Commerce in Arms Act, as we pointed out earlier, addresses the growing concerns of junk lawsuits filed with the intention of driving the firearms industry out of business by simply attempting to hold manufacturers and dealers liable for the criminal acts of third parties who are totally beyond their control.

These suits are different from other lawsuits that affect other industries. The cities and counties are not representing specific victims nor are they claiming specific damage against city property. No, instead, they are simply suing because they happen to dislike a product, its appearance, its distribution and how it markets its product. Yet, under the Constitution, these companies have the constitutional right to manufacture these products.

□ 1145

Now, the previous speaker mentioned that this has been a very quick process and he thought it was extreme. That is the word he used, extreme, unprecedented. I have on this chart here 31 States which have already passed legislation that prohibits frivolous lawsuits against the firearm industry. So I would say to my colleagues, perhaps your State, when you come on the House floor, you should look at this chart to make sure before you vote whether your State has already passed a bill that has recognized the absurdity of these lawsuits. As such these States have acted to prohibit these types of suits, and H.R. 1036 is designed to simply mirror what the States have done.

The goal is to seize the attempts at regulation through lawsuits that achieve nothing except the blatant interference in a company's constitutional right to sell and market a legal product and the constitutional duty of the Congress to regulate the commerce of such product. As I stated, creative legal theory does not make good public policy.

We have seen through the course of these 30-plus suits that have come to the courts that the courts are not buying the theory either. Many of these suits have been dismissed. If my colleagues will bear with me, I will show my colleagues another chart. I have just taken a sample of the municipal lawsuits that have been dismissed, but I particularly want to highlight the city of Boston's case. Twenty-nine manufacturers and distributors and three associations were defendants. The alleged claim: negligent distribution. Very simply, negligent distribution was the claim against them, and 29 manufacturers were sued, distributors and associations. Defective design, deceptive advertising, nuisance, unjust enrichment. It was dismissed.

The city dropped its own suit saying it was too expensive for the city to do and acknowledging that, through its vigorous prosecution, the suit would need hundreds of thousands of pages of documents, would go on forever and ever, and would not be realistic and concrete in its steps to reduce illegal acquisition of firearms, and need to reduce the incidence of firearm accidents and increasing public awareness concerning the safe handling and storage of firearms. So the city of Boston voluntarily decided this is wrong. Not the courts' decision, but the city of Boston, after spending all this money.

We can go from New Orleans to Miami-Dade County. Twenty-six manufacturers, distributors, three associations, and two dealers were all sued simply because of their design, their distribution, and what they said was negligent deceptive advertising. It was dismissed at trial court and dismissed at appellate court. The Florida Supreme Court denied this petition. So it went through every one. The trial court, the appellate court, and the Supreme Court; and they all denied. So, my colleagues, this bill we have here is simply mirroring what has been done in the other 31 States.

Now, the question comes up, this bill is just a carve-out for the firearms industry. The previous speaker mentioned that, so I would like to bring to his attention other Federal legislation that protects specific industries and other cases where these industries or groups have found themselves uniquely threatened by bizarre or novel legal situations.

For example, in 1994, we passed legislation, the General Aviation Revitalization Act, which generally protects manufacturers of small planes more than 18 years old against personal injury lawsuits in both Federal and State courts.

Let us take another act, the Federally Supported Health Centers Assistance Act of 1995, which declared certain community, migrant and homeless health care center employees to be employees of the Public Health Service, thus protecting them under the Federal Tort Claims Act from malpractice lawsuits in State courts.

Another example: the Bill Emerson Good Samaritan Food Donation Act of 1996, which protects nonprofit organizations from State or Federal lawsuits arising from the nature, age, packaging or condition of apparently wholesome food received in good-faith donation to benefit the needy.

The Volunteer Protection Act of 1997 provides limited immunity from liability for volunteers acting on behalf of a nonprofit organization and preempts inconsistent State law unless such law provides additional protection.

The Biomaterials Access Assurance Act of 1998, which supersedes State law to create an exclusion from liability for manufacturers of raw materials or components of medical implants.

And let us not forget the Y2K Act of 1999, which limits punitive damages and establishes special procedures for liability in Y2K cases.

The Public Health Improvement Act of 2000, which provides Good Samaritan liability protection for users of cardiac defibrillators.

So, my colleagues, there are literally dozens and dozens of such pieces of legislation, major pieces of legislation, very similar, very like this bill that have been passed by Congress to protect and to enforce protection against nuisance lawsuits.

Basically, what we have is a bill that has been cosponsored by 250 colleagues here in the House. And the bill did not just happen to appear recently for anything like a convention of the NRA. This bill has gone through Congress. In the 107th Congress, we had almost 240 sponsors. It went through the Subcommittee on Commerce, Trade, and

Consumer Protection and then the full committee and passed. It went through the appropriate subcommittee and the full Committee on the Judiciary in the 107th Congress. And we now have even more support for it, so the time is right for passage on the House floor.

My colleagues will hear a lot about victims' rights from opponents to this bill. I want to emphatically state that this bill protects victims' rights. Their right to sue is protected in this bill, relying on product defect, negligent entrustment, and industry compliance with Federal and State law. What is not protected is the use of creative legal theory to sue the deepest pockets.

My colleagues, we have a good bill here, one that 250 Members of Congress agree with. It is bipartisan, both sides. They agree that using the courts to circumvent the constitutional authority of this body to make public policy is an improper use of our judicial system.

I will close in a moment, but want to leave my colleagues with several quotes. Dave Kopel, a professor at New York University Law School, has stated that the cities do not have to win in court with these nuisance suits. All they have to do is keep suing and suing. They will kill the industry with the cost of defending the lawsuits. He has got it right.

And then I would like to give another quote here. This is from a former labor secretary in which he pointed out that if I had my way, we would have laws restricting hand guns, and we are launching here an effort to succeed where legislation has failed. The strategy may work, but at the cost of making our frail democracy even weaker. You might approve the outcome in these cases, but they establish a precedent for other cases that you might find wildly unjust.

My point is that most nuisance lawsuits are taking to the courts an attempt to bankrupt these manufacturers. It is clear the courts agree, it is clear my colleagues agree, it is clear the State legislatures agree; and so I urge my colleagues to support the bill.

Mr. WATT. Mr. Chairman, I yield myself 30 seconds, just long enough to respond to the gentleman that I am glad he demonstrated the court process is working. Most of the cases he talked about have been dismissed if they did not have merit, and that is exactly what should happen to them. And to distinguish for him between all of those cases, I know he would like to put this bill in the category of volunteer protections and Good Samaritans, but I do not think he is going to succeed on that front.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, this legislation is an attempt to provide special legal protection for the gun industry at the expense of innocent Americans who have been harmed by the dangerous and irresponsible actions of some firearm manufacturers and sellers.

The gun industry should be subject to the same legal standards of conduct that govern all other people and industries in society. Guns are only one of two consumer products, tobacco is the other, that are exempt from Federal health and safety regulation. Consequently, American consumers receive Federal protection from safety flaws in products such as children's toys, pillows, car seats, but not from deadly firearms.

This legislation is especially unconscionable in light of the gun violence that continues to plague our Nation. Recently, Americans watched in horror as citizens were gunned down by a sniper in Maryland, the District of Columbia, and my home State of Virginia. While local law enforcement officials are prosecuting the snipers for their crimes, the families who lost loved ones in the attack have also filed civil lawsuits to ensure that those responsible for arming the snipers also are held accountable. This includes the gun store from which the assault rifle used in the shootings mysteriously disappeared, along with 238 other guns over the last 3 years alone. These are guns whose intended purpose is to kill other human beings.

If H.R. 1036 is enacted into law, the families of the sniper victims will be thrown out of court without a hearing. Given the suffering experienced by gun violence victims, it is unconscionable for the gun lobby to call their efforts to obtain justice frivolous. Gun violence victims seeking their day in court have based their lawsuits on long-standing rights well established in our Nation's common law.

In addition to the civil lawsuits brought by the families of the sniper victims, another part of the fight to obtain justice for gun violence victims includes the NAACP's current legal action against firearms manufacturers and dealers who have facilitated the supply of hand guns to an unlawful underground market. Gun violence is the number one killer of African Americans ages 15 to 24. And though African Americans represent 13 percent of the total U.S. population, they account for the majority of gun homicides. The legal remedy being sought by the NAACP does not involve damages, but rather calls on the gun industry to behave responsibly.

In the words of a New York Times editorial, "Under cover of war, the domestic gun industry is prodding Congress to anoint it as the "arsenal of democracy" by enacting a disastrous bill to give gun makers and dealers unprecedented protection from liability suits by State and local governments and victims of gun violence.

"The passage of this bill would do nothing for average gun owners. What the sudden pressure to get it through Congress makes clear is that the gun lobby, while theoretically concerned with the right to bear arms, is chiefly worried about protecting the right to make money off of them."

We, the representatives of the people, not the special interests, should reject this legislation which would undermine the legal rights of individuals and communities and provide unwarranted special immunity for the firearm industry. Let us do the right thing. Let us vote this bill down.

☐ 1200

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER) to show the bipartisan nature of the support for this bill.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I urge passage of this legislation by the House, and I am pleased to join with the gentleman from Florida (Mr. STEARNS), the gentleman from Louisiana (Mr. JOHN), and the gentlewoman from Pennsylvania (Ms. HART) as one of the principal cosponsors of the measure.

Lawsuits which would impose liability on firearm manufacturers, distributors and dealers for misuse of the firearm by someone who comes into possession of it are thinly veiled attempts to impose gun control by judicial means. If liability is imposed on manufacturers in these circumstances, the result will be a large reduction in the availability of firearms for purchase by sportsmen and other law-abiding citizens. The rights of hunters, of gun collectors, and those who purchase firearms for self-defense must be considered. The lawsuits which this bill seeks to end leave little room for the consideration of those rights.

The lawsuits are merely gun control by a nonlegislative means. I happen to oppose gun control, but even if I favored it, I would be for this bill which will remove gun control policy-making from the courts and return it to the legislative arena where it belongs and where all competing interests have an opportunity to be considered.

Mr. Chairman, this bill deserves, and it has, broad bipartisan support. It will further the protection of gun-owner rights, and I urge its passage by the House.

Mr. WATT. Mr. Chairman, I yield 4¼ minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I would like to straighten a few things that are being said here on the floor: Number one, this has nothing to do with guns, and it does not; number two, we are not trying to shut down gun manufacturers, and we are not;

number three, this is not about gun control, and it is not.

What this is basically about is trying to have, as victims, our day in court.

My colleague said that we have frivolous cases in court. Yet it is funny because we always get into the case, yet we are turned back because they say, go to the legislative branch. The legislative branch is where you should be trying to change law. That is not going to happen. This is a progun House and it is a progun Senate. Now we are basically taking away every right that victims have.

Let me say why we look at the gun manufacturers on their distribution: mainly because we do know that a lot of these illegal guns that get on the streets come from certain areas and are going through certain distributions to gun stores. Yet the legislature here passed a law that our ATF agents cannot even go and inspect a gun store except once a year, but only if they call them first.

What we hear is also, in my opinion, a reckless attempt at providing special legal protection for the gun industry. We do not do it with other manufacturers. This is different. The gun industry should be subject to the same legal standards of conduct that govern every other industry. What makes this particular industry so special, we all know that it is the lobbyists.

But let me say what we are trying to do as far as the gun manufacturers. We are asking them to make the guns safer. The technology is out there. I asked the Committee on Rules last night to have child safety locks able to be sent out with every gun that goes out on the market. It certainly would be up to the consumer whether they used that particular product on the gun or not, but we do know it would save children's lives.

An attempt to improve the bill, as I said, we see unintentional shootings commonly occur with children when they find an adult-loaded handgun in a drawer or closet, and while playing with it shoot themselves, a sibling or young friend. When reading the newspapers, one sees that this happens all too frequently. No matter how careful parents are, their child is still exposed to the potential negligence of a neighbor or relative or other adult that the child visits.

Instead of providing immunity to a particular industry because of the potential legal costs associated with a lawsuit, we should first focus on the merits of the lawsuit. Many negligent suits brought against gun manufacturers are based on the claim that the product they manufacture and sell does not take into consideration the foreseeable dangers associated with their product, for example, a child playing with a handgun.

Although I happen to agree with these claims, I believe we could limit them by ensuring the safety of a firearm if it falls into the hands of a child. There are many things our gun manufacturers could do. There are many things that have already been done against car dealers, against barbecue pits, all in the name of safety, all for the safety of our American people.

When the gun manufacturers start really taking seriously where their guns are going, when the gun manufacturers start looking at the technology that is out there to save lives, when the gun manufacturers really start listening to, hopefully, the consumers and not the NRA. And by the way, I do not think there is anybody in this Chamber, right or left, that is trying to take away the right of someone to own a gun.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. JOHN) to show the continued bipartisan support for this bill.

Mr. JOHN. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 1036. As an original cosponsor of this piece of legislation, I also thank the gentleman from Florida (Mr. STEARNS) for his vision and leadership in introducing this piece of legislation and allowing me to be part of the passage of this legislation through committee and now here on the floor.

Mr. Chairman, frivolous lawsuits against gun manufacturers jeopardize a legitimate, legal, and I underscore and repeat, legal industry which is worth billions of dollars to our national economy. I cannot in good conscience support any of these actions.

Being from Louisiana, officially known as the sportsmen's paradise, and I am an avid hunter and fisherman in a region that depends heavily on the sporting industry, I can easily see the potential that these lawsuits have to seriously restrict not only our freedoms but our constitutional rights. Not only would continued frivolous lawsuits against gun manufacturers threaten the firearm industry, but it would have an enormous impact on many other businesses that are dependent on this industry. These lawsuits could have serious negative economic impact on the various hunting and sportsmen-related industries which depend on safe, reliable gun manufacturing.

However, of even more concern to me is the possibility that if we continue to allow municipalities across our country to file these suits against lawful gun manufacturers, we risk restricting freedoms of something very dear to me, and that is rural America where the use of firearms is a very important and integral part of our life-style and our livelihoods. Rather than acting as a deterrent, as many of the opponents of this legislation consider irresponsible, lawsuits such as these will take money away from beneficial programs and safety programs.

The firearms industry has committed millions of dollars to the safe, legal and responsible sale and use of their product. Millions of dollars are spent each year by this industry to promote numerous preventive safety designs and educational programs that promote safe handling of firearms. I would hate to see the funding for these programs wasted, defending these needless lawsuits that in all probability will be thrown out and dismissed in our Nation's court systems.

In response to these attacks on our Nation's firearms industry, many States, including Louisiana, have enacted laws. I urge Members to go along with 31 of the other States that have presented laws that have thrown out these lawsuits and urge support of H.R. 1036.

Mr. WATT. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, the bill has a number of technical problems which we have already heard discussed, including one for which I will have an amendment later in the debate. But the point I want to make here is, on page 3 of the bill, under findings, the findings have as the number one finding, citizens have a right protected by the second amendment to the United States Constitution to keep and bear arms.

It is interesting that the word is "citizens," plural, not an individual has a right. Just so there is no confusion, I think it is important to get the record straight on what the second amendment says, particularly in light of the fact that the supporters of the bill on numerous occasions in committee hearings have been unable to cite a single final judgment which supports the idea that an individual has the right to bear arms under the second amendment.

This goes back to the United States v. Miller case in 1939, where the court held that for the proposition, in the beginning of the second amendment, mentioning well-regulated militia. It says that the possession of a weapon must be reasonably related to a well-regulated militia. The circuit courts have ruled on this.

The First Circuit held that the second amendment applies only to firearms having a "reasonable relationship to the preservation or efficiency of a well-regulated militia." That is a 1939 case.

In 1996, in the Third Circuit, defendant's possession of machine guns did not have a connection with militia-related activity required for second amendment protections to apply.

The Fourth Circuit, a 1995 case, stated that courts have consistently held that the second amendment only confers a collective right of keeping and bearing arms which bear a reasonable relationship to the preservation or efficiency of a well-regulated militia.

The Sixth Circuit, in 2000, held that the lower courts have uniformly held that the second amendment preserves a collective rather than an individual right.

The Seventh Circuit, the second amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a State militia. That is a 1999 case.

The Eighth Circuit stated that the purpose of the second amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia. That is a 1992 case.

The Ninth Circuit in 2002 stated that it is this collective rights model which provides the best interpretation of the second amendment.

The Tenth Circuit, a 1977 case, to apply the amendment so as to guarantee an appellant's right to keep an unregistered firearm which has not been shown to have any connection with the militia, merely because he is technically a member of the Kansas militia, would be unjustifiable in terms of either logic or policy.

The Eleventh Circuit, a 1997 case concerning motivating the creation of the second amendment, convinces us that the amendment was intended to protect only the use or protection of weapons reasonably related to a militia actively maintained and trained by the States.

I want the RECORD to reflect, in case someone has read the second amendment, that our record is replete with what the second amendment means.

[From the Legal Action Project]

A SAMPLING OF COURT DECISIONS THAT SUPPORT THE MILITIA INTERPRETATION OF THE SECOND AMENDMENT

U.S. SUPREME COURT

U.S. v. Miller, 307 U.S. 174 (1939).

Lewis v. United States, 445 U.S. 55 (1980).

U.S. COURTS OF APPEALS

U.S. v. Wright, 117 F.3d 1265 (11th Cir.), *cert. denied*, 522 U.S. 1007 (1997).

U.S. v. Baer, 235 F.2d 561 (10th Cir. 2000)

U.S. v. Oakes, 564 F.2d 384 (10th Cir. 1977), *cert. denied*, 435 U.S. 926 (1978).

U.S. v. Swinton, 521 F.2d 1255 (10th Cir. 1975), *cert. denied*, 424 U.S. 918 (1976).

U.S. v. Hancock, 231 F.3d 557 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 1641 (2001).

U.S. v. Finitz, 234 F.3d 1278 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 833 (2001).

Hickman v. Block, 81 F.3d 98 (9th Cir.), *cert. denied*, 519 U.S. 912 (1996).

U.S. v. Lewis, 236 F.3d 948 (8th Cir. 2001).

U.S. v. Farrell, 69 F.3d 891 (8th Cir. 1995).

U.S. v. Hale, 978 F.2d 1016 (8th Cir.), *cert. denied*, 507 U.S. 997 (1993).

U.S. v. Nelson, 859 F.2d 1318 (8th Cir. 1988).

Cody v. U.S., 460 F.2d 164 (8th Cir.), *cert. denied*, 409 U.S. 1010 (1972).

U.S. v. Decker, 446 F.2d 164 (8th Cir. 1971).

U.S. v. Synnes, 438 F.2d 764 (8th Cir. 1971), *vacated on other grounds*, 404 U.S. 1009 (1972).

Gillespie v. City of Indianapolis, 185 F.3d 693 (7th Cir. 1999), *cert. denied*, 528 U.S. 1116 (2000).

Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), *cert. denied*, 464 U.S. 863 (1983).

U.S. v. McCutcheon, 446 F.2d 133 (7th Cir. 1971).

U.S. v. Napier, 233 F.3d 394 (6th Cir. 2000).

U.S. v. Warin, 530 F.2d 103 (6th Cir.), *cert. denied*, 426 U.S. 948 (1976).

U.S. v. Day, 476 F.2d 562 (6th Cir. 1973).

Stevens v. U.S., 440 F.2d 144 (6th Cir. 1971).

U.S. v. Johnson, Jr., 441 F.2d 1134 (5th Cir. 1971).

Love v. Pepersack, 47 F.3d 120 (4th Cir.), *cert. denied*, 516 U.S. 813 (1995).

U.S. v. Johnson, 497 F.2d 548 (4th Cir. 1974).

U.S. v. Rybar, 103 F.3d 273 (3rd Cir. 1996), *cert. denied*, 522 U.S. 807 (1997).

U.S. v. Graves, 554 F.2d 65 (3rd Cir. 1977).

Eckert v. City of Philadelphia, 477 F.2d 610 (3rd Cir.), *cert. denied*, 414 U.S. 839 (1973).

U.S. v. Tot, 131 F.2d 261 (3rd Cir. 1942), *rev'd on other grounds*, 319 U.S. 463 (1943).

U.S. v. Toner, 728 F.2d 115 (2d Cir. 1984).

U.S. v. Friel, 1 F.3d 1231 (1st Cir. 1993).

Thomas v. City Council of Portland, 730 F.2d 41 (1st Cir. 1984).

U.S. v. Cases, 131 F.2d 916 (1st Cir. 1942), *cert. denied sub nom.*

Velaquez v. U.S., 319 U.S. 770 (1943).

U.S. FEDERAL DISTRICT COURTS

Golt v. City of Signal Hall, 132 F. Supp. 2d 1271 (C.D. Cal. 2001).

Olympic Arms v. Magaw, 91 F. Supp. 2d 1061 (E.D. Mich. 2000).

U.S. v. Willbern, 2000 WL 554134 (D. Kan. Apr. 12, 2000).

U.S. v. Bournes, 105 F. Supp. 2d 736 (E.D. Mich. 2000).

U.S. v. Boyd, 52 F. Supp. 2d 1233 (D. Kan. 1999), *aff'd*, 211 F.3d 1279 (10th Cir. 2000).

U.S. v. Henson, 55 F. Supp. 2d 528 (S.D. W. Va. 1999).

U.S. v. Visnich, 65 F. Supp. 2d 669 (N.D. Ohio 1999).

U.S. v. Caron, 941 F. Supp. 2d 238 (D. Mass. 1996).

Mascowitz v. Brown, 850 F. Supp. 1185 (S.D.N.Y. 1994).

U.S. v. Kruckel, 1993 WL 765648 (D.N.J. Aug. 13, 1993).

Krisko v. Oswald, 655 F. Supp. 147 (E.D. Pa. 1987).

U.S. v. Kozerski, 518 F. Supp. 1082 (D.N.H. 1981), *cert. denied*, 496 U.S. 842 (1984).

Vietnamese Fishermen's Association v. KKK, 543 F. Supp. 198 (S.D. Tex. 1982).

Thompson v. Dereta, 549 F. Supp. 297 (D. Utah 1982).

U.S. v. Kraase, 340 F. Supp. 147 (E.D. Wis. 1972).

U.S. v. Gross, 313 F. Supp. 1330. (S.D. Ind. 1970), *aff'd on other grounds*, 451 F.2d 1355 (7th Cir. 1971).

STATE COURTS

Arnold v. Cleveland, 616 N.E.2d 163 (Ohio 1993).

State v. Fennell, 382 S.E.2d 231 (N.C. 1989).

U.S. v. Sandidge, 520 A.2d 1057 (D.C.), *cert. denied*, 108 S. Ct. 193 (1987).

Kalodimos v. Village of Morton Grove, 470 N.E.2d 266 (Ill. 1984).

Masters v. State, 653 S.W.2d 944 (Tex. App. 1983).

City of East Cleveland v. Scales, 460 N.E.2d 1126 (Ohio App. 1983).

State v. Vlacil, 645 P.2d 677 (Utah 1982).

In Re Atkinson, 291 N.W.2d 396 (Minn. 1980).

State v. Rupp, 282 N.W.2d 125 (Iowa 1979).

Commonwealth v. Davis, 343 N.E.2d 847 (Mass. 1976).

Burton v. Sills, 248 A.2d 521 (N.J. 1968), *appeal dismissed*, 394 U.S. 812 (1969).

Harris v. State, 432 P.2d 929 (Nev. 1967).

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

☐ 1215

Mrs. MILLER of Michigan. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, our Nation's Founding Fathers, in their wisdom, guaranteed the people of America the fundamental right to keep and to bear arms in the second amendment of our Constitution. This right allows Americans to keep and own firearms for the protection of themselves, their families, and their property. This right has helped to guarantee freedom for every American citizen for over 214 years. Unfortunately, there are many people in our Nation who will do anything to destroy this freedom; and as a Member of Congress, I am fighting to uphold this basic right.

Opponents of the second amendment have tried for years to pass laws to restrict the people's access to firearms. In that effort they have been successful in making the firearms industry one of the most regulated industries in America, but that is not enough for the antifirearm fanatics. Now they are attempting to sue domestic manufacturers of firearms with the express purpose of putting them out of business; and if these efforts are successful, not only would it destroy jobs and companies that produce a product that the Constitution itself protects our citizens' right to own, they would do serious damage to our homeland and our national security.

Currently there are lawsuits attempting to punish companies that make firearms because of the actions of criminals. These lawsuits threaten the viability of these firms; and if successful, they would not keep firearms out of the hands of criminals, but they would potentially keep them out of the hands of those who protect our freedom. Take, for instance, the Colt Company, which is the target of one of these lawsuits. This company not only produces small arms, but it is also the sole provider of the M-16 rifle that is being used so ably by our troops in Operation Iraqi Freedom and by our soldiers fighting the war on terror worldwide. If this company is destroyed, where will our soldiers get the arms that they need to protect our freedoms? From France? From Germany?

What about the Beretta USA Company, another target of these lawsuits? This company supplies the standard sidearm for all branches of the Armed Forces and provides firearms to countless law enforcement agencies across our Nation. If this company is destroyed, where will soldiers and law enforcement officers get the arms to protect our freedom and to keep our streets safe?

Take the Sig Arms Company, another target of these lawsuits. This company makes a sidearm of choice carried by the men and women who protect the President of the United States, as well as the official sidearm of the Navy SEALS.

The aim of such suits is clear, to destroy our American firearms industry, in a blatant attempt to deny law-abiding citizens access to firearms and to stop them from exercising their constitutional right to keep and to bear arms. Not only are the rights of American citizens at stake but so is our national security. The men and women in the armed services and the men and women in law enforcement need to have the best possible firearms to protect our freedom, to defeat terrorists, and to safeguard our streets. We must protect freedom. I urge my colleagues to support this important legislation.

Mr. WATT. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I am genuinely concerned about our justice system in this country, both civilly and criminally. This bill is but the latest in a series of assaults by this Congress on the right of the people to apply to the courts to seek redress for their grievances. And it is also but the latest in a series of assaults on the right of the States to provide remedies under the law for the wrongs done to their citizens. If we continue, Mr. Chairman, we will have a justice system that is available only for business litigation. That is the direction in which we are going.

What situation, what emergency would have prompted the sponsors of this bill to deny victims their remedies? According to the findings in this bill, the emergency is "lawsuits have been commenced" against the gun industry. I am not kidding. The reason given is that lawsuits have been commenced. One wonders what other industry would have the clout, let alone the audacity, to come to Congress and seek blanket immunity from the consequences of their misbehavior because lawsuits have been commenced against it.

Lawsuits are commenced every day. Most of them never reach a jury. Sure enough, when I asked the industry witness how many of these lawsuits had actually resulted in a jury verdict awarding damages against the industry, he could come up with only one case in which a verdict had been returned, one case; and then it turned out upon further questioning that even that one award had been reversed on appeal. The truth is that this legislation will continue to erode our justice system as well as the 10th amendment. I cannot believe that this body continues to allow the rights of the individual States to be encroached on by the Federal Government. Whatever happened to devolution? Whatever happened to the 10th amendment?

The State courts have been doing their job well. There has been no rash of questionable verdicts, no epidemic of excessive jury awards. In fact, the proponents have been unable to point to a single final judgment in any court in this country that supports the rationale for this legislation, not one. So, please, let us hear no more about lawsuits that have been commenced. Let them ask for immunity when the courts actually start holding them accountable for their negligence. That is when the proponents of this bill should come back to this Congress.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 1036, the Protection of Lawful Commerce in Arms Act. The purpose and intent of this bill are simple. Legal manufacturers of legal products that are sold legally and purchased legally and used legally should not be held liable for the subsequent illegal misuse of their products somewhere far down the chain. Our Nation's firearm manufacturers have been providing high-paying, stable jobs for generations and have become part of the American tradition. They are supplying our Nation's hunters and target shooters and other sports enthusiasts with quality products which, once again, are legally manufactured, legally sold, legally purchased, and legally used for legal activities.

My district is home to three such manufacturers, Remington Arms, the Ithaca Gun Company and Dan Wesson Firearms. Founded in 1816, Remington Arms has been a faithful supplier of quality firearms to this country in times of conflict and war and has been a leader in the commercial market for sporting arms and ammunition and accessories. For over 187 years, the company has set the standard for safe and responsible use of firearms.

The Ithaca Gun Company was founded in 1880, and it too has a proud and rich history. Today with the fast pace and rush-rush mode that is evident in just about everything, it is refreshing to know that every Ithaca gun is still finished and assembled in the same way as it was over 100 years ago, by the hands of a skilled Ithaca gun maker.

Dan Wesson Firearms, located in Norwich, New York was founded back in 1968 by the great grandson of D.B. Wesson, co-founder of Smith & Wesson. They too place an enormous amount of skill and craftsmanship into each firearm they manufacture.

Remington Arms, Ithaca Gun Company and Dan Wesson Firearms are three classic examples of responsible American companies that take pride in producing quality products while at the same time employing thousands of American men and women, and I am proud to have them located in my district.

It is time we put a stop to frivolous lawsuits against our Nation's responsible gun manufacturers. Those frivolous lawsuits not only cost manufacturers dearly in terms of what should be unnecessary legal costs, but they also cost America's sportsmen dearly in terms of the added charge which has to be built into the price of every firearm for those same unnecessary legal costs.

Support our responsible firearm manufacturers and our honest law-abiding sportsmen, and join me in support of this measure.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, to the gentlewoman from Michigan, I need to respond because no one is suggesting in this body today that we change the right to bear arms, and to suggest that those who oppose this legislation are aiding criminals and terrorists and hurting our Armed Forces and uniformed law enforcement is incredible pap. That is what it is; and as a vet, I resent it.

Those who profit from the sale of guns have the ultimate responsibility to safeguard the American public by ensuring that their weapons do not get into the wrong hands, but we all know that this is often not the case. We have all heard on far too many occasions stories of dealer negligence that results in tragic consequences.

Take the case of David Lemongello. David is a graduate of Bloomfield High School in my district, had his career as a police detective, his lifelong dream, cut short from the injuries he sustained at the hands of a career criminal with a gun. And where did the gun that shot David three times come from? How did a criminal get his hands on the gun that ended David's career? It was thanks in large part to an irresponsible gun dealer. The criminal got it from a gun trafficker who bought it along with 11 other handguns from a West Virginia gun dealer.

Do my colleagues not think that if someone comes into a gun shop with thousands of dollars and purchases a dozen handguns that an automatic red flag should go up? Do my colleagues not think that there should be some accountability when gun dealers do not take even the minimum amount of oversight? Is there anyone here willing to tell David Lemongello to his face that he does not have the right to hold this irresponsible gun dealer accountable for the pain and the anguish he has suffered? Who here will tell David Lemongello that he does not deserve his day in court?

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Protection of Lawful Commerce in Arms Act. If I had listened to the opposition on this and we had followed that path of logic, then auto dealers would be next. Lawful commerce in anything, where there are far more accidents and far more injuries with automobiles, I cannot disconnect the logic between the lawful manufacturers of firearms. But the goal of this reckless law is to financially destroy the firearms industry by filing countless meritless lawsuits. These suits are based on the absurd legal theory that gun manufacturers and dealers should be held responsible for the acts of violent criminals who use safe, nondefective firearms to commit violent crimes.

Although losses in court continue to mount for lawyers who bring these baseless suits, the firearms industry is still saddled with the cost of defending them in court. We should be outraged that certain lawyers and gun-ban advocates feel that they can circumvent the legislative process by moving their anti-second amendment efforts into the courts.

I am a stalwart defender of our second amendment freedoms. They are guaranteed to us by the Constitution, and I oppose any attempt to water down the principles embodied in the second amendment. The first and most important reason for the second amendment as intended by our Founding Fathers was to provide a deterrent for tyrants.

□ 1230

The right to keep and bear arms was meant to ensure that citizens can defend our democratic republic from despots and those who seek to take away our rights and free society.

Today, lawsuits against the firearms industry threaten to drive it out of business. These businesses are vital to our national interest. They supply our troops with weapons that they use in the war in Iraq. Our homeland law enforcement officers also need the weapons manufactured by these companies to defend us against terror and protect our homeland. If we allow frivolous lawsuits to bankrupt the industry, we are only hurting ourselves, both at home and abroad.

Mr. WATT. Mr. Chairman I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I rise in strong opposition to H.R. 1036, the Gun Manufacturer's Liability Reform Act. Shielding gun makers, dealers and distributors from liability and dismissing all pending lawsuits is the most egregious form of corporate welfare I have yet to see. This is special treatment for a special interest. The gun industry would become the envy of every industry. It is a back-handed insult to tens of thousands of victims of gun violence each year.

Let us apply the Firestone tire test. We should all agree that those who have been in accidents caused by Firestone tires have the right to their day in court. If Firestone had provisions similar to H.R. 1036, Americans whose families were either killed or injured would lose their right and there would be no recourse.

On July 3, 1999, 43-year-old Ricky Byrdsong, basketball coach for Northwestern University in Evanston, Illinois, was out walking with his children. During his walk, he was shot and killed with a gun which was illegally purchased from a dealer who probably should have known better than to sell the weapon.

The family of Ricky Byrdsong, the coach, is currently suing. This bill on this floor today would automatically dismiss that suit without so much as a trial. I do not know if the dealer is liable in this case, but that is not my decision to decide, nor is it the people of this body's decision to decide.

Mr. Chairman, this bill denies Americans one of their most basic rights. I understand that the issue of gun violence is a contentious one, but I think we can all agree that this body should work to protect our citizens, not the Washington gun lobby. This is special protection for a very special interest.

This is a bad bill, which sets a dangerous precedent, and I strongly urge my colleagues on both sides, people of good values and good principles, to vote against this legislation.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today in strong opposition to H.R. 1036. By protecting an industry from liability, we eliminate a major incentive for it to operate in a safer way, and ultimately we make people and corporations less accountable for questionable manufacturing and sales practices.

As an individual who was paralyzed at the age of 16 when a police officer's gun accidentally discharged and severed my spinal cord, I know how a person's life may be changed by gun violence or accidents.

Our society frequently witnesses the needless misfortunes that can take place due to firearm mishandling, and we should strive to make our society safer. Yet this bill would move us away from that goal. Too many people who suffer from gun violence and accidents are victims of an industry that fights every effort to improve the safety of its products, including the installation of chamber load indicators and trigger locks, features that could have changed the course of my life.

They are victims of dealers who look the other way as their wares are used for criminal activity, and gun control laws that are not sufficiently enforced. Supporters of the bill claim that it has exemptions to permit lawsuits in the case of clear knowledge of criminal activity or negligence. But they will not mention that the exemptions are so narrowly worded that they are meaningless.

They also make intriguing parallels about how the gun industry is currently being held to a higher standard than other industries, while not recognizing the exemptions from Federal consumer safety laws that the gun industry enjoys.

I am deeply disappointed that this measure will not do a single thing to prevent gun violence or accidents in the United States. However, I am even more disturbed that it may exacerbate our existing problem.

Mr. Chairman, I strongly urge my colleagues to vote against H.R. 1036, so that we can demonstrate our commitment to a safer America.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this.

It is unfortunate that people are willing to accept the astoundingly high rate of gun violence in this country. Every Member of this Chamber knows people who have been touched by needless gun violence, and we are set to accept more damage unless and until we are willing to accept common-sense steps to reduce gun violence that will save lives. The step that my colleague from Rhode Island just mentioned will not interfere with anybody's right to hunt, will not interfere with the manufacture; it simply extends the simple common-sense consumer protection that we accept for toy guns to real guns. It is not rocket science, it is not a lack of compassion, it is just simply doing the right thing.

I believe we will live to see the day when we stop the dark side of gun trafficking in this country, when we extend simple common-sense consumer protections, when we have the courage in this Chamber to fund adequate enforcement of the gun laws that we have. But, until that day comes, for God's sake, do not make the situation worse.

Extending protections to the gun industry, unnecessary protections, alone, is not going to move us forward. It is a step backward. It reinforces the notion that we are powerless, that all we have to do is pander to the people who make a career out of twisting the second amendment.

Mr. Chairman, I strongly urge that we reject this proposal today and avoid the shameful record that we have with unnecessary gun laws that lose lives and shatter families.

Mr. WATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank all Members who have participated in the debate. I would just reemphasize the five points that I made at the outset of this debate.

This legislation is extreme. It is unprecedented because it will give gun manufacturers, sellers and dealers immunity that no other industry has in America. It is not well thought out, because it has not gone through the process in a proper way and had amendments put on it. It is unconstitutional. Finally, it is politically motivated.

Mr. Chairman, I urge my colleagues to vote against this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the proponents of this bill have stated time and time again that courts have determined that those who file lawsuits against the firearms industry are doing so because they want to bankrupt the industry. They want to bankrupt the industry through legal fees, and even though they might not win their cases in court, there is no reimbursement for the defense costs that have to be run up once a lawsuit is filed.

Now, anybody who uses a firearm for illegal purposes, we should throw the book at. I certainly support what has gone on in Richmond in Project Exile, and I hope we can give the Justice Department enough money to extend Project Exile nationwide. I also strongly support the InstaCheck system that is designed to keep firearms out of the hands of people who have not been lawfully able to possess those firearms for over 70 years, convicted felons, adjudicated mental incompetents and some other people.

But we should not use the judicial process to bankrupt an industry that produces a legal product. If you do not like the product, introduce a bill here to make it illegal. I will vote against it, but at least you can deal with that directly through the democratic process, rather than going through the back door and trying to get the courts to do what legislatures and the Congress have failed to do.

Mr. JOHNSON of Illinois. Mr. Chairman, I would like to express my strong opposition to the words used by Congresswoman CUBIN in reference to an amendment to H.R. 1036 offered by Congressman WATT. While her comments were within the parliamentary rules of the House of Representatives, they were clearly improper and offensive, and had at least the appearance of racial basis. I appreciate Congresswoman CUBIN's subsequent apology, and her statement that her words were incomplete and misinterpreted, but I unequivocally denounce the original statement, and it is my sincere hope that it is not interpreted as indicative of the views and sentiments of this distinguished body.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to H.R. 1036, The Protection of Lawful Commerce in Arms Act.

The sole intent of this bill is to divert the responsibility of gun manufacturers in ensuring the safe distribution of firearms in our society. Passage of this legislation would cripple the public's ability to seek justice in instances of negligence by these manufacturers.

Why are we exempting the gun industry from liability provisions that we apply to other manufacturers, even the makers of toy guns?

It is in the timing of this bill that the true intent of the Majority becomes evident. This bill was conveniently taken off the schedule during the sniper shootings in the Washington metropolitan area last fall, but now been brought back just in time for the NRA's annual conference.

Every step must be taken to keep these deadly weapons out of criminal hands. We must look past the interests of lobbyists and look deeply at the interests of the American public. If gun manufacturers and dealers are involved with the illegal and irresponsible sales of firearms, then it is essential that those who violate the law are held responsible.

A study conducted by The Department of Justice revealed that 12.7 percent of students age 12 to 19 reported knowing a student who brought a firearm to school. This statistic speaks directly to the need for providing additional safeguards to keep firearms away from children.

We should not be taking up legislation that prevents gun manufacturers from being held accountable. Instead, we should be voting on legislation that will help to prevent gun violence from even occurring.

I urge my colleagues to oppose this legislation.

Mr. TOWNS. Mr. Chairman, I rise in opposition to H.R. 1036. If this bill were to become public law, the gun industry would be granted more liability protection than any other industry in America. I must say that I've heard of throwing bones to constituency bases before, but I might define this as the 96 ounce Peter Lugar's Porterhouse with all the sides included.

The gun industry dumps thousands and thousands of guns onto the streets in municipalities like New York and has never been held responsible for their irresponsible actions. This bill would make it impossible to hold the industry accountable for their actions.

H.R. 1036 would also prohibit future lawsuits and dismiss current liability lawsuits underway against the gun industry. I am particularly concerned about the timing of this bill given the lawsuit filed by the NAACP against the gun industry, which is currently taking place in U.S. District court in Brooklyn. This bill would prohibit that suit from going forward.

Instead of dealing with the real problems that are confronting us such as job security or a prescription drug bill for seniors, the Republican leadership rushed this bill to the House floor before the NRA convention begins in a couple of weeks. This bill should be defeated.

Mr. UDALL of Colorado. Mr. Chairman, I will vote against this bill, because I do not see why it is necessary or desirable for Congress to act now to restrict just one kind of lawsuit, against just one kind of manufacturer.

My reluctance to support such legislation is increased when it not just prospective, but would require the immediate dismissal of cases that are now being considered by the courts.

I am not a lawyer, and it seems to me that the courts are in a much better position than I am to decide whether the people bringing these lawsuits have valid claims or whether the complaints are frivolous.

It happens that this bill deals with lawsuits against firearms manufacturers. But my concerns would be the same if the bill dealt with similar lawsuits against the makers of other consumer products—for example, automobiles, electronic appliances, or toys.

During the debate, some of the bill's supporters have argued that firearms manufacturers are different because there is a Constitutional right to keep and bear arms. But the freedom of the press is also protected by the Constitution—yet I have not heard anyone say that Congress has to cut off lawsuits against the makers of printing presses or television cameras in order to sustain that right.

And, if the lawsuits covered by the bill are contrary to the Constitution, I am confident that the judges—who are sworn to uphold the Constitution—will dismiss them.

There is no doubt lawsuits can be costly, and I am not in favor of frivolous lawsuits. But, based on what I know now, I think we in the Congress should leave it to the courts to decide which of the lawsuits covered by this bill are frivolous and which are not.

Therefore, I cannot support this legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 1036. This bill is special interest legislation of the worst kind. It would grant extensive immunity from liability to gun manufacturers and gun dealers.

Under current law, gun manufacturers and gun dealers must act responsibly. Like other businesses and individuals, if they act negligently—or if they blatantly disregard the obvious consequences of their actions—they may be held liable.

H.R. 1036 would eviscerate this protection. The bill says to gun manufacturers and gun dealers: go ahead and ignore common sense, disregard the consequences of your actions, and we will let you off the hook. You are no longer responsible for your actions. This special exemption will endanger our citizens and almost certainly cost lives.

Furthermore, this bill is drafted so broad and carelessly that it could extend complete immunity from liability to gun dealers—even if they sell weapons to suspected terrorists.

To resolve that ambiguity, I offered an amendment in the Rules Committee to ensure that gun dealers are held accountable when they sell weapons to people they know or suspect are members of terrorist organizations, or people they know are likely to supply these weapons to terrorist organizations.

But the Rules Committee refused to allow debate on my amendment. This is simply inexplicable. My amendment would clarify that gun dealers who sell to terrorists are not shielded from liability. Are we so captured by the gun industry that we want to immunize the industry from liability even when terrorists are involved?

There is an exemption in the bill that would hold dealers liable if they know or should have known that a buyer would use the weapons to injure himself or others. But what about the more dangerous prospect of a suspicious buyer who is acquiring the weapons to give to someone else in his terrorist organization.

These is an exemption in the bill to preserve civil liability if the dealer is convicted of "knowingly" assisting the commission of a violent act. But what about a gun dealer that has a strong suspicion—not definite knowledge—that the weapon is going to end up in the hands of a terrorist organization.

This is precisely the difference between criminal conduct and civil negligence. Our civil liability laws require that people act reasonably, even if there is no criminal penalty. And this is exactly the protection this bill would eliminate.

We are in a war against terrorism. The last thing we should do is immunize gun dealers who traffic with suspected terrorists. Yet that is just what this bill does. It is dangerously shortsighted that the Rules Committee blatantly ignored an opportunity to fix it.

Civil liability should be determined based on a comprehensive review of all the relevant circumstances. But there should be no impregnable shield to liability, because that only encourages careless and reckless behavior. This is wrong, and it is dangerous. That's why this bill must be defeated.

Mr. OTTER. Mr. Chairman, I rise today to address H.R. 1036, the Protection of Lawful Commerce in Arms Act. In light of the concerted efforts by opponents of the Second Amendment to destroy the gun industry through frivolous lawsuits, it has become imperative we provide manufacturers and sellers of firearms and ammunition protection from these attacks. I find the idea of holding an industry liable for the criminal misuse of their legal products deplorable. Our nation cannot allow the innocent to pay for the dealings of the guilty, or we serve to circumvent the very foundation of the rule of law. Those individuals, not the makers of the means, who commit violent crimes, with or without the use of a firearm, must take personal responsibility for their actions through the restitution and civil penalties affirmed by law.

Without this legislation, further unfounded lawsuits against the gun industry will lead to an encroachment upon our second amendment rights. Congress must work diligently to reduce the level of political rhetoric surrounding gun control, protect the Second Amendment, and promote the role of personal responsibility in society.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to this outrageously irresponsible legislation put forth by the Republican Majority. Giving gun makers, gun dealers, and gun sellers total immunity from product liability doesn't make our streets safer of our neighborhoods any more secure.

The manner in which this bill finds its way to the floor deserves some attention. It is my understanding that the Judiciary Committee Majority developed this legislation in secret, bypassed the subcommittee and prevented the Minority in Full Committee to make any amendments to it—a trend all too familiar.

In the 107th Congress, similar gun liability legislation was introduced, made its way to the House calendar, but didn't get far. The media's focus of the sniper attacks in Washington, DC provoked an outcry of horror as the country watched the violence of guns firsthand. Ironically, that atrocious bill was put on the back burner. It would have illuminated the legislation for what it was, autonomy from product liability for the gun lobby.

So, here we are today to debate the issue in less traumatic times, but the fact remains that this legislation has not changed—it is reckless, pro gun political banter.

Proponents will tout fallacies that H.R. 1036 is considered necessary to weed out frivolous lawsuits, and that this legislation will not outlaw lawsuits brought by injured private citizens. Instead, they say, it would simply prevent the gun industry from being held legally responsible because a criminal misused a gun. In fact, these allegations couldn't be farther from the truth. This bill will immunize the gun industry from most lawsuits brought by anyone—including private citizens and government entities.

Manufacturers for every other consumer product in this country must adhere to strict regulations on product liability. However, my colleagues on the other side of the aisle believe the gun industry should be exempt from criminal and negligent acts.

Conveniently, this bill is being debated just weeks before the National Rifle Association holds its annual meeting. That assures that House Republicans can show up at their conference having passed a priority bill for a huge campaign supporter.

I have been a long time supporter of stricter laws regulating guns in our nation. I also oppose any individual or entity being granted blanket immunity from product liability. I urge my colleagues to vote against this bill that both weakens our gun laws and removes gun manufacturers from liability when their products are used to kill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I oppose H.R. 1036, The Protection of Lawful Commerce In Arms Act.

H.R. 1036 is nothing more than special interest legislation that grants the gun industry legal immunity from the vast majority of civil lawsuits. The bill generally prohibits any action "brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages resulting from the criminal or unlawful misuse of a qualified product by the person or a third party."

This is a drastic departure from established principles of liability law, which generally hold that persons and companies may be held liable for the foreseeable consequences of their negligent or wrongful acts, including the foreseeable criminal conduct of others. H.R. 1036 will bar suits against not only gun manufacturers, but also dealers, distributors, and trade associations.

If H.R. 1036 is passed, the well-accepted legal principle that gun manufacturers are liable for failing to include feasible safety devices that prevent injuries caused by foreseeable use or misuse of their products will be wiped out. Likewise, there will be no legal liability for dealers who have negligently sold numerous guns to gun traffickers.

This legislation goes beyond simply holding the gun industry liable because a criminal misuses a gun. This legislation would make the gun industry immune from suits for negligent sales and defective designs. H.R. 1036 immunizes the gun industry from civil lawsuits by both government entities and individual citizens, both of whom would lose their legal rights to civil damages. This could have a profound impact on the victims of gun violence.

At a minimum, the victims of gun violence have the right to have their day in court. It is ludicrous to deny the families of persons killed by negligently or recklessly manufactured or sold guns the right to seek justice in courts of law. H.R. 1036 not only deprives gun violence victims of the chance to bring future lawsuits, it dismisses all qualified pending civil lawsuits against the gun industry in both federal and state courts.

In my home state of Texas, for example, the family of murder victim Raymond Lamb Payne will have their case against a pawn shop called EZ Pawn dismissed. In that case, Raymond Lamb Payne was shot and killed by David Lee Williams. David Lee Williams had been committed to a mental institution and was by law not permitted to purchase a gun. David Lee Williams' brother warned EZ Pawn that David Lee Williams had mental illness, and had threatened to kill people. Despite the warning EZ Pawn negligently sold David Lee Williams a gun. Five days later that same gun was used to murder Raymond Lamb Payne. Under H.R. 1036, EZ Pawn will be immune from liability and the family of Raymond Lamb Payne will have their pending case dismissed.

The gun industry is one of only two industries, along with the tobacco industry, that is exempt from federal safety oversight. Lawsuits are an important tool, the only tool, available to motivate the gun industry to act responsibly, and to engage in reforms that make guns and gun sales safer. Lawsuits against the gun industry are not frivolous, as gun proponents claim. That is clear from the fact that many lawsuits against the gun industry have been successful in court.

If passed without substantial amendment, H.R. 1036 will deny justice to America's gun violence victims. It will grant unfettered power to gun manufacturers to produce unsafe guns. It will enable gun merchants to negligently and recklessly sell their guns to criminals.

I oppose H.R. 1036 as it is presently drafted, and support the Amendments offered by my colleagues.

Mr. VITTER. Mr. Chairman, today I rise in strong support of H.R. 1036, the Protection of Lawful Commerce in Arms Act.

This bill protects licensed manufacturers and sellers of firearms or ammunition from lawsuits based on criminal use by a third party. It's patently absurd—and bad legal theory as well—to allow these sorts of lawsuits to move forward. This legislation today is an important step in stopping it.

Just as importantly, these lawsuits seriously threaten the Second Amendment rights of law-abiding citizens. Time and again those who would curtail firearm rights enshrined in our Constitution have tried to regulate and legislate against our freedoms. The American people rightly have opposed and rejected these misguided efforts. Now the same folks are trying to use the courts and twist the law into achieving their aims. Therefore, this response from Congress is not something done to please any special interests other than the American people and the Bill of Rights.

Thirty-one states have laws that prevent these junk lawsuits, and I am pleased that my home state of Louisiana is one of them. The Federal government should act quickly and I hope that the courts dismiss these junk lawsuits as well.

I commend Congressman STEARNS and the Judiciary Committee for their hard work in producing this legislation, and I strongly urge my colleagues to support this bill.

Mr. CARSON of Oklahoma. Mr. Chairman, I rise in support of H.R. 1036, the Protection of Lawful Commerce in Arms Act.

As my esteemed colleagues have discussed, H.R. 1036 would prohibit civil lawsuits from being brought against gun manufacturers by parties that have been injured by the unlawful use of firearms.

Mr. Chairman, I am a great believer in personal responsibility. It is one of the key principles upon which America was founded. The Protection of Lawful Commerce in Arms Act would strengthen this great notion.

Imposing liability on an entire industry for harm caused solely by the unlawful actions of others is an abuse of the United States legal system—it undermines public confidence in our judicial system and threatens the viability of law-abiding companies.

Frivolous lawsuits against the firearm industry are nothing more than an attack on the Second Amendment. It seems a logical anti-gun tactic to me, if you can't lawfully prevent the sale of guns, then you go after the people who sell guns and make them afraid to sell their lawful products for fear of incurring substantial financial liability. Thus far, these frivolous and merit-less lawsuits have had little success in court. Their only success is in placing an enormous financial burden on gun manufacturers. However, these litigation costs are then passed onto consumers and makes it more difficult law-abiding citizens to own guns. In the end, the ones who suffer the most are law-abiding consumers.

H.R. 1036 would help protect our Second Amendment rights by protecting legitimate businesses that comply with federal, state and local gun laws. It is time to stop these frivolous lawsuits that threaten to bankrupt a responsible American industry by blaming the firearm industry for the actions of criminals. I urge my colleagues to support the Protection of Lawful Commerce in Arms Act.

Mr. PAUL. Mr. Chairman, I rise today as a firm believer in the second amendment to the United States Constitution and an opponent of all federal gun laws. In fact, I have introduced legislation, the Second Amendment Restoration Act (H.R. 153), which repeals the misguided federal gun control laws such as the Brady Bill and the assault weapons ban. I believe that the second amendment is one of the foundations of our constitutional liberties. However, Mr. Speaker, another foundation of those liberties is the oath all of us took to respect the Constitutional limits on federal power. While I understand and sympathize with the goals of the proponents of the Protection of Lawful Commerce in Arms Act (H.R. 1036), this bill exceeds those constitutional limitations, and so I must oppose this bill.

It is long past time for Congress to recognize that not every problem requires a federal solution. This country's founders recognized the genius of separating power amongst federal, state and local governments as a means to maximize individual liberty and make government most responsive to those persons who might most responsibly influence it. This separation of powers strictly limited the role of the federal government in dealing with civil liability matters; instead, it reserved jurisdiction over matters of civil tort, such as gun related alleged-negligence suits, to the state legislatures from which their respective jurisdictions flow.

While I am against the federalization of tort reform, I must voice my complete disapproval for the nature of these very suits brought against gun manufacturers. Lawsuits for monetary damages from gun violence should be aimed at the perpetrators of those crimes, not the manufacturers! Holding manufacturers liable for harm they could neither foresee nor prevent is irresponsible and outlandish. The company that makes a properly functioning product in accordance with the law is acting lawfully and thus should not be taken to court because of misuse by the purchaser (or in many cases, by the one who stole the weapon). I fear these lawsuits are motivated not by a concern for justice but by a search for deep pockets, since gun manufacturers have higher incomes than the average criminals, and a fanatical anti-gun political agenda.

These attacks on gun manufacturers are disturbing, since the gun industry provides our law enforcement and military with the necessary tools needed to fight crime and defend our country. We should be helping our law enforcement officers and military, not hurting them by putting reputable gun manufacturers out of business.

However, Mr. Chairman, the most disturbing aspect of these lawsuits is the idea that the gun, an inanimate object, is somehow responsible for crimes. H.R. 1036 enables individuals to abrogate responsibility for their actions, in that it allows gun dealers to be sued because they "should have known" the gun would be used in a crime. Under H.R. 1036, gun dealers will still be unjustly forced to scrutinize their customers for criminal intent.

This further erodes the ethics of individual responsibility for one's own actions that must form the basis of a free and moral society. The root problem of violence is not the gun in the hand, but the gun in the heart: each person is accountable for the deeds that flow out of his or her own heart. One can resort to any means available to complete a crime (such as knives, fertilizer, pipes, and baseball bats). Should we start suing the manufacturers of these products as well because they are used in crimes? Of course not—its implications are preposterous.

Finally, Mr. Chairman, I would remind my fellow supporters of gun rights that using unconstitutional federal powers to restrict state gun lawsuits makes it more likely those same powers will be used to restrict our gun rights. Despite these lawsuits, the number one threat to gun ownership remains a federal government freed of its constitutional restraints. Expanding that government in any way, no matter how just the cause may seem, is not in the interests of gun owners or any lovers of liberty.

In conclusion, while I share the concern over the lawsuits against gun manufacturers, which inspired H.R. 1036, this bill continues the disturbing trend toward federalization of tort law. Enhancing the power of the federal government is not in the long-term interests of defenders of the second amendment and other constitutional liberties. Therefore, I must oppose this bill.

Mr. WILSON of South Carolina. Mr. Chairman, if there were previously any doubt about the importance of a vibrant and vigorous firearms industry in the United States, that doubt must surely have dissipated in the months since Sept. 11, 2001.

Since that fateful day, American military personnel have been engaged in operations overseas, against those who seek and plot our destruction.

At this moment, a quarter of a million of our soldiers, sailors, airmen and Marines are deployed in support of Operation Iraqi Freedom.

Thousands of reservists are mobilized, not only to support operations in Iraq, but also to support Operation Enduring Freedom—maintaining the watch against acts of terrorism on American soil.

Thousands of Coast Guardsmen are protecting our coastlines. Tens of thousands of federal, state, and local law enforcement and security personnel are guarding our communities and our public facilities

And millions of private citizens are doing what they always have done—protecting themselves, their families, and their neighborhoods.

One thing these Americans share in common is the need for firearms.

Another thing in common is the firearms that they use. In many instances, our military, law enforcement, security personnel, and private citizens use firearms made by the same manufacturers.

Unfortunately, frivolous lawsuits that have been filed against firearms manufacturers, with the sole intent of driving them out of business. These shameful efforts have been based upon outlandish and widely-rejected theories of liability—theories that would be equally absurd if applied against the manufacturers of any other lawful product.

Many states have already acted to put an end to these unwarranted lawsuits, which seek to hold the firearms industry responsible for the acts of criminals.

It is time for Congress to do so nationwide. It's the right thing to do for America's security.

Mr. SULLIVAN. Mr. Chairman, today, I rise in support of H.R. 1036, the Protection of Lawful Commerce in Arms Act of 2003.

I am a cosponsor of this legislation for several reasons. First, I do not believe that licensed gun manufacturers and merchants should be held legally responsible for the unlawful use of their lawful products. Second, I feel this constitutes a violation of tort law, and could send a dangerous precedent for future lawsuits affecting many other industries to come.

Tort law rests upon a foundation of individual responsibility in which a product may not be defined as defective unless there is something wrong with the product, rather than with the product's user.

Today, this Congress has the opportunity to address frivolous lawsuits and protect a legal and law-abiding industry from legal excess. We should pass this legislation to end the effort to drive law-abiding firearm manufacturers, distributors, and dealers into bankruptcy under the crushing weight of illegitimate lawsuits.

Congress has a constitutional authority to protect the interstate commerce in firearms, a lawful and legal product. I urge my colleagues to vote for this sensible legislation and set a precedent of legal business protection.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection of Lawful Commerce in Arms Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(5) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.

(6) The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the Framers of the Constitution, by the Congress, or by the legislatures of the several states. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term "engaged in the business" has the meaning given that term in section 921(a)(21) of title 18, United States Code, and, as applied to a seller of ammunition, means a person who devotes, time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

(2) MANUFACTURER.—The term "manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(3) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term "qualified product" means a firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code, including any antique firearm (as defined in section 921(a)(16) of such title)), or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—The term "qualified civil liability action" means a civil action brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages or injunctive relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include—

(i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly and willfully violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought;

(iv) an action for breach of contract or warranty in connection with the purchase of the product; or

(v) an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended.

(B) NEGLIGENT ENTRUSTMENT.—In subparagraph (A)(ii), the term "negligent entrustment" means the supplying of a qualified product by a seller for use by another person when the seller knows or should know the person to whom the product is supplied is likely to use the product, and in fact does use the product, in a manner involving unreasonable risk of physical injury to the person and others.

(6) SELLER.—The term "seller" means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17) of title 18, United States Code) in interstate or foreign commerce at the wholesale or retail level, consistent with Federal, State, and local law.

(7) STATE.—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term "trade association" means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers or sellers of a qualified product.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 108–64. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 108–64.

AMENDMENT NO. 1 OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer Amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of Amendment No. 1 is as follows:

Amendment No. 1 offered by Mr. WATT:

In section 4(5)(A)(v), strike ", when used as intended".

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill, because it has not been properly considered through the committee process, leaves a lot to be desired in terms of drafting. This amendment is an effort to correct a real problem with the bill, because the bill purports to give an exception for suits where there are physical injuries or property damage resulting directly from a defect in design or manufacture of the product when the product is used as intended.

The problem is that there is no definition of "when the product is used as intended," so you are left with this situation.

I am sure my colleagues are going to tell you all kinds of things where lawsuits could go forward under this rubric, but I think a number of lawsuits are going to be foreclosed by this language, and I would like to just give one or two examples.

First of all, I am holding in my hand 13 recall notices from manufacturers of weapons. These recall notices recall a product, a gun, a kind of gun, in a lot of cases because when it is accidentally dropped, the gun will discharge.

Well, the question then becomes, if a gun is accidentally dropped, is it being used as intended? Is that gun being used as intended if a person accidentally drops the gun and it discharges?

Mr. Chairman, you have heard the gentleman from Rhode Island (Mr. LANGEVIN) say that was the exact situation which left him paralyzed here, and we should leave no doubt that in those circumstances that there should be liability.

Under this bill, this would apply even if the manufacturer had sent out a recall notice and the person had not acted on that recall notice. In fact, some of those recall notices say, do not do anything immediately on this, we are going to get to you 6 months down the road, and you can bring the gun back to the dealer, and we will correct whatever problem there is with the gun.

□ 1245

So even if it is during that time period, there could be no potential liability here under this bill.

I think this language is irresponsible; and I am sure my colleagues are going to say, well, we did not intend that. But that is what the bill says, I am reading from the language, and if we had considered this bill in the regular process in the committee, perhaps we could have done a better job. But they were so intent on getting this bill out of committee to the floor and at the National Rifle Association's convention 2 weeks down the road that they did not care about the language.

Mr. Chairman, we should correct this, and this amendment allows us to do that.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I rise to seek the time in opposition.

The CHAIRMAN. The gentleman from Utah (Mr. CANNON) is recognized for 10 minutes.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

I would like to first thank the chairman of the full committee for his expeditious movement of this bill through a hearing and through markup. I would also like to thank the ranking member of my Subcommittee on Commercial and Administrative Law, the gentleman from North Carolina (Mr. WATT), with whom I sometimes differ, but who never, never differs without grace. I appreciate his positions.

There are a number of issues upon which we differ here. Let me just point out, the markup was shortened, to some degree, partly because it was treated as a joke. Nevertheless, this legislation has been considered in the past and was subject to a hearing.

The gentleman from North Carolina is pointing out that a number of lawsuits will be prohibited or stopped by this legislation; and the answer to that statement is yes, that is the purpose of this legislation. It is to stop lawsuits which are frivolous and intended only to destroy the manufacturers and distributors and importers of guns in America as viable commercial activities.

The gentleman also pointed out that some of these lawsuits that will be prohibited would be wrongly prohibited, and that is where we disagree. The gentleman referred to 13 recall notices. The gentleman will recall that in our hearing, we had an expert from the gun industry who said that if a weapon discharged because of a defect which was subject to a recall notice, or even if it was not subject to a recall notice, but if it discharged improperly, they would, that is the industry, the gun manufacturing industry, would still be responsible for that defect according to current law.

Now, the bill before us does not change current law. It only preempts the recent rash of frivolous lawsuits that are intended and explicitly intended by the proponents of these lawsuits to destroy the industry.

This amendment should be defeated because it would strip away from the bill an essential protection from frivolous lawsuits. The bill allows manufacturing and product defect cases to go forward provided that the product was used as intended. This phrase is vital to, for example, protect a gun manufacturer from a frivolous claim that the gun should have been designed to prevent someone from sticking a gun up his nose to scratch, with his finger on the trigger. That is clearly not what was intended for the use of the gun.

Another example, while all manufacturers under national standards voluntarily adopted by the industry design guns to be safe from firing on impact when dropped, a person who uses a pistol as a hammer should not be able to sue for defective design, which just makes sense, when the gun discharges after its foolish abuse of the design.

As one important product liability case stated, it is well settled that a manufacturer is under a duty to use reasonable care in designing his product when used in the manner for which the product was intended. The phrase "used as intended" is today routinely applied by courts and juries based on circumstances of the case and what the court or the jury sees as a reasonable intended use. Of course, the juries will no doubt draw extensively on, for example, the owner's manual of a firearm for guidance as to what the intended use is.

It would seem clear in most circumstances to carry a gun is an intended use and that manufacturing and design defects that cause harm when a person drops the gun during the course of its intended use properly and appropriately falls within the exceptions of the bill's provision. It would also seem clear that in most, if not all, circumstances pointing a gun at an innocent person and pulling the trigger is not an intended use. These would be fact-intensive inquiries, however, best left to the discretion of judges and juries. The phrase "used as intended" is by no means an unfamiliar term in the case law. The amendment should be defeated so existing case law among the States can be used to appropriately apply it on a case-by-case basis.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment to close that loophole in the bill when used as intended.

But I also rise in opposition to the whole bill itself, to H.R. 1036. The bill would provide Federal immunity to gun manufacturers and, in my opinion, would halt progress towards safer guns and greater industry accountability.

H.R. 1036 would block suits filed by individuals, victims of gun violence seeking to hold the gun industry accountable for irresponsible manufacturing or selling of guns.

Now, gun manufacturers and sellers are exempt from Federal consumer product safety regulation. The gun lobby made sure that the gun industry was exempted from regulation when the Consumer Product Safety Commission was established in the 1970s. This is wrong. The only other product that enjoys this exemption is tobacco. And in my estimation, Teddy bears are more regulated for safety than guns. Giving the gun industry immunity would remove the only incentive to gun manufacturers and dealers to ensure that guns do not fall into the wrong hands.

Past suits have resulted in improved safety features such as internal locks to prevent unauthorized access. Right now, there are local governments who are in court attempting to show that the manufacturers that make guns that too often surface in illegal activities, and the stores that make no attempt to follow the law in selling guns, should be held liable for the relentless damages of gun violence. Now, survivors of some of the Washington area sniping victims have gone to court to sue the manufacturer of the gun that is said to be the murder weapon and the gun shop that sold it after discovering that the dealer had reported 238 guns missing from its inventory in 3 years alone. This bill would prevent these lawsuits from going forward.

I believe that this industry, like every other industry, has an obligation to its consumers and to the public to ensure that their product is manufactured and sold in ways that are safe, legal, and responsible. So I urge my colleagues to support the gentleman's amendment and to vote against this bill.

Mr. CANNON. Mr. Chairman, I yield myself 15 seconds to respond to the gentleman.

We have, in fact, protected manufacturers in dozens of industries. One example is the light aircraft industry where we have set up rules so that we could actually continue, or actually recreate, our light aircraft industry in America.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend for yielding me this time, and I rise in support of this much-needed commonsense legislation.

I am the proud and original supporter of this legislation entitled the Protection of Lawful Commerce in Firearms Act. It will shield gun manufacturers from irresponsible lawsuits and from damages in cases where firearms are used during criminal acts of third parties, and only there. It does not protect them against wrong-doing and negligent entrustment; it does not protect gun manufacturers against negligent manufacture of dangerous firearms, but only where the firearm is sold legitimately and lawfully.

The legislation is based on a simple, sound premise. We ought not sue Boeing because somebody took a Boeing jet and crashed it into the World Trade Center. We ought not sue Ford Motor Company because of negligence of a drunk driver.

The bill has broad support with 251 cosponsors, including some 46 Democrats. The legislation is supported by organized labor, including local affiliates of the United Auto Workers and the United Mine Workers. It is necessary simply because there are junk lawsuits which are being filed to harass law-abiding businessmen. If successful, such lawsuits would bankrupt U.S. firearms manufacturers and destroy a legitimate, lawfully, and carefully and intensely regulated industry in which the manufacturers and sellers are regulated intensely by ATF and other Federal and State regulatory agencies.

Some two dozen lawsuits have been filed in States and municipalities that would be dealt with under this. The courts have spoken with regard to these lawsuits, dismissing them almost entirely. In spite of the fact that the lawsuits filed against the firearms industry have produced no lawful or successful results, cities, counties, and others continue to file them, mostly for harassment purposes. These lawsuits cost not only the firearms industry, but municipalities, hundreds of millions of dollars. This legislation is directed at curtailing that.

The bill does not affect the right of a lawsuit to sue for negligence or other wrong-doing.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in support of the Watt amendment. I think anyone who has been listening to this debate realizes that this is not a debate about the ability of Americans to have responsible gun ownership, something I think everyone in this debate has recognized. But I rise to support the Watt amendment because it shows some attention to the over 1,000 children a year, our children, who kill themselves using a firearm. I rise to pay some attention to the hundreds of children every year who shoot their playmates unintentionally, our children.

The reason these children deserve some standing in this debate is that those children would be alive if there was some way that these guns were secured so that our children did not get access to these firearms. Right now, many people of common sense who may stand as jurors believe that manufacturers should provide responsible gun owners with the ability to secure their firearms so kids do not get them. That may include trigger locks, it may include boxes, it may include these new computerized systems to keep our kids from shooting their playmates and shooting themselves in a moment of temporary teenage depression.

But this legislation, without the Watt amendment, would preclude jurors from holding manufacturers responsible and prevent jurors, reasonably minded jurors, from finding them responsible and not giving consumers what they deserve. And consumers of a firearm deserve the ability to lock them away and not allow them to be used by their children. If we adopt the Watt amendment, we will allow jurors to make that decision.

I have to tell my colleagues, when I read about some 10-year-old getting his uncle's gun and shooting his playmate because it was not secured, I stand for the proposition that jurors ought to be able to say that trigger locks ought to be sold with these firearms so that consumers will have them.

Support the Watt amendment.

Mr. CANNON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the author of the underlying bill.

□ 1300

Mr. STEARNS. Mr. Chairman, I thank my colleague, the gentleman from Utah, for yielding time to me.

Mr. Chairman, the Watt amendment is attacking the words "used as intended", and he has sort of indicated that those words are vague and perhaps they should be deleted because the courts could not quite understand them.

I have Black's Law Dictionary back in my office, Mr. Chairman. I went up and looked up the words. It is defined as "the intended use doctrine," defined as "The rule imposing a duty on a manufacturer to develop a product so that it is reasonably safe for its intended or foreseeable users."

In fact, if we look up the words "used as intended," for example, the words "manufacturing defects" or "design defects," any of these terms which, at first glance, would connote some nebulous concept. Indeed, it is not a nebulous concept; there is a strict interpretation of these words in tort law.

In Westlaw, which is a commonly used legal database, if we go into that and put in the words "used as intended," we come up with that it has been cited in 1,300 State cases and over 900 Federal cases come up. That is ample guidance for courts to use regarding what "used as intended" means in a case alleging defective design or manufacture.

The treatise American Law of Products Liability states that "Courts have consistently refused to impose liability on manufacturers of firearms that function exactly as intended."

Mr. Chairman, I think what I am saying is, there is ample evidence in the law, both in the Federal and in the State, where the term "used as intended" is clearly understood in tort law, so there is no ambiguity here.

Mr. Chairman, I would urge defeat of the Watt amendment.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think, regarding the people who have made statements in support of and against this amendment, I think the problem is that we have left a substantial ambiguity in the law because we have not taken the time to deal with this in the committee, where it should have been dealt with.

With all respect to the chairman of my subcommittee, the gentleman from Utah (Mr. CANNON), whom I respect and admire greatly, the fact that somebody shows up at a hearing and says that this language, "used as intended," means one thing or another really is not going to be what controls that. The same judges that they have said are irresponsible are going to be making that determination.

Mr. Chairman, when we write a piece of legislation, it is our responsibility to write it in a way that leaves them no discretion about what we mean. I would submit that a child who picks up a gun and drops it, and it discharges, most of us would stand here and say that that gun was not being used as intended. Therefore, the parents of that child would have no recourse; nobody would have any recourse against the manufacturer.

I would submit that anybody who drops a gun and it accidentally discharges, as it did in the case of the gentleman from Rhode Island (Mr. LANGEVIN), could reasonably argue that that was not, or that that falls within the exception.

It is our responsibility to close these loopholes, not open additional ones. I ask my colleagues to support the amendment.

Mr. CANNON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT), my friend, for his gracious comments.

Referring back to the prior speaker, the gentleman from Washington, he made a couple points that I think are important. This is not about the right to own a gun; this is an entirely different discussion.

I indicated, on his concern about seeing trigger locks on all guns, frankly, we need to research and improve safety devices over time. Hopefully, some of those improvements in safety will come from a healthy, robust manufacturing center in our country that can afford to develop the kinds of technologies that will keep the many police officers who are shot with their own guns safe from their own guns. That takes a robust industry to do that.

In closing, let me just point out to the gentleman, if we enter the words "used as intended," "manufacturing defect," or "design defect" into Westlaw, a commonly used database, we come up with 1,300 State cases and 900 Federal cases. We have a great deal of understanding about the concept that is being attacked in this amendment.

I encourage the Members of this body to oppose this amendment, to go with legislation that is sensible and reasonable and will improve the environment in which we have to exercise our right to keep and bear arms in America.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–64.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate amendment No. 2.

The text of amendment No. 2 is as follows:

Amendment No. 2 offered by Mr. SCOTT of Virginia:

In section 4(5)(A), strike clause (i) and insert the following:

(i) an action brought against a transferor who transfers a firearm in violation of section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by conduct of the transferee involving the firearm;

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the underlying right for redress would apply if the defendant transfers a firearm in violation of the law and is convicted of that crime. In other words, if the defendant has been convicted of an illegal transfer of a firearm, he loses the benefits of the bill.

This amendment eliminates the requirement under the bill for a conviction before a defendant can be sued, and substitutes the requirement that the defendant actually committed the crime. Requiring a conviction before a defendant can be sued for civil consequences of his unlawful acts would constitute an extraordinary change in traditional civil liability standards. Moreover, such a requirement would create bizarre results based on what a prosecutor decides to do in a particular case and when he decides to do it.

The prosecutor may choose not to prosecute a particular case for various reasons. This would preclude a claim, regardless of how egregious the injuries are or how clear the liability; or even if a case is prosecuted, the prosecutor may decide to plea bargain a case, allowing a defendant who has illegally transferred many guns to plead guilty to one transfer and drop the other cases. It would be absurd to suggest that only the victims in the case pleaded to can sue while the others cannot.

Of course, there is always a possibility the case can be thrown out because of an unlawful search or seizure, because of a coerced confession, or simply because the prosecutor is unable to prove his case beyond a reasonable doubt. The case might be lost because a jury was pretty sure the defendant was guilty, but not beyond a reasonable doubt.

Even where there is a conviction, the timing of the conviction alone might be dispositive of the claim because there is nothing in the bill or the law which tolls the statute of limitations in a civil claim pending prosecution and appeals.

Mr. Chairman, this is a dramatic departure from traditional civil proceedings. In an automobile accident, for example, one can be successful if one can prove that the defendant went through the red light. We do not lose our case because the police officer did not give the defendant a ticket, or gave him a ticket but did not get a conviction. Say one brings the witnesses to court and proves the defendant, in fact, went through the red light. Under the theory under this bill, that person would lose his case if the police officer failed to successfully prosecute the defendant.

If this amendment is adopted, even without the conviction, the unlawful transfer would still have to be proven in order to pursue the case. Under traditional civil law, we would still have to prove the defendant violated the law and that the violation was the proximate cause of the injury.

If someone's criminal activity causes injury, he should not escape civil liability merely because he was not technically convicted of that crime. So I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FEENEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. FEENEY) is recognized for 10 minutes.

Mr. FEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respectfully disagree with the amendment of the gentleman from Virginia (Mr. SCOTT), and would ask a "no" vote on his proposed amendment.

In essence, this is a battle about two competing theories with respect to gun manufacturers and gun sellers in America. There is one theory that presumes that gun manufacturers and gun sellers are inherently guilty of something, somewhere, almost all of the time. The other theory is that, consistent with the second amendment, if we really believe that the second amendment protects the right to bear and own arms, that we must inherently protect the right of people to manufacture and distribute those arms.

What the gentleman's amendment does, as I read it, is basically several things that are very, very important, including allowing civil courts to find somebody guilty of criminal offenses without all of the inherent protections that we give to people who are accused of crimes.

It actually flies in the face of a subsequent amendment filed by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who makes the keystone of her amendment actually that one be convicted and found guilty of a crime before they are responsible in a civil action.

What this amendment of the gentleman from Virginia (Mr. SCOTT) does is to remove the requirement that you are convicted of any criminal act before you are held guilty in civil responsibility. It would allow lawsuits against firearms manufacturers, dealers, or importers if the action is against a transferor who knowingly transfers a firearm, knowing that such firearms will be used to commit a crime of violence or drug trafficking crime.

The bill currently allows for suits against people if the transferor is actually convicted of a crime. What this amendment does is to undermine the ability of somebody to defend themselves with all the inherent criminal protections that they ought to have before they are essentially found to have committed a crime.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would just point out that without this amendment, this bill protects criminals. Without the amendment, we could have a criminal actually admitting to the crime, but unless there was a conviction, we could not use that admission in a civil case.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I just want to join in support of this amendment offered by the gentleman from Virginia (Mr. SCOTT). Again, this is a case where, had we taken the time in committee to evaluate the language and allow the amendment of the gentleman from Virginia (Mr. SCOTT), which was at the desk when the question was called on the bill in committee, if we had had this debate, we could probably have corrected this language to say what the gentleman from Florida (Mr. FEENEY) would like for it to say.

Unfortunately, the bill says what it says. As much as he would like for it to say something different than what it says, it does not. It says that in order to pursue a cause of action, we have to have had a conviction.

That is ridiculous. The bill should not say that. Now, maybe the drafters did not intend for it to say that, which is exactly the point that I have been making throughout this process: If we had taken the time to evaluate the provisions of this bill, then we could have at least gotten the bill to say what they intend for it to say.

However, no judge is going to have the luxury of saying, well, they intended to say this, and therefore I am going to interpret this statute in that way. The judge has to look at the law as we have written it. Right now, this bill does not say what my colleagues would like for it to say because we have not taken the time to make it say that.

Mr. Chairman, we are being irresponsible and we are passing legislation through this House that we know has a serious flaw, and they are looking at us saying, well, you cannot read. I learned to read a long time ago. I can read what the language of this bill says, and it says exactly what the gentleman from Virginia (Mr. SCOTT) says it says. Nothing that my colleagues on the other side can say can change that.

We need to amend the bill so that it says what they want it to say.

Mr. FEENEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman is a very capable reader. I have discovered that in committee, and enjoy working with him.

However, I can read as well. What the bill does is say, before you are treated as a criminal, you need to be tried as a criminal in a criminal court, and you need to be convicted as a criminal. That is the American way.

What the amendment says is that you can be treated as a criminal even though you have never been tried as a criminal, and even though you have never been in a criminal court and certainly never been convicted.

Members will recall that the Bill of Rights, aside from protecting the right to bear firearms, also protects certain rights before one is convicted of a crime. It is the great American criminal jurisprudence.

□ 1315

Among other things, before you are a criminal, you have the right to a trial, you have the right to face your accusers, you have a right to call witnesses, you have a right to an attorney, you have a right to due process, and you have a right to be proven guilty beyond a reasonable doubt.

What the gentleman's amendment does is to essentially eviscerate all of the protections we give people in America who are accused of a crime and make them criminals even though they have never had a day to protect themselves in a criminal court.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask the gentleman if he could state any other civil statute that requires a criminal conviction as a predicate. And I would point out on page 9 of the bill "in an action in which a manufacturer or seller of a qualified product knowingly and willfully violated," but it does not say anything about a conviction. So the manufacturer or seller is not afforded any of those rights we just heard of. And I just want to know if there is any other civil law that requires a criminal conviction as a predicate to your right to get civil remedies.

Mr. Chairman, I reserve the balance of my time.

Mr. FEENEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would suggest that there are thousands of civil laws both at the Federal level and the State level, and we will try to get some research on which ones actually require a criminal predicate. But what I would suggest to the gentleman is that the part of the bill that he references regarding statutes that have been violated could be either a civil or criminal statute. So it does not require a civil court to find an individual defendant guilty of a crime. It actually permits a case against a gun manufacturer who violates a State law or Federal law in a civil matter. And I think this is very different because what the gentleman's amendment does is to specify a Federal criminal offense and to suggest civil courts can find you guilty even though you have never had your day in court, never been in criminal court, and certainly never been convicted in criminal court.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the gentleman is defending the bill, I would ask him on page 8 of the bill, lines 17 through 22, whether or not the word "transferee" on line 22 and "transferor" on lines 17 and 18, whether that is a typographical error.

Mr. Chairman, I reserve the balance of my time.

Mr. FEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, actually I was debating the gentleman's amendment, and we have got staff taking a look at the specific provisions you have referred to. What I would suggest, Mr. Chairman, is ultimately this amendment is an attempt to eviscerate the second amendment in a way that the Constitution would not permit, in a way the courts fortunately have not permitted, and in a way that elected representatives and legislatures around the country and in this Congress would not permit.

What it basically does is to try to, through all sorts of litigation against gun manufacturers and gun sellers, make weapons that are protected under the second amendment unavailable. So what it does is to say that the second amendment to the United States Constitution, while it may protect your theoretical right to own and bear a weapon, actually is meaningless because we are not going to allow anybody either to manufacture or to sell those weapons.

And I would suggest that the adversaries of this bill and the people that are trying to weaken or undermine or eviscerate the bill refer back to Oliver Wendell Holmes's great statement in 1894 where he explained why you hold certain people responsible. He said:

> Why is not a man who sells firearms answerable for assaults committed with pistols bought of him since he must be taken to know the probability that sooner or later someone will buy a pistol of him for some unlawful end? The principle seem pretty well established, in this country at least, that everyone has the right to rely upon his fellow man acting lawfully.

What the opponents of this bill want to do is to presume that everybody who manufactures or sells a weapon is guilty of something, ought to be put out of business through bankruptcy or some other means.

Mr. Chairman, I reserve the balance of my time to close.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support what is an enormously sensible amendment to legislation that has come to the floor with a lot of its own baggage. I recognize that we have legislation that people proudly say there are 250 sponsors. I have not had my time on the floor, so I will just add 250 celebratory sponsors gearing themselves toward a pending convention and looking, of course, towards making a lot of new friends in the National Rifle Association.

But we have to deal with life and death on the floor of the House. We have to deal with the question of saving lives. And certainly I would think that the amendment that the gentleman from Virginia (Mr. SCOTT) has offered again provides added protection to those who are left most vulnerable with this legislation.

Clearly I think if we were to explain this in the ABC's and we would explain to the American people that we are closing the door on a number of petitioners who have been injured and/or killed because of the misuse of a firearm, they would understand that this is not in conflict with the second amendment. We all believe that the second amendment does give the right to Americans to bear arms. I believe, unfortunately, that it dealt with the militia, but to bear arms. But we also understand that there is normal product liability, if you will, laws that deal with the protection of those who have the right to engage in a lawsuit because they have been injured.

This particular amendment deals with the requirement under the bill for the conviction of a transferer who knowingly transfers a firearm knowing that such a firearm will be used to commit a crime of violence before a transferer can be sued. And we eliminate that requirement.

It makes sense that if you are dealing with a criminal element and that you have been injured and that there has been some misuse, then you should not be limited and not have that additional requirement.

Mr. Chairman, this is an intelligent amendment to a bill that has been on a fast track so that we can all celebrate at the National Rifle Association convention.

Mr. FEENEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 1½ minutes remaining. The gentleman from Florida (Mr. FEENEY) has 4 minutes remaining. The gentleman from Florida has the right to close.

Mr. FEENEY. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I rise to ask my colleague from Virginia a question.

Suppose there is a conviction in a case and then a civil lawsuit is filed which would be allowed, and then the conviction is reversed on appeal. What would happen under this bill under those circumstances?

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for the question; and, frankly, Mr. Chairman, I do not know. You would have someone who has filed his lawsuit, gets a judgment. The underlying conviction is overturned. I do not know. Maybe the gentleman from Colorado can help answer the question. In my opening remarks I made a point that pending prosecution and all the appeals, if you start off with an acquittal, with a case thrown out and then reinstated on appeal, maybe after the statute of limitations. There is no other situation where you have to get a conviction before the civil lawsuit can go forward; and I would ask the gentleman from Colorado.

The CHAIRMAN. The Chair recognize the gentleman from Florida (Mr. FEENEY) unless the gentleman wants to close.

Mr. FEENEY. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 30 seconds.

Mr. SCOTT of Virginia. Mr. Chairman, in the bill we have the action of a manufacturer who willingly and knowingly violates a State or Federal statute and can be sued. You do not have to have a conviction.

You have to have a conviction in this situation. The gentleman from North Carolina (Mr. WATT) has revealed a bazaar situation. Some people can bring a case and not bring a case depending upon whether their case was part of a plea bargain or not.

This is a major departure from any civil procedure, and if the gentleman can advise us if there is any other civil lawsuit that requires a conviction as a predicate rather than knowingly violated the statute, we would like to hear it.

Mr. Chairman, I hope we would adopt the amendment.

Mr. FEENEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to apologize to my colleague because they asked the gentleman from Colorado to respond, and while Colorado is a great sunshine State, I actually represent the Sunshine State of Florida.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FEENEY. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I apologize to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Reclaiming my time, there is no offense taken. Colorado is a beautiful State, but please come visit the Sunshine State when you get a chance.

I will give you this answer, and that is, while it will take me some time to research the tens of thousands of Federal and State civil actions to see which ones are predicated on a criminal conviction, I am also not aware of any situation where a civil court without the protections of the Bill of Rights can find one guilty of a Federal criminal offense that carries a 10-year punishment. And I think that is the crux of what this amendment gets to.

Because, as you know, the Supreme Court has stated, quoting James Madison in the case of The New York Times v. Sullivan: "Some degree of abuse is inseparable from the proper use of everything."

That includes hammers, ice picks, steak knives, lawn mowers, other things that have been used as weapons. What the opponents of the bill suggest is that every manufacturer and every seller must be guilty of something simply because they are selling a product that is not only a legal product, but it is particularly and especially protected by the second amendment to the United States Constitution.

A violation of section 18 of the U.S. Code, section 927(h) is exactly what the amendment that the gentleman gets to. A conviction under that statute carriers up to a 10-year imprisonment and a fine potentially.

What the gentleman wants to do is to basically say that somebody can be found guilty of that Federal criminal statute in a civil court, basically declaring somebody a criminal even though they have never been in a criminal court. For example, they would be called a criminal as actually the gentlewoman just did and she said we are protecting criminals if we do not adopt this wonderful amendment.

Ultimately, what we are doing here is to say to an accused person they will be found guilty in a civil court of a crime even though they never had the rights afforded them by the Bill of Rights, including the right to an attorney, the right to face your accuser, the right to call witnesses, the right to due process, and the right to be proven guilty of a crime beyond a reasonable doubt.

Please protect innocent parties, and please protect the second amendment and oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 108–64.

AMENDMENT NO. 3 OFFERED BY MS. LINDA T. SÁNCHEZ OF CALIFORNIA

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. Linda T. Sánchez of California:

In section 4(5)(A)—

(1) redesignate clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(2) insert after clause (i) the following:

"(ii) an action brought against a transferor convicted of a violation of paragraph (3) or (4) of section 922(d) of title 18, United States Code, or of a comparable or identical provision of State law, by a party directly harmed by conduct of which the transferee is convicted;"

In section 4(5)(B), strike "(A)(ii)" and insert "(A)(iii)".

The CHAIRMAN. Pursuant to House Resolution 181, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1036, the Protection of Lawful Commerce and Arms Act, seeks to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their product by others.

The bill makes certain exceptions, however, to allow lawsuits against gun manufacturers, sellers, distributors, and importers. For example, it allows a lawsuit to proceed in case of negligence per se or negligent entrustment. It also allows lawsuits for victims in certain cases where the gun seller or manufacturer knowingly or willingly broke State or Federal law.

My amendment would be one of the smaller exceptions to the ban on lawsuits. It would essentially do more than require gun sellers or manufacturers to obey the law that already exists.

□ 1330

Section 922 of title XVIII of the U.S. Code establishes that it is unlawful for any person to sell guns or ammunition to someone who uses or is addicted to illegal drugs or who has been adjudicated as a mental defective. Later on, the same section makes it illegal for drug users or abusers or persons with adjudicated mental problems to ship, possess or receive guns or ammunition that have been in interstate commerce.

This makes sense. Congress has decided that there are certain people who should not have access to firearms, and these are the two categories of people who are restricted.

Congress further decided that the responsibility for this restriction is on both the buyer and the seller. If the gun sellers and manufacturers are not checking to be sure that they do not sell guns to people with drug or mental problems, then how can we keep the guns out of their hands? That is why the U.S. Code specifically prohibits both the sale and the purchase.

I just want the gun sellers to do the proper background checks. If they do not and it turns out they sold weapons or ammunition to a person in one of those categories, then they should not have the benefit of immunity from the court system. As a matter of public policy, we should most definitely provide victims with an opportunity to take their case to court, and we should allow judges the opportunity to decide if what the gun seller did was a violation of the law.

Last fall, when there were suspicions that the Beltway sniper might have had a mental illness, the House rapidly passed a bill to enforce the already-existing law that requires the FBI to list any person who has been adjudicated as a mental defective on the National Instant Criminal Background Check system. It is important to note that the bill did not create this requirement; rather, it sought to provide incentive grants to encourage the use of it.

That bill unfortunately did not pass the Senate, but that does not change the fact that this requirement already exists. If we are intent on requiring that the information be listed in the system, and if we say that gun sellers must do background checks, then how can we go wrong by holding them liable if they fail to do the background check?

Having already mentioned some of my opposition to this bill, and having tried to correct one of the many, many problems with it, I would like to talk about the egregious manner the Majority has used in moving this bill through the House.

This is a fairly partisan bill, which went through a very partisan Committee, the Judiciary Committee. No hearings were held at Full Committee. Essentially, no markup occurred either. Technically, the Committee met and we started debate on what should have been 10–15 amendments. The first one was offered and withdrawn. Shortly after we began discussing the second one, offered by Mr. Watt, the Majority called the previous question. And with that, our so-called democratic debate on an important piece of legislation ended.

The Majority has since made claims that they cut off debate because no amendments were at the desk. This is patently untrue. As I said, and as the transcript from that markup shows, we were in the MIDDLE of the debate on an amendment when the previous question was called.

I realize that the Majority wouldn't have liked a lot of our amendments, in which case they would have had the freedom to vote against then. But to not even allow debate on a topic of such divergent opinions is a disgrace. We're talking about a bill that includes findings that have no basis in fact or law. A bill that makes sweeping changes to liability, thus cutting off legitimate victims' access to the court system. A bill that rewards certain shoddy gun dealers with the same immunity that it gives to honest manufacturers who have worked diligently to improve their products.

That appalling markup happened last Thursday. Now here we are today, less than a week later, debating the bill on the Floor. But one again, a true democratic effort has been thwarted, because the Majority has only permitted us five amendments. Five amendments. Again, I'm sure that the Majority didn't like all of the amendments we offered. But that doesn't mean they are non-germane. And it's no reason to cut off debate. If that's going to be the basis for how we run this body, then we should stop claiming to be a democracy.

And, frankly, the amendments allowed today don't include all of the "heavy" amendments we offered. Let's be honest—my amendment has a much smaller impact than some of the other ones offered today. I think it represents an important change, but I also think there were a whole host of other important changes that could have been made—had we had a full markup, or had the Rule been an open one.

I am shocked by the complete disregard to Majority has demonstrated for the democratic process. I urge my colleagues on both sides of the aisle to resist this kind of disintegration of our free speech and our democratic process. Otherwise, the democratic ideals our troops are fighting for in the Middle East may as well be meaningless.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentlewoman from Tennessee (Mrs. BLACKBURN) seek the time in opposition?

Mrs. BLACKBURN. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 10 minutes in opposition.

Mrs. BLACKBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the base bill and in opposition to the Sánchez amendment. The language in this amendment would allow lawsuits to be brought against gun manufacturers and dealers for damages that are caused by the criminal misuse of that product by a third party if the firearm transferor knows or has reasonable cause to believe that the recipient is an unlawful user of or addicted to any controlled substance or has been adjudicated as a mental defective or committed to a mental institution.

Making such a transfer to a drug addict or someone who has been declared mentally incompetent is already illegal under the Gun Control Act and the laws of many States. It is clearly covered by the existing language of this bill.

Those who support H.R. 1036 have no intention of preventing lawsuits against those convicted of criminal acts, and under the language of the bill, we do not need to list every possible violation for them to be held accountable.

What we do want to do is prevent junk lawsuits against the firearms industry. Many of these companies operate on narrow margins, and those who oppose the second amendment hope to use our legal system and the threat of costly lawsuits to bankrupt a legal industry. This is clearly wrong, and I would urge my colleagues to oppose this amendment and support passage of H.R. 1036.

Mr. Chairman, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

I do not understand how my colleagues on the other side of the aisle can say that this case is clearly set forth in the proposed legislation, because the negligence, number one, the negligence per se doctrine, does not exist in every State, and I believe it is the citizens of those States who deserve the kind of protections included in this amendment.

The other exception that is stated in this bill is for knowingly or willfully violating Federal or State law, and it requires a conviction, and that does not apply here either. That implication or that state of mind, that mens rea, requires a specific mens rea, whereas my amendment here only includes a reasonable cause to believe standard.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, allow me to thank the gentlewoman from California for a very thoughtful amendment that really seems not to be understood by the opponents of the amendment.

First of all, I think we should make it very clear that what is happening with H.R. 1036 is that right as we speak, Mr. Chairman, we are stopping dead in its tracks any lawsuit by any jurisdiction, local, State or civilian, against a manufacturer, distributors and dealers dealing with firearms. This is an outrage on its face. It makes absolutely no sense that we would begin to intrude into State's rights and individual petitioner rights that would disallow pending lawsuits.

That means that a law enforcement officer who brutally kills and/or injures him or his family, her or her family, cannot engage in a lawsuit. It means that this is, in fact, a pay-as-you-go legislation, and good amendments, of which I support all of the amendments that are on the floor today, are not taken seriously.

This amendment is a good amendment because it is required by law that a person not sell to addicted individuals. What this amendment says is, we do not have to have a conviction. It simply says, if these are addicted individuals and a person illegally sells to them, or people suffering with mental illness or have a mental health condition or in need of mental services, that they have a problem; and therefore, when I say problem, those gun sellers or manufacturers, that they, in fact, should be liable under the laws of this land.

This legislation says in an affronting way, insulting way, that a person does not have the ability to go into the courthouse. Besides the insult of the way this bill came to the floor of the House and the insult of the process, good amendments are on the floor that are not being accepted, and amendments that were in the Committee on Rules, amendments to protect children, amendments that dealt with assault weapons and amendments that dealt with law enforcement officers, were rejected.

I would simply ask my colleagues to overlook the fact that we have a convention of the National Rifle Association pending, and let us try to do what is good for America. Look at the Sánchez amendment and realize that it makes sense because it is existing law. A person cannot sell to addicted individuals; a person should not sell to people suffering from mental illness, and it is that person's responsibility to check. If, in fact, it reflects back on the gun seller and then the manufacturer, that is what should be decided in a court of law.

The ultimate affront, as I said, is the very fact that existing, pending lawsuits that are going on in our courts today, in State courts and Federal courts, will cease and desist because of this legislation. Can we think of a more unfair action in this Congress in light of the fact that we believe we live in a democracy? I cannot.

I would just simply say in closing, I hope the gentlewoman's amendment is accepted. I hope the Meehan amendment is accepted, the two Watt amendments are accepted. I wish they were, and of course, the Scott amendment, and I really hope our colleagues would vote against this legislation.

Mrs. BLACKBURN. Mr. Chairman, I yield myself such time as I may consume.

The claims have been made that the bill's requirement that a knowing violation of the statute occurs is unjust. The claim that it is too burdensome to require that a person knowingly violates the law before they can be said to meet the exceptions to the bill fails to understand the flexible nature of the requirement.

A typical jury instruction regarding what the requirement "unknowing" means states as follows: "Knowledge may be proved by all of the facts and circumstances surrounding the case. You, the jury, may infer knowledge from a combination of suspicion and indifference to the truth. If you find that a person had a strong suspicion that things were not what they seemed or that someone had withheld some important facts, yet shut his eyes for fear of what he would learn, you may conclude that he acted knowingly."

The knowing standard is clearly flexible enough to produce justice in our courts in all circumstances.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank the gentlewoman from Tennessee for yielding to me.

I would say to the gentlewoman from Texas that I understand her feelings when she mentions she finds this bill an insult, and she sort of indicates it is perhaps because of what happened in the Committee on the Judiciary. She has mentioned that perhaps the rule, and she mentioned the NRA convention, but I still do not think that those kinds of statements necessarily apply and convince Members not to vote for this bill because, basically, H.R. 1036 already incorporates what the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is providing under her amendment.

I have to be honest. I think what she is saying is praiseworthy, but the amendment is not necessary because we already have in the bill the language that is needed.

We have used the words "negligent entrustment," and this is a legal term, and that term is used in the bill. Because of the way it is used in the bill, it automatically covers what the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) wants to put in her amendment as part of the bill, and I might read "negligent entrustment" just to clarify what the actual legal definition is, as defined.

It is "supplying of a qualified product by a seller for use by another person when the seller knows or should know the person to whom the product is supplied is likely to use the product and, in fact, does use the product in a manner involving unreasonable risk of physical injury to the person and others."

The bill already allows suits for negligent entrustment or negligence per se or where a manufacturer or seller knowingly and willfully violates a State or Federal statute applicable to the sale or marketing of the product and the violation has a proximate cause of the harm for which relief is sought.

In a nutshell, we have in H.R. 1036 all the necessary language to cover what the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is talking about. So I urge my colleagues not to support the Sánchez amendment. It is unnecessary because H.R. 1036 already holds liable anyone who violates any State or Federal statute.

The Sánchez amendment also eliminates a requirement that a violation of a Federal statute must actually cause an injury before liability can attach. So I urge my colleagues to vote no on the Sánchez amendment.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Chairman, I thank the distinguished gentlewoman for yielding to me.

Let me quickly just cite for the gentleman, and I will not pose it in terms of a question for him to respond, but under section 3, subsection (b), any pending litigation against gun manufacturers, distributors and dealers would be immediately dismissed under this enactment. It might include actions that would come under the gentlewoman's particular amendment, and so if her amendment would be included, it would mean that any pending action that was based upon firearms in the hands of those suffering from mental illness or those who are drug addicted would continue.

This gentleman wants those lawsuits to be extinguished and those injured to be denied their justice.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

I think it is important to clarify something that was stated by my colleagues on the other side of the aisle. They keep talking about negligent entrustment, but negligent entrustment liability only applies when someone knows that person is going to commit a crime. However, this amendment specifically speaks to a different type of mens rea. It speaks to the reasonable cause to believe standard. It does not require, as the current bill stands, the mens rea of knowingly or willfully, plus a conviction, in order to hold these distributors and manufacturers liable.

I think the purpose of this amendment is strictly as an incentive to make sure that sellers and manufacturers and dealers are actually doing the criminal background checks that the law already requires of them; and again, I am talking about having a reasonable cause to believe that somebody is either addicted to drugs or has been mentally adjudicated as incompetent.

I think that requiring a higher standard of proof in terms of the intent of the seller or the distributor, plus a conviction, denies legitimate plaintiffs the right to sue in civil court, and so I would urge my colleagues to please support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, maybe I could just have a colloquy with the gentlewoman on her amendment.

Would my colleague not agree that the language dealing with negligent entrustment is not part of the bill, H.R. 1036?

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, it is part of the bill. My understanding it is a definition in part of the bill.

Mr. STEARNS. Would the gentlewoman not agree that that term "negligent entrustment" is fully understood under tort law?

□ 1345

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, if the gentleman will continue to yield, I would say no. I believe it is applied on a case-by-case basis under tort law.

Mr. STEARNS. But the consensus is, when we read the gentlewoman's amendment, in fact everything she has asked for is already included in our bill. So we think the amendment, as praiseworthy as it might be, in effect it is already being spoken to and clarified in our bill, so we just do not think the gentlewoman's amendment is necessary.

Can the gentlewoman define very clearly why the term "negligent entrustment" does not cover all that is necessary in tort law and why the gentlewoman's amendment would be needed with that already in existence?

Ms. LINDA T. SÁNCHEZ of California. Well, if the intention is to cover the incidence that I am talking about, of dealers or sellers or manufacturers who have reasonable cause to believe, why not state that intention clearly in the legislation?

My understanding is that the negligence per se definition section in the bill does not state those cases.

Mr. STEARNS. Well, reclaiming my time, Mr. Chairman, I disagree. Negligent entrustment, as I read the definition earlier, it is all laid out.

Ms. LINDA T. SÁNCHEZ of California. So we agree to disagree, in other words.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I urge a "no" vote on the Sánchez amendment.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I yield myself the balance of my time. In closing, I just want to say that if we had had the opportunity to bring these amendments up in subcommittee and to discuss them at length, I think we probably could have come to some agreement in terms of what cases we chose to cover by this piece of legislation and which cases we did not.

However, we were not afforded that opportunity because the question was called and debate was cut off. Now we find ourselves here on the floor of the House debating amendments, a scant five, when we had 10 to 15 to offer in subcommittee. This, in essence, cuts off the democratic process, which in essence does not give us the chance to meaningfully consider the amendments as a way to improve this bill.

I urge that my colleagues vote "yes" on my amendment.

Mrs. BLACKBURN. Mr. Chairman, I yield myself the balance of my time.

As we have heard from the discussion, the provisions that have been mentioned are covered. I would encourage my colleagues to vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 108-64.

AMENDMENT NO. 4 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MEEHAN:

In section 4(5)(A), strike clause (ii) and insert the following:

(ii) an action brought against a manufacturer, seller, or trade association for negligence;

In section 4(5)—

(1) strike "(A) IN GENERAL.—";

(2) strike subparagraph (B); and

(3) redesignate clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(4) move the matter preceding the provisions redesignated by paragraph (3) of this amendment, and each of such provisions, 2 ems to the left.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Massachusetts (Mr. MEEHAN) and a member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think any industry should be given blanket immunity for its negligence, especially when it results in the deaths of innocent people. My amendment would allow the victims of gun violence to recover damages from the manufacturers or sellers of firearms where their negligence allows guns to fall into the hands of criminals. It would ensure that manufacturers, distributors, and retailers are held responsible for their negligence just as every other industry and every other individual may be held responsible.

Now, without my amendment, the bill would essentially immunize manufacturers from lawsuits from victims of gun violence, and it would allow these victims to sue retailers only under exceedingly narrow circumstances. Even if my colleagues think strict liability or rather expansive legal theories should not be available in gun cases, should we not all be able to agree that a well-settled set of principles of negligence should apply to guns in the same way that they apply to virtually every other context under State common law?

As reported by the Committee on the Judiciary, the bill would bar suits against manufacturers entirely, and it would limit claims against retailers to theories based on negligent entrustment or negligence per se. The problem with negligent entrustment is that it would apply only where the person to whom the gun is supplied uses it in a manner involving an unreasonable risk or a physical injury to that person or to others. This means the retailers who negligently sells a gun to a straw purchaser would not be liable if the ultimate recipient uses the weapon to shoot a police officer, because straw purchasers transfer guns to criminals rather than using them themselves to commit the crime of violence themselves.

So what does that mean? It means this bill really does immunize the entire chain of suppliers, even when they have reason to know that the weapons they sell will end up in the hands of criminals. The problem with negligence per se is that some States do not even recognize that doctrine. And the ones that do oftentimes require plaintiffs to show that the retailer has violated a specific statute or regulation that is expressly designed to protect people from the misuse of guns. This means that if the seller has reason to think a buyer may give the gun to a criminal but the sale complies with statutory formalities, like the background check, negligence per se would not apply. This is the reason why my amendment is essential.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentlewoman from Pennsylvania (Ms. HART) ask for time in opposition?

Ms. HART. I rise in opposition, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized for 10 minutes.

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

Having lost the fight in Congress and in the States to deny the rights of law-abiding firearm owners and to prevent firearm ownership in general, the gun control lobby has pursued a novel path. They have begun to abuse the courts by filing frivolous lawsuits, which wastes time and money in attempts to ruin law-abiding manufacturers and dealers of lawful firearms.

In fact, the city of Boston has already voluntarily dismissed its lawsuit against the firearms industry, stating that during the litigation the city has learned that members of the firearm industry have a long-standing commitment to reducing firearm accidents and to reducing criminal misuse of firearms; and also stating that the city and the industry have now concluded that their common goals can be best achieved through mutual cooperation and communication rather than through litigation, which has been expensive to both industry and taxpayers, time consuming, and distracting in this time of national crisis. That is last year in Boston.

This bill would prevent such frivolous lawsuits while allowing suits for negligent entrustment and negligence per se, which are well defined in the bill. This amendment strikes at the specific negligence language and replaces it allowing any suit for general negligence, which is undefined in the amendment.

This amendment guts the bill, Mr. Chairman. It would leave it up to any judge across the Nation to make a decision whether or not to single-handedly conjure up any random, brand-new theory of negligence, a theory that could bankrupt our Nation's firearm industry, seriously harming our fundamental right to bear arms, and also creating thousands of new unemployed who formerly worked in the firearms industry.

It is a flawed amendment, Mr. Chairman; and it should be rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Look, there is no need for a definition of what negligence is in this amendment because negligence has been established in case law all across this country in all 50 States. All 50 States have case law that determine what the standard of negligence is. This particular underlying bill tends to undermine the States' ability for people to go into court and be made whole that are victims of negligence under those individual State laws.

Now, it may well be great in Boston that they decided not to follow through with a suit because it was frivolous. And I believe that to the extent that frivolous suits are dismissed, even against the gun companies, that is a fine thing and that is the way it should work. But let me give an example of why my amendment is necessary.

Let us take for example the case of Ken McGuire and David Lemongello, two New Jersey police officers who were shot in the line of duty and at this moment in time are seriously injured. These officers have filed a civil action against a West Virginia pawnshop that had a clerk sell 12 guns in one cash transaction to a suspicious straw purchaser. Twelve guns, cash transaction, suspicious straw purchaser.

In fact, the deal was so suspicious that after the sale the pawnshop later called the ATF to report the sale. Sure enough, this gun trafficker sold the gun illegally to a known criminal who shot Officer McGuire and Officer Lemongello. None of the so-called "exception to immunity" confirmed by the committee's mark would prevent their suit from being dismissed under this bill.

West Virginia law does not even recognize negligence per se, and the sale apparently complied with all of the relevant statutory requirements, even though the pawnshop's employee obviously thought the transaction was extremely suspicious. Their case would fail under the so-called negligent entrustment exception because they negligently sold guns to the straw purchaser, not the user of the gun.

The exception for knowingly or willfully would not apply because the standard of willful intent is extremely difficult to meet, and the bill seems to suggest that liability arises only where the seller has actual knowledge that the buyer intends to use the gun to commit a crime.

So this is just one example of why this amendment is needed in a case that I do not think anyone in this body would want to see dismissed because of the underlying bill in this case.

Mr. Chairman, I reserve the balance of my time.

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

The gentleman claims that the bill has too narrow an opportunity for a legitimate lawsuit to be heard. We have already heard from a court in his home State suggesting that the current situation is too wide open. The language in the amendment makes it probably about equal to what it is today. My question would be, What then do we do?

It is well settled that negligence per se is an accepted theory as well as negligent entrustment. It is clear that if a gun dealer sells a gun to someone who is a known criminal, that gun dealer would be liable under the bill. This amendment is, therefore, not necessary.

All of the frivolous lawsuits filed, however, have been under some type of general negligence theory. Many activists claim that manufacturers are negligent for not requiring extraordinarily burdensome and counterproductive schemes in addition to existing legal requirements. These activists may claim that any gun designed to suit the needs of gun buyers or the rules enacted by legislatures in our democracy, rather than their own policy preferences, is a sign of negligence. Some activists even claim that when the industry is successful in selling firearms in a specific region they are guilty of negligent oversupply and should reduce sales.

This bill is narrowly tailored to block these junk lawsuits while allowing legitimate causes of action, such as the gentleman described, to move forward. The Meehan amendment would unravel the logic of the bill and, therefore, take us back to square one where frivolous suits are out of hand.

Mr. MEEHAN. Mr. Chairman, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, let me ask a question. What about the case of Ken McGuire and David Lemongello, two New Jersey police officers shot in the line of duty and seriously injured at this moment in time? They want to file a civil suit. Is that a frivolous case suit, and should they not have a right to go in a State court in New Jersey and have a judge hear the case and hear the facts of the case? And if the pawnshop is found guilty, should they not have a remedy in common law in New Jersey?

□ 1400

Ms. HART. If there is a theory under which the pawnshop is reasonably liable, yes. But just because there is injury does not mean that the seller of the firearm is liable. That is the theory that a lot of these frivolous suits are based on. There is no question that many people who file suits have legitimate injury. The question is, who is liable. In most of these cases, it is not the gun dealer that is liable.

Mr. MEEHAN. If the gentlewoman would continue to yield, what about this case? There is a pawnshop where somebody comes in and buys 12 guns, and they buy them all with cash and then go out and give them to known criminals. In fact, the person who sold the guns was so suspicious that they called the ATF and said, there was a guy in here who bought 12 guns, they gave me cash, and now they left.

Would the gentlewoman say that is more than a frivolous lawsuit?

Ms. HART. I would tell the gentleman, yes. In this country today, it is required that there be background checks. It is required that those who purchase firearms use them properly. They are liable themselves if they do not use them properly, they are liable themselves if they sell them illegally, and the seller is liable if they sell them illegally.

Therefore, in the gentleman's case, there is no problem if they sell them legally.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

I would suggest that Officers Ken McGuire and David Lemongello from New Jersey have a right to have their case heard, and their case should not be thrown out because of this underlying bill, which would take away their right to be heard because somehow this person who sold the guns illegally did not have a background check. In this instance, the person who sold them was suspicious and they called the ATF. Maybe that example is not good enough, so let me provide another example of a suit against a negligent gun manufacturer.

Let us consider the manufacturers that supply weapons to dealers who repeatedly sell the guns to straw buyers, and then directly to violent criminals.

Robert Ricker, a former gun industry insider, has alleged that it is common knowledge within the gun industry that certain sellers routinely engage in straw purchases. Ricker says manufacturers know who the problem dealers are because they supply the data to the ATF that they use to trace the guns that are used back to retailers. I have not heard Mr. Ricker testify, nor have I had access to any of the discovery in any of these cases, but I think that is exactly why we need to allow the suits to proceed, to get to the bottom line what information gun makers and distributors have about how their firearms wind up being used in crime.

Under this bill, no jury will ever test the credibility of Mr. Ricker's statements, and we may never find out what kind of manufacturer data is about that shows patterns of criminal activity associated with specific retailers. Let us at least give an opportunity for the victims of crime, for the people of this country to hear whether or not Mr. Ricker's statements are credible and stand up in a court of law where a person has a right to be heard.

Mr. Chairman, I reserve the balance of my time.

Ms. HART. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise today in opposition to this amendment and all of the other amendments which have been offered today on this bill, and I encourage Members to vote against the amendments and for the bill.

I am the mother of two sons. One time when they were young, little boys, the boys and I were alone at night and we had a burglar break into our house. The fear that caused me to find out that someone had been in my house, rifling through my house, really made me take a look at self-defense and my right to own and bear arms. I became a big advocate of that at that time.

I appreciate all of the scenarios the other side is throwing out about why we need this amendment, because I agree, there are too many deaths due to gunshot wounds in this country. Too many children are dying because they are getting ahold of weapons that were legally owned, but were not taken care of correctly and were not separated from the ammunition. That is happening, and that is a problem. But these folks have entirely the wrong answer.

We need a common-sense, balanced answer to treating problems like this, and it does not involve taking away our second amendment, our right to own and defend ourselves. We not only deserve to be defended from terrorists home and abroad, but we also deserve to be able to buy guns to defend ourselves in our own home.

My sons are 25 and 30. They are blond-haired and blue-eyed. One amendment today said we could not sell guns to anybody under drug treatment. So does that mean if you go into a black community, you cannot sell a gun to any black person, or does that mean because my——

Mr. WATT. Mr. Chairman, I demand that the words of the gentlewoman from Wyoming (Mrs. CUBIN) be taken down.

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentlewoman from Wyoming will suspend and will be seated. The Clerk will report the words.

☐ 1415

For what purpose does the gentlewoman from Wyoming rise?

Mrs. CUBIN. Mr. Chairman, I wanted to point out that I did not break any rulings of the House, but I also want to point out just as a fellow Member that I certainly would never say anything or even think anything that would offend my neighbors on the other side, and well, obviously it did happen. So I would like to apologize to my colleague for his sensitivities, but certainly I would never do that. So I would like to continue on with my remarks. But the next question I wanted to ask is, does that amendment mean——

The CHAIRMAN pro tempore. The gentlewoman will suspend. Did the Chair correctly understand the gentlewoman's statement to say that the gentlewoman would withdraw the words?

Mrs. CUBIN. No, I will not withdraw the words.

The CHAIRMAN pro tempore. Did the Chair understand the gentlewoman to say that the gentlewoman apologized if the words were of offense to any Member of the House?

Mrs. CUBIN. Yes. Yes, I did apologize if the words were offensive to anyone in the House. But I will not say I broke rules of the House. I did not. I apologized because as a person I want to do that.

The CHAIRMAN pro tempore. The gentlewoman will suspend.

The Chair would ask the gentleman from North Carolina (Mr. WATT), the gentlewoman has apologized to anyone in the House to whom her words would have been offensive, and the gentleman has asked those words to be taken down. Does the gentleman insist on his position, or does the gentleman withdraw his demand?

Mr. WATT. Mr. Chairman, I do not need the gentlewoman to apologize for my sensibilities. She needs to be apologizing for using words that are insulting to the entire African American race. And if that is what she is doing, then I gracefully accept her apology. But if she is saying that this is somehow because I am sensitive to those words, then I will not.

Mrs. CUBIN. Mr. Chairman, I do not withdraw my words.

The CHAIRMAN pro tempore. For both Members' edification and the Chair's, it is the understanding of the Chair that the gentlewoman from Wyoming (Mrs. CUBIN) did not ask unanimous consent to withdraw her words. The gentlewoman from Wyoming (Mrs. CUBIN) did apologize to any Member in the House to whom there was offense.

Mr. WATT. That is not what she said, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman insist the words be taken down?

Mr. WATT. Mr. Chairman, I do insist, yes.

The CHAIRMAN pro tempore. The Clerk will transcribe and report the words.

The Clerk read as follows:

My sons are 25 and 30, they are blonde haired and blue eyed. One amendment today said we could not sell guns to anybody under drug treatment. So does that mean that if you go into a black community, you cannot sell a gun to any black person or does that mean because my——

The CHAIRMAN pro tempore. The Committee will rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. ISAKSON, Chairman pro tempore of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

The SPEAKER pro tempore. The Clerk will report the words objected to in the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

My sons are 25 and 30, they are blonde haired and blue eyed. One amendment today said we could not sell guns to anybody under drug treatment. So does that mean that if you go into a black community, you cannot sell a gun to any black person or does that mean because my——

The SPEAKER pro tempore. The Chair finds that the words are not unparliamentary under the rules and precedents of the House.

Mr. WATT. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 195, answered "present" 1, not voting 11, as follows:

[Roll No. 119]

AYES—227

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—11

Boyd
Delahunt
Gephardt
Hefley
Houghton
Hyde
Lewis (GA)
Lucas (OK)
McCarthy (MO)
Ryun (KS)
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1453

Messrs. BISHOP of New York, CARSON of Oklahoma, and HALL changed their vote from "aye" to "no."

Mr. OXLEY changed his vote from "no" to "aye."

Mr. ABERCROMBIE changed his vote from "no" to "present."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1036, with Mr. QUINN (Chairman pro tempore) in the Chair.

(Mrs. CUBIN asked and was given permission to speak out of order.)

STEREOTYPING IS ALWAYS WRONG

Mrs. CUBIN. Mr. Chairman, I do appreciate the Chair's ruling and the fact that it was upheld, but this is not something that I can just leave as it is, because I do not think that the situation that just occurred is good for the body, and it is not good for the individual people involved in it.

My words intended to state, and if I had been able to finish my sentence and my thought, they would have stated that I do not believe in stereotyping anyone, any time, ever, for anything. That is what I believe, and I believe that from the bottom of my heart. I do apologize, not just to the gentleman from North Carolina. I apologize to everyone who may have been hurt in any way or insulted because of my remarks. But I really intend only, only to make the point, and I will speak on this bill later, but to make the point that stereotyping is always wrong. It does not matter who it is; it is always a wrong thing to do.

I thank the Chairman, and I thank the gentleman for allowing me to have the time to address the body.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN), who has 2 minutes remaining.

Mr. MEEHAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment would not gut the underlying bill. It would still bar claims based on strict liability. Without my amendment, there is no way to sue for negligence cases of straw purchases. Do not forget the case of Ken McGuire and David Lemongello, two New Jersey police officers who were shot in the line of duty and seriously injured. They filed a civil action in West Virginia because a pawnshop clerk sold 12 guns for cash to a straw purchaser. Those two police officers ought to have the right to have their case heard in court in West Virginia. This case would deny them, because the purchaser of the guns was a straw purchaser.

Ms. HART. Mr. Chairman, I wish to reserve the right to close.

Mr. MEEHAN. Mr. Chairman, I yield the remainder of my time to the gentleman from Rhode Island (Mr. LANGEVIN), a distinguished member of the Committee on Armed Services.

☐ 1500

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I appreciate the efforts of the gentleman from Massachusetts (Mr. MEEHAN) to hold gun dealers and manufacturers truly accountable for negligence and strongly support his amendment.

Our Nation is familiar with cases of gun dealers who sell to criminals and claim ignorance about their intentions. Bullseye Shooter Supply, the Washington State gun dealer that was the source of the sniper rifle allegedly used by John Mohammed and John Lee Malvo in the D.C. sniper shootings, says it cannot account for that weapon, or 237 other guns in its inventory. We should be cracking down on deadbeat gun dealers, not exempting them from liability.

I have introduced legislation to improve enforcement and inspection of these facilities, and I thank the gentleman from Massachusetts (Mr. MEEHAN) for his support of that measure and for drawing attention to this matter with his amendment today.

I strongly urge my colleagues to support the Meehan amendment.

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is not helpful to the cause that the gentleman appears to be seeking to address. The amendment actually removes the cause of action for negligent entrustment, which means that someone who should have known has entrusted a firearm to someone who is going to do damage with it.

This bill protects the right to sue for that reason. This bill protects the right to sue for negligence, per se. This bill is simply addressing an issue that is very widespread in this Nation, that is, suits that are intended to bankrupt gun dealers, gun manufacturers; and therefore, put out of business small business people and out of work many people across the Nation who depend upon a very strong firearms industry and recreational use of firearms, safe and legal.

Mr. Chairman, there is a better way to deal with the issue of illegal use of firearms, which is what the gentleman has cited in his examples. There is a better way to control gun crimes. These lawsuits do not help. These lawsuits, in fact, will bankrupt the companies that need to pay legitimate lawsuits.

We need to enforce the many gun laws that are currently on the books. I am proud to support Project Safe Neighborhoods, a proven and commonsense way to combat gun violence. Project Safe Neighborhoods is operating in 94 locations across the country. It is a network of Federal, State, and local law enforcement officials working together to fight gun crime. The program works. Increases in prosecution, over 20 percent, occurred last year.

We must combat gun crimes by enforcing our gun laws, that is what works, not with ridiculous and frivolous lawsuits. H.R. 1036, as it is, precludes frivolous lawsuits; it protects the rights of America's law-abiding manufacturers, dealers, and owners of firearms. It makes sure those who use them illegally, who sell them illegally, who offer them to someone else illegally are taken care of through the courts.

What we do here, Mr. Chairman, is create a bill that will allow legitimate suits, curb frivolous suits, and allow recovery by those who really need it.

The CHAIRMAN pro tempore (Mr. QUINN). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108-64.

AMENDMENT NO. 5 OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN pro tempore. The Clerk will designate amendment No. 5.

The text of amendment No. 5 is as follows:

Amendment No. 5 offered by Mr. WATT:

In section 2(a)(2), strike ", distributors, dealers, and importers".

In section 2(a)(3)—

(1) strike ", importation, possession, sale, and use"; and

(2) strike "are" and insert "is".

In section 2(a)(4), strike ", manufacture, marketing, distribution, importation, or sale to the public" and insert "and manufacture".

In section 2(a)(5), strike "an entire industry" and insert "firearm and ammunition manufacturers".

In section 2(b)(1)—

(1) strike ", distributors, dealers, and importers"; and

(2) strike "or unlawful".

In section 2(b)(5), strike ", distributors, dealers, and importers of firearms or ammunition products, and trade associations," and insert "of firearms or ammunition products".

In section 4(1), strike ", and, as applied" and all that follows and insert a period.

In section 4(5)(A)—

(1) strike "(A) IN GENERAL.—";

(2) strike "or seller of a qualified product, or a trade association,";

(3) strike "or unlawful";

(4) strike clauses (i) and (ii);

(5) in clause (iii)—

(A) strike "or seller"; and

(B) strike "sale or marketing" and insert "design or manufacture"; and

(6) redesignate and indent clauses (iii) through

(v) as subparagraphs (A) through (C), respectively.

In section 4(5), strike subparagraph (B).

In section 4, strike paragraphs (6) and (8) and redesignate paragraph (7) as paragraph (6).

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my colleagues that the effect of this amendment would be to limit the application of this bill to manufacturers only.

As I said during the brief debate that we had in the committee, the Committee on the Judiciary, on this bill, there are, in fact, some manufacturers who are attempting to address concerns that the public has about gun safety. Some of them are trying to develop safety locks. Some are trying to develop computerized techniques for ownership identification.

If there is a rationale for this bill, which I do not believe there is, the rationale would be to reward those manufacturers who are acting responsibly. Unfortunately, the effect of this bill will be to reward them and incentivize them to act irresponsibly. I think that is a very, very unfortunate consequence of this bill.

On the other hand, most of the outrageous stories that we hear about irresponsibility are not necessarily about the manufacturers of guns; they are about dealers and sellers who refuse to acknowledge anything other than their own profit motives. They want, when someone walks into their store, when somebody walks into their pawnshop, when somebody approaches them with some money, they want that money and they do not care what happens after that. We have heard example after example after example of that kind of irresponsibility on the part of dealers.

Now, it is unfortunate that this bill covers not only manufacturers, it covers dealers, sellers, importers, the whole range of providers that put these guns into the stream of commerce. If there is any rationale for the bill, it is for the manufacturers.

I do not think we ought to be excusing irresponsible dealers, such as the dealer who ignored the frequent disappearance of guns from his inventory. One of hundreds of missing guns, which were never reported missing despite having been prominently displayed in the store, ends up being used in the sniper attacks in Washington. This bill would immunize that dealer from liability. That is irresponsible.

Mr. Chairman, let us have a debate about those manufacturers who are being responsible. I applaud their activities. Perhaps we could make a reasonable argument that they should be immunized from liability because they are making a product that is legal. I have heard that argument. I do not subscribe to it, but at least it has some credibility to it. But when we start immunizing everybody in the stream of commerce regardless of how responsible or irresponsible they are, that is where I draw the line.

Mr. Chairman, I would encourage a "yes" vote on my amendment, which limits the impact of this bill to manufacturers only.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) is recognized for 10 minutes.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Watt amendment strikes language throughout the bill protecting dealers and importers of firearms, as well as trade associations. Under the amendment of the gentleman from North Carolina (Mr. WATT), only firearms manufacturers would receive protection from lawsuits based on criminal misuse of their product by a third party. This amendment would gut the bill and the firearms industry.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

As one of the 250 cosponsors of H.R. 1036, the Protection of Lawful Commerce in Arms Act, I rise in strong support of this bill and against this amendment.

The right of law-abiding citizens to purchase and own firearms is guaranteed in the second amendment. Those behind these lawsuits have one aim, and that is to undermine the guarantee in the Bill of Rights.

As we speak, anti-second amendment organizations are shopping around for sympathetic judges who will be willing to rule that firearms manufacturers are liable for individuals using guns in the commission of crimes. While virtually every lawsuit brought against gun manufacturers has been thrown out of court, it is only a matter of time until a liberal judge, sympathetic to the anti-second amendment lobby, rules in their favor.

The aim of these suits is to tie up firearms manufacturers in court and raise the cost of firearms to those who purchase them legally. The only end result of these lawsuits would be a larger underground market in firearms.

Defenders in these lawsuits will say it is about justice for crime victims. The true impetus behind these lawsuits, however, is to bypass the Congress, the will of the American people, and to enact de facto gun control by using the courts.

Gun control advocates have come to realize that they have very little chance of moving their anti-second amendment agenda through Congress, so they have turned to excessive lawsuits and the courts. This legislation not only will not protect gun distributors who do not follow the strict laws regarding firearms; it will also not protect manufacturers that sell defective products. It merely protects firearms manufacturers who are abiding by the law from frivolous lawsuits designed to bankrupt legal, law-abiding gun manufacturers.

No one would think of holding GM responsible for an accident caused by a drunk driver, or Louisville Slugger responsible for someone using a baseball bat in the commission of a crime. So why should law-abiding firearms manufacturers be punished for criminals using their products illegally?

Mr. WATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I want to thank the gentleman for yielding time to me. I rise to support the Watt amendment and to oppose passage of the irresponsible and shameful underlying bill.

Mr. Chairman, I fully understand that many sponsors of this bill have progun constituents who have been unrelenting in their blind fight to preserve and to expand their ability to bear arms.

I can appreciate the willingness of any Representative to consider the interests of his or her constituents. But, Mr. Chairman, what I cannot appreciate is the willingness of some to support legislation that so maliciously attacks the will of my constituents to bring legitimate actions before their individual State courts.

What I cannot appreciate is the unwillingness of the majority to allow consideration of amendments at committee. It is appalling and shameful that a bill which may have such far-reaching consequences for so many did not enjoy the consideration that it deserves. And what I cannot appreciate is the emboldened eagerness of some Representatives to sponsor legislation that so clearly places the special interests of the gun lobby ahead of the vital interests of the American people.

Mr. Chairman, I am aware that the sponsors of this bill closed the so-called "negligent entrustment" loophole. But if this bill is passed, no supporter, and I repeat, no supporter should walk away believing that the tragedies committed and contemplated under the original bill will not happen under this one.

I would ask the Members of this body to consider the case of an Illinois gun dealer who should have known that 72 mostly identical guns that he sold to an unlicensed gun trafficker were not for personal use. One of those guns was used by Benjamin Smith, a white supremacist who drove through Chicago and Indiana, randomly shooting blacks and Jews, including former Northwestern University basketball coach Ricky Byrdsong.

Indeed, Mr. Speaker, if this bill passes, we in Congress will be no better than the unscrupulous and irresponsible gun dealer who turned a blind eye to the violence and mayhem that his actions ultimately caused.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman from Illinois (Mr. RUSH), who calls this bill irresponsible and shameful, let me just point out that a gun dealer who does wrong things is still going to be liable under this bill. A very large majority of Members of this body have already cosponsored the bill, just in refutation.

Mr. Chairman, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN).

☐ 1515

Mrs. CUBIN. Mr. Chairman, I would like to point out that the laws we have in existence today are very, very adequate to take care of all the situations that have been brought up by Members on the other side if they are enforced.

The changes that need to be made in this country are to do things like to fund drug treatment programs, to fund the war on drugs, to help single parents be able to find time to give guidance to their children, to have doctors not be afraid to ask their patients if they have guns in their house, and if they have guns in their house, how do they store them. They ask every other health care issue about patients.

We need to change our society, and we need to acknowledge that gun ownership is not an unhealthy thing, but what is unhealthy is not enforcing the laws that we have on the books right now; and the laws that we have are totally adequate.

I urge my fellow Members to reject this amendment and support this bill and protect our second amendment rights.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman from North Carolina (Mr. WATT) for yielding me time.

As I sat here on the floor today, the spirit and the greatness of great trial judges and great trial lawyers have been disparaged by a claim that we are just seeking dollars on behalf of our constituents and our clients.

I would say I support the amendment of the gentleman from North Carolina (Mr. WATT) because it does, in fact, limit the responsibility against manufacturers of guns and those who have made steps to cure the dilemma or the difficulty or the dangerousness of guns. But I would suggest that if the laws are sufficient, then give trial judges and give trial lawyers the ability to bring their claims on behalf of their clients and let us proceed as we have done. I support the Watt amendment.

Mr. CANNON. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, in response to the gentlewoman from Ohio (Mrs. JONES), this is not about trial lawyers and their profits. That would come under the rubric maybe of asbestos where they are taking huge returns compared to the minor returns that the individuals are taking.

Mrs. JONES of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Chairman, I am only responding to the statement of another Member that disparaged the faith and loyalty of trial lawyers on the floor just before I got up.

Mr. CANNON. Reclaiming my time, this is not a bill that deals with that issue, let me point out for clarifications purposes, but it is about people who would destroy an industry using the thousand cuts of litigation.

Mr. John Coale, one of the personal injury lawyers suing the firearms industry, told The Washington Post: "The legal fees alone are enough to bankrupt the industry." That is what is going on that we are trying to deal with here with this legislation.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Florida (Mr. STEARNS), the author of the underlying bill.

Mr. STEARNS. Mr. Chairman, I thank my colleague from Utah (Mr. CANNON) for yielding me time.

Let me say to my colleagues that the grievances that you have perhaps with the way the rule was developed or the procedure is really not a reason to vote against this bill. And I rise against the Watt amendment.

Local dealers or distributors are often sued simply to prevent removal of a case to a Federal court. Should trade associations be sued under conspiracy theories of industry behavior? I mean, that would create a chilling effect on advocacy of their membership, their interests, their activity, which is clearly protected by the first amendment.

The Watt amendment would allow them to be sued, local dealers, trade associations. So I think it is clear, the Watt amendment would actually hurt the bill.

Let me call your attention as we conclude this debate to my chart here which shows that 31 States have recognized the absurdity of these lawsuits which are no different from the ridiculous lawsuits we saw filed against many other cases including the food industry. The goal is to cease this attempt at regulation through lawsuits, and that is why these 31 States passed pretty much the same bill that we have here on the floor today.

The second chart I will show you examples where cases are dismissed. This is just one of many charts I could have up here, 30 or 40 cases. For example, in Bridgeport where 21 manufacturers and distributors and 12 dealers and three were sued for negligent distribution, deceptive advertising, defective design, nuisance, conspiracy and unjust enrichment, unjust enrichment. Now, they proceeded but when they got not too far along, they were dismissed. And the Supreme Court of Connecticut affirmed that.

So I would say to all my colleagues that the States have recognized this, and that is why there are 31 States that have supported the language in this bill.

Let me just read what the judge in the lawsuit against the firearm industry in the City of Bridgeport said. What has happened here, the people who are suing "have envisioned the dawning of a new age of litigation." A new age of litigation, during which the gun industry, the liquor industry, the purveyors of junk food would follow the tobacco industry in reimbursing government expenditures. So taxpayers would have to pay at the local level, at the municipal level, at the State level to sue gun dealers, associations, gun manufacturers, all on the basis of unjust enrichment, deceptive advertising.

So I conclude, I believe this bill is responsible. Attempting to bankrupt a legal American industry through junk lawsuits is not. This bill protects legal actors while allowing suits to continue against those who break the law. It is a good balance, a fair bill; and I urge its passage.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would remind Members that the gentleman from North Carolina (Mr. WATT) has 2½ minutes remaining. The gentleman from Utah (Mr. CANNON) has 1¾ minutes remaining, and the gentleman from Utah reserves the right to close.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I am prepared to close if the gentleman does not have other speakers.

The CHAIRMAN pro tempore. Does the gentleman from Utah (Mr. CANNON) have further speakers?

Mr. CANNON. Mr. Chairman, I have one further speaker, and then I will close.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, I rise in opposition to this amendment.

This amendment paints all dealers with a very broad brush. In fact, every one of us knows that all retail gun sales are subject to a Federal criminal background check, either directly by the FBI or by a system that the individual States use. If a dealer violates any Federal or State law on gun sales, it loses its protection under this bill. If retailers are sued out of business, the protection for the manufacturers would be absolutely meaningless. This is a blatant attack on our second amendment rights and on our law-abiding citizens.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. WATT) has 2½ minutes remaining.

Mr. WATT. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, let me say that if we want to protect dealers simply because they comply with the letter of the law, even though they know that they are making irresponsible decisions such as in the case of the officer, Officer Lemongello, who was shot by a gun that was sold by a dealer, they did follow all of the black letter of the law; but at the same time they knew that they were selling the guns not to the person who bought them, to the female person who bought the guns, but to the male person who was in there selecting the guns and identifying them. And they were so concerned that as soon as they walked out of the store they called ATF and said we have done something irresponsible, even though they had complied with the law.

Now, all we are trying to do is make dealers and everybody throughout the process be responsible. And if we want to immunize that kind of conduct, then, I mean, I guess you are going to vote for this bill. Because that is what it does. But I am telling you we are being irresponsible when we do that. And if we really want to reward people who are trying to deal with gun violence, then we cannot keep rewarding dealers who act irresponsibly knowing that they act irresponsibly, importers, sellers. Perhaps there is a rationale for protecting manufacturers who have demonstrated a willingness to try to act responsibly. Some of them are trying to do the trigger lock thing, trying to do computerized identification. I think this bill is going to set them back because basically once we pass this bill, they do not have any incentive to even continue to do that.

But if there is anybody who has a rationale, it perhaps is the manufacturers; and that is what this amendment would do, limit the effects of the bill to the manufacturers. I encourage my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) has 1¼ minutes remaining, and he has the right to close.

Mr. CANNON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to point out we have heard much characterization of the dealer who sold the gun to the person who ended up getting the gun to the criminal who shot Officer Lemongello. Let me point out that if the characterization that has been overwrought and overstated by the opposition is correct, then there is a claim under the law that is not preempted by this bill for Mr. Lemongello to seek redress.

The fact is this bill does not take away the traditional common-law claims for negligent entrustment and violations of law. It only makes it clear that frivolous lawsuits cannot proceed erratically around the country.

Mr. Chairman, I would like to read two quotes to finish up. First of all, let me point out that the industry has been responsible.

When the city of Boston voluntarily dismissed its lawsuit against the firearms industry, they said, "During litigation the city has learned that the members of the firearm industry have a long-standing commitment to reducing firearm accidents and reducing criminal misuse of firearms." And they go on and make further points.

So what is this bill all about? What is the litigation all about that we are trying to deal with in this bill. It is about what John Coale said: "The legal fees alone are enough to bankrupt the industry."

What we want to do is protect the industry in America. I urge the Members to vote against this amendment and other amendments and support the underlying bill.

Mr. HASTINGS of Florida. Mr. Chairman, this legislation is part of a gun industry effort to preempt cities and counties across the United States from exercising their legal right to reform dangerous gun industry practices. Worst yet, under the measure, any case pending at the time of enactment would be dismissed. I support the amendment proposed by Representative Watt because it will restore an individual plaintiff's ability to pursue all currently accepted product liability causes of action. Thus, existing gun victims will be allowed to exercise their right to a day in court. It will further the goals of this civilized society, which is based on the rule of law.

There are many examples—from the lawsuit brought because Ford Pintos were exploding to the toxic pollutant cases against Pacific Gas & Electric made famous in the movie "Erin Brockovich"—that individuals can get justice in a courtroom from the reckless and irresponsible actions of gunmakers and dealers. But if

H.R. 1036 is enacted into law without this amendment, cases such as these will immediately after enactment be thrown out of court.

The pending case filed by Pamela Grunow, a resident of Palm Beach County, would also be immediately dismissed. On May 26, 2000, 13-year-old student Nathaniel Brazil shot and killed his language arts teacher Barry Grunow at Lake Worth Middle School, in my district. Pamela Grunow is seeking to hold the distributor of the gun responsible for selling an unreasonably dangerous and defective product. My colleagues, we do not know better than the state governments legislating on this issue, or the judges listening to these lawsuits.

The Majority, encouraged by a forceful and wealthy industry, is pushing Congress to enact a disastrous bill to give gunmakers and dealers extraordinary shelter from liability suits. Without this amendment, gun victims will be harmed by the federal legislature. The Watt amendment will not fix the underlying bill, but will make it more responsible in the short term. I thank the Congressman from North Carolina for his efforts, and I encourage my colleagues to support this amendment.

Mr. CANNON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 by Mr. SCOTT of Virginia, amendment No. 3 by Ms. LINDA T. SÁNCHEZ of California, amendment No. 4 by Mr. MEEHAN of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote of this series.

AMENDMENT NO. 2 OFFERED BY MR. SCOTT OF VIRGINIA

The CHAIRMAN pro tempore. The pending business is the request for a recorded vote on amendment No. 2 by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 278, not voting 8, as follows:

[Roll No. 120]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—278

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Berry
Boyd
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Peterson (PA)
Ryun (KS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members would be reminded they have 2 minutes in which to cast their votes.

☐ 1548

Messrs. BARTLETT of Maryland, WELDON of Florida, REYNOLDS, BROWN of South Carolina, and BELL changed their vote from "aye" to "no."

Messrs. KLECZKA, THOMPSON of California, VISCLOSKY, and KIRK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN). Pursuant to clause 6 of rule XVIII, the remainder of this series will all be conducted as 5-minute votes.

AMENDMENT NO. 3 OFFERED BY MS. LINDA T. SÁNCHEZ OF CALIFORNIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 289, not voting 11, as follows:

[Roll No. 121]

AYES—134

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Grijalva
Gutierrez
Hastings (FL)
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—289

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boyd
Cooper
Houghton
Hyde
Lewis (CA)
Lewis (GA)
Lucas (OK)
McCarthy (MO)
Meeks (NY)
Peterson (PA)
Ryun (KS)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members will be reminded there are 2 minutes remaining in this vote. Two minutes, please.

☐ 1556

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. DELAURO. Mr. Chairman, I inadvertently voted "no" on rollcall vote No. 121 today. I would like the RECORD to reflect that I intended to vote "aye."

AMENDMENT NO. 4 OFFERED BY MR. MEEHAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Massachusetts (Mr. MEEHAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 280, not voting 10, as follows:

[Roll No. 122]

AYES—144

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—280

Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito

Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Aderholt
Boswell
Boyd
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Peterson (PA)
Ryun (KS)
Solis

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1604

Mr. KELLER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. QUINN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1708

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GILCHREST) at 5 o'clock and 8 minutes p.m.

EXTENDING AVAILABILITY OF CONTINUING EXPENSES OF STANDING AND SELECT COMMITTEES OF HOUSE THROUGH MAY 9, 2003

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 185) extending the period of availability of amounts for continuing expenses of standing and select committees of the House through May 9, 2003.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Reserving the right to object, Mr. Speaker, we have no objection. We are in concurrence.

Mr. Speaker, I withdraw my reservation of objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 185

Resolved, That House Resolution 163 (agreed to March 26, 2003) is amended by striking "April 11, 2003" and inserting "May 9, 2003".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 181 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1036.

☐ 1710

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, with Mr. BASS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 4 printed in House Report 108–64 offered by the gentleman from Massachusetts (Mr. MEEHAN) had been disposed of.

No further amendment being in order, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, pursuant to House Resolution 181, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time

MOTION TO RECOMMIT OFFERED BY MR. WATT

Mr. WATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WATT. Mr. Speaker, I am, indeed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WATT of North Carolina moves to recommit the bill H.R. 1036 to the Committee on the Judiciary with instructions to report the same to the House forthwith with the following amendments:

In section 3—

(1) strike "(a) IN GENERAL.—"; and

(2) strike subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in support of his motion to recommit.

Mr. WATT. Mr. Speaker, the section that the motion to recommit would strike is section 3(b) of the bill, which reads as follows: "A qualified civil liability action that is pending on the date of the enactment of this act shall be dismissed immediately by the court in which the action was brought or is currently pending."

The effect of that language is to make this bill not only applicable to what happens from today forward or from the passage and enactment of the bill forward, but to make it have retrospective impact.

We estimate that there are upwards of 300 pending lawsuits in various stages throughout the country. Those lawsuits were filed by plaintiffs thinking that the state of the law was as it existed prior to this bill being enacted, if in fact it is. So the effect of the bill would be to an ex post facto law, which we think would make the bill unconstitutional; but even if it did not make it unconstitutional, would certainly make it unfair to people who have filed their lawsuits in court and, in some cases, have proceeded with trial.

Some of those cases are on appeal. This bill would require their dismissal, whether they are in discovery, whether they had just filed a complaint, whether they had gone through the trial process, or whether they are pending in the Court of Appeals. They may be pending in the United States Supreme Court. This bill would say those cases would have to be dismissed.

Mr. Speaker, I would submit that neither the committee, the Committee on the Judiciary, nor this House has done any evaluation of those pending lawsuits.

□ 1715

There have been no hearings about what they entail. We do know that one of them that would be involved involves a police officer by the name of Lemongello who testified at the hearing that we had on this bill, and his lawsuit would be one of those that would be dismissed.

The facts of his case indicate that he was the victim of a gun shot by an individual, who a dealer sold the gun to a female companion of that individual, knowing full well that the gun was not to be used by that female companion. And as soon as they got out the door with the gun, they were so suspicious of what was going on, they had immediately called the ATF about that.

We think that the sniper case that is pending would be in jeopardy of being dismissed by this lawsuit by this bill if this amendment or motion to recommit is not adopted. And even my colleagues last year when this bill was being advanced through the House, upon recognizing what was going on in our community with the sniper incidents, said we are not going to consider this bill at this time. But here we are a year later saying that we are going to pass a bill that could eliminate potential civil liability on the part of the dealer, who should have known that the gun that was out there which they were not keeping accurate track of in their inventory, should have known that that gun was being distributed and sold, and that case would probably be dismissed.

There are a number of other instances where cases would be dismissed if this bill goes forward in its current form. It is unseemly that this House would pass a bill that would have retroactive effect. It is one thing to say, okay, today, starting today we are putting you on notice that this is the law from this point forward. It is entirely another thing to say to people who have filed their lawsuits that the law is one thing that we are going to change and make this bill retroactive to you. I ask for my colleagues to support the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, the motion to recommit guts the entire bill by preventing the dismissal of pending lawsuits. Much of the harm this bill addresses is caused by pending lawsuits.

The Supreme Court has held that Congress can require that pending lawsuits can be dismissed if it is pursuant to a national economic policy. A bill that aims to save the national firearms industry from bankruptcy due to pending lawsuits is an enactment pursuant to a national economic policy. Certainly saving an industry from bankruptcy that is essential to preserving a constitutionally protected right to bear arms under Congress's Commerce Clause authority is constitutional. If this motion to recommit passes, all that would happen is that hundreds of additional cases would be filed right before the date of enactment. This motion to recommit would therefore make the current situation much worse and further endanger all of our fundamental rights to bear arms. I urge a "no" vote on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WATT. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this will be a 15-minute vote on the motion to recommit, and it will be followed by a 5-minute vote on final passage and by 5-minute votes on the motions to suspend the rules and adopt House Resolution 170 and House Resolution 149, which were debated yesterday.

The vote was taken by electronic device, and there were—yeas 140, nays 282, not voting 12, as follows:

[Roll No. 123]

YEAS—140

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt

Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—282

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Baker
Boyd
Cole
Davis (IL)
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Pascrell
Platts
Ryun (KS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). There are 2 minutes remaining in this vote.

□ 1739

Mrs. NORTHUP and Messrs. RADANOVICH, SHAYS, GILLMOR, and LATOURETTE changed their vote from "yea" to "nay."

Mr. MEEKS of New York changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COLE. Mr. Speaker, on rollcall No. 123, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. PLATTS. Mr. Speaker, on rollcall No. 123, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 285, nays 140, not voting 9, as follows:

[Roll No. 124]

YEAS—285

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—140

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald

Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Boyd
Davis (IL)
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Rangel
Ryun (KS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1748

Ms. HARMAN changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. CORRINE BROWN of Florida. Mr. Speaker, on rollcall vote No. 124 I voted "yea," and I am a definite "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

House Resolution 170, by the yeas and nays; and

House Resolution 149, by the yeas and nays.

RECOGNIZING THE 40TH ANNIVERSARY OF THE SINKING OF THE U.S.S. "THRESHER"

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 170.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the resolution, House Resolution 170, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 125]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Boyd
Gephardt
Houghton
Hyde
Lipinski
Lucas (OK)
Matsui
McCarthy (MO)
Petri
Ryun (KS)
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1755

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES IN RESPONSE TO THE ASSASSINATION OF PRIME MINSTER ZORAN DJINDJIC OF SERBIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 149.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 149, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 126]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Boyd
Feeney
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Ryun (KS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). Members are advised 2 minutes remain to vote.

□ 1803

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

And record votes on postponed questions will be taken tomorrow.

ARMED FORCES TAX FAIRNESS ACT OF 2003

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1664) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Clerk read as follows:

H.R. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the "Armed Forces Tax Fairness Act of 2003".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) In General.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(10) Members of uniformed services and foreign service.—

"(A) In general.—At the election of an individual with respect to a property, the running of the 5-year period referred to in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

"(B) Maximum period of suspension.—Such 5-year period shall not be extended more than 5 years by reason of subparagraph (A).

"(C) Qualified official extended duty.—For purposes of this paragraph—

"(i) In general.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

"(ii) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(iii) Foreign service.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(iv) Extended duty.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

"(D) Special rules relating to election.—

"(i) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

"(ii) Revocation of election.—An election under subparagraph (A) may be revoked at any time.".

(b) Effective Date; Special Rule.—

(1) Effective date.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) In General.—Paragraph (3) of section 134(b) (relating to qualified military benefit) is amended by adding at the end the following new subparagraph:

"(C) Exception for death gratuity adjustments made by law.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.".

(b) Conforming Amendment.—Section 134(b)(3)(A) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 4. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) In General.—Subsection (a) of section 132 (relating to certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", or" and by adding at the end the following new paragraph:

"(8) qualified military base realignment and closure fringe.".

(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) Qualified Military Base Realignment and Closure Fringe.—

"(1) In general.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection).

"(2) Limitation.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all such payments related to such property exceeds the amount described in clause (1) of subsection (c) of such section (as in effect on such date).".

(c) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 5. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) In General.—Subsection (a) of section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting "or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112",

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section",

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) Conforming Amendments.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) Effective Date.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 6. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) In General.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) In General.—Subsection (b) of section 134 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) Clarification of certain benefits.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).".

(b) Conforming Amendments.—

(1) Section 134(b)(3)(A) (as amended by section 102) is further amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 8. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC., ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) In General.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking "or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or".

(b) Effective Date.—The amendment made by this section shall take effect for taxable years beginning after December 31, 2002.

SEC. 9. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) Deduction Allowed.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) Treatment of Expenses of Members of Reserve Component of Armed Forces of the United States.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such services.".

(b) Deduction Allowed Whether or Not Taxpayer Elects To Itemize.—Paragraph (2) of section 62(a) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) Certain expenses of members of reserve components of the armed forces of the united states.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, and not in excess of $1,500, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 10. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF ASTRONAUTS WHO LOSE THEIR LIVES ON A SPACE MISSION.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs while on a space mission, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.".

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs while on a space mission.".

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Subsection (b) of section 2201 (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs while on a space mission.".

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting "**, DEATHS OF ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

SEC. 11. PROTECTION OF SOCIAL SECURITY.

The amounts transferred to any trust fund under title II of the Social Security Act shall be determined as if this Act (other than this section) had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a firm believer that no bill should pass this House until it is ready. I am prepared to tell the House this bill is more than ready. It passed twice last year, and the Senate failed to act. As recently as March 20 of this year, the bill, in its current form save a technical correction, passed as H.R. 1307. That vote was 422–0.

H.R. 1664 is in its current form virtually, as I said, except for technical correction, in the same form as H.R. 1307. There are two modifications that we are adding to this bill based upon discussions with the Senate so that the good and worthy purposes contained in this bill which no one has challenged can go to the President for his long-overdue signature.

The two provisions which the Chair believes, if added to this bill, will initiate a process in the Senate which will move the bill immediately to the floor of the Senate; and this version which passes the House, when it passes, will move through the Senate without the need for a conference. The two provisions that we are adding is that in the special rule provided for military personnel to determine if they have met the 24 months out of 5-year residency to trigger the capital gain exclusion on a home sale, would be extended to members of the foreign service.

Secondly, the underlying benefits of the bill, the income and estate tax relief provisions that were provided, for example, for the victims of terrorism in the Tax Relief Act of 2002, would be extended to astronauts who lose their lives during a space mission; and, of course, that would apply to those astronauts who unfortunately lost their lives during the recent Columbia Shuttle disaster.

Adding those two provisions, which I do not believe are controversial, to the underlying bill means we can finally, and long overdue, provide these benefits. It means that the history of this bill will be that the House and the Senate agree, and the President is prepared to sign.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must admit I am somewhat baffled by the comments of my distinguished chairman. If it is in the interest of this body to enact legislation quickly, then we should just take the Senate bill and ratify the Senate bill and send it to the President, and we can get it signed. It seems to me that is the easiest way for us to work this out for our military.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from California.

Mr. THOMAS. If the Senate bill were not flawed in several different ways, the suggestion the gentleman makes would be acceptable. I think it is evidence that even the Senate recognizes some fundamental problems when they are willing to accept a bill that we are going to send over, rather than going to a conference.

Mr. CARDIN. Mr. Speaker, I appreciate the gentleman's comments, but the differences here in substance between what we will be voting on and what the other body has voted on is that the Senate provided unlimited exclusions for death benefits payable to our military, and the legislation before us is less generous.

The House bill provides less generous eligibility rules for capital gains relief, and the Senate bill provided unlimited deductions for travel expenses of our National Guard members and Reservists, yet the legislation before us imposes a $1,500 cap on those deductions.

I do not know the logic of us limiting the reasonable expenses of our National Guard members, particularly when they have been called upon in this most recent conflict. It seems to me that those changes in every case work against our military, and I am surprised that we are not ratifying the Senate's bill.

But the most important difference is that the Senate included a provision to stop tax avoidance by those who have renounced their citizenship in this country, and the legislation before us today does not include that provision. I would suggest that is probably the major reason why we are acting on yet another version of this bill, which is extremely important for us to pass.

I agree with the chairman on that point, but it seems to me that we are now faced with the option of providing less benefits than we should to our military and losing an opportunity to close a major loophole in our Tax Code for those who renounce their citizenship, still taking advantage of U.S. tax law.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to tell Members I think we have come full circle. One of the reasons there was so much, I assume, angst on the other side of the aisle was that at one time the bill contained extraneous material. Now the gentleman is complaining that I am not accepting the Senate version of the bill which contains, oh, my goodness, extraneous material. The gentleman knows well that the, quote/unquote, extraneous material has been contained in another bill which is moving on the Senate side and which will become law is a far more appropriate vehicle than this particular measure.

In addition to that, the extraneous material that the gentlemen insists that we agree to, coming from the Senate, is not the solution on the individual expatriation that our own Joint

Committee on Taxation recommends is the most appropriate solution.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I do not think that it is ever extraneous to try to offset the cost of the bill, and that is the reason this provision was put in, so we do not add to the deficit.

Mr. THOMAS. Mr. Speaker, I must tell the gentleman that offsetting costs with extraneous material is one thing; accepting a solution which our committee that we utilize to recommend appropriate changes does not believe is the appropriate exchange is another.

The gentleman also pointed out two differences between the House and the Senate bill, and it is true. I understand the gentleman and where his party is coming from. They do not see a problem with absolute, open-ended, unlimited ability to write off expenses. That is just very, very typical.

What we have accepted, by the Senate, are reasonable and appropriate limits. Whenever the phrase "reasonable and appropriate" is used, the counterargument always seems to be unlimited. The Senate thinks it is appropriate to accept a reasonable and appropriate, and so do we.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON) and that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me first point out to my distinguished chairman that business people have no limit in the Tax Code as to what they can take on their travel expenses, and yet we are telling our National Guard that there is going to be a limit as to how much they can take on their taxes for travel expenses.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT), a distinguished member of our committee.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for yielding me this time.

It is really an honor to have a part in another example of the Republican tax follies. This bill could have been passed weeks and weeks and weeks ago. As we celebrate and are grateful for the fact that the war seems to be winding down in Iraq, the people who have been over there, we have been trying to do this for them for about, I do not know, 3 or 4 or 5 months. First the bill got over in the committee, and we had to add on fishing tackle and a whole bunch of other stuff, and that did not work out here. So it had to go back and come back on a rule, and now it has gone over to the Senate. They have more generous provisions. There is just no question about it. And they also added this provision that would make it a little bit more difficult for people who want to avoid taxes to leave this country, to give up their citizenship. At a time when this country ought to be thinking about sacrifice because we have asked men and women to sacrifice their lives for us, we have people leaving this country saying I do not like this country. I have made a whole bunch of money here, but I do not want to pay any taxes; so I am leaving. And we let them get out of paying taxes for that.

What kind of statement is that to our troops overseas that this Congress will not close the loophole that lets somebody drop their citizenship in order to avoid their taxes? If that is not folly at a time when our deficit is $400 billion this year and going up and we expect the young men and women who are over in Iraq to sacrifice for us but we will sacrifice in terms of taxation even on people who are giving up their citizenship, there is something really weird about this bill. And I certainly know that everybody is going to vote for it.

What is also strange is they say we are going to give the tax benefit to the soldiers and those people, the Marines and whatnot, give it to the State Department; but when we offered an amendment in the House committee for people in the Peace Corps who are out there risking themselves for the United States, they say no. No, not them.

Let us talk about people who are doing a service to this country, which is what this is all about; and yet finally we come out here and of course it is almost the day we pay our taxes. So every year for the last 8 years we have always had the April 15 tax follies, and this is act one and will be followed by act two, which we will get to in a few minutes. But this is a bill that we should have accepted the other body's construction. It is more generous, and it closes an egregious tax loophole.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to say that I too rise in strong support of the Armed Forces Tax Fairness Act of 2003, and today's bill goes to great lengths to help our brave military men and women and their families despite what has been said out there.

I had the distinct honor of serving my country in the Air Force for about 29 years. So my family and I know something about military life. And my wife, Shirley, told me that one her worst moments was when the military chaplain pulled up in front of the house after I was shot down in Vietnam, and her heart just stopped. We never know what they are going to say, but we know it is not going to be good.

I imagine the unspeakable horror of despair and utmost despair of a family who just lost a loved one in the military, only to be followed up by a visit from the taxman. That is just wrong. So this bill fixes that. Let us change it and pass it today.

This bill permits the entire amount of the death benefit gratuity to be tax free. Let us eliminate the unfair, immoral tax on the death benefit a serviceman's survivor receives from the Armed Forces. It is the least we can do. These families have given the ultimate sacrifice for our country. We do not need to take any more from them.

On a more positive note, I would like to thank all those who helped eliminate the penalty on military academy students and their families when it comes to withdrawing funds from a 529 education savings account. The Miesses of Plano brought that to my attention. Now the Plebe, the Zoomie, and the Middy will all have the same benefit of being able to take out money tax free like an athlete on a scholarship.

This is a good bill. This bill is a shining example of democracy at its best, in my opinion. It helps our military now, and they need it; and they are doing a great job.

Mrs. JONES of Ohio. Mr. Speaker, I rise to recognize the passage of S. 351, the United States Senate version of H.R. 1307, as well as what is presented before us at this hour. The new House bill for the Armed Forces Tax Fairness Act of 2003, and the Senate amendment to H.R. 1307, contained several identical provisions. Those identical provisions include exclusion for amounts received under the Defense Homeowners Assistance Program. Expansion of combat zone filing rules, modification of membership requirements for veterans organizations, clarification of treatment of dependent care benefits, treatment of service academy appointments for certain tax benefits, and tax relief for the families of the *Columbia* space shuttle astronauts.

The new House bill provides smaller tax benefits for the military. Both bills provide an exclusion from gross income for death benefits. However, the House bill would tax increased death benefits to the extent that they were the result of legislation enacted after December 31, 1991. The Senate bill does not have that restriction.

Both bills provide more liberal treatment for gain on sale of principal residence by members of the military and foreign service. However, the Senate bill provides the benefits for a longer period. A 10-year extension rather than a 5-year extension.

Both bills provide an above the line deduction for overnight travel expenses of National Guard and reserve members. However, the House bill limits the deduction to $1,500 per year, whereas the Senate bill provides no dollar limit on the deduction.

The Senate bill contains a provision suspending tax-exempt status for terrorist organizations. The House bill contains no such provision.

Furthermore, the cost of the Senate bill is offset, with the largest offset being a provision preventing tax avoidance by individuals renouncing their citizenship in this country. For military death benefits, under current law, a $6,000 death gratuity is paid to the survivors of members of the Armed Forces killed in the line of duty. This death benefit was increased from $3,000 to $6,000 in 1991 during the Persian Gulf War. Prior to the increase, the entire benefit was tax-free; however, because the Tax Code was not changed to reflect the 1991 increase, only the first $3,000 is currently exempt from Federal tax.

Let us—Republicans and Democrats—work to pass a measure that we all can find common ground. Our U.S. Senators have found a way to pass an effective measure for the Armed Forces Tax Fairness Act, let us do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my support of H.R. 1664, the Armed Forces Tax Fairness Act of 2003. It has been long overdue that we provide real relief to the men and women who serve in our armed forces. Many of the members of the military are minorities, and this bill will help many in my own 18th Congressional District in Houston. More than 200,000 troops are now being employed to the Persian Gulf. In Houston, many soldiers have been called upon to serve on the front lines.

This bill includes tax benefits for the families of astronauts who die in the line of duty, including those of the space shuttle *Columbia*. It provides National Guard and reservists with a tax deduction of up to $1,500 for transportation, meals and lodging to attend required meetings. This bill also makes tax-free the full $6,000 death gratuity paid to survivors of members of the armed forces killed in the line of duty. The measure also exempts from taxable income amounts received under the Department of Defense's Homeowners Assistance Program, which provides payments to certain employees and members of the armed forces to offset the adverse effects on housing values resulting from military base realignment or closure.

The bill also provides National Guard and reserve members as "above-the-line" tax deduction, that is, taken directly from gross income before any itemized or standard deductions for overnight transportation, meals and lodging expenses for member who travel more than 100 miles from home to attend National Guard and Reserve meetings. Under this bill, a member could deduct up to $1,500 in connection with their service.

I am pleased that this bill waives income tax liability for the year of death and the year prior to death for astronauts who die in the line of duty.

Under current law, the time for filing tax returns, paying taxes and other Internal Revenue Service requirements is generally suspended for anyone serving in a combat zone during the period of combatant activities. This bill applies the suspension of tax-filing rules to person deployed outside the United States away from their permanent duty station while participating in an operation designated by the Defense secretary as a "contingency operation" or that becomes a contingency operation. This is defined as a military operation designated by the Defense secretary as one in which members of the armed forces are, or may become, involved in military actions, operations or hostilities against an enemy of the United States. This provision will help our armed forces serving in Iraq.

This legislation provides tax relief to the members of our military. Our soldiers are on frontlines, and now as the war with Iraq continues, we are calling upon these men and women to make even greater sacrifices. This bill represents a compromise between the House and Senate versions in order to avoid a conference. I support this legislation to provide immediate tax relief to the members of our armed forces and our veterans.

Studies have shown pay rates in the military consistently lag behind comparable jobs in the private sector. I believe that this legislation would help military families as they struggle like so many to pay basic expenses.

The provisions in this legislation would provide tax breaks on home sales, travel expenses, and death benefits. We have ample tax benefits for corporations, it is time to help our officers and enlisted soldiers in the armed forces.

Now more than ever, it's important to support America's top-notch armed forces. I've always believed that in order for Americans to enjoy the freedom that characterizes our country, and for Texans to be able to fully enjoy the natural beauty and resources of our state, it is crucial for the citizens of the nation and our state to feel safe.

To achieve this goal, it's vital that we keep America's armed forces strong. Throughout the years, I've fought for funding to constantly improve the quality of defense-related activities in my state of Texas.

The importance of national defense is increasing every day, and I will continue to support our armed forces—they are the young men and women on the front lines who are called to sacrifice for this great nation and to preserve our Constitutional protections and liberties.

I urge my colleagues to support this bill. Thank you.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 1664.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING REFORM OF INTERNAL REVENUE CODE

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 141) expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs.

The Clerk read as follows:

H. CON. RES. 141

Whereas the Internal Revenue Code of 1986 is overly complex, and imposes significant burdens on individuals, businesses, and the economy;

Whereas the complexity of the Internal Revenue Code of 1986 makes the Code extremely difficult and costly to administer and to comply with;

Whereas recent reports estimate that 1 in 4 Americans are out of compliance with the Code and that the Internal Revenue Service provides the wrong answer nearly half the time through its telephone information program;

Whereas in 2001 the Internal Revenue Service spent $8,900,000,000 to administer the current system while American taxpayers spent an estimated $135,000,000,000 and 3,000,000,000 hours, more than a full day for each return, to comply;

Whereas the Code imposes multiple layers of taxation and hides the true cost of taxes in the price of goods and service;

Whereas the Code penalizes investment, discourages the flow of capital into our domestic economy, drives businesses to consider moving investment and jobs to foreign locations, and disadvantages domestically produced goods and services in international markets;

Whereas the Code disincentivizes work, savings, and investment by individuals and families;

Whereas the Code is riddled with decades of loopholes, special interest exemptions, and contradictions which make the Code confusing, costly, and unfair;

Whereas the Department of the Treasury estimates that approximately $70,000,000,000 in taxable income remains untaxed in offshore accounts;

Whereas on April 13, 2000, the House of Representatives passed, by a vote of 229 yeas and 187 nays, House Resolution 4199, calling for replacement of the Internal Revenue Code not later than December 31, 2004; and

Whereas the most recent Economic Report of the President states that "the current tax system also causes households and businesses to rearrange their affairs in a number of ways that make poor use of economic resources, leading to substantial economic waste and, ultimately, reducing real incomes": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) encourages and supports a national debate on fundamental reform of the Internal Revenue Code of 1986;

(2) agrees with the most recent Economic Report of the President which identifies reducing complexity, improving economic incentives, and achieving fairness, as key objectives of fundamentally reforming such Code; and

(3) as part of this national debate, will begin a series of hearings to examine the case for, and the possible options for, fundamental reform of such Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr.

MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield my time to the gentleman from Georgia (Mr. KINGSTON), sponsor of the concurrent resolution, and ask unanimous consent that the gentleman from Georgia control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

I rise today as millions of Americans are spending billions of dollars and countless hours trying to comply with the monster we call the IRS code. We all know it is that time of year when we should have done what we promised last year, that we would even do it in mid-January; but somehow all the stuff that we need did not come in the mail, the dividend accounts and all the data that we need, and we know we are supposed to put it together, but we just do not do it. So we postpone it. And now here we are almost on April 15, that dreaded day on the American calendar that we all have to pay our income tax, and we just cannot stand it.

So all over the country right now people who would rather be doing other things are trying to figure out how much do I owe my favorite Uncle Sam. And they are sitting around trying to fill out these forms, and they cannot do it, and so many times they have to go to an accountant or a lawyer to get opinions, and it is even said often when one goes to two or three different accountants or lawyers and give them their tax information, usually they will come up with a different number which one needs to pay. So that is confusion even on the experts' part.

But in 2001 the American taxpayer spent over $135 billion just trying to comply. I want Members of Congress to think for a minute what would we do if we had another $135 billion in the budget that we could use for education or for Medicare, for health care, for the war effort, for rebuilding Iraq or Afghanistan or so many other things. The irony is it is certainly not our money. It is the taxpayers' money, and we would not even be entitled to that money. It would be $135 billion in the economy that consumers would control; but, instead, it is, in fact, a hidden tax because if I have to spend $200 or $300 on an accountant figuring out what I owe Uncle Sam, then that $200 or $300 is a mandatory payment of taxes.

We spend over 3 billion hours filling out form. That is 1 full day for every single tax return. I was giving a speech the other week to a leadership Georgia group about volunteerism and was proud to report that there are something like 94 million Americans who volunteer 4 hours a week, and it is worth millions and millions of dollars and billions of dollars to the economy if we figure it at $14 an hour. But the reality is these 3 billion hours do not help children. They do not help dropouts. They do not help confused pregnant teenagers. They do not help senior citizens and all the other groups who could use some volunteer labor. It just goes to Uncle Sam. The IRS itself spent $10 billion just trying to enforce this very complicated system.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

This is, as I said, the second act in the Republican tax follies. This is the one that is the longest-playing act in this town. They have been talking about tax simplification since they took over. Since 1997 to today, they have added 293 Tax Code provisions that required 515 rule changes, that everybody has to understand they have added 2 hours to filling out their tax form every year. By 2010 there are going to be 35 million people who are going to have to figure their tax twice because of the alternative minimum tax. So these are the people who say we want tax simplification, and they come out here every year and add more complexity to this whole business.

I read this resolution. It says one out of four taxpayers are not in compliance with the tax laws. The facts are that wage earners, the ordinary citizens of this country, 98 percent of their income is reported and 85 percent are in complete compliance with the law. The former IRS Commissioner, Mr. Rossotti, said in his departure speech, the most serious noncompliance areas are promoters of tax schemes of all varieties, the misuse of devices such as trusts and offshore accounts to hide or improperly reduce income.

The average guy working in an automobile plant is not setting up a trust, does not have any money invested offshore. He is not using abusive corporate tax structures. He is not underreporting, as high-income people do, and the accumulation of failure to file and pay a large amount of employment taxes, these are the people who are not in compliance with the law. The average taxpayer has been waiting for that taxpayers' bill of rights they have been promising them. And of course the Republicans fell to fight among themselves upon that issue; so they could not even bring that out here. They have been promising it for weeks and weeks and weeks, and it ought to come out. April 15 is almost here. But, no, they are going to bring this foolishness out here.

This reminds me of that story of the Methodist minister who was sick and they had a board of deacons meeting come together and they had a long discussion about what they should do about the minister's illness. Finally, by a vote of four to three with 25 abstentions, they voted to write a letter to the minister urging him to get well. This is a get-well letter to the tax structure from the people who make it complicated.

Why do you not stop putting this nonsense out here? We have had Speaker and Committee on Ways and Means chairman after Speaker and Committee on Ways and Means chairman talk about the fact that we are going to have a simpler tax structure. I remember Mr. Armey, we are going to pull it up by the roots. You have never put a single bill out here. Eight years of talking and sending these letters urging the tax structure to get well. Come on, guys. Let us stop this nonsense.

Mr. Speaker, I reserve the balance of my time.

□ 1830

Mr. KINGSTON. Mr. Speaker, in the spirit of what my friend from Washington had requested, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), to explain a solution to the problems of the onerous Tax Code.

Mr. LINDER. Mr. Speaker, there is simply no doubt that what we are talking about is follies, but the follies are a 45,000-page Tax Code. The Internal Revenue Code has made criminals of us all, and it is time for it to go away.

There is a bill replacing the current code, H.R. 25, that would abolish the entire IRS and all the Internal Revenue Code and replace it with a simple, straightforward retail sales tax.

We have spent $22 million in the last 7 years with economic and market research, and a study out of Harvard says, Dale Jorgenson, who was at the time the head of the Economics Department at Harvard, concluded that, on average, 22 percent of what you pay for at retail is embedded costs to the current code, which is to say you pay every company that has touched that product, their payroll taxes, their income taxes and their accountants and attorneys to avoid the taxes.

It has been estimated that in 2001 Americans spent $250 billion just complying with the code, and that was only the estimate of the man-hours it would take to fill out the paperwork. That did not include the tens or maybe hundreds of billions of dollars that corporate America spent just calculating the tax implications of a business decision. And in 2001, after spending a couple of hundred billion dollars complying with the code, corporate America sent in to the government $187 billion. This is not an efficient system for gathering revenues.

We need to start with a truth: There is not a mechanism for a business to pay a bill other than through price.

The only way to pay the light bill, the labor bill and the tax bill is through price, and your customers pay it; and the only taxpayers in the world are consumers, who actually consume the product and all the embedded costs therein.

So if we have a price system that has a tax component that is 22 percent of the price system, we ought to fix it. If you abolish the code and replace it with an embedded 23 percent, your cost of living goes up 1 percent, but you get to keep your whole check. Nothing is taken out for payroll taxes or income taxes, and every American becomes a volunteer taxpayer, paying taxes when they choose, as much as they choose, by how they choose to spend.

We also have a provision in the bill that would rebate to every household, rich or poor, we are not going to know how rich they are, we are not going to have that number; it would rebate to every household a check at the beginning of every month sufficient to rebate the entire tax consequences of spending up to the poverty line. For a household of one, that is $9,500 a year. For a household of six, it is about $30,000 a year, which is to say, a household of six could spend $30,000 with no tax costs at all.

If you get the tax component out of the price system, you increase the purchasing power of everyone at or below the poverty line by 22 percent.

What will happen to our economy? We have studies that say the exports go up 26 percent in the first year. We have studies that say capital spending goes up 78 percent in the first year. We know a study taken from 1945 to 1995 shows that real take-home wages increases in exact correspondence with increases in capital spending, because it makes them more productive and they get to take home the money.

When Bill Archer was here and chairing the Committee on Ways and Means, he had cited many times a study done by Princeton Econometrics of 500 European and Japanese international firms, and the question was asked to their leadership, what would you do in your long-term planning if America eliminated all taxes on capital and labor and taxed only personal consumption? Eighty percent said they would build their next plant in the United States. Twenty percent said they would relocate to the United States.

We have been bickering about companies relocating their mailboxes overseas to save taxes. Some years ago we complained about rich people moving to Ireland and giving up their citizenship. Those people would be flocking to our shores. We would have a problem finding workers for all the manufacturing jobs.

It is time for us to take a hard look at what we have created. The tax we have today is the flat tax on incomes, 90 years later. It started out at a single rate on the upper 2 percent, and look what it has become.

We ought not worry about punishing people who are successful. They are going to spend more money and they are going to pay their share. The single biggest reason people escape the Tax Code is bankruptcies, and quite frankly, they can still bankrupt. But if they buy a loaf of bread, they are going to pay for their share of government.

We do not know how large the underground economy is. We simply do not know. But if you want to see it, go to your regional banker any Friday afternoon at 4 o'clock and watch the contractor come out and pay off his subs in cash, and every banker in America will come out and shake his head and agree with that.

This simplified, voluntary tax system would raise the same revenues as the current system, but more important than anything else, it would make every taxpayer a voluntary taxpayer, and it would give every American in a free society the privilege of anonymity. No one should know as much about us as we know about the American citizens. No one should know that.

So this is not pie in the sky. There is a proposal that would replace the current system. It has been looked at by economists all over the country. It has been looked at by people in the last administration favorably and in the current administration favorably, and we just need to take the huge step to make it happen.

To those who are concerned about who pays, the rich or poor, let me say that the bill that is going to come due on the young working generation is the payroll tax. It is going to eat up working America, and this fixes that. It removes the payroll tax and collects the money out of the sales tax. It saves Social Security in 13 years by doubling the revenues to those categories by just doubling the size of the economy.

Last, let me say to my liberal friends, this is a tax on accumulated wealth. You ought to love this. Because if you paid taxes on the money you earned and you paid taxes on the capital gains when you sold the business and you paid taxes on the interest you earned, we are going to tax you one more time when you spend it.

Last, to those who have accumulated wealth, it is simply this: You are already paying this. It is just hidden. You are already paying this tax. Let us make it honest. Let us have a tax system that is fair, that is understandable, that is voluntary, that is neutral between industries, neutral between businesses and neutral at the border. The fair tax does it, and this is a great opportunity to talk about it.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to my colleague from Massachusetts, I would point out that the gentleman from Georgia has introduced a bill called the Fair Tax Act. We submitted it to the Joint Committee on Taxation, that is a joint House and Senate committee, everybody agrees that it is balanced, Democrats and Republicans and all that sort of thing, and they came up with the fact that this flat tax that we are talking about here, the rate would have to be at 59.5 percent.

That means if you buy a Coke, suddenly the Coke is $1.60. If you buy a hamburger and it is $2, you are going to have to pay $3.20 for that hamburger. This goes onto health care, this goes onto pharmaceuticals, it goes onto everything, not just things you just choose; that is, everything you buy, you have to pay 60 percent taxes.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, would the gentleman admit that the Joint Tax Committee made presumptions and assumptions that the bill would not pass as written, and so they changed it to the way they thought it would pass and changed the numbers entirely?

Mr. McDERMOTT. Mr. Speaker, reclaiming my time, no, I would not admit that at all. This is the letter they put out, and they are standing by this.

Mr. LINDER. They also presumed the bill would not pass as written.

Mr. McDERMOTT. Mr. Speaker, reclaiming my time, I know, you fired the lady that wrote this. You got rid of her. So I know that that is probably why you got rid of her.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I do not know if this is more this evening about amnesia or cranking out a press release for April 15. When you listen to these folks, they talk about changing the Tax Code. They have now been in charge since 1994. We are no closer to changing the Tax Code today than we were in 1994. But we were told we were going to pull the Tax Code up by its roots, we were going to drive a stake into the heart of the Tax Code, we were all going to a long funeral procession for the Tax Code.

Well, this resolution today is like their commitment to term limits: You hope that the public is not watching, and you change your position on the issue.

We have an opportunity to do something real about the Tax Code, and we could do it tomorrow, and everybody on the other side knows it, because I share their late-stated interest in closing tax loopholes.

I filed a bill last year that would close the most egregious tax loophole that confronts the American people, and that is for those U.S. corporations who claim their headquarters are really in Bermuda so they can avoid paying U.S. income taxes.

Well, my bill has languished for a whole year despite the fact we have had 186 signatures last year on a discharge petition, 125 bipartisan signatures this year on the bill, and they do not seem to think that there is any speed with which they can act.

Let me give a few names tonight. Here are some of the corporate expatriates who are taking advantage of the Bermuda loophole: Tyco, they avoid paying $400 million a year in U.S. taxes; Ingersoll-Rand, $40 million a year in U.S. taxes, and by the way, walk outside and see the machinery that says Ingersoll-Rand on it, where they win contracts with the Federal Government while our troops are overseas in Iraq, and they will not pay their fair share of income taxes while they win these contracts; Cooper Industries, $55 million a year in U.S. taxes they avoid. How about Weatherford, $40 million a year in U.S. taxes?

The Joint Tax Committee scored my proposal. We save $4 billion over 10 years if they would enact an opportunity to close the Bermuda tax loophole.

We hear the majority tonight that is concerned about a code that is riddled with decades of loopholes, but we cannot close this one?

We are going to vote tomorrow on an energy bill which cleverly includes a protection for a loophole. I mentioned earlier there are many who exploit this $4 billion loophole, but in fact, tomorrow, in that energy bill, they are going to grandfather a whole element that is left, and they think they are doing it in the disguise of tax reform.

The Treasury Department estimates that $70 billion a year in taxable income remains untaxed in offshore accounts. Sound familiar? Of course, this is what I and 125 Members of this body think we should be addressing. But instead we get a meaningless resolution and a bill to cement the loophole into law on the same day. Oddly enough, one of those expatriates, by the way, and listen to this one, listen to this one, they currently hold a $50 million contract with the IRS to help the IRS collect taxes from the rest of us.

Mr. Speaker, the American taxpayer deserves better. There is no reason on Earth why that Bermuda tax bill is not on this floor in front of the American people for an up-or-down vote.

I would suggest this to you tonight: If they put that bill on the floor, there will be a rampage to get to the well to vote for this measure, and there will be at least 300 votes in this House if the Republican leadership would let the bill come up.

Close the Bermuda tax loophole.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say, if we could get rid of the current Tax Code, we could get all those companies back.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, I might say to the gentleman from Massachusetts, that he is making our case for us. The reason that all these companies are leaving our shores is because the Internal Revenue Code is unfair, it is incomprehensible, it is broken, and it needs to be fixed.

□ 1845

Since 1955, the text of the Internal Revenue Code has increased 472 percent to nearly 1 million words. The Code costs almost $9 billion for the IRS to administer, and it costs Americans more than 5 billion hours and $244 billion just to comply with it.

For some perspective, let us consider those numbers amount to 2.7 million people or five full congressional districts working full-time just to fill out the paperwork for the IRS. It taxes income when it is earned, spent, invested, and even after death when it is left to loved ones. All of these factors slow down our economy, wasting the valuable time of the American people.

In short, our Tax Code is a giant, ugly mess that only a jumble of lawyers, politicians, bureaucrats, and committees could love.

We need a tax system that is fair and supportive of American workers and one that does not penalize people for working hard and saving for their family's future.

We have taken important steps with the tax bills we have passed over the past 2 years, or over the past 8 years. We can take another this year by passing the President's proposal, including an end to the unfair double taxation of dividends.

This commonsense move would simplify the law and bring us closer to reforming the Tax Code once and for all, and I look forward to working with my colleagues to finish the job.

I just want to thank the gentleman from Georgia for introducing this resolution, and I urge my colleagues to support it.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Cleveland, Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman for yielding me this time, and I thank him for the opportunity to be heard on this issue.

Mr. Speaker, today in our hearing before the Committee on Ways and Means, one of the speakers said, Well, what are you talking about? The Congress is the board of directors. If the Congress wanted to change the law, the Congress could do so. In fact, he said, we could change the health care issues; we could change the Medicare programs. So I am asking the question, Why, if we are the board of directors, are we "expressing the sense of Congress" instead of doing the job of Congress and making a change?

Mr. Speaker, I am clear that my constituents would say to me, keep the "sense," meaning S-E-N-S-E, and give me a prescription drug benefit for senior citizens. Keep the "sense" and fund No Child Left Behind. Keep the "sense" and improve our economy. Keep the "sense" and maybe all the money that we are talking about that is collected by the IRS could, in fact, pay for the war in Iraq, pay for the fact that there are seniors out there who need a prescription drug benefit, pay for the fact that their children, the best investment we can make in this country that will pay for generations and generations and generations, we ought to do that.

I want to respond just on one thing. I have been a vocal advocate for not allowing the dividend tax cut, and the reason I have been an advocate is because the dividend tax cut will have a significant impact on low-income housing. And while we are talking about low-income housing, keep the "sense" and build enough housing so people can, in fact, have a safe place to live in a decent neighborhood with their families.

Mr. KINGSTON. Mr. Speaker, it is my proud opportunity to introduce the gentleman from Indiana (Mr. CHOCOLA), and I yield 2 minutes to him. He is one of our distinguished freshman Members.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I came to Congress from the business world; and I would like to share briefly a real life experience, a real life story on the implications of our Tax Code. The smartest person I ever met in my business career was a man named Gerry Shivers. Gerry Shivers is an accountant. He works for a big accounting firm in New York, and every time our business ever even thought about entering into a transaction of any kind, we would have to call Gerry Shivers up on the phone and ask him, how do we comply with the more than 17,000 pages in our Internal Revenue Code. Every time we called him, it cost us thousands and thousands of dollars. Instead of paying those thousands of dollars to Gerry Shivers, we could have been investing in new equipment, we could have been investing in research and development, we could have been investing in our markets, and we could have been creating jobs.

So, Mr. Speaker, it is time that we give Gerry Shivers a new job. It is time that this very intelligent man has a more productive life in our economy. It is time to simplify the Tax Code that no one truly can understand and comprehend, and it is time to put the billions and billions of dollars we spend every year on these costs to building our economy and creating jobs.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I was just down here because the next bill is one I am managing dealing with Cyprus and international relations; but in a former life, I headed the second largest tax agency in the country, and that is why I thank the gentleman from Washington for yielding me this time this evening.

This resolution calls for a fundamental review of our tax system; but no speaker has mentioned the most unfair, egregious, and unproductive tax of all, and that is the debt tax. Tomorrow, we will bring to this floor a budget resolution which will put us on target and may even be honest enough to express this in exact numbers, to tell us that we are on target for an $11 trillion Federal debt. Imagine the effect that has on our economy. Imagine the effect that has on interest rates and on what our children will be paying one way or another. Surely we should close the Bermuda loophole.

But what concerned me most was when the majority leader himself came down here and addressed the issue of those U.S. corporations that want to contract and do business with our Federal Government while renting a hotel room in the Cayman Islands and claiming to live there. He came here to justify and protect and court and woo those tax trader corporations back to the United States with a plan; and that plan, as the gentleman, I believe from Washington, pointed out is to tell working people that when they buy a $1 can of cola, they should pay an extra 60 cents so that the corporations do not have to pay anything so that they can come back from the Cayman Islands. I welcome in depth congressional hearings on such proposals.

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, Albert Einstein once said, "The hardest thing in the world to understand is the income tax." If we look at today's Tax Code, it is easy to see his genius. The cost of the current income tax system in both time and dollars is just too high.

Consider this: each year Americans spend 6.1 billion hours preparing their tax forms, and businesses spend 800 million hours complying with the Tax Code. In 2001 alone, Americans lost $183 billion in opportunity costs which were calculated at $30 an hour. Those are costs that people spend working on taxes instead of working on money-producing activities for themselves.

Two-thirds of Americans think the income tax system is too complex. We need a simpler system for all Americans to understand. Taxpayer phone calls to the IRS help line doubled during the 1990s from 56 million to 111 million, even though the number of taxpayers only grew by 12 percent.

The Federal tax rules are over 45,000 pages in length, which is double the number of pages since the 1970s, including the full Tax Code, the IRS rules and regulations, and tax court rulings. The average taxpayer spends over $1,800 per household in compliance costs. In other words, that taxpayer must work 6 days per year just to pay for the cost of preparing his or her taxes for that year.

Valuable resources are being lost to taxes, resources that could be used for productive, job-creating economic behavior, or for spending time with our families. As my colleagues can see, the costs imposed by our tax system are just too high.

Today I rise in support of H. Con. Res. 141 and strongly urge my colleagues to join in a national debate about the problems of our current tax system and the need for fundamental reform.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume just to finish up.

We have a tax structure, and we are all going to vote for this foolishness; and I would suggest to the Clerk of the House that you not throw these resolutions away, because you can just bring them out again next year. We will be back here at the same old place with the same old tired rhetoric. They will not have done anything more about this issue than they have this year. So I think we could at least save a little money by not reprinting this kind of nonsense.

We passed a tax bill last spring; and I do not remember the exact figure, but something like 75 percent of the benefit went to people who make more than $100,000 in this country. Now, if that is a fair tax structure, I will be darned. I mean, I have to relearn the meaning of fairness. The whole idea of a tax structure is to pay on one's ability to pay.

Ideas like the gentleman from Georgia (Mr. LINDER), who comes out here with a sales tax, the idea being that we will put a sales tax on everybody and that will be fair. Of course, ordinary people have to buy food and clothes and medicine and gasoline and a whole bunch of things; they do not have any choice whatsoever. So they have to pay the tax. Rich people, well, of course, they have to buy food and gas and medical care and whatnot; but all of the rest of the money they earn, they do not pay any taxes under that kind of a structure. That is not fair. Everybody knows it. That is why we can never bring that thing out here seriously and debate it on the floor. You would get eaten alive in the press when the American people figured out what you are talking about.

I know what my colleagues are doing today; they are really laying the groundwork for their press releases. We will all leave in a couple of days and you all have to have your April 15 press release: "I voted to change the unfair tax structure. I was working in Washington all last week trying to change the unfair tax structure that is burdening my constituents" and other silliness that will be in the papers.

This is not going to do anything, everybody knows it will not do anything, and it is not going to make anybody do anything. We are just sending another letter to the minister telling him to get well.

I see the gentleman from Wisconsin (Mr. RYAN) is here. He has a great chart that is too small for anybody to read, but we are going to put it up anyway; and we will go through with this so we can get out of here. So I want the gentleman to have his press releases. Are the gentleman's press releases related to that?

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, I will explain the chart so the gentleman from Washington can understand it. Even if he cannot see it, I will explain it all to him.

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman. I appreciate that. Explain it to my mother who is watching this, will you? Because she really wants to understand how this fair tax structure, when she is living on Social Security, why she has to pay a 60 percent sales tax, because I have no idea. For all of the people living on Social Security, if the gentleman from Georgia (Mr. LINDER) succeeded, they would get a 60 percent flat tax on everything they bought. It is so nonsensical, I do not know how my colleagues can stand out here with a straight face and offer it up here.

Mr. Speaker, I reserve the balance of my time.

□ 1900

Mr. KINGSTON. Mr. Speaker, I yield 3⅙ minutes to the gentleman from Wisconsin (Mr. RYAN) so he can explain these charts.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, these are not sales tax charts, by the way, I say to the gentleman from Washington. Let me explain what these charts do in a second.

We are here to talk about tax reform. We are here to talk about, can we have a better way of raising revenue for the government without doing so much harm and damage to our economy, to the daily lives of individuals and to the businesses and job creation in this economy.

There is an issue that is also important, not only to mention the fact that our Tax Code consumes so many hours of preparation, wastes so many trees, and the fact that it is just so large; but it also inhibits our competitiveness globally. Where we work on the Committee on Ways and Means, we are experiencing this on a day-to-day basis.

But the point that I want to make here today, the reason we need to reform our Tax Code is not just to make it easier for people to keep more of the money they earn, but to make it simpler, to make our Tax Code less punitive.

Let us take it for a fact, the Tax Code punishes all the qualities that make America great. It penalizes us if we get married, it penalizes us if we want to have kids, it penalizes us if we have a small business, it penalizes us if we save, it penalizes us if we invest, it penalizes us the more we work and the more successful we become. These are things we should not be penalizing in this country; we should be rewarding those things in America.

Where it really is arrogant is in the fact that we are losing jobs to foreign trade every day in this country. When we look at our Tax Code, and this is what this chart goes to, if we look at the effective top central and local corporate rate, meaning how much do we tax businesses in this country, if we look at the entire industrialized world from Ireland on up to Japan and every other industrialized nation in the world, the United States has tax rates on business income that are higher than any other industrialized country in the world except for Japan. Japan is in their second decade of recession.

If we take a look at just the tax rates on capital, and what I mean when I say "capital", that is investment, that is plant and equipment, that is expansion of businesses, that is capital. When we take a look at the tax rates on capital such as the tax rates on dividends, that tax rate is the second highest in the world except for Japan, again, a country that is in its second decade of recession.

So when we sit here and tax capital, when we sit here and tax our businesses at not 20 percent, not 15 percent, but at an effective tax rate of over 35 percent in America, we are taxing jobs overseas.

More importantly, what is also harmful with our Tax Code is, unlike our industrial competitors, we tax our income on a worldwide basis. Not only do we have the second highest tax rates in the world, we tax all worldwide income made by U.S. companies at that higher rate. If you are an American company making money in Ireland, a country with a corporate tax rate of 17 percent, you are going to end up paying that U.S. tax rate of 35 percent, whereas it will be much less for France or England.

Mr. Speaker, we are losing jobs because we tax our companies and businesses more than anybody else does. We tax them overseas. What happens? Foreign companies are taking over U.S. companies, pushing income and jobs overseas.

We need to lower our tax rates, we need to fix our Tax Code and make it more efficient so we can keep jobs here at home.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Washington (Mr. McDERMOTT) is recognized for 3½ minutes.

Mr. McDERMOTT. Mr. Speaker, I appreciate the erudite lecture on the tax structure of the gentleman from Wisconsin (Mr. RYAN). I know he sits on the Committee on Ways and Means, and he knows we have not had a single hearing on any kind of tax reform bill the whole time he has been on the committee.

It is good to come out here and send these letters to the Congress. I do not know who this Congress is. When we send the sense of the Congress, where do these go? Do these go to the leadership or somewhere, or up in the air, or over to the Senate?

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, I would tell the gentleman, we have had hearings in the Committee on Ways and Means. We have had hearings in the Subcommittee on Select Revenue Measures on tax reform ideas.

Mr. McDERMOTT. I would ask the gentleman, Mr. Speaker, when are they going to bring something to the full committee? I do not sit on that subcommittee.

Mr. RYAN of Wisconsin. Well, in the subcommittee we had a lot of hearings.

Mr. McDERMOTT. Mr. Speaker, I take back my time. I appreciate the gentleman's point.

The last tax we had last year, the one they have been running their elections on, the Urban Institute says that if your income is between $30,000 and $40,000, that is the average income in this country, the tax cut was $339. Households with over $1 million get an average tax cut of $90,000. Sixty-eight percent of households in this country get a tax cut of less than $500.

If you are a typical elderly family with an income between $20,000 and $30,000, you get 89 bucks. That is an unfair tax structure. They made it worse. If they have their way with this $700 billion nonsense that they are trying to push in this session, they will make it even worse, because they will saddle our kids with debt and give all the money to people on the top.

Now, I agree, this is a great thing. I wish we could get somebody, when we send this sense of the Congress, it would actually get to somebody who could actually do something, maybe the Speaker's office, maybe the majority leader's office. Mr. Armey used to talk about it, but he never brought a bill here. Maybe the new majority leader would bring us out something we could vote on. It would be real nice to have a debate on an actual piece of legislation, so we could understand what it was really going to do.

Mr. Speaker, I urge all my Members to vote for this, because we all want a more fair tax structure.

Mr. Speaker, I yield back the balance of my time.

Mr. KINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend, the gentleman from Washington (Mr. McDERMOTT), whose mother is watching him tonight, that she knows her own son. However, the IRS would define "child" five different ways under the current code. I know she is with us and appreciates the gentleman's "yes" vote.

This bill supports this hearing, this bill supports that debate. It is my hope that we can get those of us who may or may not be on the right committee to introduce our bills.

I am hoping that the Democrat Party will introduce a bill. To my knowledge, and I have been up here 10 years, I have never seen the Democrat Party introduce tax simplification. We have gotten a lot of criticism. I would like to see some of their solutions. Maybe we can do some bipartisan things together.

The criticism about the length of this debate is valid, but we have spent a lot of time preserving Social Security and Medicare and reforming education. These things do, unfortunately, take decades to accomplish. Welfare reform, which we passed in 1996, actually was debated for 30 years before we actually got reform on it.

I do not want this to be 30 years, Mr. Speaker. I am hoping that Members of Congress can use this resolution as a vehicle to encourage debate within this body, within this town, within the other body, within the executive branch, to bring the tax simplification debate forward.

I ask Members to put their ideas on the table, whatever it is, Democrat Party, Republican Party, Independents, flat tax, sales tax, simplifying the current code. Let us do something, because what we have right now is not working.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. KINGSTON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 141.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KINGSTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 151, PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003

Mrs. MYRICK (during consideration of H. Con. Res. 141), from the Committee on Rules, submitted a privileged report (Rept. No. 108–68) on the resolution (H. Res. 188) waiving points of order against the conference report to accompany the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, which was referred to the House Calendar and ordered to be printed.

EXPRESSING SUPPORT FOR RENEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO CYPRUS PROBLEM

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 165) expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem, as amended.

The Clerk read as follows:

H. RES. 165

Whereas the United States believed there existed a historic opportunity to bring a peaceful, just, and lasting settlement to the Cyprus problem, which would have benefited all Greek and Turkish Cypriots, as well as the wider region;

Whereas a resolution of the Cyprus problem remains consistent with American values of promoting stability, freedom, and democracy in the world;

Whereas a resolution of the Cyprus problem is in the strategic interests of the United States, given the important location of Cyprus at the crossroads of Europe, Africa, and Asia;

Whereas the United States strongly supports the efforts of the United Nations Secretary General, and his Special Advisor through his good offices mission, to achieve a comprehensive settlement with respect to Cyprus in full consideration with relevant United Nations Security Council resolutions and international treaties;

Whereas a just and lasting resolution of the Cyprus problem, in full consideration of United Nations Security Council resolutions and international treaties, will safeguard the security and fundamental rights of all Greek and Turkish Cypriots;

Whereas the United Nations Secretary General, Kofi Annan, on November 11, 2002, submitted a proposal for the comprehensive settlement of the Cyprus problem, referred to as the "Basis for an Agreement on a Comprehensive Settlement of the Cyprus problem", which he revised on December 10, 2002, and again on February 26, 2003;

Whereas negotiations between the Greek and Turkish Cypriot leaders, which had been ongoing, were encouraged to be intensified in order that full agreement could be reached by February 28, 2003, in conformity with the timetable proposed by the United Nations Secretary General in his proposals;

Whereas United Nations Secretary General Koffi Annan again on February 26, 2003, gave the Greek and Turkish Cypriot leaders, and the guarantor powers, the United Kingdom, Greece and Turkey, a second revision of his plan in order to accommodate input from both sides;

Whereas the revised plan was the result of exhaustive efforts by the United Nations and would have lead to a peaceful, just and lasting settlement of the longstanding division of Cyprus;

Whereas the Secretary General on February 28, 2003, at the conclusion of a visit to Turkey, Greece, and Cyprus, invited the Greek and Turkish Cypriot leaders to meet with him at The Hague on March 10, 2003, the purpose of the meeting being to sign a commitment to submit the plan to approval in separate, simultaneous referenda on March 30, 2003, in order to achieve a comprehensive settlement of the Cyprus problem, and the guarantor powers were also invited to attend the meeting and to sign the commitment;

Whereas both the Greek and Turkish Cypriot leaders did attend the meeting at The Hague with the Secretary General but the Secretary General's plan failed when Turkish Cypriot Leader, Denktash, rejected both the comprehensive settlement and the referendum proposal;

Whereas the United States Government expressed its deep disappointment that the Secretary General's efforts to bring his plan for a comprehensive settlement to referenda by Greek and Turkish Cypriots was rejected; and

Whereas despite this unfortunate setback, the United States remains committed to seeking a just and durable settlement to the Cyprus problem: Now, therefore, be it:

Resolved, That the House of Representatives—

(1) expresses its appreciation for the efforts of the United Nations Secretary General to seek a peaceful, just, and lasting settlement of the Cyprus problem for the benefit of the Greek and Turkish Cypriots and the region;

(2) expresses its strong disappointment that the Secretary General's efforts to bring his plan for a comprehensive settlement to a referenda by the Greek and Turkish Cypriots has been rejected;

(3) expresses its very strong regret that Turkish Cypriot leader, Mr. Denktash, rejected the comprehensive settlement offered by the Secretary General and, by refusing to offer the settlement proposal to referenda, denied the Turkish Cypriot community the opportunity to determine their own future;

(4) remains committed, despite the recent setback, to giving any assistance necessary for finding a just and durable settlement for the Cyprus problem and urges the maximum effort by the United States Government and others to redouble their efforts to seek a just and lasting settlement to the Cyprus problem;

(5) encourages both Greek and Turkish Cypriot leaders to renew their efforts to find a settlement to the Cyprus problem on the basis of the Secretary General's framework for a comprehensive settlement;

(6) urges the Governments of Turkey and Greece to do everything possible to support the search for a settlement, including actions by the Government of Turkey helping to persuade the Turkish Cypriot leader to reach an agreement which would reunite the island and which would serve the interests of both Greek and Turkish Cypriots; and

(7) encourages both sides, upon completion of a comprehensive settlement, to consider putting such an agreement to referenda, if necessary, in order that the will of the Greek and Turkish Cypriots can be democratically expressed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 165, a resolution offered by this Member regarding the political situation in Cyprus. The Subcommittee on Europe adopted this measure unanimously last week, because an historic moment in the history of Cyprus was about to be lost if the momentum which had been building over the past 2 years to bring about a resolution of the Cyprus problem was allowed to slip away.

I want to express my appreciation to the ranking member on the Subcommittee on Europe, the gentleman from Florida (Mr. WEXLER), for his support on this issue and his willingness to see this resolution move forward. I believe the resolution represents an important statement by the House on the need for a solution for the Cyprus problem.

I also want to express my appreciation to the chairman of the committee, the gentleman from Illinois (Mr. HYDE), and the ranking Democrat, the gentleman from California (Mr. LANTOS), for their help in moving this legislation to the floor; and to the gentleman from California (Mr. SHERMAN) for managing the legislation tonight.

I also want to particularly acknowledge the work of our distinguished colleague, the gentleman from Florida (Mr. BILIRAKIS), who has long been a leader in keeping this House informed of the situation in Cyprus and the status of the peace process.

It is interesting and very salutary, I think, that we have as supporters of this resolution, indeed, as cosponsors of the resolution, some of the Members that are strongest in support of Greece and are strongest in support of Turkey.

House Resolution 165 commends the United Nations Secretary General, Kofi Annan, for his tireless efforts to seek a resolution to the Cyprus problem, a problem which has been on the agenda of the Security Council for almost 40 years. In fact, it is the oldest item continuously on the Secretary General's peacemaking agenda.

In addition, this resolution expresses the disappointment of the House that the recent United Nations plan for a comprehensive settlement of the Cyprus problem could not be agreed to by the two Cypriot sides, despite the effort of many and, in particular, the United Nations Secretary General.

Referenda put before both Greek Cypriots and Turkish Cypriots would be approved to create a confederation to bring peace and unity to Cyprus, if only they were given that opportunity.

In a report that the Security Council issued on Saturday on the Secretary General's effort to achieve a comprehensive settlement of the Cyprus problem, U.N. Secretary General Kofi Annan made it clear that "a unique set of circumstances, including the membership of Cyprus in the European Union, offering a framework of incentives to reach a settlement, as well as deadlines within which to reach it" was emerging and that the potential existed to make a true impact on peace.

Finally, the resolution urges both the Greek and Turkish Cypriots to quickly resume negotiations to resolve this problem. It expresses the view of the House of Representatives that we want and appreciate continued efforts by Greece and Turkey to maximize their influence to prevent this opportunity to bring peace and economic prosperity to the entire Cypriot community from being lost.

The resolution urges the United Nations and the Bush administration to redouble their efforts to encourage the talks to begin again in order to seek a solution.

Mr. Speaker, since 1974, the island of Cyprus has been politically divided in what has been often a bitter and violent dispute. Consequently and regrettably, the people of Cyprus have been culturally and socially isolated from each other by a heavily fortified green line in what today represents something akin to the Berlin Wall of the last century.

This Member has personally walked that green line through Nicosia on two occasions. The commander of one of the four national peacekeeping forces, the British commander, told this Member that in his capacity, he has men in his unit whose fathers have served in that unit at that location.

For the past 29 years, various attempts and numerous proposals have been put forward to bring Greek and Turkish Cypriots together to resolve what has become known as "the Cyprus problem."

None of these attempts to bring about reconciliation has been so close to achieving success than the effort which is before us now has had as an opportunity during this past 5 months. Last November, with the entry of a divided Cyprus into the European Union looming, U.N. Secretary General Kofi Annan proposed a comprehensive framework for a just and lasting settlement of the Cyprus problem. His plan was hailed as a positive attempt to resolve the problem.

In presenting his framework, the Secretary General asked Greek and Turkish Cypriot leaders to accept the plan by February 28. When neither side resolved their differences with the proposal by the end of the February, the Secretary General asked the two leaders to meet him in The Hague on March 10 and to sign an agreement that would put the framework to simultaneous referenda on the island.

On March 10 both the Greek and Turkish Cypriot leaders did meet with Annan in The Hague. However, we learned with great disappointment that the Secretary General's framework was rejected when the Turkish Cypriot leader announced he could not accept the settlement plan, and would not agree to put the referenda to the Turkish Cypriots.

This decision was disappointing because informal polls indicated that a majority of Turkish Cypriots were prepared to support the plan and bring the longstanding division and suffering of the island to an end.

Despite our uncertainty over the future of the island, last week, as our subcommittee prepared to adopt this resolution, we were informed that several measures were being initiated by the various parties which seemed to us to be very positive.

The first was the announcement by Turkish Prime Minister Erdogan that he would bring a new effort to unite the Greek and Turkish Cypriot areas of Cyprus forward.

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The second was the announcement that Turkish Foreign Minister Gul would travel to Northern Cypress to discuss the peace process with Turkish Cypriot leaders and then would travel to Belgrade to meet with Greek leaders to discuss how to resume the peace negotiations. Both of these announcements were very welcome, and this Member commends the Turkish leadership for their willingness to address the issue.

A third announcement was that the Turkish Cypriot leader, Denktash, had sent a letter to the Cypriot President, Mr. Papadopoulos, suggesting several measures which the Turkish leader was offering as a way to begin rebuilding confidence between the two sides in advance of resuming the negotiation.

Mr. Speaker, this Member felt that the gestures may have been positive because one of the biggest obstacles which had plagued the peace process for all these years has been the lack of confidence and trust on both sides. Unfortunately and very quickly, we saw just how much distrust actually does exist today on that island because some people thought there was a hidden agenda, and maybe there was, but I hope that was not the case.

Whatever the real motivation of the proposal, a little bit of trust and confidence is something both sides could use right now. This Member wonders what is wrong with lifting current restrictions on crossborder trade, tourism, education and culture exchanges, even if for only 1 day a week just as a way for both sides to see if they really are prepared to live as a united island. This Member also wonders why some of the measures could not be agreed to outside of a more comprehensive agreement based upon the U.N. peace plan.

Mr. Speaker, in just 12 days the Government of Cypress will sign the accession papers paving the way for the southern part of the island to enter the European Union. The economic benefits of this membership to the southern half of the island will be significant. On the other hand, it would be a terribly damaging blow to the potential economic prospects for the Turkish Cypriots. The current differences between the income levels of the two communities would continue to widen dramatically.

Now is the time for both sides to put aside their past differences and to make a serious commitment to resolve this problem of a divided Cypress. We are never going to have a better opportunity.

As Secretary General Kofi Annan has stated, his settlement proposal is still on the table; and I believe resumption of the negotiations should continue to use the Secretary General's plan as a basis for an agreement.

Mr. Speaker, the people of Cypress have endured 29 years of separation. They are ready, it is clear, to see and support referenda. Therefore, it is a sincere hope of this Member that the leaders of both sides will return to the negotiating table and resolve this important problem so that next year; in 2004, we will be celebrating the first anniversary of a united Cypress and not the 30th anniversary of a divided one.

Mr. Speaker, this Member urges Members of the House to speak with one strong voice in support of a resolution on the Cypress problem and thus urges support for the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 165.

Mr. Speaker, let me first provide some background. On July 20, 1974, thousands of Turkish troops invaded and occupied 37 percent of the island, which since that time has been separated by a green line, actually a line of barbwire, analogized by the gentleman from Nebraska (Mr. BEREUTER) to the Berlin Wall. They created the Northern Republic of Cypress in 1975 and, indeed, recognized only by Ankara. Nicosia today is the only divided capital in the world.

Today Turkey maintains 35,000 troops in Northern Cypress and that area is one of the most highly militarized areas of the world, according to former U.N. Secretary General Boutros Boutros Ghali.

Eighty thousand Turkish settlers were installed after that invasion and occupy properties forcibly vacated by Greek Cypriot refugees, people who had lived there for generations. And now we have 200,000 refugees and over 1,600 people missing since that long-ago invasion, including five American citizens. In Northern Cypress there are a few Greek Cypriots. They are, in effect, locked into enclaves. They are denied basic human rights such as freedom of movement, access to education, religious freedom, or political rights.

The deterioration of the situation in northern Cypress must be contrasted to the prosperity of the southern part of that island ruled by the official government of the Republic of Cypress. That government has done so well that they have met the EU's strict standards for administration and will soon be admitted. Those standards include tough limits on the amounts of public debt, limits that, after this budget resolution comes to the floor tomorrow, the United States will not be able to meet. The economic hardship on the northern part of the island and the competition with settlers from Turkey has caused the exodus of the majority of the Turkish Cypriot population.

On September 30, 2002, the EU's enlargement commissioner stated that Cypress complies with all political and economic conditions for membership and that the government-controlled areas of Cypress enjoy an atmosphere of economic prosperity and political freedom, allowing its people to enjoy one of the highest standards of living in the world.

Cypress will become a member of the EU in a few weeks, and the Cypriot government will sign an accession agreement and formally join, I believe, on April 16 of this year.

The recent failure of the U.N.'s peace talks must be blamed on Turkish Cypriot leader Rauf Denktash. The U.N. plan offered a wide range of autonomy, a weak central government, a demilitarized Cypriot state, and a continuing, if greatly reduced, Turkish and Greek presence to guarantee the safety of the respective communities. But Denktash was not willing to put this plan to a referendum. Notwithstanding the fact that his own people, the Turkish Cypriots would have overwhelmingly supported this plan, a great opportunity was lost.

Mr. Speaker, I fully endorse this resolution and in later comments would want to detail its terms.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. BILIRAKIS), who I would say is among the House's most outstanding experts on Cypress.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for writing this bill and for yielding me time.

I also rise in strong support of H. Res. 165, a bill which expresses support for a renewed effort to find a peaceful and lasting settlement to the Cypress problem by declaring appreciation for the efforts of Kofi Annan, the United Nations' Secretary General.

Mr. Speaker, the U.N. peace process, which is strongly supported by the United States and the entire international community, has sought to reunite Cypress as a single, sovereign bicommunal federation.

With Cypress poised to join the European Union in May 2004, Secretary General Annan chose to get personally involved in bringing the two sides together, asking the two community leaders to put the U.N. plan before their people in a referendum. President Papadopoulos of Cypress said he was prepared to do so. Unfortunately, Mr. Denktash, the Turkish Cypriot leader, was not prepared to agree to put the plan to a referendum.

It is a shame that the Secretary General's personal diplomacy was met by this kind of flat-out rejection. The bill expresses strong disappointment that the Turkish Cypriot leader, Mr. Denktash, rejected the comprehensive settlement offered by Secretary General Annan, thereby denying the Turkish Cypriot people the opportunity to determine their own future.

This legislation also indicates that we in the House of Representatives remain committed to giving any assistance needed to find a just and durable settlement for the Cypress problem.

H. Res. 165 urges the United States Government and others to redouble their efforts to seek a fair solution to the Cypress problem. And finally, H. Res. 165 urges the governments, the governments of Turkey and Greece to do everything possible to support the search for a settlement, including actions by the Government of Turkey, helping to persuade Mr. Denktash to reach an agreement which would reunite the island.

Mr. Speaker, again I want to thank the gentleman from Nebraska (Mr. BEREUTER) for his commitment and perseverance in resolving the 29-year-old problem in Cypress, and I urge my colleagues to support the legislation.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), a gentleman who has been a leader on issues of foreign policy and human rights.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from California (Mr. SHERMAN) for those kind remarks.

Mr. Speaker, as an original co-sponsor of House Resolution 165, I come to the floor this afternoon to voice my strong support for the gentleman from Nebraska's (Mr. BEREUTER) resolution calling for a renewed effort to find a peaceful and lasting settlement to the Cypress problem. Tomorrow the U.N. Security Council is expected to adopt a resolution on the Cypress peace process. This follows the issuance of a report last Saturday by Secretary General Kofi Annan on the reasons behind last month's breakdown of U.N.-sponsored negotiations. While it remains to be seen what the council will do, the Secretary General was clear in his report regarding reasons for the breakdown. Mr. Annan's report blamed Turkish Cypriot Leader Raul Denktash and Turkey for the failure of the Secretary General's plan to reunify this divided island.

Mr. Speaker, despite the lack of a settlement, Cypress's European Union ascension is going forward. Next Wednesday, April 15, is the date of the signing ceremony of the ascension treaty in Athens. The Republic of Cypress will join with nine other nations in signing the treaty. Sadly, however, the residents of the Turkish-occupied areas will be left out, due to the obstinate Mr. Denktash and his short-sighted supporters in Ankara.

Mr. Speaker, I am encouraged that the statements coming out of the State Department have expressed regard over Mr. Denktash's refusal to let the Turkish Cypriots vote on a referendum. I would be further encouraged if the administration put the necessary pressure on Turkey to be part of the solution and not just part of the problem. Mr. Annan stressed that "my plan is still on the table," and I am sure that the Security Council will suggest that we go forward with the U.N. plan. But Mr. Denktash and the Government of Turkey must understand that there are costs for walking away from the table and benefits to be derived if they cooperate with the U.N. process.

I still believe that the U.S. and this administration can do a lot more to put pressure on Turkey to go ahead with the U.N. plan and try to come to some sort of settlement. I am hopeful and I know that this resolution will help in that regard, and that is why we should all support it.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from

California (Ms. WATSON), a distinguished former ambassador who is also a congressional Representative.

Ms. WATSON. Mr. Speaker, a crucial opportunity was missed this spring to bring peace to Cypress. Almost 3 decades of illegal occupation have kept the Cypriot nation divided and its people, both Greek and Turkish Cypriots, in a dangerous limbo. Cypress has a rich tradition as the crossroads of trade and culture in the Eastern Mediterranean. Yet, in spite of history and geography, those living in the occupied zone have been isolated from the rest of the world for close to 30 years because of the intransigence of their leaders. While unoccupied Cypress has fared better, the fact of the division of Cypress still leaves fear, doubt, and uncertainty in the minds of all Cypriots.

This month Cypress will join the European Union. This act is a testament to the will and the industry of the Cypriot people, building an economy which is the envy of many of its neighbors. But the celebration of the EU membership will be bittersweet for many Cypriots, knowing that their country will not join the EU as a whole, but still as a nation illegally divided.

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This fact was not inevitable. The Cypriot people, both Greek and Turkish, have repeatedly demonstrated their desire to end the division of their nation and integrate themselves into modern Europe, but the old men that hold power in northern Cyprus refuse to free their people to join the 21st century. The Secretary General, as my colleagues know, of the United Nations, Kofi Annan, who worked tirelessly to bring peace to Cyprus, left no doubt this week as to who was to blame for the failure of the talks.

Rauf Denktash, the self-styled head of the Cypriot separatists, refused to negotiate in good faith to resolve this 30-year-old dispute. In fact, Denktash went so far as to refuse to put a Cyprus peace agreement to his people in a referendum. His refusal is likely because he knows full well that even the Turkish Cypriots he purports to represent would embrace peace if given the opportunity.

Mr. Speaker, it is time to end this illegal and artificial division of the Cypriot nation, and I urge my colleagues to support this resolution, and I urge the President to apply renewed energy to convince the Turkish Government that ending its occupation of Cyprus and supporting peace there could be the most crucial thing Turkey could do to right a wrong.

Mr. SHERMAN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY) who has shown her dedication to human rights and impressed us all with her expertise on Hellenic issues.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 165 and thank my friends and colleagues, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. SHERMAN), for their work on this important resolution.

However, I do have some reservations. As Democratic cochair of the Hellenic Caucus, along with my Republican colleague, the gentleman from Florida (Mr. BILIRAKIS), we have been working with the U.N. and the State Department on the reunification of Cyprus, which has been divided since 1974. The peaceful, lasting and just settlement of Cyprus has been a priority of the United Nations and the caucus.

The Republic of Cyprus will sign the EU treaty in Athens on April 16. We had all hoped a united Cyprus would enter the European Union. Unfortunately, the latest round of talks ended without an agreement. According to the report of the United Nations Secretary General, Kofi Annan, released on April 7, and I would like to put his testimony into the record, "In the case of the failure of this latest effort, I believe that Mr. Denktash, the Turkish Cypriot leader, bears prime responsibility."

Despite my concerns and disappointment, I appreciate the comments of President Papadopoulos, who has stated that the Greek Cypriot side will "continue the efforts for reaching a solution to the Cyprus question both before and after Cyprus joins the EU."

I am pleased that this resolution addresses these issues and appreciate the work the subcommittee has done.

One area that concerns me about this amended resolution is that it has deleted references to the people of Cyprus and, instead, only refers to Greek and Turkish Cypriots. There are Armenians, Maronites and Latins in addition to Greek and Turkish Cypriots, living in Cyprus. I believe the new references that identify only Greek Cypriots and Turkish Cypriots is inaccurate and works to divide the people of Cyprus into two main groups. For this reason, the use of the term "people of Cyprus" is much more preferable and accurate, reflecting the unity of the country and the people.

Again, I thank the gentleman from California (Mr. SHERMAN) and the gentleman from Nebraska (Mr. BEREUTER) for their work on this very important resolution. I am hopeful that there will be new initiatives and new opportunities to work toward solving the problem as all sides will benefit. I am hopeful that even between now and April 16 there is an opportunity for them to get back on board, and I am hopeful that Cyprus will go to the EU as a united country.

I appreciate very much the gentleman from Nebraska's (Mr. BEREUTER) leadership. He has really worked to bring both sides together. It has been very helpful. I appreciate it very much.

Mr. SHERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), my favorite rocket scientist.

Mr. HOLT. Mr. Speaker, I thank my friend from California for yielding to me, and I rise in support of H. Res. 165 to draw this Chamber's attention to this opportunity that is not yet lost in Cyprus.

Cyprus has suffered from ethnic strife among the people of Cyprus, and I thank my colleague, the gentlewoman from New York, for using that phrasing, among the people of Cyprus for decades and has been physically divided since Turkish armed forces invaded and occupied the northern third of the island in 1974 after a Greek-led coup.

There have been efforts by the Greek Cypriots over the last year. There have been encouraging words from Turkey. Turkey's new ruling party suggested a change in Turkish policy toward Cyprus, but no agreement has been reached. Tens of thousands of Cypriots have taken to the streets in recent months, particularly in the Turkish areas, in support of this settlement, but Denktash ultimately imperiled the recent round of talks by refusing to take the plan directly to the Turkish Cypriot people for a referendum. As a result, Secretary General Annan has ended official U.N. efforts to broker a settlement.

This is a severe disappointment to me, to my Greek and my Turkish American constituents in New Jersey, and to all the people of Cyprus, but we must not accept the end of this latest round of talks as the end of the road. Peace rarely comes easily.

Peace in Cyprus is still possible, and as Cyprus prepares to enter the European Union, let us do our part to get the peace process back on track.

I commend the gentleman from Nebraska (Mr. BEREUTER). His resolution would help. Let us pass it promptly.

Mr. SHERMAN. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, this is an important resolution. It expresses our support for a peaceful, just and lasting resolution of the Cyprus problem. I would like to take this opportunity to thank the gentleman from Nebraska (Mr. BEREUTER), the chairman, for sponsoring this resolution and to commend the gentleman from Florida (Mr. WEXLER), the ranking Democratic member, for his leadership on foreign policy issues. I am pleased to be an original cosponsor of the resolution.

I fully endorse the sentiment expressed in this resolution that Greek Cypriot and Turkish Cypriot parties should renew their efforts to find a settlement to the Cyprus problem on the basis of the U.N. Secretary General's framework for a comprehensive settlement, notwithstanding the lamentable failure of the most recent round of diplomacy.

It is also important that this body reaffirm its own commitment to giving any necessary assistance to help achieve a just and durable settlement of the Cyprus problem, and that is, again, called for by this resolution.

In particular, this resolution expresses the Congress' very strong regret that Turkish Cypriot leader Mr. Denktash rejected the comprehensive settlement offered by the Secretary General and denied the Turkish Cypriots the opportunity to determine their own future, because he refused to offer the settlement proposal as a referendum. I urge the parties to return to the table at the earliest possible time and to complete negotiations on the Secretary General's plan.

Mr. Speaker, the U.S. has a clear and direct interest in solving the Cyprus problem. Its resolution would offer peace and prosperity to all of the peoples of Cyprus and would bring lasting stability to Greek-Turkish relations on NATO's southern flank.

It is, therefore, vital, Mr. Speaker, that this body go on record uncompromisingly in support of this resolution.

Mr. Speaker, I see that I have no other requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself the remaining amount of time.

Mr. Speaker, I thank the gentleman for his concluding comments, and all of these speakers this evening have had a very positive outlook on the opportunity, a rare opportunity, for us to really bring peace and unity to the island of Cyprus.

This is an opportunity we cannot avoid trying our best on. This is an opportunity with a maximum amount of leverage. I urge, therefore, my colleagues to support the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of House Resolution 165. This resolution is directed at renewed endeavors to find a peaceful, just, and durable solution to the Cyprus conflict. With the failure of the recent UN-brokered peace negotiations and with Cyprus going to join the EU, a solution to the problem is more needed than ever.

The Eastern Mediterranean is a region of vital U.S. interests. Endeavors to promote greater stability in the area by bringing the two conflicting parties together, must thus remain high on our agenda. In fact, stability in this region serves to advance many key policy objectives.

I thus wish to applaud the tireless efforts of the Secretary General of the United Nations to have prudently worked out an acceptable peace plan for both the Greek Cypriots and the Turkish Cypriots. Kofi Annan crafted a compromise plan that sought to reunite Cyprus as a single bicommunal federation. The plan would have satisfied both communities. The plan also enjoyed broad bipartisan support in the U.S. and was strongly supported by the wider international community. I therefore commend the Cypriot President Tapas Papadopolous who was eager to finally solve this long-lasting dispute. He accepted the UN proposal and was willing to submit the plan to a separate referendum last month. Immediately after the failure of the negotiations, Papadopolous further stated that the Greek Cypriot side will continue its endeavors for reaching a solution to the Cypriot issue within the UN framework.

Parallel, I voice my disappointment at the Turkish Cypriot leader Rauf Denktash's decision not to accept the UN proposal and his ultimate rejection of the peace deal. This is an unacceptable situation and hurts everyone involved: the Turkish and Greek Cypriot communities, the United Nations, the U.S., the EU and Turkey's own desire to become a EU member, now is the time to act. Indeed, the Turkish intransigence hurts first and foremost Turkey and the Turkish Cypriots themselves. The failure of the unification endeavors complicates Ankara's own efforts to join the EU. The European Commission warned Turkey after the breakdown of the talks that the Greek Cypriot part of the island is going to join the EU in May 2004 with or without the Turkish Cypriots. But without an agreement on the Cyprus issue, Turkey will be in a position of not recognizing a member of the European Union.

Public demonstrations by the Turkish-Cypriot opposition in favor of the peace plan further explicitly show who will be the major losers of the failed negotiations: the Turkish Cypriots who will not enjoy the benefits of EU membership.

The United States will remain committed to finding a just and permanent solution to the Cyprus issue. This solution must be achieved within the UN framework. The Turkish Cypriot leader must thus clearly show his willingness to constructively work with the United Nations and to settle for a compromise, a fair compromise like the one that was just presented to him.

Yet, a permanent solution that involves compromise, tolerance, and understanding is not merely achieved via multilateral institutions or intergovernmental interactions, however crucial they are. More than ever, confidence-building measures to re-integrate the two communities on the island are crucial, and the U.S. must continue to support these biocommunal initiatives.

A constructive dialogue between the Greek and the Cypriot leader under the UN auspices as well as reintegration efforts between the two communities represent the best and the only way to settle the Cyprus conflict.

Mr. WEXLER. Mr. Speaker, I share the hopes of Mr. Bereuter for a peaceful, just and lasting settlement to the long-standing Cyprus issue.

Like many of my colleagues, I was disappointed that a comprehensive agreement to support the United Nations proposal was not reached in March.

We must not allow the recent setback to get in the way of future negotiations and a lasting settlement of this issue. I hope that both Greek and Turkish Cypriot leaders will renew their commitment to bridge the divide that separates their people.

In this vein, I was very pleased to hear that Turkish Cypriot leader Mr. Denktas has taken positive steps to initiate a new process of dialogue and consultation. Last week, in a detailed letter to Greek Cypriot Leader Papadopoulos, Mr. Dentkas proposed lifting all overseas trade, transport, travel and cultural activities from or to both parts of Cyprus. He also expressed his willingness to meet with Mr. Papadopoulos to discuss the core issues of a comprehensive settlement.

It is my understanding that Mr. Denktas' proposal was not accepted by the Greek Cypriots. I agree with the Greek Cypriot sentiment that talks should be concluded under the U.N. framework. However, I am hopeful that Mr. Denktas' letter can be a catalyst to restart dialogue and to achieve a comprehensive settlement.

As for Turkey's role, which I know has been criticized by some in Washington and Europe, I am optimistic that Prime Minister Erdogan and his government are truly committed to a fair settlement on the issue. Mr. Erdogan has offered to bring Turkish and Greek Cypriots together "with the three guarantor countries, Turkey, Greece and Britain." Furthermore, Mr. Erdogan and Foreign Minister Gul will be attending a Balkans summit in Belgrade this week, where they will meet with Greek leaders to discuss steps to resolve the Cyprus issue.

Mr. Speaker, it is going to take an even greater commitment from the United States and the international community to a achieve lasting settlement of the Cyprus issue. I believe the debate we are engaged in today is a clear signal that Congress will remain firmly engaged on this issue, and that we are serious about achieving a comprehensive settlement that benefits both Greek and Turkish Cypriots as well as the entire region.

Ms. ROS-LEHTINEN. Mr. Speaker, today I want to thank Mr. BEREUTER for his leadership in introducing H. Con. Res. 165, expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem, and I want to take this opportunity to voice my strong support for this resolution.

In today's uncertain world, where conflict and instability abound, one such long-standing dispute was quietly moving toward a resolution.

However, while the world has been focused on Iraq and deadlines on the Hussein regime came and went, another deadline, one vitally important to a resolution to the conflict on Cyprus, passed with little fanfare.

The stakes in Cyprus are high, and while the United States is rightly focusing on more pressing foreign policy problems like the war on terrorism, the war in Iraq and other issues in the Middle East, we should also devote attention to bringing an end to this conflict.

The outcome of a peaceful resolution to the division of Cyprus will have a significant impact on Turkey and Greece, two key NATO players whose antagonistic relationship has too often roiled the alliance.

It would benefit U.S. interests in the eastern Mediterranean, would strengthen NATO by improving relations between our two key allies, and defuse an ongoing regional arms race.

Just as they are standing shoulder-to-shoulder with the United States in the war against terror, so too must they play a constructive role in resolving this longstanding dispute.

The European Commission clearly and unequivocally has linked Turkey's ambitions to join the EU to a solution to the conflict. Turkey is eager to join the EU, and the Turks of Cyprus, isolated and living in poverty, look forward to sharing the benefits of EU membership. One only has to look to the massive rallies recently held by Turkish Cypriots in support of a resolution.

Just today, the Greek and Turkish Prime Ministers met in Belgrade and agreed on the need to reach a solution to the political problem in Cyprus. The moment of truth is at hand, and time is running short. The two communities should play an important role in the efforts toward a solution and move their leadership to the negotiating table.

They must show genuine commitment to forge an agreement on the terms of reunification. As the President of the Republic of Cyprus recently stated: "Non-solution is not a solution. It is not even the conclusion of the Cyprus problem. On the contrary, it will mean the beginning of new dangers and new problems. The eventual solution to the Cyprus problem will be a compromise. . . ."

However, "If the solution is not functional it cannot be viable. If it is not viable it will not be permanent." A solution cannot include the possibility of the permanence of division. After nearly 30 years, it is time for the bitter division of Cyprus to come to an end. It is time for a peaceful, just, and lasting settlement to the Cyprus problem. I am confident my colleagues share this hope and I ask them to vote for this resolution.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 165, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING 100TH ANNIVERSARY OF LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the resolution (H. Res. 186) recognizing the 100th anniversary of the founding of the Laborers' International Union of North America and congratulating the members and officers of the Laborers' International Union of North America for the Union's many achievements, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do not intend to object, and I yield to the gentleman to explain his request.

Mr. LoBIONDO. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Speaker, I rise tonight to offer, with the gentleman from California (Mr. GEORGE MILLER), a resolution honoring the 100th anniversary of the Laborers' International Union of North America and to congratulate their members on the union's many achievements over this century.

On April 13, 1903, laborers from across America rose to the challenge set forth by American Federation of Labor President Samuel Gompers to come to Washington and to meet and form a union to represent their interests. Made up of hardworking immigrants and minorities focused on construction work, these workers formed the Laborers' Union, and for 100 years, this union has helped build America into the strong Nation that it is today.

The union also pioneered equal treatment on the job for all workers, regardless of race, established union-led training and career development centers, and fought hard to improve worker safety.

In 1965, the Laborers' Union officially changed its name to the Laborers' International Union of North America to show a growing diversification from construction into health care, food service, shipbuilding, mail handling, as well as local, State and government service.

While the name of the union has changed, the spirit and dedication of those laborers 100 years ago has neither changed nor diminished, but instead has grown into a mighty work force for a better America. I wish the hardworking men and women a very much deserved happy 100th birthday, and I encourage them to keep up their impressive work well into the future.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I want to join the gentleman in supporting this resolution congratulating the Laborers' International Union for the 100th anniversary of the founding of this union.

Our resolution cites the grand history of this union from its beginning, when Samuel Gompers, the first president of the American Federation of Labor, challenged laborers across the country to coordinate their activities into one cohesive unit; and in response, 25 delegates from over 17 cities, representing 8,000 laborers, met in Washington, D.C., on April 13 in 1903.

From that date to this date, again the laborers meet in this city under the leadership of Mr. Terry O'Sullivan, their current president, to deal with the issues confronted by this union.

This is a union, if we look across the American landscape, that has simply built America. The laborers were there first on most construction projects, be they public or private projects. It is a grand union that has undergone many reiterations in the past and represented many different kinds of workers, but most of us know today it is the hard-working members of the Laborers' International Union; and I want to extend my congratulations. And I also want to recognize the work of their director of legislative affairs, Don Kaniewski, who does such outstanding work on Capitol Hill on behalf of the Laborers' Union.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 186

Whereas Samuel Gompers, the first president of the American Federation of Labor, challenged laborers across the country to coordinate their activities into one cohesive unit, and in response 25 delegates from 17 cities—representing more than 8,000 laborers—met in Washington, D.C. on April 13, 1903;

Whereas after four days of meetings these representatives formed the "International Hod Carriers' and Building Laborers' Union of America" (Laborers' Union);

Whereas the Laborers' Union was started and built by immigrants and minorities, and today immigrants and minorities continue to be the fastest growing segment of the Union's membership;

Whereas, in 1920, the Laborers' Union backed efforts by African-Americans to win equal treatment in other United States labor unions;

Whereas by the late 1920s a boom in construction caused the Laborers' Union membership rolls to approach 100,000, and during this period the merger and addition of three other unions—the International Compressed Air and Foundation Workers Union; the Tunnel and Subway Constructors International Union; and the International Union of Pavers, Rammermen, Flag Layers, Bridge and Curb Setters and Sheet Asphalt Pavers—further added to the Laborers' Union's size;

Whereas the members of the Laborers' Union provided crucial support to the National defense effort during World War II, and during the post-World War II industrial boom the Laborers' Union began organizing nonconstruction workers in the labor force;

Whereas, in 1950, the Laborers' Union built their own training center in Kansas City, opening an era of high-quality training to help workers advance in their jobs and careers by providing more opportunities for them and their families;

Whereas, in 1955, the Laborers' Union affiliated itself with the AFL-CIO Industrial Union Department in order to effectively represent the 60,000 laborers working under the jurisdiction of the Industrial Union Department;

Whereas, in 1965, the Laborers' Union officially changed its name to the "Laborers'

International Union of North America" (LIUNA) to better reflect the continual expansion of the union beyond the construction field;

Whereas, during the 1960s, LIUNA successfully organized municipal, State, and university employees, and in 1968 added the 20,000 Mail Handlers Union to their ranks;

Whereas, in 1970, intensive lobbying by LIUNA and other unions resulted in the creation of the Occupational Safety and Health Administration;

Whereas more than 3,000 LIUNA members worked round-the-clock to clean up the site of the September 11, 2001, terrorist attacks on New York City, completing the clean-up three months ahead of schedule and under budget;

Whereas LIUNA currently consists of approximately 800,000 members in more than 650 locals;

Whereas LIUNA has long played a vital role in building the United States by constructing highways, bridges, tunnels, subways, dams, power plants, factories, office buildings, schools, churches, hospitals, and apartment buildings and houses;

Whereas LIUNA members work in a variety of fields such as local, State, and Federal government service, health care, mail handling, custodial services, shipbuilding, food service, and hazardous waste removal;

Whereas LIUNA is one of the most innovative unions in the labor movement, with 69 state-of-the-art training centers across North America, and is among the most successful unions at organizing within the labor movement;

Whereas LIUNA is an extraordinary union whose leadership works hard to protect its members' health and safety, to provide laborers a strong voice in the workplace and extensive skill training designed to empower members to reach their full potential, and perhaps most important, to ensure the dignity, respect, and security of laborers in the workplace; and

Whereas LIUNA's efforts are deserving of our attention and admiration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 100th anniversary of the founding of the Laborers' International Union of North America and acknowledges the tremendous contributions LIUNA has made to the structural development and building of the United States and to the well-being of countless laborers;

(2) congratulates the members and officers of the Laborers' International Union of North America for LIUNA's many achievements and the strength of its membership; and

(3) looks forward to the continuation of LIUNA's efforts and believes that LIUNA will have an even greater impact in the 21st century and beyond, enhancing the standard of the living and work environments for future laborers.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 186.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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CONGRATULATING SYRACUSE UNIVERSITY MEN'S BASKETBALL TEAM FOR WINNING 2003 NCAA DIVISION I MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the concurrent resolution (H. Con. Res. 142) congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 142

Whereas on Monday, April 7, 2003, the Syracuse University Orangemen men's basketball team won its first Division I national basketball championship;

Whereas Syracuse University won the championship game by defeating the University of Kansas Jayhawks 81–78;

Whereas the Syracuse University team was led by freshman Carmelo Anthony, who was voted the Most Outstanding Player of the Final Four, and received outstanding effort and support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace;

Whereas the roster of the Syracuse University team also included Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, and Andrew Kouwe;

Whereas Head Coach Jim Boeheim has coached at Syracuse University for 27 years and been involved with the Syracuse University men's basketball team for more than half his life;

Whereas Coach Boeheim had previously coached in two national championship games, including a heartbreaking loss in 1987;

Whereas Coach Boeheim and his coaching staff, including Associate Head Coach Bernie Fine and Assistant Head Coaches Mike Hopkins and Troy Weaver, deserve much credit for the outstanding determination and accomplishments of their young team; and

Whereas the students, alumni, faculty, and supporters of Syracuse University are to be congratulated for their commitment and pride in their national champion men's basketball team : Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the Syracuse University men's basketball team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Syracuse University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's basketball national championship team.

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) is recognized for 1 hour.

Mr. WALSH. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Brooklyn, New York (Mr. TOWNS); pending which I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor Syracuse University's Orangemen. Monday night, our university laid claim to the school's first Division I men's basketball national championship after defeating the University of Kansas 81 to 78 in a heck of a game. In addition to the players and coaching staff, many deserve recognition, including school administrators, faculty, staff, alumni, students, and one of the most loyal fan bases in collegiate athletics.

Mr. Speaker, as you may know, Syracuse has been to the Final Four before. Monday night's championship game proved for Head Coach Jim Boeheim that the third time is the charm as his team came full circle to defeat the national powerhouse of Kansas in the Louisiana Superdome, avenging a heartbreaking loss in 1987 to Indiana in the same facility. Preparing for a championship match-up against a senior-led Kansas team is not easy, and Coach Boeheim deserves much of the credit for his young team's outstanding determination and accomplishment. His team got back on defense and slowed down the Jayhawks' ferocious fast break.

Knowing Coach Boeheim personally, as I do, I would like to congratulate him sincerely today from the House floor. He is Syracuse basketball. Coaching his alma mater for 27 years, and being part of Syracuse basketball for more than half of his life, this championship is deserved not only for all of Syracuse's supporters and community but certainly for the coach himself. Also deserving praise this afternoon is Assistant Coach Bernie Fine, who has been with Jim Boeheim for many, many years and the rest of the fine Syracuse coaching staff.

Syracuse's championship team was led by Final Four Most Outstanding Player, Freshman Carmelo Anthony, and with outstanding support from Gerry McNamara; another freshman, Bill Edelin; Kueth Duany, a senior;

Hakim Warrick, a sophomore; Craig Forth, a sophomore; Jeremy McNeil and Josh Pace. This young team demonstrated poise, presence, and pride in their performance throughout the tournament and all season long.

This was really a fine year for this team, a very interesting team with great team chemistry. The first game of the year they lost to Memphis in the NIT preseason tournament. It was the only loss they had in the first 2 months of the season. It was a young team that jelled very, very quickly, led by Freshman Gerry McNamara, Carmelo Anthony, who many believe is perhaps the best basketball player in the country, certainly the best freshman. But it was the chemistry of the team that was really outstanding.

Mr. Speaker, I would like to single out a couple of the individuals who did not get a lot of credit during the year, but I think they deserve it. One is Bill Edelin, who is a young man who came to Syracuse University, made a mistake, and instead of getting negative and sour, he took his medicine. He was suspended from the team. And when he finally did come back, he missed the first 12 games of the year, but he contributed immediately when he came back. He stayed positive, he stayed focused, and he did a remarkable job.

The other is Josh Pace, a young player, a greatly talented player who did not get a lot of playing time, but he stayed positive, he stayed focused, he practiced hard, played his role; and when tournament time came, he lit it up. He played great basketball.

This team won all the tough road games this year. They beat Michigan State at Michigan State, which is pretty tough to do. That was an elite 18. They beat Notre Dame at Notre Dame, a Sweet 16 team. And they beat Georgetown at Georgetown, and they were an NIT finalist. In fact, the only team to beat Syracuse in the last 2 months of the year was Connecticut, another Sweet 16 team. Very, very solid team.

This was an interesting tournament, in that for Syracuse they had to play all of the great teams out of the Big 12 out west, arguably the best conference in the Nation this year. During the regular season, Syracuse played Missouri at Syracuse and defeated them. A very good Missouri team, a well-coached team, talented team. In the tournament, in the second game, they played Oklahoma State, one of the top teams in the Nation, certainly one of the top teams in the Big 12, and defeated them rather easily. The last three games of the tournament they beat three of the best five teams in the Nation and the three top teams in the Big 12, Oklahoma, Texas, and finally Kansas.

This was a remarkable run through the tournament. They made us proud. Everybody in our community is excited. It is a small community. Syracuse is a city of about 150,000 people. It is sort of like Green Bay winning the Super Bowl. We have long winters, we have hardy souls who brave those cold days to go out, we have great fans, and we have very spirited and talented athletes. We are very proud of them. This is a great accomplishment for them and a great accomplishment for our community.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume, and I also rise to honor the Syracuse Orangemen on winning the first-ever NCAA men's basketball championship title.

I had Syracuse in the championship bracket, and I am proud to say that I was on board on the bus before they left Syracuse. I felt that they would be able to do it. I did not wait until they got to Bourbon Street. I felt they would be able to do it.

I must admit that in 1996, I think it was, they were in the Meadowlands and they were playing Kentucky, and of course we thought that Syracuse would be able to be successful that night. Kentucky ended up winning, and Syracuse ended up finishing second. But Coach Boeheim did not give up. He stayed with it. He continued to recruit and bring in great athletes; and, Mr. Speaker, I applaud the efforts of these young men and coaches and wish them much success.

As I think about the Syracuse team, I am reminded of a team that Coach Cal Irvin coached, because he reminds me so much of Coach Boeheim in terms of his commitment and dedication to his athletes and to winning. Of course, he had some great players. As Syracuse had Carmelo Anthony, Cal Irvin had Al Attles. And of course when I look at the character and the attitude of the players, I think about Carmelo Anthony and also the attitude of Al Attles.

And then I look at the other players on the team that Cal Irvin had during those days: a guy by the name of Herb Gray, another guy by the name of Joe Howell, Hank Marshall, Charlie Harrison, Hugh Evans, Gerry Powell, and the list goes on. And then I look at the Syracuse roster and I look at each player and I can sort of compare them with those players that Cal Irvin had back in those days, and they were outstanding players.

Let me just say that I think that Syracuse can be extremely proud of their accomplishments. I know that Coach Boeheim is proud. I met him many, many years ago. I was introduced to him by a gentleman by the name of Al Wooten, who was a football player at Syracuse. He introduced me to Coach Boeheim and said that Coach Boeheim was a person that had a winning spirit and of course had a winning attitude. And of course after 27 years he has demonstrated that. Because most people would not wait around for 27 years, but he did, and I think that he needs to be applauded for that. Today, with the competition being what it is, it is not easy to win a national championship. But winning a national championship with quality players, with people that have character, I think that is the key.

So I would say to Syracuse and to the basketball team, you were able to win on the basketball court, now all you have to do is win in the classroom. And I am certain that as a result of that, you will do well in life.

I know someone mentioned earlier, my friend, the gentleman from New York (Mr. WALSH), that Carmelo Anthony was probably the best freshman in the country. I would like to say that he is the best basketball player in the country, bar none. There is no doubt in my mind. To watch him and to realize he is a freshman and being able to do the kinds of things he did, there is no doubt in my mind that he is the best basketball player in the NCAA today. There is no question about it.

I think the thing I really like about him is his character. He is a man who really is going to go places because he has the right attitude. I think more young people need to have that kind of attitude today. If they had that kind of attitude, I think a lot more of them would be much more successful. So I salute Carmelo Anthony for demonstrating to other young people in the world that you can have the proper attitude and still be good at what you do.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), my next-door neighbor from Utica and a Syracuse University graduate.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Who would have thunk it? The Syracuse Orangemen, not even rated in all the preseason polls, are national champions. And they provided a thrill a minute as they made the journey from being out of sight and out of mind to number one.

Ever since its first season, the Syracuse University's men's basketball team has been winners. In its inaugural season, Syracuse held opponents to a combined 51 total points and went on to a winning record. That inaugural year was 1900, and the record was two wins and one loss; 103 years and 1,462 wins later, the Syracuse basketball team has reached the promised land: NCAA national champs.

Head Coach Jim Boeheim has 653 of those wins over 27 seasons. That kind of record and longevity says something about this superior coach and decent human being. He is a winner; no one can dispute that. As Casey Stengel would say, "You can look it up." But most of all he is a teacher, a man with a proven ability to transform raw talent into skilled practitioners of the game. He does it with his measured and methodical and patient and persistent approach. Yes, he is a winner, but that is a team endeavor. More than that, he is an inspired and inspiring teacher. And we all know that is a solo act. And that is what produces champions.

Further, he is the embodiment of an upstate New Yorker. He has remained loyal to his school and loyal to his community. For 27 years, he and Syracuse have been synonymous. That loyalty and longevity, combined with hard work, have paid off big time, not just for Jim Boeheim and not just for Syracuse University, but for all who love the game and watch with admiration and respect when the underrecognized and underappreciated come out on top. They got to that lofty position the old-fashioned way: they earned it.

Congratulations, Coach Boeheim and Syracuse University. Pardon our pride, but so many of us are bleeding Syracuse orange; and we are all, in the phrasing of that colorful commentator Dick Vitale, 'cuse crazy.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY), who is a great Syracuse fan and his district goes almost to Syracuse, New York.

Mr. HINCHEY. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. TOWNS), for yielding me this time; and I also want to express my appreciation to my good friend and colleague, the gentleman from New York (Mr. WALSH), for bringing this resolution to the floor this evening so that we can have an opportunity to congratulate this wonderful basketball team.

We all recognize and admire the very justified pride that our colleague, the gentleman from New York (Mr. WALSH), feels in this basketball team from the university that bears the name of his hometown. But all of us in New York share in that pride as well. Syracuse University is not a very large school, by some of the national standards; but it is a university in which we all share a great deal of pride.

□ 2000

It is a university that is known for its academic achievements and for its athletic prowess, and that athletic prowess was demonstrated earlier this week, as anyone who knows basketball and loves the game of basketball recognized as being one of the best basketball games that any of us have ever seen. It was played by two teams, each of which had great talent, and they played with all their heart, each one wanting to win.

But it was the mighty Men of Orange from Syracuse University who emerged the victor, and tonight we share in their achievement and in their pride and we take this opportunity, along with their Congressman, to offer our deep congratulations for this terrific effort.

Mr. WALSH. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. QUINN), a fine former basketball player from Siena University.

Mr. QUINN. Mr. Speaker, I want to begin by not only commending the Orangemen of Syracuse on their terrific win this past week, but also to thank the gentleman from New York (Mr. WALSH) who is probably, beyond all people, more proud of his city of Syracuse and the university for not only what they do on the athletic field, but also academically, than any other person around.

My district is probably as close to Syracuse as the district of the gentleman from New York (Mr. TOWNS) in the Bronx, but that does not make us any less proud of what Syracuse accomplished on their basketball team when they beat Kansas Monday night. They played the entire tournament showing the youth and their opponents, as they played them, that the notion that seniors win championships is incorrect.

Led by super-freshmen Carmelo Anthony, Jerry McNamara and others, they allowed Syracuse and Coach Boeheim, after 27 years, his shining moment as a national champion in the NCAA.

I have had to listen in my office to two Syracuse grads, Mike Tetuan and Katy Carter, all year long about how often they are going to win; and I thought that this win by Syracuse would put all of that to rest, and I would not have to hear the comparisons of that other super-college power in Upstate New York, Siena College. However, on the opposite side, what this win has done is not quieted them down; that is all I hear from these two staffers now, that their young team will be back again and again.

We hope that they are back because, down the road, we are hoping that this win and this kind of enthusiasm moves down the Thruway to Buffalo for our NFL Bills this coming season, and we can bring the NFL championship back to our great city.

Syracuse, the Salt City, like Buffalo, which I represent, are sometimes known for two things: snow and snow. Some people ask, Why would young men and women go to Syracuse to play basketball? And as Steve Thompson, a former Syracuse basketball player liked to say, "It never snows in the Carrier Dome."

For many years, I have said that Coach Boeheim is probably the best recruiter in the United States to get great players to Syracuse, New York, inside that dome on a Saturday afternoon, where I have been many times, sometimes with the gentleman from New York (Mr. WALSH), where Coach Boeheim has 30,000 people on a Saturday and takes down those Big East opponents, people outside the conference, and comes home a winner.

The answer why people would want to go to Syracuse to play basketball is more simple than ever now, because Syracuse is the 2003 National Champion, headed by the longest-tenured coach in the NCAA, Jim Boeheim, and supported by alumni and fans everywhere, including Buffalo and western New York. We believe what Jim believes in, that Syracuse is where basketball ended this year, and it is where it will start next year.

I am proud to add the voice of all of our friends and neighbors in western New York to the voice of the gentleman from New York (Mr. WALSH) as a proud New Yorker, and say congratulations to the team, the staff and university, and most importantly, to Coach Boeheim for a job well done.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that basically a lot of my friends in particular thought that Syracuse was going to lose. After watching Kansas destroy Marquette, they felt if Kansas could destroy Marquette that way, Syracuse has no chance. But they did not realize that Coach Boeheim was able to make adjustments and basically shut down the fast break for the first half because of the fact that he was able to get back, and he stressed it with his team. So as a result of making adjustments, he proved one thing, that he is one of the greatest coaches in the country today.

I think that any time a coach can make those kinds of adjustments and shut down a fast break like Kansas had, that shows that they know what they are doing.

I would like to salute Coach Boeheim for his outstanding leadership and the fact that he was able to make the adjustment and show that coaching is very, very important. I want to salute him for that, and also to say to him, in terms of his players, it is always good if you have players that will respect you and will follow your lead, as his players did. It was very obvious that they listened to him and made adjustments, and as a result, they were successful. I would like to salute him for that.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I have no further requests for time, and I reserve the right to close.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

I really feel that the Syracuse team was an outstanding team, and it shows what can be done when you work real hard.

I was just comparing Coach Boeheim with Coach Cal Irvin, who coached

North Carolina A&T University for many, many years, how he always stressed working hard. When I look at the results of the Syracuse team and I look at the results of the North Carolina A&T team from many, many years ago, I can see the similarities between the two teams, the coaches as well as the players. I think that today means more than anything else.

Al Attles is one of the finest individuals I have ever met, and they tell me, and from what I have seen and heard, that Carmelo Anthony is the same kind of individual. When I look at the outstanding players he had, going right down the roster, I think this is what it is all about today, having players that have character, having players that understand how important it is to follow rules and regulations.

I am hoping that all of the young people in America were able to look at them and see in terms of the type of attitude that they demonstrated in this play that night as they won the championship. They won it with pride. They were proud. They were not people who were always arguing with the referees and arguing with each other. I think when teams work together, it shows what they can accomplish.

Mr. Speaker, I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to thank all of my colleagues from all across the State who came here this evening to enjoy this pleasurable event. It has been a little time to gloat perhaps, certainly enjoy and bask in the glow of victory.

New York State from time to time has these upstate-downstate differences. Clearly there is no difference here. We have Brooklyn and Hudson Valley and Buffalo and Utica, Syracuse; all of the way across the State, people have been very supportive. The East Regional Tournament was in Albany, and they turned Albany orange. It has been a great run for our school team.

This is a championship season. It is something that not everyone gets to enjoy.

I had a daughter who played on a State championship soccer team in high school, and there is a special feeling that comes from that, not just for the players and the coaches, but for the community, for the people who watched them and suffered their losses and bit their fingernails and turned their knuckles white when they had close calls. This really unified our town.

Syracuse has had this basketball tradition for over 100 years, but we have never gotten to the national championship and won it. We have been there. We lost to Indiana back in 1987, a last-second shot by Keith Smart. Everybody in Syracuse knows where they were when Keith Smart made that shot. It was a defining moment. But to have this team go back to the Superdome and to see that last-second shot by the Kansas player, Lee, from the same spot that Keith Smart let that shot go from, it just shows there is justice in this world.

The team chemistry was terrific. These young people did not know how good they were, but they found out. The country had no idea how good they were, but the country found out. Their egos did not get in the way. They played team basketball. The coach had them playing together beautifully, and everyone up home is enjoying it.

I wanted to come before the House and take the privilege that I have to share that moment. My family is tied up inextricably with Syracuse. My father was the mayor of Syracuse. He was a Member of Congress from Syracuse. I am second generation. I am from Syracuse.

Somebody said a long time ago that victory has a thousand fathers, loss is an orphan. There are thousands of fathers and mothers and brothers and sisters who are enjoying the heck out of this week. I hope they continue to enjoy it for a long time to come. We may never get a championship season again. We may get one next year, or in 15 or 20 years. The fact is, we have one now; let us enjoy it and thank God for it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 142.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

GENERAL LEAVE

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. EMANUEL. Mr. Speaker, tomorrow I will introduce the American Parity Act which provides for American families, just as the supplemental appropriations which we approved last week provides for Iraqi families. It is simple, straightforward and fair. I already have 16 original cosponsors on the legislation.

Last week in the supplemental we provided $1.7 billion for the reconstruction of Iraq. All we are asking for today is the same for America. The same goals that we establish for Iraq, we establish for American families here at home. I have gone and looked at some of the plans that the administration has for Iraq, post this war.

In Iraq, we are planning 20,000 units of housing to be reconstructed. Yet in the budget approved by this body, we have only 5,000 units of housing planned for America: 20,000 for Iraq and 5,000 for America. Under education, there will be 4 million Iraqi children guaranteed early childhood education. Yet in the budget approved by this body for American families, we are cutting 28,000 children from Head Start.

□ 2015

Twelve thousand and five hundred schools will be deprived of basic books and supplies; yet in America teachers have to take out of their wages the dollars to buy supplies for their kids. Twenty-five thousand schools will be reconstructed in Iraq; in America the budget provides not a single dollar for modernizing American schools, and 40 educational programs here in America have been zeroed out by the administration's budget.

Under the area of healthcare for Iraq, let us look at the agenda for Iraq's healthcare. Thirteen million Iraqis, half the Iraqi population, will be given universal healthcare. In America we have 50 million uninsured, not a single dollar dedicated to the working uninsured in America. Every major city in Iraq will get a hospital. We will have 100 percent maternity coverage for the Iraqi women; yet we are cutting $100 billion from Medicaid where one out of three children are covered at birth. That is in the healthcare area.

Under infrastructure, 3,000 miles of roads for Iraq; yet we are cutting $6 billion from our Highway Construction Budget and Trust Fund. We have enough money to build a road from New York to California as it relates to Iraq; yet we are cutting our investment here in America. In the area of other infrastructure, there will be complete reconstruction, the only deep-water port in Iraq. In America our Corps of Engineers' budget will be cut by 10 percent under the administration's budget and under the budget passed by this Congress.

I support the reconstruction in Iraq. I think it is the right thing to do given what we have done there, what we need to do, the future we have to promise the Iraqi people; yet that should not come at the expense of the dreams of America's families.

This lays out every proposal that exists for Iraq versus what the budget the President and the Republican Congress proposed for America. I do not believe that the way we greet our soldiers when they come home is a smaller American dream, one that does not invest in healthcare, one that does not invest in America's schools, one that does not invest in America's roads, one that does not invest in America's housing.

In the last 3 years, the last 2 years, America has shed 2.5 million jobs, over 1 million manufacturing jobs. Four million more Americans have gone without healthcare who used to have healthcare. Nearly $1 trillion worth of corporate assets have been foreclosed on, and 2 million Americans have gone from the middle class to poverty. That has been the economic agenda and the economic record of this administration. As Ronald Reagan used to say, facts are stubborn things, and those are our facts.

In my view maybe what we should do for Iraq is to cut their capital gains tax and see if they can grow their way out of this problem. If cutting taxes are so great for America, why do not we use that as the economic program for Iraq and bring all those investments home to America? Since it seems to be that the agenda and the strategy for Iraq is to invest in its schools, invest in its roads, invest in its housing, and invest in its healthcare which will give Iraqi families a better future than the past and in America we are going to get tax cuts on capital gains and tax cuts dedicated to the wealthy, why do we not give Iraq the tax cuts and get all these investments back here at home since it is supposed to be a promising future for the Iraqi people?

Again, I want to be clear. I am going to support the reconstruction of Iraq, but I will not support the two budgets, the supplemental and the budget the President has laid down for America, one that offers a brighter future for the Iraqi people than it does for the American people. Either America will be brought up to Iraq's standard or Iraq will come down to America's standard.

Ms. DELAURO. Mr. Speaker, I would like to thank my colleague, Congressmen EMANUEL for his leadership on this important issue.

I think all of us can agree on the urgency with which we need to provide funding for both the war in Iraq and the humanitarian needs of the Iraqi people. It is absolutely essential that Congress and the Administration provide our soldiers with the resources they need to see the Iraqi conflict through to its conclusion.

Equally indispensable is the United States' responsibility to play a key role in providing the funding necessary to the rebuilding of Iraq once the war is over. The goals outlined in President Bush's recently released reconstruction plan for Iraq—paying for Iraqis' health care services, education, transportation, and housing for millions of people—these are noble goals that will need to be met as soon as the last shot is fired.

But no less urgent are the needs we are facing today, right here at home. These are difficult times. More and more Americans are out of work—their families without health insurance. Many of our public schools are literally falling down. And we have homeland security and other serious infrastructure needs that we can no longer afford to ignore.

That is why Congressman EMANUEL's bill is so important. The American Parity Amendment would increase funding for urgent needs right here at home by $1.7 billion. We are talking about critical investments in education, in first responders and health care. Investments in transportation and water infrastructure, in social services for seniors, and housing for low-income Americans—all of them crucial to rebuilding our country and revitalizing our economy.

What we are saying today is that it is important that we win the war and rebuild Iraq, but at a time when so many Americans are struggling, America is in need of a little post-war reconstruction, too.

Since passage of the President's tax bill two years ago, two and a half million more Americans have lost their jobs, with the number of Americans without health insurance rising by four million. A trillion dollars worth of corporate assets have been foreclosed on, and two million Americans have moved from the middle class into poverty.

And so in this legislation, states and localities would be eligible for funding according to their level of unemployment and how high it is compared to the national average, in addition to factors such as how long that state's unemployment rate has been that high, how large the state's population and what the average income is. This bill is designed to target the most vulnerable regions in the nation so that the funding is put to its best possible use.

Those localities are also under great pressure to meet their increasing homeland security needs. Cities and towns have already spent more than $3 billion on homeland security improvements since September 11. But with states experiencing their worst fiscal crisis since World War II, it is altogether unlikely that these localities can count on their states to assist them with meeting these needs.

In fact, two weeks ago I met with first responders in my district to talk about their problems. Fire chiefs, police chiefs, and mayors, they all agreed on one thing—they are desperate for funding to upgrade equipment and to train volunteers on how to use that new equipment. The $4.25 billion in homeland security funding in the supplemental this body passed last week is a good first step, but we need to do more, which is why this legislation is so sorely needed. It will get funds into the hands of the first responders who need them.

I am proud that we will take the lead in rebuilding Iraq, but like so many Americans, I think it is time that we rebuild America, too. We want our troops who are bravely serving our country abroad to come home to a revitalized economy—to an America that is stronger and more prepared to meet the many challenges before us.

None of us are under any illusions about the magnitude of those challenges. But we owe it to our troops and their families to be equally as realistic about the challenges that we face right here at home. Again, I would like to thank my colleague for his leadership on these issues.

ORDER OF BUSINESS

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from Colorado?

There was no objection.

HONORING RANDY REHN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, this week I had to do the hardest thing that I have done since I have been in Congress. In our offices, in the rooms that we go into even for our hearings, the images of the war are on the TV. We have seen them now day after day. But this week those images became very personal to me. I received word that one of my constituents, Randy Rehn, from Longmont, Colorado, a young man serving his country in Iraq, lost his life. When I got the news, I wanted to call Randy's family and offer my sympathy. And when Randy's mother answered the phone, I got a lump in my throat that would not go away. I have a son about that age, and I thought of what his mother was feeling at that time, and as I talked to her, she told me that just 2 short years ago she lost Randy's father to cancer and so she was facing this crisis without him, but she said she was very thankful that her other children were there with her and were supporting her.

When we think about these losses, this war becomes very real to us. As I talked on to Randy's mother, she told me that he had a little daughter who is less than 1 year old. And tonight I would like to speak to little Megan, and I would like to say some things to her that will mean something to her when she is older and she can read this and she can understand. I would like to say to little Megan tonight, the precious little girl that will have to grow up without her father, that your daddy was serving his country and he was doing what needed to be done for little children just like you, Megan.

I want Megan to know that her dad is a hero. I want her to know that he was doing a job that was extremely hard to do, and he was doing it willingly, and I am sure he was well aware that there were sacrifices to be made. So tonight, Megan, I want to say to you that your daddy laid down his life for others, especially little children like you.

The Scripture says that our God will be a Father to the fatherless, and I just pray a special blessing on your little life, Megan, that God will bless you and your family, and I want you to always remember that your daddy was a hero and we love our soldiers who serve this country, who lay down their lives.

THE AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. McGOVERN) is recognized for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I am pleased to rise to join the gentleman from Illinois (Mr. EMANUEL) and my other colleagues to talk about some of the choices that we now face in this country as illustrated by this chart. I know that all of us were pleased to see the reaction by the people of Baghdad today as the regime of Saddam Hussein crumbles. I know that all of us are so proud of the men and women of our Armed Forces who have conducted themselves with courage and character. And while it is certainly true that many difficult and dangerous days may lie ahead, it is important that as a Congress and as a country, we now begin to think about the future.

We have made a promise to the people of Iraq that we will not abandon them, that the United States will continue to provide security and help them to rebuild their country. We must and we will fulfill those promises. But, Mr. Speaker, what about the promises made to the American people? After all, American soldiers are fighting this war and the American taxpayers are funding it. Does it not make sense that the American people should not be forgotten in all of this?

Last week this Congress approved $1.7 billion to fund the rebuilding of Iraq from schools to roads and bridges to hospitals to clean water, $1.7 billion. Meanwhile, in the Republican budget for 2004, the American people are being shortchanged. While Iraq will receive hospitals, maternity care, and access to health services, not one new dollar is spent on 42 million uninsured Americans. While Iraq will have nearly 3,000 miles of their major roads repaired, the Republicans cut the American Transportation budget by $6 billion. And perhaps most outrageously, while we pay to rebuild or renovate 25,000 Iraqi schools, the Republican budget contains not one dime for school construction or modernization in the United States. Indeed, Mr. Speaker, we do not even have a school construction and modernization program in this country. The Republicans keep voting it down. Meanwhile, here in the Alice in Wonderland House of Representatives, the Republicans are insisting, insisting, on keeping their $750 billion tax giveaway to the wealthiest Americans. Tax cuts for the wealthy while our deficit is exploding, while veterans' benefits are slashed, while millions of Americans lose their jobs, while States are facing their worst fiscal crises since World War II, while millions of seniors struggle to pay for their prescription drugs, while local communities across the country are laying off police officers and teachers and firefighters.

Mr. Speaker, the priorities of the majority leadership of this House are just wrong. I am pleased to be an original co-sponsor of the gentleman from Illinois' (Mr. EMANUEL) bill, the American Parity Act, which attempts to restore some balance to our budgetary process, and I believe that this bill is a better expression of the priorities of the people I represent in Massachusetts. Indeed, I think it is a better expression of the priorities of the majority of people in this country.

It is important for us to live up to our promises to help the Iraqi people. America must be a Nation that keeps its word, and we will, as this chart points out, and as we voted last week by approving the supplemental appropriations billing. For example, also, as co-chair of the Congressional Hunger Center, I am especially concerned that the necessary food and other humanitarian assistance gets to the Iraqi people who need it as quickly as possible, and we need to be there to make sure that that happens. We must rebuild Iraq, but we must rebuild America as well, and I will continue to work with my colleagues on both sides of the aisle to make sure we do that.

Mr. Speaker, we can do much better for the people of this country than the Republican budget puts forward. Our people in this country deserve the same attention to the issues of education, healthcare, infrastructure, transportation that we are giving to the people of Iraq. Again, we support rebuilding Iraq. We support keeping our promises, but we are also insisting that we keep our promises to the American people.

ORDER OF BUSINESS

Mr. RYAN of Ohio. Mr. Speaker, I ask unanimous consent to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio?

There was no objection.

IN SUPPORT OF THE AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I rise today in support of the American Parity Act sponsored by the gentleman from Illinois (Mr. EMANUEL), and I would like to thank him for his leadership on this particular piece of legislation and also thank the gentleman from Massachusetts (Mr. McGOVERN) for articulating such a fine point that none of us here believe that we should somehow rob the Iraqi people from the taste of democracy or from the taste of a free society. But the argument that we are trying to make tonight is that we want this to happen. We want healthcare for the Iraqi people. We want infrastructure. We want schools. We want them to read and experience all the best that the democracies have to offer around the world. But we cannot do this, we should not do this, and forget along the way the priorities of the United States of America and the citizens that we have here.

I want to share with the American people here tonight a study that was recently done by Goldman Sachs, not exactly a liberal think tank. They said, and this is their forecast, if the President's proposed new tax cuts are enacted, a Medicare prescription drug benefit approved, the alternative minimum tax adjusted, and appropriations grow modestly, the deficits over the next 10 years will total $4.2 trillion. And that is if the Social Security surplus is included. If it is not included, the deficit would be $6.7 trillion.

The gentleman from Illinois (Mr. EMANUEL) suggested maybe we offer this tax cut to the people of Iraq and allow them to grow their economy, but the problem with the tax cuts and having normal priorities is that the burdens with the baby boom generation needing support in their later years, the children and grandchildren of the citizens of this country's payroll tax will be 33 percent, 33 percent payroll taxes for their children and grandchildren, long-term deficits. We will not be investing in alternative energy sources. We are going to raise the interest rates. We are going to raise the interest payments. We are going to tie our hands with the international problems that we need to be committed to. We are not fully funding IDEA where the disabled children in this country are not getting the full 40 percent that was promised, and worse yet, we are cutting veterans' benefits by $28 billion. So we are sending our soldiers out, asking them to achieve these goals, and when they come back, they are going to have $28 billion less in services and healthcare benefits that will be a smaller and more diminished American dream for our soldiers when they return back to this country.

Mr. Speaker, this is a question of priorities. This is the wealthiest country on the planet.

☐ 2030

This is the freest society on the planet. If we want to create democracy in Iraq, we will. If we want the young school children to have 12,500 more schools, enroll 4 million more children, rebuild or renovate 3,000 schools, we will, because we have the power and the ingenuity and the spirit to make it happen. But we should not do it at the expense of the people and the children of this country, the veterans of this country, the seniors of this country, the disabled children in this country.

This is eerily similar to the administration of 1990 and 1991, where we have completely taken our eye off the domestic ball and we keep it on foreign policy at the expense of the American people. And we are over there because we believe in the Iraqi people. We believe that when the sweet taste of democracy touches their lips, that they will respond in kind.

But let me just say this in closing, Mr. Speaker, that maybe if we were making the investments in this country and gave the faith and the devotion to the people of this country, like we have for the citizens of Iraq, maybe one day the citizens of the United States of America will be up cheering in the streets, saying yes, our government is responding to the needs of the people of this country.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, April 24 will mark the 88th anniversary of the beginning of the Armenian Genocide. On April 24, 1915, 250 Armenian intellectuals and political leaders were arrested and later executed as the rulers of the Ottoman Empire implemented their plan to eradicate their Armenian subjects. This action against the Armenian community's elite marked the beginning of one of the most horrendous events in the history of humankind.

Two weeks from now, Armenians will gather worldwide to remember their martyrs and survivors and to seek universal affirmation of this crime against humanity. Because we are out of session this year on April 24, I would like to comment on the Armenian Genocide tonight. I do so to honor the memory of those innocent victims killed for only one reason, because they were Armenian.

One and a half million men and women, young and old, able-bodied or not, were driven from their ancestral homeland and brutally massacred.

Mr. Speaker, this week over 160 Members of the House of Representatives, including myself, will send a letter to President Bush asking that he fulfill his campaign promise and use the word "genocide" in his annual April 24th address. He fell short of that promise last year, but with this strong showing of Congressional support it is my hope that he will do the memory of the victims of the Armenian Genocide justice in this year's address.

In addition, Mr. Speaker, tomorrow, more than 60 of my colleagues will join the gentleman from California (Mr. RADANOVICH), the gentleman from California (Mr. SCHIFF), the gentleman from Michigan (Mr. KNOLLENBERG) and myself in introducing a resolution on the issue of genocide. This resolution reaffirms the support of the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987.

This resolution is an extremely important and timely measure, in my opinion. It not only speaks to the immeasurable wrongs done to the Armenian people, but also to the Jewish people during the Holocaust and the genocides in Rwanda and Cambodia. In the last two years, we have all seen example after example of the disregard for human life. This resolution would reaffirm that Congress recognizes the horrors of the last century, and strives to prevent further genocides through vigilant education.

Mr. Speaker, the message of the broad, bipartisan support of the letter to the President and the legislation is clear: Turkey must recognize the genocide of its past and accept that Armenia is an integral and necessary sovereign neighbor. It must drop the illegal blockade against Armenia and establish full and normal diplomatic and economic relations. Reconciliation with its past and normalization of relations with Armenia is the only way for Turkey to step out of the dark shadows of its history of genocide. The entire western world, which Turkey so desires to be part of, demands it.

Mr. Speaker, let me say in conclusion, as we embark on a new century, we must make sure that we have learned the lessons of humankind's capacity for brutality, and combat this with truth about the past, compassion for our common man, and a refusal to let these crimes against humanity be repeated.

We must remember and learn from tragic events the tragic events that befell the Armenians. That is the only way we can be certain that this horrific event, which almost destroyed one of the oldest cultures on the planet, does not happen again.

Mr. WEINER. Mr. Speaker, between 300 and 1,000 people were killed in attacks on more than a dozen villages in northeastern Congo last week. According to witnesses on the ground, the coordinated attacks started with a whistle blow and lasted between five and eight hours. UN and International Red Cross observers say that they have witnessed the results of the killing, 20 mass graves.

Mass killings such as this have become a regular occurrence in the Congo Civil War, which killed more than 50,000 last year. Yesterday, up to one thousand people were killed in the span of a few hours, yet these stories don't even make the front page of the papers here in the States.

How many people have to die before we will take action? How many lives need to be shattered before we will stand up and say, "Enough!" How many more massacres can we sit by and watch before we will realize our mistakes?

The United States' failure as a world leader in human rights is demonstrated in our lack of will to stop massacres that have occurred in places like Congo, Kosova, Rwanda, Iraq, and many others. But it is also seen in our denial of those massacres that we know have taken place.

Every year since I was elected to Congress, I have joined my colleagues in the House of Representative to hold this annual vigil commemorating the Armenian Genocide for a simple reason, because there are those out there who deny that it ever occurred.

Eighty-eight years ago, on April 24, 1915, the government of the Ottoman-Turkish Empire rounded up approximately 600 leaders and intellectuals of the Armenian community and executed them. This was the beginning of the mass slaughter of 1.5 million Armenians at the hands of the Ottoman-Turkish Empire.

We know this happened, and we know how many people were killed and we know how it was done and by whom. Yet the official U.S. government position on this atrocity is that it was not a genocide, that there was no deliberate attempt by the Ottoman Turks to wipe-out the Armenian population.

We here on the floor today know better. And we know that by denying the truth surrounding this tragic chapter of history, we are only providing cover for the next genocide to begin.

The events in Africa last week provide yet another chilling example: If we fail to act, these types of terrible crimes will persist.

Eighty-eight years of denials are enough. We in Congress need to pass an Armenian Genocide Resolution and put to rest this campaign to deny the Armenian genocide. I urge all my colleagues in the House to join with me under the leadership of our Armenian Caucus co-chairs, Joe Knollenberg and Frank Pallone, and cosponsor a resolution to finally put this denial to an end.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in commemorating one of the most appalling violations of human rights in all of modern history—the eighty-eighth anniversary of the Armenian genocide. I want to commend my colleagues Representatives JOE KNOLLENBERG and FRANK PALLONE, the co-chairs of the Congressional Caucus on Armenian Issues, for once again sponsoring this special order.

Each year, we join the world in the commemoration of the Armenian genocide because the tragedy of lost lives through ethnic cleansing must not be forgotten. By remembering the bloodshed and atrocities committed against the Armenian people, we hope to prevent similar tragedies from occurring in the future.

On April 24, 1915, 300 Armenian leaders, scholars, and professionals were gathered, deported, and killed in Constantinople. Later that day, 5,000 more Armenians were butchered in their homes and on the streets of the city. By 1923, two million men, women, and children had been murdered and another 500,000 Armenian survivors were homeless and exiled. The Armenian genocide was the first of the twentieth century, but unfortunately as we all know, it was not the last.

Talat Pasha, one of the Ottoman rulers, stated that the regime's goal was to "thoroughly liquidate its internal foes, the indigenous Christian." The regime called the mass murder a mass relocation, masking its horrendous acts from the rest of the world. The Ottoman Empire was fully aware that the possibility of foreign intervention was minimal considering the world was preoccupied with World War I at the time.

However, the massacre was immediately denounced by representatives from Britain, France, Russia, and the United States. Even Germany and Austria, allies of the Ottoman Empire in the first World War, condemned the Empire's heinous acts.

Henry Morgenthau, U.S. Ambassador to Constantinople at the time, vividly documented the massacre of 1.5 million Armenians with the statement, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Winston Churchill used the word "holocaust" to describe the Armenian massacres when he said that, "in 1915 the Turkish government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia minor . . . [the Turks were] massacring uncounted thousands of helpless Armenians—men, women, and children together; whole districts blotted out in one administrative holocaust—these were beyond human redress."

The orchestrated extermination of people is contrary to the values the United States espouses. We are a nation which strictly adheres to the affirmation of human rights everywhere. No one can erase a horrendous historical fact by ignoring what so many witnessed and survived.

Recognition and acceptance of misdeeds are necessary steps toward its extinction. Without acceptance, there is no remorse, and without remorse, there is no catharsis and pardon. We all want to forget these horrific tragedies in our history and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we can prevent similar iniquity in the future.

The survivors of the Armenian genocide and their descendants have made great contributions to every country in which they have settled, including the United States where they have made their mark in business, the professions and our cultural life.

In closing, I would like to ask that we all take a moment to reflect upon the hardships endured by the Armenians, and acknowledge that in the face of adversity, the Armenian people have persevered. Today, we commemorate the memories of those who lost their lives in the genocide, as well as the resilience of those who survived.

Mr. CROWLEY. Mr. Speaker, April 24—two weeks from today—will mark the 88th anniversary of the Armenian Genocide, when the government of Turkey systematically massacred 1.5 million Armenians and exile over one million more. This unanswered event set a historical precedent that has allowed governments to continue to commit crimes against humanity without remorse or punishment. While we are fighting a war in Iraq, I believe that now is the time for our government to formally recognize the Armenian Genocide and to send a strong message to the world that crimes against humanity will not be tolerated. That is why I am proud to be an original cosponsor of the Congressional Genocide Resolution, which is scheduled to be introduced tomorrow morning. This resolution commemorates the 15th anniversary of the U.S. implementation of the Genocide Convention and includes the events of the Armenian Genocide, Cambodia, Rwanda, and the Jewish Holocaust as examples of crimes against humanity that should never be forgotten.

Additionally, I have also joined over 150 other members of Congress in signing a letter to President Bush urging him to properly recognize the Armenian Genocide.

As a member of the International Relations Committee, and representing a district with a large Armenian-American community, I believe that the United States must continue to help the government in Yerevan to guarantee its security, develop its economy and infrastructure, strengthen its parliamentary process and advance democratic elections.

My district includes a large Armenian-American community, especially in Sunnyside, Woodside and Jackson Heights, Queens and I have listened to their needs and concerns many times. I have worked tirelessly to promote the interests of Armenia and the Armenian-American community.

I have worked closely with Aram Sarafian of the Armenian National Committee of New York. Aram is an officer in the US Army, who has served in Afghanistan during Operation Enduring Freedom and is now serving in Iraq—a mission to both liberate the people of that nation as well as stop the government massacres against its own people. Conversations with him on the situation in Armenia, their recent past and the current situation in Iraq have many parallels.

That is why I have urged the Congress to reject proposed cuts in Armenia's bilateral foreign assistance aid, which totaled $90 million last year. By maintaining previous foreign assistance levels, Armenia can offset the devastating effects of the Turkish and Azerbaijani blockades and help to continue its political and economic transition. The costs of these blockades are estimated by the World Bank at up to $700 million a year, essentially a third of Armenia's entire economy. I believe that, by maintaining assistance levels, an economically viable Armenia will be a catalyst for stability and development in a strategically important region of the world.

I am also a cosponsor of extending Permanent Trade Relations to Armenia, now that it has joined the World Trade Organization. This measure permanently waives the Jackson-Vanik provision of requiring the President to deny normal trade relations to those countries that restricted free emigration. Armenia has had free emigration for over a decade and successive Presidents have waived the Jackson-Vanik restrictions. It is time to make this waiver permanent.

As a close ally and reliable friend, the United States has an obligation to the Armenian people to help them address the challenges of the future—from nation-building, and enhancing regional security to reconstructing critical economic infrastructure. I will continue to work tirelessly to promote the interests of the Armenian-American community, from recognizing the past to building a strong and stable future.

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24 will be the 88th anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, "Ketse azat ankakh Hayastan"—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

Ms. SOLIS. Mr. Speaker, I rise today as a member of the Congressional Caucus on Armenian Issues to affirm the existence of the Armenian Genocide and urge our nation's leaders to do the same.

Beginning in 1915 and throughout the First World War, the Armenian people of the Ottoman Empire were systemic targets of deportation, expropriation, abduction, torture, massacre, and genocide.

The existence of genocide—the organized and systematic killing of a people based on their racial or cultural affiliation—is a terrible reflection of humanity and must be confronted and condemned.

April 24 is commemorated as the initiation of the Armenian Genocide that took the lives of one and a half million Armenian men, women, and children.

It was on April 24, 1915, that over 200 Armenian community leaders were brutally arrested, imprisoned, and executed.

As we approach the 88th anniversary of the Armenian Genocide, it is time that the United States of America recognizes this dishonorable part of history.

More than one million people of Armenian descent live in the United States.

We must recognize and honor their personal histories, as well as our collective world history.

Our children need to learn the truth—that during World War I this world experienced the Armenian Genocide, genocide is wrong, and it is wrong to deny the occurrence of any genocide.

Our nation must serve as the example of acknowledging and condemning such horrific actions.

I urge my colleagues and this administration to do the right thing and join me in affirming the existence of the Armenian Genocide.

Mr. FERGUSON. Mr. Speaker, I join my colleagues today to remember a horrific atrocity in history—the Armenian Genocide. April 24 is recognized as the anniversary date of the genocide, when Armenian intellectuals and professionals in Constantinople were rounded up and deported or killed.

From 1915 to 1923, 1.5 million Armenians were killed and countless others suffered as a result of the systematic and deliberate campaign of genocide by the rulers of the Ottoman Empire. Half a million Armenians, who escaped death, were deported to the Middle East. Some were fortunate enough to escape to the United States.

Mr. Speaker, I am thankful that more than a million Armenians managed to escape the genocide and establish a new life here in the United States. In my Seventh District of New Jersey, I am proud to represent a number of Armenian Americans. They have enriched every aspect of New Jersey life, from science to commerce and the arts.

Our statements today are intended to preserve the memory of the Armenian loss and to honor those descendants who have overcome the atrocities that took their grandparents, children and friends. We mark this anniversary each year to remind our nation and teach future generations about the horrors of genocide and oppression endured by the Armenian people. We must commit ourselves to ensuring that America remains a beacon of tolerance, openness and diversity.

Mr. Speaker, I commend the commitment of Armenian Americans who continue to strive for world recognition of one of the greatest atrocities of the 20th century.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues in remembrance of the Armenian Genocide.

This terrible human tragedy must not be forgotten. Like the Holocaust, the Armenian Genocide stands as a tragic example of the human suffering that results from hatred and intolerance.

The Ottoman Turkish Empire between 1915 and 1923 massacred one and a half million Armenian people. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

It would be an even greater tragedy to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

And we must also be mindful of the current suffering of the Armenian, where the Armenian people are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and many more have been displaced and are homeless.

In the face of this difficult situation we have an opportunity for reconciliation. Now is the time for Armenia and its neighbors to come together and work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. The Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to replace blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer, we do.

Mr. WAXMAN. Mr. Speaker, today we solemnly commemorate the 88th anniversary of the Armenian Genocide, in remembrance of the Ottoman government's campaign of devastation and destruction against its Armenian population.

We commemorate this somber anniversary to honor the memory of the victims of the Armenian Genocide, and pay tribute to the survivors who rebuilt their lives. We join together to renew our conviction to fight the sources of bigotry, intolerance, and historical revisionism that have tried to distort and diminish Armenian suffering.

Over the course of 8 years, beginning in 1915, Armenian communities were terrorized and systematically destroyed. One and a half million men, women, and children were murdered and nearly one million other were deported.

If the world had cried out at the bloodshed of Armenians, it may not have been silent during the Holocaust. The road from Armenia to Auschwitz was direct. Only by shedding light on this dark chapter of history, can we vow once more that genocide will never again go unnoticed or unmourned.

Mr. McGOVERN. Mr. Speaker, today Members of this House have come to the floor to remember and commemorate the 88th anniversary of the Armenian Genocide.

On April 24, 1915, hundreds of Armenian religious, political and intellectual leaders were rounded up, exiled and eventually murdered by Turkish order in remote areas of Anatolia. Over the next 8 years, hundreds of thousands of Armenian men, women and children perished at the hands of the Ottomans.

By recognizing and commemorating the Armenian Genocide each year, this House helps ensure that the lessons of this terrible crime against humanity are not forgotten, cannot be denied, and hopefully, might help prevent future genocide of other peoples.

The single greatest obstacle to the official recognition of the Armenian Genocide is the Republic of Turkey. In spite of overwhelming evidence documenting the Genocide—most of it housed at the United States Archives—modern-day Turkey continues to pursue a campaign to deny and to ultimately erase from world history the 1.5 million victims of Ottoman Turkey's deliberate massacres and deportations of the Armenian people between 1915 and 1923.

Successive Turkish governments have also deliberately destroyed the immense cultural heritage of Armenians in Turkey, carrying out a systematic campaign to erase evidence of the historic Armenian presence in Eastern Anatolia.

Since 1982, successive U.S. Administrations, reluctant to offend Turkey, have in effect supported the Turkish government's revisionist campaign and opposed passage of the Congressional Armenian Genocide Resolution. These Administrations have objected to the use of the word "genocide" to describe the systemic destruction of the Armenian people.

Rather than supporting Turkey's denials, I hope that President Bush will officially recognize the Armenian Genocide and encourage Turkey to come to terms with its past. Rather than creating tension in the region, I believe such actions would decrease the tension and suspicions that have long inhibited cooperation in that region.

Thirty-one of our states, including my own Massachusetts, have recognized the Armenian Genocide.

I want to thank the co-chairs of the Congressional Caucus on Armenian Issues, Representatives KNOLLENBERG and PALLONE, for their outstanding work to ensure that we never forget those who perished and those who survived the Armenian Genocide. In their names and memory, we must demand recognition.

Armenian-Americans are deeply engaged in many issues, nationally, internationally and in their local communities. In prize-winning film and books, the Armenian Genocide has been portrayed and widely-discussed. Coordinated campaigns to provide U.S. economic and trade assistance to Armenia are moving forward.

This year is also an important year for many Armenian-Americans who live in Worcester, Massachusetts. Beginning last October and extending through October 2003, the Church of the Savior is celebrating its 50th Anniversary. In addition, Holy Trinity Armenian Apostolic Church on Grove Street continues to provide celebrating Armenian cultural and the contribution of the Armenian-American community.

Mr. Speaker, it is past time for the United States to recognize officially the Armenian Genocide. There can be no justice without the truth. In the name of all humanity, let it happen now.

Mr. BERMAN. Mr. Speaker, this month marks the 88th anniversary of the beginning of the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

The U.S. Ambassador in Constantinople at the time, Henry Morgenthau, stated "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. The "killing fields" of Cambodia, the Iraqi regime's gassing of the Kurds, mass ethnic killings in Bosnia and Rwanda, and "ethnic cleansing" in Kosovo remain recent memories. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the past by strengthening Armenia's democracy. Through trade and aid, we can support the efforts of the Armenian people to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

On April 24, 1915, 300 Armenian leaders, intellectuals, and professionals were rounded up in Constantinople, deported, and killed. From 1915 through 1923, Armenians that lived under Ottoman rule were systematically deprived of their property, freedom, and dignity. In addition, one and a half million Armenians had been massacred and 500,000 more had been deported. The Armenian community saw its culture devasted and its people dispersed. This date is remembered and commemorated each year by the Armenian community.

In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and a will to survive in the face of devastating obstacles and adversities. These survivors are an important window into the past and an invaluable part of our society. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion. It is through their unforgettable tragedy that we are able to share in their history and strong heritage. The history of the Armenian Genocide must never be forgotten.

Mr. Speaker, genocide is the most potent of all crimes against humanity because it is an effort to systematically wipe out a people and a culture as well as individual lives. Denying that genocide took place when there are recorded accounts of barbarity and ethnic violence is an injustice. Instead, we must ensure the lessons of the Armenian genocide are properly understood and acknowledged by paying tribute to the Armenian community on this solemn occasion. I am pleased my colleagues and I have this opportunity to ensure this legacy is remembered.

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the U.S. National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. Most Armenians in America are children or grandchildren of the survivors, although there are still survivors amongst us. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Three other Armenian-American families in my congressional district, Dr. Aram and Seta Semerdjian, Heratch and Sonya Doumanian, and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This past year, with my support, Armenia received $93 million in U.S. aid to assist economic and military development. In addition I am once again joining with several of my colleagues in signing a letter to President Bush urging him to honor his pledge to recognize the Armenian Genocide.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockage of this free nation.

Consistently, I have testified before Foreign Operations Appropriations Subcommittee on the important issue of bringing peace to a troubled area of the world. I continued my support for maintaining of level funding for the Southern Caucasus region of the Independent States (IS), and of Armenia in particular. I also stressed the critical importance of revisiting Section 907 of the Freedom Support Act that restricts U.S. aid for Azerbaijan as a result of their blockade. However, I commend my colleagues on the Foreign Operations Appropriations Subcommittee for striking the appropriate balance last year regarding Section 907 of the Freedom Support Act, which will now allow Azerbaijan to do their part in the war against international terrorism. Unfortunately, Armenia is now entering its fourteenth year of a blockage and I must request that the Congress review the waiver of Section 907 on a yearly basis. The flow of food, fuel, and medicine continues to be hindered by the blockade, creating a humanitarian crisis in Armenia.

Mr. Speaker, I would like to thank my colleagues, Representatives JOE KNOLLENBERG and FRANK PALLONE, for organizing this special order to commemorate the 88th Anniversary of the Armenian genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order tonight, the Armenian Genocide.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECOGNIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 88 years ago, Armenian teachers, clergy, businessmen, writers and doctors were rounded up and killed. The events of April 24, 1915, set the stage for the first genocide of the 20th century, the extermination of more than 1.5 million Armenian men, women and children at the hands of the Ottoman Empire.

With one of the largest Armenian expatriate communities in the world, April 24 has become an integral part of America's history—but debate over the genocide is still an annual and bitter conflict.

Even though modern-day Turkey was established in 1923 out of the ashes of the Ottoman Empire and was not the actual perpetrator of genocide, it spends millions of dollars each year to fight recognition of the Genocide. Despite this well-funded effort, there is no serious academic dispute about the Armenian Genocide. Our own National Archives houses diplomatic dispatches that vividly describe the systematic destruction of an entire people.

News accounts from the American press also provide a trove of primary source evidence. Headlines, such as the following from the New York Times, describe the horrors: "Armenian Officials Murdered by Turks," "Appeal to Turkey to Stop Massacres," "Tales of Armenian Horrors Confirmed," "Wholesale Massacres of Armenians by Turks," "Armenians Are Sent To Perish in Desert," "Turks Depopulate Towns of Armenia," "Million Armenians Killed or In Exile," and "The death of Armenia."

When the Armenian Genocide occurred, the heinous crime had no name. In denouncing what he was witness to, our own U.S. Ambassador Henry Morgenthau chose the words "race murder" to describe the atrocities. Raphael Lemkin, an International law scholar, ultimately coined the term genocide in 1944.

As a Polish attorney, Lemkin was appalled by the Turkish atrocities against the Armenians and tried to get European statesmen to criminalize the destruction of ethnic and religious groups. He was dismissed as an alarmist. Years later, when Hitler invaded Poland, Lemkin lost 49 family members in the Holocaust.

Landing as a refugee on American shores, Lemkin resolved to devise a word to convey the evil under way. In 1944, while working for the U.S. war department, he invented the term "genocide"—citing the Armenian case as an example.

In 1948, in the shadow of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention confirms that genocide is a crime under international law and defines genocide as actions committed with the intent to destroy a national, ethnic, racial or religious group.

The United States, under President Harry Truman, was the first nation to sign the Convention. In 1988, President Ronald Reagan signed an Act that implemented the Convention and criminalized genocide under U.S. law—putting the United States on record as being strongly opposed to the heinous crime of genocide. This year marks the 15th anniversary of the signing of that convention.

I will soon introduce a resolution, along with my colleague Mr. RADANOVICH and several other Members of Congress, that recognizes this important step taken by the United States 15 years ago, to ensure that the lessons of the Holocaust, the Armenian Genocide, and the genocides in Cambodia and Rwanda, among others, will not be forgotten.

Euphemisms, vague terminology or calls for more discussions are just some of the dodges used to avoid Turkish discomfort with its Ottoman past. There is nothing to discuss, there is nothing to discover, there is nothing to be gained by denial—but there is much to be lost.

Let us not minimize the deliberate murder of 1.5 million Armenians. Let us not equivocate. Let us not temporize. Let us instead pay homage to the memory of those innocent victims and honor the courage of the survivors. Let us call genocide, genocide.

DEFICITS, THE DEBT AND FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I appreciate the opportunity to come and address the Chamber this evening. I want to talk about deficits, the debt and fiscal responsibility.

There was a time in this country when those issues were very, very important. It dominated public debate in this country in the 1980s and well into the 1990s as we saw our deficit on a yearly basis explode and the overall debt go up to levels that started to concern people. There was a constant battle to try to figure out how to get that debt under control and get our budget balanced on a yearly basis.

In recent years, that debate has drifted away. Part of that makes sense. After 9/11, with the slowdown in the economy, with the war in Iraq, there is no question that it makes a certain amount of sense to run short-term deficits in at this point. In emergency situations, that is what you do.

My concern and the concern of the New Democrats, which I represent and work with, is that far from simply saying, well, for the time being we are not going to pay as much attention to deficits, it has gotten to the point in Congress and with the White House where it seems like they do not care about them at all, they do not care what the numbers are and they do not think they are important, and that is a very, very dangerous policy and one that we must correct.

So this evening I want to talk about, first of all, putting it back into context and letting folks know where the deficit is at, where the debt is at. In recent years we have not focused on it that much, and I think people have totally forgoten what those numbers are. It is important to be aware of what those numbers are.

The second issue is to remind folks that the deficit and the debt matter. We have heard some truly bizarre talk here in recent months, coming primarily from conservatives, conservatives who just a few short years ago were arguing that we ought to have a constitutional amendment to balance the budget, we ought to require that it be balanced, never have it be an option to run a yearly deficit. Those same people are now saying deficits probably do not really matter that much.

I think they were probably wrong in both, requiring a constitutional amendment and now in saying that the deficits do not matter. Deficits do matter. Now, there are times when you should probably go ahead and run one because of an emergency situation, so a constitutional amendment to balance the budget would unduly restrict our Federal Government. But to go from that to saying that they just do not matter at all is ridiculous. So what I want to start out with is showing where the numbers are at and just how bad things have gotten.

First of all, as we head toward fiscal year 2003 coming to a close in October, the projections are now that that deficit, when you add in the supplemental for the war that is going to pass this week in Congress, that deficit will approach $400 billion, just for the one year. That is a higher dollar figure deficit than our Nation has ever seen, by a comfortable margin. I think the highest deficit we had, even during the really bad times of the early 1990s, was $290 billion.

When you look long term at the 10 year picture, that is where it gets even bleaker. That is what we are talking about this week with the budget resolution that the House and Senate are trying to reach agreement on.

The budget resolution, in theory, is a 10 year blueprint for where we want our budget to go. That blueprint right now has us going in debt, in debt to a level never before imagined.

So I have a chart here that shows this and where we are going. This is from the Goldman Sachs study that the gentleman from Ohio (Mr. RYAN) mentioned earlier. It starts off by showing what the official CBO projection is. The official CBO projection is that over the course of the next 10 years, we will have an $890 billion surplus.

So basically they are assuming, despite the existing $400 billion deficit that we are going to run this year, in the out years, as we get further down, we will have sufficient surpluses to make that up and get us up to this very happy figure of an $891 billion surplus. The problem is that there are a lot of assumptions in that number that simply will not come to pass, and those assumptions are laid out in the Goldman Sachs analysis.

First of all, economic growth has been far slower than CBO expected. If that economic growth hits modest levels over the course of the next 10 years, instead of the overly optimistic projections from CBO, that knocks over $1 trillion off of this $891 billion figure.

In addition, will $891 billion does not take into account the emergency supplemental, which, of course, we are going to pass, probably sometime in the next 48 hours, and that will be somewhere in the neighborhood of $80 billion, which, again, comes out of that figure.

Now, it is also worth noting that this $80 billion figure may not turn out to be the total cost of the war in Iraq. As the gentleman from Illinois (Mr. EMANUEL) and others were talking about earlier, there are big plans to spend even more money on the rebuilding of Iraq, which may well need to be done, but that will drive this figure up even further.

Finally, we have a little thing called the alternative minimum tax, or at least finally on this top set. The alternative minimum tax is something that is going to have to be fixed. It was set up a while ago, and it is incredibly complicated, but the bottom line is in the next few years, if we do not change the alternative minimum tax, middle-class taxpayers are going to have to start paying it. It is going to get down to the point where your average middle-class taxpayer will not be able to take the deductions that they are used to taking and they will be hit with this tax. Well, to fix that, it would cost $500 billion over that 10 year period. So for these three things, the adjustments bring us down below the $891 billion figure and put us into deficit.

Then we have a series of other issues. If you assume the president's tax cut, that is another $509 billion, plus making the 2001 tax cut permanent, which is part of the President's proposal as well, is another $624.

Then in defense, CBO does not assume a significant increase in defense spending. The President's budget does. Given where we are at right now in the world, it seems that the President is right, we are going to increase spending on defense. If we increase that modestly, that is another $536 billion more than CBO projected.

Non-defense discretionary, one of the assumptions in the President's budget that helps make it look more fiscally responsible than it is is the assumption that somehow we are just going to dramatically cut all non-defense discretionary spending.

Well, historically that has not happened. This is what happened during the time of the Gramm-Rudman-Hollings proposals. These proposals would come out in the early eighties and say over the course of the next 6 or 7 years we are going to make these cuts, and then, inevitably, they would never happen and the numbers would be higher than expected.

So even assuming a modest growth, 2 percent, which is less than what inflation would probably be over that period, or at least inflation plus population growth, even assuming a 2 percent modest growth, you lose another $350 billion.

Lastly, we have the oft-talked about issue of a prescription drug benefit. I do not think there is a significant politician, House, Senate, Democrat, Republican, White House, who has not said we should not do a prescription drug benefit. Well, if we do, it is going to cost something. The figure Goldman Sachs picked on was $600 billion. That may be $400 billion or $500 billion, it may be more than this.

□ 2045

But whatever it is, if we do a prescription drug benefit, that is another thing that CBO did not count on.

Lastly, once we add up all of these additional expenses, they drive up the debt, and when we drive up the debt, we drive up the debt service. It is just like when you owe more money on a credit card, your minimum payment gets higher and your interest payments get higher. Those interest payments are projected to be $878 billion. So when we add all of this up, what we come up with is instead of a $891 billion surplus over those 10 years, you wind up with a $4.2 trillion deficit over the course of those 10 years. I now know what this $777 billion figure is. This is counting the 891. So basically, if we add all of these up, that reduces this down to a negative 777, and then we add it all the way up and get 4.2.

As the gentleman from Wisconsin (Mr. RYAN) pointed out when he spoke earlier, even this figure is a little optimistic, because this counts Social Security surpluses against it. If we take those Social Security surpluses out, put them aside, as we should do, because that money is going to be needed to pay for Social Security as the baby boom generation starts to retire, this figure gets over $6 trillion. Right now, in the entire history of the country, we have ran up a debt of around $6 trillion. If we go forward along the path that the President and the majority in Congress is proposing, we will equal that in the next 10 years. Another $6 trillion in debt will be lumped upon us.

So it is important to keep these figures in mind, even if it is not at the top of the agenda right now, as folks are distracted, understandably so, by the war in Iraq and other issues. These figures need to be put into our minds and we need to remember, this is where we are headed, towards another $6 trillion in debt over the course of the next 10 years, with very modest assumptions. This does not even have any emergencies. It seems like every year we have an emergency within the farm community and we have to fund that. Who knows where the next natural disaster might hit or where the next military conflict might come up that would change all of these numbers dramatically.

The bottom line is, the numbers show us heading into long-term, structural deficits and huge debt.

Which brings us to the next argument and that is the one that the conservatives have been throwing out there recently that oh, come on, deficits do not really matter. It is not really that big of a deal. The economy can move forward and everything is fine. One of their favorite arguments is that deficits do not, in fact, drive up interest rates. Because consistently, one of the arguments against running deficits and in favor of fiscal responsibility is that it is good for the economy. The basic argument is, if the government has a balanced budget, interest rates will stay low because the government will not be out there gobbling up all of that excess cash and driving up interest rates.

Well, conservatives look at a couple of historical figures. They have gone back to the 1970s when, in fact, interest rates were very high and deficits were not, and then they have gone to the late 1980s and early 1990s when deficits were high and interest rates really were not and they said, see, one thing does not really have to do with the other.

First of all, deficits and how they effect interest rates happens over a long period of time. It is not immediate. And it simply defies economic wisdom to say that the amount of money that the Federal Government is gobbling up has no impact whatsoever on what that money is going to cost. That is what interest rates are: the cost of money. So it just does not make any sense that it will not drive up interest rates. But beyond that, even if it did not drive up interest rates, if we run deficits year after year, the bottom line is, sooner or later, we run out of money. Sooner or later, the only thing the Federal Government is going to be able to do is pay this number down here, pay interest on the debt. Sort of like you get so far in debt, all you can do is make the minimum payment on your credit card, and as that number goes up, spending for everything else, for every other priority in this country must go down.

If we run these types of numbers, 10, 15 years from now, the generations that follow us, the Congresses that follow us will have no money whatsoever to meet the needs of their day, and there will be needs. As we look around the country now, we can see many, many crushing needs. In education, the IDEA, the Individuals With Disabilities in Education Act, has been underfunded by tens of billions of dollars for years. Transportation. We have huge infrastructure needs in this country. Back to education. School construction. It is estimated that we have somewhere in the neighborhood of a $300 billion need for school construction. We will not meet that. Health care. Access to health care is in crisis. In my State, reimbursement rates for Medicare and Medicaid are so low that providers are frequently not accepting Medicare and Medicaid patients and they have got nowhere to go.

The bottom line is there are needs that require funding. There are needs now, and there will be needs in the future. And if we continue to run up deficits like this, blow the debt through the ceiling, blow the debt payments through the ceiling, we will have no money to address those needs, our infrastructure will collapse, and the economic impact will be devastating.

Bottom line: fiscal responsibility matters. If we drive home no other point in this hour this evening talking about fiscal responsibility and deficits, I hope it is that. Let us not get carried away with other issues and forget that fundamental point: balanced budgets and fiscal responsibility matter, and they are good for this country, and we should fight as hard as possible to see that those policies are enacted, that we get the budget balanced, that we put ourselves on a long term path towards fiscal responsibility. That will help this country grow economically and will help us be in a position to meet our needs for the future. The budget resolution that is coming out this week in the House and the Senate will not come close to being fiscally responsible. We need to make sure that we get that under control.

I am pleased this evening to be joined by a couple of my colleagues who wish to discuss this issue. We have my fellow cochair of the New Democratic Coalition, the gentleman from Wisconsin (Mr. KIND), and I yield to him.

Mr. KIND. Mr. Speaker, I thank the gentleman from Washington State, my friend, for taking a little bit of time this evening to discuss one of the paramount issues facing the United States Congress tonight, and that is the budget resolution and trying to put together the frameworks of the budget for the next fiscal year and for the next 10 years.

This is important. At a time when our young men and women in uniform are fighting so well and so bravely in Iraq and our thoughts and prayers are obviously with them tonight, the Nation's business, nevertheless, continues here. And even though most of the media and most of the attention has been rightly focused on the military campaign in Iraq, this debate that is coming up later this week and which will be with us for many weeks to come is very crucial, because it is about fiscal responsibility and the long-term economic outlook for our Nation.

As the gentleman indicated, we happen to be privileged to be cochairs of the New Democratic Coalition. It is a large group on the democratic side of pro-growth, moderate and centrist Democrats believing in making crucial investments for growth opportunities in our Nation and in the people so we can expand the boundaries of opportunity for all of our citizens, so they can be full participants in the global economy and in the new economy that is before us.

We also work very hard in maintaining fiscal discipline in our decisions. Something that was very much on people's minds in the mid 1990s when the gentleman and I got elected for the first time to the United States Congress, a lot of the talk and a lot of the concern on both sides of the aisle then was really about budget deficits and what we need to do, working together and as a Nation to reign that in, to start making sound fiscal choices in order to set up future generations for success. The gentleman may recall as well as I do that at that time, during the early and mid 1990s, when we were first running for office, there was an almost uniform consensus, even on the other side, decrying the fact that there were large budget deficits, claiming that that was horrific and that it stifled economic growth, and there was by and large bipartisan consensus with that viewpoint which was proven through the track record of the previous decade.

Back then, when they pursued large spending increases, mainly in the defense area, but also coupled with huge tax relief, it led to unprecedented budget deficits which exploded the national debt. It quadrupled our national debt during the 12 years in the 1980s and the first couple of years of the 1990s, and everyone found that astounding. Now, what we are hearing from the other side is deficits do not matter. In fact, it is not just the leadership in Congress that has been saying that, but it has been the leadership on Pennsylvania Avenue coming out of the White House trying to claim to the American people that deficits somehow, some way, magically do not matter anymore in regards to economic performance.

Well, that belies the history and the performance of our economy. As the gentleman indicated tonight and as I firmly believe, deficits do matter, while it may be understandable that in the short term, in the time of an economic slowdown and military action in Iraq, we may have to run some short-term budget deficits in light of these new challenges.

What is most disturbing about the Republican budget resolution that will come up later this week is they have no long term plan to reverse the situation. What is being projected right now by their own Office of Management and Budget and their own Congressional Budget Office are deficits for as long as the eye can see. Over $300 billion, the largest in our Nation's history, for the next fiscal year alone, and that does not even include the emergency supplemental request that the President just sent to Congress in order to give the troops the resources they need. That will be another $80 billion plus that will be on top of the $300 billion of deficits. So we will be very quickly and very fast approaching over $400 billion in deficits for the next fiscal year alone.

Why is this important? It is important because it is happening at exactly the worst moment in our Nation's history, when we have an aging population, when we have 80 million of the so-called baby boomers rapidly approaching their retirement age and about to begin entry into the Social Security and Medicare system, and at the time when we should be trying to practice fiscal discipline and get the Nation on sound fiscal footing in anticipation of that demographic time bomb going off and protecting the monies in the Social Security and Medicare trust funds, anticipating this aging retirement boom that is rapidly approaching. Just the opposite is being proposed on the other side. In fact, they are proposing large tax cuts on top of the ones that already passed in 2001, and they are going to pay for that, in part, by taking all of the money out of the same Social Security and Medicare trust funds that virtually everyone in this chamber just 2 years ago are on record as saying that we will not do. It is very disturbing that this is going on and there is very little attention being paid to that.

But they are also planning on doing it on the backs of some very important people in our Nation, not least of which are our current veterans. It is astounding to me that in their zeal in order to protect the President's proposed tax cuts that they are doing it by masking the true enormity of the budget deficit, but also trying to balance the budget on the backs of some of the most vulnerable and some of those who we owe promises to, such as veterans' health care services, including service-related disability health care. In their budget resolution that was before us just a couple of weeks ago, they were proposing about $16 billion worth of cuts with veterans' health care services, which is astounding when we think of the military campaign and the incredible devotion and sacrifice that so many young men and women in uniform are making on behalf of our Nation in the country of Iraq today.

But it is not just us who discovered what was going on, it was all the veterans' organizations throughout the country that quickly recognized what they were trying to pull and submitted letters to Speaker HASTERT and to the gentleman from Ohio (Chairman NUSSLE), the chairman of the Committee on the Budget. Let me just quote from a few of the letters that were submitted, one from the Commander of the Disabled American Veterans in which he stated in his letter, and I quote, "Has Congress no shame? Is there no honor left in the hallowed halls of our government that you choose to dishonor the sacrifices of our Nation's heroes and rob our programs, health care and disability compensation, to pay for tax cuts for the wealthy?"

Here is a letter from the Commander of the Paralyzed Veterans of America in which he stated, "We do not consider payments to war-disabled veterans, pensions for the poorest disabled veterans, and GI Bill benefits for soldiers returning from Afghanistan to be fraud, waste, and abuse."

And one from the American Legion: "This budget defies common sense. There must be a better way to provide tax relief to the American people than to balance the budget on the backs of disabled veterans."

We owe the veterans nothing; they earned it. And here in their attempt to try to protect these huge tax cuts leading to unprecedented budget deficits, setting up future Congresses and future generations of Americans for failure because of the fiscal mess that is being created, they are going to try to bring forward later this week a budget resolution that calls for exactly that.

□ 2100

Before I turn back to my friend, the gentleman from Washington, I will draw attention to a very important article that appeared in the New York Times today. It is called "No New Tax Cuts." It was written by some very famous people here in Washington and throughout the country that have spent a good deal of their public careers focusing on budgetary issues. It is a bipartisan group who are highly esteemed and well respected, even here in this Congress, made up of former Senator Bob Kerry; former Senator Sam Nunn; Pete Peterson, one of the cochairs of the Concord Coalition; former Secretary of the Treasury Robert Rubin; former Senator from New Hampshire Warren Rudman; and also former Federal Reserve chairman Paul Volcker.

They are warning the Congress in a letter in the New York Times today about the fiscal course that we are about to embark upon if these large tax cuts go through in light of the current projections.

Let me just quote briefly from the article that they coauthored; all of whom, by the way, are members of the Concord Coalition. This is a nonpartisan group that does focus on Federal budgetary policy.

In their article they state, and I quote, "Our children and grandchildren are facing unthinkable payroll tax burdens that could go as high as 33 percent to pay for these promised benefits." They are referring to Social Security and Medicare. "It is neither fiscally nor morally responsible to give ourselves tax cuts and leave future generations with an even higher tax burden."

I know my colleague, the gentleman from Washington (Mr. SMITH), has a vested interest in it because he has a young child himself. I am the father of two little boys who are only 4 and 6. The last thing that either one of us wanted to do when we came to this Congress 6 years ago was to leave a huge legacy of debt for our children to have to wrestle with.

If the programs are important enough today to authorize them and to call for them, then this generation of Americans should have the moral responsibility to figure out a way of paying for them, rather than borrowing and spending, borrowing and spending, and accumulating this huge national debt.

In conclusion, Mr. Speaker, again, these authors of the article do feel that deficits matter. In their concluding paragraph they state why. I quote again: "Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation."

That, I think, summarizes the very challenge that we face this week, and it is not too late. We can still get together in a bipartisan fashion and come together at the kitchen table like any family would do, dealing with family finances and figuring out what decisions we need to make so we do not pass a tremendous burden on to the children of our family. That is really what is at stake.

Budgets are all about priorities, and hopefully this Congress will wake up and realize that our children's future should be one of the first priorities that we keep in mind. Let us pass a sensible, fiscally responsible budget that we can, years from now, look back on and say, yes, we had to make some tough decisions, but they were the right decisions under the right circumstances, and our children are the primary beneficiaries as a consequence.

Again, I thank my friend, the gentleman from Washington, for the leadership he has shown on this very issue and for trying to secure a little time in order to talk about this, which is very important, even in light of the current military campaign in Iraq.

Again, we wish the troops there our best. They are constantly in our thoughts and prayers, along with their families and their loved ones. We all, I think, agree that we hope to see a very quick and successful and safe conclusion to the military campaign in Iraq.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman for his comments.

I just want to follow up on how this is the exact wrong time to run up deficits because of the baby boom generation and their coming retirement.

I think there might be a tendency to say, we have heard this doom and gloom before. In the late eighties, early nineties, we had huge deficits, big debt, and people said we could never get out from under it. Lo and behold, by the late 1990s we were actually running surpluses.

We were fortunate. We had a booming economy. A high-tech economy took off, productivity went up, and we were able to do that. There may be a tendency to think, see, the problem can be fixed.

We are in a much different situation now, as the gentleman said. We are going to reach the point in the early part of probably about 2014, 2015, when those Social Security surpluses that we have all grown used to, having huge surpluses in Social Security in order to offset debts in the other part of the budget, they are going to be gone. We are not going to have that money to rely on.

What is more, the other part of the budget is going to now have to start covering the deficits in Social Security and in Medicare. So with the baby boom generation retiring, we are not going to be so fortunate this time.

Mr. KIND. Will the gentleman yield on that point?

Mr. SMITH of Washington. Absolutely.

Mr. KIND. I think one of the crucial differences between now and what occurred during the 1980s with the economic policies that were pursued was that we had the decade of the 1990s to reverse course, and fortunately we did. With the Clinton administration and the tough budgetary decisions that they had to make in 1993, it set the Nation back on a course of declining deficits through the nineties; and then actually a few years when we were running real budget surpluses, which led to the protection of the Social Security and Medicare trust fund and a downloading of the national debt, thereby reducing the interest burden on that national debt.

It was an incredible economic dynamic made by past Congresses making tough decisions in order to reverse course of the huge budget deficits that were created during the 1980s and the first part of the 1990s. Unfortunately, we do not have the luxury of time anymore. We are rapidly running out of time with the boomers' retirement just around the corner.

That is why it is all the more important that we do not waste this opportunity with the budget resolution that may be before us later this week; and that we get together, again in a bipartisan fashion and with the President at the table, as well, to figure out what we need to do to reverse course with these truly frightening budget scenarios looking at $400 billion-plus deficits for many, many years, which will only hurt long-term economic growth by driving up long-term interest rates because of the squeeze on the available capital that is available in the marketplace.

So time is of the essence. This really is not an academic debate. We can punt for the next year or a couple of years down the line, but these are decisions that I feel have to be made right now. Someone has to stand up and talk about this. I am glad the gentleman decided to take some time tonight to do it.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman for his help.

Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE), a proud member of the baby boom generation that is soon to bankrupt us, although I will not hold him entirely responsible.

Mr. INSLEE. Mr. Speaker, I am happy to join my colleagues here this afternoon to speak against this new Republican policy of eternal deficits. I am happy to speak against it because I think it represents sort of a "three-strikes-and-you-are-out" economic policy which really will doom America for quite a long period of time for three separate reasons.

Before I talk about those reasons, I want to note that this probably, as far as I can tell, is the biggest political flip-flop in the last couple of millenia of American history. That may be perhaps a little bit of an overstatement.

But as I recall the proud traditions of the Republican Party under Eisenhower, Rockefeller, and many good Republicans who preached the gospel in every political church in America that deficits clearly were a mark of evil, they fought for years against deficits. They came here and they sought constitutional balanced budget amendments, which they are still seeking.

Now, after decades of propounding this basic bedrock principle, their answer is, never mind, we were just kidding. Now that they have decided that tax cuts for Ken Lay at Enron are more important than a balanced budget, they have decided that their decades of fundamental economic beliefs and theories were just a bunch of hokum.

They were right then, but they are wrong now. They are wrong for three reasons.

Number one: The Federal deficit that is now attempted to be foisted on the American people by this Republican majority is the biggest contribution to waste, fraud and abuse in the U.S. Government that is possible. It is waste, fraud and abuse because the biggest number of items of clear waste, fraud and abuse in the Federal Government is the interest paid by American taxpayers to service the Federal debt.

That waste, fraud and abuse is an enormous number. It is close to the defense budget of the United States. For every $100 that American taxpayers pay in taxes, $14 goes to pay interest on the Federal debt that has been accumulated over the years of multiple generations and multiple Congresses. So $14 of every $100 every taxpayer pays does not buy a single soldier, it does not buy a single police officer, it does not get a single pharmaceutical prescription drug benefit; it goes right down the rat hole. This $14 figure out of every $100 will grow if the Republican budgets of longtime fixed deficits that will grow over the next decade prevail in these Chambers.

That would be a sad day, because frankly, a lot of my friends in the Republican Party have also been quite vocal and eloquent about the need to end waste, fraud and abuse in government. Now, by their own budgets, they seek to increase the money of taxpayers going down that rat hole of paying interest on the Federal debt.

Mr. Speaker, I cannot understand what Republican would take cheer from knowing they are going to waste more of the taxpayers' money to go down this black hole, but they certainly are. The reason they are is that they have decided it is more important to them, apparently, and of course I do not know this for sure, but the only assessment one could make is they have given greater priority to tax cuts rather than a balanced budget.

The second reason, perhaps not as important as the last reason, but important nonetheless, this deficit is a dead weight around the United States' economy. I listened to Mr. Greenspan tell us that these deficits have the potential of increasing interest rates. Once the economy starts to rebound, once it starts to come back, he told us that we face the prospect of interest rates going up and choking off the eventual recovery.

I do not think it is just his testimony that is persuasive to me; it is listening to the financial people that I represent, my constituents.

I was on the ferry boat the other day and talking to a fellow that sells municipal bonds. We were talking about the fact that they have had a lot of municipal refinancing going on, besides homeowners, with the current low interest rates.

But he was concerned, as a lot of people are in various sectors of the economy, that once we start to get out of this shadow and start picking up, that as soon as we start to get some growth in the economy, boom, interest rates go up because the Federal deficit continues to fuel that fire, and we are back into recession.

This is like taking a big anchor and tying it to the leg of the U.S. economy, and it is a Republican anchor. It is a sorry thing to see that my colleagues on the other side have decided to embrace these deficits that they know, because of their own economic theory, are a drag on the economy.

It is interesting, I believe the new Assistant Secretary of the Treasury just a couple of years ago wrote a book, a textbook, saying how interest rates can go up as a result of these deficits, and now he has had this great epiphany. He has heard this voice from the heavens telling him, well, I must have been wrong. I guess tax cuts are more important, and he is working for the Bush administration. We know it is wrong, but it can cause enormous havoc in the economy.

Perhaps, the other reason I have come to speak on the tax cut, economic models can come or go. We have different viewpoints. Economists feel different about what the theories are, the economic models.

The one thing all Americans ought to agree on is the value of protecting our children. We are three fathers here tonight talking. We know all fathers and mothers care about their kids. The one value all of us ought to hold, Republican and Democrat alike, east and west, north and south, tall and short, is do not put a burden on our children.

This is a moral issue much deeper than any particular economic theory. I think we all ought to share it. It is a very sad day when the majority party has decided to break that moral bond to our kids to put this indebtedness on them.

Just one more comment and then I will close. The thing that is extraordinarily sad about this is that this is not a surprise. Our short-term deficits are in part due to war and recession. Part of the deficit on the short-term basis is clearly the war and the recession. However, we know these are intentionally inflicted, conscious, premeditated deficits. They are going to be here for decades because we know we are getting older and the baby boomers are going to retire.

This is a premeditated moral and economic crime. I am speaking against it. I am pleased that some of the Senators in the other Chamber have stood up on a vote of courage and have prevented some of these tax cuts going through. I hope they can continue some of that profile in courage, and we can get a budget that does not break the bank and our children's backs.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman.

I just want to close by saying, it does not have to be this way. There is absolutely no reason our Nation cannot put us on a fiscally responsible path in the next 10 years.

□ 2115

Now, I will be honest. I do not believe we can balance the budget this year. We have too many pulls upon us between the economy and the war and various other concerns, but over the 10-year period of time we could quite easily put together a budget that is balanced.

I think the reasons we have not gotten there is because politics over the course of the last 20 years, certainly over the course of the last five or ten, in an accelerating fashion has become more and more about promises. And at the end of the day that is why I feel that the Republicans, and in some cases some Democrats, have tried to argue the deficit does not matter because the deficit is inconvenient. When you are out on the stump trying to get elected, people want tax cuts and they want spending programs. Fiscal responsibility in the short term does not put any money in anybody's pocket and it is a hard thing to be in favor of.

You want to promise things. You want to promise a prescription drug benefit. You want to promise a big tax cut. You want to promise more money for the military or more money for education or more money for veterans. And those promises add up to far more than we could ever possibly deliver. And as those promises add up, we dig ourselves a deeper and deeper hole so that when we actually get back to Congress or in the White House and we have to make the decisions that are necessary to move our country forward, we have that huge stack of promises coming up behind us that we do not think that we can get out from under.

Mr. Speaker, I guess I will close on a bipartisan note. While it is certainly true to say that the Republicans right now are behaving in a very fiscally irresponsible manner, they have turned on a dime from a rich history of fiscal responsibility for political reasons, it is fair to say that Democrats have not always been fiscally responsible either. In many cases they have supported more programs than our government can support. It is a bipartisan problem but it can also be fixed in a bipartisan manner. There are Republicans and there are many Democrats who believe in balanced budgets and fiscal responsibility. As a group, we need to rise up and make sure that our voices are heard and our policies get enacted. We cannot afford to have deficits for as far as the eye can see. We certainly cannot afford to have $4 trillion in deficits racked up over the course of the next 10 years.

If we do, future generations will be dealing with a mess of a size this country has not seen. Fiscal responsibility matters. Let us always remember that and pledge to work on it.

Mr. Speaker, before I am done I want to recognize the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding to me before we yield back the remainder of our time. I think the gentleman has touched upon a very important point and we need to just restate it. And that is the essence of budgeting is all about decision making, but it should also be about taking responsibility for what is taking place today. And the easiest thing for a politician to be able to say to people back home or to run on the campaign is, You can have it all. You can have all these programs that you care about. We can fight this war in Iraq and do the rebuilding, and you can have large tax cuts on top of it and you can have it all.

But you cannot because decisions have to be made. And if you pursue that type of economic policy, if you pursue that type of political message, what you leave the American people then are these massive budget deficits because the current generation of Americans are not stepping forward and taking responsibility for the decisions that are being made today. And what this, in essence, constitutes then is taxation without representation because it will be our children and it will be our grandchildren that will have to be the ones to clean up the fiscal mess that is being created today. And it is not fair to them because they too often are the neglected voices, the future of this country, when, in order to sell a certain type of philosophy or economic policy, you try convincing the American people that they can have it all. They can have this huge increase in defense spending that we are seeing right now and they can have a large tax cut at the same time which was exactly the same economic policy that was pursued in the 1980's and first part of the 1990's.

It has been said that what we are debating today is deja voodoo economics all over again. And I believe that because this is history repeating itself. Where we saw with the decisions made in the early 1980's led to a quadrupling of the national debt and the detrimental economic effect it had on our Nation, and now we are back in that same type of scenario. And it is not too late. And hopefully we will be able to engage in a bipartisan conversation in this Congress and get the President and his people back involved in this. And let us come up with a long term plan recognizing the short term demands on the Treasury that we currently have, the obligations to fight international terrorism, to do Iraq right, not only winning the war but winning the peace. But let us also have a long term plan in order to set up future Congresses and our kids for a chance to succeed with this aging population which we all know is going to happen and which everyone does not really want to talk too much about. But this is the time for us to make these decisions, not when we have 80 million Americans suddenly retiring and entering these very important programs. I thank the gentleman for yielding to me.

Mr. SMITH of Washington. The gentleman's remarks reminded me of a line from the President's State of the Union speech this year. Very early on in his speech he said that the paramount goal of his was that we shall not pass our problems and our challenges on to future Congresses. Now, I think what the President was alluding to at that point was Saddam Hussein and Iraq; and I happen to agree with him on that for one. I think it was bold and courageous to step up and address that problem and not pass it on to future Congresses.

But I could not help but be struck by the irony of a line saying, We shall not pass our problems on to future Congresses. If you think about it basically what he was saying was but we shall pass on the bill. That is not responsible. When you run up deficits like this, that is the very definition of passing your problems on to future Congresses. It is irresponsible, unworkable, and not in the best interest of the future of this country. I am absolutely convinced we can do better, that we can put together a fiscally responsible budget that best prepares us for the future and allows future economic growth.

I want to thank my colleagues again who came out to speak with me tonight on this issue. This is not the last time we will be talking about it. Fiscal responsibility is a never-ending job.

UGANDA AND THE MILLENNIUM CHALLENGE ACCOUNT

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I am pleased that Congress is advancing the Millennium Challenge Account or the MCA, a bold initiative supporting economic growth and self-sufficiency in the world's poorest nations. I applaud MCA's focus on reforming poor nations that have demonstrated achievement in ruling justly, investing in people, and encouraging economic freedom. MCA should have a special emphasis on sub-Saharan Africa, the poorest region of the world with over 290 million people living on less than one dollar per day.

Several countries in sub-Saharan Africa are successfully addressing some of the most critical developmental challenges of our century, HIV/AIDS, poverty eradication, political reform and economic liberalization.

As our Nation prepares to launch MCA and make this important contribution to human and economic development, we can draw inspiration from countries such as Uganda. Uganda progress demonstrates that the developmental challenges confronting Africa are immense but not insurmountable.

Uganda was recognized by the World Bank/IMF as the first IDA or International Development Association country to adopt a comprehensive and participatory national strategy to eradicate poverty. As a result, Uganda's poverty rate dropped from 56 percent to 35 percent over the past 10 years. During this same period, Uganda has maintained a growth rate of over 6.5 percent. Uganda is leading the developing world in addressing its HIV/AIDS rate and its infection rate which fell from 30 percent 10 years ago to less than 7 percent today.

Over the last 12 years primary school enrollment in Uganda increased from 40 percent to 99 percent. This transformation helped Uganda to further distinguish itself as the first country to qualify for the World Bank's Heavily Indebted Poor Country debt relief initiative or HIPC.

Uganda's success is attributed to strong leadership and the government's establishment of broad-based public-private partnerships in health care, education, and economic development in rural communities and municipalities throughout the Nation.

The number of registered nongovernmental organizations and faith-based groups working with local government administrators has more than doubled over the past 5 years. Uganda's successful development model also includes empowering women in government, in civil society and in enterprise development. The number of women in the governments rose from 22 percent to 45 percent in 4 years and a woman now serves as Vice President of Uganda.

Mr. Speaker, Uganda's record of achievement reflects good governance. President Museveni and his team have successfully transformed a war-torn and ethically divided country into one with strong democratic institutions. Uganda held successive elections in 1996 and 2001 that were certified as free and fair by national and international bodies. Additionally, the government has made the issue of multi-party system a transparent debate with the referendum in 2000 that was also certified as free and fair by the international community.

Voter turnout in Uganda is also admirable with the vast majority of eligible voters consistently turning out to vote. Uganda is now engaged in a national process to further refine its flourishing democracy.

While corruption continues to challenge Uganda, the government is making strides with the adoption of an aggressive anti-corruption strategy through the independent Office of the Inspector General. In partnership with the World Bank, Uganda instituted reforms to broaden the enforcement authority of the IGG and strengthen its ability to fight corruption. Public officials in Uganda must now among other things declare their wealth upon taking office and throughout the process of their holding office.

Mr. Speaker, Uganda's record speaks for itself. The Millennium Challenge Account should build on the African Growth and Opportunity Act. It should strengthen the capacity of progressive poor nations, such as Uganda, to realize further gains as they proceed on the arduous but promising path of reform and development.

AN ENERGY POLICY FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, it is a great time, as we come together to speak tonight, things are going well, thank heavens, in Iraq and I think we will actually see a time and place in modern times when a country as strong as America is willing to go in and secure the freedom for other people. And so this is a time of great faith in America but it is also a time of problems. And, in fact, in Iraq in particular we see one of the side effects of that war has been a significant increase in the cost of oil and gas and energy for the people of America. So tonight 2 or 3 of us who are members of the Western Caucus would like to talk about energy policy in America and the need to pass the energy bill later this week.

A couple of things are important as we do that. In the first place, we need to protect the environment. That is essential. In the second place, we need to have a secure source of energy, and that needs to be largely domestic. And, finally, we need to have a reasonable price for ourselves and for future generations.

A little bit later I am going to talk about oil or gas exploration and development in America. I would like now to introduce a couple of my colleagues. I will start with the gentleman from Utah (Mr. BISHOP) who will take a couple of minutes to talk about some of the big ideas here.

Mr. BISHOP of Utah. Mr. Speaker, I thank my senior colleague from Utah.

Mr. Speaker, when we entered this body a couple of months ago I was a high school teacher. And I have to admit it is somewhat difficult trying to raise 5 kids on a high school teacher's salary. One of the things that was most significant, most difficult, was always dealing with those essential energy costs that were coming to us, the higher utility rates, increased gas, always seeming at the whim of foreign changes that took place, and always without a comprehensive energy policy that this country vitally needs.

Those costs were ever escalating. And it does not take a rocket scientist to figure out, if you would just look at the chart we have here and follow the green line which is simply gasoline prices or gasoline production versus the red line which is prices. And you simply know as the green line goes down, prices go up. Now the inverse would also be true. If we could increase the supply, the cost would also go down.

There are those who claim that there is no way we can possibly increase our energy source without totally destroying our environment. Mr. Speaker, I have to reject that failed philosophy of the past. It is possible for us to secure our environment. We all want to drink clean water, to breathe clean air, to secure the land. But we can secure our environment by relying on modern technology to also provide us with the energy source we need and a domestic energy source that we desperately need. And we can do so not by dealing with foreign powers, but on land that we presently own and control.

In a minute, Mr. Speaker, I think one of my colleagues will go into detail about the Arctic National Wildlife Refuge which has potential that is there on land that was put aside for that very purpose. A common sense approach for providing for our energy needs could be easily accomplished.

□ 2130

If we do nothing as a country, my bill worsens, my situation becomes more desperate. We can easily balance our political policy needs for energy with good environmentalism both for today and for tomorrow by simply putting politics aside and simply doing what is right to provide for my family, as well as for millions of people on a fixed income who need a stable and predictable domestic energy source, and if we reject what modern technology can do to provide that and provide for our environmental needs, we are moving this country's policy back 20 years.

Mr. CANNON. Mr. Speaker, would the gentleman answer a question?

Mr. BISHOP of Utah. Of course, I would.

Mr. CANNON. As I look at this chart, the green line is not oil production in America. That green line is oil production that has come through the trans-Alaska pipeline. So this is essentially the Alaskan oil that has come into America, and yet even that relatively small portion of the oil we bring into America from Alaska through that pipeline has had a dramatic effect on the price of oil elsewhere, and that is because I think the markets are so tight that small fluctuations in our resources make a huge difference in that price. Is that what that chart is saying?

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Utah is absolutely correct, and it clearly illustrates the potential we have to make life better for Americans if we just use what we have in a common-sense approach to a domestic energy policy.

Mr. CANNON. When people talk about the ANWR producing only a tiny fraction of the energy we need, what we are really saying is that a small fraction of the energy has a huge influence on the price we pay at the pump?

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Utah (Mr. CANNON), once again, is absolutely correct. It has a huge impact, and that small fraction is estimated somewhere in the neighborhood between 5 and 16 billion, with a B, barrels of recoverable oil.

Mr. CANNON. We have a chart later on that shows the various countries that produce oil that we bring into America and shows that that production in the new ANWR would actually be the second or third largest amount of oil we bring into America from any part of the world; is that not correct?

Mr. BISHOP of Utah. It would be exactly right. It would make a major impact on the domestic future and stability of energy sources in America.

Mr. CANNON. Mr. Speaker, if I got this right from the chart there, we add ANWR to the system and bring that oil into America and prices, instead of spiking like the gentleman's red line shows there, prices tend to plummet like they have done as we have brought that oil from Alaska into the American market earlier?

Mr. BISHOP of Utah. As I said, it does not take a rocket scientist to realize that is the way of protecting the future economic and energy needs of this country.

Mr. CANNON. Mr. Speaker, I thank the gentleman for his comments.

Mr. RENZI. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I was fortunate this weekend to visit the Arctic National Wildlife Refuge, ANWR, with the gentleman from California (Mr. POMBO) and several Republican congressmen as well as our Democratic colleague, the gentlewoman from Guam (Mr. BORDALLO).

We began our visit by visiting the pristine environment in the southern Alaskan town of Valdez. Valdez is located at the southern end of the pipeline where wildlife and sea otters and clean crisp air and the oil shipping business co-exist in harmony.

This is not rhetoric from some Congressman who has never set foot on the site. This is firsthand knowledge seen with my own eyes that we can truly balance our energy needs and our desire to protect the environment without disturbing the ecosystem.

While in Valdez, we discussed suggested inferences that oil is seeping out of the pipelines and ruining the environment in great volumes. Let me say as a witness on the record that no such claims exist. In fact, if so much as a spoonful of oil or even brake fluid spills, an action report is filed, and there has been no such seepage at this site.

We toured the engine rooms and the facilities of the oil transfer stations, and we found the conditions to be spotless and clean. The new technology and equipment used for transporting oil, the professional mindsets of the employees and the operations of the energy development company have become so advanced that together they now serve as a guardian of the magnificent environment of Prince William Sound and the southern Alaskan town of Valdez.

We then flew from Valdez in the southern part of Alaska to the ANWR area, what they call the coastal plain, and we flew to the small Eskimo village of Kaktovik. It was almost 20 degrees below zero, and we were met there by over 200 people who turned out at their local community center for our field hearing. Everyone in attendance, except for a handful of non-Eskimos and one resident, was in favor of responsible energy development in their surrounding environment and on their lands.

We met with the elders who were represented by an 81-year-old man by the name of George Atookchook. He described for us how life was very harsh growing up. He grew up in an igloo where they would gather driftwood on the beaches before school, and they would make fire out of this driftwood, and they would burn whale oil for heat. This whale oil would fill the room with deadly smoke, and this deadly smoke led to a generation of Eskimos, particularly his father's generation, who lived on average only until their late forties.

During our hearing, the community leaders of Kaktovik taunted the extreme environmentalists. Let me quote the mayor of the north slope borough who said, We do not want to go back to our igloos, as some people want to see us. We want to grow by opening up ANWR.

The only people who live in or around ANWR want oil development. They believe, and I quote my 81-year-old friend, "that man was put on this earth to use the land," to draw from its resources and to benefit.

The Americans out there listening tonight need to know that while the homelands of the people of Kaktovik have been returned, the extreme environmentalists will not allow them to use their natural resources that are beneath their feet.

While we fight to liberate Iraq from a brutal dictator, each passing day we become more dependent on foreign Middle East oil, and all the while, we have American oil located on the north slope of Alaska in an area inhabited by a wonderfully strong, native people who want to help us fulfill the energy needs of our Nation by using American oil in their backyard.

The people of Kaktovik told us that they need the economic gains that will help their people live longer, healthier lives, economic benefits to build classrooms where they can teach their little ones their native languages, to build museums to display their traditions and cultural heritage.

Mr. Chairman, domestic oil production also means more jobs for native American Eskimos and the entire Alaskan economy. New advancements in arctic frontier technology allows us to explore and develop oil with the highest environmental safeguards.

Within this energy bill, section 3 of H.R. 39 requires the Secretary to ensure, "that oil and gas exploration, development, and production activities on the North Slope result in no significant adverse effect on fish and wildlife, their habitat, their sustaining resources and the environment." This highest standard of environmental protection is reiterated many times throughout this energy bill in H.R. 39.

Let us give the Eskimo village of Kaktovik what they want. Pass the energy bill. Return not just their land but the natural resources that are desperately needed to secure their future and ours.

Mr. CANNON. Mr. Speaker, I say to the gentleman from Arizona (Mr. RENZI), everybody I have talked to who has ever visited the area has had pretty much the same response. I have not been up there. I understand it is a phenomenal visit, and it helps to understand exactly what we are doing and why this is a reasonable bill, especially when we put it in the context of the people that are there locally.

Mr. RENZI. Well said. One of the comments that was made to us was really how there have been a few people that have made it as far north as Anchorage, Alaska, but no one has taken the time to go all the way up to the arctic circle in the northernmost point of Alaska, the northernmost point of the United States of America, and hold a field hearing in a small Eskimo village.

These people, the Inupiat Eskimos, they are a very proud and strong people, and they are tired of telling Americans, telling politicians in Washington, telling eastern environmentalists what they want, only to have Congress not do their will. We are dealing with native American lands where they cannot even drill their own oil to sustain themselves. They cannot even go after it. We stop them.

We need to open up these lands. My colleague knows the issue well. It is well said.

Mr. CANNON. Mr. Speaker, I appreciate the gentleman's comments. I talked to many, many people about this, and to a man or woman on either the Democratic or Republican side, to the degree they have been there, their views are radically different from what they were before they were there. I think the gentleman expressed it very well.

I know the gentleman from Utah (Mr. BISHOP) also had some comments for the gentleman.

Mr. BISHOP of Utah. Mr. Speaker, I noticed on the chart there that the gentleman has the current Alaskan pipeline that is there. How far is that from the area we would be moving into to provide this new domestic security?

Mr. RENZI. I thank the gentleman from Utah for his question.

Americans invested their tax dollars in building a pipeline that runs almost 800 miles from the coastal plain in Prudhoe Bay all the way down to Valdez, millions and billions of dollars, jobs and the economy back in the 1970s when I graduated from high school. Many of my classmates went and worked on the pipeline. Some stayed because of the magnificent beauty of Alaska.

What we learned is that this pipeline at its highest production was producing about 2 million gallons or a little bit more. During the first Gulf War, under President Bush, we increased that to a little bit over 2 million because the production had fallen off to about 1.5 million barrels a day.

Right now, even though we are at war with Iraq, at maximum production we are only getting 1 million gallons a day, and that is because the reserves at Prudhoe Bay have fallen off, and yet to answer the gentleman's question, 74 miles is all we need to go with a little step. All we have to do is build off of the existing pipeline in order to reach ANWR, and of that 74 miles, 30-some odd miles has already been completed. So we are talking about 30 or 40 miles of more pipeline that we need in order to use a billion dollar pipeline that is already in existence.

Mr. BISHOP of Utah. Mr. Speaker, I ask this one final question. With the risk of being somewhat of a leading question, I think the gentleman very eloquently stated the position of the people who are there. I guess I would, once again, want to try and somehow if the gentleman could reiterate in his own mind that one of the problems we have had with our failed philosophy in the past that has produced so many problems is trying to have a Washington solution, one size fitting all.

Is the gentleman comfortable that the locals who know and understand the land, who know and love that environment, is the gentleman comfortable that they are positive that this is the appropriate thing that they want in their particular area and they know how to control it?

Mr. RENZI. Mr. Speaker, I thank the gentleman for the question.

We asked several of the city council members, current city council members, we asked several of the mayors from a local area, we asked the president of the student body of the high school, we asked all the villagers who were at the hearing, over 200 of them, what is the majority opinion, what do they feel. They said that, overwhelmingly, the people of this native American Eskimo village very much want to open it up.

The reason is because in the beginning, when the drilling was being done at Prudhoe Bay, there was a fear. They were unsure what kind of neighbors the oil companies would be. Since that time, technology and equipment and the good, hard work of all kinds of Americans, including their own people, who work on this pipeline have proven over the years that this is a worthy investment, and they are worthy of their trust. So these oil companies have been good neighbors, and they know that that will continue with some of the finest new technologies and some of the finest advancements in arctic technology and equipment to pull that oil out of the subsurface terrain.

What they know is they have good neighbors in the oil companies. What we do not know is how much oil really is under there, whether it be 6 billion gallons, whether it be 15 billion or even more. What we do know, though, is that our Nation needs it as a bridge to take us from our current dependency on oil to this new generation of alternative fuels.

We cannot just go to alternative fuels. That is so expensive right now, to think we are going to jump to the fuel cell or we are going to jump to hydrogen today. We need time to develop that technology, and the bridge from today until that day is that we use our American oil and not be so dependent on foreign oil.

Mr. BISHOP of Utah. Mr. Speaker, I thank my friend from the neighboring State of Arizona for his insight into what the people of that particular region actually feel and think about this area they know and love so well.

Mr. CANNON. In just a moment we are going to yield again to the gentleman from Utah (Mr. BISHOP) to sort of explore what the meaning of the size of the disturbance is here.

Let me just say to the gentleman from Arizona (Mr. RENZI) that his discussion about alternative fuel is important. We actually have a chart here that shows at the highest expectation of alternative fuels, it does not get us very far in the foreseeable future, but in addition to that, let me just say that I firmly believe that people who are local have an understanding of what their environment is, and they have a terrific interest in maintaining it.

We have had this problem in Utah where we have ranchers who care enormously for the land, and we have had outsiders who said, No more moo in 1992, trying to get rid of all cattle grazing in 1992, for instance.

□ 2145

And it turns out we find now that the cattle grazing is remarkably important for the health of the land. So locals have a tendency, since they are responsible for it, since they interact with it, they are more reliable in how they operate and work on their lands.

Mr. Speaker, I now wish to yield to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman one more time, and if I could reiterate what the gentleman from Arizona stated by just pointing out that this entire refuge is about the size of South Carolina. The only area we are talking about is the area in green, which from the beginning was set aside for the purpose of oil exploration. That was part of the common sense approach we had when we preserved this land.

The only part we are talking about, as he so brilliantly put it, and the closeness of the original pipeline, is this small little red dot. That is the entire area. If we view the second shot, we can see that that small dot is only about 2,000 acres. That is the footprint, which is smaller than Dulles Airport, which services Washington, D.C. The amount of area we are talking about is less than what is Dulles Airport compared to the size of the State of South Carolina.

And as the gentleman from Arizona said, this could be a significant find in giving us domestic security with the domestic source of energy we need. And as we see by this particular chart, the amount of oil that is recoverable in the ANWR area is second only to what we receive from Saudi Arabia. If we want to eventually solve problems in the future and have some kind of independence with a domestic source of energy, this is a significant piece of the puzzle.

Mr. CANNON. Reclaiming my time for a moment, Mr. Speaker. Everybody in America knows we are struggling. We are paying a lot higher prices for our gas. That really bugs me personally.

If we go over there four or five points, and if the camera will focus on that chart, we see the red piece there. That is the amount of oil that we get from Iraq, and that looks to me like it is less than a third of the amount of oil that we would get daily from this new area in ANWR. Am I reading that correctly?

Mr. BISHOP of Utah. The gentleman is correct. Iraq plays almost an insignificant role in the energy sources for the United States. But the other countries that we have here, Saudi Arabia, Canada, Mexico, and especially Venezuela, they are key elements in our foreign policy dependency. When changes take place there, when problems develop in those countries, we receive the brunt of it with higher costs for utilities, higher costs for gasoline.

Mr. CANNON. If I have what the gentleman is saying, and again focusing the camera on that chart, ANWR produces almost as much gas or oil as Saudi Arabia does. The next largest importer of gas or oil to the United States is Canada, and that would be about the same amount we would bring in from ANWR. And then the next largest exporter of oil and gas to America would be Mexico, and that is a little less than the amount of gas that we would bring down from ANWR if we did that drilling. And then the next largest supplier, which is significantly less than what we would get out of ANWR, is Venezuela.

Now, of course, part of our problems today, and I should not blame this all on the war in Iraq, because Venezuela has had its problems in recent times, but we can replace virtually any one of those suppliers with just the oil we get out of ANWR.

And when we get to the next step, we drop way down on that chart, to the point where Nigeria is only giving us a quarter, or a third of the oil that we would get from ANWR.

So ANWR represents a pretty huge step in energy independence in America. Is that what I am seeing here?

Mr. BISHOP of Utah. The gentleman is correct. And these are once again what we assume to be the average daily oil productions in these areas.

The gentleman is correct in pointing out how much we receive from Canada. If my colleagues would simply note what the Canadians are doing in providing that oil is simply the area on the other side of this region that we want. That is the production lines that they are having. They understand the purpose of it. And the Canadians are able to use modern technology to produce the oil and not to spoil the environment. It does not have to be one or the other, where we either have the energy source or we have the environment. We can have them both. We have the technology to make it possible to protect our environment and protect a domestic energy source at the same time.

Mr. RENZI. If the gentleman will yield, he makes a great point about the environment. I think in our argument we need to point out some of the truths about the environment. Seeing that I was there 3 days ago, I would like to describe for my colleagues exactly what is there. And I would like to use the words from a letter that I received while there during the hearing.

First of all, the environment when I was there was about 20 below. And we are dealing for miles and miles, as far as the eye can see, with a vast, sheer flow and flat surface. This is not mountains and streams and brooks and riparian areas. This is not sensitive areas where the musk oxen are hiding out of the wind, as we have seen on some of the environmental videos. This is a flat, frozen area.

Let me take the words from Herman Aishanna. He is a whaling captain and serves on the Kaktovik City Council. He is the former Mayor of Kaktovik. These are his words, not mine. "For any who think they can make this rich and fully peopled country of the Kaktovik into a wilderness, they should be aware not only that we the living are here, but also that the spirits of our people since the time immemorial are here. No matter how blind, no matter what anyone wants to call it, this country is hardly a wilderness and it will never be a wilderness. This country has a people and today you are looking right at them."

Now, he gave us this letter as a welcoming letter but also as a warning. He does not want to be locked out by some sort of environmentally imposed wilderness status, particularly given the sheer vast areas that his people inhabit, the habitat of his people. Now, this man is a leader in his community, and he very much has reached a point, and again and I would like to reiterate, where he is tired of going to hearings time and time again all the way down in Anchorage, Alaska, traveling down there with his people. He says, "We know that they do not listen because they do things we told them not to do. We know they do not listen to us because we see them telling people how we feel about this, and they get it all wrong."

Again, a good leader in his community frustrated with the idea that we would create a wilderness area at ANWR, lock his people out from using the snowmobile machines, lock out the ability to use the airplanes for hunting, lock it up and set it away without him being able and his people being able to go into the lands and draw out the natural resources.

Mr. CANNON. I could not help thinking, while the gentleman was talking, that the former mayor sounds like a very articulate, thoughtful guy. And if he figures out people in Washington do not listen to him, he is probably pretty smart too.

But as I listened to what the gentleman was saying, I call to mind an article that was printed about a year ago in the Atlanta Monthly which challenges the notion that the people in the Americas were savages when Columbus arrived. In fact, frankly it was suggested that the populations of Native Americans were much higher. And one of the points the article makes is that the Amazon jungle, which has very, very limited soil, is actually an artifact of man. In other words, we had millions of people living in that area and they created the jungle as people who were taking charge and being aware of their environment.

It seems to me that many of the environmentalists are actually racists. They think that they have got the ideas and that man should not be involved and that we should go back to the way the Native Americans were when we got here, ignoring the possibility that there may have been 100 times as many Native Americans in the Americas when Columbus arrived. The article suggested that the antibody systems of the Indians in America were so similar that diseases came in and decimated them, nearly knocked out 98 percent of the people in the Americas. So, naturally, they did not seem to have the kinds of cultural achievements that were apparent, say for instance from the 2 million acres of terrace lands in Peru.

But it occurs to me that people who assume that they, the Native Americans, did it all wrong or did something else other than what we are doing is a pretty narrow and racist view of those folks. And it seems to me that we are doing exactly the same thing when we decide in Washington, we who have never been to that area and have never talked to those people, that we know best for them what should happen in that area and on land that they love and that they feel a kindred spirit for or feel close to because of their ancestors and the spirits of their ancestors who have been there prior to them.

That is a pretty important point the gentleman is making.

Mr. RENZI. The gentleman is so correct. One of the points that came up during our hearing was that the impact that the good Eskimo people have made on the land is an impact that they desire. There is a philosophy that they have that the earth was given to them as a gift; that the earth was given to them to use and draw out the resources.

So the day that the generations long ago showed up on that coastal plain, the first day they killed the first whale, they believed the creator gave that to them to feed them, to clothe them. That first day they made an impact, and to this day they impact the environment. They want to be able to control their own destiny. They want to work with a sound environmental policy with an energy company who has been a proven neighbor to them in order for them to gain the benefits of the earth.

It is really a beautiful holistic approach to the land.

Mr. CANNON. Mr. Speaker, it sounds sort of like what we in America might call a stewardship.

Mr. RENZI. It is very similar to our stewardships.

Mr. CANNON. Since the gentleman was just there, let me ask him a couple more questions. In the first place, my understanding is that where we have had the transAlaska pipeline, and where we have drilled, the caribou herds have increased significantly; is that correct?

Mr. RENZI. There was discussion during our hearing that the caribou herd actually uses the pipeline structure as a wind sheer or as a warming element to help them in their mating process.

Mr. CANNON. Warm mating is always better than cold mating, I suspect.

Mr. RENZI. I agree. But in essence there are two caribou herds. There are a lot of people who talk about the porcupine caribou herd, whose numbers are about stable; and then there is the coastal plain caribou herd, whose numbers have grown exponentially over the years. So all the research and science shows that there has been no significant impact on the caribou herds and, in essence, the caribou have grown in population.

Mr. CANNON. Let me ask one other question, because the gentleman has been there recently, and he said it was 20 degrees below zero.

My understanding is you drill in the wintertime there. You create an ice sheet and then drill down through that sheet, so that when you finish drilling and have the equipment gone, when the springtime comes the ice sheet melts and it is like it was never there in the first place. And, in addition, you only have a little bit of a box that protrudes where the oil goes through.

Mr. RENZI. That is correct. One of the arguments that we are hearing is that the old oil technology, that old dark industry of the past, is going to ruin the environment. And it is a falsehood to think that new technology and lessons learned from the past are not going to be used. The language requires, absolutely requires that the newest and best technology of our oil industry, the American oil industry, be used at ANWR.

The gentleman from Utah talked about the ice roads. What we are going to do when we go into ANWR, if we are allowed to drill, if we are allowed to remove those resources and provide for the energy needs of our country, we will build a frozen sheet of ice, many feet thick, in order for the tractors and the vehicles to move in on. So that when in the springtime the ice melts, there will be no impact to the tundra. Absolutely none other than the small areas where the oil is actually extracted.

But that small impact has got to be weighed in balance, in a rational balance, with the needs of this Nation and the security of this Nation.

Mr. CANNON. Well, I thank the gentleman, Mr. Speaker, and I think the gentleman from Utah is now going to shift to some charts that actually gives us a sense of the proportions that are involved. Does the gentleman have the chart that shows Alaska as part of the United States? Because if I could ask the gentleman a few questions.

Alaska appears to me to be about a third of the land mass of the United States. And then we have that little yellow area up there that represents ANWR essentially.

Mr. BISHOP of Utah. That is ANWR, yes.

Mr. CANNON. Does the gentleman have the chart that shows what portion of ANWR we would have drilling in?

Mr. BISHOP of Utah. Yes.

Mr. CANNON. And if we could focus the camera on that, we would appreciate it.

So we have all of Alaska, representing about a third of the land mass of the United States. We have ANWR, which represents the little green peace, which expanded out indicates what is ANWR and then what would be the coastal plain. That coastal plain is tiny in comparison to Alaska, and the gentleman is actually touching that dot there, if the camera is focusing there at the top of his finger, a little tiny dot which represents the ANWR footprint, and down below there is a little square that represents about 2,000 acres.

That is how much land we are going to disturb; is that about right?

Mr. RENZI. That is correct.

□ 2200

We flew over the entire area, and the plane ride itself took just a matter of minutes, and we were in a prop.

Mr. CANNON. And that was for the coastal plane?

Mr. RENZI. That was for the coastal plane, the entire strip in the north.

Mr. CANNON. If I am reading this chart correctly, we have Dulles Airport, and I am not sure we understand what is going on in Alaska, but most Members of Congress know Dulles Airport, and that is a total of 13,000 acres. So ANWR is less than a sixth. The area that would be disturbed in ANWR for drilling is less than a sixth of the size of Dulles Airport. It is all right for us to have an airport and mess up 13,000 acres of trees, but we cannot let the people of Alaska or the people in the coastal area have a couple thousand acres that would develop jobs and energy for America that would displace 4 times over our dependence of oil on Iraq. That seems to me to be a no-brainer.

Mr. BISHOP of Utah. Mr. Speaker, in reading the letter of the mayor, it clearly illustrated what we sadly lack here in Congress, a common sense solution balancing the needs of the future and today with the heritage that is already there. They know it, they understand it. Using technology, they are ready to move forward if we just allow them the tools to do it, and they all can win. It does not have to be a lose/lose situation. It is a win/win. They understand that, and we need to gain that same insight.

Mr. CANNON. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PETERSON), and then I will speak about oil and gas and we will conclude at that point.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

I come from Pennsylvania where the first oil well was drilled. I live 5 miles from Drake's well. When we discovered oil in Pennsylvania, it changed the world. The whole industrial world as we know it today came about when oil became one of our energy sources. Since then, many energy sources have been added.

What do we need? Do we need ANWR, you bet. Do we need to open a lot of the west and other parts of this country that are locked up to oil and gas drilling, you bet. I am going to try to explain why. When we look at the consumption figures for the world, 39 percent of the energy used in the world is oil. And of our oil, 60 percent of that comes from unstable, unfriendly countries. That is certainly not a good position for a country like the United States to be in.

Mr. Speaker, 23 percent of our energy in the world comes from natural gas, and 23 percent of the energy that fuels the world comes from coal. Now when we add those three items together, that means 85 percent of the energy consumed in the world is fossil fuel. That is an alarming figure when we think about it. Eight percent of the energy consumed in the world is nuclear. Now we are up to 93 percent of our energy. That leaves 7 percent renewables. I support renewables every way we can support them. We need to do more hydro, we need to do more wood and biomass, ethanol, and wind solar. But when we look at the figures a little further, hydro is 3.2 percent so now we are at 96.2 percent of the world's energy. And when we add wood and biomass, we are now at 99.4 percent of the energy in the world.

I have been in so many hearings where people say if we would just stop holding back wind and solar, they would solve our problems. Wind and solar collectively is 6–10ths of 1 percent of the energy of the world. Am I for wind and solar, you bet. A company in my district has just developed some technical engineering that will help wind be far more efficient because it will automatically position the wind turbines so they face the wind properly. As the wind changes, they change. It adds to their efficiency. I am very proud of them for that. But the problem with wind is that it is only really available in a few parts of the world. Often those areas are far from transmission lines, and the wind only blows 38 percent of the time. The rest of the time we have to have a redundant source to take the place of the wind that is not blowing.

Mr. RENZI. Mr. Speaker, when I grew up in Arizona, so many people were talking about wind as being the next technology. So many people were implying that the wind energy that we receive would be cost efficient. Now I am hearing they want us to take down the windmills because it ruins the view shed.

Mr. PETERSON of Pennsylvania. The volume of wind turbines needed to supply a State like Pennsylvania would cover half of New England. The other part is that is not where the wind blows. In Pennsylvania they have found two places, up in the north central part of the State in my district and in the south central part of Pennsylvania. There are two areas where the wind is the best, and they have developed a wind farm at one and are talking about a wind farm at the other. Where the wind blows best in the far reaches of Texas where there are no transmission lines to get it out.

With solar, there are only a few places in the country where solar is regular, and there is no solar power at night, and the few parts of the country that have the majority of the solar available are in places where there are no transmission lines. If we double wind and solar in a 5-year period, we would be 1.2 percent of the energy needs of the world.

Mr. CANNON. Mr. Speaker, Members can see on this chart that we have the biggest amount of use of energy being petroleum. Natural gas is second; coal third; nuclear, unless we do something significant there, and I remind Members of the fact that we have dozens of nuclear reactors on battle ships, on aircraft carriers and on submarines that have been operating for 30 or 40 more years without an accident, and they have been run by 18 year olds. We know a lot about nuclear, and we are going to have to come back and consider that.

To the gentleman's point on hydropower, we have dammed all of the rivers that we are going to be able to dam. We will not have alternative power from hydropower. What we see is even if we doubled what we are anticipating, it would be irrelevant. We are not going to be able to do much with the huge increases in demand that we have in the future based on renewables. This is a graphic form to show what the gentleman is showing.

Mr. PETERSON of Pennsylvania. Mr. Speaker, what we need for the sake of our economy is we need reliable supplies of all energies, and we need to prevent spikes. The spikes from 2 years ago started us back into a recession. The spikes this winter are going to slow down our economy further. The one energy that is the greatest concern right now is natural gas. Many years ago in the last administration there was a decision made that coal was out and gas was in for electric generation. I personally am not a big fan of gas for electric generation. We used it for peaking power because I believe it has been the main source of home heating, commercial, and the main source for our industry, and it should be the main source for bus fleets and truck fleets in our city areas where we need clean air. The easiest conversion away from petroleum is natural gas for our transportation fleet. In my view, that would be a better use.

But what has happened in this country in just a few years, natural gas, not generally used for power generation for making electricity, now the gas being used in this country, 13 percent of the gas is for power generation; 14 percent of the gas fuels all of commercial in this country. So power generation has caught up with commercial in a 5- or 6-year period, and every day they are hooking up new power generation plants, and the rig counts in this country to produce the gas are not there. It is interesting, and I have a map here. I wish I had a blow-up of it. The dark blue on the map is where the energy is locked up.

Mr. CANNON. Mr. Speaker, if the camera will focus, this is it.

Mr. PETERSON of Pennsylvania. Around the Great Lakes, this Congress voted not to allow slant drilling under the Great Lakes, yet we are buying gas and oil from Canada who is drilling under our Great Lakes and selling us the product. It does not make much sense. But if natural gas is the new fuel for electricity and we want to keep it reasonable for home heating and we want to keep it reasonable for commerce and reasonable for our manufacturing and industries, we have got to have a greater supply of it. We cannot import natural gas.

A lot of people think we import natural gas from Mexico. Actually we buy some from them, but we sell more than we buy, so we are actually an exporter to Mexico. We do buy considerable natural gas from Canada, but about 86 percent of our natural gas that we use in this country comes from America, and our source and supply is dwindling because we as a Congress have locked most of those spots up, and some that are not on there, saying we cannot drill there.

Mr. CANNON. Mr. Speaker, this map shows that. We have some pretty significant reserves off the coast of California, the West Coast, and off the East Coast. But the yellow or orange sticker underneath here points out that 100 percent off the coast on either side of the map are tied up. We cannot tap that.

We have a pretty sizable reserve down in the Gulf of Mexico, but 56 percent of that is off limits, we cannot tap that. There are other areas, and I will point out the gentleman is correct, there is a great deal of gas under the Great Lakes where we are not now drilling and have prohibited ourselves from drilling, and so that leaves the bulk of the gas that we are going to use to heat homes. And somebody said 95 percent of our new generating capacity is gas, and it is gas because people say it is clean and we can get away with it environmentally. But where is the gas going to come from? Texas, which is a big producer of oil and gas, is building just gas generators. They are not going to export any gas in the future because they are going to run their own generators in Texas with that gas.

Unless we take that 40 percent locked up now and make that available and make the rest reasonably available in the near mountain west, we are not going to have gas to heat our homes and to generate this huge amount of new power that we are going to be generating with gas-run turbines in America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, in my district there are a number of caverns that are used to store gas for the New England area and the northeast. There are huge salt caverns that we pump the gas into in the summertime. The underground gas reserves in America are the lowest they have ever been historically. The concern is that with the amount of gas that we are using ongoing now to generate electricity, there is not going to be enough to fill them this summer. Last September we had the biggest, the largest amount of gas we ever had in this country. By late November, we had those reserves almost all used because we had an early winter and a cold winter all up and down the East Coast, and so we used more gas than usual.

The problem is right now the average gas price is somewhere between 5 and 5.50 a thousand. We were used to in this country $2 and $3 gas. It was $3 during the peak season in the winter, $2 in the summer when they would fill the reserves. We are now looking at filling reserves at $5 gas if we had it to put there, or $6 gas. When we raise the cost of doing business that much, double energy prices and more than double for large businesses that use a lot of gas, we will put them out of business.

Mr. CANNON. My understanding is that we have actually quadrupled.

Mr. PETERSON of Pennsylvania. It was at 19 at one point.

Mr. CANNON. Just in the last month we have been up to 19, so that reflects a lack of reserve. The gentleman said the reserves are at the lowest level ever. Reserves are a function of what we know is there.

Mr. PETERSON of Pennsylvania. No, the reserves I am speaking about are the caverns where we store storage gas. Not reserves. There are a lot of reserves in this country, but a lot of them are under those orange areas where we cannot drill.

Mr. CANNON. Reserves are a function of what we learn through science, and so reserves of oil and gas have gone up dramatically. We know that we had oil and gas in the ground at different places, and we did not have the technology to get it out, and so we did not count that as a recoverable reserve. We now have technologies that will get a lot more of that out, so our recoverable reserves have gone up on that basis, and also on the basis that we have explored more so we have found new reserves. So we have a couple of dynamics there.

But those reserves are discounted by what we can reasonably legally get to. I suspect, in fact, we are at an all-time low, as reflected in the high price of oil and gas, with the reserves that we have access to today not because we have limited them or we have not discovered more, but because we have taken those reserves that we have and we have legally limited access to those reserves.

□ 2215

Mr. PETERSON of Pennsylvania. That is correct. And if we do not up the drilling in this country, because we are only importing a small part from Canada, and then we import 4 or 5 percent of liquid natural gas, but we only have two places, one in Louisiana and I think one in New Jersey, where ships with liquid natural gas can come here. They liquefy it in other countries, bring it here and then put it back into gas form in the pipelines, and it is used, whether in our homes or commercially or business.

So we do not really have the options of importing gas like we do oil. You have to have a pipeline, and the only place the potential is up through Canada to ANWR. Now, ANWR is a huge gas supply. The ANWR field has tremendous volumes, but it is going to cost a lot of money and it is going to take years to build a pipeline to get that gas down to us.

But the problem we face in this country I do not think a lot of people are looking at. I have been watching it for 3 years as we started hooking up power generation plants. You can talk about an 18, 20, 24 inch high pressure gas line sucking gas out of our system. That heats a lot of homes.

This year we had very high home heating prices. Next winter they are going to be much higher, because there is really no solution to the problem. Everybody all of a sudden is panicking because the gas supply is much lower than they ever anticipated, and since global warming sort of left us out this winter and we have cold weather in April in Washington, we are using gas at an unprecedented rate now, so they are still drawing out of the underground storage, and there is going to be nothing in storage, and if we fill, we are going to be filling at very high prices, which are now $5 to $6 dollars a thousand.

Mr. CANNON. I would say to the gentlemen we have about 10 minutes left in this hour. It has gone quickly. I think which had some interesting information here. I would like to talk for about 3 minutes about the situation with oil and gas and other energy resources with some charts, and then I would like to let everyone take a couple of minutes to make some final comments.

If I can put these back up, if the camera would focus on those charts, we looked at this, and just let me briefly reiterate, we are going to use a lot more oil and gas and other energy. Some of those are limited. There are no more rivers that we are going to go hydropower on. In fact, we are going to get rid of some of the dams I think over time that we are using for hydropower. The non-hydro renewables, even if you quadrupled the amount of growth we are dealing with here, are not going to be significant in the next 20 or so years.

Nuclear could do something new and different, it could be very helpful in this process, but we are going to have to come to understand nuclear and the safety of nuclear.

Now, if you look at this chart, there are a couple of things that are really interesting about it. In the first place, you note in the seventies and early eighties, we actually had a decline in energy or oil usage. That happened for a lot of reasons. We had a slight recession back then. We also got cars more efficient. But, most importantly of all, we had businesses that had an incentive to be more efficient. So in virtually all areas you had a little bit of improvement in efficiency there.

Then we have gone up, if you see the line in the middle that shows the year 2000, essentially the present, we have gone from that nadir back up a little bit. While that energy has increased, let me just point out that our economy has almost doubled, so we have had a huge increase in output in our economy with a relatively small increase in energy.

But we have gotten a lot of those efficiencies out, and maybe we'll have more in future, but we now have a pretty good idea where we are going to go as the economy continues to grow and we have more demand for energy.

If we can focus on that chart, this is just the energy we use for the generation of power. So you note that the major source of power is from coal. The second major, historically, has been nuclear, which is now level. But you can see that green line of natural gas just spiking up. That is going to spike up because in America we have decided to use natural gas because it is easier to permit new generating facilities with gas than with coal, although we expect more coal generation over time. So we are going to have a big increase in natural gas for electricity generation.

But if you look at the chart, this chart now, this chart is about what percentage of homes are heated with various sources of energy. When you have got a little bit of blue in here developed by electricity, you see that is fairly constant over time. That is also generated increasingly by natural gas. But the vast majority of American homes are going to be heated by gas.

Owning a home is good. We just had a study that was released this last week that indicated the way kids do better in school is by living in a home with their families, as opposed to an apartment or other circumstances. The American dream is to own a home. We are going to heat our homes with natural gas. We need natural gas to do that.

That gets us back to our last chart. The bulk of the gas we are going to be using in America in the future is going to be in the inter-mountain west, and to get that gas we have to drill and we have to change the legal structure that allows us to drill there.

Mr. BISHOP of Utah. Mr. Speaker, if the gentleman will yield, we need obviously a comprehensive energy policy. Fortunately, we are going to have the opportunity very soon on this floor to vote on a common sense approach that provides balance by using local ideas and technology to provide for our energy needs as well as protect our environment.

But the question I have, especially if you go back to the chart that you just placed down there on the ground which shows where the future is, if we turn our back on this comprehensive energy policy, if we do not provide this kind of balance, looking at how homes are being heated right now, what is the future for my kids? What is going to be their future as they go out and try to develop their own homes, if we do not do something with the comprehensive energy policy now?

Mr. CANNON. They are either going to be cold, and we know what happens to caribou when they are not warm. If you recall earlier, the gentleman from Arizona (Mr. RENZI) pointed out that the heat from the pipeline has increased the number significantly. Or they are going to be paying an arm and leg for heat in their homes. And that is, I do not think, an acceptable alternative.

I yield to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I will be quick. I would like my last statement to go back and reiterate what I saw during the last 3 days when I was up there in ANWR. I would like to go back and let the American people know what the people in Kaktovik really want. I spoke about my 81-year-old elder friend, the whaling captain. I spoke about the mayors and city councilmen.

Let me speak about a young woman named Morgan who is the student body president of the high school, who wrote a letter. She started off by thanking us for coming to her village.

She said, "Personally I think that ANWR should be opened, because I think that we as a community would benefit greatly from it."

She says, "I support the decision that we, the Kaktovik people, need to be involved, because it is us who knows best, us who knows best how to use the land. It is also important that other people from around the country, as well as yourselves in Congress, know that we are a community that uses the land around us for everyday purposes, that we care just as much about what happens and only want to see the best."

Finally, here it is: "It is our responsibility to look out for what is in the best interests of our community, rather than a person who is trying to take it over and not make it ours."

What Morgan is talking about is the idea that rather than work together and solve the energy needs of America by environmentally sound methods, extracting the oil and the energy from ANWR, that we would pass a bill, a different bill than our energy bill, that would create a wilderness area, would lock out the people of Kaktovik, would lock it out for their food and resource needs, as well as the needs and the oil that lies underneath their very feet.

I thank the gentleman for the time tonight and the ability to communicate the needs of the Kaktovik people to the American people tonight.

Mr. CANNON. I thank the gentleman, and the gentleman from Utah (Mr. BISHOP). We appreciate their contributions tonight. As members of the Western Caucus, we thank them for being here.

I yield the last couple of minutes to the gentleman from Pennsylvania (Mr. PETERSON) to wrap up for the evening.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I think it is very vital that we pass an energy bill in this Congress and pass one that is meaningful. We must continue to improve efficiency and conservation of our energy use. I think in electricity we need to veer away from natural gas and go back to clean coal and nuclear for the interim, because if we continue to use natural gas as we are, we are going to threaten home heating. Gas should be saved for affordable home heating, commercial, industrial, and should be used for mass transit in our cities, which would help clean air there.

Oil should be replaced in transportation as quick as we can, whether it is hydrogen fuel cells, the new cars that use multi-fuels or whatever, because we only have 2.5 percent of the world's oil and basically our transportation is funded with oil, and we do not have a long term source of oil.

We need reliable supplies of all energy sources to prevent the price spikes. Why do I say that? Every time we have energy spikes in our country, we have a downturn in our economy and millions of Americans lose their jobs. Seventy percent of our economy is commerce, and when you take money out of home heating budgets, if home heating prices double, when transportation prices for driving our cars spike at the same time, all of that spending comes out of commerce. People do not go and shop, people do not go and spend money, because they have already paid it to their energy sources.

It is vital for the business future of this country, for the home heating efficiency of this country, for an economy that is reliable, we need reliable supplies of all kinds of energy. It will not be easy. We are going to have to do a lot of things differently than we are today. We will have to change a lot of our priorities. It is vital to the future of this country.

If there is one thing in my view that threatens the economic future of America, it is the lack of reliable, affordable energy prices that our businesses and our homes and people can use to fuel their homes and our businesses. Without that, our economy will be very difficult.

ENERGY CHALLENGES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for one-half the time remaining until midnight, or approximately 40 minutes.

Mr. INSLEE. Mr. Speaker, I have come to the floor tonight to talk about the energy challenges facing America and the opportunities that we now have before America and to advise the House that this afternoon, along with support of about 40 Members of the U.S. House, I introduced an amendment to the underlying energy bill which could be on the floor tomorrow that would give America a new Apollo Energy Project that would give America an energy program that is befitting the boldness and can-do spirit of this country. I will come back, in a moment, to explain why it is called the Apollo Energy Project.

Before I do, I thought I should address what the challenges are to America and our energy world. They are three. They are really quite obvious, and I think that they are well understood by Americans and accepted by Americans on a consensus basis.

Challenge number one: Our Nation has an addiction.

We are addicted to oil from the Mideast. We are addicted to oil from one of the most turbulent, incendiary, dangerous parts of the planet in the last couple of centuries. This addiction, in all administrations, Democrat and Republican, has resulted in a foreign policy not to the security interests of America and not to the interests of spreading democracy in the Middle East.

Americans understand that, both in their head and in their gut, because they know that the policies, for instance, in Majlis, in the Saudi Arabian Royal House, is they have refused to cooperate fully in the war on terrorism and in fact have allowed certain elements in their society to support terrorism without cracking down on it. Americans understand that the reason for that is because of our addiction to Middle Eastern oil, and they realize that our foreign policy has been tainted, has been poisoned, by this addiction. And Americans understand that breaking that addiction perhaps is job number one for an energy policy of America. That is the first challenge.

The second challenge is to deal with the phenomena of global warming. Americans now have come to understand overwhelmingly that when we place into the atmosphere pollutants from our burning of fossil fuels, by necessity these pollutants have caused a huge proliferation of global gas emissions to increase the rate of these gasses that warm the planet and the atmosphere.

Americans know if we are going to continue to burn fossil fuels without using new technologies to trap these pollutants, we are going to continue to increase the increase of carbon dioxide and methane and other global warming gasses in the atmosphere. Americans know if we do that, that these gasses are sort of like a blanket, they trap infrared radiation escaping the Earth and will be warming the planet for the next century.

Americans are concerned when they see what has happened as a result of global warming already. They know that in Glacier National Park, where we had 150 glaciers about 100 years ago, we now have 50, and we are projected to have no glaciers, no glaciers, in Glacier National Park in the next century if trends continue. We will have to rename it "Puddle Natural Park" I suppose.

Americans have seen the melting of the polar ice caps, the reduction by 10 percent in breadth and 40 percent in depth of the arctic ice cap; the melting of tundra in Alaska, where dead Indians are popping up out of graveyards because the tundra has melted.

□ 2230

We have seen the extraordinary increase in dangerous weather in the continental United States that is associated or could be associated with this phenomenon. We know that we have a responsibility to our children to stop our proliferation and contribution of these global warming gases and that we can do so. That is the second challenge.

The third challenge is an economic one, and the challenge is that we know that technologies always are continuing to grow, and we know that because of this challenge in the Mideast with oil and because of global warming, people are going to want new technologies for new sources of energy. The problem is that we have kind of a gap, we have a technology gap, because we are losing jobs right now in the new energy technologies to Germany for solar, as Germany now is the leading solar manufacturer of solar chips; to Japan with hybrid vehicles, as Japan is now leading us in the production of fuel-efficient vehicles; and to Denmark, a small European country that now is leading the world in the production of wind turbines, and these are jobs that belong right here in the United States, not to be lost to our economic competitors. We have a job loss phenomenon because we do not have an energy policy that is forward-thinking. We have an energy policy that looks backwards.

Well, today, Mr. Speaker, we offered an amendment for a new, bold, visionary energy policy, and we call it the New Apollo Energy Project. We did that, inspired by a former member of the U.S. Congress who, on May 9, 1951, walked down this aisle right here and he walked up to the platform and addressed a joint session of the U.S. Congress of the United States. That night, John F. Kennedy challenged America to go to the moon within 10 years and bring that man back safely to earth. At the time, he challenged America to exercise its can-do spirit. People thought that was a little bit nuts, to send, at the time they were thinking of a man, to the moon and bring him back within 10 years. That idea stunned people at the precursor of NASA thinking, how the heck are we going to do that?

But John Kennedy knew something about the character of America. He knew that when Americans recognized a challenge and were rallied to a cause, they could produce like no culture in human history, and this American culture responded with technological innovations which led the world in using our can-do spirit to create new devices, new software, new computers, new rockets, new navigational systems, new satellites that were unheard of before John Kennedy asked America to accept that challenge.

That is exactly the type of challenge which we need to give to America tomorrow when we adopt an energy policy.

Mr. Speaker, the reason I have, along with my colleagues, offered this New Apollo Energy Project is because unfortunately, the underlying bill that we seek to amend is timid, it is slow, it is too little, it is too late, and it is a package deserving of some country less than America, because it fails to cut the mustard in dealing with the 3 fundamental challenges of energy that this country is facing.

Number 1, it fails to give America any hope whatsoever to break that addiction to middle eastern oil. Second, it fails to give America any hope that it is going to deal successfully with this challenge of global warming. Third, it fails to give America any hope that we are going to bring those jobs back to America that now are going across the waters to countries that recognize, are recognizing these new potentially job-creating economies.

So we have introduced this New Apollo Energy Project to introduce those 3 challenges.

I want to discuss the difference between this proposal, which we would be proposing at this moment by Democratic Members of the House, and we hope that Republicans will join us tomorrow or the next day when this bill is voted on; I would like to talk about the differences between the New Apollo Energy Project and what I believe must be characterized as a timid, half-measure project that is in the underlying bill.

The first thing that our New Apollo Energy Project will give America are goals. I guess it has been said by other folks, if you do not know where you are going, you will probably get there. We need to have goals like Kennedy set for us in 1961, because unless we set those goals, we will surely muddle along and not make significant progress.

So what we have done in this bill with this amendment, which will be on the floor tomorrow, we hope, we have set some goals for America and we have set these goals so that they are both ambitious and reasonably achievable. And we have set these goals by looking at the existing technology, looking at what we have today, looking at the scientists and the scientific evaluations that seemingly may be possible in the future. Let me address some of those goals.

Number 1, we have set a goal that by the year 2010, America will adopt, and the President will help implement through very flexible means at his discretion or her discretion, the goal of reducing Americans' dependence on oil in our total energy package by 600,000 barrels of oil a day by 2010 and a little over 2 million barrels a day by 2015. Now, why do we pick those numbers? We do so out of an acute recognition of the costs of our addiction to Middle Eastern oil. The first figure of 2010, if we reach this target, which I believe is imminently achievable through ways I will talk about in a moment, we will replace the amount of oil that will be produced by Iraq. If we meet this goal by 2015, we will eliminate the need for the oil produced by Saudi Arabia, essentially the largest producer in the world.

Now, why is this important? It is important because right now, we already are depending on 55 percent of our oil coming from foreign sources, and that is expected to rise over 60 percent by the end of the decade. Half of that comes from the Mideast. That is the addiction we have to break.

So we have set this realistic goal, and if we look at the Department of Energy assessments, we will see that this is a realistic goal.

The second goal. We have set forth a goal for America, which again is a reasonable and achievable one, to reduce our contributions to global warming gases that we put out from burning fossil fuel by the year 2010 to essentially 1990 levels, of what we were putting out in 1990.

Now, that is less ambitious than the Kyoto Treaty. It is less ambitious than most other civilized nations have agreed to in the Kyoto Treaty. But we have sought to have a goal that every single Member of this House ought to be able to embrace. If folks do not like the Kyoto Treaty, then they ought to agree with us to set some goal, and we have put on the table the goal, the democratic folks who have been working on this bill, and I hope my Republican colleagues will rise to the challenge and embrace this goal for America. Because if they do not, they are dooming our kids to a place that is different than we knew when we grew up.

We are telling our kids that they can just accept 2 to 8 degree increases of global mean temperatures over the next decade. We can expect them to see the increase of infectious diseases move north: Malaria, encephalitis, Dengue Fever. We can expect to see droughts in the western United States, somewhat similar to what we have experienced in the last 2 or 3 years. We can expect to see a lessening of the snow pack in the Cascade Mountains, which can reduce the ability to irrigate our fields in eastern Washington. We can expect to have an America that is not the kind that we had when we were children. We need to set this goal.

Third, we would set a goal of creating 1 million new jobs in these new infant industries which can be so beneficial in helping America reach their economic potential. Wind turbines, solar, clean coal, thermal incline facilities using the thermal temperatures in the oceans, energy efficiency systems, efficient cars. All of these, a whole basket full of new jobs for Americans that ought to be here rather than Denmark, Japan, and Germany. So we intend to set those goals and we have done so.

The second feature of our plan. We know that this is an ambitious challenge. Let me tell my colleagues how ambitious it is. Three weeks ago, or 2 weeks ago, an article came out in Science magazine that suggested that by the end of this century, if we were to expect to hold the rate of global warming to about 2 degrees over the next century, to just limit it to that amount, not stop it, but limit it to that amount, we would have to have somewhere between three-quarters and 100 percent of our energy produced by nonCO2-emitting industries. That is a big challenge. Now, it is over a century, but it is still a big challenge. So this is an ambitious undertaking that we have to face for a variety of reasons.

So in doing that, we need to embrace a whole host of solutions. There are no silver bullets to our energy policy. But we have to be bold and visionary and break the habits of our old ways and our old industries, at times, in order to reach these goals of more self-reliance in energy.

So let me talk about some of the ways we propose doing it. First, let me say we want to address new sources of energy and we want to address old sources of energy. Let me address the new ones first just briefly, because they are things that are not yet seen, just like in the 1890s, the internal combustion motor was only a tiny part of our total energy consumption, our production. And if we looked at charts, we would say, well, is the internal combustion engine going to mean much to America? At the turn of the century, it was only a few percentage points of our production, but it changed us dramatically. The same can be said, I believe, of the new emerging technologies that can help produce energy—wind energy and wind turbines.

Mr. Speaker, wind turbines now are economically competitive with electricity produced by other means. We are building North America's largest wind turbine farm in southeastern Washington, enough to supply energy for thousands of homes at a competitive price. And the Department of Energy studies have shown that the potential for wind energy, assuming that this becomes economically productive, as much as in the Midwest alone could potentially generate enough electricity for United States consumption needs. Now, those prices are becoming competitive, particularly with the modest tax breaks that the industry now takes advantage of.

This is happening around the world. When I was in Denmark a couple years ago, I saw them producing 15 percent of all of their electricity with wind turbines, some of these 300-foot-long blades that are outside on the ocean, outside of Copenhagen. They intend to have 50 percent of their electricity produced by wind power by the end of the decade, and they are going to reach that. We have that alternative to do also, if we will give this industry some of the modest help to get off the floor and get into the mass-scale production that we need. I look forward to that day.

Solar power. Solar power at this moment is not economically competitive at this moment, except in certain circumstances. But the facts have shown that every time we increase the rate of production of solar units, the price can get cut by as much as half, and we believe, by ramping up, by obtaining the scales of economy of production of these solar units, we believe they have a realistic possibility of being economically productive by the end of the decade, if, if Uncle Sam will pull its head out of the sand on this issue and help this emerging technology along.

Now, there are just a couple of new technologies, but let me talk about some of the old. Coal. Coal right now, we have enormous supplies of coal in this country as a domestic fuel supply, but a problem with it is that at the moment, it contributes enormous pollutants in the form of carbon dioxide, which is one of the global warming gases that we have that are so problematic for the future climate of the world.

□ 2245

The question arises, why do we not just trap the carbon dioxide? Let us trap it. The fancy word for that is sequestration. We in our bill have put research and development dollars in to study the opportunity of trapping or doing carbon dioxide sequestration and perhaps injecting it back into deep mines or potentially the ocean, although there are environmental challenges there, to try to be able to use coal without marring the atmosphere.

There are some real challenges to doing that technologically; but given the enormous challenge we have over the next century, it seems to me that it is an appropriate expenditure of research dollars to see if we can make progress in that regard.

One of the simple things to say about energy is that the best way to produce energy is to use it efficiently. I believe a very significant portion of our solution to our energy needs, although not talked about, although not quite as romantic as wind, solar, or various other fusion technologies and the like, it is going to be a very significant part of our savings, and that is to use energy efficiently.

Let me tell Members how important that is. Look at Seattle, Washington. I come from Seattle, and represent the north Seattle area. Seattle, Washington realized it was going to start to have an energy crunch in the mid-1990s. The folks in Seattle, instead of just rushing out and producing more CO_2 emissions, they decided to see what they could do to use energy efficiently.

They adopted some very commonsense measures in Seattle to have incentives for better building code standards, to have incentives to use energy-saving lighting, to have incentives to use energy in a more efficient way for advertising, for instance; very simple things.

The city of Seattle saved enough energy, enough electricity, to heat and light 58,000 homes in about 3 to 4 years; 58,000 homes in a city of 1,000,000 or thereabouts. That is an amazing statistic, doing something that did not change anyone's lifestyle in a deleterious manner. Everyone enjoyed the same lifestyle. Before the bubble burst, Seattle was a pretty chic place to live, and I still think it is a great spot, without any degradation of our lifestyle.

In our bill, we have called for a number of measures, essentially, to get efficiencies on how we use energy.

Look at our transportation sector. In transportation, we did some very farsighted things in the 1970s. We adopted measures to raise the fuel economy of our fleet of vehicles, and it was successful. We raised it almost 10 miles a gallon, probably 8 miles a gallon or the like, in our fleets of vehicles.

Then, in the 1980s, that stopped. That rate of progress that America was making came to an absolute halt. It is interesting, because if we had simply continued to increase the rate of improvement of mileage in the cars we were driving through the 1980s and 1990s, we would have replaced all of the oil we buy from Saudi Arabia today.

Just think of the opportunity we lost in not continuing those efficiency increases. Now we have to start again on the road to efficiency increases, and in our bill we have not proposed a specific efficiency standard, what is called the CAFE standard, the Corporate Average Fuel Economy standard; but we have created a goal that would give the President a flexible tool in one manner or another to save 600,000 barrels a day by the end of the decade, and that is a realistic goal. Heaven help us if we cannot use our brains enough to increase the efficiency of our transportation sector.

Since the 1980s, when America stopped because Congress stopped improving the fuel efficiency of our vehicles, since that time virtually the entire computer and Internet industries have developed, the biomedical industry has just essentially been created from scratch, and we have had these tremendous technological advances, but the cars we are driving get less mileage today than they did in 1984. That is simply wrong.

The Republican approach has not offered, in this bill, any solution to that failure; we have. I am hoping some of my Republican colleagues will join us in fixing that problem.

Let me address the hydrogen economy, if I can. Many of us were pleased to see the President in his State of the Union at least mention the possibility or the prospects of developing hydrogen-fueled vehicles. Many of us believe that is a bright future for the country to develop a fuel cell-driven car; but it is a ways off, of course, to develop the technologies, particularly for the infrastructure to fuel those cars.

Unfortunately, upon reflection, we found that the President's and my colleagues', the Republicans' plan, has this enormous loophole, this bridge between here and the future that is simply down. That is the bridge between us and the production of hydrogen; because we could have everybody in America have a hydrogen-fueled car in our garages, but it does not do us any good if we do not have any hydrogen. The President totally failed to give us a way to produce hydrogen. The Republican bill tomorrow gives us a total failure of a way to produce hydrogen.

What we found was this President's allusion to hydrogen was really a failed allusion of an energy policy. I regret to have to say that, because it is a biological fact hydrogen does not grow on trees; it has to be produced. It has to be produced through electrolysis of removing it from water molecules. We have to use electricity to do that. We have to have some way to generate the electricity, or it has to be stripped off from a fossil-based fuel system in some process which also takes energy.

So the fact of the matter is, although a hydrogen car is a good idea and the research to produce it is a good idea, we have to grab the bull by the horns and figure out how to produce hydrogen. The Republican Party is not telling us how to do that. We will offer proposals in our bill, in the New Apollo Energy Project, how to do it.

The reason we will do that, do all of these things, relies on a fundamental character belief in the "can do" spirit of America. If you believe in this new Apollo project, you are an optimist; if you do not, perhaps you are a pessimist.

We are optimists because we believe in the "can do" spirit of this country. When we roll up our sleeves, we get it done technologically, but we do not if the U.S. Congress sits here in the posture of an ostrich with the head in the sand and our tailfeathers in the wind, rather than the American eagle. That is the posture we want the U.S. Congress to take, of the eagle with a can do spirit.

Some of my colleagues earlier this evening were talking about one of the provisions in the Republican bill would purport to solve this problem by drilling in our Arctic wildlife refuge that was established as a wildlife refuge by Dwight David Eisenhower way back when. It was established to be a wildlife refuge. It has been one ever since.

I think that there are several comments I have to make, because I know a little bit about this. I was up in the Arctic wildlife refuge the summer before last. Just to give Members who have not been there a brief description of it, I have been to Yellowstone, I have been to Glacier National Park, and my parents used to work in Mount Rainier National Park in Washington State. I have been to the bayous of Louisiana and I have been to a lot of beautiful places in this country, but I can warrant in the 4 days I was camped on the banks of the Achelik River right next to the area they want to turn into an oil production facility, it is one of, if not the most, spectacularly biologically dynamic beautiful places in America.

The wildlife is spectacular like no place I have ever been, and for 24 hours a day, because the sun is up 23, 24 hours a day, there are birds singing, there are grizzly bears walking, there is caribou snorting going right through your camp. That place is the most spectacularly exciting place I have ever been, just to be.

For Members to come here and describe it as some sort of wasteland that we should toss aside like a piece of sort of litter from the American political structure is just wrong. It is a beautiful, beautiful place, and it is a special place. That is why a good Republican environmentalist, Dwight David Eisenhower, set it aside for future generations as a wildlife refuge.

A couple of things about this. Number one, although we know increasing production domestically is an element of this, and we have in our bill proposed increasing domestic production of oil in some of our wells, we have some tax incentives to improve the efficiency and productivity of what are called marginal or stripper wells that are now in marginal production domestically in the United States. We have a variety of things to do to help technologically to increase the oil production from wells in the continental United States now.

But the sad fact is, we cannot rely simply on oil production as an only or major source of solving this problem. The reason is that while we consume 25 percent of the world's oil, there is only 3 percent of the world's oil reserves in the continental United States. We use 25 percent, but we only have 3 percent of the world's reserves.

The Creator did not put enough dead dinosaurs under America to solve this problem simply by oil production. That is why we cannot rely on the Arctic, which is only about somewhere between 6 months' and a year's worth of production, and which would not be on line for 10 to 12 years, in any event.

There are two pieces of this puzzle that my friends across the aisles left out. Number one, they talk about this, that they will only put a 10,000-acre imprint or footprint on this beautiful area. I have been to Prudhoe Bay, and I can tell the Members that it looks more like New Jersey than it does Yellowstone National Park. We do not need that in the Arctic wilderness refuge.

They say it is only 10,000 acres on this, what they call the imprint where the industrial sector would meet the tundra. The problem is, everything is built in Alaska on stilts, and the only thing they count in that 10,000 acres is where the stilts touch the ground. It is sort of like measuring how much your furniture in your office covers your office by where the little corner of your desk leg touches the tile. That is a gross distortion. This place is going to look like an industrial production plant if this wildlife refuge is destroyed by making it into an oil facility.

I realize that not a lot of Americans are going to see the Arctic wilderness, wildlife refuge. It is very remote. But I think a lot of people think of this sort of like the Mona Lisa. A lot of Americans will not see it, and maybe it is only like putting a little small mustache on the Mona Lisa to put this 10,000 acre industrial plant; but it is a mustache, nonetheless, and it would not look good on the Mona Lisa, and it is not going to look good on the Arctic National Wildlife Refuge.

The best argument I heard about that is from a young environmentalist constituent of mine from Bainbridge Island, Washington, his name is Sam Zuckerman. Mr. Zuckerman told me that in his view, we ought to leave it for the kids and our grandkids. I think Mr. Zuckerman is right, that we should do so. I think that is the American sentiment.

I also may note that the people who live in the area are divided on this issue. The native Americans who live in the Arctic village who depend on the caribou herds, which potentially could be threatened by this development, are adamantly opposed to this. But we ought to know this, this refuge belongs to all Americans, not to any one of us. All Americans should have something to say on this. All Americans ought to have the opportunity to give this spectacular place to their children and to their grandchildren.

With that, Mr. Speaker, in conclusion, I just hope that in the next day or two while we are talking about energy in this Chamber that our effort to have this new Apollo energy project will be joined by some of our Republican colleagues.

We ask for their assistance in passing this, because America needs something more than half measures. We cannot break our addiction to oil with baby steps. We cannot solve the global warming problem with baby steps. We cannot grow the U.S. economy by these half measures that are now proposed in the Republican bill.

□ 2300

It is time to embrace and use the American talent for technological innovation. And it is time for the U.S. Congress to recognize both the challenge and the promise of what America can do when it comes to developing these new technologies.

There is a group in Lake Union, Washington called MagnaDrive, some former people from Boeing run it, and they have developed an electric motor coupling device which can increase the efficiency of an electric motor of about 30 percent. A fellow came up with this technology literally in his garage from Port Angeles, Washington, and now they are selling this to various building companies for their air conditioning systems to improve their electric efficiency.

We are going to solve this problem by 10,000 new inventions like that, by asking Americans in their garages, in their large corporate research and development facilities, to bring us into the next century. So I hope tomorrow or the next day we will indeed adopt this new Apollo energy project to give us, not an energy program for the last century, but one for the next century that is befitting the can-do talents of the American people.

UPDATING THE WAR WITH IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes or until the hour of midnight, whichever comes first.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank you for recognizing me, and I will not take the full hour, but I rise this evening to discuss and put on the record some concerns about the current war and about where we are going and some problems that we will face in the future, and I hope to lay these comments on the record so that our colleagues can use them for the basis of discussion and perhaps action over the next several weeks and the rest of this session.

First of all, Mr. Speaker, what we saw today on our national television around the world is a complete vindication of the efforts of our President, our Secretary of Defense, our Secretary of State, the National Security Advisor, and most importantly our military. We heard nothing but shrill rhetoric coming out of this city, and in some cases coming out of this body, from those who said that military action was not justified and that it would not be successful.

Now, granted we have not completed this action, Mr. Speaker, but here we are 3 weeks after the actual military conflict as begun and we now have secured a major portion of Iraq and the capital city of Bagdad. Saddam Hussein is on the run. He either has been killed or he is hiding like a coward and is looking for a way out, perhaps in the neighboring country of Syria.

But, Mr. Speaker, through all of this our military has performed in an absolutely astounding manner. The brave men and women of America who went over to serve have done an absolutely fantastic job. Our hearts and our sympathies go out to those family members of those brave Americans and British troops who paid the ultimate price and to those hundreds who have been injured and have received casualties because of this conflict.

But in the end, Mr. Speaker, the plan established by our Pentagon leaders was a valid plan, is a valid plan, and, in fact, has accomplished not only what we could have in our wildest dreams imagined and expected, but it has even surpassed our expectations in the success, in the efforts to secure the oil fields, to open the port facilities, to prevent missiles from being lobbed into Israel and Jordan and Kuwait which we knew the Iraqis wanted to do, to show the people of Iraq in all the cities that we are there not to dominate or take over their country but rather to liberate them and eventually turn the country back to them so they can elect their own leaders in free and fair elections.

Mr. Speaker, as well as things are going we must also look to where we are going to the future. And I mention that because we need to continue to pursue several other issues. The first of which is the request to convene a war crimes tribunal, not just to hold Saddam Hussein accountable but to hold the leaders of his regime accountable.

Several weeks ago, Mr. Speaker, I introduced legislation which has received scores of Members who have co-sponsored it to create such a war crimes tribunal. Yesterday, Senators SPECTER and BAYH and I announced the reintroduction of a concurrent resolution between the House and the Senate that calls for this war crimes tribunal. We hope to have this legislation passed both bodies within a matter of weeks. And the legislation specifically focuses not just on the well-documented war crimes of Saddam Hussein himself, but also of those leaders in his entourage and those military leaders and those military police and thug leaders who have increased the amount of atrocities they have committed on the innocent Iraqi people, our POW's and our troops over the past 3 weeks.

Mr. Speaker, I am talking of people like Tariq Aziz. Tariq Aziz has been invisible over the past several days. I met the man over a decade ago when we had the attack on the USS *Stark*. I know him. And I want our colleagues to go on record as saying that, Tariq Aziz, you will be held accountable. You will not be able to walk away from this conflict because you publicly on international TV supported the types of activities that were used in direct violation of the Geneva Convention that resulted in the deaths of Americans POW's. And, Tariq Aziz, wherever you are, you will pay the ultimate price if it takes us the rest of our lifetime to track you down and put you in the proper attitude of a criminal court, much like we are trying Milosovic right now in the Hague.

Mr. Speaker, it is important that this war crimes resolution be brought up on the floor of this body and the other body to send a clear and unequivocal signal to the leadership of what is left of Saddam's regime that they will be held accountable for what they have done and for what they continue to do. The best thing these leaders of a former regime in Iraq can do is to lay down their arms, turn over our POW's, blend into society and admit, in fact, that Saddam's regime was oppressive and out of control. And if they do that and if they do not commit war crimes, then, in fact, they will not be held accountable under this action. But we will pursue those people who have, in fact, committed war crimes. And, in fact, we have asked our military and our allies to document, along with the Iraqi people, to document dates, times, places, so that in the end justice will prevail for the years and years of human rights abuses that Saddam Hussein and his regime have perpetrated on innocent people. And especially in recent times on our POW's and our soldiers who were sucked into situations where people were pretending to be coming forward in a gesture of surrendering, hiding behind the garb of civilians only to inflict serious wounds and killings on our troops. All of which is unacceptable under the international rules of conflict. So, Mr. Speaker, this is an item that I would hope all of our colleagues would support.

Mr. Speaker, I also want to address the cost of this conflict. As the vice chairman of our Committee on Armed Services and the chairman the Subcommittee on Tactical Air and Land Forces which oversees the bulk of our procurement dollars for the military, we are facing a crisis. We have used significant amounts of ammunition in this conflict. We have tested the machines and equipment from helicopters, to tactical aviation units, to our ships, to our ground combat vehicles. There is need for repair, upgrades, improvements and replacements of this equipment.

Now, granted, Mr. Speaker, the emergency supplemental that President Bush asked for that has passed this institution will go a long way to meet those immediate shortfalls that have to be taken care of; but, Mr. Speaker, we are beginning, when we return from this two week period, to mark up our defense authorization bill for fiscal year 2004. And, Mr. Speaker, we have serious problems. We are going to have an extremely difficult time in meeting the kinds of resources challenges that will allow us to motivate an increase in our ship building program, to continue to purchase those unmanned aerial vehicles, to move forward in our tactical fighter programs, the FA–18, the joint strike fighter and the F–22, as well as continue to pursue missile defenses like the PAC–3 that was so successful in this conflict, or THAD or our international missile defense capabilities.

To do all of those things is going to require us to be extremely prudent in how we spend the Defense Department dollar. And I want to send out a signal to our colleagues that many have come forward and ask for specific add-ons in our defense bill this year. In fact, within the jurisdiction of my subcommittee alone, Mr. Speaker, I have received requests from our colleagues on both sides of the aisle that total $14 billion above what the President has asked for. Now, in the past we have been able to meet the needs of many of our colleagues as long as, in fact, their priorities have been requested and are supported by the military services.

□ 2310

Our policy has been and will be in this new markup process in May that we will not be able to even consider requests for add-ons where the military services have not, in fact, indicated their support. To plus up that kind of funding would, in fact, be a gross disservice to the men and women serving our country.

To our colleagues I say, during the next several weeks and months, we are going to have to make some difficult decisions about which priorities we, in fact, can fund.

It is also going to provide, Mr. Speaker, a unique opportunity for us. I think there are some ways that we can, to some extent, revolutionize some aspects of our defense spending and free up some money that can help us meet the shortfalls caused by the war.

Within a period of several weeks, Mr. Speaker, I will be coming out with a new initiative that I have discussed with my colleagues in this body on a number of occasions, but I hope it receives strong bipartisan support that will unleash the power of the private sector to privatize much of our military base housing around the country.

Currently, and what has been the practice in the past, Mr. Speaker, is that we use taxpayer dollars to fund the construction of new family housing and barracks units for our troops. These construction projects are extremely expensive, very inefficient and oftentimes, because we do not have the funding to maintain them, within a matter of a few short years, these housing units become extremely costly to operate and, in fact, have serious problems.

The private sector, which for years has been developing university housing for our university campuses and other types of private sector funding, have come forward and told us as they have shown to both the Army, the Marine Corps and the other services, that they can take the needs that we have in housing, and using private funding that they secure from private sector lending institutions, they can finance the actual construction of brand new family housing units and barracks units on any base throughout this Nation.

In taking this approach, it negates the need for the Federal Government and our Defense Department to put the funding up front to build these homes. In fact, the private sector will come in, design the homes, family housing, barracks units, to the specifications of our military, will abide by contracts such as those that have been developed especially by the United States Army and allow us to build state-of-the-art housing units with all of the amenities that are even much more improved over what exists today, as well as providing infrastructure in the form of water piping, sewer system, playgrounds, swimming pools and community centers, and do it all within the cost of what we are currently spending in terms of housing allowance for our troops.

By taking a bold initiative, Mr. Speaker, as I will present and offer over the next several weeks, we can, in fact, put into place a multibillion dollar 5-year housing renewal program for our troops. This multibillion dollar program, which could see as much as $20- to $50 billion of new housing, is a real shot in the arm for our local economies, provides brand new state-of-the-art housing for military bases around the country, totally funded with private dollars.

By doing that, giving the upgraded housing to our troops so that we can maintain and increase the quality of life for their families and for these troops that will be coming home from Iraq, by taking those actions, we can then reduce the military construction budget where we spend between $2.5 to $3 billion every year. That money then, Mr. Speaker, can be channelled into those program shortfalls that we are going to have to meet this year because of the Iraqi war.

In addition, Mr. Speaker, we are going to have to be prepared in this body to support the President in aggressively asking our allies, those that especially did not provide troops in that 50-Nation coalition, to put money on the table to help us defray some of the costs of this conflict.

In addition, Mr. Speaker, the revenues realized from the sale of Iraqi oil also should be used, especially to help in the beginning of the rebuilding of Iraq and the stabilization of Iraq's infrastructure and their economy, and that should begin immediately by using the frozen assets that President Bush and the administration have frozen over the past several years.

Mr. Speaker, we talk about reconstruction of Iraq. We need to understand the activities in rebuilding Iraq, while led by the U.S. and Great Britain, and I fully support that process, must also involve the Nations of the world. I think it would be extremely shortsighted for us, as much as many of us have very serious reservations about allowing those Nations that were not a part of our coalition benefit, I think it would be a serious mistake for us if we did not allow the U.N. to play a constructive role.

First of all, Mr. Speaker, Nations of the world, along with the U.S., have frozen over $6 billion of Iraqi funds that are currently being held in banks around the world. That money cannot be accessed unless all the Nations of the world are a part of a coalition with us. So I encourage the administration, as Secretary Powell and as the President has stated, to work together with the U.N.

Make no mistake about it, Mr. Speaker, I think the U.S. and Great Britain and Australia should play the lead role, and I think our companies and our consulting contractors should have an edge over those other contractors and Nations that did not see fit to support the liberation of the Iraqi people.

Let me talk about the three most prominent Nations that did not support us in this effort, Mr. Speaker, the first being Germany. Some would say that we should not allow Germany, France and Russia to play any type of role in a post-Iraqi renewal. I think we have to look at this very carefully Mr. Speaker.

In the case of Germany, she has been a long-time ally of ours, and if we look and listen to the leaders of the German military, if we listen to much of the mainstream political leadership coming out of that Nation, it is very supportive of the U.S. and our position. My own feeling is that our problem with Germany resulted from a regime that today is very unpopular in that Nation, and I think the feeling towards Germany should be focused on the leadership of that Nation as opposed to the German people. They continue to house significant amounts of our troops and our military bases in Germany, and their military continues to play a very close working relationship with our troops.

Hopefully, Germany will deal with its own leadership problems internally, and hopefully, the German government will, in fact, take action separate from the words and actions of Mr. Schroeder that will allow Germany to again become a solid partner of ours.

In the case of France, Mr. Speaker, I would say perhaps it is a different story. France has also been a long-term ally of ours, and I have been a long-term friend of both the Germans and the French. In fact, I was to have received the highest award that France offers for homeland security in traveling over there in March which I refused to do because of my concerns for the comments of both their foreign minister and President Jacques Chirac.

My concern with France is much deeper than it is with Germany, Mr. Speaker, because it is not just one person. It is, in fact, a pervasive attitude among the leadership of France that the U.S. was inherently wrong in our effort and that we should be condemned really by the Nations of the world for the actions that we took in regard to Iraq.

As I wrote to President Chirac and President Schroeder one month ago or several weeks ago when this conflict started, I cannot understand how they could be more hypocritical.

Mr. Speaker, I would remind our colleagues that it was only 4 years ago that Jacques Chirac was pounding on America's door, begging and imploring us to send our troops into harm's way in Yugoslavia. It was the same Jacques Chirac who recently said that America should be condemned for taking military action without U.N. support. It was the same Jacques Chirac who 4 years ago convinced our President at that time, along with the German leadership, that we should use America's sons and daughters, through NATO, the first time NATO had ever been used since NATO is a defensive organization, a collective organization of countries that pledge to defend each other, the first time in the history of NATO that it was used in an offensive mode to attack a sovereign non-NATO Nation. Because of Jacques Chirac and because of the German leadership and our own President, in fact, we sent more troops than either Germany or France. We invaded a sovereign country to remove a leader because of his human rights violations.

Mr. Speaker, all of us, including myself, acknowledge that Milosevic is a war criminal, and he is justifiably being tried in The Hague for his crimes, but Mr. Speaker, as we all know, when that conflict started, we did not want Russia involved. In fact, the only way we ended that conflict after our aerial bombing campaign did not dislodge Milosevic was to convince the Russians to come back in and as a part of the G–8 process help us negotiate a framework to get Milosevic out of power.

In the end, Russia was a key ally, but if we remember just 4 years ago, it was the same Jacques Chirac who was telling America we cannot go to the U.N. to get Security Council support for the action against Milosevic because Russia will veto any Security Council resolution. So the same Jacques Chirac, who was today condemning America for not getting a U.N. resolution of support, is the same man who 4 years ago convinced America not to go to the U.N. but to invade Yugoslavia in a NATO-led mission to remove a leader of another Nation.

Mr. Speaker, I really have a problem with France. I think France has made some very fundamental blunders in its relationship with the U.S. that are not going to be easily healed. I do not want to create rifts between Europe and America, but Mr. Speaker, the continued arrogance of Jacques Chirac and the French, as we now look to rebuild Iraq, is mind boggling to me, and I think the French people have to understand this is not some parting feeling that we have that will go away quickly.

□ 2320

The feelings of the comments, of the actions taken by the leadership of the French Government, to me, are despicable, and France is going to have to eventually answer for the actions and the lack of support they have taken. And, most importantly, for the absolute hypocrisy of the French Government 4 years ago in sucking us into a conflict with our troops without going to the U.N. and then now saying that we should not have used our military to remove the worst human rights abuser on the face of the earth since Adolf Hitler and Joseph Stalin.

And, Mr. Speaker, that is not my assessment. That is the assessment of Max Vanderstahl, the U.N. Special Rapporteur For Human Rights, who just a few short years ago documented, in an official U.N. publication, that there has been no regime since Adolf Hitler that has committed the kinds of human rights abuses that Saddam Hussein has been documented as having committed, including Milosevic.

So, Mr. Speaker, France is a different story. And my own feeling is that we should look very closely at any involvement of those companies and entities in France, especially those funded with government subsidies because, as we all know, significant parts of the French economy are directly tied to the French Government. And I for one, Mr. Speaker, will have an extremely tough time justifying any governmental entity that is a "business entity" benefiting in the reconstruction of Iraq.

Finally, Mr. Speaker, let me talk about Russia. Now, I am not here to make apologies for Russia. I was extremely disappointed that Vladimir Putin did not come out and support the United States in our effort. I was convinced, as someone who chairs the interparliamentary dialogue with the Russian Duma, as someone who has traveled to that country many times and knows all of their leaders, I was convinced that Russia would in fact support us. And I am still convinced to this day that if it had come down to a U.N. vote in the Security Council that Russia would have abstained as opposed to vetoing or opposing a resolution. That would be my best guess.

But, Mr. Speaker, let me talk about Russia for a moment. What Russia did in not supporting us was wrong, and I have conveyed that message very strongly to my friends in Russia in the Duma, the federation council, and to the Russian leadership. Likewise, I have expressed in very strong terms, as I have done for the past 10 years, my outrage that technology has continued to flow out of Russia into the hands of Iraq and other unstable nations. And that is an issue that we have to deal with that I will talk about in a moment.

But I want to look at the Russian perspective for just one moment, Mr. Speaker, and I want us to try to put ourselves in the minds of the Russians. Because since Putin has decided to fundamentally put his country in the camp of the U.S. and the west, there has not been much that we have done to give him political victories back home. After all, Mr. Speaker, it was the U.S. that pulled out of the ABM Treaty.

Now, Mr. Speaker, as my colleagues know, I have been a leader in saying that that treaty had outlived its usefulness. But we all know that the ABM Treaty was an extremely important political statement in Russia in terms of bilateral security with the U.S. The fault with the ABM Treaty was not that we pulled out of it, as President Bush did, with my support, it was how we handled the pulling out of the ABM Treaty. We did not give Putin any degree of cover politically back home in his country.

And the same thing occurred with the expansion of NATO. Again, I supported the expansion of NATO and all of those countries that are currently NATO members, including the Baltic States; the former Soviet states of Estonia, Latvia, and Lithuania; the former eastern block nations, all of which are a part of NATO. I absolutely supported the membership of those countries into the family of nations in NATO. But, again, from the Russian perspective, we move NATO up to Russia's doorstep. Again, we did not take the appropriate steps to give Putin the political cover to his people that this was not some kind of an overt move or some kind of overt effort to try to threaten Russia and its stability and security.

The third thing was, Mr. Speaker, the war in Kosovo, which I just described a moment ago, 4 years ago, where we bombed Milosevic and deliberately kept Russia out of the equation. In fact, Mr. Speaker, 4 years ago I led a delegation of 11 of our colleagues to Vienna, five from the Democrat side and five from the Republican side. I let each of those 11 Members read on the airplane ride to Vienna an internal memo that was written by Strobe Talbott to Vice President Gore and Sandy Berger that outlined the fact that we did not want Russia involved in helping to find a solution to get Milosevic out of power. So, again, we sent the wrong signal to Russia.

And, finally, Mr. Speaker, the one priority that Russia has consistently asked for, that President Bush promised he would deliver to President Putin over 1 year ago, was the elevation of Russia out of Jackson-Vanik restraints. Now, Mr. Speaker, there is strong overwhelming bipartisan support in this body to elevate Russia out of Jackson-Vanik, and many of my colleagues have cosponsored that legislation. President Bush promised President Putin over 1 year ago that we would elevate Russia out of Jackson-Vanik. Because of actions by Members in the other body over issues like poultry imports and steel imports, action was never taken on elevating Russia out of Jackson-Vanik. So another commitment that we made to Russia never materialized.

So if you look at it from Putin and Russia's standpoint, it really has been a one-way effort in terms of trying to convince the Russians that we want to be their equal partner. That does not justify Russia's action in not supporting us. In my opinion, Russia should have been with us because they have the same problems with terrorism that we have. And, in fact, I might add, Mr. Speaker, Russia has been very cooperative in working with us in sharing intelligence and allowing us to use airspace and allowing us to use former Soviet military bases for our troops in fighting the war against terrorism.

But my disappointment in Russia and its position is also partly modified by the reality of what happened over the past several years that I think caused Russia not to be as supportive as perhaps they should have and could have been.

□ 2330

Mr. Speaker, in Russia today we still have a major problem. One of the points that I have made to my colleagues repeatedly over the past 10 years is that much of our problem with homeland security today has come about because we did not enforce the requirements of arms control regimes in the mid to late 1990s that allowed technology to flow out of Russia into the hands of five nations, Iran, Iraq, Syria, Libya and North Korea.

As a student of Russia and someone who has spent much time working with the Russian leaders, during the late 1990s I saw instance after instance where we had solid evidence that technology, including chemical precursors, biological technology, technology associated with missile systems, and conventional weapons was being sold out of Russia into the hands of people in those five unstable nations. In fact, in 1998 I did a floor speech where I laid on the CONGRESSIONAL RECORD documentation prepared by the Congressional Research Service outlining 38 times that we caught Russian and Chinese entities illegally transferring technology to five nations, Iran, Iraq, Syria, Libya and North Korea. In all 38 of those cases, we did not take the appropriate steps. In fact of the 38 cases, we imposed the required sanctions 8 times.

I was in Moscow in January 1996 a month after the Washington Post ran a front page documenting the story of accelerometers and gyroscopes for Iraq's missiles. I went to see our ambassador, Tom Pickering, in Moscow in January. I asked, What was the Russian response? That is a violation. They are not allowed to transfer that kind of technology to Iraq. His answer was, You have to ask Washington, I do not make that call.

I wrote to the President and he wrote me back in March, Dear Congressman WELDON, I share your concerns. We are investigating the allegations that are in the Washington Post, and if it did occur, it would be a violation of the missile technology control regime, but we have no evidence.

Since I work closely with the intelligence community, several of my friends in one of our agencies brought in a package and showed me two devices which I have used in speeches around the country probably 500 times, a Soviet-made accelerometer and a Soviet-made gyroscope that we caught being transferred out of Russia to Iraq 3 times.

During the year that our President told me he was investigating the transfer of illegal technology to Iraq, we caught Russian entities illegally transferring technology 3 times. Over 100 sets of those devices were in the hands of our intelligence agency. What were they used for, to improve the accuracy of the missiles that Saddam Hussein fired against our troops in 1991 and tried to fire against our troops just over the past several weeks.

Mr. Speaker, the problem of our homeland security today is because we did not take the appropriate steps in the 1990s to secure the weapons of mass destruction within Russia's borders. We made some success, the Nunn-Lugar program, the Cooperative Threat Reduction Program, and the Nuclear Nonproliferation Program did make good strides. They allowed us to take apart nuclear weapons and dismantle offensive arms. They allowed us to begin to control the amount of chemical and biological agents and understand them. But even that program did not go far enough. In fact, that program did not have enough in the way of accountability to make sure the funds that we were expending were being used for the proper purpose for which they were intended.

Just this past month, we held a hearing in the Committee on Armed Services where over $100 million of U.S. money was paid to a U.S. contractor to build a plant in Russia that was supposed to destroy fuel that Russia had which we felt was a potential threat.

After $95 million of that money was spent and the plant was completed, we realized that Russia no longer had the fuel. They in fact used the fuel for their space program leaving us with a $95 million empty plant and an absolutely red face.

Mr. Speaker, in our programs to help Russia control and monitor these weapons of mass destruction, it is essential that we have accountability. Mr. Speaker, I want to say to my colleagues, now is not the time for us to back away from engaging Russia in helping her control these technologies that are the reason why we went to war in Iraq in the first place, these chemical and biological agents, these weapons of mass destruction, these potential nuclear programs.

In fact, it was retired Soviet General Alexander Levitt who entertained a delegation that I took to Moscow in May of 1997 who responded to a question I asked him about the status of the Russian military in this way. I said General Levitt, you have just left President Yeltsin's side as his top defense adviser. You have been in a position of overseeing all of Russia's military on behalf of your country's President. Would you tell me the status of your military?

He looked at our bipartisan delegation and he said it is in total disarray. He said our best Soviet war fighters, our most competent Soviet generals and admirals have left the service of their country because they have not been paid. They do not have decent housing, and morale among our troops has never been worse. So Congressman, all of those technologies and weapons that we built during the Cold War to use against you are being sold by those generals and admirals, and they are being sold to your enemies.

How right he was in 1997 to tell us what would happen in the future. Those Soviet generals and admirals, not the Russian government, those Soviet generals and admirals who felt betrayed by the motherland resorted to selling off technology to unstable leaders like Saddam Hussein. So today in Iran, Iraq, Syria, Libya and North Korea, we have technologies that flowed out of Russia into the hands of evil people and are now being considered for transfer to unstable terrorist organizations.

Now Russia still contains vast amounts of weapons of mass destruction. When I had Dr. Alexa Yobakov come to Congress in the fall of 1998 to testify before my subcommittee, and he is perhaps the most respected environmentalist in all of Russia, he said this about Russia's chemical weapons stockpile. He said publicly we have claimed that we produce and have 40,000 metric tons of chemical weapons. But he said my hunch is that our actual inventory is probably closer to double that amount, 80,000 to 100,000 metric tons of chemical weapons.

These are the same chemical agents that we have been so concerned about Iraq using. We cannot now move away and not help Russia stabilize the security of those weapons and destroy them because if we do, they will ultimately get again in the hands of the wrong people.

Likewise, Mr. Speaker, the Soviet Union before it became Russia and a nation that divided itself, produced significant amounts of biological weapons. In fact, a good friend of mine, Dr. Ken Alibek, who at one time was the number two leader of the Soviet agency that produced the biological weapons for the Soviet Union and is now a professor at George Mason University here in the States, in testimony again before my subcommittee in 1998 and in his book "Biohazard" that he has produced nationwide, Ken Alibek talks about the significant amount of biological weapons that the Soviet Union produced again to use against America. In his book he documents 60 strains of anthrax, smallpox, botulism, VX gas, mustard gas, all of which the Soviets produced and stockpiled so that one day they might have to use them against us. Well, those stockpiles are still there, Mr. Speaker. Those biological agents are still stored throughout the former Soviet Union.

□ 2340

It is not enough for us to pull away and think that somehow Russia is going to have the money and the will to take apart and destroy all of those chemical and biological agents.

In addition, Mr. Speaker, in the transition of Russia from a communist society to a free market democracy, many of their most competent nuclear scientists are out of work. They used to produce nuclear weapons, nuclear warheads. Today they have no work. They are driving taxicabs. So it is equally essential that we not allow those scientists to end up working in Iran or Iraq or North Korea or Syria or Libya or China or India or Pakistan, helping them develop a new generation of nuclear weapons.

For all of those reasons, Mr. Speaker, it is essential that we renew our effort to help Russia, in spite of our concerns with their position on the Iraqi conflict, to stabilize, secure and destroy those weapons of mass destruction.

Because of that, Mr. Speaker, tomorrow, joined by my colleagues on both sides of the aisle, with our lead minority sponsor the gentleman from Texas (Mr. EDWARDS), I will introduce the most comprehensive nuclear nonproliferation cooperative threat reduction program with Russia and the former Soviet States in the history of our relationship.

This 35 page bill will be introduced tomorrow. I would encourage our colleagues on both sides of the aisle to sign on as original cosponsors. At this point in time we have approximately 10 Members of the Republican Party and 10 Members of the Democrat Party. I have not yet introduced the bill, nor have I sent it out for consideration.

Tomorrow this comprehensive legislation will be filed, which builds and expands upon our successes in the Nunn-Lugar program and the nuclear nonproliferation and weapons of mass destruction programs and creates new possibilities to go into Russia and to help them identify, secure and destroy these nasty weapons that we do not want to get in the hands of other leaders that might one day do what Saddam Hussein did in Iraq.

It is absolutely essential, Mr. Speaker, now at this critical juncture, that we redouble our effort with Russia to help her stabilize and destroy these most nasty weapons that are the most significant threats to our homeland security.

This legislation, Mr. Speaker, is creative. It creates a number of new initiatives, all of which are involved to have a closer working relationship.

Mr. Speaker, in my initial discussions with the Russians, they have told me if America passes this kind of comprehensive legislation, they will work with us to open up all of those other secret sites that up until now Russia has been unwilling to allow our scientists to visit.

If we truly want to secure the homeland, Mr. Speaker, then we have to go to where the threats are, and the threats to our security and our homeland, the threats of chemical, biological, nuclear strategic missile systems, are contained within the confines of the former Soviet States.

This legislation gives us new initiatives to address those threats cooperatively with Russia, and, in doing so, convinces the Russians that they have got to stop keeping some of their facilities closed and off limits, but rather allow us to work collectively together.

It also provides something new, Mr. Speaker. It provides for an accountability process that will prevent future expenditures of U.S. money from being misspent the way we have seen dollars misspent in past programs, where the projects were not in fact doing what was intended to be done and did not accomplish the objectives that we laid out initially.

So, Mr. Speaker, I would ask my colleagues to join on this legislation tomorrow morning. Our press conference at 9:30 in the Capitol will be attended by support groups that I think represent the broad cross-section of ideology in America. The Carnegie Center for International Peace, the Heritage Foundation, the Organization of Vietnam Veterans and the Nuclear Threat

Reduction Campaign will all join with us in a bipartisan announcement to put forward a new initiative, a bold initiative that allows us to deal with the underlying threats to our homeland security, the reasons why we had to go to war in Iraq, because Saddam had obtained these terrible technologies from a destabilized Russia.

Mr. Speaker, the minister of atomic energy from Russia, Rumyantsev, is in our city tonight. I will be meeting with him tomorrow morning at 9 a.m. I know the minister well. He wants to work with us in a constructive way to reduce threats. We must seize the opportunity and the initiative. We must not allow ourselves to be clouded, to think that somehow pulling away from Russia is the answer. It is the worst solution. It is the worst alternative in terms of dealing with the concerns of our homeland and its security.

So I would encourage our colleagues to look at this legislation, to cosponsor it and to work to get it brought up on the House and Senate floors as quickly as possible.

Finally, in closing, Mr. Speaker, let me just speak a word or two about a man who I think will go down in history as the 21st century Winston Churchill. I was not a big fan of Tony Blair's up until this year, Mr. Speaker, but let me tell you, I have changed my mind.

You know, Britain went through a very difficult time when Adolf Hitler was in power in Germany, and I remember from my history lesson the position of Winston Churchill as a minority voice in Great Britain, calling out for the people to be wary of this man Hitler and what he might do to dominate people around him and to eventually inflict pain on Britain.

The people of Britain laughed at him. They said Churchill was an alarmist. Instead, they listened to Neville Chamberlain. Neville Chamberlain had a very famous meeting with Adolf Hitler. At that meeting he supposedly received assurances from Adolf Hitler that Hitler had no intention of harming Great Britain, that Hitler had no intention of harming Europe.

So Neville Chamberlain went back to Britain and gave a famous speech. In that famous speech he pronounced those famous words: "Don't worry, Britain. Peace is at hand." Within a matter of a few short weeks, Britain was being bombarded with missiles launched by Germany, Adolf Hitler.

It was Winston Churchill who then rose to prominence. It was Winston Churchill, who had been mocked by the people of Britain, who stood up and provided leadership, and perhaps Britain, Europe and the world's worst hour. It was Winston Churchill who had the courage to do the right thing, in spite of the animosity generated by the people of his Nation and by those who said, "We can negotiate with Hitler. He will listen to us. He has agreed not to attack us and agreed not to harm Europe."

Thank goodness for Winston Churchill, that he was there, to call to arms Great Britain, Europe and eventually America.

I am convinced, Mr. Speaker, Tony Blair is the Winston Churchill of the 21st century. Under absolutely outrageous odds, from his own party, internal bickering and sniping at him, to the British people, to world opinion, to the European leaders, his neighbors, Tony Blair stood up, and he stood for his convictions, and he did the right thing.

So, Mr. Speaker, I rise tonight in final summary of my discussion about the war to pay tribute to someone who I think will go down in history as an equivalent to Winston Churchill in the 21st century, a man who stood up and did the right thing under impossible conditions.

Now, that is not to minimize the leadership of our great President. George Bush provided the vision, but it would have been far easier for Tony Blair to blend in with the European crowd, with the Jacques Chiracs, the Gerhard Schroeders, and said that is not our battle, that is not our worry. Tony Blair did not do that.

This Nation, this body and the world owes Tony Blair on this evening of the celebration of the stabilization of Iraq and Baghdad a tremendous vote of thanks.

RECESS

The SPEAKER pro tempore (Mr. BURGESS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1724. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to order up to 150,000 additional workstations under the Navy Marine Corps Intranet (NMCI) contract; to the Committee on Armed Services.

1725. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2003; to the Committee on Armed Services.

1726. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Devolvement of Research, Development, Test and Evaluation Programs and Activities Beginning in FY 2004"; to the Committee on Armed Services.

1727. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's study required by the Senate Armed Services Committee report accompanying the Bob Stump National Defense Authorization Act for FY 2003; to the Committee on Armed Services.

1728. A letter from the Under Secretary, Department of Defense, transmitting the annual report of the Armed Forces Retirement Home for Fiscal Year 2001; to the Committee on Armed Services.

1729. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1730. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2002, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

1731. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Knee Joint Patellofemorotibial Metal/Polymer Porous-Coated Uncemented Prosthesis and the Knee Joint Femorotibial (Uni-compartmental) Meta/Polymer Porous-Coated Uncemented Prosthesis [Docket No. 00N-OO18] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1732. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use; Correction [Docket No. 00N-1463] (RIN: 0910-AB78) received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1733. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Phenylbutazone; Extralabel Animal Drug Use; Order of Prohibition; Correction [Docket No. 03N-0024] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1734. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled, "Policy on terminating the Arab League Boycott of Israel and expanding the process of normalization between the Arab League countries and Israel," pursuant to Public Law 108—7, section 535; to the Committee on International Relations.

1735. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 2002 Annual Report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B); to the Committee on Government Reform.

1736. A letter from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting the Board's annual inventory of activities; to the Committee on Government Reform.

1737. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2002 (Financial Report); to the Committee on Government Reform.

1738. A letter from the Director, Holocaust Memorial Museum, transmitting the Annual Performance Report for Fiscal Year 2002; to the Committee on Government Reform.

1739. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2002 Inventory of Commercial Activities and Inherently Governmental Functions; to the Committee on Government Reform.

1740. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Activities Inventory Reform Act Inventory as of June 30, 2002; to the Committee on Government Reform.

1741. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

1742. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the first quarter of FY03; to the Committee on House Administration.

1743. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting a biennial report on Atlantic Bluefin Tuna (2001-2002), pursuant to 16 U.S.C. 971i; to the Committee on Resources.

1744. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2003 Harvest Specifications for Groundfish; Correction [Docket No. 021212307-3037-02; I.D. 110602C] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 031703B] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels Less Than 60 ft (18.3m) LOA Using Jig or Hook-and-Line Gear in the Bogosl of Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Area [Docket No. 020718172-2303-02; I.D. 032503D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1747. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands management area [Docket No. 021212307-3037-02; I.D. 032103D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1748. A letter from the Commissioner, Department of the Treasury, transmitting FY 2002 Report to the Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

1749. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2002, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

1750. A letter from the Chairman, Federal Maritime Commission, transmitting the 41st Annual Report of the Federal Maritime Commission for fiscal year 2002, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

1751. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations [Docket No. 021114275-3052-02] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1752. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Thirteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2002; jointly to the Committees on Armed Services and Energy and Commerce.

☐ 0820

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 20 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, ENERGY POLICY ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–69) on the resolution (H. Res. 189) providing for consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY COMMITTEE ON RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–70) on the resolution (H. Res. 190) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYUN of Kansas (at the request of Mr. DELAY) for today on account of attending a memorial service for Sgt. Jacob Butler.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. LEE, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. WEINER, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Ms. CARSON of Indiana, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Ms. CORRINE BROWN of Florida, for 5 minutes, today.
Mr. RYAN of Ohio, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. WEXLER, for 5 minutes, today.
Mr. LARSON of Connecticut, for 5 minutes, today.
Mr. DELAHUNT, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mrs. MUSGRAVE) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.
Mrs. MUSGRAVE, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, April 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to: Mr. JEFFERSON and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $910.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes a.m.), the House adjourned until today, Thursday, April 10, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1724. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to order up to 150,000 additional workstations under the Navy Marine Corps Intranet (NMCI) contract; to the Committee on Armed Services.

1725. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2003; to the Committee on Armed Services.

1726. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Devolvement of Research, Development, Test and Evaluation Programs and Activities Beginning in FY 2004"; to the Committee on Armed Services.

1727. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's study required by the Senate Armed Services Committee report accompanying the Bob Stump National Defense Authorization Act for FY 2003; to the Committee on Armed Services.

1728. A letter from the Under Secretary, Department of Defense, transmitting the annual report of the Armed Forces Retirement Home for Fiscal Year 2001; to the Committee on Armed Services.

1729. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1730. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2002, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

1731. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Knee Joint Patellofemorotibial Metal/Polymer Porous-Coated Uncemented Prosthesis and the Knee Joint Femorotibial (Uni-compartmental) Meta/Polymer Porous-Coated Uncemented Prosthesis [Docket No. 00N-0018] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1732. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use; Correction [Docket No. 00N-1463] (RIN: 0910-AB78) received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1733. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Phenylbutazone; Extralabel Animal Drug Use; Order of Prohibition; Correction [Docket No. 03N-0024] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1734. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled, "Policy on terminating the Arab League Boycott of Israel and expanding the process of normalization between the Arab League countries and Israel," pursuant to Public Law 108–7, section 535; to the Committee on International Relations.

1735. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 2002 Annual Report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B); to the Committee on Government Reform.

1736. A letter from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting the Board's annual inventory of activities; to the Committee on Government Reform.

1737. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2002 (Financial Report); to the Committee on Government Reform.

1738. A letter from the Director, Holocaust Memorial Museum, transmitting the Annual Performance Report for Fiscal Year 2002; to the Committee on Government Reform.

1739. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2002 Inventory of Commercial Activities and Inherently Governmental Functions; to the Committee on Government Reform.

1740. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Activities Inventory Reform Act Inventory as of June 30, 2002; to the Committee on Government Reform.

1741. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

1742. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the first quarter of FY03; to the Committee on House Administration.

1743. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting a biennial report on Atlantic Bluefin Tuna (2001-2002), pursuant to 16 U.S.C. 971i; to the Committee on Resources.

1744. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2003 Harvest Specifications for Groundfish; Correction [Docket No. 021212307-3037-02; I.D. 110602C] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 031703B] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels Less Than 60 ft (18.3m) LOA Using Jig or Hook-and-Line Gear in the Bogosl of Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Area [Docket No. 020718172-2303-02; I.D. 032503D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1747. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands management area [Docket No. 021212307-3037-02; I.D. 032103D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1748. A letter from the Commissioner, Department of the Treasury, transmitting FY 2002 Report to the Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

1749. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2002, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

1750. A letter from the Chairman, Federal Maritime Commission, transmitting the 41st Annual Report of the Federal Maritime Commission for fiscal year 2002, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

1751. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations [Docket No. 021114275-3052-02] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1752. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Thirteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2002; jointly to the Committees on Armed Services and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee of Conference. Conference report on S. 151. An act to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. 108–66). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 188. Resolution waiving points of order against the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. 108–68). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, the Judiciary and Government Reform discharged from further consideration. H.R. 1644 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Filed on April 10 (legislative day of April 9), 2003]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 189. Resolution providing for consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes (Rept. 108–69). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 190. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–70). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1644. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than April 9, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself and Mr. Michaud):

H.R. 1681. A bill to amend title 38, United States Code, to allow for substitution of parties in the case of a claim for benefits provided by the Department of Veterans Affairs when the applicant for such benefits dies while the claim is pending, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself and Mr. Larsen of Washington):

H.R. 1682. A bill to amend title 36, United States Code, to grant a Federal charter to the Special Operations Warrior Foundation, Inc.; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Brown of South Carolina, and Mr. Michaud):

H.R. 1683. A bill to increase, effective as of December 1, 2003, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself, Mr. Berman, Ms. Roybal-Allard, Mr. Bonilla, Mr. Dreier, Mr. George Miller of California, Ms. Ros-Lehtinen, Mr. Hoyer, Mr. Lincoln Diaz-Balart of Florida, Mr. Gutierrez, Mr. Mario Diaz-Balart of Florida, Mr. Wu, Mr. Nunes, Ms. Jackson-Lee of Texas, Mrs. Wilson of New Mexico, Mr. Rodriguez, Mr. Weller, Mr. Dooley of California, Ms. Hart, Mr. Menendez, Mr. King of New York, Mr. Pastor, Mr. Tiahrt, Mr. Matheson, Mr. Smith of New Jersey, Mr. McNulty, Mr. Renzi, Ms. Linda T. Sánchez of California, Mr. Shays, and Ms. Solis):

H.R. 1684. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine state residency for higher education purposes and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain alien college-bound students who are long-term U.S. residents; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. Hunter, Mr. Weldon of Pennsylvania, Mr. Saxton, Mr. Burgess, Mr. Porter, Mr. Akin, Ms. Bordallo, Ms. Jackson-Lee of Texas, Mr. Cunningham, Mr. Tom Davis of Virginia, Mr. Wu, Mr. Sherman, Mr. Conyers, Mr. Calvert, and Mr. Delahunt):

H.R. 1685. A bill to amend the Immigration and Nationality Act relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children; to the Committee on the Judiciary.

By Mr. CARSON of Oklahoma:

H.R. 1686. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. Bartlett of Maryland, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Cunningham, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Ms. Eddie Bernice Johnson of Texas, Ms. Lofgren, Mr. Miller of Florida, Mr. Paul, Mr. Platts, Mr. Rogers of Alabama, Mr. Souder, Mr. Tiahrt, Mr. Wilson of South Carolina, Mr. Carter, and Mr. Sessions):

H.R. 1687. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Ms. DeLAURO (for herself, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mrs. Capps, Mr. Dicks, Mr. Doggett, Mr. Farr, Mr. Frost, Mr. Gephardt, Mr. Hoeffel, Mr. Frank of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Kucinich, Mr. Langevin, Mrs. Maloney, Mr. Meehan, Mr. Moran of Virginia, Mr. Rodriguez, Mr. Sanders, Ms. Solis, Mr. Van Hollen, Mr. Kildee, Mr. Serrano, Mr. Reyes, Mr. Kleczka, Mr. Matsui, Ms. Corrine Brown of Florida, Mr. Olver, Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mrs. Lowey, Mrs. McCarthy of New York, Ms. Carson of Indiana, Ms. McCollum, Mr. Moore, Mr. Inslee, Ms. Baldwin, Mr. Abercrombie, Mr. Cummings, Mr. Scott of Georgia, Mr. Weiner, Mr. Sabo, and Mr. Stark):

H.R. 1688. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. Waxman, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Mario Diaz-Balart of Florida, Mr. Brown of Ohio, Mr. Abercrombie, Mr. Pallone, Mrs. Maloney, Ms. Kilpatrick, Mrs. Napolitano, Mr. Rodriguez, Mr. Becerra, Mr. Green of Texas, Mr. Nadler, Mr. Matsui, Mr. Rangel, Mr. Towns, Ms. Woolsey, Ms. Schakowsky, Ms. Roybal-Allard, Mr. Davis of Florida, Mr. Delahunt, Ms. Solis, Mr. Ackerman, Mr. Levin, Mrs. Christensen, Mr. Engel, Ms. Linda T. Sánchez of California, Mr. Boyd, Mr. George Miller of California, Mr. Stark, and Ms. DeGette):

H.R. 1689. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. Pascrell, Mr. Udall of Colorado, Mr. Greenwood, Mr. Engel, Mr. Honda, Mr. Moran of Virginia, Mr. Faleomavaega, Mrs. Davis of California, Mr. Pallone, Mr. Castle, and Mr. Holt):

H.R. 1690. A bill to protect diverse and structurally complex areas of the seafloor in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other groundgear used on bottom trawls, and for other purposes; to the Committee on Resources.

By Mr. ISAKSON (for himself, Mr. Deal of Georgia, Mr. Bishop of Georgia, Mr. Scott of Georgia, Mr. Burns, Mr. Gingrey, Mr. Norwood, Mr. Kingston, Mr. Marshall, Ms. Majette, and Mr. Lewis of Georgia):

H.R. 1691. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. LaHood, Mr. Holden, Mr. Baker, Mr. Bachus, Mr. McNulty, Mr. Ose, Mr. Green of Wisconsin, Mr. McIntyre, and Mr. Owens):

H.R. 1692. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 1693. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the work-related expenses of handicapped individuals; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. Allen, Mr. Abercrombie, Mr. Alexander, Mr. Brown of Ohio, Mr. Berry, Mr. Bell, Mr. Case, Mr. Crowley, Mr. Stark, Mr. Cardoza, Ms. DeLauro, Mr. Frost, Mr. Hinchey, Mr. Holden, Ms. Jackson-Lee of Texas, Mr. Hinojosa, Mr. Israel, Mr. Lynch, Mr. Reyes, Mr. Ross, Mr. Pallone, Mr. Pomeroy, Ms. Schakowsky, Mr. Meehan, Mr. Sandlin, Mr. Sanders, Mr. Stenholm, Mr. Turner of Texas, Mr. Wynn, and Mr. Stupak):

H.R. 1694. A bill to establish an America Rx program to establish fairer pricing for prescription drugs for individuals without access to prescription drugs at discounted prices; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 1695. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OSE:

H.R. 1696. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1697. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. Abercrombie, Mr. Clay, and Mr. Whitfield):

H.R. 1698. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1699. A bill to repeal sections 1173(b) and 1177(a)(1) of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. Doyle, Mr. Weldon of Florida, Mr. Taylor of Mississippi, Mr. Wilson of South Carolina, Mr. Pickering, Mr. King of New York, Mr. Green of Texas, Mr. LaTourette, Mr. Wynn, Ms. Lofgren, Ms. Berkley, Mr. Frost, Mr. Wexler, Mr. Rothman, Mr. Israel, Ms. Corrine Brown of Florida, Mr. Abercrombie, Mr. Lynch, Mr. Green of Wisconsin, Mr. Cantor, and Ms. Carson of Indiana):

H.R. 1700. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H.R. 1701. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building"; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 1702. A bill to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 1703. A bill to preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. Houghton, Mr. George Miller of California, Mr. Brown of Ohio, Ms. Slaughter, Ms. Lee, Ms. Jackson-Lee of Texas, Mr. Jackson of Illinois, Mr. Sandlin, Mr. Cummings, Mrs. Maloney, Mrs. Capps, Mr. Wexler, Mr. Israel, Mr. Rush, Mr. Hinchey, Mr. Hoeffel, Ms. Kaptur, Mr. Gonzalez, Ms. Millender-McDonald, Ms. Norton, Ms. Baldwin, Mr. Payne, Mr. Udall of New Mexico, Mr. Costello, and Mr. Olver):

H.R. 1704. A bill to amend the Violence Against Women Act of 1994 to provide for transitional housing assistance grants for child victims of domestic violence; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. Frost, and Ms. Jackson-Lee of Texas):

H.R. 1705. A bill to expand and improve the use of DNA analysis in criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS (for himself, Mr. Wilson of South Carolina, Mr. Terry, Mr. Green of Wisconsin, Mr. Platts, Mrs. Johnson of Connecticut, Mr. Baker, Mr. Grijalva, Mr. McCotter, Mr. Davis of Alabama, Mr. Hayworth, Mr. Davis of Illinois, Ms. Eddie Bernice Johnson of Texas, Mr. Case, and Mr. Taylor of Mississippi):

H.R. 1706. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself and Mr. Scott of Virginia):

H.R. 1707. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

By Mr. ISTOOK (for himself, Mr. Bishop of Georgia, Mr. Aderholt, Mr. Akin, Mr. Alexander, Mr. Bachus, Mr. Baker, Mr. Ballenger, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Beauprez, Mr. Bishop of Utah, Mr. Bonilla, Mr. Bonner, Mr. Brady of Texas, Mr. Brown of South Carolina, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Chabot, Mr. Chocola, Mrs. Cubin, Mr. Culberson, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Tennessee, Mr. Deal of Georgia, Mr. DeMint, Mr. Doolittle, Mr. Duncan, Mrs. Emerson, Mr. Everett, Mr. Feeney, Mr. Flake, Mr. Forbes, Mr. Franks of Arizona, Mr. Gibbons, Mr. Goode, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Hall, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Hensarling, Mr. Herger, Mr. Hoekstra, Mr. Hunter, Mr. Janklow, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Kingston, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lipinski, Mr. Lucas of Kentucky, Mr. McCrery, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Norwood, Mr. Pearce, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Platts, Mr. Rahall, Mr. Rogers of Kentucky, Mr. Rogers of Alabama, Mr. Ryun of Kansas, Mr. Schrock, Mr. Sessions, Mr. Shimkus, Mr. Shuster, Mr. Smith of New Jersey, Mr. Smith of Michigan, Mr. Souder, Mr. Sullivan, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Terry, Mr. Tiahrt, Mr. Toomey, Mr. Vitter, Mr. Wamp, Mr. Weldon of Florida, Mr. Whitfield, Mr. Wicker, Mr. Wilson of South Carolina, Mr. Royce, and Mr. Stenholm):

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire:

H. Con. Res. 143. Concurrent resolution relating to the prosecution of Saddam Hussein and other Iraqi officials, military leaders, and citizens who may be responsible for crimes against humanity, attempted genocide, and war crimes; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 145. Concurrent resolution expressing the sense of the House of Representatives that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Government Reform.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Res. 185. A resolution extending the period of availability of amounts for continuing expenses of standing and select committees of the House through May 9, 2003; to the Committee on House Administration. considered and agreed to.

By Mr. GEORGE MILLER of California (for himself and Mr. LoBiondo):

H. Res. 186. A resolution recognizing the 100th anniversary of the founding of the Laborers' International Union of North America and congratulating the members and officers of the Laborers' International Union of North America for the Union's many achievements; to the Committee on Education and the Workforce. considered and agreed to.

By Mr. SIMMONS (for himself, Ms. DeLauro, Mr. Shays, Mrs. Johnson of Connecticut, and Mr. Larson of Connecticut):

H. Res. 187. A resolution congratulating the University of Connecticut Huskies for winning the 2003 National Collegiate Athletic Association Division I women's basketball championship; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Gilchrest and Mr. Nunes.

H.R. 58: Mr. Burgess, Mr. Boozman, and Mr. Watt.

H.R. 100: Mr. Gilchrest and Mr. Brady of Pennsylvania.

H.R. 126: Ms. Slaughter, Mr. McDermott, Ms. DeLauro, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Pallone, and Mr. Wu.

H.R. 138: Mr. Fattah.

H.R. 141: Mr. Davis of Tennessee and Mrs. Emerson.

H.R. 217: Mr. Honda, Mrs. Blackburn, Mr. Taylor of Mississippi, and Mr. Holden.

H.R. 218: Mr. Latham, Mrs. Capito, Mr. Radanovich, Mr. Istook, Mr. Peterson of Pennsylvania Mr. Stearns, Mr. Thompson of Mississippi, and Mr. DeFazio.

H.R. 303: Mr. Sessions, Mr. Grijalva, Mr. Hinojosa, Mr. Blumenauer, Mr. Smith of Texas, Mr. McCrery, and Mr. Greenwood.

H.R. 348: Mr. Burton of Indiana, Mr. Hinojosa, and Mr. Larsen of Washington.

H.R. 373: Mr. Israel.

H.R. 391: Mr. Cantor.

H.R. 419: Mr. Peterson of Pennsylvania.

H.R. 466: Mr. Shaw, Ms. McCarthy of Missouri, Mr. Cannon, Mr. Becerra, and Mr. Reyes.

H.R. 528: Mr. Cantor, Mr. Smith of New Jersey, and Mrs. Miller of Michigan.

H.R. 533: Mr. Brady of Pennsylvania.

H.R. 543: Ms. Hart.

H.R. 586: Mr. Wolf.

H.R. 611: Ms. Hart.

H.R. 669: Mr. Shimkus and Mr. Sweeney.

H.R. 677: Mr. Conyers.

H.R. 685: Mr. Hastings of Florida and Mr. Doyle.

H.R. 687: Mr. Pence, Mr. Linder, Mr. Sullivan, Mr. Herger, Mr. Jones of North Carolina, Mr. King of New York, Mr. Souder, Mr. Hayworth, Mr. Wamp, Mr. Hunter, Mr. Pombo, Mr. Baker, Mr. Ballenger, and Mr. McHugh.

H.R. 709: Ms. Watson, Ms. Hart, and Mr. Grijalva.

H.R. 713: Mr. Terry, Mr. Honda, and Mr. Weldon of Pennsylvania.

H.R. 731: Mr. Cummings, Mr. Hastings of Florida, Mr. Davis of Alabama, Mr. Rothman, Mr. McIntyre, Mr. Frank of Massachusetts, Mr. Rahall, Mr. Hinchey, Ms. Majette, Mr. Baird, and Ms. Velázquez.

H.R. 748: Mr. Hoeffel.

H.R. 754: Mr. Wolf, Mr. Ney, Mr. Istook, and Mr. English.

H.R. 761: Ms. Schakowsky and Mr. Brady of Pennsylvania.

H.R. 768: Mr. Blumenauer and Mrs. Myrick.

H.R. 785: Mr. Gilchrest, Mr. Deal of Georgia, and Mr. Levin.

H.R. 786: Mr. Toomey.

H.R. 804: Mr. Camp and Mr. McInnis.

H.R. 812: Mr. Vitter.

H.R. 819: Mrs. Davis of California.

H.R. 823: Mr. McIntyre, Mr. Markey, and Ms. Slaughter.

H.R. 832: Mr. Greenwood.

H.R. 839: Ms. Hart, Mr. Ford, Mr. Israel, and Mrs. McCarthy of New York.

H.R. 871: Mr. Lucas of Oklahoma and Mr. Nethercutt.

H.R. 872: Mr. Hall and Mr. Souder.

H.R. 898: Mr. Cummings, Mr. Scott of Georgia, Mr. Bishop of Georgia, Mr. Ross, and Mr. Towns.

H.R. 935: Ms. Pelosi.

H.R. 941: Mr. McGovern.

H.R. 983: Mr. Gibbons.

H.R. 991: Ms. Ginny Brown-Waite of Florida, Mrs. Lowey, Mr. Honda, Mrs. Davis of California, Mr. Van Hollen, Mr. Sanders, Mr. Cardoza, and Mr. Faleomavaega.

H.R. 992: Mr. DeMint.

H.R. 993: Mr. DeMint.

H.R. 994: Mr. DeMint.

H.R. 996: Mr. LaTourette, Mr. Goodlatte, Mr. Towns, and Mr. Pickering.

H.R. 997: Mr. Souder, Mr. Davis of Tennessee, Mr. LaHood, and Mr. Schrock.

H.R. 1038: Mr. Gallegly.

H.R. 1046: Mr. Stupak, Mr. Farr, Mr. Doyle, Mr. Kanjorski, and Mr. Terry.

H.R. 1110: Mr. Hill, Mr. Davis of Alabama, and Mr. Clyburn.

H.R. 1115: Mr. Hostettler.

H.R. 1125: Mr. Smith of New Jersey and Mr. Gerlach.

H.R. 1154: Mr. Otter.

H.R. 1162: Mr. Udall of Colorado.

H.R. 1174: Mr. Filner.

H.R. 1179: Mr. Doyle.

H.R. 1192: Ms. McCollum.

H.R. 1193: Mr. Jones of North Carolina, Mr. Akin, Mr. Marshall, and Mrs. Myrick.

H.R. 1196: Ms. Eshoo, Mr. Stark, Mr. Sanders, Mr. Kleczka, Ms. Corrine Brown of Florida, and Mr. Filner.

H.R. 1202: Mr. Turner of Texas.

H.R. 1264: Mr. Bishop of New York.

H.R. 1275: Mr. Price of North Carolina, Mr. Baca, Mr. Farr, Mr. Emanuel, Mr. Hinchey, Ms. Lofgren, Ms. Carson of Indiana, Mr. Ballance, and Mr. Conyers.

H.R. 1309: Ms. Schakowsky.

H.R. 1320: Mr. Rush and Mr. Gordon.

H.R. 1321: Mr. Watt.

H.R. 1345: Ms. Schakowsky.

H.R. 1355: Mr. Schiff.

H.R. 1358: Ms. Schakowsky.

H.R. 1373: Mr. Gillmor.

H.R. 1374: Ms. Schakowsky and Mr. Hefley.

H.R. 1375: Mr. Hensarling.

H.R. 1377: Mr. Deal of Georgia, Mrs. Emerson, Mr. Foley, Ms. Hart, Mr. Isakson, Mr. LaTourette, and Mr. Pearce.

H.R. 1389: Mr. Davis of Tennessee and Mr. McNulty.

H.R. 1429: Mr. Frank of Massachusetts, Ms. Carson of Indiana, Mr. Gutierrez, Mrs. McCarthy of New York, and Mr. Israel.

H.R. 1464: Mr. Gonzalez, Mr. Filner, Mr. Case, and Mr. Davis of Illinois.

H.R. 1470: Mr. Miller of North Carolina and Ms. Carson of Indiana.

H.R. 1472: Mr. Shays.

H.R. 1473: Mr. Owens.

H.R. 1480: Mr. Kleczka.

H.R. 1492: Mr. Matheson.

H.R. 1511: Mr. Hulshof, Mr. Akin, Mr. Schiff, and Mr. Putnam.

H.R. 1519: Mr. McNulty and Mr. Serrano.

H.R. 1543: Mr. Rogers of Michigan.

H.R. 1553: Mr. Meek of Florida, Mr. Larsen of Washington, and Ms. Slaughter.

H.R. 1580: Mr. Paul, Mr. Boehlert, Ms. Hart, Mr. Gerlach, Mr. Ross, Mr. Smith of Michigan, Mr. Goode, and Mr. Houghton.

H.R. 1582: Mr. Hall.

H.R. 1605: Mr. Sherman.

H.R. 1625: Mr. Pallone, Mr. Ferguson, Mr. Garrett of New Jersey, and Mr. Payne.

H.R. 1630: Mr. Kolbe.

H.R. 1641: Mr. Clyburn.

H.R. 1652: Ms. Slaughter and Mrs. McCarthy of New York.

H.R. 1661: Mr. Waxman, Mr. Larson of Connecticut, and Mr. Ross.

H.R. 1662: Mr. Radanovich, Mr. Thornberry, Mr. Bishop of Utah, Mr. Edwards, Mr. Osborne, Mr. Bartlett of Maryland, Mr. Wicker, Mr. Norwood, and Mr. Dooley of California.

H.R. 1676: Mr. Towns.

H.R. 1677: Mr. Meeks of New York, Mr. Van Hollen, Ms. DeGette, Mr. Clay, and Mr. Stupak.

H.J. Res. 4: Mr. Lucas of Kentucky.

H. Con. Res. 4: Mr. Cannon.

H. Con. Res. 56: Mrs. Davis of California and Mr. Platts.

H. Con. Res. 91: Mr. Fattah, Mr. Frost, Mr. Shays, and Mr. Camp.

H. Con. Res. 117: Mr. Bartlett of Maryland, Mr. Sessions, Mr. Pence, Mr. Berman, Ms. Loretta Sanchez of California, Mr. Souder, Mr. King of New York, Ms. Berkley, and Ms. Ros-Lehtinen.

H. Con. Res. 119: Mr. Manzullo, Mr. Sensenbrenner, Mr. King of New York, Mr. Miller of Florida, Mr. Hayworth, Mr. Jones of North Carolina, Mr. Sam Johnson, of Texas, Mrs. Northup, Mrs. Musgrave, and Mr. Chabot.

H. Con. Res. 121: Mr. Owens.

H. Con. Res. 142: Mr. Reynolds, Mr. McNulty, Ms. Slaughter, Mr. Ackerman, Mr. Houghton, Mr. Rangel, Mr. Sweeney, Mr. Meeks of New York, Mr. Fossella, Mr. Crowley, Mr. Towns, and Mr. Wexler.

H. Res. 86: Mr. Abercrombie and Mr. Marshall.

H. Res. 165: Mr. Meeks of New York and Mr. Ballenger.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 6

Offered by: Mr. King of Iowa

Amendment No. 1: At the end of title I of Division D, add the following new section:

SEC. 41012. SMALL ETHANOL PRODUCER CREDIT.

(a) Allocation of Alcohol Fuels Credit to Patrons of a Cooperative.—Section 40(g) (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

"(6) Allocation of small ethanol producer credit to patrons of cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) Form and effect of election.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

"(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

"(C) Special rules for decrease in credits for taxable year.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(b) Improvements to Small Ethanol Producer Credit.—

(1) Definition of small ethanol producer.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(2) Small ethanol producer credit not a passive activity credit.—Clause (i) of section 469(d)(2)(A) is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(3) Allowing credit against entire regular tax and minimum tax.—

(A) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Special rules for small ethanol producer credit.—

"(A) In general.—In the case of the small ethanol producer credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) the amounts in subparagraphs (A) and (B) thereof shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

"(B) Small ethanol producer credit.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).".

(B) Conforming amendments.—

(i) Subclause (II) of section 38(c)(2)(A)(ii), and subclause (II) of section 38(c)(3)(A)(ii), are each amended by inserting "or the small ethanol producer credit" after "employee credit".

(ii) Subclause (II) of section 38(c)(4)(A)(ii) amended by inserting "or the small ethanol producer credit" after "specified energy credits".

(4) Small ethanol producer credit not added back to income under section 87.—Section 87 (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

"SEC. 87. ALCOHOL FUEL CREDIT.

"Gross income includes an amount equal to the sum of—

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).".

(c) Conforming Amendment.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

"(k) Cross Reference.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING LARRY THOMAS WEAVER II

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. NEY. Mr. Speaker, Whereas, Larry Thomas Weaver II has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Larry Thomas Weaver II has shared his time and talent with the community in which he resides; and

Whereas, Larry Thomas Weaver II has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Larry Thomas Weaver II must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 260, the residents of Junction City, and the entire 18th Congressional District in congratulating Larry Thomas Weaver II as he receives the Eagle Scout Award.

UNITED STATES EMBARGO ON CUBA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PAUL. Mr. Speaker, I rise again in this Congress to introduce a bill to lift the harmful and counterproductive United States Embargo on Cuba.

On June 29, 2001, the Texas state legislature adopted a resolution calling for an end to U.S. economic sanctions against Cuba. Lawmakers emphasized the failure of sanctions to remove Castro from power, and the unwillingness of other nations to respect the embargo. One Texas Representative stated:

"We have a lot of rice and agricultural products, as well as high-tech products, that would be much cheaper for Cuba to purchase from Texas. All that could come through the ports of Houston and Corpus Christi." I wholeheartedly support this resolution, and I have introduced similar federal legislation in past years to lift all trade, travel, and telecommunications restrictions with Cuba. I only wish Congress understood the simple wisdom expressed in Austin, so that we could end the harmful and ineffective trade sanctions that serve no national purpose.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, from Cuba to China to Iraq, we have failed to unseat despotic leaders by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. History clearly shows that free and open trade does far more to liberalize oppressive governments than trade wars. Economic freedom and political freedom are inextricably linked—when people get a taste of goods and information from abroad, they are less likely to tolerate a closed society at home. So while sanctions may serve our patriotic fervor, they mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions simply hurt American industries, particularly agriculture. Every market we close to our nation's farmers is a market exploited by foreign farmers. China, Russia, the middle east, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these countries. The Department of Agriculture estimates that Iraq alone represents a $1 billion market for American farm goods. Given our status as one of the world's largest agricultural producers, why would we ever choose to restrict our exports? The only beneficiaries of our sanctions policies are our foreign competitors.

I certainly understand the emotional feelings many Americans have toward nations such as Iran, Iraq, Libya, and Cuba. Yet we must not let our emotions overwhelm our judgment in foreign policy matters, because ultimately human lives are at stake. Economic common sense, self-interested foreign policy goals, and humanitarian ideals all point to the same conclusion: Congress should work to end economic sanctions against all nations immediately.

The legislation I introduce today is representative of true free trade in that while it opens trade, it prohibits the U.S. Taxpayer from being compelled to subsidize the United States government, the Cuban government or individuals or entities that choose to trade with Cuban citizens.

HELP REMOVE BARRIERS TO WORK FOR THE DISABLED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KLECZKA. Mr. Speaker, millions of disabled Americans must rely on government disability checks or support from family members in order to get by. For many of these men and women, the prospect of being employed outside the home seems out of reach because the costs associated with working are simply too daunting.

For example, in order to work, an individual who uses a wheelchair might need to hire a personal attendant to provide transportation to and from the job site. Such persons might also need assistance with cleaning, cooking, and other daily tasks that they are unable to perform independently and, without which, they could not be gainfully employed outside the home.

In many cases, the amount of money that a disabled worker would have to spend on these essential services is substantial. And if a significant portion of the worker's earnings would be spent on paying for such expenses, the disabled individual might elect to stay home—absent some additional financial incentive.

Unfortunately, not only do these individuals fail to benefit from all that employment could offer, but society as a whole never realizes the enormous contributions they might have made if given the right opportunities. Disabled workers possess a myriad of talents and skills that could be of tremendous value to the business community and provide a boost to the U.S. economy.

Today, I am introducing the Disabled Workers Empowerment Act, which would expand upon an existing provision in the tax code in order to make it easier for disabled persons to enter the workforce. Current law allows a limited deduction for disabled workers' expenses, but this deduction is strictly limited to expenses incurred at the workplace or for work performed at home. Moreover, it can be claimed only by individuals who itemize expenses on their tax return.

My bill would expand the types of expenses that could be deducted as work-related and permit a deduction regardless of whether or not the taxpayer itemizes expenses. Specifically, expenses incurred away from the job site (such as paying an attendant to provide transportation to and from work or perform domestic and personal care services at home) would be deductible as long as such expenses were incurred because of the individual's disabilities. In this way, the bill reflects the real-life costs that disabled workers face on a daily basis.

Finally, the amount that could be deducted for any taxable year would be no more than the disabled worker's earned income. By tying this new tax benefit to income generated from work, the deduction would serve as an incentive for disabled individuals to engage in employment that is both personally fulfilling and creates financial independence.

The Disabled Workers Empowerment Act would open the door to employment for millions of disabled Americans, and I urge my colleagues to cosponsor this measure.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall votes No. 109, No. 110, and No. 111. If present I would have voted "yea."

DEATH OF RACHEL CORRIE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. DINGELL. Mr. Speaker, I rise to draw my colleagues' attention to the death of Rachel Corrie, an American citizen who was killed recently by an Israeli Army bulldozer. Rachel was a 23-year-old college student, due to graduate this year from Evergreen State College in Olympia, Washington. On March 16, Rachel was crushed to death by a bulldozer as she peacefully protested the demolition of Palestinian homes in Rafah, a Palestinian village in the Gaza Strip. The Israeli government continues to destroy Palestinian homes with impunity in the Occupied Territories and Gaza.

Mr. Speaker, I would like to express my profound sympathies to Rachel's parents, Craig and Cynthia, their extended families, and to all of Rachel's friends, colleagues and co-workers. My heart and my prayers go out to them in their time of grief and need.

Sympathy, however, Mr. Speaker, is not enough. The tragic death of Rachel Corrie is yet another example of the failure of the current Israeli government's policies regarding the Palestinians. Mr. Speaker, the Congress must speak forcefully on this matter. I am calling for a full, fair and impartial investigation into Rachel's tragic death by the United States Government. Rachel's family, the Congress and the American people deserve to know what happened to Rachel and why.

A PROCLAMATION RECOGNIZING ADAM RUPE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. NEY. Mr. Speaker, Whereas, Adam Rupe has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Adam Rupe has shared his time and talent with the community in which he resides; and

Whereas, Adam Rupe has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Adam Rupe must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 84, the residents of New Philadelphia, and the entire 18th Congressional District in congratulating Adam Rupe as he receives the Eagle Scout Award.

PATIENT PRIVACY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Patient Privacy Act. This bill repeals the misnamed Medical Privacy regulation, which goes into effect on April 14 and actually destroys individual medical privacy. The Patient Privacy Act also repeals those sections of the Health Insurance Portability and Accountability Act of 1996 authorizing the establishment of a "standard unique health care identifier" for all Americans, as well as prohibiting the use of federal funds to develop or implement a database containing personal health information. Both of these threats to medical freedom grew out of the Clinton-era craze to nationalize as much of health care as politically possible.

Establishment of a uniform medical identifier would allow Federal bureaucrats to track every citizen's medical history from cradle to grave. Furthermore, as explained in more detail below, it is possible that every medical professional, hospital, and Health Maintenance Organization (HMO) in the country would be able to access an individual citizen's record simply by entering the patient's identifier into a health care database.

The dangers to liberty inherent in the "uniform health identifier" are magnified by the so-called "medical privacy" regulation. Many things in Washington are misnamed, however, this regulation may be the most blatant case of false advertising I have come across in all my years in Congress. Rather than protect an individual right to medical privacy, these regulations empower government officials to determine how much medical privacy an individual "needs." This "one-size-fits-all" approach ignores the fact that different people may prefer different levels of privacy. Certain individuals may be willing to exchange a great deal of their personal medical information in order to obtain certain benefits, such as lower-priced care or having information targeted to their medical needs sent to them in a timely manner. Others may forgo those benefits in order to limit the number of people who have access to their medical history. Federal bureaucrats cannot possibly know, much less meet, the optimal level of privacy for each individual. In contrast, the free market allows individuals to obtain the level of privacy protection they desire.

The so-called "medical privacy" regulations and uniform health identifier scheme not only reduce individuals' ability to determine who has access to their personal medical information, but actually threaten medical privacy and constitutionally protected liberties. For example, these regulations allow law enforcement and other government officials access to a citizen's private medical record without having to obtain a search warrant.

Allowing government officials to access a private person's medical records without a warrant is a violation of the Fourth Amendment to the United States Constitution, which protects American citizens from warrantless searches by government officials. The requirement that law enforcement officials obtain a warrant from a judge before searching private documents is one of the fundamental protections against abuse of the government's power to seize an individual's private documents. While the Fourth Amendment has been interpreted to allow warrantless searches in emergency situations, it is hard to conceive of a situation where law enforcement officials would be unable to obtain a warrant before electronic medical records would be destroyed.

Mr. Speaker, these regulations also require health care providers to give medical records to the Federal government for inclusion in a Federal health care data system. Such a system would contain all citizens' personal health care information, accessible to anyone who knows the individual's "unique health identifier." History shows that when the government collects this type of personal information, the inevitable result is the abuse of citizens' privacy and liberty by unscrupulous government officials. The only fail-safe privacy protection is for the government not to collect and store this type of personal information.

In addition to law enforcement, these so-called "privacy protection" regulations create a privileged class of people with a federally guaranteed right to see an individual's medical records without the individual's consent. My medical office recently received a Model "Privacy Act Compliance" form. This three-page form lists over 20 situations where medical information may be disclosed without individual consent. Medical information may be disclosed to attorneys, business associates of the provider, and Federal agencies conducting "health oversight activities." Medical information may also be divulged without consent to insurance companies and medical researchers!

Medical researchers claim to be able to protect the autonomy of their unwilling subjects, but the fact is that allowing third parties to use medical records for research purposes runs the risk of inadvertent identification of personal medical information. I am aware of at least one incident where a man had his identity revealed when his medical records were used without his consent. As a result, many people in his community discovered details of his medical history that he wished to keep private!

Forcing individuals to divulge medical information without their consent also runs afoul of the Fifth Amendment's prohibition on taking private property for public use without just compensation. After all, people do have a legitimate property interest in their private information. Therefore, restrictions on an individual's ability to control the dissemination of their private information represents a massive regulatory taking. The takings clause is designed to prevent this type of sacrifice of individual property rights for the "greater good."

In a free society such as the one envisioned by those who drafted the Constitution, the Federal government should never force a citizen to divulge personal information to advance "important social goals." Rather, it should be up to the individuals, not the government, to determine what social goals are important enough to warrant allowing others access to their personal property, including their personal information. To the extent these regulations sacrifice individual rights in the name of a bureaucratically determined "common good," they are incompatible with a free society and a constitutional government.

As an OB–GYN with more than 30 years experience in private practice, I am very concerned by the threat to medical practice posed by these privacy regulations and the unique health identifier scheme. The confidential physician-patient relationship is the basis of good health care.

Oftentimes, effective treatment depends on the patient's ability to place absolute trust in his or her doctor. The legal system has acknowledged the importance of maintaining physician-patient confidentiality by granting physicians a privilege not to divulge confidential patient information.

I ask my colleagues to consider how comfortable you would be confiding an embarrassing physical or emotional problem to your physicians if you knew that any and all information given your doctor may be placed in a government database or seen by medical researchers, handed over to government agents without so much as a simple warrant or accessed by anyone who happens to know your "unique health identifier?"

By now it should be clear to every member of Congress that the American people do not want their health information recorded on a database, and they do not wish to be assigned a unique health identifier. According to a survey by the respected Gallup Company, 91 percent of Americans oppose assigning Americans a "unique health care identifier" while 92 percent of the people oppose allowing government agencies the unrestrained power to view private medical records and 88 percent of Americans oppose placing private health care information in a national database. Congress has acknowledged this public concern by including language forbidding the expenditure of funds to implement or develop a medical identifier in the Federal budget for the past 5 fiscal years. Rather than continuing to extend the prohibition on funding for another year, Congress should finally obey the wishes of the American people by repealing the authorization of the individual medical ID this year as well as repeal these dangerous medical privacy rules.

Mr. Speaker, the misnamed medical privacy regulations and the scheme to assign all Americans a "unique health care identifier" violates the fourth and fifth amendments by allowing law enforcement officials and government favored special interests to seize medical records without an individual's consent or a warrant. Federal supervision of who can access medical records combined with a federally assigned medical ID also facilitate the creation of a Federal database containing the health care data of every American citizen. These developments could undermine the doctor-patient relationship and thus worsen the health care of millions of Americans. I, therefore, call on my colleagues to join me in repealing these threats to privacy and quality health care by cosponsoring the Patient Privacy Act.

EXPRESSING SENSE OF HOUSE ON FINANCIAL LITERACY FOR YOUTH MONTH

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 7, 2003

Mr. POMEROY. Mr. Speaker, over the years, I have worked with Chairman DREIER to promote financial literacy skills within our schools and am proud to be an original cosponsor of this House Resolution. House Resolution 127 expresses the sense of the House that a month should be designated as "Financial Literacy for Youth Month."

Our youth desperately need to have higher levels of financial literacy. According to a recent Jump$tart Coalition survey, today's high school seniors fail when it comes to a basic knowledge of personal finance including credit cards, saving for retirement and insurance. When seniors were tested on basic financial literacy, they answered only 50 percent of the questions correctly.

Unfortunately, the lack of basic money management skills by young people often leads to serious financial problems for families and individuals, which, in turn, damage the Nation's economy. The results are skyrocketing consumer debt, low savings rates, home foreclosures, lost job opportunities, bankruptcy and poverty.

To help stem this tide, Chairman DREIER and I are working with our Senate colleagues, Senators AKAKA and COCHRAN, to host a "Financial Literacy for Youth Day," on Monday, April 28, 2003. This event will culminate a month of activities organized around the nation by federal agencies, states, localities, schools, nonprofit organizations, businesses, and other entities to empower our youth with the financial and economic knowledge necessary to make sound personal choices. The event will include an educational fair, coordinated by Jump$tart, where federal agencies and organizations will have information booths displaying their efforts to further economic and financial literacy.

As with other life skills, good money management skills and habits are best formed during childhood. In partnership with interested entities at the state and local levels, we can do more to give our youth the knowledge that will empower them to make sound financial decisions, now and in the future. I urge my colleagues to support and recognize the importance of increasing financial literacy among our youth.

88TH ANNIVERSARY OF THE GENOCIDE OF THE ARMENIAN PEOPLE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. LEVIN. Mr. Speaker, April 24, 2003, marks the 88th anniversary of one of the world's most tragic events—the genocide of the Armenian people by the Young Turk government of the Ottoman Empire.

On that day in 1915, over 200 Armenian religious, political and intellectual leaders were executed. This was the beginning of the Ottoman Empire's attempt to eradicate Armenians from their Anatolian homelands in what is now East Turkey through massacre and massive forced marches through the deserts of modern-day Syria. This resulted in the deaths of more than two-thirds of the Armenian population—totaling one and a half million people.

To this day, there are those who dismiss the systematic persecution of the Armenian population. Some claim that a smaller number of Armenians were killed as a result of partisan fighting during World War I. Others lessen the importance of this event by refusing to recognize it as genocide. Still others seek to forget this tragedy altogether. But these tragic events must be acknowledged and remembered to ensure that this does not happen.

Stephen Holden of the New York Times once wrote of the Armenian Genocide that "anguished remembrance is far preferable to willful amnesia." There are still many living survivors in my district who participate each year in commemoration ceremonies, in the hope that the world will not forget their anguish.

Mr. Speaker, I am proud to represent a large and vital Armenian community in my district. It is for these people, as well as Armenians around the world, that I rise today to commemorate the Armenian Genocide with the great hope there will not be willful amnesia regarding this tragedy, but that people will remember and not tolerate anything of this kind again.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 10, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 29

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD-366

APRIL 30

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Indian Affairs

To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

SR–485

MAY 1

10 a.m.

Energy and Natural Resources

Business meeting to consider comprehensive energy legislation.

SD–366

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.

SD–124

MAY 6

2:30 p.m.

Foreign Relations

To hold hearings to examine the nomination of Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs).

SD–419

MAY 8

1:30 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol.

SD–124

MAY 12

3 p.m.

Indian Affairs

To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.

SR–485

MAY 22

10 a.m.

Indian Affairs

To hold oversight hearings to examine the status of telecommunications in Indian Country.

SR–485

JUNE 3

10 a.m.

Indian Affairs

To hold hearings to examine the status of tribal fish and wildlife management programs.

SR–485

JUNE 4

2 p.m.

Indian Affairs

To hold hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.

SR–485

HOUSE OF REPRESENTATIVES—*Thursday, April 10, 2003*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of salvation, Father of all, may the good news of Baghdad spread throughout the region of Iraq. Bind the wounds of a war-torn people as You lift the cloud of oppression and ignite the promise of a new day.

When the Iraqi people gather in their mosques and churches tomorrow and this weekend, may they find new reasons to offer You praise and thanks so that peace may descend upon their land and their families.

Lord, continue to protect and guide the coalition forces, that they may be transformed by Your power for building security and becoming witnesses to true freedom under the law.

Grant them perseverance and patience until their task is completed and they safely return home.

May all prisoners of war and all those still missing be found and be brought to light and reliable care.

To You, our God and Savior, to the Members of Congress and the Nation give the glory, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire (Mr. BRADLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRADLEY of New Hampshire led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 273. An act to provide for the eradication and control of nutria in Maryland and Louisiana.

The message was announced that the Senate has passed concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 31. Concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 10 one-minute speeches on each side.

TEN COMMANDMENTS AND CHILD PORNOGRAPHY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, since March of last year, a shroud has covered a plaque on the front of the Chester County Courthouse in my District. By court order, a work crew placed a piece of sheet metal over the plaque which has hung on the wall of the courthouse for nearly a century. This week, the Federal 3rd Circuit Court heard arguments about the future of this plaque.

Mr. Speaker, something is very wrong with our courts in this country. They say that child pornography is perfectly legal as long as real kids were not hurt making it, but the Ten Commandments are so offensive we have to cover them up. I am not exaggerating.

Mr. Speaker, something is very, very wrong with America's court system when child pornography is protected, but the Ten Commandments have to be covered up.

The 3rd Circuit Court should do the right thing. They should allow the plaque to stay right where it is.

IN GRATITUDE FOR THE SACRIFICE OF EDWARD SMITH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to pay tribute to a fallen American hero. Edward Smith spent his adult life protecting his fellow citizens, first as a Marine and then as a reserve SWAT police officer in the Anaheim Police Department.

In January, he submitted his application to retire from the Marine Corps to become a full-time policeman in Anaheim when the Secretary of the Navy froze all retirements for Marines for 12 months. On January 31, he and his unit, the 2nd Tank Battalion of the 1st Marine Expeditionary Unit set off for the Iraqi theater.

Edward Smith and his company of 200 Marines were involved in a fierce firefight in Basra where he was killed in the line of duty.

I am sure my colleagues all join me in paying tribute to Smitty, as he was known by his friends and comrades-in-arms, and to express our condolences and our gratitude to his wife, Sandy, and his children, Nathan, Ryan and Shelby.

BAGHDAD FALLS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am here to congratulate General Tommy Franks, Chief of Military Operations, and our brave military forces. Of course, I also congratulate Secretary of Defense Rumsfeld, General Myers, and of course, President Bush and the administration.

I think everyone will remember where he or she was when the statue of Saddam Hussein came tumbling down. His atrocious regime is over, done.

And Mr. Speaker, there are many others I wish to congratulate today, but I want to remind everyone in the House that we should also congratulate everyone in this House of Representatives who voted for the Iraq resolution. It was the right thing to do.

CONGRATULATING ST. JOHN'S AND MAGEN DAVID YESHIVA

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, this has been a great time for student athletes from Brooklyn and Queens.

Earlier this month, St. John's won its record sixth National Invitation Tournament with a 70–67 comeback victory over Big East rival Georgetown. One cannot help but wonder what they would have been able to do if they had been given the bid to the NCAA Tournament that they deserved.

While St. John's has won many titles in its history, I also wanted to congratulate a school that just won its first, Magen David Yeshiva. This past month, the Warriors won their first championship in school history, defeating Ramaz of Manhattan 64 to 48 to claim the Metropolitan Yeshiva High School Athletic League crown.

In the championship game, Charles Chehebar led the way with 24 points on

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10 for 16 shooting, including 18 points in the second half. Not surprisingly, he was the game's MVP. Team captain Maurice Levy added 13 points, making 63 percent of his shots in the second half, and Ralph Cohen also made it into double figures, netting 13 points. Of course many other players contributed to this unprecedented victory, and I wanted to take this opportunity to recognize these young men—Robert Abadi, Jack Beyda, Albert Braha, Albert Dayan, Eddie Dayan, Steven Fallas, Steven Gindi, Ralph Hasbani, Joseph Kameo, Isaac Kassin, Isaac Mizrahi, Steven Orfali, Irving Sassoon, Ovadia Setti.

Under the leadership of Head Coach Morris Dweck and Assistant Coach Danny Mizrahi, this was a particularly emotional win, since the team dedicated the game to the memory of Leo Chalom, a 2001 Magen David graduate who passed away less than a week before the championship game. A crowd of 1,500 recited a chapter of Psalms in his memory before the game, and I am heartened to know that the Warriors' victory was able to bring some solace and happiness to the members of the Magen David community who are working their way through trying times.

On behalf of the U.S. House of Representatives and all of the people of the city of New York, I offer my hearty congratulations to the Red Storm of St. John's and the Warriors of Magen David Yeshiva on their tremendous accomplishments.

BROADBAND TECHNOLOGY

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, a recent broadband technology decision by the Federal Communications Commission presents serious issues for rural America and the agricultural industry as a whole.

Perhaps no small- to mid-sized business sector has been more affected by technology than agriculture, where computer systems monitor crop production, satellites relay soil moisture information and cell phones coordinate efforts.

However, last year, when the House passed the Tauzin-Dingell bill, which would remove outmoded restrictions on local phone companies in exchange for aggressive system modernization and network build-out requirements, by adopting the business-as-usual stance, the FCC refused an opportunity to move in the direction that American agriculture and rural America has by adopting new technology, and instead attempted to require some companies to give deep discounts to their competition. Capital investment by these companies will suffer greatly in central Florida and throughout rural America.

Mr. Speaker, if local phone companies have little interest and no real incentive to invest heavily in urban and wealthy suburban areas, rural and small-town Americans will once again get the short end of the stick.

I join my colleagues on both sides of the aisle, including the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) in strongly urging the FCC to reconsider their position. Rural America needs the technological progress regulatory reform could bring.

TRIBUTE TO IRA SPRING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, every State has citizens who do something special, and the State of Washington has a gentleman named Ira Spring. Ira Spring is a great outdoor photographer who, along with Harvey Manning, published the famous 100 Hikes in Washington, a series of guidebooks which ignited the movement to protect the environment of our State because it introduced thousands of people to the outdoors and the tremendous forests in the State of Washington.

Ira has also mentored some of our best mountain climbers, including Jim and Lou Whittaker of climbing fame.

Ira's gone on now to establish a foundation to help introduce young people to the outdoors and encourage trail maintenance, and he is a fellow who we have tremendous respect for in the environmental community. And I just want to quote something Ira said the other day. He said, "I feel you need a lot of people to become aware of their surroundings," and he is certainly right on about that, because he has dedicated his life to doing that.

We are protecting our forests and wildlands and using them to great enjoyment in the State of Washington. I say thanks to Ira.

RECOGNIZING ERIN COLLINS

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, I rise today to proudly recognize Erin Collins, a very dedicated and enthusiastic member of my Washington, D.C., congressional staff.

Erin has served my office and other congressional offices for nearly 5 years as an intern, legislative correspondent, legislative assistant, scheduler and office manager. She has established a passion for working on the Hill. Erin holds dear the people she has worked with in her many roles as a Hill member.

I, and others, greatly appreciate Erin's hard work and commitment. Constituents have grown to know her attention to detail, her knowledge of so many issues and her personal touch that should not go unrecognized.

It is unfortunate for many that Erin will be leaving the Hill because she has left her unique stamp on so many people. However, her ultimate dedication to her soon-to-be husband and his duty of serving our country show great devotion and courage. We wish both of them nothing but the best.

Mr. Speaker, I proudly ask my colleagues to join me in commending Erin Collins for many important contributions to myself, my staff and those she has worked with and those she has served. She will be missed by many.

CARIBBEAN NATIONAL FOREST WILDERNESS ACT

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, today I will introduce the Caribbean National Forest Wilderness Act. This legislation is simple. It recognizes the vital importance and need for the conservation of the Caribbean national forests, the only tropical rainforest in the national forest system, and will designate approximately 10,000 acres of this forest as the El Toro Wilderness Area.

This year is the 100th anniversary of the Caribbean National Forest, and I can think of no better tribute than protecting the primitive nature of this forest for our future generations.

□ 1015

The Caribbean National Forest, known in Puerto Rico as El Yunque, contains many significant ecological and biological assets. The Puerto Rican parrot, one of the 10 most endangered birds in the world, calls El Yunque its home. In addition, the forest has 240 species of trees and 120 terrestrial animals, four of which are listed as endangered species. El Yunque sees nearly one million visitors per year and is an important provider of environmental education for tourists and Puerto Ricans alike.

Mr. Speaker, this same bill passed the House last year, and I appreciate the support of my colleagues. I would like to thank the ranking member of the Committee on Resources, the gentleman from West Virginia, and the other Members who have joined me as cosponsors of this legislation.

Wilderness is a fitting designation for these 10,000 acres of El Yunque, and I look forward to working with the Committee on Resources and my other colleagues to move this bill forward.

SADDAM'S REGIME DESTROYED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, 3 weeks to the day after operation Iraqi Freedom began, the larger-than-life statue of Saddam Hussein in Baghdad's Paradise Square was torn down amid celebration by Iraqi citizens, an event very similar to the crumbling of the Berlin Wall. Promoted by President Ronald Reagan, this symbolic gesture signals the downfall of this totalitarian regime. The Iraqi people are certainly entitled to celebrate. Thirty years of brutal oppression are finally coming to an end thanks to the leadership and determination of our President, George W. Bush.

I applaud the coalition forces for their courage and a dedication beyond compare. The loss of American lives, though tragic, has been reduced, and our mission efficient and effective, as I saw in February when I was encouraged by visiting the troops in Kuwait.

Our thoughts and prayers are with the families who have suffered losses and our soldiers who continue to fight for the freedom of Iraq and an end to terrorism, which seeks to spread weapons of mass destruction against American citizens. It is our hope that the Iraqi people will be able to use the unique riches of their country to build a new life for themselves based upon the principles of freedom and liberty.

May God bless our troops, and may God bless the newly freed people of Iraq.

UNITED NATIONS MUST CONDEMN MISTREATMENT OF U.S. POWS IN IRAQ

(Mr. BELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BELL. Mr. Speaker, I was a guest on a Houston radio show earlier this week; and during the course of the interview, the host of the program, Chris Baker, pointed out that Congress, along with the United Nations, has been rather silent on the issue of the treatment of American POWs in Iraq.

While that is not all together correct, I know most of our attention here has been focused on supporting the troops and hoping for a successful and speedy conclusion to the conflict.

Now that it appears the end is near, and there is cause for great optimism and excitement, we cannot lose site of the atrocities we have seen during the past 3 weeks. I know all my colleagues agree that the treatment of captured allied forces has been outrageous, and we must continue to speak up and insist that those responsible be brought to justice following the war.

We must send a clear message that America and the world will not tolerate the mistreatment of our prisoners of war. We expect the same treatment for our sons and daughters that we afford enemy soldiers when they are captured. Please join me in calling for the United Nations to take immediate action to condemn these heinous acts of mistreatment against our POWs.

TRIBUTE TO RUTH GRIFFIN

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise to salute executive councilor Ruth Griffin, who is a native of Portsmouth, New Hampshire, and has been a long-time member of the executive council in New Hampshire as well as a dedicated public servant.

Ruth is receiving a lifetime achievement award tonight from the City Awards of the United States. Her longtime recognition in New Hampshire is unqualified by her success. She has served as a State senator, a State representative on local boards and commissions. She is a friend of many and has always been a dedicated servant of those less fortunate.

Mr. Speaker, I have had the pleasure of working with her for a number of years as a member of the New Hampshire legislature. I call her a friend and a mentor.

IN MEMORY OF PRIVATE FIRST CLASS DIEGO F. RINCON

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Georgia. Mr. Speaker, as we watch television today, we see the wondrous and joyous faces of Iraqi citizens who have been liberated. But we must pause now and never forget the precious price that was paid through our brave and courageous soldiers who gave their lives so that Iraq could be free.

Today, I rise to give some remarks about one of those noble heroes who gave his life, Private First Class Diego Fernando Rincon, who was from the 13th Congressional District in Georgia and whose funeral will be held today, in just a few hours from now at 2 p.m., at the Seventh Day Adventist Church located in my district in Conyers, Georgia.

Mr. Speaker, this is the second funeral in my district in the last 4 days, and not only from my district but from the same town in my district, Conyers, Georgia. Specialist Jamal Addison, on Monday, we funeralized; and I was privileged to be there. And today, again, Diego Rincon. Unfortunately, I am not able to be there, but it is very important that we pause for a moment and give our respect to this fallen, but great, hero.

Private First Class Diego Fernando Rincon was the second Metro Atlanta soldier killed in the war in Iraq. Mr. Speaker, he was 19 years old. Private Rincon served as a member of the 3rd Infantry Division of the 3rd Army Mechanized. Private Rincon was killed in a suicide bombing attack at a U.S. Army checkpoint in Iraq on March 29, with three other soldiers from Georgia's Fort Stewart.

Private Rincon was born near Bogota, Colombia, and moved with his family to the United States when he was 5 years old. Private Rincon graduated from Salem High School in Rockdale County, Georgia, in 2001. He was a gifted actor, musician and cheerleader. A very creative and talented person.

Private Rincon has been awarded posthumously United States citizenship because, Mr. Speaker, this 19-year-old gave his life for this country, and yet he was not a citizen of this country. That is why we are here at this time putting legislation pending that will grant automatic citizenship for all foreign soldiers. What a great story.

I conclude, Mr. Speaker, with this: this great soldier fought the good fight, he finished his course, and he kept the faith. There is surely put up for private Diego Rincon an extraordinary crown of righteousness. God bless this great soldier, Private Rincon of the United States Army, a United States citizen, and God bless America.

ARMED FORCES CITIZENSHIP ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise this morning to announce that I have just introduced legislation making it possible for every legal immigrant serving on active duty in America's Armed Forces to become a U.S. citizen immediately. Not in 3 years or 5 years, but immediately.

Once this bill is enacted, providing that all other requirements are met, on the same day that a young person is mustered into duty in our Armed Forces, he or she will be able to take the oath of office making them a citizen of the United States of America.

Mr. Speaker, these patriotic men and women have willingly volunteered to carry out one of the most solemn duties that any nation can ask of its citizens, the defense of freedom. Thus, more than most, I believe that they have truly earned their opportunity to become citizens of the country whose uniform they wear so proudly.

By enacting the Armed Services Citizens Act, America can do the right thing for some very brave men and women who are doing the right thing for America. So, Mr. Speaker, let us recognize their love of this country by enabling legal immigrants serving America's Armed Forces to become citizens before, not after, they begin risking their lives to defend ours.

GETTING THE ECONOMY GROWING AGAIN

(Mr. WEXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEXLER. Mr. Speaker, to get our economy growing again, we need policies that encourage investment and job creation, especially in high-technology industries like telecommunications.

Just this past month, FCC Chairman Powell tried to encourage more facilities-based competition in the local exchange markets. That balanced approach, however, was abandoned in favor of keeping most of the old rules and regulations, despite predictions that it would discourage plant upgrades, new network installation, and new jobs. Surprisingly, the White House was silent when the plans of its own FCC chairman were sidelined.

Mr. Speaker, the Clinton administration took a strong pro-growth, pro-jobs approach in the technology and telecom sector. The Bush administration, in contrast, seems wedded to an almost unchanging policy of benign neglect. I have over 50 facilities and 900 workers in my district that cannot tolerate this benign neglect. Under the present administration, America has lost $2 trillion in the telecommunication industry, computer investment has been erased, and 300,000 American technology workers have lost their jobs.

TRIBUTE TO DENTON HIGH SCHOOL'S LADY BRONCOS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, it turns out the third time was a charm for the women's soccer team of Denton High School in Denton, Texas. Mr. Speaker, I want today to recognize the Lady Broncos, Denton High School's women's soccer team, for winning their first State title this past Saturday.

Freshman Ashley Hornisher scored the game-winning goal after receiving a corner kick from sophomore Lisa Stephens in order to win the Class A State championship.

Coach Iseed Khoury, who led the Lady Broncos in a 28–2 season, said "This is the result of all the hard work our kids have put in over the years. We're a powerhouse now."

Denton senior Julie Naugher, a midfielder, was named the State tournament's Most Valuable Player. Ashley Wilson, a sophomore midfielder, sent a free kick from 40 yards out to Naugher in the box, who then headed the ball into the goal to tie the game in the first half.

Mr. Speaker, I especially want to recognize the Denton Lady Bronco seniors: Erin Cadenhead, Jennifer Dower, Julie Naugher, Annie Lowe, Callie Lawing, JennMia Nilsson, Katherine Clark, Christine Hornisher, and Bente Bekkhus.

I hope my colleagues will join me in honoring these fine young ladies and congratulating them on a season of hard work and commitment that paid off.

CREATING NEW JOBS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, I rise today to echo what other speakers on both sides of the aisle have talked about, talking about jobs, creating new jobs, saving jobs now in jeopardy as our economy continues to deteriorate.

I am privileged to represent one of the most ethnically diverse districts in the Nation. Jobs in my district prove that the American dream is alive and well and that anything is possible through hard work.

On February 20, the FCC had an opportunity to create and save jobs while boosting the economy. Since 2000, we have lost 2½ million jobs in this country. Instead, this decision means job losses in the long term, for the Nation's telecom sector and for my home State of Illinois.

The FCC's decision also means companies will not be able to make critical investments in the area of broadband deployment. It means an entire segment of the U.S. economy faces a future of uncertainty for its employers and customers. The job-loss message was heard loud and clear. One analyst of the industry wrote, and I quote, "Usually a decision of this magnitude would bring with it greater certainty and clarity. Yet, in this instance, we believe the issue is as confused and as uncertain as ever."

Mr. Speaker, I encourage the administration to remember that uncertainty leads to job loss, both on Main Street and on Wall Street.

CITIZEN PATRIOTISM

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, perhaps more than ever in our Nation's history, at least since the Revolutionary War, our citizens are rising up to their responsibilities to be on guard and report suspicious behavior and activities. Often these patriotic deeds go unnoticed and unheralded. This is true of one such person in my district.

Harvey Roffman, a resident of Omaha, Nebraska, in 1987 was working as a trade specialist for the U.S. Department of Commerce. During that time, he received a phone call from a businessman who believed that some of his product was being delivered illegally to the country of Libya.

Based on that information, Mr. Roffman brought the businessmen together with the Commerce's Department of Export Administration. That led to an investigation revealing that $275,000 in steel pipe was being diverted from Hanover, Germany, to the terrorist country Libya. As a result, an additional quarter million dollars' worth of product destined to this same terrorist country was canceled.

Mr. Speaker, I bring this story to the attention of the House now not to give Harvey Roffman a pat on the back, which he has deserved over these past many years, but because it is a wonderful example to all our citizens that their watchfulness and vigilance could save lives and stop our enemies from terrorist acts.

☐ 1030

GO HUSKIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to honor the UConn Huskies for winning their fourth NCAA women's basketball championship and their third in four seasons. The victory is inspirational because the Huskies overcame incredible odds, having only one starting player return from last year's championship team.

With this title victory, there can be no doubt that our Huskies are certain to be remembered as one of the greatest basketball teams in sports history. The people of Connecticut are justly proud of their Huskies, who have set an example for us all with their teamwork and their standards of perfection. I know this victory was a team effort; but we are particularly proud of Maria Conlon from Derby, Connecticut, of the third congressional district, and Diana Taurasi, a fellow daughter of Italian immigrants, who was named the Final Four Most Outstanding Player and Consensus National Player of the Year after she scored the third most points in Division I tournament history, the fourth-most ever in the Final Four, and tied for second-most ever in a title game, all with an aching back, one good ankle and a heart whose size is only matched by that of the Huskies' dreams.

These women have shown that given the resources, they are just as talented and exciting to watch as any men's basketball team out there. They are role models for girls and boys alike across this Nation, and we should remember them as we debate title IX and its impact on women in this country.

Mr. Speaker, I congratulate the Huskies on their championship win and their incredible season. They have truly earned this recognition. Go Huskies.

JUST BORN CELEBRATES 50TH ANNIVERSARY OF PEEPS

(Mr. TOOMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, I rise to offer congratulations to the confectioners at Just Born, Incorporated, as they celebrate the 50th anniversary of one of their most recognized and celebrated products, not to mention my daughter's favorite, Marshmallow Peeps.

Just Born, with their Peeps, is a great American manufacturing success story. Over a billion Peeps are produced each year by Just Born's 400-plus employees. Their candies are exported to over 30 countries, making them available to over 1.5 billion people worldwide.

Innovation and dedicated employees have really been the source of the success of this company. Just Born was founded in 1923 in New York City by Samuel Born, a Russian immigrant. The company moved to Bethlehem, Pennsylvania, in 1932 and under the leadership of Bob Born, Samuel's son, Just Born acquired a candy company in 1953 which manufactured by hand a small line of 3-D marshmallow products. The innovative Bob Born mechanized the process of making Peeps and dramatically increased the quantity of Peeps manufactured each year. Peeps once took 27 hours to make, they now take 6 minutes.

It is this innovative, entrepreneurial spirit, and great workers that make American manufacturers the best in the world, and Just Born continues to lead the way among confectioners. If we do our part here in Congress to lessen government regulations, to expand trade opportunities and to lower taxes to encourage economic growth, we will see more success stories like Just Born, Inc.

Mr. Speaker, I congratulate Just Born and 3 generations of Lehigh Valley employees for sweetening America.

CONFERENCE REPORT ON S. 151, PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 188 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 188

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday the Committee on Rules met and granted a "normal" conference report rule for S. 151, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or the PROTECT Act.

The rule waives all points of order against the conference report and against its consideration. Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for every conference report that we consider in the House.

The PROTECT Act sends a clear message to those who prey upon children that if they commit these crimes, they will be punished. This legislation provides stronger penalties against kidnapping, ensures lifetime supervision of sexual offenders and kidnappers of children, gives law enforcement the tools it needs to effectively prosecute these crimes, and provides assistance to the community when a child is abducted.

To accomplish this, S. 151 establishes an AMBER Alert coordinator within the Department of Justice to assist States with their AMBER Alert plans. This coordination will eliminate gaps in the network, including gaps in interstate travel, work with States to encourage development of additional AMBER plans, and serve as a nationwide point of contact.

The AMBER program is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child abduction cases. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for, and the safe return of, that child.

I am pleased that this legislation also authorizes $20 million for fiscal year 2004 for the Secretary of Transportation to make grants to States for the development or enhancement of notification or communication systems along the highways. I am sure Members have seen those reader board signs. These signs are for alerts and other information for the recovery of abducted children. Doing this will enable all 50 States to implement this life-saving program, and we have seen several examples of it working lately to literally save children's lives.

For those individuals who would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through the cracks of the system to harm other children. To this end, this legislation provides a 20-year mandatory minimum sentence of imprisonment for stranger abductions of a child under the age of 18, lifetime supervision for sex offenders and mandatory life imprisonment for second-time offenders; and we all know that is a very common occurrence.

This responds to the long-standing concerns of Federal judges and prosecutors regarding the inadequacy of the existing supervision period for sex offenders, particularly for the perpetrators of child sexual abuse crimes, whose criminal conduct may reflect deep-seated deviant sexual disorders, and they are not likely to disappear within a few years of release from prison.

Furthermore, S. 151 removes any statute of limitation and opportunity for pretrial release for crimes of child abduction and sex offenses. Oftentimes it is years later that sex offenses come to light because a child is afraid to speak out. That is why this conference report is so important. Not only does it come to the aid of the children after the abduction with the AMBER Alert, it aims to prevent the abduction with the provisions I just mentioned.

I also want to applaud the conferees for including legislation authored by the gentleman from Indiana (Mr. PENCE) that would punish those who use misleading domain names to attract children to sexually explicit Internet sites. It accomplishes this goal by increasing the penalties and provides prosecutors with enhanced tools to prosecute those seeking to lure children to porn Web sites. As a mother and grandmother, it is hard for me to understand how anyone can prey on a defenseless child.

Therefore, I urge my colleagues to support the rule and support the underlying bill. It is imperative for our Nation to protect our most valuable resource, our children.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by passing this conference report today, Congress can finally end the 6 months of political maneuvering that have delayed my legislation to help set up a nationwide network of AMBER Alerts. The AMBER plan was named for a young girl, Amber Hagerman, who was kidnapped and murdered in Arlington, Texas, in my congressional district.

Make no mistake, this conference report is not perfect. It contains some needlessly controversial provisions dealing with our criminal laws. For that reason, some Members will oppose it.

The AMBER Alert Network Act, which I first introduced in the House of Representatives with the gentlewoman from Washington (Ms. DUNN) last year, should have been law long, long ago. It passed the Senate unanimously twice. The President made clear his support for it, and 230 Democrats and Republicans cosponsored it in the House, a clear majority. But for more than 6 months now, House Republican leaders refused to allow the House to vote on this bipartisan bill to protect America's children. And 2 weeks ago, 218 House Republicans ignored a last minute letter from the family of Elizabeth Smart and voted to support their leadership and block consideration of the stand-alone AMBER bill.

Mr. Speaker, it should not have been this hard; but we can now see an end to this matter. We now are about to finally enact this very important legislation.

We know the AMBER Alert system works. Since it was created in north Texas in 1997, it has helped recover 53 abducted children, five of them in the month of March alone. But it does not work where it does not exist. That is why the AMBER Alert Network Act, which this conference report includes, is so important because it will help set up a nationwide network of AMBER Alerts.

Mr. Speaker, this has been a long road, and a lot of dedicated Americans have worked very hard to pass this bill. In the House, the gentleman from Texas (Mr. LAMPSON), the gentleman from New Jersey (Mr. HOLT), the gentleman from Kansas (Mr. MOORE), and the gentleman from Utah (Mr. MATHESON), who represents the family of Elizabeth Smart, have worked very hard. I wanted to thank the Democratic members of the Committee on the Judiciary, especially the ranking member, the gentleman from Michigan (Mr. CONYERS), and the Subcommittee on Crime ranking member, the gentleman from Virginia (Mr. SCOTT), who have been extraordinarily helpful throughout this process. I also thank my friend and colleague, the gentlewoman from Washington (Ms. DUNN), who joined with me to introduce the AMBER bill in the House, and of course Senators KAY BAILEY HUTCHISON, DIANE FEINSTEIN, and HILLARY RODHAM CLINTON have done a marvelous job leading the effort in the Senate.

Outside of the Congress, much credit goes to the National Center for Missing and Exploited Children, to the National Association of Police Organizations, to Marc Klaas and the Polly Klaas Foundation, and to all of the organizations and individuals who worked to expand AMBER Alerts nationwide.

Finally, I want to personally thank Ed Smart, who in an extraordinary statement on the eve of the safe recovery of his daughter, Elizabeth Smart, spoke directly to the American public and this Congress and urged the prompt enactment of the AMBER Alert bill.

Mr. Speaker, this is long overdue. This will save children throughout the United States. I commend this legislation to this House and to the President.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for her leadership on this rule, and I rise in support of the rule for S. 151, which is aimed at combating child exploitation and abuse. As cochair of the Congressional Missing and Exploited Children's Caucus with the gentleman from Texas (Mr. LAMPSON), I know full well the need for new and increased penalties and the need to expend more resources to enforce current law.

I would like to commend the work of both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the conference committee for bringing this outstanding package to the floor today. With provisions like Two Strikes and You're Out for repeat child sex offenders, penalties for international sex tourism, the doubling of funding for the National Center for Missing and Exploited Children, expanding the relationship between the United States Secret Service and the National Center for Missing and Exploited Children, and of course the AMBER Alert Act, all make this legislation another nail in the coffin of those who prey on the most innocent in our society, our children.

Mr. Speaker, this bill will help bring pedophiles and others who intend to do children harm to justice. I would, however, like to take a moment to express some concern I have about one of the provisions that was put into the final package relating to the Volunteers for Children Act. This law, which the gentleman from Texas (Mr. LAMPSON) and I championed, was designed to provide further protection for our Nation's children by allowing youth-serving nonprofit organizations such as the Boys and Girls Club, the National Council for Youth Sports, and the National Mentoring Group to request national fingerprint background checks in the absence of State laws providing such access.

However, since the Volunteers for Children Act was enacted in 1998, only a very few States have complied with this law.

□ 1045

As a result, for the past year, I have been working towards a permanent solution with the Senate and the chairman to correct this problem once and for all.

Though I applaud both the chairman and the conference committee on recognizing the need to address this longstanding problem, the efforts to correct it leave much to be done. I hope that we can work with the chairman to provide the necessary protection to millions of children participating in both the local and nationwide after-school and volunteer-run programs by giving these groups the access they need to criminal background checks of their volunteers.

We have tried it in Florida. It has been immensely successful. It has been applauded by child advocate groups. It has been applauded by the FDLE, Florida Department of Law Enforcement's head, Tim Moore. We have used it extensively to provide protection for our children and volunteer organizations.

The fingerprint check is the only absolute way we can ensure that those working with our children are, in fact, clean of past histories that would cause them to come into difficult situations with our children.

Again, Mr. Speaker, I do offer my full support for the overall package and encourage my colleagues to vote for this rule and, of course, for the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding me this time.

Mr. Speaker, I think it is well known that in the time that I have spent as a Member of this Congress, I have consistently supported legislation that will enhance the protection of our children. This year, we received an enormous shot in the arm when Elizabeth Smart was returned to her family, and I am reminded of the very potent words of her father in the early hours after her return, pass a straight up-or-down AMBER Alert bill, and that it was the community, including of course his wonderful young daughter, who really helped bring Elizabeth home. It was the community who began to hear the announcements and various citizens throughout his great State began to call in various information in order to help the police locate Elizabeth.

And so, legislation that this was supposed to be is a good effort. The AMBER Alert, nationalizing it, is a good effort.

It concerns me that there would be those who would undermine or diminish the importance of having a national AMBER Alert by suggesting that it was not enough, that there are many rural and urban communities and States that do not have the system and that this bill will help.

By and large, reluctantly I will ultimately be supporting the final passage of this legislation, but not the rule. I thought, when the conference met that we would reasonably understand that certain aspects this legislation are, in fact, destructive of our civil liberties and civil justice and criminal justice systems.

For example, I abhor pornography. I am reminded of the Supreme Court statement: I will know it when I see it. But there is certainly a question of the first amendment as it relates to virtual pornography, meaning that it is not an actual child; and clearly, under the rights of privacy, although I abhor it, though I hope no one is doing it on their jobs or in places that are inappropriate, virtual pornography is what it is, Mr. Speaker. It is clearly pictures depicted, and not of real and actual children, which would be absolutely intolerable.

Then we go to the next, I believe, offensive provision of this legislation which will cause me to vote against the rule, be it called for in a roll call or verbally, and that is the complete disrespect and insult to Article III, Federal courts, courts that have the oversight and affirmational confirmation process of the United States Senate and nomination by the President of the United States; the recognition that there are three branches of government; the three branches of government are administrative, executive, and legislative.

In this bill designed to ensure that our children can be found, we have taken the liberty of undermining and putting a spear, if the Members will, in the jurisdiction and discretion of our Federal courts, our Federal judges, by in fact requiring a mandatory directive as to what they should do with respect to child sex offense pornography and other sex offenses.

We are not in the courtroom, Mr. Speaker. We are not hearing the testimony.

As I indicated, I abhor violations against children and it is our responsibility to ensure their safety. Parts of this bill will do that. But to intrude upon Article III courts, I would say to my colleagues is dancing on very troubling ground and as we begin to undermine the court's jurisdiction here, the question is, what next, to the Federal courts whose lips are silenced because they are on the Federal bench?

I would encourage my colleagues to discuss this in their judicial conference and begin to assess what this Congress is doing, which is undermining the Federal judiciary.

It is my hope that someone somewhere, Mr. Speaker, will find a way to undo this legislation as it relates to the intrusion upon our Federal courts and the complete imploding of the separation of these powers and the disrespect that is being given to these courts not to allow them to have the discretion to make the appropriate decision for the defendant and the plaintiff and the State that is in the courtroom.

I ask my colleagues to vote against this rule.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in support of the rule. The rule was actually necessitated over a debate about what this bill should include.

Some of the opponents of the rule suggested it should include just the AMBER Alert system, and as they well know, actually the AMBER Alert system has already been instituted by Bush administration. It reminds me of an experience that Adlai Stevenson shared when he was running for President in 1956. At the end of what he thought was a great speech of about 40 or 45 minutes, a woman from the audience came up and said, Mr. Stevenson, I thought your speech was simply superfluous. To which he responded, to test whether she really had a full grasp of the English language, Thank you, Madam; I am thinking of having it published posthumously, to which she replied, Wonderful, the sooner, the better.

Mr. Speaker, I applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) in his effort to make sure that what we are doing today is not superfluous. The AMBER Alert system is wonderful at attempting to retrieve children that are kidnapped and transported over State borders, but it is already in effect.

What we have tried to do in the committee under the leadership of the chairman is to deter and punish people and put them behind bars for a long time, who are actually about to kidnap, abuse, or sexually offend against minors. That is what this bill ultimately did, thanks to the leadership of the gentleman from Wisconsin (Chairman SENSENBRENNER).

One of the provisions that has been added, I have a particular interest in. It has been referred to as the Feeney amendment. This bill with the amendment in it, as it has been modified in conference, addresses a serious problem of downward departures from the Federal Sentencing Guidelines by judges across the country. Although the guidelines continue to state that departures should be rare occurrences, they have actually proven to have been anything but.

The Department of Justice testified before the Subcommittee on Crime, Terrorism and Homeland Security that the rate of downward departures on grounds other than substantial assistance to the government has climbed steadily every year for many years. In fact, the rate of such departures is up by an overwhelming 50 percent in just the last 5 years alone. And by the way, the rate of departures downwards is 33 times higher than the rate the Federal judges depart upwards from the sentencing guidelines.

The Department of Justice believes that much of the damage is traceable to the Supreme Court decision in King v. United States. Actually, that decision has led to an accelerated rate of downward departures by judges.

What this bill now does is to contain a number of provisions designed to ensure a more faithful adherence to the laws of the United States, as passed by this Congress. Specifically, the amendment, as it was adjusted in conference, would put strict limits on departures for child crimes and sex offenders by allowing sentences outside the guideline only upon grounds that are specifically enumerated by the judge. This is important because it limits the judge's discretion, forces the judge to explain what he has done, and provides an opportunity for the prosecutors to appeal if the judge has been completely unfaithful.

There are a number of other reported provisions that are contained in the Feeney amendment. It calls for the Sentencing Commission to review and revise the departures from guidelines for all other cases that do not involve offenses against children, provides for the Department of Justice to have access to existing judge-identifying database maintained by the Commission, and it does also provide there will be a report to Congress every year by the Department of Justice reflecting the reforms of internal appellate review practices for these downward departures.

Finally, it provides that no more than three of the commissioners to the Sentencing Guideline Commission can come from the ranks of the Federal judiciary.

This is a great victory today. It is a great victory for children. It is a great victory for those of us who do not want to just retake possession of children that have been kidnapped or abused, but those of us who want to prevent the abuse and the kidnapping to begin with.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 3 minutes.

I would like to engage my colleague from Florida in a colloquy if he would be so inclined. I ask my colleague his understanding of the modifications that took place in conference, because Members have come to several of us asking us our understanding; and quite frankly, I am not clear and perhaps he can help us to understand whether or not it, in fact, was modified as it pertains to all sex crimes or was it modified to include just sexually exploited situations as it pertains to children.

Mr. FEENEY. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. FEENEY. Mr. Speaker, I am going to say to my good friend in that, in the first place, the primary source rule probably ought to be in effect here. I was not part of the conference committee, and what I have is a review of that.

I do note that the gentleman from Wisconsin (Chairman SENSENBRENNER) is on the floor, paying close attention; so at a minimum, I hope he will correct me for any deficiencies.

As I understand it, with respect to being more restrictive in terms of when Federal judges can depart downward from the guidelines, the original Feeney amendment actually applied to all Federal offenses. With respect to that downward departure restriction that we are doing now, it only applies to offenses against children, sex offenses, kidnapping, abuse, pornography. It does not apply to offenses outside that specific realm.

Mr. HASTINGS of Florida. Mr. Speaker, so the antiquated sexual offenses are not contemplated under the gentleman's amendment as he understands it?

Mr. FEENEY. As I understand what the conference committee report did, it is actually Hatch-Sensenbrenner-Graham, referring to Senator BOB GRAHAM, who is a colleague of ours from Florida. I am sorry, LINDSEY GRAHAM; it is tough when we have got too many Grahams running around.

In fairness to the gentleman, I should suggest that with respect to providing for de novo reviews of downward departures, that will apply to all Federal offenses, and the gentleman will remember the King v. United States case, the Rodney King incident where, for example, the Congressional Black Caucus was very concerned and issued a letter suggesting that we provide this de novo review; so I think we have got the best of both worlds.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my good friend from Florida, and he is my good friend, to take into consideration when we decry downward departures that the people that are on the firing line, the Article III judges, make those departures after very careful consideration.

□ 1100

Having served in that branch of government at one point and being an opponent, as almost universally the Federal judges were, of mandatory sentencing and sentencing guidelines, it is not to be taken lightly.

I agree with the gentleman that the appellate review is more than necessary and reporting regarding same should be important. But please do not take the downward departures to mean that the judges did not see something that we do not have an opportunity, when we make these laws, to clearly understand what the judge in fact saw and heard in the sentencing provision, or even in the trial.

I could cite numerous examples where downward departures have saved families and lives. I would hope my friend would understand that.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentlewoman for yielding time to me. I am grateful to the gentlewoman.

In the first place, the honorable gentleman has me at a disadvantage because he has been a member of the other part of our government, and I am respectful of the fact that he has some wisdom and insights that I do not.

I would suggest, however, that what we are doing here is not eliminating the ability of judges to depart from the sentencing guidelines; we are preserving their right and asking them to explain why they did so.

Finally, I would make the point to the gentleman that if the departure ratio was 33 times higher than sentencing guidelines, for every time that there is one below the guidelines, I would suggest to him that we might be hearing from the American Civil Liberties Union, the Criminal Defense Association, and the American Bar Association with a sense of outrage that people with disparate treatment are being abused by having too much sentences imposed on them.

By the way, historically in America there have been suggestions, and I do not have any studies to back it up, that racial and ethnic minorities have been particularly abused along those lines.

I would suggest we have struck a balance here.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would make the comment that the hope would be that we do not chill the Federal judiciary with departure restrictions. I think it would be a mistake on our behalf.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. LAMPSON), a gentleman who has been and continues to be a stalwart in the way of providing for the AMBER Alert, a leader in this regard.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to rise in support of this conference report, and certainly to thank all of the people who have worked on it: the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. FROST), for bringing the legislation; the gentlewoman from Washington (Ms. DUNN) on the AMBER Alert itself; and looking into the overall larger bill, which I became a cosponsor of early on, the work that the gentleman from Florida (Mr. FOLEY) has done on the Congressional Caucus on Missing and Exploited Children, along with me and about 150 other Members of the House of Representatives, as we have worked diligently to try to make a difference in this issue that deals with child protection.

I have spoken for 2 years on this issue and am thrilled to see the kind of interest that this has brought right now and the support it has brought from across our House of Representatives and the Senate.

We all know about the AMBER Alert and what it is and why it is such a good thing. So right now I really do not want to talk so much about it, but to talk about the larger role of who is playing a role in this overall effort: the Members of the House, the Senate, their staffs. The work that has been done in the last several months, I think, is extremely impressive.

Certainly, I would mention the National Center for Missing and Exploited Children and what they have done since their involvement in this issue for the last more than 20 years. There is the FBI, the Customs Service, and local law enforcement officials, as well as the media who also are a big part of the AMBER Alert.

I want to thank the families and friends of Laura Kate Smither, the little girl who was abducted and murdered in 1997, who actually was the inspiration for the Congressional Caucus on Missing and Exploited Children. I stand here today in honor of Laura and with the hopes that this important piece of legislation will prevent the abduction and exploitation of children across America.

I also rise in support of this conference report, because it helps the Secret Service continue its work on behalf of missing children. Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise, and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children in cases involving missing and exploited children.

This began a strong partnership between the Secret Service and the National Center for Missing and Exploited Children and resulted in the Secret Service providing critical forensic support, including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions and regressions, and audio and video enhancements to the National Center for Missing and Exploited Children and to local law enforcement in numerous missing children's cases. They have indeed made significant differences.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request of local law enforcement or the National Center for Missing and Exploited Children. The Secret Service amendment, which was adopted and is part of the S. 151 conference report, will do just that.

I want to conclude and say, support the conference report. With the help of the Secret Service, these organizations will be able to continue their work.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD two letters, one from the National Mentoring Partnership and the other from the National Council of Youth Sports, in support of this bill.

The letters referred to are as follows:

MENTOR/NATIONAL
MENTORING PARTNERSHIP,
Alexandria, VA, April 10, 2003.

Hon. JIM SENSENBRENNER,
House Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: MENTOR/National Mentoring Partnership is pleased to note that the Conference report of the "Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003" includes provisions to improve volunteer organizations' access to criminal background checks on prospective volunteers. MENTOR commends the Conferees for including these critical provisions, which are a step towards helping mentoring and other volunteer organizations effectively screen out those individuals who may harm rather than help a child.

Volunteer organizations that serve vulnerable populations—namely children, the elderly, and individuals with disabilities—require access to accurate, timely, and complete criminal background checks. If a background check does not meet these criteria, a human service organization could unwittingly hire or engage as a volunteer a person with a dangerous criminal past—such as child or elder abuse, molestation or rape, or a host of other offenses—to care for their clientele. That puts children and other vulnerable people needlessly at risk.

This is a vital issue for mentoring programs throughout the nation because the current system is simply not functioning. To get a nationwide check under current law, a volunteer organization must apply through their state agency. While a few states are responsive to these requests, in the majority of the states it is exceedingly difficult and often impossible to obtain a nationwide check. Many states have not authorized an agency to handle background check requests, or interpret federal law so narrowly that very few human service organizations are deemed eligible to apply for the checks. When a nationwide check can be performed, it is often prohibitively expensive and time-consuming.

The Conference report for the PROTECT Act includes a study that will assess the nationwide and state criminal background check system, and make recommendations on how to ensure that human service organizations can promptly and affordably conduct these important checks. The Conference report also establishes a pilot program to test out two possible methods of streamlining access to nationwide criminal record checks. The pilot program will enable mentoring organizations to receive nationwide checks and protect children while a reliable solution to this problem is found.

MENTOR, which serves over 4,000 mentoring programs throughout the country, believes that these provisions are an important step towards reliable, accurate, and timely criminal record checks for volunteer organizations. MENTOR urges Congress to support and promptly enact the criminal background check provisions included in the PROTECT Act Conference report.

Yours truly,

GAIL MANZA,
Executive Director.

NATIONAL COUNCIL OF
YOUTH SPORTS,
Stuart, FL, April 8, 2003.

DEAR CONGRESSMAN SENSENBRENNER: On behalf of the 38,000,000 boys and girls the National Council of Youth Sports (NCYS) membership represents, we extend a sincere thank you for your commanding efforts to press forward on the issue of background checks for volunteers. The NCYS proudly accepts being one of three organizations that will participate in the eighteen-month pilot project, within the Amber Alert bill, whereby 100,000 background checks (33,000 each) will be performed by the FBI.

We are grateful to each and every one of you for taking the first step in this vital child safety initiative. This is just the beginning, there is so much more that needs to be done. As we move forward we will want to work together to better understand some of the concerns. For example, while an $18 fee for a background check may sound reasonable and be acceptable in more affluent communities, an $18 fee in the economically disadvantaged areas is unaffordable and will leave our children unprotected from convicted sexual abusers. The underprivileged economic areas are often our most vulnerable programs allowing the predators to prey on the weakest. Therefore, it is not only our desire but also our fundamental responsibility to realize out determined goal for free, easily acceptable background checks regardless of one's economic circumstances.

The NCYS is a very strong and powerful group. A sampling of our membership consists of the national organizations of Little League Baseball, Pop Warner Football/Little Scholars, American Youth Soccer Organizations, Boys & Girls Clubs of America, Amateur Athletic Union, etc. We are prepared to mobilize our grassroots millions and move our public relations vehicles forward to secure a meaningful, sound and effective piece of child safety legislation for reliable and rapid background checks with one national database that is federally funded so that our innocent children will be protected from abuse and sexual victimization.

In the meantime, we are very anxious to begin the process through this pilot project. We look forward to working closely together as we all engage in a conscientious manner to provide our children the protection they deserve while living in America's neighborhoods that are safe and secure from convicted predators.

Respectfully,

SALLY S. CUNNINGHAM,
Executive Director.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), the author of the AMBER Alert system.

Ms. DUNN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

On behalf of The Ed Smart family, the Polly Klaas Foundation, the National Center for Missing and Exploited Children, and the thousands of families still searching for their missing children, I rise today to express my gratitude to the gentleman from Wisconsin (Chairman SENSENBRENNER), to the members of the Committee on the Judiciary, to the House leadership, and to my coauthor of the AMBER Alert, the gentleman from Texas (Mr. FROST), for working together, for joining together to make our work on AMBER Alert a reality.

The AMBER Alert program will contribute hugely to the safety and the well-being of our Nation's children. As a mother of two sons and soon-to-be grandmother, I join with all the parents and the grandparents in appreciating how critical it is to have all communities have the access and the full ability to protect their children from kidnappers who seek to harm our little ones.

To date, AMBER Alert has been credited with the safe recovery of 53 children. We know the AMBER Alert system works by allowing communities to tap into the resources of an educated public, to prepare local law enforcement, and engage the media in reuniting children with their loving families.

The media and an educated public, for example, were absolutely critical in the safe return of Elizabeth Smart to her family a few weeks ago. President Bush showed very strong and early support for our bill last year; and thanks to his good sense, he took the first steps by providing grants to States and localities to help establish local AMBER Alert programs.

It is now time for Congress to codify the AMBER Alert. We need to provide additional funding. We need to provide additional oversight to empower every single State and community with the tools and the resources to react quickly to child abductions and bring these children safely home to the arms of their parents.

I applaud the leadership and the commitment of both the House and Senate conferees for moving this bill through the legislative process so quickly so that it can arrive on the President's desk before the Easter break. All of us should be proud for enacting a law that will help prevent crimes against our most vulnerable citizens, our children. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentlewoman from Ohio (Mrs. JONES), who was formerly a member of the Ohio judiciary.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman for yielding time to me.

It is not often that we have the opportunity to use our prior experience to discuss a piece of legislation. For those who are not aware, I was a judge for 10 years in Cuyahoga County, Ohio, handling cases not only dealing with civil matters but also cases where the death penalty could in fact be imposed.

I am the former district attorney for Cuyahoga County, Ohio, where I prosecuted cases with a staff of 180 lawyers for 8 years, and now I get to the third branch of government, the legislative.

I recognize that often in response to incidents or occurrences we want to jump up and pass legislation that we think will have a deterrent impact. But I say to Members, as one who has not only enforced the law but has been required to impose sentences, that a response of placing another mandatory sentence on the books of these United States is not the appropriate response. Judges need discretion. Judges need the opportunity to assess the facts, look at the law, and impose the appropriate sentence.

I support AMBER Alert. I wish that in the many cases that I had and I prosecuted for 8 years that we had an AMBER Alert system; and I am confident that many more young people across the country would have in fact been returned to their families had we had the system. I am 100 percent in support. I speak out in favor of it.

Let me talk about something else: eliminating pretrial release. There is in our country a presumption of innocence. Most recently, we have seen so many people who as a result of DNA examination have been taken out of prisons across this country. To eliminate a pretrial release again takes away the discretion of a judge who has an opportunity to look at the facts and circumstances and ought to be able to determine whether or not a person should be released on pretrial release.

Finally, let me speak on the Three Strikes and You are Out. The fact is, in many instances across this country where we have imposed Three Strikes and You are Out, we have young men and women who are imprisoned on offenses, and the third strike may have been the least serious of the three, or two, and they are in jail for life.

I do not take lightly offenses that people commit, and I have imposed as a judge punishment on some of the most serious offenses. But we have to keep in mind the need to have judicial discretion, the need to look across the country at families whose lives have been destroyed forever because people are placed in jail.

Most recently, there was a study that was released that talks about the significant number of African Americans in prison across the country, and in addition, the significant number of Americans, regardless of their race or color, that are in jail. Let us think about mandatory sentences. Let us support AMBER Alert, but keep in mind, we all believe in rights.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am pleased to see that this conference report for this crime bill came back to the floor so quickly. Let me say as a cosponsor of this legislation that this bill includes some very important provisions that will help States and will help the Bush administration to continue their efforts to expand and improve the AMBER Alert system.

As we know, last fall the President provided a total of $10 million to develop AMBER training and to develop education programs to upgrade the emergency alert system. As we have witnessed, AMBER Alert has worked to bring children home safely.

I wanted to share one example of where this alert has worked well. That is the case with Nicole Timmons of Riverside, California, in my State. The alert was not only delivered throughout California, but luckily, the neighboring State of Nevada also ran the alert. As a consequence, an alert driver noticed that Nicole matched the description. He thus, within the first few hours, contacted authorities. She was returned safely to her parents.

The point here is that they say three out of every four children who are murdered by their abductors are killed in the first 3 hours. That is why speed is of the essence. That is why a nationwide system is needed to ensure that neighboring States and communities will be able to coordinate when an abductor is traveling with a child to other parts of the country.

We need an organized national effort so abducted children transported across State lines can be returned to their parents, to their families, as 53 have been safely in California and other States that have now adopted the AMBER Alert system.

Mr. Speaker, I thank all of those who have worked to make certain that this legislation becomes law.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□ 1115

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to talk about one particular provision that I am very pleased to say has been included in this conference report, though there are several others I strongly support and others about which I have already expressed my concern.

Section 611 establishes a program for transitional housing assistance for victims of domestic violence and sexual assault. My colleague from the other body, the senior Senator from Vermont, and I have introduced companion legislation establishing a transitional housing grant program. Today, I want to acknowledge and thank the Senator for working so hard to successfully get the language from these bills included in the conference report.

We are trying to protect children from violence. The AMBER Alert system is certainly one way to do it, but unfortunately, children are exposed to violence in their own homes. The transitional housing program is often the link between emergency housing and a victim's ability to become self-sufficient.

Transitional housing not only provides a roof and a bed, but it offers supportive services, such as counseling, job training, access to education, and child care. These tools are critical to allowing women to get back on their feet and to be able to support their children in a home that is free from violence. And we are also then able to get children out of homes where they may have been the victims and or witnesses of abuse.

Now, it is essential that we not only pass this bill, but that we have appropriate the $30 million provided in this legislation for transitional housing. The women and children of this country deserve nothing less, and I urge my colleagues to votes "yes" on this conference report.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this conference report contains several important provisions that protect the most vulnerable among us, that is, our children.

One of those provisions is an amendment I offered to the bill, which was approved by a vote of 406 to 15. That provision addresses the Supreme Court decision in Ashcroft v. Free Speech Coalition, which held that the Federal law to combat computer-generated pornography was too broad.

The overturning of this law to combat child pornography has emboldened those who abuse children. A General Accounting Office report just 2 weeks ago found that in the wake of the Supreme Court decision, child pornographers are now increasing their presence on the Internet and are engaging in their depraved actions with relative ease.

The Internet has proved a useful tool for pedophiles and sex predators as they distribute child pornography, engage in sexually explicit conversations with children, and hunt for victims in chatrooms. Unfortunately, the new playground for child pornographers is the Internet.

Mr. Speaker, every parent should be concerned about what their children see and do on line. We need to protect our children. If this legislation becomes law, child pornographers will be deterred or prosecuted. I hope my colleagues will again vote to reduce child pornography on the Internet and support this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, several measures are brought to the attention of the body, and specifically they are now known as the Feeney amendment. I may be able to add a little clarity by putting forward that the bill, the bill as it is presently before us, that this particular rule is contemplating, establishes de novo appellate review of departures, prohibits downward departure on remands based on new grounds, requires government motion for extra one-level adjustment based on extraordinary acceptance of responsibility, and prohibits the Commission from ever altering this amendment.

It chills departure by imposing more burdensome reporting requirements on judges who depart, and gives the Department of Justice access to Commission data files that identify each judge's departure practices. And it requires the Department of Justice to report downward departures to Judiciary Committees, unless within 90 days the Attorney General reports to Congress on new regulations for opposing and appealing downward departures.

Our colleague, the ranking member of the Committee on Rules, the gentleman from Texas (Mr. FROST), as well as our colleague on the other side of the aisle, the gentlewoman from Washington (Ms. DUNN), and many Members of this body have worked very hard to ensure that we have the AMBER Alert, which has proved itself to be more than useful in our society for a very, very important and worthy cause.

That said, it is unfortunate that in this particular measure for AMBER Alert, some ill-conceived, maybe unconstitutional, very restrictive measures have been put forward in the substantive bill.

With that, I would urge Members to pay particular caution to the rule itself, and when they examine voting for AMBER Alert, to be mindful that there are a number of provisions that they are voting for that are not just covered by the headline, but are covered by the rights of individuals in our society and the rights of the members of the judiciary who have a firsthand opportunity to make a determination as to what should be done in the way of sentencing.

When I served in the judiciary, one of the things that I was proud of was exercising discretion in a meaningful manner, and I always tried to err on the side of reconstructing families. I think this legislation is prohibitive in many respects. And I think no less an authority than Associate Justice Antonin Scalia, in his remarks very recently, said to us that mandatory sentencing can and, in fact, has led to an increase in the significant number of persons in our society, 2 million now in America, that are in prison.

We make these laws and we talk all the time about unfunded mandates, and we make these laws without fully realizing the implications as to what may transpire once they are made. The Federal judiciary will be impacted by what we do in the name of something that is the right thing to do, AMBER Alert.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this rule and the conference report on the PROTECT Act of 2003. It contains the best ideas to prevent and punish sexual predation against our American children.

First and foremost, it establishes that nationwide AMBER Alert system to help States deploy child abduction warning networks all across this country. But rather than simply helping local authorities rescue abducted children, this legislation will toughen the law to make abductions and abuse less common in the first place.

It establishes a two-strikes-and-you're-out policy for child sex offenders, ensuring habitual predators will not be tolerated in our communities. It allows judges to extend court-supervised release for sex offenders, so after they have finished their time in prison, authorities will be able to keep close tabs on these dangerous individuals. This bill will add child abuse and child torture to the legal predicate for first degree murder. It increases the penalty for sexual exploitation and trafficking of children for kidnapping and other related atrocities.

In addition to supporting this landmark legislation, Mr. Speaker, I also rise to commend my friend from Wisconsin (Mr. SENSENBRENNER), for his determination to do this job right. This is the most comprehensive child protection legislation the House has ever considered, and we have one man to thank for it, and that is the gentleman from Wisconsin (Mr. SENSENBRENNER).

Thanks to the gentleman, in the face of a sensational public debate that demanded immediate action, House Republicans stood up for America's kids, not the television cameras. He knew that this legislation must be based on good ideas and good law, not P.R. He knew that we needed to reform the criminal code and send a very clear message that the United States will not tolerate the abuse of our children.

His bill takes crimes against children very seriously. It will prevent crimes against children and punish those who commit them. So, Mr. Speaker, the gentleman has stood like a rock in the middle of a political and media storm. America's children will be safer when this bill becomes law and thousands of them whose names we will never know will owe their lives to the gentleman.

I thank the gentleman, and I urge our colleagues to support the conference report and this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most respectfully, the majority leader's comments are taken not lightly by any of us. But I would urge that we understand that this law that we are passing establishes new separate departure procedures and standards for child-related offenses and sex offenses. Permissible departures are those that the Commission specifically enumerates. It limits age and physical impairment departures in child and sex cases. It prohibits gambling dependence in child and sex cases. It prohibits aberrant behavior departures in child and sex cases. It prohibits family ties departures in child and sex cases. And one that is particularly troubling, because I saw this case in my past responsibilities, it prohibits diminished capacity departures in child and sex cases.

Everything is not as cut and dried as we would have it be, and I urge Members, while supporting AMBER Alert, to be mindful that we are supporting a number of provisions that would be addressed by the court system for some time to come.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 188, the Rule governing debate on S. 151, the Prosecutorial Remedies and Other Tools to end the exploitation of Children Today Act of 2003, also known as the PROTECT Act.

I oppose this rule because this should be a clean AMBER Alert bill, and I oppose the extraneous provisions in the Conference Report. The unnecessary provisions do more than delay the passage of an AMBER Alert bill. Many of the provisions violate the Constitutional principles that are the backbone of our government. Provisions like the Feeney provisions that establish rigid sentencing guidelines and strips federal judges of their discretion to make fair sentencing determinations.

The Feeney provisions establish separate departure standards for child-related offenses and sex offenses that must be followed by district courts. The provisions also prohibit sentencing departures for gambling dependence, aberrant behavior, family ties, and diminished capacity in child and sex cases. The provisions limit age and physical impairment departures in child and sex cases.

These provisions are a slap in the face to Article III, which grants federal judges, not Members of Congress, the power of the judiciary. This is another example of the Congress inappropriately attempting to interfere in the operation of our judicial system. Congress should legislate and leave judicial decision making, like prison sentences to the courts.

Also troubling is the "virtual" child pornography provision that labels, "a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct." This provision contradicts the Majority opinion of the Supreme Court of the United States, who found that legislative attempts to include computer-generated images involving no real children in the definition of pornography are overboard, a violation of the First Amendment right to free speech, and therefore, unconstitutional.

These provisions violate the Constitution and distract our attention from the most important element of the Conference Report: the AMBER Alert System. The AMBER Alert system is a program supported by members of both parties in both Chambers of Congress, not to mention every American citizen. Despite this almost universal support of AMBER Alert, the Conference Report has been bogged down with extraneous, unconstitutional amendments.

I am stunned that so many members of Congress have stubbornly demanded Amendments to what should be a clean AMBER Alert bill. By so doing they postpone the establishment of a national AMBER Alert system and put the lives of America's children at risk.

For this reason, Mr. Speaker, I oppose H. Res. 188.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 188, I call up the conference report on the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 186, the conference report is considered read.

(For conference report and statement, see proceedings of the House of April 9, 2003, at page H2950.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT), each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report for S. 151.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report contains provisions of H.R. 1104, the Child Abduction Protection Act, which overwhelmingly passed the House 410 to 14 less than 2 weeks ago, and the provisions of S. 151, the PROTECT Act of 2003, which passed the other body 84 to nothing on February 24.

□ 1130

Over the last several days, during the course of lengthy staff meetings and an open, working meeting of conferees, we have worked diligently to resolve differences between the House and the Senate. I believe we were successful in crafting a bipartisan conference report that recognizes a comprehensive effort is needed to better protect children. In order to accomplish this, the legislation includes provisions to help prevent crimes against children, to assist in the safe recovery of abducted children, to enhance the investigations and prosecutions of these crimes, and to ensure that the offenders are held accountable and unable to repeat these crimes.

An abducted child is a parent's worst nightmare. We must assure that law enforcement in our communities have every possible tool to prevent abductions in the first place, and when an abduction occurs, to recover a missing child quickly and safely, and to ensure that the criminal receives sure and swift justice, including an appropriate sentence in prison.

The overarching goal of this comprehensive package is to stop those who prey on children before they can harm children. This is accomplished by destroying the illicit markets that encourage exploitation and abduction of children, strengthening penalties to reflect the seriousness of these crimes, halting repeat offenders, and enhancing law enforcement agencies to effectively prevent, investigate and prosecute crimes against children.

For instance, this legislation responds to the April 16, 2002, Supreme Court decision in Ashcroft v. The Free Speech Coalition that struck down a 1996 law written to combat computer-generated pornography. As the president for the National Center for Missing and Exploited Children stated, "The Court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years."

Congress has an obligation to prevent the resurgence of the child pornography market. This conference report will help do so by amending the definition of computer-generated child pornography so that it will withstand a constitutional challenge.

Additionally, the conference report provides strong support to recover abducted children quickly and safely through a prompt and effective public alert system. Such a system can be the difference between the life and death for that child.

To accomplish this, the conference report codifies the AMBER Alert program currently in place in the Departments of Justice and Transportation, and authorizes increased funding to help States deploy a child abduction communication warning network. While our goal must always be to prevent the abduction of the child before it occurs, our communities should also have an effective and responsive AMBER Alert system to assist in the quick and safe return of the kidnapped child.

I am happy to report that this compromise legislation doubles the authorized funding for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, to $20 million a year through 2005. The center assists in the recovery of missing children and raises public awareness of ways to protect children from abduction, molestation, and sexual exploitation.

Another vital component in the effort to protect children are strong laws that hold the criminal accountable. Those who abduct children are often serial offenders who have already been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminal to repeat their offenses against children. This number demands attention, especially in light of the fact that a single child molester on average shatters the lives of over 100 children.

Under this legislation, sexual predators will no longer slip through the cracks of the system and harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for non-familial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. The compromise legislation restricts the opportunity for pretrial release for crimes of child abduction and sex offenses and extends the statutes of limitation.

Finally, this conference report contains provisions to address the longstanding and growing problem of downward departures from the Federal sentencing guidelines. Outrageously, between 1996 and 2001, U.S. courts have lowered the sentences of one out of every five of those convicted of sexually abusing a child or sexually exploiting a child through child pornography.

Strong sentencing is an essential component in any effort to fight crimes against children. All of our efforts in this bill and in previous anticrime measures are fruitless if, at the end of the day, judges are permitted to give offenders a slap on the wrist, which is exactly what is happening today with increased frequency.

I am proud of the efforts of the conferees to quickly send this legislation to the President. It was a fair and open process, and the exhaustive negotiations yielded extensive changes to the base text of the legislation that passed the House. Most of these changes were made to accommodate the concerns of my colleagues in the minority party, both in the Senate and in the House.

I am extremely proud of the extraordinary effort my now-weary staff expended to help craft this conference report and to get to it the floor today. I would like to extend special thanks to Sean McLaughlin, Will Moschella, Beth Sokul, Jay Apperson and Katy Crooks of the Committee on the Judiciary staff. Their dedication is greatly appreciated.

The bottom line is that this comprehensive legislative package will crack down on child abductors, build and expand on the work of the National Center for Missing and Exploited Children, give Federal authorities additional tools to prevent and solve these horrific crimes, and provide meaningful sentencing reform for all crimes. I urge my colleagues to protect America's children from the worst predators in our society by supporting this bipartisan child protection legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report before us started out as an effort to quickly pass AMBER Alert, a bipartisan noncontroversial provision which had already passed the Senate. I am a cosponsor of the House version of the AMBER Alert so I am anxious to see that it be passed because it has been actually shown to help children. It will codify a program of grants and assistance to States and localities to establish a national communications system so that abducted children can be saved. As the gentleman from Wisconsin pointed out, that system works.

However, the bill now before us is loaded down with an array of crime sound-bite provisions that make the AMBER Alert bill just an afterthought in the legislation. The bill that has gone through the conference process, some provisions have been improved, some have been made worse; but I am unable to support the conference report at this time.

Mr. Speaker, the bill retains egregious provisions that expand the Federal criminal laws into areas traditionally left to State criminal laws. It expands the death penalty, despite the fact that almost 70 percent of death penalties imposed in the United States are found to be erroneous and the fact that over 100 people sentenced to death in the last 10 years have been subsequently shown to be innocent.

250 Members of the House, many supportive of the death penalty, have sponsored the Innocence Protection Act to provide reasonable assurances that fewer innocent people will be put to death. So we should certainly not be adding more death penalties before this act passes.

There are numerous provisions in the bill that create new mandatory minimum sentences, including the baseball-based sound byte, "two strikes and you're out," which mandates life without parole for a second-offense requirement involving a minor. The offenses covered by that provision fortunately have been limited through the conference report process by eliminating some of the minor offenses involving a minor child, but it still includes as a child sex offense some consensual acts between teenagers.

The bill also adds a 5-year mandatory minimum for first offense crimes that are Federal crimes only because a person crosses State lines, such as when an 18-year-old and a 17-year-old conspire to cross State lines from Washington, D.C., to Virginia to have consensual sex. Just to show my colleagues how bizarre that provision is, if children are conspiring to cross from Virginia to Washington, D.C., to have sex, it would not be a child sex offense, and that is because consensual sex outside of marriage is not a crime in Washington, D.C., while it is in Virginia.

The bill also provides for a new wiretap authority in many of these cases including consensual sex and including some of the activities that do not even constitute a crime, and in some of those crime cases, bail may be denied during trial.

Of course, we are supposed to expect that prosecutors will ignore the law to carry mandatory minimum terms and not bring those cases. The reason we have mandatory minimums in the first place is because judges cannot be trusted to determine who should be sentenced to life and who should be sentenced to less, so we give everybody a life sentence. So our prisons are filled with people today who are serving time because they were convicted of just tangential involvement in somebody else's drug trade and end up serving more time than bank robbers.

We should let the sentencing commission and judges determine the appropriate sentences. Mandatory sentences have been criticized because they often require sentences which violate common sense in some cases, and that is why the Chief Justice of the Supreme Court is a frequent critic. Not only do we mandate numerous mandatory minimums without regard to what the individual circumstances of the case might be, but one amendment, the Feeney amendment, reduces the discretion of the sentencing commission and judges to robot-like conformity without regard to how the sentence compares to equally serious offenses, nor does it recognize that circumstances can vary from one case to another.

There was a dramatic effort to fix that amendment, representing a brand-new version at the conference committee meeting, but it was ineffectual, as well as rife with errors. In just a cursory reading of that amendment, which was first seen by some of us at the meeting itself, it became clear that it had several major unintended effects. For example, it removed consideration in sentencing for exemplary military service. Another bizarre exchange occurred in which we were told that the word "and" actually meant "or" and it did not matter whether you had "and" or "or." I do not know when the change took place, but the version before us now has the word "or" instead of "and." Nevertheless the amendment still reduces the judge's ability to make the punishment fit the crime.

Most cases are sentenced within the sentencing guidelines range; and according to the American Bar Association, 79 percent of the departures from the guidelines are agreed to by the prosecution. I would like to insert the letter from the ABA into the RECORD at this point.

AMERICAN BAR ASSOCIATION,
Chicago, IL, April 9, 2003.

DEAR SENATOR: I write on behalf of the American Bar Association to express deep concern about the Feeney amendment, which has been incorporated in the conference report to accompany S. 151, legislation to ban "virtual" child pornography. Although we are pleased to see that some of the more offensive provisions of this amendment were modified in conference, we continue to believe that this provision would fundamentally alter the carefully crafted and balanced system established by the Sentencing Reform Act, without any of the customary safeguards of the legislative process. Indeed, to the extent the amendment would give prosecutors a unique and absolute power to check the discretion of sentencing judges, it would have an unsettling effect on the constitutional balance of power.

The Feeney amendment would legislatively overrule a decision of the United States Supreme Court, United States v. Koon, 518 U.S. 81 (1996), and amend central provisions of the Sentencing Reform Act of 1984. It would void numerous sections of the Federal Sentencing Guidelines, and, for the first time, amend the Guidelines by direct legislation. It would preclude the exercise of judicial discretion in certain cases, and make judicial departures in all cases subject to de novo appellate review. It would impose very troublesome reporting and oversight requirements on judges that will certainly have a chilling effect on judicial independence, and discourage the imposition of just sentences in many cases.

Should Congress enact the Feeney amendment, all these dramatic changes would be accomplished through a House floor amendment to an unrelated bill, adopted without committee hearings by either the House or the Senate, or the benefit of consultation with the U.S. Sentencing Commission, the federal judiciary, or the organized Bar.

The Feeney amendment is evidently a response to the perception that judges have engaged in widespread abuses of their departure power following the Supreme Court's Koon decision in 1996. Based on the Sentencing Commission's statistics, I believe there are reasons to doubt the accuracy of this portrayal.

Although sentences below the guideline range are now more common that in the early days of guidelines sentencing, the primary responsibility for this result lies with the Department of Justice. In FY 2001, of 19,416 downward departures awarded federal defendants, approximately 15,318 came on government motion. Put another way, in 2001, 79 percent of downward departures in the United States were requested by the Government.

Similarly, although the rate of non-substantial assistance departures has increased since the Koon decision, the vast majority of that increase is attributable to the fact that the number of departures in the five "fast-track" border districts more than tripled, from 1871 to 1996, to 5928 in 2001. In short, the increased rate of non-substantial assistance departures since Koon is due primarily to requests for such departures by the Department of Justice.

The foregoing figures do not, of course, present the whole picture. The percentage of judicially initiated departures has increased somewhat since Koon. It may well be that some judicially initiated departures are inappropriate and that some action to curb inappropriate judicial departures should be considered. However, it would seem advisable to determine the nature and extent of any problem with judicial departure power before legislating a virtual end to that power. As Senator Hatch wisely observed some years ago: "[C]ongressional policy makers must take advantage of the most current and complete information available when making legislative decisions. Whenever possible, Congress should call upon those with relevant empirical research, encouraging those most knowledgeable of and most involved with the guidelines—judges, prosecutors, practitioners and the Commission—to express their views."

I am informed that the U.S. Sentencing Commission is even now in the midst of a study of judicial departures in white-collar crime. Would it not be prudent to direct the Commission to extend that study to departures generally and report promptly to Congress on its results? (I understand that the General Accounting Office has also undertaken a study of departures, at the request of the House Judiciary Committee.) Such a congressional directive could also instruct the Commission to develop proposals to address any deficiencies revealed by the study. Once armed with full information, Congress could determine the true nature and extent of any problem, and could, if necessary, craft an appropriate, measured legislative response to any deficiencies in departure practice left unaddressed by the Commission.

The American Bar Association is confident that a period for study of current departure practice would not only yield a more accurate picture of any problems that may exist, but could not fail to produce a better solution than the Feeney Amendment.

The Sentencing Reform Act of 1984 created a system of distributed authority that was designed to ensure fair, predictable sentences for defendants convicted in federal court. As contemplated by the Act itself, the Guidelines drafted by the Sentencing Commission and approved by Congress channel judicial sentencing discretion, but they do not eliminate it. This system reflects two truths about the process of making sentencing rules. First, no set of rules can anticipate the circumstances of every individual defendant. Accordingly, if justice is to be done, judges must retain the flexibility to determine that some defendants do not fit the mold envisioned by the Commission. Second, the departure power is a means of providing feedback from judges to the Sentencing Commission and Congress. By studying departure patterns, the Commission can identify those guideline rules that judges are consistently finding to be inappropriate for certain classes of defendants.

In the Sentencing Reform Act, Congress conferred upon Federal judges the power to depart whenever "there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines" in the enabling legislation that created the U.S. Sentencing Commission, 18 U.S.C. §3553(b). The Feeney Amendment is inconsistent with the original judgment of Congress about the necessity and value of a guided departure power and the important role of judges in Federal sentencing. If passed, the Amendment would severely compromise critical institutional features of the Federal sentencing system.

By curtailing and burdening judicial departure authority, the Feeney Amendment strikes a blow at judicial independence and sends an unmistakable message that Congress does not trust the judgment of the judges it has confirmed to office.

By overriding the Sentencing Commission and legislatively rewriting the Guidelines, the Feeney Amendment threatens the legitimacy of the Commission. The Commission was created by Congress to ensure that important decisions about Federal sentencing were made intelligently, dispassionately, and, so far as possible, uninfluenced by transient political considerations. Congress should accord the Commission and its processes some deference unless and until the Commission has demonstrably failed in its duties.

By bypassing the deliberative processes of Congress itself, the Feeney Amendment reflects a profoundly troubling disregard of the legislature's role in establishing Federal sentencing policy. If passed, the Feeney Amendment would alter core features of Federal criminal sentencing and appellate practice. Yet the Amendment has never been the subject of a hearing in either the House or Senate, and neither house has had the benefit of meaningful consultation with any of the institutions most affected by the Amendment.

The American Bar Association is firmly committed to the maintenance of a just and effective Federal sentencing system. I am confident that you and your colleagues will give the Feeney Amendment the careful scrutiny it requires. I am hopeful that such scrutiny will lead you to oppose the Feeney Amendment and to support a careful study of judicial departures by the Sentencing Commission. . . .

The bill before us defiantly enacts laws prohibiting such acts as what is called "virtual child pornography." The United States Supreme Court gave us a bright-line test to determine whether or not computer-generated images can constitute illegal child pornography. The Court said that if the image is not otherwise obscene it must involve real children in the production to be illegal. Pornography which was produced without real children under the Ashcroft case is not illegal.

In a direct violation of that case, this bill prohibits such images, whether or not it was produced with real children, unless the defendant can prove his innocence.

The Court, of course, dealt with that issue and said that we could not require a defendant in an American judicial court to prove his innocence, so that provision is clearly unconstitutional.

Mr. Speaker, we have a number of problems with this case, including the mandatory minimums. I just want to point out that the Chief Justice of the United States Supreme Court, United States Judicial Conference, the Sentencing Commission, the American Bar Association, the Federal Bar Association, the Leadership Conference on Civil Rights, the Washington Legal Foundation, the CATO Institute, and a host of other sentencing and judicial system experts have pleaded with Congress not to impair the ability of courts to impose just and responsible sentences.

I would ask also that a letter from the NAACP also be inserted into the RECORD at this point.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 10, 2003.

Re NAACP opposition to S. 151, the "Child Abduction Prevention Act of 2003."

Members,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), the nation's oldest, largest and most widely-recognized grass roots civil rights organization, I am writing to urge you to oppose the conference report to S. 151, the "Child Abduction Prevention Act of 2003" in its current form.

While the issue of child abduction is a serious, heart-wrenching and too often tragic issue that deserves to be dealt with aggressively at a federal level, Title IV of the final bill would radically limit federal judicial discretion to impose just sentences for almost all federal offenses; not just those relating to child abduction. Because this provision overrules a key Supreme Court decision and constitutes a dramatic encroachment on the judiciary, it is opposed not only by civil rights organizations across the board, but also by Supreme Court Chief Justice Rehnquist, the Federal Judicial Conference, the Federal Sentencing Commission, the American Bar Association, the Federal Bar Association as well as countless law professors, prosecutors and public defenders.

The potential impact of this provision on the African American community and on ethnic minority American communities throughout the nation is almost incomprehensible. Racial bias in our nation's criminal justice system is widespread and well documented. For example, according to reports from the US Department of Justice and the US Department of Health and Human Services, people of color commit drug offenses at a rate proportional to our percentage of the US population, roughly 25% for African Americans and Hispanic Americans combined. Yet almost 75% of the people charged in this nation with a drug offense are either Hispanic or African American.

The impact this racial bias has on our communities is devastating. According to the US Department of Justice report issued just last week, an alarming 12% of all African American men between the ages of 20 and 34 are in jail or in prison. One out of every three black men born in the United States will spend time behind bars in their lifetime.

The federal prison system now holds over 160,000 inmates, more than any single state prison system. Furthermore, the federal prison population has more than quadrupled in the last 20 years for mostly non-violent offenses even while the rate of incarceration has actually slowed in many states. Under Title IV, the growth rate is predicted to be staggering.

I hope that you will consider the far-reaching impact this legislation will have on individual lives as well as whole communities and even our nation. I urge you again to oppose the final conference report unless Title IV is eliminated or at least amended to address only child abduction cases.

Thank you in advance for your attention to this matter. If you have any questions, I hope that you will feel free to contact me at (202) 638-2269.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. Speaker, for those reasons we should vote against this report and send the measure back to committee for serious consideration. Many of the problems can be fixed if we would seriously consider the bill in a regular deliberative legislative process.

So I urge my colleagues not to vote on the conference report, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding to me.

The gentleman from Virginia and I must be looking at different legislation. In my view, this is a proud moment for the House.

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It is a proud moment for the Committee on the Judiciary. I know it is a proud moment for me personally. I came to Congress with the hope of having moments like this.

There are so many great provisions and parts to this comprehensive legislation. I will focus on just three, the three that I was most involved with, number one, what is the so-called the "two strikes and you're out" for child molesters provision. With respect to Federal sex crimes against kids, it says very simply that if you have been arrested and convicted of a serious sex crime against kids, and when you get out, you do it yet again, you are going to go to prison for the rest of your life. No more chances, no more questions and, Lord willing, no more victims.

Secondly, it contains lifetime supervision for Federal sex offenders. We hear from judges again and again that there are criminals that go through their courts that they believe should have supervision for a long time. They are dangerous. They will do it again. Current law only allows them to order 5 years. This gives them the discretion, it does not mandate it, it givers them the discretion for lifetime monitoring.

And third, there are some provisions from the Debbie Smith Act, which I have authored, along with the gentlewoman from New York (Mrs. MALONEY) and Senator BIDEN from the other body. This allows Federal prosecutors to issue indictments against sex criminals based upon DNA gathered at the crime scene.

Mr. Speaker, this is an institution which all too often uses superlatives and all too often overstates the value of legislation, but this bill, with its AMBER Alert provisions with respect to responding to crimes and bringing back victims safe and sound, is a wonderful thing.

With respect to the DNA-John Doe indictment provisions, which will allow us to prosecute crimes more efficiently, more quickly, to get these guys off the street, it is a better bill for that reason. For its "two strikes and you're out" provisions, which will allow us to lock up predators once and for all, so they cannot do it yet again and again, for those reasons, it is a wonderful, historic bill.

We are taking a bold step today. I agree. This is historic legislation. The majority leader referred to this as the most comprehensive child safety legislation that this body has ever taken up. I have not been around long enough; I will trust him on that. But what I can say from my experience, I can say that we can all say proudly today, to policymakers, to law enforcement, to victims, to everyday families, we can say proudly today, We fight back. And that is something that we can all be very proud of.

I urge "yes" votes. Let us send a strong signal. Let us pass this bill today.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding me this time.

Mr. Speaker, I think it is important to clear the record and make it very clear that all of us are committed to fighting against the predatory acts of those who would do harm and injure our children.

I believe there was unanimous joy in America and in this body when Elizabeth Smart was returned to her family. I said just a few minutes ago on this floor that it was because of an AMBER Alert-type system, her younger sister, and the many community friends who were alert when they began to hear information. So collectively, as neighbors, we can, in fact, enforce against those predators the laws of the land and protect our children.

My record on this floor has been consistently supporting laws to protect our children. Why? Because I have seen the pain of families who have lost their little babies, staying with the family of Laura Ayala in my community, and wanting her to be found and recognizing the need for the community to come together. So there are parts of this legislation that I support.

I am glad that we are supporting the National Center for Missing Children. I would hope that we could have done more. I have legislation to create a separate DNA bank for sexual predators against children. My law enforcement officials in Harris County say that if there is such a bank, when there are allegations of sexual acts against children, the police can go to one, single database and know that these are at least convicted sexual predators against children and quickly assess whether any of these individuals were in the area of this missing or molested child.

So there are a lot of things that this body can do.

But, Mr. Speaker, I believe that the American people are respectful of the laws and the Constitution. They know the value of having what we call Article III courts, Federal courts, with the appropriate discretion to be able to make decisions in the courtroom about sentencing of individuals under the sentencing guidelines that are worked through the Federal Judiciary and the U.S. Sentencing Commission.

Why did we have to add this to a bill that deals with the question of protecting children? This is a direct insert, a direct hammer, a direct axe to the direction of the courts. It directs the Sentencing Commission to amend guidelines to ensure that the incidence of downward departures is substantially reduced. It means that that judge who is listening to the case cannot go up, maybe cannot go down in terms of sentencing. It requires that a prosecutor approve a downward departure on extraordinary acceptance of responsibility and prohibits the Commission from even altering this amendment.

What we are doing with this legislation is not having long hearings about interfering with the judicial discretion; we are just writing legislation without hearing from our judges or knowing how it will be impacted.

One thing we value is the independence of our court system. We may not agree with what the Supreme Court renders, I may not agree with their decision on affirmative action or previous decisions, but the court will have ruled. I will have to find other ways to address the question.

Here we are dealing with these courts and not having full vetted hearings and listening to the courts themselves.

It establishes de novo review of all downward departures in all cases. Requires the Department of Justice to report downward departures to the Committee on the Judiciary unless, within 90 days, the AG reports to Congress of new regulations. It gives the Justice Department access to Sentencing Commission files on each judge's departure practices in all cases.

That is absolute intimidation of the court. That is absolute intimidation of our Federal judges. That is absolute intimidation of our Judiciary, for which we pay taxes, not allowing them the discretion that is necessary to be fair in the courthouse.

The one thing we believe in is a due process system. And so here we have this provision that addresses all sentencing, not just limited to sexual crimes against children and the unfairness of the process.

I am reminded of the tragedy with Elizabeth Smart. If my colleagues will recall, there was a gentleman incarcerated that seemingly had all of the tendencies to be the perpetrator. He died in jail. We have now come to find out, at least allegedly so, that there was another perpetrator. Just imagine if he had lived, we had not found Elizabeth Smart, and he went to trial. These are the kinds of potential injustices that will occur when the Federal courts are in fear of their life because they have pressure from this place to put certain sentencing in place.

Mr. Speaker, let me say in closing that this bill has a lot of bad aspects to it. It did not have to be so. We could have done a good job, and I wish we had done so.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Texas asked why we have to have restrictions on downward departures, and I will give her one example.

In the case of the United States v. Robert Parish, a defendant who was convicted of possession of child pornography. He was in possession of 1,300 images of child pornography, some of which depicted graphic violent sexual exploitation of very young children. He got a downward departure.

The majority of those 1,300 child pornography images which he possessed depicted adolescent girls, including one in which a very young girl, wearing a dog collar around her neck, is having sexual intercourse with an adult male. The defendant was also in the midst of communicating on line with a 15-year-old female high school student when, thankfully, he was arrested.

Now, what happened when he was convicted? The sentencing guidelines have a range of 33 to 41 months imprisonment for a conviction of those crimes. The trial court gave him 8 months. The trial court found that the defendant's conduct was outside the typical heartland of these types of cases, and that the defendant was susceptible to abuse in prison. The trial court felt that the combination of factors, including the defendant's "stature," "demeanor," "naivete," and the nature of the offense justified the departure from the minimum of 33 months in the guidelines to just 8 months.

This is why we have the restriction on downward departures for sex crimes in this bill.

Now, I am a bit puzzled that the gentlewoman from Texas (Ms. JACKSON-LEE) is complaining about the fact that we provide for a de novo review of downward departures for all crimes, not just crimes against children, but all crimes. When this legislation was originally debated on March 27, she voted in favor of it, and I introduced in the CONGRESSIONAL RECORD a letter signed by a majority of the members of the Congressional Black Caucus who were in office at the time asking the Clinton Justice Department, headed by Attorney General Janet Reno, to seek a de novo review of the downward departure that the trial judge gave to Stacey Koon, who is the police officer who was convicted of violating the civil rights of Rodney King.

Fortunately, that passed and that is included in this legislation. What we are doing in this legislation on de novo review is exactly what the next speaker, the gentlewoman from California (Ms. WATERS), and those who cosigned this letter, asked the Clinton Justice Department to do.

Now, unfortunately, the Supreme Court of the United States, in the case of Koon v. United States, decided that there could only be a review on appeal of a departure from the sentencing guidelines based upon abuse of discretion by the trial judge. We overturn that part of the Koon v. U.S. ruling and allow for de novo review on appeal. Sometimes, maybe, if you ask for something too much, you might get it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to read just one paragraph of the letter the gentleman from Wisconsin just referred to.

"We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances."

In other words, Mr. Speaker, we did not ask for a change in the law, we just asked for a review consistent with the law. This bill changes the law, changes the standard for review. What the Congressional Black Caucus asked for was just a review under the current law.

Mr. Speaker, I submit for the RECORD the letter just referred to by the gentleman from Wisconsin from the Congressional Black Caucus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.

We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances. However, we feel that the defendants' special status as police officers, with special duties owed to the public, should have militated against such a significant reduction.

As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.

Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendants' special responsibilities as police officers.

In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenomenal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is that police officers have an enhanced responsibility to uphold the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

Sincerely,

Maxine Waters; Sanford Bishop; Eddie Bernice Johnson; Floyd H. Flake; Albert R. Wynn; Carrie P. Meek; Eva M. Clayton; Major R. Owens; Walter Tucker; William Clay; Charles B. Rangel; William J. Jefferson.

James E. Clyburn; Earl Hilliard; Bennie M. Thompson; Cleo Fields; Cynthia McKinney; John Lewis; Corrine Brown; Donald M. Payne; Alcee Hastings; Kweisi Mfume; Louis Stokes; Melvin L. Watt; Ronald V. Dellums.

Mr. Speaker, could you advise how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Virginia (Mr. SCOTT) has 16½ minutes remaining and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 15½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have the letter that the members of the Congressional Black Caucus sent to Attorney General Janet Reno on August 6, and while they did not ask for a change in the law, what they did ask was for the Justice Department to appeal the sentence.

Now, what happened in the Stacey Koon case is that the Court of Appeals agreed with the Justice Department and established de novo review. Mr. Koon's lawyer appealed to the Supreme Court, and the Supreme Court reversed the Court of Appeals and established the abuse of discretion standard.

Now, what this legislation does is to establish the de novo review standard for all crimes should there be a review of the sentence on appeal.

Mr. Speaker, I submit for the RECORD the letter dated August 6, 1993 from members of the Congressional Black Caucus.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

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In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenomenal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is that police officers have an enhanced responsibility to uphold the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

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Mr. Speaker, I reserve the balance of my time.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the Congressional Black Caucus did not complain about the Supreme Court reinstating the law as it was.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

Ms. WATERS. Mr. Speaker, I rise in opposition to this legislation. I rise in opposition to the legislation because this is one of those bills that could have been a clean bill dealing with AMBER Alert. It could have been a bill to deal with the problem of abduction of our children.

However, some Members of this body have taken this as an opportunity to load up the bill with everything that they think will create certain kinds of problems so that it can be used for political reasons. There will be a lot of Members who will be intimidated, and they will vote for this bill even though they are opposed to mandatory minimum sentencing because they do not want to be accused of being against a bill that will deal with the problems of abduction of our children.

Well, we must point out what is going on and we must focus in on this business of mandatory minimum sentencing. Every judge that I know of in the country and all of the Federal judges, whether they are on the left or the right, disagree with mandatory minimum sentencing. They do not like it. It takes away their discretion. It does not allow them to take into consideration all of the mitigating factors, and so we continue to overrule the judges that go through awesome processes to get where they are by inserting mandatory minimum sentencing into legislation. It has wreaked havoc on some communities.

As a matter of fact, when we take a look at the mandatory minimum sentencing done because of some of the drug laws that we have created right here on this floor, Members will see that whole communities have been devastated, and we are beginning to get a turnaround on some of that.

Mr. Speaker, we have young people 18 and 19 years old under mandatory minimum sentencing, drug laws, who are doing not just a minimum 5 years but even more, simply because the judge had no discretion. A child, first-time offense, with some of these drug laws, coming from good families who happen to make a mistake, wrong place, wrong time, and we have something similar in this legislation between consenting young people, 18 and 17 years old who would cross a State line and have consensual sex, they would be at risk for mandatory minimum sentencing.

We do not want to do that. This is not honest. If we want a clean bill that deals with abductions and an AMBER Alert, do that. Take this other mess out of the bill and stop trying to use it as a political vehicle by which to judge some people in their elections.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today with a heart filled with gratitude, not just as a congressman, but as a parent of three small children for the efforts of the conferees in developing this historic child protection legislation. This will save lives.

I would particularly like to single out the courageous and tenacious and dogged efforts of the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for the gentleman's commitment against, at times, withering public relations challenges to move meaningful legislation for our kids through this body.

I also rise humbly to thank conferees for including language known as the Truth in Domain Names language in the conference report which I authored in the last Congress and again in this. Mr. Speaker, the very moment this conference report becomes law, not only will our children become safer from predators, but the Internet will become safer for our children, families, and teachers. As millions of Americans do every night, I help my kids with their homework. As we surf the Web for useful information about history or government or science, my kids with the most innocent intentions will type in domain names which are harmless, but what pops up are sites with smut, profanity and pornography; and there was no law on the books to prevent that until today. With the Truth in Domain Names language in this legislation, we render those Web sites illegal; and anyone who uses a misleading domain name on the Internet to deceive a person into viewing material constituting obscenity can face fines of up to 2 years in prison; and if they mislead children, they can face 4 years in prison. The minute the President signs this bill, using a misleading domain name with the intent to deceive a child will become a criminal act.

Mr. Speaker, this historic legislation will make our children measurably safer from those who would prey on them. Also, Congress can today make playing on the information superhighway much safer for our kids, and so they should. I urge my colleagues to strongly support this conference report.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, there are two aspects to this bill which I think have very strong merit, and I am very pleased that they have been included; and I enjoyed working with the gentleman from Wisconsin (Mr. SENSENBRENNER) in getting them into the now-final conference report.

The first is the Victims of Child Abuse Act now amended into the bill and now part of this final conference agreement that would reauthorize this important legislation initially authorized in 1992. The thrust of this legislation is to authorize training and technical assistance to programs to improve the prosecution of child abuse cases. This funding flows to centers and programs that provide training for law enforcement agencies, for prosecutors and local jurisdictions to help them establish comprehensive, interdisciplinary approaches to the investigation and prosecution of child abuse cases.

As we move the AMBER Alert response forward, we have to also think about what happens following the joyous reunion of a recovered kidnap victim. There is a lot of healing that has to take place, special counseling for the victims, and then a very special treatment required by prosecutors and law enforcement officials as they bring the crime to punish the perpetrator, but do not want to further punish the victim who has already been through so much.

This legislation was initially authored by the gentleman from Alabama (Mr. CRAMER), who continues to play a leadership role in this area; and I am glad it is included.

I am also pleased the Child Obscenity and Pornography Prevention Act has been included in the legislation and is now part of the conference agreement. This puts back on our books legislation banning computer-generated child pornography. As Members may recall, there was a Supreme Court case that found an earlier statute to be overly broad. Well, we have looked very carefully at the ruling of the Supreme Court. We do not challenge it. We try and follow the direction that they lay out to craft a statute that they will find constitutional. We have tightened the definitions of inappropriate computer-generated child pornography, and we respond to the directions of prosecutors in trying to prosecute those who traffic in child pornography with other provisions as well. We make it illegal for an adult to use child pornography, sending child pornography over the Internet in order to lure children to inappropriate activity. We draw a per se prohibition on the depiction of explicit sex between young children.

Mr. Speaker, we think that this legislation is going to make a very important contribution to our efforts to stop those who want to traffic in child pornography. I urge its adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am frequently asked what we can do to repeal some of the mandatory minimum sentences which frequently impose bizarre, Draconian, and unreasonable sentences. Sometimes these requests come from relatives or friends of people, women whose boyfriends deal drugs, and the young lady does not deal drugs, does not use drugs, but she is around the boyfriend enough so that there is no question, she probably broke the law, took a message, drove a car to a meeting, so prosecutors can show she was involved, but not involved to the point where she ought to serve 20-some years, more than bank robbers serve.

When they ask what they can do about these kinds of Draconian sentences, I tell them the first thing they have to do to repeal the existing mandatory minimums is to stop passing new ones. Today we are going to pass a new set of mandatory minimum sentence laws. If anybody asks in the future where these mandatory minimums come from, Members can point to bills like the one today.

Finally, Mr. Speaker, a lot has been said about the Ashcroft decision. The Ashcroft decision was clear. You cannot prohibit child pornography, illegal child pornography unless real children were involved. The provisions in this bill allow prosecution whether or not real children are involved. The Court goes to great lengths to say whatever problems there are in prosecution, it is a problem for the defense. And if nobody knows whether they are computer-generated or involving real children, in that case they cannot successfully prosecute. They require real children to be involved in the production; and without real children, it cannot be illegal. This statute plainly on its face violates that Supreme Court decision and is unconstitutional.

Mr. Speaker, I hope we can send this back to committee, improve some of the provisions, and pass the AMBER Alert bill like we should. But in its present condition, I hope we will reject the conference report with a "no" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this vote is going to be the end of a long period where the provisions of this legislation were carefully considered in the Committee on the Judiciary in the House and in the other body. The compromise that was reached by the conferees is a good compromise. It will make a difference to protect children. It will give parents of abducted children the comfort of knowing that those who have harmed their children are going to be dealt with seriously, as well as setting up the machinery to alert the public and the news media as well as the police to try to find an abducted child and return that child home to his or her parents.

This is legislation that deserves all of our support. I ask for an "aye" vote on this conference report. I hope that the other body will act quickly and that the President of the United States can sign this legislation very promptly because our children will be better protected as a result.

Ms. KILPATRICK. Mr. Speaker, It is vital that we implement AMBER Alert systems, not just in our local communities, but nationwide. Our efforts to crack down on child abductors and abusers will be fruitless if we cannot transcend state borders quickly enough to catch these vicious criminals. I am in full support of a national system that will provide for such coordination. In the conference report, we have just that, a provision that provides for a nationwide alert system that is cost-effective and technologically savvy. That is, however, not the only provision in this bill, Mr. Speaker. There are many provisions in this bill that, while attempting to deter these criminals from committing such heinous acts, infringe upon the livelihoods of many innocent individuals and prohibit what would normally be harmless, legal acts.

I vote for the H.R. 1104, the House version of this conference report in hopes that conferees would come together and agree upon a bill that would attack the key issue at hand, protecting our children from molesters and pedophiles. After reviewing the conference report, I did not see any substantive alterations or any elimination of these bad provisions, but rather I noticed additional provisions that, again, hurt the livelihood of innocent individuals and legal acts. For those reasons, Mr. Speaker, I vote "NO" on final passage of the conference report and I will further expound on why I did so below.

The PROTECT Act would expand the type of homicide that can be punished by death. This will would provide for this expansion, despite the fact that more than half of death penalty cases are found to be erroneous. Cognizant of the disproportionate number of minorities being sentenced to death yearly, and the high number of erroneous rulings by the court system, I am very reluctant to support such a provision.

Furthermore, I am not a proponent of mandatory minimum sentencing guidelines because they undermine and eliminate judicial discretion in individual cases. Judges, under the provision, are unable to impose a lesser sentence after considering the circumstances surrounding a given case. There should not be a one-size-fits-all sentencing structure when judges are determining incarceration of a human being.

This bill would increase certain mandatory minimum sentences for many sexual abuse crimes. For example, for child abduction cases current law consists of a minimum of 51–63 months in jail. This bill increases the minimum to 121–151 months in jail. Judges engage in numerous cases regarding sexual abduction and have more experience and expertise in those cases than we do. Therefore, we should not second-guess their decisions on whether to impose a sentence that is more lenient. They see the defendant and victim, they hear the arguments and testimony, and hence, we should show deference to their rulings.

Similar to the mandatory minimum provisions, this bill also provides for a "two strikes and you're out" section that creates a mandatory life sentence for sexual offenders that have been convicted more than once. This provision negates a judges discretion and ability to impose just sentences. Currently, there is no such law that provides for mandatory imprisonment for life after being convicted of a sex crime.

Under this report, if an individual commits a sex crime and is jailed, subsequent to that person's release, he or she will be supervised for life. The statute of limitations regarding these crimes will be voided and an individual can be supervised for his entire life. Not only will it be difficult for these persons to find employment or social acceptance after such a conviction, but this bill will also allow them to be followed and observed day-to-day.

Another bad provision that was added in conference has been coined the "crack-house statute amendments". Essentially, this provision will make legitimate businesses the victim of felony charges if they cannot guarantee a drug free property or business. This provision was intended to eliminate the many detrimental effects of "rave" parties that allegedly expose drugs and drug usage to the minors that are present. This provision permits government to narrow its focus to particular parties and social gatherings where drug usage is allegedly prevalent and impose felony charges on the owners as a means to eradicating the drug problem. Quite to the contrary, what it will do is deter innocent, law-abiding property owners and potentially lucrative sole proprietors from investing in the community because of their inability to ensure a drug-free environment. This provision is bad for community and economic development and does not guarantee that these "raves" will cease to exist, or that drugs will not be readily available to youth.

In conclusion, Mr. Speaker, I am vehemently opposed to the conference agreement. It is anti-civil liberty and overreaching. Any attempt to provide strong protection for children is trumped by the unreasonable persistence of the majority to increase penalties for these cases. As I stated earlier, the court is experienced enough to decipher individual sex crime cases and impose the appropriate sentence. We should focus on the issue at hand—a system that is technologically apt enough to produce the type of nationwide coordination that we need to catch criminals. Thereafter, the courts will proceed as needed, on a case-by-case basis. I support the need for an AMBER Alert system, but I do not support the conference agreement in its entirety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in reluctant support of the Conference Report on S. 151, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, or the PROTECT Act. I support the Conference Report on S. 151 reluctantly because while the Conference Report improves upon the AMBER Alert system, it is does not provide us with a clean AMBER Alert Bill. Moreover, many of the extraneous provisions of the Conference Report violate the Constitutional principles of First Amendment freedom of speech, and the separate judicial powers of our federal courts.

The Conference Report on S. 151 has a myriad of provisions that are unrelated to establishing a national AMBER Alert System. I firmly believe that all of the provisions dealing with criminal justice matters should be debated in separate legislation, and many of the provisions violate the Constitution.

For example, the sentencing guideline provisions proposed by Mr. FEENEY have been the subject of heated debate by the conference members because they are at odds with the Constitution. Mr. FEENEY's provisions impose limitations or prohibitions on federal district court judges' discretion in sentencing. By so doing, Mr. FEENEY's Amendment handcuffs federal judges and eliminates their judicial discretion in imposing sentences.

The Feeney provisions establish separate departure standards for child-related offenses and sex offenses that must be followed by district courts. The provisions also prohibit sentencing departures for gambling dependence, aberrant behavior, family ties, and diminished capacity in child and sex cases. The provisions limit age and physical impairment departures in child and sex cases.

Mr. FEENEY's provisions improperly interfere with the sentencing process in cases that have left Federal district courts and are now on appeal. The Amendment prohibits downward sentencing departures based on new grounds when a case is remanded. It also subjects district courts to de novo review of their sentencing decisions.

The provisions offered by Mr. FEENEY are an improper violation of the doctrine of separation of powers. Article III of our Constitution separates powers between the three branches of our Government. Our Federal courts area allocated the power to review the facts and law in a particular case and render a decision. The Federal judges that sit on our courts are hand-picked for the legal acumen and wisdom, and we defer to their experience in rendering sentencing decisions.

It is improper for Congress to mandate that Courts follow rigid sentencing guidelines. To do so strips our federal judges of their discretion to review the facts and extenuating circumstances of a particular case, and render a decision based on the best interests of the accused and the community. Members of Congress are not members of the judicial branch. They are not privy to all of the information needed to make an informed sentencing decision in any given case. The responsibility of sentencing should be reserved for federal judges.

I also object to the provisions of the PROTECT Act that ban "virtual" child pornography. The provision of the Conference Report to S. 151 violates the First Amendment and attempts to circumvent the Supreme Court's ruling in Ashcroft v. Free Speech Coalition, by claiming that "virtual" child pornography is "indistinguishable" from actual images of sexual activity.

The Majority of the Supreme Court has already ruled in Ashcroft that extending the reach of child pornography laws to computer-generated images that do not involve real children was "overbroad and unconstitutional" and violated the First Amendment. While computer-generated images of child sexual activity may be objectionable to all of us, the Supreme Court has made clear that "the government may not suppress lawful speech as a means to suppress unlawful speech." The Court also ruled, "protected speech does not become unprotected merely because it resembles the latter."

The provisions of the Conference Report are particularly controversial because they deal with Constitutional liberties and personal freedoms. The longer we debate Amendments like Mr. Feeney's, the longer our country operates without a national AMBER Alert System. Every day that goes by without a national AMBER Alert system in place puts the lives of children at risk. According to an October 2002 U.S. Department of Justice Report titled the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children

(NISMART Report), 12,222 children were the victims of traditional kidnappings in the year 1999 alone. That amounts to approximately 33 children kidnapped nationwide per day.

While the members of the House debate extraneous amendments, hundreds of children are being kidnapped and murdered. As the Chair of the Congressional Children's Caucus, I strongly believe that the best way to save children's lives is to vote in support of the PROTECT Act, even if I do so reluctantly.

That is why, Mr. Speaker, I reluctantly vote in favor of this bill.

Mr. SWEENEY. Mr. Speaker, I rise today to voice my support of AMBER alert bill, the Child Abduction Prevention Act. One of the provisions in this comprehensive legislation is my own bill, H.R. 220—known as Suzanne's law. The inclusion of Suzanne's Law will aid in the abduction investigations of college-aged children.

Mr. Speaker, this legislation was inspired by Suzanne Lyall—an ambitious young woman from the 20th Congressional District of New York. Suzanne abruptly vanished on March 2, 1998 from her life as a University of Albany college student. Although only 19 years old at the time of her disappearance, police did not immediately act after her parents reported her missing. The common practice of state and local law enforcement agencies is to impose a 24-hour waiting period before accepting missing persons reports for individuals over the age of 18. It is often assumed that college aged youth, as legal adults, disappear from their own free will. Although this assumption may have some anecdotal credibility, Suzanne's case proves it is not a responsible assumption. Time is of the essence when someone disappears.

Mr. Speaker, Suzanne's Law would amend the Crime Control Act of 1990 to require each Federal, State, and local law enforcement agency to immediately report missing children under the age of 21 to the Department of Justice's National Crime Information Center. The current requirement is only for those individuals under 18 years of age. Such a change would eliminate costly delays. It is certainly prudent to offer college-age youth, away from home and independent for the first time, the additional resources and protections that come with the designation of "missing child." This designation will also help open doors with organizations that sponsor "missing children" lists, but do not include individuals over 17 years old.

Suzanne's parents, Doug and Mary Lyall, understand all too clearly the pain and confusion experienced by the families and friends of missing children. They have courageously used their own loss to help others struggling with the disappearance of a loved one.

As a result of their tireless activism, I first introduced Suzanne's Law during the 106th Congress. Mr. Chairman, I am pleased this legislation, along with the other valuable provisions of the AMBER alert bill, will be voted on today. I urge my colleagues to honor the Lyalls and support Suzanne's Law. Perhaps with its passage, potential breakdowns in investigations will be avoided and future college-age disappearances will be taken seriously.

Mr. DELAHUNT. Mr. Speaker, I would like to be able to vote for this bill. It includes provisions that I strongly support—including the "AMBER Alert" system that would aid in finding missing children. But those children have been taken hostage by a bill that also includes so-called "sentencing reforms"—radical, sweeping changes to the Federal sentencing system that were never considered by any committee of either House. Provisions that would cause an explosion in the number of people behind bars—including many who simply do not belong there.

Just three days ago, the Justice Department reported that the number of people living behind bars in the United States had exceeded two million for the first time in our history. Two million. And included in that number is a staggering 12 percent of African-American men aged 20 to 34.

If this bill is the congressional response to that situation, the public may well conclude that we have finally taken leave of our senses.

The rate of incarceration in the U.S. is seven times higher than that of such advanced nations as Germany, Italy, and Denmark. A primary reason for this is that a large number of our prisoners are serving long terms for minor nonviolent offenses. And if this bill becomes law, there will be a lot more of them.

Men in prison cannot raise families, cannot hold jobs, cannot pay taxes, and cannot support the economy. And when they get out, many who might have turned their lives around will have become hardened criminals, ready to return to the only life they know. Conservatives and liberals alike have recognized that this situation poses a threat to the future of our cities, our families, our economic well-being, and the health of our democracy itself. Growing numbers of prominent conservatives have joined in calls for an end to mandatory minimum sentences. Yet this bill takes a giant—and potentially catastrophic—step in the wrong direction.

When Congress enacted the Sentencing Reform Act of 1984, it created a system of guidelines for judges to follow. But Congress also recognized that no system of guidelines can anticipate all of the facts and circumstances of a given case. And it wisely preserved sufficient flexibility to allow the judge to depart from the guidelines when necessary.

This bill would substantially eliminate that safety valve, barring judges from making "downward departures" in a large number of cases—effectively transforming the federal guidelines into a system of mandatory minimum sentences.

When Chief Justice Rehnquist learned of this proposal, he wrote: "this legislation, is enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences." Justice Rehnquist is certainly no liberal. But even his concerns have been brushed aside.

Similar opposition was expressed by the Judicial Conference of the United States, the American Bar Association, the Leadership Conference on Civil Rights, the Washington Legal Foundation, the Cato Institute and many other groups and individuals. All to no avail.

It is true that during conference, a number of improvements were made to the original language. But the final version retains many features of the original, and barely begins to address the concerns raised by the Chief Justice.

Title IV of the bill prohibits all downward departures in connection with child-related offenses and sex offenses. In all other cases, it discourages judges from making downward departures by subjecting them to burdensome reporting requirements and Justice Department scrutiny if they do so. And it directs the Sentencing Commission to amend the guidelines to ensure that downward departures are "substantially reduced."

Since there has been virtually no debate on these radical proposals, we must guess at the reasons for them. Apparently, they are based on the belief that judges have been abusing their departure power by handing down overly lenient sentences.

No doubt errors and abuses occur. Judges are human, and some sentences will be too lenient while others are too harsh. But the system already provides a remedy for this: the government can and does appeal downward departures it considers inappropriate. And it wins approximately 80 percent of such appeals.

The truth is that the vast majority of the downward departures are sought, not by the judge, but by the government itself. Of the nearly 20,000 downward departures granted in 2001, 79 percent were requested by the prosecution—most in return for the cooperation of the defendant, and the rest in five Mexican border districts in which the government uses departures to clear cases more quickly.

If the sponsors of the bill have concerns about the rate of downward departures, the Justice department is where they should be making inquiries. As a former prosecutor, I can see plenty of reasons to question the overuse of departures as a law enforcement tool.

Inf act, the one thing that pleases me about the language as it came out of conference is that it instructs the Sentencing Commission to review not just those downward departures that are initiated by the sentencing judge but all downward departures—whether requested by the prosecution or the defense. I certainly hope that in fulfilling the congressional mandate to review these departures and ensure that their incidence is "substantially reduced," the Commission will do so in a thorough and even-handed way.

Nevertheless, if there is a problem with departures, depriving judges of the ability to exercise discretion cannot be the answer. A rigid, mechanical system of sentences cannot do justice—either to the accused or to the society to which the millions we imprison today will one day return.

Mr. HOEKSTRA. Mr. Speaker, I speak in support of the conference report to S. 151, the PROTECT Act, which creates new and increases already existing penalties for crimes against children, as well as provides for the national coordination of the AMBER Alert communications network. An important provision in S. 151 doubles the authorization level for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The conference report also makes other changes to require Regional Children's Advocacy Centers grantees to provide information to the Attorney General on the use of funds for evaluation of community response to child abuse, and coordinates the operation of a Cyber-Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

The National Center for Missing and Exploited Children is a private non-profit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice. It is a critical resource for aiding over 18,000 law enforcement agencies throughout the nation in their search for missing children.

The Center is uniquely positioned to access vital information to aid in the search and recovery of missing kids. It is the only child protection non-profit organization with access to the FBI's National Crime Information Center (NCIC) Missing Person, Wanted Person, and Unidentified Person Files; the National Law Enforcement Telecommunications System (NLETS); and the Federal Parent Locator Service (FPLS). Additionally, it is the only organization operating a 24-hour toll-free Hotline for the recovery of missing children in cooperation with the U.S. Department of Justice. It is also the sole organization operating a 24-hour, toll-free child pornography tip-line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Mr. Speaker, it is clear that the National Center for Missing and Exploited Children does our country and our nation's families a great service in the fight to keep our nation's children safe. I want to congratulate my colleagues for quickly resolving the differences between the House and Senate bills and I urge their support for final passage.

Mr. HONDA. Mr. Speaker, it is with a troubled heart that I will be voting for the PROTECT Act today. The benefits of a national AMBER Alert network are undeniable, and I cannot support any further delay on its implementation. However, I do not believe that this Conference Report will make good law, and I fervently hope that Congress will soon repeal the egregious provisions that have been included. Though the Conference Committee was able to moderate the bill somewhat, it is still chock-full of what I considered to be bad policy. Regardless of what one thinks of these provisions, they should have received independent consideration and deliberation, rather than being tied to, and slowing down, a need as pressing as AMBER.

I am particularly disturbed by the parts of this legislation that would eliminate judicial discretion. For example, Section 109 of this measure would fundamentally alter the carefully crafted and balanced system established by the Sentencing Reform Act. It undermines our independent judiciary, as well as the United States Sentencing Commission. It is a reversal of existing law that was inserted during floor debate, without committee hearings or any semblance of due deliberation. Unfortunately, this is all to emblematic of how this bill has been handled in this body.

Mr. Speaker, I will vote for this bill because it is well past time to pass an AMBER Alert network act, but instead of marking an unmitigated legislative achievement, the passage of this omnibus measure will be a cause for serious self-reflection on what we are doing here.

Mr. CONYERS. Mr. Speaker, I had hoped that we would have been able to come together to reach consensus on how best to deal with the difficult problem of child abduction in this country and to pass an AMBER alert bill. The recent rash of child abductions clearly indicate that additional steps need to be taken to protect our children from sexual predators.

Unfortunately, the conference was delayed and hung up by provisions which have nothing to do with Amber alert and which should have been dealt with separately. First and foremost, is the highly controversial amendment offered by Rep. TOM FEENEY, which would totally hamstring any remaining discretion federal judges have in making sentencing determinations. This provision was added on the floor two weeks ago without proper hearings or committee debate and clearly is not ready for prime time.

It is opposed by Chief Justice Rehnquist, by the Federal Judicial Conference, by the American Bar Association, by the Federal Bar Association, by the Leadership Conference on Civil Rights, by the NAACP and by countless law professors, prosecutors, and public defenders.

In a nutshell, the Freeney Amendment, as introduced, would make it next to impossible for federal judges to reduce sentences below the guidelines, even where mitigating factors such as military service, community involvement and youth are present. Guess who is going to be harmed disproportionally by this harsh approach to sentencing—minorities in general and African Americans in particular.

Consider the fact that a full 12 percent of African American men aged 20–34 are in prison—more than 8 times the comparable rate of white males in the same age group. According to the Bureau of Justice Statistics, nearly one out of every three black men will spend time in prison during their lifetime.

So when you toughten sentencing, as the Feeney amendment would do, you should know that you are busting up African American families and decimating our inner cities. You are also creating massive problems concerning reentry when these individuals leave the prison system in another 10 or 15 years. The very least we should do is to leave these critical life decisions in the reasonable discretion of the Federal judge who is closest to the situation. To use the popular AMBER alert measure to alter this long standing principle, and without proper hearings or consideration is to me shameful.

Now my friends on the other side of the aisle will claim not to worry, that they fixed the Feeney amendment which they will say is limited to sex offenses. But the truth is that the revised Feeney language would radically alter the sentencing regime for every single criminal case in the legal system. It does this by adding a whole host of new procedural requirements for a judge to show any form of mercy in all federal cases. The bill also adds new requirements on the Justice Department and the Sentencing Commission with regard to downward departures in all Federal cases. At the end of the day, what we will have is something very close to the original purpose of the Feeney Amendment—mandatory minimums in all federal criminal cases.

There are other problems in the bill before us, including new death penalties, eliminating statutes of limitation, and criminalizing so-called "RAVE" parties. As a result of these provisions and the very broad based and dangerous Feeney amendment, I must reluctantly urge a NO vote on this short sighted measure.

[April 9, 2003]

Vote No on Child Abduction Prevention Act (S. 151), Which Deprives Federal Judges of Discretion To Make the Punishment Fit the Crime

Dear Representative: On Thursday, April 10, the House will consider the Child Abduction Prevention Act (S. 151), Title IV of which would radically limit federal judicial discretion to impose just sentences for federal offenses. This measure, which was attached to the House child abduction bill without committee considerations, goes far beyond any effort to crack down on child abductors. It overrules a key Supreme Court sentencing decision and constitutes a drastic encroachment on the independence of the judiciary and the U.S. Sentencing Commission. Such far-reaching changes in the laws and procedures that govern our federal criminal justice system should not be undertaken without hearings and meaningful debate.

Title IV directs the Sentencing Commission to limit a federal judge's power to depart from the Sentencing Guidelines. Departures are an integral part of the Sentencing Reform Act that Congress enacted in 1984. That bipartisan reform struck a balance between uniformity and judicial discretion and was enacted after years of study and consideration of problems in the previous sentencing system. Congress understood that a guidelines system that encompasses every relevant sentencing factor is neither possible nor desirable. Departures are a necessary and healthy part of the guideline system.

Departures do not reflect an avoidance of the law by federal judges but rather their conscientious compliance with the Congressional mandate to impose a guideline sentence unless the court finds a circumstance not adequately considered by the Commission that warrants a departure.

The Sentencing Reform Act already contains substantial limits on judicial discretion. The overwhelming majority of federal sentences, other than those requested by the government to reward defendants who have provided assistance in prosecuting others or to manage the caseload in border districts, are within the guidelines written by the Sentencing Commission, which is appointed by the President and confirmed by the Senate. Judges may only depart from the guidelines if the case involves circumstances not adequately considered by the Commission. The government may appeal any downward departure.

Title IV overturns an important Supreme Court decision. In the 1996 case of Koon v. United States, which was in relevant part a unanimous decision, the Supreme Court interpreted the departure standard in a way that limited departures but left some room for judicial discretion. Title IV of S. 151 recklessly overturns that landmark decision, which recognized that departures are an integral part of the guidelines system that seeks "to reduce unjustified disparities and so reach toward the evenhandedness and neutrality that are the distinguishing marks of any principled system of justice [but that at the same time preserve the] uniform and constant . . . Federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." 518 U.S. 81, 113 (1996). The current bill overturns the basic structure of the carefully crafted guidelines system, without meaningful input from judges or practitioners and based on numbers called into question by the statistics maintained by the Sentencing Commission.

Departures preserve some measure of fairness in the Sentencing Guidelines. Without the discretionary authority to depart, all crimes regardless of the circumstances would have to be sentenced exactly the same; one size must fit all, predetermined by the body of experts sitting in Washington, D.C. The Sentencing Guidelines will become a little more than mandatory minimum sentencing laws, which cause rampant injustice and unwarranted racial disparity.

The departure process is already under review. Departures are the one area of the Guidelines where the Commission can see if its sentencing policies are working or whether an adjustment needs to be made. A high departure rate in certain types of cases can indicate flaws in the guidelines that the Commission needs to address. This is the careful system of checks and balances that Congress crafted when it created the guidelines. The Sentencing Commission has repeatedly demonstrated its willingness to police the departure power and recently announced that it will be conducting a study of the issue. We urge Congress to let this process work.

Thank you for considering our views. Please contact Kyle O'Dowd (202-872-8600, ext. 226) for the National Association of Criminal Defense Lawyers or Ronald Weich for the Leadership Conference on Civil Rights (202-788-1818) if we can provide more information.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
NATIONAL ASSOCIATION
OF CRIMINAL DEFENSE
LAWYERS, NATIONAL
LEGAL AID AND
DEFENDER ASSOCIATION,
NATIONAL ASSOCIATION
OF FEDERAL DEFENDERS,
FAMILIES AGAINST
MANDATORY MINIMUMS.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on motions to suspend the rules and agree to House Concurrent Resolution 141 and House Resolution 165, as amended, which were debated yesterday.

The vote was taken by electronic device, and there were—yeas 400, nays 25, answered "present" 2, not voting 8, as follows:

[Roll No. 127]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—25

Ballance
Clay
Conyers
Cummings
Davis (IL)
Frank (MA)
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
Mollohan
Nadler
Oberstar
Paul
Payne
Sabo
Sanders
Scott (VA)
Stark
Towns
Waters
Watt

ANSWERED "PRESENT"—2

Delahunt
Tierney

NOT VOTING—8

Brady (TX)
Crenshaw
Davis (TN)
Dooley (CA)
Gephardt
Houghton
McCarthy (MO)
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair reminds the Members there are 2 minutes left to vote.

□ 1234

Messrs. BALLANCE, DAVIS of Illinois, LEWIS of Georgia and CUMMINGS, Ms. LEE and Mrs. JONES of Ohio changed their vote from "yea" to "nay."

Mr. TIERNEY changed his vote from "yea" to "present."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall No. 127, had I been present, I would have voted "yea."

Mr. RUSH. Mr. Speaker, on rollcall No. 127, I was unavoidably detained in a meeting with my regional constituents. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the remainder of this series will be conducted as 5-minute votes.

EXPRESSING SENSE OF CONGRESS REGARDING REFORM OF INTERNAL REVENUE CODE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 141.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 141, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 128]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Crenshaw
Dooley (CA)
Gephardt
Houghton
Hunter
Issa
McCarthy (MO)
Paul
Rogers (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1243

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 128 I was inadvertently detained. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR RENEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO CYPRUS PROBLEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 165, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 165, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 129]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter

Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Brady (TX)
Conyers
Crenshaw
Deutsch
Dooley (CA)
Gephardt
Houghton
Hunter
McCarthy (MO)
Miller, George
Myrick
Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1251

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed rollcall votes 127, 128, and 129 earlier today. I was in a meeting with the five Central American presidents in town today to discuss the Central American Free Trade Agreement. Had I been present, I would have voted "yes" on all three bills: the Conference Report on S. 151, the PROTECT Act; H. Con. Res. 141, expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs; and H. Res. 165, expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem.

PERSONAL EXPLANATION

Mr. CRENSHAW. Mr. Speaker, I was unavoidably detained earlier today. I respectfully request the RECORD to reflect that, had I been here, I would have voted "yea" on roll No. 127 on agreeing to the conference report on S. 151. I would have also voted "yea" on roll No. 128 and 129 on the motions to suspend the rules and agree to the House Resolutions 141 and 165.

ENERGY POLICY ACT OF 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Science, Resources, and Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 189 is a structured rule providing for the consideration of H.R. 6, the Energy Policy Act of 2003. The rule provides 1 hour and 30 minutes of general debate, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and three periods of 20 minutes each to be equally divided and controlled by the chairman and ranking minority members of the Committees on Science, Resources, and Ways and Means.

The rule waives all points of order against consideration of the bill, and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution.

The rule further provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for a division in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 6 is a critically important piece of legislation that will provide for security and diversity in America's energy supply while enhancing energy conservation and research and development. The bill we will consider shortly is a comprehensive measure combining key elements from four separate bills reported by the respective committees of jurisdiction.

The first section of the bill passed by the Committee on Energy and Commerce seeks to expand domestic energy sources while striking a balance between State and Federal regulation of the Nation's electrical power grid. This section of the bill would also increase the strategic petroleum reserve to 1 billion barrels and contains provisions for a renewable fuel standard that requires increased production in the use of ethanol.

The second section of the bill passed by the Committee on Science authorizes $31 billion for energy-related research and development programs, including funding for the President's hydrogen initiative and FreedomCar program, with the balance of the funding going to improvement of renewable energy, energy efficiency, clean coal technology, and nuclear programs.

The third section of the bill passed by the Committee on Resources includes a provision that would open the Alaskan National Wildlife Refuge, or ANWR, to much-needed oil exploration in a way designed to ensure maximum environmental protection of that significant national resource.

Finally, the section of H.R. 6 reported by the Committee on Ways and Means means energy tax provisions amounting to $18.7 billion that would incentivize access to inexpensive energy, bolster our national security by decreasing U.S. dependence on foreign oil, and promote conservation and the use of renewable sources of energy.

□ 1300

As a Member of Congress from the Pacific Northwest, I am particularly pleased, Mr. Speaker, that the authors of this legislation have concluded provisions I have long supported which would streamline the process of renewing permits for major hydroelectric facilities. Many of those projects are located in our part of the country and provide a sizeable share of our region's electrical power needs.

In closing, Mr. Speaker, let me say that the war in Iraq has once again highlighted the importance of ensuring America's energy independence. This bill is designed to do that in an environmentally responsible way. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to agree that the United States does indeed need a coherent, comprehensive energy plan. The events of the summer of 2001 clearly illustrate this. The raging power prices and the rolling blackouts in California and the historic implosion of Enron vividly showed America that our energy policies are broken and need to be fixed.

A few weeks ago, the Federal Energy Regulatory Commission ruled that widespread manipulation and misconduct by Enron and 30 other energy companies and the failures of deregulation of the energy industry caused the energy crisis that plagued California in 2000 and 2001. Unfortunately, Mr. Speaker, the bill does not fix what is broken. H.R. 6 does not address any of the lessons learned from the California energy crisis.

The legislation does not provide the Federal Energy Regulatory Commission with any antifraud authority. It does not criminalize the legal abuses by energy corporations that contributed to the California energy crisis.

Instead of providing stronger protections for consumers, the bill would repeal the Public Utility Holding Company Act, which protects both consumers and investors. In fact, some have argued that proper enforcement of the Public Utility Holding Company Act could have prevented the Enron disaster.

The bill fails consumers, but it benefits the giant energy corporations. When we are facing record deficits and tax cuts upwards of $700 billion, H.R. 6 gives the energy companies $18.7 billion in tax breaks and incentives without paying for them. It is something that we just simply do not do in Congress. Even the executive branch sought only $9 billion in tax incentives.

Examination of these tax breaks reveals that consumers lose again. The lion's share of this money goes to companies for energy production, and only one-third of the tax breaks are aimed at conservation and alternative fuels. Instead of putting so much money into pumping more oil, should not our goal be to reduce the country's dependence on oil?

Another windfall for energy companies is a generous royalty holiday. This legislation would waive royalty collections on large amounts of publicly owned oil and gas in the Gulf of Mexico and off the coast of Alaska. This amounts to a significant taxpayer subsidy of the oil and gas industry when there is no evidence that major oil companies, without the taxpayers' help, will abandon exploration in promising areas in the Gulf of Mexico and Alaska.

Additionally, this bill would allow companies to pay in-kind royalties to the Federal Government. According to the GAO findings, there is no evidence that in-kind royalties generate as much revenue as traditional cash payments. Again, the public loses, and the gentlewoman from New York (Mrs. MALONEY) with her amendment to cure that was not allowed.

The environment and conservationists were also losers. In 1960, the Eisenhower administration protected the Arctic National Wildlife Refuge, recognizing it as an internationally important wildlife conservation area. This underlying area would allow leasing, exploration, and development of 1.6 million acres of the Arctic National Wildlife Refuge. Fortunately, we will be allowed a vote on a bipartisan amendment to preserve the current ban on drilling in ANWR.

Mr. Speaker, several important amendments to this bill were barred by the Committee on Rules. H.R. 6 abandons the bipartisan consensus reached in the previous Congress and adopts changes to the hydroelectric licensing process for the benefit of the hydropower industry at the expense of the environment and wildlife.

Yesterday, in the Committee on Rules hearing, the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on the Committee on Energy and Commerce, and the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science, offered this agreement as a substitute amendment. Every Democrat on the Committee on Energy and Commerce, save one, voted for this amendment. However, the rule bars us from even considering the amendment.

It is also disappointing that an amendment in the nature of a substitute to the resources portion of H.R. 6 is not in order. The amendment offered by the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources, would, among other things, ensure that the American people receive just compensation from the development of oil and gas resources on Federal lands and waters.

Early this morning, the Committee on Rules, along party lines, refused to make in order an amendment by my friend, the gentleman from Florida (Mr. HASTINGS). This amendment would have the Secretary of Energy mitigate adverse and disproportionate effects that implementation of the energy bill may have on minority, rural, Native American, and other underserved communities.

This seems like common sense. I would hope that these factors would be taken into consideration anyway. It is disappointing that this body is denied the opportunity to discuss this most important issue.

Mr. Speaker, the need for a new and improved energy policy is great and the policy's effects ubiquitous. This is a major policy initiative that demands and deserves thorough deliberation. This special rule provides several hours of debate. In contrast, the other body has set aside 2 weeks for the consideration of energy policies.

Further, this rule only allows 29 percent of the amendments submitted to the Committee on Rules to be offered on the floor. This is not, above all, this is not thorough deliberation.

For all of these reasons and more, I urge my colleagues to oppose the rule and to oppose the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), chairman of the subcommittee that was dealing with the legislation that passed out of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from the Committee on Rules for yielding time to me.

Mr. Speaker, I rise in the strongest possible support of the rule for H.R. 6. I would like to point out a few facts.

There are 22 amendments made in order under this rule. Fifteen of these 22 are either minority-sponsored amendments or bipartisan amendments that are sponsored by a member of the minority party and the majority party, 15 out of 22. That is over two-thirds of all the amendments that are going to be debated on the House floor either have a minority sponsor or a minority and a majority sponsor. I think that is exemplary in terms of bipartisanship.

I would also point out that we have made in order under this rule 1½ hours of general debate and 6 hours of debates on the amendments. That is 7½ hours of debate on H.R. 6. That is approximately double the average amount of time that is made in order under the House rules for authorization bills of this type. So I think the Committee on Rules has acted in a very appropriate fashion to make in order a large number of amendments, 22 amendments, which I believe are more amendments than were made in order for the bill last year. Again, 15 of the 22 have a minority sponsor or a minority and a majority sponsor.

Let me talk about the base bill. H.R. 6 is a combination of bills that have come out of the Committee on Ways and Means that deal with the tax issues for energy; the Committee on Energy and Commerce, where the bulk of the bill originates from, and deals with the basic energy policy of this country; the Committee on Resources, which deals with the issue of ANWR and our Federal lands use; and the Committee on Science, which deals with the R&D component of our energy policy.

I know the Committee on Energy and Commerce passed its bill on a bipartisan basis 36 to 17, with all the Republicans voting for it and 6 of the 23 Democrats that voted that night voted for it, and I believe the other bills also had bipartisan majorities as they came out.

What the bill attempts to do is set a broad-based energy policy for this country for all of our conventional energy sources and our emerging new energy resources, and combine that with a very comprehensive set of conservation and renewable environmental protections, and then begin to invest in the future in terms of the emerging issues like the hydrogen fuel initiative.

For the first time in the House, we have, I think, a very, very comprehensive title on electricity. Fifty percent of our energy is generated in the form of electricity, and in the bill that we reported out last year we did not have an electricity title. This year we not only have an electricity title, we have an electricity title that has been voted on on a bipartisan basis in subcommittee, and it has been voted on on a bipartisan basis in full committee.

What this electricity title would do if it becomes law, it would create a national transmission system for the 21st century for the movement of electricity around the country. It does this without violating States' rights. There are no Federal mandates in the electricity title where a State has to do this, a State has to join a regional transmission organization, a State has to allow Federal siting decisions. In fact, there is specific protection on the native load of closed States and those States that do not wish to subject their native load to any kind of Federal Energy Regulatory Commission jurisdiction.

So the electricity title which has been, at least in the bill from the Committee on Energy and Commerce, the most controversial part of the bill, I think has been well tested and modified and amended so it would address many of the needs of Members on both sides of the aisle.

On the hydroelectric reform title that came out of the Committee on Energy and Commerce, the distinguished ranking member, the gentleman from Michigan (Mr. DINGELL), is absolutely correct in that the House adopted a provision on hydro reform in last year's bill that he was very supportive of and very active in helping to reach a compromise.

We took what we did in last year's bill and built on it. The primary difference between last year's bill and this year's bill on hydroelectricity reform is that we took the situation where we have a mandatory condition, that a Federal agency can set a mandatory condition to renew a license of an existing hydro project. Under current law, that Federal agency, there is no appeal of it; there is really no alternative input to that setting of that mandatory condition. This year's bill says there has to be an alternative allowed if the applicant wishes to put forward an alternative, and I think that is an improvement.

Mr. Speaker, I rise in the strongest possible support and hope that we would pass this bill in a bipartisan fashion.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in opposition to the bill, I rise in opposition to the rule, and I rise in opposition to the previous question. None of them are in the public interest and none of them should be voted for.

The simple fact of the matter is that if this bill is as good as the chairman of the subcommittee has just indicated, then they ought to give us a fair and an open rule. That is not before us today at all. It is a rule which denies a number of Members the opportunity to offer amendments, one of the traditional classical rights of a Member of this elected body, and one of the distinguishing characteristics of this body versus many of the others. That right is denied.

Very specifically, with regard to the question of the conservation in the hydro relicensing provisions, that provision is a bad provision. It is opposed by State conservation organizations, by State regulatory entities, and it is also opposed by every hunting, fishing, conservationist, and environmentalist group in the United States.

It is a bad provision. It puts the thumb of the electrical utility on the licensing and relicensing process. It denies citizens and citizens' groups rights to be heard before the Federal Energy Regulatory Commission. It sees to it that we have a skewed result.

It does not, for example, require that fishways be included in dams which are relicensed, so as to denigrate the opportunity of fish to migrate up and down the stream.

It does deny citizens the right to be heard before regulatory agencies. The communities of interest in this country oppose it. Conservationists say it denies them the right to be heard.

I had sought to have an opportunity to offer an amendment to this, one which would be the exact same language that was bipartisan last year and on which the chairman of the Committee, the gentleman from Louisiana (Mr. TAUZIN), sent a Dear Colleague letter around describing the amendment that I would like to have offered today, saying, "The hydroelectric licensing language contained in Division A of H.R. 4 is a bipartisan consensus provision that carefully balances energy and environmental priorities to achieve the significant breakthrough in licensing reform."

□ 1315

They are afraid of that. They will not allow that amendment to come to the floor so they say, you cannot offer it. The reason is, it probably would have carried.

So if you were to believe that this is a bipartisan package, then my suggestion to you is, take a look at the rule and ask the Members of the Republican side why it is they do not allow us to offer amendments to this bill. What are they afraid of? Why is it they refuse to allow us to protect fish and wildlife and conservation values which were negotiated over many years with the industry in question and which would permit the industry a fair opportunity to be heard, but also the ordinary citizen?

Vote "no" on the bill. Vote "no" on the rule, and vote "no" on the previous question. All of the above are outrageous.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, first let me applaud and cheer the gentleman from California (Mr. THOMAS), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from California (Mr. POMBO), and the gentleman from New York (Mr. BOEHLERT) for their leadership in bringing this very, very important legislation to the floor.

This is important legislation. We are all very concerned about the economy today. This is the first major jobs-related legislation that has come to the floor. This legislation will create jobs and it will also reduce our dependence on imported sources of energy.

Today, I want to draw attention to a key conservation component that is included in this legislation before us. Conservation is a key component of this balanced legislation, and it is also a big win for consumers and for homeowners. This legislation includes the Save America's Valuable Resources Act; H.R. 1459 was included in the Energy Policy Act in 2003. This legislation is a big win for consumers and homeowners because it provides up to a $2,000 tax credit for homeowners to make their homes more energy efficient.

Think about this: Under this legislation they will be able to obtain up to a $2,000 tax credit, 20 percent of the first $10,000 they spend in making their homes more energy efficient. To qualify for this tax credit, homes must be made 30 percent more energy efficient according to the 2000 International Energy Conservation Code, a private-sector energy code used here in the United States. Covered supplies include windows, insulation, calking and sealers, air conditioning and heating units.

If you think about it, if you look at the statistics, residential use matters. It has a big impact on our consumption of energy in America. Recent figures show that homes account for almost one-fifth of all the energy that is consumed; twenty percent of the energy that is consumed in our country is used by residential consumers. Today, it costs the average American $1,500 to heat and cool their homes each year. That amounts to a cost of $150 billion annually that is spent by homeowners and consumers on heating and cooling and use of energy in their homes.

By simply making changes in energy efficiency in one's home, consumers can save real money. Consumers can save 10 percent or more on energy bills by simply reducing the number of air leaks in their homes by doing better sealing and calking. Double-paned windows with low-emissivity coating can reduce heating bills by almost a third in places like Chicago. And if all households upgraded their insulation to meet the International Energy Conservation Code level, the Nation would experience a permanent reduction of annual electric consumption totaling 7 percent of the total consumed.

This legislation is balanced. This legislation is a big win for consumers. It is also a big win for homeowners. This legislation reduces our energy dependence on foreign sources and creates jobs, our number one priority today in the Republican House of Representatives. It deserves bipartisan support.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, on behalf of majority of the Democratic Caucus of the Committee on Resources, I had sought to have made in order an amendment which would have substituted the Committee on Resources' provisions of H.R. 6. Unfortunately, this amendment was not made in order, and it is worthwhile to note what we did proposed in that substitute alternative.

Rather than exploiting environmentally sensitive areas, we proposed to facilitate the delivery of over 35 trillion cubic feet of gas from developed fields in the North Slope to the lower 48 States, and do so with the benefit of Buy American and project labor agreement protections.

Rather than grant a royalty holiday to oil and gas companies, we proposed to ensure that the American people receive a fair return for the disposition of their resources by cracking down on royalty underpayments. Rather than potentially disrupting the distribution of western water to farmers and cities by emphasizing hydropower over all other purposes, we proposed to relieve transmission constraints in the western power grid.

And, as Democrats, we also proposed to redouble the commitment to the Land and Water Conservation Fund.

The Democratic alternative to the Committee on Resources Republican energy provision was about energy development, empowerment and endowment; the development of renewable energy resources on our public lands in offshore areas and the development of a more efficient electricity transmission highway in the 15 States that lie within the Western Area Power Administration's territory; the empowerment of Indian country and the contribution they can make to our national energy mix; and the endowment to coastal communities of pristine beaches, environmental wildlife habit, and the economic prosperity these attributes make; the endowment to the coal-field communities of the necessary resources to combat the constant threat they face from abandoned coal mines.

Unfortunately, Mr. Speaker, the debate will not take place today on these issues due to the restrictive nature of the rules.

I would echo the words of the dean of the House, the ranking member on the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL), and say, let us defeat the bill, let us defeat the rule, and let us defeat the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

This rule does not allow the Democrats to make the amendments which are appropriate on the environmental side. The gentleman from West Virginia (Mr. RAHALL) is looking at an innovative, more balanced approach to Federal lands, and the gentleman from Michigan (Mr. DINGELL), to ensure that our hydroelectric laws are protected so that conservation and fishing and other issues are given the same weight as the generation of electricity.

The Waxman amendment would reduce imported oil by 600,000 barrels. The amount that we import from Iraq, that is not put in order.

The Oberstar amendment, which would change the relationship between the Clean Water Act and oil and gas drilling in the United States, reducing the amount of protections that are given against the water of our country being polluted.

And at a higher level, this bill, in general, is completely unbalanced.

I think the American people, as they are watching this debate, probably assume that since we put 70 percent of all of the oil which we consume in this country into gasoline tanks, that we will probably be changing that so we can reduce the amount of oil that SUVs and light trucks and automobiles consume in our country, so that Iran and Saudi Arabia and other countries, we are not sucked even deeper into their internal affairs. But no, the majority bill, the Republican bill, does not do anything about our dependence on imported oil, due to our ever-increasing dependence on imported oil because of the inefficiency of our vehicles.

The Democrats want to make these vehicles more efficient, keep the same size weight and the same safety, but make sure that they consume less oil. We are at 65 percent dependence upon imported oil today. We will be at 75 and 80 percent by 2010 and 2015 on imported oil unless we do something about where we put that oil after we bring it into our country.

This is not a fair rule. Other amendments should have been put in order. I urge a "no."

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I would like my good friend from Massachusetts (Mr. MARKEY) to come back to the microphone, please. I just want to ask my good friend if he is going to support the Boehlert-Markey amendment that was made in order under the rule on CAFE.

Is that one of the amendments that he is glad the rule made in order?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, that is an excellent amendment. I am looking forward to the gentleman's support on that when we debate it, yes.

Mr. BARTON of Texas. Mr. Speaker, what about the Markey-Johnson amendment that would prohibit drilling in ANWR? Is that an amendment that the gentleman is pleased that the rule made in order?

Mr. MARKEY. Mr. Speaker, that, as well, is an amendment which we are hoping for support.

Mr. BARTON of Texas. So it is not a totally bad rule. There are some amendments made in order under the rule that the gentleman thinks are appropriate?

Mr. MARKEY. Mr. Speaker, I am not saying it is a totally bad rule. Obviously, there are some amendments which have been put in order that are appropriate.

What we are saying is that the American people have an expectation that the Congress of our country, at a minimum, would look at all of the rest of the issues, as well, and not exclude them from debate here on the House floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding me time.

I rise in opposition to this rule. Those of us who are on the committee wanted the opportunity, as we had in committee, to put forward some very, very important rules. We were denied that opportunity.

We discussed the renewable fuel standards, for instance, last week in the markup in the committee, in the dark of night. Now the Committee on Rules is refusing to allow us to debate the ethanol mandate in the light of day. The ethanol mandate will increase gasoline prices in New York and wherever else it is not readily available.

The Committee on Rules also refused to allow two amendments that I cosponsored to help reduce the impact that the ethanol mandate will have, particularly on New York. The first amendment was offered by the gentleman from California (Mr. OSE) and it would have allowed refiners to produce gas that is clean, if not cleaner than gas blended with ethanol, to receive a credit for ethanol.

The second was offered by the gentlewoman from California (Mrs. CAPPS) that would have authorized a national phase-out of MTBE.

I am deeply disappointed in this rule. We could have allowed one amendment, which really would have discussed the ethanol mandate, and it was rejected. It is really an unfair rule and I urge my colleagues to vote "no."

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, may I inquire how much time is left?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 17 minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 16 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, there is nothing wrong with this rule except the fact that it will doom America to a failed energy policy that will not get us out of the problems we are now in.

Everyone in this country knows that our addiction to Mideast oil is a chronic security threat in this Nation. But even the authors of this underlying bill will tell you it will not solve that addiction. It is an abject failure. Almost everyone in this country knows that we have a problem with global warming that America needs to address, and even the authors of this bill will tell you this bill will be an abject failure in dealing with global warming and will do nothing about it.

Almost everybody in this country knows that we want to stop hemorrhaging jobs to the Germans in solar energy and the Japanese in hybrid cars and the Danish in wind turbine technology, and even the authors of this bill will tell you this will be an abject failure in solving that challenge.

This bill is weak tea, and this rule will deny a bold American plan to deal with it. We and a group of other Democrats offered a comprehensive package, a new Apollo Energy Project, an energy project which is akin to what John F. Kennedy suggested in 1961 when he said we should go to the moon in 10 years. We say we should be breaking addiction to Mideast oil and dealing with global climate change gasses in this decade. And you would not even allow a rule to allow a vote on that project.

You yielded a lot of little dibs and dabs. You allowed hors d'oeuvres, but you did not allow the full meal deal for this Congress to work its will.

If you are going to try and sell an Edsel policy to the U.S. Congress, you ought to at least allow a vote for a nice car, a nice, fuel-efficient car; and you did not do that.

It seems to me that you ought to allow the U.S. Congress to have one small step for Congress and one giant leap for American energy policy. And you failed to allow us to work Democratic will.

It is an irony to allow democracy in Iraq, but not on the floor of the House of Representatives. Defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding me time.

□ 1330

I enjoyed the exchange between the gentleman from Massachusetts and the gentleman from Texas about the elements that are in this rule, and I am here to express appreciation for at least being able to debate the big three, the big three being CAFE standards, Arctic and, of course, bicycles.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, who is the bicycle amendment from?

Mr. BLUMENAUER. I think I was involved with that.

However, the rule is a missed opportunity for taxpayers, the environment, and energy. It has some serious assaults on the environment that will mortgage the next 50 years of our environmental future because of a few short-term energy challenges. I am disappointed that the rule would not allow us to make it better.

I did reference the bicycle pilot project. That is something that will enable the Federal Government to educate commuters and provide funds to zero in on exactly what benefits will accrue in terms of energy as a result of cycling, and I think that is important. It is a net benefit for the environment. Every mile that is spent cycling to work or shopping is a mile not traveled by a car. It reduces congestion, protects the environment, and reduces our dependence on foreign oil.

I am sad that we were not able to correct the inequity in the current tax structure that subsidizes people to drive as opposed to using other alternatives. We should have the commuter choice alternative that would have provided balance so taxpayers can make the decision based on what is the best transportation and energy choice for them, not skewed by the Tax Code.

It is a missed opportunity to debate amendments to reduce taxpayer subsidies for fossil fuels, reduce the negative impacts on the environment and oil consumption and shift to alternatives. I am sorry that we were not able to even debate the sense of Congress resolution that passed the other body unanimously that puts us on record to demonstrate leadership and responsibility to deal with global warming. This is a matter of life and death for the planet; and to me, it is inconceivable that we are not able to have it on the floor to debate it.

Mr. Speaker, it seems to me instead of taking an opportunity to have conservation and clean sources of energy to address the concepts of global climate change, we are nibbling around the edges. This bill, even if we are able to get the amendments that are important, that are in order, if they were approved, it is still going to leave us with a flawed bill that is expensive, backward-looking, and too small.

I appreciate the courtesy of the Committee on Rules as far as they went. I am looking forward to the debate, but I hope that we will be able to defeat the rule, defeat the bill. We can do better.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I rise in strong opposition to this rule for many reasons, but also because one of my amendments, an amendment that would have struck an anti-taxpayer, pro-industry provision that is a terrible idea, will cost more money and is a generous gift to the oil and gas industry, striking this provision was not permitted with my amendment. We should not be giving the Interior Secretary permanent ability to use a barter system to collect payment for oil and gas removed from public land instead of just collecting cash based on fair market value.

The royalty-in-kind program, or this barter system, is a terrible idea, returning us to the murky days of industry dictating energy policy. The oil and gas industry has a long history of underpaying government and shortchanging the taxpayers; and in a bipartisan way, with former Member Steve Horn, we did a series of studies and reports that showed the industry was underpaying government. The Justice Department got in there and forced them to pay $425 million because they were underpaying the government.

When we finally moved them to a rule that was fair-market value, the industry pushed for the barter idea, the royalty-in-kind program. We had a pilot program that the General Accounting Office says they cannot even figure out how it works. They say they cannot even figure out how the royalty-in-kind program works, and the CBO says that it costs more money.

While the rest of the world is moving to the private sector managing resources under the direction of the oil and gas industry, the Federal Government, instead of taking cash or fair market dollars to the tune of $7 billion, now wants to manage these resources and resell them. It is a terrible idea. It costs money. It costs more money. It is a give-back to the oil and gas industry. It is outrageous. It should be struck from this bill.

Vote "no" on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentlewoman for yielding the time to me.

Mr. Speaker, I rise today to speak on the rule for H.R. 6 and, in particular, an amendment made in order by that rule, and that is the Markey-Johnson amendment to prohibit drilling in the Arctic National Wildlife Refuge.

I strongly oppose drilling in the refuge, one of our Nation's most treasured places. The coastal plain is a priceless piece of American wilderness that has been set aside for future generations in recognition of its unique wildlife values. We should not steer our energy policy to drilling in this remote wilderness area, the biological heart of the refuge, home to caribou, polar bears, grizzlies, musk oxen, and migratory birds.

Drilling in ANWR would be extremely shortsighted. The scant amount of oil we would wring from this pristine area, estimated by the U.S. Geological Survey to be the amount the U.S. consumes in just 6 months, would cause irreparable damage to the area. By drilling there, we would set a dangerous precedent that no wilderness is sacred.

There is an even more important reason to oppose drilling in ANWR, and that is because ANWR is merely the most graphic example of the wrong-headed nature of our energy policy. We cannot drill our way out of our energy dependence. We cannot drill our way out of our dependence on foreign sources of oil.

I believe in the American entrepreneur. I believe in that spirit. I believe in our ability to develop technologies that will dramatically reduce our dependence on fossil fuels. Many of those technologies already exist. Many of them are on our roads. They have just to be incentivized, to be cultivated and developed further.

The biggest lost opportunity of this administration has been the failure to set a goal for this country of cutting our dependence on fossil fuels in half in the next decade. This would wean us from foreign oil. This would clear our air, and this would preserve once and for all the sacred places like ANWR.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule and this bill. It is beyond comprehension that this Chamber is considering an energy policy that would increase our dependence on oil and nuclear power. This is 20th century thinking, totally out of sync with 21st century realities.

Let me remind my colleagues, there is no safe method to get rid of deadly nuclear waste. Yet the administration is pushing a massive and costly expansion of nuclear reactors, 50 more of them scattered throughout cities across this country. They will generate tens of thousands of tons of additional deadly nuclear waste.

The shame of this policy, the shame of it is that there are responsible and clean alternatives to nuclear power. We should be investing in these clean, renewable energy alternatives, wind, solar, geothermal, not in nuclear energy. For the safety and security of our kids and future generations, I urge us not to pass this very foolish piece of legislation.

My State of Nevada has made a wise decision to require that alternative energy sources provide a substantial amount of the power that Nevadans use. This is a forward-thinking policy that should be the model for the Nation so we can reduce our need for fossil fuels and nuclear power.

The bill we are considering today is not balanced, and it clearly does not create a plan for America's energy viability or our future energy independence. I urge my colleagues to vote against this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. Contrary to many of the things that have been said by my colleagues on the other side of the aisle, we have literally turned ourselves inside out to try and accommodate the concern of the minority. Members of the Committee on Rules and staff stayed until two o'clock this morning, and the Committee on Rules convened at seven o'clock this morning, working very hard to go through the 77 amendments that had been filed for consideration.

As we look at the committee process, my friend, the gentleman from Louisiana (Mr. TAUZIN), is here, the gentleman from California (Mr. POMBO) is in the back of the Chamber, two very important authorization chairmen of the committees that considered this effort. We also had the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. THOMAS), the other two committees that considered this. In their work they went through 88 amendments through this process.

I remember the gentleman from Louisiana (Mr. TAUZIN) said in his testimony there were 32 votes that took place in his committee. Of the 88 amendments that were considered through this whole process, 74 of them were offered by minority Members, and 14 were offered in either a bipartisan way or by majority Members.

So we have obviously, through this process, with four very large committees involved, provided Members with an opportunity to consider a wide range of issues.

I heard my dear friend and fellow Californian (Mr. SCHIFF), I am honored to represent the district that adjoins him, stand up and talk about the debate on the Arctic National Wildlife Refuge. We are going to have a very full and vigorous debate on that issue. This rule allows for consideration of that measure.

We are going to have an opportunity to consider a wide range of other concerns that have come forward.

Mr. Speaker, back in 1992, energy legislation was considered in this House; and quite frankly, the percentage of minority Members' amendments that were offered were 27 percent. Twenty-seven percent of the Members that were Republicans at that point in 1992 that offered amendments, 27 percent of the amendments that were made in order at that time were offered by Members of the minority.

In this bill that we are going to be considering today, over 54 percent of the total amendments are offered by minority Members. That is a 38.3 percent increase in the number of minority amendments allowed from the 1992 bill.

We also have to realize that we have got four bipartisan amendments that are being offered of the total that we have made in order.

Mr. Speaker, this is a very fair rule. We are going to have a debate on a wide range of very important issues. It has been 11 years since this place has really moved ahead with a full debate on energy legislation. We all know how important this is.

Just down in Statuary Hall, Mr. Speaker, I was participating in a ceremony in which we are honoring our courageous men and women in uniform who have fought so vigorously over the past 21 days in Iraq, liberating the people of Iraq; and some have talked about the issue of that versus debate here. This is a very fair and balanced opportunity for us to consider a question that is going to be critical to our Nation's national security future and to our Nation's economic future, and so I hope very much that we can pass this rule in a bipartisan way.

Let me say again, I hope that we will have a bipartisan vote in support of this rule because we have worked very hard to try and make as many minority amendments in order as possible so that we can have that free-flowing debate.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

If I can take a moment first just to say to my good friend from California, and he is my good friend, that we are not sure that 10 minutes is sufficient for a full debate on ANWR; but, nonetheless, that was my only remark.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today to oppose the rule on H.R. 6. This rule does not allow for consideration of critically important amendments, including an amendment submitted by the gentleman from Michigan (Mr. DINGELL) on hydropower relicensing reform.

I oppose title 3 of this bill because it creates a superstatus for hydropower license applicants by creating new procedural rights that are not made available to other interested groups. It also reduces environmental protections by allowing Federal resources agencies to set new minimum standards for environmental performance, including land protections and fish passages requiring agencies to consider the private economic interests of applicants on an equal footing with public resources.

I also strongly oppose this legislation because it places the interest of the applicant far above the interest of States conservationists, Indian tribes, sports fishermen and the general public.

□ 1345

This title prevents Indian tribes from participating in the relicensing process, even though more than 70 non-Federal hydropower projects today exist on tribal lands. It is unacceptable the tribes would not have an equal say in the impact on their resources and must be, they should be included in the process.

This rule should have allowed the amendment of my colleague, the gentleman from Michigan (Mr. DINGELL), as it provides for fair consideration of the interests of thousands of Americans and American Indians impacted by hydropower projects as well as the licensed applicant.

Mr. Speaker, I oppose the rule. I know the previous speaker said it is fair, but I do not think it is fair because it did not allow the Dingell amendment and other critically important amendments.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise to oppose the rule and oppose the underlying bill.

We need to take our heads out of the sand. Energy independence is the most important issue facing America today. Fifty-eight percent of our oil needs come from foreign sources. Twenty percent of our imports come from the Persian Gulf, 40 percent from OPEC countries.

What else do we know about this problem? We know that 45 percent of our oil consumption goes into cars, yet this bill fails to adequately address the problem of fuel efficiency standards. That is unfortunate. We need a strong regime of fuel efficiency standards.

Their answer, on the other hand, is ANWR, let us drill in the Arctic Refuge. Unfortunately, according to the U.S. Geological Survey, this is inadequate. At best, it will yield 300,000 barrels a day. By the year 2015, the United States will be consuming 24 million barrels a day. ANWR is not the solution.

They will say, well, this will give us a little more oil. Yes, but they do not tell us that there is no prohibition against exporting that oil; that is to say, the people bringing it out of the ground could easily export it to France for more money and we would not get the benefit.

What do we need to do? We need to talk about fuel efficiency and hydrogen cars. This bill woefully underfunds hydrogen fuel cell technology. It proposes $1.79 billion, and that would give us hydrogen cars by 2020. That is not good enough. I suggest we spend about $5.3 billion, take on the task as Kennedy took on the task of putting a man on the moon, and say, we are going to do this quicker. We are going to do this in 10 years, and we are going to fund the technology necessary to give us energy independence through hydrogen fuel cell cars.

I think we can do it, Mr. Speaker. I urge us to reject the bill and the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

First, Mr. Speaker, I am going to ask for a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order all the Democratic amendments that were offered in the Committee on Rules yesterday. Fifty-five very responsible and thoughtful amendments were submitted by Democrats, but only 15 were made in order.

Please vote "no" on the previous question so we can add those amendments rejected by the Committee on Rules.

Mr. Speaker, I ask unanimous consent that a description of the amendments be printed in the RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume to reiterate that this is a very fair rule. Over two-thirds of the amendments made in order are either bipartisan or amendments from the Democrat side of the aisle.

I also would like to say, Mr. Speaker, that the war in Iraq, I think, has awakened America to a need that we have to be more energy independent. This bill, this comprehensive bill, I think, allows for that in a long-term planning way, and I think it does it in a very environmentally friendly way.

Ms. JACKSON-LEE of Texas. I represent Houston, TX, arguably the Energy Capital of the World. The American economy and the American way of life are critically dependent on access to stable sources of affordable energy. As our economy grows and develops, we must balance our energy needs with the needs of our environment, the needs of our children to have clean air to breathe, and the needs of future generations of Americans to be free from dependency on foreign nations. It is essential that we craft an excellent strategy for striking that balance, and providing for the energy needs of the 21st century. It is essential that the strategy be fair to all stakeholders, and be cognizant of evolving needs.

A challenge so great deserves great attention to detail, a full exploration of varying ideas and opinions, and careful deliberation, and votes. This rule does not provide for such deliberation. When excellent amendments from my colleague from Michigan, Mr. DINGELL, the Dean of the House and the Ranking Member on the Energy and Commerce Committee—and from my colleague from West Virginia, Mr. RAHALL, the Ranking Member on the Resources Committee—are ruled out of order, something is wrong with this rule.

There are many other amendments that should have also been made in order, such as an amendment that would have increased nuclear safety and saved money by requiring external regulation and monitoring of the Department of Energy. The amendment received bipartisan support in the Science Committee, because everyone knows that self-regulation is rarely effective. It passed in the Science Committee markup of H.R. 6, but mysteriously was cut out on the way to the floor of the House. That amendment, which followed recommendations from the National Academy of Sciences, and was accepted by the Science Committee, cannot even be debated on the floor of the House today—something is wrong with this rule.

The list goes on and on. Again I state, energy is too important to the American lifestyle, and to the American economy. It deserves thoughtful debate. If we do not get this right, we could doom ourselves to another decade of California energy crises, Valdez oil spills, Enron disasters, global warming, and environmental non-compliance.

I vote "no" on this rule. We must do better.

Mr. TAUZIN. Mr. Speaker, I rise in strong support of this rule. Let me commend Chairman DREIER and the Members of his Committee for crafting a rule that will allow the House to work its will on the full range of energy policies that are contained in H.R. 6.

This bill represents the very hard work of several committees of the House, including Energy and Commerce, Ways and Means, Resources, Financial Services, and Science. It also includes provisions in the jurisdiction of a number of other committees, including Transportation, Armed Services, and Judiciary, with whom we have been working very closely. We have not enacted a comprehensive energy bill in eleven years. Much has changed in the world since then, and it's time that we reconfigure our energy policy to fit the 21st Century.

Division A of the bill before you—the bulk of my committee's work product—does just that. We dramatically increase energy efficiency and conservation measures. The bill provides for increased oil, gas, and hydropower production, and a safer nuclear future. We also modernize the Federal role in electricity regulation. And we have crafted a delicate compromise on reformulated gasoline that will provide environmental and energy-savings benefits.

Let me note for the RECORD that, if anything, this rule is even more fair than the one we employed two years ago during the comprehensive energy debate. That rule allowed just sixteen amendments, while the one before us allows over 20. All Members will have a full and fair opportunity to debate the energy policy of this nation.

The material previously referred to by the gentlewoman from New York (Ms. SLAUGHTER) is as follows:

PREVIOUS QUESTION FOR H. RES. 189—H.R. 6, THE ENERGY POLICY ACT OF 2003

The following are the amendments made in order under the rule:

Berkely #67 Division A. Requires the General Accounting Office to conduct a study to provide accurate and real costs of indemnifying those who would be harmed by a potential nuclear plant accident or attack.

Berkley #71 Division A. Establishes a program to make loan guarantees for qualifying businesses investing in renewable energy solutions.

Blumenauer #53 Division D. Extends the Transportation Fringe Benefit to commuters who carpool, bicycle, or used car-sharing and equalize the transit benefit with the current level offered to qualified parking plans. Allows up to $50 per month for carpoolers, bicyclists, or those using car-sharing to commute to work. Increases the benefit available to transit commuters to $190 per month, the same amount as qualified parking plans.

Boucher #6 Division A. Strikes the provision of the bill related to the Federal Energy Regulatory Commission (FERC) transmission siting authority on private lands and would thereby leave decisions regarding the location of new transmission facilities with individual states.

Boucher #7 Division A. Strikes the provision of the bill related to the Department of Energy (DOE) transmission siting authority on federal lands and would thereby leave the decisions regarding the location of new transmission facilities with the federal entities responsible for managing such lands (e.g. the Department of Interior, the Bureau of Land Management, the U.S. Forest Service, etc.).

Capps #23 Division A. Adds four-year national phase-out gasoline MTBE.

Capps #25 Division A. Strikes section 12401 relating to appeals for LNG siting decisions, the Coastal Zone Management Act, and the National Environmental Protection Act.

Carson #76 Division A. Strikes the "Indiana Amendment" from the Uniform Tie Act of 1966.

Costello/Calvert #8 Division B. Terminates the DOE's authority to regulate itself with regard to nuclear and worker safety at the Department's non-military energy laboratories within two years of enactment. Transfers regulatory authority to the Nuclear Regulatory Commission and to the Occupational Safety and Health Administration (OSHA). It is estimated that enacting the external regulation at the labs would save DOE up to $41 million annually.

Davis (VA)/Waxman #60 Division A. Requires that a small percentage of the energy used to power federal facilities come from renewable energy and fuel cells. Beginning in 2005, federal agencies would be required to obtain from these sources 1.5% of the energy used across their facilities, gradually rising to 7% in 2012 and beyond. Agencies could meet these requirements either by generating energy on-site or by purchasing renewable electricity generated off-site. Agencies would receive extra credit for on-site renewable energy generation that also contributes to national security. Allows the Secretary of Energy to waive the requirements if the agency is taking all practicable steps and the requirements would pose an unacceptable burden. Permits federal agencies to count acquisitions of future technology vehicles, such as fuel efficient hybrid-electric or fuel cell vehicles, against alternative fuel vehicle acquisition targets.

DeFazio #11 Division A. Current law provides that the Strategic Petroleum Reserve may be drawn down in the event of a "severe energy supply disruption," which results in "a major adverse impact on the national economy." The DeFazio amendment would add "or on a State or regional economy," after "national economy."

DeFazio #12 Division A. Adds "anti-competitive conduct" by foreign countries, or producers, refiners, or marketers of petroleum products, to the list of circumstances under which the Strategic Petroleum Reserve may be drawn down.

DeFazio #13 Division A. Strikes the section of H.R. 6 that repeals Public Utility Holding Company Act (PUHCA). PUHCA's restrictions on ownership of utilities, the diversification of business operations, accounting, and mergers, among other provisions, are critical to protecting consumers from the business decisions of energy conglomerates.

DeFazio #14 Division A. Strikes the section of H.R. 6 directing FERC to establish so-called "incentive-based" rates for building transmission.

DeFazio #15 Division A. Establishes an Office of Consumer Advocacy at the Department of Justice to protect the interests of residential and small business users of electricity and natural gas in proceedings before FERC and other federal entities.

DeFazio #16 Division A. Sets benchmarks for the commencement of regional transmission organizations (RTOs) on FERC findings that such RTOs would result in net benefits to consumers in each affected state and minimize cost shifts among consumers. Also requires that RTOs have adequate transmission capacity and no chronic congestion prior to start-up, effective market monitoring, and that existing load service obligations are protected, among other criteria.

DeFazio #17 Division A. Prohibits market-based rates from being considered "just and reasonable" under the Federal Power Act if the rate raises above the cost-based rate that would otherwise apply.

DeGette #22 Division A. Holds the legislative branch to the same acquisition requirements as all other federal agencies regarding energy-using products, systems, or designs that meet or exceed the energy efficiency standards established by the Energy Star program of the Environmental Protection Agency and the Department of Energy.

Dingell/Boehlert #30 Division A. Substitute amendment for the hydroelectric relicensing title of the bill, which is identical to the version that passed the House last year. Introduces flexibility into the licensing and relicensing of hydroelectric facilities by allowing any party to a licensing proceeding to propose alternatives to the resource and fishway prescriptions made by the resource agencies. The Secretary must accept the alternative, so long as he or she determines it provides the same level of protection for resources, fish, and wildlife and either costs less to implement or would result in more efficient operation of the hydroelectric facility. Requires the resources agencies to establish a process to expeditiously resolve any disputes involving resource or fish and wildlife conditions. Strikes the incentive payment program for hydro-power contained in this title.

Green (TX) #33. Division A. Changes the "hold harmless" Low-Income Home Energy Assistance Program (LIHEAP) threshold from $1.95 billion to $1 billion.

Hastings (FL) #69 Division C. Directs the Secretary of Energy to take all necessary steps and efforts to mitigate any adverse impacts that U.S. energy policy and the provisions of H.R. 6 may have on minority, rural, Native American, and underserved communities. Requires the Secretary of Energy to submit to Congress an annual report detailing the Department's efforts to implement this requirement.

Inslee-Holt-Spratt #74 Substitute. Strikes all after the enacting clause. Sets Energy Performance Goals for the country. Provides the tools needed to achieve the Energy Performance Goals. These tools include innovative use of the tax code, investment in R&D, and federal expenditures in existing infrastructure needs. Requires the Administration to set up a monitoring system to track progress towards the Energy Performance Goals. Should measures be needed in addition to the tools provided, the amendment directs the President to initiate voluntary, regulatory, or other actions that may be needed to achieve the Energy Performance Goals. All expenses are offset by freezing the upper income tax cuts scheduled for 2004, closure of the offshore corporate tax loophole, and removal of abusive tax shelters.

Kind #27 Division C. Strikes heading for Title II of Division C and inserts "(Outer Continental Shelf)." Establishes a framework for permitting alternative-energy-related uses on the Outer Continental Shelf not already expressly covered by existing statutes. Assigns authority for this program to the Department of Interior's Minerals Management Service which, under existing law, administers federal leasing and operations for oil, gas, and other mineral activities on the Outer Continental Shelf. Specifies the types of areas that should be avoided, such as marine protected areas, and provides for more State and public input throughout the process. Provides a mechanism for identifying, in advance, appropriate sites for developing offshore wind energy facilities that provide the greatest source of energy with the least damage to the environment. Also provides a process for soliciting competing proposals for renewable energy facilities in the same locations and compensation to the government for the value of the license.

Levin #72 Placeholder. Division A. Replaces the vehicle tax incentives provisions in Section D, Title I, of H.R. 6 with a modified version of the Clean, Efficient Automobiles Resulting from Advanced Car Technologies Act of 2003 (CLEAR Act). Expands the alternative vehicle tax incentives, covers a broader array of advanced vehicle technologies, and provides additional incentives for the purchase of alternative vehicles.

Maloney #20 Division C. Strikes Section 30201, a section that makes permanent the Interior Secretary's authority to take royalties-in-kind (RIK) instead of cash payments from leaseholders for oil and gas removed from federal and Indian lands.

Nadler #59 Division A. Adds $30 billion to help purchase and secure excess Russian plutonium and highly-enriched uranium. Authorizes funding to purchase excess Russian plutonium, convert Russian plutonium pits to oxide, and to immobilize and irradiate up to 100 megatons of excess plutonium. Provides for funding to purchase highly-enriched uranium and to make improvements to the security of nuclear material in Russia. Also provides funds to employ knowledgeable nuclear personnel and to downsize facilities.

Oberstar #44 Division A. Strikes section 12403 relating to the permanent exemption for construction activities associated with oil and gas exploratory and production operations from storm-water discharge requirements of the Clean Water Act.

Rahall #3 Amendment in the Nature of a Substitute to Division C. Title I—Alaska Natural Gas Pipeline Project; Title II—Western Area Power Administration; Title III—Energy Alternatives and Efficiency Regarding Federal Lands; Title IV—Establishment of Indian Energy Programs; Title V—Insular Areas Energy Security; Title VI—Sensible Development of Renewable Energy Resources of the Outer Continental Shelf; Title VII—Surface Owner Property Rights and Protection; Title VIII—Royalty Fairness; Title IX—Reclamation of Abandoned Coal Mine Sites; Title X—Land and Water Conservation Fund Enhancement; and Title XI—Coastal Withdrawals. This amendment is identical to the substitute offered by Mr. Rahall to the Committee Print at the Resources Committee's markup on April 2, 2003.

Rahall #5 Division D. Strikes Section 42011 of Division D, relating to the prepayment of premium liability for coal industry health benefits.

Sandlin #75 Replaces the tax division of H.R. 6 and replaces it with the text of H.R. 1436, the Energy Independence and Security Act. Additionally, the Sandlin amendment would offset the cost of the energy tax incentives contained within the amendment by freezing the cut in the highest marginal tax rate.

Stupak #47 Division C. Prohibits any new drilling to extract oil or gas reserves from any bottomlands of the Great Lakes under federal jurisdiction.

Sessions/Hall #34 Division A. Establishes a process to identify and implement actions the federal government can take that will ensure, to the maximum extent practicable, the production of domestic natural gas supplies sufficient to provide residential consumers with natural gas at reasonable and stable prices; provide industrial, manufacturing, and commercial consumers with natural gas at prices that do not result in plant closures and job losses; facilitate the attainment of national amient air quality standards under the Clean Air Act; allow for reductions in greenhouse gas emissions; and to support development of the preliminary phases of hydrogen-based energy sectors. States the goal of the United States should be to produce from domestic natural gas reserves at least 85% of the annual projected domestic demand for natural gas.

Solis #29 Division A. Amends Section 12201 on hydraulic fracturing by striking the current section and inserting language that requires: a completed EPA hydraulic fracturing study and independent scientific review by the National Academy of Science; a regulatory determination by the Administration of the EPA; preservation of federal authority to respond in the future where endangerment or adverse health effects are established. Citizens would be precluded from filing lawsuits to force states to regulate under the Safe Drinking Water Act.

Udall (CO) #31 Division C. Provides for grants of up to $20 per ton to enable operators of biomass facilities to purchase brush, small trees, and other material removed from forests in order to reduce the risk of forest fires. Allows the grant money to be used only to purchase material removed from forest lands near communities.

Udall (CO) #32 Division C. Requires companies developing onshore federally-owned oil or gas to: replace any damaged water supplies; assure any water injected underground does not damage an aquifer; comply with all federal and state laws applicable to water not injected underground; submit a proposed water-management plan with the application for an oil or gas lease.

Udall (NM) #39 Division A. Requires retail electricity suppliers (except for municipal and cooperative utilities) obtain 15% of their power production from a portfolio of renewable energy resources by 2020, increasing to 20% by 2025.

Udall (NM) #41 Division C. Requires the creation of surface use agreements between private landowners, ranchers and farmers, and the oil and gas industry prior to any development of subsurface mineral rights owned by the federal government.

Velázquez #28 Division A. Prevents a disproportionate share of power plants from being sited in low-income and minority communities. Gives citizens greater influence over the permitting and siting process.

Waxman #35 Division A. Sense of Congress that summarizes the current scientific understanding of climate change, its potential effects, and the position of the United States regarding climate change. States that it is the sense of Congress that the United States should demonstrate international leadership and responsibility in addressing climate change.

Waxman #36 Division A. Requires the Administration to take voluntary, regulatory, and other actions to reduce oil demand in the United States by 600,000 barrels per day from projected levels by 2010. Does not per se mandate changes to C.A.F.E. standards.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 6, as follows:

[Roll No. 130]

YEAS—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (IL)
Gephardt
Houghton
McCarthy (MO)
Paul
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1408

Ms. WOOLSEY, Ms. CARSON of Indiana, and Messrs. OWENS, KLECZKA, HILL, CASE, and RUPPERSBERGER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 190, not voting 8, as follows:

[Roll No. 131]

AYES—236

Aderholt
Akin
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Markey
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Davis (IL)
Gephardt
Houghton
McCarthy (MO)
Olver
Paul
Platts
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1415

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PLATTS. Mr. Speaker, on rollcall No. 131 I was inadvertently detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 15 minutes. The gentlewoman from Illinois (Mrs. BIGGERT), the gentleman from Texas (Mr. HALL), the gentleman from California (Mr. POMBO), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Massachusetts (Mr. NEAL) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself 5 minutes.

Today we begin taking another step in doing what we have not done in over a decade, advancing a bipartisan, comprehensive American energy policy that will be signed into law. We came very close the last Congress to accomplishing that. Today, this year, with a strong vote on this floor, I believe we will go a long way to finishing the work of the last Congress.

The bill we are considering today reflects America's 21st century values, its technology and certainly our security needs. It advances a balanced approach to energy production and use by encouraging a responsible, diverse mix of energy sources and options along with a significant investment in conservation and increased efficiency. The Energy Policy Act charts a path toward increased energy security and a cleaner environment, in short, secure, reliable, affordable energy for all Americans in a growing economy.

I am proud of the bipartisan work our committee has done in writing several divisions of this bill. The gentleman from Texas (Mr. BARTON), our Subcommittee on Energy and Air Quality chairman, forwarded his work to our full committee by a vote of 21 to 9, and just last week, after considering over 50 different amendments, the Committee on Energy and Commerce reported the bill by a vote of 36 to 17.

The House owes a great deal of thanks to the gentleman from Texas (Chairman BARTON) and to the gentleman from Virginia (Mr. BOUCHER), ranking member, for the extraordinary cooperation, assistance, hard work and willingness to work together. Today, I hope that bipartisan spirit continues. There is no reason why it should not.

The Committee on Energy and Commerce components of the bill are very diverse. They cover everything from energy conservation to hydropower to nuclear energy and electricity, but particularly combined with the work product of the Committee on Resources, the Committee on Science, and the Committee on Ways and Means, they are really about our national security and our economy. Indeed, apart from the appropriations directly related to our war against terrorism and our remarkable success in Iraq, and God bless those American heroes we have seen on television doing such a job for our country, this legislation may be the most important national security bill the Congress will vote on short of our national defense appropriations.

The Committee on Energy and Commerce has pursued two broad and necessary approaches to energy policy. First, it is outlined in the oil and gas title, the hydroelectric title, the nuclear title, the vehicles and fuels, and the electricity titles. First is to increase domestic energy supplies, both the fuels and electricity. That is essential to reducing our Nation's vulnerability to the kind of disruption in the supplies of fuel that we use to power our way of life today.

The other approach, covered in the titles on energy conservation, works on the demand side of energy by dramatically increasing energy efficiency by establishing energy efficiency goals for the Federal Government, by promoting new energy efficiency technologies, and other methods. This legislation will help close the gap between domestic energy supplies and consumption, and in the process, increase our security and our economic growth.

Just as an example, according to the American Council on Energy Efficient Economy, our energy efficiency production features, these provisions to increase the conservation and efficiency, will save 2.8 quadrillion Btus by the year 2020, eliminating the need for about 130 new power plants by the year 2020. That is a remarkable savings in energy this bill will increase.

The Members will hear a lot more about the incredible policy this bill advances, but let me conclude with this thought. Energy legislation has traditionally transcended party lines. What we did in legislating 2 years ago, we did on a bipartisan vote. We saw bipartisanship in the committees as they marked up these bills, and I hope and expect that spirit to prevail as we craft the energy policy for the 21st century.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a bad bill. It is an odd mishmash of special interest provisions, deregulatory actions, degradation of our environmental laws. It gives away billions of dollars to powerful industry, courtesy of the taxpayer. It undermines existing environmental protections.

In the area of hydroelectric power, the bill undercuts safeguards for dam relicensing, jeopardizing not only fish but the overall health of our river systems. It weakens the Safe Drinking Water Act and environmental protections and safeguards in oil and gas production.

H.R. 6 eliminates requirements for public participation and deference to the States in decisions where electric transmission lines can be sited and whether natural gas facilities should be constructed in coastal waters. It undercuts natural resource agencies' role in determining whether transmission lines should be constructed in our national forests and on other public lands.

But that is not all. Certain favored industries get big benefits. Energy consumers are left unprotected. I guess average customers and consumers were not in the room when the Vice President held closed-door meetings of his Energy Task Force.

It is hard to imagine a better case for increasing consumer protections than the debacle that took place in 2000–2001 in California and other West Coast electricity markets. In fact, a recent report by the Federal Energy Regulatory Commission, whose Chair was appointed during the administration, found that so many companies participated in Enron's scams that it was necessary to launch multiple new enforcement proceedings, many of which would be adversely impacted by this legislation.

Most shocking, FERC found some practices that significantly raised consumer prices were not only not illegal under current law, but would be sanctified under this legislation.

If there was ever a case for legislative reform, this is it, but this legislation is not legislative reform. It does not help consumers. It only includes cosmetic reforms while repealing important consumer protections under the Public Utility Holding Company Act and weakening protections under the Federal Power Act. Indeed, it also sanctifies fraud.

So if the Members like fraud, vote for the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, I rise in very strong support of the bipartisan H.R. 6 comprehensive energy policy bill that is before this body at this point in time.

Our Nation badly needs a comprehensive energy policy. This bill achieves it. Our economic competitiveness, our national security, and our way of life will all be helped if this bill becomes law.

The bill before us today touches nearly every facet of our energy sector, including electricity. The first 68 pages of the bill are bipartisan measures on conservation and energy efficiency. They were agreed to during the energy conference last year. The bill also targets a diverse and stable portfolio of production so that we are never overly dependent on any one fuel.

For our Nation's security, we will reauthorize and expand the Strategic Petroleum Reserve. We will open for environmentally safe production the portion of Alaska that Congress long ago set aside for that very purpose. We will act upon the President's call in the State of the Union address for hydrogen fuel cell vehicles and the fueling infrastructure that will be needed to make them successful.

Today's bill is better than H.R. 4 that passed the last Congress. We include bipartisan reauthorization of the Price-Anderson Act, a much more sensible Renewable Fuels Standard, real changes to the hydroelectric relicensing process, and badly needed electricity reforms.

Legislation before the House today puts our Nation on a forward path towards better electricity markets. It should further the transition to more effective electricity markets in the following ways: It would increase transmission capacity; it would improve the operation of existing transmission; and it would make wholesale competition even more successful than it currently is today.

Mr. Chairman, I am very proud to be one of the authors of this bill. I am very proud of the work that the gentleman from Louisiana (Mr. TAUZIN), my full committee chairman, has done, the gentleman from Michigan (Mr. DINGELL) has done, the gentleman from Virginia (Mr. BOUCHER) has done and other members of the Committee on Energy and Commerce have done.

I am also very pleased with the work product of the other three authorizing committees that are bringing us this joint bill. This will actually help our Nation. In my opinion, it is the most comprehensive positive energy bill that has been before the Congress in the last 50 years, and I cannot do anything but strongly, strongly urge its adoption.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

I have a number of concerns regarding the measure that is before the House today, and I will take the occasion of these remarks to outline some of them in the hope that they can be addressed during the amendment process or in the conference with the other body.

During committee consideration of the bill, I strongly urged that the electricity title be removed from the comprehensive bill and that it be considered on a separate track that would give us more time to focus on its complex and controversial provisions. That title unfortunately remains in the bill; and it is controversial, and I am concerned about its presence there.

I am troubled by the provisions that relate to the relicensing of hydroelectric facilities. An agreement was achieved on a bipartisan basis during the course of the last Congress which would have provided flexibility in selecting alternative means for assuring protection of fish resources. That agreement was put aside in favor of language in this bill that offers far less protection to the fish when electricity facilities are relicensed.

The bill opens ANWR to exploration and contains a needless mandate for ethanol use in motor fuels that applies throughout the Nation and will raise the price of gasoline without achieving any net benefit in terms of petroleum savings.

I commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON), both of whom have conducted an open process for both hearings and markup at subcommittee and full committee, and I look forward to continuing to work with them and with the gentleman from Michigan (Mr. DINGELL) and other Members as we seek to address some of these concerns during the course of today and during the conference with the Senate.

□ 1430

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, our constituents are concerned about gasoline price volatility. This energy bill addresses part of these concerns by promoting the use of domestic renewable fuels like ethanol. However, current regulations prohibit retailers from commingling ethanol and non-ethanol blended gasoline in their storage tanks. This limits the ability of retailers to provide uninterrupted gasoline service at the best price for their customers and could lead to higher retail prices. We should correct this problem.

I would like to ask my chairman to enter into a colloquy with me on this.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for his comments. I believe it is important that we provide flexibility to retailers who have to be responsible for the renewable fuels program contained in title VII of our bill. As the new renewable fuels program is implemented, consistent with the schedule and waivers available in this title, we should strive to make sure that the current regulations make common sense.

We should not subject retailers to unnecessary requirements that do not provide discernible environmental or public benefit. As we prepare for conference with the Senate, I want the gentleman to know that we are going to work together to resolve this issue.

Mr. SHIMKUS. Mr. Chairman, reclaiming my time, I thank the gentleman for his attention. I look forward to working with the chairman and the House conferees.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for his leadership and acknowledge the leadership of the committee chairman and everybody else involved in this bill. But I rise today in strong opposition to it, and let me state why.

I think we should recognize that this bill neither advances energy independence nor any kind of national security. Instead of becoming less dependent on foreign sources of oil and energy for our national security, this bill is a repeat of the past. What the bill does not improve is the efficiency of automobiles and trucks. Instead, it calls for the sixth government report on motor vehicle efficiency in 10 years.

As a Californian, I have to say that this is the biggest shortfall and loss of opportunity to address what the energy companies did to the State of California. They manipulated, they cheated, they lied, and they ripped Californians off: small businesses, large businesses, consumers, residential homeowners. This is what happened to California. This is no longer speculation. In this bill, there is not one sentence, there is not one phrase that says Californians deserve a refund.

I tried with my colleagues to accomplish this. Thirty-two California Democrats signed on to that amendment and said that if it were offered on this floor today, we would support it. Unfortunately, not one Republican stands to say for their constituents that we deserve a refund. The chairman of the FERC said that the amendment was helpful. I have tried and tried and tried. This is a failure of this Congress to stand up and to do something about this; and I think it is an outrage, because I think it is one of the biggest heists in the history of this country.

So I oppose the bill. It does not provide national security, it does not provide energy independence, and it certainly does not make the wrongs right.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the honorable gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I thank the gentleman for the work he has done on this bill. It is a very good bill, very important to the security of our Nation.

Mr. Chairman, we are currently concerned about our economy. We are talking about the need for an economic stimulus. Increasing ethanol production from 2.7 billion gallons currently to over 5 billion in the next 12 years will do this.

Number one, it increases farm income by $51 billion; creates 214,000 new American jobs; reduces government farm payments by $5.9 billion, which will be a tax savings to our taxpayers of $5.9 billion; and reduces the trade deficit by $34 billion.

We currently import 60 percent of our oil, 500,000 barrels a day from Iraq, spend $100 billion a year on foreign oil; and this certainly remedies that problem. And, of course, it reduces air pollution. Ethanol use reduced carbon dioxide by 4.3 million tons in 2002. Finally, the current bill will reduce, not increase, the price of gasoline, which is excellent.

So this energy bill is critical. It provides assurance to those who would invest in renewable fuels that there is a long-term Federal commitment.

I thank the chairman for his work and urge passage of this legislation.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member on the Committee on Energy and Commerce for yielding me time.

Mr. Chairman, I rise in support of H.R. 6. America needs movement on our energy policy. America needs more production of domestic oil and gas to keep our supply diverse, to keep prices moderate and to keep my State's largest employing industry from running out of gas, literally.

Some have said that it is balanced, some will say it is not; but I think this is a good piece of legislation. The bill deals with a great deal of efficiency in title I and production in title II, so I think it is a good compromise on policy of electricity.

Many Members have questions on this electricity policy; but the purpose is to apply equal treatment to all regions, with certainty for investors and consumers.

The bill also is a good compromise on ethanol and gasoline. The fuels provision is more gradual than last year's version and provides assistance to help manufacturers adjust to the new Federal mandate.

Mr. Chairman, this legislation also does a great deal for energy research, and I would like to thank my colleague, the gentleman from Beaumont, Texas (Mr. LAMPSON), for his work as ranking member on that subcommittee.

At the same time we do work on efficiency, conservation and production, we have to invest in new technology. That is a balanced energy policy.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is a momentous debate. With 250,000 young men and women in Iraq fighting for all of us, we know that this Congress has a tremendous responsibility as we consider our national energy policy for the next decade to make decisions which will make it less likely that we are drawn into global conflicts in the future because of our dependence upon imported oil. That is why the provision which the gentleman from Michigan (Mr. DINGELL) and others asked to be put in order out here on the House floor, that is why the Waxman amendment, that is why the Dingell amendment, which deals with fraud in the electricity marketplace, that is why the Rahall amendment and so many of the other issues we were talking about, are so central.

The gentleman from Michigan (Mr. DINGELL) is raising the issue in the electricity marketplace of whether or not we are going to deal with the issue of fraud, of ensuring that we have an audit trail, which is going to make it possible for us to track activity which undermines the integrity of the marketplace; and that debate is a critical one here today.

In addition, we are going to debate whether or not we should be drilling in the pristine Arctic wilderness. Should we be going to the pristine wilderness of our country before we ensure that the motor vehicles in our country, the SUVs, the light trucks, the automobiles that are in our national fleet, are made more efficient.

Under the majority provision here today, we do not do anything about that. Instead, we turn to this pristine area in our country first. I believe that that is morally wrong, that we have a responsibility first to deal with the technologies that consume the energy in our society.

Mr. TAUZIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we begin to debate the various titles of this bill, I think the American public will see that the work of the Committee on Ways and Means incentivizing energy production, incentivizing new fuels, incentivizing renewable fuels, combined with the work we have done in increasing programs like we do in this bill to make sure that clean coal technology is advanced, the STAR program on efficiency is advanced and other programs are advanced to increase conservation and efficiency in the country, as well as the programs that the Committee on Energy and Commerce will bring to us to make sure that we take full advantage of the resources of the lands that are producible in this country in an environmentally safe manner, when you look at all these provisions together, and the technology, science and technology provisions that the Committee on Science will bring, this is the most comprehensive energy package we have brought to the floor in many decades.

This deserves to be the law of the land for more than just one reason, more than just national security. This country is ready for an economic revival. This is the first step. Stable energy prices and stable supplies mean solid economic performance. This is our first step in revitalizing the American economy.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in strong opposition to this legislation. The bill has many problems. For example, it rejects the sensible, bipartisan compromise on hydro dam relicensing offered by the gentleman from Michigan (Mr. DINGELL). Instead, the provisions in H.R. 6 would lead to a stunted review process that will weaken protection for wildlife and the environment.

The electricity deregulation provisions do nothing to address most of the problems we saw in California, such as returning California's money that was stolen by pricing-gouging energy companies. The electricity provisions weaken important consumer and investor protections, possibly bringing on more Enron-type shenanigans in the future.

The bill would also weaken States' abilities to protect their coasts and weigh in on proposals for liquid natural gas facilities.

I am very disappointed that I was not allowed to offer my amendment to strike this harmful provision which weakens the important Coastal Zone Management Act.

Finally, Mr. Chairman, I want to highlight problems in the motor fuels section. This part of H.R. 6 originally arose for two purposes: one, to get rid of gas additive and groundwater contaminant MTBE; and, second, to end an outdated clean air regulation on reformulated gas.

The clean air issue was solved by the bill, and that is good. But we still do not ban MTBE, and it is still contaminating our groundwater. Incredibly, the bill gives the industry immunity from the damage it knowingly caused to our water and $750 million in taxpayer-funded subsidies. The bill also has a huge and unnecessary ethanol mandate and liability protection for ethanol producers as well.

Achieving our original goal could have been done without all these industry goodies that will cost consumers millions. I am deeply disappointed that the amendment banning MTBE, offered by the gentleman from New York (Mr. ENGEL) and me, was not made in order, despite a very close vote on this issue in committee and an obvious need for action.

Mr. Chairman, we should ban MTBE to protect our Nation's drinking water and not let the industry off the hook. For these reasons and for so many others, this is a bad bill; and we should vote it down.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, I thank the distinguished full committee chairman for yielding me time.

Mr. Chairman,, I want to comment just briefly on the electricity title in the bill. We did not have an electricity title in last year's bill because we really did not have a consensus on the issue and we were hopeful that by moving it as a stand-alone bill, we might could get that consensus. Since that time, we have worked very hard with the very stakeholders, the investor-owned utilities, the municipalities, the co-ops to try to get consensus.

I will not say we have total consensus, but I think we have solved some of the most vexing issues. We have volunteer participation in what are called RTOs, regional transmission organizations; we have an excellent reliability title; we have some transparency rules to try to prevent what happened in California several years ago in the spot market for electricity; we have native load protection for the closed States that would rather not open their States to retail competition; we have some exemptions for the more open States that are voluntarily developing these RTOs. All in all it is a very balanced title; it is a very good title.

□ 1445

It would help the electricity industry regain market confidence and would help get more transmission lines built.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, creating a national energy policy is a challenging but vital process. This country needs a comprehensive policy that reflects our diverse energy portfolio and this bill achives that on many fronts.

I am pleased that this bill makes some real strides toward increasing utilization of some alternative energy technologies also. Language I worked on to create an advanced building efficiency testbed is included which will allow a university consortium to develop innovations in building technologies that will improve the efficiency of the energy systems in residential and commercial buildings while also reducing pollution.

During committee consideration, I offered with LEE TERRY an amendment that will create an Advanced Power System Technology Incentive program. This will encourage further utilization of distributed power systems such as stationary fuel cells, turbines, and hybrid power systems. It will help reduce our dependence on foreign oil while also providing assured power to critical infrastructure facilities in a clean, environmentally friendly manner.

These are just a couple of the innovations included in the bill before us. Now I do have real concern with regard to language in the bill that would be detrimental to the pension plans of thousands of our mineworkers, and also with the fact that the tax provisions did not include important incentives for clean coal technology. My understanding is that these problems are being addressed and rectified however which is extremely important to me and thousands of others.

The bill also contains an electricity title which, while not perfect, will allow the restructuring of our electricity industry to continue. Critics try to make blanket assertions that the restructuring path doesn't benefit the consumer, or won't produce any savings. But in my home State of Pennsylvania, we have found quite the contrary.

Pennsylvania has been a pioneer in retail electric competition and it has worked well. In a recent report from Penn Future, a noted public interest group in my home State, they concluded "electricity is generally becoming a bargain", and they gave competition and restructuring much of the credit.

The chairman of our Public Utility Commission, Glen Thomas, said in a recent interview that since restructuring in Pennsylvania:

Consumers pay less for electricity.

New generating facilities are being built to meet growing demand.

The reliability of the grid has been strengthened.

And consumers have more options to buy environmentally friendly "green" power generated by renewable resources like hydroelectric and wind facilities.

We need to continue these advances and expand the benefits throughout the entire country. I believe that the bill before us today will help those efforts and I urge Members to support it.

Mr. DINGELL. Mr. Chairman, I have one more speaker and he is not here right at the moment.

Mr. TAUZIN. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would just like to compliment the gentleman from Louisiana (Mr. TAUZIN), the chairman of the full committee, and the gentleman from Texas (Mr. BARTON), the chairman of the subcommittee, for their hard work, including the staff. Hopefully, we can get it done this time. We have gone down this path once before; I think this is the sequel.

Mr. Chairman, our country, as the sole remaining superpower, needs a broad-based and balanced portfolio with regard to our energy resources. Imports of oil is a reality. Anybody can give a speech about how we are to lower the dependence. There are some things we also have to address.

We have to address exploration. We have to be able to utilize what we have in our own country with regard to natural gas and coal. Clean coal technologies will be extremely important, and I am hopeful that the House will be receptive to that discussion at the conference.

We also have to recognize that we have not even built a nuclear facility in our country in the last 20 years.

Let us also get back on the glidepath on conservation and renewable sources of energy, whether it be by solar or wind, soy, diesel, ethanol, et cetera.

So I want to compliment the chairman for his hard work. It will pay great dividends for the country.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the chairman for yielding me this time, and I thank the chairman, both chairmen, for doing a tremendous job on this energy bill.

In the last few years, we have seen repeatedly, I believe, the critical need for an efficiently working and comprehensive United States energy policy.

To most Americans, energy policy is viewed rather simply, Mr. Chairman. Americans see it at the gas pump when they fill up their car, or they see it at the mailbox when they receive their home heating oil and natural gas bills in the winter months. Now, while prices have softened a bit in the last few weeks, the last year has been filled with volatile spikes in both natural gas and crude oil.

Although enactment of this bill will likely have little effect on gasoline prices this summer, the bill will serve as a blueprint of change, an immensely positive change in policy for America going forward. Today, our responsibility now offers great opportunity.

A truly comprehensive national energy plan should include the utilization of all domestic resources that can be extracted in an environmentally sound fashion, a diversified and well-balanced portfolio of fuel sources for electric generation, including nuclear, clean coal, hydro, and natural gas; improvements to transmission capacity ensuring the reliability of our electric transmission grid; efficient energy incentives; conservation measures and targeted research dollars with an eye on the future.

Mr. Chairman, the chairman's bill achieves all of this. It strikes the necessary balance. I rise today in strong support. Not since early 1992, and until this administration, has the importance of U.S. energy policy been prioritized again, where it should have been.

Many, including me, were disappointed when the energy conference ran out of time last year, so I want to commend again the gentleman from Texas (Chairman BARTON) and the gentleman from Louisiana (Chairman TAUZIN), the House leadership, and this administration for their commitment to putting energy policy so quickly back on top of the Leaderboard.

Today, we can take another step forward to uniquely reposition ourselves as a country in terms of energy independence and getting back ahead of the curve.

Given true U.S. energy independence is paramount to our national security, I encourage all Members to support this sound, coherent, comprehensive policy for America.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished minority whip, my good friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, this legislation is a comprehensive energy bill, but it is an incomplete energy policy. We need an energy policy that is balanced; balanced regionally; balanced in terms of promoting energy development and protecting the environment; balanced in terms of production and delivery, in terms of streamlining regulations, while protecting consumer interests; and certainly, Mr. Chairman, balanced in terms of addressing short-term problems while creating long-term stability, and investing for the energy needs of future generations.

Yet, there is no real commitment in this legislation, I think, to promote new alternative resources or conservation. We are missing a major opportunity to invest in the technologies of efficiency, to do more with less. To help us manage our consumption and create thousands of jobs at home.

Democrats have amendments to address these deficiencies, but most, unfortunately, if not all, will be rejected, even though they are good policies that many of my friends on the other side of the aisle would want to support, but will not because the majority has made many parts of this rule partisan.

I am especially concerned, Mr. Chairman, about the new issues in this debate, first, electricity restructuring. This bill ignores the lessons that should have been learned from Enron and from California. A poorly structured market is more susceptible to manipulation and fraud than a market that is properly designed. This legislation actually weakens the oversight and tools that our regulatory agencies need to provide the necessary checks and balances, therefore making matters worse.

I urge my colleagues to support the thoughtful and reasonable provisions in the Dingell substitute to address these deficiencies.

Secondly, the fuel provisions include mandates that ignore regional disparities in supply and distribution that will lead to increased prices at the pump for consumers on both the East and West Coasts.

Mr. Chairman, we need a comprehensive energy policy that is balanced, competitively neutral, and that maximizes our resources. This bill, unfortunately, misses that opportunity. Thus, I urge my colleagues to oppose it.

Mr. DINGELL. Mr. Chairman, before I yield my remaining 1 minute to the distinguished gentleman from Maryland (Mr. HOYER) to close, I gather my good friend, the gentleman from Louisiana (Mr. TAUZIN) has one speaker remaining, and that that speaker will be closing; is that right?

Mr. TAUZIN. Mr. Chairman, our Speaker will be closing on behalf of this side.

Mr. DINGELL. Mr. Chairman, I yield my remaining time to my good friend, the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding me the time to close.

I talked about, in the first 3 minutes, a comprehensive energy policy. I want to tell my friend, the chairman of the committee, I know he and the gentleman from Michigan (Mr. DINGELL) worked closely together on this bill. I think it is very unfortunate on a matter of such great importance to our country, to our national security, and to our people that we do not have a bill on the floor that both the gentleman from Louisiana and the gentleman from Michigan could have supported.

Some amendments have been made in order. I would hope that perhaps the gentleman from Louisiana would support some of those amendments. I think they will improve the bill.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, just quickly, I want the gentleman to know that we will be accepting 9 of the 15 amendments that will be offered and supported by Democrats on the bill.

Mr. HOYER. Mr. Chairman, I thank the gentleman.

Mr. DINGELL. Mr. Chairman, briefly reclaiming my time, they have very carefully strained these amendments in the Committee on Rules so that they are either inoffensive to my Republican colleagues, or they are ones on which the Republican colleagues would lose. My Republican colleagues have also denied us the right to offer the amendments which we would most assuredly have won on.

There is very great finesse in the Committee on Rules.

Mr. Chairman, I again yield the remaining time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, in closing, let me say honestly that I think this issue is of such magnitude that we really ought to work together. We have missed an opportunity to do that. I hope in the future we will be able to do so.

I think the gentleman's experience, matched with the experience of the gentleman from Louisiana (Mr. TAUZIN) and the Members on both sides of the aisle can come up with an energy policy of which we can all be proud. I feel we have not done that this day, and I think we have lost an opportunity.

Mr. TAUZIN. Mr. Chairman, let me take a second to say that, coming from the master himself, I take the words of the gentleman from Michigan (Mr. DINGELL) as a compliment, but mainly to compliment him for the civility and the cooperation that he was provided as our committee has worked through these difficult issues.

Mr. Chairman, I yield the balance of my time to close to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, we are going to hear perhaps from the people on this side that we could have done more. Let me just say to my colleagues, the gentleman from Texas (Mr. BARTON), who is chairman of the Subcommittee on Energy and Air Quality, had 35 hearings on this bill. We had an energy conference in the 107th Congress in which we tried for so many hours, so many days, to try and bring this bill together. We could not in the 107th.

Here we are in the 108th, and now, nearly after 2 full days of markup by the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the full committee, we went almost all night for 2 days we passed this bill. There is nobody in this Congress who is more bipartisan and willing to work the extra mile to get results. In fact, I call the gentleman from Louisiana (Mr. TAUZIN) the Energizer Bunny. On this bill he has gone way over the top, he and the gentleman from Texas (Mr. BARTON), to accommodate and to help Members bring their ideas into this bill, and they have been willing to also when necessary compromise.

So there is no reason to think, as we come to mark up this bill on the floor, that we do not have the best product possible in this Congress. I think this product is good, and that is why I think it represents a balance of sensible production initiatives with conservation. It provides incentives for renewable energy production, clean coal technology, low-income energy assistance, and provides for certainty and reliable operation of our energy markets and increased domestic production.

So I urge support for the bill.

Mr. Chairman. I rise in support of H.R. 6, the Energy Policy Act of 2003. We have worked to develop legislation that balances sensible production initiatives with conservation. This bill provides incentives for renewable energy production, clean coal technology, low-income energy assistance, provides for certainty and reliable operation of our energy markets, and increased domestic production.

Regarding electricity, I am pleased that this bill addresses a number of arcane federal laws and mandates that have no place in the electricity markets today. The compromise we have regarding the prospective repeal of the mandatory purchase obligation under PURPA is the best approach to allow for legitimate Combined Heat and Power development, while allowing relief for electric utilities from a federal mandate that has not served its intended purpose and has resulted in billions in excess costs to consumers.

The bill also increases penalties for sabotage or attempted sabotage of nuclear facilities. And authorizes a hydrogen fuel cell program with a goal of launching hydrogen fuel cell cars into the market by Model year 2020.

H.R. 6 will have far reaching implications from the industry to the family room. It will allow our country to continue its path of prosperity and leadership. I urge my colleagues to support this legislation.

The CHAIRMAN. The Chair will now recognize the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. HALL), who each will control 10 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, as the chairman of the Subcommittee on Energy of the House Committee on Science, I rise today in strong support of H.R. 6, the Energy Policy Act of 2003 and, in particular, those provisions that originated in the Committee on Science.

I want to start by commending the chairman of the Committee on Science, my friend and colleague, the gentleman from New York (Mr. BOEHLERT); the ranking member of the full committee, the gentleman from Texas (Mr. HALL); and the ranking member of the Subcommittee on Energy, the gentleman from Texas (Mr. LAMPSON), as well as the members of the Committee on Science from both sides of the aisle for all of their hard work on this bill.

I would also like to thank the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) for his efforts to resolve a number of overlapping jurisdictional issues in a way that confirms our two committees' responsibilities and advances important energy issues in the bill.

The resolution of these issues is reflected in an exchange of letters between the gentleman from New York (Chairman BOEHLERT) and the gentleman from Louisiana (Chairman TAUZIN), and I ask that these letters be inserted in the RECORD at this time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 7, 2003.

Hon. WILLIAM J. TAUZIN,
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is intended to put in writing the understandings about jurisdiction that informed our negotiations over the structure and content of H.R. 6, the Energy Policy Act of 2003.

It was agreed that the structure of H.R. 6 has no bearing on future decisions on jurisdiction and that neither our Committee nor yours waived any jurisdictional claim as part of the drafting of H.R. 6. No agreements concerning either the language of H.R. 6 or the placement of any language should be construed as a waiver of either Committee's jurisdictional claims under Rule X or the precedents of the House.

Moreover, our two Committees agreed that both Committees have jurisdiction over the Division of H.R. 6 pertaining to the Hydrogen Initiative and FreedomCAR.

I look forward to continuing to work with you as H.R. 6 moves through the legislative process.

Sincerely,
SHERWOOD L. BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 9, 2003.
Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter regarding the discussions our Committees held to draft H.R. 6.

I agree that no agreements concerning either the language of H.R. 6 or the placement of any language should be construed as a waiver of either Committee's jurisdictional claims under Rule X or the precedents of the House.

Moreover, our two Committees agreed that both Committees have jurisdiction over the Division of H.R. 6 pertaining to the Hydrogen Initiative and FreedomCAR.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

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Finally, let me express my appreciation for the extremely professional staff from all relevant committees, as well as key leadership staff, and some who have worked diligently on this bill for months and in some cases years to get us to this point. I know that many of them worked through the weekend to recraft major portions of this bill, which only made it better.

Mr. Chairman, a national energy policy is urgently needed. Over the past 30 years, our national energy demand has increased 47 percent, and yet we now have half as many oil refineries, static pipeline capacity, and 12 different blends of gasoline in just my home State of Illinois alone.

We have not built a large refinery in about 20 years, and our current refineries are operating at 95 percent capacity. Almost 60 percent of the oil consumed in America has to be imported because we are home to only 2 percent of the world's supply. Unless we begin to address some of these fundamental problems, we are going to experience high and volatile energy prices every year, well into perpetuity.

America now has the motivation, perhaps like no other time since the oil crisis of the seventies, to find newer and better ways to meet our energy needs. Renewed violence in the Mideast, the wars against terrorism and in Iraq will continue to cause more volatility in energy prices and supplies. It does not take a chemical engineer or a foreign policy expert to understand what that portends: continued dependency on increasingly uncertain sources.

At the same time, I do not believe that affordable energy and a clean and safe environment are mutually exclusive. America has the ingenuity and expertise to meet our future energy demands and promote energy conservation; and we can do it in environmentally responsible ways and set a standard for the world.

President Bush 2 years ago emphasized the use of advanced technology to expand and diversify our energy supply while reducing our energy demand. But advanced technologies do not grow on trees; they grow out of scientific research, like that supported by the Department of Energy at our universities and national laboratories. This is exactly the kind of research and development that was authorized in the energy R&D bill approved by the Committee on Science last week and incorporated into the bill before us today.

As was the case in the last Congress, the Committee on Science's energy provisions are bipartisan, comprehensive, forward-thinking, and balanced. They represent numerous bipartisan agreements developed through lengthy negotiations between House and Senate conferees on the R&D title of H.R. 4 in the last Congress.

But the world of energy research does not stand still between the last Congress and now. There have been important developments since last November, which we addressed in several amendments, all of which were unanimously approved in our markup last week.

First, to further the goal of developing energy from nuclear fusion, a potentially limitless source of safe and clean energy, this bill authorizes U.S. participation in the development and construction of ITER, the international fusion experiment.

Second, I am particularly pleased to note that H.R. 6 includes higher authorization levels that I originally proposed in H.R. 34 for important basic research programs at the DOE's Office of Science, which is the Nation's primary supporter of research in the physical sciences, mathematics, and computing.

Last, the bill of the Committee on Science, and division F of the bill before us, authorizes the Hydrogen Initiative announced by President Bush in this year's State of the Union Address. The vision of a hydrogen economy holds great promise for reducing our dependence on foreign oil while reducing air pollution, and we are pleased to support the President by authorizing this important initiative.

Mr. Chairman, this is a fair and balanced bill. It takes a step in the right direction towards our goal of developing cleaner, more efficient, and abundant sources of domestic energy to enhance our country's economic energy and national security. I urge strong support for its passage.

Mr. Chairman, as the Chairman of the Energy Subcommittee of the House Science Committee, I rise today in strong support of H.R. 6, the Energy Policy Act of 2003, and in particular those provisions that originated in the Science Committee.

I want to start by commending the Chairman of the Science Committee, my friend and colleague Mr. BOEHLERT, the Ranking Member of the Full Committee, Mr. HALL, and the Ranking Member of the Energy Subcommittee, Mr. LAMPSON, as well as Members of the Science Committee from both sides of the aisle for all their hard work on this bill. Just last week, the Science Committee approved H.R. 238, "The Energy Research, Development, Demonstration and Commercial Application Act of 2003," the vast majority of which is contained in the bill we are considering today. This is a testament to the important role science and technology will play in addressing our current and but also our future energy challenges.

I also would like to thank the Chairman of the Energy and Commerce Committee, Mr. TAUZIN, for his efforts to resolve a number of overlapping jurisdictional issues in a way that protects our two committees' programs and responsibilities and advances important energy issues in the bill. The resolution of these issues is reflected in an exchange of letters between Chairman BOEHLERT and Chairman TAUZIN, and I ask that these letters be inserted in the record at this time.

Finally, let me express my appreciation for the extremely professional staffs of all the relevant committees, as well as key leadership staff, who have worked diligently on this bill for months—and in some cases, years—to get us to this point. I know that many of them worked through the weekend to re-craft those portions of the bill where that involved committee differences and jurisdictional issues. In particular, I would like to thank the staff of the Energy Subcommittee of the Science Committee, including Gabe Rozsa, Eli Hopson, Tina Kaarsberg, and Kevin Carroll on the majority side, and Charlie Cooke on the minority side, for all their hard work. Also deserving recognition for their tireless efforts are the full committee staff of the Science Committee, including David Goldston, John Mimikakis and Mike Bloomquist on the majority side, and Bob Palmer, Christopher King and Jim Turner on the minority side. The many contributions of those I've just mentioned have resulted in a better bill, and one that I would urge my colleagues to support.

Mr. Chairman, a national energy policy is urgently needed. Over the past 30 years, our energy demand has increased 47 percent, and yet we now have half as many oil refineries, static pipeline capacity, and 12 different blends of gasoline in just my home state of Illinois alone. We haven't built a large refinery in about 20 years and our current refineries are operating at 95 percent capacity. Almost 60 percent of the oil consumed in America has to be imported because we are home to only 2 percent of the world's supply. Ninety-seven percent of the power plants currently under construction use the same non-renewable fuel—natural gas. Unless we begin to address some of these fundamental problems, we're going to experience high and volatile energy prices every year—well into perpetuity.

America now has the motivation—perhaps like no other time since the oil crisis of the '70's—to find newer and better ways to meet our energy needs. Renewed violence in the Middle East, the wars against terrorism and in Iraq will continue to cause more volatility in energy prices and supplies. It doesn't take a chemical engineer or a foreign policy expert to understand what that portends—continued dependence on increasingly uncertain sources.

At the same time, I do not believe that affordable energy and a clean and safe environment are mutually exclusive. America has the ingenuity and the expertise to meet our future energy demands and promote energy conservation, and we can do so in environmentally responsible ways that set a standard for the world. What I like most about the National Energy Policy proposed originally by President Bush two years ago is that it emphasizes the use of advanced technology to expand and diversify our energy supply while reducing our energy demand. But advanced technologies don't grow on trees. They grow out of scientific research like that supported by the Department of Energy at our universities and national laboratories.

This is exactly the kind of research and development that was authorized in the energy R&D bill approved by the Science Committee last week and incorporated into the bill before us today. As was the case in the last Congress, the Science Committee's energy provisions are bipartisan, comprehensive, forward-thinking and balanced. Our Committee started from a bill that was introduced by Chairman BOEHLERT and Ranking Member HALL during the first week of this Congress. The language in the bill was the text of bipartisan agreements developed through lengthy negotiations between House and Senate conferees on the research and development title of H.R. 4 in the last Congress.

A lot of work went into that text.

It, too, was fair and balanced, promoting R&D related to energy efficiency and renewable energy, nuclear energy and fossil fuels, as well as basis research in the DOE Office of Science. It included major initiatives, such as the new ultra-deep drilling program and the Clean Coal Program, which involved a compromise to ensure that DOE's R&D and technology programs actually increased energy production, improved energy efficiency, and led to a cleaner environment. I'm pleased to report that last year's agreements were the foundation of what we developed this year.

But the world of energy research did not stand still between last Congress and now. There have been important developments since last November, which we addressed in several amendments, all of which were unanimously approved at our mark up last week.

First, to further the goal of developing energy from nuclear fusion, a potentially limitless source of safe and clean energy, this bill authorizes U.S. participation in the development and construction of ITER, the international fusion experiment. This authorization contains strict limitations that minimize the financial exposure of the U.S., while allowing Congress to revisit the issue again before construction begins. It also makes clear that Congress does not intend for U.S. participation in ITER to reduce or diminish funding for our domestic fusion program at the DOE, which continues to support cutting edge fusion research. This is especially important, for as the New York Times reported on April 8, 2003, scientists at DOE's Sandia National Laboratory have now managed to achieve a controlled fusion reaction. These are the kinds of advances in energy research that a truly comprehensive energy bill should continue to support and preserve.

Second, I am particularly pleased to note that H.R. 6 includes higher authorization levels that I originally proposed in H.R. 34 for important basic research programs at the DOE's Office of Science, which is the nation's primary supporter of research in the physical sciences, mathematics, and computing. In the past, funding for research in the physical sciences remains stagnant, with the budget for the DOE Office of Science at its 1990 level in constant dollars.

In a report released at the end of August last year, the President's Council of Advisors on Science and Technology, or P–CAST, recommended that R&D for the physical sciences should be brought to parity with the life sciences over the next five budget cycles. What was P–CAST's rationale? Just a little over thirty years ago, support for the three major areas of research—physical and environmental sciences, life sciences, and engineering—was equally balanced. Today, the life sciences receive 48 percent of federal R&D funding compared to the physical sciences' 11 percent and engineering's 15 percent. This trend does not bode well for either the physical sciences or the life sciences. As the P–CAST report points out, "It is widely understood and acknowledged that the interdependencies of the various disciplines require that all advance together." To further articulate the case for this much-needed funding, I would like to introduce into the RECORD the Executive Summary of a January 2003 report by the American Physical Society entitled "Department of Energy Office of Science: The Case for Budget Increases."

Third, the bill approved by the Science Committee, and Division F in the bill before us now, authorizes the Hydrogen Initiative announced by President Bush in his State of the Union Address this year. The vision of a hydrogen economy, which relies on energy from hydrogen fuel cells in our homes, businesses, and cars, holds great promise for reducing our dependence on foreign oil and reducing air pollution. The Science Committee has a long history of supporting hydrogen research and development, and we are pleased to support the President by authorizing this important initiative. More specifically, the Science Committee's provisions: flesh out areas of R&D that the Initiative must cover; require the Department to undertake more extensive planning; and ensure that demonstration projects actually facilitate the transition to a hydrogen economy.

Finally, let me also mention the role of the Science Committee in the development of the Clean Coal provisions in Division E of H.R. 6. Again, the provisions in H.R. 6 are based on language originally developed by the Science Committee in the 107th Congress, included in H.R. 4, and agreed to in the conference on that bill. On a bipartisan basis, the Science Committee agreed to further refine this language at the urging of my colleague from Illinois, Mr. COSTELLO. The language in the Science Committee's reported bill represented a balanced program to promote new coal technology that will improve efficiency and reduce emissions from our most abundant domestic source of energy. While further changes were made during negotiations with the Energy and Commerce Committee, it was with the understanding that the two committees would allow no further concessions to weaken the protections that ensure that funds are used to advance clean coal technology in an environmentally and fiscally responsible way.

Mr. Chairman, this is a fair and balanced bill. It takes a step in the right direction towards our goal of developing cleaner, more efficient and abundant sources of domestic energy to enhance our country's economic, energy, and national security. I urge strong support for its passage.

American Physical Society—Securing the Future for the Department of Energy's Office of Science—The Case for Budget Increases

I. Executive Summary

OVERVIEW

A significant budget increase for the Department of Energy's Office of Science (SC) is critically important for meeting the nation's scientific and technological needs in the 21st century. National security and economic growth depend on a well-trained workforce and a vibrant scientific base. For the DOE to capitalize on the extraordinary scientific opportunities already identified by leaders in the research community, funding for the Office of State would have to increase more than two-fold. Since the DOE SC is the principal federal custodian of the physical sciences, the American Physical Society feels compelled to be one of the prime advocates for its budgetary growth.

The DOE Office of Science is by far the nation's largest support of research in the physical sciences, and it plays a dominant role in underwriting activities in mathematics and computing. It has made extraordinary contributions over many years to the nation's science and technology enterprise and the benefits we derive from it. As a result of this work, we are entering the 21st century with a new and deeper understanding of how matter and energy shape the universe—new knowledge that allows us to improve life here on earth. The SC was one of the developers of the Internet, began the computational analysis of global climate change, initiated the sequencing of human and other genomes, promoted early advances in nanotechnology and protein crystallography. The SC's unique capabilities remain central to both basic and applied research, in fields as diverse as developing designer drugs, accelerating computing speeds, and generating sophisticated diagnostics for national security, medical and industrial purposes.

We have entered an era in which advancement in any scientific discipline depends on an understanding of nature in many disciplines, especially at the very small scale. Furthering interdisciplinary activities and probing matter at the smallest scale are fundamental strengths of the SC research programs carried out in unversities and national laboratories. Uniquely among civilian agencies, DOE's Office of Science is responsible for operating big facilities capable of tackling large-scale, complex, multi-disciplinary problems, such as nanotechnology and genomics. The SC program provides extraordinary value of its own, but it is also vital for exploiting the investments made in other fields.

Policy makers of virtually all stripes agree that the federal government must play a central role in guaranteeing that the United States maintain its position as the world's leader in science and technology. Unfortunately, that position is currently at risk. In teraflop computing, for example, the Japanese new supercomputer "Earth Simulator" threatens American dominance at the cutting edge of computer technology and large-scale scientific simulations. The federal investment in research is also an investment in the next generation of scientists. Especially in the physical sciences and engineering, our technically trained workforce is aging and our nation is becoming ever more reliant on the pipeline of foreign researchers. At a time when our nation is so focused on homeland security, this trend is very troublesome.

BUDGET IMPLICATIONS

For more than a decade, budgets for the DOE Office of Science have stagnated or declined. To reinvigorate these programs and assure American scientific leadership, significant increases in spending are required. The budget increase required for the following three priorities of the Office of Science will entail a 13 percent increase over FY02 spending:

University Research and Grant Acceptance Levels

Research conducted by university professors is vital to the success of the DOE SC program and the training of a national work force skilled in a wide parity of physical science disciplines, including computing and engineering. Approximately one quarter of the SC budget (projected to be $765 million in FY 2003) supports competitive, peer-reviewed grants to about 2000 individual investigators at more than 250 universities and institutions nationwide. In addition, university and industrial scientists constitute a significant share of the user community at the DOE's major facilities.

The decline is physical science and engineering degrees for US citizens is well-documented and a cause for concern, even alarm, given the requirements of our economy and the shortage of technical personnel to fulfill them. Although SC is the prime supporter of the physical sciences and is responsible for a major share of university research, SC is able to fund only 10 percent of the grant applications it receives. Even in a priority area such as nonosciences, SC has funds to grant only 13.5 percent of submitted applications. By comparison, NSF was able to fund 31 percent of grants submitted in 2001 by a similar applicant pool, and NSF projects a 32 percent acceptance rate in FY02 and FY03. Since the DOE Office of Science is the primary source of research funds for the physical sciences at universities, improving SC's funding rate to at least 33 percent in all areas would significantly impact scientific program in the physical sciences. This increase in grant approval rates would bring the total cost of the university grant program to $2524 million.

Facilities and Infrastructure Improvement

The nation has benefited enormously from investment in DOE SC facilities over the years. DOE SC is solely responsible for the facilities at National Labs; although users from many scientific disciplines use DOE SC machines, DOE designs, develops and operates them. Roughly half of the DOE SC budget is devoted to user facilities. The more than 17,000 scientists and 3,000 graduate students who use these facilities each year are employed by universities, federal science agencies and private industry. Often DOE labs host major collaborations to address complex problems of national importance.

Maintenance backlogs, facilities underutilization, and delayed or dropped upgrades jeopardize the facilities programs in the Office of Science. Currently the DOE SC is able to only put $37 million per year towards the backlog of facilities infrastructure needs. A report released in April of 2001 by the Office of Science determined that an infusion of $932 million was needed to address these problems, including $460 million to upgrade buildings, $308 million to replace outdated buildings, $92 million for utility projects, and $72 million for environmental safety and health. Spread out over a five-year span, DOE SC would need to spend at least $186 million per year just to take care of the existing queue; as facilities age with time, this backlog will continue to grow. A yearly investment of $100–150 million per year beyond FY07 will be needed to maintain and upgrade the facilities. At least another $50 million per year is necessary to run the DOE SC's facilities full-time at capacity.

Initiatives

The Office of Science has identified a set of key initiatives that take advantage of emerging research opportunities across the six program areas within DOE SC. They are exemplified by a series of Occasional Papers issued by that office: The Challenge and Promise of Scientific Computing; The Beauty of Nanoscale Science, Using Nature's Own Toolkit to Clean Up the Environment; Dark Energy—The Mystery that Dominates the Universe; Bringing a Star to Earth; and Biotechnology for Energy Security. The program papers that constitute Part III of this document contain detailed descriptions and cost estimates for the opportunities in support of those key initiatives; the total increase over FY02 is 76 percent. Short summaries of each of the six papers follow.

SUMMARY OF PROGRAM PAPERS

Advanced Scientific Computing Research (ASCR)

Advanced computing technology are needed to answer otherwise intractable scientific questions. The Office of Advanced Scientific Computing Research (OASCR) supports fundamental research in mathematics, computer science and networking. OASCR promotes programs that build a tight coupling between Advanced Scientific Computing Research and basic scientific research in other Office of Science programs. The top priorities for OASCR over the next five to ten years include (1) high-performance architectures, networking, and software with an emphasis on scientific application rather than pure computer speed; (2) new mathematics and new algorithms for new problems, especially in the treatment of multiple scales; and (3) improvements in facilities and networking.

Biological and Environmental Research (BER)

The BER program seeks innovative solutions to key scientific challenges by supporting research across the life, environmental, and medical sciences. BER invests in developing faster, cheaper and more accurate DNA sequencing technology and advanced climate models; conducts fundamental research on energy-related chemicals and particulate matter emitted to the atmosphere; and supports world-class competitive user facilities for structural biologists. BER also supports fundamental research into methods to clean up radioactive contamination on DOE sites, especially where traditional clean up strategies may be ineffective or too costly. The medical applications division of BER coordinates its research with basic and clinical research at the National Institutes of Health. The top priorities for BER include (1) Genomes to Life, an initiative to investigate and understand complex biological systems; (2) climate change research; (3) field implementations of bio-remediation solutions; and (4) high-risk, upstream research in advanced medical imaging.

Basic Energy Sciences (BES)

The Basic Energy Sciences (BES) program supports basic research in materials science and engineering, chemistry, geosciences and energy biosciences. This research will ultimately lead to the development of materials that improve the efficiency, economy, environmental acceptability and safety for a wide variety of applications. The top priorities for BES include: (1) completion of the Spallation Neutron Source, a next-generation neutron scattering facility currently under construction, and neutron scattering research; (2) nanoscale science and science research centers; and (3) development of the next-generation synchrotron radiation light source.

Fusion Energy Sciences (FES)

The Office of Fusion Energy Sciences supports research on advanced plasma science, fusion science, and fusion technology with the ultimate objective of achieving a safe, economic power source, free of greenhouse gases, using widely available fuels, and with no long-lasting hazardous by-products. Advances in understanding the basic physical processes of plasmas (ionized gases) will yield better methods for sustaining, heating, and controlling plasmas in regimes relevant to fusion power generation. Crucial to the eventual utility of fusion as a power source is the burning plasma experiments in which the fusion process itself is the dominant source of heat. Priorities for FES include: (1) a burning plasma facility such as the International Thermonuclear Experimental Reactor; (2) developing an integrated modeling capability for toroidal confinement systems that incorporates recent theory, experimental results, and advanced computation techniques; and (3) enhanced materials modeling augmented by a major initiative in innovative materials development. In addition, FES' smaller facilities, located mostly at universities, need additional capability to carry out their science programs. This initiative includes funding for competitively selected Frontier Fusion Science Centers.

High-Energy Physics (HEP)

HEP supports research into the fundamental structure of matter, energy, space and time. Experiments and theoretical insights over the past several decades have led to a detailed understanding of the most basic particles and forces, and how they govern the evolution of the universe. Technologies developed for HEP research have led to significant applications in such areas as global communications, computer and materials science, molecular biology, medical diagnostics, and national security. Priority areas for current and future research in HEP include: (1) exploring new regions of energy where the forces of nature become unified and new physics must emerge; (2) elucidating the properties of neutrinos, including just discovered fact that neutrionos change from one type to another, (3) understanding the subtle differences between the behavior of matter and anti-matter; and (4) learning about the nature of dark matter and dark energy, through experiments on earth and in space.

Nuclear Physics (NP)

NP scientists probe the properties of nuclei and nuclear matter and of their ultimate constituents—quarks and gluons—as well as investigating key interdisciplinary questions, including the basis of fundamental symmetries in nature, how matter emerged in the first moments of the universe, the nature of supernovae, and the origin of elements in the cosmos. NP supports research into the structure of nucleons and nucleonic matter, the properties of hot nuclear matter, and the fundamentals of nuclear microphysics. More than half of nuclear-science Ph.D.'s apply their training outside their field, most notably in medicine, industry, and national defense. Current priorities for the Nuclear Physics Program include: (1) Continuous Electron Beam Accelerator Facility at the Jefferson National Accelerator Facility and (2) the Relativistic Heavy-Ion Collider at Brookhaven National Laboratory. In order to understand how nuclei are constructed from their constituent parts, the nuclear science community has proposed the Rare Isotope Accelerator project, a new concept in exotic-beam facilities.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to support this legislation. It is the product of a lot of months of work, not only this year, but also in the last Congress we worked hard and worked on into the conference committee. We were able to preserve a lot of the language that was agreed to last year, but never formally adopted by the conferees. I was disappointed in that.

The members of the Committee on Science have worked well together on both sides of the docket to produce provisions that make the Federal Government an enabling partner in energy research and development to enable us to develop the technologies necessary to conserve energy and use it more efficiently. Provisions in this bill also jumpstart the transition to a hydrogen economy and take the next step of exploring the possibility of fusion energy.

These, of course, are all high-risk, high-payoff, and long-lead time, and in my view an appropriate role for the Federal Government to play in energy.

However, in order to survive to the long term, we have to ensure that supplies of domestic oil and natural gas continue to flow. The transition from an oil and gas economy to one based on fusion and renewable energy will be extremely long. The fact is that it is easy to find and produce oil and gas. That amount has already been consumed. The challenge is getting it, I think, at the more difficult producing horizons. This legislation, I think, does that.

I have always said that the energy policy we need is an incentive to look for it and a reward for finding it. This program actually comes as close to that as any I have seen in the 20 years I have been here.

I am pleased that the Committee on Science has included my ultradeep and unconventional onshore exploration and production R&D provisions in division B. Mr. Chairman, in reality this is actually an important production provision masquerading as an R&D provision.

The estimated volumes of natural gas that can be produced from the middle and western Gulf of Mexico are truly astonishing, 69 trillion cubic feet by one estimate.

Under these provisions, an industry-led consortium will lead a crash program to develop the technologies necessary to drill and produce these hydrocarbons at extreme depths. A companion program will develop the technologies necessary to drill and produce the hard-to-reach oil and gas on shore. I think a crash R&D program will go a long way to meeting the increased demands for natural gas that are expected to occur in the next 15 years.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT), a distinguished member of the Committee on Science.

Mr. CALVERT. Mr. Chairman, I rise in support of sound energy for American citizens.

First, I would like to thank the Members and staff of the four committees, the Committee on Energy and the Committee on Science, the Committee on Resources, and the Committee on Ways and Means, who have all worked so hard to bring this bill to the floor.

There are a few points that I would like to address that I believe are crucial for the future stability of energy in America.

First, I commend the inclusion of the hydrogen provision in H.R. 6, which is consistent with the President's call for alternative fuel sources in the future. We must actively pursue increased efficiency of fuel, reduced energy consumption, and additional research into alternative fuels such as hydrogen. The future of our economy and prosperity will ultimately depend on our ability to discover new ways to provide energy for our cars, homes, and businesses.

Another important aspect of energy policy is the reform of nuclear and worker safety regulation at the Department of Energy. The Department of Energy is the only Federal agency that self-regulates; and after 10 years of studies, it is time that we implement external regulation of nonmilitary labs, for the welfare of the workers and to the benefit of taxpayers.

While not included in this legislation, I am hopeful that we can pass other legislation to enact this reform and bring much-needed external regulation of worker safety and health to the Department of Energy.

I am also hopeful that as we confer with the other body we will broadly include innovations in the field of biosynthetic fuel. Again, I commend the efforts of the various committees which have brought this bill about and look forward to moving more options in the arena of energy policy for the benefit of the American public.

Mr. HALL. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I thank the gentleman for yielding time to me. It has been great working with the gentleman from Texas (Mr. HALL) on the Committee on Science. I want to commend the gentlewoman from Illinois (Mrs. BIGGERT) for the work she has done as chairman of the Subcommittee on Research, but also the gentleman from New York (Mr. BOEHLERT) on the full committee.

Mr. Chairman, I rise today in support of H.R. 6, the comprehensive energy bill, particularly the research and development title that is the product of the bipartisan efforts of this Committee on Science.

With a major portion of our current oil supply coming from overseas, it is essential that we make significant national investments in Department of Energy research and development programs to give us greater control over our future national energy supply.

I come from an area that is a significant producer, as well as a processor, of oil. There is no question but that we need to try our best to put more of the people who are out of work in that field, particularly in southeast Texas, in my district, back to work.

But our efforts must be focused not just on fossil fuels, but across a broad spectrum of energy sources, including wind, solar, nuclear, hydroelectric, and others. Conservation energy-efficiency programs are also essential. H.R. 6 provides us with a balanced approach to address our future energy needs.

The bill also includes two important amendments that I offered in the Committee on Science. The first would require the Department of Energy to complete a report that would lay out the design and cost of establishing a test center for the next-generation fuel cells.

My second amendment requires the DOE to report back on efforts to increase collaboration between large and small institutions of higher education. Smaller minority-serving universities have so much to offer the Department of Energy through grants, contracts, and cooperative agreements. I believe DOE can do more to foster this type of collaboration.

I support H.R. 6, and I encourage my colleagues to support this very important legislation.

Mrs. BIGGERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. SULLIVAN), a member of the Committee on Science.

Mr. SULLIVAN. Mr. Chairman, I rise in support of the comprehensive energy legislation before us today.

While the bill has many excellent provisions, I want to focus on just a few that I believe are particularly important.

Increasingly, our country is relying on natural gas to heat our homes, fuel industry, and to generate electricity. The good news is our country is blessed with vast reserves of natural gas, and additional reserves are nearby in Canada. Unfortunately, many of our existing producing reservoirs are declining.

This means we must allow access to new reserves and encourage the building of the infrastructure necessary to get these reserves to market.

I am pleased that the bill contains several important provisions designed to do just that. For example, the bill directs the Secretary of Energy to undertake a program to demonstrate technologies for improving production techniques, particularly from unconventional natural gas reservoirs, such as tight sand formations and coal bed methane.

The bill also includes a number of tax provisions to encourage production and infrastructure development. For example, the bill extends the section 29 tax incentives so important to the development of unconventional gas reserves. It also provides royalty relief to encourage production in deeper offshore waters. It also sets a 7-year depreciation life for gathering lines and a 15-year life for distribution lines.

The bill also calls for improvements in the leasing process of the Department of the Interior. Much of the reserves remaining in the continental United States are located on Federal lands. These reserves can be developed in an environmentally sensitive manner, but we must break through the bureaucracy and other barriers that delay or block making these lands available.

In summary, Mr. Chairman, I applaud the work of the many committees involved in putting this package together. Enactment of comprehensive energy legislation will address a critical sector of our economy and our country's security. I appreciate the leadership of Chairman TAUZIN, MR. POMBO, MR. THOMAS, MR. BOEHLERT, and others involved in putting this bill together and I hope that we can reach our goal of signing a comprehensive energy bill into law.

Mr. HALL. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I thank the gentleman from Texas (Mr. HALL) for yielding me the time.

I am in opposition to this bill because today I believe we are preparing to pass the oil industry's dream plan. It was drawn up in the secrecy of the vice president of the oil dynasty's office, Mr. CHENEY. He has fought every attempt to tell us who was even in the meeting, much less what they talked about.

The bill was brought up to the Congress and the Committee on Ways and Means, and we could not get any amendments adopted, nothing. It has been put out by the White House, and that is good enough for the boys up in the Committee on Ways and Means.

Now, Rumsfeld and Bechtel were involved in this whole business with Iraq back in 1983. In December of 1983, Mr. Rumsfeld was there negotiating for a $2 billion pipeline from the southern Iraq fields to Aqaba, the Gulf of Aqaba, across Jordan. Saddam negotiated with them a while, and then he said no. Ever since then, there has been all this interest in why can we not go in and have a regime change, because he would not roll over for what was going on.

Now, this is at the time, when Rumsfeld was negotiating with Saddam Hussein is exactly the time when he was bombing the Iranians with chemical weapons. We are over there making an oil deal, and this guy is doing this stuff out there. People act like we have such clean hands in this. This administration is going to get out of here with a bunch of money for oil.

I offered an amendment in the Committee on Ways and Means to put money up for buying solar panels. They did it in San Francisco; they passed a bond issue to put solar panels on every building in San Francisco. They are doing it all over California. Eight times the amount of energy they need in California falls out of the sky every day.

For this bill the chairman of the Committee on Ways and Means would not even consider that amendment. This is an oil company bill. It is oil, oil, oil. It has a greasy feeling to it.

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Mrs. BIGGERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentlewoman for yielding me time.

This is not the perfect bill. There are very few bills that come before the House that are perfect. I think there is a recognition that within a 20-year time frame the administration would like to relieve ourselves of the burden of fossil fuels, become independent of foreign sources of energy, and protect and improve the environment by burning hydrogen, fusion and other alternative sources.

There are a number of things in this bill that we can work on and improve, and this is not our only shot at it. Our shot at the energy resources of this country and energy policy comes on an annual basis.

The things that are good about this bill are, they do promote, maybe not as much as all of us want to, but they do promote alternative sources of fuel. One of the most exciting is fusion, which is not necessarily 50 years away, but maybe within a couple of decades.

Another interim fuel source or another interim mechanism is hybrid vehicles.

Another powerful, positive reachable energy source of fuel is hydrogen. Hydrogen is probably the most pervasive element in the universe. It is one of the most pervasive elements on the planet. And if we can do what the administration wants to do, perfect this technology, when you burn hydrogen, it is a source of independence for the United States; when you burn hydrogen, the exhaust is water.

So there are a number of alternatives, there are a number of positive things about this bill.

The CHAIRMAN. The gentleman from Texas (Mr. HALL) has 3½ minutes remaining.

Mr. HALL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise today to strongly urge my colleagues to vote against H.R. 6.

The electricity provisions contained in title VII of H.R. 6 would, among other things, repeal the Public Utility Holding Company Act enacted during the Great Depression era that has protected investors and consumers from unconstrained market power by huge utility holding companies.

The title also includes transmission siting provisions which preempt not only State decisions about which new or expanded electricity lines should be built in local communities, but also Federal authority to decide whether lines should not built in our national parks and other public places.

The Republican bill's aggressive efforts to deregulate the electricity market not only exacerbates the sort of manipulation that occurred in California's electricity market from 2000 through 2001 that cost consumers $45 billion, it ignores any lesson that could be learned from Enron and other fraudulent players' actions in my State, my State of California, and further weakens Federal and State oversight abilities.

I strongly urge my colleagues to vote against the bill.

Mr. HALL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. HALL) has 2 minutes remaining.

Mr. HALL. Mr. Chairman, I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a very valuable member of our committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member. It has been a pleasure to work with the Committee on Science on this very important legislation. We might be one of the few committees, Mr. Chairman, that has been able to look at this bill in a broad, global manner; and though I have some great concerns with some of the directions of this legislation, the drilling in ANWR that I believe can now be put on hold because of the very fine amendment that the Committee on Science worked on, the gentleman from Texas (Mr. LAMPSON) and myself, that asked the Interior Department to assess the value of deposits in the Gulf and to begin to reinforce further drilling in that area in an environmentally safe climate.

We are trying to find constructive ways to deal with the energy issue of this Nation. We want this Nation to be strong and independent as it relates to energy; and so we worked in a bipartisan way. One of the amendments that was included is the question of utilizing secondary batteries, an amendment that I got in. I am very proud to note that the committee, in a bipartisan way, worked on bioenergy funding research for HBCU's and tribal- and Hispanic-serving institutions. We are trying to prepare our young people to be the future scientists of the world.

Additionally, I think it is very important to note that we have an amendment that I authored that creates a relationship between the Department of Energy and NASA. Some of the technology on weather and other sciences that NASA has would be very useful to the Department of Energy. I believe we can get to the point of presenting a national energy agenda that respects the environmental approach to such, but as well recognizes that we have many wonderful resources, including oil and gas, that we can mine these, if I can use that terminology, in an environmentally safe manner, that we can promote job growth, that we can enhance the scientists and the researchers of the Nation by training our young people, by involving our historically black-, Hispanic- and tribal-serving institutions.

We can do this in a bipartisan way. I hope the amendments that have been offered by my colleagues on the Democratic side will be accepted. And I hope, when we finish this, Mr. Chairman, we will have a bill that all of us will be able to enthusiastically vote for because it is in the national interest, and I believe it is important to move this legislation forward.

I thank my colleagues in the Committee on Science for working in such a bipartisan manner.

The CHAIRMAN. The Chair will now recognizes the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) to control 10 minutes each.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have a number of challenges when it comes to developing a balanced energy policy for the future of our country.

First of all, we have to look at the future, and all of us can talk about where we want to go in terms of our future energy needs and how those needs are going to be met. We can talk about wind power and solar power, about fuel cell technology and all of the new things that are coming on line, and the technology that is being developed; and I think that is great. I think we all know that one day that is how we will solve the energy challenges that we have as a country.

But we also have to look at the needs of today and what we are currently using and what we are dependent on and how we meet those challenges. The solutions that we come up with in this bill identify both of those, needs and challenges. We have sections in the bill that deal with alternative energy and our future needs and how we are going to put money into research and technology, and the Committee on Science has done a great job with that and the Committee on Energy and Commerce has done a great job with that.

In our committees, the Committee on Resources, we also addressed those alternative energy needs, and that is extremely important; but when we look at our needs of today and how we are going to meet those needs, we have to look at increasing production in this country to take away the demands on foreign energy and the reliance we have on countries like Iraq and others for bringing that energy into this country.

Part of that is increasing production on public lands. The ANWR is part of that, the Arctic National Wildlife Refuge, and out of that 19-million-acre refuge, we are proposing that we take a very small part of that to help solve our Nation's needs. I think as we look towards how we put together a balanced energy policy, this bill accomplishes that.

Now, I know that we went through years in writing this bill. We went through hearing after hearing. We had mark-ups. We had amendments. We had more than a dozen amendments at the committee level, and many of those amendments came from my friends in the minority and several of them we accepted. And as we tried to put that bill together, we reached what was largely a bipartisan consensus on moving our titles of the bill. It passed out of committee with a 32–14 bipartisan vote coming out of the committee.

There was general consensus amongst the members on the committee that this was the right way to approach all of our problems. That does not mean that we all agree on everything, that all of us got everything we wanted. But what it means is that it was a compromise, and it is a bill that we can all be proud of; and I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is no secret that I oppose much of what is contained in H.R. 6 and especially provisions approved by the Committee on Resources. However, I do want to publicly thank the Committee on Resources chairman, the gentleman from California (Mr. POMBO), for his fairness, his fairness in allowing all the amendments to be heard during the committee consideration of this bill in a very judicious manner, and I appreciate that.

Now, while I am disappointed that my substitute to the Committee on Resources provisions was not made in order, I do appreciate, as well, the Committee on Rules making in order my amendment to strike the Federal coal leasing provisions, as well as the gentleman from Wisconsin's (Mr. KIND) amendment to strike the non-ANWR oil and gas provisions.

Finally, to my friend, the gentleman from California (Mr. THOMAS) the distinguished chairman of the Committee on Ways and Means, I thank him for having an amendment made in order to strike from this bill provisions which would have done great harm to retired coal miners and their widows; and the chairman and I have personally discussed this issue.

With that, Mr. Chairman, I end my kudos.

Today, this body is considering legislation that represents an unprecedented assault on America's resources and on American taxpayers under the guise of contributing to our energy security. The fact of the matter is that there is little in the way of relief for Americans at the gas pump in this bill. Adding insult to injury, the legislation would gouge Americans even further through a whole host of taxpayer subsidies to energy producers. This is misguided relief.

It is not for consumers but for multinational corporations drilling for oil and gas in Federal Gulf of Mexico waters by granting them a taxpayer-subsidized royalty holiday. They get to drill and the taxpayer foots the bill by forgoing royalty payments. An unwarranted drilling incentive at a time of high energy prices, a staggering budget deficit, and the yet unknown full cost of the war in Iraq.

In fact, this legislation contains so many royalty reductions and kickbacks that the Treasury stands to lose a mint. There are royalty holidays for deep-water wells, shallow water/deep wells, and marginal wells. Just name the site and there is a good chance a company will be relieved of its debt to the country. It is probably easier to identify who would actually have to pay a royalty rather than who would not if this bill were to become law. Robin Hood must be turning in his grave.

Even America's natural resource heritage would be placed at risk under this legislation, whether it be along the Rocky Mountain front, our national forests, ANWR or in Federal waters near beach communities. These areas are all targeted for increased energy development under the bill. Americans and the majority of Representatives in this body do not believe we must sacrifice our heritage and our prized natural treasures to achieve greater energy self-sufficiency.

Americans need real relief from energy prices, yes, without a doubt, and potential natural gas shortages. When it comes to enhancing domestic gas, as well as petroleum supplies, I think we need to start thinking outside the box. This bill does not do that.

In my view, a real energy policy could increase domestic gas supplies in a responsible fashion which would include the following element, which is also missing in H.R. 6:

If we really want to think outside of the box, we should provide incentives to the utility sector to build coal gasification plants. We have been pouring money into Energy Department research on clean coal technologies for over 20 years. The technology is there. For instance, South Africa, for many decades, powers its entire country with synthetic gas and petroleum provided and produced from coal under what it calls the Sasol technology.

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Yet, today, there are only two coal gasification plants in commercial operation because it is far less expensive and easier for utilities to build small gas turbine generators. I believe it would be worthy to provide the utilities with an incentive to actually build coal gasification plants.

As my colleagues can see, I am not against well-thought-out, targeted energy incentives; but what I am opposed to are taxpayer subsidies for traditional oil and gas drilling at a time of high energy prices. That makes no sense. In my view, the economics of supply and demand will prevail without the government's meddling.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), the vice-chairman of the committee.

Mr. GIBBONS. Mr. Chairman, I want to thank the chairman of the committee for granting me the time to speak on this very important bill, and I rise in strong support of H.R. 6, the Energy Policy Act of 2003.

A keystone part of this bill is moving America into cleaner and better, cheaper fuels. This bill contains an important provision which will make geothermal power production on Federal lands competitive with power produced from fossil fuels.

Close to 75 percent of all geothermal resources suitable for generation of electricity are located on public lands. Nevada, where the Federal Government owns close to 90 percent of the land, has some of the best geothermal potential in the United States.

Unless geothermal power derived from public land is more competitive with other power sources, little of Nevada's geothermal potential will be developed.

This energy bill allows Nevada and more of our Nation as a whole to become more energy self-reliant. By promoting greater use of geothermal energy, a clean alternative energy source that is relatively abundant within Nevada and the West, our Nation will make great strides in reducing our dependence on foreign oil and other energy sources blamed for increasing pollution.

I urge the adoption of H.R. 6, the Energy Policy Act of 2003, which will benefit not only my State but our entire Nation by encouraging alternative energy production and finally creating a national energy blueprint for greater self-reliance in the 21st century.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend for yielding time to me, and I would also commend my ranking member on the Committee on Resources for the leadership that he has shown in regards to this issue.

Mr. Chairman, I stand here today as the ranking member of the Subcommittee on Energy and Mineral Resources on the Committee on Resources, and stand here in great disappointment because I feel that this energy bill, which is so very important for the future of our growth needs and for our Nation as a whole, is a missed opportunity. Rather than coming forward with a very bold and innovative vision in regards to putting our Nation on track for true energy independence, this bill is more same-old, same-old. In fact, it is better suited for the challenges of a mid-20th century rather than the opportunities and the technological development that will present itself here in the 21st century.

If anyone has any doubt in regards to the necessity of establishing this type of energy vision of greater energy independence for our Nation, we need only look at the conflict that is taking place in the Middle East right now and our overreliance on the importation of those oil supplies from the Middle East; and if we could do one thing that would benefit the people in the Middle East and their society, it is to require them to start drilling the human capital for economic growth in their own nations rather than drilling their own natural resources for their wealth because of the great demand for oil from other nations, primarily from us.

Yet instead of putting forward an energy plan that calls on greater investment and reliance on alternative renewable energy supplies from wind, solar, geothermal, as my colleague just mentioned, and biofuels as well as the energy source of the future, hydrogen power, we are basically presenting a plan here which is to "drill at taxpayer expense," increasing our reliance on oil consumption in our economy, rather than weaning ourselves off of it.

We only hold 2 percent of the oil reserves in the entire world within our borders. Clearly, if we continue to pursue an increased reliance on this energy source, we are not going to achieve the independence that we need. Instead, we need a bolder vision, an Apollo energy plan, so to speak, similar to Kennedy's call to put a man on the Moon by the end of the decade.

At the time when he said that in 1962, most of the best minds and scientists at the time looked at him and thought he was crazy. As we were launching the Saturn 2 and Jupiter missiles, we were lucky if they were not exploding on the launch pads. If they did get into the air, they did not last very long before they exploded into the ocean, let alone putting a human on top of one of those things, landing them on the Moon and safely returning them to the Earth. And yet that was achieved because the President presented a vision and the leadership and he marshalled the collective intellect and resources in our country to do it.

We can do the same thing today with a bold energy policy by investing in the alternatives and renewables and a quicker development of hydrogen power. Yes, there are some programs in this bill that would point in that direction, but it is not anywhere near enough of where we need to go to wean ourselves off fossil fuels while also addressing the global consequences of global warming.

Title II in particular, by granting royalty-in-kind and royalty holidays to the oil company, is nothing but a big subsidy, a big tax cut to these very companies at taxpayer expense. Something that then candidate Bush even opposed during his 2nd Presidential campaign.

We can do better, and I would encourage my colleagues to vote "no" so we have a chance to do better.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, Montana is known as the Treasure State because of our natural beauty and the natural resources that we can provide for economic and energy independence; but Montanans, I have learned, do not care so much about energy portfolio, grids or Btus, and they sure as heck do not care so much about partisan politics; but they do care about, our seniors want to know that when they move up the little knob on their thermostats that they will have heat. Our mothers and fathers want to know that when they turn their ignition their cars will start so they can take their children to school, and our small businessmen and—women want to know when they try and open up in the morning, when they flip that switch, there is electricity.

It is interesting for me to hear the opponents of this bill who have been in this Congress for 20, 30, 40, and almost 50 years talking about solving the problem. When is the bill perfect?

Where has been the solution for the last 20 or 30 years? We are waiting for it. I remember as a young man standing in line to buy gasoline in 1979, and we talked about the energy independence of this country. When is the time? It is now. It is time to solve it now.

This is a well-designed plan, a well-thought-out energy policy that may not be perfect in the long run, but is a vision to build America's future. The worst thing that we can do is create an energy debt for our next generation.

I look all over this Capitol, and I see young men and women who someday may not have the opportunity to drill one more well, dig one more shovel full of coal. If we do not have a plan in place, where we can have used some of the new technologies to invent our way out of this problem, if we do not have a policy in place that has loans and grants to give to the young minds in the scientific community to invent our way out of this problem, if we do not have the technology and the infrastructure in place to take advantage of all of the exciting things with geothermal and such, we have done a real disservice. We have created an energy debt far more serious than a financial debt that we are creating.

Let us not create an energy debt. Let us not wait another 20, 30, 40 years. Let us solve the problem now. Vote for this bill.

Mr. RAHALL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from West Virginia (Mr. RAHALL) has 2½ minutes remaining. The gentleman from California (Mr. POMBO) has 3½ minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, there are four committees that have jurisdiction over this bill, and one of them is the committee on which I serve, the Committee on Energy and Commerce; and I thank the ranking member of the Committee on Resources for giving me this opportunity.

This was not a bill that was crafted in the middle. This is not a bill that Republicans and Democrats got together to produce a bill that is moderate, that the American people want to see. This was a bill that was put together by the Republicans and jammed down the throats of the entire Congress.

We were in committee last week until one o'clock in the morning, and every single Democratic amendment was voted down on virtually a party line vote. This is not the way to craft an energy bill for America. We need the talents of all the Members of the House in both parties to come together for the American people.

I am sorely disappointed that we are ignoring the underlying problem to national security, which is oil. There is nothing in this bill that reduces our consumption of oil. There is a lot of talking about drilling and production, but very little about conservation.

Rather than stimulating research and development into renewable generation, we continue to cede the development of alternative energy technology to Europe and Japan. Whereas once we were the leaders in exporting renewable technologies such as solar panels and wind turbines, the U.S. now lags behind.

At the same time, 72 percent of Americans believe that renewable energy sources should be our priority right now. We are missing a huge opportunity to create a renewable energy market that benefits both consumers and the environment. Our energy policy is tied to our national security and our economic well-being; and we need to ensure that this policy is diversified, reduces our dependence on oil, and creates skilled jobs by reducing energy costs.

We are missing a tremendous opportunity. This bill does not create a market for renewables. It mandates a fixed market for ethanol, while providing liability relief for manufacturers. This is wrong.

This bill does nothing to further laudable goals, and I urge my colleagues to join me in opposing H.R. 6.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise today in strong support of H.R. 6, the Energy Policy Act of 2003. Many of the nations that we rely on for our energy needs prop up the very same regimes that our soldiers are battling against today. Just as our military is defending our national security, this Congress must act to defend our energy security because we are not secure as a Nation without energy security.

This bill sets the United States on a focused course to reduce our dependence on foreign energy sources, all the while meeting and exceeding the most stringent environmental standards any government has ever imposed.

Our Nation's public lands hold many treasures, from the Grand Tetons to Yosemite National Park; but some of our most valuable resources are clean-burning natural gas, oil and coal that can reduce our dependence on foreign energy sources and keep our environment clean.

The Energy Policy Act will provide better access to these oil and gas reserves and create a reasonable rights-of-way fee structure for pipelines, electric transmission, and telecommunications infrastructure. This will benefit both our rural and urban communities. In addition, this act requires closer consultation between Federal agencies when leasing decisions are made for national forest system lands.

The Energy Policy Act of 2003 will encourage more efficient government management of lands to reduce the backlog of pending lease decisions and permits to drill while maintaining America's unsurpassed environmental standards.

This act will maximize the recovery of coal on Federal lands which provides over 20 percent of our Nation's total energy consumption.

Mr. Chairman, the Committee on Resources developed this legislation only after holding well over a dozen hearings on energy production and hearing testimony from Members of Congress, local government officials, environmentalists, industry representatives, and administrative agencies.

This is a good plan, and I commend it to my colleagues and urge its adoption. The time has finally come to follow President Bush's lead and ensure that the people of this Nation will have a secure and affordable source of energy.

Mr. RAHALL. Mr. Chairman, I yield myself the remaining time.

As I conclude, let me note that all is not lost just yet. There still will be opportunities to improve the Committee on Resources provisions. The gentleman from Wisconsin (Mr. KIND) will be offering an amendment to strike the non-ANWR oil and gas provisions, the giveaways, if you will, from this bill; and that means that one can be for drilling in ANWR. I am not, but my colleague can be for drilling and still vote for the Kind amendment.

Then I will be offering an amendment to strike the Federal coal leasing provisions that are anticompetitive and do real harm to consumers and coal miners in many States.

Mr. Chairman, I yield back the balance of my time.

Mr. POMBO. Mr. Chairman, I yield myself the remaining time.

In conclusion, I would just say that, unfortunately, the choice that a number of my colleagues have offered is a false choice. What they have put up is we either can have energy production for today, or we can protect our environment. I believe that is a false choice.

I believe that we can take care of today's energy needs. We can develop the energy needs of the future, and we can protect our environment in the process.

Stripping out all of the oil and gas provisions in the bill, stripping out all of the coal provisions in the bill, stripping ANWR out of the bill, taking away all of our current production, the increase in our current production that we need today is not a responsible energy policy.

We agree on the future. We agree on the need for wind and solar and fuel cell technology. That we agree on, but we also have to agree on what we need today.

This was a bipartisan vote coming out of committee. I urge my colleagues to support it here on the floor today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Louisiana (Mr. McCRERY) and the gentleman from Massachusetts (Mr. NEAL) to control 10 minutes each.

The Chair recognizes the gentleman from Louisiana (Mr. McCRERY).

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Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the entire bill, but particularly Division D of the bill.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from California for a colloquy between the chairman of the full Committee on Ways and Means and the gentleman from Kentucky (Mr. LEWIS).

Mr. THOMAS. Mr. Chairman, I thank the chairman of the Subcommittee on Select Revenue Measures for yielding. He has played a major role in putting together, with the members of the Committee on Ways and Means, the tax portion of the energy bill.

Mr. Chairman, one of the more enjoyable things about this job, when we know we are going to conference with the other body, is trying to anticipate the concerns of those who are trying to look at what the product of a conference committee is going to be prior to the opportunity of actually having the conference and putting the product together. So one of the things that I think is important for us to do is to engage in a discussion at this point of what we anticipate the conference report will look like.

As a first step, the gentleman from Kentucky (Mr. LEWIS), as a member of the committee, certainly has some concerns, and that is not so surprising when we recognize the fact that he is from the State of Kentucky.

Mr. LEWIS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Kentucky.

Mr. LEWIS of Kentucky. Mr. Chairman, as my colleagues are aware, Division D, the Ways and Means tax portion of H.R. 6, includes provisions which will benefit the coal industry, such as repeal of the 4.3 cent surtax on each gallon of fuel used by barges and railroads. As coal is a major user of these transportation systems, repeal will substantially reduce the cost of getting coal from the mines to the power plants.

Further, the Committee on Energy and Commerce reported legislation, which, among other things, authorizes $200 million per year for 9 years for clean coal technology. This is the program to provide cleaner and more efficient electricity from coal-fired power plants. Mr. Chairman, industry advocates believe this part of the program is not, by itself, sufficient to enable some new technologies to realize their potential.

This year's Senate energy bill has a credit for investment in advanced clean coal technologies. I would like to inquire of the gentleman whether he might consider including some incentives in the conference report on H.R. 6.

Mr. THOMAS. Mr. Chairman, if the gentleman will continue to yield.

Mr. McCRERY. I continue to yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding, and the question of the gentleman from Kentucky is obviously important not only to the gentleman from Kentucky, but the gentlewoman from West Virginia (Mrs. CAPITO) and, I am sure, a number of other Members on both sides of the aisle.

When we examine the Senate tax portion generated by the Committee on Finance of this energy bill, we find there are other credits that are not contained, for example, in the Ways and Means product, ethanol, biodiesel, coal and others. Similarly, the Ways and Means product has positions in it that are not in the Senate's. The goal would be to produce a product which picks up some of the more innovative approaches in the Senate bill, and we would hope, during the discussion, that the Senate would do the same.

The particular provision that the gentleman mentioned, the 4.3 excise tax removal, happens to be one of the few items that is exactly identical in both bills. That is an important decision. It means that decision has already been made. I can assure the gentleman that, as we sit down with the Senate, a number of those items, such as those that the gentleman has suggested, will be part of the melding of the Senate and the House packages.

Of course, it has to yet happen, and I know the gentleman will rely on me to provide a package from the House side that takes the important provisions of the House package and that the Senate will maintain the important provisions of its package. We will meld the two and bring it to the floor, and I am sure the gentleman will be very much in support of the conference report when we bring it to the floor.

Mr. LEWIS of Kentucky. I thank the chairman for his consideration.

Mr. McCRERY. Mr. Chairman, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the legislation that is in front of us for a variety of reasons, but I want to speak specifically to a couple of issues in the tax portion of this bill that I think ought to raise the concern of every Member of this body.

Earlier today, Mr. Chairman, this House voted for a resolution drafted by the majority which calls for an end to tax loopholes, and not 1 hour later did the House begin consideration of an energy bill which cements into law a $4 billion tax loophole. Now, I know this might sound strange this far after April Fool's Day, but sadly it is true.

The bill we are considering today will protect all corporate expatriates who have already left. And for the viewers, understand these are corporations who have moved offshore for the purpose of avoiding American corporate taxes at the very same time that 400,000 men and women in uniform are in Iraq. But let us, for a couple of moments here, discuss who these privileged few corporate expatriates are, why they are being protected in this bill, and what this means for America's energy sector.

If Tyco, who left New Hampshire for Bermuda, paid the $400 million a year in U.S. taxes it now avoids through the Bermuda loophole, we could easily afford all of the new section 45 wind energy and other related credits called for in this bill.

If Ingersoll-Rand, who left New Jersey for Bermuda, paid the $40 million a year in U.S. taxes it now avoids, we could easily afford the new credit for energy efficiency improvements for existing homes called for in this bill.

If Cooper Industries, who left Texas for Bermuda, paid the $55 million a year in taxes it now avoids, in 1 year we could pay for an entire decade of business and nonbusiness-qualifying fuel cell tax credits called for in this bill.

That is not enough? Well, if Weatherford, who left Texas for Bermuda, paid the $40 million a year in U.S. taxes it now avoids by the Bermuda loophole, we could easily pay for the new electric and clean fuel vehicle tax credits called for in this bill.

Furthermore, if the loophole was closed today, rather than permanently granting special protection as this bill does, we could fund almost all of the conservation items in this bill. And yet, because we are not, we will be dipping into Social Security and Medicare to fund these broadly supported energy conservation incentives. Here is the frustration that the minority feels in this House.

Last year, I filed a bill to close the loophole that allows U.S. corporations to set up phony shell headquarters in Bermuda and thereby avoid paying U.S. income taxes. For a whole year that bill has languished, thwarted by the Republican leadership, that refuses to allow a floor debate on closing the Bermuda tax loophole. Mr. Chairman, the American taxpayer deserves better.

We are moving into the final weekend when average Americans are going to sort and move through a host of pieces of paper and receipts as they attempt to put together their tax obligation, and yet we cannot take the time over 12 months to close this Bermuda tax loophole.

I have repeatedly said on this House floor that we should bring this legislation to the floor; that there will be more than 300 votes for this legislation in this House of Representatives. It will sail through here. People will break their wrists trying to get to these small voting devices on the back of the seats so that they can vote "yes" on this provision to close that Bermuda tax loophole, which saves $4 billion as estimated by the Joint Tax Committee.

We can do much better, Mr. Chairman. Let us close the Bermuda tax loophole. And I urge my colleagues here, because of this loophole, to vote down this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, lest anybody forget, we are debating the energy bill here this afternoon, and I would hope that is what we would focus on. However, there is contained in our bill a provision which gets to the problem that my friend from Massachusetts just talked about; and I agree with him that there is a problem with companies artificially reincorporating offshore in order to gain tax advantages. I differ with my friend from Massachusetts, though, on how we ought to solve that problem.

What we have done in this bill, though, is provide for a moratorium on any more such corporate inversions until we can work out a legislative solution that, I believe, will solve the problem without making our domestic United States corporations more vulnerable to foreign takeover.

So with that issue aside now, I would like to get back to the issue at hand, which is energy and improving the energy situation here in this country.

Our tax portion of this bill is a balanced approach. About one-third of the bill is for conservation; about one-third of the bill is for reliability, that is, making reliable our infrastructure for getting energy to the people who need it; and about one-third for increasing production, increasing the supply of energy resources here in this country.

So, Mr. Chairman, the Committee on Ways and Means, after several hearings last year in my subcommittee and one of the other Ways and Means subcommittees, put together a bill that we believe delivers a nice bang for the buck. We did have to downsize the package this year from the one we passed through the House last year, but we believe that this package will significantly increase the ability of the United States to provide the energy that our country needs.

Mr. Chairman, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

The other day I saw something in The New York Times that gave me hope. The White House had put in solar panels on one of the sheds out there. And I thought, well, my goodness, they must have some enlightenment down there at the oil ministry.

But when I offered an amendment in the Committee on Ways and Means that would have allowed us to have energy companies give tax-free bonds for the purpose of raising money for interest-free loans to homeowners to purchase solar equipment, every Republican in the committee voted "no." I guess they did not get the message from the White House.

Mr. Chairman, it usually costs about $11,000 to put a solar panel on a home. It is not pie in the sky. Solar production has grown 600 percent since 1996. So this is something that everywhere else in the world they are doing, but not here, and certainly not in the Committee on Ways and Means, in a committee controlled by the oil industry.

We had a chance, if we had passed that amendment, to follow California. They always lead what is happening in this country. Watch and see. San Francisco puts panels on their buildings, Los Angeles, and Sacramento. They will be doing it, and all the rest of the country will be sitting around tied to these oil companies and saying to themselves, why is this?

Now, we gave an opportunity for the House to begin a program that would have had 2 million families with secure, clean energy. We could have gone a long way down the road toward meeting the Kyoto Accords. The President walked away from that and said, We cannot clean up the environment; no, sir, we cannot.

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We cannot do anything, we are just hopeless, we Americans.

Well, if we put an area of 70 miles by 100 miles of solar panels in Nevada, we could provide all of the energy this country needs in one place. It can be done, and we have got to start it someday, but I guess this administration is going to keep drilling and drilling and drilling. It will not work, Mr. President.

Mr. McCRERY. Mr. Chairman, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, when we think of Texas stereotypes, we think of cowboys and oil wells, longnecks and roughnecks. While we are proud of our past south of the Red River, the future of Texas increasingly lies, like the future of this country, with technology. That has been central to the development of our economy in central Texas.

Now the Clean Energy Incubator and the Austin Clean Energy Initiative are attracting national attention to our community. We are on the cutting edge of a new Texas that is creating jobs and helping preserve our precious natural resources with renewable energy solutions.

That is why, as the poster of the armadillo and the State capitol shows, it is Austin and the Texas hill Country in the "Journey to the center of the sustainable Earth". One would think, given the tremendous cost, not only in money but in blood, of having an energy policy that can keep our economy going, that someone at some time would begin to focus on sustainable energy and a new national energy policy.

This bill pays some pretense to supporting renewable energy, but the focus is not on conservation or sustainable energy. The focus is on the same type of oil-polluting industries where we have put most of our resources in the past.

Energy security is national security.

It is time we focused on renewable energy. Instead, this bill is not so much an energy policy as it is a collection of unjustified tax breaks, loopholes, and dodges masquerading as an energy policy.

Nowhere is that more apparent than in this whole area of how we will treat those corporations that loved America so much that at a time of great national concern after the events of 9–11, a few corporations loved America so much that they left America. They refused to pay their fair share of the cost of our national security and homeland security.

Those fleeing corporations, where do they go for protection? Naturally, to the House Republican leadership and to this bill, a so-called national energy bill. What does it do for those corporations that abandon America at a time of great need? It grants them amnesty. It says "go right ahead, do not pay your fair share of taxes on your American income. You do not have to do anything or rely on the Bermuda military for your protection." It says "let those businesses and neighbors here in the United States that pay their fair share of taxes pay for those corporations that run off to Bermuda or Barbados."

In this bill, even worse than their last bill, they moved the date for amnesty up a full year, from March of last year, and they grant that amnesty, interestingly enough, until just after the next Presidential election when they are going to "explore" this issue some more. This is one of the most outrageous of many outrageous provisions in this bill. At a time when so many Americans are sacrificing, these corporations are heading for the sands of Bermuda to plant their mailboxes firmly there, while our flag is planted in sands elsewhere.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

There is a moratorium in this bill to keep corporations from doing just what the gentleman described. We are in agreement that should stop. The moratorium will give us time to plot the surest course to make sure that jobs are kept here in the United States and more jobs are created here in the United States.

As for the energy bill providing incentives for conservation and renewable sources, though, the previous speaker did not, I think, give the bill justice. Let me give some examples of the provisions in this bill which will conserve energy and encourage the development of renewable sources of energy. Tax credits for the installation of solar power and solar water heaters; it enhances incentives to generate electricity from wind, open-loop biomass, gas emitted by landfills, and the combustion of municipal solid waste. It speeds the development of fuel cells as a clean, efficient energy source, encourages consumers to purchase more fuel-efficient and fuel cell cars. It includes tax credits for homeowners and home builders investing in energy-efficient upgrades, tax credits for the combined installation of combined heat and power systems. It repeals the 4.3 cent general fund surtax on rail or barge which will encourage the transportation by a more efficient means, saving energy. It encourages production of cleaner-burning diesel fuel by taxing only the fuel content of diesel-water emulsions. The conservation title of the bill is $6.67 billion, 36 percent of the total cost of the bill.

Mr. Chairman, I would submit once again that this bill does do justice to the goal of conservation, but also recognizes the need for reliability of our infrastructure to get energy to consumers and also the need for more production of energy sources in this country.

With that, I would urge adoption of H.R. 6, and particularly urge Members to look at division D of the bill to see why this will finally give us a sound energy policy for this country.

Mr. HONDA. Mr. Chairman, I stand in opposition to the rule for consideration of H.R. 6. It is shameful, given the importance of energy to our national prosperity and the significance of the programs contained in this bill, that so little time was provided for debate on the bill and on the limited number of amendments that were made in order. Why does this rule so restrict the time for debate on amendments? The other side of the aisle will say we need to complete action on the bill before the recess, but no matter when we finish our bill, we will still have to wait for the other body to complete its work before the bill can go to conference.

I think the real reason we are spending so little time debating this bill and these amendments is that those on the other side of the aisle are afraid to expose this bill to the bright light of scrutiny. If the American public were given a real chance to see what is contained in this bill, the outcry against it would be deafening, so we are rushing it through with a minimum of debate.

There are very few things I like about the bill itself, either. However, I do support Division B, and I am proud to be a member of the Science Committee, which authored this portion of the bill. We have included such beneficial programs as energy efficiency and renewable energy research and development, the next generation lighting initiative, and the clean school buses program.

We have also increased support for the basic sciences at the Department of Energy generally and focused on several programs in particular, such as nanotechnology research and development, U.S. participation in the ITER fusion energy project, and advanced scientific computing for energy missions. I commend the bipartisan leadership of the Science Committee for including these important provisions in the bill.

Unfortunately, I cannot say the same thing about the rest of the bill, and I urge my colleagues to support amendments that will be offered later by Chairman BOEHLERT, Mr. DINGELL, Mr. MARKEY, Mr. UDALL, and many of my colleagues from this side of the aisle.

I stand in support of the Boehlert/Markey amendment. The auto industry has claimed that if CAFE standards are raised, they might have to stop making SUVs. Yet their actions directly contradict these words. Recently Ford, Toyota, and GM all announced plans to introduce SUVs that travel over 35 miles per gallon during the next couple of years. Toyota has demonstrated with the Prius, which I drive, that hybrid technology works and consumers love it. Auto companies are showing that they have the technology to improve fuel economy—without sacrificing safety.

I stand in support of the Dingell amendment. The Federal Energy Regulatory Commission (FERC) has recently reported that during the California energy crisis, companies such as Enron, Reliant, and BP Energy deliberately manipulated the deregulated market to gouge consumers, but it is still not clear that consumers will receive the refunds they deserve. It seems clear to me that we need to improve consumer protections, not weaken them, but that is exactly what the H.R. 6 does. It promotes nationwide deregulation and repeals PUHCA (the Public Utility Holding Company Act). In contrast, the Dingell Amendment removes the deregulation provisions, increases FERC authority to combat fraud, and authorizes FERC to refund electricity overcharges back to the date when they began.

I am in opposition to the Wilson amendment. This amendment grossly misrepresents the actual areas of the coastal plain of ANWR that will be affected. The Interior Department estimates that drilling would actually affect 12,500 acres with roads, drill pads, processing facilities and airports, spread over hundreds of square miles. Drilling would also require 1200 acres for gravel mines needed to construct gravel roads within the 2000 acres, roads that are not subject to the 2000-acre rule. Existing oil field sprawl on the North Slope of Alaska has a "footprint" of 15,500 acres, but actually spreads across an area of more than 640,000 acres. I urge my colleagues to see the 2000-acre scam for what it is

I stand in support of the Markey/Johnson amendment. Why won't the other side of the aisle listen on this one? The public opposes drilling in ANWR. The other body voted to remove drilling provisions from the Budget. The distinguished chair of the other body's Energy Committee realizes that this will not be in a final energy bill and has said he will not bring it up. It isn't worth drilling in ANWR. There is less oil there than the U.S. consumes in 6 months, so it won't provide energy security. A policy that focuses on a clean, sustainable, and affordable energy supply would create more jobs than drilling in ANWR ever would, possibly 10 times as many. These would be permanent jobs, rather than the temporary jobs that ANWR drilling would bring. I urge my colleagues to protect our nation's largest and wildest natural treasure.

Finally, I stand in support of the Wu/Johnson amendment. In May of 2002, the General Accounting Office released a report that revealed an alarming disparity in salaries and rates of promotion between minorities when compared to white males in the same jobs at the Department of Energy's National Laboratories. GAO found that salaries for minority men and women and white women were lower than for white men, with the exceptions of Asian American men at Los Alamos and Sandia and Hispanic men at Lawrence Livermore. Comparing men and women of the same race/ethnicity, GAO found that White, Asian and Hispanic women earned less than their male counterparts.

The report also found that there are further areas for investigation. For example, with over 300 Asian American professional staff at Lawrence Livermore, not one was promoted to a managerial position between 1998 and 2000. When the report was released, I called for Congressional hearings to determine the cause of these inequities so that we may remedy them to ensure that the Department of Energy can recruit and retain the highest quality ethnically diverse workforce.

Unfortunately, the Science Committee took no action on this issue. The W/Johnson amendment would finally bring about some Congressional action, by requiring the Secretary of Energy to report to Congress on DOE lab's equal employment opportunity practices in promotion, pay raise, discipline, and recruitment and retention efforts.

Mr. ALLEN. Mr. Chairman, America needs an energy policy that increases our national security, encourages new technologies, enhances economic growth, preserves the environment, and protects consumers.

Our nation now spends nearly $200,000 per minute overseas to buy oil, mostly from undemocratic regimes. But this bill does not redirect American energy policy. H.R. 6 only reinforces the failed energy policies of the past, policies which have increased our dependence on fossil fuels.

Unfortunately, this bill never escaped the circumstances of its conception in the secret, closed door meetings between Vice President CHENEY and the CEOs of the energy industry. Instead of seeking a balanced, bipartisan energy policy, this legislation discards key compromises forged with the widespread support of Republicans and democrats in the 107th Congress. It puts the interests of big energy ahead of consumers and the environment.

The bill before us rewards private industry at the expense of the public interest and national security. It provides a $200 million subsidy to the hydro industry; a $397 million subsidy for nuclear fuel reprocessing, a process banned since the Ford Administration; a $1.7 billion hydrogen subsidy to the auto industry; and a $1.8 billion subsidy for clean coal technology.

The legislation opens a pristine wilderness, the Arctic National Wildlife Refuge, to oil drilling. The bill opens the possibility of oil drilling in offshore areas of the Gulf of Maine. The bill even rewards oil companies for exploiting our public lands by lowering the rent they have to pay.

The bill does not redirect energy policy because some businesses claim that they cannot compete in a cleaner, more efficient economy. I believe America's energy policy should actively promote policies that will allow American industry to catch up to other nations' advancing energy sectors. American companies trail behind Iceland in hydrogen and geothermal development; behind Denmark in wind energy; behind Japan in efficient vehicle development and home heating efficiency; and behind Germany in diesel powered engine efficiency.

These are high growth industries. Wind energy is the fastest growing power segment in the world. America has the high tech work force, the research institutions, and the capital to lead in each of these industries. If we commit to supporting new technologies, our companies will again lead the world in the energy industry.

Finally, this bill represents a missed opportunity to adopt a forward-looking energy policy. We should have seriously dealt with the challenge of climate change, raised CAFE standards that regulate the fuel efficiency of our cars and trucks, and established a renewable portfolio standard to encourage the development of new technologies.

Mr. LEVIN. Mr. Chairman, I had hoped that I would be able to vote for the energy bill before the House today. Now more than ever, this country urgently needs a balanced, forward-looking policy to meet America's energy requirements in the 21st Century. Unfortunately, the energy legislation before the House falls far short of even the minimum requirements of a balanced, comprehensive energy program. I therefore urge my colleagues to join me in opposing passage of this bill today.

The overarching flaw in this bill is its lack of balance. This legislation contains relatively few energy conservation provisions and instead places most of its emphasis on production of traditional energy sources. In so doing, the bill weakens important environmental protections and offers subsidies and incentives to industry, even in cases where none are required.

I am also extremely disappointed that one provision of this bill would open the Arctic National Wildlife Refuge to oil and gas drilling. This provision would do serious environmental harm to one of the last pristine wilderness areas in America. It might be argued that doing so could be justified if drilling in the Refuge would substantially lessen U.S. dependence on foreign sources of oil. But we know that this is not the case. According to a 1998 U.S. Geological Survey study, the mean estimate of economically recoverable oil in the Refuge is 3.2 billion barrels, an amount roughly equal to the amount of oil the U.S. consumes in six months. We can't drill our way to energy self sufficiency. We need to look at alternatives to oil and make better use of advanced technology to lessen U.S. dependence on it.

The $18.6 billion tax package contained in this legislation is similarly unbalanced. These incentives would overwhelmingly go to energy production and transmission at the expense of conservation, energy efficiency and developing alternative energy. In particular, the incentives provided for alternative fuel vehicles in the bill are inadequate.

I believe consumer-based tax credits are needed to accelerate the introduction of hybrid and other alternative fuel vehicles. Sales of hybrids and all other dedicated alternative fuel vehicles in 2002 represented just two-tenths of one-percent of total vehicle sales. For example, Ford produces 375,000 Taurus cars each year. Honda sells 360,000 Accords. By comparison, the most popular hybrid automobile—the Toyota Prius—sold just 18,000 vehicles in 2002. Clearly, we need a meaningful tax incentive to prime the pump on hybrids and other alternative fuel vehicles. The federal government has a vital role to play in encouraging manufacturers to build, and consumers to purchase, these advanced technology vehicles.

If we go forward with an energy bill that lacks a meaningful incentive for alternative fuel vehicles, including an enhanced credit for hybrids, I believe we would be making a serious mistake.

At the end of the day, the energy bill before the House is unbalanced, incoherent, and environmentally risky. It deserves to be defeated.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of Title VIII of H.R. 6, the Insular Areas Energy Security Act and I want to thank the Chairman of the Resources Committee, Mr. POMBO and especially the Ranking Member, Mr. RAHALL.

While I am pleased that H.R. 6 includes the Insular Areas Security Act, I am disappointed that a substitute amendment by Mr. RAHALL was not made in order because I believe it was a better solution to the concerns over energy production we are having in our country. The Rahall amendment would have ensured that more domestic energy is introduced into the domestic market, relieve transmission constraints for our western States, encourage renewable energy on federal lands, assure fairness in oil royalties, and protect our environment and our nation's monuments and parks.

The Insular Areas Energy Act will update a nearly twenty-year-old assessment of energy importation, consumption, and alterative indigenous sources that can be used by insular areas. A new part of this reassessment will be a recommendation and plan to protect energy transmission and distribution lines from the effects of hurricanes and typhoons. The amendment also gives the Interior Secretary the authority to fund such recommendations.

We are all aware of the tragedy and destruction a hurricane or typhoon brings once it reaches land. The majority of Americans become aware of such a storm when it heads up the eastern seaboard or makes its way inland from the Gulf of Mexico. They are awesome and dangerous. And there is not much that can be done when it is headed your way. Those of us whose districts have been in the path of such storms can attest to the devastation.

The Virgin Islands is affected by the strongest of storms, like Hugo and Maryland that eventually make their way to the U.S. mainland. But we are also all too frequent a target for lesser known hurricanes that never make it out of the Caribbean Basin but still manage to inflict just as much damage as those that reach Florida.

Some of the costliest destruction is to the Virgin Island's electrical infrastructure. Island wide outrages are common in the wake of a storm because our lines are not as hardened as they could be from a storm's strength. Ideally, in any location that experiences as much hurricane activity as my district, transmission lines should be buried underground. To have the majority of our electrical lines above ground poses a great threat to residents during storms and makes our system vulnerable and costly to repair.

I am pleased the Insular Areas energy act has been included in this bill which will work towards making our islands safer and less vulnerable to the devastation brought upon us by hurricanes.

Ms. PELOSI. Mr. Chairman, today we should be bringing to the American people an energy policy that is worthy of the 21st century. A policy that sets us on a path toward reliable sources and supplies of energy, and a cleaner environment. A policy that promotes efficiency and innovation, and provides more protection for consumers.

But the bill the Administration and the Republican leaders have brought to the Floor looks backward and not forward.

The Republican bill authorizes drilling in the most fragile untouched wilderness of the Arctic in search of a six-month supply of oil that won't reach the market for another 10 years.

The Republican bill makes our air less healthy and our water more dirty. It jeopardizes the health of our children. It allows companies to force diesel fuel into the ground in a way that could threaten the water table in order to fracture and retrieve oil deposits. It jeopardizes the protection of rivers and fish on behalf of hydroelectric companies.

The Republican bill allows oil and gas development on sensitive coastal lands and exempts oil and gas drilling sites from water pollution requirements. It includes a variety of taxpayer handouts to oil and gas companies, and protects corporate expatriates that have already moved overseas by grandfathering in their tax breaks.

And most significantly to those of us from California, this Republican bill strips out some of the few remaining federal protections for electricity consumers. In its place, we would be given a new, untested approach to electricity markets.

I have a word of warning for my colleagues: "Remember California." At first, our new competitive electricity market was hailed as a boon for consumers.

Then came the price spikes and the blackouts, as energy companies learned how to game the system. On two particular days in June of 2000, an energy company shut down power plants to drive up electricity prices. These two days, alone, cost wholesale energy buyers at least an extra $13.8 million.

Federal regulators stood by and watched as Californians paid and overpaid to keep the lights on. And we are still paying, and we will continue to pay for years to come.

Finally, just last month, federal regulators announced that 37 energy companies and utilities violated energy trading rules.

There will be more indictments and admissions related to manipulative practices in California. But most of the money is gone, never to be recovered.

And yet, the energy policy the Republicans are bringing forward today will leave consumer all over the country even more vulnerable to the fraudulent and manipulative practices that led to the rolling brownouts and unreasonable prices we experienced in California.

It repeals an essential federal consumer protection that limits concentration of market power within the utility sector and helps protect ratepayers from the risky investments of the electrical utilities that serve them.

One of the laws repealed is more crucial today than ever to protect consumers from abuses in the utility industry. It is the law that prevents Enron from owning, and abusing, more than one electric utility.

Just imagine what would happen if Enron had owned and used two utilities to manipulate prices two years ago.

This is why it is important to vote for the Dingell amendment which would allow us to retain critical consumer protections and provide the Federal Energy Regulatory Commission broader authority to act against fraud in both electricity and natural gas markets.

Mr. Chairman, the energy policy in this bill is not worthy of the 21st century. It is a policy mired in the past that offers the American people more of the same bad choices—fewer consumer protections, and greater jeopardy for public health and the environment.

It is a policy that will lead to greater pollution of our lakes, our rivers, the air that we breathe and the water that we drink.

And, of course, the budget-busting title full of corporate giveaways to oil and gas companies—at the end of the day—will not yield the energy independence we seek for our future.

We can do better. We can look forward to 2050 instead of backward to 1950. We can bring to the Floor an energy policy that looks toward investment for new technologies, better efficiency standards and conservation policies that will truly lead us down the path to energy independence.

I urge my colleagues to have the vision to vote against this bill that takes us back to the past. Vote for the Democratic amendments that will take us into a secure and independent energy future.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today not in support or opposition to the legislation before this body, but rather to bring to this body's attention the Majority's lack of consideration and complete disregard to issues of environmental justice.

Yesterday, during the Rules Committee hearing on H.R. 6, the Energy Policy Act of 2003, I offered an amendment that directed the Secretary of Energy to take all necessary steps and efforts to mitigate any adverse impacts that U.S. energy policy and the provision of H.R. 6 may have on minority, rural, Native American, and underserved communities. Additionally, it also requires the Secretary to submit to Congress an annual report detailing the Department's efforts to implement the requirement that I just described.

My amendment, as my colleagues and I in the Democratic Party see it, was non-controversial and essentially a reinforcement of a policy that already exists in the Department of Energy's. However, like in so many instances since 1994, the Republican Majority has neglected the responsibility that the Constitution instills upon us to always protect the rights of the minority and speak up for those whose voices all too often go unheard.

In 1994, then President Clinton signed Executive Order 12898 establishing an Interagency Working Group on Environmental Justice and directed all federal agencies and departments to make environmental justice part of their mission. Included in the Working Group were 17 departments and federal agencies, including the Department of Energy. The Working Group made a series of recommendations including the establishing of an Office of Environmental Justice within the Environmental Protection Agency (EPA). Under President Clinton, the EPA worked a great deal toward ensuring that environmental justice was a priority of all departments. However, like in so may other issues of equality and justice, the Bush Administration and Republican Majority have done little to advance the cause. And in many instances, their policies create situations where environmental injustice thrives.

Commitments that have been made by the Majority to consider issues facing minority communities when crafting legislation has been nothing more than lip service in the 108th Congress. Today's debate on H.R. 6 provided a great opportunity for Congress to reaffirm its commitment to environmental justice. But Republicans on the Rule Committee, by a straight party line vote of 9 to 3, denied me the opportunity to offer my amendment on the floor of the House. In doing so, Republicans further denied House Members the opportunity to reaffirm to minority and other underserved communities that Congress is committed to ensuring environmental justice is a priority to U.S. policymakers. The only thing left is for me to question whether or not the Majority really is committed to protecting the rights of minorities—and in this case, Mr. Speaker, I'm not talking about political affiliation.

Mr. Chairman, it is virtually impossible for Congress to consider energy policy without taking into consideration the effects that new and existing legislation will have on the environment and communities living in areas that are most impacted by such policies. If environmental justice is to be a policy of this government, then Congress must also look at the origins of the problem that exist.

More times than not, environmental injustice arises as a result of poor energy policy. I am not just talking about toxic emissions into the air from unclean smokestacks disproportionately affecting minority and underserved communities living nearest to these plants. I am also talking about, for example, the siting of future factories, production of automobiles, and the location of a waste dump. All of these issues are part of this energy bill, and all of these issues adversely affect minority and other underserved communities.

Environmental justice can no longer just be a part of the mission of the Executive Branch. Instead, it must also be the practice of federal departments and agencies, as well as the Congress.

My amendment further links energy policy to issues of environmental justice. It does not change the policy or the mission of the Department of Energy. Instead, it recognizes that energy policy does play a role in achieving environmental justice and requires the Secretary of Energy to consider this reality in implementing the provisions of H.R. 6.

Though the House will never have the opportunity to consider my amendment, I submit its text to the RECORD so that the American public can see the injustice that was done this morning by the Republican Majority when it denied consideration of my amendment.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

In Division C, title IX, after section 30908 add the following:

SEC. 30909. ENVIRONMENTAL JUSTICE.

(a) FINDINGS.—The Congress finds the following:

(1) United States energy policy affects United States environmental policy, and United States environmental policy affects United States energy policy.

(2) In 1990, the Environmental Protection Agency's Equity Workgroup produced a report noting that racial minority and low-income populations bear a higher environmental risk burden than the general population.

(3) Many people of color, and low-income and Native American communities suffer a disproportionate burden of health consequences due to the siting of industrial plants and waste dumps.

(4) Executive Order 12898 established an Interagency Working Group on Environmental Justice comprised of 17 Federal departments and agencies, including the Department of Energy, to "coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy".

(5) Executive Order 12898 requires that "[E]ach Federal agency shall develop an agency wide environmental justice strategy . . .'. that identifies and addressed disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations".

(6) The Environmental Protection Agency defines "environmental justice" as "[T]he fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies".

(7) The Environmental Protection Agency further defines "fair treatment" as, "[N]o group of people, including racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations".

(8) The Environmental Protection Agency defines "meaningful involvement" to require that "the concerns of all participants involved will be considered in the decision making process and the decision makers seek out and facilitate the involvement of those potentially affected".

(9) Energy policy in the United States should not hinder or minimize the efforts of the Environmental Protection Agency, the Department of Energy, and other members of the Environmental Protection Agency's Interagency Working Group on Environmental Justice which have made environmental justice part of their mission.

(b) CONSIDERATION OF ENVIRONMENTAL JUSTICE.—In implementing this act, the Secretary of Energy is directed to take all necessary steps and effort to mitigate any adverse and disproportionate effects that the implementation of this Act may have on minority, rural, Native American, and other underserved communities. When appropriate, the Secretary shall coordinate with other Federal agencies to further environmental justice efforts of the Federal Government.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a report detailing the efforts of the Department of Energy to comply with subsection (b) of this section. Following the initial report, the Secretary shall submit subsequent reports annually detailing the efforts of the Department to comply with subsection (b) and include recommendations on how the Department and the Congress can ensure environmental justice energy policy.

Mr. FALEOMAVAEGA. Mr. Chairman, today I rise in support of H.R. 6, the Energy Policy Act of 2003. H.R. 6 is a bill that addresses the need for a coherent and comprehensive national energy policy. It is a bill aimed at developing a competitive oil and gas leasing program, and a bill that recognizes the need for development of alternative modes of energy.

Mr. Chairman, I would like to take a moment to highlight a section in H.R. 6 of particular importance to the insular areas. The provision of this section requires a comprehensive energy report to be produced on consumption, importation, and potential for indigenous alternative energy in insular areas, which at present are highly dependent on energy imports. This provision is of vital importance to my district and those of my colleagues from the territories because it would provide for a process to help address some of the crucial energy needs of these insular areas.

This section also provides for creation of a grant program to fund projects for electrical power and distribution lines within the territories, which are highly susceptible to damages caused by hurricanes and typhoons. It is my hope that this legislation will begin to address our needs and move us toward the goal of giving the insular areas the tools we need to develop local sources of energy in a balanced and environmentally sound manner.

Mr. Chairman, I also want to express my support for opening the Arctic National Wildlife Refuge for oil and gas leasing programs. There has been much debate regarding this subject and I feel compelled to call attention to three key points.

As a staunch supporter of self-determination and economic development of indigenous peoples, I feel it important to recognize the opinions of those communities directly affected by the opening of the ANWR region. Surveys suggest, and even the National Research Council reports, that the resident of Kaktovik largely support the environmentally sensitive development of the 1002 area because it would provide significant economic resources to the Inupiqaq people. Additionally, the Alaska Federation of Natives recognizes the potential economic benefits to Alaska Natives and Alaska Native Corporations through the State, and as a result passed a resolution in support of legislation for opening the ANWR region.

Mr. Chairman, development of the ANWR also promises to provide jobs not only locally, but nationwide as well. Economic analyses forecast that as many as 735,000 jobs across the country could be created as a result of development of ANWR. As a nation we are enduring uncertain fiscal times and must consider all avenues available to help alleviate the burdens felt by states and individuals. The need for this legislation is reflected by that fact that many of the major labor unions, including the International Brotherhood of Teamsters, the Seafarers International Union, and the Laborers International Union, among others, back the development of 1002.

I would also like to emphasize the success of the Prudhoe Bay oil development program thus far. Since North Slope oil production began, the Central Arctic Caribou herd has to been detrimentally affected. It has, in fact, flourished. Since 1978, the herd has increased from 5,000 to approximately 30,000. We should look at the caribou as an example of how we can achieve a balance between technology and environment.

Mr. Chairman, the Resources committee had the honor of hearing testimony Ms. Tara Sweeney of the Inupiat tribe, who so eloquently expressed her peoples support of the opening of the ANWR area. We have heard a multitude of strong arguments on both sides of this issue, but perhaps none so compelling as Ms. Sweeney's, who said, "As a native people we do not have a hierarchy for traditional food. The caribou is just as important to our souls as the whale. We cannot live without both. That is an important point to remember when deliberating this issue. We would not recommend development if it sacrificed our access to caribou."

While obviously there are many strong arguments both in favor and against development of ANWR, but the overwhelming support by the indigenous community in Alaska, along with the proven success of development thus far, is too often dismissed by opponents of this legislation. I am therefore supporting H.R. 6, and I urge my colleagues to support this bill as well.

Mr. EVERETT. Mr. Chairman, the Energy Policy Act of 2003 (H.R. 6) if a comprehensive package that balances conservation and efficiency, domestic production, research, and tax credits and incentives to promote increased development of traditional and alternative fuel sources.

The exploration for oil and natural gas in ANWR is a matter that has been hotly debated for the last two decades. However, this issue has come to the forefront due to recent high energy and gas prices, which have dramatically raised consumer concern.

This debate centers on whether the United States' interest in having a viable domestic supply of oil is worth the environmental risk of drilling in the refuge. The information we know so far is that far less than 1 percent of the 19 million acre refuge would be used for oil and gas development. In addition, improved technologies would be available, such as horizontal drilling, which allows oil to be extracted from miles around from a single point without any additional disturbance to the surface. Experts also predict that this could be the second largest supply of natural gas in America. In reference to reducing U.S. reliance on foreign oil, it is predicted that the output from this field could equal thirty years of imports from Saudi Arabia or sixty years from Iraq. As a result, our national security could be strengthened and the U.S. could have more control over its vital energy supplies. As you may know, the U.S. currently spends approximately $300 million per day from petroleum from overseas, which results in roughly $100 billion per year being sent overseas and thus helping to grow economies in those countries instead of ours.

H.R. 6 represents a well balanced and long overdue national energy policy that will help our country secure the energy it needs and ensure a healthy economy into the 21st century. This measure will reduce our dependence on overseas sources of oil and create jobs here at home, while protecting our environment for future generations. I look forward to seeing this bill approved by the House and a final version signed into law so the American consumer can begin to realized the benefits.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this legislation.

American needs a balanced and comprehensive national energy policy. But the bill before us today is neither balanced nor comprehensive.

it is a polluting bill. It unnecessarily sweeps aside a wide range of environmental and antipollution protections in the name of increasing oil and gas drilling throughout the country, and burning more and more fossil fuels that spew pollutants into our air and water.

It is also a dangerous bill. It rolls back key consumer protections in the electricity and natural gas markets, such as the Public Utility Holding Company Act, while simultaneously failing to give federal regulators the full power they need to serve as the "cop on the beat" and prevent the type of fraud and manipulation that we have seen in electricity and natural gas markets in recent years.

We need a more balanced approach to national energy policy. Democrats support reasonable measures to increase energy production, but we also want to see measures aimed at improving energy efficiency and promoting alternative renewable generation technologies. For the most part, this bill ignores efficiency and renewables.

Yes, there is a modest appliance efficiency title. But does that title direct the Department of Energy to stop trying to rollback central air conditioning efficiency standards from the standards adopted by the Clinton Administration? Does it fully address the problem President Bush has identified of "energy vampire" standby power or battery charger systems for VCRS, DVDs, computers, that waste electricity? No, it does not.

And what about motor vehicle fuel efficiency? Two-thirds of all the oil we consume is used by the transportation sector. Does this bill do anything to improve automobile fuel efficiency or close the SUV loophole and require light trucks to use commercially available technologies that the National Academy of Sciences says could be deployed today? No, it does not.

And on renewables, yes, there are some tax credits in this bill for renewables. But the House Republicans have now altered this provision so that a dirty facility that burns municipal solid waste to produce energy would now qualify for the renewables credit.

Now, there are some provisions of this bill that I support. The Committee adopted the Cox-Markey amendments barring any indemnification of contractors that ship nuclear technology to North Korea or other countries on the terrorism list, and outlawing any exports, re-exports, or transfers of nuclear technology, materials or information to such countries. This amendment will effectively end any further efforts to transfer light water reactors to North Korea, and would prevent any similar efforts from being undertaken in Iran or Syria in the future. I commend the gentleman from California (Mr. COX) for his work on these measures, and I have been pleased to work with and support him in his endeavors.

The bill also contains amendments I attached to similar legislation in the last Congress which would require the NRC to issue new rules to increase the security of nuclear facilities on a permanent basis and the transportation of nuclear materials against the terrorist threat, and to assure public access to non-classified information about non-public NRC meetings. It also contains some new NRC and DOE whistleblower protection measures I authored that would close loopholes in the law and strengthen protections for those brave individuals that report wrongdoing at the NRC, DOE, or their contractors. I thank Chairman BARTON, Chairman TAUZIN, and Ranking Members DINGELL and BOUCHER for working with me to include these provisions in the bill.

In addition, the bill includes an amendment I worked out with the gentleman from Louisiana and the gentleman from Texas directing the FERC to take action to assure public access to natural gas market price information. This provision is intended to ensure that FERC or its designee to obtain information from any party needed to enable it to compile accurate natural gas price indexes. A series of studies and investigations by FERC and other federal authorities has revealed widespread manipulation of existing natural gas price indexes, and this provision is aimed at ensuring that FERC, state regulators, and the public can obtain access to the type of information they need to monitor the markets or determine market prices. At the same time, the provision does not require sensitive, transaction-specific information to be made public—though such information would be accessible to federal or state regulators.

These are useful and important provisions, and I support them. At the same time, I cannot support this legislation in its current form because of other harmful provisions in the bill.

The electricity title contains provisions repealing the Public Utility Holding Company Act, enshrining incumbent utility monopolies with anti-competitive and discriminatory "native load" protections, so-called "contract sanctity" language that is clearly aimed at preventing FERC from assuring just and reasonable rates, and a figleaf "round-tripping" provision that outlaws only one of the many manipulative practices we have seen in the electricity markets, while leaving the others untouched.

The hydropower title replaces the bipartisan hydro agreement reached in the last Congress with an unfair provision that gives dam owners special status to change environmental or other conditions imposed as part of the re-licensing process. This upsets the balance between how power and non-power values (such as fish and habitat protection, recreation, navigation, and irrigation) are dealt with in the Federal Power Act.

The oil and gas-related provisions in the Commerce and Resources titles would strip away environmental protections relating to the oil and gas industry. It would: Restrict the ability of California and other states to protect their coastal areas by amending the Coastal Zone Management Act; amend the Federal Water Pollution Control Act to allow more water pollution by creating a permanent exemption from the Environmental Protection Agency's (EPA) storm water rule; prevent the EPA from barring the injection of diesel fuel into underground sources of drinking water during hydraulic fracturing by excluding oil and gas operations from the Safe Drinking Water Act; grant multinational oil and gas companies licenses to drill on public lands and in coastal waters while avoiding obligations to pay hundreds of millions in royalties, depriving the U.S. Treasury of a key source of revenue; further add to the taxpayer's burden by allowing oil and gas companies to be reimbursed for the costs of permitting their activities under the National Environmental Policy Act, an estimated $165 million over ten years.

If these provisions are not stripped from this bill, either today or later in the legislative process, H.R. 6 should be defeated.

Mr. OXLEY. Mr. Chairman, I rise in support of H.R. 6—the "Energy Policy Act of 2003."

This bill contains several provisions that are under the jurisdiction of the Financial Services Committee and are identical to agreements between the House and Senate Conferees last year when considering the energy bill before the 107th Congress—H.R. 4. These provisions are non-controversial and reflect last year's bipartisan and bicameral support.

Division G, sections 70001 through 70010 include measures that will enhance energy efficiency in the housing arena as well as promote the idea that our country's representatives on the Board of Directors of the North American Development Bank encourage energy efficiency and conservations.

Specifically, the housing provisions would allow funding to non-profit organizations, including community development corporations and local cooperative associations, to promote activities relating to energy efficient, affordable housing and residential energy conservation measures that benefit low-income families.

Other measures include increasing the public services cap by ten percent to allow eligible communities and states to use Community Development Block Grant (CDBG) funds to pursue energy conservation and efficiency. Currently, the law limits, to fifteen percent, the amount of CDBG funds that can be used for public services associated with employment, crime prevention, child care, health care, drug abuse, education energy conservation, welfare or recreations needs.

In the real estate/housing market, the provisions would amend Federal Housing Administration (FHA) mortgage insurance programs to provide for an increase in loan limits up to thirty percent where the potential homeowner installs either a solar energy system or residential energy conservation measures.

Under assisted housing, the provisions would update the model energy codes of the Council of American Building Officials and the American Society of Heating, Refrigeration and Air Conditioning Engineers with the 2000 International Energy Conservation Code by September 30, 2004. Moreover, other assisted housing programs at HUD, such as public housing and HOPE VI have similar provisions to encourage the use of energy-efficient appliances, fixtures and building materials.

Mr. BEAUPREZ. Mr. Chairman, I rise today in support of House Resolution 6, legislation promoting the economic and environmental benefits of energy conservation, research and development. I commend this legislation for including further encouragement of the use of renewable energy sources. It is of the utmost importance in such internationally unstable times our great nation look for ways to improve the efficiency of fuel consumption within our own borders. It is imperative this body seeks and successfully implement sound renewable energy legislation.

House Resolution 6 requires the Secretary of Energy, in partnership with the private sector, to carry out a program addressing the production of hydrogen from diverse energy sources, the safe storage and delivery of hydrogen or hydrogen-carrier fuels, the development of safe and affordable fuel cells, and the development of necessary standards and safety practices related to hydrogen and hydrogen-carrier fuels. Activities must facilitate the development of hydrogen energy and energy infrastructure, fuel cells, advanced vehicle technologies, and clean fuels in addition to hydrogen.

But it doesn't stop there. I am encouraged to see that this visionary legislation also develops biomass as a source of renewable energy. Incenting the development of biomass as an energy resource will provide tremendous economic encouragement to implement effective forest management. From our existing hydropower infrastructure to new geothermal, wind and solar resources, this legislation proposes answers to the question—how do we power a modern society? It even looks to landfill gas as a source of energy.

In my home district, the sharp team at the National Renewable Energy Lab is working diligently to bring renewable energy ideas to reality. For this, Mr. Chairman, I am pleased the House of Representatives has set forth such promising legislation that will strengthen renewable energy alternatives and set a precedent for future generations.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 6, the Energy

Act of 2003. The bill is not perfect but it will make a great stride toward ensuring that the energy needs of America continue to be met in a changing world. Energy and energy policy re inextricably linked to the U.S. economy, and to the lifestyles of the American people. The business of energy is of critical importance to my constituents.

I wish this bill had more conservation measures in it and included some excellent amendments from my Democratic Colleagues that were buried in the Rules Committee; however, I believe that it is time to move forward in the energy debate. We cannot risk going through another Congress withouta comprehensive energy policy. There is much good in this bill, much of which came from some creative ideas an hard work in the Science Committee on which I serve. There may be a chance in conference later to remove some of the most offensive provisions of the bill. So, I will support this bill.

I come from Houston, Texas, what has been called the energy capital of the world, and I appreciate that oil and fossil fuels deserve much credit for driving our economy and prosperity over the past centuries. I know that coal, oil, and natural gas will continue to play a large role over the next century at meeting our energy needs. However, we all know that fossil fuels are not the wave of the new millennium. Our children, especially in the inner cities like in my District of Houston, have an epidemic of asthma from breathing smog and polluted air. We are overly dependent on foreign sources of oil, bought from people that we would prefer not to be reliant on. No matter how safe we try to be, shipping and pumping oil will occasionally lead to spills and leaks that have tremendous detrimental effects on the environment.

As we craft our national energy strategy, we must balance the need to power our economy and our lives, with our responsibilities as stewards of the environment. As we have worked in Committee, and as I cast my votes today, I will strive to achieve that balance.

I am pleased to see that four amendments that I offered in Science Committee in this and last congress have been incorporated into today's bill. Ensuring that our nation's Historically Black Colleges and Universities receive their fair share of research funding will allow us to harvest their great expertise and skills. It will also ensure that the next generation of leaders in the critical field of energy production and utilization will reflect the diversity of our great nation.

Second, my provision for the secondary use of batteries will also help keep our environment clean and improve the efficiency of energy use in the future.

Third, I am gratified to see that the spirit of the language offered by my colleague from Houston Nick Lampson and me has been preserved, requiring the Secretary of the Interior to report to the Congress as to the oil and natural gas reserves in waters off the coast of Louisiana and Texas. That idea was actually expanded into section 3020 of H.R. 6, which will lead to a much more comprehensive understanding of our nation's oil production capabilities. No matter how we decide to manage our resources in the future, it is important that we take stock and are informed about our options.

One reason I felt it important to study the production potential in the waters off of Louisiana and Texas was that Gulf of Mexico oil has been successfully pumped and shipped for years. Thus, little additional impact on the environment would be expected if oil exploration were to be expanded in the future. Tapping such reserves satisfy our domestic needs, and will enable us not to pump oil of previously untouched areas—national treasures like the Arctic National Wildlife Refuge.

New technologies are emerging rapidly to harvest the power of the sun, the wind, and of water to drive progress in the new millennium. Hydrogen holds great promise for becoming a fuel of the future to power our cars and trucks and even household devices with fuel cells. If we know that such technologies will be the way of the future—it is just smart policy to do all we can to stimulate the transition to go as efficiently and expeditiously as possible. We must also ensure that once the transition occurs, that it is American companies that are on the cutting edge of technology—leading and enjoying a good proportion of market share.

Another amendment that I offered in the Science Committee markup, and is in H.R. 6, will help that transition occur. The provision will require the Department of Energy to enter into discussions with the NASA Administrator, which will enable DOE to tap into the vast expertise in energy gained from past and future research—in order to find technologies that could bolster the existing commercial applications programs at the DOE.

Recently, six agencies, including NIST, DOE, NASA, and the Office of Energy Efficiency and Renewable Energy, launched an effort to improve the exchange of information about their technical programs and to collaborate, in order to "enhance payoffs from federal investments." I applaud that effort. Unfortunately, they have limited their initial priority areas of focus to intelligence in manufacturing and nanotechnology.

Energy security is absolutely vital to our nation's long-term survival, and the well-being of our environment. My amendment will build on the existing agreement between the six agencies, by broadening their focus to include DOE/NASA interactions meant to stimulate progress in development of alternative and renewable energy sources. It will have minimal costs, but could yield great benefits.

Another way to improve energy security is to prevent fraud and abuse in the energy industry. I will support the Dingell amendment to decrease fraud in the electricity industry.

I would also like to add my support to the excellent amendments being offered today by my Democratic Colleagues. Our energy needs are complex. We need to be approaching energy policy from multiple directions, with diverse input, in a bipartisan fashion, in order to develop creative strategies for fueling the economy of the future in the sensitive global environment.

I urge my colleagues to ensure that that spirit is reflected in the ultimate Energy Act that emerges from Conference. I will continue to work for smart sustainable energy policy, and I will vote for H.R. 6.

Mr. McCRERY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 6 is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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TITLE I—ENERGY CONSERVATION
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Sec. 11003. Energy use measurement and accountability.
Sec. 11004. Federal building performance standards.
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Sec. 11010. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.
Subtitle B—Energy Assistance and State Programs
Sec. 11021. LIHEAP and weatherization assistance.
Sec. 11022. State energy programs.
Sec. 11023. Energy efficient appliance rebate programs.
Sec. 11024. Energy efficient public buildings.
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Subtitle C—Energy Efficient Products
Sec. 11041. Energy Star program.
Sec. 11042. Consumer education on energy efficiency benefits of air conditioning, heating, and ventilation maintenance.
Sec. 11043. Additional definitions.
Sec. 11044. Additional test procedures.
Sec. 11045. Energy conservation standards for additional consumer and commercial products.
Sec. 11046. Energy labeling.
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TITLE II—OIL AND GAS
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Sec. 12002. Findings and purposes.
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Sec. 12007. Federal Coordinator.
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Sec. 12010. Study of alternative means of construction.
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Sec. 12012. Sense of Congress.
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Subtitle B—Strategic Petroleum Reserve

Sec. 12101. Full capacity of Strategic Petroleum Reserve.
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Subtitle C—Hydraulic Fracturing

Sec. 12201. Hydraulic fracturing.

Subtitle D—Unproven Oil and Natural Gas Reserves Recovery Program

Sec. 12301. Program.
Sec. 12302. Eligible reservoirs.
Sec. 12303. Focus areas.
Sec. 12304. Limitation on location of activities.
Sec. 12305. Program administration.
Sec. 12306. Advisory Committee.
Sec. 12307. Limits on participation.
Sec. 12308. Payments to Federal Government.
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Subtitle E—Miscellaneous

Sec. 12401. Appeals relating to pipeline construction projects.
Sec. 12402. Natural gas market data transparency.
Sec. 12403. Oil and gas exploration and production defined.
Sec. 12404. Complex well technology testing facility.

TITLE III—HYDROELECTRIC

Subtitle A—Alternative Conditions

Sec. 13001. Alternative conditions and fishways.

Subtitle B—Additional Hydropower

Sec. 13201. Hydroelectric production incentives.
Sec. 13202. Hydroelectric efficiency improvement.
Sec. 13203. Small hydroelectric power projects.
Sec. 13204. Increased hydroelectric generation at existing Federal facilities.

TITLE IV—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

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SEC. 10001. SHORT TITLE.

This division may be cited as the "Energy Policy Act of 2003".

TITLE I—ENERGY CONSERVATION

Subtitle A—Federal Leadership in Energy Conservation

SEC. 11001. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

"SEC. 552. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the 'plan') for all facilities administered by the Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1); and

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) Plan Requirements.—The plan shall include—

"(1) a description of the life cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every 5 years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost-effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) Annual Report.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) Table of Contents Amendment.—The table of contents of the National Energy Conservation Policy Act is amended by adding at the end of the items relating to part 3 of title V the following new item:

"Sec. 552. Energy and water savings measures in congressional buildings.".

(c) Repeal.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

(d) Energy Infrastructure.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(e) Authorization.—There are authorized to be appropriated to the Architect of the Capitol to carry out subsection (d), not more than $2,000,000 for fiscal years after the enactment of this Act.

SEC. 11002. ENERGY MANAGEMENT REQUIREMENTS.

(a) Energy Reduction Goals.—

(1) Amendment.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking "its Federal buildings so that" and all that follows through the end and inserting "the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2004 through 2013 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2001, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2004	2
2005	4
2006	6
2007	8
2008	10
2009	12
2010	14
2011	16
2012	18
2013	20.".

(2) Reporting baseline.—The energy reduction goals and baseline established in paragraph (1) of section 543(a) of the National Energy Conservation Policy Act, as amended by paragraph (1) of this subsection, supersede all previous goals and baselines under such paragraph, and related reporting requirements.

(b) Review and Revision of Energy Performance Requirement.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2012, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for fiscal years 2014 through 2023.".

(c) Exclusions.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended by striking "An agency may exclude" and all that follows through the end and inserting "(A) An agency may exclude, from the energy performance requirement for a fiscal year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law; and

"(iv) the agency has implemented all practicable, life cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) Review by Secretary.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion"; and

(2) by striking "a finding of impracticability" and inserting "the exclusion".

(e) Criteria.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(f) Retention of Energy Savings.—Section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

"(e) Retention of Energy Savings.—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only for energy efficiency or unconventional and renewable energy resources projects.".

(g) Reports.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "The President and" before "Congress"; and

(2) by inserting "President and" before "Congress".

(h) Conforming Amendment.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 11003. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) Metering of Energy Use.—

"(1) Deadline.—By October 1, 2010, in accordance with guidelines established by the Secretary under paragraph (2), all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing Federal energy tracking systems and made available to Federal facility energy managers.

"(2) Guidelines.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Services Administration, representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities, and Federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) Requirements for guidelines.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish priorities for types and locations of buildings to be metered and submetered based on cost-effectiveness and a schedule of one or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

“(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimis quantity of energy use of a Federal building, industrial process, or structure.

“(3) Plan.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (A) how the agency will designate personnel primarily responsible for achieving the requirements and (B) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.”.

SEC. 11004. FEDERAL BUILDING PERFORMANCE STANDARDS.

Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking “CABO Model Energy Code, 1992” and inserting “the 2000 International Energy Conservation Code”; and

(2) by adding at the end the following:

“(3) Revised federal building energy efficiency performance standards.—

“(A) In general.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective, for new Federal buildings—

“(i) such buildings be designed so as to achieve energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1 or the most recent version of the International Energy Conservation Code, as appropriate; and

“(ii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

“(B) Additional revisions.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

“(C) Statement on compliance of new buildings.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

“(i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and

“(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph.”.

SEC. 11005. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) Requirements.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

“SEC. 553. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

“(a) Definitions.—In this section:

“(1) Energy star product.—The term ‘Energy Star product’ means a product that is rated for energy efficiency under an Energy Star program.

“(2) Energy star program.—The term ‘Energy Star program’ means the program established by section 324A of the Energy Policy and Conservation Act.

“(3) Executive agency.—The term ‘executive agency’ has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(4) FEMP designated product.—The term ‘FEMP designated product’ means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

“(b) Procurement of Energy Efficient Products.—

“(1) Requirement.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

“(A) an Energy Star product; or

“(B) a FEMP designated product.

“(2) Exceptions.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if the head of the executive agency finds in writing that—

“(A) an Energy Star product or FEMP designated product is not cost-effective over the life of the product taking energy cost savings into account; or

“(B) no Energy Star product or FEMP designated product is reasonably available that meets the functional requirements of the executive agency.

“(3) Procurement planning.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

“(c) Listing of Energy Efficient Products in Federal Catalogs.—Energy Star products and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency. The General Services Administration or the Defense Logistics Agency shall supply only Energy Star products or FEMP designated products for all product categories covered by the Energy Star program or the Federal Energy Management Program, except in cases where the agency ordering a product specifies in writing that no Energy Star product or FEMP designated product is available to meet the buyer's functional requirements, or that no Energy Star product or FEMP designated product is cost-effective for the intended application over the life of the product, taking energy cost savings into account.

“(d) Designation of Electric Motors.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days after the date of the enactment of this section, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

“(e) Regulations.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue guidelines to carry out this section.”.

(b) Conforming Amendment.—The table of contents in section 101(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note), as amended by section 11001(b) of this division, is further amended by inserting after the item relating to section 552 the following:

“Sec. 553. Federal procurement of energy efficient products.”.

SEC. 11006. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Permanent Extension.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) Replacement Facilities.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

“(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced, established through a methodology set forth in the contract.

“(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.”.

(c) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

“(2) The term ‘energy savings’ means—

“(A) a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

“(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(ii) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(iii) the increased efficient use of existing water sources; or

“(B) in the case of a replacement building or facility described in section 801(a)(3), a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, that would otherwise be utilized in one or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of the replacement building or facility.”.

(d) Energy' Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

“(3) The terms ‘energy savings contract’ and ‘energy savings performance contract’ mean a contract which provides for—

"(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

"(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.

Such contracts shall, with respect to an agency facility that is a public building as such term is defined in section 13(1) of the Public Buildings Act of 1959 (40 U.S.C. 3301), be in compliance with the prospectus requirements and procedures of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 3307).".

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.".

(f) REVIEW.—Within 180 days after the date of the enactment of this section, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 11007. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) GOAL.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 2.5 percent each year from 2004 through 2014.

(c) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate Federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term "energy intensity" means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2010 and June 30, 2014, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 11008. FEDERAL AGENCY PARTICIPATION IN DEMAND REDUCTION PROGRAMS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by adding at the end of the following new paragraph:

"(6) Federal agencies are encouraged to participate in State or regional demand side reduction programs. The availability of such programs, including measures employing onsite generation, and the savings resulting from such participation, should be included in the evaluation of energy options for Federal facilities.".

SEC. 11009. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the General Services Administration, shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate efficiency concepts for government and industry buildings, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health as well as flexibility and technological change to improve environmental sustainability. Such program shall complement and not duplicate existing national programs.

(b) PARTICIPANTS.—The program established under subsection (a) shall be led by a university with the ability to combine the expertise from numerous academic fields including, at a minimum, intelligent workplaces and advanced building systems and engineering, electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $6,000,000 for each of the fiscal years 2004 through 2006, to remain available until expended. For any fiscal year in which funds are expended under this section, the Secretary shall provide one-third of the total amount to the lead university described in subsection (b), and provide the remaining two-thirds to the other participants referred to in subsection (b) on an equal basis.

SEC. 11010. INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE.

(a) AMENDMENT.—Subtitle F of the Solid Waste Disposal Act (42 U.S.C. 6961 et seq.) is amended by adding at the end the following new section:

"INCREASED USE OF RECOVERED MINERAL COMPONENT IN FEDERALLY FUNDED PROJECTS INVOLVING PROCUREMENT OF CEMENT OR CONCRETE

"SEC. 6005. (a) DEFINITIONS.—In this section:

"(1) AGENCY HEAD.—The term 'agency head' means—

"(A) the Secretary of Transportation; and

"(B) the head of each other Federal agency that on a regular basis procures, or provides Federal funds to pay or assist in paying the cost of procuring, material for cement or concrete projects.

"(2) CEMENT OR CONCRETE PROJECT.—The term 'cement or concrete project' means a project for the construction or maintenance of a highway or other transportation facility or a Federal, State, or local government building or other public facility that—

"(A) involves the procurement of cement or concrete; and

"(B) is carried out in whole or in part using Federal funds.

"(3) RECOVERED MINERAL COMPONENT.—The term 'recovered mineral component' means—

"(A) ground granulated blast furnace slag;

"(B) coal combustion fly ash; and

"(C) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

"(b) IMPLEMENTATION OF REQUIREMENTS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects.

"(2) PRIORITY.—In carrying out paragraph (1) an agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.

"(3) CONFORMANCE.—The Administrator and each agency head shall carry out this subsection in accordance with section 6002.

"(c) FULL IMPLEMENTATION STUDY.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation and the Secretary of Energy, shall conduct a study to determine the extent to which current procurement requirements, when fully implemented in accordance with subsection (b), may realize energy savings and environmental benefits attainable with substitution of recovered mineral component in cement used in cement or concrete projects.

"(2) MATTERS TO BE ADDRESSED.—The study shall—

"(A) quantify the extent to which recovered mineral components are being substituted for Portland cement, particularly as a result of current procurement requirements, and the energy savings and environmental benefits associated with that substitution;

"(B) identify all barriers in procurement requirements to fuller realization of energy savings and environmental benefits, including barriers resulting from exceptions from current law; and

"(C)(i) identify potential mechanisms to achieve greater substitution of recovered mineral component in types of cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally;

"(ii) evaluate the feasibility of establishing guidelines or standards for optimized substitution rates of recovered mineral component in those cement or concrete projects; and

"(iii) identify any potential environmental or economic effects that may result from greater substitution of recovered mineral component in those cement or concrete projects.

"(3) REPORT.—Not later than 30 months after the date of enactment of this section, the Administrator shall submit to the Committee on Appropriations and Committee on Environment and Public Works of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on Transportation and Infrastructure of the House of Representatives a report on the study.

"(d) ADDITIONAL PROCUREMENT REQUIREMENTS.—Unless the study conducted under subsection (c) identifies any effects or other problems described in subsection (c)(2)(C)(iii) that warrant further review or delay, the Administrator and each agency head shall, within 1 year of the release of the report in accordance with subsection (c)(3), take additional actions authorized under this Act to establish procurement requirements and incentives that provide for the use of cement and concrete with increased substitution of recovered mineral component in the construction and maintenance of cement or concrete projects, so as to—

"(1) realize more fully the energy savings and environmental benefits associated with increased substitution; and

"(2) eliminate barriers identified under subsection (c).

"(e) EFFECT OF SECTION.—Nothing in this section affects the requirements of section 6002 (including the guidelines and specifications for implementing those requirements).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 6004 the following new item:

"Sec. 6005. Increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.".

Subtitle B—Energy Assistance and State Programs

SEC. 11021. LIHEAP AND WEATHERIZATION ASSISTANCE.

(a) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking "each of fiscal years 2002 through 2004" and inserting "each of fiscal years 2002 and 2003, and $3,400,000,000 for each of fiscal years 2004 through 2006".

(b) WEATHERIZATION.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$325,000,000 for fiscal year 2004, $400,000,000 for fiscal year 2005, and $500,000,000 for fiscal year 2006".

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to the Congress a report on how the Low-Income Home Energy Assistance Program could be used more effectively to prevent loss of life from extreme temperatures. In preparing such report, the Secretary shall consult with appropriate officials in all 50 States and the District of Columbia.

SEC. 11022. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

"(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.".

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"STATE ENERGY EFFICIENCY GOALS

"SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2003 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting "$100,000,000 for each of the fiscal years 2004 and 2005 and $125,000,000 for fiscal year 2006".

SEC. 11023. ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State that meets the requirements of subsection (b).

(2) ENERGY STAR PROGRAM.—The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act.

(3) RESIDENTIAL ENERGY STAR PRODUCT.—The term "residential Energy Star product" means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) STATE ENERGY OFFICE.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(5) STATE PROGRAM.—The term "State program" means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) ELIGIBLE STATES.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the State will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) AMOUNT OF ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying the amount made available under subsection (f) for the fiscal year by the ratio that the population of the State in the most recent calendar year for which data are available bears to the total population of all eligible States in that calendar year.

(2) MINIMUM ALLOCATIONS.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than an amount determined by the Secretary.

(d) USE OF ALLOCATED FUNDS.—The allocation to a State energy office under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out a State program.

(e) ISSUANCE OF REBATES.—Rebates may be provided to residential consumers that meet the requirements of the State program. The amount of a rebate shall be determined by the State energy office, taking into consideration—

(1) the amount of the allocation to the State energy office under subsection (c);

(2) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to the residential Energy Star product.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 2004 through 2008.

SEC. 11024. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) GRANTS.—The Secretary of Energy may make grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State, to assist units of local government in the State in improving the energy efficiency of public buildings and facilities—

(1) through construction of new energy efficient public buildings that use at least 30 percent less energy than a comparable public building constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent efficiency levels; or

(2) through renovation of existing public buildings to achieve reductions in energy use of at least 30 percent as compared to the baseline energy use in such buildings prior to renovation, assuming a 3-year, weather-normalized average for calculating such baseline.

(b) ADMINISTRATION.—State energy offices receiving grants under this section shall—

(1) maintain such records and evidence of compliance as the Secretary may require; and

(2) develop and distribute information and materials and conduct programs to provide technical services and assistance to encourage planning, financing, and design of energy

efficient public buildings by units of local government.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary for each of fiscal years 2004 through 2013. Not more than 30 percent of appropriated funds shall be used for administration.

SEC. 11025. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy $20,000,000 for fiscal year 2004 and each fiscal year thereafter through fiscal year 2006.

Subtitle C—Energy Efficient Products

SEC. 11041. ENERGY STAR PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324:

"SEC. 324A. ENERGY STAR PROGRAM.

"There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of and other forms of communication about products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label, including special outreach to small businesses;

"(3) preserve the integrity of the Energy Star label; and

"(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised product category provide an explanation of the decision that responds to significant public comments.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

"Sec. 324A. Energy Star program.".

SEC. 11042. CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING, AND VENTILATION MAINTENANCE.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC MAINTENANCE.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

"(2) The Secretary shall carry out the program in cooperation with the Administrator of the Environmental Protection Agency and such other entities as the Secretary considers appropriate, including industry trade associations, industry members, and energy efficiency organizations.

"(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—The Administrator of the Small Business Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and coordinate a Government-wide program, building on the existing Energy Star for Small Business Program, to assist small business to become more energy efficient, understand the cost savings obtainable through efficiencies, and identify financing options for energy efficiency upgrades. The Secretary and the Administrator shall make the program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency, and the Department of Agriculture.".

SEC. 11043. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products.

"(33) The term 'commercial refrigerator, freezer and refrigerator-freezer' means a refrigerator, freezer or refrigerator-freezer that—

"(A) is not a consumer product regulated under this Act; and

"(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

"(34) The term 'external power supply' means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

"(35) The term 'illuminated exit sign' means a sign that—

"(A) is designed to be permanently fixed in place to identify an exit; and

"(B) consists of—

"(i) an electrically powered integral light source that illuminates the legend 'EXIT' and any directional indicators; and

"(ii) provides contrast between the legend, any directional indicators, and the background.

"(36)(A) Except as provided in subparagraph (B), the term 'low-voltage dry-type transformer' means a transformer that—

"(i) has an input voltage of 600 volts or less;

"(ii) is air-cooled;

"(iii) does not use oil as a coolant; and

"(iv) is rated for operation at a frequency of 60 Hertz.

"(B) The term 'low-voltage dry-type transformer' does not include—

"(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

"(ii) transformers that are designed to be used in a special purpose application, such as transformers commonly known as drive transformers, rectifier transformers, autotransformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers; or

"(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

"(37) The term 'standby mode' means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

"(38) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

"(39) The term 'transformer' means a device consisting of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

"(40) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.

"(41) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.".

SEC. 11044. ADDITIONAL TEST PROCEDURES.

(a) EXIT SIGNS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under Version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

"(10) Test procedures for low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998). The Secretary may review and revise this test procedure based on future revisions to such standard test method.

‘‘(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.’’.

(b) Additional Consumer and Commercial Products.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is further amended by adding at the end the following:

‘‘(f) Additional Consumer and Commercial Products.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, commercial unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.’’.

SEC. 11045. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

‘‘(u) Standby Mode Electric Energy Consumption.—

‘‘(1) Initial rulemaking.—(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

‘‘(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

‘‘(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

‘‘(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

‘‘(2) Designation of additional covered products.—(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; except that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

‘‘(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

‘‘(i) standby mode power consumption compared to overall product energy consumption; and

‘‘(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

‘‘(C) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

‘‘(3) Review of standby energy use in covered products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to this section should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of paragraph (2) of this subsection.

‘‘(4) Rulemaking for standby mode.—(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in this section and the criteria set forth in subparagraph (B) of paragraph (2) of this subsection.

‘‘(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

‘‘(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

‘‘(5) Effective date.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported 3 years after the date of promulgation.

‘‘(6) Voluntary programs to reduce standby mode energy use.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A (relating to Energy Star Programs) and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

‘‘(v) Suspended Ceiling Fans, Vending Machines, Unit Heaters, and Commercial Refrigerators, Freezers and Refrigerator-Freezers.—The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

‘‘(w) Illuminated Exit Signs.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

‘‘(x) Torchieres.—Torchieres manufactured on or after January 1, 2005—

‘‘(1) shall consume not more than 190 watts of power; and

‘‘(2) shall not be capable of operating with lamps that total more than 190 watts.

‘‘(y) Low Voltage Dry-Type Transformers.—The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for low voltage dry-type transformers specified in Table 4–2 of the ‘Guide for Determining Energy Efficiency for Distribution Transformers’ published by the National Electrical Manufacturers Association (NEMA TP–1–1996).

‘‘(z) Traffic Signal Modules.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems.

‘‘(aa) Effective Date of Section 327.—The provisions of section 327 shall apply to products for which standards are set in subsections (v) through (z) of this section after the effective date for such standards.’’.

SEC. 11046. ENERGY LABELING.

(a) Rulemaking on Effectiveness of Consumer Product Labeling.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

‘‘(F) Not later than 3 months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 2 years after the date of enactment of this subparagraph.’’.

(b) Rulemaking on Labeling for Additional Products.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

‘‘(5) The Secretary or the Commission, as appropriate, may for covered products referred to in subsections (u) through (z) of section 325, prescribe, by rule, pursuant to this section, labeling requirements for such products after a test procedure has been set pursuant to section 323.’’.

SEC. 11047. STUDY OF ENERGY EFFICIENCY STANDARDS.

The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within 1 year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to the Congress.

TITLE II—OIL AND GAS

Subtitle A—Alaska Natural Gas Pipeline

SEC. 12001. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2003".

SEC. 12002. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a conditional certificate of public convenience and necessity for the Alaska natural gas transportation system, which remains in effect.

(b) Purposes.—The purposes of this subtitle are as follows:

(1) To provide a statutory framework for the expedited approval, construction, and initial operation of an Alaska natural gas transportation project, as an alternative to the framework provided in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), which remains in effect.

(2) To establish a process for providing access to such transportation project in order to promote competition in the exploration, development, and production of Alaska natural gas.

(3) To clarify Federal authorities under the Alaska Natural Gas Transportation Act of 1976.

SEC. 12003. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) Alaska natural gas.—The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees North latitude.

(2) Alaska natural gas transportation project.—The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section 12004.

(3) Alaska natural gas transportation system.—The term "Alaska natural gas transportation system" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's decision.

(4) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(5) President's decision.—The term "President's decision" means the decision and report to Congress on the Alaska natural gas transportation system issued by the President on September 22, 1977, pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e) and approved by Public Law 95–158 (91 Stat. 1268).

SEC. 12004. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) Issuance of Certificate.—

(1) In general.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) Considerations.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) Expedited Approval Process.—The Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 12005.

(d) Prohibition on Certain Pipeline Route.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

(e) Open Season.—Except where an expansion is ordered pursuant to section 12006, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations governing the conduct of open seasons for such project. Such procedures shall include the criteria for and timing of any open seasons, be consistent with the purposes set forth in section 12002(b)(2), and, for any open season for capacity beyond the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thompson units. The Commission shall issue such regulations not later than 120 days after the date of enactment of this Act.

(f) Projects in the Contiguous United States.—Applications for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made pursuant to the Natural Gas Act. To the extent such pipeline facilities include the expansion of any facility constructed pursuant to the Alaska Natural Gas Transportation Act of 1976, the provisions of that Act shall continue to apply.

(g) Study of In-State Needs.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that it has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) Alaska Royalty Gas.—The Commission, upon the request of the State of Alaska and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project for the State of Alaska or its designee for the transportation of the State's royalty gas for local consumption needs within the State; except that the rates of existing shippers of subscribed capacity on such project shall not be increased as a result of such access.

(i) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 12005. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 12004 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) Designation of Lead Agency.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 12004. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) Other Agencies.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 12004 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) Expedited Process.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

SEC. 12006. PIPELINE EXPANSION.

(a) Authority.—With respect to any Alaska natural gas transportation project, upon the request of one or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity.

(b) Requirements.—Before ordering an expansion, the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates as established do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that the proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on terms and conditions consistent with the then-effective tariff of

the Alaska natural gas transportation project;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) Requirement for a Firm Transportation Agreement.—Any order of the Commission issued pursuant to this section shall be null and void unless the person or persons requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within a reasonable period of time as specified in such order.

(d) Limitation.—Nothing in this section shall be construed to expand or otherwise affect any authorities of the Commission with respect to any natural gas pipeline located outside the State of Alaska.

(e) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 12007. FEDERAL COORDINATOR.

(a) Establishment.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) Federal Coordinator.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate;

(2) hold office at the pleasure of the President; and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) Duties.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) Reviews and Actions of Other Federal Agencies.—

(1) Expedited reviews and actions.—All reviews conducted and actions taken by any Federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(2) Prohibition on certain terms and conditions.—Except with respect to Commission actions under sections 12004, 12005, and 12006, no Federal officer or agency shall have the authority to include terms and conditions that are permitted, but not required, by law on any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the terms and conditions would prevent or impair in any significant respect the expeditious construction and operation of the project.

(3) Prohibition on certain actions.—Except with respect to Commission actions under sections 12004, 12005, and 12006, unless required by law, no Federal officer or agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair in any significant respect the expeditious construction and operation of the project.

(e) State Coordination.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The Federal Government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses Federal lands and private lands, and the State government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses State lands.

(f) Transfer of Federal Inspector Functions and Authority.—Upon appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary of Energy pursuant to section 3012(b) of Public Law 102–486 (15 U.S.C. 719e(b)), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33,663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36,927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

SEC. 12008. JUDICIAL REVIEW.

(a) Exclusive Jurisdiction.—Except for review by the Supreme Court of the United States on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken under this subtitle; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) Deadline for Filing Claim.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) Expedited Consideration.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest as described in section 12002(a).

(d) Amendment to ANGTA.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended by inserting after paragraph (1) the following:

"(2) The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2.".

SEC. 12009. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) Local Distribution.—Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)), and therefore not subject to the jurisdiction of the Commission.

(b) Additional Pipelines.—Nothing in this subtitle, except as provided in section 12004(d), shall preclude or affect a future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.

(c) Rate Coordination.—Pursuant to the Natural Gas Act, the Commission shall establish rates for the transportation of natural gas on the Alaska natural gas transportation project. In exercising such authority, the Commission, pursuant to section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall confer with the State of Alaska regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State of Alaska.

SEC. 12010. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) Scope of Study.—The study shall consider the feasibility of establishing a Government corporation to construct an Alaska natural gas transportation project, and alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the project.

(c) Consultation.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) Report.—If the Secretary of Energy is required to conduct a study under subsection (a), the Secretary shall submit a report containing the results of the study, the Secretary's recommendations, and any proposals for legislation to implement the Secretary's recommendations to Congress.

SEC. 12011. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) Savings Clause.—Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) or any Presidential findings or waivers issued in accordance with that Act.

(b) Clarification of Authority to Amend Terms and Conditions to Meet Current Project Requirements.—Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(c) UPDATED ENVIRONMENTAL REVIEWS.—The Secretary of Energy shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. 12012. SENSE OF CONGRESS.

It is the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, Congress urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 12013. PARTICIPATION OF SMALL BUSINESS CONCERNS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, Congress urges the sponsors of the pipeline project to maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report containing the results of the study.

(3) UPDATES.—The Comptroller General shall update the study at least once every 5 years and transmit to Congress a report containing the results of the update.

(4) APPLICABILITY.—After the date of completion of the construction of an Alaska natural gas transportation project, this subsection shall no longer apply.

(c) SMALL BUSINESS CONCERN DEFINED.—In this section, the term "small business concern" has the meaning given such term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 12014. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (in this section referred to as the "Secretary") may make grants to the Alaska Department of Labor and Workforce Development to—

(1) develop a plan to train, through the workforce investment system established in the State of Alaska under the Workforce Investment Act of 1998 (112 Stat. 936 et seq.), adult and dislocated workers, including Alaska Natives, in urban and rural Alaska in the skills required to construct and operate an Alaska gas pipeline system; and

(2) implement the plan developed pursuant to paragraph (1).

(b) REQUIREMENTS FOR PLANNING GRANTS.—The Secretary may make a grant under subsection (a)(1) only if—

(1) the Governor of Alaska certifies in writing to the Secretary that there is a reasonable expectation that construction of an Alaska gas pipeline will commence within 3 years after the date of such certification; and

(2) the Secretary of the Interior concurs in writing to the Secretary with the certification made under paragraph (1).

(c) REQUIREMENTS FOR IMPLEMENTATION GRANTS.—The Secretary may make a grant under subsection (a)(2) only if—

(1) the Secretary has approved a plan developed pursuant to subsection (a)(1);

(2) the Governor of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of an Alaska gas pipeline system will commence within 2 years after the date of such certification;

(3) the Secretary of the Interior concurs in writing to the Secretary with the certification made under paragraph (2) after considering—

(A) the status of necessary State and Federal permits;

(B) the availability of financing for the pipeline project; and

(C) other relevant factors and circumstances.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor such sums as may be necessary, but not to exceed $20,000,000, to carry out this section.

Subtitle B—Strategic Petroleum Reserve

SEC. 12101. FULL CAPACITY OF STRATEGIC PETROLEUM RESERVE.

The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, with consideration being given to domestically produced petroleum, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

SEC. 12102. STRATEGIC PETROLEUM RESERVE EXPANSION.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a plan for the expansion of the Strategic Petroleum Reserve to 1,000,000,000 barrels, including—

(1) plans for the elimination of infrastructure impediments to maximum drawdown capability;

(2) a schedule for the completion of all required environmental reviews;

(3) provision for consultation with Federal and State environmental agencies;

(4) a schedule and procedures for site selection; and

(5) anticipated annual budget requests.

(b) CONSTRUCTION OF ADDITIONAL CAPACITY.—The Secretary of Energy shall acquire property and complete construction for the expansion of the Strategic Petroleum Reserve in accordance with the plan transmitted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $1,500,000,000 for carrying out this section, to remain available until expended.

SEC. 12103. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.";

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by inserting before section 273 (42 U.S.C. 6283) the following:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS";

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by inserting after the items relating to part C of title I the following:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"Sec. 181. Establishment.
"Sec. 182. Authority.
"Sec. 183. Conditions for release; plan.
"Sec. 184. Northeast Home Heating Oil Reserve Account.
"Sec. 185. Exemptions.";

(2) by amending the items relating to part C of title II to read as follows:

"PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

"Sec. 273. Summer fill and fuel budgeting programs."; and

(3) by striking the items relating to part D of title II.

(d) AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT.—Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting "(considered as a heating season average)" after "mid-October through March".

Subtitle C—Hydraulic Fracturing

SEC. 12201. HYDRAULIC FRACTURING.

Paragraph (1) of section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended to read as follows:

"(1) The term 'underground injection'—

"(A) means the subsurface emplacement of fluids by well injection; and

"(B) excludes—

"(i) the underground injection of natural gas for purposes of storage; and

"(ii) the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil or gas production activities.".

Subtitle D—Unproven Oil and Natural Gas Reserves Recovery Program

SEC. 12301. PROGRAM.

The Secretary shall carry out a program to demonstrate technologies for the recovery of oil and natural gas reserves from reservoirs described in section 12302.

SEC. 12302. ELIGIBLE RESERVOIRS.

The program under this subtitle shall only address oil and natural gas reservoirs with 1 or more of the following characteristics:

(1) Complex geology involving rapid changes in the type and quality of the oil reservoir across the reservoir.

(2) Low reservoir pressure.

(3) Unconventional natural gas reservoirs in coalbeds, tight sands, or shales.

SEC. 12303. FOCUS AREAS.

The program under this subtitle may focus on areas including coal-bed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, innovative production techniques (including horizontal drilling, fracture detection methodologies, and three-dimensional seismic), and enhanced recovery techniques.

SEC. 12304. LIMITATION ON LOCATION OF ACTIVITIES.

Activities under this subtitle shall be carried out only—

(1) in—

(A) areas onshore in the United States on public land administered by the Secretary of the Interior available for oil and gas leasing, where consistent with applicable law and land use plans; and

(B) areas onshore in the United States on State or private land, subject to applicable law; and

(2) with the approval of the appropriate Federal or State land management agency or private land owner.

SEC. 12305. PROGRAM ADMINISTRATION.

(a) ROLE OF THE SECRETARY.—The Secretary shall have ultimate responsibility for, and oversight of, all aspects of the program under this subtitle.

(b) ROLE OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall contract with a consortium to—

(A) manage awards pursuant to subsection (e)(4);

(B) make recommendations to the Secretary for project solicitations;

(C) disburse funds awarded under subsection (e) as directed by the Secretary in accordance with the annual plan under subsection (d); and

(D) carry out other activities assigned to the program consortium by this section.

(2) LIMITATION.—The Secretary may not assign any activities to the program consortium except as specifically authorized under this section.

(3) CONFLICT OF INTEREST.—(A) The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the program consortium who is in a decisionmaking capacity under subsection (e)(3) or (4) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for or recipients of awards under this section, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any review under subsection (e)(3) or oversight under subsection (e)(4) with respect to such applicant or recipient.

(B) The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A)(ii).

(c) SELECTION OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall select the program consortium through an open, competitive process.

(2) MEMBERS.—The program consortium may include corporations and institutions of higher education. The Secretary shall give preference in the selection of the program consortium to applicants with broad representation from the various major oil and natural gas basins in the United States. After submitting a proposal under paragraph (4), the program consortium may not add members without the consent of the Secretary.

(3) TAX STATUS.—The program consortium shall be an entity that is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986.

(4) SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for the creation of the program consortium, which must be submitted not less than 180 days after the date of enactment of this Act. The Secretary shall select the program consortium not later than 240 days after such date of enactment.

(5) APPLICATION.—Applicants shall submit a proposal including such information as the Secretary may require. At a minimum, each proposal shall—

(A) list all members of the consortium;

(B) fully describe the structure of the consortium, including any provisions relating to intellectual property; and

(C) describe how the applicant would carry out the activities of the program consortium under this section.

(6) ELIGIBILITY.—To be eligible to be selected as the program consortium, an applicant must be an entity whose members collectively have demonstrated capabilities in planning and managing programs for the production of oil or natural gas.

(7) CRITERION.—The Secretary may consider the amount of the fee an applicant proposes to receive under subsection (f) in selecting a consortium under this section.

(d) ANNUAL PLAN.—

(1) IN GENERAL.—The program under this subtitle shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) DEVELOPMENT.—(A) Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the program consortium for each element to be addressed in the plan, including those described in paragraph (4). The Secretary may request that the program consortium submit its recommendations in the form of a draft annual plan.

(B) The Secretary shall submit the recommendations of the program consortium under subparagraph (A) to the Advisory Committee for review, and the Advisory Committee shall provide to the Secretary written comments by a date determined by the Secretary. The Secretary may also solicit comments from any other experts.

(C) The Secretary shall consult regularly with the program consortium throughout the preparation of the annual plan.

(3) PUBLICATION.—The Secretary shall transmit to the Congress and publish in the Federal Register the annual plan, along with any written comments received under paragraph (2)(A) and (B). The annual plan shall be transmitted and published not later than 60 days after the date of enactment of an Act making appropriations for a fiscal year for the program under this subtitle.

(4) CONTENTS.—The annual plan shall describe the ongoing and prospective activities of the program under this subtitle and shall include—

(A) a list of any solicitations for awards that the Secretary plans to issue to carry out activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards; and

(B) a description of the activities expected of the program consortium to carry out subsection (e)(4).

(e) AWARDS.—

(1) IN GENERAL.—The Secretary shall make awards to carry out activities under the program under this subtitle. The program consortium shall not be eligible to receive such awards, but members of the program consortium may receive such awards.

(2) PROPOSALS.—

(A) SOLICITATION.—The Secretary shall solicit proposals for awards under this subsection in such manner and at such time as the Secretary may prescribe, in consultation with the program consortium.

(B) CONTENTS.—Each proposal submitted shall include the following:

(i) An estimate of the potential unproven reserves in the reservoir, established by a registered petroleum engineer.

(ii) An estimate of the potential for success of the project.

(iii) A detailed project plan.

(iv) A detailed analysis of the costs associated with the project.

(v) A time frame for project completion.

(vi) Evidence that any lienholder on the project will subordinate its interests to the extent necessary to ensure that the Federal government receives its portion of any revenues pursuant to section 12308.

(vii) Such other matters as the Secretary considers appropriate.

(3) REVIEW.—The Secretary shall make awards under this subsection through a competitive process, which shall include a review by individuals selected by the Secretary. Such individuals shall include, for each application, Federal officials, the program consortium, and non-Federal experts who are not board members, officers, or employees of the program consortium or of a member of the program consortium.

(4) OVERSIGHT.—(A) The program consortium shall oversee the implementation of awards under this subsection, consistent with the annual plan under subsection (d), including disbursing funds and monitoring activities carried out under such awards for compliance with the terms and conditions of the awards.

(B) Nothing in subparagraph (A) shall limit the authority or responsibility of the Secretary to oversee awards, or limit the authority of the Secretary to review or revoke awards.

(C) The Secretary shall provide to the program consortium the information necessary for the program consortium to carry out its responsibilities under this paragraph.

(f) FEE.—To compensate the program consortium for carrying out its activities under this section, the Secretary shall provide to the program consortium a fee in an amount not to exceed 7.5 percent of the amounts awarded under subsection (e) for each fiscal year.

(g) DISALLOWED EXPENSES.—No portion of any award shall be used by a recipient for general or administrative expenses of any kind.

(h) AUDIT.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided to the program consortium, and funds provided under awards made under subsection (e), have been expended in a manner consistent with the purposes and requirements of this subtitle. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

SEC. 12306. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall establish an Advisory Committee.

(b) MEMBERSHIP.—The Advisory Committee shall be composed of members appointed by the Secretary and including—

(1) individuals with extensive experience or operational knowledge of oil and natural gas production, including independent oil and gas producers;

(2) individuals broadly representative of oil and natural gas production; and

(3) no individuals who are Federal employees.

(c) DUTIES.—The Advisory Committee shall advise the Secretary on the development and implementation of activities under this subtitle.

(d) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to consortia or for specific projects.

SEC. 12307. LIMITS ON PARTICIPATION.

An entity shall be eligible to receive an award under this subtitle only if the Secretary finds—

(1) that the entity's participation in the program under this subtitle would be in the economic interest of the United States;

(2) that the entity is a United States-owned entity organized under the laws of the United States with production levels of less than 1,000 barrels per day of oil equivalent; and

(3) that the entity has demonstrated that nongovernmental third party sources of financing are not available for the proposal project.

SEC. 12308. PAYMENTS TO FEDERAL GOVERNMENT.

(a) INITIAL RATE.—Until the amount of a grant under this subtitle has been fully repaid to the Federal Government under this subsection, 95 percent of all revenues derived from increased incremental production attributable to participation in the program under this subtitle shall be paid to the Secretary by the purchaser of such increased production.

(b) RATE AFTER REPAYMENT.—After the Federal Government has been fully repaid under subsection (a), 5 percent of all revenues derived from increased incremental production attributable to participation in the program under this subtitle shall be paid to the Secretary by the purchaser of such increased production.

SEC. 12309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this subtitle $100,000,000, to remain available until expended.

SEC. 12310. PUBLIC AVAILABILITY OF PROJECT RESULTS AND METHODOLOGIES.

The results of any project undertaken pursuant to this subtitle and the methodologies used to achieve those results shall be made public by the Secretary. The methodologies used shall not be proprietary so that such methodologies may be used for other projects by persons not seeking awards pursuant to this subtitle.

SEC. 12311. SUNSET.

The authority provided by this subtitle shall terminate on September 30, 2010.

SEC. 12312. DEFINITIONS.

In this subtitle:

(1) PROGRAM CONSORTIUM.—The term "program consortium" means the consortium selected under section 12305(c).

(2) REMOTE OR INCONSEQUENTIAL.—The term "remote or inconsequential" has the meaning given that term in regulations issued by the Office of Government Ethics under section 208(b)(2) of title 18, United States Code.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

Subtitle E—Miscellaneous

SEC. 12401. APPEALS RELATING TO PIPELINE CONSTRUCTION PROJECTS.

(a) AGENCY OF RECORD.—Any Federal administrative agency proceeding that is an appeal or review of Federal authority for an interstate natural gas pipeline construction project, including construction of natural gas storage and liquefied natural gas facilities, shall use as its exclusive record for all purposes the record compiled by the Federal Energy Regulatory Commission pursuant to such Commission's proceeding under section 7 of the Natural Gas Act.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that all Federal and State agencies with jurisdiction over interstate natural gas pipeline construction activities should coordinate their proceedings within the time frames established by the Federal Energy Regulatory Commission while it is acting pursuant to section 7 of the Natural Gas Act to determine whether a proposed interstate natural gas pipeline is in the public convenience and necessity.

SEC. 12402. NATURAL GAS MARKET DATA TRANSPARENCY.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 180 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall issue rules authorizing or establishing an electronic information system to provide the Commission and the public with timely access to such information as is necessary or appropriate to facilitate price transparency and participation in natural gas markets. Such system shall provide information about the market price of natural gas sold in interstate commerce.

(b) DATA SUBJECT TO DISCLOSURE.—Rules issued under subsection (a) shall require public availability only of—

(1) aggregate data; and

(2) transaction-specific data that is otherwise required by the Federal Energy Regulatory Commission to be made public.

(c) CIVIL PENALTY.—Any person who violates any provision of a rule issued under subsection (a) shall be subject to a civil penalty of not more than $1,000,000 for each day that such violation continues. Such penalty shall be assessed by the Federal Energy Regulatory Commission, after notice and opportunity for public hearing. In determining the amount of a proposed penalty, the Commission shall take into consideration the seriousness of the violation and the efforts of such person to remedy the violation in a timely manner.

SEC. 12403. OIL AND GAS EXPLORATION AND PRODUCTION DEFINED.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(24) The term 'oil and gas exploration and production' means all field operations necessary for both exploration and production of oil and gas, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such activities may be considered construction activities.".

SEC. 12404. COMPLEX WELL TECHNOLOGY TESTING FACILITY.

The Secretary, in coordination with industry leaders in extended reach drilling technology, shall establish a Complex Well Technology Testing Facility at the Rocky Mountain Oilfield Testing Center to increase the range of extended drilling technology to 50,000 feet, so that more energy resources can be realized with fewer drilling facilities.

TITLE III—HYDROELECTRIC

Subtitle A—Alternative Conditions

SEC. 13001. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) FEDERAL RESERVATIONS.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting after "adequate protection and utilization of such reservation." at the end of the first proviso the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of any disputed issues of material fact, with respect to such conditions.".

(b) FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after "and such fishways as may be prescribed by the Secretary of Commerce." the following: "The license applicant shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of any disputed issues of material fact, with respect to such fishways.".

(c) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding the following new section at the end thereof:

"SEC. 33. ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.

"(a) ALTERNATIVE CONDITIONS.—(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls (referred to in this subsection as 'the Secretary') deems a condition to such license to be necessary under the first proviso of section 4(e), the license applicant may propose an alternative condition.

"(2) Notwithstanding the first proviso of section 4(e), the Secretary shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary determines, based on substantial evidence provided by the license applicant or otherwise available to the Secretary, that such alternative condition—

"(A) provides for the adequate protection and utilization of the reservation; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition initially deemed necessary by the Secretary.

"(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under section 4(e) or alternative condition it accepts under this section, a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative conditions.

"(5) If the Secretary does not accept an applicant's alternative condition under this section, and the Commission finds that the Secretary's condition would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the reservation. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.

"(b) Alternative Prescriptions.—(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under section 18, the license applicant or licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway. The alternative may include a fishway or an alternative to a fishway.

"(2) Notwithstanding section 18, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee or otherwise available to the Secretary, that such alternative—

"(A) will be no less protective of the fish resources than the fishway initially prescribed by the Secretary; and

"(B) will either—

"(i) cost less to implement; or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially deemed necessary by the Secretary.

"(3) The Secretary concerned shall submit into the public record of the Commission proceeding with any prescription under section 18 or alternative prescription it accepts under this section, a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this section. The written statement must demonstrate that the Secretary gave equal consideration to the effects of the condition adopted and alternatives not accepted on energy supply, distribution, cost, and use; flood control; navigation; water supply; and air quality (in addition to the preservation of other aspects of environmental quality); based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others. The Secretary shall also submit, together with the aforementioned written statement, all studies, data, and other factual information available to the Secretary and relevant to the Secretary's decision.

"(4) Nothing in this section shall prohibit other interested parties from proposing alternative prescriptions.

"(5) If the Secretary concerned does not accept an applicant's alternative prescription under this section, and the Commission finds that the Secretary's prescription would be inconsistent with the purposes of this part, or other applicable law, the Commission may refer the dispute to the Commission's Dispute Resolution Service. The Dispute Resolution Service shall consult with the Secretary and the Commission and issue a non-binding advisory within 90 days. The Secretary may accept the Dispute Resolution Service advisory unless the Secretary finds that the recommendation will not adequately protect the fish resources. The Secretary shall submit the advisory and the Secretary's final written determination into the record of the Commission's proceeding.".

Subtitle B—Additional Hydropower

SEC. 13201. HYDROELECTRIC PRODUCTION INCENTIVES.

(a) Incentive Payments.—For electric energy generated and sold by a qualified hydroelectric facility during the incentive period, the Secretary of Energy (referred to in this section as the "Secretary") shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) Definitions.—For purposes of this section:

(1) Qualified hydroelectric facility.—The term "qualified hydroelectric facility" means a turbine or other generating device owned or solely operated by a non-Federal entity which generates hydroelectric energy for sale and which is added to an existing dam or conduit.

(2) Existing dam or conduit.—The term "existing dam or conduit" means any dam or conduit the construction of which was completed before the date of the enactment of this section and which does not require any construction or enlargement of impoundment or diversion structures (other than repair or reconstruction) in connection with the installation of a turbine or other generating device.

(3) Conduit.—The term "conduit" has the same meaning as when used in section 30(a)(2) of the Federal Power Act.

The terms defined in this subsection shall apply without regard to the hydroelectric kilowatt capacity of the facility concerned, without regard to whether the facility uses a dam owned by a governmental or nongovernmental entity, and without regard to whether the facility begins operation on or after the date of the enactment of this section.

(c) Eligibility Window.—Payments may be made under this section only for electric energy generated from a qualified hydroelectric facility which begins operation during the period of 10 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle.

(d) Incentive Period.—A qualified hydroelectric facility may receive payments under this section for a period of 10 fiscal years (referred to in this section as the "incentive period"). Such period shall begin with the fiscal year in which electric energy generated from the facility is first eligible for such payments.

(e) Amount of Payment.—

(1) In general.—Payments made by the Secretary under this section to the owner or operator of a qualified hydroelectric facility shall be based on the number of kilowatt hours of hydroelectric energy generated by the facility during the incentive period. For any such facility, the amount of such payment shall be 1.8 cents per kilowatt hour (adjusted as provided in paragraph (2)), subject to the availability of appropriations under subsection (g), except that no facility may receive more than $750,000 in one calendar year.

(2) Adjustments.—The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2003 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions the calendar year 2003 shall be substituted for calendar year 1979.

(f) Sunset.—No payment may be made under this section to any qualified hydroelectric facility after the expiration of the period of 20 fiscal years beginning with the first full fiscal year occurring after the date of enactment of this subtitle, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 10 fiscal years.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 13202. HYDROELECTRIC EFFICIENCY IMPROVEMENT.

(a) Incentive Payments.—The Secretary of Energy shall make incentive payments to the owners or operators of hydroelectric facilities at existing dams to be used to make capital improvements in the facilities that are directly related to improving the efficiency of such facilities by at least 3 percent.

(b) Limitations.—Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than one payment may be made with respect to improvements at a single facility. No payment in excess of $750,000 may be made with respect to improvements at a single facility.

(c) Authorization.—There is authorized to be appropriated to carry out this section not more than $10,000,000 for each of the fiscal years 2004 through 2013.

SEC. 13203. SMALL HYDROELECTRIC POWER PROJECTS.

Section 408(a)(6) of the Public Utility Regulatory Policies Act of 1978 is amended by striking "April 20, 1977" and inserting "March 4, 2003".

SEC. 13204. INCREASED HYDROELECTRIC GENERATION AT EXISTING FEDERAL FACILITIES.

(a) In General.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Army, shall conduct studies of the cost-effective opportunities to increase hydropower generation at existing federally-owned or operated water regulation, storage, and conveyance facilities.

Such studies shall be completed within two years after the date of enactment of this subtitle and transmitted to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. An individual study shall be prepared for each of the Nation's principal river basins. Each such study shall identify and describe with specificity the following matters:

(1) Opportunities to improve the efficiency of hydropower generation at such facilities through, but not limited to, mechanical, structural, or operational changes.

(2) Opportunities to improve the efficiency of the use of water supplied or regulated by Federal projects where such improvement could, in the absence of legal or administrative constraints, make additional water supplies available for hydropower generation or reduce project energy use.

(3) Opportunities to create additional hydropower generating capacity at existing facilities through, but not limited to, the construction of additional generating facilities, the uprating of generators and turbines, and the construction of pumped storage facilities.

(4) Preliminary assessment of the costs and the economic and environmental consequences of such measures.

(b) Previous Studies.—If studies of the type required by subsection (a) have been prepared by any agency of the United States and published within the five years prior to the date of enactment of this subtitle, the Secretary of Energy may choose not to perform new studies and incorporate the information in such studies into the studies required by subsection (a).

(c) Authorization.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE IV—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

SEC. 14001. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2003".

SEC. 14002. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) Indemnification of Nuclear Regulatory Commission Licensees.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "Licenses" and inserting "Licensees"; and

(2) by striking "December 31, 2003" each place it appears and inserting "August 1, 2017".

(b) Indemnification of Department of Energy Contractors.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking "December 31, 2004" and inserting "August 1, 2017".

(c) Indemnification of Nonprofit Educational Institutions.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2017".

SEC. 14003. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in subsection b.(1), in the second proviso of the third sentence—

(A) by striking "$63,000,000" and inserting "$94,000,000"; and

(B) by striking "$10,000,000 in any 1 year" and inserting "$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)"; and

(2) in subsection t.—

(A) by inserting "total and annual" after "amount of the maximum";

(B) by striking "the date of the enactment of the Price-Anderson Amendments Act of 1988" and inserting "July 1, 2002"; and

(C) by striking "such date of enactment" and inserting "July 1, 2002".

SEC. 14004. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) Indemnification of Department of Energy Contractors.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) Contract Amendments.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2003, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) Liability Limit.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 14005. INCIDENTS OUTSIDE THE UNITED STATES.

(a) Amount of Indemnification.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) Liability Limit.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 14006. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2013".

SEC. 14007. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 14008. PRICE-ANDERSON TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following new paragraph:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 14009. APPLICABILITY.

The amendments made by sections 14003, 14004, and 14005 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

SEC. 14010. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR CERTAIN FOREIGN ACCIDENTS.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"u. Prohibition on Assumption of Liability for Certain Foreign Accidents.—Notwithstanding this section or any other provision of law, no officer of the United States or of any department, agency, or instrumentality of the United States Government may enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to directly or indirectly impose liability on the United States Government, or any department, agency, or instrumentality of the United States Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear accidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961, section 6(j)(1) of the Export Administration Act of 1979, or section 40(d) of the Arms Export Control Act to have repeatedly provided support for acts of international terrorism).".

SEC. 14011. SECURE TRANSFER OF NUCLEAR MATERIALS.

(a) Amendment.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201–2210b) is amended by adding at the end the following new section:

"Sec. 170C. Secure Transfer of Nuclear Materials.—

"a. The Nuclear Regulatory Commission shall establish a system to ensure that, with respect to activities by any party pursuant to a license issued under this Act—

"(1) materials described in subsection b., when transferred or received in the United States—

"(A) from a facility licensed by the Nuclear Regulatory Commission;

"(B) from a facility licensed by an agreement State; or

"(C) from a country with whom the United States has an agreement for cooperation under section 123,

are accompanied by a manifest describing the type and amount of materials being transferred;

"(2) each individual transferring or accompanying the transfer of such materials has been subject to a security background check by appropriate Federal entities; and

"(3) such materials are not transferred to or received at a destination other than a facility licensed by the Nuclear Regulatory Commission or an agreement State under this Act or other appropriate Federal facility, or a destination outside the United States in a country with whom the United States has an agreement for cooperation under section 123.

"b. Except as otherwise provided by the Commission by regulation, the materials referred to in subsection a. are byproduct materials, source materials, special nuclear materials, high-level radioactive waste, spent nuclear fuel, transuranic waste, and low-level radioactive waste (as defined in section 2(16) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(16)))."

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter as it considers necessary, the Nuclear Regulatory Commission shall issue regulations identifying radioactive materials that, consistent with the protection of public health and safety and the common defense and security, are appropriate exceptions to the requirements of section 170C of the Atomic Energy Act of 1954, as added by subsection (a) of this section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect upon the issuance of regulations under subsection (b).

(d) EFFECT ON OTHER LAW.—Nothing in this section or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.

(e) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 14 of the Atomic Energy Act of 1954 is amended by adding at the end the following new item:

"Sec. 170C. Secure transfer of nuclear materials.".

SEC. 14012. NUCLEAR FACILITY THREATS.

(a) STUDY.—The President, in consultation with the Nuclear Regulatory Commission and other appropriate Federal, State, and local agencies and private entities, shall conduct a study to identify the types of threats that pose an appreciable risk to the security of the various classes of facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954. Such study shall take into account, but not be limited to—

(1) the events of September 11, 2001;

(2) an assessment of physical, cyber, biochemical, and other terrorist threats;

(3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;

(4) the potential for assistance in an attack from several persons employed at the facility;

(5) the potential for suicide attacks;

(6) the potential for water-based and air-based threats;

(7) the potential use of explosive devices of considerable size and other modern weaponry;

(8) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(9) the potential for fires, especially fires of long duration; and

(10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals.

(b) SUMMARY AND CLASSIFICATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Congress and the Nuclear Regulatory Commission a report—

(1) summarizing the types of threats identified under subsection (a); and

(2) classifying each type of threat identified under subsection (a), in accordance with existing laws and regulations, as either—

(A) involving attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or otherwise falling under the responsibilities of the Federal Government; or

(B) involving the type of risks that Nuclear Regulatory Commission licensees should be responsible for guarding against.

(c) FEDERAL ACTION REPORT.—Not later than 90 days after the date on which a report is transmitted under subsection (b), the President shall transmit to the Congress a report on actions taken, or to be taken, to address the types of threats identified under subsection (b)(2)(A). Such report may include a classified annex as appropriate.

(d) REGULATIONS.—Not later than 270 days after the date on which a report is transmitted under subsection (b), the Nuclear Regulatory Commission shall issue regulations, including changes to the design basis threat, to ensure that licensees address the threats identified under subsection (b)(2)(B).

(e) PHYSICAL SECURITY PROGRAM.—The Nuclear Regulatory Commission shall establish an operational safeguards response evaluation program that ensures that the physical protection capability and operational safeguards response for sensitive nuclear facilities, as determined by the Commission consistent with the protection of public health and the common defense and security, shall be tested periodically through Commission approved or designed, observed, and evaluated force-on-force exercises to determine whether the ability to defeat the design basis threat is being maintained. For purposes of this subsection, the term "sensitive nuclear facilities" includes at a minimum commercial nuclear power plants, including associated spent fuel storage facilities, spent fuel storage pools and dry cask storage at closed reactors, independent spent fuel storage facilities and geologic repository operations areas, category I fuel cycle facilities, and gaseous diffusion plants.

(f) CONTROL OF INFORMATION.—In carrying out this section, the President and the Nuclear Regulatory Commission shall control the dissemination of restricted data, safeguards information, and other classified national security information in a manner so as to ensure the common defense and security, consistent with chapter 12 of the Atomic Energy Act of 1954.

SEC. 14013. UNREASONABLE RISK CONSULTATION.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"v. UNREASONABLE RISK CONSULTATION.—(1) Before entering into an agreement of indemnification under this section with respect to a utilization facility, the Nuclear Regulatory Commission shall consult with the Assistant to the President for Homeland Security (or any successor official) concerning whether the location of the proposed facility and the design of that type of facility ensure that the facility provides for adequate protection of public health and safety if subject to a terrorist attack.

"(2) Before issuing a license or a license renewal for a sensitive nuclear facility, the Nuclear Regulatory Commission shall consult with the Secretary of Homeland Security or his designee concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility. For purposes of this paragraph, the term 'sensitive nuclear facility' has the meaning given that term in section 14012 of the Energy Policy Act of 2003.".

SEC. 14014. FINANCIAL ACCOUNTABILITY.

(a) AMENDMENT.—Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following new subsection:

"w. FINANCIAL ACCOUNTABILITY.—(1) Notwithstanding subsection d., the Attorney General may bring an action in the appropriate United States district court to recover from a contractor of the Secretary (or subcontractor or supplier of such contractor) amounts paid by the Federal Government under an agreement of indemnification under subsection d. for public liability resulting from conduct which constitutes intentional misconduct of any corporate officer, manager, or superintendent of such contractor (or subcontractor or supplier of such contractor).

"(2) The Attorney General may recover under paragraph (1) an amount not to exceed the amount of the profit derived by the defendant from the contract.

"(3) No amount recovered from any contractor (or subcontractor or supplier of such contractor) under paragraph (1) may be reimbursed directly or indirectly by the Department of Energy.

"(4) Paragraph (1) shall not apply to any nonprofit entity conducting activities under contract for the Secretary.

"(5) No waiver of a defense required under this section shall prevent a defendant from asserting such defense in an action brought under this subsection.

"(6) The Secretary shall, by rule, define the terms 'profit' and 'nonprofit entity' for purposes of this subsection. Such rulemaking shall be completed not later than 180 days after the date of the enactment of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall not apply to any agreement of indemnification entered into under section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) before the date of the enactment of this Act.

SEC. 14015. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d. Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of any discretionary fee paid under the contract under which such violation occurs for any nonprofit contractor, subcontractor, or supplier—

“(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

“(2) identified by the Secretary by rule as appropriate to be treated the same under this subsection as an entity described in paragraph (1), consistent with the purposes of this section.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of the enactment of this Act.

(d) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall issue a rule for the implementation of the amendment made by subsection (b).

Subtitle B—Miscellaneous Matters

SEC. 14021. LICENSES.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended by inserting “from the authorization to commence operations” after “forty years”.

SEC. 14022. NUCLEAR REGULATORY COMMISSION MEETINGS.

If a quorum of the Nuclear Regulatory Commission gathers to discuss official Commission business the discussions shall be recorded, and the Commission shall notify the public of such discussions within 15 days after they occur. The Commission shall promptly make a transcript of the recording available to the public on request, except to the extent that public disclosure is exempted or prohibited by law. This section shall not apply to a meeting, within the meaning of that term under section 552b(a)(2) of title 5, United States Code.

SEC. 14023. NRC TRAINING PROGRAM.

(a) IN GENERAL.—In order to maintain the human resource investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical nuclear safety regulatory skills.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2004 through 2007.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SEC. 14024. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “for or is issued” and all that follows through “1702” and inserting “to the Commission for, or is issued by the Commission, a license or certificate”;

(2) by striking “483a” and inserting “9701”; and

(3) by striking “, of applicants for, or holders of, such licenses or certificates”.

SEC. 14025. ELIMINATION OF PENSION OFFSET.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

“y. exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission.”.

SEC. 14026. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

Section 161 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(k)) is amended to read as follows:

“k. authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize—

“(1) such of those employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities as it deems necessary in the interests of the common defense and security; and

“(2) such of those employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of property of (A) facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission, or (B) property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities;

to carry firearms while in the discharge of their official duties. A person authorized to carry firearms under this subsection may, while in the performance of, and in connection with, official duties, make arrests without warrant for any offense against the United States committed in that person's presence or for any felony cognizable under the laws of the United States if that person has reasonable grounds to believe that the individual to be arrested has committed or is committing such felony. An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to carry firearms under this subsection may make such arrests only when the individual to be arrested is within, or in direct flight from, the area of such offense. A person granted authority to make arrests by this subsection may exercise that authority only in the enforcement of laws regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or of a licensee or certificate holder of the Commission, laws applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission pursuant to this subsection and property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission, or any provision of this Act that may subject an offender to a fine, imprisonment, or both. The arrest authority conferred by this subsection is in addition to any arrest authority under other laws. The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement this subsection;”.

SEC. 14027. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended by adding after “custody of the Commission” the following: “or subject to its licensing authority or to certification by the Commission under this Act or any other Act”.

SEC. 14028. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended to read as follows:

“a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

“(1) any production facility or utilization facility licensed under this Act;

“(2) any nuclear waste storage, treatment, or disposal facility licensed under this Act;

“(3) any nuclear fuel for a utilization facility licensed under this Act or any spent nuclear fuel from such a facility;

“(4) any uranium enrichment or nuclear fuel fabrication facility licensed or certified by the Nuclear Regulatory Commission; or

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during its construction where the destruction or damage caused or attempted to be caused could affect public health and safety during the operation of the facility,

shall be fined not more than $1,000,000 or imprisoned for up to life in prison without parole, or both.”.

SEC. 14029. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of fiscal years 2004, 2005, and 2006 for—

(1) cooperative, cost-shared agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term “domestic uranium producer” has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998, in Colorado, Nebraska, Texas, Utah, or Wyoming.

SEC. 14030. URANIUM SALES.

(a) RESTRICTIONS ON INVENTORY SALES.—Section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)) is amended to read as follows:

“(d) INVENTORY SALES.—(1) In addition to the transfers and sales authorized under subsections (b), (c), and (e), the Secretary of Energy or the Secretary of the Army may transfer or sell uranium subject to paragraph (2).

“(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium shall be made under this subsection by the Secretary of Energy or the Secretary of the Army unless—

“(A) the President determines that the material is not necessary for national security needs;

"(B) the price paid to the appropriate Secretary, if the transaction is a sale, will not be less that the fair market value of the material; and

"(C) the sale or transfer to end users is made pursuant to a contract of at least 3 years duration.

"(3) The Secretary of Energy shall not make any transfer or sale of uranium under this subsection that would cause the total amount of uranium transferred or sold pursuant to this subsection that is delivered for consumption by end users to exceed—

"(A) 3 million pounds of U_3O_8 equivalent in fiscal year 2004, 2005, 2006, 2007, 2008, or 2009;

"(B) 5 million pounds of U_3O_8 equivalent in fiscal year 2010 or 2011;

"(C) 7 million pounds of U_3O_8 equivalent in fiscal year 2012; and

"(D) 10 million pounds of U_3O_8 equivalent in fiscal year 2013 or any fiscal year thereafter.

"(4) For the purposes of this subsection, the recovery of uranium from uranium bearing materials transferred or sold by the Secretary of Energy or the Secretary of the Army to the domestic uranium industry shall be the preferred method of making uranium available. The recovered uranium shall be counted against the annual maximum deliveries set for in this section, when such uranium is sold to end users.".

(b) Transfers to Corporation.—Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is further amended by adding at the end the following new subsection:

"(g) Transfers to Corporation.—Notwithstanding subsection (b)(2) and subsection (d)(2), the Secretary may transfer up to 9,550 metric tons of uranium to the Corporation to replace uranium that the Secretary transferred to the Corporation on or about June 30, 1993, April 20, 1998, and May 18, 1998, and that does not meet commercial specifications.".

(c) Services.—Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is further amended by adding at the end the following new subsection:

"(h) Services.—(1) Notwithstanding any other provision of this section, if the Secretary determines that if the Corporation has failed, or may fail, to perform any obligation under the Agreement between the Department of Energy and the Corporation dated June 17, 2002, and as amended thereafter, which failure could result in termination of the Agreement, the Secretary shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in such a manner that affords the Committees an opportunity to comment, prior to a determination by the Secretary whether termination, waiver, or modification of the Agreement is required. The Secretary is authorized to take such action as he determines necessary under the Agreement to terminate, waive, or modify provisions of the Agreement to achieve its purposes.

"(2) Notwithstanding any other provision of this section, if the Secretary determines in accordance with Article 2D of the Agreement between the Department of Energy and the Corporation dated June 17, 2002, and as amended thereafter, to transition operation of the Paducah gaseous diffusion plant, the Secretary may provide uranium enrichment services in a manner consistent with Article 2D of such Agreement.".

(d) Report.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Congress on the implementation of this section. The report shall include a discussion of available excess uranium inventories, all sales or transfers made by the Secretary of Energy or the Secretary of the Army, the impact of such sales or transfers on the domestic uranium industry, the spot market uranium price, and the national security interests of the United States, and any steps taken to remediate any adverse impacts of such sales or transfers.

SEC. 14031. MEDICAL ISOTOPE PRODUCTION.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended—

(1) by redesignating subsection b. as subsection f.;

(2) by inserting after subsection a. the following:

"b. The Commission may issue a license authorizing the export (including shipment to and use at intermediate and ultimate consignees specified in the license) to a Recipient Country of highly enriched uranium for medical isotope production if, in addition to any other requirements of this Act, the Commission determines that—

"(1) a Recipient Country that supplies an assurance letter to the United States Government in connection with the Commission's consideration of the export license application has informed the United States Government that any intermediate consignees and the ultimate consignee specified in the application are required to use such highly enriched uranium solely to produce medical isotopes; and

"(2) the highly enriched uranium for medical isotope production will be irradiated only in a reactor in a Recipient Country that—

"(A) uses an alternative nuclear reactor fuel; or

"(B) is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when such fuel can be used in that reactor.

"c. Applications to the Commission for licenses authorizing the export to a Recipient Country of highly enriched uranium for medical isotope production shall be subject to subsection b., and subsection a. shall not be applicable to such exports.

"d. The Commission is authorized to specify, by rulemaking or decision in connection with an export license application, that a country other than a Recipient Country may receive exports of highly enriched uranium for medical isotope production in accordance with the same criteria established by subsection b. for exports to a Recipient Country, upon the Commission's finding that such additional country is a party to the Treaty on the Nonproliferation of Nuclear Weapons and the Convention on the Physical Protection of Nuclear Material and will receive such highly enriched uranium pursuant to an agreement with the United States concerning peaceful uses of nuclear energy.

"e. The Commission shall review the adequacy of physical protection requirements that are currently applicable to the transportation of highly enriched uranium for medical isotope production. If it determines that additional physical protection measures are necessary, including any limits that the Commission finds are necessary on the quantity of highly enriched uranium contained in a single shipment for medical isotope production, the Commission shall impose such requirements, as license conditions or through other appropriate means."; and

(3) in subsection f., as so redesignated by paragraph (1) of this section—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3)(B) and inserting a semicolon; and

(C) by adding at the end the following:

"(4) the term 'medical isotopes' means radioactive isotopes, including Molybdenum 99, Iodine 131, and Xenon 133, that are used to produce radiopharmaceuticals for diagnostic or therapeutic procedures on patients, or in connection with research and development of radiopharmaceuticals;

"(5) the term 'highly enriched uranium for medical isotope production' means highly enriched uranium contained in, or for use in, targets to be irradiated for the sole purpose of producing medical isotopes;

"(6) the term 'radiopharmaceuticals' means radioactive isotopes containing byproduct material combined with chemical or biological material that are designed to accumulate temporarily in a part of the body, for therapeutic purposes or for enabling the production of a useful image of the appropriate body organ or function for use in diagnosis of medical conditions; and

"(7) the term 'Recipient Country' means Canada, Belgium, France, Germany, and the Netherlands.".

SEC. 14032. HIGHLY ENRICHED URANIUM DIVERSION THREAT REPORT.

Section 307 of the Energy Reorganization Act of 1974 (42 U.S.C. 5877) is amended by adding at the end the following new subsection:

"(d) Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report with recommendations on reducing the threat resulting from the theft or diversion of highly enriched uranium. Such report shall address—

"(1) monitoring of highly enriched uranium supplies at any commercial companies who have access to substantial amounts of highly enriched uranium;

"(2) assistance to companies described in paragraph (1) with security and personnel checks;

"(3) acceleration of the process of blending down excess highly enriched uranium into low-enriched uranium;

"(4) purchasing highly enriched uranium (except for production of medical isotopes);

"(5) paying the cost of shipping highly enriched uranium;

"(6) accelerating the conversion of commercial research reactors and energy reactors to the use of low-enriched uranium fuel where they now use highly enriched uranium fuel; and

"(7) minimizing, and encouraging transparency in, the further enrichment of low-enriched uranium to highly enriched uranium.".

SEC. 14033. WHISTLEBLOWER PROTECTION.

(a) Definition of Employer.—Section 211(a)(2) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) in subparagraph (D), by striking "that is indemnified" and all that follows through "12344." and inserting "or the Commission; and"; and

(3) by adding at the end the following new subparagraph:

"(E) the Department of Energy and the Commission.".

(b) De Novo Review.—Subsection (b) of such section 211 is amended by adding at the end the following new paragraph:

"(4) If the Secretary has not issued a final decision within 180 days after the filing of a complaint under paragraph (1), and there is no showing that such delay is due to the bad faith of the claimant, the claimant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.”.

SEC. 14034. PREVENTING THE MISUSE OF NUCLEAR MATERIALS AND TECHNOLOGY.

(a) AMENDMENT.—Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

“SEC. 170D. PREVENTING THE MISUSE OF NUCLEAR MATERIALS AND TECHNOLOGY.—

“a. In order to successfully promote the development of nuclear energy as a safe and reliable source of electrical energy, it is the policy of the United States to prevent any nuclear materials, technology, components, substances, technical information, or related goods or services from being misused or diverted from peaceful nuclear energy purposes.

“b. In order to further advance the policy set forth in subsection a., notwithstanding any other provision of law, no Federal agency shall issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, either directly or indirectly, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961, section 6(j)(1) of the Export Administration Act of 1979, or section 40(d) of the Arms Export Control Act to have repeatedly provided support for acts of international terrorism) of—

“(1) any special nuclear material or byproduct material;

“(2) any nuclear production or utilization facilities; or

“(3) any components, technologies, substances, technical information, or related goods or services used (or which could be used) in a nuclear production or utilization facility.

“c. Any license, approval, or authorization described in subsection b. made prior to the date of enactment of this section is hereby revoked.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of such chapter 14 is amended by adding at the end the following item:

“Sec. 170D. Preventing the misuse of nuclear materials and technology.”.

SEC. 14035. LIMITATION ON LEGAL FEE REIMBURSEMENT.

The Department of Energy shall not, except as required under a contract entered into before the date of enactment of this Act, reimburse any contractor or subcontractor of the Department for any legal fees or expenses incurred with respect to a complaint subsequent to—

(1) an adverse determination on the merits with respect to such complaint against the contractor or subcontractor by the Director of the Department of Energy's Office of Hearings and Appeals pursuant to section 708 of title 10, Code of Federal Regulations, or by a Department of Labor Administrative Law Judge pursuant to section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851); or

(2) an adverse final judgment by any State or Federal court with respect to such complaint against the contractor or subcontractor for wrongful termination or retaliation due to the making of disclosures protected under chapter 12 of title 5, United States Code, section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851), or any comparable State law,

unless the adverse determination or final judgment is reversed upon further administrative or judicial review.

TITLE V—VEHICLES AND FUELS

Subtitle A—Energy Policy Act Amendments

SEC. 15011. CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARD NONCOVERED FLEETS.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following new subsection:

“(e) CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARD USE OF DEDICATED VEHICLES IN NONCOVERED FLEETS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MEDIUM OR HEAVY DUTY VEHICLE.—The term ‘medium or heavy duty vehicle’ means a dedicated vehicle that—

“(i) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; or

“(ii) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds.

“(B) SUBSTANTIAL CONTRIBUTION.—The term ‘substantial contribution’ means not less than $15,000 in cash or in kind services, as determined by the Secretary.

“(2) ALLOCATION OF CREDITS.—The Secretary shall allocate a credit to a fleet or covered person under this section if the fleet or person makes a substantial contribution toward the acquisition and use of dedicated vehicles or neighborhood electric vehicles by a person that owns, operates, leases, or otherwise controls a fleet that is not covered by this title.

“(3) MULTIPLE CREDITS FOR MEDIUM AND HEAVY DUTY VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this section if the fleet or person makes a substantial contribution toward the acquisition and use of a medium or heavy duty vehicle.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle or neighborhood electric vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

“(5) LIMITATION.—Except as provided in paragraph (3), no more than 1 credit shall be allocated under this subsection for each vehicle.”.

SEC. 15012. CREDIT FOR ALTERNATIVE FUEL INFRASTRUCTURE.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258), as amended by this division, is further amended by adding at the end the following new subsection:

“(f) CREDIT FOR INVESTMENT IN ALTERNATIVE FUEL INFRASTRUCTURE.—

“(1) DEFINITION.—In this subsection, the term ‘qualifying infrastructure’ means—

“(A) equipment required to refuel or recharge alternative fueled vehicles;

“(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

“(C) training programs, educational materials, or other activities necessary to provide information regarding the operation, maintenance, or benefits associated with alternative fueled vehicles; and

“(D) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

“(2) ALLOCATION OF CREDITS.—The Secretary shall allocate a credit to a fleet or covered person under this section for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

“(3) AMOUNT.—For the purposes of credits under this subsection—

“(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or in kind services, as determined by the Secretary; and

“(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.”.

SEC. 15013. ALTERNATIVE FUELED VEHICLE REPORT.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(2) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(3) LIGHT DUTY MOTOR VEHICLE.—The term “light duty motor vehicle” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the effect that titles III, IV, and V of the Energy Policy Act of 1992 have had on the development of alternative fueled vehicle technology, the availability of alternative fueled vehicles in the market, the cost of light duty motor vehicles that are alternative fueled vehicles, and the availability, cost, and use of alternative fuels and biodiesel. Such report shall include any recommendations of the Secretary for legislation concerning the alternative fueled vehicle requirements under the Energy Policy Act of 1992, and shall examine, discuss, and determine the following:

(1) The number of alternative fueled vehicles acquired by fleets or covered persons required to acquire alternative fueled vehicles.

(2) The extent to which fleets subject to alternative fueled vehicle acquisition requirements have met those requirements through the use of fuel mixtures that contain at least 20 percent biodiesel pursuant to section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220).

(3) The amount of alternative fuel used in alternative fueled vehicles acquired by fleets required to acquire alternative fueled vehicles under the Energy Policy Act of 1992.

(4) The amount of petroleum displaced by the use of alternative fueled vehicles acquired by fleets or covered persons.

(5) The cost of compliance with vehicle acquisition requirements under the Energy Policy Act of 1992, and the benefits of using such fuel and vehicles.

(6) Projections of the amount of biodiesel, the number of alternative fueled vehicles, and the amount of alternative fuel that will

be used over the next decade by fleets required to acquire alternative fueled vehicles under the Energy Policy Act of 1992.

(7) The existence of any obstacles to increased use of alternative fuel and biodiesel in vehicles acquired or maintained by fleets required to acquire alternative fueled vehicles under the Energy Policy Act of 1992, and the benefits of using such fuel and vehicles.

SEC. 15014. ALLOCATION OF INCREMENTAL COSTS.

Section 303(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c)) is amended by striking "may" and inserting "shall".

Subtitle B—Advanced Vehicles

SEC. 15021. DEFINITIONS.

For the purposes of this subtitle, the following definitions apply:

(1) ALTERNATIVE FUELED VEHICLE..—The term "alternative fueled vehicle" means a vehicle propelled solely on an alternative fuel as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211), except the term does not include any vehicle that the Secretary determines, by rule, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means a vehicle propelled by an electric motor powered by a fuel cell system that converts chemical energy into electricity by combining oxygen (from air) with hydrogen fuel that is stored on the vehicle or is produced onboard by reformation of a hydrocarbon fuel. Such fuel cell system may or may not include the use of auxiliary energy storage systems to enhance vehicle performance.

(3) HYBRID VEHICLE.—The term "hybrid vehicle" means a medium or heavy duty vehicle propelled by an internal combustion engine or heat engine using any combustible fuel and an onboard rechargeable energy storage device.

(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term "neighborhood electric vehicle" means a motor vehicle capable of traveling at speeds of 25 miles per hour that is—

(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations;

(B) a zero-emission vehicle, as such term is defined in section 86.1702-99 of title 40, Code of Federal Regulations; and

(C) otherwise lawful to use on local streets.

(5) PILOT PROGRAM.—The term "pilot program" means the competitive grant program established under section 15022.

(6) ULTRA-LOW SULFUR DIESEL VEHICLE.—The term "ultra-low sulfur diesel vehicle" means a vehicle manufactured in model years 2002 through 2006 powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel which contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model years 2002 and 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of ultra-low sulfur diesel vehicles of the same class and application that are commercially available.

SEC. 15022. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot program, to be administered through the Clean Cities Program of the Department of Energy, to provide not more than 10 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—Grants under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

(A) passenger vehicles including neighborhood electric vehicles; and

(B) motorized two-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—

(A) buses used for public transportation or transportation to and from schools;

(B) delivery vehicles for goods or services; and

(C) ground support vehicles at public airports, including vehicles to carry baggage or push airplanes away from terminal gates.

(3) The acquisition of ultra-low sulfur diesel vehicles.

(4) Infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant, including fueling and other support equipment.

(5) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the pilot program. At a minimum, the Secretary shall require that applications be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and a registered participant in the Clean Cities Program of the Department of Energy, and shall include—

(A) a description of the projects proposed in the application, including how they meet the requirements of this subtitle;

(B) an estimate of the ridership or degree of use of the projects proposed in the application;

(C) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the projects proposed in the application, and a plan to collect and disseminate environmental data, related to the projects to be funded under the grant, over the life of the projects;

(D) a description of how the projects proposed in the application will be sustainable without Federal assistance after the completion of the term of the grant;

(E) a complete description of the costs of each project proposed in the application, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(F) a description of which costs of the projects proposed in the application will be supported by Federal assistance under this subtitle; and

(G) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the projects, and a commitment by the applicant to use such fuel in carrying out the projects.

(2) PARTNERS.—An applicant under paragraph (1) may carry out projects under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall consider each applicant's previous experience with similar projects and shall give priority consideration to applications that—

(1) are most likely to maximize protection of the environment;

(2) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subtitle is completed; and

(3) exceed the minimum requirements of subsection (c)(1)(A).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) PUBLICATION.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due within 6 months of the publication of the notice.

(2) SELECTION.—Not later than 6 months after the date by which applications for grants are due, the Secretary shall select by competitive, peer review all applications for projects to be awarded a grant under the pilot program.

(g) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

SEC. 15023. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 2 months after the date grants are awarded under this subtitle, the Secretary shall transmit to the Congress a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the

pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) EVALUATION.—Not later than 3 years after the date of the enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall transmit to the Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fueled vehicles and ultra-low sulfur diesel vehicles.

SEC. 15024. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $200,000,000 to carry out this subtitle, to remain available until expended.

Subtitle C—Hydrogen Fuel Cell Heavy-Duty Vehicles

SEC. 15031. DEFINITION.

For the purposes of this subtitle, the term "advanced vehicle technologies program" means the program created pursuant to section 5506 of title 49, United States Code.

SEC. 15032. FINDINGS.

The Congress makes the following findings:

(1) The Department of Energy and the Department of Transportation jointly developed the consortium-based advanced vehicle technologies program to develop energy efficient and clean heavy-duty vehicles in 1998.

(2) The majority of clean fuel vehicles in operation today are transit buses.

(3) Hydrogen fuel cell heavy-duty vehicle bus deployments can most appropriately advance hydrogen fuel cell technology development due to centralized refueling, stable duty cycles, and fixed routes.

(4) Hydrogen fuel cell heavy-duty vehicle bus deployments are the most effective manner in which to advance technology developments for public awareness, consumption, and acceptance.

SEC. 15033. HYDROGEN FUEL CELL BUSES.

The Secretary of Energy, through the advanced vehicle technologies program, in coordination with the Secretary of Transportation, shall advance the development of fuel cell bus technologies by providing funding for 4 demonstration sites that—

(1) have or will soon have hydrogen infrastructure for fuel cell bus operation; and

(2) are operated by entities with experience in the development of fuel cell bus technologies,

to enable the widespread utilization of fuel cell buses. Such demonstrations shall address the reliability of fuel cell heavy-duty vehicles, expense, infrastructure, containment, storage, safety, training, and other issues.

SEC. 15034. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy $10,000,000 for each of the fiscal years 2004 through 2008 for carrying out this subtitle.

Subtitle D—Miscellaneous

SEC. 15041. RAILROAD EFFICIENCY.

(a) ESTABLISHMENT.—The Secretary shall, in conjunction with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the Federal Government, the railroad industry, locomotive manufacturers and equipment suppliers, and the research facility owned by the Federal Railroad Administration and operated by contract. The goal of the research partnership shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, and lower costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the requirements of this section $25,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, and $35,000,000 for fiscal year 2006.

SEC. 15042. MOBILE EMISSION REDUCTIONS TRADING AND CREDITING.

Within 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide a report to the Congress on the Environmental Protection Agency's experience with the trading of mobile source emission reduction credits for use by owners and operators of stationary source emission sources to meet emission offset requirements within a nonattainment area. The report shall describe—

(1) projects approved by the Environmental Protection Agency that include the trading of mobile source emission reduction credits for use by stationary sources in complying with offset requirements, including project and stationary sources location, volumes of emissions offset and traded, a description of the sources of mobile emission reduction credits, and, if available, the cost of the credits;

(2) the significant issues identified by the Environmental Protection Agency in its consideration and approval of trading in such projects;

(3) the requirements for monitoring and assessing the air quality benefits of any approved project;

(4) the statutory authority upon which the Environmental Protection Agency has based approval of such projects;

(5) an evaluation of how the resolution of issues in approved projects could be utilized in other projects; and

(6) any other issues the Environmental Protection Agency considers relevant to the trading and generation of mobile source emission reduction credits for use by stationary sources or for other purposes.

SEC. 15043. IDLE REDUCTION TECHNOLOGIES.

(a) DEFINITIONS.—For purposes of this section:

(1) IDLE REDUCTION TECHNOLOGY.—The term "idle reduction technology" means a device or system of devices utilized to reduce long-duration idling of a heavy-duty vehicle.

(2) HEAVY-DUTY VEHICLE.—The term "heavy-duty vehicle" means a vehicle that has a gross vehicle weight rating greater than 26,000 pounds and is powered by a diesel engine.

(3) LONG-DURATION IDLING.—The term "long-duration idling" means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

(b) STUDIES OF THE BENEFITS OF IDLE REDUCTION TECHNOLOGIES.—

(1) POTENTIAL FUEL SAVINGS.—Not later than 90 days after the date of enactment of this section, the Secretary of Energy shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from use of idle reduction technologies.

(2) RECOGNITION OF BENEFITS OF ADVANCED IDLE REDUCTION TECHNOLOGIES.—Within 90 days after the date of enactment of this section, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's mobile source air emissions models used under the Clean Air Act to determine whether such models accurately reflect the emissions resulting from long-duration idling of heavy-duty trucks and other vehicles and engines, and shall update those models as the Administrator deems appropriate. Additionally, within 90 days after the date of enactment of this section, the Administrator shall commence a review as to the appropriate emissions reductions credit that should be allotted under the Clean Air Act for the use of advanced idle reduction technologies, and whether such credits should be subject to an emissions trading system, and shall revise Agency regulations and guidance as the Administrator deems appropriate.

(3) IDLING TECHNOLOGIES.—Not later than 180 days after the date of the enactment of this section, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall commence a study to analyze where heavy duty and other vehicles stop for long duration idling.

(c) VEHICLE WEIGHT EXEMPTION.—Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "In instances where an idle reduction technology is installed onboard a motor vehicle, the maximum gross vehicle weight limit and the axle weight limit for any motor vehicle equipped with an idling reduction system may be increased by an amount necessary to compensate for the additional weight of the idling reduction system, except that the weight limit increase shall be no greater than 400 pounds.".

SEC. 15044. STUDY OF AVIATION FUEL CONSERVATION AND EMISSIONS.

The Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall jointly commence a study within 60 days after the date of enactment of this Act to identify the impact of aircraft emissions on air quality in nonattainment areas and to identify ways to promote fuel conservation measures for aviation, enhance fuel efficiency, and reduce emissions. As part of this study, the Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall focus on how air traffic management inefficiencies, such as aircraft idling at airports, result in unnecessary fuel burn and air emissions. Within 180 days after the commencement of the study, the Administrator of the Federal Aviation Administration and the Administrator of the Environmental Protection Agency shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate containing the results of the study and recommendations as to how unnecessary fuel use and emissions affecting air quality may be reduced, without impacting safety and security, increasing individual aircraft noise, and taking into account all aircraft emissions and their relative impact on human health.

SEC. 15045. DIESEL FUELED VEHICLES.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate efforts to improve diesel combustion and after-treatment technologies for use in diesel fueled motor vehicles.

(b) GOAL.—

(1) COMPLIANCE WITH TIER 2 EMISSION STANDARDS BY 2010.—The Secretary shall carry out subsection (a) with a view to developing and demonstrating diesel technology meeting tier 2 emission standards not later than 2010.

(2) TIER 2 EMISSION STANDARDS DEFINED.—In this subsection, the term "tier 2 emission standards" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under sections 202 and 211 of the Clean Air Act to apply to passenger cars, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

SEC. 15046. WAIVERS OF ALTERNATIVE FUELED VEHICLE FUELING REQUIREMENT.

Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E)(i) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that an agency needs a waiver of such requirement for vehicles in the fleet of the agency in a particular geographic area where—

"(I) the alternative fuel otherwise required to be used in the vehicle is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency; or

"(II) the cost of the alternative fuel otherwise required to be used in the vehicle is unreasonably more expensive compared to gasoline, as certified by the head of the agency.

"(ii) The Secretary shall monitor compliance with this subparagraph by all such fleets and shall report annually to the Congress on the extent to which the requirements of this subparagraph are being achieved. The report shall include information on annual reductions achieved of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels.".

SEC. 15047. TOTAL INTEGRATED THERMAL SYSTEMS.

The Secretary shall—

(1) conduct a study of the benefits of total integrated thermal systems in reducing demand for oil and protecting the environment; and

(2) examine the feasibility of using total integrated thermal systems in Department of Defense and other Federal motor vehicle fleets.

SEC. 15048. OIL BYPASS FILTRATION TECHNOLOGY.

The Secretary of Energy and the Administrator of the Environmental Protection Agency shall—

(1) conduct a joint study of the benefits of oil bypass filtration technology in reducing demand for oil and protecting the environment; and

(2) examine the feasibility of using oil bypass filtration technology in Federal motor vehicle fleets.

SEC. 15049. NATURAL GAS CONDENSATE STUDY.

Not later than 18 months after the date of enactment of this Act, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall transmit to the Congress the results of a study to consider fuels derived from natural gas condensate and the appropriate blending of such condensates. The study shall consider—

(1) usage options;

(2) potential volume capacities;

(3) costs;

(4) air emissions;

(5) fuel efficiencies; and

(6) potential use in the Federal fleet program under title III of the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.).

TITLE VI—ELECTRICITY

Subtitle A—Transmission Capacity

SEC. 16011. TRANSMISSION INFRASTRUCTURE IMPROVEMENT RULEMAKING.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding the following new section at the end thereof:

"SEC. 215. TRANSMISSION INFRASTRUCTURE IMPROVEMENT RULEMAKING.

"(a) RULEMAKING REQUIREMENT.—Within 1 year after the enactment of this section, the Commission shall establish, by rule, incentive-based (including but not limited to performance-based) transmission rate treatments to promote capital investment in the enlargement and improvement of facilities for the transmission of electric energy in interstate commerce as appropriate to—

"(1) promote economically efficient transmission and generation of electricity;

"(2) provide a return on equity that attracts new investment in transmission facilities and reasonably reflects the risks taken by public utilities in restructuring control of transmission assets; and

"(3) encourage deployment of transmission technologies and other measures to increase the capacity and efficiency of existing transmission facilities and improve the operation of such facilities.

The Commission may, from time to time, revise such rule.

"(b) FUNDING OF CERTAIN FACILITIES.—The rule promulgated pursuant to this section shall provide that, upon the request of a regional transmission organization or other Commission-approved transmission organization, new transmission facilities that increase the transfer capability of the transmission system shall be participant funded. In such rules, the Commission shall also provide guidance as to what types of facilities may be participant funded.

"(c) JUST AND REASONABLE RATES.—With respect to any transmission rate filed with the Commission on or after the effective date of the rule promulgated under this section, the Commission shall, in its review of such rate under sections 205 and 206, apply the rules adopted pursuant to this section, including any revisions thereto. Nothing in this section shall be construed to override, weaken, or conflict with the procedural and other requirements of this part, including the requirement of sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.".

SEC. 16012. SITING OF INTERSTATE ELECTRICAL TRANSMISSION FACILITIES.

(a) AMENDMENT OF FEDERAL POWER ACT.—Part II of the Federal Power Act is amended by adding at the end the following:

"SEC. 216. SITING OF INTERSTATE ELECTRICAL TRANSMISSION FACILITIES.

"(a) TRANSMISSION STUDIES.—Within one year after the enactment of this section, and every 3 years thereafter, the Secretary of Energy shall conduct a study of electric transmission congestion. After considering alternatives and recommendations from interested parties the Secretary shall issue a report, based on such study, which may designate one or more geographic areas experiencing electric energy transmission congestion as 'interstate congestion areas'.

"(b) CONSTRUCTION PERMIT.—The Commission is authorized, after notice and an opportunity for hearing, to issue permits for the construction or modification of electric transmission facilities in interstate congestion areas designated by the Secretary under subsection (a) if the Commission makes each of the following findings:

"(1) A finding that—

"(A) the State in which the transmission facilities are to be constructed or modified is without authority to approve the siting of the facilities, or

"(B) a State commission or body in the State in which the transmission facilities are to be constructed or modified that has authority to approve the siting of the facilities has withheld approval, conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission congestion in interstate commerce and is otherwise not economically feasible, or delayed final approval for more than one year after the filing of an application seeking approval or one year after the designation of the relevant interstate congestion area, whichever is later.

"(2) A finding that the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce.

"(3) A finding that the proposed construction or modification is consistent with the public interest.

"(4) A finding that the proposed construction or modification will significantly reduce transmission congestion in interstate commerce.

The Commission may include in a permit issued under this section conditions consistent with the public interest.

"(c) PERMIT APPLICATIONS.—Permit applications under subsection (b) shall be made in writing to the Commission and verified under oath. The Commission shall issue rules setting forth the form of the application, the information it is to contain, and the manner of service of notice of the permit application upon interested persons.

"(d) COMMENTS.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

"(e) RIGHTS-OF-WAY.—In the case of a permit under subsection (b) for electric transmission facilities to be located on property other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify such transmission facilities, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

"(f) STATE LAW.—Nothing in this section shall preclude any person from constructing any transmission facilities pursuant to State law.

"(g) COMPLIANCE WITH OTHER LAWS.—Commission action under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other applicable Federal laws.

"(h) Compensation.—Any exercise of eminent domain authority pursuant to this section shall be considered a taking of private property for which just compensation is due. Just compensation shall be an amount equal to the full fair market value of the property taken on the date of the exercise of eminent domain authority, except that the compensation shall exceed fair market value if necessary to make the landowner whole for decreases in the value of any portion of the land not subject to eminent domain. Any parcel of land acquired by eminent domain under this subsection shall be transferred back to the owner from whom it was acquired (or his heirs or assigns) if the land is not used for power line construction or modification within a reasonable period of time after the acquisition. Property acquired under this subsection may not be used for any heritage area, recreational trail, or park, or for any other purpose (other than power line construction or modification, and for power line operation and maintenance) without the consent of the owner of the parcel from whom the property was acquired (or his heirs or assigns).

"(i) ERCOT.—Nothing in this section shall be construed to authorize any interconnection with any facility owned or operated by an entity referred to in section 212(k)(2)(B).

"(j) Rights of Way on Federal Lands.—

"(1) Lead agency.—If an applicant, or prospective applicant, for Federal authorization related to an electricity transmission or distribution facility so requests, the Department of Energy (DOE) shall act as the lead agency for purposes of coordinating all applicable Federal authorization and related environmental review of the facility. The term 'Federal authorization' shall mean any authorization required under Federal law in order to site a transmission or distribution facility, including but not limited to such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal or a State agency. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian tribes, multi-State entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

"(2) Authority to set deadlines.—As lead agency, the Department of Energy, in consultation with other Federal and, as appropriate, with Indian tribes, multi-State entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of and Federal authorization decisions relating to the proposed facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary deems necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 1 year or, if a requirement of another provision of Federal law makes this impossible, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days of when the prospective applicant submits a request for such information concerning—

"(A) the likelihood of approval for a potential facility; and

"(B) key issues of concern to the agencies and public.

"(3) Consolidated environmental review and record of decision.—The Secretary of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted. DOE and other agencies shall streamline the review and permitting of transmission and distribution facilities within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions as to the corridors. The document under this section may consist of or include an environmental assessment, if allowed by law, or an environmental impact statement, if warranted or required by law, or such other form of analysis as warranted, consistent with any requirement of the National Environmental Policy Act, the Federal Land Policy and Management Act, or any other applicable law. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

"(4) Appeals.—In the event that any agency has denied a Federal authorization required for a transmission or distribution facility, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary of Energy, who shall, in consultation with the affected agency, review the denial or take action on the pending application. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with any appropriate conditions, or deny the application. The Secretary shall issue a decision within 90 days of the filing of the appeal. In making a decision under this paragraph, the Secretary shall comply with all applicable requirements of Federal law, including any requirements of the Endangered Species Act, the Clean Water Act, the National Forest Management Act, the National Environmental Policy Act, and the Federal Land Management and Policy Act.

"(5) Conforming regulations and memoranda of agreement.—Not later than 18 months after the date of enactment of this section, the Secretary of Energy shall issue any regulations necessary to implement the foregoing provisions. Not later than 1 year after the date of enactment of this section, the Secretary and the heads of all relevant Federal departments and non-departmental agencies shall, and interested Indian tribes, multi-State entities, and State agencies may, enter into Memoranda of Agreement to ensure the timely and coordinated review and permitting of electricity transmission and distribution facilities. The head of each Federal department or non-departmental agency with approval authority shall designate a senior responsible official and dedicate sufficient other staff and resources to ensure that the DOE regulations and any Memoranda are fully implemented.

"(6) Miscellaneous.—Each Federal authorization for an electricity transmission or distribution facility shall be issued for a duration, as determined by the Secretary of Energy, commensurate with the anticipated use of the facility and with appropriate authority to manage the right-of-way for reliability and environmental protection. Further, when such authorizations expire, they shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing its importance for public health, safety and economic welfare and as a legitimate use of Federal lands.

"(7) Maintaining and enhancing the transmission infrastructure.—In exercising the responsibilities under this section, the Secretary of Energy shall consult regularly with the Federal Energy Regulatory Commission (FERC) and FERC-approved Regional Transmission Organizations and Independent System Operators.

"(k) Interstate Compacts.—The consent of Congress is hereby given for States to enter into interstate compacts establishing regional transmission siting agencies to facilitate coordination among the States within such areas for purposes of siting future electric energy transmission facilities and to carry out State electric energy transmission siting responsibilities. The Secretary of Energy may provide technical assistance to regional transmission siting agencies established under this subsection.

"(l) Savings Clause.—Nothing in this section shall be construed to affect any requirement of the environmental laws of the United States, including, but not limited to, the National Environmental Policy Act of 1969. This section shall not apply to any component of the National Wilderness Preservation System, the National Wild and Scenic Rivers System, or the National Park system (including National Monuments therein).".

(b) Federal Corridors.—The Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, and the Chairman of the Council on Environmental Quality shall, within 90 days of the date of enactment of this subsection, submit a joint report to Congress identifying the following:

(1) all existing designated transmission and distribution corridors on Federal land and the status of work related to proposed transmission and distribution corridor designations, the schedule for completing such work, any impediments to completing the work, and steps that Congress could take to expedite the process;

(2) the number of pending applications to locate transmission and distribution facilities on Federal lands, key information relating to each such facility, how long each application has been pending, the schedule for issuing a timely decision as to each facility, and progress in incorporating existing and new such rights-of-way into relevant land use and resource management plans or their equivalent; and

(3) the number of existing transmission and distribution rights-of-way on Federal lands that will come up for renewal within the following 5, 10, and 15 year periods, and a description of how the Secretaries plan to manage such renewals.

SEC. 16013. TRANSMISSION TECHNOLOGIES.

The Federal Energy Regulatory Commission shall shall take affirmative steps in the exercise of its authorities under the Federal Power Act to encourage the deployment of transmission technologies that utilize real time monitoring and analytical software to increase and maximize the capacity and efficiency of transmission networks and to reduce line losses.

Subtitle B—Transmission Operation

SEC. 16021. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following:

“SEC. 211A. OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES.

“(a) IN GENERAL.—Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

“(1) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

“(2) on terms and conditions (not relating to rates) that are comparable to those under which such unregulated transmitting utility provides transmission services to itself and that are not unduly discriminatory or preferential.

“(b) EXEMPTIONS.—

“(1) IN GENERAL.—The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

“(A)(i) sells no more than 4,000,000 megawatt hours of electricity per year: and

“(ii) is a distribution utility; or

“(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

“(C) meets other criteria the Commission determines to be in the public interest.

“(2) LOCAL DISTRIBUTION.— The requirements of subsection (a) shall not apply to facilities used in local distribution.

“(c) RATE CHANGING PROCEDURES.—The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

“(d) REMAND.—In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

“(e) SECTION 211 REQUESTS.—The provision of transmission services under subsection (a) does not preclude a request for transmission services under section 211.

“(f) DEFINITIONS.—For purposes of this section—

“(1) The term ‘unregulated transmitting utility’ means an entity that—

“(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

“(B) is either an entity described in section 201(f) or a rural electric cooperative.

“(2) The term ‘distribution utility’ means an unregulated transmitting utility that serves at least ninety percent of its electric customers at retail.”.

SEC. 16022. REGIONAL TRANSMISSION ORGANIZATIONS.

(a) SENSE OF THE CONGRESS ON RTOS.—It is the sense of Congress that, in order to promote fair, open access to electric transmission service, benefit retail consumers, facilitate wholesale competition, improve efficiencies in transmission grid management, promote grid reliability, remove opportunities for unduly discriminatory or preferential transmission practices, and provide for the efficient development of transmission infrastructure needed to meet the growing demands of competitive wholesale power markets, all transmitting utilities in interstate commerce should voluntarily become members of independently administered regional transmission organizations that have operational control of interstate transmission facilities and do not own or control generation facilities used to supply electric energy for sale at wholesale.

(b) SENSE OF THE CONGRESS ON CAPITAL INVESTMENT.—It is the sense of the Congress that the Federal Energy Regulatory Commission should provide to any transmitting utility that becomes a member of an operational regional transmitting organization approved by the Commission a return on equity sufficient to attract new investment capital for expansion of transmission capacity, in accordance with sections 205 and 206 of the Federal Power Act (16 U.S.C. 824d and 824e), including the requirement that rates be just and reasonable.

(c) REPORT ON PENDING APPLICATIONS.—Not later than 120 days after the date of enactment of this section, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report containing the following:

(1) A list of all regional transmission organization applications filed at the Commission pursuant to the Commission's Order No. 2000, including an identification of each public utility and other entity included within the proposed membership of the regional transmission organization.

(2) A table showing the date each such application was filed, the date of any revised filings of such application; the date of each preliminary or final Commission order regarding such application, and a statement of whether the application has been rejected, preliminarily approved, finally approved, or has some other status (including a description of that status).

(3) For any application that has not been finally approved by the Commission, a detailed description of every aspect of the application that the Commission has determined does not conform to the requirements of Order No. 2000.

(4) For any application that has not been finally approved by the Commission, an explanation by the Commission of why the items described pursuant to paragraph (3) constitute material noncompliance with the requirements of the Commission's Order No. 2000 sufficient to justify denial of approval by the Commission.

(5) For all regional transmission organization applications filed pursuant to the Commission's Order No. 2000, whether finally approved or not—

(A) a discussion of that regional transmission organization's efforts to minimize rate seams between itself and—

(i) other regional transmission organizations; and

(ii) entities not participating in a regional transmission organization; and

(B) a discussion of the impact of such seams on consumers and wholesale competition; and

(C) a discussion of minimizing cost-shifting on consumers.

(d) FEDERAL UTILITY PARTICIPATION IN RTOS.—

(1) DEFINITIONS.—For purposes of this section—

(A) The term “appropriate Federal regulatory authority” means—

(i) with respect to a Federal power marketing agency, the Secretary of Energy, except that the Secretary may designate the Administrator of a Federal power marketing agency to act as the appropriate Federal regulatory authority with respect to the transmission system of that Federal power marketing agency; and

(ii) with respect to the Tennessee Valley Authority, the Board of Directors of the Tennessee Valley Authority.

(B) The term “Federal utility” means a Federal power marketing agency or the Tennessee Valley Authority.

(C) The term “transmission system” means electric transmission facilities owned, leased, or contracted for by the United States and operated by a Federal utility.

(2) TRANSFER.—The appropriate Federal regulatory authority is authorized to enter into a contract, agreement or other arrangement transferring control and use of all or part of the Federal utility's transmission system to a regional transmission organization approved by the Federal Energy Regulatory Commission. Such contract, agreement or arrangement shall include—

(A) performance standards for operation and use of the transmission system that the head of the Federal utility determines necessary or appropriate, including standards that assure recovery of all the Federal utility's costs and expenses related to the transmission facilities that are the subject of the contract, agreement or other arrangement, consistency with existing contracts and third-party financing arrangements, and consistency with said Federal utility's statutory authorities, obligations, and limitations;

(B) provisions for monitoring and oversight by the Federal utility of the regional transmission organization's fulfillment of the terms and conditions of the contract, agreement or other arrangement, including a provision that may provide for the resolution of disputes through arbitration or other means with the regional transmission organization or with other participants, notwithstanding the obligations and limitations of any other law regarding arbitration; and

(C) a provision that allows the Federal utility to withdraw from the regional transmission organization and terminate the contract, agreement or other arrangement in accordance with its terms.

Neither this section, actions taken pursuant to it, nor any other transaction of a Federal utility using a regional transmission organization shall serve to confer upon the Federal Energy Regulatory Commission jurisdiction or authority over the Federal utility's electric generation assets, electric capacity or energy that the Federal utility is authorized by law to market, or the Federal utility's power sales activities.

(3) EXISTING STATUTORY AND OTHER OBLIGATIONS.—

(A) SYSTEM OPERATION REQUIREMENTS.— Any statutory provision requiring or authorizing a Federal utility to transmit electric power or to construct, operate or maintain its transmission system shall not be construed to prohibit a transfer of control and use of its transmission system pursuant to, and subject to all requirements of paragraph (2).

(B) OTHER OBLIGATIONS.—This subsection shall not be construed to—

(i) suspend, or exempt any Federal utility from, any provision of existing Federal law, including but not limited to any requirement or direction relating to the use of the Federal utility's transmission system, environmental protection, fish and wildlife protection, flood control, navigation, water delivery, or recreation; or

(ii) authorize abrogation of any contract or treaty obligation.

SEC. 16023. NATIVE LOAD.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding the following new section at the end thereof:

“SEC. 217. SERVICE OBLIGATIONS OF LOAD-SERVING ENTITIES.

“(a) IN GENERAL.—In exercising authority under this Act, the Commission shall ensure that any load-serving entity that either—

“(1) owns transmission facilities for the transmission of electric energy in interstate commerce used to purchase or deliver electric energy to meet—

“(A) a service obligation to customers; or

“(B) an existing wholesale contractual obligation; or

“(2) holds a contract or service agreement for firm transmission service used to purchase or deliver electric energy to meet—

“(A) a service obligation to customers; or

“(B) an existing wholesale contractual obligation

shall be entitled to use such transmission facilities or equivalent transmission rights to meet such obligations before transmission capacity is made available for other uses.

“(b) USE BY SUCCESSOR IN INTEREST.—To the extent that all or a portion of the service obligation or contractual obligation covered by subsection (a) is transferred to another load serving entity, the successor shall be entitled to use such transmission facilities or firm transmission rights associated with the transferred service obligation consistent with subsection (a). Subsequent transfers to another load serving entity, or back to the original load-serving entity, shall be entitled to the same rights.

“(c) OTHER ENTITIES.—The Commission may exercise authority under this Act to make transmission rights not used to meet an obligation covered by subsection (a) available to other entities in a manner determined by the Commission to be not unduly discriminatory or preferential.

“(d) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘load-serving entity’ means an electric utility, transmitting utility or Federal power marketing agency that has an obligation under Federal, State, or local law, or under long-term contracts, to provide electric service to either—

“(A) electric consumers (as defined in section 3(5) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(5)); or

“(B) an electric utility as defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(5)) that has an obligation to provide electric service to electric consumers.

Such obligations shall be deemed ‘service obligations’.

“(2) The term ‘existing wholesale contractual obligation’ means an obligation under a firm long-term wholesale contract that was in effect on March 28, 2003. A contract modification after March 28, 2003 (other than one that increases the quantity of electric energy sold under the contract) shall not affect the status of such contract as an existing wholesale contractual obligation.

“(e) RELATIONSHIP TO OTHER PROVISIONS.—To the extent that a transmitting utility reserves transmission capacity (or reserves the equivalent amount of tradable transmission rights) to provide firm transmission service to meet service obligations or firm long-term wholesale contractual obligations pursuant to subsection (a), that transmitting utility shall not be considered as engaging in undue discrimination or preference under this Act.

“(f) JURISDICTION.—This section shall not apply to an entity located in an area referred to in section 212(k)(2)(A).

“(g) SAVINGS CLAUSE.—Nothing in this section shall affect any allocation of transmission rights by the PJM Interconnection, the New York Independent System Operator, the New England Independent System Operator, the Midwest Independent System Operator, or the California Independent System Operator. Nothing in this section shall provide a basis for abrogating any contract for firm transmission service or rights in effect as of the date of enactment of this section.”.

Subtitle C—Reliability

SEC. 16031. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by inserting the following new section at the end thereof:

“SEC. 218. ELECTRIC RELIABILITY.

“(a) DEFINITIONS.—For purposes of this section—

“(1) The term ‘bulk-power system’ means—

“(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

“(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

“(2) The terms ‘Electric Reliability Organization’ and ‘ERO’ mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

“(3) The term ‘reliability standard’ means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

“(4) The term ‘reliable operation’ means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

“(5) The term ‘Interconnection’ means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

“(6) The term ‘transmission organization’ means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

“(7) The term ‘regional entity’ means an entity having enforcement authority pursuant to subsection (e)(4).

“(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

“(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

“(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization (ERO). The Commission may certify one such ERO if the Commission determines that such ERO—

“(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system;

“(2) has established rules that—

“(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

“(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

“(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

“(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

“(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

“(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

“(2) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

“(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

"(A) the Commission finds a conflict exists between a reliability standard and any such provision;

"(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

"(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

"(e) Enforcement.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice and the record of the proceeding with the Commission.

"(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the electric reliability organization files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the electric reliability organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the electric reliability organization for further proceedings. The Commission shall implement expedited procedures for such hearings.

"(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

"(4) The Commission shall establish regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

"(A) the regional entity is governed by—

"(i) an independent board;

"(ii) a balanced stakeholder board; or

"(iii) a combination independent and balanced stakeholder board.

"(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

"(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

"(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

"(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

"(f) Changes in Electricity Reliability Organization Rules.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the Electric Reliability Organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

"(g) Reliability Reports.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

"(h) Coordination with Canada and Mexico.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the Electric Reliability Organization in the United States and Canada or Mexico.

"(i) Savings Provisions.—(1) The Electric Reliability Organization shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

"(2) This section does not authorize the Electric Reliability Organization or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard, except that the State of New York may establish rules that result in greater reliability within that State, as long as such action does not result in lesser reliability outside the State than that provided by the reliability standards.

"(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the Electric Reliability Organization.

"(5) The Commission, after consultation with the Electric Reliability Organization and the State taking action, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

"(j) Regional Advisory Bodies.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed or of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

"(k) Application to Alaska and Hawaii.—The provisions of this section do not apply to Alaska or Hawaii.".

Subtitle D—PUHCA Amendments

SEC. 16041. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2003".

SEC. 16042. DEFINITIONS.

For purposes of this subtitle:

(1) The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to

vote, directly or indirectly, by such company.

(2) The term "associate company" of a company means any company in the same holding company system with such company.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 16043. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 16044. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 16045. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail by the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 16046. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 16044 (relating to Federal access to books and records) any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 16044 (relating to Federal access to books and records) if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 16047. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 16048. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 16049. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 16050. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 16051. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, so long as that person continues to comply with the terms of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 16052. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 16045, relating to State access to books and records); and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 16053. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 16054. EFFECTIVE DATE.

This subtitle shall take effect 12 months after the date of enactment of this subtitle.

SEC. 16055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 16056. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—(1) Section 201(g)(5) of the Federal Power Act (16 U.S.C. 824(g)(5)) is amended by striking "1935" and inserting "2003".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2003".

Subtitle E—PURPA Amendments

SEC. 16061. REAL-TIME PRICING AND TIME-OF-USE METERING STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than 1 year after the date of enactment of this paragraph.

"(12) TIME-OF-USE METERING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a time-of-use rate schedule which enables the electric consumer to manage energy use and cost through time-of-use metering and technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standards set out in subparagraph (A) not later than 1 year after the date of enactment of this paragraph.".

(b) SPECIAL RULES.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) REAL-TIME PRICING.—In a State that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.

"(j) TIME-OF-USE METERING.—In a State that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same time-of-use metering and communication service as a direct retail electric consumer of the electric utility.".

SEC. 16062. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

"(1) OBLIGATION TO PURCHASE.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that—

"(A) the qualifying cogeneration facility or qualifying small power production facility has access to

"(i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy, and

"(ii) long-term wholesale markets for the sale of capacity and electric energy;

"(B) the qualifying cogeneration facility or qualifying small power production facility has access to a competitive wholesale market for the sale of electric energy that provides such qualifying cogeneration facility or qualifying small power production facility with opportunities to sell electric energy that, at a minimum, are comparable to the opportunities provided by the markets, or some minimum combination thereof, described in subparagraph (A); or

"(C) the qualifying cogeneration facility does not meet criteria established by the Commission pursuant to the rulemaking set forth in subparagraph (n) and has not filed with the Commission a notice of self-certification or an application for Commission certification under 18 C.F.R. 292.207 prior to the date of enactment of this subsection.

"(2) COMMISSION REVIEW.—(A) Any electric utility may file an application with the Commission for relief from the mandatory purchase obligation pursuant to this subsection on a utility-wide basis. Such application shall set forth the reasons why such relief is appropriate and describe how the conditions set forth in subparagraphs (A) and (B) of paragraph (1) of this subsection have been met.

"(B) After notice, including sufficient notice to potentially affected qualifying facilities, and an opportunity for comment, and within 90 days of the filing of an application under subparagraph (A), the Commission shall make a final determination as to whether the conditions set forth in subparagraphs (A) and (B) of paragraph (1) have been met. The Commission shall not be authorized to issue a tolling order regarding such application or otherwise delay a final decision regarding such application.

"(3) REINSTATEMENT OF OBLIGATION TO PURCHASE.—(A) At any time after the Commission makes a finding under paragraph (2) relieving an electric utility of its obligation to purchase electric energy, a qualifying cogeneration facility or a qualifying small power production facility may apply to the Commission for an order reinstating the electric utility's obligation to purchase electric energy under this section. Such application shall set forth the reasons why such relief is no longer appropriate and describe how the tests set forth in subparagraphs (A) and (B) of paragraph (1) of this subsection are no longer met.

"(B) After notice, including sufficient notice to potentially affected utilities, and opportunity for comment, and within 90 days of the filing of an application under subparagraph (A), the Commission shall issue an order reinstating the electric utility's obligation to purchase electric energy under this section if the Commission finds that the condition in paragraph (1), which relieved the obligation to purchase, is no longer met. The Commission shall not be authorized to issue a tolling order regarding such application or otherwise delay a final decision regarding such application.

"(4) OBLIGATION TO SELL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility if—

"(A) competing retail electric suppliers are willing and able to provide electric energy to the qualifying cogeneration facility or qualifying small power production facility, and

"(B) the electric utility is not required by State law to sell electric energy in its service territory.

"(5) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect or pending approval before the appropriate State regulatory authority or nonregulated electric utility on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

"(6) RECOVERY OF COSTS.—

"(A) REGULATION.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall recover the prudently incurred costs associated with such purchases.

"(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(n) RULEMAKING FOR NEW FACILITIES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue a rule revising the criteria for qualifying cogeneration facilities in 18 C.F.R. 292.205. In particular, the Commission shall evaluate the rules regarding qualifying facility criteria and revise such rules, as necessary, to ensure—

"(A) that the thermal energy output of a new qualifying cogeneration facility is used in a productive and beneficial manner;

"(B) the electrical and thermal output of the cogeneration facility is used predominantly for commercial or industrial processes and not intended predominantly for sale to an electric utility; and

"(C) continuing progress in the development of efficient electric energy generating technology.

"(2) APPLICABILITY.—Any revisions made to operating and efficiency standards shall be applicable only to a cogeneration facility that—

"(A) was not a qualifying cogeneration facility, or

"(B) had not filed with the Commission a notice of self-certification or an application for Commission certification under 18 C.F.R. 292.207

prior to the date of enactment of this subsection.

"(3) DEFINITION.—For purposes of this subsection, the term 'commercial processes' includes uses of thermal and electric energy for educational and healthcare facilities.

"(o) RULES FOR EXISTING FACILITIES.—Notwithstanding rule revisions under subsection (n), the Commission's rules in effect prior to the effective date of any revised rules prescribed under subsection (n) shall continue to apply to any cogeneration facility or small power production facility that—

"(1) was a qualifying cogeneration facility or a qualifying small power production facility, or

"(2) had filed with the Commission a notice of self-certification or an application for Commission certification under 18 C.F.R. 292.207

prior to the date of enactment of subsections (m) and (n).".

(b) ELIMINATION OF OWNERSHIP LIMITATIONS.—(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.".

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.".

SEC. 16063. SMART METERING.

(a) IN GENERAL.—Section 111(d) of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(13) TIME-BASED METERING AND COMMUNICATIONS.—(A) Not later than eighteen (18) months after the date of enactment of this paragraph, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance in the costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

"(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others, each the following:

"(i) Time-Of-Use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall.

"(ii) Critical Peak Pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption.

"(iii) Real-Time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis and may change as often as hourly.

"(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

"(D) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(E) In a State that permits third-party marketers to sell electric energy to retail electric consumers, such consumers shall be entitled to receive that same time-based metering and communications device and service as a retail electric consumer of the electric utility.

"(F) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall, not later than twelve (12) months after enactment of this paragraph conduct an investigation in accordance with section 115(i) and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C).".

(b) STATE INVESTIGATION OF DEMAND RESPONSE AND TIME-BASED METERING.—

Section 115 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding the at the end the following:

"(k) TIME-BASED METERING AND COMMUNICATIONS.—Each State regulatory authority shall, not later than twelve (12) months after enactment of this subsection, conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.".

(c) FEDERAL ASSISTANCE ON DEMAND RESPONSE.—Section 132(a) of the Public Utility Regulatory Polices Act of 1978 (16 U.S.C. 2642(a)) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting "; and", and by adding the following at the end thereof:

"(5) technologies, techniques and ratemaking methods related to advanced metering and communications and the use of these technologies, techniques and methods in demand response programs.".

(d) FEDERAL GUIDANCE.—Section 132 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2643) is amended by adding the following at the end thereof:

"(d) DEMAND RESPONSE.—The Secretary shall be responsible for each of the following:

"(1) Educating consumers on the availability, advantages and benefits of advanced metering and communications technologies including the funding of demonstration or pilot projects.

"(2) Working with States, utilities, other energy providers and advanced metering and communications experts to identify and address barriers to the adoption of demand response programs, and

"(3) Within 6 months of enactment, provide the Congress with a report that identifies and quantifies the national benefits of demand response and provides policy recommendations as to how to achieve specific levels of such benefits by January 1, 2005.".

(e) DEMAND RESPONSE AND REGIONAL COORDINATION.—

(1) POLICY.—It is the policy of the United States to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable demand response services to the public.

(2) Technical Assistance.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in—

(A) identifying the areas with the greatest demand response potential;

(B) identifying and resolving problems in transmission and distribution networks, including through the use of demand response; and

(C) developing plans and programs to use demand response to respond to peak demand or emergency needs.

(3) Report.—The Federal Energy Regulatory Commission shall prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes, and which identifies and reviews each of the following:

(A) Saturation and penetration rate of advanced meters and communications technologies, devices and systems.

(B) Existing demand response programs and time-based rate programs.

(C) The annual resource contribution of demand resources, including the prior year and following years.

(D) The potential for demand response as a quantifiable, reliable resource for regional planning purposes.

(E) Steps taken to ensure that, in regional transmission planning and operations, that demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider or transmitting party.

(f) Cost Recovery of Demand Response Devices.—It is the policy of the United States that time-based pricing and other forms of demand response, whereby electricity customers are provided with electricity price signals and the ability to benefit by responding to them, shall be encouraged and the deployment of such technology and devices that enable electricity customers to participate in such pricing and demand response systems shall be facilitated. It is further the policy of the United States that the benefits of such demand response that accrue to those not deploying such technology and devices, but who are part of the same regional electricity entity, shall be recognized.

Subtitle F—Renewable Energy

SEC. 16071. NET METERING.

(a) Adoption of Standard.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(14) Net metering.—(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than 1 year after the date of enactment of this paragraph.".

(b) Special Rules for Net Metering.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(l) Net Metering.—In undertaking the consideration and making the determination under section 111 with respect to the standard concerning net metering established by section 111(d)(14), the term 'net metering service' shall mean a service provided in accordance with the following standards:

"(1) Rates and charges.—An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) Measurement.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

"(3) Electric energy supplied exceeding electric energy generated.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

"(4) Electric energy generated exceeding electric energy supplied.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(5) Safety and performance standards.—An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(6) Additional control and testing requirements.—The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(7) Definitions.—For purposes of this subsection:

"(A) The term 'eligible on-site generating facility' means—

"(i) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

"(ii) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(B) The term 'renewable energy resource' means solar, wind, biomass, or geothermal energy.

"(C) The term 'high efficiency system' means service fuel cells or combined heat and power.

"(D) The term 'net metering' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period."

SEC. 16072. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) Incentive Payments.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting ". If there are insufficient appropriations to make full payments for electric production from all qualified renewable energy facilities in any given year, the Secretary shall assign 60 percent of appropriated funds for that year to facilities that use solar, wind, geothermal, or closed-loop (dedicated energy crops) biomass technologies to generate electricity, and assign the remaining 40 percent to other projects. The Secretary may, after transmitting to the Congress an explanation of the reasons therefor, alter the percentage requirements of the preceding sentence.".

(b) Qualified Renewable Energy Facility.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting "a not-for-profit electric cooperative, a public utility described in section 115 of the Internal Revenue Code of 1986, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government of subdivision thereof,"; and

(2) by inserting "landfill gas," after "wind, biomass,".

(c) Eligibility Window.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "after October 1, 2003, and before October 1, 2013".

(d) Amount of Payment.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas," after "wind, biomass,".

(e) Sunset.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(f) Authorization of Appropriations.—Section 1212(g) of the Energy Policy Act of 1992 (42 U.S.C. 13317(g)) is amended to read as follows:

"(g) Authorization of Appropriations.—

"(1) In general.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 16073. RENEWABLE ENERGY ON FEDERAL LANDS.

(a) Report to Congress.—Within 24 months after the date of enactment of this section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall develop and report to the Congress recommendations on opportunities to develop renewable energy on public lands under the jurisdiction of the Secretary of the Interior and National Forest System lands under the jurisdiction of the Secretary of Agriculture. The report shall include—

(1) 5-year plans developed by the Secretary of the Interior and the Secretary of Agriculture, respectively, for encouraging the development of wind and solar energy consistent with applicable law and management plans; and

(2) an analysis of—

(A) the use of rights-of-ways, leases, or other methods to develop wind and solar energy on such lands;

(B) the anticipated benefits of grants, loans, tax credits, or other provisions to promote wind and solar energy development on such lands; and

(C) any issues that the Secretary of the Interior or the Secretary of Agriculture have encountered in managing wind or solar energy projects on such lands, or believe are likely to arise in relation to the development of wind or solar energy on such lands;

(3) a list, developed in consultation with the Secretary of Energy and the Secretary of Defense, of lands under the jurisdiction of the Department of Energy or Defense that would be suitable for development for wind or solar energy, and any recommended statutory and regulatory mechanisms for such development; and

(4) any recommendations pertaining to the issues addressed in the report.

(b) National Academy of Sciences Study.—

(1) In general.—Within 90 days after the date of the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to—

(A) study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf;

(B) assess existing Federal authorities for the development of such resources; and

(C) recommend statutory and regulatory mechanisms for such development.

(2) Transmittal of results.—The results of the study shall be transmitted to the Congress within 24 months after the date of the enactment of this Act.

SEC. 16074. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) Resource Assessment.—Not later than 3 months after the date of enactment of this Act, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources available within the United States, including solar, wind, biomass, ocean, geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies, and other relevant factors.

(b) Contents of Reports.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources; and

(2) such other information as the Secretary believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers.

Subtitle G—Market Transparency, Round Trip Trading Prohibition, and Enforcement

SEC. 16081. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 219. MARKET TRANSPARENCY RULES.

"(a) Commission Rules.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction. Such systems shall provide information about the availability and market price of sales of electric energy at wholesale in interstate commerce and transmission of electric energy in interstate commerce to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis. The Commission shall have authority to obtain such information from any person, and any entity described in section 201(f), who sells electric energy at wholesale in interstate commerce or provides transmission services in interstate commerce.

"(b) Exemptions.—The Commission shall exempt from disclosure information it determines would, if disclosed, (1) be detrimental to the operation of an effective market; or (2) jeopardize system security. This section shall not apply to an entity described in section 212(k)(2)(B) with respect to transactions for the purchase or sale of wholesale electric energy and transmission services within the area described in section 212(k)(2)(A).".

SEC. 16082. PROHIBITION ON ROUND TRIP TRADING.

Part II of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 220. PROHIBITION ON ROUND TRIP TRADING.

"(a) Prohibition.—It shall be a violation of this Act for any person, and any entity described in section 201(f), willfully and knowingly to enter into any contract or other arrangement to execute a round-trip trade for the purchase or sale of electric energy at wholesale.

"(b) Definition of Round-Trip Trade.—For the purposes of this section, the term 'round-trip trade' means a transaction, or combination of transactions, in which a person or other entity—

"(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

"(2) simultaneously with entering into the contract described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same quantity of electric energy so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and

"(3) has a specific intent to distort reported revenues, trading volumes, or prices.".

SEC. 16083. CONFORMING CHANGES.

Section 201(e) of the Federal Power Act is amended by striking "or 212" and inserting "212, 215, 216, 217, 218, 219, or 220". Section 201(b)(2) of such Act is amended by striking "and 212" and inserting "212, 215, 216, 217, 218, 219, and 220".

SEC. 16084. ENFORCEMENT.

(a) Complaints.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting "electric utility," after "Any person,"; and

(2) inserting ", transmitting utility," after "licensee" each place it appears.

(b) Review of Commission Orders.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting "electric utility," after "person," in the first place it appears and by striking "any person unless such person" and inserting "any entity unless such entity".

(c) Criminal Penalties.—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a), by striking "$5,000" and inserting "$1,000,000", and by striking "two years" and inserting "five years";

(2) in subsection (b), by striking "$500" and inserting "$25,000"; and

(3) by striking subsection (c).

(d) Civil Penalties.—Section 316A of the Federal Power Act (16 U.S.C. 825-1) is amended—

(1) in subsections (a) and (b), by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II"; and

(2) in subsection (b), by striking "$10,000" and inserting "$1,000,000".

Subtitle H—Consumer Protections

SEC. 16091. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint";

(2) striking "60 days after" in the third sentence and inserting "of";

(3) striking "expiration of such 60-day period" in the third sentence and inserting "publication date"; and

(4) in the fifth sentence after "rendered by the" insert "date 60 days after the".

SEC. 16092. JURISDICTION OVER INTERSTATE SALES.

(a) Scope of Authority.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding the following new subsection at the end thereof:

"(e)(1) If an entity that is not a public utility (including an entity referred to in section 201(f)) voluntarily makes a spot market sale of electric energy and such sale violates Commission rules in effect at the time of such sale, such entity shall be subject to the Commission's refund authority under this section with respect to such violation.

"(2) This section shall not apply to any entity that is either—

"(A) an entity described in section 201(f); or

"(B) a rural electric cooperative

that does not sell more than 4,000,000 megawatt hours of electricity per year.

"(3) For purposes of this subsection, the term 'spot market sale' means an agreement for the sale of electric energy at wholesale in interstate commerce that is for 24 hours or less and that is entered into the day of, or the day prior to, delivery.".

(b) Conforming Amendments.—(1) Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended as follows:

(A) In subsection (b), in the seventh sentence, by striking "the public utility to make".

(B) In the first sentence of subsection (a), by striking "hearing had" and inserting "hearing held".

(2) Section 201(b)(2) of such Act (16 U.S.C. 824(b)(2)) is amended as follows:

(A) In the first sentence by striking "sections 210" and inserting "sections 206(f), 210".

(B) In the second sentence by striking "section 210" and inserting "section 206(f), 210,".

(3) Section 201(e) of the Federal Power Act is amended by striking "section 210" and inserting "section 206(f), 210".

(c) Uniform Investigation Authority.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended as follows:

(1) By inserting ", electric utility, transmitting utility, or other entity" after "person" each time it appears.

(2) By striking the period at the end of the first sentence and inserting the following: "or in obtaining information about the sale of electric energy at wholesale in interstate commerce and the transmission of electric energy in interstate commerce.".

(d) Sanctity of Contract.—(1) The Federal Energy Regulatory Commission shall have no authority to abrogate or modify any provision of a contract, except upon a finding, after notice and opportunity for a hearing, that such action is necessary to protect the public interest, unless such contract expressly provides for a different standard of review.

(2) For purposes of this subsection, a contract is any agreement, in effect and subject to the jurisdiction of the Commission—

(A) under section 4 of the Natural Gas Act or section 205 of the Federal Power Act; and

(B) that is not for sales in an organized exchange or auction spot market.

(3) This subsection shall not apply to any contract executed before the date of enactment of this section unless such contract is an interconnection agreement, nor shall this subsection affect the outcome in any proceeding regarding any contract for sales of electric power executed before the date of enactment of this section.

SEC. 16093. CONSUMER PRIVACY.

(a) In General.—The Federal Trade Commission shall issue rules protecting the privacy of electric consumers from the disclosure of consumer information obtained in connection with the sale or delivery of electric energy to electric consumers. The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule under this section.

(b) State Authority.—If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

SEC. 16094. UNFAIR TRADE PRACTICES.

(a) Slamming.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer or if approved by the appropriate State regulatory authority.

(b) Cramming.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

(c) Rulemaking.—The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule under this section.

(d) State Authority.—If the Federal Trade Commission determines that a State's regulations provide equivalent or greater protection than the provisions of this section, such State regulations shall apply in that State in lieu of the regulations issued by the Commission under this section.

Subtitle I—Merger Review Reform and Accountability

SEC. 16101. MERGER REVIEW REFORM AND ACCOUNTABILITY.

(a) Merger Review Reform.—Within 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the Department of Justice, shall prepare, and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate each of the following:

(1) A study of the extent to which the authorities vested in the Federal Energy Regulatory Commission under section 203 of the Federal Power Act are duplicative of authorities vested in—

(A) other agencies of Federal and State government; and

(B) the Federal Energy Regulatory Commission, including under sections 205 and 206 of the Federal Power Act.

(2) Recommendations on reforms to the Federal Power Act that would eliminate any unnecessary duplication in the exercise of regulatory authority or unnecessary delays in the approval (or disapproval) of applications for the sale, lease, or other disposition of public utility facilities.

(b) Merger Review Accountability.—Not later than 1 year after the date of enactment of this Act and annually thereafter, with respect to all orders issued within the preceding year that impose a condition on a sale, lease, or other disposition of public utility facilities under section 203(b) of the Federal Power Act, the Federal Energy Regulatory Commission shall transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate explaining each of the following:

(1) The condition imposed.

(2) Whether the Commission could have imposed such condition by exercising its authority under any provision of the Federal Power Act other than under section 203(b).

(3) If the Commission could not have imposed such condition other than under section 203(b), why the Commission determined that such condition was consistent with the public interest.

Subtitle J—Study of Economic Dispatch

SEC. 16111. STUDY ON THE BENEFITS OF ECONOMIC DISPATCH.

(a) Study.—The Secretary of Energy, in coordination and consultation with the States, shall conduct a study on—

(1) the procedures currently used by electric utilities to perform economic dispatch,

(2) identifying possible revisions to those procedures to improve the ability of nonutility generation resources to offer their output for sale for the purpose of inclusion in economic dispatch; and

(3) the potential benefits to residential, commercial, and industrial electricity consumers nationally and in each state if economic dispatch procedures were revised to improve the ability of nonutility generation resources to offer their output for inclusion in economic dispatch.

(b) Definition.—The term "economic dispatch" when used in this section means the operation of generation facilities to produce energy at the lowest cost to reliably serve consumers, recognizing any operational limits of generation and transmission facilities.

(c) Report to Congress and the States.—Not later than 90 days after the date of enactment of this Act, and on a yearly basis following, the Secretary of Energy shall submit a report to the Congress and the States on the results of the study conducted under subsection (a), including recommendations to the Congress and the States for any suggested legislative or regulatory changes.

TITLE VII—MOTOR FUELS

Subtitle A—General Provisions

SEC. 17101. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) In General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) Renewable Fuel Program.—

"(1) Definitions.—In this section:

"(A) Cellulosic biomass ethanol.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural residues;

"(vi) fibers;

"(vii) animal wastes, including poultry fats and poultry wastes, and other waste materials; and

"(viii) municipal solid waste.

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes cellulosic biomass ethanol and biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and any blending components derived from renewable fuel (provided that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection).

"(C) Small refinery.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) Renewable fuel program.—

"(A) In general.—Not later than 1 year from enactment of this provision, the Administrator shall promulgate regulations ensuring that gasoline sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B). Regardless of the date of promulgation, such regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this section are met, but shall not restrict where renewables can be used, or impose any per-gallon obligation for the use of renewables. If the Administrator does not promulgate such regulations, the applicable percentage, on a volume percentage of gasoline basis, shall be 1.62 in 2005.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2005 THROUGH 2015.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2015 shall be determined in accordance with the following table:

Applicable volume of renewable fuel

"**Calendar year:**	**(In billions of gallons)**
2005	2.7
2006	2.7
2007	2.9
2008	2.9
2009	3.4
2010	3.4
2011	3.4
2012	4.2
2013	4.2
2014	4.2
2015	5.0.

"(ii) CALENDAR YEAR 2016 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2016 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5.0 billion gallons of renewable fuels; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2015.

"(3) APPLICABLE PERCENTAGES.—Not later than October 31 of each calendar year after 2002, the Administrator of the Energy Information Administration shall provide the Administrator an estimate of the volumes of gasoline sales in the United States for the coming calendar year. Based on such estimates, the Administrator shall, by November 30 of each calendar year after 2003, determine and publish in the Federal Register, the renewable fuel obligation; on a volume percentage of gasoline basis, applicable to refiners, blenders, and importers, as appropriate, for the coming calendar year, to ensure that the requirements of paragraph (2) are met. For each calendar year, the Administrator shall establish a single applicable percentage that applies to all parties, and make provision to avoid redundant obligations. In determining the applicable percentages, the Administrator shall make adjustments to account for the use of renewable fuels by exempt small refineries during the previous year.

"(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallon of renewable fuel.

"(5) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2). Such regulations shall provide for the generation of an appropriate amount of credits for biodiesel fuel. If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance:

"(i) in the calendar year in which the credit was generated or the next calendar year, or

"(ii) in the calendar year in which the credit was generated or next two consecutive calendar years if the Administrator promulgates regulations under paragraph (6).

"(D) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations promulgated to carry out this subsection shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements under paragraph (2) to carry forward a renewables deficit provided that, in the calendar year following the year in which the renewables deficit is created, such person shall achieve compliance with the renewables requirement under paragraph (2), and shall generate or purchase additional renewables credits to offset the renewables deficit of the previous year.

"(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

"(A) STUDY.—For each of calendar years 2005 through 2015, the Administrator of the Energy Information Administration, shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

"(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

"(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) has been used during one of the periods specified in subparagraph (D) of the calendar year;

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years; and

"(iii) promulgating regulations or other requirements to impose a 35% or more seasonal use of renewable fuels will not prevent or interfere with the attainment of national ambient air quality standards or significantly increase the price of motor fuels to the consumer.

"(D) PERIODS.—The two periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) EXCLUSIONS.—Renewable fuels blended or consumed in 2005 in a State which has received a waiver under section 209(b) shall not be included in the study in subparagraph (A).

"(7) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirement of paragraph (2) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under this subsection—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would have a significant and meaningful adverse impact on the economy or environment of a State, a region, or the United States, or will prevent or interfere with the attainment of a national ambient air quality standard in any area of a State; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 90 days after the date on which the petition is received by the Administrator. If the Administrator does not act to approve or disapprove a State petition for a waiver within 90 days, the Administrator shall publish a notice setting forth the reasons for not acting within the required 90-day period.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—Not later than 180 days from enactment, the Secretary of Energy shall complete for the Administrator a study assessing whether the renewable fuels requirement under paragraph (2) will likely result in significant adverse consumer impacts in 2005, on a national, regional or State basis. Such study shall evaluate renewable fuel supplies and prices, blendstock supplies, and supply and distribution system capabilities. Based on such study, the Secretary shall make specific recommendations to the Administrator regarding waiver of the requirements of paragraph (2), in whole or in part, to avoid any such adverse impacts. Within 270 days from enactment, the Administrator shall, consistent with the recommendations of the Secretary waive, in whole or in part, the renewable fuels requirement under paragraph (2) by reducing the national quantity of renewable fuel required under this subsection in 2005. This provision shall not be interpreted as limiting the Administrator's authority to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7) or paragraph (9), pertaining to waivers.

"(9) ASSESSMENT AND WAIVER.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture on his own motion, or upon petition of any State shall evaluate the requirement of paragraph (2) and determine, prior to January 1, 2007, or prior to January 1 of any subsequent year in which the applicable volume of renewable fuel is increased under paragraph (2)(B), whether the requirement of paragraph (2), including the applicable volume of renewable fuel contained in paragraph (2)(B) should remain in effect, in whole or in part, during 2007 or any year or years subsequent to 2007. In evaluating the requirement of paragraph (2) and in making any determination under this section, the Secretary shall consider the best available information and data collected by accepted methods or best available means regarding—

"(A) the capacity of renewable fuel producers to supply an adequate amount of renewable fuel at competitive prices to fulfill the requirement in paragraph (2);

"(B) the potential of the requirement in paragraph (2) to significantly raise the price of gasoline, food or heating oil for consumers in any significant area or region of the country above the price that would otherwise apply to such commodities in the absence of the requirement;

"(C) the potential of the requirement in paragraph (2) to interfere with the supply of fuel in any significant gasoline market or region of the country, including interference with the efficient operation of refiners, blenders, importers, wholesale suppliers, and retail vendors of gasoline, and other motor fuels; and

"(D) the potential of the requirement to cause or promote exceedences of Federal, State, or local air quality standards.

If the Secretary determines, after public notice and the opportunity for comment, that the requirement of paragraph (2) would have significant and meaningful adverse impact on the supply of fuel and related infrastructure or on the economy, environment, public health or environment of any significant area or region of the country, the Secretary may waive, in whole or in part, the requirement of paragraph (2) in any one year or period of years as well as reduce the applicable volume of renewable fuel contained in paragraph (2)(B) in any one year or period of years.

"(10) SMALL REFINERIES.—

"(A) IN GENERAL.—The requirement of paragraph (2) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in paragraph (2)(B)(i). Not later than December 31, 2006, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirement of paragraph (2) would impose a disproportionate economic hardship on small refineries. For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for such small refinery for no less than two additional years.

"(B) ECONOMIC HARDSHIP.—

"(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirement of paragraph (2) for the reason of disproportionate economic hardship. In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

"(ii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

"(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

"(D) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to the requirements of this section if it notifies the Administrator that it waives the exemption under subparagraph (A).".

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n) or (o)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), and (o)".

(c) SURVEY OF RENEWABLE FUEL MARKET.—

(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator of the Environmental Protection Agency (in consultation with the Secretary of Energy acting through the Administrator of the Energy Information Administration) shall—

(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

(i) conventional gasoline containing ethanol;

(ii) reformulated gasoline containing ethanol;

(iii) conventional gasoline containing renewable fuel; and

(iv) reformulated gasoline containing renewable fuel; and

(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate. The Administrator shall rely, to the extent practicable, on existing reporting and recordkeeping requirements to avoid duplicative requirements.

(3) APPLICABLE LAW.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

(4) CALCULATION OF MARKET SHARES.—Market shares for conventional gasoline and reformulated gasoline use areas will be calculated on a statewide basis using information collected under paragraph (2) and other information available to the Administrator. Market share information may be based upon gasoline distribution patterns that include multistate use areas.

SEC. 17102. FUELS SAFE HARBOR.

(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no renewable fuel, as defined by section 211(o)(1) of the Clean Air Act, or fuel containing MTBE, used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing such renewable fuel or MTBE, shall be deemed defective in design or manufacture by virtue of the fact that it is, or contains, such a renewable fuel or MTBE, if it does not violate a control or prohibition imposed by the Administrator under section 211 of such Act, and the manufacturer is in compliance with all requests for information under subsection (b) of such section 211(b) of the Clean Air Act. If the safe harbor provided by this section does not apply, the existence of a design defect or manufacturing defect shall be determined under otherwise applicable law. Nothing in this paragraph shall be construed to affect the liability of any person for environmental remediation costs, drinking water contamination, negligence, public nuisance or any other liability other than liability for a defect in design or manufacture of a motor vehicle fuel.

(b) EFFECTIVE DATE.—This section shall be effective as of the date of enactment and shall apply with respect to all claims filed on or after that date.

SEC. 17103. FINDINGS AND MTBE TRANSITION ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygen standard, Congress was aware that significant use of MTBE would result from the adoption of that standard, and that the use of MTBE would likely be important to the cost-effective implementation of that program;

(4) Congress was aware that gasoline and its component additives can and do leak from storage tanks;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) Congress has—

(A) reconsidered the relative value of the oxygenate requirement for reformulated gasoline; and

(B) decided to provide for the elimination of the oxygenate requirement for reformulated gasoline and to provide for a renewable content requirement for motor fuel; and

(7) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act; and

(B) for the purpose of mitigating any fuel supply problems that may result from the elimination of the oxygenate requirement for reformulated gasoline.

(b) PURPOSES.—The purpose of this section is to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

"(5) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—

"(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of iso-octane and alkylates.

"(ii) DETERMINATION.—The Administrator, in consultation with the Secretary of Energy, may determine that transition assistance for the production of iso-octane and alkylates is inconsistent with the provisions of subparagraph (B) and, on that basis, may deny applications for grants authorized by this provision.

"(B) FURTHER GRANTS.—The Secretary of Energy, in consultation with the Administrator, may also further make grants to merchant producers of MTBE in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of such other fuel additives that, consistent with this subsection—

"(i) unless the Administrator determines that such fuel additives may reasonably be anticipated to endanger public health or the environment;

"(ii) have been registered and have been tested or are being tested in accordance with the requirements of this section; and

"(iii) will contribute to replacing gasoline volumes lost as a result of paragraph (5).

"(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption before April 1, 2003 and ceased production at any time after the date of enactment.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2004 through 2006, to remain available until expended.".

(d) EFFECT ON STATE LAW.—The amendments made to the Clean Air Act by this title have no effect regarding any available authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 17104. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v);

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and.

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect 270 days after the date of enactment of this Act, except that such amendments shall take effect upon enactment in any State that has received a waiver under section 209(b) of the Clean Air Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

"(i) DEFINITIONS.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) REGULATIONS REGARDING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph the Administrator shall establish, for each refinery or importer, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

"(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

"(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000.

"(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

"(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the report in subclause (II) and for subsequent years.

"(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) SAVINGS CLAUSE.—Nothing in this section is intended to affect or prejudice either any legal claims or actions with respect to regulations promulgated by the Administrator prior to enactment of this Act regarding emissions of toxic air pollutants from motor vehicles or the adjustment of standards applicable to a specific refinery or importer made under such prior regulations and the Administrator may apply such adjustments to the standards applicable to such refinery or importer under clause (iii)(I) of section 211(k)(1)(B) of the Clean Air Act, except that—

(1) the Administrator shall revise such adjustments to be based only on calendar years 1999–2000, and

(2) for adjustments based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline, the Administrator may revise such adjustments to take account of the scope of any lawful and enforceable Federal or State prohibition on methyl tertiary butyl ether imposed after the effective date of the enactment of this paragraph, except that any such adjustment shall require such refiner or importer, to the greatest extent practicable, to maintain the reduction achieved during calendar year 1999–2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refinery or importer. Any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999–2000.

SEC. 17105. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

"(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by title VII of the Energy Policy Act of 2003.

"(B) Final analysis.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) Emissions model.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 17106. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) Renewable Fuels Survey.—(1) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national and regional basis, including—

"(A) the quantity of renewable fuels produced;

"(B) the quantity of renewable fuels blended;

"(C) the quantity of renewable fuels imported;

"(D) the quantity of renewable fuels demanded;

"(E) market price data; and

"(F) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this section.

"(2) The Administrator shall also collect or estimate information both on a national and regional basis, pursuant to subparagraphs (A) through (F) of paragraph (1), for the five years prior to implementation of this subsection.

"(3) This subsection does not affect the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).".

SEC. 17107. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) Study.—

(1) In general.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) Required elements.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to consumers in various States and localities;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while improving air quality at the national, regional and local levels consistent with the attainment of national ambient air quality standards, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply;

(F) the feasibility of providing incentives, to promote cleaner burning motor vehicle fuel; and

(G) the extent to which improvements in air quality and any increases or decreases in the price of motor fuel can be projected to result from the Environmental Protection Agency's Tier II requirements for conventional gasoline and vehicle emission systems, the reformulated gasoline program, the renewable content requirements established by this subtitle, State programs regarding gasoline volatility, and any other requirements imposed by States or localities affecting the composition of motor fuel.

(b) Report.—

(1) In general.—Not later than December 31, 2006, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) Recommendations.—

(A) In general.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) Required considerations.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) Consultation.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and distributors; and

(D) the public.

SEC. 17108. COMMERCIAL BYPRODUCTS FROM MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.

(a) Definition of Municipal Solid Waste.—In this section, the term "municipal solid waste" has the meaning given the term "solid waste" in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) Establishment of Program.—The Secretary of Energy shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste into fuel ethanol and other commercial byproducts.

(c) Requirements.—The Secretary may provide a loan guarantee under subsection (b) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (b);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(d) Criteria.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility because of—

(A) the limited availability of land for waste disposal; or

(B) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

(e) Maturity.—A loan guaranteed under subsection (b) shall have a maturity of not more than 20 years.

(f) Terms and Conditions.—The loan agreement for a loan guaranteed under subsection (b) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(g) Assurance of Repayment.—The Secretary shall require that an applicant for a loan guarantee under subsection (b) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(h) Guarantee Fee.—The recipient of a loan guarantee under subsection (b) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(i) Full Faith and Credit.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(j) Reports.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(l) Termination of Authority.—The authority of the Secretary to issue a loan guarantee under subsection (b) terminates on the date that is 10 years after the date of enactment of this Act.

Subtitle B—MTBE Cleanup

SEC. 17201. FUNDING FOR MTBE CONTAMINATION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Administrator of the United States Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund not more than $850,000,000 to be used for taking such action limited to site assessment (including exposure assessment), corrective action, inspection of underground storage tank systems, and groundwater monitoring as the Administrator deems necessary to protect human health, welfare, and the environment from underground storage tank releases of fuel containing fuel oxygenates.

TITLE VIII—AUTOMOBILE EFFICIENCY

SEC. 18001. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF FUEL ECONOMY STANDARDS.

In addition to any other funds authorized by law, there are authorized to be appropriated to the National Highway Traffic Safety Administration to implement and enforce average fuel economy standards $5,000,000 for fiscal years 2004 through 2006.

SEC. 18002. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall study the feasibility and effects of reducing by model year 2012, by a significant percentage, the use of fuel for automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Administrator shall submit to the Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

DIVISION B—SCIENCE

SEC. 20001. PURPOSES.

The purposes of this division are to—

(1) contribute to a national energy strategy through an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and promote the commercial application of new energy technologies in partnership with industry;

(2) protect and strengthen the Nation's economy, standard of living, and national security by reducing dependence on imported energy;

(3) meet future needs for energy services at the lowest total cost to the Nation, giving balanced and comprehensive consideration to technologies that improve the efficiency of energy end uses and that enhance energy supply;

(4) reduce the environmental impacts of energy production, distribution, transportation, and use;

(5) help increase domestic production of energy, increase the availability of hydrocarbon reserves, and lower energy prices; and

(6) stimulate economic growth and enhance the ability of United States companies to compete in future markets for advanced energy technologies.

SEC. 20002. GOALS.

(a) IN GENERAL.—In order to achieve the purposes of this division, the Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application, guided by the following goals:

(1) ENERGY EFFICIENCY.—

(A) BUILDINGS.—Develop, in partnership with industry, technologies, designs, and production methods that will enable an average 25 percent increase by 2010 in the energy efficiency of all new buildings, as compared to a new building in 1996.

(B) INDUSTRY.—Develop, in partnership with industry, technologies, designs, and production methods that will enable the energy intensity of the major energy-consuming industries to improve by at least 25 percent by 2010 as compared to 1991.

(C) VEHICLES.—Develop, in partnership with industry, technologies that will enable—

(i) by 2010, mid-sized passenger automobiles with a fuel economy of 80 miles per gallon;

(ii) by 2010, light trucks (classes 1 and 2a) with a fuel economy of 60 miles per gallon;

(iii) by 2010, medium trucks and buses (classes 2b through 6 and class 8 transit buses) with a fuel economy, in ton-miles per gallon for trucks and passenger miles per gallon for buses, that is 3 times that of year 2000 equivalent vehicles;

(iv) by 2010, heavy trucks (classes 7 and 8) with a fuel economy, in ton-miles per gallon, that is 2 times that of year 2000 equivalent vehicles; and

(v) by 2020, meeting the goal of the President's Hydrogen Initiative.

(2) DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.—

(A) DISTRIBUTED GENERATION.—Develop, in partnership with industry, technologies based on natural gas that achieve electricity generating efficiencies greater than 40 percent by 2015 for on-site, or distributed, generation technologies.

(B) ELECTRIC ENERGY SYSTEMS AND STORAGE.—Develop, in partnership with industry—

(i) technologies for generators and transmission, distribution, and storage systems that combine high capacity with high efficiency (particularly for electric transmission facilities in rural and remote areas);

(ii) new transmission and distribution technologies, including flexible alternating current transmission systems, composite conductor materials, advanced protection devices, and controllers;

(iii) technologies for interconnection of distributed energy resources with electric power systems;

(iv) high-temperature superconducting materials for power delivery equipment such as transmission and distribution cables, transformers, and generators; and

(v) real-time transmission and distribution system control technologies that provide for continual exchange of information between generation, transmission, distribution, and end-user facilities.

(3) RENEWABLE ENERGY.—

(A) WIND POWER.—Develop, in partnership with industry, technologies and designs that will—

(i) reduce the cost of wind power by 40 percent by 2012 as compared to 2000; and

(ii) expand utilization of class 3 and 4 winds.

(B) PHOTOVOLTAICS.—Develop, in partnership with industry, total photovoltaic systems with installed costs of $5,000 per peak kilowatt by 2005 and $2000 per peak kilowatt by 2015.

(C) SOLAR THERMAL SYSTEMS.—Develop, in partnership with industry, solar power technologies (including baseload solar power) that combine high-efficiency and high-temperature receivers with advanced thermal storage and power cycles to accommodate peak loads and reduce lifecycle costs.

(D) GEOTHERMAL ENERGY.—Develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal or ground source heat pump technology, with a specific focus on—

(i) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 40 percent by 2010;

(ii) reducing the cost of drilling by 2008 to an average cost of $225 per foot;

(iii) developing enhanced geothermal systems technology with the potential to double the usable geothermal resource base, as compared to the date of enactment of this Act; and

(iv) reducing the cost of installing the ground loop of ground-source heat pumps by 30 percent by 2007 compared to the cost in 2000.

(E) BIOMASS-BASED POWER SYSTEMS.—Develop, in partnership with industry, integrated power generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2010, through co-production of fuels, chemicals, and other products under subparagraph (F).

(F) BIOFUELS.—Develop, in partnership with industry, new and emerging technologies and biotechnology processes capable of making—

(i) gaseous and liquid biofuels that are price-competitive, by 2010, with gasoline or diesel in either internal combustion engines or fuel cells; and

(ii) biofuels, biobased polymers, and chemicals, including those derived from lignocellulosic feedstock, with particular emphasis on developing biorefineries that use enzyme-based processing systems.

(G) HYDROPOWER.—Develop, in partnership with industry, a new generation of turbine technologies that will increase generating capacity and be less damaging to fish and aquatic ecosystems.

(4) FOSSIL ENERGY.—

(A) POWER GENERATION.—Develop, in partnership with industry, technologies, including precombustion technologies, by 2015 with the capability of realizing—

(i) electricity generating efficiencies of 75 percent (lower heating value) for natural gas; and

(ii) widespread commercial application of combined heat and power with thermal efficiencies of more than 85 percent (higher heating value).

(B) OFFSHORE OIL AND GAS RESOURCES.—Develop, in partnership with industry, technologies to—

(i) extract methane hydrates in coastal waters of the United States; and

(ii) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico, with a focus on improving, while lowering costs and reducing environmental impacts, the safety and efficiency of—

(I) the recovery of ultra-deepwater resources; and

(II) sub-sea production technology used for such recovery.

(C) ONSHORE OIL AND GAS RESOURCES.—Advance the science and technology available to domestic onshore petroleum producers, particularly independent producers of oil or gas, through—

(i) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(ii) improvement in the ability to extract hydrocarbons (including heavy oil) from known reservoirs and classes of reservoirs; and

(iii) development of technologies and practices that reduce the impact on the environment from petroleum exploration and production.

(D) TRANSPORTATION FUELS.—Increase the availability of transportation fuels by focusing research on—

(i) reducing the cost of producing transportation fuels from coal and natural gas; and

(ii) indirect liquefaction of coal and biomass.

(5) NUCLEAR ENERGY.—

(A) EXISTING REACTORS.—Support research to extend the lifetimes of existing United States nuclear power reactors, and increase their reliability while optimizing their current operations for greater efficiencies.

(B) ADVANCED REACTORS.—Develop, in partnership with industry—

(i) advanced, efficient, lower cost, and passively safe reactor designs;

(ii) proliferation-resistant and high-burnup nuclear fuels; and

(iii) technologies to minimize generation of radioactive materials and improve the management of nuclear waste.

(C) NUCLEAR SCIENTISTS AND ENGINEERS.—Attract new students and faculty to the nuclear sciences, nuclear engineering, and related fields (including health physics, nuclear medicine, nuclear chemistry, and radiochemistry).

(6) HYDROGEN.—Carry out programs related to hydrogen in the Fossil Fuel Program and the Nuclear Energy Program.

(b) REVIEW AND ASSESSMENT OF GOALS.—

(1) EVALUATION AND MODIFICATION.—Based on amounts appropriated and developments in science and technology, the Secretary shall evaluate the goals set forth in subsection (a) at least once every 5 years, and shall report to the Congress any proposed modifications to the goals.

(2) CONSULTATION.—In evaluating and proposing modifications to the goals as provided in paragraph (1), the Secretary shall solicit public input.

(3) PUBLIC COMMENT.—(A) After consultation under paragraph (2), the Secretary shall publish in the Federal Register a set of draft modifications to the goals for public comment.

(B) Not later than 60 days after the date of publication of draft modifications under subparagraph (A), and after consideration of any public comments received, the Secretary shall publish the final modifications, including a summary of the public comments received, in the Federal Register.

(4) EFFECTIVE DATE.—No modification to goals under this section shall take effect before the date which is 5 years after the date of enactment of this Act.

(c) EFFECT OF GOALS.—(1) Nothing in paragraphs (1) through (6) of subsection (a), or any subsequent modification to the goals therein pursuant to subsection (b), shall—

(A) create any new—

(i) authority for any Federal agency; or

(ii) requirement for any other person;

(B) be used by a Federal agency to support the establishment of regulatory standards or regulatory requirements; or

(C) alter the authority of the Secretary to make grants or other awards.

(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to impose conditions on grants or other awards based on the goals in subsection (a) or any subsequent modification thereto.

SEC. 20003. DEFINITIONS.

For purposes of this division:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INDEPENDENT PRODUCER OF OIL OR GAS.—

(A) IN GENERAL.—The term "independent producer of oil or gas" means any person who produces oil or gas other than a person to whom subsection (c) of section 613A of the Internal Revenue Code of 1986 does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d) of such Code.

(B) RULES FOR APPLYING PARAGRAPHS (2) AND (4) OF SECTION 613a(d).—For purposes of subparagraph (A), paragraphs (2) and (4) of section 613A(d) of the Internal Revenue Code of 1986 shall be applied by substituting "calendar year" for "taxable year" each place it appears in such paragraphs.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) JOINT VENTURE.—The term "joint venture" has the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301).

(6) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following laboratories owned by the Department:

(A) Ames National Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Laboratory.

(E) Idaho National Engineering and Environmental Laboratory.

(F) Lawrence Berkeley National Laboratory.

(G) Lawrence Livermore National Laboratory.

(H) Los Alamos National Laboratory.

(I) National Energy Technology Laboratory.

(J) National Renewable Energy Laboratory.

(K) Oak Ridge National Laboratory.

(L) Pacific Northwest National Laboratory.

(M) Princeton Plasma Physics Laboratory.

(N) Sandia National Laboratories.

(O) Thomas Jefferson National Accelerator Facility.

(7) NONMILITARY ENERGY LABORATORY.—The term "nonmilitary energy laboratory" means any of the following laboratories of the Department:

(A) Ames National Laboratory.

(B) Argonne National Laboratory.

(C) Brookhaven National Laboratory.

(D) Fermi National Laboratory.

(E) Lawrence Berkeley National Laboratory.

(F) Oak Ridge National Laboratory.

(G) Pacific Northwest National Laboratory.

(H) Princeton Plasma Physics Laboratory.

(I) Stanford Linear Accelerator Center.

(J) Thomas Jefferson National Accelerator Facility.

(8) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(9) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the following primarily single-purpose entities owned by the Department:

(A) East Tennessee Technology Park.

(B) Fernald Environmental Management Project.

(C) Kansas City Plant.

(D) Nevada Test Site.

(E) New Brunswick Laboratory.

(F) Pantex Weapons Facility.

(G) Savannah River Technology Center.

(H) Stanford Linear Accelerator Center.

(I) Y-12 facility at Oak Ridge National Laboratory.

(J) Waste Isolation Pilot Plant.

(K) Any other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities.

TITLE I—RESEARCH AND DEVELOPMENT

Subtitle A—Energy Efficiency

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21101. ENERGY EFFICIENCY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for energy efficiency and conservation research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $616,000,000.

(2) For fiscal year 2005, $695,000,000.

(3) For fiscal year 2006, $772,000,000.

(4) For fiscal year 2007, $865,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) LIGHTING SYSTEMS.—For activities under section 21111, $50,000,000 for each of fiscal years 2004 through 2007.

(2) ELECTRIC MOTOR CONTROL TECHNOLOGY.—For activities under section 21122, $2,000,000 for each of fiscal years 2004 through 2007.

(3) SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.—For activities under section 21132—

(A) for fiscal year 2004, $4,000,000;

(B) for fiscal year 2005, $7,000,000;

(C) for fiscal year 2006, $7,000,000; and

(D) for fiscal year 2007, $7,000,000.

(4) ENERGY EFFICIENCY SCIENCE INITIATIVE.—For activities under section 21141—

(A) for fiscal year 2004, $20,000,000;

(B) for fiscal year 2005, $25,000,000;

(C) for fiscal year 2006, $30,000,000; and

(D) for fiscal year 2007, $35,000,000.

(c) Extended Authorization.—There are authorized to be appropriated to the Secretary for activities under section 21111, $50,000,000 for each of fiscal years 2008 through 2012.

(d) Limits on Use of Funds.—None of the funds authorized to be appropriated under this section may be used for—

(1) the promulgation and implementation of energy efficiency regulations;

(2) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act;

(3) the State Energy Program under part D of title III of the Energy Policy and Conservation Act; or

(4) the Federal Energy Management Program under part 3 of title V of the National Energy Conservation Policy Act.

PART 2—LIGHTING SYSTEMS

SEC. 21111. NEXT GENERATION LIGHTING INITIATIVE.

(a) In General.—The Secretary shall carry out a Next Generation Lighting Initiative in accordance with this section to support research, development, demonstration, and commercial application activities related to advanced solid-state lighting technologies based on white light emitting diodes.

(b) Objectives.—The objectives of the initiative shall be—

(1) to develop, by 2012, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive;

(2) to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime; and

(3) to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants, such as mercury, typical of fluorescent lamps.

(c) Fundamental Research.—

(1) Consortium.—The Secretary shall carry out the fundamental research activities of the Next Generation Lighting Initiative through a private consortium (which may include private firms, trade associations and institutions of higher education), which the Secretary shall select through a competitive process. Each proposed consortium shall submit to the Secretary such information as the Secretary may require, including a program plan agreed to by all participants of the consortium.

(2) Joint venture.—The consortium shall be structured as a joint venture among the participants of the consortium. The Secretary shall serve on the governing council of the consortium.

(3) Eligibility.—To be eligible to be selected as the consortium under paragraph (1), an applicant must be broadly representative of United States solid-state lighting research, development, and manufacturing expertise as a whole.

(4) Grants.—(A) The Secretary shall award grants for fundamental research to the consortium, which the consortium may disburse to researchers, including those who are not participants of the consortium.

(B) To receive a grant, the consortium must provide a description to the Secretary of the proposed research and list the parties that will receive funding.

(C) Grants shall be matched by the consortium pursuant to section 21802.

(5) National laboratories.—National Laboratories may participate in the research described in this section, and may receive funds from the consortium.

(6) Intellectual property.—Participants in the consortium and the Federal Government shall have royalty-free nonexclusive rights to use intellectual property derived from research funded pursuant to this subsection.

(d) Development, Demonstration, and Commercial Application.—The Secretary shall carry out the development, demonstration, and commercial application activities of the Next Generation Lighting Initiative through awards to private firms, trade associations, and institutions of higher education. In selecting awardees, the Secretary may give preference to members of the consortium selected pursuant to subsection (c).

(e) Plans and Assessments.—(1) The consortium shall formulate an annual operating plan which shall include research priorities, technical milestones, and plans for technology transfer, and which shall be subject to approval by the Secretary.

(2) The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic reviews of the Next Generation Lighting Initiative. The Academy shall review the research priorities, technical milestones, and plans for technology transfer established under paragraph (1) and evaluate the progress toward achieving them. The Secretary shall consider the results of such reviews in evaluating the plans submitted under paragraph (1).

(f) Audit.—The Secretary shall retain an independent, commercial auditor to perform an audit of the consortium to determine the extent to which the funds authorized by this section have been expended in a manner consistent with the purposes of this section. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to the Congress, along with a plan to remedy any deficiencies cited in the report.

(g) Sunset.—The Next Generation Lighting Initiative shall terminate no later than September 30, 2013.

(h) Definitions.—As used in this section:

(1) Advanced solid-state lighting.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) Fundamental research.—The term "fundamental research" includes basic research on both solid-state materials and manufacturing processes.

(3) Inorganic white light emitting diode.—The term "inorganic white light emitting diode" means an inorganic semiconducting package that produces white light using externally applied voltage.

(4) Organic white light emitting diode.—The term "organic white light emitting diode" means an organic semiconducting compound that produces white light using externally applied voltage.

PART 3—BUILDINGS

SEC. 21121. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) Interagency Group.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an interagency group to develop, in coordination with the advisory committee established under subsection (e), a National Building Performance Initiative (in this section referred to as the "Initiative"). The interagency group shall be cochaired by appropriate officials of the Department and the Department of Commerce, who shall jointly arrange for the provision of necessary administrative support to the group.

(b) Integration of Efforts.—The Initiative, working with the National Institute of Building Sciences, shall integrate Federal, State, and voluntary private sector efforts to reduce the costs of construction, operation, maintenance, and renovation of commercial, industrial, institutional, and residential buildings.

(c) Plan.—Not later than 1 year after the date of enactment of this Act, the interagency group shall submit to Congress a plan for carrying out the appropriate Federal role in the Initiative. The plan shall be based on whole building principles and shall include—

(1) research, development, demonstration, and commercial application of systems and materials for new construction and retrofit relating to the building envelope and building system components; and

(2) the collection, analysis, and dissemination of research results and other pertinent information on enhancing building performance to industry, government entities, and the public.

(d) Department of Energy Role.—Within the Federal portion of the Initiative, the Department shall be the lead agency for all aspects of building performance related to use and conservation of energy.

(e) Advisory Committee.—

(1) Establishment.—The Director of the Office of Science and Technology Policy shall establish an advisory committee to—

(A) analyze and provide recommendations on potential private sector roles and participation in the Initiative; and

(B) review and provide recommendations on the plan described in subsection (c).

(2) Membership.—Membership of the advisory committee shall include representatives with a broad range of appropriate expertise, including expertise in—

(A) building research and technology;

(B) architecture, engineering, and building materials and systems; and

(C) the residential, commercial, and industrial sectors of the construction industry.

(f) Construction.—Nothing in this section provides any Federal agency with new authority to regulate building performance.

SEC. 21122. ELECTRIC MOTOR CONTROL TECHNOLOGY.

The Secretary shall conduct a research, development, demonstration, and commercial application program on advanced control devices to improve the energy efficiency of electric motors used in heating, ventilation, air conditioning, and comparable systems.

PART 4—VEHICLES

SEC. 21131. DEFINITIONS.

For purposes of this part, the term—

(1) "battery" means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity; and

(2) "associated equipment" means equipment located where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

SEC. 21132. ESTABLISHMENT OF SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) Program.—The Secretary shall establish and conduct a research, development, demonstration, and commercial application program for the secondary use of batteries. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary application, including

utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including reuse and disposal of batteries; and

(3) coordinated with ongoing secondary battery use programs at the National Laboratories and in industry.

(b) SOLICITATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(2)(A) Proposals submitted in response to a solicitation under this section shall include—

(i) a description of the project, including the batteries to be used in the project, the proposed locations and applications for the batteries, the number of batteries to be demonstrated, and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently used;

(ii) the contribution, if any, of State or local governments and other persons to the demonstration project;

(iii) the type of associated equipment and supporting infrastructure to be demonstrated; and

(iv) any other information the Secretary considers appropriate.

(B) If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

(c) SELECTION OF PROPOSALS.—(1)(A) The Secretary shall, not later than 3 months after the closing date established by the Secretary for receipt of proposals under subsection (b), select at least 5 proposals to receive financial assistance under this section.

(B) No one project selected under this section shall receive more than 25 percent of the funds authorized under this section. No more than 3 projects selected under this section shall demonstrate the same battery type.

(2) In selecting a proposal under this section, the Secretary shall consider—

(A) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including satisfying the reporting requirements set forth in paragraph (3)(B);

(B) the geographic and climatic diversity of the projects selected;

(C) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(D) the suitability of the batteries for their intended uses;

(E) the technical performance of the batteries, including the expected additional useful life and the batteries' ability to retain energy;

(F) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(G) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will—

(i) permit a reduction of the Federal cost share per project; or

(ii) otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(H) such other criteria as the Secretary considers appropriate.

(3) CONDITIONS.—The Secretary shall require that—

(A) as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for 3 years after the beginning of the demonstration project;

(B) the proposer provide to the Secretary such information regarding the operation, maintenance, performance, and use of the batteries as the Secretary may request;

(C) the proposer provide to the Secretary such information regarding the disposal of the batteries as the Secretary may require to ensure that the proposer disposes of the batteries in accordance with applicable law; and

(D) the proposer provide at least 50 percent of the costs associated with the proposal.

PART 5—ENERGY EFFICIENCY SCIENCE INITIATIVE

SEC. 21141. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy.efficiency.

(b) REPORT.—The Secretary shall submit to the Congress, along with the President's annual budget request under section 1105(a) of title 31, United States Code, a report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

PART 6—ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS

SEC. 21151. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

(a) GRANTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall make grants to nonprofit institutions, State and local governments, or universities (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers.

(b) ACTIVITIES.—(1) Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use.

(2) Each Center shall establish an advisory panel to advise the Center on how best to accomplish the activities under paragraph (1).

(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section.

(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

(1) The ability of the applicant to carry out the activities in subsection (b).

(2) The extent to which the applicant will coordinate the activities of the Center with other entities, such as State and local governments, utilities, and educational and research institutions.

(e) MATCHING FUNDS.—The Secretary shall require a non-Federal matching requirement of at least 50 percent of the costs of establishing and operating each Center.

(f) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to advise the Secretary on the establishment of Centers under this section. The advisory committee shall be composed of individuals with expertise in the area of advanced energy methods and technologies, including at least 1 representative from—

(1) State or local energy offices;

(2) energy professionals;

(3) trade or professional associations;

(4) architects, engineers, or construction professionals;

(5) manufacturers;

(6) the research community; and

(7) nonprofit energy or environmental organizations.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "advanced energy methods and technologies" means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use;

(2) the term "Center" means an Advanced Energy Technology Transfer Center established pursuant to this section; and

(3) the term "distributed generation" means an electric power generation facility that is designed to serve retail electric consumers at or near the facility site.

Subtitle B—Distributed Energy and Electric Energy Systems

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21201. DISTRIBUTED ENERGY AND ELECTRIC ENERGY SYSTEMS.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for distributed energy and electric energy systems activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $190,000,000.

(2) For fiscal year 2005, $200,000,000.

(3) For fiscal year 2006, $220,000,000.

(4) For fiscal year 2007, $240,000,000.

(b) MICRO-COGENERATION ENERGY TECHNOLOGY.—From amounts authorized under subsection (a), the following sums shall be available for activities under section 21213:

(1) For fiscal year 2004, $5,000,000.

(2) For fiscal year 2005, $5,500,000.

(3) For fiscal year 2006, $6,000,000.

(4) For fiscal year 2007, $6,500,000.

PART 2—DISTRIBUTED POWER

SEC. 21211. STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and transmit to the Congress a strategy for a comprehensive research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine—

(1) one or more renewable electric power generation technologies of 10 megawatts or less located near the site of electric energy use; and

(2) nonintermittent electric power generation technologies suitable for use in a distributed power system.

(b) CONTENTS.—The strategy shall—

(1) identify the needs best met with such hybrid distributed power systems and the technological barriers to the use of such systems;

(2) provide for the development of methods to design, test, integrate into systems, and operate such hybrid distributed power systems;

(3) include, as appropriate, research, development, demonstration, and commercial application on related technologies needed for the adoption of such hybrid distributed power systems, including energy storage devices and environmental control technologies;

(4) include research, development, demonstration, and commercial application of interconnection technologies for communications and controls of distributed generation architectures, particularly technologies promoting real-time response to power market information and physical conditions on the electrical grid; and

(5) describe how activities under the strategy will be integrated with other research, development, demonstration, and commercial application activities supported by the Department of Energy related to electric power technologies.

SEC. 21212. HIGH POWER DENSITY INDUSTRY PROGRAM.

The Secretary shall establish a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities. Such program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SEC. 21213. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia for the development of micro-cogeneration energy technology. The consortia shall explore the use of small-scale combined heat and power in residential heating appliances.

PART 3—TRANSMISSION SYSTEMS

SEC. 21221. TRANSMISSION INFRASTRUCTURE SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) PROGRAM AUTHORIZED.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to promote improved reliability and efficiency of electrical transmission systems. Such program may include—

(1) advanced energy technologies, materials, and systems;

(2) advanced grid reliability and efficiency technology development;

(3) technologies contributing to significant load reductions;

(4) advanced metering, load management, and control technologies;

(5) technologies to enhance existing grid components;

(6) the development and use of high-temperature superconductors to—

(A) enhance the reliability, operational flexibility, or power-carrying capability of electric transmission or distribution systems; or

(B) increase the efficiency of electric energy generation, transmission, distribution, or storage systems;

(7) integration of power systems, including systems to deliver high-quality electric power, electric power reliability, and combined heat and power;

(8) any other infrastructure technologies, as appropriate; and

(9) technology transfer and education.

(b) PROGRAM PLAN.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with utilities, energy services providers, manufacturers, institutions of higher education, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

(c) REPORT.—Not later than 2 years after the transmittal of the plan under subsection (b), the Secretary shall transmit a report to Congress describing the progress made under this section and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

Subtitle C—Renewable Energy

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21301. RENEWABLE ENERGY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for renewable energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $380,000,000.

(2) For fiscal year 2005, $420,000,000.

(3) For fiscal year 2006, $460,000,000.

(4) For fiscal year 2007, $499,000,000.

(b) BIOENERGY.—From the amounts authorized under subsection (a), the following sums are authorized to be appropriated to carry out section 21311 and section 21706:

(1) For fiscal year 2004, $135,425,000.

(2) For fiscal year 2005, $155,600,000.

(3) For fiscal year 2006, $167,650,000.

(4) For fiscal year 2007, $180,000,000.

(c) PUBLIC BUILDINGS.—From the amounts authorized under subsection (a), $30,000,000 for each of the fiscal years 2004 through 2007 are authorized to be appropriated to carry out section 21322.

(d) LIMITS ON USE OF FUNDS.—

(1) EXCLUSION.—None of the funds authorized to be appropriated under this section may be used for Renewable Support and Implementation.

(2) BIOENERGY.—Of the funds authorized under subsection (b), not less than $5,000,000 for each fiscal year shall be made available for grants to Historically Black Colleges and Universities, Tribal Colleges, and Hispanic-Serving Institutions.

(3) RURAL AND REMOTE LOCATIONS.—In carrying out this section, the Secretary, in consultation with the Secretary of Agriculture, shall demonstrate the use of advanced wind power technology, biomass, geothermal energy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations.

(4) REGIONAL FIELD VERIFICATION.—Of the funds authorized under subsection (a), not less than $4,000,000 for each fiscal year shall be made available for the Regional Field Verification Program of the Department.

(5) HYDROPOWER DEMONSTRATION PROJECTS.—Of the funds authorized under subsection (a), such sums as may be necessary shall be made available for demonstration projects of off-stream pumped storage hydropower.

PART 2—BIOENERGY

SEC. 21311. BIOENERGY PROGRAMS.

The Secretary shall conduct a program of research, development, demonstration, and commercial application for bioenergy, including—

(1) biopower energy systems;

(2) biofuels;

(3) integrated applications of both biopower and biofuels;

(4) cross-cutting research and development in feedstocks; and

(5) economic analysis.

PART 3—MISCELLANEOUS PROJECTS

SEC. 21321. MISCELLANEOUS PROJECTS.

(a) PROGRAMS.—The Secretary shall conduct research, development, demonstration, and commercial application programs for—

(1) ocean energy, including wave energy;

(2) the combined use of renewable energy technologies with one another and with other energy technologies, including the combined use of wind power and coal gasification technologies; and

(3) hydrogen carrier fuels.

(b) STUDY.—(1) The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study on—

(A) the feasibility of various methods of renewable generation of energy from the ocean, including energy from waves, tides, currents, and thermal gradients; and

(B) the research, development, demonstration, and commercial application activities required to make marine renewable energy generation competitive with other forms of electricity generation.

(2) Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit the study to the Congress along with the Secretary's recommendations for implementing the results of the study.

SEC. 21322. RENEWABLE ENERGY IN PUBLIC BUILDINGS.

(a) DEMONSTRATION AND TECHNOLOGY TRANSFER PROGRAM.—The Secretary shall establish a program for the demonstration of innovative technologies for solar and other renewable energy sources in buildings owned or operated by a State or local government, and for the dissemination of information resulting from such demonstration to interested parties.

(b) LIMIT ON FEDERAL FUNDING.—The Secretary shall provide under this section no more than 40 percent of the incremental costs of the solar or other renewable energy source project funded.

(c) REQUIREMENT.—As part of the application for awards under this section, the Secretary shall require all applicants—

(1) to demonstrate a continuing commitment to the use of solar and other renewable energy sources in buildings they own or operate; and

(2) to state how they expect any award to further their transition to the significant use of renewable energy.

Subtitle D—Nuclear Energy

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21401. NUCLEAR ENERGY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for nuclear energy research, development, demonstration, and commercial application activities, including activities authorized under this subtitle:

(1) For fiscal year 2004, $388,000,000.

(2) For fiscal year 2005, $416,000,000.

(3) For fiscal year 2006, $445,000,000.

(4) For fiscal year 2007, $474,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) NUCLEAR INFRASTRUCTURE SUPPORT.—For activities under section 21411(e)—

(A) for fiscal year 2004, $125,000,000;

(B) for fiscal year 2005, $130,000,000;

(C) for fiscal year 2006, $135,000,000; and

(D) for fiscal year 2007, $140,000,000.

(2) ADVANCED FUEL RECYCLING PROGRAM.—For activities under section 21421—

(A) for fiscal year 2004, $80,000,000;

(B) for fiscal year 2005, $93,000,000;

(C) for fiscal year 2006, $106,000,000; and

(D) for fiscal year 2007, $120,000,000.

(3) UNIVERSITY PROGRAMS.—For activities under section 21431—

(A) for fiscal year 2004, $35,200,000, of which—

(i) $3,000,000 shall be for activities under subsection (b)(1) of that section;

(ii) $4,275,000 shall be for activities under subsection (b)(2) of that section;

(iii) $8,000,000 shall be for activities under subsection (b)(3) of that section;

(iv) $500,000 shall be for activities under subsection (b)(5) of that section;

(v) $7,000,000 shall be for activities under subsection (c)(1) of that section;

(vi) $700,000 shall be for activities under subsection (c)(2) of that section;

(vii) $10,000,000 shall be for activities under subsection (c)(3) of that section;

(viii) $1,000,000 shall be for activities under subsection (d)(1) of that section; and

(ix) $725,000 shall be for activities under subsection (d)(2) of that section;

(B) for fiscal year 2005, $44,350,000, of which—

(i) $3,100,000 shall be for activities under subsection (b)(1) of that section;

(ii) $6,275,000 shall be for activities under subsection (b)(2) of that section;

(iii) $12,000,000 shall be for activities under subsection (b)(3) of that section;

(iv) $550,000 shall be for activities under subsection (b)(5) of that section;

(v) $7,500,000 shall be for activities under subsection (c)(1) of that section;

(vi) $1,100,000 shall be for activities under subsection (c)(2) of that section;

(vii) $12,000,000 shall be for activities under subsection (c)(3) of that section;

(viii) $1,100,000 shall be for activities under subsection (d)(1) of that section; and

(ix) $725,000 shall be for activities under subsection (d)(2) of that section;

(C) for fiscal year 2006, $49,200,000, of which—

(i) $3,200,000 shall be for activities under subsection (b)(1) of that section;

(ii) $7,150,000 shall be for activities under subsection (b)(2) of that section;

(iii) $13,000,000 shall be for activities under subsection (b)(3) of that section;

(iv) $600,000 shall be for activities under subsection (b)(5) of that section;

(v) $8,000,000 shall be for activities under subsection (c)(1) of that section;

(vi) $1,200,000 shall be for activities under subsection (c)(2) of that section;

(vii) $14,000,000 shall be for activities under subsection (c)(3) of that section;

(viii) $1,200,000 shall be for activities under subsection (d)(1) of that section; and

(ix) $850,000 shall be for activities under subsection (d)(2) of that section; and

(D) for fiscal year 2007, $54,950,000, of which—

(i) $3,200,000 shall be for activities under subsection (b)(1) of that section;

(ii) $8,150,000 shall be for activities under subsection (b)(2) of that section;

(iii) $15,000,000 shall be for activities under subsection (b)(3) of that section;

(iv) $650,000 shall be for activities under subsection (b)(5) of that section;

(v) $8,500,000 shall be for activities under subsection (c)(1); of that section;

(vi) $1,300,000 shall be for activities under subsection (c)(2) of that section;

(vii) $16,000,000 shall be for activities under subsection (c)(3) of that section;

(viii) $1,300,000 shall be for activities under subsection (d)(1) of that section; and

(ix) $850,000 shall be for activities under subsection (d)(2) of that section.

(c) LIMIT ON USE OF FUNDS.—None of the funds authorized under this section may be used for decommissioning the Fast Flux Test Facility.

PART 2—NUCLEAR ENERGY RESEARCH PROGRAMS

SEC. 21411. NUCLEAR ENERGY RESEARCH PROGRAMS.

(a) NUCLEAR ENERGY RESEARCH INITIATIVE.—The Secretary shall carry out a Nuclear Energy Research Initiative for research and development related to nuclear energy.

(b) NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.—The Secretary shall carry out a Nuclear Energy Plant Optimization Program to support research and development activities addressing reliability, availability, productivity, and component aging in existing nuclear power plants.

(c) NUCLEAR POWER 2010 PROGRAM.—The Secretary shall carry out a Nuclear Power 2010 Program, consistent with recommendations in the October 2001 report entitled "A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010" issued by the Nuclear Energy Research Advisory Committee of the Department. The Program shall—

(1) rely on the expertise and capabilities of the National Laboratories in the areas of advanced nuclear fuels cycles and fuels testing;

(2) pursue an approach that considers a variety of reactor designs;

(3) include participation of international collaborators in research, development, and design efforts as appropriate; and

(4) encourage industry participation.

(d) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—The Secretary shall carry out a Generation IV Nuclear Energy Systems Initiative to develop an overall technology plan and to support research and development necessary to make an informed technical decision about the most promising candidates for eventual commercial application. The Initiative shall examine advanced proliferation-resistant and passively safe reactor designs, including designs that—

(1) are economically competitive with other electric power generation plants;

(2) have higher efficiency, lower cost, and improved safety compared to reactors in operation on the date of enactment of this Act;

(3) use fuels that are proliferation resistant and have substantially reduced production of high-level waste per unit of output; and

(4) utilize improved instrumentation.

(e) NUCLEAR INFRASTRUCTURE SUPPORT.—The Secretary shall develop and implement a strategy for the facilities of the Office of Nuclear Energy, Science, and Technology and shall transmit a report containing the strategy along with the President's budget request to the Congress for fiscal year 2005. Such strategy shall provide a cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility upgrades and modifications; and

(4) building new facilities.

PART 3—ADVANCED FUEL RECYCLING

SEC. 21421. ADVANCED FUEL RECYCLING PROGRAM.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to evaluate proliferation-resistant fuel recycling and transmutation technologies which minimize environmental or public health and safety impacts as an alternative to aqueous reprocessing technologies deployed as of the date of enactment of this Act in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate. Opportunities to enhance progress of this program through international cooperation should be sought.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program, as part of the Department's annual budget submission.

PART 4—UNIVERSITY PROGRAMS

SEC. 21431. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to invest in human resources and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall—

(1) establish a graduate and undergraduate fellowship program to attract new and talented students;

(2) establish a Junior Faculty Research Initiation Grant Program to assist institutions of higher education in recruiting and retaining new faculty in the nuclear sciences and engineering;

(3) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research among industry, National Laboratories, and institutions of higher education through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) STRENGTHENING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include—

(1) converting research reactors currently using high-enrichment fuels to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among institutions of higher education;

(2) providing technical assistance, in collaboration with the United States nuclear industry, in relicensing and upgrading training reactors as part of a student training program; and

(3) providing funding, through the Innovations in Nuclear Infrastructure and Education Program, for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop—

(1) a sabbatical fellowship program for professors at institutions of higher education to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary may provide fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a research reactor at an institution of higher education used in the research project.

PART 5—GEOLOGICAL ISOLATION OF SPENT FUEL

SEC. 21441. GEOLOGICAL ISOLATION OF SPENT FUEL.

The Secretary shall conduct a study to determine the feasibility of deep borehole disposal of spent nuclear fuel and high-level radioactive waste. The study shall emphasize geological, chemical, and hydrological characterization of, and design of engineered structures for, deep borehole environments. Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit the study to the Congress.

Subtitle E—Fossil Energy

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21501. FOSSIL ENERGY.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for fossil energy research, development, demonstration, and commercial application activities, other than those described in subsection (b), including activities authorized under this subtitle but not including activities authorized under division E:

(1) For fiscal year 2004, $530,000,000.

(2) For fiscal year 2005, $556,000,000.

(3) For fiscal year 2006, $583,000,000.

(4) For fiscal year 2007, $611,000,000.

No less than 60 percent of the amount appropriated for each fiscal year under this subsection shall be available for activities related to the coal research program under section 21511(a).

(b) ULTRA-DEEPWATER AND UNCONVENTIONAL RESOURCES.—

(1) OIL AND GAS LEASE INCOME.—For each of fiscal years 2004 through 2010, from any royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act and the Mineral Leasing Act which are deposited in the Treasury, and after distribution of any such funds as described in paragraph (2), an amount equal to 7.5 percent of the amount of royalties, rents, and bonuses derived from those leases deposited in the Treasury shall be deposited into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund (in this subsection referred to as the Fund). For purposes of this subsection, the term "royalties" excludes proceeds from the sale of royalty production taken in kind and royalty production that is transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)). Monies in the Fund shall be available to the Secretary for obligation under part 3, without fiscal year limitation, to the extent provided in advance in appropriations Acts.

(2) PRIOR DISTRIBUTIONS.—The distributions described in paragraph (1) are those required by law—

(A) to States and to the Reclamation Fund under the Mineral Leasing Act (30 U.S.C. 191(a)); and

(B) to other funds receiving monies from Federal oil and gas leasing programs, including—

(i) any recipients pursuant to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g));

(ii) the Land and Water Conservation Fund, pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)); and

(iii) the Historic Preservation Fund, pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470h).

(3) ALLOCATION.—Amounts made available under this subsection in each fiscal year shall be allocated as follows:

(A) 67.5 percent shall be for ultra-deepwater natural gas and other petroleum activities under section 21522;

(B) 22.5 percent shall be for unconventional natural gas and other petroleum resource activities under section 21523; and

(C) 10 percent shall be for research complementary to research under section 21521(b)(1) through (3).

(c) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) FUEL CELL PROTON EXCHANGE MEMBRANE TECHNOLOGY.—For activities under section 21511(c)(2), $28,000,000 for each of the fiscal years 2004 through 2007.

(2) COAL MINING TECHNOLOGIES.—For activities under section 21512—

(A) for fiscal year 2004, $12,000,000; and

(B) for fiscal year 2005, $15,000,000.

(3) OFFICE OF ARCTIC ENERGY.—For the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), $25,000,000 for each of fiscal years 2004 through 2007.

(d) EXTENDED AUTHORIZATION.—There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), $25,000,000 for each of fiscal years 2008 through 2011.

(e) LIMITS ON USE OF FUNDS.—

(1) EXCLUSIONS.—None of the funds authorized under this section may be used for—

(A) Fossil Energy Environmental Restoration; or

(B) Import/Export Authorization.

(2) UNIVERSITY COAL MINING RESEARCH.—Of the funds authorized under subsection (c)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

PART 2—RESEARCH PROGRAMS

SEC. 21511. FOSSIL ENERGY RESEARCH PROGRAMS.

(a) COAL RESEARCH.—(1) In addition to the Clean Coal Power Initiative authorized under division E, the Secretary shall conduct a program of research, development, demonstration, and commercial application for coal and power systems, including—

(A) central systems;

(B) sequestration research and development;

(C) fuels;

(D) advanced research; and

(E) advanced separation technologies.

(2) Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report providing—

(A) a detailed description of how proposals will be solicited and evaluated;

(B) a list of activities and technical milestones; and

(C) a description of how these activities will complement and not duplicate the Clean Coal Power Initiative authorized under division E.

(b) OIL AND GAS RESEARCH.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on oil and gas, including—

(1) exploration and production;

(2) gas hydrates;

(3) reservoir life and extension;

(4) transportation and distribution infrastructure;

(5) ultraclean fuels;

(6) heavy oil and oil shale; and

(7) environmental research.

(c) FUEL CELLS.—(1) The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells for low-cost, high-efficiency, fuel-flexible, modular power systems.

(2) The demonstrations shall include fuel cell proton exchange membrane technology for commercial, residential, and transportation applications, and distributed generation systems, utilizing improved manufacturing production and processes.

(d) TECHNOLOGY TRANSFER.—To the maximum extent practicable, existing technology transfer mechanisms shall be used to implement oil and gas exploration and production technology transfer programs.

SEC. 21512. RESEARCH AND DEVELOPMENT FOR COAL MINING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary shall carry out a program of research and development on coal mining technologies. The Secretary shall cooperate with appropriate Federal agencies, coal producers, trade associations, equipment manufacturers, institutions of higher education with mining engineering departments, and other relevant entities.

(b) PROGRAM.—The research and development activities carried out under this section shall—

(1) be based on the mining research and development priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies; and

(2) expand mining research capabilities at institutions of higher education.

PART 3—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES

SEC. 21521. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program under this part of research, development, demonstration, and commercial application of technologies for ultra-deepwater and unconventional natural gas and other petroleum resource exploration and production, including safe operations and environmental mitigation (including reduction of greenhouse gas emissions and sequestration of carbon).

(b) PROGRAM ELEMENTS.—The program under this part shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Ultra-deepwater technology.

(2) Ultra-deepwater architecture.

(3) Unconventional natural gas and other petroleum resource exploration and production technology.

(c) LIMITATION ON LOCATION OF FIELD ACTIVITIES.—Field activities under the program under this part shall be carried out only—

(1) in—

(A) areas in the territorial waters of the United States not under any Outer Continental Shelf moratorium as of September 30, 2002;

(B) areas onshore in the United States on public land administered by the Secretary of the Interior available for oil and gas leasing, where consistent with applicable law and land use plans; and

(C) areas onshore in the United States on State or private land, subject to applicable law; and

(2) with the approval of the appropriate Federal or State land management agency or private land owner.

(d) RESEARCH AT NATIONAL ENERGY TECHNOLOGY LABORATORY.—The Secretary, through the National Energy Technology Laboratory, shall carry out research complementary to research under subsection (b).

(e) CONSULTATION WITH SECRETARY OF THE INTERIOR.—In carrying out this part, the Secretary shall consult regularly with the Secretary of the Interior.

SEC. 21522. ULTRA-DEEPWATER PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out the activities under paragraphs (1) and (2) of section 21521(b), to maximize the value of the ultra-deepwater natural gas and other petroleum resources of the United States by increasing the supply of such resources and by reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) ROLE OF THE SECRETARY.—The Secretary shall have ultimate responsibility for, and oversight of, all aspects of the program under this section.

(c) ROLE OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall contract with a consortium to—

(A) manage awards pursuant to subsection (f)(4);

(B) make recommendations to the Secretary for project solicitations;

(C) disburse funds awarded under subsection (f) as directed by the Secretary in accordance with the annual plan under subsection (e); and

(D) carry out other activities assigned to the program consortium by this section.

(2) LIMITATION.—The Secretary may not assign any activities to the program consortium except as specifically authorized under this section.

(3) CONFLICT OF INTEREST.—(A) The Secretary shall establish procedures—

(i) to ensure that each board member, officer, or employee of the program consortium who is in a decisionmaking capacity under subsection (f)(3) or (4) shall disclose to the Secretary any financial interests in, or financial relationships with, applicants for or recipients of awards under this section, including those of his or her spouse or minor child, unless such relationships or interests would be considered to be remote or inconsequential; and

(ii) to require any board member, officer, or employee with a financial relationship or interest disclosed under clause (i) to recuse himself or herself from any review under subsection (f)(3) or oversight under subsection (f)(4) with respect to such applicant or recipient.

(B) The Secretary may disqualify an application or revoke an award under this section if a board member, officer, or employee has failed to comply with procedures required under subparagraph (A)(ii).

(d) SELECTION OF THE PROGRAM CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall select the program consortium through an open, competitive process.

(2) MEMBERS.—The program consortium may include corporations, institutions of higher education, National Laboratories, or other research institutions. After submitting a proposal under paragraph (4), the program consortium may not add members without the consent of the Secretary.

(3) TAX STATUS.—The program consortium shall be an entity that is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986.

(4) SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for the creation of the program consortium, which must be submitted not less than 180 days after the date of enactment of this Act. The Secretary shall select the program consortium not later than 240 days after such date of enactment.

(5) APPLICATION.—Applicants shall submit a proposal including such information as the Secretary may require. At a minimum, each proposal shall—

(A) list all members of the consortium;

(B) fully describe the structure of the consortium, including any provisions relating to intellectual property; and

(C) describe how the applicant would carry out the activities of the program consortium under this section.

(6) ELIGIBILITY.—To be eligible to be selected as the program consortium, an applicant must be an entity whose members collectively have demonstrated capabilities in planning and managing research, development, demonstration, and commercial application programs in natural gas or other petroleum exploration or production.

(7) CRITERION.—The Secretary may consider the amount of the fee an applicant proposes to receive under subsection (g) in selecting a consortium under this section.

(e) ANNUAL PLAN.—

(1) IN GENERAL.—The program under this section shall be carried out pursuant to an annual plan prepared by the Secretary in accordance with paragraph (2).

(2) DEVELOPMENT.—(A) Before drafting an annual plan under this subsection, the Secretary shall solicit specific written recommendations from the program consortium for each element to be addressed in the plan, including those described in paragraph (4). The Secretary may request that the program consortium submit its recommendations in the form of a draft annual plan.

(B) The Secretary shall submit the recommendations of the program consortium under subparagraph (A) to the Ultra-Deepwater Advisory Committee established under section 21525(a) for review, and such Advisory Committee shall provide to the Secretary written comments by a date determined by the Secretary. The Secretary may also solicit comments from any other experts.

(C) The Secretary shall consult regularly with the program consortium throughout the preparation of the annual plan.

(3) PUBLICATION.—The Secretary shall transmit to the Congress and publish in the Federal Register the annual plan, along with any written comments received under paragraph (2)(A) and (B). The annual plan shall be transmitted and published not later than 60 days after the date of enactment of an Act making appropriations for a fiscal year for the program under this section.

(4) CONTENTS.—The annual plan shall describe the ongoing and prospective activities of the program under this section and shall include—

(A) a list of any solicitations for awards that the Secretary plans to issue to carry out research, development, demonstration, or commercial application activities, including the topics for such work, who would be eligible to apply, selection criteria, and the duration of awards; and

(B) a description of the activities expected of the program consortium to carry out subsection (f)(4).

(f) AWARDS.—

(1) IN GENERAL.—The Secretary shall make awards to carry out research, development, demonstration, and commercial application activities under the program under this section. The program consortium shall not be eligible to receive such awards, but members of the program consortium may receive such awards.

(2) PROPOSALS.—The Secretary shall solicit proposals for awards under this subsection in such manner and at such time as the Secretary may prescribe, in consultation with the program consortium.

(3) REVIEW.—The Secretary shall make awards under this subsection through a competitive process, which shall include a review by individuals selected by the Secretary. Such individuals shall include, for each application, Federal officials, the program consortium, and non-Federal experts who are not board members, officers, or employees of the program consortium or of a member of the program consortium.

(4) OVERSIGHT.—(A) The program consortium shall oversee the implementation of awards under this subsection, consistent with the annual plan under subsection (e), including disbursing funds and monitoring activities carried out under such awards for compliance with the terms and conditions of the awards.

(B) Nothing in subparagraph (A) shall limit the authority or responsibility of the Secretary to oversee awards, or limit the authority of the Secretary to review or revoke awards.

(C) The Secretary shall provide to the program consortium the information necessary for the program consortium to carry out its responsibilities under this paragraph.

(g) FEE.—

(1) IN GENERAL.—To compensate the program consortium for carrying out its activities under this section, the Secretary shall provide to the program consortium a fee in an amount not to exceed 7.5 percent of the amounts awarded under subsection (f) for each fiscal year.

(2) ADVANCE.—The Secretary shall advance funds to the program consortium upon selection of the consortium, which shall be deducted from amounts to be provided under paragraph (1).

(h) AUDIT.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided to the program consortium, and funds provided under awards made under subsection (f), have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

SEC. 21523. UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCES PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out activities under section 21521(b)(3), to maximize the value of the onshore unconventional natural gas and other petroleum resources of the United States by increasing the supply of such resources and by reducing the cost and increasing the efficiency of exploration for and production of such resources, while improving safety and minimizing environmental impacts.

(b) AWARDS.—

(1) IN GENERAL.—The Secretary shall carry out this section through awards made through an open, competitive process.

(2) CONSORTIA.—In carrying out paragraph (1), the Secretary shall give preference to making awards to consortia.

(c) AUDIT.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds provided under awards made under this section have been expended in a manner consistent with the purposes and requirements of this part. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to Congress, along with a plan to remedy any deficiencies cited in the report.

(d) FOCUS AREAS.—Awards under this section may focus on areas including advanced coal-bed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, innovative exploration and production techniques, enhanced recovery techniques, and environmental mitigation of unconventional natural gas and other petroleum resources exploration and production.

(e) ACTIVITIES BY THE UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior, through the United States Geological Survey, shall, where appropriate, carry out programs of long-term research to complement the programs under this section.

SEC. 21524. ADDITIONAL REQUIREMENTS FOR AWARDS.

(a) DEMONSTRATION PROJECTS.—An application for an award under this part for a demonstration project shall describe with specificity the intended commercial use of the technology to be demonstrated.

(b) FLEXIBILITY IN LOCATING DEMONSTRATION PROJECTS.—Subject to the limitation in section 21521(c), a demonstration project under this part relating to an ultra-deepwater technology or an ultra-deepwater architecture may be conducted in deepwater depths.

(c) INTELLECTUAL PROPERTY AGREEMENTS.—If an award under this part is made to a consortium (other than the program consortium), the consortium shall provide to the Secretary a signed contract agreed to by all members of the consortium describing the rights of each member to intellectual property used or developed under the award.

(d) TECHNOLOGY TRANSFER.—Each recipient of an award under this part shall conduct technology transfer activities, as appropriate, and outreach activities pursuant to section 21809.

(e) COST-SHARING REDUCTION FOR INDEPENDENT PRODUCERS.—In applying the cost-sharing requirements under section 21802 to an award under this part made solely to an independent producer of oil or gas, the Secretary may reduce the applicable non-Federal requirement in such section to a level not less than 10 percent of the cost of the project.

SEC. 21525. ADVISORY COMMITTEES.

(a) ULTRA-DEEPWATER ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the Ultra-Deepwater Advisory Committee.

(2) MEMBERSHIP.—The advisory committee under this subsection shall be composed of members appointed by the Secretary and including—

(A) individuals with extensive research experience or operational knowledge of offshore natural gas and other petroleum exploration and production;

(B) individuals broadly representative of the affected interests in ultra-deepwater natural gas and other petroleum production, including interests in environmental protection and safe operations;

(C) no individuals who are Federal employees; and

(D) no individuals who are board members, officers, or employees of the program consortium.

(3) DUTIES.—The advisory committee under this subsection shall—

(A) advise the Secretary on the development and implementation of programs under this part related to ultra-deepwater natural gas and other petroleum resources; and

(B) carry out section 21522(e)(2)(B).

(4) COMPENSATION.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(b) UNCONVENTIONAL RESOURCES TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the Unconventional Resources Technology Advisory Committee.

(2) MEMBERSHIP.—The advisory committee under this subsection shall be composed of members appointed by the Secretary and including—

(A) individuals with extensive research experience or operational knowledge of unconventional natural gas and other petroleum resource exploration and production, including independent oil and gas producers;

(B) individuals broadly representative of the affected interests in unconventional natural gas and other petroleum resource exploration and production, including interests in environmental protection and safe operations; and

(C) no individuals who are Federal employees.

(3) DUTIES.—The advisory committee under this subsection shall advise the Secretary on the development and implementation of activities under this part related to unconventional natural gas and other petroleum resources.

(4) COMPENSATION.—A member of the advisory committee under this subsection shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(c) PROHIBITION.—No advisory committee established under this section shall make recommendations on funding awards to consortia or for specific projects.

SEC. 21526. LIMITS ON PARTICIPATION.

(a) IN GENERAL.—An entity shall be eligible to receive an award under this part only if the Secretary finds—

(1) that the entity's participation in the program under this part would be in the economic interest of the United States; and

(2) that either—

(A) the entity is a United States-owned entity organized under the laws of the United States; or

(B) the entity is organized under the laws of the United States and has a parent entity organized under the laws of a country which affords—

(i) to United States-owned entities opportunities, comparable to those afforded to any other entity, to participate in any cooperative research venture similar to those authorized under this part;

(ii) to United States-owned entities local investment opportunities comparable to those afforded to any other entity; and

(iii) adequate and effective protection for the intellectual property rights of United States-owned entities.

(b) SENSE OF CONGRESS AND REPORT.—It is the Sense of the Congress that ultra-deepwater technology developed under this part is to be developed primarily for production of ultra-deepwater natural gas and other petroleum resources of the United States, and that this priority is to be reflected in the terms of grants, contracts, and cooperative agreements entered under this part. As part of the annual Departmental budget submission, the Secretary shall report on all steps taken to implement the policy described in this subsection.

SEC. 21527. FUND.

There is hereby established in the Treasury of the United States a separate fund to be known as the "Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund".

SEC. 21528. TRANSFER OF ADVANCED OIL AND GAS EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) ASSESSMENT.—The Secretary shall review technology programs throughout the Federal Government to assess the suitability of technologies developed thereunder for use in ultradeep drilling research, development, demonstration, and commercial application.

(b) TECHNOLOGY TRANSFER.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a solicitation seeking organizations knowledgeable of the technology needs of the ultradeep drilling industry. The Secretary shall select the most qualified applicant to manage a program to transfer technologies the Secretary determines suitable under subsection (a) to appropriate entities. The organization selected under section 21522(d) shall not be eligible for selection under this subsection.

(c) FUNDING.—From the funds available under section 21501(b)(3)(C), $1,000,000 shall be available to carry out this section in each of the fiscal years 2004 through 2007.

SEC. 21529. SUNSET.

The authority provided by this part shall terminate on September 30, 2010.

SEC. 21530. DEFINITIONS.

In this part:

(1) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(2) PROGRAM CONSORTIUM.—The term "program consortium" means the consortium selected under section 21522(d).

(3) REMOTE OR INCONSEQUENTIAL.—The term "remote or inconsequential" has the meaning given that term in regulations issued by the Office of Government Ethics under section 208(b)(2) of title 18, United States Code.

(4) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(5) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(6) ULTRA-DEEPWATER TECHNOLOGY.—The term "ultra-deepwater technology" means a discrete technology that is specially suited to address one or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at ultra-deepwater depths.

(7) UNCONVENTIONAL NATURAL GAS AND OTHER PETROLEUM RESOURCE.—The term "unconventional natural gas and other petroleum resource" means natural gas and other petroleum resource located onshore in an economically inaccessible geological formation.

Subtitle F—Science

PART 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 21601. SCIENCE.

(a) IN GENERAL.—The following sums are authorized to be appropriated to the Secretary for research, development, demonstration, and commercial application activities of the Office of Science, including activities authorized under this subtitle, including the amounts authorized under the amendment made by section 21634(c)(2)(C), and including basic energy sciences, advanced scientific and computing research, biological and environmental research, fusion energy sciences, high energy physics, nuclear physics, and research analysis and infrastructure support:

(1) For fiscal year 2004, $3,785,000,000.

(2) For fiscal year 2005, $4,153,000,000.

(3) For fiscal year 2006, $4,618,000,000.

(4) For fiscal year 2007, $5,310,000,000.

(b) ALLOCATIONS.—From amounts authorized under subsection (a), the following sums are authorized:

(1) FUSION ENERGY SCIENCES.—(A) For the Fusion Energy Sciences Program, excluding activities under sections 21611 and 21612—

(i) for fiscal year 2004, $276,000,000;

(ii) for fiscal year 2005, $300,000,000;.

(iii) for fiscal year 2006, $340,000,000; and

(iv) for fiscal year 2007, $350,000,000.

(B) For activities under section 21611 and for the project described in section 21612—

(i) for fiscal year 2004, $12,000,000;

(ii) for fiscal year 2005, $20,000,000;

(iii) for fiscal year 2006, $50,000,000; and

(iv) for fiscal year 2007, $75,000,000.

(2) SPALLATION NEUTRON SOURCE.—

(A) CONSTRUCTION.—For construction of the Spallation Neutron Source—

(i) for fiscal year 2004, $124,600,000;

(ii) for fiscal year 2005, $79,800,000; and

(iii) for fiscal year 2006, $41,100,000 for completion of construction.

(B) OTHER PROJECT FUNDING.—For other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment related to construction) of the Spallation Neutron Source, $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

(3) NANOTECHNOLOGY RESEARCH AND DEVELOPMENT.—For activities under section 21633—

(A) for fiscal year 2004, $265,000,000;

(B) for fiscal year 2005, $292,000,000;

(C) for fiscal year 2006, $322,000,000; and

(D) for fiscal year 2007, $355,000,000.

(4) SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.—For activities under section 21636—

(A) for fiscal year 2004, $800,000;

(B) for fiscal year 2005, $1,600,000;

(C) for fiscal year 2006, $2,000,000; and

(D) for fiscal year 2007, $2,000,000.

(5) GENOMES TO LIFE.—For activities under section 21641—

(A) $100,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for fiscal years 2005 through 2007.

(c) LIMITS ON USE OF FUNDS.—Of the funds authorized under subsection (b)(1), no funds shall be available for implementation of the plan described in section 21612.

PART 2—FUSION ENERGY SCIENCES

SEC. 21611. ITER.

(a) IN GENERAL.—The United States is authorized to participate in ITER in accordance with the provisions of this section.

(b) AGREEMENT.—(1) The Secretary. is authorized to negotiate an agreement for United States participation in ITER.

(2) Any agreement for United States participation in ITER shall, at a minimum—

(A) clearly define the United States financial contribution to construction and operating costs;

(B) ensure that the share of ITER's high-technology components manufactured in the United States is at least proportionate to the United States financial contribution to ITER;

(C) ensure that the United States will not be financially responsible for cost overruns in components manufactured in other ITER participating countries;

(D) guarantee the United States full access to all data generated by ITER;

(E) enable United States researchers to propose and carry out an equitable share of the experiments at ITER;

(F) provide the United States with a role in all collective decisionmaking related to ITER; and

(G) describe the process for discontinuing or decommissioning ITER and any United States role in those processes.

(c) PLAN.—The Secretary, in consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for the participation of United States scientists in ITER that shall include the United States research agenda for ITER, methods to evaluate whether ITER is promoting progress toward making fusion a reliable and affordable source of power, and a description of how work at ITER will relate to other elements of the United States fusion program. The Secretary shall request a review of the plan by the National Academy of Sciences.

(d) LIMITATION.—No funds shall be expended for the construction of ITER until the Secretary has transmitted to the Congress—

(1) the agreement negotiated pursuant to subsection (b) and 120 days have elapsed since that transmission;

(2) a report describing the management structure of ITER and providing a fixed dollar estimate of the cost of United States participation in the construction of ITER, and 120 days have elapsed since that transmission;

(3) a report describing how United States participation in ITER will be funded without reducing funding for other programs in the Office of Science, including other fusion programs, and 60 days have elapsed since that transmission; and

(4) the plan required by subsection (c) (but not the National Academy of Sciences review of that plan), and 60 days have elapsed since that transmission.

(e) DEFINITIONS.—In this section—

(1) the term "construction" means the physical construction of the ITER facility, and the physical construction, purchase, or manufacture of equipment or components that are specifically designed for the ITER facility, but does not mean the design of the facility, equipment, or components; and

(2) the term "ITER" means the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

SEC. 21612. PLAN FOR FUSION EXPERIMENT.

(a) IN GENERAL.—If at any time during the negotiations on ITER, the Secretary determines that construction and operation of ITER is unlikely or infeasible, the Secretary shall send to Congress, as part of the budget request for the following year, a plan for implementing the domestic burning plasma experiment known as FIRE, including costs and schedules for such a plan. The Secretary shall refine such plan in full consultation with the Fusion Energy Sciences Advisory Committee and shall also transmit such plan to the National Academy of Sciences for review.

(b) DEFINITIONS.—As used in this section—

(1) the term "ITER" has the meaning given that term in section 21611; and

(2) the term "FIRE" means the Fusion Ignition Research Experiment, the fusion research experiment for which design work has been supported by the Department as a possible alternative burning plasma experiment in the event that ITER fails to move forward.

SEC. 21613. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to conduct research, development, demonstration, and commercial application to provide for the scientific, engineering, and commercial infrastructure necessary to ensure that the United States is competitive with other nations in providing fusion energy for its own needs and the needs of other nations, including by demonstrating electric power or hydrogen production for the United States energy grid utilizing fusion energy at the earliest date possible.

(b) FUSION ENERGY PLAN.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall transmit to Congress a plan for carrying out the policy set forth in subsection (a), including cost estimates, proposed budgets, potential international partners, and specific programs for implementing such policy.

(2) REQUIREMENTS OF PLAN.—Such plan shall also ensure that—

(A) existing fusion research facilities are more fully utilized;

(B) fusion science, technology, theory, advanced computation, modeling, and simulation are strengthened;

(C) new magnetic and inertial fusion research facilities are selected based on scientific innovation, cost effectiveness, and their potential to advance the goal of practical fusion energy at the earliest date possible;

(D) such facilities that are selected are funded at a cost-effective rate;

(E) communication of scientific results and methods between the fusion energy science community and the broader scientific and technology communities is improved;

(F) inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development; and

(G) attractive alternative inertial and magnetic fusion energy approaches are more fully explored.

(3) REPORT ON FUSION MATERIALS AND TECHNOLOGY PROJECT.—In addition, the plan required by this subsection shall also address the status of, and to the degree possible, the costs and schedules for—

(A) the design and implementation of international or national facilities for the testing of fusion materials; and

(B) the design and implementation of international or national facilities for the testing and development of key fusion technologies.

PART 3—SPALLATION NEUTRON SOURCE

SEC. 21621. DEFINITION.

For the purposes of this part, the term "Spallation Neutron Source" means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

SEC. 21622. REPORT.

The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

SEC. 21623. LIMITATIONS.

The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source may not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

PART 4—MISCELLANEOUS

SEC. 21631. FACILITY AND INFRASTRUCTURE SUPPORT FOR NONMILITARY ENERGY LABORATORIES.

(a) Facility Policy.—The Secretary shall develop and implement a strategy for the nonmilitary energy laboratories and facilities of the Office of Science. Such strategy shall provide a cost-effective means for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) Report.—

(1) Transmittal.—The Secretary shall prepare and transmit, along with the President's budget request to the Congress for fiscal year 2005, a report containing the strategy developed under subsection (a).

(2) Contents.—For each nonmilitary energy laboratory and facility, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

SEC. 21632. RESEARCH REGARDING PRECIOUS METAL CATALYSIS.

From the amounts authorized to be appropriated to the Secretary under section 21601, such sums as may be necessary for each of the fiscal years 2004, 2005, and 2006 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis.

SEC. 21633. NANOTECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) In General.—The Secretary, acting through the Office of Science, shall implement a Nanotechnology Research and Development Program to promote nanotechnology research, development, demonstration, education, technology transfer, and commercial application activities as necessary to ensure continued United States leadership in nanotechnology across scientific and engineering disciplines.

(b) Program Activities.—The activities of the Nanotechnology Research and Development Program shall be designed to—

(1) provide sustained support for nanotechnology research and development through—

(A) grants to individual investigators and interdisciplinary teams of investigators; and

(B) establishment of interdisciplinary research centers and advanced technology user facilities;

(2) ensure that solicitation and evaluation of proposals under the Program encourage interdisciplinary research;

(3) expand education and training of undergraduate and graduate students in interdisciplinary nanotechnology science and engineering;

(4) accelerate the commercial application of nanotechnology innovations in the private sector;

(5) ensure that societal and ethical concerns will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated; and

(B) integrating, insofar as possible, research on societal and ethical concerns with nanotechnology research and development; and

(6) ensure that the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy is realized by supporting nanotechnology energy applications research and development.

(c) Definitions.—For the purposes of this section—

(1) the term "nanotechnology" means science and engineering aimed at creating materials, devices, and systems at the atomic and molecular level; and

(2) the term "advanced technology user facility" means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis.

(d) Report.—Within 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress a report describing the projects to identify societal and ethical concerns related to nanotechnology and the funding provided to support these projects.

SEC. 21634. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) In General.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms;

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest;

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets;

(4) develop and maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address departmental missions are available; and

(5) explore new computing approaches and technologies that promise to advance scientific computing.

(c) High-Performance Computing Act of 1991 Amendments.—The High-Performance Computing Act of 1991 is amended—

(1) in section 4 (15 U.S.C. 5503)—

(A) in paragraph (3)—

(i) by striking "means" and inserting "and 'networking and information technology' mean"; and

(ii) by striking "(including vector supercomputers and large scale parallel systems)"; and

(B) in paragraph (4), by striking "packet switched"; and

(2) in section 203 (15 U.S.C. 5523)—

(A) in subsection (a), by striking all after "As part of the" and inserting "Networking and Information Technology Research and Development Program, the Secretary of Energy shall conduct basic and applied research in networking and information technology, with emphasis on—

"(1) supporting fundamental research in the physical sciences and engineering, and energy applications;

"(2) providing supercomputer access and advanced communication capabilities and facilities to scientific researchers; and

"(3) developing tools for distributed scientific collaboration.";

(B) in subsection (b), by striking "Program" and inserting "Networking and Information Technology Research and Development Program"; and

(C) by amending subsection (e) to read as follows:

"(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy to carry out the Networking and Information Technology Research and Development Program such sums as may be necessary for fiscal years 2004 through 2007.".

(d) Coordination.—The Secretary shall ensure that the program under this section is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Administration; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) Report.—(1) Before undertaking any new initiative to develop new advanced architecture for high-speed computing, the Secretary, through the Director of the Office of Science, shall transmit a report to the Congress describing—

(A) the expected duration and cost of the initiative;

(B) the technical milestones the initiative is designed to achieve;

(C) how institutions of higher education and private firms will participate in the initiative; and

(D) why the goals of the initiative could not be achieved through existing programs.

(2) No funds may be expended on any initiative described in paragraph (1) until 30 days after the report required by that paragraph is transmitted to the Congress.

SEC. 21635. NITROGEN FIXATION.

The Secretary, acting through the Office of Science, shall support a program of research, development, demonstration, and commercial application on biological nitrogen fixation, including plant genomics research relevant to the development of commercial crop varieties with enhanced nitrogen fixation efficiency and ability.

SEC. 21636. DEPARTMENT OF ENERGY SCIENCE AND TECHNOLOGY SCHOLARSHIP PROGRAM.

(a) Establishment of Program.—

(1) In general.—The Secretary shall establish a Department of Energy Science and Technology Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Department.

(2) Competitive process.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) Service agreements.—To carry out the Program the Secretary shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Department, for the period described in subsection (f)(1), in positions needed by the Department and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) Scholarship Eligibility.—In order to be eligible to participate in the Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic program or field of study described in the list made available under subsection (d);

(2) be a United States citizen; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) Application Required.—An individual seeking a scholarship under this section shall submit an application to the Secretary at such time, in such manner, and containing such information, agreements, or assurances as the Secretary may require.

(d) Eligible Academic Programs.—The Secretary shall make publicly available a list of academic programs and fields of study for which scholarships under the Program may be utilized, and shall update the list as necessary.

(e) Scholarship Requirement.—

(1) In general.—The Secretary may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Secretary, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

(2) Duration of eligibility.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Secretary grants a waiver.

(3) Scholarship amount.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Secretary, but shall in no case exceed the cost of attendance.

(4) Authorized uses.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Secretary by regulation.

(5) Contracts regarding direct payments to institutions.—The Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) Period of Obligated Service.—

(1) Duration of service.—The period of service for which an individual shall be obligated to serve as an employee of the Department is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) Schedule for service.—(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) The Secretary may defer the obligation of an individual to provide a period of service under paragraph (1) if the Secretary determines that such a deferral is appropriate. The Secretary shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) Penalties for Breach of Scholarship Agreement.—

(1) Failure to complete academic training.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Secretary by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the Secretary when determined to be necessary, as established by regulation.

(2) Failure to begin or complete the service obligation or meet the terms and conditions of deferment.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the Secretary pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h) Waiver or Suspension of Obligation.—

(1) Death of individual.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) Impossibility or extreme hardship.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) Definitions.—In this section the following definitions apply:

(1) Cost of attendance.—The term "cost of attendance" has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087*ll*).

(2) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) Program.—The term "Program" means the Department of Energy Science and Technology Scholarship Program established under this section.

PART 5—GENOMES TO LIFE

SEC. 21641. GENOMES TO LIFE.

(a) Program.—

(1) Establishment.—The Secretary shall establish a research, development, and demonstration program in genetics, protein science, and computational biology of microbes and plants to support the energy and environmental mission of the Department.

(2) Grants.—The program shall support individual investigators and multidisciplinary teams of investigators through competitive, merit-reviewed grants.

(3) Consultation.—In carrying out the program, the Secretary shall consult with other Federal agencies that conduct genetic and protein research.

(b) Goals.—The program shall have the goal of developing technologies and methods based on the biological functions of microbes and plants that —

(1) can facilitate the production of fuels, including hydrogen;

(2) convert carbon dioxide to organic carbon; and

(3) detoxify soils and water at Department facilities contaminated with heavy metals and radiological materials.

(c) Plan.—

(1) Development of plan.—Within one year after the date of enactment of this Act, the Secretary shall prepare and transmit to the Congress a research plan describing how the program authorized pursuant to this section will be undertaken to accomplish the program goals established in subsection (b).

(2) Review of plan.—The Secretary shall contract with the National Academy of Sciences to review the research plan developed under this subsection. The Secretary shall transmit the review to the Congress not later than 6 months after transmittal of the research plan under paragraph (1), along with the Secretary's response to the recommendations contained in the review.

(d) Facilities.—In carrying out the program under this section, the Secretary may construct, acquire, and operate facilities necessary to carry out this section.

(e) Prohibition on Biomedical or Human Subject Research.—(1) In carrying out this program, the Secretary shall not conduct biomedical research.

(2) Nothing in this section shall authorize the Secretary to conduct any research or demonstrations—

(A) on human cells or human subjects; or

(B) designed to have any application with respect to human cells or human subjects.

Subtitle G—Energy and Environment

SEC. 21701. AUTHORIZATION OF APPROPRIATIONS.

(a) United States-Mexico Energy Technology Cooperation.—The following sums are authorized to be appropriated to the Secretary to carry out activities under section 21702:

(1) For fiscal year 2004, $5,000,000.

(2) For fiscal year 2005, $6,000,000.

(3) For fiscal year 2006, $6,000,000.

(4) For fiscal year 2007, $6,000,000.

(b) Waste Reduction and Use of Alternatives.—There are authorized to be appropriated to the Secretary to carry out activities under section 21703, $500,000 for fiscal year 2004.

SEC. 21702. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) Program.—The Secretary shall establish a research, development, demonstration, and commercial application program to be carried out in collaboration with entities in Mexico and the United States to promote energy efficient, environmentally sound economic development along the United States-Mexico border.

(b) Program Management.—The program under subsection (a) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(c) Technology Transfer.—In carrying out projects and activities under this section, the Secretary shall assess the applicability of technology developed under the Environmental Management Science Program of the Department.

(d) Intellectual Property.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered into between the United States and Mexico regarding intellectual property protection.

SEC. 21703. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) Grant Authority.—The Secretary is authorized to make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced;

(3) the emissions of air pollutants and other relevant environmental impacts; and

(4) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) Qualified Institution.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher education with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

SEC. 21704. COAL GASIFICATION.

The Secretary is authorized to provide loan guarantees for a project to produce energy from a plant using integrated gasification combined cycle technology of at least 400 megawatts in capacity that produces power at competitive rates in deregulated energy generation markets and that does not receive any subsidy (direct or indirect) from ratepayers.

SEC. 21705. PETROLEUM COKE GASIFICATION.

The Secretary is authorized to provide loan guarantees for at least one petroleum coke gasification polygeneration project.

SEC. 21706. OTHER BIOPOWER AND BIOENERGY.

The Secretary shall conduct a program to assist in the planning, design, and implementation of projects to convert rice straw, rice hulls, soybean matter, poultry fat, poultry waste, sugarcane bagasse, forest thinnings, and barley grain into biopower and biofuels.

SEC. 21707. COAL TECHNOLOGY LOAN.

There are authorized to be appropriated to the Secretary $125,000,000 to provide a loan to the owner of the experimental plant constructed under United States Department of Energy cooperative agreement number DE–FC22–91PC99544 on such terms and conditions as the Secretary determines, including interest rates and upfront payments.

SEC. 21708. FUEL CELL TEST CENTER.

(a) Study.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the results of a study of the establishment of a test center for next-generation fuel cells at an institution of higher education that has available a continuous source of hydrogen and access to the electric transmission grid. Such report shall include a conceptual design for such test center and a projection of the costs of establishing the test center.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out this section $500,000.

SEC. 21709. FUEL CELL TRANSIT BUS DEMONSTRATION.

The Secretary shall establish a transit bus demonstration program to make competitive, merit-based awards for five-year projects to demonstrate not more than 12 fuel cell transit buses (and necessary infrastructure) in three geographically dispersed localities. In selecting projects under this section, the Secretary shall give preference to projects that are most likely to mitigate congestion and improve air quality. There are authorized to be appropriated to the Secretary $10,000,000 for each of the fiscal years 2004 through 2007 for carrying out this section.

Subtitle H—Management

SEC. 21801. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department under this title shall remain available until expended.

SEC. 21802. COST SHARING.

(a) Research and Development.—Except as otherwise provided in this title, for research and development programs carried out under this title, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) Demonstration and Commercial Application.—Except as otherwise provided in this title, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this title to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this title.

(c) Calculation of Amount.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

SEC. 21803. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under this title shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

SEC. 21804. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) National Energy Research and Development Advisory Boards.—(1) The Secretary shall establish one or more advisory boards to review Department research, development, demonstration, and commercial application programs in the following areas:

(A) Energy efficiency.

(B) Renewable energy.

(C) Nuclear energy.

(D) Fossil energy.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, and may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) Office of Science Advisory Committees.—

(1) Utilization of existing committees.—The Secretary shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(2) Science advisory committee.—

(A) Establishment.—There shall be in the Office of Science a Science Advisory Committee that includes the chairs of each of the advisory committees described in paragraph (1).

(B) Responsibilities.—The Science Advisory Committee shall—

(i) serve as the science advisor to the Assistant Secretary for Science created under section 209 of the Department of Energy Organization Act, as added by section 22001 of this Act;

(ii) advise the Assistant Secretary with respect to the well-being and management of the National Laboratories and single-purpose research facilities;

(iii) advise the Assistant Secretary with respect to education and workforce training activities required for effective short-term and long-term basic and applied research activities of the Office of Science; and

(iv) advise the Assistant Secretary with respect to the well being of the university research programs supported by the Office of Science.

(c) Membership.—Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) Meetings and Purposes.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and commercial application program or programs. The advisory board shall also review the measurable cost and performance-based goals for such programs as established under section 20002, and the progress on meeting such goals.

(e) Periodic Reviews and Assessments.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of the programs authorized by this title, the measurable cost and performance-based goals for such programs as established under section 20002, if any, and the progress on meeting such goals. Such reviews and assessments shall be conducted every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the Congress reports containing the results of all such reviews and assessments.

SEC. 21805. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) Technology Transfer Coordinator.—The Secretary shall designate a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Transfer Working Group, and shall oversee the expenditure of funds allocated to the Technology Transfer Working Group, and shall coordinate with each technology partnership ombudsman appointed under section 11 of the Technology Transfer Commercialization Act of 2000 (42 U.S.C. 7261c).

(b) Technology Transfer Working Group.—The Secretary shall establish a Technology Transfer Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices, including alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department, including those related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters.

(c) Technology Transfer Responsibility.—Nothing in this section shall affect the technology transfer responsibilities of Federal employees under the Stevenson-Wydler Technology Innovation Act of 1980.

SEC. 21806. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) Small Business Advocate.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to designate a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including how to submit effective proposals, and information related to alternative approaches to resolution of disputes involving intellectual property rights and other technology transfer matters;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) Establishment of Small Business Assistance Program.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) Use of Funds.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) Definitions.—In this section:

(1) Small business concern.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) Socially and economically disadvantaged small business concerns.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 21807. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than 2 years after the date of enactment of this section, the Secretary shall transmit a report to the Congress identifying any policies or procedures of a contractor operating a National Laboratory or single-purpose research facility that create disincentives to the temporary transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities.

SEC. 21808. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences for the Academy to—

(1) conduct studies on—

(A) the obstacles to accelerating the commercial application of energy technology; and

(B) the adequacy of Department policies and procedures for, and oversight of, technology transfer-related disputes between contractors of the Department and the private sector; and

(2) report to the Congress on recommendations developed as a result of the studies.

SEC. 21809. OUTREACH.

The Secretary shall ensure that each program authorized by this title includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, facility planners and managers, State and local governments, and other entities.

SEC. 21810. LIMITS ON USE OF FUNDS.

(a) Competitive Procedure Requirement.—None of the funds authorized to be appropriated to the Secretary by this title may be used to award a management and operating contract for a nonmilitary energy laboratory of the Department unless such contract is competitively awarded or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Congressional Notice.—At least 2 months before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Congress a report notifying the Congress of the waiver and setting forth the reasons for the waiver.

SEC. 21811. REPROGRAMMING.

(a) Distribution Report.—Not later than 60 days after the date of the enactment of an Act appropriating amounts authorized under this title, the Secretary shall transmit to the appropriate authorizing committees of the Congress a report explaining how such amounts will be distributed among the authorizations contained in this title.

(b) Prohibition.—(1) No amount identified under subsection (a) shall be reprogrammed if such reprogramming would result in an obligation which changes an individual distribution required to be reported under subsection (a) by more than 5 percent unless the Secretary has transmitted to the appropriate authorizing committees of the Congress a report described in subsection (c) and a period of 30 days has elapsed after such committees receive the report.

(2) In the computation of the 30-day period described in paragraph (1), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Reprogramming Report.—A report referred to in subsection (b)(1) shall contain a full and complete statement of the action proposed to be taken and the facts and circumstances relied on in support of the proposed action.

SEC. 21812. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this title in accordance with the applicable provisions of the Atomic Energy Act of 1954 (42 U.S.C. et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act), and any other Act under which the Secretary is authorized to carry out such activities.

SEC. 21813. UNIVERSITY COLLABORATION.

Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress a report that examines the feasibility of promoting collaborations between large institutions of higher education and small institutions of higher education through grants, contracts, and cooperative agreements made by the Secretary for energy projects. The Secretary shall also consider providing incentives for the inclusion of small institutions of higher education, including minority-serving institutions, in energy research grants, contracts, and cooperative agreements.

SEC. 21814. FEDERAL LABORATORY EDUCATIONAL PARTNERS.

(a) Distribution of Royalties Received by Federal Agencies.—Section 14(a)(1)(B)(v) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(B)(v)), is amended to read as follows:

"(v) for scientific research and development and for educational assistance and other purposes consistent with the missions and objectives of the Department of Energy and the laboratory.".

(b) Cooperative Research and Development Agreements.—Section 12(b)(5)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(5)(C)) is amended to read as follows:

"(C) for scientific research and development and for educational assistance consistent with the missions and objectives of the Department of Energy and the laboratory.".

SEC. 21815. INTERAGENCY COOPERATION.

The Secretary shall enter into discussions with the Administrator of the National Aeronautics and Space Administration with the goal of reaching an interagency working agreement between the 2 agencies that would make the National Aeronautics and Space Administration's expertise in energy, gained from its existing and planned programs, more readily available to the relevant research, development, demonstration, and commercial applications programs of the Department. Technologies to be discussed should include the National Aeronautics and Space Administration's modeling, research, development, testing, and evaluation of new energy technologies, including solar, wind, fuel cells, and hydrogen storage and distribution.

TITLE II—DEPARTMENT OF ENERGY MANAGEMENT

SEC. 22001. EXTERNAL REGULATION OF DEPARTMENT OF ENERGY.

(a) Department of Energy Report.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the assumption by the Nuclear Regulatory Commission of the Department's regulatory and enforcement responsibilities with respect to nuclear safety, and the assumption by the Occupational Safety and Health Administration of the Department's regulatory and enforcement responsibilities with respect to occupational safety and health, at any nonmilitary energy laboratory owned or operated by the Department. The report shall include—

(1) a detailed transition plan, drafted in coordination with the Nuclear Regulatory Commission and the Occupational Safety and Health Administration, for termination of self-regulation authority, including the activities to be coordinated with the Nuclear Regulatory Commission and the Occupational Safety and Health Administration;

(2) a description of any issues that would require resolution with the Nuclear Regulatory Commission, the Occupational Safety and Health Administration, or other external regulators; and

(3) an estimate of—

(A) the annual cost of administering and implementing external regulation of the nuclear safety and occupational safety and health responsibilities at nonmilitary energy laboratories owned or operated by the Department;

(B) the number of Federal and contractor employees required to administer and implement such external regulation; and

(C) the extent and schedule by which the Department and the staffs at its nonmilitary energy laboratories would be reduced, and the anticipated cost savings from that reduction.

(b) General Accounting Office Reporting Requirement.—The Comptroller General shall provide a report not later than 20 months after the date of enactment of this Act that compares the Department's transition plan with the Department's implementation of nuclear safety and occupational safety and health responsibilities under sections 234A and 234C of the Atomic Energy Act of 1954.

SEC. 22002. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) Reconfiguration of Position of Director of the Office of Science.—Section 209 of the Department of Energy Organization Act (42 U.S.C. 7139) is amended by—

(1) striking "a Director" and inserting "an Assistant Secretary, in addition to those appointed under section 203(a),"; and

(2) striking "Director" and inserting "Assistant Secretary".

(b) Technical and Conforming Amendments.—(1) Section 5315 of title 5, United States Code, is amended by—

(A) striking "Director, Office of Science, Department of Energy."; and

(B) striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (7)".

(2) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213.";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

TITLE III—CLEAN SCHOOL BUSES

SEC. 23001. ESTABLISHMENT OF PILOT PROGRAM.

(a) Establishment.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) Requirements.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this title.

(c) Solicitation.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) Eligible Recipients.—A grant shall be awarded under this section only—

(1) to a local or State governmental entity responsible for providing school bus service to one or more public school systems or responsible for the purchase of school buses; or

(2) to a contracting entity that provides school bus service to one or more public school systems, if the grant application is submitted jointly with the school system or systems which the buses will serve.

(e) Types of Grants.—

(1) In general.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) No economic benefit.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) Priority of grant applications.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

(f) Conditions of Grant.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) Buses.—Funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses manufactured in model years 2003 through 2006, emit not more than 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) for buses manufactured in model year 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter,

except that under no circumstances shall buses be acquired under this section that emit nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of the same class of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

(h) Deployment and Distribution.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses and ultra-low sulfur diesel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) Limit on Funding.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) Reduction of School Bus Idling.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy, consistent with the health, safety, and welfare of students and the proper operation and maintenance of school buses, to reduce the incidence of unnecessary school bus idling at schools when picking up and unloading students.

(k) Annual Report.—Not later than January 31 of each year, the Secretary of Energy shall provide a report evaluating implementation of the program under this title to the Congress. Such report shall include the total number of grant applications received, the number and types of alternative fuel buses and ultra-low sulfur diesel school buses requested in grant applications, a list of grants awarded and the criteria used to select the grant recipients, certified engine emission levels of all buses purchased under the program, and any other information the Secretary considers appropriate.

(l) Definitions.—For purposes of this section—

(1) the term "alternative fuel school bus" means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume;

(2) the term "idling" means operating an engine while remaining stationary for more than approximately 15 minutes, except that such term does not apply to routine stoppages associated with traffic movement or congestion; and

(3) the term "ultra-low sulfur diesel school bus" means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 23002. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) Cost Sharing.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) Funding.—No more than $25,000,000 of the amounts authorized under section 23004(a) may be used for carrying out this section for the period encompassing fiscal years 2004 through 2006.

(d) Reports to Congress.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the Congress a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 23003. DIESEL RETROFIT PROGRAM.

(a) Establishment.—The Administrator of the Environmental Protection Agency and the Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible recipients for the demonstration and commercial application of retrofit technologies for diesel school buses.

(b) Eligible Recipients.—A grant shall be awarded under this section only—

(1) to a local or State governmental entity responsible for providing school bus service to one or more public school systems; or

(2) to a contracting entity that provides school bus service to one or more public school systems, if the grant application is submitted jointly with the school system or systems which the buses will serve.

(c) Conditions of Grant.—A grant provided under this section may be used only to demonstrate the use of retrofit emissions-control technology on diesel buses that—

(1) operate on ultra-low sulfur diesel fuel; and

(2) were manufactured in model year 1991 or later.

(d) Verification.—Not later than 3 months after the date of enactment of this Act, the Administrator shall publish in the Federal Register procedures to verify—

(1) the retrofit emissions-control technology to be demonstrated; and

(2) that buses on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur.

SEC. 23004. AUTHORIZATION OF APPROPRIATIONS.

(a) School Bus Grants.—There are authorized to be appropriated to the Secretary for carrying out this title, to remain available until expended—

(1) $90,000,000 for fiscal year 2004;

(2) $100,000,000 for fiscal year 2005; and

(3) $110,000,000 for fiscal year 2006.

(b) Retrofit Grants.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency and the Secretary such sums as may be necessary for carrying out section 23003.

DIVISION C—RESOURCES

TITLE I—INDIAN ENERGY

SEC. 30101. INDIAN ENERGY.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

"TITLE XXVI—INDIAN ENERGY

"SEC. 2601. DEFINITIONS.

"In this title:

"(1) Indian.—The term 'Indian' means an individual member of an Indian tribe who owns land or an interest in land, the title to which land—

"(A) is held in trust by the United States; or

"(B) is subject to a restriction against alienation imposed by the United States.

"(2) Indian land.—The term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; or

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe;

"(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

"(iii) by a dependent Indian community.

"(3) Indian reservation.—The term 'Indian reservation' includes—

"(A) an Indian reservation in existence as of the date of the enactment of this paragraph;

"(B) a public domain Indian allotment;

"(C) a former reservation in the State of Oklahoma; and

"(D) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

"(i) on original or acquired territory of the community; or

"(ii) within or outside the boundaries of any particular State.

"(4) Indian tribe.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except the term, for the purposes of this title, shall not include any Native Corporation.

"(5) Native corporation.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(6) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(7) Tribal consortium.—The term 'tribal consortium' means an organization that consists of at least 3 entities, at least 1 of which is an Indian tribe.

"SEC. 2602. INDIAN TRIBAL RESOURCE REGULATION.

"To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes, tribal consortia, and Native Corporations scientific and technical data for use in the development and management of energy resources on Indian land and on land conveyed to a Native Corporation.

"SEC. 2603. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

"(a) In General.—Notwithstanding any other provision of law—

"(1) an Indian or Indian tribe may enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

"(A) exploration for, extraction of, processing of, or other development of energy resources; and

"(B) construction or operation of—

"(i) an electric generation, transmission, or distribution facility located on Indian land; or

"(ii) a facility to process or refine energy resources developed on Indian land; and

"(2) a lease or business agreement described in paragraph (1) shall not require the approval of the Secretary if—

"(A) the lease or business agreement is executed under tribal regulations approved by the Secretary under subsection (e); and

"(B) the term of the lease or business agreement does not exceed 30 years.

"(b) Rights-of-Way for Pipelines or Electric Transmission or Distribution Lines.—An Indian tribe may grant a right-of-way over the Indian land of the Indian tribe for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

"(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary under subsection (e);

“(2) the term of the right-of-way does not exceed 30 years; and

“(3) the pipeline or electric transmission or distribution line serves—

“(A) an electric generation, transmission, or distribution facility located on Indian land; or

“(B) a facility located on Indian land that processes or refines renewable or nonrenewable energy resources developed on Indian land.

“(c) Renewals.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe, in accordance with this section.

“(d) Validity.—No lease, business agreement, or right-of-way under this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with tribal regulations approved by the Secretary under subsection (e).

“(e) Tribal Regulatory Requirements.—

“(1) In general.—An Indian tribe may submit to the Secretary for approval tribal regulations governing leases, business agreements, and rights-of-way under this section.

“(2) Approval or disapproval.—

“(A) In general.—Not later than 120 days after the date on which the Secretary receives tribal regulations submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the regulations.

“(B) Conditions for approval.—The Secretary shall approve tribal regulations submitted under paragraph (1) only if the regulations include provisions that, with respect to a lease, business agreement, or right-of-way under this section—

“(i) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

“(ii) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

“(iii) address amendments and renewals;

“(iv) address consideration for the lease, business agreement, or right-of-way;

“(v) address technical or other relevant requirements;

“(vi) establish requirements for environmental review in accordance with subparagraph (C);

“(vii) ensure compliance with all applicable environmental laws;

“(viii) identify final approval authority;

“(ix) provide for public notification of final approvals; and

“(x) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way.

“(C) Environmental review process.—Tribal regulations submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

“(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative);

“(ii) the identification of proposed mitigation;

“(iii) a process for ensuring that the public is informed of and has an opportunity to comment on any proposed lease, business agreement, or right-of-way before tribal approval of the lease, business agreement, or right-of-way (or any amendment to or renewal of a lease, business agreement, or right-of-way); and

“(iv) sufficient administrative support and technical capability to carry out the environmental review process.

“(3) Public participation.—The Secretary may provide notice and opportunity for public comment on tribal regulations submitted under paragraph (1).

“(4) Disapproval.—If the Secretary disapproves tribal regulations submitted by an Indian tribe under paragraph (1), the Secretary shall—

“(A) notify the Indian tribe in writing of the basis for the disapproval;

“(B) identify what changes or other actions are required to address the concerns of the Secretary; and

“(C) provide the Indian tribe with an opportunity to revise and resubmit the regulations.

“(5) Execution of lease or business agreement or granting of right-of-way.—If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with tribal regulations approved under this subsection, the Indian tribe shall provide to the Secretary—

“(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

“(B) in the case of tribal regulations or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

“(6) Liability.—The United States shall not be liable for any loss or injury sustained by any party (including an Indian tribe or any member of an Indian tribe) to a lease, business agreement, or right-of-way executed in accordance with tribal regulations approved under this subsection.

“(7) Compliance review.—

“(A) In general.—After exhaustion of tribal remedies, any person may submit to the Secretary, in a timely manner, a petition to review compliance of an Indian tribe with tribal regulations of the Indian tribe approved under this subsection.

“(B) Action by secretary.—The Secretary shall—

“(i) not later than 60 days after the date on which the Secretary receives a petition under subparagraph (A), review compliance of an Indian tribe described in subparagraph (A); and

“(ii) on completion of the review, if the Secretary determines that an Indian tribe is not in compliance with tribal regulations approved under this subsection, take such action as is necessary to compel compliance, including—

“(I)(aa) rescinding a lease, business agreement, or right-of-way under this section; or

“(bb) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with tribal regulations; and

“(II) rescinding approval of the tribal regulations and reassuming the responsibility for approval of leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsection (b).

“(C) Compliance.—If the Secretary seeks to compel compliance of an Indian tribe with tribal regulations under subparagraph (B)(ii), the Secretary shall—

“(i) make a written determination that describes the manner in which the tribal regulations have been violated;

“(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

“(iii) before taking any action described in subparagraph (B)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal regulations.

“(D) Appeal.—An Indian tribe described in subparagraph (C) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

“(f) Agreements.—

“(1) In general.—Any agreement by an Indian tribe that relates to the development of an electric generation, transmission, or distribution facility, or a facility to process or refine renewable or nonrenewable energy resources developed on Indian land, shall not require the specific approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) if the activity that is the subject of the agreement is carried out in accordance with this section.

“(2) Liability.—The United States shall not be liable for any loss or injury sustained by any person (including an Indian tribe or any member of an Indian tribe) resulting from an action taken in performance of an agreement entered into under this subsection.

“(g) No Effect on Other Law.—Nothing in this section affects the application of any provision of—

“(1) the Act of May 11, 1938 (commonly known as the Indian Mineral Leasing Act of 1938; 25 U.S.C. 396a et seq.);

“(2) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

“(3) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

“(4) any Federal environmental law.

“(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”.

TITLE II—OIL AND GAS

SEC. 30201. PROGRAM ON OIL AND GAS ROYALTIES IN-KIND.

(a) Applicability of Section.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in-kind accepted by the Secretary of the Interior on or after the date of the enactment of this Act under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other Federal law governing leasing of Federal lands for oil and gas development.

(b) Terms and Conditions.—All royalty accruing to the United States shall, on the demand of the Secretary of the Interior, be paid in oil or gas. If the Secretary of the Interior makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2)(A) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(B) In this paragraph, the term “in marketable condition” means sufficiently free from impurities and otherwise in a condition that it will be accepted by a purchaser under a sales contract typical of the field or area in which the royalty production was produced.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty production taken in-kind (other than oil or gas transferred under section 27(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process (or both) any royalty production taken in-kind.

(4) The Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in-kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the royalty production;

(B) processing the royalty production;

(C) disposing of the royalty production; or

(D) any combination of transporting, processing, and disposing of the royalty production.

(5) The Secretary of the Interior may use a portion of the revenues from the sale of oil royalties taken in-kind, without fiscal year limitation, to pay transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve.

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary of the Interior may receive oil or gas royalties in-kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those likely to have been received had royalties been taken in value.

(e) REPORT TO CONGRESS.—By June 30, 2004, the Secretary of the Interior shall provide a report to the Congress that describes actions taken to develop an organization, business processes, and automated systems to support a full royalty in-kind capability to be used in tandem with the royalty in value approach to managing Federal oil and gas revenues.

(f) DEDUCTION OF EXPENSES.—

(1) IN GENERAL.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in-kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) ACCOUNTING FOR DEDUCTIONS.—If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) CONSULTATION WITH STATES.—The Secretary of the Interior—

(1) shall consult with a State before conducting a royalty in-kind program under this title within the State, and may delegate management of any portion of the Federal royalty in-kind program to such State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in-kind to ensure to the maximum extent practicable that the royalty in-kind program provides revenues to the State greater than or equal to those likely to have been received had royalties been taken in-value.

(h) PROVISIONS FOR SMALL REFINERIES.—

(1) PREFERENCE.—If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) PRORATION AMONG REFINERIES IN PRODUCTION AREA.—In disposing of oil under this subsection, the Secretary of the Interior may, at the discretion of the Secretary, prorate such oil among such refineries in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—

(1) ONSHORE ROYALTY.—Any royalty oil or gas taken by the Secretary of the Interior in-kind from onshore oil and gas leases may be sold at not less than the market price to any department or agency of the United States.

(2) OFFSHORE ROYALTY.—Any royalty oil or gas taken in-kind from Federal oil and gas leases on the outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) PREFERENCE FOR FEDERAL LOW-INCOME ENERGY ASSISTANCE PROGRAMS.—In disposing of royalty oil or gas taken in-kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

SEC. 30202. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following:

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) Not later than 1 year after the date of enactment of this subsection, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1–2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of this subsection, to revise the per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.

"(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year's rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

"(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly.".

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: "using the valuation method described in section 2803.1–2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))".

SEC. 30203. USGS ESTIMATES OF OIL AND GAS RESOURCES UNDERLYING ONSHORE FEDERAL LANDS.

Section 604(a) of the Energy Act of 2000 (42 U.S.C. 6217) is amended—

(1) in subsection (a)(1)—

(A) by striking "reserve"; and

(B) by striking "and" after the semicolon;

(2) by striking subsection (a)(2) and inserting the following:

"(2) the extent and nature of any restrictions or impediments to the development of such resources, including—

"(A) impediments to the timely granting of leases; and

"(B) post-lease restrictions, impediments, or delays on development, involving conditions of approval, applications for permits to drill, or processing of environmental permits; and

"(C) permits or restrictions associated with transporting the resources for entry into commerce; and

"(3) the amount of resources not produced or introduced into commerce because of those restrictions."; and

(3) in subsection (b)—

(A) by striking "reserve" and inserting "resource"; and

(B) by striking "publically" and inserting "publicly".

SEC. 30204. ROYALTY INCENTIVES FOR CERTAIN OFFSHORE AREAS.

(a) OUTER CONTINENTAL SHELF SHALLOW WATER DEEP GAS ROYALTY RELIEF.—

(1) SHORT TITLE.—This subsection may be cited as the "Outer Continental Shelf Shallow Water Deep Gas Royalty Relief Act".

(2) PURPOSES.—The purposes of this subsection are the following:

(A) To accelerate natural gas exploration, development, and production from wells drilled to deep depths on existing shallow water lease tracts on the Outer Continental Shelf.

(B) To provide royalty incentives for the production of natural gas from such tracts.

(C) To provide royalty incentives for development of new technologies and the exploration and development of the new frontier of deep drilling on the Outer Continental Shelf.

(3) ROYALTY INCENTIVES UNDER EXISTING LEASES FOR PRODUCTION OF DEEP GAS IN SHALLOW WATER IN THE GULF OF MEXICO.—

(A) SUSPENSION OF ROYALTIES.—

(i) IN GENERAL.—The Secretary of the Interior shall grant royalty relief for natural gas produced under leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) prior to January 1, 2001, from deep wells on oil and gas lease tracts in shallow waters of the Gulf of Mexico located wholly west of 87 degrees, 30 minutes west longitude.

(ii) AMOUNT OF RELIEF.—The Secretary shall grant royalty relief to eligible leases in the following amounts:

(I) A suspension volume of at least 15 billion cubic feet of natural gas produced from a successful deep well with a total vertical depth of 15,000 feet to 17,999 feet.

(II) A suspension volume of at least 25 billion cubic feet of natural gas produced from a successful deep well with a total vertical depth of 18,000 feet to 19,999 feet.

(III) A suspension volume of at least 35 billion cubic feet of natural gas produced from any ultra deep well.

(IV) A suspension volume of at least 5 billion cubic feet of natural gas per well for up to 2 unsuccessful wells drilled to a depth of at least 18,000 feet on a lease tract that subsequently produces natural gas from a successful deep well.

(iii) LIMITATION.—The Secretary shall not grant the royalty incentives outlined in this subparagraph if the average annual NYMEX natural gas price exceeds for one full calendar year the threshold price of $5 per million Btu, adjusted from the year 2000 for inflation.

(B) DEFINITIONS.—For purposes of this paragraph:

(i) The term "deep well" means a well drilled with a perforated interval, the top of which is at least 15,000 feet true vertical depth below the datum at mean sea level.

(ii) The term "eligible lease" means a lease that—

(I) was issued in a lease sale held before January 1, 2001;

(II) is for a tract located in the Gulf of Mexico entirely in water depths less than 200 meters on a block wholly west of 87 degrees, 30 minutes west longitude; and

(III) is for a tract that has not produced gas or oil from a well that commenced drilling before March 26, 2003, with a completion 15,000 feet true vertical depth below the datum at mean sea level or deeper.

(iii) The term "shallow water" means water less than 200 meters deep.

(iv) The term "ultra deep well" means a well drilled with a perforated interval, the top of which is at least 20,000 feet true vertical depth below the datum at mean sea level.

(4) SUNSET.—This subsection shall have no force or effect after the end of the 5-year period beginning on the date of the enactment of this Act.

(b) DEEP WATER AREAS.—Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

"(9)(A) For all tracts located in water depths of greater than 400 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, and for all tracts in a frontier area offshore Alaska, any oil or gas lease sale under this Act occurring after the date of the enactment of this paragraph and before July 1, 2007, shall use the bidding system authorized in paragraph (1)(H), except that the suspension of royalties shall be set at a volume of not less than the following:

"(i) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters.

"(ii) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters.

"(iii) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

"(B) For purposes of this paragraph, the term 'frontier area offshore Alaska' includes, at a minimum, those areas offshore Alaska with seasonal ice, long distances to existing pipelines and ports, or a lack of production infrastructure.".

(c) APPLICATION OF OTHER EXISTING AUTHORITY TO OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended—

(1) by striking "and the portion" and inserting ", the portion"; and

(2) by inserting after "longitude," the following: "and in the planning areas offshore Alaska,".

(d) RELATIONSHIP TO EXISTING AUTHORITY.—Except as expressly provided in this section, nothing in this section is intended to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to provide royalty suspension.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any offshore preleasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

SEC. 30205. MARGINAL PROPERTY PRODUCTION INCENTIVES.

(a) PURPOSE.—The purpose of this section is to provide to independent producers incentives for extended production from Federal oil and gas leases that are still producible but approaching abandonment due to economic factors.

(b) MARGINAL PROPERTY DEFINED.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior promulgates rules under subsection (f) that prescribe a different definition, for purposes of the royalty relief granted under this section the term "marginal property" means an onshore unit, communitization agreement, or lease not within a unit or communitization agreement, that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 million British thermal units of gas per well per day.

(2) CALCULATION OF AVERAGE PER WELL PRODUCTION.—In calculating the average per well production under paragraph (1), the lessee and the Secretary shall—

(A) include those wells that produce more than half the days in the three most recent production months; and

(B) calculate the average over the three most recent production months.

(c) CONDITIONS FOR REDUCTION OF ROYALTY RATE.—Until such time as the Secretary of the Interior promulgates rules under subsection (f) that prescribe different thresholds or standards—

(1) the Secretary shall, upon request by the operator of a marginal property who is an independent producer, reduce the royalty rate on oil production from the marginal property as prescribed in subsection (d) when the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, is, on average, less than $15 per barrel for 90 consecutive trading days; and

(2) the Secretary shall, upon request by the operator of a marginal property who is an independent producer, reduce the royalty rate on gas production from the marginal property to the rate prescribed in subsection (d) when the spot price of natural gas delivered at Henry Hub, Louisiana, is, on average, less than $2 per million British thermal units for 90 consecutive trading days.

(d) REDUCED ROYALTY RATE.—

(1) IN GENERAL.—The reduced royalty rate under this subsection shall be the lesser of—

(A) 5 percent; or

(B) the applicable rate under any other statutory or regulatory royalty relief provision that applies to the affected production.

(2) EFFECTIVE DATE.—The reduced royalty rate under this subsection shall be effective on the first day of the production month following the date on which the applicable price standard prescribed in subsection (c) is met.

(e) TERMINATION OF REDUCED ROYALTY RATE.—A royalty rate prescribed in subsection (d)(1) shall terminate—

(1) for oil production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of West Texas Intermediate crude oil at Cushing, Oklahoma, on average, exceeds $15 per barrel for 90 consecutive trading days, or

(B) the property no longer qualifies as a marginal property under subsection (b); and

(2) for gas production from a marginal property, on the first day of the production month following the date on which—

(A) the spot price of natural gas delivered at Henry Hub, Louisiana, on average, exceeds $2 per million British thermal units for 90 consecutive trading days, or

(B) the property no longer qualifies as a marginal property under subsection (b).

(f) RULES PRESCRIBING DIFFERENT RELIEF.—

(1) IN GENERAL.—The Secretary of the Interior, after consultation with the Secretary of Energy, may by rule prescribe different parameters, standards, and requirements for, and a different degree or extent of, royalty relief for marginal properties in lieu of those prescribed in subsections (b) through (d).

(2) MARGINAL PROPERTIES.—The Secretary of the Interior, after consultation with the Secretary of Energy, and within 1 year after the date of enactment of this Act, shall—

(A) by rule prescribe standards and requirements for, and the extent of royalty relief for, marginal properties for oil and gas leases on the outer Continental Shelf; and

(B) by rule define what constitutes a marginal property on the outer Continental Shelf for purposes of this section.

(3) CONSIDERATIONS.—In promulgating rules under this subsection, the Secretary of the Interior may consider—

(A) oil and gas prices and market trends;

(B) production costs;

(C) abandonment costs;

(D) Federal and State tax provisions and their effects on production economics;

(E) other royalty relief programs;

(F) regional differences in average wellhead prices;

(G) national energy security issues; and

(H) other relevant matters.

(g) SAVINGS PROVISION.—Nothing in this section shall prevent a lessee from receiving royalty relief or a royalty reduction pursuant to any other law or regulation that provides more relief than the amounts provided by this section.

(h) INDEPENDENT PRODUCER DEFINED.—In this section the term "independent producer" means a person who is not an integrated oil company, as that term is defined in section 219(b)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 291(b)(4)).

SEC. 30206. FEDERAL ONSHORE OIL AND GAS LEASING AND PERMITTING PRACTICES.

(a) REVIEW OF ONSHORE OIL AND GAS LEASING PRACTICES.—The Secretary of the Interior, in cooperation with the Secretary of Agriculture with respect to National Forest System lands under the jurisdiction of the Department of Agriculture, shall perform an internal review of Federal onshore oil and gas leasing and permitting practices. The review shall include the following:

(1) The process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, and any recommendations for improving and expediting the process.

(2) The process for considering applications for permits to drill, including the timeframes in which such applications are considered, and any recommendations for improving and expediting the process.

(3) The process for considering surface use plans of operation, including the timeframes in which such plans are considered, and any recommendations for improving and expediting the process.

(4) The process for administrative appeal of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, and any recommendations for improving and expediting the process.

(5) The process by which Federal land managers identify stipulations to address site-specific concerns and conditions, including those relating to the environment and resource use conflicts, whether stipulations are effective in addressing resource values, and any recommendations for expediting and improving the identification and effectiveness of stipulations.

(6) The process by which the Federal land management agencies coordinate planning and analysis with planning of Federal, State, and local agencies having jurisdiction over adjacent areas and other land uses, and any recommendations for improving and expediting the process.

(7) The documentation provided to lease applicants and lessees with respect to determinations to reject lease applications or to require modification of proposed surface use plans of operation and recommendations regarding improvement of such documentation to more clearly set forth the basis for the decision.

(b) REPORT.—The Secretaries shall report to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 1 year after the date of the enactment of this Act, summarizing the findings of their respective reviews undertaken pursuant to this section and the actions they have taken or plan to take to improve the Federal onshore oil and gas leasing program.

SEC. 30207. MANAGEMENT OF FEDERAL OIL AND GAS LEASING PROGRAMS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, the Secretary of the Interior shall—

(1) ensure expeditious compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States and the public; and

(3) improve the collection, storage, and retrieval of information related to such leasing activities.

(b) BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—Within 18 months after the date of enactment of this Act, the Secretary of the Interior shall develop and implement best management practices to improve the administration of the onshore oil and gas leasing program pursuant to the Mineral Leasing Act (30 U.S.C. 181, et seq.) and ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing.

(2) CONSIDERATION AND CONSULTATION.—In developing such best management practices the Secretary shall consider the recommendations resulting from the review under section 30206.

(3) REGULATIONS.—Within 180 days after the development of best management practices under paragraph (1), the Secretary shall publish for public comment proposed regulations that set forth specific timeframes for processing leases and applications in accordance with those practices, including deadlines for—

(A) approving or disapproving—

(i) resource management plans and related documents;

(ii) lease applications;

(iii) applications for permits to drill; and

(iv) surface use plans; and

(B) related administrative appeals.

SEC. 30208. CONSULTATION REGARDING OIL AND GAS LEASING ON PUBLIC LANDS.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into, and submit to the Congress, a memorandum of understanding in accordance with this section regarding oil and gas leasing on public lands within the jurisdiction of the Secretary of the Interior and National Forest System lands within the jurisdiction of the Secretary of Agriculture.

(b) CONTENTS.—The memorandum of understanding shall include provisions that—

(1) establish an administrative procedure for timely processing of oil and gas lease applications, including lines of authority, steps in application processing, and timeframes for application processing;

(2) establish an administrative procedure for timely processing of surface use plans of operation and applications for permits to drill, including lines of authority and steps for processing such plans and applications within 30 days after receipt by the Secretary concerned;

(3) provide for coordination of planning relating to oil and gas development;

(4) provide for coordination of environmental compliance efforts to avoid duplication of effort;

(5) provide for coordination of use of lease stipulations to achieve consistency;

(6) ensure that lease stipulations are only as restrictive as is necessary to protect the resource for which the stipulations are applied; and

(7) establish reasonable timeframes to process applications for permits to drill.

(c) DATA RETRIEVAL SYSTEM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall establish a joint data retrieval system that is capable of tracking applications and formal requests made pursuant to procedures of the Federal onshore oil and gas leasing program and providing information as to the status of such applications and requests within the Department of the Interior and the Department of Agriculture.

(2) AVAILABILITY OF DATA.—Data in the joint data retrieval system shall be made available to the public, consistent with applicable laws and regulations regarding confidentiality and proprietary data.

(3) RESOURCE MAPPING.—The Secretary of the Interior and the Secretary of Agriculture shall establish a joint GIS mapping system for use in tracking surface resource values to aid in resource management and processing of surface use plans of operation and applications for permits to drill.

SEC. 30209. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: "as well as acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year,".

SEC. 30210. FEDERAL REIMBURSEMENT FOR ORPHAN WELL RECLAMATION.

(a) DEFINITIONS.—In this section:

(1) LESSEE.—The term "lessee" means a person who owns a lease, working interest, or operating rights in an oil and gas lease on lands owned by the United States.

(2) ORPHAN WELL.—The term "orphan well" means any oil or gas well—

(A) that is located on lands owned by the United States;

(B) that requires plugging and abandonment under the regulations of the Department of the Interior; and

(C) for which the Secretary is unable to find any person who is legally responsible and has the financial resources to reclaim the well.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary's designee.

(b) REIMBURSEMENT FOR RECLAIMING WELLS ON LANDS SUBJECT TO NEW LEASES.—If the Secretary issues a new oil and gas lease on federally owned lands on which 1 or more orphaned wells are located, the Secretary—

(1) may require, as a condition of the lease, that the lessee reclaim pursuant to the Secretary's standards all orphaned wells on the land leased; and

(2) shall provide to the lessee a credit against royalties due under the lease for 100 percent of the reasonable actual costs of reclaiming the orphaned well pursuant to such requirement.

(c) ROYALTY CREDITS FOR RECLAIMING ORPHAN WELLS ON OTHER LANDS.—The Secretary—

(1) may authorize any lessee under an oil and gas lease on federally owned lands to reclaim pursuant to the Secretary's standards—

(A) an orphan well on unleased federally owned lands or unleased lands on the outer Continental Shelf; or

(B) an orphan well located on an existing lease on federally owned lands or the outer Continental Shelf for the reclamation of which the lessee is not legally responsible; and

(2) shall provide to the lessee a credit against royalties under the lessee's lease of 115 percent of the reasonable actual costs of reclaiming the orphan well.

(d) Reporting and Application of Royalty Credits.—

(1) In general.—Any credit against royalties required to be provided to a lessee under this section may be reported against royalties on production from any oil and gas lease on federally owned lands, or on the outer Continental Shelf, administered by the Secretary, that are owed by—

(A) a lessee;

(B) any wholly owned affiliate or wholly commonly owned affiliate of a lessee; or

(C) any wholly owned affiliate or wholly commonly owned affiliate of the person conducting the reclamation work on an orphan well.

(2) Reporting by designees.—Credits against royalties required to be provided to a lessee under this section may be reported by a designee (as defined in section 3 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1982 (30 U.S.C. 1702)), when the designee reports and pays royalty on behalf of the lessee.

(e) Implementing Regulations.—The Secretary may promulgate such regulations as may be necessary and appropriate to implement this section.

(f) Protection Against Liability.—No person who reclaims an orphan well under this section shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out a reclamation plan approved by the Secretary under this section. This section shall not preclude liability for costs or damages as a result of a gross negligence or intentional misconduct by the person carrying out an approved reclamation plan. For purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

SEC. 30211. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) Short Title.—This section may be cited as the "National Geological and Geophysical Data Preservation Program Act of 2003".

(b) Program.—The Secretary of the Interior shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) Plan.—Within 1 year after the date of the enactment of this Act, the Secretary shall develop and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the implementation of the Program.

(d) Data Archive System.—

(1) Establishment.—The Secretary shall establish, as a component of the Program, a data archive system, which shall provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) System components.—The system shall be comprised of State agencies and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) Limitation of designation.—The Secretary may not designate a State agency as a component of the data archive system unless it is the agency that acts as the geological survey in the State.

(4) Data from Federal lands.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal lands—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data was collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) National Catalog.—

(1) In general.—As soon as practicable after the date of the enactment of this section, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in such system; and

(C) the means of accessing the material.

(2) Availability.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the World Wide Web, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) Advisory Committee.—

(1) In general.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) New duties.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31b et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities in subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary pursuant to subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) Financial Assistance.—

(1) Archive facilities.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2), for providing facilities to archive energy material.

(2) Studies.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State agency designated under subsection (d)(2) for studies that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) Federal share.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be no more than 50 percent of the total cost of that activity.

(4) Private contributions.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

(h) Report.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) Definitions.—As used in this section:

(1) Advisory committee.—The term "Advisory Committee" means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior acting through the Director of the United States Geological Survey.

(3) Program.—The term "Program" means the National Energy Data Preservation Program carried out under this section.

(4) Survey.—The term "Survey" means the United States Geological Survey.

(j) Maintenance of State Effort.—It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(k) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.

SEC. 30212. COMPLIANCE WITH EXECUTIVE ORDER 13211; ACTIONS CONCERNING REGULATIONS THAT SIGNIFICANTLY AFFECT ENERGY SUPPLY, DISTRIBUTION, OR USE.

(a) Requirement.—The Secretary of the Interior shall—

(1) require that before any person takes any action that could have a significant adverse effect on the supply of domestic energy resources from Federal public lands, the person shall comply with Executive Order 13211; and

(2) within 180 days after the date of the enactment of this Act, publish guidance for purposes of this section describing what constitutes a significant adverse effect on the supply of domestic energy resources under Executive Order 13211.

(b) MOU.—The Secretary of the Interior and the Secretary of Agriculture shall include in the memorandum of understanding under section 30208 provisions regarding implementation of subsection (a)(1) of this section.

SEC. 30213. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 37 the following:

"REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

"Sec. 38. (a) In General.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for any lease under this Act for reasonable amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

"(b) Conditions.—The Secretary may provide reimbursement under subsection (b) only if—

"(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

"(2) the person paid the costs voluntarily; and

"(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.".

(b) Application.—The amendment made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) Deadline for Regulations.—The Secretary of the Interior shall issue regulations implementing the amendment made by this section by not later than 90 days after the date of the enactment of this Act.

SEC. 30214. ALTERNATE ENERGY-RELATED USES ON THE OUTER CONTINENTAL SHELF.

(a) Purposes.—The purposes of this section are as follows:

(1) To protect the economic and land use interests of the Federal Government in the management of the Outer Continental Shelf for energy-related and certain other purposes.

(2) To provide an administrative framework for the oversight and management of energy-related activities on the Outer Continental Shelf, consistent with other applicable laws.

(3) To expedite projects to increase the production, transmission, or conservation of energy on the Outer Continental Shelf.

(4) To provide for interagency coordination in the siting and permitting of energy-related activities on the Outer Continental Shelf.

(5) To ensure that energy-related activities on the Outer Continental Shelf are conducted in a manner that provides for safety, protection of the environment, prevention of waste, conservation of natural resources, protection of correlative rights, and protection of national security interests.

(6) To authorize alternate uses of existing structures and facilities previously permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 note).

(7) To ensure that the Federal Government receives a fair return for any easement or right-of-way granted under section 8(p) of the Outer Continental Shelf Lands Act.

(b) Amendment to Outer Continental Shelf Lands Act.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following new subsection:

"(p) Easements or Rights-of-Way for Energy and Related Purposes.—

"(1) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant an easement or right-of-way on the Outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law when such activities—

"(A) support exploration, development, production, transportation, or storage of oil, natural gas, or other minerals;

"(B) produce or support production, transportation, or transmission of energy from sources other than oil and gas; or

"(C) use facilities currently or previously used for activities authorized under this Act.

"(2)(A) The Secretary shall establish reasonable forms of annual or one-time payments for any easement or right-of-way granted under this subsection. Such payments shall not be assessed on the basis of throughput or production. The Secretary may establish fees, rentals, bonus, or other payments by rule or by agreement with the party to whom the easement or right-of-way is granted.

"(B) Before exercising the authority granted under this subsection, the Secretary shall consult with the Secretary of Defense and other appropriate agencies concerning issues related to national security and navigational obstruction.

"(C) The Secretary is authorized to issue an easement or right-of-way for energy and related purposes as described in paragraph (1) on a competitive or noncompetitive basis. In determining whether such easement or right-of-way shall be granted competitively or noncompetitively, the Secretary shall consider such factors as prevention of waste and conservation of natural resources, economic viability of an energy project, protection of the environment, national interest, national security, human safety, protection of correlative rights, and potential return for the easement or right-of-way.

"(3) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government and affected States, shall prescribe any necessary regulations to assure safety, protection of the environment, prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, protection of national security interests, and protection of correlative rights therein.

"(4) The Secretary shall require the holder of an easement or right-of-way granted under this subsection to furnish a surety bond or other form of security, as prescribed by the Secretary, and to comply with such other requirements as the Secretary may deem necessary to protect the interests of the United States.

"(5) Nothing in this subsection shall be construed to displace, supersede, limit, or modify the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

"(6) This subsection shall not apply to any area on the Outer Continental Shelf designated as a National Marine Sanctuary.".

(c) Conforming Amendment.—The text of the heading for section 8 of the Outer Continental Shelf Lands Act is amended to read as follows: "Leases, Easements, and Rights-of-Way on the Outer Continental Shelf.".

SEC. 30215. DEADLINE FOR DECISION ON APPEALS OF CONSISTENCY DETERMINATIONS UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972.

(a) In General.—Section 319 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1465) is amended to read as follows:

"APPEALS TO THE SECRETARY

"Sec. 319. (a) Notice.—The Secretary shall publish an initial notice in the Federal Register within 30 days after the date of the filing of any appeal to the Secretary of a consistency determination under section 307.

"(b) Closure of Record.—(1) No later than the end of 360-day period beginning on the date of publication of an initial notice under subsection (a), the Secretary shall receive no more filings on the appeal and the record of decision regarding the appeal shall be closed.

"(2) Upon the closure of the record of decision, the Secretary shall immediately publish a notice that the record of decision has been closed.

"(3) The Secretary may extend the period specified in paragraph (1) with respect to an appeal—

"(A) in accordance with the mutual agreement of the parties to the appeal; or

"(B) as needed to complete the development of any environmental analyses required under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

"(c) Deadline for Decision.—The Secretary shall issue a decision in any appeal filed under section 307 no later than 90 days after the publication of a notice under subsection (b)(2).

"(d) Application.— This section applies to appeals initiated by the Secretary and appeals filed by an applicant.".

(b) Application.—The amendment made by subsection (a)—

(1) shall apply with respect to any appeal initiated or filed on or after the date of the enactment of this Act; and

(2) shall not affect any appeal initiated or filed before the date of the enactment of this Act.

SEC. 30216. TASK FORCE ON ENERGY PROJECT STREAMLINING.

(a) Findings.—The Congress finds that—

(1) increased production and transmission of energy in a safe and environmentally sound manner is essential to the well-being of the American people;

(2) on May 18, 2001, President George W. Bush signed Executive Order 13212 requiring agencies to expedite their review of permits of other actions as necessary to accelerate the completion of energy-related projects, while maintaining safety, public health, and environmental protections; and

(3) Executive Order 13212 established an interagency task force chaired by the Chairman of the Council on Environmental Quality to monitor and assist agencies in their efforts to expedite review of actions consistent with the Executive order, and to monitor and assist agencies in setting up appropriate mechanisms to coordinate Federal, State, tribal, and local permitting in geographic areas where increased permitting activity is expected.

(b) Sense of Congress.—It is the sense of the Congress that the Task Force established pursuant to Executive Order 13212 should remain in existence until such time as the President finds that the needs for which it was established have been met.

SEC. 30217. PILOT PROGRAM ON NORTHERN ROCKY MOUNTAINS ENERGY RESOURCE MANAGEMENT.

(a) Findings.—The Congress finds that the task force established by President George W. Bush by the issuance of Executive Order 13212, and headed by the Chairman of the Council on Environmental Quality, has developed a pilot project the goals of which are—

(1) to reduce conflict, uncertainty, and the time involved in making decisions on energy resource management in the Northern Rocky Mountains;

(2) to establish a mechanism to provide for the coordination of Federal and State policy guidance regarding the development of regional energy resources and their transmission to markets;

(3) to institutionalize early collaboration and participation of all parties involved in regional decisions on environmental, economic and energy issues related to the exploration, development, and production of energy resources; and

(4) to take a long-term and regional view on how best to manage the energy resources in the Northern Rocky Mountains.

(b) Sense of the Congress.—It is the sense of the Congress that the task force should carry out this pilot project and report to the Congress no later than 36 months after the date of enactment of this Act on the progress it has made in accomplishing the goals set forth in subsection (a) of this section.

SEC. 30218. ENERGY DEVELOPMENT FACILITATOR STUDY.

(a) In General.—The Chairman of the Council on Environmental Quality shall conduct a study to determine the feasibility of establishing under the Council the position of Facilitator for Energy Development,. to coordinate Federal agency actions relating to energy project permitting. The study shall consider, among other matters—

(1) the ways in which a facilitator can facilitate the long-term coordination of energy projects on Federal lands; and

(2) the role of a facilitator in ensuring that the questions or concerns of permit applicants and other persons involved in energy projects are addressed in the agency.

(b) Report.—Not later than 12 months after the date of enactment of this section, the Chairman shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate detailing the findings of the study required by subsection (a), and including any legislative recommendations of the Chairman with respect to the establishment of the position studied.

SEC. 30219. COMBINED HYDROCARBON LEASING.

(a) Special Provisions Regarding Leasing.—Section 17(b)(2) of the Mineral Leasing Act (30 U.S.C. 226(b)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) For any area that contains any combination of tar sand and oil or gas (or both), the Secretary may issue under this Act, separately—

"(i) a lease for exploration for and extraction of tar sand; and

"(ii) a lease for exploration for and development of oil and gas.

"(C) A lease issued for tar sand shall be issued using the same bidding process, annual rental, and posting period as a lease issued for oil and gas, except that the minimum acceptable bid required for a lease issued for tar sand shall be $2 per acre.

"(D) The Secretary may waive, suspend, or alter any requirement under section 26 that a permittee under a permit authorizing prospecting for tar sand must exercise due diligence, to promote any resource covered by a combined hydrocarbon lease.".

(b) Conforming Amendment.—Section 17(b)(1)(B) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(B)) is amended in the second sentence by inserting ", subject to paragraph (2)(B)," after "The Secretary".

(c) Regulations.—Within 45 days after the date of the enactment of this Act, the Secretary of the Interior shall issue final regulations to implement this section.

SEC. 30220. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.

(a) In General.—The Secretary of the Interior, in consultation with the Secretary of Energy, key stakeholders including coastal States, and the oil and gas industry, shall conduct an inventory and analysis of oil and natural gas resources for areas beneath all of the United States waters of the Outer Continental Shelf. The inventory and analysis shall—

(1) provide resource estimates of oil and gas resources underlying those waters and estimate how those resource estimates may change if—

(A) geological and geophysical data could be gathered and analyzed;

(B) targeted exploration was allowed; and

(C) full resource development was allowed following successful exploration;

(2) analyze how resource estimates for such areas, including areas such as the deepwater and subsalt areas in the Gulf of Mexico, have changed over time as—

(A) geological and geophysical data was gathered;

(B) initial exploration occurred; and

(C) full field development occurred;

(3) identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent to which they will affect domestic supply, including with respect to—

(A) leasing moratoria;

(B) lease terms and conditions;

(C) operational stipulations and requirements;

(D) approval delays by the Federal government and coastal States; and

(E) local zoning restrictions for onshore processing facilities and pipeline landings; and

(4) analyze the effect that understated oil and gas resource inventories have on domestic energy investments.

(b) Process Recommendations.—In conjunction with the inventory and analysis, the Secretary of the Interior, in consultation with the Secretary of Energy, shall consult with key stakeholders to make recommendations for achieving a more balanced and environmentally sound energy policy for the Outer Continental Shelf. Key stakeholders to be consulted include Governors, conservation and environmental organizations, academia, the oil and gas industry, and the scientific and business communities. The Secretary of the Interior shall also make recommendations regarding processes that could be implemented that would lead to additional Outer Continental Shelf leasing and development of those resources for the benefit of the American public.

(c) Regular Updates.—After completion of the inventory, the Secretary shall regularly update estimates and identifications of restrictions to offshore development included in the inventory, and make such updates publicly available.

(d) Submission to Congress.—The inventory, analysis, and recommendations shall be provided to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 6 months after the date of enactment of this section.

(e) Methane Hydrate Study.—

(1) In general.—The Secretary of the Interior shall study the occurrence and distribution of methane hydrates in the United States.

(2) Report.—The Secretary of the Interior shall submit a report to the Congress on the results of the study by not later than 3 years after the date of the enactment of this Act, including an estimate of the methane hydrate resources in the United States.

SEC. 30221. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Royalty Relief.—

(1) In general.—For purposes of providing compensation for lessees and a State for which amounts are authorized by section 6004(c) of the Oil Pollution Act of 1980 (Public Law 101–380), a lessee may withhold from payment any royalty due and owing to the United States under any lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the lessee makes a payment to the State of 44 cents for every $1 of royalty withheld.

(2) Treatment of withheld amounts.—Any royalty withheld by a lessee in accordance with this section shall be treated as paid for purposes of satisfaction of the royalty obligations of the lessee to the United States.

(3) Certification of withheld amounts.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld by a lessee under this section; and

(B) promptly publish a certification when the total amount of royalty withheld by the lessee under this section is equal to the lessee's share of the total drainage claim for the West Delta field (with interest) as described at page 47 of Senate Report number 101–534.

(b) Period of Royalty Relief.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on January 1, 2003, and ending on the date on which the Secretary publishes a certification under subsection (a)(3)(B).

(c) Definitions.—As used in this section:

(1) Covered lease tract.—The term "covered lease tract" means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) Lessee.—The term "lessee" means a person (including a successor or assign of a person) that, on the date of the enactment of the Oil Pollution Act of 1980, was a lessee referred to in section 6004(c) of that Act (as in effect on that date of the enactment), but did not hold lease rights in Federal offshore lease OCS–G–5669.

TITLE III—BIOMASS ENERGY

SEC. 30301. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, PETROLEUM-BASED PRODUCT SUBSTITUTES, AND OTHER COMMERCIAL PURPOSES.

(a) Findings.—Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss

of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest land, woodland, and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest lands, woodlands and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

(b) DEFINITIONS.—In this section:

(1) BIOMASS.—The term "biomass" means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term "person" includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term "preferred community" means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

(c) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(d) IMPROVED BIOMASS USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to develop or research opportunities to improve the use of, or add value to, biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, including the potential to develop thermal or electric energy resources or affordable energy, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed $100,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $50,000,000 for each of the fiscal years 2004 through 2014 to carry out this section.

(f) REPORT.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and the Committee on Agriculture of the House of Representatives a report describing the results of the grant programs authorized by this section. The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under this section.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE IV—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. 30401. SHORT TITLE.

This title may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2003".

SEC. 30402. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 30403. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) Compliance with NEPA for other actions.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) Relationship to State and Local Authority.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) Special Areas.—

(1) In general.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 402(1).

(2) Management.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) Exclusion from leasing or surface occupancy.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) Directional drilling.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) Limitation on Closed Areas.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) Regulations.—

(1) In general.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) Revision of regulations.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 30404. LEASE SALES.

(a) In General.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) Procedures.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) Lease Sale Bids.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) Acreage Minimum in First Sale.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) Timing of Lease Sales.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 30405. GRANT OF LEASES BY THE SECRETARY.

(a) In General.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 30404 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) Subsequent Transfers.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 30406. LEASE TERMS AND CONDITIONS.

(a) In General.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 30403(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) Project Labor Agreements.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 30407. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) No Significant Adverse Effect Standard To Govern Authorized Coastal Plain Activities.—The Secretary shall, consistent with the requirements of section 30403, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment; and

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations.

(b) Site-Specific Assessment and Mitigation.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 30408. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 30409. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 30412(d) the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 30410. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 30403(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 30411. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 30412. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

TITLE V—HYDROPOWER

SEC. 30501. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Administrator of each Federal power marketing administration, shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of the enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility and the level of Federal power customer involvement in the Secretary's determination of such costs.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

SEC. 30502. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) IN GENERAL.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to optimize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such optimization.

(b) REPORT.—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a). The Secretary shall include in the report the impact of optimized hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(c) COOPERATION WITH FEDERAL POWER MARKETING ADMINISTRATIONS.—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be optimized.

SEC. 30503. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) EXISTING OBLIGATIONS NOT AFFECTED.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

TITLE VI—GEOTHERMAL ENERGY

SEC. 30601. COMPETITIVE LEASE SALE REQUIREMENTS.

(a) In General.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended to read as follows:

"LEASING PROCEDURES

"Sec. 4. (a) In General.—

"(1) Nominations.—The Secretary shall accept nominations at any time from qualified companies and individuals of areas to be leased under this Act.

"(2) Competitive lease sale required.—The Secretary shall hold a competitive lease sale at least once every 2 years for lands in a State in that are located areas with respect to which there are nominations pending under paragraph (1).

"(3) Noncompetitive leasing.—The Secretary shall make available for a period of 2 years for noncompetitive leasing any lands for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.".

(b) Pending Lease Applications.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall initiate competitive lease sales under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), as amended by this Act, for areas with respect to which applications for leasing are pending on the date of the enactment of this Act.

SEC. 30602. SPECIAL PROVISIONS REGARDING DIRECT USE OF LOW TEMPERATURE GEOTHERMAL ENERGY RESOURCES.

(a) Leasing Procedure.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is further amended by adding at the end the following:

"(b) Leasing of Low Temperature Geothermal Resources.—Lands leased under this Act exclusively for qualified development and direct utilization of low temperature geothermal resources shall be leased to any qualified applicant who first applies for such lease under regulations formulated by the Secretary.".

(b) Limitation on Lease Area.—Section 7 of the Geothermal Steam Act of 1970 (30 U.S.C. 1006) is amended—

(1) in the first sentence by striking "A geothermal lease" and inserting "(a) In General.—Except as provided in subsection (b), a geothermal lease"; and

(2) by adding at the end the following:

"(b) Leasing of Low Temperature Geothermal Resources.—A geothermal lease for qualified development and direct utilization of low temperature geothermal resources shall embrace not more than the minimum amount of acreage determined by the Secretary to be reasonably necessary for such utilization.".

(c) Annual Payment.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting "(a) In General.—" after "Sec. 5."; and

(4) by adding at the end the following:

"(b) Exemption for Use of Low Temperature Resources.—

"(1) In general.—In lieu of any royalty or rental under subsection (a), a lease for qualified development and direct utilization of low temperature geothermal resources shall provide for payment by the lessee of an annual fee per well of not less than $100, and not more than $1,000, in accordance with the schedule issued under paragraph (2).

"(2) Schedule.—The Secretary shall issue a schedule of fees under this section under which a fee is based on the scale of development and utilization to which the fee applies.".

(d) Definitions.—Section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001) is amended—

(1) in paragraph (f) by redesignating subparagraphs (1) through (4) in order as subparagraphs (A) through (D);

(2) by redesignating paragraphs (a) through (f) in order as paragraphs (1) through (6); and

(3) by adding at the end the following:

"(7) Low temperature geothermal resources.—The term 'low temperature geothermal resources' means geothermal steam and associated geothermal resources having a wellhead temperature of less than 195 degrees Fahrenheit.

"(8) Qualified development and direct utilization.—The term 'qualified development and direct utilization' means development and utilization in which all products of geothermal resources, other than any heat utilized, are returned to the geothermal formation from which they are produced.".

(e) Existing Leases.—

(1) Application to convert.—Any lessee under a lease under the Geothermal Steam Act of 1970 that was issued before the date of the enactment of this Act may apply to the Secretary of the Interior, by not later than 18 months after the date of the enactment of this Act, to convert such lease to a lease for qualified development and direct utilization of low temperature geothermal resources in accordance with the amendments made by this section.

(2) Conversion.—The Secretary shall approve such an application and convert such a lease to a lease in accordance with the amendments by not later than 180 days after receipt of such application, unless the Secretary determines that the applicant is not a qualified applicant with respect to the lease.

SEC. 30603. ROYALTIES AND NEAR-TERM PRODUCTION INCENTIVES.

(a) Royalty.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) by striking paragraph (1) and inserting the following:

"(1) a royalty on direct use of geothermal steam and associated geothermal resources, other than low temperature geothermal resources, which shall be—

"(A) 3.5 percent of the gross proceeds from the sale of electricity produced by such resources; and

"(B) 0.75 percent of the gross proceeds from the sale of items produced by the direct use of such resources;".

(b) Near-Term Production Incentive.—

(1) In general.—Notwithstanding section 5(a) of the Geothermal Steam Act of 1970, as amended by subsection (a), or any provision of any lease under that Act, the royalty required to be paid—

(A) under any qualified geothermal energy lease with respect to commercial production of heat or energy from a facility that begins such production in the 6-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy;

shall be 50 percent of the amount of royalty otherwise required to be paid under those provisions.

(2) State share.—Notwithstanding section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019), section 35 of the Mineral Leasing Act (30 U.S.C.191), or section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355), in the case of monies received by the United States from royalty described in subparagraph (A) or (B) of paragraph (1), the percentage required to be paid by the Secretary of the Treasury to a State under those sections shall be 100 percent.

(3) 4-year application.—Paragraphs (1) and (2) apply only to commercial production of heat or energy from a facility in the first 4 years of such production.

(4) No effect on state portion.—This subsection shall not be construed to reduce the amount of royalty required to be paid to a State.

(c) Definitions.—In this section:

(1) Qualified expansion geothermal energy.—The term "qualified expansion geothermal energy" means geothermal energy produced from a generation facility for which—

(A) the production is increased by more than 10 percent as a result of expansion of the facility carried out in the 6-year period beginning on the date of the enactment of this Act; and

(B) such production increase is greater than 10 percent of the average production by the facility during the 5-year period preceding the expansion of the facility.

(2) Qualified geothermal energy lease.—The term "qualified geothermal energy lease" means a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)—

(A) that was executed before the end of the 6-year period beginning on the date of the enactment of this Act; and

(B) under which no commercial production of any form of heat or energy occurred before the date of the enactment of this Act.

(d) Royalty Existing Leases.—

(1) In general.—Any lessee under a lease issued under the Geothermal Steam Act of 1970 before the date of the enactment of this Act may modify the terms of the lease relating to payment of royalties to comply with the amendment made by subsection (a), by applying to the Secretary of the Interior by not later than 18 months after the date of the enactment of this Act.

(2) Application of modification.—Such modification shall apply to any use of geothermal steam and associated geothermal resources to which the amendment applies that occurs after the date of that application.

SEC. 30604. CONSULTATION REGARDING GEOTHERMAL LEASING AND PERMITTING ON PUBLIC LANDS.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into and submit to the Congress a memorandum of understanding in accordance with this section regarding leasing and permitting, for geothermal development, of public lands under their respective administrative jurisdictions.

(b) Lease and Permit Applications.—The memorandum of understanding shall include provisions that—

(1) identify known geothermal areas on public lands within the National Forest System and when necessary review management plans to consider leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) as a land use;

(2) establish an administrative procedure for processing geothermal lease applications, including lines of authority, steps in application processing, and timeframes for application processing;

(3) provide that the Secretary concerned shall—

(A) within 14 days after receiving an application for a lease, determine whether the application contains sufficient information to allow processing of the application; and

(B) if the application is found not to contain sufficient information to allow processing the application the Secretary shall, before the end of such 14-day period, provide written notification to the lease applicant that the application is being returned to the applicant without processing and itemizing the deficiencies in the application that prevent processing;

(4) provide that the Secretary concerned shall within 30 days after receiving a lease application, provide written notice to the lease applicant regarding the status of the application, including an estimation of the time that will be required to complete action on the application; and

(5) establish an administrative procedure for processing geothermal development permits, including lines of authority, steps in permit processing, and timeframes for permit processing.

(c) Five-Year Leasing Plan.—The memorandum of understanding shall develop a 5-year plan for leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of public land in the National Forest System. The plan for geothermal leasing shall be updated every 5 years.

(d) Data Retrieval System.—The memorandum of understanding shall establish a joint data retrieval system that is capable of tracking lease and permit applications and requests and providing to the applicant or requester information as to their status within the Departments of the Interior and Agriculture, including an estimate of the time required for administrative action.

SEC. 30605. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to the Congress within 3 years after the date of the enactment of this Act regarding the status of all moratoria on and withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of known geothermal resources areas (as that term is defined in section 2 of that Act (30 U.S.C. 1001), specifying for each such area whether the basis for such moratoria or withdrawal still applies.

SEC. 30606. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) In General.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

“REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

“Sec. 30. (a) In General.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for reasonable amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

“(b) Conditions.—The Secretary may provide reimbursement under subsection (a) only if—

“(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

“(2) the person paid the amounts voluntarily; and

“(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.”.

(b) Application.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) Deadline for Regulations.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

SEC. 30607. ASSESSMENT OF GEOTHERMAL ENERGY POTENTIAL.

The Secretary of Interior, acting through the Director of the United States Geological Survey, shall update the 1978 Assessment of Geothermal Resources, and submit that updated assessment to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(1) within 3 years after the date of enactment of this Act; and

(2) thereafter as the availability of data and developments in technology warrant.

SEC. 30608. COOPERATIVE OR UNIT PLANS.

(a) In General.—Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended to read as follows:

“COOPERATIVE OR UNIT PLANS

“Sec. 18. (a) Adoption of Plan by Lessees.—

“(1) In general.—For the purpose of more properly conserving the natural resources of any geothermal field, or like area, or any part thereof (whether or not any part of the geothermal field, or like area, is then subject to any cooperative or unit plan of development or operation), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of such field, or like area, or any part thereof, if determined and certified by the Secretary to be necessary or advisable in the public interest.

“(2) Modification of lease requirements by secretary.—The Secretary may, in the discretion of the Secretary, and with the consent of the holders of leases involved, establish, alter, change, or revoke drilling, producing, rental, minimum royalty, and royalty requirements of such leases and to make such regulations with reference to such leases, with the consent of the lessees, in connection with the institution and operation of any such cooperative or unit plan as the Secretary may deem necessary or proper to secure the proper protection of the public interest.

“(b) Requirement of Plans Under New Leases.—The Secretary—

“(1) may provide that geothermal leases issued under this Act after the date of the enactment of this section shall contain a provision requiring the lessee to operate under such a reasonable cooperative or unit plan; and

“(2) may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

“(c) Modification of Rate of Prospecting, Development, and Production.—The Secretary may require that any plan authorized by the this section that applies to lands owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the plan, to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan.

“(d) Exclusion From Determination of Holding or Control.—Any lands that are subject to any plan approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under any provision of this Act.

“(e) Pooling of Certain Lands.—If separate tracts of lands cannot be independently developed and operated to use geothermal steam and associated geothermal resources pursuant to this Act in conformity with an established development program—

“(1) any such lands, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, for purposes of such development and operation under a communitization agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if such pooling is determined by the Secretary to be in the public interest; and

“(2) operation or production pursuant to such an agreement shall be treated as operation or production with respect to each tract of land that is subject to the agreement.

“(f) Plan Review.—No more than 5 years after approval of any cooperative or unit plan of development or operation, and at least every 5 years thereafter, the Secretary shall review each such plan and, after notice and opportunity for comment, eliminate from inclusion in such plan any lands that the Secretary determines are not reasonably necessary for cooperative or unit operations under the plan. Such elimination shall be based on scientific evidence, and shall occur only if it is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource. Any land so eliminated shall be eligible for an extension under subsection (c) or (g) of section 6 if it meets the requirements for such an extension.

“(g) Approval by Secretary.—The Secretary may, on such conditions as the Secretary may prescribe, approve operating, drilling, or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 7 of this Act.”.

SEC. 30609. ROYALTY ON BYPRODUCTS.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) by striking paragraph (2) and inserting the following:

“(2) a royalty on any byproduct that is a mineral named in the first section of the Mineral Leasing Act (30 U.S.C. 181), and that is derived from production under the lease, at the rate of the royalty that applies under that Act to production of such mineral under a lease under that Act;”.

SEC. 30610. REPEAL OF AUTHORITIES OF SECRETARY TO READJUST TERMS, CONDITIONS, RENTALS, AND ROYALTIES.

Section 8 of the Geothermal Steam Act of 1970 (30 U.S.C. 1007) is amended by repealing subsections (a) and (b), and by striking “(c)”.

SEC. 30611. CREDITING OF RENTAL TOWARD ROYALTY.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended—

(1) in subsection (a)(2) by inserting "and" after the semicolon at the end;

(2) in subsection (a)(3) by striking "; and" and inserting a period;

(3) by striking paragraph (4) of subsection (a); and

(4) by adding at the end the following:

"(c) CREDITING OF RENTAL TOWARD ROYALTY.—Any annual rental under this section that is paid with respect to a lease before the first day of the year for which the annual rental is owed shall be credited to the amount of royalty that is required to be paid under the lease for that year.".

SEC. 30612. LEASE DURATION AND WORK COMMITMENT REQUIREMENTS.

(a) IN GENERAL.—Section 6 of the Geothermal Steam Act of 1970 (30 U.S.C. 1005) is amended—

(1) by striking so much as precedes subsection (c), and striking subsections (e), (g), (h), (i), and (j);

(2) by redesignating subsections (c), (d), and (f) in order as subsections (g), (h), and (i);

(3) by inserting before subsection (g), as so redesignated, the following:

"LEASE TERM AND WORK COMMITMENT REQUIREMENTS

"SEC. 6. (a) PRIMARY TERM.—

"(1) IN GENERAL.—A geothermal lease shall be for a primary term of ten years.

"(2) INITIAL EXTENSION.—The Secretary shall extend the primary term of a geothermal lease for 5 years if, for each year after the fifth year of the lease—

"(A) the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year; or

"(B) the lessee paid in accordance with subsection (d) the value of any work that was not completed in accordance with those requirements.

"(3) ADDITIONAL EXTENSION.—The Secretary shall extend the primary term of a geothermal lease (after an extension under paragraph (2)) for an additional 5 years if, for each year after the fifteenth year of the lease, the Secretary determined under subsection (c) that the lessee satisfied the work commitment requirements that applied to the lease for that year.

"(b) REQUIREMENT TO SATISFY ANNUAL WORK COMMITMENT REQUIREMENT.—

"(1) IN GENERAL.—The lessee for a geothermal lease shall, for each year after the fifth year of the lease, satisfy work commitment requirements prescribed by the Secretary that apply to the lease for that year.

"(2) PRESCRIPTION OF WORK COMMITMENT REQUIREMENTS.—The Secretary shall issue regulations prescribing minimum work commitment requirements for geothermal leases, that—

"(A) require that a lessee, in each year after the fifth year of the primary term of a geothermal lease, diligently work to achieve commercial production or utilization of steam under the lease;

"(B) require that in each year to which work commitment requirements under the regulations apply, the lessee shall significantly reduce the amount of work that remains to be done to achieve such production or utilization;

"(C) describe specific work that must be completed by a lessee by the end of each year to which the work commitment requirements apply;

"(D) carry forward and apply to work commitment requirements for a year, work completed in any year in the preceding 3-year period that was in excess of the work required to be performed in that preceding year; and

"(E) establish transition rules for leases issued before the date of the enactment of this subsection.

"(3) TERMINATION OF APPLICATION OF REQUIREMENTS.—Work commitment requirements prescribed under this subsection shall not apply to a geothermal lease after the date on which geothermal steam is produced or utilized under the lease in commercial quantities.

"(c) DETERMINATION OF WHETHER REQUIREMENTS SATISFIED.—The Secretary shall, by not later than 21 days after the end of each year for which work commitment requirements under subsection (b) apply to a geothermal lease—

"(1) determine whether the lessee has satisfied the requirements that apply for that year;

"(2) notify the lessee of that determination; and

"(3) in the case of a notification that the lessee did not satisfy work commitment requirements for the year, include in the notification—

"(A) a description of the specific work that was not completed by the lessee in accordance with the requirements; and

"(B) the amount of the dollar value of such work that was not completed, reduced by the amount of expenditures made for work completed in a prior year that is carried forward pursuant to subsection (b)(2)(D).

"(d) PAYMENT OF VALUE OF UNCOMPLETED WORK.—

"(1) IN GENERAL.—If the Secretary notifies a lessee that the lessee failed to satisfy work commitment requirements under subsection (b), the lessee shall pay to the Secretary, by not later than the end of the 60-day period beginning on the date of the notification, the dollar value of work that was not completed by the lessee, in the amount stated in the notification (as reduced under subsection (c)(3)(B)).

"(2) FAILURE TO PAY VALUE OF UNCOMPLETED WORK.—If a lessee fails to pay such amount to the Secretary before the end of that period, the lease shall terminate upon the expiration of the period.

"(e) CONTINUATION AFTER COMMERCIAL PRODUCTION OR UTILIZATION.—If geothermal steam is produced or utilized in commercial quantities within the primary term of the lease under subsection (a) (including any extension of the lease under subsection (a)), such lease shall continue until the date on which geothermal steam is no longer produced or utilized in commercial quantities.

"(f) CONVERSION OF GEOTHERMAL LEASE TO MINERAL LEASE.—The lessee under a lease that has produced geothermal steam for electrical generation, has been determined by the Secretary to be incapable of any further commercial production or utilization of geothermal steam, and that is producing any valuable byproduct in payable quantities may, within 6 months after such determination—

"(1) convert the lease to a mineral lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), if the lands that are subject to the lease can be leased under that Act for the production of such byproduct; or

"(2) convert the lease to a mining claim under the general mining laws, if the byproduct is a locatable mineral.".

(b) CONFORMING AMENDMENT.—

(1) Section 18 of the Geothermal Steam Act of 1970 (30 U.S.C. 1017) is amended by striking "subsection (c) or (g)" and inserting "subsection (g)".

(2) Section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019) is amended by striking ", including the payments referred to in section 6(i),".

SEC. 30613. ADVANCED ROYALTIES REQUIRED FOR SUSPENSION OF PRODUCTION.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(d) ADVANCED ROYALTIES REQUIRED FOR SUSPENSION OF PRODUCTION.—(1) If production of heat or energy under a geothermal lease is suspended after the date of any such production for which royalty is required under section 5(a), the Secretary shall require the lessee, until the end of such suspension, to pay royalty in advance at the monthly pro-rata rate of the average annual rate at which such royalty was paid each year in the 5-year-period preceding the date of suspension.

"(2) Paragraph (1) shall not apply if the suspension is required or otherwise caused by the Secretary, the Secretary of a military department, or a State or local government.".

SEC. 30614. ANNUAL RENTAL.

(a) ANNUAL RENTAL RATE.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended in subsection (a) in paragraph (3) by striking "$1 per acre or fraction thereof for each year of the lease" and all that follows through the end of the paragraph and inserting "$1 per acre or fraction thereof for each year of the lease in the case of a lease awarded in a noncompetitive lease sale; or $2 per acre or fraction thereof for the first year, $3 per acre or fraction thereof for each of the second through tenth years, and $5 per acre or fraction thereof for each year after the 10th year thereof, in the case of a lease awarded in a competitive lease sale; and".

(b) TERMINATION OF LEASE FOR FAILURE TO PAY RENTAL.—Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is further amended by adding at the end the following:

"(e) TERMINATION OF LEASE FOR FAILURE TO PAY RENTAL.—

"(1) IN GENERAL.—The Secretary shall terminate any lease with respect to which rental is not paid in accordance with this Act and the terms of the lease under which the rental is required, upon the expiration of the 45-day period beginning on the date of the failure to pay such rental.

"(2) NOTIFICATION.—The Secretary shall promptly notify a lessee that has not paid rental required under the lease that the lease will be terminated at the end of the period referred to in paragraph (1).

"(3) REINSTATEMENT.—A lease that would otherwise terminate under paragraph (1) shall not terminate under that paragraph if the lessee pays to the Secretary, before the end of the period referred to in paragraph (1), the amount of rental due plus a late fee equal to 10 percent of such amount.".

TITLE VII—COAL

SEC. 30701. SHORT TITLE.

This title may be cited as the "Coal Leasing Amendments Act of 2003".

SEC. 30702. REPEAL OF THE 160-ACRE LIMITATION FOR COAL LEASES.

Section 3 of the Mineral Leasing Act (30 U.S.C. 203) is amended in the first sentence by striking "such lease," and all that follows through the end of the sentence and inserting "such lease.".

SEC. 30703. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

"(i) will ensure the maximum economic recovery of a coal deposit; or

"(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.".

SEC. 30704. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) In General.—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

"(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

"(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

"(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

"(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

"(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

"(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

"(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.".

(b) Authority To Waive, Suspend, or Reduce Advance Royalties.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

SEC. 30705. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking "and not later than three years after a lease is issued,".

SEC. 30706. AMENDMENTS RELATING TO FINANCIAL ASSURANCES WITH RESPECT TO BONUS BIDS.

(a) Prohibition on Requiring Surety Bonds.—Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended by adding at the end the following:

"(4) The Secretary shall not require a surety bond or any other financial assurance to guarantee payment of deferred bonus bid installments with respect to any coal lease issued based upon a cash bonus bid.

"(5) Notwithstanding any other provision of law, if the lessee under a coal lease fails to pay any installment of a deferred cash bonus bid within 10 days after the Secretary provides written notice that payment of such installment is past due—

"(A) such lease shall automatically terminate;

"(B) any deferred bonus payments that have not been paid to the United States with respect to such lease shall no longer be owed to the United States; and

"(C) any bonus payments already made to the United States with respect to such lease shall not be returned to the lessee or credited in any future lease sale.".

(b) Conforming Amendment.—Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1)) is amended by striking "Upon default or cancellation of any coal lease for which bonus payments are due, any unpaid remainder of the bid shall be immediately payable to the United States.".

SEC. 30707. INVENTORY REQUIREMENT.

(a) Review of Assessments.—

(1) In general.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall review coal assessments and other available data to identify—

(A) public lands with coal resources;

(B) the extent and nature of any restrictions or impediments to the development of coal resources on public lands identified under paragraph (1); and

(C) with respect to areas of such lands for which sufficient data exists, resources of compliant coal and supercompliant coal.

(2) Definitions.—For purposes of this subsection—

(A) the term "compliant coal" means coal that contains not less than 1.0 and not more than 1.2 pounds of sulfur dioxide per million Btu; and

(B) the term "supercompliant coal" means coal that contains less than 1.0 pounds of sulfur dioxide per million Btu.

(b) Completion and Updating of the Inventory.—The Secretary—

(1) shall complete the inventory under subsection (a) by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory as the availability of data and developments in technology warrant.

(c) Report.—The Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and make publicly available—

(1) a report containing the inventory under this section, by not later than 2 years after the effective date of this section; and

(2) each update of such inventory.

SEC. 30708. APPLICATION OF AMENDMENTS.

The amendments made by this title apply with respect to any coal lease issued before, on, or after the date of the enactment of this Act.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

SEC. 30801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (Public Law 96–597; 94 Stat. 3480–3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

"(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

"(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas.";

(3) by amending subsection (e) to read as follows:

"(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

"(A) updating the contents required by subsection (c);

"(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

"(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

"(2) Not later than May 31, 2004, the Secretary of the Interior shall submit to the Congress the updated plans for each insular area required by this subsection."; and

(4) by amending subsection (g)(4) to read as follows:

"(4) Power line grants for territories.—

"(A) In general.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

"(B) Eligible projects.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

"(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

"(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

"(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

"(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

"(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

"(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

"(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

"(C) Priority.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

"(i) have the greatest impact on reducing future disaster losses; and

"(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

"(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

"(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.".

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 30901. REPORT ON ENERGY FACILITY RIGHTS-OF-WAY AND CORRIDORS ON FEDERAL LANDS.

(a) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Agriculture and the Secretary of the Interior, in consultation with the Secretaries of Commerce, Defense, and Energy and the Federal Energy Regulatory Commission, shall submit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a joint report—

(A) addressing—

(i) the location of existing rights-of-way and designated and de facto corridors for oil and gas pipelines and electric transmission and distribution facilities on Federal lands; and

(ii) opportunities for additional oil and gas pipeline and electric transmission capacity within such rights-of-way and corridors; and

(B) containing a plan for making available, upon request, to the appropriate Federal, State, and local agencies, tribal governments, and other persons involved in the siting of oil and gas pipelines and electricity transmission facilities Geographic Information System-based information regarding the location of such existing rights-of-way and corridors and any planned rights-of-way and corridors.

(2) CONSULTATIONS AND CONSIDERATIONS.—In undertaking the report, the Secretary of the Interior and the Secretary of Agriculture shall consult with—

(A) other agencies of Federal, State, tribal, or local units of government as appropriate;

(B) persons involved in the siting of oil and gas pipelines and electric transmission facilities; and

(C) other interested members of the public.

(3) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture shall limit the distribution of the report and Geographic Information System-based information referred to in paragraph (1) as necessary for national and infrastructure security reasons, if either Secretary determines that such information is authorized to be withheld from public disclosure pursuant to a national security or other exception under section 552(b) of title 5, United States Code (popularly known as the "Freedom of Information Act").

(b) CORRIDOR DESIGNATIONS.—

(1) WITHIN THE 11 CONTIGUOUS WESTERN STATES.—Not later than 24 months after the date of the enactment of this section, the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, jointly shall—

(A) designate, pursuant to title 5 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.), and other applicable Federal laws, corridors needed or useful for oil and gas pipelines and electricity transmission and facilities on Federal lands in the eleven contiguous Western States as that term is defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));

(B) perform any environmental reviews that may be required to complete the designations of corridors for such facilities on Federal lands in those States; and

(C) incorporate the designated corridors into the relevant departmental and agency land use and resource management plans or the equivalent.

(2) WITHIN THE REMAINING STATES.—Not later than 4 years after the date of the enactment of this section, the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, jointly shall identify corridors needed or useful for oil and gas pipelines and electricity transmission and distribution facilities on Federal lands in the States other than those described in paragraph (1), and shall schedule prompt action to identify, designate, and incorporate these corridors into the land use plan.

(3) ONGOING RESPONSIBILITIES.—The Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior, in consultation with the Federal Energy Regulatory Commission and the affected utility industries, shall ensure that additional corridors as may be needed or useful for oil and gas pipelines and electricity transmission and distribution facilities on Federal lands are promptly designated. The Secretaries shall provide a process for the prompt review of applications for such corridors.

(c) FACTORS TO CONSIDER.—When carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity.

(d) DEFINITION OF CORRIDOR.—As used in this section and for purposes of title V of the Federal Land Policy and Management Act of 1976, the term 'corridor' shall mean a linear strip of land without definite width, but limited by technological, environmental, and topographical factors, and that contains or may in the future contain one or more utility, communication, or transportation facilities. A corridor is a land use designation identified for the purpose of establishing policy direction as to the preferred location of compatible linear facilities and compatible and conflicting land uses. It does not imply entitlement of use or limits as to siting facilities in additional locations. Appropriate environmental review and regulatory permitting reflecting work already undertaken in the designation of a corridor shall precede occupancy on a project-specific basis.

SEC. 30902. ELECTRICITY TRANSMISSION LINE RIGHT-OF-WAY, CLEVELAND NATIONAL FOREST AND ADJACENT PUBLIC LANDS, CALIFORNIA.

(a) ISSUANCE.—Subject to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall issue all necessary grants, easements, permits, plan amendments, and other approvals to allow for the siting and construction of a high-voltage electricity transmission line right-of-way running approximately north to south through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service. The right-of-way approvals shall provide all necessary Federal authorization from the Secretary of the Interior and the Secretary of Agriculture for the routing, construction, operation, and maintenance of a 500 KV transmission line capable of meeting the long-term electricity transmission needs of the region between the existing Valley-Serrano transmission line to the north and the Telega-Escondido transmission line to the south, and for connecting to future generating capacity that may be developed in the region.

(b) PROTECTION OF WILDERNESS AREAS.—The Secretary of the Interior and the Secretary of Agriculture shall not allow any portion of a transmission line right-of-way corridor identified in subsection (a) to enter any identified wilderness area in existence as of the date of the enactment of this section.

(c) ENVIRONMENTAL AND ADMINISTRATIVE REVIEWS.—

(1) DEPARTMENT OF INTERIOR OR LOCAL AGENCY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall be the lead Federal agency with overall responsibility to ensure completion of required environmental and other reviews of the approvals to be issued under subsection (a).

(2) NATIONAL FOREST SYSTEM LAND.—For the portions of the corridor on National Forest System lands, the Secretary of Agriculture shall complete all required environmental reviews and administrative actions in coordination with the Secretary of the Interior.

(3) EXPEDITIOUS COMPLETION.—The reviews required for issuance of the approvals under subsection (a) shall be completed not later than 1 year after the date of the enactment of this Act.

(d) TIME FOR ISSUANCE.—The necessary grants, easements, permits, plan amendments, and other approvals for the transmission line right-of-way shall be issued not later than 60 days after the completion of the environmental reviews under subsection (c).

(e) OTHER TERMS AND CONDITIONS.—The transmission line right-of-way shall be subject to such terms and conditions as the Secretary of the Interior and the Secretary of Agriculture consider necessary, as a result of the environmental reviews under subsection (c), to protect the value of historic, cultural, and natural resources under the jurisdiction of the Department of the Interior or the Department of Agriculture.

(f) PREFERENCE AMONG PROPOSALS.—The Secretary of the Interior and the Secretary of Agriculture shall give a preference to any application or preapplication proposal for a transmission line right-of-way, as described in subsection (a), that was submitted before December 31, 2002, over all other applications and proposals for the same or similar right-of-way submitted on or after that date.

SEC. 30903. CONSULTATION REGARDING ENERGY RIGHTS-OF-WAY ON PUBLIC LANDS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into, and submit to the Congress, a memorandum of understanding in accordance with this section regarding the processing of new applications for linear rights of way for electrical transmission lines and oil or gas pipelines on public lands within the jurisdiction of the Secretary of the Interior and National Forest System lands within the jurisdiction of the Secretary of Agriculture.

(b) CONTENTS.—The memorandum of understanding shall include provisions that—

(1) establish an administrative procedure for processing right-of-way applications, including lines of authority, steps in application processing, and timeframes for application processing;

(2) provide for coordination of planning relating to the granting of these rights-of-way;

(3) provide for coordination of environmental compliance efforts to avoid duplication of effort; and

(4) provide for coordination of use of right-of-way stipulations to achieve consistency.

SEC. 30904. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent practicable, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, National Forest System, National Marine Sanctuaries System, and other public lands and resources managed by the Secretaries.

SEC. 30905. PERMITTING OF WIND ENERGY DEVELOPMENT PROJECTS ON PUBLIC LANDS.

(a) REQUIRED POLICIES AND PROCEDURES.—The Secretary of the Interior shall process right-of-way applications for wind energy site testing and monitoring facilities on public lands administered by the Bureau of Land Management in accordance with policies and procedures that are substantially the same as those set forth in Bureau of Land Management Instruction Memorandum No. 2003-020, dated October 16, 2002.

(b) LIMITATION ON RENT AND OTHER CHARGES.—

(1) IN GENERAL.—The Secretary of the Interior may not impose rent and other charges with respect to any wind energy development project on public lands that, in the aggregate, exceed 50 percent of the maximum amount of rent that could be charged with respect to that project under the terms of the Bureau of Land Management Instruction Memorandum referred to in subsection (a).

(2) TERMINATION.—Paragraph (1) shall not apply after the earlier of—

(A) the date on which the Secretary of the Interior determines there exists at least 10,000 megawatts of electricity generating capacity from non-hydropower renewable energy resources on public lands; or

(B) the end of the 10-year period beginning on the date of the enactment of this Act.

(3) STATE SHARE NOT AFFECTED.—This subsection shall not affect any State share of rent and other charges with respect to any wind energy development project on public lands.

SEC. 30906. SENSE OF THE CONGRESS REGARDING GENERATION CAPACITY OF ELECTRICITY FROM RENEWABLE ENERGY RESOURCES ON PUBLIC LANDS.

It is the sense of the Congress that the Secretary of the Interior shall, within the next 10 years after the date of the enactment of this Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity.

SEC. 30907. ASSESSMENT OF OCEAN THERMAL ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 3 months after the date of the enactment of this Act, and each year thereafter, the Secretary of the Interior shall—

(1) review assessments of ocean thermal energy resources, other than resources of any area of the Outer Continental Shelf that is subject to a moratorium on leasing for energy exploration or development, that are available in the United States and its territories and possessions; and

(2) undertake new assessments of such resources as necessary.

(b) CONSIDERATIONS.—In reviewing and undertaking assessments under subsection (a), the Secretary shall take into account changes in market conditions, available technologies, and other relevant factors.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Secretary shall publish a report on reviews and assessments under subsection (a). Each report shall contain—

(1) a detailed inventory of the available amount and characteristics of ocean thermal energy resources;

(2) estimates of the costs of actions needed to develop and accelerate efforts to commercialize ocean thermal energy conversion; and

(3) such other information as the Secretary considers would be useful in developing ocean thermal energy resources.

SEC. 30908. SENSE OF THE CONGRESS REGARDING DEVELOPMENT OF MINERALS UNDER PADRE ISLAND NATIONAL SEASHORE.

(a) FINDINGS.—The Congress finds the following:

(1) Pursuant to Public Law 87–712 (16 U.S.C. 459d et seq.; popularly known as the "Federal Enabling Act") and various deeds and actions thereunder, the United States is the owner of the surface estate only of certain lands constituting the Padre Island National Seashore.

(2) Ownership of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore was never acquired by the United States and ownership of those interests are held by the State of Texas and private parties.

(3) The Federal Enabling Act expressly contemplated that the United States would recognize the ownership and future development of the oil, gas, and other minerals in the subsurface estate of the lands constituting the Padre Island National Seashore by the owners and their mineral lessees and recognized that approval of the State of Texas was required to create Padre Island National Seashore.

(4) Approval was given for the creation of Padre Island National Seashore by the State of Texas through TEX. REV. CIV. STAT. ANN. Art. 6077(t) (Vernon 1970), which expressly recognized that development of the oil, gas, and other minerals in the subsurface of the lands constituting Padre Island National Seashore would be conducted with full rights of ingress and egress under the laws of the State of Texas.

(b) SENSE OF THE CONGRESS.—With regard to Federal law, any regulation of the development of oil, gas, or other minerals in the subsurface of the lands constituting Padre Island National Seashore should be made as if those lands retained the status that they had on September 27, 1962.

DIVISION D—TAX

SEC. 40001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the "Energy Tax Policy Act of 2003".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—CONSERVATION

SEC. 41001. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. RESIDENTIAL SOLAR ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

"(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed—

"(A) $2,000 for each system of property described in subsection (c)(1), and

"(B) $2,000 for each system of property described in subsection (c)(2).

"(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property to heat water for use in a dwelling unit located in the United States and used as a residence if at least half of the energy used by such property for such purpose is derived from the sun.

"(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property which uses solar energy to generate electricity for use in a dwelling unit.

"(3) Solar panels.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

"(4) Labor costs.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

"(5) Swimming pools, etc., used as storage medium.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

"(d) Special Rules.—

"(1) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(C) Subparagraphs (A) and (B) shall be applied separately with respect to qualified solar water heating property expenditures and qualified photovoltaic property expenditures.

"(2) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) Allocation in certain cases.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

"(5) When expenditure made; amount of expenditure.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) Expenditures part of building construction.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

"(C) Amount.—The amount of any expenditure shall be the cost thereof.

"(6) Property financed by subsidized energy financing.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(A)).

"(e) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) Termination.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006 (December 31, 2008, with respect to qualified photovoltaic property expenditures).".

(b) Conforming Amendments.—

(1) Subsection (a) of section 1016 is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by adding at the end the following new paragraph:

"(29) to the extent provided in section 25C(e), in the case of amounts with respect to which a credit has been allowed under section 25C.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Residential solar energy property.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 41002. EXTENSION AND EXPANSION OF CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) Extension of Credit for Wind and Closed-Loop Biomass Facilities.—Subparagraphs (A) and (B) of section 45(c)(3) are each amended by striking "2004" and inserting "2007".

(b) Expansion of Credit for Open-Loop Biomass, Landfill Gas Facilities, and Trash Combustion Facilities.—Paragraph (3) of section 45(c) is amended by adding at the end the following new subparagraphs:

"(D) Open-loop biomass facilities.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2007.

"(E) Landfill gas facilities.—In the case of a facility producing electricity from gas derived from the biodegradation of municipal solid waste, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2007.

"(F) Trash combustion facilities.—In the case of a facility which burns municipal solid waste to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of this subparagraph and before January 1, 2007.".

(c) Definition and Special Rules.—Subsection (c) of section 45 is amended by adding at the end the following new paragraphs:

"(5) Open-loop biomass.—The term 'open-loop biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

"(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush,

"(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled, or

"(C) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

Such term shall not include closed-loop biomass.

"(6) Reduced credit for certain preeffective date facilities.—In the case of any facility described in subparagraph (D) or (E) of paragraph (3) which is placed in service before the date of the enactment of this paragraph—

"(A) subsection (a)(1) shall be applied by substituting '1.0 cents' for '1.5 cents', and

"(B) the 5-year period beginning on the date of the enactment of this paragraph shall be substituted in lieu of the 10-year period in subsection (a)(2)(A)(ii).

"(7) Credit eligibility for open-loop biomass facilities.—In the case of any facility described in paragraph (3)(D) which is placed in service before the date of enactment of this paragraph, if the owner of such facility is not the producer of the electricity, the person eligible for the credit allowable under subsection (a) is the lessee or the operator of such facility.

"(8) Limit on reductions for grants, etc., for open-loop biomass facilities.—If the amount of the credit determined under subsection (a) with respect to any open-loop biomass facility is required to be reduced under paragraph (3) of subsection (b), the fraction under such paragraph shall in no event be greater than ½.

"(9) Coordination with section 29.—The term 'qualified facility' shall not include any facility the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.".

(d) Qualified Energy Resources.—Paragraph (1) of section 45(c) (relating to qualified energy resources) is amended to read as follows:

"(1) Qualified energy resources.—The term 'qualified energy resources' means any resource described in paragraph (3) which is used to generate electricity at a qualified facility.".

(e) Effective Date.—The amendments made by this section shall apply to electricity sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 41003. CREDIT FOR QUALIFIED FUEL CELL POWER PLANTS.

(a) Business Property.—

(1) In general.—Subparagraph (A) of section 48(a)(3) (defining energy property) is

amended by striking "or" at the end of clause (i), by adding "or" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) equipment which is part of a qualified fuel cell power plant,".

(2) Qualified fuel cell power plant.—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Qualified fuel cell power plant.—For purposes of this subsection—

"(A) In general.—The term 'qualified fuel cell power plant' means a fuel cell power plant that has an electricity-only generation efficiency greater than 30 percent.

"(B) Limitation.—The energy credit with respect to any qualified fuel cell power plant for any taxable year shall not exceed—

"(i) $500 for each ½ kilowatt of capacity of the power plant, reduced by

"(ii) the aggregate energy credits allowed with respect to such power plant for all prior taxable years.

"(C) Fuel cell power plant.—The term 'fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.

"(D) Termination.—Such term shall not include any property placed in service after December 31, 2006.".

(3) Effective date.—The amendments made by this subsection shall apply to property placed in service after December 31, 2003, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) Nonbusiness Property.—

(1) In general.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25C the following new section:

"SEC. 25D. NONBUSINESS QUALIFIED FUEL CELL POWER PLANT.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the qualified fuel cell power plant expenditures which are paid or incurred during such year.

"(b) Limitations.—The credit allowed under subsection (a) with respect to any qualified fuel cell power plant for any taxable year shall not exceed—

"(1) $500 for each ½ kilowatt of capacity of the power plant, reduced by

"(2) the aggregate energy credits allowed with respect to such power plant for all prior taxable years.

"(c) Qualified Fuel Cell Power Plant Expenditures.—For purposes of this section, the term 'qualified fuel cell power plant expenditures' means expenditures by the taxpayer for any qualified fuel cell power plant (as defined in section 48(a)(4))—

"(1) which meets the requirements of subparagraphs (B) and (D) of section 48(a)(3), and

"(2) which is installed on or in connection with a dwelling unit—

"(A) which is located in the United States, and

"(B) which is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(d) Special Rules.—For purposes of this section, rules similar to the rules of section 25C(d) shall apply.

"(e) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) Termination.—This section shall not apply to any expenditure made after December 31, 2006.".

(2) Conforming amendments.—

(A) Subsection (a) of section 1016 is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting ", and", and by adding at the end the following new paragraph:

"(30) to the extent provided in section 25D(e), in the case of amounts with respect to which a credit has been allowed under section 25D.".

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25C the following new item:

"Sec. 25D. Nonbusiness qualified fuel cell power plant.".

(3) Effective date.—The amendments made by this subsection shall apply to expenditures paid or incurred after December 31, 2003, in taxable years ending after such date.

SEC. 41004. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

"(b) Limitations.—

"(1) Maximum credit.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

"(2) Prior credit amounts for taxpayer on same dwelling taken into account.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

"(c) Carryforward of Unused Credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(d) Qualified Energy Efficiency Improvements.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component which meets the prescriptive criteria for such component established by the 2000 International Energy Conservation Code (or, in the case of metal roofs with appropriate pigmented coatings, meets the Energy Star program requirements), if—

"(1) such component is installed in or on a dwelling—

"(A) located in the United States, and

"(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

"(2) the original use of such component commences with the taxpayer, and

"(3) such component reasonably can be expected to remain in use for at least 5 years.

If the aggregate cost of such components with respect to any dwelling exceeds $1,000, such components shall be treated as qualified energy efficiency improvements only if such components are also certified in accordance with subsection (e) as meeting such criteria.

"(e) Certification.—The certification described in subsection (d) shall be—

"(1) determined on the basis of the technical specifications or applicable ratings (including product labeling requirements) for the measurement of energy efficiency, based upon energy use or building envelope component performance, for the energy efficient building envelope component,

"(2) provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider who is accredited by or otherwise authorized to use approved energy performance measurement methods by the Residential Energy Services Network (RESNET), and

"(3) made in writing in a manner that specifies in readily verifiable fashion the energy efficient building envelope components installed and their respective energy efficiency levels.

"(f) Definitions and Special Rules.—

"(1) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

"(2) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(3) Building envelope component.—The term 'building envelope component' means insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling when installed in or on such dwelling, exterior windows (including skylights) and doors, and metal roofs with appropriate pigmented coatings which are specifically and primarily designed to reduce the heat gain of a dwelling when installed in or on such dwelling.

"(4) MANUFACTURED HOMES INCLUDED.—For purposes of this section, the term 'dwelling' includes a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations, as in effect on April 3, 2003).

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) APPLICATION OF SECTION.—This section shall apply to qualified energy efficiency improvements installed after December 31, 2003, and before January 1, 2007.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 is amended by striking "section 1400C" and inserting "sections 25E and 1400C".

(2) Subsection (a) of section 1016 is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", and", and by adding at the end the following new paragraph:

"(31) to the extent provided in section 25E(g), in the case of amounts with respect to which a credit has been allowed under section 25E.".

(3) Subsection (d) of section 1400C is amended by inserting "and section 25E" after "this section".

(4) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Energy efficiency improvements to existing homes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 41005. BUSINESS CREDIT FOR CONSTRUCTION OF NEW ENERGY EFFICIENT HOME.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 45F the following new section:

"SEC. 45G. NEW ENERGY EFFICIENT HOME CREDIT.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible contractor, the credit determined under this section for the taxable year is an amount equal to the aggregate adjusted bases of all energy efficient property installed in a qualified new energy efficient home during construction of such home.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—

"(A) IN GENERAL.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

"(B) PRIOR CREDIT AMOUNTS ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) with respect to the dwelling for all prior taxable years.

"(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

"(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

"(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means the person who constructed the new energy efficient home, or in the case of a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations, as in effect on April 3, 2003), the manufactured home producer of such home.

"(2) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means any energy efficient building envelope component, and any energy efficient heating or cooling appliance.

"(3) QUALIFIED NEW ENERGY EFFICIENT HOME.—The term 'qualified new energy efficient home' means a dwelling—

"(A) located in the United States,

"(B) the construction of which is substantially completed after December 31, 2003,

"(C) the original use of which is as a principal residence (within the meaning of section 121) which commences with the person who acquires such dwelling from the eligible contractor, and

"(D) which is certified to have a level of annual heating and cooling energy consumption that is at least 30 percent below the annual level of heating and cooling energy consumption of a comparable dwelling constructed in accordance with the standards of the 2000 International Energy Conservation Code and to have building envelope component improvements account for ⅓ of such 30 percent.

"(4) CONSTRUCTION.—The term 'construction' includes reconstruction and rehabilitation.

"(5) ACQUIRE.—The term 'acquire' includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

"(6) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling when installed in or on such dwelling, exterior windows (including skylights) and doors, and metal roofs with appropriate pigmented coatings which are specifically and primarily designed to reduce the heat gain of a dwelling when installed in or on such dwelling.

"(7) MANUFACTURED HOME INCLUDED.—The term 'dwelling' includes a manufactured home conforming to Federal Manufactured Home Construction and Safety Standards (section 3280 of title 24, Code of Federal Regulations, as in effect on April 3, 2003).

"(d) CERTIFICATION.—

"(1) METHOD.—A certification described in subsection (c)(3)(D) shall be determined on the basis of one of the following methods:

"(A) The technical specifications or applicable ratings (including product labeling requirements) for the measurement of energy efficiency for the energy efficient building envelope component or energy efficient heating or cooling appliance, based upon energy use or building envelope component performance.

"(B) An energy performance measurement method that utilizes computer software approved by organizations designated by the Secretary.

"(2) PROVIDER.—Such certification shall be provided by—

"(A) in the case of a method described in paragraph (1)(A), a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating systems provider who is accredited by, or otherwise authorized to use, approved energy performance measurement methods by the Home Energy Ratings Systems Council or the National Association of State Energy Officials, or

"(B) in the case of a method described in paragraph (1)(B), an individual recognized by an organization designated by the Secretary for such purposes.

"(3) FORM.—Such certification shall be made in writing in a manner that specifies in readily verifiable fashion the energy efficient building envelope components and energy efficient heating or cooling appliances installed and their respective energy efficiency levels, and in the case of a method described in subparagraph (B) of paragraph (1), accompanied by written analysis documenting the proper application of a permissible energy performance measurement method to the specific circumstances of such dwelling.

"(4) REGULATIONS.—

"(A) IN GENERAL.—In prescribing regulations under this subsection for energy performance measurement methods, the Secretary shall prescribe procedures for calculating annual energy costs for heating and cooling and cost savings and for the reporting of the results. Such regulations shall—

"(i) be based on the National Home Energy Rating Technical Guidelines of the National Association of State Energy Officials, the Home Energy Rating Guidelines of the Home Energy Rating Systems Council, or the modified 2001 California Residential ACM manual,

"(ii) provide that any calculation procedures be developed such that the same energy efficiency measures allow a home to qualify for the credit under this section regardless of whether the house uses a gas or oil furnace or boiler or an electric heat pump, and

"(iii) require that any computer software allow for the printing of the Federal tax forms necessary for the credit under this section and explanations for the homebuyer of the energy efficient features that were used to comply with the requirements of this section.

"(B) PROVIDERS.—For purposes of paragraph (2)(B), the Secretary shall establish requirements for the designation of individuals based on the requirements for energy consultants and home energy raters specified by the National Association of State Energy Officials.

"(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

"(f) APPLICATION OF SECTION.—Subsection (a) shall apply to dwellings purchased during the period beginning on January 1, 2004, and ending on December 31, 2006.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(16) the new energy efficient home credit determined under section 45G.".

(c) Denial of Double Benefit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

"(d) New Energy Efficient Home Expenses.—No deduction shall be allowed for that portion of expenses for a new energy efficient home otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45G.".

(d) Limitation on Carryback.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(11) No carryback of new energy efficient home credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45G may be carried back to any taxable year ending before January 1, 2004.".

(e) Deduction for Certain Unused Business Credits.—Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", and", and by adding after paragraph (10) the following new paragraph:

"(11) the new energy efficient home credit determined under section 45G.".

(f) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

"Sec. 45G. New energy efficient home credit.".

(g) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2003.

SEC. 41006. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) In General.—Subparagraph (A) of section 48(a)(3) (defining energy property) is amended by striking "or" at the end of clause (ii), by adding "or" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) combined heat and power system property,".

(b) Combined Heat and Power System Property.—Subsection (a) of section 48 is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) Combined heat and power system property.—For purposes of this subsection—

"(A) Combined heat and power system property.—The term 'combined heat and power system property' means property comprising a system—

"(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(iii) which produces—

"(I) at least 20 percent of its total useful energy in the form of thermal energy, and

"(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities), and

"(v) which is placed in service after December 31, 2003, and before January 1, 2007.

"(B) Special rules.—

"(i) Energy efficiency percentage.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

"(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

"(II) the denominator of which is the lower heating value of the primary fuel source for the system.

"(ii) Determinations made on Btu basis.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

"(iii) Input and output property not included.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(iv) Public utility property.—

"(I) Accounting rule for public utility property.—If the combined heat and power system property is public utility property (as defined in section 168(i)(1)), the taxpayer may only claim the credit under the subsection if, with respect to such property, the taxpayer uses a normalization method of accounting.

"(II) Certain exception not to apply.—The matter in paragraph (3) which follows subparagraph (D) shall not apply to combined heat and power system property.

"(C) Extension of depreciation recovery period.—If a taxpayer is allowed credit under this section for combined heat and power system property and such property would (but for this subparagraph) have a class life of 15 years or less under section 168, such property shall be treated as having a 22-year class life for purposes of section 168.".

(c) No Carryback of Energy Credit Before Effective Date.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(12) No carryback of energy credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the energy credit with respect to property described in section 48(a)(5) may be carried back to a taxable year ending before January 1, 2004.".

(d) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2003, in taxable years ending after such date.

SEC. 41007. NEW NONREFUNDABLE PERSONAL CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAXES.

(a) In General.—

(1) Section 25C.—Section 25C(b), as added by section 41001, is amended by adding at the end the following new paragraph:

"(3) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 25D and 25E) and section 27 for the taxable year.".

(2) Section 25D.—Section 25D(b), as added by section 103, is amended to read as follows:

"(b) Limitations.—

"(1) In general.—The credit allowed under subsection (a) with respect to any qualified fuel cell power plant for any taxable year shall not exceed—

"(A) $500 for each ½ kilowatt of capacity of the power plant, reduced by

"(B) the aggregate energy credits allowed with respect to such power plant for all prior taxable years.

"(2) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 25E) and section 27 for the taxable year.".

(3) Section 25E.—Section 25E(b), as added by section 41004, is amended by adding at the end the following new paragraph:

"(3) Limitation based on amount of tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(b) Conforming Amendments.—

(1) Section 23(b)(4)(B) is amended by inserting "and sections 25C, 25D, and 25E" after "this section".

(2) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, 25C, 25D, and 25E".

(3) Section 25(e)(1)(C) is amended by inserting "25C, 25D, and 25E" after "25B,".

(4) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23, 25C, 25D, and 25E".

(5) Section 25E(c), as added by section 41004, is amended by striking "section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section)" and inserting "subsection (b)(3)".

(6) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, 25C, 25D, and 25E".

(7) Section 904(h) is amended by striking "and 25B" and inserting "25B, 25C, 25D, and 25E".

(8) Section 1400C(d) is amended by striking "and 25B" and inserting "25B, 25C, 25D, and 25E".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 41008. REPEAL OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS AND INLAND WATERWAY TRANSPORTATION WHICH REMAIN IN GENERAL FUND.

(a) Taxes on Trains.—

(1) In general.—Subparagraph (A) of section 4041(a)(1) is amended by striking "or a diesel-powered train" each place it appears and by striking "or train".

(2) Conforming amendments.—

(A) Subparagraph (C) of section 4041(a)(1) is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(B) Subparagraph (C) of section 4041(b)(1) is amended by striking all that follows "section 6421(e)(2)" and inserting a period.

(C) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Diesel fuel used in trains.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

"(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081."

(D) Subsection (f) of section 4082 is amended by striking "section 4041(a)(1)" and inserting "subsections (d)(3) and (a)(1) of section 4041, respectively".

(E) Paragraph (3) of section 4083(a) is amended by striking "or a diesel-powered train".

(F) Paragraph (3) of section 6421(f) is amended to read as follows:

"(3) Gasoline used in trains.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081."

(G) Paragraph (3) of section 6427(l) is amended to read as follows:

"(3) Refund of certain taxes on fuel used in diesel-powered trains.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof."

(b) Fuel Used on Inland Waterways.—

(1) In general.—Paragraph (1) of section 4042(b) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Conforming amendment.—Paragraph (2) of section 4042(b) is amended by striking subparagraph (C).

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 41009. REDUCED MOTOR FUEL EXCISE TAX ON CERTAIN MIXTURES OF DIESEL FUEL.

(a) In General.—Paragraph (2) of section 4081(a) is amended by adding at the end the following:

"(C) Diesel-water fuel emulsion.—In the case of diesel-water fuel emulsion at least 14 percent of which is water and with respect to which the emulsion additive is registered by a United States manufacturer with the Environmental Protection Agency pursuant to section 211 of the Clean Air Act (as in effect on March 31, 2003), subparagraph (A)(iii) shall be applied by substituting '19.7 cents' for '24.3 cents'.".

(b) Special Rules for Diesel-Water Fuel Emulsions.—

(1) Refunds for tax-paid purchases.—Section 6427 is amended by redesignating subsections (m) through (p) as subsections (n) through (q), respectively, and by inserting after subsection (l) the following new subsection:

"(m) Diesel Fuel Used To Produce Emulsion.—

"(1) In general.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at the regular tax rate is used by any person in producing an emulsion described in section 4081(a)(2)(C) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to such fuel.

"(2) Definitions.—For purposes of paragraph (1)—

"(A) Regular tax rate.—The term 'regular tax rate' means the aggregate rate of tax imposed by section 4081 determined without regard to section 4081(a)(2)(C).

"(B) Incentive tax rate.—The term 'incentive tax rate' means the aggregate rate of tax imposed by section 4081 determined with regard to section 4081(a)(2)(C).".

(2) Later separation of fuel.—

(A) In general.—Section 4081 (relating to imposition of tax) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Later Separation of Fuel From Diesel-Water Fuel Emulsion.—If any person separates the taxable fuel from a diesel-water fuel emulsion on which tax was imposed under subsection (a) at a rate determined under subsection (a)(2)(C) (or with respect to which a credit or payment was allowed or made by reason of section 6427), such person shall be treated as the refiner of such taxable fuel. The amount of tax imposed on any removal of such fuel by such person shall be reduced by the amount of tax imposed (and not credited or refunded) on any prior removal or entry of such fuel.".

(B) Conforming amendment.—Subsection (d) of section 6416 is amended by striking "section 4081(e)" and inserting "section 4081(f)".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 41010. REPEAL OF PHASEOUTS FOR QUALIFIED ELECTRIC VEHICLE CREDIT AND DEDUCTION FOR CLEAN FUEL-VEHICLES.

(a) Credit for Qualified Electric Vehicles.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) Deduction for Clean-Fuel Vehicles and Certain Refueling Property.—Paragraph (1) of section 179A(b) (relating to qualified clean-fuel vehicle property) is amended to read as follows:

"(1) Qualified clean-fuel vehicle property.—The cost which may be taken into account under subsection (a)(1)(A) with respect to any motor vehicle shall not exceed—

"(A) in the case of a motor vehicle not described in subparagraph (B) or (C), $2,000,

"(B) in the case of any truck or van with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds, $5,000, or

"(C) $50,000 in the case of—

"(i) a truck or van with a gross vehicle weight rating greater than 26,000 pounds, or

"(ii) any bus which has a seating capacity of at least 20 adults (not including the driver).".

SEC. 41011. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the new qualified fuel cell motor vehicle credit determined under subsection (b), and

"(2) the advanced lean burn technology motor vehicle credit determined under subsection (c).

"(b) New Qualified Fuel Cell Motor Vehicle Credit.—

"(1) In general.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

"(A) $4,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

"(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

"(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

"(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

"(2) Increase for fuel efficiency.—

"(A) In general.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

"(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

"(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

"(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

"(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy,

"(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2000 model year city fuel economy,

"(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2000 model year city fuel economy, and

"(vii) $4,000, if such vehicle achieves at least 300 percent of the 2000 model year city fuel economy.

"(B) 2000 model year city fuel economy.—For purposes of subparagraph (A), the 2000 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2000 model year city fuel economy is:**
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg

“If vehicle inertia weight class is:	The 2000 model year city fuel economy is:
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 or 8,500 lbs	11.1 mpg.

“(ii) In the case of a light truck:

“If vehicle inertia weight class is:	The 2000 model year city fuel economy is:
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 or 8,500 lbs	12.0 mpg.

“(C) Vehicle inertia weight class.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(3) New qualified fuel cell motor vehicle.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

“(A) which is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

“(B) which, in the case of a passenger automobile or light truck—

“(i) for 2004 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

“(ii) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

“(C) the original use of which commences with the taxpayer,

“(D) which is acquired for use or lease by the taxpayer and not for resale, and

“(E) which is made by a manufacturer.

“(c) Advanced Lean Burn Technology Motor Vehicle Credit.—

“(1) In general.—For purposes of subsection (a), the advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new qualified advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

“(2) Credit amount.—

“(A) Increase for fuel efficiency.—The credit amount determined under this paragraph shall be—

“(i) $500, if such vehicle achieves at least 125 percent but less than 150 percent of the 2000 model year city fuel economy,

“(ii) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

“(iii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

“(iv) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

“(v) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy, and

“(vi) $3,000, if such vehicle achieves at least 250 percent of the 2000 model year city fuel economy.

For purposes of clause (i), the 2000 model year city fuel economy with respect to a vehicle shall be determined using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

“(B) Conservation credit.—The amount determined under subparagraph (A) with respect to an advanced lean burn technology motor vehicle shall be increased by—

“(i) $250, if such vehicle achieves a lifetime fuel savings of at least 1,500 gallons of gasoline, and

“(ii) $500, if such vehicle achieves a lifetime fuel savings of at least 2,500 gallons of gasoline.

“(C) Option to use like vehicle.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new advanced lean-burn technology motor vehicle to a like vehicle.

“(3) Definitions.—For purposes of this subsection—

“(A) Advanced lean burn technology motor vehicle.—The term 'advanced lean burn technology motor vehicle' means a motor vehicle with an internal combustion engine that—

“(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

“(ii) incorporates direct injection,

“(iii) achieves at least 125 percent of the 2000 model year city fuel economy, and

“(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds the Bin 8 Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle.

“(B) Like vehicle.—The term 'like vehicle' for an advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

“(i) Body style (2-door or 4-door).

“(ii) Transmission (automatic or manual).

“(iii) Acceleration performance (± 0.05 seconds).

“(iv) Drivetrain (2-wheel drive or 4-wheel drive).

“(v) Certification by the Administrator of the Environmental Protection Agency.

“(C) Lifetime fuel savings.—The term 'lifetime fuel savings' shall be calculated by dividing 120,000 by the difference between the 2000 model year city fuel economy for the vehicle inertia weight class and the city fuel economy for the new qualified hybrid motor vehicle.

“(d) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under subpart A and sections 27, 29, and 30A for the taxable year.

“(e) Other Definitions and Special Rules.—For purposes of this section—

“(1) Consumable fuel.—The term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

“(2) Motor vehicle.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

“(3) 2000 model year city fuel economy.—The 2000 model year city fuel economy with respect to any vehicle shall be measured under rules similar to the rules under section 4064(c).

“(4) Other terms.—The terms 'automobile', 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(5) Reduction in basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(6) No double benefit.—The amount of any deduction or credit allowable under this chapter (other than the credit allowable under this section), with respect to a vehicle described under subsection (b), shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

“(7) Property used by tax-exempt entities.—In the case of a credit amount which is allowable with respect to a motor vehicle which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such vehicle to the entity shall be treated as the taxpayer with respect to the vehicle for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any sale or lease document the specific amount of any credit otherwise allowable to the entity under this section.

“(8) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

“(9) Property used outside United States, etc., not qualified.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(10) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(11) CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this paragraph), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under subparagraph (A).

"(12) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

"(f) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

"(2) DETERMINATION OF MOTOR VEHICLE ELIGIBILITY.—The Secretary, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

"(g) TERMINATION.—This section shall not apply to any property placed in service after—

"(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2012, and

"(2) in the case of any other property, December 31, 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following:

"(32) to the extent provided in section 30B(e)(5).".

(2) Section 6501(m) is amended by inserting "30B(e)(10)," after "30(d)(4),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following:

"Sec. 30B. Alternative motor vehicle credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2003, in taxable years ending after such date.

TITLE II—RELIABILITY

SEC. 42001. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) (relating to classification of certain property) is amended by striking "and" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) any natural gas gathering line, and".

(b) NATURAL GAS GATHERING LINE.—Subsection (i) of section 168 is amended by adding after paragraph (15) the following new paragraph:

"(16) NATURAL GAS GATHERING LINE.—The term 'natural gas gathering line' means—

"(A) the pipe, equipment, and appurtenances determined to be a gathering line by the Federal Energy Regulatory Commission, or

"(B) the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead or a commonpoint to the point at which such gas first reaches—

"(i) a gas processing plant,

"(ii) an interconnection with a transmission pipeline certificated by the Federal Energy Regulatory Commission as an interstate transmission pipeline,

"(iii) an interconnection with an intrastate transmission pipeline, or

"(iv) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.".

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (C)(i) the following:

"(C)(ii) .... 10".

(d) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ", or in section 168(e)(3)(C)(ii)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 42002. NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and by inserting ", and", and by adding at the end the following new clause:

"(iv) any natural gas distribution line.".

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iii) the following:

"(E)(iv) .... 20".

(c) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ", or in section 168(e)(3)(E)(iv)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 42003. ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and by inserting ", and", and by adding at the end the following new clause:

"(v) any section 1245 property (as defined in section 1245(a)(3)) used in the transmission at 69 or more kilovolts of electricity for sale.".

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iv) the following:

"(E)(v) .... 20".

(c) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ", or in section 168(e)(3)(E)(v)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 42004. EXPENSING OF CAPITAL COSTS INCURRED IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179A the following new section:

"SEC. 179B. DEDUCTION FOR CAPITAL COSTS INCURRED IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

"(a) TREATMENT AS EXPENSES.—A small business refiner (as defined in section 45H(c)(1)) may elect to treat 75 percent of qualified capital costs (as defined in section 45H(c)(2)) which are paid or incurred by the taxpayer during the taxable year as expenses which are not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which paid or incurred.

"(b) REDUCED PERCENTAGE.—In the case of a small business refiner with average daily domestic refinery runs for the 1-year period ending on March 31, 2003, in excess of 155,000 barrels, the number of percentage points described in subsection (a) shall be reduced (not below zero) by the product of such number (before the application of this subsection) and the ratio of such excess to 50,000 barrels.

"(c) BASIS REDUCTION.—

"(1) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.".

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting "; or", and by adding at the end the following new subparagraph:

"(I) expenditures for which a deduction is allowed under section 179B.".

(2) Section 312(k)(3)(B) is amended—

(A) by striking "section 179 or 179A" each place it appears and inserting "section 179, 179A, or 179B", and

(B) in the heading, by striking "179 OR 179A" and inserting "179, 179A, OR 179B".

(3) Section 1016(a) is amended by striking "and" at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ", and", and by adding at the end the following new paragraph:

"(33) to the extent provided in section 179B(c)."

(4) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting "179B," after "179A,".

(5) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179A the following new item:

"Sec. 179B. Deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations.".

(c) Effective Date.—The amendment made by this section shall apply to expenses paid or incurred after March 31, 2003, in taxable years ending after such date.

SEC. 42005. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45H. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

"(a) In General.—For purposes of section 38, the amount of the low sulfur diesel fuel production credit determined under this section with respect to any facility of a small business refiner is an amount equal to 5 cents for each gallon of low sulfur diesel fuel produced during the taxable year by such small business refiner at such facility.

"(b) Maximum Credit.—

"(1) In general.—The aggregate credit determined under subsection (a) for any taxable year with respect to any facility shall not exceed—

"(A) 25 percent of the qualified capital costs incurred by the small business refiner with respect to such facility, reduced by

"(B) the aggregate credits determined under this section for all prior taxable years with respect to such facility.

"(2) Reduced percentage.—In the case of a small business refiner with average daily domestic refinery runs for the 1-year period ending on March 31, 2003, in excess of 155,000 barrels, the number of percentage points described in paragraph (1) shall be reduced (not below zero) by the product of such number (before the application of this paragraph) and the ratio of such excess to 50,000 barrels.

"(c) Definitions.—For purposes of this section—

"(1) Small business refiner.—The term 'small business refiner' means, with respect to any taxable year, a refiner of crude oil with respect to which not more than 1,500 persons are engaged in the refinery operations of the business on any day during such taxable year and whose average daily domestic refinery run for the 1-year period ending on March 31, 2003, did not exceed 205,000 barrels.

"(2) Qualified capital costs.—The term 'qualified capital costs' means, with respect to any facility, those costs paid or incurred during the applicable period for compliance with the applicable EPA regulations with respect to such facility, including expenditures for the construction of new process operation units or the dismantling and reconstruction of existing process units to be used in the production of low sulfur diesel fuel, associated adjacent or offsite equipment (including tankage, catalyst, and power supply), engineering, construction period interest, and sitework.

"(3) Applicable EPA regulations.—The term 'applicable EPA regulations' means the Highway Diesel Fuel Sulfur Control Requirements of the Environmental Protection Agency.

"(4) Applicable period.—The term 'applicable period' means, with respect to any facility, the period beginning on April 1, 2003, and ending with the date which is 1 year after the date on which the taxpayer must comply with the applicable EPA regulations with respect to such facility.

"(5) Low sulfur diesel fuel.—The term 'low sulfur diesel fuel' means diesel fuel with a sulfur content of 15 parts per million or less.

"(d) Reduction in Basis.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

"(e) Certification.—

"(1) Required.—Not later than the date which is 30 months after the first day of the first taxable year in which the low sulfur diesel fuel production credit is allowed with respect to a facility, the small business refiner must obtain certification from the Secretary, in consultation with the Administrator of the Environmental Protection Agency, that the taxpayer's qualified capital costs with respect to such facility will result in compliance with the applicable EPA regulations.

"(2) Contents of application.—An application for certification shall include relevant information regarding unit capacities and operating characteristics sufficient for the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to determine that such qualified capital costs are necessary for compliance with the applicable EPA regulations.

"(3) Review period.—Any application shall be reviewed and notice of certification, if applicable, shall be made within 60 days of receipt of such application.

"(4) Statute of limitations.—With respect to the credit allowed under this section—

"(A) the statutory period for the assessment of any deficiency attributable to such credit shall not expire before the end of the 3-year period ending on the date that the review period described in paragraph (3) ends, and

"(B) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(f) Controlled Groups.—For purposes of this section, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 taxpayer.".

(b) Credit Made Part of General Business Credit.—Subsection (b) of section 38 (relating to general business credit) is amended by striking "plus" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", plus", and by adding at the end the following new paragraph:

"(17) in the case of a small business refiner, the low sulfur diesel fuel production credit determined under section 45H(a).".

(c) Denial of Double Benefit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding after subsection (d) the following new subsection:

"(e) Low Sulfur Diesel Fuel Production Credit.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45H(a).".

(d) Basis Adjustment.—Section 1016(a) (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", and", and by adding at the end the following new paragraph:

"(34) in the case of a facility with respect to which a credit was allowed under section 45H, to the extent provided in section 45H(d).".

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45H. Credit for production of low sulfur diesel fuel.".

(f) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred after March 31, 2003, in taxable years ending after such date.

SEC. 42006. DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.

(a) In General.—Paragraph (4) of section 613A(d) (relating to certain refiners excluded) is amended to read as follows:

"(4) Certain refiners excluded.—If the taxpayer or a related person engages in the refining of crude oil, subsection (c) shall not apply to the taxpayer for a taxable year if the average daily refinery runs of the taxpayer and the related person for the taxable year exceed 75,000 barrels. For purposes of this paragraph, the average daily refinery runs for any taxable year shall be determined by dividing the aggregate refinery runs for the taxable year by the number of days in the taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 42007. SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) In General.—Section 451 (relating to general rule for taxable year of inclusion) is amended by adding at the end the following new subsection:

"(i) Special Rule for Sales or Dispositions To Implement Federal Energy Regulatory Commission or State Electric Restructuring Policy.—

"(1) In general.—In the case of any qualifying electric transmission transaction to which the taxpayer elects the application of this section, qualified gain from such transaction shall be recognized—

"(A) in the taxable year which includes the date of such transaction to the extent the amount realized from such transaction exceeds—

"(i) the cost of exempt utility property which is purchased by the taxpayer during the 4-year period beginning on such date, reduced (but not below zero) by

"(ii) any portion of such cost previously taken into account under this subsection, and

"(B) ratably over the 8-taxable year period beginning with the taxable year which includes the date of such transaction, in the case of any such gain not recognized under subparagraph (A).

"(2) Qualified gain.—For purposes of this subsection, the term 'qualified gain' means, with respect to any qualifying electric transmission transaction in any taxable year—

"(A) any ordinary income derived from such transaction which would be required to be recognized under section 1245 or 1250 for such taxable year (determined without regard to this subsection), and

"(B) any income derived from such transaction in excess of the amount described in subparagraph (A) which is required to be included in gross income for such taxable year (determined without regard to this subsection).

"(3) Qualifying electric transmission transaction.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition before January 1, 2007, of—

"(A) property used in the trade or business of providing electric transmission services, or

"(B) any stock or partnership interest in a corporation or partnership, as the case may be, whose principal trade or business consists of providing electric transmission services,

but only if such sale or disposition is to an independent transmission company.

"(4) Independent transmission company.—For purposes of this subsection, the term 'independent transmission company' means—

"(A) an independent transmission provider approved by the Federal Energy Regulatory Commission,

"(B) a person—

"(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order is not a market participant within the meaning of such Commission's rules applicable to independent transmission providers, and

"(ii) whose transmission facilities to which the election under this subsection applies are under the operational control of a Federal Energy Regulatory Commission-approved independent transmission provider before the close of the period specified in such authorization, but not later than the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2), or

"(C) in the case of facilities subject to the jurisdiction of the Public Utility Commission of Texas—

"(i) a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission provider, or

"(ii) a political subdivision or affiliate thereof whose transmission facilities are under the operational control of a person described in clause (i).

"(5) Exempt utility property.—For purposes of this subsection—

"(A) In general.—The term 'exempt utility property' means property used in the trade or business of—

"(i) generating, transmitting, distributing, or selling electricity, or

"(ii) producing, transmitting, distributing, or selling natural gas.

"(B) Nonrecognition of gain by reason of acquisition of stock.—Acquisition of control of a corporation shall be taken into account under this subsection with respect to a qualifying electric transmission transaction only if the principal trade or business of such corporation is a trade or business referred to in subparagraph (A).

"(6) Special rule for consolidated groups.—In the case of a corporation which is a member of an affiliated group filing a consolidated return, any exempt utility property purchased by another member of such group shall be treated as purchased by such corporation for purposes of applying paragraph (1)(A).

"(7) Time for assessment of deficiencies.—If the taxpayer has made the election under paragraph (1) and any gain is recognized by such taxpayer as provided in paragraph (1)(B), then—

"(A) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on the transaction is realized, attributable to such gain shall not expire prior to the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of the purchase of exempt utility property or of an intention not to purchase such property, and

"(B) such deficiency may be assessed before the expiration of such 3-year period notwithstanding any law or rule of law which would otherwise prevent such assessment.

"(8) Purchase.—For purposes of this subsection, the taxpayer shall be considered to have purchased any property if the unadjusted basis of such property is its cost within the meaning of section 1012.

"(9) Election.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may require and, once made, shall be irrevocable.".

(b) Effective Date.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 42008. MODIFICATIONS TO SPECIAL RULES FOR NUCLEAR DECOMMISSIONING COSTS.

(a) Repeal of Limitation on Deposits Into Fund Based on Cost of Service; Contributions After Funding Period.—Subsection (b) of section 468A is amended to read as follows:

"(b) Limitation on Amounts Paid Into Fund.—

"(1) In general.—The amount which a taxpayer may pay into the Fund for any taxable year shall not exceed the ruling amount applicable to such taxable year.

"(2) Contributions after funding period.—Notwithstanding any other provision of this section, a taxpayer may pay into the Fund in any taxable year after the last taxable year to which the ruling amount applies. Payments may not be made under the preceding sentence to the extent such payments would cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear power plant to which the Fund relates. The limitation under the preceding sentence shall be determined by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.".

(b) Clarification of Treatment of Fund Transfers.—Subsection (e) of section 468A is amended by adding at the end the following new paragraph:

"(8) Treatment of fund transfers.—If, in connection with the transfer of the taxpayer's interest in a nuclear power plant, the taxpayer transfers the Fund with respect to such power plant to the transferee of such interest and the transferee elects to continue the application of this section to such Fund—

"(A) the transfer of such Fund shall not cause such Fund to be disqualified from the application of this section, and

"(B) no amount shall be treated as distributed from such Fund, or be includible in gross income, by reason of such transfer.".

(c) Treatment of Certain Decommissioning Costs.—

(1) In general.—Section 468A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) Transfers Into Qualified Funds.—

"(1) In general.—Notwithstanding subsection (b), any taxpayer maintaining a Fund to which this section applies with respect to a nuclear power plant may transfer into such Fund up to an amount equal to the excess of the total nuclear decommissioning costs with respect to such nuclear power plant over the portion of such costs taken into account in determining the ruling amount in effect immediately before the transfer.

"(2) Deduction for amounts transferred.—

"(A) In general.—Except as provided in subparagraph (C), the deduction allowed by subsection (a) for any transfer permitted by this subsection shall be allowed ratably over the remaining estimated useful life (within the meaning of subsection (d)(2)(A)) of the nuclear power plant beginning with the taxable year during which the transfer is made.

"(B) Denial of deduction for previously deducted amounts.—No deduction shall be allowed for any transfer under this subsection of an amount for which a deduction was previously allowed or a corresponding amount was not included in gross income. For purposes of the preceding sentence, a ratable portion of each transfer shall be treated as being from previously deducted or excluded amounts to the extent thereof.

"(C) Transfers of qualified funds.—If—

"(i) any transfer permitted by this subsection is made to any Fund to which this section applies, and

"(ii) such Fund is transferred thereafter,

any deduction under this subsection for taxable years ending after the date that such Fund is transferred shall be allowed to the transferor for the taxable year which includes such date.

"(D) Special rules.—

"(i) Gain or loss not recognized.—No gain or loss shall be recognized on any transfer permitted by this subsection.

"(ii) Transfers of appreciated property.—If appreciated property is transferred in a transfer permitted by this subsection, the amount of the deduction shall be the adjusted basis of such property.

"(3) New ruling amount required.—Paragraph (1) shall not apply to any transfer unless the taxpayer requests from the Secretary a new schedule of ruling amounts in connection with such transfer.

"(4) No basis in qualified funds.—Notwithstanding any other provision of law, the taxpayer's basis in any Fund to which this section applies shall not be increased by reason of any transfer permitted by this subsection.".

(2) New ruling amount to take into account total costs.—Subparagraph (A) of section 468A(d)(2) is amended to read as follows:

"(A) fund the total nuclear decommissioning costs with respect to such power plant over the estimated useful life of such power plant, and".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 42009. TREATMENT OF CERTAIN INCOME OF COOPERATIVES.

(a) Income From Open Access and Nuclear Decommissioning Transactions.—

(1) In general.—Subparagraph (C) of section 501(c)(12) is amended by striking "or" at the end of clause (i), by striking clause (ii), and by adding at the end the following new clauses:

"(ii) from any provision or sale of transmission service or ancillary services if such services are provided on a nondiscriminatory open access basis under an independent transmission provider agreement approved by FERC (other than income received or accrued directly or indirectly from a member),

"(iii) from any nuclear decommissioning transaction, or

"(iv) from any asset exchange or conversion transaction.".

(2) DEFINITIONS AND SPECIAL RULES.—Paragraph (12) of section 501(c) is amended by adding at the end the following new subparagraphs:

"(E) For purposes of subparagraph (C)(ii), the term 'FERC' means the Federal Energy Regulatory Commission and references to such term shall be treated as including the Public Utility Commission of Texas with respect to any ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B))).

"(F) For purposes of subparagraph (C)(iii), the term 'nuclear decommissioning transaction' means—

"(i) any transfer into a trust, fund, or instrument established to pay any nuclear decommissioning costs if the transfer is in connection with the transfer of the mutual or cooperative electric company's interest in a nuclear power plant or nuclear power plant unit,

"(ii) any distribution from any trust, fund, or instrument established to pay any nuclear decommissioning costs, or

"(iii) any earnings from any trust, fund, or instrument established to pay any nuclear decommissioning costs.

"(G) For purposes of subparagraph (C)(iv), the term 'asset exchange or conversion transaction' means any voluntary exchange or involuntary conversion of any property related to generating, transmitting, distributing, or selling electric energy by a mutual or cooperative electric company, the gain from which qualifies for deferred recognition under section 1031 or 1033, but only if the replacement property acquired by such company pursuant to such section constitutes property which is used, or to be used, for—

"(i) generating, transmitting, distributing, or selling electric energy, or

"(ii) producing, transmitting, distributing, or selling natural gas.".

(b) TREATMENT OF INCOME FROM LOAD LOSS TRANSACTIONS, ETC.—Paragraph (12) of section 501(c), as amended by subsection (a)(2), is amended by adding after subparagraph (G) the following new subparagraph:

"(H)(i) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), income received or accrued from a load loss transaction shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.

"(ii) For purposes of clause (i), the term 'load loss transaction' means any wholesale or retail sale of electric energy (other than to members) to the extent that the aggregate sales during the recovery period do not exceed the load loss mitigation sales limit for such period.

"(iii) For purposes of clause (ii), the load loss mitigation sales limit for the recovery period is the sum of the annual load losses for each year of such period.

"(iv) For purposes of clause (iii), a mutual or cooperative electric company's annual load loss for each year of the recovery period is the amount (if any) by which—

"(I) the megawatt hours of electric energy sold during such year to members of such electric company are less than

"(II) the megawatt hours of electric energy sold during the base year to such members.

"(v) For purposes of clause (iv)(II), the term 'base year' means—

"(I) the calendar year preceding the start-up year, or

"(II) at the election of the electric company, the second or third calendar years preceding the start-up year.

"(vi) For purposes of this subparagraph, the recovery period is the 7-year period beginning with the start-up year.

"(vii) For purposes of this subparagraph, the start-up year is the calendar year which includes the date of the enactment of this subparagraph or, if later, at the election of the mutual or cooperative electric company—

"(I) the first year that such electric company offers nondiscriminatory open access, or

"(II) the first year in which at least 10 percent of such electric company's sales are not to members of such electric company.

"(viii) A company shall not fail to be treated as a mutual or cooperative company for purposes of this paragraph or as a corporation operating on a cooperative basis for purposes of section 1381(a)(2)(C) by reason of the treatment under clause (i).

"(ix) For purposes of subparagraph (A), in the case of a mutual or cooperative electric company, income received, or accrued, indirectly from a member shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.".

(c) EXCEPTION FROM UNRELATED BUSINESS TAXABLE INCOME.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end the following new paragraph:

"(18) TREATMENT OF MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—In the case of a mutual or cooperative electric company described in section 501(c)(12), there shall be excluded income which is treated as member income under subparagraph (H) thereof.".

(d) CROSS REFERENCE.—Section 1381 is amended by adding at the end the following new subsection:

"(c) CROSS REFERENCE.—

"For treatment of income from load loss transactions of organizations described in subsection (a)(2)(C), see section 501(c)(12)(H).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 42010. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) IN GENERAL.—Subsection (b) of section 148 (relating to higher yielding investments) is amended by adding at the end the following new paragraph:

"(4) SAFE HARBOR FOR PREPAID NATURAL GAS.—

"(A) IN GENERAL.—The term 'investment-type property' does not include a prepayment under a qualified natural gas supply contract.

"(B) QUALIFIED NATURAL GAS SUPPLY CONTRACT.—For purposes of this paragraph, the term 'qualified natural gas supply contract' means any contract to acquire natural gas for resale by a utility owned by a governmental unit if the amount of gas permitted to be acquired under the contract by the utility during any year does not exceed the sum of—

"(i) the annual average amount during the testing period of natural gas purchased (other than for resale) by customers of such utility who are located within the service area of such utility, and

"(ii) the amount of natural gas to be used to transport the prepaid natural gas to the utility during such year.

"(C) NATURAL GAS USED TO GENERATE ELECTRICITY.—Natural gas used to generate electricity shall be taken into account in determining the average under subparagraph (B)(i)—

"(i) only if the electricity is generated by a utility owned by a governmental unit, and

"(ii) only to the extent that the electricity is sold (other than for resale) to customers of such utility who are located within the service area of such utility.

"(D) ADJUSTMENTS FOR CHANGES IN CUSTOMER BASE.—

"(i) NEW BUSINESS CUSTOMERS.—If—

"(I) after the close of the testing period and before the date of issuance of the issue, the utility owned by a governmental unit enters into a contract to supply natural gas (other than for resale) for a business use at a property within the service area of such utility, and

"(II) the utility did not supply natural gas to such property during the testing period or the ratable amount of natural gas to be supplied under the contract is significantly greater than the ratable amount of gas supplied to such property during the testing period,

then a contract shall not fail to be treated as a qualified natural gas supply contract by reason of supplying the additional natural gas under the contract referred to in subclause (I).

"(ii) LOST CUSTOMERS.—The average under subparagraph (B)(i) shall not exceed the annual amount of natural gas reasonably expected to be purchased (other than for resale) by persons who are located within the service area of such utility and who, as of the date of issuance of the issue, are customers of such utility.

"(E) RULING REQUESTS.—The Secretary may increase the average under subparagraph (B)(i) for any period if the utility owned by the governmental unit establishes to the satisfaction of the Secretary that, based on objective evidence of growth in natural gas consumption or population, such average would otherwise be insufficient for such period.

"(F) ADJUSTMENT FOR NATURAL GAS OTHERWISE ON HAND.—

"(i) IN GENERAL.—The amount otherwise permitted to be acquired under the contract for any period shall be reduced by—

"(I) the applicable share of natural gas held by the utility on the date of issuance of the issue, and

"(II) the natural gas (not taken into account under subclause (I)) which the utility has a right to acquire during such period (determined as of the date of issuance of the issue).

"(ii) APPLICABLE SHARE.—For purposes of the clause (i), the term 'applicable share' means, with respect to any period, the natural gas allocable to such period if the gas were allocated ratably over the period to which the prepayment relates.

"(G) INTENTIONAL ACTS.—Subparagraph (A) shall cease to apply to any issue if the utility owned by the governmental unit engages in any intentional act to render the volume of natural gas acquired by such prepayment to be in excess of the sum of—

"(i) the amount of natural gas needed (other than for resale) by customers of such utility who are located within the service area of such utility, and

"(ii) the amount of natural gas used to transport such natural gas to the utility.

"(H) TESTING PERIOD.—For purposes of this paragraph, the term 'testing period' means, with respect to an issue, the most recent 5 calendar years ending before the date of issuance of the issue.

"(I) Service area.—For purposes of this paragraph, the service area of a utility owned by a governmental unit shall be comprised of—

"(i) any area throughout which such utility provided at all times during the testing period—

"(I) in the case of a natural gas utility, natural gas transmission or distribution services, and

"(II) in the case of an electric utility, electricity distribution services,

"(ii) any area within a county contiguous to the area described in clause (i) in which retail customers of such utility are located if such area is not also served by another utility providing natural gas or electricity services, as the case may be, and

"(iii) any area recognized as the service area of such utility under State or Federal law.".

(b) Private Loan Financing Test Not To Apply to Prepayments for Natural Gas.—Paragraph (2) of section 141(c) (providing exceptions to the private loan financing test) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following new subparagraph:

"(C) is a qualified natural gas supply contract (as defined in section 148(b)(4)).".

(c) Effective Date.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 42011. PREPAYMENT OF PREMIUM LIABILITY FOR COAL INDUSTRY HEALTH BENEFITS.

(a) In General.—Section 9704 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

"(j) Prepayment of Premium Liability.—

"(1) In general.—If—

"(A) any assigned operator who is a member of a controlled group of corporations (within the meaning of section 52(a)) makes a payment meeting the requirements of paragraph (2) to the Combined Fund, and

"(B) the common parent of such group—

"(i) is jointly and severally liable for any premium which would (but for this subsection) be required to be paid by such operator, and

"(ii) provides security which meets the requirements of paragraph (3),

then no person (other than such common parent) shall be liable for any premium for which such operator would otherwise be liable.

"(2) Requirements.—A payment meets the requirements of this paragraph if—

"(A) the amount of the payment is not less than the present value of the total premium liability of the assigned operator for its assignees under this chapter with respect to the Combined Fund (as determined by the operator's enrolled actuary, as defined in section 7701(a)(35)), using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary,

"(B) a signed actuarial report is filed with the Secretary of Labor by such enrolled actuary containing—

"(i) the date of the actuarial valuation applicable to the report, and

"(ii) a statement by the enrolled actuary signing the report that to the best of the actuary's knowledge the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations,

"(C) a description of the security described in paragraph (3) is filed with the Secretary of Labor by the common parent, and

"(D) 30 calendar days have elapsed after the report required by subparagraph (B), and the description required by subparagraph (C), are filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

"(3) Security.—Security meets the requirements of this paragraph if—

"(A) the security (in the form of a bond, letter of credit, or cash escrow) is provided to the trustees of the 1992 UMWA Benefit Plan, solely for the purpose of paying premiums for beneficiaries described in section 9712(b)(2)(B), equal in amount to one year's liability of the assigned operator under section 9711, determined by using the average cost of such operator's liability during its prior 3 calendar years; and

"(B) the security will remain in place for 5 years.

"(4) Use of prepayment.—Any payment to which this subsection applies (and earnings thereon) shall be used exclusively to pay premiums which would (but for this subsection) be required to be paid by the assigned operator making such payment."

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE III—PRODUCTION

SEC. 43001. OIL AND GAS FROM MARGINAL WELLS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following:

"SEC. 45I. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) General Rule.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified credit oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) Reduction as oil and gas prices increase.—

"(A) In general.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $15 ($1.67 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price of the calendar year preceding the calendar year in which the taxable year begins.

"(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2003, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2002' for '1990').

"(C) Reference price.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) Qualified Crude Oil and Natural Gas Production.—For purposes of this section—

"(1) In general.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a qualified marginal well.

"(2) Limitation on amount of production which may qualify.—

"(A) In general.—Crude oil or natural gas produced during any taxable year from any well shall not be treated or qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) Proportionate reductions.—

"(i) Short taxable years.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) Wells not in production entire year.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) Definitions.—

"(A) Qualified marginal well.—The term 'qualified marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) Crude oil, etc.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) Barrel equivalent.—The term 'barrel equivalent' means, with respect to natural gas, a conversation ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) Other Rules.—

"(1) Production attributable to the taxpayer.—In the case of a qualified marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) Operating interest required.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) Production from nonconventional sources excluded.—In the case of production from a qualified marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.".

(b) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ", plus", and by adding at the end the following:

"(18) the marginal oil and gas well production credit determined under section 45I(a).".

(c) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following:

"(3) 10-year carryback for marginal oil and gas well production credit.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (A) thereof.".

(d) Coordination With Section 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there".

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45I. Credit for producing oil and gas from marginal wells.".

(f) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2003.

SEC. 43002. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME AND EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) Limitation Based on 65 Percent of Taxable Income.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph:

"(6) Temporary suspension of taxable income limit.—Paragraph (1) shall not apply to taxable years beginning after December 31, 2003, and before January 1, 2007, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.".

(b) Extension of Suspension of Taxable Income Limit With Respect to Marginal Production.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking "2004" and inserting "2007".

(c) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 43003. AMORTIZATION OF DELAY RENTAL PAYMENTS.

(a) In General.—Section 167 (relating to depreciation) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Amortization of Delay Rental Payments for Domestic Oil and Gas Wells.—

"(1) In general.—Any delay rental payment paid or incurred in connection with the development of oil or gas wells within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

"(2) Half-year convention.—For purposes of paragraph (1), any payment paid or incurred during the taxable year shall be treated as paid or incurred on the mid-point of such taxable year.

"(3) Exclusive method.—Except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such payments.

"(4) Treatment upon abandonment.—If any property to which a delay rental payment relates is retired or abandoned during the 24-month period described in paragraph (1), no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.

"(5) Delay rental payments.—For purposes of this subsection, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2003.

SEC. 43004. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 167 (relating to depreciation) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Amortization of Geological and Geophysical Expenditures.—

"(1) In general.—Any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such expense was paid or incurred.

"(2) Special rules.—For purposes of this subsection, rules similar to the rules of paragraphs (2), (3), and (4) of subsection (h) shall apply.".

(b) Effective Date.—The amendment made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2003.

SEC. 43005. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) In General.—Section 29 is amended by adding at the end the following new subsection:

"(h) Extension for Other Facilities.—

"(1) Extension for oil and certain gas.—In the case of a well for producing qualified fuels described in subparagraph (A) or (B)(i) of subsection (c)(1)—

"(A) Application of credit for new wells.—Notwithstanding subsection (f), this section shall apply with respect to such fuels—

"(i) which are produced from a well drilled after the date of the enactment of this subsection and before January 1, 2007, and

"(ii) which are sold not later than the close of the 4-year period beginning on the date that such well is drilled, or, if earlier, January 1, 2010.

"(B) Extension of credit for old wells.—Subsection (f)(2) shall be applied by substituting '2007' for '2003' with respect to wells described in subsection (f)(1)(A) with respect to such fuels.

"(2) Extension for facilities producing qualified fuel from landfill gas.—

"(A) In general.—In the case of a facility for producing qualified fuel from landfill gas which was placed in service after June 30, 1998, and before January 1, 2007, this section shall apply to fuel produced at such facility during the 5-year period beginning on the later of—

"(i) the date such facility was placed in service, or

"(ii) the date of the enactment of this subsection.

"(B) Reduction of credit for certain landfill facilities.—In the case of a facility to which paragraph (1) applies and which is located at a landfill which is required pursuant to section 60.751(b)(2) or section 60.33c of title 40, Code of Federal Regulations (as in effect on April 3, 2003) to install and operate a collection and control system which captures gas generated within the landfill, subsection (a)(1) shall be applied to gas so captured by substituting '$2' for '$3' for the taxable year during which such system is required to be installed and operated.

"(3) Special rules.—In determining the amount of credit allowable under this section solely by reason of this subsection—

"(A) Daily limit.—The amount of qualified fuels sold during any taxable year which may be taken into account by reason of this subsection with respect to any project shall not exceed an average barrel-of-oil equivalent of 200,000 cubic feet of natural gas per day. Days before the date the project is placed in service shall not be taken into account in determining such average.

"(B) Extension period to commence with unadjusted credit amount.—In the case of fuels sold during 2003, the dollar amount applicable under subsection (a)(1) shall be $3 (without regard to subsection (b)(2)). In the case of fuels sold after 2003, subparagraph (B) of subsection (d)(2) shall be applied by substituting '2003' for '1979'.".

(b) Treatment as Business Credit.—

(1) Credit moved to subpart relating to business related credits.—The Internal Revenue Code of 1986 is amended by redesignating section 29 as section 45J and by moving section 45J (as so redesignated) from subpart B of part IV of subchapter A of chapter 1 to the end of subpart D of part IV of subchapter A of chapter 1.

(2) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (17), by striking the period at the end of paragraph (18) and inserting ", plus", and by adding at the end the following:

"(19) the nonconventional source production credit determined under section 45J(a).".

(3) Conforming Amendments.—

(A) Section 30(b)(2)(A), as redesignated by section 110(a), is amended by striking "sections 27 and 29" and inserting "section 27".

(B) Section 30B(d), as added by section 41011, is amended by striking ", 29,".

(C) Section 39(d) is amended by adding at the end the following new paragraph;

"(13) No carryback for nonconventional source production credit.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45J may be carried back to a taxable year ending before April 1, 2003.".

(D) Sections 43(b)(2), 45I(b)(2)(C) (as added by section 43001), and 613A(c)(6)(C) are each amended by striking "section 29(d)(2)(C)" and inserting "section 45J(d)(2)(C)".

(E) Paragraph (9) of section 45(c), as added by section 41002(c), is amended by striking "section 29" and inserting "section 45J" and by striking "SECTION 29" in the heading of such paragraph and inserting "SECTION 45J".

(F) Section 45I(d)(3), as added by section 43001, is amended by striking "section 29" each place it appears and inserting "section 45J".

(G) Section 45J(a), as amended by section 43001(d) and redesignated by paragraph (1), is amended by striking "At the election of the taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year" and inserting "For purposes of section 38, if the taxpayer elects to have this section apply, the nonconventional source production credit determined under this section for the taxable year is".

(H) Section 45J(b), as so redesignated, is amended by striking paragraph (6).

(I) Section 53(d)(1)(B)(iii) is amended by striking "under section 29" and all that follows through "or not allowed".

(J) Section 55(c)(2) is amended by striking "29(b)(6),".

(K) Subsection (a) of section 772 is amended by inserting "and" at the end of paragraph (9), by striking paragraph (10), and by redesignating paragraph (11) as paragraph (10).

(L) Paragraph (5) of section 772(d) is amended by striking "the foreign tax credit, and the credit allowable under section 29" and inserting "and the foreign tax credit".

(M) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 29.

(N) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45I the following new item:

"Sec. 45J. Credit for producing fuel from a nonconventional source.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to fuel sold after March 31, 2003, in taxable years ending after such date.

(2) TREATMENT AS BUSINESS CREDIT.—The amendments made by subsection (b) shall apply to taxable years ending after March 31, 2003.

SEC. 43006. BUSINESS RELATED ENERGY CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULES FOR SPECIFIED ENERGY CREDITS.—

"(A) IN GENERAL.—In the case of specified energy credits—

"(i) this section and section 39 shall be applied separately with respect to such credits, and

"(ii) in applying paragraph (1) to such credits—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the specified energy credits).

"(B) SPECIFIED ENERGY CREDITS.—For purposes of this subsection, the term 'specified energy credits' means the credits determined under sections 45G, 45H, and 45I.

"(C) SPECIAL RULE FOR QUALIFIED WIND FACILITIES.—For purposes of this subsection, the term 'specified energy credits' shall include the credit determined under section 45 to the extent that such credit is attributable to electricity produced—

"(i) at a facility using wind to produce electricity which is originally placed in service after the date of the enactment of this paragraph, and

"(ii) during the 4-year period beginning on the date that such facility was originally placed in service.".

(b) CONFORMING AMENDMENTS.—Paragraphs (2)(A)(ii)(II) and (3)(A)(ii)(II) of section 38(c) are each amended by inserting "or the specified energy credits" after "employee credit".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 43007. TEMPORARY REPEAL OF ALTERNATIVE MINIMUM TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS.

(a) IN GENERAL.—Clause (ii) of section 57(a)(2)(E) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to taxable years beginning after December 31, 2003, and before January 1, 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 43008. ALLOWANCE OF ENHANCED RECOVERY CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by section 43006, is amended by adding at the end the following new sentence: "For taxable years beginning after December 31, 2003, and before January 1, 2006, such term includes the credit determined under section 43.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE IV—CORPORATE EXPATRIATION

SEC. 44001. TAX TREATMENT OF CORPORATE EXPATRIATION.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. TAX TREATMENT OF CORPORATE EXPATRIATION.

"(a) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

"(2) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

"(A) the entity completes after March 4, 2003, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

"(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

"(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

"(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

"(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

"(3) TERMINATION.—This subsection shall not apply to any acquisition completed after December 31, 2004.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FOREIGN INCORPORATED ENTITY.—The term 'foreign incorporated entity' means any entity which is, or but for subsection (a) would be, treated as a foreign corporation for purposes of this title.

"(2) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to paragraphs (2), (3), and (4) of section 1504(b), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(3) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership under subsection (a)(3)(B)—

"(A) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

"(B) stock of such foreign incorporated entity which is sold in a public offering related to the acquisition described in subsection (a)(3)(A).

"(4) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(3)(B) are met, such actions shall be treated as pursuant to a plan.

"(5) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

"(6) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(3)(B) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to determine whether a corporation is an inverted domestic corporation, including regulations—

"(A) to treat warrants, options, contracts to acquire stock, convertible debt interests, and other similar interests as stock, and

"(B) to treat stock as not stock.

"(c) SPECIAL RULE FOR TREATIES.—Nothing in section 894 or 7852(d) or in any other provision of law shall be construed as permitting an exemption, by reason of any treaty obligation of the United States heretofore or hereafter entered into, from the provisions of this section.

"(d) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

"(1) the use of related persons, pass-through or other noncorporate entities, or other intermediaries, or

"(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.".

(b) Conforming Amendment.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

"Sec. 7874. Tax treatment of corporate expatriation."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after March 4, 2003.

SEC. 44002. EXPRESSING THE SENSE OF THE CONGRESS THAT TAX REFORM IS NEEDED TO ADDRESS THE ISSUE OF CORPORATE EXPATRIATION.

(a) Findings.—The Congress finds that—

(1) the tax laws of the United States are overly complex;

(2) the tax laws of the United States are among the most burdensome and uncompetitive in the world;

(3) the tax laws of the United States make it difficult for domestically-owned United States companies to compete abroad and in the United States;

(4) a domestically-owned corporation is disadvantaged compared to a United States subsidiary of a foreign-owned corporation; and

(5) international competitiveness is forcing many United States corporations to make a choice they do not want to make-go out of business, sell the business to a foreign competitor, or become a subsidiary of a foreign corporation (i.e., engage in an inversion transaction).

(b) Sense of Congress.—It is the sense of Congress that passage of legislation to fix the underlying problems with our tax laws is essential and should occur as soon as possible, so United States corporations will not face the current pressures to engage in inversion transactions.

DIVISION E—CLEAN COAL

SEC. 50001. AUTHORIZATION OF APPROPRIATIONS.

(a) Clean Coal Power Initiative.—Except as provided in subsection (b), there are authorized to be appropriated to the Secretary to carry out the activities authorized by this division $200,000,000 for each of the fiscal years 2004 through 2012, to remain available until expended.

(b) Limit on Use of Funds.—The Secretary shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection not later than March 31, 2005. Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this division after September 30, 2005, unless the report has been transmitted and one month has elapsed since that transmission. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued; and

(4) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(c) Applicability.—Subsection (b) shall not apply to any project begun before September 30, 2005.

SEC. 50002. PROJECT CRITERIA.

(a) In General.—The Secretary shall not provide funding under this division for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of the date of the enactment of this Act.

(b) Technical Criteria for Clean Coal Power Initiative.—

(1) Gasification.—(A) In allocating the funds made available under section 50001(a), the Secretary shall ensure that at least 60 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction, and hybrid gasification/combustion.

(B) The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects must be designed to and reasonably expected to achieve. The technical milestones shall get more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit no more than .05 lbs of NOx per million BTU;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of—

(I) 60 percent for coal of more than 9,000 Btu;

(II) 59 percent for coal of 7,000 to 9,000 Btu; and

(III) 50 percent for coal of less than 7,000 Btu.

(2) Other Projects.—The Secretary shall periodically set technical milestones for projects not described in paragraph (1). The milestones shall specify the emission and thermal efficiency levels that projects funded under this paragraph must be designed to and reasonably expected to achieve. The technical milestones shall get more restrictive during the life of the program. The Secretary shall set the periodic milestones so as to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NOx per million BTU;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of—

(i) 45 percent for coal of more than 9,000 Btu;

(ii) 44 percent for coal of 7,000 to 9,000 Btu; and

(iii) 40 percent for coal of less than 7,000 Btu.

(3) Consultation.—Before setting the technical milestones under paragraphs (1)(B) and (2), the Secretary shall consult with the Administrator of the Environmental Protection Agency and interested entities, including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers.

(4) Existing units.—In the case of projects at existing units, in lieu of the thermal efficiency requirements set forth in paragraph (1)(B)(iv) and (2)(D), the milestones shall be designed to achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(A) 7 percent for coal of more than 9,000 Btu;

(B) 6 percent for coal of 7,000 to 9,000 Btu; or

(C) 4 percent for coal of less than 7,000 Btu.

(5) Permitted uses.—In allocating funds made available under section 50001, the Secretary may fund projects that include, as part of the project, the separation and capture of carbon dioxide.

(c) Financial Criteria.—The Secretary shall not provide a funding award under this division unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) Financial Assistance.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities, using different types of coal, that use coal as the primary feedstock as of the date of the enactment of this Act.

(e) Federal Share.—The Federal share of the cost of a coal or related technology project funded by the Secretary under this division shall not exceed 50 percent.

(f) Applicability.—No technology, or level of emission reduction, shall be treated as adequately demonstrated for purposes of section 111 of the Clean Air Act, achievable for purposes of section 169 of that Act, or achievable in practice for purposes of section 171 of that Act solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under this division.

SEC. 50003. REPORT.

Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter through 2011, the Secretary, in consultation with other appropriate Federal agencies, shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report describing—

(1) the technical milestones set forth in section 50002 and how those milestones ensure progress toward meeting the requirements of subsections (b)(1)(B) and (b)(2) of section 50002; and

(2) the status of projects funded under this division.

SEC. 50004. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 50001, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can show the greatest potential for advancing new clean coal technologies.

DIVISION F—HYDROGEN

SEC. 60001. DEFINITIONS.

In this division:

(1) The term "Advisory Committee" means the Hydrogen Technical and Fuel Cell Advisory Committee established under section 60005 of this Act.

(2) The term "Department" means the Department of Energy.

(3) The term "fuel cell" means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by an electrochemical process taking place at separate electrodes in the device.

(4) The term "infrastructure" means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen and other advanced clean fuels.

(5) The term "light duty vehicle" means a car or truck, classified by the Department of Transportation as a Class I or IIA vehicle.

(6) The term "Secretary" means the Secretary of Energy.

SEC. 60002. PLAN.

Not later than six months after the date of enactment of this Act, the Secretary shall transmit to the Congress a coordinated plan for the programs described in this division and any other programs of the Department that are directly related to fuel cells or hydrogen. The plan shall describe, at a minimum—

(1) the agenda for the next five years for the programs authorized under this division, including the agenda for each activity enumerated in section 60003(a);

(2) the types of entities that will carry out the activities under this division and what role each entity is expected to play;

(3) the milestones that will be used to evaluate the programs for the next five years;

(4) the most significant technical and nontechnical hurdles that stand in the way of achieving the goals described in section 60003(b), and how the programs will address those hurdles; and

(5) the policy assumptions that are implicit in the plan, including any assumptions that would affect the sources of hydrogen or the marketability of hydrogen-related products.

SEC. 60003. PROGRAM.

(a) ACTIVITIES.—The Secretary, in partnership with the private sector, shall conduct a program to address—

(1) production of hydrogen from diverse energy sources, including—

(A) fossil fuels, which may include carbon capture and sequestration;

(B) hydrogen-carrier fuels (including ethanol and methanol);

(C) renewable energy resources; and

(D) nuclear energy;

(2) the safe delivery of hydrogen or hydrogen-carrier fuels, including—

(A) transmission by pipeline and other distribution methods; and

(B) convenient and economic refueling of vehicles either at central refueling stations or through distributed on-site generation;

(3) advanced vehicle technologies, including—

(A) engine and emission control systems;

(B) energy storage, electric propulsion, and hybrid systems;

(C) automotive materials;

(D) clean fuels in addition to hydrogen; and

(E) other advanced vehicle technologies;

(4) storage of hydrogen or hydrogen-carrier fuels, including development of materials for safe and economic storage in gaseous, liquid, or solid form at refueling facilities and onboard vehicles;

(5) development of safe, durable, affordable, and efficient fuel cells, including research and development on fuel-flexible fuel cell power systems, improved manufacturing processes, high-temperature membranes, cost-effective fuel processing for natural gas, fuel cell stack and system reliability, low temperature operation, and cold start capability; and

(6) development of necessary codes and standards (including international codes and standards) and safety practices for the production, distribution, storage, and use of hydrogen, hydrogen-carrier fuels and related products.

(b) PROGRAM GOALS.—

(1) VEHICLES.—For vehicles, the goals of the program are—

(A) to enable a commitment by automakers no later than year 2015 to offer safe, affordable, and technically viable hydrogen fuel cell vehicles in the mass consumer market; and

(B) to enable production, delivery, and acceptance by consumers of model year 2020 hydrogen fuel cell and other vehicles that will have—

(i) a range of at least three hundred miles;

(ii) improved performance and ease of driving;

(iii) safety and performance comparable to vehicle technologies in the market;

(iv) when compared to light duty vehicles in model year 2003—

(I) a fuel economy that is two and one half times the equivalent fuel economy of comparable light duty vehicles in model year 2003; and

(II) near zero emissions of air pollutants; and

(v) vehicle fuel system crash integrity and occupant protection.

(2) HYDROGEN ENERGY AND ENERGY INFRASTRUCTURE.—For hydrogen energy and energy infrastructure, the goals of the program are to enable a commitment not later than 2015 that will lead to infrastructure by 2020 that will provide—

(A) safe and convenient refueling;

(B) improved overall efficiency;

(C) widespread availability of hydrogen from domestic energy sources through—

(i) production, with consideration of emissions levels;

(ii) delivery, including transmission by pipeline and other distribution methods for hydrogen; and

(iii) storage, including storage in surface transportation vehicles;

(D) hydrogen for fuel cells, internal combustion engines, and other energy conversion devices for portable, stationary, and transportation applications; and

(E) other technologies consistent with the Department's plan.

(3) FUEL CELLS.—The goals for fuel cells and their portable, stationary, and transportation applications are to enable—

(A) safe, economical, and environmentally sound hydrogen fuel cells;

(B) fuel cells for light duty and other vehicles; and

(C) other technologies consistent with the Department's plan.

(c) DEMONSTRATION.—In carrying out the program under this section, the Secretary shall fund a limited number of demonstration projects. In selecting projects under this subsection, the Secretary shall, to the extent practicable and in the public interest, select projects that—

(1) involve using hydrogen and related products at facilities or installations that would exist without the demonstration program, such as existing office buildings, military bases, vehicle fleet centers, transit bus authorities, or parks;

(2) depend on reliable power from hydrogen to carry out essential activities;

(3) lead to the replication of hydrogen technologies and draw such technologies into the marketplace;

(4) integrate in a single project both mobile and stationary applications of hydrogen fuel cells;

(5) address the interdependency of demand for hydrogen fuel cell applications and hydrogen fuel infrastructure; and

(6) raise awareness of hydrogen technology among the public.

(d) DEPLOYMENT.—In carrying out the program under this section, the Secretary shall, in partnership with the private sector, conduct activities to facilitate the deployment of—

(1) hydrogen energy and energy infrastructure;

(2) fuel cells;

(3) advanced vehicle technologies; and

(4) clean fuels in addition to hydrogen.

(e) FUNDING.—(1) The Secretary shall carry out the program under this section using a competitive, merit-review process and consistent with the generally applicable Federal laws and regulations governing awards of financial assistance, contracts, or other agreements.

(2) Activities under this section may be carried out by funding nationally recognized university-based research centers.

(3) The Secretary shall endeavor to avoid duplication or displacement of other research and development programs and activities.

(f) COST SHARING.—

(1) REQUIREMENT.—For projects carried out through grants, cooperative agreements, or contracts under this section, the Secretary shall require a commitment from non-Federal sources of at least—

(A) 20 percent of the cost of a project, except projects carried out under subsections (c) and (d); and

(B) 50 percent of the cost of a project carried out under subsection (c) or (d).

(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that—

(A) the reduction is appropriate considering the technological risks involved; or

(B) the project is for technical analyses or other activities that the Secretary does not expect to result in a marketable product.

(3) SIZE OF NON-FEDERAL SHARE.—The Secretary may consider the size of the non-Federal share in selecting projects.

SEC. 60004. INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the President shall establish an interagency task force chaired by the Secretary or his designee with representatives from each of the following:

(1) The Office of Science and Technology Policy within the Executive Office of the President.

(2) The Department of Transportation.

(3) The Department of Defense.

(4) The Department of Commerce (including the National Institute of Standards and Technology).

(5) The Environmental Protection Agency.

(6) The National Aeronautics and Space Administration.

(7) Other Federal agencies as the Secretary determines appropriate.

(b) DUTIES.—

(1) PLANNING.—The interagency task force shall work toward—

(A) a safe, economical, and environmentally sound fuel infrastructure for hydrogen and hydrogen-carrier fuels, including an infrastructure that supports buses and other fleet transportation;

(B) fuel cells in government and other applications, including portable, stationary, and transportation applications;

(C) distributed power generation, including the generation of combined heat, power, and clean fuels including hydrogen;

(D) uniform hydrogen codes, standards, and safety protocols; and

(E) vehicle hydrogen fuel system integrity safety performance.

(2) ACTIVITIES.—The interagency task force may organize workshops and conferences, may issue publications, and may create databases to carry out its duties. The interagency task force shall—

(A) foster the exchange of generic, nonproprietary information and technology among industry, academia, and government;

(B) develop and maintain an inventory and assessment of hydrogen, fuel cells, and other advanced technologies, including the commercial capability of each technology for the economic and environmentally safe production, distribution, delivery, storage, and use of hydrogen;

(C) integrate technical and other information made available as a result of the programs and activities under this division;

(D) promote the marketplace introduction of infrastructure for hydrogen and other clean fuel vehicles; and

(E) conduct an education program to provide hydrogen and fuel cell information to potential end-users.

(c) AGENCY COOPERATION.—The heads of all agencies, including those whose agencies are not represented on the interagency task force, shall cooperate with and furnish information to the interagency task force, the Advisory Committee, and the Department.

SEC. 60005. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Hydrogen Technical and Fuel Cell Advisory Committee is established to advise the Secretary on the programs and activities under this division.

(b) MEMBERSHIP.—

(1) MEMBERS.—The Advisory Committee is comprised of not fewer than 12 nor more than 25 members. These members shall be appointed by the Secretary to represent domestic industry, academia, professional societies, government agencies, and financial, environmental, and other appropriate organizations based on the Department's assessment of the technical and other qualifications of committee members and the needs of the Advisory Committee.

(2) TERMS.—The term of a member of the Advisory Committee shall not be more than 3 years. The Secretary may appoint members of the Advisory Committee in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the Advisory Committee. A member of the Advisory Committee whose term is expiring may be reappointed.

(3) CHAIRPERSON.—The Advisory Committee shall have a chairperson, who is elected by the members from among their number.

(c) REVIEW.—The Advisory Committee shall review and make recommendations to the Secretary on—

(1) the implementation of programs and activities under this division;

(2) the safety, economical, and environmental consequences of technologies for the production, distribution, delivery, storage, or use of hydrogen energy and fuel cells; and

(3) the plan under section 60002.

(d) RESPONSE.—(1) The Secretary shall consider, but need not adopt, any recommendations of the Advisory Committee under subsection (c).

(2) The Secretary shall transmit a biennial report to the Congress describing any recommendations made by the Advisory Committee since the previous report. The report shall include a description of how the Secretary has implemented or plans to implement the recommendations, or an explanation of the reasons that a recommendation will not be implemented. The report shall be transmitted along with the President's budget proposal.

(e) SUPPORT.—The Secretary shall provide resources necessary in the judgment of the Secretary for the Advisory Committee to carry out its responsibilities under this division.

SEC. 60006. EXTERNAL REVIEW.

(a) PLAN.—The Secretary shall enter into an arrangement with a competitively selected nongovernmental entity, such as the National Academy of Sciences, to review the plan prepared under section 60002, which shall be completed not later than six months after the entity receives the plan. Not later than 45 days after receiving the review, the Secretary shall transmit the review to the Congress along with a plan to implement the review's recommendations or an explanation of the reasons that a recommendation will not be implemented.

(b) ADDITIONAL REVIEW.—The Secretary shall enter into an arrangement with a competitively selected nongovernmental entity, such as the National Academy of Sciences, under which the entity will review the program under section 60003 during the fourth year following the date of enactment of this Act. The entity's review shall include the research priorities and technical milestones, and evaluate the progress toward achieving them. The review shall be completed no later than five years after the date of enactment of this Act. Not later than 45 days after receiving the review, the Secretary shall transmit the review to the Congress along with a plan to implement the review's recommendations or an explanation for the reasons that a recommendation will not be implemented.

SEC. 60007. MISCELLANEOUS PROVISIONS.

(a) REPRESENTATION.—The Secretary may represent the United States interests with respect to activities and programs under this division, in coordination with the Department of Transportation, the National Institute of Standards and Technology, and other relevant Federal agencies, before governments and nongovernmental organizations including—

(1) other Federal, State, regional, and local governments and their representatives;

(2) industry and its representatives, including members of the energy and transportation industries; and

(3) in consultation with the Department of State, foreign governments and their representatives including international organizations.

(b) REGULATORY AUTHORITY.—Nothing in this division shall be construed to alter the regulatory authority of the Department.

SEC. 60008. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this division, in addition to any amounts made available for these purposes under other Acts—

(1) $273,500,000 for fiscal year 2004;

(2) $325,000,000 for fiscal year 2005;

(3) $375,000,000 for fiscal year 2006;

(4) $400,000,000 for fiscal year 2007; and

(5) $425,000,000 for fiscal year 2008.''.

SEC. 60009. FUEL CELL PROGRAM AT NATIONAL PARKS.

The Secretary of Energy, in cooperation with the Secretary of Interior and the National Park Service, is authorized to establish a program to provide matching funds to assist in the deployment of fuel cells at one or more prominent National Parks. The Secretary of Energy shall transmit to Congress within 1 year, and annually thereafter, a report describing any activities taken pursuant to such program. The report shall address whether activities taken pursuant to such program reduce the environmental impacts of energy use at National Parks. There are authorized to be appropriated $2,000,000 for each of fiscal years 2004 through 2010 to carry out the purposes of this section.

SEC. 60010. ADVANCED POWER SYSTEM TECHNOLOGY INCENTIVE PROGRAM.

(a) PROGRAM.—The Secretary of Energy is authorized to establish an Advanced Power System Technology Incentive Program to support the deployment of certain advanced power system technologies and to improve and protect certain critical governmental, industrial, and commercial processes. Funds provided under this section shall be used by the Secretary to make incentive payments to eligible owners or operators of advanced power system technologies to increase power generation through enhanced operational, economic, and environmental performance. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application establishing an applicant as either—

(1) a qualifying advanced power system technology facility; or

(2) a qualifying security and assured power facility.

(b) INCENTIVES.—Subject to availability of funds, a payment of 1.8 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying advanced power system technology facility under this section for electricity generated at such facility. An additional 0.7 cents per kilowatt-hour shall be paid to the owner or operator of a qualifying security and assured power facility for electricity generated at such facility. Any facility qualifying under this section shall be eligible for an incentive payment for up to, but not more than, the first 10,000,000 kilowatt-hours produced in any fiscal year.

(c) ELIGIBILITY.—For purposes of this section—

(1) the term ''qualifying advanced power system technology facility'' means a facility using an advanced fuel cell, turbine, or hybrid power system or power storage system to generate or store electric energy; and

(2) the term ''qualifying security and assured power facility'' means a qualifying advanced power system technology facility determined by the Secretary of Energy, in consultation with the Secretary of Homeland Security, to be in critical need of secure, reliable, rapidly available, high-quality power for critical governmental, industrial, or commercial applications.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Energy for the purposes of this section,

$10,000,000 for each of the fiscal years 2004 through 2010.

DIVISION G—HOUSING

SEC. 70001. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 70002. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the period at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 70003. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) Single Family Housing Mortgage Insurance.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(ii)(IV) (relating to solar energy systems), by striking "20 percent" and inserting "30 percent".

(b) Multifamily Housing Mortgage Insurance.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) Cooperative Housing Mortgage Insurance.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) Rehabilitation and Neighborhood Conservation Housing Mortgage Insurance.—Section 220(d)(3)(B)(iii)(IV) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)(IV)) is amended by striking "20 per centum" and inserting "30 percent".

(e) Low-Income Multifamily Housing Mortgage Insurance.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) Elderly Housing Mortgage Insurance.—Section 231(c)(2)(C) of the National Housing Act (12 U.S.C. 1715v(c)(2)(C)) is amended by striking "20 per centum" and inserting "30 percent".

(g) Condominium Housing Mortgage Insurance.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 70004. PUBLIC HOUSING CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (I), by striking "and" at the end;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(K) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate; and

"(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures."; and

(2) in subsection (e)(2)(C)—

(A) by striking "The" and inserting the following:

"(i) In general.—The"; and

(B) by adding at the end the following:

"(ii) Third party contracts.—Contracts described in clause (i) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

"(iii) Term of contract.—The total term of a contract described in clause (i) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generations, advanced energy savings technologies, including renewable energy generation, and other such retrofits.".

SEC. 70005. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation.".

SEC. 70006. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m-290m-3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

SEC. 70007. ENERGY-EFFICIENT APPLIANCES.

In purchasing appliances, a public housing agency shall purchase energy-efficient appliances that are Energy Star products or FEMP-designated products, as such terms are defined in section 552 of the National Energy Policy and Conservation Act (as amended by this Act), unless the purchase of energy-efficient appliances is not cost-effective to the agency.

SEC. 70008. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "September 30, 2004";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development."; and

(B) in paragraph (2), by striking "Council of American" and all that follows through "90.1–1989')" and inserting "2000 International Energy Conservation Code";

(2) in subsection (b)—

(A) by striking "1 year after the date of the enactment of the Energy Policy Act of 1992" and inserting "September 30, 2004"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2000 International Energy Conservation Code"; and

(3) in subsection (c)—

(A) in the heading, by striking "Model Energy Code" and inserting "The International Energy Conservation Code"; and

(B) by striking "CABO" and all that follows through "1989" and inserting "the 2000 International Energy Conservation Code".

SEC. 70009. ENERGY STRATEGY FOR HUD.

The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures and energy efficient design and construction of public and assisted housing. The energy strategy shall include the development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit a report to Congress, not later than one year after the date of the enactment of this Act, on the energy strategy and the actions taken by the Department of Housing and Urban Development to monitor the energy usage of public housing agencies and shall submit an update every two years thereafter on progress in implementing the strategy.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108–69. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–69.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

In division A, at the end of title VIII add the following:

SEC. . AVERAGE FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by redesignating subsections (i) and (j) in order as subsections (j) and (k), and by inserting after subsection (h) the following:

"(i) STANDARDS FOR MODEL YEARS AFTER 2004.—The Secretary of Transportation shall prescribe by regulation average fuel economy standards for automobiles manufactured by a manufacturer in model years after model year 2004, that ensure that the total amount of oil required for fuel for use by automobiles in the United States in 2010 and each year thereafter is at least 5 percent less than the total amount of oil that would be required for fuel for such use if the average fuel economy standards remained at the same level as in 2004.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(1) in the first sentence by inserting "and subsection (i)" after "of this subsection"; and

(2) in subsection (k) (as redesignated by subsection (a)) by striking "or (g)" and inserting "(g), or (i)".

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent to yield 7 minutes to the gentleman from Massachusetts (Mr. MARKEY) for the purpose of control.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition, and I ask unanimous consent to yield 7 minutes to the gentleman from Michigan (Mr. DINGELL).

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. BOEHLERT) will control 8 minutes and the gentleman from Massachusetts (Mr. MARKEY) will control 7 minutes as proponents to the amendment. The gentleman from Louisiana (Mr. TAUZIN) will control 8 minutes and the gentleman from Michigan (Mr. DINGELL) will control 7 minutes in opposition.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think all Members know what this amendment is about. In fact, we had a lengthy debate on a similar amendment by the gentleman from Massachusetts (Mr. MARKEY) and I when the energy bill came up just 2 years ago. So many of my colleagues may be wondering why do we have to have this debate again. Well, a lot has changed in the intervening 2 years, changes that make this amendment even more important and even harder to oppose. What has changed?

First, over the past 2 years our Nation's oil consumption has continued to rise, and we have become even more dependent on foreign oil. Guess what most of that oil is used for? Transportation. Not electricity generation, not home heating, not industrial production, but transportation.

As the chart beside me shows, domestic production can provide the oil we require to meet almost all of our needs except transportation. And our demand for oil for transportation just gets larger and larger and larger. We have an insatiable appetite. But that does not have to be the case. Other sectors of our economy have become more oil efficient, but transportation has not.

What else has changed over the last 2 years? We have finally learned that SUVs are not a boon to safety. In fact, Dr. Jeffrey Runge, the chief auto safety official for the Bush administration, has made pointing out the safety failings of SUVs something of a crusade.

Not only do SUVs make driving unsafe for the people that may collide with them, SUVs are not especially safe for the people who drive them. SUVs are three times as likely as cars to roll over and cause death. So the argument that we cannot change SUVs because they advance the cause of safety is pure hogwash.

The third change over the past 2 years is that we have learned beyond a shadow of a doubt that automakers are perfectly capable of building SUVs with greater mileage. In fact, every place but Washington, D.C. they brag about it, as they should. GM and Ford have both announced plans to bring out an SUV that gets 40 miles per gallon in the next model year, not years down, the next model year. What we are told is impossible on the House floor turns out to be perfectly possible on the auto assembly floor.

In fact, it is possible and affordable to make even further improvements in SUV mileage with current available technology. This page of Automotive News, hardly a left-wing rag, spells out those technologies and their costs specifically.

The other change that has occurred in the past 2 years is we have had time to absorb the findings of the National Academy of Sciences' study. My colleagues may remember that the academy released a major, long-awaited study on fuel economy standards on the eve of the energy bill which was debated 2 years ago. That timing enabled all sorts of ridiculous claims to be made about what the study said because few had the opportunity to actually read it.

Now we all know exactly what the experts have said. There is nothing in the academy study that suggests we cannot improve CAFE standards. That is why the auto companies tried so hard, and unsuccessfully, I might report, to challenge the study.

Probably the most important point the academy had to make is on page 70 of their report. The academy said, "It is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size and, therefore, without significantly affecting the safety of motor vehicle travel." I hope we will not be hearing any nonsense this year about CAFE standards threatening safety. Those arguments should be a dead letter.

Now, let me dispense with two changes over the past 2 years that the opponents of this amendment may bring up. The first is that the administration recently announced an increase in CAFE standards. The administration should be congratulated for acknowledging the need to improve fuel economy. Give credit where credit is due, but the 1.5 mile per gallon increase over 3 years sought by the administration is minuscule, far less than what is needed and far less than what is possible.

But frankly, the opponents of this amendment ought to be embarrassed to bring up the administration's proposal. After all, the last time around, the authors of H.R. 6 told us that any increase in CAFE greater than a half mile per gallon over a decade would spell disaster for the economy. Now they have changed their tune. In fact, the authors of H.R. 6 will defend whatever the status quo is at any given moment because that is easier than debating what we could actually be doing to improve fuel economy.

The second change my opponents may bring up is that this is not exactly the same amendment as 2 years ago. That is true. But the standard in this amendment should not be any tougher to achieve. In fact, we have given the automakers more time to improve fuel economy than we did 2 years ago. Two years ago we proposed an average among all cars and light trucks of 27.5 miles per gallon by 2007.

□ 1615

This amendment translates roughly into 30 miles per gallon by 2010, 3 additional years, and this amendment, like our last one, is flexible. We all want to give flexibility when possible.

The acoumeters can decide whether they want to reach these levels by improving the mileage of cars or SUVs or both. It does not set a specific standard for SUVs.

So, in short, there is more reason than ever to approve this amendment. Without this amendment the bill will do nothing, absolutely nothing, to improve energy efficiency in the sector of our economy that uses the most oil.

How can we be silent on fuel efficiency if this bill is going to accomplish anything at all? Our amendment would save more oil than would be produced from drilling in ANWR even under the most optimistic scenarios, and those figures come from the nonpartisan Congressional Research Service. So it ought to be hard to argue against this amendment with a straight face.

This amendment will not prevent anyone from buying an SUV. This amendment will not reduce safety. This amendment will not require acoumeters to produce any vehicle they have not already announced that they are building. This amendment will save consumers money and, boy, we all want to do that. This amendment will put the Nation on the road to true energy independence. This amendment deserves widespread support, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). The gentleman's time has expired.

Mr. TAUZIN. Mr. Chairman, I yield myself 1 minute.

What the gentleman from New York (Mr. BOEHLERT) failed to quote from the National Academy of Sciences' study is found in Finding 13 on Page ES–8: "If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected." In fact, the study estimates that between 1,300 and 2,600 fewer deaths on the highway would have occurred had average weight and size of the light-duty motor vehicle fleet in that year, 1993, had we had that instead of the CAFE requirements.

Let me make a quick case in this 1 minute. This amendment is worse than the one we had last year on the floor. This amendment is so severe that if you consider a 3- to 5-year cycle to get a new vehicle in production, the vehicles in 2010 would have to have a 30-mile per gallon, or a 36-mile per gallon. That is as much as a 50 percent increase in fuel efficiency. The only way to achieve that is lighter vehicles, less safe vehicles, more deaths on the highway.

This amendment needs to get rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself 1½ minutes.

The United States has 3 percent of the oil reserves in the world. The Middle East has 75 percent. Technological genius is what we are all about. We see that in the Middle East right now. That is our strength.

We doubled the fuel economy in our country from 13 to 26 miles per gallon back in the middle of 1980s. With it, we had a plummeting of oil imports. Since 1987 we have slipped backwards in technology, and there has been a dramatic rise in the import of imported oil, up to 65 percent of our total oil. We can see the direct correlation between the power OPEC has over us and the increase in the number of SUVs and light trucks, with no controls, which are sold in our country.

When we reach 70 percent and 75 percent dependence upon imported oil, Iran and Syria and other countries that have large oil reserves over there, including Saudi Arabia, looking at us 10 years from now, will wonder why on the floor of the Congress with 250,000 troops over in the Middle East securing the oil fields of Iraq, we did not also increase the fuel economy standards of the Hummer 1s that are roaming the streets of the United States consuming gasoline at a rate of 11 miles per gallon.

It is one thing to have young men and women in these vehicles in the Middle East securing oil. It is another thing in our country not to have a plan to increase the fuel efficiency that reduces our oil consumption, to avoid the necessity of sending them back there again.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I must disagree with the gentleman from New York. I was a police officer for 13 years during this time from 1975 to 1998, and if we look at this article from 1999, it says "death by the gallon." From 1975 to 1998, we had 46,000 more deaths on the highways because we were driving smaller cars and trying to obtain the CAFE standard, the fuel efficiency. So we bring smaller cars in, and it results in more deaths on the highway. And as the chairman quoted, the National Academy of Sciences found in 2001, in their report on CAFE, reducing the size and weight of vehicles affects vehicle safety, increases the likelihood of traffic fatalities on the highways.

The better way to increase fuel economy throughout is the development and the advancement of technologies like are found in this bill in hybrid and fuel cells. The acoumeters are already moving these technologies into the marketplace. To go with the standard proposed by the proponents of this new CAFE standard of a 5 percent, we would have to get the 30 miles, which is not even in the marketplace right now.

Reject this amendment.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), a distinguished member of the Committee on Energy and Commerce.

Mr. ROGERS of Michigan. Mr. Chairman, I thank the chairman for his work on this energy bill.

To my good friends from New York, I do appreciate their efforts here, however misguided. This is like trying to treat obesity by mandating smaller pants sizes. This does not consider energy costs or slowing sales on behalf of car companies due to the recession. It does not consider higher production costs.

And what it means is, they will take research and development money and take it away from research and development to reengineer these vehicles, which means lower weight. Lower weight means more fatalities.

If the Members believe in hydrogen vehicles, if the Members believe in hybrid vehicles, if the Members believe in the future of automobiles being cleaner and having the weight and size for safety, this is not the bill. This amendment will take $73 billion away from auto manufacturers, from researching and developing hybrid and hydrogen technology and flush it down the tubes to reengineer for less weight and taking vehicles out of production.

We all want to get to the same place. Let us stand up for the security of our jobs, the health of our Nation, and the safety of those who drive. Let us soundly reject this amendment.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise today to oppose this unnecessary amendment, which will hurt our already struggling economy. It will jeopardize the jobs of workers in Flint, Bay City, Saginaw, and other communities in my home State of Michigan. It will undermine the efforts we, as a Nation, are making through the investment of billions of dollars in alternative fuels and advanced technology vehicles.

The broad range of organizations opposing this amendment demonstrate its flaws. These include the AFL–CIO, United Auto Workers, National Association of Manufacturers, the National Farm Bureau, and the U.S. Chamber of Commerce. This is the wrong amendment at the wrong time. Our automobile industry and their dedicated workers deserve our support, and we can give it to them by rejecting this amendment.

Just recently the National Highway Traffic Administration did their job and increased CAFE standards. This amendment will lead to reduced passenger safety, the loss of jobs and economic damage.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, we should raise CAFE standards because that would reduce this Nation's dependence on foreign oil and reduce America's contribution to global warming. Cars and light trucks consume 40 percent of the oil we use and emit 20 percent of the carbon dioxide we produce. And CO2 is the major cause of global warming. It is embarrassing that we have not significantly raised CAFE standards in a decade, when the technology is so readily available.

Overall fuel efficiency has declined as SUVs have grown to nearly 50 percent of the market, and the situation is certain to get worse as supersized, unregulated SUVs penetrate the market. The amendment before us requires a 5 percent reduction in oil usage by cars and light trucks by 2010. It would save half a million barrels of oil every day and reduce carbon dioxide emissions by over 90 million tons every day.

I urge a "yes" vote on the Boehlert-Markey amendment.

I would like to thank the distinguished chair of the Science committee and the gentleman from Massachusetts for bringing this important amendment to the floor today.

We should raise CAFE standards because that would reduce this nation's dependence on foreign oil and reduce America's contribution to global warming.

Cars and light trucks consume 40 percent of the oil we use and emit 20 percent of the carbon dioxide we produce. And CO_2 is the major cause of global warming—the single most critical environmental issue facing us. The consensus among the world's leading scientists warn that over this century, CO_2 levels will double. Seas levels are already rising, and glaciers are melting.

It's embarrassing that we have not significantly raised CAFE standards in a decade, when the technology is so readily available. Overall fuel efficiency has declined, as SUVs have grown to nearly 50 percent of the market. And the situation is certain to get worse, as supersized, unregulated SUVs—those over 8,500 pounds—penetrate the market.

The amendment before us requires a 5 percent reduction in oil usage by cars and light trucks by 2010. It would save half a million barrels of oil every day and reduce carbon dioxide emissions by over 90 million tons every day.

I personally hope that this debate today will encourage automakers to rapidly replace the outdated, low efficiency technology so embedded in the cars and trucks we drive. The National Academy of Sciences report issued in July of 2001 demonstrates that the technologies already exist to take us even further than this modest amendment would require.

I urge a "yes" vote on the Boehlert-Markey amendment.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the chairman for yielding me this time.

I want to introduce another point to this topic of debate, and that is, if we take a look at the fleet consistency of the different car manufacturers, the Big Three American auto manufacturers sell more SUVs and trucks than light cars, relative to the Japanese auto manufacturers, who sell more light, small cars relative to trucks and SUVs. What ends up happening is, this amendment will not serve to get more heavy trucks off the road. It will simply serve to shift market share from U.S. auto manufacturers to Japanese auto manufacturers, and the short time line will actually require the lines to go down.

So the line that makes the Tahoes and Suburbans in Janesville, Wisconsin, which is on a 5-year schedule, will have to go down to accommodate these changes. Meanwhile, Japanese acoumeters, like the Sequoias, will fill in and take that market share.

It will not take more cars off the road. It will change market share from U.S. auto manufacturers to Japanese auto manufacturers, and it will simply cost U.S. auto manufacturing jobs.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of the Boehlert-Markey amendment, which saves oil by increasing fuel economy standards for autos and light trucks. Increasing the standard will reduce the amount of oil the Nation must now import.

Research tells us by simply increasing average fuel efficiencies on cars, SUVs, and light trucks from 24 to 39 miles per gallon over the next decade would save 51 billion barrels of oil, more than 15 times the likely yield from the Arctic.

The technology is there. It is about time we utilize it. Our children are looking to us to leave them with a safe and healthy environment. I urge my colleagues to support the amendment.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I would respectfully add my voice to those opposing this amendment. While I can agree that we all want to reduce our imports of foreign oil, I have not been convinced that raising CAFE standards would actually accomplish this.

As I understand it, our import share of oil consumption was 35 percent in 1974. Since then our new fuel car economy has roughly doubled, but our oil import share has risen, nonetheless, to about 50 percent. For this reason, I am not convinced that the amendment, if adopted, would achieve what I believe is one of its primary goals.

Additionally, at this time, our economy is struggling. Unemployment is rising, new job growth is stagnating, and there is increasing concern throughout my district and the country about the direction our economy is headed. Yet this amendment could have a devastating impact on the automobile industry which is critical to our economy.

Even in my home State of Pennsylvania, which is not normally thought of as a State closely tied to the automotive industry, a total of 220,800 jobs are dependent on the industry.

□ 1630

Mr. DOYLE. Mr. Chairman, 39,700 of these people are directly employed by the industry.

Mr. Chairman, this is a bad amendment. Let us defeat it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this amendment. The National Academy of Sciences identified 13 readily-available technologies, each one of which would improve fuel economy from .5 percent to 12 percent. Three major automakers, GM, Ford and Toyota, have already announced plans to introduce vehicles that would get 35 to 40 miles per gallon within the next 2 years.

New technologies can improve fuel economy without reducing weight and size. It is irresponsible to pass a national energy policy that does not reduce the use of gasoline because 70 percent of the oil we use is to power our cars.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise in opposition to this amendment. The answer to better fuel mileage is probably in a different fueled vehicle. It is called hydrogen fuel cell vehicles.

This morning I met GM officials who gave me their new brochures on these cars that they are going to be manufacturing. They have spent hundreds of millions of dollars to develop and finance the new hydrogen fuel cell vehicle.

Now, what this amendment would do you cannot create with just magic. You cannot say just "Poof, here it is. There you go." It would be nice to have a vehicle that delivered 40 or 50 miles per gallon. But to do that would take all of the engineering gusto away from developing what I think is the real answer, hydrogen fuel cell vehicles. It would take hundreds of millions of dollars out of that engineering cycle today and invest it into something else.

This is the answer. Let science prevail. Let science and the experts decide that this is the vehicle. Let them develop these types of vehicles, knowing that we are there, that we are going to have these cars in the showroom before too long. Let us not get off that track. Let us defeat this amendment. Let the research and development continue so that all of us will be able to drive one of these vehicles in the near future.

The CHAIRMAN pro tempore (Mr. BONILLA). The Committee will rise informally.

The SPEAKER pro tempore (Mr. BASS) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1584. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENERGY POLICY ACT OF 2003

The Committee resumed its sitting.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, two facts are on a collision course:

Fact one, the concentrations of carbon dioxide, a pollutant that causes global warming, is skyrocketing and will continue to do so as this graph indicates.

Fact two, to date, the U.S. Congress apparently believes that since the mid-1980s American technological genius has disappeared by its willful failure to use our smarts and our can-do efforts to improve fuel-technology efficiency. If we had simply continued on the path of improving the efficiency of our vehicles from the mid-1980s until now, we would have eliminated our need for 70 percent of the imported oil from the Mideast.

How can the U.S. Congress be so pessimistic to think that the people that gave us Microsoft, that gave us biotechnology, cannot improve the efficiency of our vehicles?

John Kennedy said we could go to the Moon in 10 years. We ought to be able to improve our fuel efficiency in the 10 months in this session.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member of our committee for yielding me time.

Mr. Chairman, we come from a big State that wants big trucks and big cars, and my concern about the Markey amendment, not that we would not like to have more fuel efficiency, but it actually treats our trucks even harsher than what the National Academy of Sciences says is reasonable. That is why I think we need to have more study on it. Let us make sure we have a plan that works, not only for some parts of our country, but the whole country.

The Markey amendment will restrict consumer choice, particularly for folks where I come from, who like to drive trucks. But I do think we need to get better gas mileage; and hearing from some of the speakers in our committee, we are going to get better gas mileage, without the onerous provisions of the Markey amendment.

Again, this is much worse than what we considered in the last Congress, and that is why I think it should be voted down tonight.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, in my Michigan district, the best workers in the world make the best autos in the world; but if this amendment passes, my district's economic vitality will become ancient history. By arbitrarily altering market forces in an already struggling economic sector, a new hike in CAFE standards will endanger the already far-too-tenuous jobs of our autoworkers, manufacturers, parts suppliers, and car dealers, and the livelihood of all our citizens.

During these difficult economic times, when both parties are striving to help American workers and their families, we must not subordinate science to speculation and in the process subject our auto industry, America's economic engine, to governmentally mandated extinction.

For the sake of American workers and their families, we must defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished gentleman for his leadership on this issue of many, many years.

I have some prepared remarks, but since I do not have that much time, I am going to summarize. The people that are tuned in to this, that are listening to C-SPAN today, we have on the floor a national energy policy. What some of us are trying to do is to put the legislative vehicle into drive, to go forward into the future, instead of insisting on keeping the vehicle in reverse. What is at stake are fuel-efficiency standards for how much gasoline we use in this country.

If in fact we want to become less dependent on foreign oil, clean up our air, embrace the technologies that are already there on the shelf, then this amendment would absolutely slide through the House.

But regardless of who is here in a handful of years, this policy, I predict, will become the policy of our land, because America is always about the future and the best ideas, and not the past.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, last week, the National Highway Traffic Safety Administration announced the largest fuel economy increase for light trucks in over 20 years. After studying the cost, safety, technological features, the effect on American jobs and other factors, the experts concluded that this increase represents the maximum feasibility level that manufacturers could possibly meet today.

Light trucks meet the demands of millions and millions of American families, small business, farmers, ranchers, and outdoor enthusiasts. In fact, last year, more consumers in Louisiana purchased light trucks than passenger cars; and this is true in more than 36 States in our Union.

The Boehlert-Markey amendment would force manufacturers to either stop making these vehicles or radically change them, including the safety features, on a product that millions of Americans want today.

I support the ongoing efforts to develop fuel-saving technology, but let us let consumer demand drive that market, and not unscientific Federal mandates.

I urge Members to vote "no" on the Markey-Boehlert amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from the great pickup truck State of Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I thank the gentleman for recognizing that not all of America is alike, like the proponents of this amendment think.

Listen to me very carefully. My district represents the distance of Washington, D.C. to Chicago. Nobody represents more people in this Congress than I do, 904,000 people, after reapportionment.

But we do not have subsidized mass transit like you do in Massachusetts. Oh, we have mass transit; that is two herd dogs in our truck instead of one. No, we do not have mass transit. What we have is a lot of people out on a lot of miles of highway, unsafe miles.

I think of all the things we have to do in a State like Montana, travel 10 miles just to get to our post office, travel 20 miles maybe to get to school or to buy groceries, sometimes drive 100 miles to get to a hospital.

No, this is a one-size-fits-all solution that I came to Washington, D.C. to fight. It is time that we look beyond the Potomac, that the sun does not rise and set just on this river out here. There is an expanse of America. We cannot have one-size-fits-all.

I went out and tried to buy a truck the other day, and they are getting so light that I cannot put feed in the back because they could not assure me that the frame would not bend; 2,000 pounds of feed, and I cannot get it in the back of my pickup because they are making them so light to try to meet the CAFE standards.

Vote against this amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, the auto industry has claimed that if CAFE standards are raised, they might have to stop making SUVs, yet their actions directly contradict these words.

As the gentleman from New York (Mr. BOEHLERT) indicated, recently, Ford, Toyota and GM all announced plans to introduce SUVs that travel over 35 miles per gallon over the next couple of years. Toyota has demonstrated with the Prius, which I drive, that hybrid technology works and consumers love it. Auto companies are showing that they have the technology to improve fuel economy without sacrificing safety.

I urge my colleagues to support the Boehlert-Markey amendment to improve fuel economy.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a distinguished member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in opposition to the pending amendment, and I do so for three reasons.

First of all, the National Highway Traffic Safety Administration has promulgated reasonable standards which will take effect in 2005 to increase the efficiency of SUVs and light trucks.

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Secondly, this is no time, with a fragile economy, to be slapping an unreasonable Federal mandate on manufacturing. Manufacturing has been on the decline in this country now since the mid-1980s, and I think it is totally inappropriate to do that.

Thirdly, I hear from the proponents of this amendment that there are 13 or 12 readily available technologies that can be implemented without any difficulty or additional cost. My answer to that is, they will do it anyway. I have never heard of anybody promoting the sale of a vehicle because it consumes more energy. The fact is that the automobile companies want to make vehicles as efficient as they can possibly be, and they will do so and they will adopt these new efficiencies and they will do so under the rules that will be promulgated by the National Traffic Highway Safety Administration.

So I think what is going on now is reasonable, and I urge opposition of the pending amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT), the coauthor of the amendment with me.

Mr. BOEHLERT. Mr. Chairman, the opponents of this amendment are making up the arguments as they go along: Anything goes, no matter how outrageous or how wrong.

Safety. There is no compromise on safety necessary. That is not my opinion, that is the opinion of the National Academy of Science. We will not make cars lighter, we will make them smarter.

No job losses. That is as phony as a $3 bill. Americans are not going to stop buying cars, they are just going to buy cars that are more fuel efficient, and the consumer wins. That is common sense.

Twenty-five years ago the CAFE opponents said, if we have CAFE standards, all America will be driving compacts or subcompacts. Ten years later, that is absolutely ludicrous. There are more SUVs on the road than ever before.

We have 15 minutes to debate the most important safety-promoting amendment for the bill. This is not a debate, it is a sound bite.

Support Boehlert-Markey.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. BONILLA). The gentleman from Louisiana does have the right to close.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. At this point, the gentleman from Massachusetts is reserving and has the right to close, and the gentleman from Michigan (Mr. DINGELL) has the right to precede him and is reserving the balance of his time.

Mr. MARKEY. So the two opponents of the amendment are each able to speak before the proponent of the amendment at the conclusion of debate?

The CHAIRMAN. The final order of speakers will be, and I correct myself here, the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Louisiana (Mr. TAUZIN).

Mr. DINGELL. Mr. Chairman, in order that I can give my full and undivided attention to the gentleman from Massachusetts (Mr. MARKEY), for whom I have immense respect even though he is dead wrong on this one, I yield myself 2 minutes to close.

Mr. DINGELL. Mr. Chairman, this wonderful amendment, it just does not work. Although I love my good friends, the authors of it, they are dead wrong. It is going to cost jobs. The UAW says so. It is going to hurt the auto industry. The auto industry says so. It is going to force every American to ride around in a mini-car. It is going to fix it so that SUVs and decent-sized pickup trucks are not going to be available to people. It is going to mean that the auto industry is going to have to produce larger vehicles, such as larger than light-duty trucks, for purposes that ranchers and farmers and businessmen will have need of. And it is going to require unsafe vehicles, or at least less safe vehicles to be available to the American motoring public.

The simple answer is, it is going to require almost exclusively the production of mini-cars. The result is going to be a significant loss of safety.

The thing that we must understand about this is that the law on CAFE is now working. Automobiles and light pickup trucks and so forth are about twice as efficient as they were before we passed it. That has been an enormous advance of great benefit to the American people, and it has been something which has been of great help and done at great cost to the auto industry.

Something else that needs to be known: These cars are not manufactured on the basis of arithmetic averages. They are produced to meet CAFE standards on the basis of geometric or harmonic averages, which means that to produce one decent-sized car in which an individual or a company or a family may successfully and safely drive, the companies must produce many smaller cars.

So what are we looking at? We are looking at something which is going to adversely impact the American consumer with this amendment and also something which is going to adversely impact the auto industry.

Let me remind my colleagues that one job in seven in this country is an auto job, a supplier or a manufacturer. Look here, see where our people work and what this is going to do. There is no one in this country who is not dependent upon the automobile industry for a livelihood.

Mr. Chairman, let us have a responsible, sensible package of automobile fuel efficiency legislation. Let us not grasp at straws, and let us not push forward with legislation which, very frankly, although it sounds good, is wondrously mischievous and is going to not only hurt the country, the consumer, but also the auto industry and the auto workers.

Mr. MARKEY. Mr. Chairman, I yield myself the remaining time.

In 1987, the fuel economy standard for the United States reached 27 miles per gallon. It had increased to that amount over a 10-year period because of an act of Congress. That act of Congress changed our relationship with imported oil so that it reduced dramatically our dependence upon imported oil.

Since that time, we have sequenced the human genome in medicine, revolutionizing that industry. We have deployed the Internet around the world, revolutionizing communications. We have changed our defense technology such that we could bring a country like Iraq to its knees within 3 weeks. But in fuel economy standards, we have gone backwards, back to 24 miles per gallon, increasing to 65 percent our dependence upon imported oil.

If we do not pass this amendment, we will have 70 and 75 and 80 percent dependence upon imported oil over the next generation.

This is the most important amendment we are going to consider today. I ask for an "aye" vote on the Boehlert-Markey amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of the time.

It has been argued that the bill is silent on CAFE. Not so. The bill calls for a study to actually replace CAFE, just as NHTSA is recommending that we study CAFE from top to bottom. Do we know why? Because it has awful, perverse effects.

One time GM came up with a new SUV that was much more fuel efficient than its old model, and it suffered, it got penalized under CAFE. Why? Because more Americans wanted that vehicle, and it upset their average. That is how perverse the system sometimes works. We call for revamping that system.

Secondly, last year we improved the CAFE standards for SUVs, an amendment that the gentleman from Michigan (Mr. DINGELL) and I took through the conference committee and has now been implemented into law. I think because it has been implemented, I am having a harder time getting the gentleman from Michigan (Mr. DINGELL) to support the rest of this bill, but it is well on its way to saving fuel for the American economy.

But the bill goes further. It provides $1.7 billion for the hydrogen fuel car, for the FreedomCar initiative, for new hybrids and alternative fuels, and it provides for the implementation of the President's hydrogen car infrastructure, a dramatic improvement in fuel efficiency when the hydrogen fuel car hits the market.

The amendment gives us lighter cars and smaller cars and more traffic deaths. The bill takes us on the path to new fuels, new efficiencies, new technologies. Stick with the bill. Let us defeat this amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Boehlert-Markey amendment.

If the U.S. auto industry believes it would suffer under increased fuel economy standards, what will be the effect on the U.S. auto industry when Americans import fuel efficient autos from foreign companies?

Because—with the rising cost of gas, the detrimental effect on our environment, and the strong desire of American consumers to be independent of foreign oil—we will be purchasing fuel efficient autos.

Mr. Chairman, we shouldn't fool ourselves. Americans will purchase fuel efficient cars . . . and we should set policy today so those cars will be American-made.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Boehlert-Markey Amendment to reduce our consumption of oil by increasing fuel economy standards for passenger cars and light trucks.

The United States cannot continue on a course of increased oil consumption with little to no regard for the implications it has on our environment, economy and national security.

There is no better time to focus on reducing our reliance on foreign oil than right now.

Increased fuel efficiency standards and tax incentives for conservation and renewable energy sources should be at the heart of our national energy policy in a post-September 11 world.

This amendment requires the Department of Transportation to issue rules to ensure the total amount of oil that cars and SUVs consume in 2010 will be 5 percent less than the total amount they would otherwise consume if the average fuel economy standards were to remain at 2004 levels.

These savings could be achieved by increasing fuel economy standards to 30 miles per gallon.

Under this amendment, the Administrator of the National Highway Transportation Safety Administration will have maximum flexibility in how the standards are set.

The standard could be increased for cars or SUVs or only the heaviest trucks.

This is a common sense amendment which represents a modest step forward in our nation's efforts to become more energy efficient.

The Boehlert/Markey Amendment will help protect the environment, reduce our dependence on foreign oil and save drivers money at the pump.

Mr. Chairman, I agree with those who say "we cannot conserve our way out of this energy problem."

However, until we raise CAFE standards, we cannot honestly tell the American people this is a balanced energy plan.

It is absolutely imperative we are more efficient and make better use of God's precious resources.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this very sensible amendment and I commend my colleagues Mr. BOEHLERT and Mr. MARKEY for their persistence in pushing this issue forward year after year.

It shouldn't have to take years for Congress to act on improving fuel economy. With the average fuel economy of all new passenger vehicles at its lowest point since 1980 and with fuel consumption at its highest, there shouldn't be disagreement about the wisdom of improving CAFE standards.

Yet there is disagreement, and clearly we can't count on the Administration to make the right choice. The President's recent CAFE proposal for light trucks is actually less ambitious than voluntary measures announced earlier by General Motors and Ford.

And as much as I believe in the Administration's vision of a hydrogen future, I don't believe we should forgo making smart short-term choices. A recent study tells us that significantly increasing fuel economy standards now could save 25 times more oil than would be saved by waiting for fuel cell vehicles to become commercially available.

So Mr. Chairman, I believe we must abandon energy inefficiency and instead work to reduce U.S. dependence on foreign oil, cut back on air and carbon dioxide pollution, and save consumers money at the gas pump. The American people can benefit from improved CAFE standards.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Boehlert-Markey amendment.

I strongly believe that we need to increase CAFE standards and that our country needs to be heading towards more fuel efficient vehicles. I will support this amendment and I urge all members to support it as well.

However, since it is clear that this amendment lacks the votes in the House to pass, I am particularly disappointed that the Republican leadership did not permit me to offer an amendment I had offered at Subcommittee and Committee that would address our oil dependence in another way.

My amendment would have allowed us to keep faith with our American troops by beginning to address our nation's dependence on foreign oil.

My amendment would have directed the President to implement a plan to reduce U.S. demand for oil by 600,000 barrels per day. This is the average amount of oil we have imported every day from Iraq over the past five years. The President can rely on voluntary measures, regulations, or other means. The amendment does not provide any new authority for funding, but the President can come back to Congress to request that if he needs it. And the President need not meet the full target if he finds and certifies that there are no practical opportunities to further reduce the waste of oil.

In no way would my amendment have undone or precluded the many measures in this bill designed to boost domestic oil production. These measures include two separate federal grant programs for onshore and offshore production, as well as exemptions for oil and gas activities from the Safe Drinking Water Act and the Clean Water Act. And although I oppose it, the bill includes oil drilling in the Arctic National Wildlife Refuge, as well as numerous other provisions to encourage production on public lands.

Also, nothing in my amendment would have mandated or provided new authority for any increase in vehicle fuel economy standards.

Instead, my amendment would have attempted to eliminate the waste of oil in this country.

I'm not going to belabor statistics today. But there are three points I want to mention.

First, the United States holds 3 percent of the world's oil reserves, but we consume 25 percent of annual worldwide oil production.

Second, over the past five years, we have imported on average 600,000 barrels of oil per day from Saddam Hussein and Iraq.

This means that third, we have sent over $5 billion per year to Saddam Hussein and Iraq.

At least part of this money was used to purchase the weapons that are now firing at our troops.

I sought to offer my amendment because this legislative exercise is almost surreal. We are at war with Iraq, and millions of Americans believe that this war is about oil. We have a bill before us that reinforces this belief. In almost 400 pages, there is nothing that focuses on the easiest and most common-sense step we can take—eliminating the waste of oil in this country.

Now, let me be clear about what I would call for. By eliminating the waste of 600,000 barrels of oil per day, we're talking about a 2.5 percent reduction from projected demand. Let's think about how easy that would be to achieve.

For one thing, we could keep the tires on our vehicles properly inflated. This could save up to 200,000 barrels per day—one-third of the target. Upgrading air traffic management systems could save another 50,000 barrels a day, while reducing flight delays. Weatherizing homes heated with oil could save over 80,000 barrels/day. And perhaps each one of us could think about whether we really need to make that extra trip to the store. These are just a few of the many, many things we could do to reduce waste.

When Californians faced the energy crisis, the Governor called on them to reduce demand for electricity by 10 percent. They did it and averted further blackouts. I believe that if the President called on Americans to support our troops by using oil wisely, Americans would respond enthusiastically.

So I want to ask my colleagues, is this modest savings really beyond our ability to achieve? Are we really so beholden to the oil industry that we are actually in favor of wasting oil?

My amendment would have asked us to make the smallest of sacrifices. And this is at a time when we are asking 250,000 of our servicemen and women to give, potentially, the very greatest sacrifice of all. When I offered this amendment at subcommittee markup, no Americans had died in Iraq. Now, sadly, over 100 Americans have sacrificed their lives in this war.

I know that every person in this room wants to do his or her part to keep faith with our brave troops. Our part, and our obligation, is to make sure that no American has to risk his or her life fighting needlessly for foreign oil.

Unfortunately, we will not even have the opportunity to debate and vote on my amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of the Markey-Boehlert amendment, which saves oil by increasing fuel economy standards for autos and light trucks. This amendment requires the Department of Transportation to promulgate rules to ensure that the total amount of oil cars and light trucks will consume in the year 2010 will be 5 percent less than the total amount they would otherwise consume if the average fuel economy standards were to remain at 2004 levels. Raising the standard will ensure that such technology will lead to an improvement in the overall fleet rather than simply offsetting other less fuel efficient vehicles. Increasing the standard will reduce the amount of oil the nation must now import.

According to the National Resources Defense Council (NRDC), by simply increasing average fuel efficiency on cars, SUVs, and light trucks from 24 to 39 miles per gallon over the next decade, we would save 51 billion barrels of oil—more than 15 times the likely yield from the Arctic. Plus you get oil savings as you ramp up to the full 40 mpg. Instead of investing in renewable energy sources and raising CAFE standards, the Bush Administration continues to increase our dependency on oil and ruin our environment. The environmental policies of the administration are detrimental to our environment, present and future, and they must be reversed.

The National Academy of Sciences said in its 2001 Effectiveness and Impact of Corporate Average Fuel Economy Standards report that "General economic conditions, and especially the globalization of the automobile industry, seem to have been far more important than fuel economy regulations in determining the profitability and employment shares of the domestic automakers and their competitors." They also stated that "it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size and, therefore, without significantly affecting the safety of motor vehicle travel."

The technology is there and it is about time we utilize it. Our children are looking to us to leave them with a safe and healthy environment and we need to start taking actions to meet this goal. I urge my colleagues to support the Markey-Boehlert amendment.

The CHAIRMAN pro tempore. All time for debate on the amendment offered by the gentleman from New York (Mr. BOEHLERT) has expired.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

It is now in order to consider amendment No. 2 printed in House report 108-69.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DINGELL:

Strike title VI of Division A and insert the following:

TITLE VI—ELECTRIC ENERGY

SEC. 601. FRAUDULENT OR MANIPULATIVE PRACTICES.

(a) UNLAWFUL ACTS.—It shall be unlawful for any entity, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails to use or employ, in the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate in the public interest.

(b) APPLICATION OF FEDERAL POWER ACT TO THIS ACT.—The provisions of section 307 through 309 and 313 through 317 of the Federal Power Act shall apply to violations of section 101 of this Act in the same manner and to the same extent as such provisions apply to entities subject to Part II of the Federal Power Act.

SEC. 602. RULEMAKING ON EXEMPTIONS, WAIVERS, ETC. UNDER FEDERAL POWER ACT.

Part III of the Federal Power Act is amended by inserting the following new section after section 319 and by redesignating sections 320 and 321 as sections 321 and 322, respectively:

"SEC. 320. CRITERIA FOR CERTAIN EXEMPTIONS, WAIVERS, ETC.

"(a) RULE REQUIRED FOR CERTAIN WAIVERS, EXEMPTIONS, ETC.—Not later than 6 months after the enactment of this Act, the Commission shall promulgate a rule establishing specific criteria for providing an exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of sections 204, 301, 304, and 305 (including any prospective blanket order). Such criteria shall be sufficient to insure that any such action taken by the Commission will be consistent with the purposes of such requirements and will otherwise protect the public interest.

"(b) MORATORIUM ON CERTAIN WAIVERS, EXEMPTIONS, ETC.—After the date of enactment of this section, the Commission may not issue, adopt, order, approve, or promulgate any exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of section 204, 301, 304, or 305 (including any prospective blanket order) until after the rule promulgated under subsection (a) has taken effect.

"(c) PREVIOUS FERC ACTION.—The Commission shall undertake a review, by rule or order, of each exemption, waiver, or other reduced or abbreviated form of compliance described in subsection (a) that was taken before the date of enactment of this section. No such action may continue in force and effect after the date 18 months after the date of enactment of this section unless the Commission finds that such action complies with the rule under subsection (a).

"(d) EXEMPTION UNDER 204(f) NOT APPLICABLE.—For purposes of this section, in applying section 204, the provisions of section 204(f) shall not apply.".

SEC. 603. REPORTING REQUIREMENTS IN ELECTRIC POWER SALES AND TRANSMISSION.

(a) AUDIT TRAILS.—Section 304 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(c)(1) The Commission shall, by rule or order, require each person or other entity engaged in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce, and each broker, dealer, and power marketer involved in any such transmission or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.

"(2) Section 201(f) shall not limit the application of this subsection.".

(b) Natural Gas.—Section 8 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall, by rule or order, require each person or other entity engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and each broker, dealer, and power marketer involved in any such transportation or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.".

SEC. 604. TRANSPARENCY.

(a) Definition.—As used in this section the term "electric power or natural gas information processor" means any person engaged in the business of—

(1) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations.

The term does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be an electric power or natural gas information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3 of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3 of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(b) Prohibition.—No electric power or natural gas information processor may make use of the mails or any means or instrumentality of interstate commerce—

(1) to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for, or transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) to assist, participate in, or coordinate the distribution or publication of such information in contravention of such rules and regulations as the Federal Energy Regulatory Commission shall prescribe as necessary or appropriate in the public interest to

(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas;

(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, and the fairness and usefulness of the form and content of such information;

(C) assure that all such information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

(D) assure that, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the maintenance of fair and orderly markets, all persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is published or distributed by any electric power or natural gas information processor;

(E) assure that all electricity and natural gas electronic communication networks transmit and direct orders for the purchase and sale of electricity or natural gas in a manner consistent with the establishment and operation of an efficient, fair, and orderly market system for electricity and natural gas; and

(F) assure equal regulation of all markets involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas and all persons effecting transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(c) Related Commodities.—For purposes of this section, the phrase "purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas" includes the purchase or sale of any commodity (as defined in the Commodities Exchange Act) relating to any such purchase or sale if such commodity is excluded from regulation under the Commodities Exchange Act pursuant to section 2 of that Act.

(d) Prohibition.—No person who owns, controls, or is under the control or ownership of a public utility, a natural gas company, or a public utility holding company may own, control, or operate any electronic computer network or other mulilateral trading facility utilized to trade electricity or natural gas.

SEC. 605. PENALTIES.

(a) Criminal Penalties.—Section 316 of the Federal Power Act (16 U.S.C. 825o(c)) is amended as follows:

(1) By striking "$5,000" in subsection (a) and inserting "$5,000,000 for an individual and $25,000,000 for any other defendant"

(2) By striking "$500" in subsection (b) and inserting "$1,000,000".

(2) By striking subsection (c).

(b) Civil Penalties.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended as follows:

(1) By striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

(2) By striking "$10,000 for each day that such violation continues" and inserting "the greater of $1,000,000 or three times the profit made or gain or loss avoided by reason of such violation".

(3) By adding the following at the end thereof:

"(c) Authority of a Court To Prohibit Persons From Certain Activities.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

"(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

"(A) involves the purchase or sale of electricity, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

"(B) arises out of the conduct of the business of transmitting electric energy in interstate commerce or selling or purchasing electric energy at wholesale in interstate commerce;

"(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

"(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

"(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(4) Such entity has willfully violated any provision of this Act.

"(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

"(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

"(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

"(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

"(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

"(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.".

(c) NATURAL GAS ACT PENALTIES.—Section 21 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(c) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

"(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

"(A) involves the purchase or sale of natural gas, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

"(B) arises out of the conduct of the business of transmitting natural gas in interstate commerce, or the selling in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

"(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

"(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

"(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(4) Such entity has willfully violated any provision of this Act.

"(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

"(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

"(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

"(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

"(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

"(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

"(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

"(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

"(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.".

SEC. 606. REVIEW OF PUHCA EXEMPTIONS.

Not later than 12 months after the enactment of this Act the Securities and Exchange Commission shall review each exemption granted to any person under section 3(a) of the Public Utility Holding Company Act of 1935 and shall review the action of persons operating pursuant to a claim of exempt status under section 3 to determine if such exemptions and claims are consistent with the requirements of such section 3(a) and whether or not such exemptions or claims of exemption should continue in force and effect.

SEC. 607. REVIEW OF ACCOUNTING FOR CONTRACTS INVOLVED IN ENERGY TRADING.

Not later than 12 months after the enactment of this Act, the Financial Accounting Standards Board shall submit to the Congress a report of the results of its review of accounting for contracts in energy trading and risk management activities. The review and report shall include, among other issues, the use of mark-to-market accounting and when gains and losses should be recognized, with a view toward improving the transparency of energy trading activities for the benefit of investors, consumers, and the integrity of these markets.

SEC. 608. PROTECTION OF FERC REGULATED SUBSIDIARIES.

Section 205 of the Federal Power Act is amended by adding after subsection (f) the following new subsection:

"(g) RULES AND PROCEDURES TO PROTECT CONSUMERS OF PUBLIC UTILITIES.—Not later than 9 months after the date of enactment of this Act, the Commission shall adopt rules and procedures for the protection of electric consumers from self-dealing, interaffiliate abuse, and other harmful actions taken by persons owning or controlling public utilities. Such rules shall ensure that no asset of a public utility company shall be used as collateral for indebtedness incurred by the holding company of, and any affiliate of, such public utility company, and no public utility shall acquire or own any securities of the holding company or other affiliates of the holding company unless the Commission has determined that such acquisition or ownership is consistent with the public interest and the protection of consumers of such public utility.".

SEC. 609. REFUNDS UNDER THE FEDERAL POWER ACT.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: "In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission may establish an earlier refund effective date.".

(2) By striking the second and third sentences.

(3) By striking out "the refund effective date or by" and ", whichever is earlier," in the fifth sentence.

(4) In the seventh sentence by striking "through a date fifteen months after such refund effective date" and inserting "and prior to the conclusion of the proceeding" and by striking the proviso.

SEC. 610. ACCOUNTS AND REPORTS.

Section 318 of the Federal Power Act is amended by adding the following at the end thereof: "This section shall not apply to sections 301 and 304 of this Act.".

SEC. 611. MARKET-BASED RATES.

Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(g) For each public utility granted the authority by the Commission to sell electric energy at market-based rates, the Commission shall review the activities and characteristics of such utility not less frequently than annually to determine whether such rates are just and reasonable. Each such utility shall notify the Commission promptly of any change in the activities and characteristics relied upon by the Commission in granting such public utility the authority to sell electric energy at market-based rates. If the Commission finds that:

"(1) a rate charged by a public utility authorized to sell electric energy at market-based rates is unjust, unreasonable, unduly discriminatory or preferential,

"(2) the public utility has intentionally engaged in an activity that violates any other rule, tariff, or order of the Commission, or

"(3) any violation of section 101 of the Energy Markets Fraud Prevention and Consumer Protection Act of 2002,

the Commission shall issue an order immediately modifying or revoking the authority of that public utility to sell electric energy at market-based rates.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my substitute amendment replaces the electricity provisions of H.R. 6. My amendment is supported by all of labor, by all of consumer groups, by the public power industry, and by a host of other consumer and business organizations.

This is the first time that the House of Representatives has considered changes to the Nation's energy laws since the Energy Policy Act of 1992. Given the volatility and market manipulation that occurred in California and other West Coast markets during 2000 to 2001, and the real need for reform, I wish I could muster kinder words for this portion of the bill which the amendment changes.

Unfortunately, title VI underscores the continuing lack of consensus about the direction of the Nation's electric markets. In the rush to produce an electricity title, a strange, hybrid, amphibian monster has come forth. It has produced something which has neither competition nor market reform and, indeed, there is no mention of the word "competition" anywhere in the bill. Instead, title VI combines elements of industry deregulation with provisions favoring special interests. Sadly, neither of these has much to do with protecting consumers or investors in this critical industry.

Among its deficiencies, title VI repeals the Public Utility Holding Company Act of 1935. It ties Federal regulators' hands in reviewing unjust and unreasonable electricity contracts. It codifies into permanent law a patchwork of different transmission regimes, placing some lines under Federal jurisdiction and others under State jurisdiction. While the utility may tell us that this last provision takes care of things, do not believe it, because it is going to make a fine controversy, which will continue to plague us.

Just as important, the bill lacks fundamental reforms needed to prevent recurrence of the abuses which the Federal Energy Regulatory Commission uncovered at its recent western markets investigation, and proposes only limited and superficial market reforms.

It is both because of what the title does and what it does not do that I am offering this substitute amendment. My amendment takes a different tack, setting aside deregulation proposals like PUHCA repeal; and instead, provides for a number of common-sense reforms. By curbing fraud and manipulation, which is not done under the committee bill, my amendment will protect consumers and reassure Wall Street and small investors that the industry is again stable.

This amendment gives FERC broad authority to take action against fraud in both electricity and natural gas markets. The Commission's report recently found that some of the abuses in western markets during 2000 and 2001 were not even illegal. This bill would correct that.

The amendment also gives FERC the necessary tools in the form of audit trail authority and robust transparency requirements to detect and deter manipulation.

One disturbing aspect of the Enron scandal was the timing of the Securities and Exchange Commission's decision this year to revoke Enron's "exempt" status under PUHCA, under which they have committed all manner of outrage on consumers and investors alike.

My amendment would also reform FERC's market-based energy rate policy and permit refunds for electricity overcharges from the date it began, not just from the date upon which they were filed with the FERC.

□ 1700

Finally, the substitute amendment increases civil and criminal penalties to the level of the Sarbanes-Oxley legislation enacted in the 107th Congress.

If my colleagues wish to vote for reform, this is the proposal. It is not one which is sought by the special interests; but it is one which is sought by consumers, investors, and others.

I urge my colleagues to vote for protection of consumers and investors and against future Enrons. In short, vote for the Dingell substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, let me first applaud the intent of my friend, the gentleman from Michigan (Mr. DINGELL), in terms of trying to benefit consumers and prevent market manipulation. But if that is the intent, then I am afraid his amendment goes exactly the wrong direction. Here is why:

The issue is not whether FERC currently has the authority to deal with fraud, manipulation, and deception, or whether FERC is even using that authority. Clearly, the FERC has the authority and is using it now aggressively to crack down on market abuses.

The Federal Power Act requires FERC to ensure that all rates, terms, and conditions for wholesale power sales and for transmission services are in fact "just and reasonable and not unduly discriminatory." This empowers the FERC to prohibit fraud, manipulation, deception, other anticompetitive conduct that distorts the market or harms consumers.

I have heard a number of my Democratic colleagues cite the manipulative practices FERC has identified in the Western markets. I am aware of that; but that is only half the story. What has been overlooked is the fact that FERC has identified these things in the context of taking strong enforcement actions against them. FERC has found, for example, many of the practices to be unjust and unreasonable and is taking action.

A recent commission staff report identifies the following, among others. Let me list them: fraud, manipulation, deception, attempted manipulation, gaming, wash trades, withholding, price distortion, inflated pricing and bidding, violation of tariff antigaming provisions, market abuse, unjust enrichment, misreporting prices, providing false or misleading information, taking unfair advantage of market rules, and anomalous market behavior.

Not one of these anticompetitive practices is just and reasonable or beyond the FERC's authority to act right now. That is why FERC is taking action right now against them.

The issue is not whether H.R. 6 does enough to update the FERC's existing authorities. It does. The electricity title of H.R. 6 enhances and modernizes FERC's penalty and enforcement powers in specific ways that FERC itself has requested.

FERC Chairman Pat Wood has testified that he needs market transparency authority and increased civil and criminal penalties for violation of the Federal Power Act's own rules and regulations.

The bill does both of these things and more: it adds transparency for both electricity and gas, and it dramatically increases the criminal and civil penalties. It makes needed adjustments in FERC's refund and investigative authorities.

But H.R. 6 does not stop with penalties and enforcement; the Dingell amendment does. The Dingell substitute strikes the entire electricity title.

So we should ask ourselves, what does the Dingell substitute do to promote investment in critical infrastructure or to increase our electric supply? The answer is zero.

What does it do to protect system reliability, which is essential for all customers? The answer again is zero. Or to promote new technologies for greater efficiency? Zero. Or to protect consumer privacy and prevent slamming and cramming of retail customers? Zero.

That is the electricity title the Dingell amendment would strip. That is the problem: it does nothing but impose a cumbersome new regulatory framework on top of FERC's already existing broad authorities under the Federal Power Act.

It is not clear how this new SEC-style framework would work in conjunction with the "just and reasonable" standard of the current law, nor is it clear how broadly this new framework would apply. It applies in the Dingell amendment to every entity.

Let me tell Members what I think that means. I think it means that it applies equally to every rural co-op, every municipal utility, and every Federal utility. So those concerned about rural co-ops, Federals, and munis, they ought to know this. When the Dingell amendment talks about any entity, it covers all of these entities.

Our bill, on the other hand, covers these entities in very limited, carefully defined ways, in open access, in refund authority. We exempt the smaller co-ops and munis under 4 million megawatts.

I find it very troubling, on the other hand, the Dingell substitute would inject FERC regulatory authority completely over these, possibly as FERC would interpret it, over all the co-ops and munis.

The electricity title of H.R. 6 goes to the heart of the matter. Without adequate investment in transmission and a diverse, reliable supply of electricity, the result would be a chronic failure of the Nation's electricity market and higher prices for consumers. Regulatory overkill is not the answer.

Enforcement, yes, is very important. Our electricity title addresses that. But the key to protecting consumers is to improve the operation of the competitive wholesale electricity markets and eliminate the transmission congestion and other factors that have allowed the manipulation to occur in the first place.

According to a 2002 Department of Energy study, competition in wholesale electricity markets reduces consumers' electricity bills by nearly $13 billion annually. It is time now not to turn our backs on the wholesale competition; we have to look ahead.

Mr. Chairman, I hope we defeat this Dingell amendment which would strip out the incredibly good electricity title of this bill and simply add SEC overregulatory burdens on a FERC that is absolutely empowered and can do its job today.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the majority is proposing the biggest change to our Nation's electricity laws since the 1930s. Unfortunately, they do this while ignoring the corporate abuses that we have seen over the last few years.

Let me tell the Members, those of us from California have seen these abuses in a major way. By some accounts, California has lost $40 billion due to energy company manipulation and FERC inaction, and the State will never likely be made whole.

Deregulating the energy companies further when they have acted so irresponsibly in the past makes little sense to those of us in the West, and it is something the rest of the country ought not to invite upon their ratepayers. A national energy bill should ensure that what happened in California never happens again. This bill makes it more likely.

The energy companies argue that what happened in California and other States was simply an insufficient supply combined with a bad State law. Well, it was a bad State law, but they are not telling us the whole picture. We now have proof that companies intentionally mapped the electricity markets to increase prices.

The remedy for corporate fraud is vigorous government supervision. Lax regulation, which this bill would provide, can lead to rampant price-gouging, as California experienced during its crisis. But this bill moves towards deregulating the energy industry and does so without adding needed protections.

The substitute offered by my colleague and friend, the gentleman from Michigan (Mr. DINGELL), contains what is necessary to address the corporate abuses that have so harmed the Nation. This substitute will make it unlawful to engage in the types of fraudulent, manipulative, or deceptive acts that have hurt Western families. Then it gets tough on crime by upping the criminal and civil penalties and providing treble damages.

Unlike the bill before us, these penalties will actually make it uneconomic for energy companies to manipulate the market in order to gouge consumers. The substitute will also require the Federal Energy Regulatory Commission to carefully review market-based rates annually to ensure that they are just and reasonable.

The gentleman from Louisiana (Mr. TAUZIN) said if Members are worried about all these other parts of the energy industry being regulated, they ought to oppose the Dingell amendment. What he does not point out is that only if they are committing fraud will they be covered under the Dingell amendment. We should support that.

Mr. Chairman, we should make it unprofitable to engage in the kind of fraud and manipulation of the markets that we have seen in California. Without the Dingell substitute, the bill before us invites more price-gouging, more deceptive practices, more fraud.

I urge support for the Dingell amendment.

Mr. TAUZIN. Mr. Chairman, I am honored to yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, first I think we should point out that the Committee on Rules made in order the Dingell amendment as a substitute, as a substitute for the electricity title. We should commend our chairman on the Committee on Rules for doing that.

Having said that, this is not a substitute; this is an expansion of Federal authority over natural gas and electricity generators and transmitters anywhere in this country, regardless of their size, if it is deemed that they have directly or indirectly used any means that would employ any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate, any entity.

Now, the electricity title in the bill has bent over backwards to develop a compromise that protects States, protects small co-ops, protects small municipalities against FERC jurisdiction. The Dingell substitute right off the bat says "any entity."

It then goes further. Not only the FERC, but Federal courts, can prevent these entities from distributing or transmitting or generating electricity or natural gas.

Then it goes even further and says a foreign court, a foreign court, on page 11, I believe of the Dingell substitute, a foreign court: "such entity has been convicted of any felony or misdemeanor," misdemeanor, "or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds."

I do not understand that. But if we read that literally, a U.S. energy supplier that tried to sell electricity in Iraq and was convicted in a Saddam Hussein court could be prohibited in the United States of America from transmitting or generating electricity or natural gas.

The Dingell substitute is silent on reliability. The Dingell substitute is silent on siting. The Dingell substitute is silent on the ability to create new grids around this country. It says nothing about RTO, Regional Transmission Organization policy.

It is not a substitute; it is an attempt to be punitive towards any entity in this country that is engaged in the generation and transmission of electricity or natural gas. It may be well intentioned, but it is totally misguided. I hope we will reject it out of hand.

Mr. BOUCHER. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I have in my hand a letter from the National Rural Electric Cooperative Association. It will be useful information for my friends, the chairman of the subcommittee and the chairman of the committee.

It says,

> Dear Representative DINGELL:
>
> Electric cooperatives do not endorse the electricity title of H.R. 6. We have serious problems with the repeal of Public Utilities Holding Company Act (PUHCA), and with incentive rates and participant funded transmission.
>
> H.R. 6 expands Federal Energy Regulatory Commission jurisdiction over electric cooperatives' transmission through the so-called "FERC Lite" provision. The Dingell amendment is more narrowly crafted and related to fraudulent, manipulative or deceptive practices.

For the information of my good friends on the other side of the aisle, the public power folks support our amendment, not the committee bill.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

I notice that the letter does not say they support the Dingell amendment; it just says it is narrowly crafted.

That is correct; It is narrowly crafted. It strips out the improvements and reforms in electricity.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, it is in our national interest to expand the grid.

If Members want to end market manipulation, oppose the Dingell amendment and expand the grid. If they want to protect critical infrastructure, expand the grid and oppose this amendment. If Members want to lower prices for consumers, oppose this amendment and help us expand the grid. If Members want to create jobs in America today, they have to oppose the Dingell amendment because we have to expand the grid.

Expanding the grid is in the critical national interests of our Nation. I cannot believe that we would have an amendment, when we have energy security issues, and we would not work to expand the transmission grid in this country.

Mr. BOUCHER. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. BOUCHER. Mr. Chairman, I urge the adoption of the amendment of the gentleman from Michigan (Mr. DINGELL), which makes the changes that truly need to be made in the laws governing the electricity markets.

I commend the gentleman from Michigan (Mr. DINGELL) for his approach. His amendment is directed to the heart of today's problem, which is market manipulation and fraudulent conduct.

The amendment assures appropriate recordkeeping in electronic form of wholesale market transactions. It increases penalties for misconduct. It substantially improves the ability of the Federal Energy Regulatory Commission to monitor the gas and electricity markets and to act against those who engage in fraudulent and manipulative conduct.

Around these principles, broad agreement can be achieved. I urge the adoption of these provisions now. The other electricity provisions, which are contained in the committee's comprehensive bill, can and should be considered separately and at a later time.

□ 1715

The consensus to approve these broader measures has simply not been reached. And so, for today, I urge adoption of the Dingell amendment and deferring to a later time the other fundamental and controversial electricity market measures that are contained in the committee bill.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Nebraska (Mr. TERRY), a member of our committee.

Mr. TERRY. Mr. Chairman, I appreciate the gentleman yielding me time.

When I heard our ranking member, the gentleman from Michigan (Mr. DINGELL) talk about our rural co-ops, first of all, I heard from him a great deal when we passed this 2 years ago; but I have not heard from him, so it came as a surprise to me. But also I have in my hand a letter from the North American Electric Reliability Council, or NERC. Let me read a portion of that letter.

They, NERC, stand in strong opposition to the Dingell amendment which would strike several provisions. Because of several reasons that they state in this letter, they urge support for the electricity title of H.R. 6 and oppose the Dingell amendment.

Mr. Chairman, this is an important provision to support the bill, H.R. 6, as it stands; and I just want to give a quick story about a company that used to be located in Omaha called Enron.

Enron was originally an Omaha company, and they defied and lied to everybody and then left town. But it is amazing when they defrauded their shareholders and consumers, what happened when that company was dissolved, a company called MidAmerica Energy was able to buy back the northern natural gas component of that. They were able to because PUHCA was not involved in the natural gas part of it, and they could buy it and bring those jobs back to Omaha. The same company, that would like to build power plants around, cannot because of PUHCA.

If we want to resolve this Nation's energy crisis, Mr. Chairman, we need to adopt the provisions in H.R. 6 and vote against the Dingell amendment.

Mr. Chairman, the letter from the North American Electric Reliability Council is as follows:

NORTH AMERICAN ELECTRIC
RELIABILITY COUNCIL,
Princeton, NJ, April 10, 2003.

Hon. W.J. TAUZIN,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: On behalf of the North American Electric Reliability Council (NERC), I would like to express NERC's strong support for the reliability provisions in the electricity title of H.R. 6, and our strong opposition to the Dingell amendment, which would strike these provisions.

As you well know, the bulk power system is increasingly stressed. Today, there are no mandatory reliability rules enforceable against all users and operators of the bulk power grid. The reliability provisions in the electricity title of H.R. 6 would correct this situation. It is critical that this legislation be enacted as soon as possible to help ensure the reliability and security of the North American bulk power system. For this reason, we urge support for the electricity title of H.R. 6 and oppose the Dingell amendment to strike the reliability language from H.R. 6.

Sincerely,

MICHEHL R. GENT,
President and CEO.

Mr. BOUCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, in our committee, we had a huge, successful string of hearings dealing with the Enron crisis and the aftermath of that set of scandals which rippled through the entire electricity and natural gas marketplace.

The Federal Energy Regulatory Commission, responding to our inquiries with regard to what they needed in order to deal with that crisis, said that there are seven deadly sins in this marketplace. Enron called them things like, Ricochet, Fat Boy, Death Star, Wheel Out, Get Shorty. The Federal Energy Regulatory Commission called them the seven deadly sins of Enron. And the seventh one, Round Tripping.

This legislation only bans one of the seven deadly sins of Enron, Round Tripping. That would be like saying, well, we are outlawing sloth, but we are not going to do anything about pride, envy, gluttony, greed, lust, we will let them all stay on the books.

So what the Dingell language does is say that we give antifraud authority to the Federal Energy Regulatory Commission so they can go against each and every one of the seven deadly sins of Enron and all of those other companies that were engaging in systematic defrauding of American consumers and competitors of those companies across our country.

And, in addition, the Dingell language dramatically increases the penalties that the Federal Energy Regulatory Commission can impose upon these companies so that when they get caught, the punishment fits the crime.

The Dingell language mandates that electronic trails of all these documentations have to be kept. They cannot just put it on a piece of paper, written in pencil. That makes it almost impossible to reconstruct the trail of what they were doing in their efforts to defraud the American consumer and the other companies across the country, an electronic trail like we have at the Securities and Exchange Commission, or at the CFTC, at other trading entities for equity and futures and options all around the world, everywhere but in the electricity and natural gas on-line trading marketplace. There we are still using pencil and paper like it was the 1980s, ancient history in trading in the world, and we want to bring it forward.

The Dingell amendment does that, so that when they commit the crime, we will be able to identify it, the FERC will be able to trail it, stop it, and then the punishment under the Dingell amendment will fit what they did to the American consumer and public. I urge an "aye" vote.

Mr. Chairman, I rise in support of the Dingell substitute and ask unanimous consent to revise and extend my remarks.

If you are concerned at all about the threat of fraud and manipulation in electricity markets, you should vote for the Dingell Democratic substitute.

The Dingell substitute would add a basic antifraud provision to the Federal Power Act, giving the FERC the tools needed to bring enforcement actions using this antifraud authority, and impose tough civil and criminal penalties on those who violate the antifraud or other provisions of the Federal Power Act.

The first part of the amendment is a basic antifraud provision that uses language identical to that of the antifraud provisions of the Federal securities laws, which have been in place for the last 65 years. It creates a general antifraud prohibition intended to be broad in application, making it unlawful for any entity, directly or indirectly, by use of any means or instrumentality of interstate commerce, to use or employ any fraudulent, manipulative, or deceptive device or contrivance in connection with the purchase or sale of electricity or natural gas in contravention of such rules and regulations as the FERC shall prescribe.

In the Energy and Commerce Committee, we've heard testimony from the FERC about what Chairman Pat Wood referred to as the "Seven Deadly Sins" of Enron's market manipulations—trading practices known as "Price Manipulation-Load Shift," "Export of California Power Richochet" or "Megawatt Laundering," "Fat Boy or Incing Load", "Non-Firm Exports, "Death Star," Wheel Out," "Get Shorty," and "Selling Non-Firm Energy as Firm Energy."

But the bill before us today prohibits only one of the Seven Deadly sins—Roundtripping.

That's like saying that we're outlawing sloth, but we're not going to do anything about pride, envy, gluttony, anger, greed, or lust!

The Dingell substitute would fix that. We shouldn't just be outlawing one of Enron's Seven Deadly Sins, we should be addressing them all.

FERC should not always have to fall back on its "Just and Reasonable" rate authority when it is confronted with fraudulent activities, and there should be a higher penalty available to FERC when a fraud or manipulation has occurred than merely ordering a refund of excessive charges. That is why this amendment is needed.

In addition, the substitute amendment gives the FERC the power to direct the establishment of electronic audit trails which are a fundamental feature of securities and commodities markets. By requiring market participants to make and keep time-stamped trading records in electronic form and to periodically provide them to the regulator, audit trails give FERC the ability to conduct market surveillance and to investigate suspicious and possibly fraudulent or manipulative trading activities. Such audit trails have been in place for many years in our stock and bond markets, and in our nation's futures markets.

The amendment also strengthens the civil and criminal penalties for violations of the Federal Power Act. The current penalties are absurdly low—$5,000—which is chump change for one of these huge companies. The bill increases these penalties to up to $1 million. That's an improvement, but it is not good enough. What we've done in the substitute is to increase the criminal penalties up to the levels the House Republicans pressed for when they added the Sensenbrenner amendment to the recently enacted Sarbanes-Oxley bill—up to $5 million for individuals and $25 million for companies. In addition, the penalties section also enhances the ability of the court to censure or place limitations on the activities of individuals found to have engaged in serious violations enumerated in the provision. This is drawn directly from section 15 of the Securities Exchange Act, and has been an important enforcement tool for the SEC for many, many years.

If we have learned anything over the course of the 3 years following the Enron scandal, and the subsequent revelations of widespread fraud and market manipulation in the Western electricity markets, it is that the perfect markets assumed by free market ideologues differ from the real markets observed by consumers.

In fact, the FERC staff has now issued two huge reports on their investigations into the Western electricity markets. What they found was a market that was rigged, transparency systems that could be gamed, and electricity and gas prices that were unjust and unreasonable.

But, the FERC staff report also shows the problem that FERC has from a regulatory and enforcement perspective is that the limitations of current law force it to go after fraudulent companies or rigged electricity markets by prosecuting for filing violations, or commencing rate-making proceedings, when the real heart of the issue is fraud. The House Majority proposal responds to these findings only half-heartedly with a proposal so narrowly circumscribed as to miss most of the Enron-style shenanigans.

Chairman Wood expressed support for the antifraud provisions of the Dingell substitute when I offered them as an amendment and he and his staff have suggested changes to these sections that have been incorporated into the amendment the gentleman from Michigan is offering today. So if you are against fraud in our nation's market, if you want FERC to be able to take action against those who would manipulate these markets at the expense of consumers, you need to vote for the Dingell amendment today.

I urge adoption of the amendment.

Mr. TAUZIN. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Louisiana (Mr. TAUZIN) has 4½ minutes remaining. The gentleman from Virginia (Mr. BOUCHER) has 4 minutes remaining.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. PICKERING), a member of the Committee on Energy and Commerce.

Mr. PICKERING. Mr. Chairman, I rise in opposition to the Dingell substitute.

First, H.R. 6 appropriately targets and creates, effectively, authority and punishment for those who engage in fraud and manipulation. We have already seen the FERC act aggressively to enforce any type of misconduct by those companies such as Enron in market manipulation and fraud. Just as we responded to other corporate scandals, we have in this act and in the FERC appropriated authority and action to punish wrong-doers. But what we do not want to do is to needlessly expand FERC authority to rural co-ops and communities, to give courts sweeping authority that is unnecessary, unwarranted and unwise and the way that we can target wrongdoing effectively, while not creating new bureaucracy and new sweeping court authority.

For that reason, for the rural co-ops and for the others that do not need to be necessarily targeted by the FERC jurisdiction, I oppose the Dingell substitution.

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise in proud support of the Dingell substitute, and I am especially supportive of the provision in the substitute that would prohibit fraudulent, manipulative, and deceptive acts in electric and natural gas markets.

These provisions will help prevent electricity problems like those that occurred in the great State of California, where it is clear that energy companies used fraudulent and deceptive plans to inflate the market. And although our energy costs in the State of California are approximately $6 billion annually, price gouging caused that amount to skyrocket to $44 billion in 2000 and 2001. How absurd.

Let me state that people in California are paying the price. Many of our small businesses in the districts that we represent have gone bankrupt. In fact, our consumers were faced with electricity costs that rose up 300 percent in 4 short years. Today, consumers are still waiting for refunds and rebates and payments that they made as a result of the price gouging.

I would ask Members to please support this substitute amendment. It does the right thing for Californians, and it sets a course for the country.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I first wanted to thank the committee chairman and the subcommittee chairman for working closely with me and the people I represent in a very rural part of Oregon to carefully craft this to take care of some very important needs of our rural electric co-ops, our munis and others.

The thing that concerns me is, if we go into conference with this title completely gone, then we have lost some of the guarantee that you and I have worked out to take care of some of the issues in the Northwest, and that is of deep concern.

The other thing is being a Westerner, I watched what happened in that market out there. And, yes, I am against fraud and I am against manipulation and all of that. I think our version of this bill brings out a pretty heavy sledgehammer. We do not need to bring out the MOAB and destroy the whole market.

I think what we can do here is, we are directing FERC carefully in what to do and giving them the guidance that they need to stop the manipulation and the round tripping in the market. And I believe what we are doing makes a lot of sense.

Mr. Chairman, I support the gentleman's version of this legislation, and I urge opposition to the Dingell amendment.

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of this proconsumer substitute offered by the distinguished ranking member. This important amendment will help protect consumers from price gouging, collusion, blackouts, and anticompetitive practices in the electric energy market.

This amendment preserves PUHCA, the Public Utility Holding Company. For the past 7 decades, PUHCA has helped prevent electric energy companies from ripping off consumers by manipulating the market. This is very important because energy is not just another commodity; it is a necessity, like food and shelter. Consumers need to be protected from unfair business practices.

This amendment enhances FERC's antifraud authority, requires FERC to ensure that consumers are not charged exorbitant rates due to market manipulation. When they are overcharged, this amendment would guarantee a chance to recover meaningful refunds.

This amendment is supported by all of the major consumer organizations. Do not turn your back on your constituents. Vote for the Dingell amendment. It is a vote for consumers, not energy executives.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Telecom Gulch, California (Mr. ISSA), a distinguished member of our committee.

Mr. ISSA. Mr. Chairman, I have listened carefully to the statements of the supporters of this amendment and I apologize for having to say that I have never seen more profoundly misguided statements.

As a Californian, I am acutely aware of how we got into problems in California, how this bill, at least partially will get us out, and how the substitution would do nothing but leave us with the problem we are in.

There is no question, California's problems came from misguided laws that led to market manipulation, no question at all, companies took advantage of it. But also the Los Angeles Department of Water and Power took advantage of it, and at least this law as it is written will cause some control over that public power. Right now, we cannot get a penny back from the manipulation that went on with public power.

Additionally, there is no question in my mind that California will continue to have problems unless we have a functional transmission system. Today, we do not. Without the kind of reforms that this provides, we will not have it. Please vote down the substitution.

Mr. BOUCHER. Mr. Chairman, we have one additional speaker. I would like to ask the gentleman from Louisiana (Mr. TAUZIN) if he is prepared to close or if he has other speakers.

Mr. TAUZIN. Mr. Chairman, I have one additional speaker who will close, so I would ask the gentleman to use his time.

Mr. BOUCHER. Mr. Chairman, I yield the balance of our time to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, with all respect for all of my colleagues, there are certain things that are very simple and very clear here.

The bill before us does not address the problem. It repeals PUHCA. It eliminates the merger protections. It has virtually no protections in it against fraud. It raises the bar significantly for FERC to modify contracts. And it fixes it so that you cannot get speedy refunds going back to the date that the wrongdoing occurred.

Now, what does the substitute do? It gives FERC broad antifraud authority in every part. And I would note that it is supported by both the public power people and by the co-ops. It directs FERC to establish audit trails that do other things, including requiring transparency of transactions and rate-making so as to more easily detect and deter wrongdoing.

□ 1730

It requires the SEC to review existing PUHCA exemptions to prevent future Enrons from obscuring its actions, and I would note that SEC and FERC have pointed out the huge number of improprieties associated with Enron.

It increases civil and criminal penalties, and it reforms FERC's authority to permit refunds of unjust and unreasonable market-based rates back to the date that they began.

If my colleagues represent any place West of the Continental Divide in the United States, they should support the amendment because the amendment is crafted to address the problems which we found in the different reviews which took place of the misbehavior of Enron and others in the electrical utility industry. I would note that the abuses there cost consumers billions, not millions, billions of dollars, and in almost every State West of the crest line of the Rocky Mountains, including California but also including Nevada and Utah and Washington and Oregon.

If my colleagues want to stop fraud, if they want to stop wrongdoing, if they want to protect consumers, if they want to protect the American investing public, if they want an honest rate-making system, vote for the amendment.

Mr. TAUZIN. Mr. Chairman, I yield the remaining time to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and the author of the electricity title, which would get stripped by the Dingell amendment. He will close on this dastardly amendment by the gentleman from Michigan (Mr. DINGELL).

Mr. BARTON of Texas. Mr. Chairman, the electricity title before us in the bill has 10 titles.

It has a title on transmission capacity. The Dingell substitute is silent.

It has a title on transmission operation. The Dingell substitute is silent.

It has a title on reliability. The Dingell substitute is silent.

It has a title on PUHCA. The gentleman from Michigan (Mr. DINGELL) does refer to PUHCA.

It has a title on PURPA. The Dingell substitute is silent.

It has a title on renewable energy. The Dingell substitute is silent. Renewable energy includes net metering, renewable energy production. The Dingell substitute is silent.

It has a title on market transparency, round trip trading prohibition and enforcement. The gentleman from Michigan (Mr. DINGELL) does address market transparency and enforcement.

It has a title on consumer protection. The Dingell substitute is silent.

It has a title on merger review and reform and accountability. The Dingell substitute is silent.

It has a title on economic dispatch. The Dingell substitute is silent.

Mr. Chairman, the Dingell substitute is not a substitute. It may be well intentioned where it does address, but out of 10 titles, it addresses 1½ titles of the electricity title. We should reject it and adopt the compromise bipartisan electricity title that has been worked out over the last 4 years in subcommittee and full committee, and I would hope that we would reject the Dingell substitute.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to express concerns about provisions in Title 6 of H.R. 6 that I believe could have adverse consequences for rural electric cooperatives. Rural coops are critical to rural America.

I am concerned that H.R. 6, as it currently stands, could subject rural cooperatives to overly burdensome Federal regulations and add additional costs. Further, I believe we must build in sufficient guarantees to prevent market power abuses.

Having said that, I believe the Dingell substitute also goes too far in extending the reach of the Federal Energy Regulatory Commission (FERC) over rural coops and does not go far enough in addressing important issues like reliability and privacy protection that face our consumers today. For that reason, I will oppose the Dingell substitute.

Fortunately, this is the beginning rather than the end of the process. I strongly encourage Chairman BARTON and Chairman TAUZIN to change H.R. 6 in conference so electricity is made more affordable and reliable without harming the rural cooperatives that are the backbone of America's electric delivery system.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). All time on the amendment offered by the gentleman from Michigan (Mr. DINGELL) has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BOUCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. DINGELL) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108-69.

AMENDMENT NO. 3 OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. WILSON of New Mexico:

In division C, in section 30407(a), strike "and" after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert "; and", and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

The amendment that we are considering places limits on oil exploration in the Alaska National Wildlife Refuge. I believe that it is possible to have a balanced, long-term energy plan for this country that includes both exploration for the energy we need and protection of the land that we love.

Mr. Chairman, in the course of the debate on these issues on what we should do with respect to Alaska, we kind of made a promise. The people who want to explore for oil in Alaska have said that they think it is possible to do this with no more than 2,000 acres of total surface disturbance. What this amendment does is take them at their word because all of us know that sometimes here in Washington people say things and then later on those promises are not kept. So we are going to write the promise into the law.

This amendment was approved in the comprehensive energy bill that was passed by this House in the last Congress, and it was approved in the amendment in exactly the same form as we are hearing it still today.

What is 2,000 acres? What are we really talking about here? Two thousand acres is about three square miles. It is a tiny part of the coastal plain of ANWR. To make this kind of real, I kind of think of it this way: if all of Alaska were a 2-hour movie, then ANWR, this section here, would be about 6 minutes and 24 seconds. The coastal plain area would be about 30 seconds and 2,000 acres would be the blink of an eye.

In order to explore for oil and reduce our dependence on foreign oil, I think it is possible to have this balance that allows surface disturbance in the blink of an eye. This bill requires that we use the best available technology. It favors things like ice roads rather than gravel roads, and by 2,000 total acres of surface disturbance, that includes everything: roads, pylons, pipelines, support structures, airfields, whatever it is. It is limited to no more than 2,000 acres.

I live in the most beautiful State in the Nation, and I know some people in this room would disagree with that, but the Land of Enchantment is the third largest supplier of natural gas to this country and number six in oil production. We have some of the Nation's largest coal and uranium reserves. It is possible to explore for energy and to protect the land that we love. This amendment writes that into law.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) claim the time in opposition?

Mr. MARKEY. Mr. Chairman, yes, I would like to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman is recognized for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from the State of Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong opposition to the amendment.

We are talking here about a very small area, the coastal plain area; and as we can see, there is a lot of area, a huge area already available for leasing for oil and gas drilling. Most of that has not been explored.

I oppose the amendment because I believe this coastal plain ought to be preserved and protected against oil and gas drilling. The Reagan administration called that little coastal plain the biological heart of the refuge. Indeed, the best ecosystem at this temperature in this whole hemisphere exists on coastal plain. It is a remarkable area. But look what 2,000 acres of drilling does because that is what this amendment does; it restricts drilling to 2,000 acres.

Two thousand acres would allow eight Alpine-type fields, 19 satellite fields, 26 satellite fields of another type, two docks, so on and so forth. My colleagues, you can see how once we site those various fields and the roads and waterways and pipelines that have to connect them and the support system for all the people, we do make a huge impact on the coastal plain, and it will no longer be the pristine coastal plain it is today. That kind of impact will change the environment quite dramatically.

Second point, this is not an area rich in water. In fact, the U.S. Fish and Wildlife study describes this whole ANWR as a technically dry area, with less than 5 inches of precipitation each year. In addition, the coastal plain has few lakes. They are shallow and unevenly distributed.

One has to get water to build ice roads, and because the lakes are unevenly distributed and shallow, drilling pads would have to be sited all across the region due to the distribution of the water resources. Because the lakes are shallow, if the necessary amount of liquid is taken out from under the ice cap during the winter, and with five inches of precipitation annually, the lakes will not be able to refill to a healthy level.

So one of the reasons drilling will be so environmentally devastating to this coastal plain is because it will destroy the water resources of the region and make them unable to support the ecosystem, that system so unique to this area, so valuable to our hemisphere, and such a remarkable natural resource that it deserves continued preservation.

Mrs. WILSON of New Mexico. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources.

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding me the time.

The entire area of the north slope of Alaska is nearly 100 million acres. It is nearly the size of California. Arctic National Wildlife Refuge is nearly 20 million acres. What this amendment does, I think, is responsibly goes in and narrows the scope of what we are looking at in the underlying bill by setting aside 2,000 acres.

The gentlewoman who just had the map down on the floor showed a map of it spread out, the 2,000 acres spread out, and I think it is quite amusing that it shows 28 airports on her map over that 2,000 acres.

I will just say that I support the gentlewoman's amendment. I think this is a responsible way of dealing with oil exploration in the north slope of Alaska along the coastal plain. I think this is a responsible way of looking at our future in dealing with today's demands.

I support the amendment, and I urge my colleagues to vote "yes" on the amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, when is 2,000 acres, not 2,000 acres? Well, it is when we are talking about the Wilson amendment. This amendment does not mandate that the 2,000 acres be contiguous or that we count roads necessary for production or the gravel mines necessary to build the roads and the pipelines necessary to move oil to market. It would only count when their support posts touch the ground. This is accounting that would make Arthur Andersen very proud.

I have a poster which shows my colleagues what proponents of this amendment want us to believe will happen in the Arctic refuge. Here is the red dot placed randomly on the 1002 area of the Arctic refuge, what we are all debating about. The dot is intended to mislead us into believing that its impact on the refuge would be very small. None of us, of course, knows exactly what the industry would do if we let them loose in the refuge because drilling and producing oil is a messy, inexact, unpredictable business. One thing we know for sure is that it would not look like a nice, neat, red dot on a white background.

The overlay is much more realistic in terms of what we can expect. This is taken from a 1987 environmental impact statement of the Department of the Interior, the same environmental impact statement the underlying bill says is good enough for starting a leasing program.

As we can see, it is not a red dot. It represents impacts estimated by the Department of the Interior spreading over 130,000 acres to 303,000 acres, one-fifth of the entire 1002 area, not a 2,000-acre dot.

This shows the pipelines needed to get the oil out of the refuge, the feeder lines to the wellheads and the impact area around the facilities.

The surface area is extensive and stretches across the entire refuge.

□ 1745

It shows oil extraction the way it appears when it is a serious mineral extraction exercise.

Now, just so the listening audience can have an idea as to how much 2,000 acres is, the entire New Jersey Turnpike, 12 lanes, going 100 miles through the entire State of New Jersey, is 1,800 acres. The entire New Jersey Turnpike. Put the entire New Jersey Turnpike, 12 lanes, across 100 miles of this Arctic Refuge. That will give my colleagues an idea of what 2,000 acres looks like. And lest anyone believe that is still a pristine area, they do not understand that oil and pristine wilderness do not go together.

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Massachusetts is clever and creative, but he is also misinforming the public. The amendment that I proposed includes all production facilities, all roads, all pipelines, all within the 2,000-

acre area; and the map he displayed is far more than 2,000 acres in his red lines.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my neighbor, the gentlewoman from New Mexico (Mrs. WILSON), for yielding me this time and allowing me to speak on this amendment.

Mr. Chairman, I rise in support of the Wilson amendment. I want to follow up on what my colleague from Massachusetts said. He is correct, drilling for oil is messy, inexact and unpredictable, but that is what our economy runs on. Maybe 20 or 50 years from now we will be able to have some other energy source, but for the foreseeable future we have to have hydrocarbons. That is why I appreciate the Wilson amendment, because it limits the production and the pipelines and everything else in ANWR to that 2,000 acres.

I have had the opportunity a couple of times to go to ANWR on the coastal plain to meet with the residents of Kaktovik. I found out something interesting the last few days when I have asked my colleagues, who went up there with the environmental community. I asked them if they sat down with the native Alaskans, who want production in their community because they want the jobs. And they do not want it spoiled, they do not want oil running out on the ground or hurting their fisheries, but they want it because they know they can do it efficiently and they can do it clean and they also know that that it is good for the economy of our country.

My colleagues talk about what we import. Well, it is just strange to me that we close off ANWR, we close off California, and we close off Florida. The only place they want to drill is in Texas, and we are willing to do it to fuel our country.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the effort on the part of the gentlewoman from New Mexico to limit the impact on the Arctic slope in oil drilling. I am here to speak now on another perspective.

First of all, I think when we use this oil up, we will be more dependent on foreign oil. Once this is gone, a tiny fraction of the world's oil and when it is gone, we will be more dependent on oil from the Middle East and other places.

But I am speaking on behalf of the effects of the human environment here, and I want to quote an Arctic elder. "The land can tell us everything we want to know." We might think of an Eskimo saying that. "The only problem is that it does not have a voice. We cannot hear it. But the spirit of the land is always there."

Many parts of our country that depend on hunting and fishing also have agriculture and forestry. This is one of the few places on the planet where there is no agriculture, there is no forestry. The entire culture, nutritionally and economically, depends on whales, polar bears, seals, and caribou. They depend on what the pristine wilderness gives them. Even a 2,000-acre imprint would cause, because of the sound and because of the disturbance, the migration routes of all these things to change. This one 2,000 acres in this narrow area has a great impact, a difficult impact on the culture of this community.

So I am speaking on behalf of the culture of the northern Native Alaskans.

Mrs. WILSON of New Mexico. Mr. Chairman, may I inquire the time we have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from New Mexico (Mrs. WILSON) has 5 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining and the right to close.

Mrs. WILSON of New Mexico. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, as a former member of the Presidential Oil Policy Commission and as the current chairman of the Subcommittee on Research of the Committee on Science, I am convinced we are going to solve this problem of energy dependence. Through scientific research, we are going to find more efficient, better uses, we are going to develop conservation, and we are going to develop alternative uses of energy. But in the meantime, we need the exploring of oil and getting some of those resources until we come up with those scientific advances. We need this opportunity.

Look, the people against this amendment are saying we are making ANWR better and so do not limit it to 2,000 acres. Let us make it better. Let us make the final decision on ANWR after we pass this amendment.

And with that, I would just say it is an area less than 2 miles square in the millions of acres that are now in ANWR.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, drilling in the Arctic Refuge solves none of our energy problems. Development will take a decade and cannot provide more than 2 percent of our oil need. Drilling in ANWR is bad energy policy, but it is terrible environmental policy. ANWR is a fragile ecosystem, and drilling in this environmentally sensitive area risks one of our national treasures.

We currently consume 25 percent of the world's oil, but only 2 percent of the world's oil reserves are located within the U.S. So we cannot drill our way out of dependence on foreign oil. ANWR is neither a short-term nor a long-term solution to our energy needs.

For the long haul, our national security and the security of our world depends on using less fossil fuel. We need a crash program of research and development for renewable and nonpolluting sources of energy, but the majority blocked such amendments. Instead, this bill gives us more of the same, billions of dollars in subsidies to the fossil fuel and nuclear industries and new threats to the environment.

I urge my colleagues to think: 2,000 acres is this amendment; 1,800 acres is the New Jersey Turnpike. I urge a "no" vote on the amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. RENZI), who has just returned from Alaska.

Mr. RENZI. Mr. Chairman, this weekend I was fortunate to visit the Eskimo village of Kaktovik. And though I have respect for the gentleman from Maryland, we did not eat whale meat or caribou, we ate turkey sandwiches.

There are plenty of people that have never been to that Eskimo village who want to see the Eskimos in their igloos. They want them returned to the Ice Age. What the people want, the only people who live there, is they want safe, reasonable oil development. They want to see us and help us draw out those energy resources that are beneath their feet. We have taken the time to give them back their land, but we do not give them the opportunity to go after the resources that they need to sustain their economy.

We spoke to an 81-year-old elder up there who believes that the land was given to him by the Creator. It was given to him to use in harmony, in a holistic approach.

Mr. Chairman, what is so good about this legislation is that it requires the energy development companies to use the highest and best technology available to mankind. It requires that they not leave the environment scarred. It requires that fish and wildlife not be disturbed.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I have been to Yellowstone, Glacier, and Mt. Rainier National Parks. And after being on the banks of the Aichilik River, right next to where they want to put this oil production facility, I can warrant there is no more beautiful biologically dynamic place, full of wonderful critters, grizzly, caribou, and ptarmigan, anywhere in America.

I think Americans think about the Arctic a little bit like they think about the Mona Lisa. It is beautiful, they will probably never get to see it in person, but they would not want to put a mustache on it, albeit just a small mustache. Americans do not believe a mustache belongs on the Mona Lisa, and an oil production facility does not belong in the Arctic Wildlife Refuge.

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself 30 seconds just to say that I agree with my colleague from Washington, it is a beautiful place which should be preserved, which is the nature of this amendment, to find the balance between exploration and preservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I want to speak about another national wildlife reserve. It is not in the cold north of ANWR. It is not in the frozen tundra along an Arctic coast, which is already producing just a short distance away, in Prudhoe Bay, an amazing amount of resources for the good of our country. It is the national wildlife reserve located in deep south Louisiana. It is called Mandalay. It is beautiful.

And if my colleagues think there are any critters running around in the Arctic, or in the ANWR, they should come to Mandalay. It is so rich in wildlife, with fish diversities of which one could never imagine. We call Louisiana "Sportsmen's Paradise," there is so much fish, so much wildlife there. In fact, when I came to Washington as a young freshman, I told the Department of the Interior they had to get the alligators off the endangered species list quick or put us on, one or the other.

We have alligators, fish, turtles, and every kind of wildlife a person can think of in Mandalay Wildlife Reserve. There are also 100 producing wells. Each one of those wells produces for the good of our country. It produces in an environmentally safe way. Royalties from that production goes back into protecting Mandalay and the 5 million acres in Louisiana that we protect as wildlife areas, including Mandalay. We do it in an environmentally sensitive way in the heart of a region that is so full of wildlife it cannot even compare to the Arctic and ANWR.

What the gentlewoman is attempting to do in this effort is to produce for the country's sake, so we do not have to depend upon people like Saddam for our oil. In the interest of helping this country, she is reducing the footprint to a mere 2,000 acres, which is a lot smaller than Mandalay, a mere 2,000 acres. She is going to reduce the footprint of this activity to an area so small it is almost unimaginably small; and then this country would be better off for it.

The gentlewoman's amendment needs to be adopted and we need to make sure this Nation takes advantage of this other national wildlife reserve.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and also for his leadership.

I rise today in opposition to the Wilson amendment and in strong opposition to this energy bill. Our national security depends on energy security. We all know that. But instead of investing in the future by developing new, cleaner forms of energy, this bill tells us the answer to America's energy problems lies in the Arctic Refuge. Well, if we drain every drop of economically recoverable oil out of this wilderness, it will be consumed in 6 months. So that is hardly the answer.

We have all heard that drilling in ANWR will create thousands of new jobs. But investing in innovations and energy technology and improvements in energy efficiency could produce hundreds of thousands of new, good-paying jobs that are a lot closer to home for most of our constituents than the Arctic tundra.

The question of drilling in the Arctic is also a question of environmental justice and native rights. Many native tribes oppose drilling. They know this land is sacred and they know what drilling will do to it.

The Arctic Refuge is a fragile ecosystem. If we allow drilling, we will not be able to go back and make it whole. This amendment opens the door to drilling and destruction that will expand far beyond 2,000 acres.

□ 1800

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself the balance of my time.

This amendment would limit the environmental impact on the Alaskan National Wildlife Refuge, and I think it is important to put in context how much it would. If the front page of a newspaper were the size of Alaska, 2,000 acres is less than one character on the page. That is a significant limitation. For some Members it is still not enough, but I believe it is possible to have balance.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment. This is very clever, well crafted. It is designed to give people cover to say they oppose Arctic drilling when, in fact, they might not. Let us be clear: if Members oppose Arctic drilling, the vote that counts is voting "yes" on Markey-Johnson. That is the vote that matters substantively, and that is the vote that counts politically.

This amendment purports to protect the environment by limiting the impact of drilling to 2,000 acres throughout the Arctic refuge. Guess what, the drilling was already going to occur on a limited number of acres. This amendment does not change a thing. The fact is that 2,000 acres is a lot of territory in an area that is now undisturbed. What is worse, the impact of this drilling will be felt far beyond the borders of those 2,000 acres. We are talking about migratory wildlife, among other vulnerabilities. They do not notice artificial, man-made boundaries. So vote against this amendment which protects nothing. It will not protect ANWR, and it will not provide cover for those seeking to put a happy face on an environmentally devastating vote.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 108–69.

AMENDMENT NO. 4 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. PENCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETERSON of Pennsylvania:

In division C, at the end of section 30409 add the following:

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this title and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with my colleague from Pennsylvania to offer an amendment that will provide additional energy assistance to low- and fixed-income individuals under the low-income assistance program, LIHEAP.

LIHEAP provides heating and cooling assistance to nearly 4 million households across the Nation. Unfortunately, LIHEAP is able to provide assistance to only about 15 percent of the 30 million households who are eligible. The amendment the gentlewoman from Pennsylvania (Ms. HART) and I are offering would authorize funds paid to the U.S. Treasury as bonuses for leases in the Arctic National Wildlife Refuge, ANWR, to be used for LIHEAP. The Congressional Budget Office estimates $2.1 billion in revenues would be generated over a 5-year period from the bonuses.

Today we all know that energy prices are high due to a long, cold winter across much of the Nation. In Pennsylvania, it is still snowing today. Energy prices this winter compared to last year are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and 11 percent higher for electricity. I can testify to the long, cold winter in Pennsylvania and the great need for energy assistance.

The Pennsylvania LIHEAP program in fiscal year 2003 will serve over 300,000 households. The average household benefit is just over $200. Without LIHEAP assistance, many of my constituents would have to make a choice between heating and eating.

The amendment before the House will provide much-needed energy assistance to low-income consumers. The amendment can provide an additional average to $400 million annually to LIHEAP. Dedicating funds to LIHEAP from the production of oil and gas from ANWR will help low-income consumers lower their energy burden. It is a sound public policy to dedicate funds generated from the hope of oil and gas production in Alaska to people in need of energy assistance across the country.

I urge my colleagues to have a heart and support the Peterson-Hart amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) is recognized for 10 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I read the gentleman's amendment, it says that amounts that are received by the United States as bonuses for leases under this title and deposited with the Treasury "may be appropriated to HHS" to help fund the low-income assistance program.

If the gentleman would be willing to engage in a colloquy with me, it seems that it would be entirely discretionary as to whether or not the Committee on Appropriations actually uses the funds that would be raised in order to help the LIHEAP program; is that so?

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. We are not appropriating. We are authorizing over and above what has been authorized in the past. We are increasing the authorization. We cannot appropriate.

Mr. MARKEY. So as Members are voting, they are not voting for an actual appropriation for additional money for LIHEAP. As the gentleman knows, in past years the Congress has authorized fairly substantially high levels of funding for LIHEAP, and yet the Committee on Appropriations has never quite felt that they had to honor the authorization level. As a result, we have had some difficulty ensuring that the full funding for heating assistance is on the books.

Mr. PETERSON of Pennsylvania. Mr. Chairman, if the gentleman would continue to yield, when we authorize, we never can guarantee that it is going to be appropriated. It is a two-part process. I am a member of the Committee on Appropriations; and as a member of the HHS subcommittee, I intend to do my best to make this a reality, hopefully with the gentleman's help.

Mr. MARKEY. Mr. Chairman, my point is there is going to be a tremendous amount of budgetary pressure on Congress for the remainder of the year. The war in Iraq has yet to be completely paid for, the deficit continues to explode, and the Committee on Appropriations will know that language like this did pass; but my experience in the past has been that they regard it with about as much weight as the piece of paper upon which it is printed. That is a sad experience for Members on authorizing committees. Has the gentleman had the same experience in the past with the Committee on Appropriations?

Mr. PETERSON of Pennsylvania. If the gentleman would continue to yield, yes, I have; but I think I am in a little better position in this situation. I know the gentleman from Ohio (Mr. REGULA) is very sensitive to this issue. We are not on the authorizing, but we are making a source of funding available to increase by this amount of money. That is our goal, and we are going to do our very best to make it happen.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in support of the amendment. In fact, I would be surprised if any of my colleagues could in their right mind oppose it.

LIHEAP is a well-established program by the Federal Government, and it is one that anyone who lives in the North is familiar with. Low-income households spend more than 14 percent of their income, some as high as a third, on heating in the winter. Nonlow-income households, your average person, probably spends 5, or as low as 3, percent on heating.

It is important for us as Members of Congress to find ways to make sure that people are warm and comfortable in their homes in the winter. We have all heard of the scary and sad stories of a person who did not have heat and did not have the money to pay for it who froze during a very cold winner. The LIHEAP program has helped to try to prevent that, but almost two-thirds of those who qualify have not been able to access the program for one reason or another.

Part of the reason is money. We are here today, I with my colleague, the gentleman from Pennsylvania (Mr. PETERSON), to support additional funds being authorized for the LIHEAP program. It is very simple. We are going to help more people stay warm through these cold winters. The Federal Government gives States and other jurisdictions these annual grants to help low- and fixed-income people pay heating bills. It has worked well in Pennsylvania. We worked to increase the program while I was a State senator.

The most current Department of Health and Human Services report shows that nearly 4 million households across the Nation received winter assistance; 300,000 of them are in Pennsylvania. My colleagues and I have supported this program. We have sent a letter to the President supporting this program. In January the White House announced additional funds for the program. What we are doing today is making sure those funds will be available.

Reports shows that energy prices this past year compared to the year before were 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane, and 11 percent higher for electricity. It is clear that we need to find new sources to embellish the LIHEAP program and help families stay warm for the winter. This amendment authorizes more money to go into the LIHEAP program and keep more people warm. I urge Members to support it, and we will make sure that the money is there for next year's cold winter.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the good news about the bill itself is on a bipartisan basis, the legislation which we have before us actually does authorize $3.4 billion for the LIHEAP program, which is great news. It is something that essentially reflects the bipartisan support which exists for this program on both sides of the aisle, and we do not really have a debate over that at all.

The amendment by the gentleman from Pennsylvania (Mr. PETERSON) asks the Committee on Appropriations to use this money that may be raised from leasing in the Arctic, but they do not have to abide by that, and that is the bottom line in terms of the bite that this amendment would have on anything that the appropriators would do.

It should be noted by Members that there is in fact no binding effect which the amendment would have in terms of increasing the actual appropriations that would be set aside for the low-income program. Unfortunately, over the years, the appropriators have always fallen far short of the dollar amount that our committee has authorized to be spent on the low-income program.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman has a good point. We have a lot of work to do with the Committee on Appropriations. But if the appropriators were to find this new source of revenue, if this bill did pass and they found it and they appropriated money out of the royalty fund without us first having authorized it at our committee level, the gentleman from Massachusetts and I would be objecting to the appropriators authorizing on an appropriation bill. We would say in effect that we have not authorized it yet; they had better not spend it.

So this is an important first step, I would tell the gentleman. The gentleman is correct we would still need the appropriation later; but if we do not do the first step, they cannot do the second step.

Mr. MARKEY. Mr. Chairman, reclaiming my time, we already have in the underlying bill authorized $3.4 billion, and they can find it from wherever the revenues are that come in, including the revenues that might come in if there is ever any drilling up in the Arctic refuge; but they would not be constrained in terms of their ability to use it for these purposes, although the gentleman from Louisiana (Mr. TAUZIN) and I are lifelong authorizers, and so we understand the relationship that exists between what it is that we exhort that committee to do and what they ultimately reserve the right to put in place in an actual spending bill.

□ 1815

Mr. TAUZIN. Mr. Chairman, will the gentleman yield again?

Mr. MARKEY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, my concern is that without this amendment, the reason why I think we ought to adopt it, is that there are laws on the books that provide for where royalty and bonus income goes, and without a provision that gives the appropriators a chance to say, no, this money can go to LIHEAP, in fact, on this date in the House Chamber the House authorized it; without that having been done, they may interpret the law to mean that they cannot use these moneys.

I would urge my friend to at least give them that option.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, one of the things I have noted since coming to Congress is that we have a tendency to boil these arguments down to money. How much money one has got in their portfolio, what their dividends look like at any given time. Sometimes we lose track of the fact that what really makes this country great is how we treat our most vulnerable, our children and our seniors. This is one of those issues, how we are treating people that do not have the ability to pay their heating bills.

I find it interesting that there would be an argument against something like this. I say to the gentleman from Massachusetts (Mr. MARKEY), trust me, you will feel the heat if we authorize this money, but we do not appropriate this money. If that money is sitting there, it will be spent on heating assistance. The difficulty is, in this country, that we do not have the ability to pay as many people as we want to.

This is a great amendment because it takes an energy bill that is necessary, that should have been passed many years ago, and applies some of the revenue to a need that exists in this country, and that is to help those less fortunate than others to pay their heating assistance.

And I thank the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from Pennsylvania (Ms. HART) for putting this amendment before us, and I hope that we can support it.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

I rise to address this amendment, which seems to me to be a harmless amendment. It may result in applying some more money for LIHEAP. In fact, the word "may" is the key word in the amendment. So that is not a bad thing, except for the damage that might be done in the process.

There has been quite a bit of discussion today and there will be quite a bit more about how much petroleum would come from the Arctic Wildlife Refuge. It is not a lot. And also, though, a lot will be said about the damage that would be done in getting that oil.

We have heard some discussion about the footprint and just how small it will be. Let me just mention one thing that is often not considered that will explain how the footprint really is larger. Take, for example, the ice roads that would be built every winter to allow trucks to drive to and from the rigs. Their environmental impact is not only the effects on the ground, which I would say is considerable, but in the fresh water drawn from nearby lakes. In fact, there is not enough fresh water. The effect of drawing this water from the lakes in order to build the ice roads allegedly, purportedly, so as not to damage the environment, will leave these lakes in such a depleted situation that they will freeze all the way through and die.

So there is, indeed, this kind of footprint that extends beyond just the poured concrete area. So we may through this amendment get a little more money for LIHEAP, but it could be at great cost.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a Band-Aid. This amendment helps people who cannot afford to pay for energy, and there are a lot of them. This winter we have had spikes in prices because we do not have enough gas and we do not have enough oil; and when prices spike in this country, it hurts our country and it hurts the poorest of people who have to still drive a car, who have to still heat their homes.

This debate is about having adequate energy supplies to prevent spikes in prices, because I want to tell my colleagues, if we do not do that, we could double and triple LIHEAP next year and the year after and there will not be enough to help the poor who will need it. Because people will not be able to afford to heat their homes, our commercial businesses will not be able to afford to heat their places, and our industries will be going out of business because they will not be competitive.

This amendment just helps those for the moment, but if we do not fix the main problem, we are going to really be in trouble.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. POMBO), chairman of the Committee on Resources.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time.

I find it quite interesting, in listening to the debate on this particular amendment, if ANWR is approved, if oil and gas exploration is approved, there will be a substantial amount of money that comes in in the form of royalties and bonuses to the Federal Government. I think all of us agree that there are ways that we would like to spend this money.

The gentleman from Pennsylvania (Mr. PETERSON) came to me, and after discussing this in great detail, I agreed with this amendment because this is an energy bill. It is about a balanced energy policy for the future of this country. Part of that balance is in LIHEAP, and that is to provide for those who need the help. And the gentleman came to me and the gentlewoman from Pennsylvania (Ms. HART) came to me and said, this is what we ought to be doing with the money. I think this is extremely important.

But I also find it kind of ironic that those that represent the States that would benefit the most from LIHEAP have risen in opposition to this, because if this does go into effect and that money does come in, it is their constituents who stand to benefit the greatest from this amendment being in place. There are other places we could spend this money, and I would expect that they would rise in strong support of the gentleman from Pennsylvania's (Mr. PETERSON) amendment because their constituents benefit much more than mine do. But because it is an energy bill, because it is a balanced approach for the future of energy policy in this country, I believe that it is the right thing to do.

I support the gentleman's amendment. I urge my colleagues on the committee and my colleagues in the House to vote in favor of the Peterson-Hart amendment because it is the right thing to do at this time.

Mr. MARKEY. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN pro tempore (Mr. PENCE). The gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 1½ minutes remaining.

Mr. MARKEY. And what is the order of close on this amendment?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has the right to close.

Mr. MARKEY. Mr. Chairman, then I reserve that right to close. I am the remaining speaker.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I will conclude by sharing that this amendment is important to the parts of this country who have huge heating costs and cooling costs, to help those that are less fortunate than most of us, those that a big piece of their income goes to heat and cool their homes; and this takes a part of the bonuses and puts it in that fund. It has been argued that we do not appropriate, but we do not appropriate anything as an authorizer.

I happen to be an appropriator too, and I intend to do my very best. I will promise the gentleman from Massachusetts that I will do my very best to make sure this gets in the pipeline.

But I want to conclude with the following: The real problem of LIHEAP will only quadruple if we do not bring energy supplies available to this country. If we do not increase oil supplies, energy prices will spike. If we do not increase gas supplies, home heating and manufacturing costs will go out of sight. If we look at the charts, if we look at the graphs, our gas supplies are the lowest in this country they have ever been. Our prices at the moment are prices they do not want to fill with because it is over $5 a 1,000.

We have an energy crunch in this country. We have a shortage of both gas and oil. We can import oil from unstable parts of the world, but we do not have the ability to do that with gas, and if we do not bring supplies out of places like ANWR and every place we can, if we do not open up lots of parts of this country that are locked up, I am going to tell my colleagues, people are not going to be able to afford to heat their homes, businesses are not going to be able to run efficiently and be competitive, and our economy will be in the tank.

We must pass a comprehensive energy bill.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

It seems to me that if there is a real concern about appropriating money up to the full $3.4 billion level that is authorized in the underlying energy bill that is supported on a bipartisan basis here on the floor today, at least that part of the bill, then the best thing that we can do is to make it clear to the appropriators that each of us wants that level to be reached in the appropriations process.

The gentleman from Mississippi (Mr. PICKERING) and I are circulating a letter to Members to ensure that, not like last year where all the appropriators could find was $1.8 billion, but this year they find $3.4 billion so that the cold-weather States and those hot-weather States, whether it be Massachusetts or Mississippi, any other State in the Union, all are able to be fully funded under this low-income program. And I think that that is the only realistic way in which we are going to be able to ensure that we do take care of this problem. Because ultimately the appropriators are left to their own discretion in terms of how much money they want to appropriate for any program, and I am just afraid that with the war in Iraq, with the looming budget deficits that are just skyrocketing, perhaps as high as $500 billion this year, that this language just will not do the job in terms of getting them to take care of this very important program.

Mr. QUINN. Mr. Chairman, as many of you know, I have risen many times to speak here on the floor about the need to support and expand the LIHEAP program.

LIHEAP is a bipartisan issue, and always has been.

I am never surprised to see how my colleagues from both sides of the aisle jump at the opportunity to work together to protect and enhance LIHEAP funding.

Last year, LIHEAP served 4.4 million households.

However, since the year 2000, 2.66 million people have become unemployed, many of whom will seek assistance until they can find new jobs.

The economic downturn has left more households dependent upon energy assistance to ensure that their heating power remains connected.

LIHEAP funding allows for these economically strained people to focus on essential items.

In a time when state officials are forced to slash their budgets the responsibility falls to us to ensure that no family goes without heat when the winter hits.

Many of you have joined me over the past few years calling for increases in funding for the important program.

This amendment provides some direction and opportunity to find that funding.

We must take advantage of opportunities such as this one to identify sources of funding for the LIHEAP programs.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 by the gentleman from New York (Mr. BOEHLERT), amendment No. 2 by the gentleman from Michigan (Mr. DINGELL), amendment No. 3 by the gentlewoman from New Mexico (Mrs. WILSON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 268, not voting 4, as follows:

[Roll No. 132]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra

Bereuter
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boyd
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Clay
Cooper
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Kelly
Kennedy (RI)
Kind
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Reynolds
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kildee
Kilpatrick
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Gephardt
Houghton
McCarthy (MO)
Paul

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PENCE) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1847

Messrs. CULBERSON, SIMMONS, MEEKS of New York, BISHOP of Utah, EDWARDS, BACHUS, MEEK of Florida, THOMPSON of Mississippi, RUSH, KANJORSKI, and Mrs. MYRICK changed their vote from "aye" to "no."

Mrs. KELLY, Mr. EVANS, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. DINGELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Michigan (Mr. DINGELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 237, not voting 4, as follows:

[Roll No. 133]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blackburn
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Duncan
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Goode
Gordon
Graves
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla

Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Majette
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Gephardt
Houghton
McCarthy (MO)
Paul

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are 30 seconds remaining on this vote.

☐ 1855

Mrs. BLACKBURN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MRS. WILSON OF NEW MEXICO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentlewoman from New Mexico (Mrs. WILSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 202, not voting 6, as follows:

[Roll No. 134]

AYES—226

Abercrombie
Aderholt
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Ackerman
Akin
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wicker
Woolsey
Wu
Wynn

NOT VOTING—6

Delahunt
Ford
Gephardt
Houghton
McCarthy (MO)
Paul

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PENCE) (during the reading). The Chair will remind Members that there are 2 minutes remaining in this vote.

□ 1902

Mr. PASTOR changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FORD. Mr. Chairman, on rollcall No. 134, had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. BEREUTER). It is now in order to consider amendment No. 5 printed in House Report 108–69.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN pro tempore. The Clerk will designate amendment No. 5.

The text of amendment No. 5 is as follows:

Amendment No. 5 offered by Mr. MARKEY:

In division C, strike title IV.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) so she may control those 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Markey-Johnson amendment, which would protect the pristine area that was originally set aside by that radical Republican environmentalist, Dwight David Eisenhower. This amendment would protect ANWR by simply striking the sections of H.R. 6 that would open the area to drilling. It is that simple.

We can have lots of spirited debate about the science and impact of drilling and other essential matters related to this issue, but I will leave that to others. For me, this is an issue of fundamental principle: what right do we have as human beings, and what sense does it make as a Nation, to open a pristine area to oil drilling when we are not willing to take the simplest, easiest steps to conserve oil?

Raising CAFE standards would have been the only truly significant conservation measure in this bill. By doing so, more oil would be saved quicker than even the most optimistic projections of economically recoverable oil from ANWR. As a friend of mine likes to say, go figure.

Opening ANWR without any consideration of taking serious conservation steps is simply irresponsible. We are denying future generations a wilderness because we refuse to take painless steps to control our own generation's appetite for oil. I do not know when that kind of thinking became conservative, but I do know for eons that kind of gluttony has been considered wrong.

The proponents of drilling add insult to injury with their spurious arguments in favor of drilling. It is only a few thousand acres, they say. That is like saying, do not worry, the tumor is only in your lungs. The drilling will have impacts that will affect wildlife throughout the area.

The proponents say the drilling in Prudhoe Bay has seen no ill environmental effects; but in reality, some of the largest environmental fines in history have been paid because of damage in the Prudhoe Bay and the open-for-business north slopes, $22 million since 1999 alone.

Mr. POMBO. Mr. Chairman, I rise to claim time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for the time in opposition.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), whose district ANWR is in.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman from California (Mr. POMBO) is a great committee chairman.

One thing that bothers me the most, the gentleman from Massachusetts (Mr. MARKEY) has never been to ANWR, the gentlewoman from Connecticut (Mrs. JOHNSON) has never been to ANWR, the gentleman from New York (Mr. BOEHLERT) has never been to ANWR. They do not know what they are talking about, period. They are literally taking scripted messages from certain interest groups, that is all they are doing, and mimicking their words.

My people, my people the Kaktovik, they want this drilling. The Eskimos that live there want this drilling. They have seen what has happened in Prudhoe Bay, which has in fact increased the population of the caribou, increased the game population overall.

We can do this safely. To have people sit on this floor, because it is supposed to be the hall of the people, the Representatives of the people, to speak about something they know nothing about is, frankly, very disturbing to me.

I am one of these few people who understand one thing: this is a form of representative government. The gentleman from Massachusetts (Mr. MARKEY) did not go. He had an opportunity to go up and listen to the people, my people, many people who were guaranteed 92,000 acres by this body, and they had it for their social and economic well-being; and you are telling them they cannot in fact drill on their own land. Shame on you.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I strongly support the Markey-Johnson amendment. In my view, the potential benefits to drilling in the Arctic National Wildlife Refuge are greatly outweighed by the loss.

The Congressional Budget Office estimates that only 2.5 billion barrels of oil are economically recoverable from the refuge. That is less than a fourth of what proponents of drilling claim, and about what the U.S. consumes in 4 months. It is not simply worth trading the possibility of 4 months of energy for the loss of crucial breeding and migratory habitat of more than 200 animal species and over 130 species of birds.

Nevertheless, this legislation allows drilling in the Arctic National Wildlife Refuge, which reflects an utter disregard for the preservation of America's last remaining untouched wilderness. To believe that we could drill in ANWR without causing irreversible environmental damage is foolish.

This bill contains no true environmental protections for the refuge, and this amendment would provide that environmental protection. I urge my colleagues to support it.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I was a staffer on the Committee on Resources 20 years ago when the distinguished gentleman from Massachusetts (Mr. MARKEY) was making the same tired arguments. Here we are 20 years later, still without an energy policy.

Over the course of those years, my colleague, the gentleman from Massachusetts, has yet to visit either ANWR. That is right, I said either ANWR. Why? Because there are really two ANWRs, the one the authors of this amendment like to talk about, and the one that is actually at issue when we talk about energy development.

To illustrate this, I would like to highlight the testimony of the mayor of the borough that includes ANWR, testimony that my friend, the gentleman from Massachusetts, would have heard if he had taken the time to go up to Alaska last Saturday, as we did.

Testifying as to the two ANWRs, the mayor said:

"The first ANWR is beautiful mountain scenery that seems to go on forever. It is a world of wildlife, a refuge from the noise and disruption of human community. You are here in the second ANWR. It is tundra, an old military site, and Eskimos who have lived and hunted and survived around here for thousands of years. You won't see this ANWR on Sierra Club posters. That is because it is not really a refuge, it is a land of many uses.

"This is Eskimo country. It has a thriving village whose residents work at local jobs and hunt for caribou, whales, and all the other animal species that have always sustained our people. The Sierra Club would probably be happier if they would stop hunting and fishing; but we would be happier if they would stop floating down all the rivers in ANWR disrupting the wildlife that we depend on. But we can all get along if we acknowledge two ANWRs and allow both to exist."

Mr. Chairman, that is the issue here. There are two ANWRs, the one the environmentalists like to raise money on, and the one that is part of a balanced energy plan that we are debating here today.

This amendment is intellectually dishonest. The sponsors speak of the first ANWR as justification for their amendment, yet ignore the fact that it really applies to the second ANWR. I would support it if it only applies to the first, but it does not.

I urge defeat of this amendment and urge my colleagues to take the mayor's advice and consider both ANWRs when casting their vote.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in support of this amendment.

California is the most diversified, the biggest user of energy. Why did we get there? Because we said no to the oil companies, we said no to offshore drilling, we said no to more drilling, because we said yes to developing alternative energy. We developed alternative energy in wind and solar, in geothermal and biomass.

Guess what, we have private venture capital. We attracted America's brightest to develop alternative energy.

The only way we are going to solve our energy problems is to get off our addiction to oil. With the thinking on ANWR, they would drill right here in the Capitol if there was oil under this building.

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Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, today's vote really is about our values, the ability to balance the value we place on critical environmental resources, unique ecosystems supporting literally hundreds of thousands of species of animals, birds and fishes, and the value we place on a little more oil. Choices must be made and there are good alternatives to the small amount of economically recoverable oil in the refuge. But there are no alternatives for those who depend on its ecosystem, nor for the refuge as a unique national natural resource.

Alternatives? You bet there are alternatives. In the Alaska National Petroleum Reserve area, there are over 50 million undeveloped acres available for oil drilling. There is a proposed notice of sale for 9.8 million acres in the Beaufort Sea. The State of Alaska is planning to hold annual lease sales covering 14.1 million acres of land. I could go on with a long list, but I do not have time.

In addition to all these undeveloped lands available for drilling in Alaska and that region, there are also alternative sources of energy. Fuel cells. There are new technologies that would give us more miles per gallon. That are excellent alternatives to drilling in this pristine area. There are no alternatives to preserving the ecological vitality and integrity of this region.

In that area, can you imagine what it will take, the roads it will take, the drilling pads it will take to support drilling rigs weighing 2.2 million pounds? You cannot just build a little old road across a grass field. You have got to get tons and tons of gravel in there. You have got to get support for that level of equipment. These are big outfits. They take a lot of people to support. They take a lot of pipelines to deliver the oil. And, ironically, there is not enough available water in this area to feed the kind of road building that would be necessary.

So there is not even the infrastructure to make good on the promise of oil that those who would develop this area promise. Yet, taking that water will destroy the ecosystems dramatically across the board throughout the region.

So there can be no compromise. Oppose drilling in the ANWR.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, do not take the word of a Congressman who visited the North Slope for the last 3 days. Take the words of Herman Aishana, a whaling captain who serves on the Kaktovik City Council and is the former mayor. We have got Members of Congress calling this area a pristine untouched wilderness. His words, No matter how blind, no matter what anyone wants to call it, this country is hardly a wilderness and will never be a wilderness.

These people of Kaktovik have developed a relationship of trust of over 20 years with these energy companies. We take their land from them, we give it back to them as a gift. But we do not give them back the resources that they need to sustain themselves to build their economy. Do not lock up the people of Kaktovik. Do not lock them up on a reservation. Give them the resources that they need to sustain themselves.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment, and in doing so, I would like to take a moment of personal privilege and speak about my father, Morris Udall, who served in this body for 30 years with many of us here today. And there have been suggestions in the Committee on Resources that Mo Udall, were he alive today, would vote against the Markey amendment. I would tell you that I believe he would vote for the amendment today.

In 1980, my father opposed drilling in the refuge. I believe he would oppose drilling today, but he would say the real issue is not the past. It is the future. He lived by the credo that we do not inherit the Earth from our parents, but we borrow it from our children. And he would say we are gambling with our children's inheritance.

The odds are not good and the stakes are too high. We should not gamble with the heart of the refuge for a few months of oil. We have better alternatives and we should leave our children with some choices about how they use their inheritance. That is why I urge a "yes" vote on Markey-Johnson.

Mr. Chairman, I strongly support this amendment.

On the question of whether to open the coastal plain, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems."

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). in 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels.

But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

For example, fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2010. Experts estimate that alone would save 10 times as much oil as would likely be extracted from the Arctic refuge over the next 30 years.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think that the stakes are too high and the odds are too long—especially since we have better options. So I do not support it.

For the benefit of our colleagues, I am attaching excerpts from an article in Foreign Affairs by two Coloradans—Amory R. Lovins and L. Hunter Lovins.

Founders and leaders of the Rocky Mountain Institute, they are recognized experts on energy issues.

The article, entitled "Fool's Gold in Alaska," clearly shows that drilling for oil on the coastal plain does not make sense in terms of economics, national security, or environmental protection. As they put it, "Drilling for refuge oil is a risk the nation should consider taking only if no other choice is possible. But other choices abound."

We should opt for those other choices by adopting this amendment.

Here are key excerpts from the article I mentioned:

[From Foreign Affairs, July/August 2001]

FOOL'S GOLD IN ALASKA

(By Amory B. Lovins and L. Hunter Lovins)

THE BOTTOM OF THE BARREL?

Oil prices have fluctuated randomly for well over a century. Heedless of this fact, oil's promoters are always offering opportunities that could make money—but on the flawed assumption that high prices will prevail.

Leading the field of these optimists are Alaskan politicians. Eager to keep funding their state's de facto negative income tax—oil provides 80 percent of the state's unrestricted general revenue—they have used every major rise in oil prices since 1973 to advocate drilling beneath federal lands on the coastal plain of the Arctic National Wildlife Refuge. Just as predictably, environmentalists counter that the refuge is the crown jewel of the American wilderness and home to the threatened indigenous Gwich'in people. As some see it, drilling could raise human rights issues under international law. Canada, which shares threatened wildlife, also opposes drilling.

Both sides of this debate have largely overlooked the central question: Does drilling for oil in the refuge's coastal plain make sense for economic and security reasons? After all, three imperatives should shape a national energy policy: economic vitality, secure supplies, and environmental quality. To merit serious consideration, a proposal must meet at least one of these goals.

Drilling proponents claim that prospecting for refuge oil will enhance the first two while not unduly harming the third. In fact, not only does refuge oil fail to meet any of the three goals, it could even compromise the first two.

First, the refuge is unlikely to hold economically recoverable oil. And even if it did, exploitation would only briefly reduce U.S. dependence on imported oil by just a few percentage points, starting in about a decade. Nor would the refuge yield significant natural gas. Despite some recent statements by the Bush administration, the North Slope's important natural-gas deposits are almost entirely outside the refuge. The gas-rich areas are already open to industry, and environmentalists would likely support a gas pipeline there, but its high cost—an estimated $10 billion—would make it seem uneconomical.

Furthermore, those who suppose that any domestic oil is more secure than imported oil should remember that oil reserves almost anywhere else on earth are more accessible and more reliably deliverable than those above the Arctic Circle. Importing oil in tankers from the highly diversified world market is arguably better for energy security than delivering refuge oil to other U.S. states through one vulnerable conduit, the Trans-Alaska Pipeline System.

* * * * *

Increase energy productivity now delivers two-fifths of all U.S. energy services and is also the fastest-growing "source." (Abroad, renewable energy supply is growing even faster; it is expected to generate 22 percent of the European Union's electricity by 2010.) Efficient energy use often yields after-tax returns of 100 to 200 percent on investment. Its frequent fringe benefits are even more valuable . . .

* * * * *

Efficiency also has major policy advantages. It is here and now, not a decade away. It improves the environment and protects the earth's climate. It is fully secure, already delivered to customers, and immune to foreign potentates and volatile markets. It is rapidly an equitably deployable in the market. It supports jobs all over the United States rather than few firms in one state.

* * * * *

A BARREL SAVED, A BARREL EARNED

If oil were found and profitably extracted from the refuge, its expected peak output would equal for a few years about one percent of the world oil market. Senator Frank Murkowski (R–Alaska) has claimed that merely announcing refuge leasing would bring down world oil prices. Yet even a giant Alaskan discovery several times larger than the refuge would not stabilize world oil markets. Oil prices reached their all-time high, for example, just as such a huge field, in Alaska's Prudhoe Bay, neared its maximum output. Only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do so.

What could the refuge actually produce under optimal conditions? Starting about ten years from now, if oil prices did stay around $22 per barrel, if Congress approved the project, and if the refuge yielded the USGS's mean estimate of about 3.2 billion barrels of profitable oil, the 30-year output would average a modest 292,000 barrels of crude oil a day. (This estimate also assumes that such oil would feed U.S. refineries rather than go to Asian markets, as some Alaskan oil did in 1996–2000.) Once refined, that amount would yield 156,000 barrels of gasoline per day—enough to run 2 percent of American cars and light trucks. That much gasoline could be saved if light vehicles became 0.4 mpg more efficient. Compare that feat to the one achieved in 1979–85, when new light vehicles on average gained 0.4 mpg every 5 months.

Equipping cars with replacement tires as efficient as the original ones would save consumers several "refuges" full of crude oil. Installing superinsulating windows could save even more oil and natural gas while making buildings more comfortable and cheaper to construct. A combination of all the main efficiency options available in 1989 could save today the equivalent of 54 "refuges"—but at a sixth of the cost. New technologies for saving energy are being found faster than the old ones are being used up—just like new technologies for finding and extracting oil, only faster. As gains in energy efficiency continue to outpace oil depletion, oil will probably become uncompetitive even at low prices before it becomes unavailable even at high prices. This is especially likely because the latest efficiency revolution squarely targets oil's main users and its dominant growth market—cars and light trucks—where gasoline savings magnify crude-oil savings by 85 percent.

* * * * *

As long as the world runs largely on oil, economics dictates a logical priority for displacing it. Efficient use of oil wins hands down on cost, risk, and speed. Costlier options thus incur an opportunity cost. Buying costly refuge oil instead of cheap oil productivity is not simply a bad business decision; it worsens the oil-import problem. Each dollar spent on the costly option of refuge oil could have bought more of the cheap option of efficient use instead. Choosing the expensive option causes more oil to be used and imported than if consumers had bought the efficiency option first. The United States made exactly this mistake when it spent $200 billion on unneeded (but officially encouraged) nuclear and coal plants in the 1970s and 1980s. The United States now imports oil, produces nuclear waste, and risks global climate instability partly because it bought those assets instead of buying far cheaper energy efficiency.

Drilling for refuge oil is a risk the nation should consider taking only if no other choice is possible. But other choices abound. If three or four percent of all U.S. cars were as efficient at today's popular hybrid models, they would save the equivalent of all the refuge's oil. In all, many tens of times more oil is available—sooner, more surely, and more cheaply—from proven energy efficiency. The cheaper, faster energy alternatives now succeeding in the marketplace are safe, clean, climate-friendly, and overwhelmingly supported by the public. Equally important, they remain profitable at any oil price. They offer economic, security, and environmental benefits rather than costs. If any oil is beneath the refuge, its greatest value just might be in holding up the ground beneath the people and animals that live there.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. NUNES), a new member of the committee.

Mr. NUNES. Mr. Chairman, we had a great opportunity to go up and visit the people of Kaktovik this past week because I wanted to see the differences in the fairy tales that I have heard since I have been here in the United States Congress. And today I want to highlight some of those fairy tales that we have heard today.

We have heard about the Mona Lisa, that the Mona Lisa has a mustache. We have seen maps that have 28 airports on them. We have seen people hold up newspapers that compare the newspaper to the size of Alaska. We have talked about lakes disappearing because of ice roads. And now the biggest fairy tale of all is that we have an amendment offered by people, by Members of this body who have never been to this region, this beautiful region in the United States.

The energy bill that I will vote for tonight is a bill that is an environmentally sound policy that put in preservation 18,998,000 acres.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield the remainder of my time, 45 seconds, to the gentleman from Massachusetts (Mr. MARKEY) for purposes of control.

The CHAIRMAN pro tempore (Mr. BEREUTER). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from the State of California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time. I thank the gentlewoman for offering this amendment along with the gentleman from Massachusetts (Mr. MARKEY).

I have been to Kaktovik. I have been to the North Slope. I have been to the mountains. I have been to the plains. I have been there in the winter, I have been there in the spring, and I have been there in the summer. And, yes, it is a wilderness area. No, it does not have 200-foot-tall trees. No, it does not have lakes. It does not have a lot of attributes that we consider here in the lower 48, but it is pristine, and it is a wilderness, and it is worth saving.

And it is certainly worth saving when you consider how much energy, how much energy this Nation is prepared to waste under this legislation. If it is so valuable, why are we wasting it? Certainly you would not waste it to go in and invade this wilderness area for this purpose. It simply makes no sense at all.

I have talked to the natives up there. I have talked to the whaling captains. I have been all through their community, and I understand their desire. But this is a national asset. This is not to be determined by the whaling captains. This is not to be determined by the Congressperson from that district.

This is a national asset and it ought to be protected as such. We ought to understand that we do not have an energy policy that is worthy of this.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, the Mandalay National Wildlife Refuge in Louisiana is a national asset, too, but there are 100 producing wells on it. And the people of California and the people of Massachusetts benefit from the fact that we produce a hundred wells in the Mandalay National Wildlife Refuge, a refuge that is much more abundantly full of resources than ANWR.

What people forget is that inside ANWR, inside the area, 1002, that was designated for drilling, that is what 1002 is; out of this 19-million-acre ANWR, 1002 is the area we set aside for production. And inside it is 92,000 acres of private property. It belongs to the people who live there, and they cannot even produce their resources.

Now, I understand if California does not want to produce or Massachusetts does not want to produce. If they want to depend upon the Mandalay Wildlife Refuge in Louisiana for oil and gas, I can understand that. We make that deal. We produce in Louisiana. We do it in an environmentally sensitive way, and we produce oil and gas for the rest of the country. If we shut down tomorrow, the country is out 25 percent of its oil and 25 percent of its gas. What do you think Massachusetts and California will do then?

But the people of ANWR, 1002, the people who live on the 92,000 acres, want to produce their own private lands and you will not let them. Not government lands, their own private lands, and you will not let them; that is what this amendment does. It says to private property owners in America, the Native Alaskans who live on this private property, you cannot produce your own property, you cannot produce resources for the rest of the country if you choose to do so.

Well, let me ask a simple question. Do you think the ANWR, the 1002 area where these people live, is any more precious than the Mandalay area in Louisiana? Do you think it deserves more attention, more protection, more sacred status than the Mandalay area, my district in Louisiana?

It does not. It does not. We produce in Louisiana. It is time for the rest of you to do the same thing.

The CHAIRMAN pro tempore. The Chair would state that the gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining. The gentleman from California (Mr. POMBO) has 3 minutes remaining.

The gentleman from California has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

This is an issue about going to a pristine area in the Arctic and drilling in order to build a pipeline, in order to bring the oil down to California to put it in SUVs that get 12, 13 miles per gallon. The people who propounded this amendment just voted against an amendment that would have increased the fuel economy standards up to 30 miles per gallon for SUVs. Rather than do that, they say to future generations that they would prefer to desecrate this sacred refuge.

Now, I saw a Roll Call about a week ago and the Congressman from Montana's picture was in there. He was a staffer at the time. He had a beard. He had some glasses. He looked a lot younger. I did, too. People change, but there are certain things that should not change. The Arctic Refuge is one of those things. And I think, unless we have a compelling reason not to increase the fuel economy standards of SUVs that we have no right to first go to a pristine wilderness that should be preserved for the next generation.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON) and then we will close.

Mr. BARTON of Texas. Mr. Chairman, in Corsicana, Texas, there is the first commercial oil field of any size outside of the State of Pennsylvania. It is in my district. It began producing oil in the early 1900s. The old Mexia field, the Bryan College Station field, these are all fields that are either in my district or in my old congressional district. They have been producing oil for generations and generations.

In the Bryan College Station field, that field goes through the water table for Bryan College Station. Over 200 producing wells, no environmental problems.

Now, somehow it is okay to produce in those fields in my home State, but it is not okay to produce in ANWR where there are fewer people per square mile than there are various animals. And we have shown in Prudhoe Bay that the animal habitat actually flourishes with oil production.

I cannot understand why we are opposed to producing between a million and a million and a half barrels a day for 30 years. I would hope we would oppose this amendment.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from the State of Colorado (Mr. UDALL).

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Mr. UDALL of Colorado. Mr. Chairman, I thank my friend from Massachusetts for yielding time to me.

This is about the future, but I think the past is instructive; and I ran across the following from a report in 1978.

The subcommittee, it says, has noted the eloquent statements of a number of prominent Alaskans about the idea of building a pipeline across the coastal plain, and the report quotes the senior Senator from Alaska who told the Council on Environmental Quality, some have appropriately compared the idea with slicing a razor blade across the face of the Mona Lisa.

I am not saying the Senator from Alaska would support this amendment. I am sure he would not, but in the spirit of what Teddy Roosevelt said when he saw the Grand Canyon, "This is God's handiwork; we cannot improve on it," let us let the wildlife refuge be. We cannot improve on it. Support the Markey-Johnson amendment.

Mr. POMBO. Mr. Chairman, I yield myself the remaining time.

This is a difficult amendment. It really is because much of what my colleagues on the left have to say about

ANWR I agree with. It is a unique, beautiful area that should be preserved. I absolutely agree with them, and I do not think that that should be part of the debate.

When we look at the north slope of Alaska, an area that is nearly the size of California, nearly 100 million acres and we take ANWR out of that, it is an area that is nearly 20 million acres, about the size of South Carolina. What we are proposing is that we take a very small portion of that 100 million acres, the 20 million that is ANWR, 2,000 acres that would be set aside.

I have been up to the Arctic, and the gentleman from California (Mr. GEORGE MILLER) is right. He has been in the summer and he has been there in the winter, and so have I; and I can tell my colleagues that it is a fascinating place. In the summer it is fascinating, and in the winter it is darn cold; but it is just as fascinating.

I, quite frankly, love it up there. I think it is a beautiful place that deserves the protection of this House and of this Congress. If this amendment were to protect 18,998,000 acres of ANWR, we would have no debate. If this amendment said that we were going to turn most of it into a wilderness area that would be preserved forever, we would have no debate because what my colleague is doing is he is presenting a false choice. He is telling us in this House and he is telling everybody in America we have to choose between a healthy economy and a healthy environment; we cannot have both. He is setting up a false choice.

I urge my colleagues to reject this amendment, to reject his false choice and support the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the Markey/Johnson amendment to prohibit drilling for oil in the Arctic National Wildlife Refuge. I come from Houston, TX, what has been called the energy capital of the world, and I appreciate that oil and fossil fuels deserve much credit for driving our economy and prosperity over the past centuries. I know that oil, and natural gas will continue to play a large role over the next century at meeting our energy needs. However, we all know that fossil fuels are not the wave of the new millennium. We are overly dependent on foreign sources of oil, bought from people that we would prefer not to be reliant on.

Some of our colleagues have suggested that the best way to decrease our reliance on foreign oil, is to tap into oil in the Arctic National Wildlife Refuge. As it stands, H.R. 6 will allow such drilling. But that approach is poorly informed and short-sighted.

Our children, especially in inner cities like in my district of Houston, have an epidemic of asthma from breathing smog and polluted air. A better approach to decreasing our need for foreign oil, is to decrease our need for oil, in general. I am pleased with the work we have done in the Science Committee to improve R&D that will lead to the fuels of the future: solar, wind, hydro-, fusion, and hydrogen. Energy companies, like Shell Oil in my district, have realized that the future is not simply about oil. They have started to take advantage of their expertise in energy needs-assessment, production, and distribution, to find ways to make their companies leaders in the alternative and renewable energies market. Why does it sometimes seem that policy makers are more attached to oil, than oil companies are?

No matter how safe we try to be, shipping and pumping oil will occasionally lead to spills and leaks that can have detrimental effects on the environment. There are many areas of the country where oil drilling has been successfully and safely carried out for years. By coupling improved technology for exploring for sources in those regions, to better conservation efforts, we can provide for the needs of the future.

My colleague from Houston, NICK LAMPSON and I introduced a provision in the Science Committee markup last year that provided for an inventory of such safe U.S. oil resources. It will lead to a report by the Secretary of the Interior to the Congress as to the oil and natural gas reserves in waters off the coast of Louisiana and Texas. I am pleased to note that that provision has been expanded in H.R. 6 and will be a part of a comprehensive report on the status of U.S. oil reserves. No matter how we decide to manage our resources in the future, it is important that we take stock and are informed about our options.

Although there are some nations that we would prefer not to be forced to buy oil from, there are other allies overseas who deserve and could use the added revenue and support. For example, the African continent is thought to have large reserves of untapped oil. If there are environmentally sound means of retrieving that oil, in a way that would serve the people of the area—helping them get critical medical services, water, food, and homes—that would be a worthy pursuit.

What I am saying is that there are many sources both here and abroad, from which we can retrieve oil in a safe way, in order to serve our nation's energy needs during the transition to the fuels of the future. Pumping oil out of one of the most pristine and spectacular pieces of land in the world simply is not necessary.

No matter how large the "footprint" is, the fact is that the sight and sounds of drilling, and the pumping of oil through pipelines, and shipping threatens the vibrant ecosystem in the region and risks disaster. Some say that with new technology, probably, nothing will happen. To me that is like saying, "I am too lazy to insulate my house, so to pay my energy bills, I'll just cancel my children's health insurance plan for a while." Maybe the kids won't get sick, and you'll end up with a few extra dollars in your pocket. But, that does not make it a smart move.

What we would be doing by drilling in ANWR is similar—taking a grave risk with a fragile ecosystem, to provide maybe 6-months worth of oil, about 5 years from now. This is a natural treasure that belongs to our children. I, and the people in my district, who appreciate oil and the energy needs of America, do not feel it is right to take that risk.

I will vote for the Markey-Johnson amendment.

Ms. HARMAN. Mr. Chairman, is there someone here today who can tell me why it is worth destroying forever the remarkable Arctic National Wildlife Refuge for a few months' supply of oil—oil that is a decade away from recovery? Some 95 percent of Alaska's North Slope is already open to oil and gas exploitation.

Is there someone here today who can tell me why it is smarter for this country to exploit ANWR for a miniscule amount of oil than it is to increase CAFE standards and make all vehicles more fuel efficient? A small increase in fuel efficiency creates a large decrease in the amount of oil we import.

Is there anyone here today who can tell me why, at the same time it talks about hydrogen-powered automobiles and fuel cells, this administration is throwing its support behind the big automakers' lawsuit against California's clean car law?

Is there anyone here today who can tell me why it's better to drill in ANWR than it is for this country to promote and invest in clean energy-producing technologies and renewable sources of energy?

True national security is defined by more than staggering military superiority. Our standing in the world is measured by more than our muscle. A healthy planet, clean water and clean air go hand-in-hand with a healthy economy.

This country, the wealthiest and most powerful in history, can and must do more to set an example for the rest of the world. Protecting ANWR is a good start.

Ms. WOOLSEY. Mr. Chairman, Americans realize we should not risk 1.5 million acres of pristine wilderness for a meager, 6-month supply of oil that wouldn't even be available for 10 years.

My constituents in Marin and Sonoma counties are miles from the Arctic Refuge. But there are two easy reasons why we care about land in Alaska.

First, the people I represent believe strongly in respecting and preserving all the world's environment not just for today, but for generations to come.

Second, they know that once we start to let oil interests pilfer the environment in Alaska, the Bush administration and their oil buddies might see the California coast as next.

Mr. Chairman, if we open this door today, even a crack, it will be impossible to close. Oppose drilling in the Arctic Refuge.

Ms. MCCOLLUM. Mr. Chairman, I rise today to strongly oppose any attempt to open the Arctic National Wildlife Refuge to industrial development and encourage my colleagues to support the Markey-Johnson amendment to protect this unique ecosystem, which is unlike any other in the world.

It's outrageous that after 2 years we are here again debating whether to open America's last, untouched landscape. Having visited the refuge, I know firsthand how fragile it really is.

This area is already under stress: global warming is thawing the Refuge's tundra and nearby development pollutes the air.

Yet, this House is debating a bill that would permanently harm Alaska's coastal plain—an irreplaceable wilderness, a home to wildlife that sustains the culture and traditions of Alaska's native people—by allowing oil and natural gas development.

What we should be debating is how to achieve true energy independence. This bill does nothing more than continue our pattern of increasing oil imports and unchecked consumption.

Energy security and more jobs can be achieved if we invest in conservation and research the next generation of energy efficient appliances, homes and automobiles.

Developing homegrown, renewable fuels like ethanol and wind will also provide more long-term benefits for our environment, our economy and our workers.

It's time we end this debate, join with the majority of Americans and start prioritizing our energy future.

Even if we open the Arctic Refuge tomorrow, it won't produce a drop of oil for over a decade. Even then peak production is 20 years away.

We should not be shortsighted. Support the Markey-Johnson amendment today and oppose any attempts to open this fragile tundra to industrial development.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Markey-Johnson Amendment to protect the Alaska National Wildlife Refuge.

The coastal plain of ANWR is the last major part of the North Slope that has not been developed. Protecting and preserving our splendid natural resources is a patriotic and moral obligation.

In my judgment, it would be far better to develop prudent and lasting alternate fuel energies than to risk irreparable damage to the wilderness of one of North America's most beautiful frontiers. Efforts to drill in ANWR are ill-conceived and will ultimately do little to help achieve a long-term, sustainable, and comprehensive national energy policy.

Mr. Chairman, drilling in the Arctic Refuge is a quick fix, not a sustainable solution.

I urge my colleagues to vote "yes" on the Markey-Johnson amendment.

Mr. CROWLEY. Mr. Chairman, I rise in support of the Markey-Johnson amendment to protect the Arctic National Wildlife Refuge from being sacrificed to the harmful and reckless impact of drilling, logging, and development.

The Arctic Refuge provides a home to millions of animals and migratory birds; it provides subsistence to Native American people in Northeast Alaska; and it provides pristine wilderness for the generations of Americans after us.

Opening up the Arctic Refuge to oil drilling will not significantly reduce our oil imports—in fact, according to the Bush Department of Energy's data, even when oil production hits its peak the Refuge oil would only reduce American oil imports by 2 percent.

Furthermore, even the oil industry acknowledges that it will take 10 years to develop and deliver oil from the Arctic Refuge.

The bottom line is that more oil production is not the answer to our energy needs—if we are going to address this issue honestly, then we must focus on developing renewable energy resources and energy efficient policies.

The CHAIRMAN pro tempore (Mr. BEREUTER). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 108–69.

AMENDMENT NO. 6 OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. VITTER:

After the table of contents, insert the following new section:

SEC. 2. ENERGY POLICY.

It is the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 58 percent to 45 percent by January 1, 2013.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is very simple and straightforward. It stems from an alarming fact which is at the absolute heart of the need for this national energy policy, and what is that fact?

Last year, 58 percent of our oil resources consumed in the U.S. came from foreign sources. How has that changed over time? That is 20 points more than the level of the 1973 Arab oil embargo, and it is a full 10 points more than in 1991 when we fought the first Gulf War.

This amendment addresses that in a simple, straightforward way. It sets a policy. It declares a sense of the Congress that we will establish a specific goal of reducing that number to 45 percent by 2013, 10 years from now.

Again, this goes to the heart of our whole endeavor of creating a balanced national energy policy to achieve real energy independence and to reduce our dependence on foreign sources. We clearly need to explore all options available, conservation, efficiency, alternative sources, technology development, domestic production to achieve that independence; and this will help set an important benchmark to make us do that.

I want to thank the gentleman from Louisiana (Mr. TAUZIN) for his leadership in bringing up a well-balanced bill that addresses all of these options. This bill is the right energy policy and makes the right strides toward reducing that dependency on foreign sources in particular.

Briefly, why 45 percent? Because, number one, it would be significant. It would turn the corner because we are not only at 58 percent, but we are quickly increasing that number over time such that if we do not do something, we will be at two-thirds and over two-thirds in the very near future. Secondly, it is a realistic goal which is absolutely achievable.

Why do we not set this goal as a clear marker to turn the corner to reduce our dependence on foreign sources? Right now, just like the rest of our Nation's fuel, most of the fuel actually used by our military is from foreign sources. That is clearly not smart. That is clearly a danger that we can perceive in wartime, and it is a danger for our general economy even in peacetime.

I look forward to broad-based support of this amendment. I would note that it was included in the previous version of the energy bill which we passed through the House last year.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member that claims time in opposition?

The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108–69.

AMENDMENT NO. 7 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TOM DAVIS of Virginia:

Page 34, starting on line 12 (in section 11006(f)), strike "the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" and insert "Congress".

Page 41, line 24 (in the matter proposed to be inserted by section 11010(a) as section 6005(c)(3) of the Solid Waste Disposal Act), strike "the Committee" and all that follows through "Representatives" on page 42, line 4, and insert "Congress".

Page 43, before line 5 (at the end of subtitle A of title I of division A), insert the following new section (and conform the table of contents accordingly):

SEC. 11011. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) NTIA.—The term "NTIA" means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term "telecommuting" means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

(5) FEDERAL EMPLOYEE.—The term "Federal employee" has the meaning provided the term "employee" by section 2105 of title 5, United States Code.

Page 182, after line 6 (at the end of subtitle D of title IV of division A), insert the following new section (and conform the table of contents accordingly):

SEC. 15050. STUDY ON REDUCING PETROLEUM CONSUMPTION.

(a) IN GENERAL.—The Administrator of General Services, in cooperation with the Secretary of Energy, shall conduct a study to consider the merits of establishing performance measures to guide the reduction of petroleum consumption by Federal fleets.

(b) MATTERS TO BE ADDRESSED.—The study shall assess the feasibility of performance measures—

(1) to enable agency and congressional decisionmakers to establish annual and long-term performance goals to define the level of petroleum consumption reduction to be achieved by Federal fleets;

(2) to improve the effectiveness and accountability of Federal efforts to reduce petroleum consumption and dependency;

(3) to enhance decisionmaking by providing objective information on achieving performance objectives; and

(4) to provide an alternative to the mandated alternative fueled vehicle requirements in section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committees on Environment and Public Works and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Reform of the House of Representatives a report on the study.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on March 20, the Committee on Government Reform reported out the Federal Government Energy Management Improvement Act, establishing energy efficiency standards and policies for Federal buildings and the Federal fleet of automobiles. The committee, which has primary jurisdiction over Federal procurement policy, Federal property management, including the management of buildings and vehicles and the Federal civil service, marked up this legislation dealing with these issues with the intention that it would be made a part of the comprehensive energy bill.

This amendment being offered by me and the gentleman from California (Mr. WAXMAN), my ranking member on the Committee on Government Reform, improves the comprehensive energy bill by harmonizing the provisions regarding Federal energy efficiency in H.R. 6 with the provisions reported out by the committee.

First of all, our amendment would add a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States as a way for the Federal Government to be a leader in energy conservation.

The second thing that our amendment would do is direct the General Services Administration, in cooperation with the Department of Energy, to consider the merits of establishing performance measures to guide the reduction of petroleum consumption by the Federal fleet.

Congress' role should be to decide where the Federal Government should be in terms of energy consumption in any given year. Then we should give Federal managers as much flexibility as possible to achieve these expectations.

Unfortunately, Congress is too often in the business of dictating how agency managers should accomplish certain performance goals and how they should manage these operations. It is time for Congress to move away from micromanaging the executive branch, and this amendment is an attempt to do just that.

I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition?

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though there is no opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Virginia for his efforts on this energy bill. It has been a pleasure to work with him on these issues on a bipartisan, collegial basis. Together, we have attempted to seriously examine the Nation's energy policy and provide some commonsense changes that would improve Federal energy management.

The Committee on Government Reform is the committee of jurisdiction for Federal Government management and procurement, and the committee unanimously adopted a bill addressing energy-related Federal management and procurement issues.

In particular, the committee carefully examined the existing programs that are intended to encourage the Federal Government to use alternative fuel vehicles and reduce the use of gasoline. The committee found that the existing program does not work. Agencies are using taxpayers' money to buy vehicles that can run on alternative fuels, but then they are operating them on gasoline, defeating the whole purpose.

Thus, the committee unanimously adopted, and I want to underscore that, unanimously adopted provisions to address this problem by allowing agencies to acquire fuel-efficient hybrid electric vehicles and by creating an incentive for agencies to use alternative fuels.

We also worked out on a bipartisan basis a plan for increasing the use of clean, renewable energy by the Federal Government. Despite the committee's actions, the committee's provisions were not included in the base bill. The gentleman from Virginia (Mr. TOM DAVIS) and I filed these provisions as a floor amendment, but it was not made in order. The amendment that we are now debating contains only a few minor study provisions adopted by the Committee on Government Reform. In other words, this bill is so relentlessly and excusably pro-consumption, pro-production, pro-exploitation of energy that we are not even allowed to debate bipartisan amendments that would modestly reduce Federal energy consumption.

As offensive as this is, this is only one of many egregious aspects of the procedure we are following today; and as bad as the process is, the substance of this bill is even worse.

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Last Congress I opposed the energy bill because it provided massive subsidies for energy industries and forced our constituents to pay the tab. That bill was offered with a brazen disregard of taxpayers, consumers, the environment, and the real energy needs of this country.

Now, we have seen Enron fall, we have proof of rampant price gouging in the West, and we are in the midst of a war in Iraq. After all this, we are debating an energy bill that is even worse than the last one. I have to wonder if we are really capable of learning from experience.

Once again, this bill is a massive payback to oil and gas, coal, nuclear, and utility industries; and the subsidies in this energy bill are even more skewed toward the energy industry.

This bill is also so laden with environmental giveaways to energy industries. For example, oil and gas companies, such as Halliburton, will get exemptions from the Clean Water Act and the Safe Drinking Water Act. Taxpayers will pick up the cost of refineries' compliance with the Clean Air Act. States and the public will have less input on pipelines that will degrade our coasts. The bill rigs the hydroelectric dam relicensing process against Native Americans, fishermen, farmers, cities, and environmental advocates; and the bill tramples State authority to apply environmental protections in siting transmission lines.

This bill also ignores reality and our real energy needs. We have learned that energy companies have fraudulently price gouged families, yet this bill does not address fraudulent acts. We have learned that oil companies are responsible for polluting critically important sources of drinking water, yet this bill would protect them from the consequences of their actions.

We have learned that energy deregulation can lead to higher prices and declining service, yet this bill pushes deregulation forward, heedless of the risks. We have learned almost daily of new impacts from global warming as icebergs break free and habitats retreat, yet this bill pretends it is not happening.

We have learned that with only 3 percent of the world's oil reserves, the United States can never drill its way to independence from Middle Eastern oil, yet this bill does nothing to meaningfully address our dependence on that oil.

We must wake up. We are at war, and most people believe this war has something to do with oil. After all, Iraq is the seventh largest oil-producing country, and Saddam's wealth and power come from oil. The weapons that are still killing our young men and women were purchased with oil revenues.

I filed a very simple common-sense amendment to begin to address our dependence on oil. It would direct the administration to reduce waste of oil by the amount that we are importing from Iraq each year. Who could support wasting oil? Well, apparently the majority in this body. They have just voted to drill in the Arctic National Wildlife Refuge, yet the House is not even allowed to debate a proposal to reduce oil waste. This is a bad process and a worse outcome.

As we wage this war in Iraq, we have been largely isolated because of our failed diplomatic efforts. This diplomatic failure did not happen overnight. The foundation was laid when the President rejected the global warming treaty, a priority for most of the world. Subsequent unilateral rejection of the treaty after that treaty, and other treaties after that, only helped to ensure international distrust of the United States.

I offered an amendment expressing the sense of Congress that the United States should reengage in international negotiations on global warming, not accept the Kyoto Protocol, just carry out the promise that President Bush made to pursue an alternative. This language was unanimously accepted yesterday by the Committee on Foreign Relations in the other body, the Senate, but the House does not have the chance to debate a single measure on global warming, even a consensus one with bipartisan support like I proposed.

It is time for us to admit that our foreign policies and our energy policies are not severable. We cannot set the Nation's energy course while ignoring interactions with the rest of the world. This legislation does not represent reality in America today, it represents only the reality of a lobbyist-filled reception room and smoky back rooms here in Washington, D.C.

I will be opposing this energy legislation. I hope other Members will join me in doing so as well. Perhaps if a majority of us reject the energy bill, we can get back to work on meeting the real needs of our country in dealing with trying to break away from our dependence on oil and other energy resources.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume, and I share my friend's regret that his amendment was not made in order. I testified for it at the Committee on Rules. But somewhere in that speech I think was endorsement of the pending amendment; am I correct?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I certainly support the amendment that the gentleman and I are being allowed to offer today, even though it is not what we voted out of committee. It is a study resolution. I do not think anybody can object, should object to it or would object to it.

But I wanted to use this opportunity, since I had some time on our side, to express my feelings about the whole energy bill and the process by which this bill is being rammed through the Congress.

Mr. TOM DAVIS of Virginia. Reclaiming my time, Mr. Chairman, I did not want the merits of the amendment to be lost.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to disassociate myself from any of the gentleman's comments except the part where he said he supports the amendment of the gentleman from Virginia, because I do too.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time, and I ask for adoption of the amendment.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BEREUTER). The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 108-69.

AMENDMENT NO. 8 OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. OBERSTAR:

Page 43, before line 5, insert the following:

SEC. 11011. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.

(a) IN GENERAL.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

"§ 3177. Use of photovoltaic energy in public buildings

"(a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

"(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

"(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

"(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

"(B) To reduce the fossil fuel consumption and costs of the Federal Government.

"(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

"(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

"(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

"(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

"(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

"(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

"(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

"(A) prescribe such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

"(B) develop innovative procurement strategies for the acquisition of such systems; and

"(C) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate an annual report on the results of the program.

"(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Energy, shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

"(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There is authorized to be appropriated to carry out subsection (a) $210,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

"(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There is authorized to be appropriated to carry out subsection (b) $52,700,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 3176 the following:

"3177. Use of photovoltaic energy in public buildings".

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment for myself and for the gentlewoman from the District of Columbia (Ms. NORTON). It is to put in place a program of retrofitting Federal Government buildings with photovoltaic cells to generate electricity to operate these Federal buildings.

From the experience that we have gained over previous years, we know that not only can we supply all the electricity for Federal Government office buildings with photovoltaic rays, but also produce extra electricity that can be sold into the power grid and return some investment back to the Federal Government.

This is not a new idea. It was one that I first offered, I would say to my good friend, the chairman of the committee, in 1979. It was enacted and it was put in place at a time when photoelectricity from photovoltaic cells was running about $1.75 per kilowatt hour.

It is now down to 25 cents per kilowatt hour. With a huge cut in the program, it was literally terminated in the 1980s and into the 1990s. I think now is the time to, with further research, with more efficient cells, to get this program back on track and to save the government a huge amount of energy.

Now, the Federal Government spends $8 billion a year on utility costs for the 500,000 Federal Government offices that it operates, and we could save a considerable amount of money by retrofitting Federal Government buildings with photovoltaic cells. I have proposed in this amendment $263 million a year, subject to appropriations over 5 years. That is about equal to the amount we were investing in research and development on renewables in 1979. So this is not a great leap forward, but it is an important step forward.

I realize there may be some question about the total dollar amount per year, and that is a matter that can be subject to further discussion as the bill moves into conference. If the amendment would be acceptable here, perhaps some other number could be reached in conference, provided it is not a drastic reduction, but one that is a reasonable program.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 10 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to say to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), that it is mild opposition. It is not head-in-the-sand opposition, but I have several questions and concerns. I am not going to ask for a rollcall vote. If it passes on a voice vote, we will work this out in conference. But I do want to point out some things.

The bill before us authorizes $200 million a year for clean coal technology. Coal provides over 50 percent of our electricity. The Oberstar-Norton amendment provides $262 million a year for solar voltaic energy, which produces about four-tenths of 1 percent of our energy. That seems to me to be a little bit of an imbalance.

On page 2 of the Oberstar amendment it says that the goal would be to install solar energy systems in 20,000 Federal buildings by the year 2010. That is an average of about 50 Federal buildings per congressional district. The only way we are really going to be able to do that is if we solar voltaic almost every post office in this country.

If we go down to the bottom of the page on page 2, it says the total amount of photovoltaic electric energy they hope to generate is 150 megawatt hours. Well, if we take the $1.3 billion that it would authorize, and admittedly that is an authorization, but if we took that $1.3 billion, divided it with 150 megawatts, which is the goal, that is a cost of about $10 million per megawatt, $10 million. Now, to put that in perspective, a base load coal plant, a base load natural gas plant, even a base load nuclear plant, we are talking $500 per megawatt. So that we are putting a lot, a lot of money into admittedly a good program.

Solar voltaics is a good program, but as the gentleman indicated, right now the best technology generates photovoltaic energy electricity at about 25 cents a kilowatt. A base station natural gas combined cycle plant generates at about 2 cents per kilowatt. So there are a lot of problems with the specific language in this amendment, but its goal is honorable.

So I am going to work with the gentleman and the gentlewoman from the District of Columbia in conference, but I want the gentleman to know that there are some major, major problems with the specifics in this language. The goal is noble, but the implementation may be somewhat flawed.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), who, I believe, wants to speak in support of the amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding me this time.

The United States has 2 percent of the known reserves of oil in the world. We use 25 percent of the world's oil. We now import 57 percent of what we use compared with 37 percent in 1973, at the Arab oil embargo.

Now, I know that we do not get a lot of our electricity from oil, but energy is fungible and we really have to reduce our reliance on fossil fuels, or the future holds big, big problems for us. Just looking at oil, for instance, there is about 1,000 gigabarrels of oil remaining in the world. That sounds like a lot, a trillion barrels, but we use 20 million barrels a day. The rest of the world uses 60 million barrels a day. The arithmetic is not very tough. That is about 40 years of known reserves of oil in the world.

Now, we will find more oil, there is no question about that. But there is also no question that we would like to use more oil, and so would those Third World nations who would like to industrialize their countries to do for their people what industrialization has done for our people. So we are going to be very lucky in the future if the additional oil we find matches the additional oil we would like to use.

So we have about 40 years of oil remaining in the world, and that is not forever. We really do need to reduce our dependence on fossil fuels and foreign oil, and this is a very good way.

I have a lot of personal experience with photovoltaics.

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I have a vacation property that has 48 60-watt panels at 4kw inverters. It has been there for a number of years. It works flawlessly; and the more we use, the cheaper it will get. The further we go down the curve of pumping oil, the more expensive it will get. It will not be too many years before those curves cross. So this is a good start. It is something that we ought to do. The Federal Government needs to set the right example, and this is doing that. I certainly support the amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, speaking in favor of the amendment, I think one of the reasons we have not moved forward on energy as much as we have is the vision of new technologies is difficult to visualize.

I want to show Members a home located in Loudoun County, Virginia, Hillsboro, Virginia. It is owned by Alden and Carol Hathaway. It was built for a total of $365,000. It incorporates solar photovoltaic cells in the roof panels, in the shingles themselves. It has an in-ground heat pump, and it is a net zero energy-using home today in Loudoun County, Virginia. During the year, it is zero. It qualifies as a net zero use under energy qualifications, and that is happening today for essentially what it costs to build a house in Loudoun County today.

This is a real thing that is here. It is not some sort a figment of our wild imagination, and the reason this works is a phenomenon the gentleman from Minnesota (Mr. OBERSTAR) has used as the basis for that amendment, and this show the price of solar photovoltaic starting at about $1 in 1980 per kilowatt, and has continued to decline in a radical reduction in cost down to about 20–25 cents per kilowatt at this time, which is exactly what the gentleman from Texas (Mr. BARTON) stated, and he is always right about these things. That is about where it is today.

But the thing that is important to note is this graph is going to keep going down; and the reason it is going to keep going down is the economies of scale that allow us to produce units at a lesser price the more of them we make. So we should have confidence that if we increase the demand for photovoltaic cells, this price is going to continue to come down, and there will be more homes like the Hathaways' home in Virginia.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my eyes are getting old and tired. I cannot read the chart of the gentleman from Washington (Mr. INSLEE) from here. At the end of the chart, what are the dollars per megawatt or cents per kilowatt price at the low end of the curve at the right on the photovoltaic?

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, this projection goes to 8 cents per kilowatt hour in this projection. This projection is a little less optimistic than the actual which the solar association predicts.

The solar industry believes that this rate of decrease will be relatively constant because what they explain, because of the economies of scale, largely the price of production is the issue and the cost of solar photovoltaic efficiency. Because when we ramp up our production facilities, we dramatically lessen our costs. I think every time we increase the photovoltaic number of cell units produced by a factor of 10, the price has gone down by a factor of almost 2. That has been relatively consistent.

So they are a little more optimistic than this chart. I think the other thing about photovoltaics, what I think the future is, these are not going to be enormous plants that cover Arizona, but they are going to be more discrete local plugged-in networks that the gentleman from Texas (Mr. BARTON) has shown leadership on to produce this back into the grid. I think we have good opportunities there.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, I could not read the chart; and I am a supporter of solar photovoltaics. I have some concerns about the goals and dollar amounts, but the concept I am very supportive of.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the consideration of the gentleman from Texas (Mr. BARTON). He has raised some legitimate concerns. I think we can resolve those as the bill goes forward.

Ms. NORTON. Mr. Chairman, over 25 years ago, in May 1977, Congressman OBERSTAR testified in front of the Public Buildings Subcommittee, chaired by former Congressman Norman Mineta, our current Secretary of Transportation, about the stark reality of our energy demands.

As everyone knows, a few years earlier, in 1973, the oil embargo had sent shock waves through the nation as energy prices soared. For the first time, with the exception of fuel rationing during World War II, America faced a serious shortage of energy. Long lines formed at the gas pumps and a national maximum speed limit was set at 55 m.p.h. President Nixon ordered the lights on our monuments and public buildings here in Washington turned off to save power and encourage the nation to cut back on its energy consumption. Then, in 1977 we staggered again under the natural gas fuel crisis.

In 1977 President Carter created the Department of Energy by combining the Energy Research and Development Administration (ERDA), the Federal Power Commission, the Federal Energy Administration, and several programs in the Department of Interior. At this time the Federal renewable energy program was enhanced to include basic and applied research and development, and encouraged partnerships with the private sector in demonstration projects.

In developing incentives for the renewable energy program the Federal Government stepped in and created market incentives through a series of residential and business tax credits. It is even more relevant now than it was in 1977 that the Federal Government stimulate not only basic and applied research in alternative energy systems but also encourage the production of such systems.

Encouraged by both the Carter Administration's and Congress's interest in renewable energy and convinced that solar energy provided numerous benefits and cost savings, in June 1977 Congressman OBERSTAR introduced H.R. 7629, a bill to provide for the procurement of advanced photovoltaic energy devices for use in government buildings. The bill became part of a larger bill to establish a comprehensive national energy policy, which became PL 95–619.

Most unfortunately, the Reagan Administration chose not to fund the bill, resulting in not only a lackluster renewable energy program but also a serious deterioration of national focus.

So now, more a quarter century later, we find ourselves still struggling to develop a comprehensive national energy policy. It is in this environment that I join with Ranking Member OBERSTAR to introduce this amendment to H.R. 6—The Energy Policy Act of 2003.

The purpose of the amendment is "to accelerate the growth of a commercially viable photovoltaic industry in order to make this energy system available to the general public. . . ." The Federal Government has used federal procurements as a method of "jump starting" a technology. Procurements for the Department of Defense helped develop integrated circuits. The General Services Administration, using its FTS 2000 telecommunications contract was also successful in promoting advancements and enhancements in telecommunications.

Because of the government's interest in the benefits of solar technology, solar systems are frequently incorporated into the operations of Federal buildings. Just across the Anacostia

River, here in the Nation's Capitol, at the Suitland Federal Center the General Services Administration has installed a large PV system to supply electricity for the Federal center. During disaster relief solar power systems step in quickly to supply efficient, easy to install, mobile power sources.

The amendment authorizes the Administrator of General Services Administration to establish a photovoltaic energy commercialization program for the purchase and installation of photovoltaic solar electric systems for electric production in new and existing Federal facilities. As I mentioned, the purpose of the program is to accelerate the growth of a commercially viable photovoltaic industry, to reduce the fuel consumption of the Federal Government, to stimulate general use within the Federal Government of life cycle costing, and to develop performance data to support policy decisions on future incentive programs.

This is an excellent amendment and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in House Report 108-69.

AMENDMENT NO. 9 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BROWN of Ohio:

At the end of subtitle E of title II of division A, insert the following new section:

SEC. 12405. GASOLINE AVAILABILITY STABILIZATION RESERVE.

(a) ESTABLISHMENT.—

(1) AUTHORITY.—The Secretary shall establish a Gasoline Availability Stabilization Reserve (in this section referred to as the "GAS Reserve") system with a total capacity of 20,000,000 barrels of regular unleaded gasoline.

(2) RESERVE SITES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine a site for one GAS Reserve each in the Northeast and Midwest regions of the United States, and one in California. Such reserve sites shall be operational within 2 years after the date of enactment of this Act. The Secretary may establish two additional GAS Reserve sites at locations selected by the Secretary.

(3) SECURITY.—In establishing the GAS Reserve under this section, the Secretary shall obtain the concurrence of the Secretary of Homeland Security with respect to physical design security and operational security.

(b) TRANSPORTATION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress, the Secretary of Homeland Security, and the Governor of each State in which a reserve will be sited a plan for the transportation of the contents of the GAS Reserve under this section to consumers in the event of an emergency sale under subsection (d).

(c) FILL DATE.—The Secretary shall complete the process of filling the GAS Reserve under this section by March 1, 2006.

(d) EMERGENCY SALE AUTHORIZATION.—The Secretary shall sell gasoline from the GAS Reserve if—

(1) the Governor of a State transmits to the Secretary a written request for GAS Reserve emergency sales assistance which—

(A) cites a physical disruption in the system supplying gasoline to the Governor's State; and

(B) demonstrates to the satisfaction of the Secretary that such disruption is likely to result in price volatility for retail gasoline markets in the Governor's State; and

(2) the Secretary determines that—

(A) GAS Reserve emergency sales would mitigate gasoline price volatility in the Governor's State;

(B) GAS Reserve emergency sales would not have an adverse effect on the long-term economic viability of retail gasoline markets in the Governor's State and adjacent States;

(C) the physical disruption described in paragraph (1)(A) is likely to result in general economic disruption in the Governor's State and adjacent States; and

(D) GAS Reserve emergency sales would serve to stabilize gasoline prices, not suppress prices below long-term market trend levels.

(e) PROCEDURE.—

(1) SECRETARY'S RESPONSE.—The Secretary shall respond to a request transmitted under subsection (d)(1) within 10 days of receipt of a request by—

(A) approving the request;

(B) denying the request; or

(C) requesting additional supporting information.

(2) APPROVAL.—If the Secretary approves a request, the Secretary shall provide to the Governor a written notice of approval that includes—

(A) a description of the GAS Reserve emergency sale plan; and

(B) an explanation of the Secretary's decision.

(3) DENIAL.—If the Secretary denies a request, the Secretary shall provide to the Governor a written notice of denial that includes an explanation of the Secretary's decision.

(4) ADDITIONAL INFORMATION.—If the Secretary requests additional information and the Governor does not respond for a period of 10 days, the Governor's request shall be denied. If the Governor provides all requested additional information in timely manner, the Secretary shall approve or deny the request within 10 days after receipt of such information.

(f) MAINTENANCE TRANSACTIONS.—The Secretary is authorized to conduct purchases and sales of gasoline at wholesale for maintenance of the GAS Reserve system. In conducting maintenance transactions, the Secretary shall ensure that—

(1) the GAS Reserve is available to respond to emergencies during periods of the annual gasoline market cycle when the Secretary expects demand to be highest;

(2) the GAS Reserve does not contain gasoline for a period of time so long as to jeopardize its quality; and

(3) maintenance transactions are timed so as to minimize their impact on the retail price of gasoline.

(g) REPORTS.—Not later than November 1 of each year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on the GAS Reserve program, describing the physical status of GAS Reserve facilities, the program's financial outlook, and the disposition of any emergency sales request received and any emergency sales conducted since the last report, and recommending any additional appropriations or technical changes appropriate to improve the program's operation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for construction and operation of the GAS Reserve for fiscal years 2004 through 2009.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Members all know that when our local news stations report that a pipeline has burst or refinery has caught fire, we need to get ready for angry constituent phone calls and letters about gas prices. It has become almost an article of faith in most of America that practically any problem with the gasoline distribution system will cause the retail price of gas to spike, often dramatically. We all know that price spikes follow supply disruptions, just as summer follows spring.

This first sequence of events is followed almost certainly by a second equally predictable series of events: We fire off letters to the EPA, the Department of Energy, the FTC, the American Petroleum Institute, anybody we can think of who might be able to help. And even their responses are fairly predictable. The Department of Energy assures us they are monitoring the situation closely. The EPA assures us environmental regulations do not account for the price spikes. The FTC assures us that a market without overt collusion must be working perfectly, and the API says everything would be okay if only Congress would repeal the Clean Air Act and let them drill for oil about anywhere, even under the Lincoln Memorial.

Any Members who have had this experience know how frustrating it is. Constituents face a real problem, the industry tells us it is our fault, the government agencies tell us either there is nothing wrong or there is nothing they can do about it.

My amendment gives us a chance to change all that. My amendment requires the Secretary of Energy to establish 3 to 5 gasoline availability stabilization reserves modeled after the Strategic Petroleum Reserve. The Midwest, Northeast and California would get a reserve, and the Secretary would be authorized to site two more reserves anywhere in the country.

The reserve size would be 20 million barrels total, about 2 percent of the SPR. That is only enough gasoline to keep the whole country running for a day or two, but it should be enough to help any one region blunt the price effects of a refinery fire or a pipeline outage.

And that is what this reserve is intended for, emergency price stabilization, not general price control. Before authorizing an emergency sale from the reserve, my amendment requires the Secretary receive a request from the Governor based on a disruption to the physical system supplying gasoline to that State. Even then it is not a rubber stamp.

The amendment requires the Secretary to evaluate the Governor's request and consider the potential effects of the reserve sale on the area's retail gasoline markets. Only then can the Secretary conduct an emergency sale from the reserve. Even when a sale is authorized, the amendment requires the Secretary to conduct the sale so as to stabilize, not suppress, gasoline prices.

My amendment requires that the reserve program not create the very price instability the reserve is intended to prevent. In conducting routine purchases and sales, the Secretary must minimize the effects of these maintenance sales on the gas market. The amendment is not about assigning blame. It does not say that gas price spikes are the fault of greedy corporate robber-barons or environmental zealots. The amendment is about helping to minimize the effects of the supply system glitches on American consumers.

The logic is not complicated. Tom Greene, the senior assistant attorney general in California has said, "Inventories have declined dramatically. One implication is that if there is a refinery fire or an outage, there simply is not a cushion to cover the outage, and so you see price spikes."

My amendment provides that cushion. It is not a new, radical idea. Congress has done it before. The Energy Conservation and Policy Act amendments of 1990 authorized the creation of regional reserves of refined petroleum products, including gasoline. Congress is not the only body that has seen the virtues of the gas reserve. The State of California is considering a state-run reserve. A report requested by the energy commission there suggested such a reserve might save California consumers a billion dollars in the wake of a supply problem. The Consumer Federation of America has recommended this idea for the Midwest.

I urge Members to vote in support of this consumer-friendly, economic growth protection amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) is recognized for 10 minutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment proposes to establish a gasoline reserve, 20 million barrels. That is 840 million gallons of gasoline. With one site each in the Northeast, Midwest and California, there would be over 6 million barrels or nearly 280 million gallons of gasoline at each one of these three locations.

To put it in proper perspective, Port Mobil in New York, one of the largest in the world, has a storage capacity of only 2.5 million barrels. This amendment more than doubles it at each of three locations. A large gasoline storage tank can hold about 300,000 barrels. This amendment would require 22 such tanks at each location.

Gasoline, as we all know due to its extremely volatile nature, has to be stored above ground. Vaporization is a major problem. Gasoline is extremely flammable. It is explosive. I find it very ironic if a private company proposed to build one of these facilities anywhere with this kind of magnitude, every environmentalist in the country, every safety advocate in the country would be there to oppose it, and it would likely not get built. Here we propose for the government to do it.

Gasoline, worst of all, has a shelf life of 1 year or less. Now I want to put this in perspective so we all understand what I am talking about. Have Members ever tried to use the lawn mower with last year's gasoline in it? Have you ever tried to start it? Now try 840 million gallons of old gasoline in lawn mowers and cars all over America.

But the amendment says the Secretary of Energy is authorized to conduct purchase and sales of gasoline for maintenance purposes such as maintaining gasoline quality. So now let us talk about market manipulation. Here the government, the Secretary, is buying and selling 840 million gallons of gasoline in order to turn over the inventory on a 1-year cycle. That would disrupt markets in the private sector as they tried to anticipate the Federal buy-and-sale plan. This is just a ploy for the Federal Government to begin regulating gasoline prices. We have to understand it for what it is.

The amendment requires the storage of regular unleaded gasoline. Depending upon the time of the year, there are between 20 and 24 different types of regular unleaded gasoline blends at any one time in America. In the Northeast alone, there are five different types of regular unleaded gasoline. Would the reserve have winter grade or summer grade, in addition to the various blends? Members can see what I am getting to.

This is an extraordinarily complex market that is made even more extraordinary because the government requires all of these different blends, and now we are going to put the government in the business of creating massive storage tanks all over America, manipulating sales and purchases all over the place with all of these different blends to boot, and having to do it on a regular cycle because old gasoline will not start the lawn mower.

The enactment into law of this amendment would be a disaster. It would be a disaster to communities where the site is located, it would be a disaster for the gasoline markets that would be disrupted by government built-in manipulation, and it would be a disaster to the Federal Government for wasting rather precious tax dollars.

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I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Brown GAS Reserves amendment.

Mr. Chairman, the bill before us today throws billions of taxpayer dollars at oil production. It undermines environmental protections for coastal States like my home State of Michigan, as well as Alaska's Arctic National Wildlife Refuge. All of this is done for the promise of oil that cannot possibly get to the market for several years.

Even if these measures do succeed in increasing America's supply of crude oil, they will do nothing, nothing, to require that America's oil companies supply regions like the Midwest. Michigan was hit hard in 2001 when pipeline outages cut into our region's gasoline supplies. Prices at the pump jumped through the roof, putting the squeeze on my constituents and putting the brakes on Michigan's economy. Again this year we have large and often overnight jumps in gas prices that are just simply outrageous and are creating distrust in our system of gasoline distribution in this country.

The problem is not that pipelines sometimes break down and refineries sometimes catch on fire. They happen; these are acts of God, and we cannot expect the industry to prevent every one of them. The problem, Mr. Chairman, is that oil companies do not keep enough gasoline reserves in our area to provide a cushion when accidents like this happen, and that is not just ancient history. Even as we debate this amendment today, my district is looking at another summer of driving without a safety net, without a cushion.

The Bush administration's Energy Information Administration reported just last week that gasoline "stocks are very low for this time of the year on the East Coast and in the Midwest." The gentleman from Ohio's (Mr.

BROWN) amendment, the GAS Reserves amendment would provide that cushion, that safety net that we need in Michigan to mitigate the price effects of physical disruptions in our region's gasoline supply system. For my friends in the Midwest, the Northeast, and California, history has shown that they also need that cushion, that safety net that is provided by this amendment.

I hope that my colleagues will join me in voting to give the Federal Government the tools it needs to make a real difference in the most important day-to-day energy issue facing our constituents and our economy. I ask that you join me in supporting the Brown amendment.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, first I want to thank the distinguished gentleman from Ohio (Mr. BROWN) for graciously, and I mean this, providing us copies of the amendment. The majority staff had the odd page copies but not the even page copies. So we appreciate it. That shows how closely we had been tracking this. So I am glad we got the entire amendment, and I appreciate that.

The gentleman from Ohio has many good ideas on the Committee on Energy and Commerce, and we have worked together on many of those ideas. This is not one of them. It is an idea, but just to put this in perspective, we use every day in this country 12 million barrels of gasoline, 12 million barrels. That is what we use to keep our transportation system going.

The gentleman's amendment authorizes 20 million barrels; that is not even a 2-day supply. So even if this were implemented, it would be 1½ days' supply. So that is the first problem with it.

The second problem, the gentleman very graciously says we are going to put a reserve in the Northeast, put a reserve in the Midwest, put a reserve in California and in two other places. That is five places. Somebody is going to get left out. If we put one in the Northwest and in the Southeast, then the Southwest gets left out. If you put one in the Southwest and the Southeast, then the Northwest gets left out. So we have got a little bit of a problem there.

We have got a security problem. Do we really want to put a national gasoline reserve in place that is just an invitation for a terrorist target? We have got that problem.

Then we have got the problem of overflow. If we do not use the gasoline, it becomes stale. Again, we are only storing 1½ days' supply, but we are going to be continuously changing this gasoline to make sure that it is fresh in case it needs to be used. That would probably cost more in the acquisition costs. So all in all this is not an idea whose time has come.

The gentleman has other ideas that I would encourage him to pursue more vigorously, because even if this were to be implemented, I do not think it would have the intended effect.

So I hope we would oppose the gentleman's amendment and work with him on some of these other amendments. But I thank him again for giving us the copies of the pages we did not have.

Mr. BROWN of Ohio. Mr. Chairman, how much time is left?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Ohio has 3 minutes remaining. The gentleman from Louisiana has 3½ minutes remaining.

Mr. BROWN of Ohio. I would like to close.

The CHAIRMAN pro tempore. The gentleman from Louisiana, who objects to the amendment, has the right to close.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the kind words of the gentleman from Texas (Mr. BARTON). I am intrigued that the two speakers who are against this amendment, one says there is too much gas that we are putting aside and reserving and the other says there is not enough gas we are reserving.

On the second argument, one said there are too few places and then the other says there are too many places where we are putting reserves. I do not quite get which it is.

But I ask each of my colleagues to think about when they go home this weekend to go to their grocery store, go to their son's or daughter's school, go to a local gas station, stop any one of their constituents, ask her or ask him what energy issue affects them the most on a day-to-day basis. I doubt that they will talk about electric power transmission lines. I doubt that they will talk about reprocessing nuclear fuel. I doubt that they will talk about building oil rigs, where they locate them, where they drill.

I will bet their constituents, almost every one that they ask, would say that the single energy issue affecting their daily lives most is the volatility of retail gasoline prices. People invariably, inevitably, almost every week will call them on the phone and talk to them in the grocery store or whatever and say, why did gas prices spike so much? Why did they go up so quickly? What happened this weekend to cause these to go up?

The bill before us today does nothing, absolutely nothing to address that important issue. We are going to pass an energy bill tonight or tomorrow or a couple weeks from now when we come back, and we will have accomplished nothing, done nothing to address the issue of price spikes in gasoline at the pump.

This amendment is about States' rights. It is about local control. It is about empowering governors to protect consumers in their States. It is not about forcing governors or forcing States to do something. It gives a governor, it gives the Secretary of the Department, it gives all of them tools to deal with the issue of price volatility. This amendment is, I would emphasize, the only thing in the bill that provides immediate relief for the most obvious tangible energy issue affecting our constituents.

I invite my colleagues to join me in approving this bill by adopting the reserves amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I too have a good friend from Ohio, but I would say the whole supply and demand equation still works. We are trying to get more supply through oil exploration. We have not built a new refinery in this country in 25, 30 years. Unfortunately, our bill does not help ease some regulatory burdens or have incentives to create new refineries. That is how we would solve their problem.

I fly into St. Louis, Missouri and if we fill up with gasoline in St. Louis and I have to drive to Springfield, Illinois, I go through three different fuel blends. There are three different fuel blends. There is a different fuel blend for St. Louis. There is a different fuel blend for Metro East, and there is a different fuel blend for Springfield, Illinois. Mr. Chairman, which fuel blend are we going to use to store and how do we separate it?

The intent is good. This cannot be implemented in the country today. So I would ask for defeat of the Brown amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Let me put this in perspective for the gentleman from Ohio (Mr. BROWN). The gentleman from Illinois (Mr. SHIMKUS) is correct. The last time America built a major refinery was in my district over a quarter of a century ago. Over a quarter of a century ago was the last time we licensed and built a major refinery in America. That is pretty sad. The result has been that our refinery is at 93 percent capacity right now.

They are making gasoline and fuel oil to heat our homes and jet fuel, as fast as they can make it; diesel fuel for our vehicles, as fast as they can make it. The result is we are importing more refined products now than ever. We are importing more refined jet fuel, gasoline, diesel, fuel oil, everything else because we have stopped building refineries in America. That is pretty sad.

On top of that, we have got a fuel blend requirement in our system that causes regions of the country to switch blends every now and then, winter grade, summer grade, different blends to meet air quality standards, the result of which if there is any breakdown in the system, we have got real problems. But building gasoline reserves and having the Federal Government intervene in those sales and marketing and circulating these sales every year is just going to make it worse, I promise.

I hate to pick on the post office, but if my colleagues think the government running the Postal System is a good idea, and delivering all the mail and the e-mails of America and running the Internet, for example, put them in the gasoline business and see what a mess we have got. This is not going to work. It is a terrible idea.

And, to boot, I can see what happens at the end of the year. We have got all these blends and all these products sitting in these tanks we have not been able to market, and all of a sudden we are going to have an old gasoline disposal bill and we are going to be fighting over whether to put it in Yucca Mountain or somewhere else.

I mean, I can see what happens at the end of this thing. It just does not work.

If my colleagues want a system that works, help us build a good energy policy that produces more in America, that builds a refinery every now and then when we need one, instead of not having one built in a quarter of a century. That will work.

I ask the Members to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

It is now in order to consider No. 10 printed in House Report 108–69.

AMENDMENT NO. 10 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 10 offered by Mr. UDALL of New Mexico:
>
> Strike section 14029.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from New Mexico (Mr. UDALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I would like to thank the Committee on Rules for making this amendment in order.

This amendment is a simple amendment with a simple objective: striking section 14209 of the Energy Bill and to protect the health of thousands of residents of the and Navajo Nation.

Section 14209 provides a $10 million subsidy over 3 years to promote a highly experimental technology where uranium is mined from groundwater. The problem is, the groundwater is a pure source of drinking water for a community of over 10,000 Navajo Indians. The Navajo community has suffered enough from the effects of uranium mining. Hundreds of families have lost their loved ones and breadwinners to the scourge of uranium mining.

During the 1940s through the 1970s, Navajo men mined uranium in dirty mines with high levels of radon. As a result, many contracted lung cancer. The Navajo Nation has seen an epidemic of lung cancer caused by uranium mining.

The people of the Navajo Nation and the residents of Crownpoint and Church Rock, do not want this mining to occur in their groundwater. They have suffered enough. They are fighting now against a company in court that is attempting to mine, and they are in court right now.

Some of my colleagues have approached me and asked me to withdraw my amendment because they believe that New Mexico was excluded. This is not the case. If it were, I would be pleased that the drinking water and aquifer of my constituents would not be threatened.

As written, section 14029 does not preclude uranium mining in New Mexico or anywhere else for that matter.

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The Congressional Research Service has advised me that, as written, 14029 would permit in situ leach mining in New Mexico.

Specifically, if a domestic uranium producer has produced uranium in any of the States listed, Colorado, Nebraska, Texas, Utah or Wyoming, and produced uranium in any other State, then that company is eligible for the grants created by this section. Then they are not precluded from doing this procedure anywhere that uranium is located.

More importantly though, this is not just about New Mexico. In my opinion, we should not be experimenting in communities' water anywhere. I am trying to protect everyone near uranium mines from having their water supplies polluted.

Mr. Chairman, my first and foremost concern in offering this amendment is protecting the health of thousands of Navajos who would be severely impacted by this mining. There are, however, other concerns. This proposed subsidy would also lead to even further unsound fiscal policy.

At a time of skyrocketing Federal deficits and an uncertain economic future, we should not be giving away $30 million to the uranium industry. We have too many domestic priorities that are not being met because of policies like this subsidy. Taxpayers for Common Sense views this as an unfair and unwise corporate giveaway.

This is also about fairness. It is sadly ironic that for years we could not find the financial resources required to fully fund the Radiation Exposure Compensation Act, or RECA, which was intended to clean up the mess left by the uranium industry; but we can find the resources for this $30 million subsidy to pollute more water and potentially ruin the health of more citizens.

We do not need more of this type of uranium development. Promoting this type of development does not safely provide new energy sources. Instead, it increases the potential for drastically harming the environment and causing potential harm to thousands.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Louisiana is recognized for 10 minutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. I believe nuclear power is an essential source of electricity in the country. It provides about 20 percent of our power today. Nuclear generating capacity is critical to maintaining the diverse portfolio that everybody wants.

In order to have nuclear power, you have to have a reliable domestic source of nuclear fuel. Nuclear fuel is made of enriched uranium, which obviously comes from uranium ore, and which is mined from the Earth in several western States.

The Udall amendment seeks to strike section 14029 from the bill. That section authorizes $10 million per year over 3 years for the Secretary of Energy to enter into cooperative, cost-shared agreements with domestic uranium miners to develop improved uranium mining technologies, including those that have minimal environmental impacts.

It also supports the development of the advanced low-cost environmental restoration technologies, to clean up uranium mines after they are closed. Why would anybody, including any nuclear activist, oppose technologies to clean up old mines?

I understand that many Members are against nuclear power: but the fact is that nuclear power will continue to grow in our country, and this amendment seeks to ensure that we develop advanced and environmentally sensitive uranium mining and restoration.

Mr. Chairman, I believe a vote for the Udall amendment to strike this section is essentially a vote against nuclear power, and a vote in favor of this amendment is also a vote against the development of environmentally responsible uranium mining and clean up technologies.

So I urge that we oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my distinguished friend, the chairman from Louisiana, makes the point that this is solely a responsible way to help the uranium mining industry.

I would point out to the gentleman that the uranium industry, since its beginning, has received $60 billion in subsidies from the Federal Government. We have a serious glut in uranium right now, one, because of governmental policies, and, secondly, because our companies that operate here in the United States cannot compete internationally, and we have this huge glut of uranium on the market right now. So the solution that the gentleman and this bill come up with is to throw more money at an industry and prop it up and encourage that industry to go out and mine in situ in people's groundwater.

This is not the way to move. I do not think this is the kind of solution that would help my constituents, it does not help anybody's constituents who live near uranium mining, and I believe we ought to focus on what is going on here.

First of all, we are propping up an industry; secondly, we are damaging the groundwater of many people; thirdly, this just is not sound fiscal policy for our Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise today to express my opposition to the Udall amendment to H.R. 6, which strikes section 14029 from the Energy Policy Act of 2003.

Let me say, one of the things that has been indicated in terms of the glut, and that is correct, but I want to indicate that the domestic uranium industry arose and expanded in response to government pleas that the private industry establish sufficient uranium to meet the American nuclear defense needs as well as the energy needs. However, in the 1990s the Russian Highly Enriched Uranium Agreement and the privatization of the U.S. Enrichment Corporation worked unintentionally to create an overwhelming glut.

Mr. Chairman, that is true, but that same glut caused the prices in the market to drop and the industry to have serious problems at below-production costs. The funding in section 14029 responds to the numerous obstacles stemming from these government actions which led to the drastic supply/demand imbalance that has occurred in the uranium industry that has left competitive domestic producers unable to survive.

That is why we need these resources, because at the present time the gentleman is correct, there is a glut. There is too much. That is why we need assistance and resources to help out.

Mr. Chairman, what these resources do basically is authorize funding for research at existing sites to make uranium recovery safer for people and the environment, and also to provide redress for impacted domestic uranium industries, by assessing the decontamination, by looking at the decommissioning, by reclamation and other environmental remedial costs. So when you look at what we are trying to do, it is basically trying to correct the situation we find ourselves in.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Texas for his comments on this issue. I consider him a good friend. But on this issue I think we have to disagree.

They say the uranium market is hurt because of governmental policies. The real facts are that the uranium industry cannot compete internationally. Other countries, namely Canada, are able to produce at far lower prices than the United States. What we are doing here by including this subsidy is propping up a dying industry.

Yes, there is a glut in the current uranium market, also created by governmental policies; but why are we giving away taxpayer money to increase the supply even more? What happened to competition? My friends from the other side always talk about competition. This is not competition; this is growing more and more and more supply.

This is a very unwise section of this bill, and it should be stricken.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON) for purposes of a colloquy.

Mrs. WILSON of New Mexico. Mr. Chairman, the Committee on Energy and Commerce adopted an amendment that I offered in committee regarding research to reduce the impact of uranium mining on water. The amendment sought to make clear that this research would be restricted only to the States of Colorado, Nebraska, Texas, Utah or Wyoming; and no other States, including New Mexico, would be the location for this type of research.

Does the gentleman agree that is the intent of the language included in the bill today?

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, that is precisely the intent that was in fact discussed and acknowledged when we accepted the gentlewoman's amendment in full committee.

Mrs. WILSON of New Mexico. Mr. Chairman, reclaiming my time, some readers of the language are asking questions about the intent. Would the gentleman be willing to work in conference to make technical corrections to the language in order to make that intent perfectly clear?

Mr. TAUZIN. Mr. Chairman, if the gentlewoman will yield further, yes, I would.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentlewoman from New Mexico for her willingness to come to the floor and clarify the intent of the legislation. I appreciate her efforts on this issue. However, even if the language in the bill were in line with the intent, I still believe my amendment is necessary. This subsidy has dangerous implications for the entire Nation, not just my district.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise tonight in opposition to the Udall amendment. The Udall amendment would strike from the energy bill all funding for research and development into environmentally sensitive uranium mining and reclamation technologies.

Uranium mining is necessary for the production of enriched uranium that is then necessary to create the fuel used in the production of nuclear power. Nuclear power must not be excluded from the Nation's long-term energy plan. It is now, more than ever, a national security issue. I think that we should invest in new technologies that can be used to extract uranium from the ground. Section 10429 creates a uranium mining research and development program to improve uranium mining technologies.

The main focus of section 10429 is to develop environmentally sensitive uranium mining technologies as well as new environmental clean-up technologies for closed uranium mines. That, Mr. Chairman, is responsible stewardship.

Nuclear power is here to stay, and we need to support a strong domestic uranium industry. This legislation does that, and it is environmentally sensible.

Mr. Chairman, the Udall amendment to strike this provision from the bill could simply be characterized as an anti-nuclear amendment. But we live in a unique time. We are at a point in our Nation's history where we cannot afford to turn our back on any reasonable power source to meet our Nation's energy needs.

Mr. Chairman, I am against the Udall amendment; and I encourage my colleagues to vote against it as well.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume to close debate on my side.

Mr. Chairman, this amendment can prevent potential damage from this provision that inflicts enormous, enormous, damage on the health of thousands of Native Americans. But this provision has implications far wider than just my district. It has implications in any district that has uranium and where uranium is mined.

The potential long-term damage this section could inflict on the environment is immeasurable. I ask my colleagues to take a close look at this and consider whether or not they might want this dangerous type of mining occurring in neighborhoods of their constituents.

I would also ask that they take a look at the fiscal responsibility here. This is an industry which has received $60 billion in subsidies. This is an industry right now where there is a huge glut on the market of uranium, and we are talking once again about throwing $30 million at the industry and propping it up. It does not make a lot of sense, especially in this competitive environment.

I would urge my colleagues to look at the groups that are supporting my amendment. We have the Taxpayers for Common Sense, who believe that this is a very serious corporate giveaway. That is one end of the spectrum. And we have most major environmental groups that are supporting this amendment. The leaders of the Navajo Nation for the last two terms have supported this amendment and are against this type of mining on the Navajo Reservation.

□ 2045

The Navajos are the largest tribe in the Nation, and the Union of Concerned Scientists is against this amendment.

So with that, I would ask all of my colleagues to vote for the Udall amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment strikes money that is designed to help improve technologies for mining in an environmentally safe way. It strikes money that is designed to help improve technologies for cleaning up the uranium mines once they are shut down.

Now, if one is against nuclear energy and if one is against mining, why would one be against helping to make sure that technologies for mining were at least done in an environmentally sound way? Why would you be against mining to make sure that technologies were developed to clean up abandoned mines once they have finished their life cycle?

It seems to me that this kind of an amendment is just designed to say you are against nuclear energy, and I understand that, as some of my colleagues are.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the gentleman from Louisiana says that this is an amendment against the nuclear industry. I am not offering this with that motivation. This is an amendment to protect the environment, and it is to protect the taxpayers' pocketbook.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, I accept my friend's explanation, but my point is, if we are talking about doing what we always do in government, and that is to assist technologies to help improve the environment in this case, to make sure that when mining occurs, it is done in an environmentally sensitive way; to make sure that when mines are closed, they are closed in an environmentally sensitive way, if that is what we are doing in this case, it seems to me whether you are pro- or antinuclear, one would be for doing this. I cannot imagine why one would be against doing this, unless one just does not like nuclear energy, and I know a lot of people do not.

I accept the gentleman's statement that that is not why he is doing it; I just find it hard to believe that all of the groups the gentleman has aligned with him are not antinuclear activists, because I have seen the list.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. UDALL of New Mexico. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

It is now in order to consider Amendment No. 11 printed in House report 108-69.

AMENDMENT NO. 11 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NADLER: In division A, section 14032, in the proposed section 307(d)—

(1) strike "and" at the end of paragraph (6);

(2) strike the period, close quotation mark, and period at the end of paragraph (7) and insert "; and"; and

(3) add at the end the following new paragraph:

"(8) accelerating the purchase of excess weapons grade plutonium and uranium from Russia to reduce the likelihood that such plutonium and uranium could be stolen or sold to terrorists.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would add to the Highly Enriched Uranium Divergent Study Threat Report, already required by the bill, a new section mandating that the study examine the options of weapons accelerating the purchase of excess weapons grade plutonium and uranium from Russia to reduce the likelihood that such plutonium and uranium could be stolen or sold to terrorists.

The report already requires that seven items be considered by the Secretary, and this amendment would add an eighth item.

Mr. Chairman, the greatest threat the United States faces is that a terrorist group like al Qaeda may obtain nuclear weapons. Even a small nuclear bomb exploded in the United States would kill hundreds of thousands of people and cause more than $1 trillion in economic damage. The threat of nuclear proliferation is at the heart of our confrontations with Iraq and North Korea, yet we are not adequately addressing the most likely source of this threat.

It is relatively easy to make atomic bombs if you have weapons-grade material. Enough excess weapons-grade plutonium and uranium to build 20,000 nuclear bombs is stored in the former Soviet Union, in facilities of doubtful security, guarded by low-paid personnel who may be tempted by black-market cash. The possibility of al Qaeda or another such terrorist group buying or stealing enough for a few nuclear devices is disturbingly high.

The United States has agreed to buy or help convert the Russian nuclear materials into a nonthreatening form, but this will take decades, up to 30 years, in fact.

Now, I had originally wanted to offer an amendment that would add $30 billion in funding to enable us to quickly purchase and secure all of the excess Russian plutonium and highly enriched uranium. That amendment was based on the recommendations of a report issued in January of 2001 by a commission headed by Howard Baker, Lloyd Cutler, Gary Hart, Sam Nunn, Susan Eisenhower, and Robert Hanfling. Their report, entitled "A Report Card on the Department of Energy's Nonproliferation Programs With Russia," should have served as a wake-up call to the Nation. Unfortunately, we are still asleep when it comes to this issue.

That report writes, "The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons of usable material in Russia could be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home. This threat is a clear and present danger to the international community as well as to American lives and liberties."

I agree. Unfortunately, my amendment, based on their recommendations, was not made in order. But this amendment, simply to study the pros and cons of accelerating the purchase of this dangerous nuclear material, may result in our taking real action a year or two from now.

We need to increase substantially the funding to purchase excess Russian plutonium so that we can immobilize it; to purchase the highly enriched Russian uranium in order to downblend it; and to make a series of improvements to the security of nuclear material while it is still in Russia, including training of operators and managers, computerizing inventory systems, and making upgrades to security during transport. At the very least, it is time for the Secretary of Energy to consider carefully proposals that would accelerate the purchase of this excess weapons-grade plutonium and uranium. Whatever it would cost would be a small price to pay to keep al Qaeda from obtaining nuclear bombs.

I hope my colleagues will support this amendment.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for yielding, and I want to announce that we support the gentleman's amendment.

And if I might have time of the gentleman to explain why, we think this amendment improves on the amendment that we supported in committee offered by the gentleman from Florida (Mr. DEUTSCH) earlier. The underlying provision requires the Department of Energy to provide Congress with a report of recommendations on how we can reduce the threat of theft or diversion of highly enriched uranium; and the Nadler amendment, as I understand it, requires the Secretary to include in this report any recommendations to accelerate the purchase of excess weapons-grade uranium and plutonium from Russia to reduce the likelihood of these materials being stolen or falling into the hands of terrorists.

My understanding is, the Department of Energy has already negotiated several agreements with Russia to purchase highly enriched uranium and weapons-grade plutonium, for that matter. This amendment would require the Department to study ways to build off those successful agreements, and determine whether accelerating the programs would be feasible.

The Subcommittee on Oversight of the Committee on Energy and Commerce has held numerous hearings to review physical security of nuclear power plants, security of Department of Energy facilities, and the risk of nuclear smuggling at our ports. The nuclear title, in fact, of our bill before us today has numerous provisions to improve the security of nuclear materials in our country.

The Nadler amendment, as I understand it, builds upon our strong efforts already in the bill to ensure that nuclear materials are protected and do not fall into the hands of terrorists. So I think the gentleman is doing this country and this Congress a favor with his amendment.

I rise in support of it, and I ask my colleagues to vote in favor of the provision.

Mr. NADLER. Mr. Chairman, reclaiming my time, I appreciate the support of the distinguished chairman.

The CHAIRMAN pro tempore. Does anyone rise in opposition to this amendment?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The gentleman's time has expired. The gentleman from New York must seek unanimous consent for additional time since his time has expired.

Mr. NADLER. Mr. Chairman, I ask unanimous consent for an additional 5 minutes, which I will not use.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Florida (Mr. DEUTSCH) and I introduced legislation to deal with the issue of highly enriched uranium that is of U.S. origin that should be secured no matter where it is, here or around the world, so that we can preclude that material's being used for nuclear weapons.

The gentleman from New York (Mr. NADLER) improves upon it. He wants it out of an even more dangerous area, and that is the former Soviet Union, all the loose nuclear material; and the opportunity that the United States has to play a lead role in taking that nuclear material, bringing it to the United States, getting it out of harm's way. And I am glad that the gentleman from Louisiana and the Republican leadership is accepting this amendment because, in the long run, there may be no more important amendment that we consider.

Mr. NADLER. Mr. Chairman, reclaiming my time, I thank the gentleman for his support. I thank the distinguished chairman for his support.

Mr. Chairman, knowing that I am ahead, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House report 108-69.

AMENDMENT NO. 12 OFFERED BY MR. REYNOLDS

Mr. REYNOLDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. REYNOLDS:

At the end of subtitle B of title IV of division A, insert the following new section:

SEC. 14036. TRANSFER.

Not later than December 31, 2003, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

The CHAIRMAN pro tempore. Pursuant to House Resolution 108-69, the gentleman from New York (Mr. REYNOLDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to open by noting that I am before my colleagues today not only on my behalf, but on behalf of my colleague and neighbor, the gentleman from New York (Mr. HOUGHTON). The gentleman from New York (Mr. HOUGHTON) had planned to offer this amendment on West Valley, which is in his district, but his mother, Laura Houghton, passed away yesterday at the age of 102 years. So he had to go to return to his district and he asked that I introduce this amendment on his behalf. And I am also joined by the gentleman from New York (Mr. QUINN), who is also a neighbor.

Mr. Chairman, this amendment addresses an issue that hits very close to home. The West Valley Nuclear Service Center in West Valley, New York, neighbors my hometown of Springville, New York, the very town where I grew up. The facility is the only commercial reprocessor of spent nuclear fuels in the United States. Although commercially operated in the late 1960s and early 1970s, the Federal Government provided all of the reprocessing technology, and the vast majority of reprocessed fuel came directly from the Federal Government's nuclear weapons reactors.

Over 20 years ago, at the direction of Congress and at the urging of the residents of western New York, New York State and the Department of Energy became partners to clean up this site. They were to work cooperatively in cleaning up the site and in deciding its future. New York State even agreed to pay for a portion of the cleanup. To this day, New York State is the only State to contribute to the cleanup of high-level nuclear waste. In fact, New York State has contributed over $250 million to the waste cleanup since its inception.

The cleanup of this site has proceeded smoothly and safely for many years.

Over the past 3 years, the Department of Energy and New York State have been meeting to plan the future of the West Valley site after the bulk of high-level waste solidification is completed.

Unfortunately, this partnership has become strained in recent years, as the Department of Energy has distanced itself from their cleanup responsibilities. New York's repeated attempts to reach an agreement over the future of the site have been rejected or ignored.

□ 2100

Mr. Chairman, this amendment does not change existing law; rather, it directs the Department of Energy to once again work cooperatively with New York State at the West Valley site. The amendment provides guidance to the Department of Energy to develop a proposal for the future of the site and report that plan back to Congress.

Finally, the amendment seeks to ensure that the Department of Energy fully recognizes its responsibilities at the site for the vast amount of Federal high-level waste at the site and directs the Department of Energy to consult with New York State on this proposal.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition, although I am going to speak in support.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does any other Member claim the time in opposition?

Hearing none, without objection, the gentleman from Louisiana (Mr. TAUZIN) is recognized.

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment offered by the gentlemen from New York (Mr. HOUGHTON and Mr. REYNOLDS), and I sympathize with our friend, who is going through a bad time.

Mr. Chairman, the amendment would require the Secretary of Energy to develop a plan to transfer to the DOE all clean-up responsibilities at the Western New York Service Center in western New York. The West Valley site was owned by the State of New York. The West Valley site was once a nuclear waste processing facility where DOE sent some of its spent nuclear fuel for processing.

In 1980, the Committee on Energy and Commerce helped pass the West Valley Demonstration Project Act. This act directed the Secretary of Energy to carry out a project to solidify and remove high-level radioactive waste from the West Valley site. Pursuant to that West Valley Demonstration Project Act, the State is required to pay a 10 percent share of the annual clean-up costs.

To date, the State has met this financial commitment. Over the past several years, DOE and the State of New York have attempted to negotiate a comprehensive agreement to resolve all remaining radioactive waste cleanup issues at the West Valley site. Regrettably, the parties, as the gentleman has indicated, have not yet come to agreement.

This amendment requires the Secretary to develop a plan to transfer clean-up responsibilities from the State of New York once and for all. In developing the plan, the DOE should consider any long-term stewardship issues, and DOE should work with the appropriate authorities in New York to determine what share of the total cleanup costs should be paid by the State.

This is an important issue to the committee. I hope this amendment will encourage the DOE and the State of New York to finalize a plan to address these important cleanup activities at West Valley.

So I rise, actually, in support of this amendment, Mr. Chairman. I encourage my colleagues to support it also.

Mr. REYNOLDS. Mr. Chairman, I thank the chairman for his support of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. QUINN), a neighbor of the gentleman from New York (Mr. HOUGHTON).

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to join the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. REYNOLDS) in sending condolences to our neighbor and friend, the gentleman from New York (Mr. HOUGHTON), on his loss.

Over the past few years, all of the members of the western New York delegation, along with local leaders and members of the community and others, in an effort to see a resolution in the dispute between New York State and the Department of Energy, have all worked cooperatively together. The responsibility for long-term stewardship of this site and the transportation and removal of solidified waste must be established immediately. This amendment does just that.

The West Valley Demonstration Project was a creation of the Federal Government to deal with over 600,000 gallons of highly radioactive waste generated as a result of the nuclear fuel reprocessing effort, over two-thirds of which came from the Federal nuclear weapons facilities.

This amendment directs the Secretary of Energy to provide to Congress a plan to take over responsibility of this site. The Department of Energy and the State of New York have held talks for almost 4 years on this very issue, and these talks, as we have mentioned, have produced no results. Congress laid out the instructions in the 1980 West Valley Demonstration Project Act, and it is appropriate that we clarify today that the responsibility for the final phase of this project lies with the U.S. Department of Energy.

The western New York delegation has worked long and hard on this issue with the help of the West Valley Citizens Task Force, the Buffalo Niagara Partnership, local leaders, and the community at large. It is time for Congress to act and to move on this extraordinary undertaking and make it one step closer to completion.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. REYNOLDS).

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

(See text of the conference report on H. Con. Res. 95 on page H3194).

ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, amendment No. 12 printed in House Report 108–69 offered by the gentleman from New York (Mr. REYNOLDS) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 offered by the gentleman from Massachusetts (Mr. MARKEY); amendment No. 7 offered by the gentleman from Virginia (Mr. TOM DAVIS); amendment No. 9 offered by the gentleman from Ohio (Mr. BROWN); amendment No. 10 offered by the gentleman from New Mexico (Mr. UDALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 9, as follows:

[Roll No. 135]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair would remind Members there are less than 2 minutes remaining on this vote.

☐ 2127

Messrs. TURNER of Ohio, GUTKNECHT and McKEON changed their vote from "aye" to "no."

Mr. DAVIS of Illinois changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 135, dealing with Ms. MARKEY's amendment to prevent drilling in ANWR, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. YOUNG of Alaska. Mr. Chairman, on rollcall No. 135 I was unavoidably detained and missed the vote by one minute. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 7 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 10, not voting 9, as follows:

[Roll No. 136]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Culberson
DeLay
Flake
Franks (AZ)
Musgrave
Pence
Sessions
Shadegg
Tancredo
Tiahrt

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Simmons
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair will remind Members there are 2 minutes remaining.

☐ 2135

Mr. SHADEGG and Mr. PENCE changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 136, the Davis amendment. I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 252, not voting 9, as follows:

[Roll No. 137]

AYES—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel

Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—252

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Carter
Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Paul
Simmons
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair will remind Members there are less than 2 minutes remaining in this vote.

□ 2144

Mr. SMITH of Michigan changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2145

AMENDMENT NO. 10 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 231, not voting 10, as follows:

[Roll No. 138]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Crowley
Culberson
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu

NOES—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey

Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Clay
Combest
Gephardt
Harris
Hill
Houghton
McCarthy (MO)
Pascrell
Paul
Simmons

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair will remind Members there are less than 2 minutes remaining in this vote.

□ 2153

Mr. ROHRABACHER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HARRIS. Mr. Chairman, on rollcall No. 138 I was unavoidable detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 13 printed in House Report 108–69.

AMENDMENT NO. 13 OFFERED BY MR. BARRETT OF SOUTH CAROLINA

Mr. BARRETT of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BARRETT of South Carolina:

At the end of subtitle B of title IV of division A, insert the following new section:

SEC. 14036. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from South Carolina (Mr. BARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise today and offer an amendment to H.R. 6, the Energy Policy Act of 2003. My amendment would require the Secretary of Energy to conduct a survey to determine the feasibility of developing commercial nuclear energy production facilities at the Department of Energy sites.

Mr. Chairman, this is identical to the language included in last year's budget, drafted by the gentleman from South Carolina (Mr. BROWN), which passed the House by a vote of 240 to 189, laying out the clear role that the U.S. Government should take to examine the Department of Energy sites and determine which are the best suited to enter into a public-private partnership with utility companies for construction and operation of new nuclear power production facilities.

I agree that we need to start now and take a bold step to help solve our growing energy crisis, and that is exactly what the administration's nuclear power 20–10 initiative is, a bold step. My amendment will only expand the options for this great initiative.

I urge my colleagues to vote "yes" on this amendment and help solve our energy crisis.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

Mr. ALLEN. Mr. Chairman, I claim time in opposition.

The CHAIRMAN pro tempore. The gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the Barrett amendment.

Today is, in my opinion, the worst possible day to be considering this amendment. American troops are in Iraq, completing a war that was justified in part as necessary to prevent the proliferation of nuclear weapons. The Barrett amendment could facilitate the proliferation of nuclear weapons by blurring the long-standing, carefully drawn lines between civilian nuclear energy production and nuclear weapons production.

□ 2200

Since the dawn of the nuclear age, U.S. policies have drawn a bright line between civilian and military applications of nuclear power. There is a very good reason which remains valid today: we want to prevent legitimate civilian nuclear facilities from being used illicitly to produce nuclear weapons material.

Under U.S. leadership, international law requires separation of civilian and military nuclear power. This obligation is part of the Nuclear Nonproliferation Treaty and is enforced by the International Atomic Energy Agency. This international law formed the basis for our finding Saddam Hussein in violation of nonnuclear pledges. This law is the way we hold Iran and North Korea accountable on nuclear weapons development.

We undermine our ability to prevent these nations from using peaceful nuclear reactors to make bombs if we pursue a policy that collocates civilian and military activities at the same site, as the Barrett amendment ultimately contemplates.

I am not aware of any recent congressional hearings held on this issue. This policy could have severe consequences for nuclear proliferation and should not be taken lightly. It should be reviewed by the relevant committees before being considered by the full House. I urge rejection of the Barrett proliferation amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, on behalf of myself and the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, we rise in strong support of the Barrett amendment. This amendment was included in the House-passed energy bill in the last Congress.

It would require the Secretary of Energy to study the feasibility of developing commercial nuclear energy production facilities at existing DOE sites.

I and the gentleman from Louisiana (Chairman TAUZIN) are strong advocates for nuclear power. The energy bill before us today includes a comprehensive 15-year reauthorization to the Price-Anderson Act, which would allow a new generation of nuclear power plants to be built in America.

We believe that the existing infrastructure in many Department of Energy sites may be ideal for the development of new nuclear power plants. In some cases, DOE sites have the space, the facilities, and the laboratory and engineering expertise and could be utilized to build a new plant. In any scenario where a new nuclear plant were to be built at a DOE site, we would expect that a substantial portion of the construction cost would be paid for by a commercial utility, which would greatly benefit from the DOE's infrastructure and expertise. We strongly support the amendment and urge Members to support it.

Mr. ALLEN. Mr. Chairman, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, it was a great honor for me to serve with the gentleman from South Carolina (Mr. BARRETT) in the South Carolina General Assembly, and now I am honored to be serving with him in Congress.

I rise in support of the Barrett amendment to H.R. 6, which asks the Secretary of Energy to conduct a feasibility study to develop commercial nuclear energy facilities at Department of Energy sites. This is particularly important to the gentleman from South Carolina (Mr. BARRETT) and me because we both represent the Savannah River site in South Carolina.

Nuclear energy is our Nation's second largest source of power. Nuclear power plants have increased electricity production while reducing costs. In fact, these plants are so efficient that their production costs are among the lowest of any energy source.

This amendment was previously passed last year, and the initiator of that effort in a bipartisan effort was the gentleman from South Carolina (Mr. BROWN) of the first district of South Carolina. I urge Members to join me in supporting this amendment which will help solve our current energy crisis by producing more nuclear energy.

Mr. ALLEN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the amendment. The fundamental premise to this amendment is flawed. We have not successfully ordered a new nuclear reactor in this country for over 20 years. Why? Because Wall Street investment bankers have done the numbers and found that the life-cycle cost of a nuclear plant far exceeds the costs of a modern combined-cycle natural gas turbine, a coal plant, or even a wind generator. The free market has said no to new nuclear reactors, and the gentleman's amendment is an attempt to overturn the verdict of the free market with governmental intervention into private electricity generation markets.

I would suggest this is not the direction we should be moving in. We have deregulated electricity generation in many parts of the country. Why should we get the DOE into the business of generating electricity for the civilian power grid at a Federal facility?

This amendment is clearly bad energy policy, but it is also bad nuclear nonproliferation policy. This country has long had a strong policy of maintaining a clear distinction between the civilian and military uses of nuclear energy. Eight years ago, in 1995, the House voted to kill funding for the so-called "triple play" reactor being planned for the DOE Savannah River site. This reactor would have burned fuel fabricated from dismantled nuclear weapons, produced tritium for the existing nuclear weapons stockpile, and generated electricity for the civilian electricity grid. At that time, the House recognized the need to maintain the historic separation between atoms for peace and atoms for war. Now is not the time to reverse that policy.

We are nearing the end of a war whose principal objective has been to halt the proliferation of weapons of mass destruction, a war in which our Armed Forces destroyed bomb factories while leaving civilian power plants standing. Let us not undermine our credibility as a world leader on nonproliferation by moving towards blurring the distinction between civilian and military nuclear programs. To pass this amendment would be to breach the 57-year separation between atoms for peace and atoms for war. We cannot credibly preach nuclear temperance from a bar stool. If we are mixing our civilian and military nuclear programs in the United States, then the rest of the world will not pay much heed to our admonitions to refrain from using their civilian nuclear energy programs for military purposes. Please vote "no" on the Barrett amendment.

Mr. BARRETT of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment and commend the gentleman from South Carolina (Mr. BARRETT) for his insight and initiative on this issue.

I support this amendment for three simple reasons. First, America already depends on nuclear energy. Even though it has been 2 decades since we built a new facility, nuclear power provides over 20 percent of the electricity in this country and over 55 percent of the electricity in South Carolina.

The second reason is nuclear power saves money. It is less expensive than coal, less expensive than oil, and a third less than natural gas.

The third reason is nuclear energy is good for the environment. Because it burns no fuel and emits no pollution, it is good for our environment and good to preserve our quality of life all across the country. Again I thank the gentleman from South Carolina (Mr. BARRETT) and urge all of my colleagues to support this amendment.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, it has been my understanding that when we look at the total cost of nuclear power, including dealing with the radioactive waste, we are not talking about a cheap source of power. We are talking about the most expensive source of power there is. I simply ask Members to think about North Korea. We want to make sure that North Korea does not use civilian reactors for military purposes. We should not be setting the example here doing what we are saying they should not do over there. This amendment should be rejected, and I urge Members to reject it.

Mr. Chairman, I yield back the balance of my time.

Mr. BARRETT of South Carolina. Mr. Chairman, I yield myself the balance of my time.

In closing, in prepared remarks for the Global Nuclear Energy Summit on February 14, Secretary Abraham wrote, "We cannot ignore either the benefits nor the significant challenges posed by nuclear power. I believe that the U.S. Government has a clear role to help remove the barriers and to expand the role for nuclear power in this country."

My amendment can only move the country forward when it comes to our energy needs, and I urge my colleagues to vote "yes" on the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. BARRETT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 108–69.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BLUMENAUER:

At the end of subtitle D of title V of division A, insert the following new section:

SEC. 15050. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the "Conserve by Bicycling Program".

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had a range of interesting conversations in the course of debate so far this evening. I would like to advance something that is in the past an issue that we have had a lot of fun with. I am talking about cycling. We have organized a bicycle caucus of Members of Congress. We have had a lot of fun with some social events. Every Member I have met in Congress has some example where cycling has made a difference in their lives, but it is also serious business.

Mr. Chairman, we have an opportunity this evening to make an impact on millions of Americans who ride their bikes on a regular basis, or who might. Energy conservation does not have to be difficult. It can be as economic, healthy and environmentally friendly as a bike ride. Transportation is the number one use of energy in this country. Indeed, we use 10 percent of the world's supply of petroleum just to fuel our automobiles. The key is to give Americans more choices about how they move.

The bicycle is the most efficient form of urban transportation ever devised. America has over 100 million bicycles available to them. Unfortunately, too many of them spend time in garages, attics, and basements. At a time when we are concerned about the health of this country, and we have a terrific caucus that has been developed by our colleagues, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Colorado (Mr. UDALL), to zero in on fitness, cycling is a key way to improve cardiovascular health and deal with the number one problem today, obesity.

We are all concerned about congestion. Many of us live in Washington, D.C., a third to half of our time. This is the second most congested area in America. A bicycle uses approximately one-tenth of the space on the roads to drive, and less than that to park.

We are concerned about air pollution, and cycling simply does not contribute to air pollution. Nationally, we have less than 1 percent of our trips now that are using cycling, but we have watched dramatic increases in cycling since we have had the ISTEA legislation and TEA–21. We have spent over a billion dollars on cycling, and we have seen some dramatic improvements; but we do not know exactly what difference it has made.

This amendment would establish to conserve by bicycling a pilot program in the Department of Transportation, oversee up to 10 geographically dispursed pilot projects across the country designed to conserve energy resources, provide education and marketing tools to help people convert auto trips to cycling. It will encourage key partnerships between the stakeholders in transportation, law enforcement, education, public health, environment and energy.

We have seen these partnerships work across the country, not just in bicycle towns that we would expect where there are large campus compositions such as in Davis, Boulder, and Eugene, but in larger cities like Chicago, and dare I say, Portland, Oregon.

□ 2215

This amendment would authorize $6.2 million for the pilot projects and the study to get the facts to formulate better policy. It is supported by a wide array of organizations: The League of American Cyclists; America Bikes; the Natural Resources Defense Council, Friends of the Earth; STPP, the Surface Transportation Policy Project; Smart Growth America; Bikes Belong. These are people who know that we can make real progress.

We have seen in Portland, Oregon, where the Members all know it rains all the time, that we have been able to more than double the national average of cycling. If we were able to have that level of participation across the country, we would save over two-thirds of a billion gallons of gasoline a year, over $5 billion in transportation costs.

Mr. Chairman, there is no single solution to our country's energy problems, but there is no solution that has more potential for improving our quality of life, our environment, our health and our transportation system while saving energy. I strongly urge the body to adopt the Conserve by Bike Energy amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who claims time in opposition?

Mr. BARTON of Texas. Mr. Chairman, I am not in opposition. I seek time only for purposes of controlling the time on this side.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BARTON) is recognized.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

We are probike, and we rise in full support of this amendment. It passed the House in essentially the same form last year in H.R. 4. House and Senate conferees, however, did not reach resolution on this issue or other vehicle and Energy Policy Act issues.

In assessing the program outlined by this amendment, both myself and the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, would note that the Federal Government has already made a very substantial investment in bicycling and walking. According to a 1999 Department of

Transportation report, Federal spending on such activities rose from $6 million in 1990 to $238 million in 1997.

I myself ride my bicycle back and forth to work in my hometown of Ennis, Texas, both to my congressional office and my campaign office. I would consider doing so here in Washington if we had a safe bicycle path between Arlington, Virginia, where I live, and the Nation's Capital.

So we are in very strong support of the gentleman's amendment and hope that we can pass it by unanimous consent.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment. It took me 5 years at one point in my life to try to help us in New York get some Federal funding to help us build some safe bikeways. We got that funding, and we have safe bikeways now in portions of New York, and people ride on them all of the time.

I see them in the rain. They even ride in the snow. But one of the joys I see is that I see people there, families, teaching their little ones how to ride a tricycle. Do the Members remember when they got on a bike and realized that they could actually ride a two-wheel bike? What a proud moment that is for children.

America likes to ride bikes and from the time we are young we get on these bikes and we ride. It is a terrific way of transportation. It is fun and it leads to a healthy life-style. Many gyms in America have set up spin classes, which is essentially bike riding, to help people stay fit.

We spend $1.2 billion annually on bike-related facilities like bike paths and other things, but there are really no useful studies on the effect of bike use in the United States. Biking is used as a primary way or an alternate way to get to work by many people around the world; unlike automobiles, a bike is emissions free and a healthy way to enjoy our beautiful country.

I urge my colleagues, Mr. Chairman, to support this amendment. I am glad it will be accepted by the committee.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

I will quit while I am ahead. I appreciate the gentleman's kind words.

I do find it appalling that in our Nation's Capital, in surrounding environments which have potential for some of the most spectacular cycling anywhere in the country, that there are some areas where they are taking their life in their hands. We look forward in the reauthorization of the Surface Transportation Act to work with the gentleman and others to make sure that we have safe routes to school, to work; and I appreciate the gentleman's courtesy in support of this amendment.

Mr. BARTON of Texas. Mr. Chairman, we support it, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House report 108–69.

AMENDMENT NO. 15 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. RYAN of Wisconsin:

In Division A, in title VII, subtitle A, after section 17107, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 17107A. REDUCING THE PROLIFERATION BOUTIQUE FUELS.

(a) EPA Approval of State Plans with Boutique Fuels.—Section 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is amended by adding the following at the end thereof:

"(D) In the case of gasoline, after the enactment of this subparagraph, the Administrator shall give a preference to the approval of implementation plan provisions described in subparagraph (C) if the control or prohibition in such provisions requires the use of either of the following:

"(i) Federal clean burning fuel meeting the requirements of subsection (p)(1).

"(ii) Low RVP gasoline meeting the requirements of subsection (p)(2).".

(b) Preferred Gasoline Options.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding the following new subsection at the end thereof:

"(r) Preferred Gasoline Options.—

"(1) Federal Clean Burning Gasoline.—For purposes of this section, the term 'Federal clean burning gasoline' means reformulated gasoline as defined in subsection (k), the Reid Vapor Pressure of which is equal to 6.8 pounds per square inch (psi) for the high ozone season (as determined by the Administrator).

"(2) Low RVP Gasoline.—The Administrator shall promulgate regulations providing for a gasoline blend for the high ozone season (as determined by the Administrator) having a Reid Vapor Pressure of 7.8 pounds per square inch (psi).".

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is fairly straightforward, but it may take me a second to explain. In the 1990 Clean Air Act, what we did in that law was, if an area went out of ozone nonattainment compliance, if an area was too dirty in the air, among the things that were required in that area were new cleaner blends of gasoline. So what occurred in the 1990 Clean Air Act was a new system of fuels whereby the local area that went out of compliance could adopt its own blend of fuels, and so where in 1990 we had three different blends of gasoline in America, we now have 14 different blends of gasoline each with three grades, giving us 45, essentially, different blends of gasoline.

What this map right here shows is all the different boutique fuel requirements across America, and what is interesting about this is they are not fungible with one another. So, for example, the gas we burn in the Milwaukee and Chicago region cannot be used in any other part of the country and we in that area cannot use other blends in our part of the country. So if we have a pipeline break, if we have a refinery fire or something happens to disrupt the refinery and pipeline system which is running at 98 percent capacity today, we have a huge shock or drop in the supply of that blend of gasoline, and consequently, we have sharp price spikes.

So looking at today's system, we could conceivably drive in from Green Bay, Wisconsin, just down to St. Louis, Illinois, fill the gas tank with four different blends of gasoline, northern or conventional gas in Green Bay, northern reformulated gas or ethanol in Kenosha, a southern reformulated gas in Illinois, and a different reformulated gas in St. Louis.

This is where we are today. This is because of all the areas that are out of compliance with the Clean Air Act.

But looking at what is to come tomorrow in the Clean Air Act is this: Right now, 136 counties in America are out of compliance with the Clean Air Act, and because of that, have to have a blend of reformulated gas. It is these other blends I just showed the Members, Mr. Chairman. But what is going to happen, when next year we move from the 1-hour ozone standard to the 8-hour nonattainment standard, is another 155 counties will be automatically out of attainment. They will have to have new blends of gasoline.

So if we look at the map here, the blue areas on my map are the current nonattainment areas. The red areas on the map, which is most of the densely populated parts of America east of the Mississippi, will also go into nonattainment next year. And what this is going to cause is the proliferation of more boutique fuels. According to the nonpartisan Energy Information Association, this will bring our country from a boutique fuel system of 16 different boutique fuels to another 24 boutique fuels on top of that, giving us more than 100 different blends of gasoline.

So let me repeat that, Mr. Chairman. What we are going to, with the new 8-hour ozone attainment rules starting next year, is we are doubling the amount of areas in this country that will go out of attainment. We move from 16 different blends of gasoline to having another 24 different blends of gasoline on top of that system. That is where we are headed today.

It is an unsustainable position. And what happens is our supply of fuel gets tight. If the supply lines for any reason get disrupted, we have huge price spikes.

What my amendment does is very simple. It simply says for these new areas going into nonattainment, for the other areas who are already at nonattainment who want to change their gasoline, they now have a menu of two clean fuels that are preferred by the Federal Government from which to choose, because, for now, what is going to happen when all these counties and all those States go into nonattainment, is up to them.

They are going to choose various different boutique fuels to meet their particular needs, and this proliferation of specific blends of gasoline will get out of control. We want to stop that from happening, and so we are simply offering a solution by having a Federal Government menu of two fuels for them to choose from before they try to go and have their other type of gasoline.

Mr. Chairman, we are going to have huge gasoline price spikes, as we have had in the upper Midwest lately, in the very near future if we do not fix this problem. The source of that problem is the proliferation of boutique gasoline fuels, and we have a solution in this amendment. It does not force the States to do it, it does not preempt States' rights. It simply says to the States, choose from this menu of clean fuels that the Federal Government offers before they want to go on their own and have a boutique fuel.

That is what this amendment does, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who claims time in opposition to the amendment?

Mr. ENGEL. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from New York (Mr. ENGEL) is recognized.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. Frankly, we have been spending a good part of the day trying to figure out what this amendment does, and it is very difficult really to figure out. We have had a lot of people going over it, and there have been a lot of questions.

I regret that the amendment was not vetted or did not come up for a vote with the Committee on Energy and Commerce. We did this chapter in this bill until late in the evening, early morning last week, and this amendment did not come forward; and we believe that the amendment appears to have drafting problems. It is not clear what the ultimate impact will be of this amendment, although it is debatable whether or not the amendment will achieve its goal of reducing the boutique fuel problem.

I am very disappointed, as well, that this is the only amendment made in order by the Committee on Rules on the renewable fuels standard. We have had a number of amendments in the committee that we wanted to bring to this floor, but we were not able to do it because the Committee on Rules, the Republican-controlled Committee on Rules, refused to let us have these votes on the House floor.

So I believe we have missed a great opportunity to include a renewable portfolio standard that would require the use of renewable energy by utilities in this bill. One might think that that is because the Republican majority is against mandates, yet they do not appear to be so antimandate when it comes to the fuels we use in our cars.

The renewable fuels standard will force the United States to accept an ethanol mandate that is entirely without justification for an industry that is concentrated in relatively few hands, while providing liability relief for MTBE producers that knowingly produce a defective product, as well as liability relief for ethanol and ETBE which could be a source of future groundwater contamination without banning the MTBE.

Despite failing to provide MTBE, the bill provides MTBE manufacturers with $750 million in transition assistance. This bill is antifree-market, antienvironmental in important respects, and makes relatively little common sense. It provides safe harbors and subsidies to those who create it or would worsen the MTBE problem and gives nothing back to those who suffer from its ill effects.

In this case, unfortunately, the legislative process has produced a bill, in my opinion, with almost nothing to recommend it save that it satisfies all of the competing claims of special interests: the MTBE makers, the oil companies, and the ethanol producers.

On Tuesday, the Energy Information Agency predicted that by the time ethanol was fully integrated in California, the price increase for reformulated gas would be 9 cents per gallon. For a State like New York, California, or Connecticut, which use a large amount of reformulated gasoline, this will represent an income shift of hundreds of millions of dollars from our citizens' pockets to those in ethanol-producing States. Furthermore, when the EPA implements its new 8-hour ozone rule, 155 new counties will have to use reformulated gasoline.

I hope my colleagues who represent these counties know that the ethanol mandate will increase their constituents' gas prices. Ethanol will also make it tougher to meet our air quality standards. While the supporters love to tell us that ethanol reduces carbon monoxide, they fail to tell us that ethanol use results in higher nitrogen oxide emissions, which contribute to ozone. In fact, ethanol has to get a waiver from the Clean Air Act to be used in the summertime because of its ozone-forming qualities.

Ethanol proponents also claim that ethanol will reduce our demand for foreign oil, but a 2002 study published by the Encyclopedia of Physical Sciences and Technology concluded that it takes more energy to produce a gallon of ethanol than that gallon yields.

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Additionally, since ethanol has less energy contents than conventional gasoline, it takes more ethanol blend gasoline to travel the same distance. On average, the loss is a 3 percent decrease in miles per gallon vehicle fuel economy. Thus, if Americans continue to drive the same number of miles under the ethanol mandate as they did without it, more oil will be needed to be imported to compensate for the lost fuel economy.

Although some argue ethanol use leads to greater energy independence, this is not the case. Fuel ethanol only accounts for about 1.2 percent of the gasoline consumption in the U.S. volume. Moreover, given that America's ethanol supply is heavily dependent on one crop, corn, any supply shortages or price increases relating to the crop could negatively affect the supply and cost of ethanol and, thus, gasoline. This happened when high corn prices caused by strong export demand in 1995 contributed to an 18 percent decline in ethanol production between 1995 and 1996. In other words, an ethanol mandate will increase our gasoline prices and harm our air and water quality.

Rather than allowing an amendment that would phase out MTBE over the next 4 years to come to the floor, we are debating an amendment that I believe does nothing to improve the RFS.

If we want to talk about clean fuels, why are we not debating the amendment I cosponsored with the gentleman from California (Mr. OSE) that would have allowed a credit against the ethanol mandate for any refiner that produces clean burning gasoline?

This is the direction our Nation's fuel policy should take. Instead of mandating inputs into gasoline, we should set high environmental standards and let oil refiners and automakers meet those standards.

While I applaud the intent of the Ryan amendment to reduce boutique fuels, I do not believe this is the way to do it. The amendment could exacerbate, I believe, the boutique fuel problem because it merely expresses a "preference" for two types of fuels, but does not require refiners to use certain fuels. As a result, Wisconsin might adopt the gentleman from Wisconsin's preferred fuel, and Illinois might keep RFG. Such a standard will significantly constrain the refiner's ability to produce and supply two different fuels, clean burning gasoline and RFG.

EPA believes that the provision could act to slightly reduce the number of fuels. However, they believe more strongly that the removal of the oxygenate requirement will have a much greater effect on the boutique fuel problems than the Ryan amendment.

I also believe this amendment is unnecessary because the bill requires EPA to conduct a study of boutique fuels. This amendment would take effect before the study is completed.

This whole provision makes the phrase "politics makes strange bedfellows" truer than ever. The National Petrochemical and Refiners Association has worked with me in opposition to this amendment, believing that it will unnecessarily complicate the already complicated fuels requirement picture. NPRA believes that further action on boutique fuels should await the results of the study already called for by the bill.

Finally, I would like to mention that just a few hours ago I got this back from the New York State Department of Environmental Conservation, which opposes the amendment. This is what they say:

"However, if the stated intent is to reduce the number of boutique fuels by permitting States to select from only two when drafting the clean air State implementation plans, then New York State is opposed to this amendment and would encourage New York Members to vote against it. This requirement would tie the hands of State air regulators by requiring the clean air standards be met, but at the same time take away the tools needed to meet these standards."

Mr. Chairman, I urge my colleagues to vote against the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think there is a misunderstanding by the gentleman from New York (Mr. ENGEL).

Number one, a lot of people are saying we need to study this some more and that there is a study in this bill. We have had a very exhaustive study, last year by its EPA, followed up by numerous studies by the EIA, along with the study from the Federal Trade Commission; so we have had a lot of studies on this. All of them conclude with, we have to get our hands around this boutique fuel problem and consolidate the amount of boutique fuels.

Now, how the amendment works is this: The preference will not exacerbate the boutique fuel problem; it will simply streamline the boutique fuels, so that States and counties who now have this ozone attainment standard they have to meet will go to the federally preferred fuel blends, instead of to different kinds of blends that are boutique and that exacerbate this problem.

The State of New York will not be affected by this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, our full committee chairman has been referred to on the floor this evening as the Energy Bunny. He certainly is that for his extreme support for the bill. We would have to refer to our gentleman from Wisconsin, the supporter of this amendment, as the Energy Badger, coming from the Badger State of Wisconsin, because he has badgered myself and the full committee chairman for the last 3 months in a very positive way on this amendment. So we do rise in support of the amendment.

We have one concern about it. The gentleman's amendment, as it is currently written, has a requirement for specific vapor pressures. The gentleman knows that when we get to conference, myself and the full committee chairman reserve the right to modify the technical side of this amendment to make sure that it is actually implementable in the marketplace.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I agree with the idea and the need to modify the revapor pressure levels. I do not think that in any way hurts the spirit or intent of this amendment.

The intent of this amendment is to first have States go to the preferred fuel and then have to prove that they cannot use that fuel and they have to go to some other kind of fuel, so that we bring them toward a preferred fuel. What that fuel is is clearly something we all should discuss, and there is not one great answer to that question.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, we understand that vulcanized fuels hurt consumers, and we support the gentleman's concept of going towards more uniform fuels that still meet the requirements of the Clean Air Act.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am wondering if the gentleman would answer a couple of questions.

In view of what the chairman, the gentleman from Texas, just said, could the gentleman please tell me why you chose these numbers?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, 6.8 and 7.8, those are from the EPA study conducted last year which recommended a three-fuel menu, 9.0 RVP, which is what we call conventional gas; 7.8 RVP, which is sort of a midlevel clean-burning gas that 20 percent of the country uses; and 6.8 RVP, which is reformulated gas. That is the revapor level equivalent of formulated gas. Those are recommended to us by the Environmental Protection Agency.

Mr. ENGEL. Mr. Chairman, I would ask the gentleman, there are many other fuel blends, are there not?

Mr. RYAN of Wisconsin. If the gentleman will yield further, there are 45 different fuel blends in existence today. According to the EIA, Energy Information Agency, there will be 69 different fuel blends with the new 8-hour ozone attainment if we do not do something to reduce the number of these blends.

Mr. ENGEL. Mr. Chairman, let me ask the gentleman also, the existing statutory standard for approval of a plan containing a gasoline requirement is that "other control measures are unreasonable or impractical." Would this amendment alter that standard in any way?

Mr. RYAN of Wisconsin. No, it still keeps the SIP process, the State Implementation Plan process. It simply says, we want you to go look at these blends. We prefer these blends. You can satisfy your SIP process with these blends, and if you cannot use these blends, you have to prove that you cannot use these blends and then prove that this will satisfy the Clean Air Act requirements, if you choose not to use these blends. These blends are already cleared under the Clean Air Act today.

Mr. ENGEL. Let me finally ask, can the gentleman explain, because I am still a bit confused, what the meaning of "preference" is and how it would be implemented by the EPA?

Mr. RYAN of Wisconsin. Because we did not want to preempt States' rights, because we did not want to force each locality as to what blend they would use, we wanted to make it so that they can have an easier path towards satisfying their Clean Air Act requirements by going to these blends first, knowing that they will satisfy the Clean Air Act if they adopt these blends. By having more and more areas adopt these blends, they will be in more supply, they will be cheaper in place, and there will be a greater incentive to adopt these standard blends from this Federal menu. But if they, for some reason, cannot do it, then they can go through the SIP process to get around it.

The CHAIRMAN. The time of the gentleman from New York has expired.

The gentleman from Wisconsin (Mr. RYAN) has 2½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to rise in support of the Ryan amendment.

In the debate today we are talking about meeting our Nation's energy challenges. We are talking about how we need to produce more. Some of us are talking about how we need to conserve more. But we cannot meet our energy needs if we do not also talk about how to distribute fuel and energy more effectively, more efficiently, and that is what this amendment is all about.

I do not believe that we can get our arms around the problem of price stability unless we begin to deal with the problem of boutique fuels. This amendment does not go as far as I know the author would like to go, as legislation that he and I have coauthored would go, but in terms of beginning to take us down the right path, I think it is an important step.

He would like to go further, I would certainly like to go further, but in terms of taking a first step on the issue of boutique fuels, I think it is a commendable first step. I congratulate the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I rise in support of this amendment, and along with chairman of the subcommittee, we are going to work to perfect it as we go to conference.

Let me point out that the problems Chicago and Milwaukee experience with boutique fuels could happen anywhere in America if you just had a few things happen simultaneously: a breakdown in a pipeline delivery of these boutique fuels; a problem of moving from one blend to another because you are going from winter to summer grade; a problem with just a little shortage, and all of a sudden the name-brand stations get their fuel and the independents do not, they start bidding against each other, and a small shortage exacerbates a rise in prices the likes of which drive consumers crazy.

That is the problem the gentleman from Wisconsin (Mr. RYAN) is going after, and while it is not yet perfect, I want him to know we are going to keep working with him until we get it perfect.

But he is on the right track. This is the right thing to do to streamline this process, isolate it, until we have fewer, not more, different blends and varieties of boutique fuels, and we will have a much better regional market to deal in.

Consumers benefit in the end as long as we do this in a way that keeps to the Clean Air Standards and requirements of the Clean Air Act.

Mr. Chairman, I congratulate the gentleman on his persistence, and we will keep working with him until we get the job done.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to conclude by thanking the chairman for working with us. This is an issue that has plagued motorists in Wisconsin for a few years in a row. It is plaguing all motorists east of the Mississippi, and it is spreading to the rest of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 16 printed in House Report 108–69.

AMENDMENT NO. 16 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. SCHAKOWSKY:

In division B, at the end of title II, insert the following new section:

SEC. 22003. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud, and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

The CHAIRMAN. Pursuant to House Resolution 189, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses a serious problem that exists at several U.S. Government agencies, including the Department of Energy. It seeks to put Congress on record in support of strengthened protections against waste, fraud and abuse of taxpayer funds at the Department of Energy.

The amendment expresses the sense of Congress that:

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

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Since 1998, the Inspector General at the Department of Energy has conducted 20 reviews at 11 different sites. As a result of the reviews, it was found that the Department of Energy employees illegally misused government purchase cards to acquire such unofficial items as home improvement products, hunting equipment, electronics, lawn equipment, and power tools, all for personal, not official, use.

The DOE Inspector General has also reported that Department of Energy employees have undertaken other complex and illegal schemes to acquire items for personal use, such as generating fraudulent invoices to mask making those purchases, providing kickbacks to suppliers who agreed to participate in quid pro quo schemes, circumventing Department policies and procedures by allowing employees to approve their own purchase card transactions, and acquiring goods for personal use that were delivered to nondepartment locations.

Such problems have led the General Accounting Office "to designate DOE contract management, defined broadly to include both contract administration and management of the projects, as a high-risk area for fraud, waste, abuse, and mismanagement."

The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce held two hearings this year to review illegal procurement practices at the Los Alamos National Laboratories. Thanks to brave whistleblowers and the Inspector General, Los Alamos personnel were caught using thousands of taxpayer dollars to buy items like sunglasses, hunting knives and, get this, lock-picking sets, golf equipment, sleeping bags, and more. One employee even attempted to purchase a Ford Mustang using her Federal Government purchase card. Another employee used her government purchase card at local casinos.

While some of the more newsworthy examples are about the purchase card program, other problems exist with inventory and procurement control in general. The IG has also reported hundreds of thousands of dollars worth of "unlocated, lost, or stolen" items, including desktop computers, laptop computers, cameras, computer printers, radio transceivers, video recorders, and telephones.

These examples are just the tip of the iceberg.

Passage of this noncontroversial amendment will put us all on record in support of additional efforts to root out this kind of shameful abuse of taxpayer funds.

Mr. Chairman, I urge all Members to support the Schakowsky amendment.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. SCHAKOWSKY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to advise the gentlewoman that we support her amendment. In fact, as she well knows, the Subcommittee on Oversight and Investigations chaired by the gentleman from Pennsylvania (Mr. GREENWOOD) has done some extraordinary work and uncovered some massive and seriously disturbing problems with inventory management and theft of government property at Los Alamos. The efforts of the gentleman from Pennsylvania (Mr. GREENWOOD) already demonstrate very clearly why this amendment is such a good idea.

Our oversight has revealed the troublesome story of looting and the Subcommittee on Oversight and Investigations has revealed what appears to be a lack of interest by senior laboratory managers to do anything about the theft and the fraud that is going on right under their noses.

What we found most astonishing about the theft and fraud is that it took place at such a vital facility. Los Alamos is a facility that our Nation trusts with some of our most sensitive information. So we reviewed this abuse of purchase cards and found that DOE has been quick to distribute purchase cards to employees and contract workers, but very slow to implement management procedures to monitor and control abuse and to cut down on fraud.

So, Mr. Chairman, the Schakowsky amendment is a clear sense of Congress that DOE should get its act together with respect to procurement and inventory control. I am pleased and proud to support her amendment.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, although I am not in opposition.

The CHAIRMAN. Without objection, the gentlewoman from Texas will control the time in opposition.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, but I will not speak in opposition, and I yield myself such time as I may consume.

What I would like to indicate, Mr. Chairman, is that when we began this debate on H.R. 6, this energy bill, I thought it was best, or I thought it was what we wanted to do, was to make the energy policy of this Nation better, both the systems and agencies that are engaged, and the Schakowsky amendment speaks to that question. It probes the Department of Energy, and it seeks to clean out the Department of Energy. It provides them with a guide and a model by which to provide for their procurement and also this unique question of an individual employee procurement card system which means that employees can utilize an independent credit card and purchase items without any supervision.

I believe the ANWR amendment sought to improve the bill, and I believe the Dingell amendment sought to improve the bill. I believe the Udall amendment sought to improve the bill, as did the Waxman amendment; and clearly, I believe that the gentlewoman from Illinois speaks to an issue that is extremely important.

There is another amendment coming up by the gentleman from Oregon (Mr. WU) that likewise will do the same. But I do want to implore the gentlewoman from Illinois on the fact that we need to save taxpayers' dollars and, more importantly, design an energy policy that will be more efficient, effective, and utilized by all of America. The Department of Energy can stand a worthy review. This amendment will allow the Department to develop and implement more stringent inventory and procurement controls and particularly put the sunlight on this whole idea of a purchase card program.

I know that this is not the Department that purchased $600 toilet seats, but I do believe that we can begin to look at the Department and make it a stronger Department by ensuring that we have an oversight that will be effective and helpful for all of us.

Mr. Chairman, I ask that my colleagues support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) will be postponed.

It is now in order to consider amendment No. 17 printed in House Report 108–69.

AMENDMENT NO. 17 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. WU:

In division B, title II, at the end insert the following new section:

SEC. 22003. REPORT ON EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.

Not later than twelve months after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at Department of Energy National laboratories. Such report shall include—

(1) a thorough review of each laboratory contractor's equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the laboratories;

(3) a description of how equal employment opportunity practices at the laboratories are treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each laboratory;

(5) a summary of outreach efforts to attract women and minorities to the laboratories;

(6) a summary of efforts to retain women and minorities in the laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the laboratories.

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I yield myself such time as I may consume. I understand that the chairman is accepting this amendment. I thank the chairman.

At this time I will include some documents for the RECORD, including a General Accounting Office report on the subject.

To be able to serve our nation's energy and military research needs, the Department of Energy's national labs need to attract the best and the brightest. However, there are signs that the labs are experiencing challenges in recruiting and retaining talented scientists.

Results from an internal DOE survey, conducted by the DOE National Ombudsman's Office, indicated that 80 percent of African Americans, 62 percent of Hispanic Americans, 26 percent of Caucasians, and 74 percent of Asian Pacific Americans working at DOE labs agreed that there is racial profiling at the lab.

According to an April 2002 GAO report, many professional lab employees have significant concerns about their workplace. They are concerned about (1) recruiting efforts, (2) pay, (3) promotion, and (4) lab work environment. The concerns are especially acute among the labs' minority and female employees.

Whether these are real or perceived sentiments, it is a serious national issue that such a high percentage of lab employees have concerns about their work environment. Should this trend continue, the labs could cease to be an attractive workplace for American scientists. As a nation, we cannot afford to lose our best asset, our human resources.

This amendment is simple, and non-controversial. It requires the Secretary of Energy to make a biennial report to Congress on DOE labs' EEO practices. This amendment's reporting requirements mirror the April 2002 GAO report's recommendations and I believe it would help safeguard our national security and help maintain America's scientific edge.

HIGHLIGHTS OF GAO REPORT ON WEAPONS LABS, MAY 20, 2002

Lab employee concerns concentrate in four areas. They are (1) recruiting, (2) pay, (3) promotion, and lab work environment.

GAO sampled Weapons Labs 1995 and 2000 data on staff composition.

Questions the GAO asked were: (1) describe the composition of weapons laboratory staff by race/ethnicity, gender, and job category in 1995 and 2000 to determine how the composition of laboratory staff has changed in the 5-year period; (2) determine whether there are statistically significant differences in selected personnel actions for managers and professionals when comparing minority men and women and White women with White men in fiscal years 1998 through 2000, the most current reliable data available at the time of the GAO data request; (3) describe EEO concerns raised by lab staff; (4) identify, if appropriate, opportunities for improving DOE's and the Office of Federal Contract Compliance Programs (OFCCP).

The three labs experienced some increases in their overall minority population. Lawrence Livermore is at 19 percent, Sandia at 24 percent, and Los Alamos at 34 percent.

For fiscal years 1998 through 2000, GAO found statiscally significant differences in certain personnel actions and not in others for minority men and women and White women in managerial and professional job categories compared with White men in these categories at the three laboratories. Most notably, with the exception of Asian men at Los Alamos and Sandia, and Hispanic men at Lawrence Livermore, the salaries for minority men and women and White women were lower than for White men.

GAO found statistically significant differences, with some exceptions, for disciplinary actions.

Minority staff attribute their low representation in certain jobs and management to recruiting strategies that do not extensively target colleges and universities with large minority populations.

Opportunities exist for DOE and OFCCP to work together to ensure that the labs meet EEO requirements. At the moment, DOE and OFFCP evaluations produced difference results. For example, in 1999, DOE rated Sandia as "outstanding" in human resources while the OFCCP cited Sandia for two affirmative action program violations. GAO recommends that the DOE and OFCCP coordinate their actions to support each other's efforts.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for his cooperation with us. I appreciate his amendment. It is well written and well done. We support it, and I thank the gentleman for offering it.

Mr. HONDA. Mr. Chairman, In May of 2002, the General Accounting Office released a report that revealed an alarming disparity in salaries and rates of promotion between minorities when compared to white males in the same jobs at the Department of Energy's National Laboratories.

GAO found that salaries for minority men and women and white women were lower than for white men, with the exceptions of Asian-American men at Los Alamos and Sandia and Hispanic men at Lawrence Livermore.

Comparing men and women of the same race/ethnicity, GAO found that White, Asian, and Hispanic women earned less than their male counterparts.

The report also found that there are further areas for investigation. For example, with over 300 Asian-American professional staff at Lawrence Livermore, not one was promoted to a managerial position between 1998 and 2000.

When the report was released, I called for congressional hearings to determine the cause of these inequities so that we may remedy them to ensure that the Department of Energy can recruit and retain the highest quality ethnically diverse work force.

Unfortunately, the Science Committee took no action on this issue. The Wu/Johnson amendment would finally bring about some congressional action, by requiring the Secretary of Energy to report to Congress on DOE labs' equal employment opportunity practices in promotion, pay raise, discipline, and recruitment and retention efforts. I urge my colleagues to support the amendment.

Mrs. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in favor of the Wu amendment. This is a simple, noncontroversial amendment that requires the Secretary of Energy to make a biennial report to Congress on DOE labs' EEO practices.

Why is such a requirement needed? This amendment's reporting requirements mirror the April 2002 GAO report's recommendations and I believe it would help safeguard our national security and help maintain America's scientific edge.

A Department of Energy internal survey demonstrates the sentiments of many minorities at the department. According to the survey, many minorities feel there are racial problems in this department.

In fact 80 percent of African Americans, 62 percent of Hispanic Americans, 26 percent of Caucasians, and 74 percent of Asian Pacific Americans working at DOE labs agreed that there is racial profiling at the labs.

Whether these are real or perceived sentiments, it is problematic that such a high percentage of lab employees have concerns about their work environment. Should this trend continue, the labs would cease to be an attractive workplace for American scientists. As a nation, we cannot afford to lose our best asset, our human resources.

This report also analyzed pay level, promotions, and management composition by race and gender at three DOE facilities: Lawrence Livermore, Los Alamos, and Sandia National Laboratories. While the GAO did not prove or disprove actual discrimination, it found statistical differences in the way that minorities and women were paid, promoted, or rewarded over a 5-year period from 1995–2000. According to the report, salaries for minorities and women at these DOE facilities lagged behind the salaries for white males.

There were also discrepancies in the promotion rate of some minority groups, including a failure to promote any of the 300 Asian-American staff members at the Lawrence Livermore facility during a 2-year period. In addition, white males were found to hold a greater percentage of managerial and professional jobs, 64 percent, than their representation in the work force, about 54 percent.

The results of this report painted a disturbing picture of inconsistency in the way minorities and women are treated in certain personnel action in the national laboratories.

I have long held the belief that America's work force—at all levels and in all sectors—should reflect the faces of this Nation. This report reveals that we have much work to do to encourage diversity and equality at our Nation's weapons facilities, and I hope that, by taking a closer look at how we are treating women and people of color in the workplace, we have taken a step in the right direction. I am encouraged that DOE has pledged to address the discrepancies raised by this report, and we in Congress will continue to monitor their actions and hold them accountable.

That is why this amendment is so important. It is vital that mechanisms be put in place to hold laboratories accountable to their promises to the workplace environment for minorities. The reports provided by this amendment would aid the Office of Federal Contract Compliance Programs at the U.S. Department of Labor and strengthen its oversight of DOE's hiring and recruitment practices. Without these safeguards, our national labs could become hotbeds that foster an atmosphere of pervasive mistrust and fear. And this is in no one's best interest.

Mr. WU. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN) for his cooperation, and I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–72) on the resolution (H. Res. 191) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–73) on the resolution (H. Res. 192) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of April 10, 2003, providing for consideration or disposition of a conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 190 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules. The waiver authorized by this resolution applies to any special rule reported on the legislative day of April 10, 2003, providing for the consideration of or disposition of a conference report to accompany the concurrent resolution, H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2004, and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

Mr. Speaker, I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees on the budget resolution has taken longer than anticipated. Fortunately, however, the conference has now completed its work, and it is imperative that the House consider the proposed conference report on the budget before beginning its April district work period.

So accordingly, Mr. Speaker, I urge my colleagues to support H. Res. 190.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 4 minutes. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise to strongly oppose this undemocratic rule that will impose martial law on this House. Frankly, Mr. Speaker, this assault on regular order is appalling. The conference report was filed only a couple of hours ago, and here it is, hundreds of pages. Just a few minutes ago, the Committee on Rules met and reported the conference report to the floor.

I would only ask, have Members had the opportunity to read or review this conference report? Were Members briefed on the details of this conference report? How about an outline? Have they read the summary? The answer, sadly, is no.

I would say to my friends on the other side of the aisle, this is not the renaming of a post office we are working on tonight. This is not a Sense of Congress resolution commending a football team. This is the budget of the United States. This is a big deal, and we owe it to the American people to treat it that way.

I know there are even Members on the other side of the aisle who have grave concerns about hundreds of billions of dollars in tax cuts for the wealthy during a time of war, recession, and deficits. These are important issues, and they deserve to be debated fully.

For anyone who may have questions about what exactly is going on here, let me try to explain.

The majority has brought a rule before the House that forces Members to consider the conference report on the budget resolution on the same day as the report is filed. In other words, if this unfair rule is approved, Members will be voting on the conference report without having any chance to read and study the language.

□ 2300

Now, my friends on the other side of the aisle will undoubtedly say, "This is basically the same budget we debated and voted on a few weeks ago. Trust us, you do not need to see all the details," they will tell us. I would only say to them that over the past few years I have seen too many bills rewritten behind closed doors, too many important issues decided by a handful of Members and their staffs, to take comfort in their assurances.

The Congressional Budget Act of 1974 mandates that a budget resolution be in place by April 15. Today is April 10. I would be delighted if someone could please tell me, what is the rush to complete the conference report tonight. We will be here in session tomorrow trying to finish the energy bill, as well as considering the conference report for the supplemental appropriations bill.

Why can we not wait at least 1 day before we consider this bill?

I would be more than happy to work through the weekend if necessary on a matter that is so important to our country's future. Even the distinguished Chair of the Committee on the Budget conceded during the Committee on Rules meeting just a few minutes ago that this process was indefensible.

Mr. Speaker, I fear that the leadership just wants to get this over with, to shove this mess through the House as quickly as possible before anyone has a chance to really study it.

If the majority has nothing to hide, then I urge every Member to oppose this rule. Let this House and the people we represent read the budget conference report. Let us study and understand it. Let us fulfill our responsibilities as Members of Congress. Let us do the job we were elected to do.

I would urge my colleagues to oppose this undemocratic rule. I would say to my friends on the other side of the aisle, out of respect for this House, both Democrats and Republicans, and out of respect for the American people, vote "no" on this rule.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, we have before us a conference report, but everyone should understand there has been no conference in which the House or Senate Democrats have had any role or any part whatsoever.

This conference report comes to the floor in the same spirit, under a cramdown rule. Take it or leave it, here it is, a conference report that will spend $2.2 trillion, one-fifth of our gross national product, which we have had less than 30 minutes to look over, 30 minutes to give the most cursory sort of examination to.

The rules of the House, Mr. Speaker, prohibit such unseemly haste when things are this important. The rules of the House require that a budget report of this kind lay over for at least 1 day before being called up. But our Republican colleagues, by this martial law rule, would take a chain saw to the rules of the House.

That is why this is called a martial law rule, it brooks no dissent. It mows right over the speed brakes we have set up to make sure that our decisions made here in the great House of Representatives of the United States are made carefully and deliberately and thoughtfully. This rule rips up those cautionary measures, those speed brakes, so that this budget resolution can be railroaded through this House.

Mr. Speaker, I choose my words carefully. That is what is happening here tonight in the cloak of darkness when this $2.2 trillion budget resolution is being brought up. This resolution shows a disdain, indeed a contempt, for the process of deliberative government which we are all sworn to defend. It says, essentially, the majority has made up its mind; the minority should get out of the way.

There is a reason for this unseemly haste. It is not that we are about to go on the Easter vacation and do not have enough time to get it done tomorrow. No, that is not the reason we are pushing this thing, railroading this budget through the House.

The real reason is that it will not bear scrutiny. Republicans do not want a lengthy debate because it would reveal that this budget will raise the national debt by $5 trillion, more than $5 trillion over the next 10 years. That is right, this budget will raise the national debt from $6 trillion to $11 trillion over the next 10 years.

Everybody who votes for it should understand that this budget entails deficits of that size, debt accumulation of that amount. It raises the national debt of the United States from just over $5 trillion to over $11 trillion over the next 10 years. Those are the plain consequences of it. That is the arithmetic of this budget resolution. There is no way around it. That is why it is being railroaded through here.

There is another reason, I think, that our colleagues on the other side do not want this budget debated. This budget is their economic policy. Their economic policy will not stand scrutiny. The economy is sagging, the number of jobs is decreasing, and rather than propose a budget that deals with these problems, they are bending the rules, they are distorting the process, they are doing whatever it takes to pass another round of tax cuts almost as large as the last round, which will go primarily to the wealthy and will drive deficits out of sight.

The objective is obvious: it is to pass this budget as quickly as possible and cut off debate before people realize the contents and, even worse, the consequences.

When they adopt a rule like this, Mr. Speaker, they diminish the minority and the role we play as the loyal minority, adversaries, ferreting out problems, thoughtfully going through major decisions like this. They diminish our role.

When they diminish my role and my colleagues' role, they do not diminish us or our party, but they diminish this great institution called the House of Representatives. They take that well, which should be a forum for ideas, a crucible where we grind out great policies for the good of this country, and they stifle debate, they cut off debate, they truncate debate.

When they do that, they do not just cut us off, they stifle this institution, this great institution. They violate the Constitution of the United States.

Mr. Speaker, this resolution should be defeated by every thoughtful, respectful Member who respects the prerogatives of this House. We should not be taking this matter up in such haste and we should not be taking it up without an opportunity to see it. We should not be rushing this through, railroading it through to passage. This is the wrong way to deal with a matter of such gravity, a budget that will spend $2.2 trillion.

Some would say, spend it in such a fashion and provide for tax cuts that will leave us with deficits that are almost intractable for the foreseeable future, well into the future, and will accumulate nearly $6 trillion of debt over the next 10 years.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Budget.

Mr. SCOTT of Virginia. Mr. Speaker, just about an hour before the Committee on Rules meeting, the Democratic side got one copy of the budget, so it is impossible to coherently discuss the budget. That is why this process is unfair.

Let us discuss the best way we can where we are and where we are going. This chart shows the deficit over the years showing Johnson, Nixon, Ford, Carter, Reagan. We went into a surplus under Clinton, and in 1 year under the Bush administration we are back into serious deficits. This does not include the war, so if Members actually wrote the amended numbers, it would be off the chart.

Let us see how we got in that mess. That is because we passed all these tax cuts. Who got them? The bottom 20 percent, 20 percent, the top 20 percent got the lion's share of the tax cuts. They call it a growth package. Give me a break. Private sector jobs created since World War II, we go over, administration by administration, the worst job creation since World War II, the worst economic growth in an administration, the worst economic growth since World War II. Do not tell me this is a growth package.

This has implications, because when we run up all that debt, we have to pay interest on the national debt. We are paying about $4,500 a year for a family of four's proportionate share, $4,500 interest on the national debt. That is going to go, under this budget, up to $8,500 each and every year, interest on the national debt. So every time they cut another tax they have to pay interest, and this number is going up.

They are also cutting spending. Education, up about 12 percent every year, the last 5 years. They are cutting education. They say it is waste, fraud and abuse. We are budgeting. We have to have a line item. We are cutting, in this budget, school lunches, school lunches; student loans. They are cutting the line item that says school lunches, student loans, veterans' benefits. They are cutting those line items in the budget.

The fact of the matter is that this is an irresponsible budget. This is caused by the tax cuts, and this is a bad process. It is a bad budget.

This rule, which requires us to take this budget up tonight in the middle of the night, after virtually no notice, we have gotten the budget here in the middle of the night, it is an impossible process.

I would hope that Members would defeat this resolution and take the bill up tomorrow, where we can discuss it and point out even more problems with the budget.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask, does the gentleman from Washington (Mr. HASTINGS) have any speakers who want to defend this indefensible rule?

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I think this is a very fair rule because, as I pointed out right from the start, we have to comply with the law which says we have to have a resolution passed by both bodies by April 15.

We all know that the Easter break we have is always a week before and a week after Easter. I congratulate the conferees on both the House and Senate for getting a budget done this year.

I would remind the gentleman, if he recalls, last year we did not have a budget. We did have a budget in the House, we did not have a budget in the Senate. As a result, we had a very difficult time putting the appropriation bills together. So I think that the conferees have done an excellent job.

This rule simply provides for consideration of the budget today.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take the gentleman's comments to mean that he does not have any other speakers.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL), a member of the committee.

Mr. EMANUEL. Mr. Speaker, Ronald Reagan once said: Facts are stubborn things. Since the economic management in the last 2 years, 2½ million Americans have lost their jobs; 5 million Americans are without health care who had health care before; $1 trillion worth of corporate assets, small and large, have been foreclosed on; and 2 million Americans have walked out of the middle class to poverty. Those are the facts of the economic performance of the Republican administration and the Republican Congress.

Tomorrow, we are going to be asked to vote for reconstruction for Iraq. They will be provided funds for 20,000 units of housing in Iraq. Yet in this budget, in this economic plan for America's, there are only enough dollars for 5,000 units of housing.

There will be 13 million Iraqis who will get universal health care in tomorrow's vote. In this, not a single dollar for the working uninsured in America. Twenty-five thousand schools in Iraq will be rebuilt; not a single dollar to modernize a single American school will be provided for in this budget.

There are 12,500 schools in Iraq that will get basic books and supplies. In this budget, we are asking teachers to take it out of their wages here in America. Four million Iraqi children will be given early childhood education; yet this budget, this economic plan, calls for 28,000 children to be cut from Head Start.

There will be 3,000 roads paved, enough to reach from New York to California, in the budget for Iraq. This budget cuts $6 billion from America's infrastructure.

A port in Iraq, the only deep port, will be rebuilt from beginning to end; yet this budget cuts 10 percent from our Corps of Engineers. Reconstruction for Iraq, rebuilding Iraq, we are asking our troops to come home to a diminished American dream, a smaller American dream.

We are providing for Iraq an economic plan that envisions a future. The future envisioned here in America is one with less education, one with less health care, one with less infrastructure, one with a less promising future.

When the fog of war is lifted, the facts on the ground will be 2½ million Americans without work, 5 million Americans without health care, $1 trillion worth of foreclosed corporate assets, and 2 million more Americans who walked out of the middle class into poverty. Those are the facts of this economic performance and economic mismanagement.

We can do better. Our troops expect more. They are coming home to a smaller American dream, a diminished American future. We are talking about reconstruction for Iraq, yet this deconstructs America's future. We can do better.

This budget, this economic plan, has resulted in a diminished future for our children; yet, we are asking our people to finance a bigger, stronger, and a fairer future for Iraq.

There should not be that disconnect between Iraq's future and the one here in America.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding time to me.

I wish to ask the gentleman from Washington if he might respond. I want to ask the gentleman a question regarding this resolution.

As I understand it, this is the martial rule, and this is necessary in order to bring up the budget resolution that just came out of the Committee on Rules.

I would ask the gentleman, is that correct?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, this is a rule to allow for same-day consideration of the budget resolution when the conferees finish their conference, which they did today. There is a layover of time from the time the conference was done until they reported it in the House, so we complied with the House rules.

Mr. STENHOLM. That is the point I want to clarify, following House rules.

□ 2315

Does this resolution follow rule 26 by increasing the debt ceiling every year for the next 10 years?

Mr. HASTINGS of Washington. My understanding of the provision in the rules of the House means that an adoption of this budget this year will raise the debt ceiling, which, of course, we are running deficits because of the war effort and the downturn of the economy for this year.

Mr. STENHOLM. But not for 10 years?

Mr. HASTINGS of Washington. No. However, if our rules continue to have the provision that allows a budget vote to raise the debt, then we will take this up next year. But my understanding is this is for this year.

Mr. STENHOLM. So we are not exactly following House rules. Let me ask then, is it true that this resolution that will follow this same-day rule that will follow the other rule will increase our national debt by approximately $900 billion in the next 12 months?

Mr. HASTINGS of Washington. That is correct.

Mr. STENHOLM. Nine hundred billion.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I believe the correct number is $984 billion over the next 12 months. And under rule 27, if it applied, the debt increase would go up every year, staircase for the next 10 years, and the public debt subject to statutory limitation would increase from just over $5 billion to a bit over $11 trillion in 10 years, if the fiscal policies implemented by this rule are actually passed and carried out.

Mr. STENHOLM. Reclaiming my time, I see several Members on the floor, including the chairman of the Committee on the Budget.

I think it is very critical for all Members to understand, when you vote for this rule you are setting in motion the passage of a budget that no one on this side of the aisle has read and I doubt very many on that side has read, and we are going to borrow 984 billion additional dollars. That is on top of $450 billion we have borrowed since we increased the debt ceiling 8 months ago. That is $1.430 trillion.

Now, Mr. Speaker, I arrived in this body in 1979. In 1981 I watched our debt ceiling for our country increase through the $1 trillion mark. We are about to borrow and spend $1.400 trillion more than we have got, and we are going to do that within a period of 1 year following the economic game plan that we cannot get a majority on this side of the aisle to say is not working.

Now, I respect the right of the majority, and I respect all of my colleagues on this side of the aisle that for whatever reason find it impossible to change a plan that was put into effect last year. But I honestly do not understand when so many of you privately are concerned about this but publicly feel like, at 11:20 at night, you have got to have a martial rule, jam it through, pass it, which is every right of the majority to do; but when you do, you are going to be voting to increase the debt ceiling by $1.400 trillion in less than a year's time.

Now, that used to bother folks on this side of the aisle and I used to vote with you. In fact, I have done it more times than I have the other way. But what has happened to you? Why is it tonight that you are not worried about borrowing and spending $1.400 trillion in a 1-year period of time? September 11, 2001. Changed a lot of things. It should change the economic game plan that we are under; but if you are bound and determined to do it, be my guest. But no one walk out of here tomorrow and complain that we could not do better. We could do better.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. McGOVERN), for yielding me time.

Mr. Speaker, this is ridiculous. We are here tonight to consider one of the most important resolutions that we will take up this year in Congress, the budget. This is the blueprint for everything we do. And we do not even get a chance to read it before we vote on it.

As a member of the Committee on the Budget, I have spent a lot of time addressing the concerns on this budget, and we spent an entire day from early morning until early the next morning on the budget process looking at amendments. We knew what we were voting on. We had a chance to debate it. Yet, tonight when we are voting on final passage of the budget of the United States, members of the Committee on the Budget and Members of the House have not had a chance to see the product they are voting on. This process is wrong.

Members deserve a chance to review this document before voting on it. If leadership is determined to consider this resolution before the approaching recess, that is fine. Give us a day, give us a half a day, give us some time to see what is in this budget. I have a responsibility to my constituents just like everyone does to consider measures carefully, to know what is in that measure before we vote on it. Yet, I cannot thoughtfully consider this legislation because I have not had a chance to review it.

This is an awful process. I urge my colleagues to defeat the martial law rule so we can have adequate time to review this budget.

Mr. McGOVERN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. McGOVERN) has 9 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 28 minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, in listening to the debate of my good friend from Texas (Mr. STENHOLM), when he inquired why we were dealing under the martial law rules, why we could not have an extended period of time for debate to reasonably address this in front of the American people, the good news is that my constituents are still up because we are an hour behind Eastern standard time. Maybe they will be able to make some sense out of this debate calling for martial law. Maybe they will understand that the reason why we are rushing is because there is some need to announce a big tax cut before April 15.

Let me tell you what Americans want. They do not want a tax cut. They want mutual sacrifice. While the young men and women are on the front lines sacrificing, we are presenting to them a Nation of deficits. We have got a reconciled tax cut of $550 billion, an unreconciled of $675 billion, making the total $1.225 trillion. We are spending billions of dollars for reconstruction of Iraq by ourselves with nobody else helping us. We are building thousands of schools in Iraq. We are taking thousands of American children off of Head Start. We are, in fact, losing 2.6 million private sector jobs. We have got so many people unemployed for 6 months that they are not even on the unemployment list and 4.6 trillion in loss in stock market wealth.

Where is the mutual sacrifice that this Nation is used to participating in in time of war? How can my friends in good conscience shackle us with $1.225 trillion in tax cuts and provide us with a 2.6 or $2 trillion deficit over a 10-year period when we just had a $5.6 trillion surplus just about 2 years ago?

I will tell you how they can do it. By passing this martial law in the dark of night, believing no one will see it, and then being able to announce around April 15 that you are going to get a tax cut.

I can tell you that my constituents and most Americans want investment in American jobs, want children to have Head Start, want the children's health insurance program to still be active, want to restore wealth to the stock market, and want to make sure that we do not have deficit spending.

Now, frankly, I believe that investing in Americans' interests may require some deficit spending, but this is an outrage. And this kind of tax cut is simply without substantiation. I would hope that we could go back to the table and begin to look at creating jobs, begin to look at investing in America, and responding to our young men and women when they come home that they will have institutions of higher learning, their families will be taken care of, and we will invest in them so they will be the best and the brightest of this new America.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. None of us are ecstatic about the fact that we are here, but we have a requirement that we complete this budget process. We have spent a great deal of time on it already this year. We have had a full and very vigorous debate on the budget, and we had a very close vote that took place here. And now we have gone through the conference process.

So as I listen to people say that they have had no chance to look at this whatsoever, it is very clear the Committee on the Budget did its job. And the conferees met, and they have come forward with this report.

Now, one of the things that we just discussed upstairs in the Committee on Rules is that, whether you like it or not, it is often a prerequisite to actually meet deadlines if we are going to get things done and have deadlines set. And everyone is enthused about the prospect of meeting our deadline to have this done by the 15th of April. Everyone is enthused about the prospect of our adjourning for the district work period that is upon us. And we want to deal with a couple of things.

We want to deal right now with completion of this budget conference report; and we also, when we pass another rule, look forward tomorrow to consideration before we leave of the supplemental appropriations bill which will pay for the war effort.

Now, I see my good friend from Texas (Mr. STENHOLM) here with whom I am very pleased to work on a wide range of issues, and we have just been working upstairs. And I wanted to clarify one issue, and that is rule XXVII clause 2 makes it very clear that there is not a 10-year requirement, but when specificity is designed as is outlined in this measure, a 1-year debt ceiling increase is in fact allowed under the rules of the House.

Now, let me say, Mr. Speaker, that we are all continually concerned about an increase in the national debt. We are concerned about increases in spending. And I think my friend was very correct in raising the fact that things changed on September 11 of 2001. And while he talked about the fact that he believed that the overall program for economic growth should change because of what took place on September 11 of 2001, we have found that it is absolutely essential for us to deal with things that did change on September 11.

We embarked on that day on a war on terrorism which has cost us over $100 billion just for the war on terrorism itself. We know that with the war that is, actually, we hope very much, coming to an end right now, that we will be able to realize what we have spent. Tomorrow we will be dealing with the spending of $74.7 billion, and so it is true that things have changed. But we feel very strongly that the most important thing for us to do is to put into place an economic growth plan that will generate the kind of revenues that we need to pay for the war on terrorism, to pay for this $74.7 billion in supplemental appropriations that will be necessary to deal with the expenses dealing with the war in Iraq in which we have all strongly supported our troops in a bipartisan way on that and had a great celebration of that today here in Statuary Hall.

So, Mr. Speaker, our plan is to try and get the economy growing. We all realize that during the 1990s, the latter part of the 1990s, we saw a strong, bold, dynamic economy. We saw rates of growth at 6 percent and even beyond that. We have seen this diminution, the flow of revenues to the Treasury, not only because of increases in spending, not only because of the war on terrorism, not only because of the war that we are dealing with in Iraq, but because we have seen a slowing in our economy.

We happen to believe that reducing the tax burden on working Americans, putting into place plans to have growth-oriented tax cuts will, in fact, generate the kind of revenues that we need to deal with this. And so I would say to my friends who are now talking about a level of fiscal irresponsibility, that what we are trying to do is we are trying to get the economy growing.

□ 2330

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me.

I think repetition is often relevant in this body; but when the gentleman talks about how we needed tax cuts, a significant amount, to get the economy growing, did he give the exact same speech that he gave in 2001 when we were told that large tax cuts would stimulate the economy?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I am happy to say that virtually every economist, virtually every economist has acknowledged that had we not put into place the tax cuts, the economic growth plan that we did in 2001, that the slowing in the economy would have been even greater than what we have suffered in the past and the recession which began as we all know during the last two quarters of the year 2000 was, in fact, during those two quarters in 2001, in a position where we were in economic recession, but it is clear that the plan that we had did, in fact, diminish the slow down that we witnessed.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. FRANK of Massachusetts. Mr. Speaker, I know as you get old your memory goes, but I do not remember hearing that this is new. I remember rehearing that this will get the economy going. I do not remember the defense of the 2001 tax cut being this will prevent the economy from slowing down so rapidly. There was no acknowledgment that there was going to be a slow down; and I asked people to go back to 2001, and we heard in 2001 these same arguments.

Mr. DREIER. Reclaiming my time, Mr. Speaker, the gentleman said that repetition is sometimes good, and so I guess I repeat once again.

He talked about the fact that we put into place what we considered to be an economic growth plan in 2001, and that economic growth plan was put into place before September 11, 2001. So I am repeating again what I said earlier, we have had to expend $100 billion-plus in the war on terrorism, and we know that September 11 played a big role in creating an economic slow down; and we also know that the cost of the war, which we have just gone through, has also played a role in slowing the economy, with increased oil prices and a wide range of other concerns.

We know that as we look at the challenge, Mr. Speaker, of trying to get this economy growing, doing things like reducing the top rate on capital gains for new investment, which is a measure that I have been pushing for a while, which would take the top rate and cut it from 20 down to 10 percent for new investment, if there were a 1-year holding period. I have talked to a wide ring of economists, Democrats and Republicans, and they believe that that would provide an incentive for new investment and could play a role in getting the economy growing.

So, Mr. Speaker, my point is that we need to have growth-oriented tax cuts. Our goal is to do just that, so that we will have the revenues that we need so that we will not have a further debt burden, so that we will not have the kinds of deficits that unfortunately we are going to have to deal with because of these economic challenges that we face for a while.

Mr. STENHOLM. Mr. Speaker, would the gentleman yield?

Mr. DREIER. Let me just say that I know that there is time on the other side of the aisle. I have enjoyed having this exchange with my colleagues and appreciate my friend for yielding me the time.

Mr. McGOVERN. Mr. Speaker, we do not have a lot of time. I would have appreciated the distinguished chairman yielding to the gentleman from Texas (Mr. STENHOLM).

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) does not have the floor.

The gentleman from Washington (Mr. HASTINGS) is recognized.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time to me, and I would be happy to yield to my friend from Texas.

Mr. STENHOLM. Mr. Speaker, I thank my friend for yielding to me, and I think the spirit of the debate, and precisely what you have been arguing is why I so strongly oppose what you are about to do tonight because the very economic game plan that you have once again articulated by your own scorekeepers, if it works exactly like you have got it planned, if all of the things happen that you believe will happen with it, we are going to owe almost $13 trillion at the end of the 10 years. We are going to owe another $3 trillion almost at the end of 5 years if we do it just like you are doing it.

That is why some of us are asking you respectfully, take a look at that rhetoric that you have been repeating since 2001 that you do again tonight. I know you believe it sincerely. I do not question that, but how can you continue to make that argument when the result of it in the budget that we are passing, we are going to have to borrow another trillion dollars almost in the next 12 months, and even if it works exactly like you have articulated so well, as you can do, tonight, we are still going to be borrowing that amount of money?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I simply say that we believe that we have the potential to get back, if we can unleash this economy to the kind of bold, dynamic economic growth that we saw in the latter part of the 1990s, if we do that, if we do that, I am convinced that we will have a level of revenues that outpaces even the kinds of projections that are included in this budgeting process itself.

So I thank my friend. We have shared interests here. We have shared goals. I believe that Democrats and Republicans alike very sincerely want us to get this economy growing so that we can have the revenues that we need to balance the budget and to deal with our priorities. Along with homeland security, along with the war that we have dealt with in Iraq, we can deal with education, transportation, health care, a wide range of other concerns that are out there; and I thank my friend for his thoughts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask all Members, in the spirit of debate on this rule, to only address the Chair during the course of being yielded time by either the gentleman from Massachusetts (Mr. McGOVERN) or the gentleman from Washington (Mr. HASTINGS).

Mr. McGOVERN. Mr. Speaker, I want to thank the distinguished chairman of the Committee on Rules for agreeing to that dialogue.

Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, for the record and for clarity, we only got this document minutes before coming to the floor. It is hundreds of pages long; but if you turn to about page 70, you will see just for clarity our debt limit now is $6.4 trillion. Vote for this resolution and you will raise that to 7.384 trillion, 984 billion in 1 year. Over the next 10 years, the deficits entailed by this budget resolution will require the debt ceiling to be raised to $12.040 trillion. Those are your numbers in your resolution, and that is what you will be voting for if you vote to adopt this budget resolution.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, it is almost midnight here on the east coast, and I hope that whoever is up and watching will understand what I am about to say.

What we are witnessing here tonight is the largest, long-term, structural tax increase on the American people in the history of this Republic because every year we borrow money, we have to pay interest on it, a tax on the American people, the Blue Dogs call the debt tax, that cannot be repealed.

Mr. Speaker, you have heard under their budget resolution, if it works like they say, we are going to incur $1.2 trillion in additional debt in the next 12 months, in addition to what we have already done and seen the last eight. Mr. Speaker, at 4 percent interest that is $40 billion a year that the American taxpayers have to pay every year.

This is the largest, long-term structural tax increase in the history of this Republic, and nobody can doubt that. At 5 percent, it is over $50 billion a year in perpetuity.

If that is not bad enough, Mr. Speaker, what really is happening here is we have sent young men and women from this Nation to die for other people in the Middle East; and Mr. Speaker, what we are doing is saying we are going to take a tax cut while they go over there and die, and we are going to send the bill for this war and we are borrowing the money to fund and borrowing the money for the tax cut, we are going to send the bill to these young men and women in uniform, the only people who are being asked to sacrifice anything at all in this war, send it to them and their children; some of whom do not have a daddy now because they are dead in Iraq.

Mr. Speaker, where is the honor? Where is the sacrifice? Where is the honor of this House when we try to do something like this? That is exactly what is going on tonight.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, the gentleman is correct, there is no honor in this. Think about what you are doing tonight. Your majority leader said, and I will read quickly, Between now and the next Presidential election, through the end of the fiscal year 1996, the public debt will increase by almost $1.3 trillion. During President Reagan's first term, the debt ceiling was increased from $935 billion to $1.8 trillion. That is an increase of $889 billion. It took us over 200 years to get to $1 trillion in debt, over 200 years, and in the last 10 years we have gone to over $4 trillion of debt.

All of that so-called stimulus package is deficit spending. None of that spending, none of it is paid for. All of it borrows money to pay for it. That is part of why we are raising the debt ceiling.

He was speaking in opposition to the kind of action you are taking tonight and then the gentleman from Indiana (Mr. BURTON) said this, "We need to do other things to balance the budget. Let us do it. But first and foremost, we have to shoot straight with the American people, and hiding things like this debt ceiling increase is not the way to do that."

How many of you campaigned and said you were against raising the debt limit? How many of you campaigned on the fact that you were going to balance the budget? I voted for the balanced budget amendment. I believe in balancing the budget; and very frankly, under the Clinton administration, we took the Reagan-Bush deficits into surplus for the first time for 4 years in a row, the first time in 80 years.

Do you have no honor? Are you not ashamed of the hypocrisy that this budget resolution that you bring before us represents? Is there no honor in this House? Is there no fiscal integrity? Is there no concern for generations yet unborn who, as the gentleman from Tennessee says, will have to pay this bill and the young men and women we have in Iraq today will have to return here to pay the bill? Can we not stand up as Americans, proud of our country, proud of our objectives and say to them, we will pay as you fight, and together, we will win this battle for a better America?

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I have been trying to figure out this process because normally an organization that works only 2 days a week should be able to get its work done without working till 3 in the morning, and so if the House was run competently we would not be here till 3 in the morning. So I thought it might be incompetence, and then I realized, this is chicanery masquerading as incompetence.

The reason we are here late at night is because what we are doing would not stand the light of day. We are creating a system where our friends on the other side of this building can say they are only voting for a $350 billion tax cut. We over here can say it is a $550 billion tax cut, but ultimately, the resolution tells us that we are on our way to a $1.2 trillion tax cut.

The plan is simple. They will pass the most obnoxious provisions of their $350 billion tax cut over there. It will go to conference. It will come back as 550. It will be passed on both sides by their majority vote, and that will be the portion of the tax cut loaded exclusively to the most wealthy.

Then, having cut the taxes in an unbalanced way, then another tax bill will be prepared, including the least egregious provisions, and they will be packaged in such a way that they can pass without a filibuster on the other side. If only the light of day would shine and the country knew what we were doing.

The SPEAKER pro tempore. All time controlled by the gentleman from Massachusetts (Mr. MCGOVERN) has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the remaining time.

This is a rule that allows us to consider the budget resolution that we have to get out by law so we can plan for the appropriation process, which I know will be difficult. So I urge my colleagues to support this resolution that allows us to consider a rule and ultimately the budget resolution.

□ 2345

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 203, not voting 8, as follows:

[Roll No. 139]

YEAS—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Boucher
Combest
Duncan
Gephardt
Houghton
Hyde
McCarthy (MO)
Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would advise all Members there are 2 minutes, approximately, remaining in this vote.

□ 0004

Messrs. RODRIGUEZ, PASCRELL and HALL changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 191 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 191

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 191 waives all points of order against the conference report to accompany H. Con. Res. 95 and against its consideration. The rule also provides that the conference report shall be considered as read. Finally, the rule provides 1 hour of debate in the House to be equally divided and controlled by the chairman and ranking minority member on the Committee on the Budget.

Mr. Speaker, the conference report we will shortly be asked to consider is absolutely essential to our efforts to stimulate economic growth and to simplify and reform our Federal tax system.

The agreement would produce steadily declining deficits, and would achieve a balanced budget by the year 2012. In addition, this agreement provides for the total supplemental appropriation necessary to fund the war in Iraq, and provides separate $400 billion reserve funds in the House and Senate for Medicare reform, including prescription drug coverage.

On taxes, the budget conference report provides for total tax relief of $1.226 trillion during the years 2003 to 2013. For fiscal year 2004, the conference agreement provides for discretionary spending of $400 billion for defense and nondefense discretionary spending of $384.4 billion. The budget also includes $26.7 billion for the Department of Homeland Security, a 35 percent increase over the current fiscal year, and provides additional homeland security-related funds for the Departments of Defense, Justice and Health and Human Services.

Of special note is a provision in the budget establishing a $5.6 billion reserve fund over a 10-year period for Bioshield, which will help protect the public from emerging threats of chemical, biological, or radiological agents. Finally, Mr. Speaker, I am pleased that the budget agreement directs all congressional committees to identify existing waste, fraud and abuse and report back to the Committee on the Budget, with an accompanying report by the nonpartisan General Accounting Office.

Mr. Speaker, we learned the hard way last year the consequences of proceeding with the appropriation process without a budget agreed upon by both Houses of Congress. It is a lesson that I believe once learned should never be repeated. We simply must complete our work in a responsible fashion. The American people expect and deserve no less. Accordingly, I urge my colleagues to adopt this rule and support the conference report on the budget for fiscal year 2004.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, since this mammoth budget was made available to Members of this House only a couple of hours ago, it is difficult to know exactly what goodies and gimmicks are hidden inside of it.

We know enough, however, to know that this Republican budget is bad for the economy, bad for American working families, and bad for the future of our country. In other words, we know enough to vote "no." I have to give the majority credit, though; they have brought the term "creative accounting" to new heights. Never before have I seen a "unified" budget conference report with two different budgets in it. I guess this is what they mean by "new math."

Under this model of budgetary mischief, the House tax cut costs $550 billion, while the Senate tax cut costs

$350 billion. It is extraordinary, it is dishonest, and it is shameful.

Why is the Republican majority trying to get away with this trick? Because despite all of their rhetoric last year, they cannot get their own membership to agree to a single tax cut figure. They are stymied by a few Members of the other body who believe that maybe, just maybe, it is not such a great idea to spend over half a trillion dollars in tax cuts for the wealthy while the deficit explodes, while we are fighting a war overseas with unknown costs, while the baby boom generation nears retirement, while millions of seniors cannot afford their prescription drugs, and while our States are facing their worst fiscal year, their priorities are crystal clear. Instead of deficit reduction, economic stimulus, and adequate funding for things like homeland security, health care, veterans, education and environmental cleanup, the Republicans prefer tax cuts for millionaires. No wonder they do not want Members to read this budget.

Now tomorrow, Mr. Speaker, we are told that we will vote on the supplemental. That bill contains nearly $2 billion to help rebuild Iraq. What is striking to many people is that Congress seems to understand, rightly, in my view, that health care is important for the people of Iraq, that education is important for the people of Iraq, that rebuilding roads and bridges is important for the people of Iraq. But when we look at this budget, it is clear that the majority does not understand that health care or education or transportation is important for the people of the United States, the people who are actually paying for the war.

Those people, the American people, they deserve a budget that reflects their priorities, not the priorities of a wealthy few. They deserve a budget that actually pays for its tax cuts, not one that uses so-called dynamic scoring to claim that one minus one equals three. They deserve a budget that is fiscally responsible, that does not leave future generations crushed by even more debt. They deserve a budget that helps make college more affordable, that helps pay for prescription drugs, that strengthens homeland security, and keeps our promises to our veterans.

In short, Mr. Speaker, the American people deserve a lot better than this. Mr. Speaker, I urge my colleagues to vote "no" on this rule and to vote "no" on the Republican budget.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, let me put this budget in context. Two years ago we all hailed a projected $5.6 trillion surplus, and our colleagues on the other side of the aisle bet the budget on that surplus, that blue-sky forecast.

Two years later when the Office of Management and Budget sent us the budget for the next year, they acknowledged that was a vastly overstated estimate and that the surplus between 2002 and 2011 correctly estimated, accounting for the economy as we now see it, it is not $5.6 trillion, it is, according to the Office of Management and Budget, $2.4 trillion, and all of that has been committed.

□ 0015

Now, there is a serious consequence that flows from that finding. It is simply this: Everything that is done in the way of tax reduction or spending increases over and above current services goes straight to the bottom line. There is no surplus anymore to mitigate or cushion it. It goes straight to the bottom line and adds to the deficit.

Knowing this, knowing this, what do our Republican colleagues do? They call for $1.2 trillion in additional tax reduction, plus some big increases in defense and international affairs. What is the result? The result is that this year the deficit will be $347 billion. We will set a record. Back out Social Security, and the deficit is $512 billion.

Next year, in 2004, as a result of the policy choices about to be made in this budget resolution, the deficit will go to $385 billion. On-budget, excluding Social Security, it will be $558 billion.

Over the next 10 years, let me say it again, and, let me remind everybody, I am reading straight from your script, this is your budget, these are your numbers, over the next 10 years we will accumulate on-budget deficits of $4,006,130,000,000, your number.

The national debt, which today is $6.4 trillion, will increase over the next year by $984 billion. If you vote for this budget resolution, that is a direct consequence of it, using your arithmetic. Over the next 10 years, listen to this, the national debt ceiling will have to go to $12,040,000,000,000; from $6.4 trillion to 12,040,000,000,000 as a direct consequence of this budget resolution, according to your numbers.

You say we can grow out of it. We have to get this economy on its feet. Goodness knows, I agree, this wobbly economy needs help. But let me tell you, the underlying forecast upon which these numbers are based assumes that the economy will grow at 3.6 percent next year, real growth over and above inflation, and 3.2 percent over the next 10 years.

You have held out the prospect of dynamic scoring, saying these tax cuts could boost the economy and sort of replenish the revenues that they will be otherwise cutting out of the Treasury. CBO undertook to dynamically underscore the budget, and, guess what? Using nine economic models, in five out of nine, the deficit actually increases as a results of these tax cuts.

You say we have got to have spending cuts. Well, you have got them in this bill. This resolution would take domestic discretionary spending down by $168 billion below current services over the next 10 years. As for the other spending cuts, if that is what you say the prescription is and ought to be, where are they? Why not put them in your budget resolution?

What we have got here is a recipe for disaster, and I cannot overemphasize the results of this budget resolution using your own numbers. It takes us down a path of endless deficits and deeper and deeper into debt, so deep that this problem becomes almost intractable.

For those of us who were here in the 1980s and knew how long and hard and difficult it was to turn the budget around and put it into surplus again, we have an awfully forlorn, sinking feeling as we look at this budget, because we do not think, if you pass this budget resolution tonight, that we will be able to turn it around for a long time to come.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, as Thomas Jefferson notes in Jefferson's Manual, "The minority in any legislative body looks to the rules of that body as its best and often only defense against the potential tyranny of the majority."

Tonight, Republicans have corrupted this House with a process that in the darkness of night raises the national debt to nearly $12 trillion, ensures that every American family ends up with a debt tax of over $8,000, has a budget that bleeds red as far as the eye can see, and that budget that began bleeding red well before September 11, and ensures that their tax dollars go not to invest in our people and health care and education and taking care of our veterans, but, no, goes to pay interest on this debt that you continue to raise. That is the real waste, fraud and abuse that you should be talking about.

Imagine deciding on $2.2 trillion, when Members have been given only an hour before debate begins. Only in Washington would Republicans say to American families that this is prudent. What American family makes major financial decisions in their life in the middle of the night at midnight when their whole future is at stake?

This corrupt process that will cut $6.2 billion in veterans' health care over the next 10 years, is there no shame, as we have men and women halfway around the world fighting for us and for democracy, that in this hallowed hall of democracy a system is so corrupt that we are going to make major decisions about each and every American family for the rest of their lives.

Vote no against the rule. It is ultimately the opportunity to preserve America's future and the intergenerational responsibility that this Republican majority has forfeited for the next generation.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this budget conference report is the most fiscally irresponsible budget ever proposed to this House. When the Bush administration came into office, there was a projected $5.6 trillion 10 year surplus. Under this budget conference report, the country will pile up $12 trillion in debt over the next decade.

We are doing it at the very time that we know that the next generation is going to be saddled with all of this mounting debt, because most of us are members of the baby-boom generation. We start retiring in 2008. We are going to double the number of people on the Social Security and Medicare trust funds, and yet we are going to borrow trillions of dollars from those trust funds to pay for these tax cuts.

This will be the third budget built on economic policies that have not worked since President Bush took office. All you have offered is tax cuts and promises of economic growth. But instead of growth, 2.6 million private sector jobs have been lost between President Bush's election and today, and, by your own estimate, this plan will generate over the next year only half the number of jobs that have been lost in just the last 2 months.

The market value of stocks has fallen by $5 trillion since President Bush took office and you started these budget plans. Consumer confidence has dropped to its lowest level in 9 years.

Now, in contrast, the House Democratic budget protected key services from cuts, we made focused investments in health care and other priorities and we boosted economic growth with an effective, fiscally responsible stimulus plan. We would have created six times the number of jobs that are contained in this plan, six times, when the country most needs those new jobs. We achieved budget balance within this decade. There was $1.3 trillion less accumulated debt.

In contrast, to pay for these oversized tax cuts, the Republican conference report runs deeper deficits, cuts key services to the people who are neediest, fails to make adequate investments in this Nation's priorities and omits any effective economic stimulus plan.

Vote against this embarrassment; if not for the sake of this body, do it for the sake of your kids who are going to be stuck with the bill for it.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, every Republican in this House who votes on this bill tonight will have voted for the largest deficit in American history. Every Republican voting for this will have supported the largest single year deficit in American history, larger than every year during World War I, during World War II, the Great Depression and all other wars this country has fought.

I will be honest, if I had a budget proposal this fiscally irresponsible, this dangerous to America's future, I would want it to pass at 1 or 2 o'clock in the morning as well.

To be fair, I will admit with my Republican colleagues that I agree when they say this is a growth plan. It will grow the national debt ceiling by nearly $1 trillion in 1 year. Once the economy finally gets a little bit back on its feet, it will grow interest rates. Costs for buying a new home will go up, costs for buying new cars will go up and costs for our farmers and ranchers trying to save the family farm will go up because of their deficit spending. As we all know and as Alan Greenspan has confirmed, this will drive up interest rates.

And, yes, this is a growth plan. It will grow the debt tax on my two little children and their generation to a point where their future will be burdened severely by that level of taxation.

Now, where I disagree with their assertion that this is a growth plan is in terms of economic growth. The Congressional Budget Office, in a report organized by one of President Bush's former top economic advisers in the White House, recently said this growth plan will not have any appreciable economic growth, and actually it could slow down economic growth.

I hope, Mr. Speaker, that this is not the kind of democracy our country plans to implement in the Nation of Iraq. At 1 o'clock in the morning we will be voting on a plan that nobody knows about that will harm our children with the largest deficit in the history of America. Vote no.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by the unwillingness on the Republican side to speak out on this. I will give them credit; they know indefensibility when they have promulgated it, and this is indefensible.

For a while they were complaining that last year the parties were unable to produce a budget, so they have overcompensated. They have produced 2 budgets. Because this is 2 budgets where it counts. This is a budget for the House and a budget for the Senate, all in one.

Why do we have it here? We have it here to accommodate a large number of Republican Members in both bodies who want to say one thing in public and vote another way.

This budget has to be explained. The key part of the budget, a lot of it is purely notional, but the key part is the reconciliation instructions. It has, bizarrely, for the first time in history, contradictory reconciliation instructions for the House and the Senate. The House is reconciled to $550 billion in tax cuts. Now, in the Senate they are only reconciled to $350 billion. That is a critical difference, because that means you do not need 60 votes when you reconcile it in the Senate; that means you can do it with 51 votes.

The problem is that there are Senators who have said loudly, passionately, we will not vote for a tax cut of more than $350 billion. But we had a problem here in the House. I am told we had 29 Members who said they would not vote for less than $750 billion, and 15 that said they would not vote for more than $350 billion. That is 44 Members taking an irreconcilable position. Well, how do you get there? Thirty-five of them did not mean it, and this budget allows them to back away.

In particular what it does is this: This budget, by that dual reconciliation, allows the Senators to claim that they are only voting for $350 billion.

□ 0030

But the Senate Parliamentarian has ruled that if a conference report goes back at more than $350 billion; namely, $550 billion, that will not be subject to the filibuster. In other words, the sole purpose of this dual reconciliation gimmick is to allow some Senators to pretend to be firmly committed to a $350 billion figure and vote for a bill that they know will allow them to facilitate $550 billion.

I am reminded here of one of the great figures from literature, Big Daddy, from "Cat on a Hot Tin Roof," because he would have hated this budget. My colleagues will remember how much he hated mendacity. And this is a monument to mendacity. This enables mendacity. The sole purpose of this is to allow Senators to claim they are for $350 billion, but vote for something that they know will accommodate $550 billion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate to characterize the actions or inactions of Members of the other body.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Is it appropriate for the Senators to lie by voting for this budget?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry and is not in order.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, my Republican colleagues have to go back home now to their districts and pass the commonsense test. They have to explain to their constituents how it is that they passed a $2.2 trillion budget that will increase the deficit in the next 10 years by $4 trillion; and they did it without sufficient time to even read it, they did it with inconsistent and dishonest manipulation of numbers, and they have to explain that to their constituents. The Democrats will not have to, because we will say we voted "no." We will pass the commonsense test, and those who vote "yes" will fail the commonsense test.

My colleagues on the other side will also have to explain this: for the last several years they promised on television, in their mailers, in their speeches on this floor that they would put Social Security and Medicare in a lockbox. But when they talk about the deficit and they talk about their balanced budget, the fact is, you have raided the lockbox, you have broken your promises, you have broken your faith with the American people, and you will have to explain that. We will not, because we will vote "no" on this budget.

And those of you from States like Washington and Iowa and Wisconsin and Oregon who suffer from unequal and unfair imbalances in Medicare payments, you will have to explain to your constituents why this budget does nothing to correct the unjust and imbalanced Medicare payment structure.

In Washington State, 50 percent of physicians will not accept new Medicare patients. This week, I have had physicians in my office saying, I cannot afford to treat Medicare patients because the compensate rates in Washington are too low. We have an opportunity to fix that. This budget does not fix it, and you will have to explain that to your constituents over the next 2 weeks.

I would give one bit of counsel to those who vote "yes" on this budget resolution. Cancel all town halls. Those who vote "no," I encourage you to have many town halls, and let the American people see just what this Congress is up to. It is not pretty.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, when I came here 20 years ago, I was told that this was the greatest deliberative body in this world; and here we are discussing this huge budget and what the majority does is to reserve the balance of its time. Where is their argument? Where is their response? My Republican colleagues sit there like people of stone.

So let me sum up what the facts are as I see them. Here is what the Republicans are saying in their budget resolution. I have heard the gentleman from California say, get back to the growth of the late 1990s. They are doing it by adopting policies exactly the opposite of the 1990s. What my colleagues are saying is, if the hole is deep, dig it deeper. My colleagues try to show much in tax cuts, and now they are going to do it again. They have gone from a projected surplus, as we have said so many times, of $5.6 trillion to $2 trillion in deficits these next 10 years. What my Republican colleagues are saying is, when in debt, mortgage more and more.

My colleagues say they are meeting a deadline. They are doing it, I think, clearly by dealing death to fiscal responsibility. But I want to say in a few words, this is worse than fiscal irresponsibility. I say to my colleagues, this is fiscal madness.

Mr. McGOVERN. Mr. Speaker, may I inquire of the gentleman from Washington how many speakers he has.

Mr. HASTINGS of Washington. Mr. Speaker, I am prepared to yield back if the gentleman from Massachusetts is.

Mr. McGOVERN. No. We have every second claimed.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong opposition to this unfair rule. Once again, the Republican Party is slamming their agenda through this Congress with little debate late at night.

Mr. Speaker, you can tell something about a country's priorities by how they spend their budget. As we can see from the Republican Party's budget, they do not see children, the poor, the hard-working people of this country, minorities, health care, education, or veterans as important. To begin with, our Nation's veterans, on the same day that this House voted to commend our troops in Iraq, the Republican leadership pushed through a budget that cut the VA budget by $30 billion.

Who else is the victim of this Republican budget?

This administration's tax-cutting plans have ruined our economy and have helped push African American unemployment up by 10.5 percent, and our country's poverty rate has gone up while the median income has gone down.

This budget is also bad for public housing. HUD is slated for a huge cut, including plans to slash section 8 vouchers that help millions of low-income residents to pay their rent. They plan to zero out HOPE VI. This list goes on and on and on.

I want to conclude by adding that it should not be a surprise to anyone that this administration has not fully funded election reform. Their proposal falls nearly $1 billion short from the amount authorized in the Help America Vote Act. In the end, the Republican Party does not want election reform. They are just fine with the 2000 election results since they came out on top, even though they did it by stealing with the help of colleagues from Florida. Wake up, America. Wake up. It does matter who is in charge.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, is anybody watching this evening? Is anyone watching? Talk about pulling a fast one on the American people in the dead of night. The Republicans are railroading their budget through the House late in the evening after denying Members a chance to closely review this budget.

What we know is that they lied to our veterans; they are cutting their health care and benefits. They lied to our constituents who are out of work due to no fault of their own. They will not be getting any additional assistance in this budget. They have lied to our children. This budget will saddle them with trillions of dollars in new debt for their future. And they do this in the dark of night, hoping that no one is watching.

They forget that 2.6 million new unemployed Americans know the true effects of this Republican economic plan, because they are watching this evening. They forget the 2 million Americans who are added to the rank of the newly poor were amongst the middle class just 2½ years ago. They know the true effects of this Republican economic plan because they are watching.

They forget the 800,000 veterans who were told that we could not afford their health care costs anymore and, all the while, this Congress can provide a massive dividend tax cut to the wealthiest and the richest in this country. They know the true effects of the Republican economic plan, because they are watching. They think the American people do not see this. But do not be fooled, they do, because they are watching. And they know the economic ruin the Republicans have caused this country in just 2½ short years.

Vote for our veterans, vote for our future, vote to keep our promises and be fiscally responsible. Vote against this Republican sham of a budget; and remember, the American people are watching.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, since you are on the floor, do you think it is a coincidence that no one is in the press gallery when you bring this bill up? Because I do not.

Those of you of my Republican friends, and I do consider you my friends, who ran on the basis of a balanced budget, if you vote for this budget, you lied.

Two years ago you came to the floor and said there was a surplus. We owed the Social Security trust fund over $1 trillion at that time. We owed our own Federal Government employees' retirement system over $500 billion at that time. We owed the Medicare trust fund over $200 billion at that time. And with a perfectly straight face you looked the American people in the eye and you talked about surpluses as far as the eye could see, and it was all a lie. I regret that I did not say it sooner.

So tonight I am going to give you one last chance to do the right thing. The guy sitting over there, the gentleman from Illinois (Mr. HASTERT), when he was just a Member he used to come to the floor and wax eloquently on the need for a balanced budget amendment. You have been Speaker now for 1,550 days, plus or minus; and yet you have never scheduled a vote on a balanced budget amendment, because you know it gets in the way of your tax cuts.

We are voting tonight to add another $800 billion, that is a thousand times a thousand times a thousand times a thousand times 800, in new debt in just 1 year, because you know your budget plan does not work.

So for just once, be honest with the American people. Quit lying to them, because you are lying to my kids; and I cannot tell you how mad that makes me. It is okay to lie to me, but do not lie to my kids. Do not lie to those kids in Bethesda tonight at Walter Reed; do not bring them cookies tomorrow and tell them how much you love them and you respect what they have done for our country, and then stick them with $800 billion worth of new debt in 1 year. Because you begged for the privilege of running this country, but you do not want to pay the bills of running this country. You ought to be ashamed. I want to tell you, I am ashamed of you.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, since 1980, over and over again, the Republicans have come to this House and this Congress and this Nation and promised that if we just cut taxes some more, everything will be wonderful.

Inscribed on the walls of the first floor of this wonderful building is a saying from Patrick Henry. It says: "I have but one lamp by which my feet are guided. That is the lamp of experience."

Experience tells us that this maddening, crazy, lunatic economic plan that we are being presented with tonight on this floor leads us down the path to enormous debt. And that is all it gets us. And we know that.

Mr. Speaker, I would associate myself with the remarks of the gentleman from Mississippi (Mr. TAYLOR). Where I come from, we teach our children that one can go to the bad place for lying just like you can for stealing. Let us not steal the future from our children and grandchildren.

Mr. McGOVERN. Mr. Speaker, I yield the remaining 2 minutes of our time to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

□ 0045

Mr. HOYER. Mr. Speaker, no poor Republican member of the Committee on Rules who was given this assignment has risen to defend this rule. Certainly the chairman of the Committee on the Budget has not.

This started out as a House joint concurrent resolution. "Concurrent" meant that it would be agreed upon by both sides. They have dropped the "current" and it is now just a "con," a con on the American people, a con on this institution.

Tonight, they sound the death knell for the policy of fiscal discipline, and are poised to drive our Nation into spiralling and historic debt. They put us on the path to increased debt by more than $5.5 trillion, and then to $12 trillion.

Here is the real kicker: There will be no debate on this stealth action and there will be no vote; there will only be a swelling sea of debt that promises to drown our future prosperity.

Yes, it is a con job. Let us remember the unequivocal words of the majority leader, the gentleman from Texas (Mr. DELAY), which still reverberate throughout this Chamber. Ten years and 12 days ago, here is what he said: "Here we are being asked to raise the debt ceiling so this government can go on borrowing money to take care of its spending habits. I think that is outrageous," said the gentleman from Texas (Mr. DELAY). "I hope the Members of this House will vote against raising the debt ceiling," said the gentleman from Texas, "and I hope the American people will contact the Members of this House, Mr. Speaker, and urge them to vote against raising the debt ceiling."

Where is the gentleman from Texas (Mr. DELAY)? Where is he when we raise the debt by $860 billion this year and $5 trillion over the next 10? Where is the gentleman from Texas (Mr. DELAY)?

They claim this is an economic growth package. They claimed it in 2001. We lost 2.6 million private-sector jobs, 4 million more Americans without health care, real business investment has fallen by 5.7 percent, and 2 million Americans have moved from middle class to poverty. Where is the gentleman from Texas (Mr. DELAY)?

Have the integrity to stand up and vote for America's children and America's future. Vote down this rule. Vote down this budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that their remarks should be directed to the Chair and not to other Members of the body.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind my colleagues, this is a rule to consider a conference report on the budget. This is a very difficult budget because we are in a war.

I might add, Mr. Speaker, that this is the first budget conference report in 2 years, because last year we did not have a budget because the other body did not adopt a budget; and we had to go through this process and ended up with an omnibus, which I think made everybody unhappy.

But we have completed our work this year. We are supposed to have a budget this time of the year. We knew we were going to break around Easter. The Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), has done a terrific job. I commend him for the job that he has done. I think we will have a debate on the content of the budget when we adopt this rule so we can take up the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 202, not voting 11, as follows:

[Roll No. 140]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)

Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Boehner
Combest
Delahunt
Gephardt
Houghton
Hyde
Lewis (CA)
McCarthy (MO)
Paul
Radanovich
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). The Chair would advise all Members there are 2 minutes left in this vote.

□ 0106

Mr. BELL and Ms. MCCOLLUM changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 191, I call up the conference report on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 191, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 95, the conference report considered this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report maintains the three principles of the budget resolution that was passed by the House of Representatives a few weeks back. We set forth three important principles that we felt were important as we considered the priorities for our Nation.

Number one was protecting America. We felt that that was a nonnegotiable item both in terms of homeland security and national defense. We felt that, as we considered the budget for next year, we needed to ensure that the President's requests were met in order to not only protect our country at home, but also deal with challenges abroad.

At the time we wrote the budget, we were not even sure exactly how the war against terrorism might be proceeding, let alone, at that time, the potential war against Iraq.

Tonight, we stand at the possible threshold of a victory that we all celebrate and honor. We appreciate the service of our troops. But as we discuss the budget, we know that we need resources in order to fuel their force and their might around the world. This budget accomplishes that feat.

The second principle was to strengthen the economy and create jobs. And I know there will be differences of opinion on this issue. Mr. Speaker, on the second principle of strengthening the economy and creating jobs, there is a difference of opinion, and that is very clear, between the minority and the majority.

What we believe our budget accomplishes is an economic growth package, yes, smaller than the one that was originally written. We definitely get the entire growth package within this negotiation that the President requested. Probably nobody in this budget got everything they wanted. I can attest to that, but I can tell you that it sets up a debate and a process for us to consider some important legislation on growth, on tax simplification, on tax reform, to get the economy going and growing again.

Now, we know from hearings and testimony of some very important and learned economists, including Alan Greenspan, it is going to take a little bit of push and shove from a fiscal standpoint in order to get the economy growing again. We accommodate this in the budget with an instruction to write a tax bill at $550 billion over the next 10 years.

But do not kid anybody. Within the scope of the tax bills that have been passed for this country in the past, this is not a large tax bill. And we will discuss the specific policy at another time when the Committee on Ways and Means, following that instruction, brings the tax bill forward.

The third important principle that we sought to achieve was fiscal responsibility, and in this regard what we tried to do is do two things. One is limit spending. The original bill, as Members will remember, that passed the House had what I would call some pretty bold attempts to not just go after the Committee on Appropriations and the appropriations bills that are on the floor for the next, hopefully, 3 months, 4 months, both in terms of the initial consideration, as well as their conference reports that we will haggle over, an amendment here and an amendment there, for a million here and a million there; and, yes, all of that does add up, while two-thirds of the budget in entitlement spending goes unchecked, unreformed, undiscussed in many respects, and, in fact, in many respects just added onto.

We set up a process. That process has been rejected. That is fine. We live to fight another day. But within this budget that we say is for fiscal responsibility, we need to start that process. It is not just the duty of the Committee on Appropriations to look for savings within the budget.

Friends from all of the authorizing committees, it is all of our duties to look for savings: waste, fraud and abuse are certainly part of it, but reforms to ensure that these entitlement programs work in the most beneficial and efficient way for the people that they are intended for.

□ 0115

While no one can come to the floor tonight, although I heard during the rule debate quite a discussion about cuts here and cuts there, I do not know what you are discussing because there are no cuts in this budget when it comes to those mandatory programs; but we do set up a process to get the committees of jurisdiction to begin looking for that waste, fraud and abuse and to report back to the Committee on the Budget their findings.

We also within here limit the growth of spending overall. Spending over the last 5 years in particular since we reached balance has been explosive, and even with that explosive spending, which has been added into the baseline, there are people who come here tonight who are suggesting we are not spending enough, and in fact, we may never ever spend enough.

In fact, the letters to the Committee on Appropriations are already piling up for requests for additional spending. There were amendments in our committee, and there will be amendments in more committees for more and more and more spending. You may not do that and come to the floor here tonight and tell us that it is wrong for us to increase the debt ceiling.

PARLIAMENTARY INQUIRY

Mr. BERRY. Mr. Speaker, parliamentary inquiry. I believe the Chair has directed speaker after speaker this evening that we should address the Chair. I do not believe this is the way this is being done, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). All Members should direct their remarks to the Chair. The Chair thanks the gentleman for his observation.

Mr. NUSSLE. Mr. Speaker, Member after Member has come to the floor, Mr. Speaker, and told us about the debt and explained to us how the debt is going to increase under just the Republican version of the budget. Let us take a look at the Democrat version of the budget.

Yes, it is true we increase the debt at a time when we are at war, at a time when we are at an economic disadvantage, at a time when we have had a national emergency. Do we ask to increase the debt? Yes, we do. We ask to increase the debt a little over $880 billion. Shocking amount of money, is it not?

How much does the Democrats bill ask us, Mr. Speaker, to increase the debt? About the same amount of money. Oh, that is, of course, not going to be discussed here tonight because, of course, they only want to focus on the Republican plan.

Well, we have got a plan and it is a good plan, and it deals with the priorities of America, protecting America, being fiscally responsible and getting the economy going again in creating jobs. But do not come to the floor and tell us about our big debt increase when you ask for more money, when your letters pile up at the Committee on Appropriations, and when your alternative Democrat plan raised the debt ceiling as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Let me make it clear to the gentleman, my good friend, the chairman of the committee, in the budget resolution we presented to the House, at the end of the year 2013, which is the last year in the 10-year time frame, our budget produced $1.3 trillion less debt than theirs, $1.3 trillion less debt. We laid it before the House. We got to a balanced budget, a unified balance in 2010. You do not get to one in this budget until 2012, and then it is only $9 billion. Any kind of turbulence in the economy would undo that.

There is a drastic difference between the two, and that is one of the reasons we were proud to present our budget resolution, to show there is an alternative.

This is not a necessary course of action. This is self-inflicted pain by your insistence on doing $1.2 trillion in additional tax cuts when there is no more surplus and that automatically increases the debt by $1.2 trillion.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this does not belong on the House floor tonight. This budget belongs on "Laugh In." This is not a budget. It is two-headed tax cuts. It is a two-headed flim flam.

The economy is in crisis. The economy has lost 70,000 jobs per month every month of the Bush Presidency, and the Republican Congress tonight abdicates its responsibility to lead.

A few years ago, the Committee on the Budget Chair came to this House floor with a bag on his head. If I brought this budget to the floor tonight, I would ask where is that bag when I really need it?

This budget is a disgrace to this institution. It fails its responsibilities to this institution, to the country, and to every person who is out of a job looking for economic leadership to put this country back together again.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, it is approximately 1:20 a.m. in the morning here on the east coast; and pinch me if I am dreaming, but the Republican majority is about to pass a budget resolution that calls for an increase in our national debt by $984 billion in this next fiscal year and close to $6 trillion over the next 10 years, and this is using their own numbers. That is using their own scorekeepers.

This budget is disastrous for our economic future, but do not believe me. Believe a few reputable souls, namely, Bob Kerry, Sam Nunn, Pete Peterson, Bob Ruben, Warren Rudman and Paul Volker who wrote yesterday together, "Congress cannot simply conclude that deficits don't matter. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences we risk creating an insupportable tax burden for the next generation."

Mr. Speaker, I am the father of two little boys. I did not come to this Congress to leave a tremendous legacy of debt for them and their generation. This is morally irresponsible. I encourage my colleagues to vote "no."

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding to me.

After all the words that have been spoken tonight about this budget, it really comes down to one fundamental issue: Do we want to lay on our children a higher national debt carried by our country or do we want a responsible budget? This budget authorizes immediately $984 billion, nearly $1 trillion in higher borrowing authority. You have got to figure something is wrong with the plan if right out of the gate you have got to borrow $1 trillion to make it work; but that is just a start because over the next 10 years the borrowing doubles, nearly doubling the national debt, just before the baby boomers move into retirement drawing on Social Security, drawing on Medicare.

There is not a family we represent who prepares for retirement by roaring up the debt on their credit cards, blowing everything they have got, just letting the kids provide. So what in the world are we doing tonight, representing all the Nation's families to put our Nation on exactly that course? Growing the dough, borrowing the money, letting our kids straighten this out?

This is wrong. We must reject this totally fiscally irresponsible approach to our national budget.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, a close read of this conference report provides for transportation infrastructure programs, little more than the status quo, $41.7 billion for the coming fiscal year. If that is what the majority is presenting to us, this report does nothing to begin to address the needs of highway and transit systems at a time when we have huge unmet safety and security needs, congestion is crippling our city, the economy has lost 2.5 million jobs.

On a closer reading, though, there is a curious anomaly in the budget resolution's contingency procedure for surface transportation. Section 411 of this conference report provides contract authority for TEA–21 reauthorization for each of fiscal years 2004 through 2009. For amounts above the levels specified for those years, Congress must pass legislation to increase receipts to the highway trust fund such as increasing the purchasing power of the user fee.

If we pass such a highway user fee increase, the Committee on the Budget chairman, according to the language I have read, may increase the budget allocation to our committee. However, under the conference report before us, the chairman can increase that allocation only for years 2004 through 2008. No increase for 2009, even if we increase the user fee to provide for that additional infrastructure investment. That means you get no benefit from the increase in funding that our committee might enact.

I do not think that that is what the Republican majority intended, Mr. Speaker; and I hope you are not going to vote for it.

Mr. NUSSLE. Mr. Speaker, I yield myself 15 seconds to just be able to respond and say we increase the transportation fund $30 billion. I cannot believe that the gentleman would suggest that that is a paltry sum, number one; and, number two, you better get with the other communicators, I would suggest, Mr. Speaker, because they are talking about not increasing the debt. Spending more money, seems to me we have got to increase that debt.

Mr. SPRATT. Mr. Speaker, this is why legislation of this consequence should not be brought up at 1:30 in the morning with no prior notice.

I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, no matter which way we voted on the war resolution, I think we all come together hoping that we have a package for those heroic people that fought the war in the Middle East, and that when they come home that we will be able to treat them as heroes and have a veterans package for them.

One would think, however, since we have not the slightest clue of how long the occupation is going to take, where we will have to go next in the region, what the total price is going to be to have democracy installed in Iraq, that before we even think about borrowing money and having a tax cut, that we would wait and see in a rational way what would be the cost to the United States of America.

It is true we have no friends to go to to help pay for the cost of the war, and we do not even know how long this is going to continue, notwithstanding the fact that we call a victory; but I think that in the short run what we are talking about is that the majority in this House really does not want to see this great Republic provide any public service.

They have advocated eliminating corporate taxes altogether. They have advocated letting Medicare just turn softly, slowly in the wind. They have advocated privatizing Social Security; and at the end of the day, they will tell you that these would be the responsibilities of the State and local government. But ask the Governors and ask those in the States how they treated them in this budget. Ask the local community, the firemen and the policemen how are they treated.

They will do anything and say anything in order to say at the end of the day nobody pays taxes except the working people. They fight our wars, they pay our taxes; but the wealthy at the end of the day are the recipients. Is this what we call shared sacrifice? I think not.

Mr. NUSSLE. Mr. Speaker, I yield myself 10 seconds to just say the gentleman from New York has not referenced one provision within our budget.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding time to me.

First of all, I want to take a moment to thank the gentleman from Iowa (Mr. NUSSLE) and all those Members who supported our efforts to provide higher funding for veterans benefits and services. It is important to note that the Nussle budget reflects an agreement on veterans spending that was reached before the House voted on the budget last March 21.

Chairman NUSSLE honored his commitment, and he delivered. The budget includes new budget authority for veterans in fiscal year 2004 of $63.8 billion, a $6.2 billion increase in budget authority over 2003. Of that, $3.4 billion, or 12.9 percent, will be devoted to discretionary spending, the bulk of which is for medical care.

It is important to note that every penny of that increase is justified by the compelling needs, the medical needs of our veterans.

□ 0130

I would point out to my friend that, in a hearing I chaired earlier this year, Dr. Robert Roswell, who is the Under Secretary for Health, testified that we needed about 13 percent to take care of our core veteran population. This budget hits that number right on the mark. My colleagues can laugh all they want. It hits it right on the mark.

I am also happy to point out that this budget, pursuant to the agreement before we voted on March 21, requires no cuts whatsoever in mandatory spending. Let me just remind my colleagues that the budget offered by my good friend and colleague, the gentleman from South Carolina (Mr. SPRATT) was $1.6 billion less in budget authority than the budget being presented on this floor today.

So when I hear about veterans, I have been on that committee for 23 years, and this budget is good for veterans. And I would hope that Members would look at this and stop the rhetoric that is distortion and misrepresentation.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman.

First of all, when the budget resolution before us now left the committee, it provided for $30 billion in Veterans Administration cuts, as the gentleman well knows.

Let me have the time.

Thirty billion dollars. It was reduced to $28 billion when it left the floor. When it comes out of conference and comes to us tonight, it is $6.2 billion less than current services over the next 10 years. And I say to the gentleman from New Jersey that this is $8.2 billion lower than the amount that our budget resolution provided when we had it on the floor and offered it as an alternative, $8.2 billion lower in this resolution today, and $6.2 billion below current services. This is a cut.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is the dirty secret that Republicans do not want to admit. We did not control spending. That is Chairman NUSSLE, some 15 days ago. The Committee on the Budget says Republicans believe repaying the debt is the right thing to do. It says, in its report dated March 13, 2001, it is wrong for this generation to saddle future generations with debt.

It has taken them some less than 2 years to change that view and proceed to create gargantuan debt. And my colleagues, we considered this budget some days ago, and the sun did not set for six times until they came to this floor and for 40 minutes railed against the gentleman's motion to instruct, the motion of the gentleman from South Carolina (Mr. SPRATT). For 40 minutes the Republicans railed against it, and then they voted for it.

They voted for it because they knew the cuts that were proposed in that budget were not sustainable, were not supportable. Yet they all voted for it and they flip-flopped 6 days later. How short a memory my colleagues have.

My Republican colleagues say they are against debt. The chairman of the Committee on the Budget has gotten up on this floor time after time and said, we need to eliminate waste, fraud and abuse. Let me just say that the waste is the time and the paper we have used to consider this resolution, which sadly simply reflects a deep division within the Republican Party reflected by this fiscal irresponsibility.

This budget will not be followed. Hear me. My colleagues will not follow it any more than they followed the budget that the gentleman from Iowa (Mr. NUSSLE) offered last year and for which my colleagues voted last year. It was never adopted. Eleven appropriation bills sat in our committee. Why? Because Republicans could not get the votes on their side of the floor to pass them, consistent with their budget, because they were not real.

The fraud is on the American people. The fraud is on the young people of America. The fraud is on the veterans, I say to my friend from New Jersey. The fraud is in the rhetoric that Republicans have used seeking support from their constituents seeking fiscal responsibility.

And the abuse, my friends, of the fraud, waste and abuse, the abuse is the abuse of process which the consideration tonight of this budget with just hours' notice reflects. Yes, there is fraud, waste and abuse, and it is within this budget. Reject it. We can do better. We should do better. We must do better.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in strong opposition to this fiscally irresponsible conference report. I believe in tax relief for all Americans, and I supported the President's tax relief package, but this budget comes to us late this evening and it contains a 10-year $1.2 trillion tax cut that we simply cannot afford.

It is particularly disturbing because of the war in Iraq, the global war on terror, and in the midst of a full-blown recession, all of which have very serious consequences on the financial solvency of our Nation for the next generation. This budget adds gasoline to the fiscal fire that is burning out of control with no end in sight.

Do not take my word for it, because more than 400 economists concur that this budget stifles economic growth and will cause greater deficits, increase job losses, and will make a harsh, harsh climate for businesses.

I strongly urge my colleagues to stand up for Americans and for our children who are sure to pay the tab laid before us this evening. Vote "no" on this conference report. Vote for something that is fiscally responsible, not this irresponsible garbage.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the budget that we have before us today is one that we should all be proud of. What we are doing is, we are keeping our promise on education aid. Education aid is up, over 6 percent over the 2003 level. Pell Grants are up 12 percent.

And, Mr. Speaker, particularly in my district, where I have a large number of veterans, it is very important that the veterans understand that we are $6.2 billion over the fiscal year 2003 figures. That is a 10.7 percent increase. And in discretionary spending, which is health care, where there is a long wait in my State on Priority 8, where veterans are having to wait up to 18 months for service; we are increasing that amount by 12.9 percent.

We are keeping our promise on education. We are able to provide the veterans benefits that are necessary, and we also are making sure that the uninsured at least have a start and a chance at having some insurance.

Children's health care, which is very important in every single State, whether it is called SCHIP in some States, or we called it KidCare, it is up by $14 billion, a 9 percent increase.

Sure, we had to postpone when we balanced the budget to 9 years, but we are at war, we have a downturn in the economy, and this budget answers what I believe the majority of the constituents in the State of Florida absolutely need. What it does is it also protects Medicare and puts additional funding into Medicare of 7.7 percent more.

That is a responsible budget, and that is one that I can go home very proudly and tell people that these are the figures that we have in our budget while still insisting that every agency go after fraud, waste and abuse. That is responsibility, my colleagues.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to respond that if my colleague will read closely, she will see that there is a function called function 920, and in it she will see $128 billion in undistributed cuts. So all of these adds, all of these gains she is talking about, could very well be wiped out, and probably will be, once those cuts are distributed.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, on the very day that our young men and women in uniform saw the fruits of their sacrifices in the faces of cheering Iraqis, the majority party in this Congress will vote to saddle their generation with $4 trillion in debt. Tonight, my colleagues will charge these young patriots with the burden of paying for the war they so willingly and valiantly fought.

While America's finest risk their lives and sacrifice for our country, the Republican leadership tells the rest of America, your contribution to the call of duty will be to get $700 billion in tax cuts that will be paid for by the generation of young soldiers who fight in Iraq tonight.

Never in the history of this Nation have we been at war and refused to ask every American to join in the sacrifice. Instead, our Republican majority turns a blind eye to the $25 trillion unfunded liability in Social Security and Medicare, they turn a blind eye to future national and homeland security needs of this Nation, they weaken our ability to respond to future threats by disarming our fiscal strength, and they rush headlong down the path of higher interest rates, dwindling national savings, and burdensome debt.

Cast a vote tonight for the generation that has made us proud in Iraq today. Vote "no" on the Republican budget.

Mr. NUSSLE. Mr. Speaker, I yield myself 15 seconds just to say that if our budget is so irresponsible, why is it that the budget that the gentleman supported, the very distinguished gentleman who is a member of, I believe, the Blue Dog coalition, why did he support a budget that increased the national debt by almost a similar amount? I would suggest that he needs to look at his own budget before criticizing the budget in the conference report.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this is the most irresponsible budget in our Nation's history. It adds almost $6 trillion to the public debt, with $1.2 trillion in tax cuts for the wealthiest Americans. It will do serious, long-term damage to our economy, compromising our ability to address the most serious challenges facing us.

For the third year running, the Republicans are proposing a budget that lays the groundwork for increasing the deficit while again failing to stimulate the economy. Time and again, Republican budgets offer tax cuts and promise economic growth, yet all we have to show for it is a net loss of 2.6 million jobs, a stock market that has fallen by $4.6 trillion, and consumer confidence that has dropped to its lowest level in nearly a decade.

A responsible budget provides hope, it lifts people up, it gives us a blueprint for our future, a view of our government's priorities. But this budget lets the people of this country down. The Republican leadership puts massive tax cuts ahead of the interests of the American people. This budget does not reflect our values, our priorities as a Nation, a Nation at war.

The Republicans pay for these tax cuts on the backs of disabled veterans, college students and children. It places massive unfunded mandates on our States at a time when our States are facing the worst fiscal crisis since World War II. This budget flies in the face of all that we believe, all that we ought to be dealing with as a Nation because budgets are about choices.

I believe that the current budget resolution does not deal with the issues that are a priority in this country. This Republican budget reflects the wrong values and the wrong priorities for America, and I urge my colleagues to vote against it.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

□ 0145

Mr. FEENEY. Mr. Speaker, I rise to congratulate the Committee on the Budget and the chairman for the fine work they have done during admittedly very difficult times, internationally and at home.

I must admit, I have spent the last 3 hours listening to some great debates, but I do not know exactly where they are coming from. I feel like I am getting economics lessons from the same folks that taught geography to the Flat Earth Society.

What I am hearing from the same folks is the same philosophy that for 3 or 4 decades now has taken the position that we can spend, spend, spend our way out of trouble, is that we ought to somehow shrink a deficit that has been created largely over 30 or 40 years of spending.

The truth of the matter is that there are two approaches being taken here tonight. One side is advocating that we can spend our way out of trouble. The other side is advocating that we can grow our way out of trouble. The economic stimulus package that we are talking about, in the Kennedyesque style of the early sixties and the Reaganesque style of the 1980s is such that it will produce the same amount of growth that those great Presidents produced when they took the position that we can grow our way out of tough economic times.

I would remind Members from both sides of the aisle that in the aftermath of the victory in World War II, we had deficits that were much higher as a percentage of gross domestic product. We are now winning the war. As Prime Minister Thatcher said, Reagan won the Cold War without firing a shot. Yes, we had deficits, but after that, because of the low marginal tax rates, we had the highest period of sustained economic growth in history. Yes, we are winning the war on terror; we are winning the war in Iraq; and with Members' help, we can win the war to stimulate our economy by supporting this budget.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM) so he can set the record straight with respect to the Blue Dog budget, and I do not have enough time to correct all of that economic fiction.

Mr. STENHOLM. Mr. Speaker, I wish we could avoid speaking untruths on this floor.

As the gentleman from Iowa (Mr. NUSSLE) knows, the Blue Dog budget balanced without using Social Security in 2013. The budget you have on the floor tonight will not balance without using Social Security by 2013. You will not come within $300 billion.

And to the last speaker from Florida, you cannot borrow and spend your way to prosperity, either. That rhetoric, that dog, will not hunt. You are going to borrow $984 billion. Under your budget, you are going to borrow more money in the last year than we borrowed in the first 205 years of this country. We cannot borrow and spend our way to prosperity, either.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds all Members that remarks are to be directed to the Chair and not to other Members in the Chamber.

Mr. NUSSLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just to respond to the gentleman from Texas (Mr. STENHOLM), 2013, that seems like a long way away. Let us talk about next year and what the Blue Dog budget does next year. It increases the debt limit. That is interesting. There are lots of complaints about raising the debt limit; but both of the alternatives provided by the other party raise the debt limit in 2004. Spend a lot of money, even had a tax cut. All of these complaints seem to be very curious when they come to the floor and are complaining about raising the debt today. The debt limit increase was almost identical to the conference report that we are providing here tonight.

So it is fine that you can come here and wax philosophical about what is going to happen in 2013, but what happens next year, let us focus on that is what I would suggest. The two budgets that were presented by a majority of caucus from the Democratic side increased the debt limit. In addition, to that we have heard time and time again here tonight how we are not spending enough. I will guarantee Members that as we get into the appropriation season, we will hear speech after speech after speech telling us how we are not spending money for this and how we are not spending enough money for that, and how we have not made it a priority here and how we have not made it a priority there. And I would say to the whip who came and quoted me and said I had a dirty little secret about the Republican Party and the fact that we like to spend, I will tell Members, it is not a secret that the Democrats like to spend.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to this budget. This budget severely underfunds education and shortchanges our Nation's children. Here we are 2 years after Members from both sides of the aisle pledged to leave no child behind, and yet we are considering a budget that cuts billions from the No Child Left Behind Act. Instead, this budget produces huge deficits for our children to pay off, yet fails to provide them with the resources they need to drive the economy of tomorrow. This budget is not what our children need. This budget is not what America needs. I urge Members to vote "no."

Mr. SPRATT. Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, this budget resolution is designed to enrich the rich at the expense of economic growth for all Americans. It means larger budget deficits, higher interest rates, larger trade deficits. It will take capital away from business investment while underinvesting in education and infrastructure.

Senate tax cut, $350 billion. House tax cut, $550 billion. Ultimate tax cut, $1.2 trillion. Knowing you can pass the entire cost to future generations, priceless.

Allowing corporations to escape American taxes just by renting a hotel room in the Bahamas, $4 billion. Cutting veterans benefits, $6 billion. Cutting education, law enforcement, et cetera, $168 billion. Setting up a $1.2 trillion tax cut while allowing Senators to pretend it is only $350 billion, priceless. Republicard, and get the new Deficit Express Card with the $12 billion credit limit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is not appropriate to characterize the other body.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, we know that you know that this is not a budget you can be proud of because if you were proud of this budget, you would not be bringing it up between 1 and 2 a.m. in the morning when most of the American public is asleep.

I do not think that you are going to share with your children or grandchildren what you have done to them, creating $12 trillion of debt that they will have to pay back. You are not going to share with them the fact that you and your generation are going to be retiring, most Members over the next decade, doubling the number of people on the Social Security and Medicare rolls, at just the time when you are borrowing trillions of dollars from those trust funds in order to reward yourself and your supporters, your political supporters with deep tax cuts.

Here you tell us that there is a war on so we need to do this. There is not one dime in this budget for the war in Iraq, not one dime. Members know that is in the 2003 supplemental. That is not in this budget. This is a budget that needs to be defeated. Do it for our children.

Mr. NUSSLE. Mr. Speaker, I yield 15 seconds to myself.

Mr. Speaker, the war supplemental is in the budget that we are presenting.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, over in Iraq the Air Force is preparing to deploy its newest bomb, the MOAB, the mother of all bombs, if needed, against the remaining Republican Guards.

Meanwhile, back in Washington, the House of Representatives Republican guard is now deploying its very own legislative MOAB, the mother of all budgets; and it is a mother. This Republican legislative MOAB blows a huge crater into our economy, irresponsibly piling up $1 trillion of new debt, increasing the debt limit by $860 billion.

The Republicans say Osama ate our budget homework. Saddam ate our surplus; it is not our fault. But it is their fault. I would say to those Members who would vote for this budget, they have the freedom to choose whether or not to cut taxes for the richest in our country at a time of war and national emergency, and they have made their decision to drop this legislative MOAB into the middle of our economy, and the collateral damage will hit the poorest in our society.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members on both sides of the aisle to respect the gavel and only speak for the time yielded to them by the managers of the bill.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH) and hope he can set the record straight.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding me this time, and I always appreciate the chance to come to the well of the House.

I listened with interest to the gentleman from Massachusetts (Mr. MARKEY). What passes for wit in the early morning on the east coast of the United States, and I know perhaps given the deliberations some are giddy, but I would just remind us that rhetorical flourishes about Saddam eating homework or Osama eating homework are not funny; they are tragic. Mr. Speaker, we are a Nation at war, we are a Nation at war, and to have this type of disrespect brought into this debate speaks volumes on the nature of the opposition this evening.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM) to straighten out the Blue Dog budget.

Mr. STENHOLM. Mr. Speaker, I would appreciate if the gentleman from Iowa (Mr. NUSSLE) would listen, and if the gentleman disagrees, to disagree with me again. If the gentleman looks at the Blue Dog budget, we would have $1.8 trillion less deficit over 10 years and $120 billion less deficit next year.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, how much do you increase the debt limit for next year?

Mr. STENHOLM. The debt limit for next year, everybody increases the debt limit for next year. The reason we do it is because the budget you voted in place in 2001 and 2002 has dug us this hole. We are suggesting in the Blue Dog budget to stop digging the hole deeper. We have got to stop digging the hole deeper. You want to keep digging it deeper and deeper and deeper, but you misrepresent totally the Blue Dogs because we do not spend one dime more than you propose spending in your budget tonight. We also have $1.8 trillion less debt over the 10 years, and $120 billion next year. That is not small potatoes.

☐ 0200

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I thought about characterizing the Republican budget as a bad budget, but that is not really right, because it is not a budget, it is a "fudget." It fudges cuts in veterans affairs, it fudges the tax cut you cannot reconcile yourself to, and it fudges the biggest deficit in American history.

I thought about characterizing it as a budget fit for the Titanic, because we do have a disaster in the economy, a surplus turned into a deficit, the largest unemployment for years. But it is really not a Titanic budget, because the captain of the Titanic only rammed the iceberg once. You want to do these tax cuts twice in the hopes the iceberg will sink.

You made a mistake. You ought to face it. Let us defeat this budget.

Mr. NUSSLE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the distinguished vice chairman of the Committee on the Budget.

Mr. SHAYS. Mr. Speaker, in my 28 years experience being in politics, I do know that speaking at 2 in the morning is not wise, and I usually avoid doing that. It took me awhile to figure that out, because I always made enemies when I spoke late at night.

As I was listening to the dialogue of my colleagues discussing the rule, I heard a lot of passion, I heard a lot of anger. The difference is we actually have to pass a budget and you do not.

The best example to me is you are talking about your budget, the Blue Dog budget, that did not even get close to a majority of votes and did not even get all the votes on your side of the aisle. We can only afford to lose 11 votes on our side of the aisle, because we know that there is not one, Mr. Speaker, on that side of the aisle that will help us pass a budget. And that is the challenge.

When we passed our budget out of the Committee on the Budget, which I was proud of, and balanced the budget in 7 years, the amendments to that budget in that committee debate added up to $983 billion over the next 10 years.

We never had a debate with President Clinton where he said we spent too much. The only way we could get out of town was we had to spend more. That is a fact.

The problem is, even tonight, my colleagues, seriously, think about this: You say we are cutting. Only in Washington when you spend 9 percent more, or $14.6 billion more, would people call it a cut. That is what we add in Medicaid. Only in Washington when you spend $17.8 billion more, or 7.2 percent, would people call it a cut. Only in Washington when you spend $5.4 billion more in transportation, or an 8.4 percent increase, would people call it a cut. Only in Washington when you spend $6.2 billion more for veterans, a 10.7 percent increase, would people call it a cut.

So, Mr. Speaker, I know that you all do not like this budget, but I also know if you were in the majority, you would not be able to pass a budget, sadly. On this side of the aisle we have come together, we have done our best, and I am proud of it. And we scored our tax package. We have a tax package that we would, if we could, pass a $627 billion tax cut. We put it under reconciliation at $550. So there is $77 billion that is not going to be under reconciliation.

This is a good budget. It is a budget we know we can pass, and we are going to do it.

Mr. SPRATT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, let me respond to my good friend the gentleman from Connecticut (Mr. SHAYS) by saying in 1990 when we did the budget summit with President Bush and passed it, do you recall who put the votes on the board to pass that? It was not your side. In the second vote, only 80 Republicans voted for President Bush's budget summit agreement. That laid the foundation for what happened in the 1990s.

In 1993 we put every vote on the board by one to pass the Clinton budget, and every year thereafter the budget deficit declined for 8 straight years, to the point where in 2000 the budget was in surplus by $236 billion.

We also came together in a bipartisan way on the balanced budget agreement of 1997, with President Clinton solidly supporting it. It never would have worked otherwise. So three times with tough votes we bellied up to this problem.

And we took the deficit of $290 billion the last full fiscal year of the Bush administration and turned it into a surplus of $236 billion. I would say to the gentleman from Connecticut (Mr. SHAYS), we put the votes on the board to make that happen. That is a fact, an undisputable fiscal fact.

Let me in closing say how far we have come in the wrong direction in the last 2 years. We have got a chance tonight to turn this ship around by voting down this budget resolution.

Two years ago we were talking about paying off all the debt held by the public by the year 2008. Now we have raised the debt ceiling, with the passage of this resolution, twice since then. Vote for this resolution and you will vote to raise the debt ceiling $984 billion, and, between now and 2013, to raise the debt ceiling to $12,040,000,000,000. That is a fact that comes from your numbers. That is how far we have come, and that is where we are headed, unless you make a decision tonight to take a different course.

I would plead with you. I will say it again and again and again, what we are seeing here are decisions about to be made that will be awfully difficult to undo. Your own numbers forewarn you. They tell the tale. Your on-budget deficit will not get below $300 billion. It is as high as $500 billion. You accumulate $5 trillion to $6 trillion in debt and add it to the national debt over the next 10 years.

These are not my concoctions or fabrications. These are your own numbers that tell the tale of what is about to happen.

Two years ago you took a blue sky estimate and bet the budget on it. It turned out wrong. Unfortunately, you are not chastened by that experience. But I am willing to say you made a mistake, an honest mistake. But now you cannot claim that this is an honest mistake, because OMB and CBO both told you there is no more surplus, so any tax cut you pass tonight, and you are going for another $1.2 trillion, will go straight to the bottom line. It will add to the deficit.

Two years ago it was possibly negligence. Tonight, if you pass this budget resolution, it is willful, wanton and intentional. You are adding to the deficit by direct policy choice. This is your fiscal policy that leads us to the disastrous consequences that are set forth on page two of your tables and charts.

$12 trillion in national debt is where we are headed if we adopt this resolution tonight. Your numbers.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time, and I invite all of my colleagues to recognize the extraordinary leadership of the gentleman from South Carolina (Mr. SPRATT) for presenting a budget to this House that is a statement of our national values. I thank the gentleman.

Mr. Speaker, earlier today we gathered in Statuary Hall to honor our men and women in uniform and their families. In doing so, we were reminded of our own mission, to build a future for our country worthy of their sacrifice, to build a future for their children and all children worthy of those children.

To build a future worthy of them, we need a budget which is a statement of our national values. Instead, tonight we have a budget before us which is a national disgrace.

We need a budget resolution which is a blueprint for investing in our children and for job creation. Instead, we have a road map to economic disaster. Instead of investing in our children, we are making them indebted. We are mortgaging their futures for a tax break which benefits those who need it least, the wealthiest in our country.

It is no wonder that the Republicans want to bring this budget to the floor in the dark of night. It is 2 o'clock in the morning, just 11 o'clock in California, so hopefully people there will hear about this budget, that the Republicans do not want the American people to know.

They do not want them to know, for example, that while we honor our men and women in uniform, we are also tonight cutting their benefits by $6.2 billion. They do not want the American people to see their charts, which will show, as the gentleman from South Carolina (Mr. SPRATT) indicated, that by the year 2013 they will double the national debt to $12 trillion.

This is at a time where the Bush economic failed policies have taken us to consumer confidence being very low, retail sales moving at the lowest rate in a decade, and factory orders and manufacturing are down. The economic indicators are dismal. And the reaction of the Republicans? They offer more of their warmed-over stew: Tax cuts which benefit the wealthy.

Under President Bush, our country has lost 2.5 million jobs, the worst record of job creation since the depression. Under President Clinton, 22 million jobs were created, largely because of the sound fiscal policy that the gentleman from South Carolina (Mr. SPRATT) referenced in the budget vote that only Democrats supported.

This Republican plan will cause more job loss. Job loss for American workers to give tax breaks to America's wealthiest. It simply is not fair.

Not only is the Republican budget not fair, it is fiscally irresponsible. I ask you, my colleagues, where have all the budget deficit hawks gone? I ask the gentleman from Florida (Mr. YOUNG), are they an endangered species? It seems they are. The tax cuts in this budget, again, will double the national debt in the life of this budget to $12 trillion.

It bears repetition. How old will your children be in 10 years? Do you want to weigh their futures down with huge debt?

The interest on the debt alone in the life of this budget, the interest on the debt alone in the out years will exceed all discretionary domestic spending. We will pay more interest on the debt to pay for this reckless tax cut than we will spend on investing in education, than we will invest in protecting the environment, transportation, infrastructure, which grows our economy and protects our environment, and housing. The list goes on and on. Head Start, investments in our children, all of that investment will be exceeded by interest on the national debt. What a tragedy.

Those big deficits will raise interest rates and have a negative impact on our economy. The President's and the Republican's tax plan irresponsibly piles up debt and makes a bad economy worse. But do not take my word for it. Federal Reserve Chairman Alan Greenspan has said recently that there is no question that as deficits go up, contrary to what has been said, it does affect long-term interest rates. It does have a negative impact on the economy. The Congressional Budget Office just last week said the overall macroeconomic effect of the proposals in the President's budget is not obvious.

☐ 0215

The office went on to say that the downturn in investment that will result from this plan will be a drag on the economy.

More than 400 economists, including 10 Nobel Laureates said, "Passing these tax cuts will worsen the long term budget outlook, adding to the Nation's projected chronic deficits."

Finally, the report by the Committee for Economic Development, a blue-ribbon organization of corporate CEOs stated, "The budget deficits, the President's plan, would be akin to 'arsenic poisoning' for the economy." A vote for this budget is a vote for arsenic poisoning for the economy.

If that would not be enough, just yesterday, the IMF sharply rebuked the Bush and Republican budget proposal. And they said, "Suppose for a moment we were talking about a developing country with a gaping trade deficit year after year as far as the eye can see, a budget spinning from black into red, open-ended security costs, and an exchange rate that has been inflated by capital inflows. With all of that, the IMF said, I think it is fair to say we would be pretty concerned if it were a developing nation."

"The United States," it went on to say, "isn't a developing country but, nonetheless, for the global economy, the Bush tax cut is poor policy and ill-timed. Whether we are talking about job creation for America's families or lifting up the global economy, this is a very bad idea."

Mr. Speaker, I urge my colleagues to reject the Republican's reckless, irresponsible budget, which explodes the deficit, does not create jobs, and dishonors our commitment to our children. Do the right thing. Vote no, no, no on the arsenic poisoning of our economy, the Republican budget.

The SPEAKER pro tempore (Mr. LATOURETTE). All time controlled by the gentleman from South Carolina (Mr. SPRATT) has expired.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I yield the balance of our time to our very distinguished Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, it has been an incredible debate. I sat and listened to the debate on both of the rules and then on the substance here, the substance of this budget debate tonight. I guess maybe the same IMF to whom we provide the funds that they can go and provide capital throughout the world may be critical of us, I do not know. And possibly, the gloom and doom that we heard here tonight, if we set that as our philosophy and what this Congress can achieve and what this country would achieve, we probably would not be able to achieve very much.

But I taught economics for a number of years, 16 years; and we taught about projections and how the economists put formulas together and how you can look out into the future. But not many of those projections can really look out into the future. I would say if you try to say what is going to happen in this country 10 years from now with the economy, it probably would go up and down and right to left three or four times before we ever get to that future.

What is important is now. And I have heard a lot of rhetoric tonight. But I know what this budget does. It lays down the blueprint for the future of this country this year. This Congress, who is charged with doing the things that our people, the people who elect us, our constituents want us to do, they want us to stimulate this economy. They want us to see this economy getting going again. We lost $250 billion in revenue last year, just in losses in capital gains. Now, we want to say the markets are not important, but the markets are important. We need to have stimulus. We need to have it going.

But I will tell my colleagues, in my district, we do not have a lot of markets, we have a lot of small business people. They provide 80 percent of the jobs in my district. That is fairly representative. Unless you are in the cities, that is fairly representative of around this country. Small business people say that they want to make an investment. They want to have some expensing. They want to have a job creation package that gets something done. And we can only do that, and we will have that debate on how that is put together, but we can only do that if we pass a budget to get the key in the door and open it up so that this Congress can do something.

I have great respect for the gentleman from Minnesota. He talked about a road program. But I say to my colleagues, we can only get a highway bill and work on an infrastructure if we pass this budget.

Tonight we debated an energy policy. This country needs an energy policy and how it gets put together, we will have that debate on it. But we will not have an energy policy unless we pass this budget.

There are 13 appropriations bills. We passed a budget last year. Our friends in the Senate did not pass it, and we were talking about oranges and apples and we could not get the appropriation process done until February. We need to pass a budget; the Senate needs to pass a budget; we need to get the appropriation process done. We need to talk about education. We need to talk about health care. We cannot do it unless we pass this budget.

So I say to my colleagues, it is late. We have had a lot of debate. It is time to get to work. I will make a prediction. We will have a lot of people vote against it, and we will have a few more vote for it. Let us get to it.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 211, not voting 8, as follows:

[Roll No. 141]

YEAS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—211

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Boehner
Combest
Gephardt
Houghton
McCarthy (MO)
Paul
Weldon (PA)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaTourette) (during the vote). The Chair will advise Members there are 2 minutes remaining in this vote.

☐ 0239

So the conference report was agreed to.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Washington (Mr. Hastings) as a cosponsor of H.R. 953, the Paul Wellstone Mental Health Equitable Treatment Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

THANKING HOUSE AND COMMITTEE STAFF FOR HARD WORK ON HOUSE CONCURRENT RESOLUTION 95

(Mr. NUSSLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, there are obviously a number of people who have toiled here late tonight. We want to thank the House staff that have stayed with us here this evening, and the reporters and the Clerk's office. We appreciate their hard work and sticking with us through these things.

I would like to thank my staff of the Committee on the Budget on the majority side. Rich Meade is my chief of staff, and we have a number of very professional people who got us to this point in time.

The Members get to make the speeches and to cast the votes, but the staff do the hard work in getting us here. In both the House and in the other body, we have had a great working relationship with those professional staffs. We want to thank them and congratulate them for a job well done.

☐ 0245

I would also like to thank the members of my committee who worked hard on this, as well as the members of my committee on the opposite side of the aisle.

I have no better competitor in this process and no one that I respect more than the gentleman from South Carolina (Mr. Spratt); and while we have to differ so on substance tonight, we do share a love for the process and enjoyment in working through these issues even though we do not always get our way in the final analysis. But I want to congratulate the gentleman for his work. As I say, there is no one who knows this process and this budget issue better than my friend and colleague, the gentleman from South Carolina (Mr. Spratt).

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding, and I would say that on both sides of the aisle the staff are the unseen players in this process. They make an enormous effort, and we have a good working relationship on this committee, which we prize because we have mutual respect.

I would like to pay tribute to my staff who put a herculean effort to get this budget resolution on the floor through all the processes it has to go.

First, to my very able and loyal and energetic chief of staff, Tom Kahn; to Joe Minarik, who is our chief economist and is widely experienced; to Jim Klumpner, who is also an excellent economist on our staff; to Sheila McDowell; to Kimberly Overbeek, who is super with the numbers; to Andrea Weathers; to Linda Bywaters; to Arthur Burris, who is indefatigable; to Sarah Abernathy; and to Pepper Santalucia. I am looking at Antonio Santalucia and Pepper would not come to me. To some new additions to our staff: Mike McCord, who does defense work; Jennifer Friedman, who came over from OMB; Diana Meredith and Andy Smallian, a great group of people, a great team effort and very professional staff.

And last but not least, Lisa Venus, who has been with us for several years who is assistant counsel and a very, very able staff member who was here on the floor with us tonight.

Mr. Speaker, I appreciate the chairman allowing me the opportunity to pay tribute to my staff and to the effort they put in to making the budget process work this year.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 31. Concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 273. An act to provide for the eradication and control of nutria in Maryland and Louisiana.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 380. An act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

ADJOURNMENT

Mr. NUSSLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes a.m.), the House adjourned until today, Friday, April 11, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1753. A letter from the Under Secretary, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan for FY 2004 along with revisions to the FY 03 Annual Materials Plan and AMPs for the succeeding four years, FY 05-08, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

1754. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's FY 2004 Summary of Amounts Report for Cooperative Threat Reduction (CTR) Programs in the former Soviet Union; to the Committee on Armed Services.

1755. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Distribution of DoD Depot Maintenance Workloads Fiscal Years 2001 and 2002"; to the Committee on Armed Services.

1756. A letter from the Assistant Secretary, Department of Defense, transmitting a report prescribed in Section 709 of the National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

1757. A letter from the Alternate Federal Register Liason Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Eligibility and Payment Procedures for Civilian Health and Medical Program of the Uniformed Services Beneficiaries Age 65 and Over (RIN: 0720-AA66) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1758. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of the Netherlands pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1759. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's interim report entitled, "Interim Evaluation Report: Congressionally Mandated Evaluation of the State Children's Health Insurance Program, pursuant to Public Law 105—33, section 4901 (111 Stat. 567); to the Committee on Energy and Commerce.

1760. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [WV059-6027a; FRL-7479-9] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Florida [FL-094-200316a; FRL-7481-8] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1762. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition [AMS-FRL-7482-1] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1763. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7480-9] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1764. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7479-1] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1765. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7478-5] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1766. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Text: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7482-3] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1767. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7480-6] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1768. A letter from the Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2, 73, 74, 80, 90, and 97 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Below 28000 kHz [ET Docket No. 02-16] received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1769. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, "Imposition of Foreign Policy Controls on Specially Designated Global Terrorists"; to the Committee on International Relations.

1770. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, "Expansion of Foreign Policy-Based Controls on Explosives Detection Equipment"; to the Committee on International Relations.

1771. A letter from the Staff Director, Commission On Civil Rights, transmitting the Commission's FY 2002 Government Performance and Results Act Report; to the Committee on Government Reform.

1772. A letter from the Secretary, Department of Labor, transmitting the FY 2002 Annual Report on Performance and Accountability; to the Committee on Government Reform.

1773. A letter from the Secretary, Department of State, transmitting the Department's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

1774. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-13; Introduction — received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1775. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alabama Regulatory Program [AL-072-FOR] received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1776. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial federal assistance report; to the Committee on Resources.

1777. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL [COTP Tampa-03-006] (RIN: 1625-AA00) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1778. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, Florida [CGD7-02-077] (RIN: 1625-AA09) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-024] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operations Regulation; Nanticoke River, Seaford, DE [CGD05-02-020] (RIN: 1625-AA09) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1781. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-01-187] (RIN: 2115-AA00, AA11) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1782. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey [CGD01-03-017] (RIN: 1625-AA11) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1783. A letter from the Chairman, Office of the General Counsel, Surface Transportation Board, transmitting the Board's final rule — Procedures to Expedite Resolution of Rail Rate Challenges to be Considered Under the Stand-Alone Cost Methodology (STB Ex Parte No. 638) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1784. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements (Announcement 2003-19) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1785. A letter from the Regulations Officer, SSA, Social Security Administration, transmitting the Administration's final rule — Federal Old-Age, Survivors and Disability Insurance; Repeal of the Facility-of-Payment Provision [Regulation No. 4] (RIN: 0960-AE02) received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1786. A letter from the Under Secretary, Department of Defense, transmitting the Department's plan to implement legislation concerning the transfer of Montgomery GI Bill entitlements to family members, pursuant to 38 U.S.C. 3020 Public Law 107—107, section 654; jointly to the Committees on Armed Services and Veterans' Affairs.

1787. A letter from the Assistant Secretary, Department of Defense, transmitting a report on Outreach to Gulf War Veterans Calendar Year 2002; jointly to the Committees on Armed Services and Veterans' Affairs.

1788. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's seventh report describing the administration of the Montgomery GI Bill educational assistance program; jointly to the Committees on Armed Services and Veterans' Affairs.

1789. A letter from the Secretaries, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

1790. A letter from the Chief Counsel for Advocacy, Small Business Administration, transmitting the Administration's annual report of the Chief Counsel for Advocacy on Implementation of the Regulatory Flexibility Act, Fiscal Year 2002, pursuant to 5 U.S.C. 612(a); jointly to the Committees on the Judiciary and Small Business.

1791. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation Results for Two Demonstrations: The Social Health Maintenance Organization (S/HMO) II Demonstration and the End-Stage Renal Disease (ESRD) Managed Care Demonstration," pursuant to Public Law 98—369, section 2355(d)(1) and (2); jointly to the Committees on Ways and Means and Energy and Commerce.

1792. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Improvements to the MedicareChoice Appeal and Grievance Procedures [CMS-4024-FC] (RIN: 0938-AK48) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–71). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 191. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–72). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 192. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–73). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VISCLOSKY (for himself, Mr. LoBiondo, Mr. McIntyre, Mr. Grijalva, Mr. Holden, Mr. Bishop of New York, Mr. Ford, Ms. Hooley of Oregon, Mr. Larson of Connecticut, Ms. Harman, Mr. Kildee, Mrs. Maloney, Mr. McDermott, Mr. Serrano, Mr. McNulty, Mr. Menendez, Mr. Moran of Virginia, Ms. Baldwin, Mr. Frank of Massachusetts, Mr. Kennedy of Rhode Island, and Mr. Kanjorski):

H.R. 1708. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. Rohrabacher, Mr. Waxman, and Mr. Dingell):

H.R. 1709. A bill to restore standards to protect the privacy of individually identifiable health information that were weakened by the August 2002 modifications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Neal of Massachusetts):

H.R. 1710. A bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to Medicare beneficiaries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. LoBiondo, Mr. DeFazio, and Mr. Quinn):

H.R. 1711. A bill to amend title 49, United States Code, to ensure that functions relating to the air traffic control system are carried out directly by the United States Government; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. Filner, Mr. Michaud, and Ms. Hooley of Oregon):

H.R. 1712. A bill to amend the Small Business Act to establish a development program for small business concerns owned and controlled by qualified service-disabled veterans, to reauthorize the programs of the National Veterans Business Development Corporation, to establish a Government-wide procurement goal for small business concerns owned and controlled by veterans, and for other purposes; to the Committee on Small Business.

By Mr. EVANS (for himself, Mr. Dingell, Mr. Filner, Ms. Corrine Brown of Florida, Mr. Rodriguez, Mr. Strickland, Mrs. Davis of California, Mr. Ryan of Ohio, Mr. Weiner, Mr. McIntyre, Mr. Brown of Ohio, Mr. Serrano, Mr. Frost, and Mr. Sanders):

H.R. 1713. A bill to amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program, by increasing the amount of basic educational assistance, by repealing the requirement for reduction in pay for participation in the program, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 1714. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 1715. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover from third parties costs of medical care furnished to veterans and other persons by the

Department; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Brown of South Carolina, and Mr. Michaud):

H.R. 1716. A bill to amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. Rohrabacher, Ms. Woolsey, Mr. Frank of Massachusetts, Ms. Lee, Mr. Honda, Mr. McDermott, Mr. Case, Mr. Sanders, Mr. George Miller of California, Mr. Waxman, Mr. Berman, Mr. Lantos, Mr. Wexler, Mrs. Tauscher, Mr. Hinchey, Mr. Stark, Mr. DeFazio, Ms. Schakowsky, Mr. Paul, Mrs. Capps, Mr. Nadler, Ms. Eshoo, Ms. Linda T. Sánchez of California, Ms. Roybal-Allard, Ms. Watson, Mr. Filner, and Mr. Schiff):

H.R. 1717. A bill to amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 1718. A bill to amend title 38, United States Code, to repeal the four-year terms specified by law for certain officials of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania (for himself, Mr. Edwards, Mr. McHugh, Mr. Spratt, Mr. Souder, Mrs. Tauscher, Mr. Shays, Mr. Ortiz, Mr. Leach, Ms. Corrine Brown of Florida, Mr. Hastings of Florida, Mr. Wilson of South Carolina, Mr. Bereuter, Mr. Reyes, Mr. Cramer, Mr. Abercrombie, Mr. Taylor of North Carolina, Mr. Smith of Michigan, Mr. Bartlett of Maryland, Mr. Stearns, Mr. Hoyer, Mr. Sherwood, Mr. Cox, and Mr. Farr):

H.R. 1719. A bill to promote enhanced nonproliferation cooperation between the United States and the Russian Federation and foster various other actions that will increase the national security of the United States, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself and Mr. Smith of New Jersey):

H.R. 1720. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. Portman, Mr. Lipinski, Mr. Greenwood, Mr. Crowley, Mrs. Johnson of Connecticut, Mr. Acevedo-Vilá, Mr. Ehlers, Mr. Hastings of Florida, Ms. Bordallo, and Mr. Blumenauer):

H.R. 1721. A bill to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on International Relations.

By Mr. HINOJOSA (for himself and Mr. Davis of Alabama):

H.R. 1722. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Financial Services.

By Mr. ACEVEDO-VILÁ (for himself, Mr. Rahall, Mr. Grijalva, Mr. Pallone, Mr. Case, Mr. Rodriguez, Mr. Gutierrez, Mr. Reyes, Mr. Rangel, Mrs. Christensen, Ms. Bordallo, Mr. Payne, Mr. Udall of Colorado, Mr. Becerra, and Mrs. Napolitano):

H.R. 1723. A bill to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. ALEXANDER (for himself, Mr. Frost, Mr. Baker, Mr. Platts, Mr. Evans, Mr. Ryan of Ohio, Mr. Ballance, Mr. Ross, and Mr. John):

H.R. 1724. A bill to require institutions of higher education to make full refunds of tuitions and fees paid by members of the Armed Forces and National Guard called to active duty or active service during a war or national emergency; to the Committee on Education and the Workforce.

By Mr. BARTLETT of Maryland (for himself, Mr. Goode, Mr. Smith of Michigan, Mr. Hoekstra, Mr. Toomey, Mr. Jones of North Carolina, Mr. Flake, Mr. Wilson of South Carolina, Mr. King of Iowa, Mr. Garrett of New Jersey, Mr. Petri, Mr. Chabot, Mr. Pitts, Mr. Shadegg, Mr. Hefley, Mr. Kingston, Mrs. Musgrave, Mr. Franks of Arizona, Mr. Chocola, and Mr. Hayes):

H.R. 1725. A bill to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. Andrews, Mr. Bartlett of Maryland, Mr. Carson of Oklahoma, Ms. Carson of Indiana, Mr. Filner, Mr. Frost, Mr. Gillmor, Mr. Hefley, Mr. LaHood, Ms. Lee, Mr. McIntyre, Mr. Miller of Florida, Mr. Moran of Virginia, Mr. Paul, Mr. Reyes, Mr. Sandlin, and Mr. Wilson of South Carolina):

H.R. 1726. A bill to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation; to the Committee on Armed Services.

By Mr. CAMP (for himself and Mr. Sandlin):

H.R. 1727. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 1728. A bill to amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for aviation incentive pay and hazardous duty pay; to the Committee on Armed Services.

By Ms. CARSON of Indiana (for herself, Ms. Norton, Mr. Sanders, Mr. Platts, Mr. Peterson of Minnesota, Mr. Lipinski, and Ms. Jackson-Lee of Texas):

H.R. 1729. A bill to amend the Fair Credit Reporting Act to require consumer reporting agencies to notify consumers when negative information is added to the consumer's file at such agency, and for other purposes; to the Committee on Financial Services.

By Mr. GREENWOOD (for himself, Mr. Doyle, Mr. Dingell, Mr. Rogers of Michigan, Mr. Strickland, Mr. Gerlach, Mr. Kildee, Mr. Buyer, Mr. Levin, Mr. Ehlers, Mr. Holden, Mr. Smith of Michigan, Mr. Kanjorski, Mr. Camp, Mr. Bereuter, Mr. Stupak, and Ms. Solis):

H.R. 1730. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER (for himself and Mr. Schiff):

H.R. 1731. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER (for himself and Mr. Edwards):

H.R. 1732. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. Allen, Ms. Kaptur, Mr. Kildee, Mr. Sanders, Mr. McNulty, and Mr. Frost):

H.R. 1733. A bill to amend XVIII and XIX of the Social Security Act to provide for a voluntary Medicare prescription medicine benefit, to provide greater access to affordable pharmaceuticals, to provide for substantial reductions in the cost of prescription drugs made available to Medicare beneficiaries, to amend the Internal Revenue Code of 1986 to disallow deductions for direct-to-consumer advertisement of prescription drugs, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals and preserving access to safe affordable Canadian medicines, to amend the Federal Election Campaign Act of 1971 to prohibit campaign contributions by chief executive officers of pharmaceutical companies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Veterans' Affairs, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mrs. Johnson of Connecticut, Mr. Holden, Mr. Wilson of South Carolina, Ms. Kilpatrick, Mr. Fossella, Mr. McIntyre, Mr. Sessions, Mr. Wynn, Mr. Rogers of Michigan, Mr. Moran of Virginia, Mr. Issa, Mr. McNulty, Mr. Frelinghuysen, Mr. Isakson, Mr. Watt, Mr. McDermott, Mr. Whitfield, Mr. Hoeffel, Mr. King of New York, Mrs. Musgrave, Mr. LoBiondo, Mr. Weldon of Pennsylvania, Mr. Holt, Mr. Owens, Mr. Menendez, Mr. Frost, Ms. Eddie Bernice Johnson of Texas, Mr. Foley, Mr. McCotter, Mr. Platts, Mr. Brady of Pennsylvania, Mr. Conyers, Mr. Pallone, Mr. Deal of Georgia, Mr. Ford, Mr. Ney, Mrs.

Davis of California, Mr. Saxton, Mr. Rangel, and Mr. Stearns):

H.R. 1734. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. Thompson of California, Ms. Corrine Brown of Florida, Mr. Evans, Mr. Reyes, and Mr. McGovern):

H.R. 1735. A bill to amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois (for himself, Mr. Burr, Mr. Shimkus, and Mr. Rush):

H.R. 1736. A bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself, Mr. Moran of Virginia, Mr. Smith of Washington, Mr. Larson of Connecticut, Mr. Davis of Alabama, Mr. Larsen of Washington, and Mr. Stenholm):

H.R. 1737. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. EMANUEL (for himself, Mr. DeFazio, Ms. DeLauro, Mr. Delahunt, Mr. Ryan of Ohio, Mr. Ford, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Lipinski, Mr. Hinchey, Mr. Larson of Connecticut, Mr. Davis of Alabama, Mr. Wexler, Mrs. Maloney, Mr. McGovern, Mr. Etheridge, Ms. Lee, Mr. Hastings of Florida, Mr. Allen, Ms. Slaughter, Mr. Grijalva, Mrs. Christensen, Ms. Linda T. Sánchez of California, Mr. Serrano, Ms. Woolsey, Ms. Schakowsky, and Mr. Bell):

H.R. 1738. A bill to require payments to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. Rangel, Mr. McCrery, Mr. Crane, and Mr. Gutierrez):

H.R. 1739. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Gonzalez, Mr. Green of Texas, Mr. Rodriguez, Mr. Bell, Mr. Lampson, Mr. Hinojosa, Mr. Edwards, Mr. Ortiz, Mr. Doggett, Ms. Jackson-Lee of Texas, Mr. Sandlin, Mr. Culberson, Mr. Hall, Mr. Frost, Mr. Sessions, Mr. Sam Johnson of Texas, Mr. Bonilla, Mr. DeLay, Mr. Stenholm, Mr. Paul, Mr. Burgess, Ms. Granger, Mr. Hensarling, Mr. Carter, Mr. Thornberry, Mr. Reyes, Mr. Turner of Texas, Mr. Barton of Texas, Mr. Brady of Texas, Mr. Smith of Texas, and Mr. Combest):

H.R. 1740. A bill to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. JONES of North Carolina (for himself, Mr. Murtha, Mr. Houghton, Mr. Gilchrest, Mr. Kline, Mr. Janklow, Mr. Gutknecht, Mr. Hunter, Mr. Skelton, Mr. Smith of New Jersey, Mr. Kingston, Mr. Ramstad, Mr. Hayworth, Mrs. Miller of Michigan, Mr. Wilson of South Carolina, Mr. Hefley, Mr. Hayes, Mr. Abercrombie, Mr. Norwood, Mr. Weldon of Pennsylvania, Mr. Saxton, Mr. Bartlett of Maryland, Mr. Hostettler, Mr. Akin, Mrs. Wilson of New Mexico, Mr. Miller of Florida, Mr. Whitfield, Mr. Coble, Mr. Meehan, Mr. McIntyre, Mr. Feeney, Mr. Gingrey, Mr. Goode, Mr. Gibbons, Mr. LoBiondo, Mr. Rohrabacher, Mr. Hoeffel, Mr. Israel, Mr. Ortiz, Mrs. Tauscher, and Mr. Reyes):

H.R. 1741. A bill to redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. KLECZKA (for himself, Mr. Herger, Mr. Baca, Ms. Baldwin, Mr. Calvert, Mrs. Capito, Mrs. Davis of California, Mr. DeFazio, Mr. Doggett, Mr. Doolittle, Mr. Evans, Mr. Farr, Mr. Frost, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Lampson, Mr. Lantos, Mr. Lewis of California, Mr. Matsui, Ms. Millender-McDonald, Mrs. Napolitano, Mr. Obey, Mr. Paul, Mr. Petri, Mr. Pombo, Mr. Rahall, Mr. Rodriguez, Mr. Sandlin, Mr. Schiff, Mr. Sensenbrenner, Mr. Sessions, Mr. Thompson of California, Mr. Turner of Texas, Ms. Waters, Ms. Watson, Mr. Waxman, Ms. Woolsey, and Mr. Wu):

H.R. 1742. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LEACH (for himself and Mr. Latham):

H.R. 1743. A bill to allow applications for the preferred provider organization (PPO) demonstration project under the Medicare+Choice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself and Mr. Castle):

H.R. 1744. A bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program; to the Committee on Energy and Commerce.

By Mr. LoBIONDO:

H.R. 1745. A bill to express the sense of the Congress that funding should be made available from the Highway Trust Fund to encourage States to require law enforcement officers to impound motor vehicles of those charged with driving while intoxicated, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mrs. Myrick, Ms. Norton, Mr. Lynch, Mr. Kildee, Mrs. McCarthy of New York, Mr. McNulty, Ms. Woolsey, Mr. Brown of Ohio, Mr. McIntyre, Mr. Gutierrez, Mr. Holden, Mr. Frank of Massachusetts, Mr. Wilson of South Carolina, Mr. Frost, Mr. Wolf, Mr. McHugh, Mr. Tierney, Mr. Holt, Mr. McDermott, Mr. Rodriguez, Ms. Bordallo, Mr. Green of Texas, Mr. Baker, Mr. Sensenbrenner, Mr. Gordon, Ms. Berkley, Mr. Rothman, Mr. Davis of Illinois, Mr. Berman, Mr. Nadler, Mr. Owens, Mr. Hinchey, Mr. Ryan of Ohio, Mr. Schiff, Mrs. Capps, Mr. Oberstar, Mr. Boswell, Mr. Ose, Ms. Schakowsky, Mr. Simmons, Ms. Carson of Indiana, Mr. Sanders, Mr. Bishop of New York, Mr. Reyes, Mr. Stark, Mr. Ackerman, Mrs. Musgrave, Mr. Udall of Colorado, Mr. Meehan, Mr. Clyburn, Mr. George Miller of California, Mr. Doyle, Ms. Millender-McDonald, Mr. Waxman, Mr. Bass, Mr. Shays, Mr. Leach, Mr. Evans, and Ms. DeLauro):

H.R. 1746. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Energy and Commerce.

By Mr. McGOVERN (for himself, Mr. Lantos, Ms. Bordallo, Ms. Norton, Mr. Ballance, Ms. Lee, Mr. Waxman, Mr. Olver, and Ms. Schakowsky):

H.R. 1747. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and for other purposes; to the Committee on Financial Services.

By Mr. McGOVERN (for himself, Mr. Udall of New Mexico, Ms. Jackson-Lee of Texas, Ms. Norton, Mr. Faleomavaega, Mrs. Davis of California, Mr. Davis of Illinois, Mr. Owens, Ms. Eddie Bernice Johnson of Texas, Ms. Lee, and Mr. Gutierrez):

H.R. 1748. A bill to amend the Equal Credit Opportunity Act to permit the collection of demographic information in connection with small business loan applications with the applicant's consent, and for other purposes; to the Committee on Financial Services.

By Mr. McINNIS (for himself, Mr. Strickland, Mrs. Jo Ann Davis of Virginia, Mr. Stupak, Mr. McCotter, Mr. Shimkus, Mr. Burgess, Mr. Green of Wisconsin, Mr. Rogers of Michigan, Mr. Bartlett of Maryland, Ms. Schakowsky, Mr. Udall of Colorado, Mr. Sensenbrenner, Mr. Ryan of Ohio, Mr. Hinchey, Mr. Petri, Mr. Gordon, Mr. Calvert, Mr. Costello, Mr. Kind, Mr. Kirk, Mr. Walsh, Mr. Frank of Massachusetts, Mr. Pallone, Mr. Ryan of Wisconsin, Mr. Holden, Mrs. Musgrave, Mr. Kline, Mr. Renzi, Mr. Kennedy of Minnesota, Mr. Graves, Ms. Carson of Indiana, Mrs. Bono, Mr. Platts, Mr. Johnson of Illinois, Mr. Kildee, Mr. Boswell, Mr. Davis of Illinois, Mr. Lipinski, Mr. Sanders, Mr. Camp, Ms. Baldwin, Mr. Abercrombie, Mr. Weller, Mrs. Capito, Mr. McDermott, Mr. Latham, Mr. Rush, Mr. Ford, Mr. Beauprez, and Mrs. Jones of Ohio):

H.R. 1749. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. Evans, Ms. Corrine Brown of Florida, Mr. McIntyre, Mr. Sanders, Mr. Rodriguez, Mr. Serrano, Mr. Frost, Mr. Schiff, Mr. Strickland, and Mr. Ryan of Ohio):

H.R. 1750. A bill to amend title 38, United States Code, to provide for an increase of $250 per month in the rate of monthly dependency and indemnity compensation (DIC) payable to a surviving spouse of a member of the Armed Forces who dies on active duty or as a result of a service-connected disability in any case in which there are dependent children; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. Frost, Mr. Frank of Massachusetts, Mr. Davis of Illinois, Mr. Engel, Mrs. Davis of California, Mr. Rodriguez, Mr. Kucinich, Mr. Serrano, Mr. Sandlin, Ms. McCarthy of Missouri, Mrs. Jones of Ohio, Mr. Boucher, Mr. McGovern, Mr. Doyle, Mr. Davis of Florida, Mr. Stenholm, Ms. Carson of Indiana, Mr. Rangel, Mr. Udall of Colorado, Mrs. McCarthy of New York, Mr. Nadler, Mr. Abercrombie, Mr. Etheridge, and Mr. Allen):

H.R. 1751. A bill to expand the teacher loan forgiveness programs under the Federal Family Education Loan and Federal Direct Loan programs; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 1752. A bill to provide for the purchase of textbooks and the establishment of the Textbook Recycling Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NETHERCUTT (for himself and Mr. Dicks):

H.R. 1753. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. Duncan, Mr. Goode, and Mr. Otter):

H.R. 1754. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. Buyer, Mr. Chabot, Mr. Pombo, Mr. Walsh, Mr. Souder, Mr. Cunningham, Mr. Tiahrt, Mr. Brady of Texas, Mr. Green of Wisconsin, Mr. Lipinski, Mr. Janklow, Mr. Ney, Mr. Smith of Texas, Mr. Lewis of Kentucky, Mr. Blunt, Mrs. Emerson, Mr. Collins, Mr. Linder, Mrs. Cubin, Mr. Wilson of South Carolina, Mr. Renzi, Mr. Goodlatte, Mr. McCrery, Mrs. Northup, Mr. Peterson of Pennsylvania, Mr. Fossella, Mr. Kennedy of Minnesota, Mr. Berry, Mr. DeLay, Mr. Hyde, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Smith of New Jersey, Mr. Pitts, Mrs. Jo Ann Davis of Virginia, Mrs. Blackburn, Mrs. Miller of Michigan, Ms. Hart, Mrs. Musgrave, Mr. Akin, Mrs. Myrick, Mr. Weldon of Florida, Mr. Barton of Texas, Mr. Schrock, Mr. Costello, Mr. Terry, Mr. Portman, Mr. King of New York, Mr. Goode, Mr. Putnam, Mr. McIntyre, Mr. Baker, Mr. Aderholt, Mr. Deal of Georgia, Mr. LaTourette, Mr. Cantor, Mr. Ryun of Kansas, Mr. King of Iowa, Mr. Oberstar, Mr. Pence, Mr. Pickering, Mr. Hayes, Mr. Bartlett of Maryland, Mr. Rogers of Michigan, Mr. Toomey, Mr. Sullivan, and Mr. Burton of Indiana):

H.R. 1755. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. Markey, Mr. Peterson of Minnesota, Mr. Davis of Illinois, Ms. Millender-McDonald, Mr. Cardoza, Mr. Edwards, Ms. Jackson-Lee of Texas, Mr. Kind, Mr. Dooley of California, Mr. Moore, Mr. Olver, Mr. Lantos, Mr. Honda, Mr. Crowley, Mr. Emanuel, Mr. Brady of Pennsylvania, Mr. Fattah, Mr. Holden, Mr. Murtha, Mr. Larson of Connecticut, Mr. Doyle, and Mr. Hobson):

H.R. 1756. A bill to amend the Internal Revenue Code of 1986 to require the abatement of interest on erroneous refund checks without regard to the size of the refund; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 1757. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. Whitfield, Mr. Holden, Mr. Kanjorski, Ms. Slaughter, Mr. Gibbons, Mr. Brown of Ohio, Mrs. Tauscher, Ms. DeGette, Mr. Udall of Colorado, Mr. Cooper, Mr. Beauprez, Mr. McGovern, Mr. Murtha, Mr. Inslee, Mr. Davis of Tennessee, Mr. Frost, Ms. Berkley, and Mr. Udall of New Mexico):

H.R. 1758. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to improve the program of benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals and illnesses, to establish an ombudsman, to make technical corrections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of North Carolina (for himself and Mr. Ballenger):

H.R. 1759. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. George Miller of California, Mr. Matsui, Mr. Farr, Mr. Blumenauer, Ms. Solis, Mrs. Napolitano, Mr. Berman, Mr. Honda, Ms. Lee, Ms. Harman, Mr. Schiff, Ms. Watson, Ms. Lofgren, Mr. Lantos, Mrs. Capps, Ms. Eshoo, Mr. Waxman, Ms. Woolsey, Mr. Sherman, Mrs. Davis of California, and Mr. Baca):

H.R. 1760. A bill to establish water conservation and habitat restoration programs in the Klamath River basin and to provide emergency disaster assistance to fishermen, Indian tribes, small businesses, and others that suffer economic harm from the devastating effects of the Klamath River basin fish kill of 2002; to the Committee on Resources.

By Mr. TIAHRT:

H.R. 1761. A bill to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building"; to the Committee on Government Reform.

By Mr. TURNER of Ohio:

H.R. 1762. A bill to amend title 38, United States Code, to provide for preservation and protection of historic buildings under the jurisdiction of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1763. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF:

H.R. 1764. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events; to the Committee on Government Reform.

By Mr. WOLF (for himself and Mr. Scott of Virginia):

H.R. 1765. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

By Mr. CHABOT (for himself, Mr. Vitter, Mr. Saxton, Mr. Kennedy of Minnesota, Ms. Pryce of Ohio, Mr. Green of Wisconsin, Mr. Shays, Mr. Renzi, Mr. Hayworth, Mr. Shadegg, Mr. Brady of Texas, Mr. Fossella, Mr. Flake, Mr. Walden of Oregon, Mr. Royce, and Mr. Gallegly):

H.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself and Mr. Stenholm):

H.J. Res. 49. A joint resolution recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BARTON of Texas, Mr. CULBERSON, Mr. HALL, Mr. SHADEGG, Mr. ENGLISH, Mrs. MYRICK, Mr. SWEENEY, Mr. NORWOOD, Mr. MILLER of Florida, Mr. FOSSELLA, Mr. TOOMEY, Mr. BONILLA, Mr. FORBES, Mr. DOOLITTLE, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. MICA, Mr. CANNON, Mr. FOLEY, Mr. RYUN of Kansas, Mr. ISAKSON, Mrs. CUBIN, Mr. DEMINT, Mr. CASTLE, Mr. TAYLOR of North Carolina, Ms. GRANGER, Mr. TAUZIN, Mr. GREEN of Wisconsin, Mr. SHIMKUS, Mr. BOEHNER, Mr. GIBBONS, Mr. FLETCHER, Mr. PITTS, Mr. CAMP, Mr. BURTON of Indiana, Mr. FLAKE, Mr. HAYWORTH, Mr. GOODE, Mr. POMBO, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. JONES of North Carolina, Mr. HENSARLING, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. BURR, Mr. SIMMONS, and Mr. NEY):

H.J. Res. 50. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. KELLY:

H. Con. Res. 146. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. WAXMAN, Mr. SHIMKUS, Mr. BROWN of Ohio, Mr. KOLBE, Ms. SLAUGHTER, Mr. HERGER, Mr. MCNULTY, Mr. PALLONE, Mr. GREEN of Texas, Mr. ALLEN, Mrs. CAPPS, Mr. LAHOOD, and Mr. ENGEL):

H. Con. Res. 147. Concurrent resolution commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders; to the Committee on Energy and Commerce.

By Mr. CARDIN:

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress that America's public education system belongs to all Americans and should be celebrated for the role the system plays in strengthening American values and ensuring a brighter, stronger future for this Nation; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, and Mr. LYNCH):

H. Con. Res. 149. Concurrent resolution expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. BLUNT, Mr. CANTOR, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. HALL, Mr. COBLE, Mr. BARTON of Texas, Mr. HEFLEY, Mr. HERGER, Mr. ROHRABACHER, Mr. MCCRERY, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. GOODE, Mr. ADERHOLT, Mr. TANCREDO, Mr. TERRY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of Iowa, Mr. BURGESS, Mr. JANKLOW, Mr. CARTER, Mr. FRANKS of Arizona, and Mr. GARRETT of New Jersey):

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. SCHIFF, Mr. KNOLLENBERG, Mr. PALLONE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BERMAN, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. CARDOZA, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DREIER, Mr. EMANUEL, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Mr. KILDEE, Ms. KILPATRICK, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. NUNES, Mr. OLVER, Ms. PELOSI, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SHAYS, Mr. SHERMAN, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. SWEENEY, Mr. UPTON, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, and Mr. WEINER):

H. Res. 193. A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. PAYNE, Mr. WOLF, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. SMITH of New Jersey, and Mr. WEXLER):

H. Res. 194. A resolution regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan; to the Committee on International Relations.

By Mr. GUTIERREZ (for himself, Ms. VELÁZQUEZ, Mr. LIPINSKI, Mr. SERRANO, Ms. SOLIS, Mr. RODRIGUEZ, Mr. COSTELLO, Mr. MENENDEZ, Mr. DAVIS of Illinois, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. RUSH, and Mr. JACKSON of Illinois):

H. Res. 195. A resolution congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs; to the Committee on Government Reform.

By Mr. MEEKS of New York:

H. Res. 196. A resolution congratulating the Saint John's University men's basketball team for winning the 2003 National Invitation Tournament basketball championship; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

20. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1604 memorializing the United States Congress to approve federal energy legislation that promotes and expands the use of ethanol and biodiesel in the nation's fuel supply; to the Committee on Energy and Commerce.

21. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6019 memorializing the United States Congress to urge the government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. HART and Mr. RYUN of Kansas.

H.R. 20: Ms. LOFGREN, Ms. ESHOO, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Mr. SANDLIN.

H.R. 25: Mr. AKIN.

H.R. 31: Mr. COLLINS.

H.R. 33: Mr. REHBERG.

H.R. 49: Mr. GOODE.

H.R. 100: Mr. COOPER.

H.R. 111: Mr. KNOLLENBERG.

H.R. 126: Mr. OWENS, Mr. MICHAUD, and Ms. BORDALLO.

H.R. 130: Mr. GRIJALVA, Mr. LATOURETTE, Ms. MCCOLLUM, Mr. PETERSON of Minnesota, and Mr. RYAN of Ohio.

H.R. 173: Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. KANJORSKI, Mr. CALVERT, and Mr. VISCLOSKY.

H.R. 199: Mr. SOUDER.

H.R. 290: Mrs. MCCARTHY of New York and Mr. LAHOOD.

H.R. 299: Mr. CROWLEY.

H.R. 302: Mr. DAVIS of Tennessee.

H.R. 303: Mr. DOOLITTLE and Mr. KUCINICH.

H.R. 348: Mr. SANDERS.

H.R. 356: Mr. REYES.

H.R. 369: Mr. COOPER.

H.R. 370: Mr. HINOJOSA.

H.R. 371: Mr. KILDEE, Mr. GRIJALVA, Mr. JEFFERSON, Mr. DOYLE, and Mr. NETHERCUTT.

H.R. 375: Mr. AKIN and Mr. ISRAEL.

H.R. 380: Mr. PEARCE.

H.R. 382: Mr. GREENWOOD.

H.R. 463: Mr. SHAYS, Mr. DREIER, and Mr. SHERMAN.

H.R. 498: Mr. AKIN.

H.R. 527: Mrs. MALONEY and Mr. COOPER.

H.R. 548: Mr. ORTIZ, Mr. BLUMENAUER, Mr. DOYLE, Mr. BURGESS, Mr. LUCAS of Oklahoma, Mr. DEAL of Georgia, Mr. VAN HOLLEN, Mr. TANNER, Mr. BLUNT, and Mr. ROGERS of Alabama.

H.R. 569: Mr. MCGOVERN.

H.R. 571: Mr. HALL and Mr. CHOCOLA.

H.R. 648: Mr. WELDON of Florida.

H.R. 664: Mr. STRICKLAND, Mr. CONYERS, and Mr. FRANKS of Arizona.

H.R. 677: Mr. STRICKLAND.

H.R. 728: Mr. MCHUGH and Mr. GOODLATTE.

H.R. 731: Mr. STUPAK, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of New York, Mr. LEWIS of Georgia, and Mr. SERRANO.

H.R. 737: Mr. KUCINICH and Mrs. MALONEY.

H.R. 740: Ms. CARSON of Indiana.

H.R. 756: Mr. JANKLOW.

H.R. 803: Mr. RYUN of Kansas.

H.R. 814: Mr. SCHIFF, Mr. HOLT, Ms. LEE, and Mr. LUCAS of Kentucky.

H.R. 816: Mr. TIERNEY.

H.R. 871: Mr. CARDOZA and Mr. WALDEN of Oregon.

H.R. 876: Mr. BOSWELL and Mr. LATOURETTE.

H.R. 898: Mr. FILNER, Ms. ESHOO, Mr. SANDLIN, Mr. REYES, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Ms. KILPATRICK, Mr. HOLT, Ms. MAJETTE, Mr. CASE, Mr. WEINER, Mr. SNYDER, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Ms. HOOLEY of Oregon, Mr. GREEN of Texas, Mr. MATSUI, Mr. HONDA, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. MEEHAN.

H.R. 919: Mr. STRICKLAND, Mr. MORAN of Virginia, Mr. BROWN of Ohio, and Mr. MCDERMOTT.

H.R. 927: Mr. LAHOOD, Mr. LUCAS of Kentucky, Mr. BOSWELL, and Mr. AKIN.

H.R. 935: Mr. LEACH.

H.R. 936: Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. PASTOR.

H.R. 970: Mr. COBLE, Mr. PAYNE, Mr. LANTOS, Mr. DAVIS of Alabama, Mr. SESSIONS, and Mr. HOUGHTON.

H.R. 977: Mr. DEFAZIO.

H.R. 980: Mr. CAMP.

H.R. 1002: Mr. REYNOLDS, Mr. NETHERCUTT, Mr. SULLIVAN, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Mr. DUNCAN, and Mr. DAVIS of Tennessee.

H.R. 1031: Mr. DAVIS of Florida.

H.R. 1046: Mr. PETERSON of Minnesota, Mr. MILLER of North Carolina, Mr. CHOCOLA, and Mr. WALSH

H.R. 1070: Mr. PASTOR.

H.R. 1083: Mr. COOPER, Mr. DAVIS of Tennessee, and Mr. LAHOOD.

H.R. 1115: Mr. SCOTT of Georgia.

H.R. 1117: Mr. GRAVES and Mr. MCHUGH.

H.R. 1118: Ms. MCCOLLUM and Mr. TERRY.

H.R. 1120: Mr. COOPER.

H.R. 1157: Mr. HOLT and Mr. HOEFFEL.

H.R. 1162: Mr. BELL.

H.R. 1163: Mr. TERRY and Mr. FRANKS of Arizona.

H.R. 1170: Mrs. EMERSON.

H.R. 1175: Mr. MILLER of Florida.

H.R. 1222: Mr. BONILLA and Mr. TERRY.

H.R. 1225: Mr. JENKINS, Mr. BERRY, Mr. HOUGHTON, and Mr. DAVIS of Tennessee.

H.R. 1229: Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. AKIN, Mr. LAHOOD, and Mr. BOOZMAN.

H.R. 1240: Mr. FATTAH.

H.R. 1241: Mr. DEUTSCH, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SCHAKOWSKY.

H.R. 1242: Mr. OWENS, Ms. KAPTUR, Mr. COOPER, Mr. ALLEN, and Mr. EVANS.

H.R. 1258: Mr. WU, Mr. NADLER, Mr. HINOJOSA, Mr. DAVIS of Illinois, and Mr. TOWNS.

H.R. 1260: Mr. WHITFIELD, Mr. GILCHREST, and Mr. BOSWELL.

H.R. 1261: Mr. BALLENGER and Mr. COLE.

H.R. 1275: Mr. COOPER.

H.R. 1279: Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of North Carolina, Mr. JONES of North Carolina, and Mr. TERRY

H.R. 1288: Mr. REYNOLDS, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. ISAKSON, Mr. MATHESON, Mr. FORD, Mr. HAYWORTH, Mr. STEARNS, Ms. KILPATRICK, Mr. RANGEL, Mr. MORAN of Virginia, and Mr. LAHOOD

H.R. 1323: Mr. HONDA and Ms. SCHAKOWSKY.

H.R. 1331: Mrs. CUBIN.

H.R. 1336: Mr. MCINNIS and Mr. RODRIGUEZ.

H.R. 1348: Mr. ISRAEL.

H.R. 1357: Mr. PAYNE, Mr. SANDERS, Mr. OWENS, Mr. GONZALEZ, Mr. FARR, Ms. SCHAKOWSKY, and Mr. ENGEL.

H.R. 1358: Mr. SHAYS.

H.R. 1377: Mr. DAVIS of Tennessee and Mr. JANKLOW.

H.R. 1397: Ms. WOOLSEY.

H.R. 1422: Mr. OWENS, Mr. SESSIONS, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, and Mr. CRANE.

H.R. 1426: Mr. CAMP, Mr. MATSUI, and Mr. GRIJALVA.

H.R. 1429: Mr. WEXLER and Ms. WOOLSEY.

H.R. 1443: Mr. SAXTON.

H.R. 1445: Mr. LARSON of Connecticut and Mr. SIMMONS.

H.R. 1448: Mr. MCNULTY, Mr. HINCHEY, Mr. KILDEE, Ms. KAPTUR, Ms. WOOLSEY, and Ms. CARSON of Indiana.

H.R. 1470: Mr. COOPER and Mr. HOLDEN.

H.R. 1474: Mr. SHAYS, Mr. ALEXANDER, Mr. NEY, Ms. PRYCE of Ohio, Mr. SESSIONS, Mr. MOORE, Mr. CLAY, Ms. HARRIS, Mr. HENSARLING, and Mrs. MALONEY.

H.R. 1478: Mr. DUNCAN.

H.R. 1480: Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. WEINER, Mr. CAPUANO, Mr. WU, Mr. MCGOVERN, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. DOYLE, and Mr. MCINTYRE.

H.R. 1508: Ms. LEE, Ms. NORTON, Mr. WYNN, Mr. CLAY, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GRIJALVA.

H.R. 1510: Mr. DEUTSCH.

H.R. 1513: Mr. HAYWORTH and Mr. FOLEY.

H.R. 1530: Mr. BLUNT.

H.R. 1540: Mrs. JONES of Ohio.

H.R. 1545: Mr. GRAVES.

H.R. 1554: Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. GUTIERREZ, and Mr. ACEVEDO-VILÁ.

H.R. 1568: Mr. ORTIZ.

H.R. 1582: Mr. GILLMOR.

H.R. 1586: Mr. BRADY of Texas, Mr. KIRK, Mrs. BLACKBURN, Mr. COLE, and Mr. TIBERI.

H.R. 1615: Mr. NEAL of Massachusetts and Mr. Payne.

H.R. 1627: Mr. MURTHA.

H.R. 1652: Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. FROST, Ms. SOLIS, and Mr. WYNN.

H.R. 1661: Ms. KAPTUR and Mr. ISRAEL.

H.R. 1662: Mr. LINDER, Mr. GARY G. MILLER of California, Mr. AKIN, and Mr. SHADEGG.

H.R. 1674: Mr. HAYWORTH, Ms. DUNN, Mr. HERGER, and Mr. TANNER.

H.R. 1675: Mr. BEREUTER, Mr. MURTHA, Mr. NETHERCUTT, Mr. HAYES, and Mr. MARSHALL.

H.R. 1677: Mr. BRADY of Pennsylvania.

H.R. 1690: Mr. SANDERS.

H.R. 1692: Ms. BERKLEY.

H.R. 1693: Mr. WYNN.

H.R. 1698: Mr. FLAKE.

H.J. Res. 36: Mr. UPTON, Mr. GOODE, Mr. MCNULTY, and Mr. SANDERS.

H.J. Res. 37: Mr. QUINN.

H.J. Res. 40: Mr. GOODE.

H.J. Res. 46: Mr. STEARNS.

H. Con. Res. 6: Mr. MCNULTY.

H. Con. Res. 49: Mr. BURNS, Mr. SOUDER, Mr. KUCINICH, Mr. GUTIERREZ, Mr. ROTHMAN, and Ms. HARMAN.

H. Con. Res. 78: Ms. CORRINE BROWN of Florida.

H. Con. Res. 98: Ms. DUNN, Mr. LINDER, and Mr. WYNN.

H. Con. Res. 130: Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. CONYERS, Mr. DOOLEY of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, Mr. BECERRA, Mr. REYES, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, and Mr. RODRIGUEZ.

H. Res. 108: Mr. FRANK of Massachusetts.

H. Res. 118: Mr. BEREUTER.

H. Res. 129: Ms. BERKLEY.

H. Res. 136: Mr. SULLIVAN and Mr. STRICKLAND.

H. Res. 177: Mr. BEREUTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 953: Mr. HASTINGS of Washington.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 67 of 2003 petitioning the United States Congress to enact the Mentally Ill Offender Treatment and Crime Reduction Act of 2002; to the Committee on the Judiciary.

10. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 64 of 2003 petitioning the United States Congress to urge federal, state and railroad officials to support and assist Rockland County's effort to establish a quiet zone on the west shore (river) freight rail line within Rockland County; to the Committee on Transportation and Infrastructure.

CONFERENCE REPORT (H. REPT. 108–71)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation for economic growth and tax simplification and fairness.
Sec. 202. Limit on Senate consideration of reconciliation.

TITLE III—SUBMISSIONS TO ELIMINATE WASTE, FRAUD, AND ABUSE

Sec. 301. Submissions of findings providing for the elimination of waste, fraud, and abuse in mandatory programs.

TITLE IV—RESERVE FUNDS AND CONTINGENCY PROCEDURE
Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates
Sec. 401. Reserve fund for medicare modernization and prescription drugs.
Sec. 402. Reserve fund for medicaid reform.
Sec. 403. Reserve fund for State children's health insurance program.
Sec. 404. Reserve fund for project bioshield.
Sec. 405. Reserve fund for health insurance for the uninsured.
Sec. 406. Reserve fund for children with special needs.
Subtitle B—Contingency Procedure
Sec. 411. Contingency procedure for surface transportation.
Subtitle C—Adjustments to Fiscal Year 2003 Levels
Sec. 421. Supplemental appropriations for fiscal year 2003.
TITLE V—BUDGET ENFORCEMENT
Sec. 501. Restrictions on advance appropriations.
Sec. 502. Emergency legislation.
Sec. 503. Extension of supermajority enforcement.
Sec. 504. Discretionary spending limits in the Senate.
Sec. 505. Pay-as-you-go point of order in the Senate.
Sec. 506. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 507. Application and effect of changes in allocations and aggregates.
Sec. 508. Adjustments to reflect changes in concepts and definitions.
TITLE VI—SENSE OF THE SENATE
Sec. 601. Sense of the Senate on Federal employee pay.
Sec. 602. Sense of the Senate regarding Pell Grants.
Sec. 603. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.
Sec. 604. Social security restructuring.
Sec. 605. Sense of the Senate concerning State fiscal relief.
Sec. 606. Federal agency review commission.
Sec. 607. Sense of the Senate regarding highway spending.
Sec. 608. Sense of the Senate on reports on liabilities and future costs.
Sec. 609. Sense of the Senate concerning an expansion in health care coverage.
Sec. 610. Sense of the Senate concerning programs of the Corps of Engineers.
Sec. 611. Sense of the Senate concerning Native American health.
Sec. 612. Sense of the Senate on providing tax and other incentives to revitalize rural America.
Sec. 613. Sense of the Senate concerning children's graduate medical education.
Sec. 614. Sense of the Senate on funding for criminal justice.
Sec. 615. Sense of the Senate concerning funding for drug treatment programs.
Sec. 616. Sense of Senate concerning free trade agreement with the United Kingdom.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,303,111,000,000.
Fiscal year 2004: $1,325,452,000,000.
Fiscal year 2005: $1,493,875,000,000.
Fiscal year 2006: $1,657,511,000,000.
Fiscal year 2007: $1,790,251,000,000.
Fiscal year 2008: $1,901,844,000,000.
Fiscal year 2009: $2,053,762,000,000.
Fiscal year 2010: $2,167,937,000,000.
Fiscal year 2011: $2,270,540,000,000.
Fiscal year 2012: $2,409,572,000,000.
Fiscal year 2013: $2,553,985,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $56,723,000,000.
Fiscal year 2004: $140,918,000,000.
Fiscal year 2005: $123,151,000,000.
Fiscal year 2006: $83,161,000,000.
Fiscal year 2007: $62,915,000,000.
Fiscal year 2008: $61,133,000,000.
Fiscal year 2009: $24,568,000,000.
Fiscal year 2010: $25,105,000,000.
Fiscal year 2011: $156,956,000,000.
Fiscal year 2012: $240,207,000,000.
Fiscal year 2013: $250,225,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,862,613,000,000.
Fiscal year 2004: $1,861,004,000,000.
Fiscal year 2005: $1,990,236,000,000.
Fiscal year 2006: $2,122,301,000,000.
Fiscal year 2007: $2,232,829,000,000.
Fiscal year 2008: $2,348,872,000,000.
Fiscal year 2009: $2,454,439,000,000.
Fiscal year 2010: $2,555,612,000,000.
Fiscal year 2011: $2,669,462,000,000.
Fiscal year 2012: $2,754,007,000,000.
Fiscal year 2013: $2,875,121,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,815,395,000,000.
Fiscal year 2004: $1,883,834,000,000.
Fiscal year 2005: $1,981,402,000,000.
Fiscal year 2006: $2,089,299,000,000.
Fiscal year 2007: $2,190,576,000,000.
Fiscal year 2008: $2,307,259,000,000.
Fiscal year 2009: $2,419,846,000,000.
Fiscal year 2010: $2,527,898,000,000.
Fiscal year 2011: $2,651,220,000,000.
Fiscal year 2012: $2,723,935,000,000.
Fiscal year 2013: $2,855,491,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2003: $512,284,000,000.
Fiscal year 2004: $558,382,000,000.
Fiscal year 2005: $487,527,000,000.
Fiscal year 2006: $431,788,000,000.
Fiscal year 2007: $400,325,000,000.
Fiscal year 2008: $405,415,000,000.
Fiscal year 2009: $366,084,000,000.
Fiscal year 2010: $359,961,000,000.
Fiscal year 2011: $380,680,000,000.
Fiscal year 2012: $314,363,000,000.
Fiscal year 2013: $301,506,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,747,000,000,000.
Fiscal year 2004: $7,384,000,000,000.
Fiscal year 2005: $7,978,000,000,000.
Fiscal year 2006: $8,534,000,000,000.
Fiscal year 2007: $9,064,000,000,000.
Fiscal year 2008: $9,602,000,000,000.
Fiscal year 2009: $10,102,000,000,000.
Fiscal year 2010: $10,601,000,000,000.
Fiscal year 2011: $11,125,000,000,000.
Fiscal year 2012: $11,588,000,000,000.
Fiscal year 2013: $12,040,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,917,000,000,000.
Fiscal year 2004: $4,299,000,000,000.
Fiscal year 2005: $4,599,000,000,000.
Fiscal year 2006: $4,829,000,000,000.
Fiscal year 2007: $5,007,000,000,000.
Fiscal year 2008: $5,169,000,000,000.
Fiscal year 2009: $5,272,000,000,000.
Fiscal year 2010: $5,349,000,000,000.
Fiscal year 2011: $5,428,000,000,000.
Fiscal year 2012: $5,424,000,000,000.
Fiscal year 2013: $5,394,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,821,000,000.
Fiscal year 2005: $587,775,000,000.
Fiscal year 2006: $619,062,000,000.
Fiscal year 2007: $651,148,000,000.
Fiscal year 2008: $684,429,000,000.
Fiscal year 2009: $719,132,000,000.
Fiscal year 2010: $755,754,000,000.
Fiscal year 2011: $792,152,000,000.
Fiscal year 2012: $829,568,000,000.
Fiscal year 2013: $869,690,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $366,278,000,000.
Fiscal year 2004: $380,389,000,000.
Fiscal year 2005: $390,148,000,000.
Fiscal year 2006: $402,413,000,000.
Fiscal year 2007: $415,269,000,000.
Fiscal year 2008: $429,061,000,000.
Fiscal year 2009: $445,442,000,000.
Fiscal year 2010: $463,613,000,000.
Fiscal year 2011: $482,034,000,000.
Fiscal year 2012: $504,888,000,000.
Fiscal year 2013: $531,118,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,812,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:
(A) New budget authority, $4,792,000,000.
(B) Outlays, $4,766,000,000.
Fiscal year 2010:
(A) New budget authority, $4,954,000,000.
(B) Outlays, $4,924,000,000.
Fiscal year 2011:
(A) New budget authority, $5,121,000,000.
(B) Outlays, $5,091,000,000.
Fiscal year 2012:
(A) New budget authority, $5,292,000,000.

(B) Outlays, $5,260,000,000.
Fiscal year 2013:
(A) New budget authority, $5,471,000,000.
(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $392,494,000,000.
(B) Outlays, $386,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,546,000,000.
(B) Outlays, $400,916,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,237,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,011,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $491,951,000,000.
(B) Outlays, $479,249,000,000.
Fiscal year 2010:
(A) New budget authority, $502,301,000,000.
(B) Outlays, $493,195,000,000.
Fiscal year 2011:
(A) New budget authority, $511,859,000,000.
(B) Outlays, $508,131,000,000.
Fiscal year 2012:
(A) New budget authority, $520,553,000,000.
(B) Outlays, $510,509,000,000.
Fiscal year 2013:
(A) New budget authority, $529,428,000,000.
(B) Outlays, $524,494,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $25,681,000,000.
(B) Outlays, $24,207,000,000.
Fiscal year 2005:
(A) New budget authority, $29,734,000,000.
(B) Outlays, $24,917,000,000.
Fiscal year 2006:
(A) New budget authority, $32,308,000,000.
(B) Outlays, $26,539,000,000.
Fiscal year 2007:
(A) New budget authority, $33,603,000,000.
(B) Outlays, $28,464,000,000.
Fiscal year 2008:
(A) New budget authority, $34,611,000,000.
(B) Outlays, $29,604,000,000.
Fiscal year 2009:
(A) New budget authority, $35,413,000,000.
(B) Outlays, $30,733,000,000.
Fiscal year 2010:
(A) New budget authority, $36,258,000,000.
(B) Outlays, $31,689,000,000.
Fiscal year 2011:
(A) New budget authority, $37,136,000,000.
(B) Outlays, $32,565,000,000.
Fiscal year 2012:
(A) New budget authority, $38,005,000,000.
(B) Outlays, $33,408,000,000.
Fiscal year 2013:
(A) New budget authority, $38,885,000,000.
(B) Outlays, $34,298,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $23,153,000,000.
(B) Outlays, $21,556,000,000.
Fiscal year 2004:
(A) New budget authority, $23,927,000,000.
(B) Outlays, $22,799,000,000.
Fiscal year 2005:
(A) New budget authority, $24,433,000,000.
(B) Outlays, $23,861,000,000.
Fiscal year 2006:
(A) New budget authority, $25,217,000,000.
(B) Outlays, $24,485,000,000.
Fiscal year 2007:
(A) New budget authority, $26,055,000,000.
(B) Outlays, $25,221,000,000.
Fiscal year 2008:
(A) New budget authority, $26,832,000,000.
(B) Outlays, $25,948,000,000.
Fiscal year 2009:
(A) New budget authority, $27,462,000,000.
(B) Outlays, $26,639,000,000.
Fiscal year 2010:
(A) New budget authority, $28,121,000,000.
(B) Outlays, $27,296,000,000.
Fiscal year 2011:
(A) New budget authority, $28,805,000,000.
(B) Outlays, $27,963,000,000.
Fiscal year 2012:
(A) New budget authority, $29,492,000,000.
(B) Outlays, $28,639,000,000.
Fiscal year 2013:
(A) New budget authority, $30,185,000,000.
(B) Outlays, $29,319,000,000.

(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $2,074,000,000.
(B) Outlays, $439,000,000.
Fiscal year 2004:
(A) New budget authority, $2,634,000,000.
(B) Outlays, $873,000,000.
Fiscal year 2005:
(A) New budget authority, $2,797,000,000.
(B) Outlays, $947,000,000.
Fiscal year 2006:
(A) New budget authority, $2,714,000,000.
(B) Outlays, $1,272,000,000.
Fiscal year 2007:
(A) New budget authority, $2,540,000,000.
(B) Outlays, $1,069,000,000.
Fiscal year 2008:
(A) New budget authority, $3,080,000,000.
(B) Outlays, $1,419,000,000.
Fiscal year 2009:
(A) New budget authority, $3,090,000,000.
(B) Outlays, $1,686,000,000.
Fiscal year 2010:
(A) New budget authority, $3,194,000,000.
(B) Outlays, $1,794,000,000.
Fiscal year 2011:
(A) New budget authority, $3,296,000,000.
(B) Outlays, $1,976,000,000.
Fiscal year 2012:
(A) New budget authority, $3,408,000,000.
(B) Outlays, $2,357,000,000.
Fiscal year 2013:
(A) New budget authority, $3,520,000,000.
(B) Outlays, $2,326,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $30,816,000,000.
(B) Outlays, $28,940,000,000.
Fiscal year 2004:
(A) New budget authority, $31,623,000,000.
(B) Outlays, $30,782,000,000.
Fiscal year 2005:
(A) New budget authority, $32,504,000,000.
(B) Outlays, $31,654,000,000.
Fiscal year 2006:
(A) New budget authority, $32,962,000,000.
(B) Outlays, $32,830,000,000.
Fiscal year 2007:
(A) New budget authority, $33,386,000,000.
(B) Outlays, $33,127,000,000.
Fiscal year 2008:
(A) New budget authority, $34,064,000,000.
(B) Outlays, $33,527,000,000.
Fiscal year 2009:
(A) New budget authority, $35,183,000,000.
(B) Outlays, $34,544,000,000.
Fiscal year 2010:
(A) New budget authority, $36,021,000,000.
(B) Outlays, $35,360,000,000.
Fiscal year 2011:
(A) New budget authority, $36,829,000,000.
(B) Outlays, $36,163,000,000.
Fiscal year 2012:
(A) New budget authority, $37,529,000,000.
(B) Outlays, $36,836,000,000.
Fiscal year 2013:
(A) New budget authority, $38,214,000,000.
(B) Outlays, $37,600,000,000.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $24,418,000,000.
(B) Outlays, $23,365,000,000.
Fiscal year 2004:
(A) New budget authority, $24,583,000,000.
(B) Outlays, $23,656,000,000.
Fiscal year 2005:
(A) New budget authority, $27,003,000,000.
(B) Outlays, $25,763,000,000.
Fiscal year 2006:
(A) New budget authority, $26,828,000,000.
(B) Outlays, $25,593,000,000.
Fiscal year 2007:
(A) New budget authority, $26,299,000,000.
(B) Outlays, $25,107,000,000.
Fiscal year 2008:
(A) New budget authority, $25,507,000,000.
(B) Outlays, $24,381,000,000.
Fiscal year 2009:
(A) New budget authority, $26,092,000,000.
(B) Outlays, $25,128,000,000.
Fiscal year 2010:
(A) New budget authority, $25,545,000,000.
(B) Outlays, $24,716,000,000.
Fiscal year 2011:
(A) New budget authority, $24,991,000,000.
(B) Outlays, $24,180,000,000.
Fiscal year 2012:
(A) New budget authority, $24,573,000,000.
(B) Outlays, $23,778,000,000.
Fiscal year 2013:
(A) New budget authority, $24,297,000,000.
(B) Outlays, $23,498,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,812,000,000.
(B) Outlays, $5,881,000,000.
Fiscal year 2004:
(A) New budget authority, $7,516,000,000.
(B) Outlays, $3,574,000,000.
Fiscal year 2005:
(A) New budget authority, $8,743,000,000.
(B) Outlays, $4,050,000,000.
Fiscal year 2006:
(A) New budget authority, $8,280,000,000.
(B) Outlays, $3,116,000,000.
Fiscal year 2007:
(A) New budget authority, $8,626,000,000.
(B) Outlays, $2,651,000,000.
Fiscal year 2008:
(A) New budget authority, $8,743,000,000.
(B) Outlays, $2,243,000,000.
Fiscal year 2009:
(A) New budget authority, $8,526,000,000.
(B) Outlays, $2,019,000,000.
Fiscal year 2010:
(A) New budget authority, $8,407,000,000.
(B) Outlays, $1,538,000,000.
Fiscal year 2011:
(A) New budget authority, $8,386,000,000.
(B) Outlays, $934,000,000.
Fiscal year 2012:
(A) New budget authority, $8,489,000,000.
(B) Outlays, $642,000,000.
Fiscal year 2013:
(A) New budget authority, $8,563,000,000.
(B) Outlays, $756,000,000.

(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $64,091,000,000.
(B) Outlays, $67,847,000,000.

Fiscal year 2004:

(A) New budget authority, $69,506,000,000.

(B) Outlays, $69,869,000,000.

Fiscal year 2005:

(A) New budget authority, $70,489,000,000.

(B) Outlays, $69,442,000,000.

Fiscal year 2006:

(A) New budget authority, $72,496,000,000.

(B) Outlays, $70,191,000,000.

Fiscal year 2007:

(A) New budget authority, $75,278,000,000.

(B) Outlays, $71,786,000,000.

Fiscal year 2008:

(A) New budget authority, $76,927,000,000.

(B) Outlays, $73,659,000,000.

Fiscal year 2009:

(A) New budget authority, $78,878,000,000.

(B) Outlays, $75,632,000,000.

Fiscal year 2010:

(A) New budget authority, $77,747,000,000.

(B) Outlays, $77,233,000,000.

Fiscal year 2011:

(A) New budget authority, $78,624,000,000.

(B) Outlays, $78,291,000,000.

Fiscal year 2012:

(A) New budget authority, $79,527,000,000.

(B) Outlays, $79,317,000,000.

Fiscal year 2013:

(A) New budget authority, $80,466,000,000.

(B) Outlays, $80,346,000,000.

(9) Community and Regional Development (450):

Fiscal year 2003:

(A) New budget authority, $12,251,000,000.

(B) Outlays, $15,994,000,000.

Fiscal year 2004:

(A) New budget authority, $14,063,000,000.

(B) Outlays, $15,823,000,000.

Fiscal year 2005:

(A) New budget authority, $14,138,000,000.

(B) Outlays, $15,872,000,000.

Fiscal year 2006:

(A) New budget authority, $14,321,000,000.

(B) Outlays, $14,961,000,000.

Fiscal year 2007:

(A) New budget authority, $14,536,000,000.

(B) Outlays, $14,664,000,000.

Fiscal year 2008:

(A) New budget authority, $14,745,000,000.

(B) Outlays, $14,123,000,000.

Fiscal year 2009:

(A) New budget authority, $14,980,000,000.

(B) Outlays, $14,298,000,000.

Fiscal year 2010:

(A) New budget authority, $15,233,000,000.

(B) Outlays, $14,501,000,000.

Fiscal year 2011:

(A) New budget authority, $15,492,000,000.

(B) Outlays, $14,750,000,000.

Fiscal year 2012:

(A) New budget authority, $15,755,000,000.

(B) Outlays, $14,992,000,000.

Fiscal year 2013:

(A) New budget authority, $16,023,000,000.

(B) Outlays, $15,259,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2003:

(A) New budget authority, $82,699,000,000.

(B) Outlays, $81,455,000,000.

Fiscal year 2004:

(A) New budget authority, $90,035,000,000.

(B) Outlays, $84,205,000,000.

Fiscal year 2005:

(A) New budget authority, $91,442,000,000.

(B) Outlays, $87,020,000,000.

Fiscal year 2006:

(A) New budget authority, $93,428,000,000.

(B) Outlays, $90,541,000,000.

Fiscal year 2007:

(A) New budget authority, $95,569,000,000.

(B) Outlays, $92,986,000,000.

Fiscal year 2008:

(A) New budget authority, $97,925 000,000.

(B) Outlays, $95,118,000,000.

Fiscal year 2009:

(A) New budget authority, $99,813,000,000.

(B) Outlays, $97,440,000,000.

Fiscal year 2010:

(A) New budget authority, $101,551,000,000.

(B) Outlays, $99,289,000,000.

Fiscal year 2011:

(A) New budget authority, $103,529,000,000.

(B) Outlays, $101,117,000,000.

Fiscal year 2012:

(A) New budget authority, $105,790,000,000.

(B) Outlays, $102,985,000,000.

Fiscal year 2013:

(A) New budget authority, $107,265,000,000.

(B) Outlays, $104,934,000,000.

(11) Health (550):

Fiscal year 2003:

(A) New budget authority, $222,913,000,000.

(B) Outlays, $217,881,000,000.

Fiscal year 2004:

(A) New budget authority, $240,554,000,000.

(B) Outlays, $238,785,000,000.

Fiscal year 2005:

(A) New budget authority, $259,701,000,000.

(B) Outlays, $259,403,000,000.

Fiscal year 2006:

(A) New budget authority, $279,236,000,000.

(B) Outlays, $279,024,000,000.

Fiscal year 2007:

(A) New budget authority, $299,614,000,000.

(B) Outlays, $298,681,000,000.

Fiscal year 2008:

(A) New budget authority, $322,061,000,000.

(B) Outlays, $320,731,000,000.

Fiscal year 2009:

(A) New budget authority, $345,548,000,000.

(B) Outlays, $344,059,000,000.

Fiscal year 2010:

(A) New budget authority, $370,626,000,000.

(B) Outlays, $369,097,000,000.

Fiscal year 2011:

(A) New budget authority, $396,818,000,000.

(B) Outlays, $395,280,000,000.

Fiscal year 2012:

(A) New budget authority, $415,790,000,000.

(B) Outlays, $414,384,000,000.

Fiscal year 2013:

(A) New budget authority, $445,484,000,000.

(B) Outlays, $444,082,000,000.

(12) Medicare (570):

Fiscal year 2003:

(A) New budget authority, $248,586,000,000.

(B) Outlays, $248,434,000,000.

Fiscal year 2004:

(A) New budget authority, $266,018,000,000.

(B) Outlays, $266,283,000,000.

Fiscal year 2005:

(A) New budget authority, $282,682,000,000.

(B) Outlays, $285,630,000,000.

Fiscal year 2006:

(A) New budget authority, $321,623,000,000.

(B) Outlays, $318,384,000,000.

Fiscal year 2007:

(A) New budget authority, $343,717,000,000.

(B) Outlays, $343,987,000,000.

Fiscal year 2008:

(A) New budget authority, $369,244,000,000.

(B) Outlays, $369,119,000,000.

Fiscal year 2009:

(A) New budget authority, $395,368,000,000.

(B) Outlays, $395,107,000,000.

Fiscal year 2010:

(A) New budget authority, $423,288,000,000.

(B) Outlays, $423,546,000,000.

Fiscal year 2011:

(A) New budget authority, $453,285,000,000.

(B) Outlays, $456,642;000,000.

Fiscal year 2012:

(A) New budget authority, $485,951,000,000.

(B) Outlays, $482,125,000,000.

Fiscal year 2013:

(A) New budget authority, $526,553,000,000.

(B) Outlays, $526,809,000,000.

(13) Income Security (600):

Fiscal year 2003:

(A) New budget authority, $326,390,000,000.

(B) Outlays, $334,177,000,000.

Fiscal year 2004:

(A) New budget authority, $319,518,000,000.

(B) Outlays, $324,840,000,000.

Fiscal year 2005:

(A) New budget authority, $333,821,000,000.

(B) Outlays, $337,123,000,000.

Fiscal year 2006:

(A) New budget authority, $341,816,000,000.

(B) Outlays, $344,292,000,000.

Fiscal year 2007:

(A) New budget authority, $349,199,000,000.

(B) Outlays, $350,945,000,000.

Fiscal year 2008:

(A) New budget authority, $361,697,000,000.

(B) Outlays, $362,808,000,000.

Fiscal year 2009:

(A) New budget authority, $373,372,000,000.

(B) Outlays, $374,083,000,000.

Fiscal year 2010:

(A) New budget authority, $384,844,000,000.

(B) Outlays, $385,347,000,000.

Fiscal year 2011:

(A) New budget authority, $400,266,000,000.

(B) Outlays, $400,688,000,000.

Fiscal year 2012:

(A) New budget authority, $403,738,000,000.

(B) Outlays, $404,146,000,000.

Fiscal year 2013:

(A) New budget authority, $418,672,000,000.

(B) Outlays, $419,245,000,000.

(14) Social Security (650):

Fiscal year 2003:

(A) New budget authority, $13,255,000,000.

(B) Outlays, $13,255,000,000.

Fiscal year 2004:

(A) New budget authority, $14,294,000,000.

(B) Outlays, $14,293,000,000.

Fiscal year 2005:

(A) New budget authority, $15,471,000,000.

(B) Outlays, $15,471,000,000.

Fiscal year 2006:

(A) New budget authority, $16,421,000,000.

(B) Outlays, $16,421,000,000.

Fiscal year 2007:

(A) New budget authority, $17,919,000,000.

(B) Outlays, $17,919,000,000.

Fiscal year 2008:

(A) New budget authority, $19,704,000,000.

(B) Outlays, $19,704,000,000.

Fiscal year 2009:

(A) New budget authority, $21,810,000,000.

(B) Outlays, $21,810,000,000.

Fiscal year 2010:

(A) New budget authority, $24,283,000,000.

(B) Outlays, $24,283,000,000.

Fiscal year 2011:

(A) New budget authority, $28,170,000,000.

(B) Outlays, $28,170,000,000.

Fiscal year 2012:

(A) New budget authority, $31,357,000,000.

(B) Outlays, $31,357,000,000.

Fiscal year 2013:

(A) New budget authority, $34,347,000,000.

(B) Outlays, $34,347,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2003:

(A) New budget authority, $57,597,000,000.

(B) Outlays, $57,486,000,000.

Fiscal year 2004:

(A) New budget authority, $63,779,000,000.

(B) Outlays, $63,209,000,000.

Fiscal year 2005:

(A) New budget authority, $67,135,000,000.

(B) Outlays, $66,553,000,000.

Fiscal year 2006:

(A) New budget authority, $65,397,000,000.

(B) Outlays, $64,995,000,000.

Fiscal year 2007:

(A) New budget authority, $63,874,000,000.

(B) Outlays, $63,442,000,000.

Fiscal year 2008:
(A) New budget authority, $67,666,000,000.
(B) Outlays, $67,398,000,000.
Fiscal year 2009:
(A) New budget authority, $69,279,000,000.
(B) Outlays, $68,924,000,000.
Fiscal year 2010:
(A) New budget authority, $70,992,000,000.
(B) Outlays, $70,588,000,000.
Fiscal year 2011:
(A) New budget authority, $75,669,000,000.
(B) Outlays, $75,249,000,000.
Fiscal year 2012:
(A) New budget authority, $72,618,000,000.
(B) Outlays, $72,097,000,000.
Fiscal year 2013:
(A) New budget authority, $77,455,000,000.
(B) Outlays, $76,989,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $37,626,000,000.
(B) Outlays, $40,788,000,000.
Fiscal year 2005:
(A) New budget authority, $37,946,000,000.
(B) Outlays, $39,193,000,000.
Fiscal year 2006:
(A) New budget authority, $37,984,000,000.
(B) Outlays, $38,329,000,000.
Fiscal year 2007:
(A) New budget authority, $38,461,000,000.
(B) Outlays, $38,252,000,000.
Fiscal year 2008:
(A) New budget authority, $39,477,000,000.
(B) Outlays, $39,128,000,000.
Fiscal year 2009:
(A) New budget authority, $40,497,000,000.
(B) Outlays, $40,212,000,000.
Fiscal year 2010:
(A) New budget authority, $41,599,000,000.
(B) Outlays, $41,299,000,000.
Fiscal year 2011:
(A) New budget authority, $42,889,000,000.
(B) Outlays, $42,472,000,000.
Fiscal year 2012:
(A) New budget authority, $44,207,000,000.
(B) Outlays, $43,760,000,000.
Fiscal year 2013:
(A) New budget authority, $45,576,000,000.
(B) Outlays, $45,120,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,185,000,000.
(B) Outlays, $18,110,000,000.
Fiscal year 2004:
(A) New budget authority, $20,202,000,000.
(B) Outlays, $20,066,000,000.
Fiscal year 2005:
(A) New budget authority, $20,635,000,000.
(B) Outlays, $20,714,000,000.
Fiscal year 2006:
(A) New budget authority, $20,656,000,000.
(B) Outlays, $20,485,000,000.
Fiscal year 2007:
(A) New budget authority, $21,126,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2008:
(A) New budget authority, $21,236,000,000.
(B) Outlays, $21,013,000,000.
Fiscal year 2009:
(A) New budget authority, $21,946,000,000.,
(B) Outlays, $21,504,000,000.
Fiscal year 2010:
(A) New budget authority, $22,695,000,000.
(B) Outlays, $22,212,000,000.
Fiscal year 2011:
(A) New budget authority, $23,458,000,000.
(B) Outlays, $22,946,000,000.
Fiscal year 2012:
(A) New budget authority, $24,255,000,000.
(B) Outlays, $23,880,000,000.
Fiscal year 2013:
(A) New budget authority, $25,076,000,000.
(B) Outlays, $24,520,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $240,176,000,000.
(B) Outlays, $240,176,000,000.
Fiscal year 2004:
(A) New budget authority, $259,414,000,000.
(B) Outlays, $259,414,000,000.
Fiscal year 2005:
(A) New budget authority, $310,630,000,000.
(B) Outlays, $310,630,000,000.
Fiscal year 2006:
(A) New budget authority, $352,219,000,000.
(B) Outlays, $352,219,000,000.
Fiscal year 2007:
(A) New budget authority, $380,574,000,000.
(B) Outlays, $380,574,000,000.
Fiscal year 2008:
(A) New budget authority, $405,647,000,000.
(B) Outlays, $405,647,000,000.
Fiscal year 2009:
(A) New budget authority, $429,542,000,000.
(B) Outlays, $429,542,000,000.
Fiscal year 2010:
(A) New budget authority, $450,651,000,000.
(B) Outlays, $450,651,000,000.
Fiscal year 2011:
(A) New budget authority, $473,381,000,000.
(B) Outlays, $473,381,000,000.
Fiscal year 2012:
(A) New budget authority, $496,015,000,000.
(B) Outlays, $496,015,000,000.
Fiscal year 2013:
(A) New budget authority, $514,513,000,000.
(B) Outlays, $514,513,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $74,758,000,000.
(B) Outlays, $38,279,000,000.
Fiscal year 2004:
(A) New budget authority, −$7,621,000,000.
(B) Outlays, $22,346,000,000.
Fiscal year 2005:
(A) New budget authority, −$6,541,000,000.
(B) Outlays, $1,520,000,000.
Fiscal year 2006:
(A) New budget authority, −$7,331,000,000.
(B) Outlays, −$5,930,000,000.
Fiscal year 2007:
(A) New budget authority, −$8,947,000,000.
(B) Outlays, −$8,796,000,000.
Fiscal year 2008:
(A) New budget authority, −$9,959,000,000.
(B) Outlays, −$9,951,000,000.
Fiscal year 2009:
(A) New budget authority, −$11,526,000,000.
(B) Outlays, −$9,978,000,000.
Fiscal year 2010:
(A) New budget authority, −$12,888,000,000.
(B) Outlays, −$10,880,000,000.
Fiscal year 2011:
(A) New budget authority, −$16,414,000,000.
(B) Outlays, −$12,671,000,000.
Fiscal year 2012:
(A) New budget authority, −$21,460,000,000.
(B) Outlays, −$15,707,000,000.
Fiscal year 2013:
(A) New budget authority, −$25,618,000,000.
(B) Outlays, −$19,181,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$49,035,000,000.
(B) Outlays, −$49,035,000,000.
Fiscal year 2008:
(A) New budget authority, −$51,221,000,000.
(B) Outlays, −$51,221,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,785,000,000.
(B) Outlays, −$52,785,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,856,000,000.
(B) Outlays, −$54,856,000,000.
Fiscal year 2011:
(A) New budget authority, −$57,007,000,000.
(B) Outlays, −$57,007,000,000.
Fiscal year 2012:
(A) New budget authority, −$61,585,000,000.
(B) Outlays, −$61,585,000,000.
Fiscal year 2013:
(A) New budget authority, −$63,783,000,000.
(B) Outlays, −$63,783,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION FOR ECONOMIC GROWTH AND TAX SIMPLIFICATION AND FAIRNESS.

(a) In the House.—The House Committee on Ways and Means shall report a reconciliation bill not later than May 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $535,000,000,000 for the period of fiscal years 2003 through 2013 and increase the total level of outlays by not more than $15,000,000,000 for the period of fiscal years 2003 through 2013.

(b) In the Senate.—The Senate Committee on Finance shall report a reconciliation bill not later than May 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $522,524,000,000 and increase the total level of outlays by not more than $27,476,000,000 for the period of fiscal years 2003 through 2013.

SEC. 202. LIMIT ON SENATE CONSIDERATION OF RECONCILIATION.

(a) Point of Order.—It shall not be in order for the Senate to consider a bill reported pursuant to section 201, or an amendment thereto, which would cause the total revenue reduction to exceed $322,524,000,000 or the total outlay increase to exceed $27,476,000,000 for the period of fiscal years 2003 through 2013, except for the purpose of inserting the text of a Senate-passed measure and requesting a conference with the House of Representatives.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) Appeals.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order raised under this section.

TITLE III—SUBMISSIONS TO ELIMINATE WASTE, FRAUD, AND ABUSE

SEC. 301. SUBMISSIONS OF FINDINGS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.

(a) Findings and Purpose.—The Congress finds that—

(1) the Inspector General of the Department of Education has found that nearly 23 percent of recipients whose loans were discharged due to disability claims were gainfully employed;

(2) based on data provided by the Office of Management and Budget, it is estimated that more than $8 billion in erroneous earned income tax payments are made each year;

(3) the Office of Management and Budget estimates that erroneous payments for food stamps account for almost 9 percent of total benefits;

(4) mismanagement of more than $3 billion in trust funds controlled by the Bureau of Indian Affairs led the Congress to take extraordinary measures to regain control of these funds;

(5) in its semiannual reports to Congress, the Inspector General of the Office of Personnel Management has documented numerous instances of the Government continuing to make electronic payments for retirement benefits through the Civil Service Retirement System after the death of the eligible annuitants; and

(6) numerous other examples of waste, fraud, and abuse are reported regularly by government watchdog agencies.

(b) Submissions Providing for the Elimination of Waste, Fraud, and Abuse in Mandatory Programs.—Not later than September 2, 2003, the House committees named in subsection (c) and the Senate committees named in subsection (d) shall submit findings that identify changes in law within their jurisdictions that would achieve the specified level of savings through the elimination of waste, fraud, and abuse. After receiving those recommendations, the Committees on the Budget may use them in the development of future concurrent resolutions on the budget. For purposes of this subsection, the specified level of savings for each committee shall be inserted in the Congressional Record by the chairmen of the Committee on the Budget by May 16, 2003.

(c) House Committees.—The following committees of the House of Representatives shall submit findings to the House Committee on the Budget pursuant to subsection (b): the Committee on Agriculture, the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on House Administration, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(d) Senate Committees.—The following committees of the Senate shall submit their findings to the Senate Committee on the Budget pursuant to subsection (b): the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee Banking, Housing, and Urban Affairs, the Committee Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Veterans' Affairs.

(e) GAO Report.—By August 1, 2003, the Comptroller General shall submit to the Committees on the Budget a comprehensive report identifying instances in which the committees of jurisdiction may make legislative changes to improve the economy, efficiency, and effectiveness of programs within their jurisdiction.

TITLE IV—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 401. RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS.

(a) In the House.—(1) In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit and modernizes medicare, and provides adjustments to the medicare program on a fee-for-service, capitated, or other basis, the chairman of the Committee on the Budget may revise the appropriate allocations described in paragraph (3) for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $7,000,000,000 in new budget authority and $7,000,000,000 in outlays for fiscal year 2004 and $400,000,000,000 in new budget authority and $400,000,000,000 in outlays for the period of fiscal years 2004 through 2013.

(2) After the consideration of any measure for which an adjustment is made pursuant to paragraph (1), the chairman of the Committee on the Budget shall make any further appropriate adjustments in allocations and budget aggregates.

(3) In the House, there shall be a separate section 302(a) allocation to the appropriate committees for medicare. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the "first fiscal year" and the "total of fiscal years" shall be deemed to refer to fiscal year 2004 and the total of fiscal years 2004 through 2013 included in the joint explanatory statement of managers accompanying this resolution, respectively. Such separate allocation shall be the exclusive allocation for medicare under section 302(a) of such Act.

(b) In the Senate.—If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report thereon is submitted, that strengthens and enhances the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs or promotes geographic equity payments, the chairman of the Committee on the Budget, may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $7,000,000,000 for fiscal year 2004 and $400,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 402. RESERVE FUND FOR MEDICAID REFORM.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that modernizes medicaid, the appropriate chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $3,258,000,000 in new budget authority and outlays for fiscal year 2004, $8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008, and $12,782,000,000 in budget authority and outlays for the period of fiscal years 2004 through 2010, if the legislation would not increase the deficit over the period of fiscal years 2004 through 2013.

SEC. 403. RESERVE FUND FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that extends the availability of fiscal year 1998 and 1999 expired State Children's Health Insurance Program allotments and the expiring fiscal year 2000 allotments, the appropriate chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $1,260,000,000 in new budget authority and $85,000,000 in outlays for fiscal year 2003, $1,330,000,000 in new budget authority and $85,000,000 in outlays for fiscal year 2004, $690,000,000 in new budget authority and $760,000,000 in outlays for the period of fiscal years 2004 through 2008, and $565,000,000 in new budget authority and $890,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 404. RESERVE FUND FOR PROJECT BIOSHIELD.

(a) In the House.—In the House, if the appropriate committee of jurisdiction reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures and—

(1) such measure provides new budget authority to carry out such program; or

(2) such measure authorizes discretionary new budget authority to carry out such program and the Committee on Appropriations reports a bill or joint resolution that provides new budget authority to carry out such program,

the chairman of the Committee on the Budget may revise the allocations for the committee providing such new budget authority, and other appropriate levels in this resolution, by the amount provided for that purpose, but, in the case of a measure described in paragraph (1), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom and $3,418,000,000 in new budget authority for the period of fiscal years 2004 through 2008 and outlays flowing therefrom or, in the case of a measure described in paragraph (2), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom. Notwithstanding the preceding sentence, the total such revision for fiscal year 2004 may not exceed $890,000,000 in new budget authority and outlays flowing therefrom.

(b) In the Senate.—In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the Department of Homeland Security to procure countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological, or nuclear agents for inclusion by the Secretary of Health and Human Services in the Strategic National Stockpile, the chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $890,000,000 in new budget authority and $575,000,000 in outlays for fiscal year 2004, and $5,593,000,000 in new budget authority and $5,593,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 405. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the committee of jurisdiction in the House or the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the appropriate chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates by the amount provided by that measure for that purpose, but not to exceed $28,457,000,000 for the period of fiscal years 2004 through 2008 and $49,965,000,000 for the period of fiscal years 2004 through 2013.

SEC. 406. RESERVE FUND FOR CHILDREN WITH SPECIAL NEEDS.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States *with the option to expand Medicaid coverage for children with special needs, allowing families of disabled children to purchase coverage under the Medicaid Program for such children, the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $43,000,000 in new budget authority and $42,000,000 in outlays for fiscal year 2004, $1,627,000,000 in new budget authority and $1,566,000,000 in outlays for the period of fiscal years 2004 through 2008, and $7,462,000,000 in new budget authority and $7,261,000,000 in outlays for the period of fiscal years 2004 through 2013.*

Subtitle B—Contingency Procedure

SEC. 411. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,740,000,000,
(2) for fiscal year 2005: $42,743,000,000,
(3) for fiscal year 2006: $43,721,000,000,
(4) for fiscal year 2007: $45,795,000,000,
(5) for fiscal year 2008: $47,031,000,000, or
(6) for fiscal year 2009: $47,818,000,000,

the chairman of the appropriate Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004 and for the period of fiscal years 2004 through 2008 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation. In the Senate, any increase in receipts must be reported from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2004, in the House and in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $39,684,000,000 for fiscal year 2004, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

(2) For fiscal year 2005, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,788,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

(c) STATEMENT OF INTENT.—It is the intent of Congress that the increase in new budget authority and outlays above the baseline assumed for highways and highway safety in section 103 of this resolution is derived from the resources available to the Highway Trust Fund.

Subtitle C—Adjustments to Fiscal Year 2003 Levels

SEC. 421. SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

If legislation making supplemental appropriations for fiscal year 2003 is enacted before May 1, 2003, the appropriate chairman of the Committee on the Budget shall make the appropriate adjustments in the appropriate allocations and aggregates of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

TITLE V—BUDGET ENFORCEMENT

SEC. 501. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN THE HOUSE.—(1)(A) In the House, except as provided in paragraph (2), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(B) Managers on the part of the House may not agree to a Senate amendment that would violate subparagraph (A) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(2) In the House, an advance appropriation may be provided for fiscal year 2005 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations, Part A" in an aggregate amount not to exceed $23,158,000,000 in new budget authority, and an advance appropriation may be provided for fiscal year 2006 for any program identified in such statement under the heading "Accounts Identified for Advance Appropriations, Part B".

(3) In this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004.

(b) IN THE SENATE.—(1) Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) An advance appropriation may be provided for fiscal years 2005 and 2006 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(3)(A) In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) In this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004 or making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 502. EMERGENCY LEGISLATION.

(a) PURPOSE.—It is the purpose of this section, in the absence of an extension of the discretionary spending limits and PAYGO requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, to enable the Congress to designate provisions of legislation as an emergency in order to exempt such measures from enforcement of this resolution with respect to the new budget authority, outlays, and receipts resulting from such provisions.

(b) IN THE HOUSE.—

(1) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, any new budget authority, new entitlement authority, outlays, and receipts resulting from any provision designated in that provision as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(2) DESIGNATIONS.—

(A) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent, temporary in nature.

(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(c) IN THE SENATE.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and that the Congress so designates in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the Senate, any new budget authority, outlays, and receipts resulting from any provision

designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 (relating to discretionary spending limits in the Senate) and 505 (relating to the paygo requirement in the Senate) of this resolution.

(3) Designations.—

(A) Guidance.—In the Senate, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B).

(B) Criteria.—

(i) In general.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent, temporary in nature.

(ii) Unforeseen.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(4) Definitions.—In this subsection, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) Point of order.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(6) Waiver and appeal.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(7) Definition of an emergency designation.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

(8) Form of the point of order.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(9) Conference reports.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(10) Exception for defense spending.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 503. EXTENSION OF SUPERMAJORITY ENFORCEMENT.

(a) In General.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2008.

(b) Repeal.—Senate Resolution 304, agreed to October 16, 2002 (107th Congress), is repealed.

SEC. 504. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) Discretionary Spending Limits.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2003—

(A) $839,118,000,000 in new budget authority and $805,146,000,000 in outlays for the discretionary category;

(B) for the highway category, $31,264,000,000 in outlays; and

(C) for the mass transit category, $1,436,000,000 in new budget authority, and $6,551,000,000 in outlays;

(2) for fiscal year 2004—

(A) $782,999,000,000 in new budget authority and $822,563,000,000 in outlays for the discretionary category;

(B) for the highway category, $31,555,000,000 in outlays; and

(C) for the mass transit category, $1,461,000,000 in new budget authority, and $6,634,000,000 in outlays; and

(3) for fiscal year 2005—

(A) $812,598,000,000 in new budget authority, and $817,883,000,000 in outlays for the discretionary category;

(B) for the highway category, $33,393,000,000 in outlays; and

(C) for the mass transit category $1,488,000,000 in new budget authority, and $6,726,000,000 in outlays;

as adjusted in conformance with subsection (c).

(b) Discretionary Spending Point of Order in the Senate.—

(1) In general.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits in this section.

(2) Waiver.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(c) Adjustments.—

(1) In general.—

(A) Chairman.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) Matters to be adjusted.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) Amounts of adjustments.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided for transportation under section 411; and

(B) an amount provided for the fiscal year 2003 supplemental appropriation pursuant to section 421.

(3) Reporting revised suballocations.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 505. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Point of Order.—

(1) In general.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable time periods.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Direct-spending legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be

equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2008.

SEC. 506. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, except as provided by section 401(a), for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 507. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—In the House, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2004 and the total for fiscal year 2004 and the four ensuing fiscal years.

SEC. 508. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House or in the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

TITLE VI—SENSE OF THE SENATE

SEC. 601. SENSE OF THE SENATE ON FEDERAL EMPLOYEE PAY.

It is the sense of the Senate that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 602. SENSE OF THE SENATE REGARDING PELL GRANTS.

It is the sense of the Senate that the levels in this resolution assume that within the discretionary allocation provided to the Committee on Appropriations the maximum Pell Grant award should be raised to the maximum extent practicable.

SEC. 603. SENSE OF THE SENATE ON EMERGENCY AND DISASTER ASSISTANCE FOR LIVESTOCK AND AGRICULTURE PRODUCERS.

It is the sense of the Senate that the Senate develop a long-term drought plan that effectively recognizes the recurring nature of drought cycles and adequately supports emergency and disaster assistance to livestock and agricultural producers hurt by drought and that the Senate establish an agricultural reserve to fund these activities.

SEC. 604. SOCIAL SECURITY RESTRUCTURING.

It is the sense of the Senate that—

(1) the President, the Congress and the American people (including seniors, workers, women, minorities, and disabled persons) should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system; and

(2) Social Security reform must—

(A) protect current and near retirees from any changes to Social Security benefits;

(B) reduce the pressure on future taxpayers and on other budgetary priorities;

(C) provide benefit levels that adequately reflect individual contributions to the Social Security System; and

(D) preserve and strengthen the safety net for vulnerable populations, including the disabled and survivors.

SEC. 605. SENSE OF THE SENATE CONCERNING STATE FISCAL RELIEF.

It is the Sense of the Senate that the functional totals in this resolution assume that any legislation enacted to provide economic growth for the United States should include not less than $30,000,000,000 for State fiscal relief over the next 18 months (of which at least half should be provided through a temporary increase in the Federal medical assistance percentage (FMAP)).

SEC. 606. FEDERAL AGENCY REVIEW COMMISSION.

It is the sense of the Senate that a commission should be established to review Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate government agencies and programs that are duplicative, wasteful, inefficient, outdated, or irrelevant, or have failed to accomplish their intended purpose.

SEC. 607. SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) FINDINGS.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed budget resolution increases highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA-21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

SEC. 608. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

SEC. 609. SENSE OF THE SENATE CONCERNING AN EXPANSION IN HEALTH CARE COVERAGE.

It is the sense of the Senate that the functional totals in this resolution assume that—

(1) expanded access to health care coverage throughout the United States is a top priority for national policymaking; and

(2) to the extent that additional funds are made available, a significant portion of such funds should be dedicated to expanding access to health care coverage so that fewer individuals are uninsured and fewer individuals are likely to become uninsured.

SEC. 610. SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

It is the sense of the Senate that the Corps of Engineers requires additional funding to perform its vital functions and the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps will not be reduced below current baseline spending levels.

SEC. 611. SENSE OF THE SENATE CONCERNING NATIVE AMERICAN HEALTH.

It is the sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend $30,000,000 a year on research and treatment on diabetes in the Native American community. This amount was increased to $100,000,000 a year in 2000 and further increased to $150,000,000 a year in 2002. This is a 500 percent increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

SEC. 612. SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the sense of the Senate that if tax relief measures are enacted in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include incentives to help rural communities attract individuals to live and work and start and grow a business in those communities.

SEC. 613. SENSE OF THE SENATE CONCERNING CHILDREN'S GRADUATE MEDICAL EDUCATION.

It is the sense of the Senate that, for fiscal year 2004, children's graduate medical education should be funded at $305,000,000.

SEC. 614. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

It is the sense of the Senate that the funding levels in this resolution assume that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007.

SEC. 615. SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

SEC. 616. SENSE OF SENATE CONCERNING FREE TRADE AGREEMENT WITH THE UNITED KINGDOM.

It is the sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom.

And the Senate agree to the same.

JIM NUSSLE,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

DON NICKLES,
PETE V. DOMENICI,
CHUCK GRASSLEY,
JUDD GREGG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 through 2005 through 2013, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all out of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise indicated.

House Resolution

The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment

The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, Section 101(6) of the Senate amendment includes advisory levels on debt held by the public.

Conference Agreement

The Conference Agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATE AND FUNCTION LEVELS

The following tables are included in this section:

Conference Report on the Fiscal Year 2004 Budget Resolution: Total Spending and Revenues
Conference Report on the Fiscal Year 2004 Budget Resolution: Discretionary Spending
Conference Report on the Fiscal Year 2004 Budget Resolution: Mandatory Spending
House-Passed Fiscal Year 2004 Budget Resolution: Total Spending and Revenues
House-Passed Fiscal Year 2004 Budget Resolution: Discretionary Spending
House Passed Fiscal Year 2004 Budget Resolution: Mandatory Spending
Senate-Passed Fiscal Year 2004 Amendment: Aggregate and Function Levels

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: TOTAL SPENDING AND REVENUES

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-08	2004-13
SUMMARY													
Total Spending:													
BA	2,231.122	2,247.860	2,387.012	2,529.740	2,652.819	2,782.789	2,905.038	3,024.490	3,156.932	3,264.724	3,412.316	12,600.220	28,363.720
OT	2,181.910	2,268.230	2,375.351	2,493.643	2,607.179	2,737.405	2,866.279	2,992.306	3,133.830	3,229.310	3,386.854	12,481.808	28,090.387
On-Budget:													
BA	1,862.613	1,861.004	1,990.236	2,122.301	2,232.829	2,348.872	2,454.439	2,555.612	2,669.462	2,754.007	2,875.121	10,555.242	23,863.883
OT	1,815.395	1,883.834	1,981.402	2,089.299	2,190.576	2,307.259	2,419.846	2,527.898	2,651.220	2,723.935	2,855.491	10,452.370	23,630.760
Off-Budget:													
BA	368.509	386.856	396.776	407.439	419.990	433.917	450.599	468.878	487.470	510.717	537.195	2,044.978	4,499.837
OT	366.515	384.396	393.949	404.344	416.603	430.146	446.433	464.408	482.610	505.375	531.363	2,029.438	4,459.627
Revenues													
Total	1,834.718	1,883.273	2,081.650	2,276.573	2,441.399	2,586.273	2,772.894	2,923.691	3,062.692	3,239.140	3,423.675	11,269.168	26,691.260
On-budget	1,303.111	1,325.452	1,493.875	1,657.511	1,790.251	1,901.844	2,053.762	2,167.937	2,270.540	2,409.572	2,553.985	8,168.933	19,624.729
Off-budget	531.607	557.821	587.775	619.062	651.148	684.429	719.132	755.754	792.152	829.568	869.690	3,100.235	7,066.531
Surplus/Deficit (−):													
Total	−347.192	−384.957	−293.701	−217.070	−165.780	−151.132	−93.385	−68.615	−71.138	9.830	36.821	−1,212.640	−1,399.127
On-budget	−512.284	−558.382	−487.527	−431.788	−400.325	−405.415	−366.084	−359.961	−380.680	−314.363	−301.506	−2,283.437	−4,006.031
Off-budget	165.092	173.425	193.826	214.718	234.545	254.283	272.699	291.346	309.542	324.193	338.327	1,070.797	2,606.904
Debt Held by the Public (end of year)	3,917	4,299	4,599	4,829	5,007	5,169	5,272	5,349	5,428	5,424	5,394	na	na
Debt Subject to Limit (end of year)	6,747	7,384	7,978	8,534	9,064	9,602	10,102	10,601	11,125	11,588	12,040	na	na
BY FUNCTION													
National Defense (050):													
BA	392.494	400.546	420.071	440.185	460.435	480.886	491.951	502.301	511.859	520.553	529.428	2,202.123	4,758.215
OT	386.229	400.916	414.237	426.011	438.656	462.861	479.249	493.195	508.131	510.509	524.494	2,142.681	4,658.259
International Affairs (150):													
BA	22.506	25.681	29.734	32.308	33.603	34.611	35.413	36.258	37.136	38.005	38.885	155.937	341.634
OT	19.283	24.207	24.917	26.539	28.464	29.604	30.733	31.689	32.565	33.408	34.298	133.731	296.424
General Science, Space, and Technology (250):													
BA	23.153	23.927	24.433	25.217	26.055	26.832	27.462	28.121	28.805	29.492	30.185	126.464	270.529
OT	21.556	22.799	23.861	24.485	25.221	25.948	26.639	27.296	27.963	28.639	29.319	122.314	262.170
Energy (270):													
BA	2.074	2.634	2.797	2.714	2.540	3.080	3.090	3.194	3.296	3.408	3.520	13.765	30.273
OT	0.439	0.873	0.947	1.272	1.069	1.419	1.686	1.794	1.976	2.357	2.326	5.580	15.719
Natural Resources and Environment (300):													
BA	30.816	31.623	32.504	32.962	33.386	34.064	35.183	36.021	36.829	37.529	38.214	164.539	348.315
OT	28.940	30.782	31.654	32.830	33.127	33.527	34.544	35.360	36.163	36.836	37.600	161.920	342.423
Agriculture (350):													
BA	24.418	24.583	27.003	26.828	26.299	25.507	26.092	25.545	24.991	24.573	24.297	130.220	255.718
OT	23.365	23.656	25.763	25.593	25.107	24.381	25.128	24.716	24.180	23.778	23.498	124.500	245.800
Commerce and Housing Credit (370):													
BA	5.212	7.316	8.243	5.802	5.455	5.211	4.751	4.278	3.871	3.716	3.369	32.027	52.012
OT	2.281	3.374	3.550	0.638	−0.520	−1.289	−1.756	−2.591	−3.581	−4.131	−4.438	5.753	−10.744
On-budget:													
BA	8.812	7.516	8.743	8.280	8.626	8.743	8.526	8.407	8.386	8.489	8.563	41.908	84.279
OT	5.881	3.574	4.050	3.116	2.651	2.243	2.019	1.538	0.934	0.642	0.756	15.634	21.523
Off-budget:													
BA	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
OT	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
Transportation (400):													
BA	64.091	69.506	70.489	72.496	75.278	76.927	78.878	77.747	78.624	79.527	80.466	364.696	759.938
OT	67.847	69.869	69.442	70.191	71.786	73.659	75.632	77.233	78.291	79.317	80.346	354.947	745.766
Community and Regional Development (450):													
BA	12.251	14.063	14.138	14.321	14.536	14.745	14.980	15.233	15.492	15.755	16.023	71.803	149.286
OT	15.994	15.823	15.872	14.961	14.664	14.123	14.298	14.501	14.750	14.992	15.259	75.443	149.243
Education, Training, Employment and Social Services (500):													
BA	82.699	90.035	91.442	93.428	95.569	97.925	99.813	101.551	103.529	105.790	107.265	468.399	986.347
OT	81.455	84.205	87.020	90.541	92.986	95.118	97.440	99.289	101.117	102.985	104.934	449.870	955.635
Health (550):													
BA	222.913	240.554	259.701	279.236	299.614	322.061	345.548	370.626	396.818	415.790	445.484	1,401.166	3,375.432

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: TOTAL SPENDING AND REVENUES—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
OT	217.881	238.785	259.403	279.024	298.681	320.731	344.059	369.097	395.280	414.384	444.082	1,396.624	3,363.526
Medicare (570):													
BA	248.586	266.018	282.682	321.623	343.717	369.244	395.368	423.288	453.285	485.951	526.553	1,583.284	3,867.729
OT	248.434	266.283	285.630	318.384	343.987	369.119	395.107	423.546	456.642	482.125	526.809	1,583.403	3,867.632
Income Security (600):													
BA	326.390	319.518	333.821	341.816	349.199	361.697	373.372	384.844	400.266	403.738	418.672	1,706.051	3,686.943
OT	334.177	324.840	337.123	344.292	350.945	362.808	374.083	385.347	400.688	404.146	419.245	1,720.008	3,703.517
Social Security (650):													
BA	478.882	501.140	521.499	546.735	575.008	606.071	641.105	679.322	720.505	766.154	816.195	2,750.453	6,373.734
OT	476.888	498.679	518.672	543.640	571.621	602.300	636.939	674.852	715.645	760.812	810.363	2,734.912	6,333.523
On-budget:													
BA	13.255	14.294	15.471	16.421	17.919	19.704	21.810	24.283	28.170	31.357	34.347	83.809	223.776
OT	13.255	14.293	15.471	16.421	17.919	19.704	21.810	24.283	28.170	31.357	34.347	83.808	223.775
Off-budget:													
BA	465.627	486.846	506.028	530.314	557.089	586.367	619.295	655.039	692.335	734.797	781.848	2,666.644	6,149.958
OT	463.633	484.386	503.201	527.219	553.702	582.596	615.129	650.569	687.475	729.455	776.016	2,651.104	6,109.748
Veterans Benefits and Services (700):													
BA	57.597	63.779	67.135	65.397	63.874	67.666	69.279	70.992	75.669	72.618	77.455	327.851	693.864
OT	57.486	63.209	66.553	64.995	63.442	67.398	68.924	70.588	75.249	72.097	76.989	325.597	689.444
Administration of Justice (750):													
BA	38.543	37.626	37.946	37.984	38.461	39.477	40.497	41.599	42.889	44.207	45.576	191.494	406.262
OT	37.712	40.788	39.193	38.329	38.252	39.128	40.212	41.299	42.472	43.760	45.120	195.690	408.553
General Government (800):													
BA	18.185	20.202	20.635	20.656	21.126	21.236	21.946	22.695	23.458	24.255	25.076	103.855	221.285
OT	18.110	20.066	20.714	20.485	20.876	21.013	21.504	22.212	22.946	23.880	24.520	103.154	218.216
Net Interest (900):													
BA	156.067	169.656	212.681	243.313	258.818	269.793	278.541	283.448	288.931	293.336	292.764	1,154.261	2,591.281
OT	156.067	169.656	212.681	243.313	258.818	269.793	278.541	283.448	288.931	293.336	292.764	1,154.261	2,591.281
On-budget:													
BA	240.176	259.414	310.630	352.219	380.574	405.647	429.542	450.651	473.381	496.015	514.513	1,708.484	4,072.586
OT	240.176	259.414	310.630	352.219	380.574	405.647	429.542	450.651	473.381	496.015	514.513	1,708.484	4,072.586
Off-budget:													
BA	−84.109	−89.758	−97.949	−108.906	−121.756	−135.854	−151.001	−167.203	−184.450	−202.679	−221.749	−554.223	−1,481.305
OT	−84.109	−89.758	−97.949	−108.906	−121.756	−135.854	−151.001	−167.203	−184.450	−202.679	−221.749	−554.223	−1,481.305
Allowances (920):													
BA	74.758	−7.621	−6.541	−7.331	−8.947	−9.959	−11.526	−12.888	−16.414	−21.460	−25.618	−40.399	−128.305
OT	38.279	22.346	1.520	−5.930	−8.796	−9.951	−9.978	−10.880	−12.671	−15.707	−19.181	−0.811	−69.228
Undistributed Offsetting Receipts (950):													
BA	−50.513	−52.926	−63.401	−65.950	−61.207	−64.285	−66.705	−69.685	−72.907	−78.213	−81.493	−307.769	−676.772
OT	−50.513	−52.926	−63.401	−65.950	−61.207	−64.285	−66.705	−69.685	−72.907	−78.213	−81.493	−307.769	−676.772
On-budget:													
BA	−41.104	−42.894	−52.598	−54.459	−49.035	−51.221	−52.785	−54.856	−57.007	−61.585	−63.783	−250.207	−540.223
OT	−41.104	−42.894	−52.598	−54.459	−49.035	−51.221	−52.785	−54.856	−57.007	−61.585	−63.783	−250.207	−540.223
Off-budget:													
BA	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549
OT	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: DISCRETIONARY SPENDING

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
					SUMMARY								
Total Spending:													
BA	840.554	784.460	814.086	842.470	872.461	903.983	924.775	944.195	962.135	978.491	995.126	4,217.460	9,022.182
OT	842.961	860.752	858.003	870.434	892.160	926.475	955.305	980.114	1,004.818	1,016.239	1,038.931	4,407.824	9,403.231
Defense:													
BA	392.137	400.058	419.437	439.507	459.729	480.129	491.172	501.487	511.615	519.702	528.537	2,198.860	4,750.773
OT	386.373	400.561	413.682	425.379	437.995	462.157	478.522	492.435	507.345	509.721	523.668	2,139.774	4,651.465
Nondefense:													
BA	448.417	384.402	394.649	402.963	412.732	423.854	433.603	442.708	451.120	458.789	466.589	2,018.600	4,271.409
OT	456.588	460.191	444.321	445.055	454.165	464.318	476.783	487.679	497.473	506.518	515.263	2,268.050	4,751.766
					BY FUNCTION								
National Defense (050):													
BA	392.137	400.058	419.437	439.507	459.729	480.129	491.172	501.487	511.015	519.702	528.537	2,198.860	4,750.773
OT	386.373	400.561	413.682	425.379	437.995	462.157	478.522	492.435	507.345	509.721	523.668	2,139.774	4,651.465
International Affairs (150):													
BA	25.407	28.651	30.034	31.579	32.854	33.845	34.630	35.459	36.322	37.176	38.037	156.963	338.587
OT	26.000	26.775	27.522	29.195	31.084	32.119	33.225	34.179	35.072	35.935	36.778	146.695	321.884
General Science, Space, and Technology (250):													
BA	23.047	23.897	24.402	25.186	26.023	26.799	27.429	28.087	28.770	29.456	30.149	126.307	270.198
OT	21.457	22.701	23.766	24.421	25.176	25.915	26.607	27.263	27.929	28.605	29.284	121.979	261.667
Energy (270):													
BA	3.237	3.672	3.975	3.914	3.902	4.858	4.975	5.096	5.227	5.357	5.489	20.321	46.465
OT	3.151	3.577	3.869	3.971	3.901	4.647	4.911	5.031	5.157	5.286	5.415	19.965	45.765
Natural Resources and Environment (300):													
BA	29.238	29.327	29.802	30.097	30.583	31.319	31.998	32.705	33.448	34.196	34.970	151.128	318.445
OT	27.857	29.014	29.554	29.983	30.464	30.965	31.542	32.199	32.899	33.595	34.342	149.980	314.557
Agriculture (350):													
BA	5.727	5.243	5.609	5.734	5.876	6.037	6.208	6.386	6.575	6.767	6.962	28.499	61.397
OT	5.852	5.589	5.533	5.613	5.758	5.958	6.128	6.303	6.487	6.679	6.871	28.451	60.919
Commerce and Housing Credit (370):													
BA	0.150	−0.496	−0.269	−0.554	0.534	0.878	0.767	0.661	0.534	0.625	0.574	0.093	3.254
OT	0.054	0.092	−0.393	−0.650	0.449	0.686	0.633	0.549	0.414	0.502	0.450	0.184	2.732
On-budget:													
BA	0.150	−0.496	−0.269	−0.554	0.534	0.878	0.767	0.661	0.534	0.625	0.574	0.093	3.254
OT	0.054	0.092	−0.393	−0.650	0.449	0.686	0.633	0.549	0.414	0.502	0.450	0.184	2.732
Off-budget:													
BA													
OT													
Transportation (400):													
BA	22.611	23.205	23.134	24.192	24.882	25.276	26.393	26.221	27.040	27.875	28.739	120.689	256.957
OT	65.184	67.608	67.257	68.142	69.802	71.732	73.676	75.266	76.289	77.269	78.245	344.541	725.286
Community and Regional Development (450):													
BA	11.725	13.826	13.999	14.188	14.401	14.688	14.921	15.168	15.425	15.686	15.950	71.102	148.252
OT	16.054	15.912	15.992	15.124	14.884	14.390	14.602	14.835	15.079	15.313	15.569	76.302	151.700
Education, Training, Employment and Social Services (500):													
BA	72.875	80.507	81.005	82.245	84.023	86.086	87.707	89.283	90.924	92.938	94.086	413.866	868.804
OT	71.958	75.206	77.152	80.039	82.172	83.975	86.043	87.652	89.250	90.886	92.523	398.544	844.898
Health (550):													
BA	49.468	49.620	50.667	51.800	52.950	54.299	55.607	56.972	58.387	59.806	61.246	259.336	551.354
OT	44.349	47.742	49.376	50.414	51.631	52.576	53.801	55.102	56.460	57.851	59.252	251.739	534.205
Medicare (570):													
BA	3.798	3.739	3.807	3.906	4.014	4.138	4.353	4.572	4.809	5.089	5.396	19.604	43.823

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: DISCRETIONARY SPENDING—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
OT	3.797	3.726	3.811	3.897	3.992	4.113	4.309	4.524	4.757	5.027	5.327	19.539	43.483
Income Security (600):													
BA	44.020	45.712	48.760	50.311	52.004	53.714	55.441	57.295	59.143	61.023	62.884	250.501	546.287
OT	50.781	51.544	52.373	53.424	54.643	56.116	57.505	58.954	60.560	62.215	63.908	268.100	571.242
Social Security (650):													
BA	3.833	4.282	4.363	4.450	4.549	4.665	4.820	4.983	5.151	5.323	5.503	22.309	48.089
OT	3.859	4.231	4.326	4.435	4.532	4.644	4.794	4.953	5.121	5.291	5.471	22.168	47.798
On-budget:													
BA	0.021	0.025	0.025	0.026	0.027	0.027	0.028	0.029	0.030	0.031	0.032	0.130	0.280
OT	0.021	0.024	0.025	0.026	0.027	0.027	0.028	0.029	0.030	0.031	0.032	0.129	0.279
Off-budget:													
BA	3.812	4.257	4.338	4.424	4.522	4.638	4.792	4.954	5.121	5.292	5.471	22.179	47.809
OT	3.838	4.207	4.301	4.409	4.505	4.617	4.766	4.924	5.091	5.260	5.439	22.039	47.519
Veterans Benefits and Services (700):													
BA	26.532	29.957	28.386	28.812	29.272	29.838	30.796	31.789	32.824	33.887	35.000	146.265	310.561
OT	26.902	29.600	28.183	28.495	29.024	29.662	30.530	31.497	32.521	33.576	34.663	144.964	307.751
Administration of Justice (750):													
BA	36.289	33.529	35.762	36.664	37.621	38.694	39.771	40.931	42.288	43.674	45.117	182.270	394.051
OT	35.484	37.495	36.611	36.824	37.483	38.455	39.596	40.741	41.977	43.331	44.764	186.868	397.277
General Government (800):													
BA	15.702	17.352	17.754	17.770	18.191	18.679	19.313	19.988	20.667	21.371	22.105	89.746	193.190
OT	15.570	17.033	17.869	17.658	17.966	18.316	18.859	19.511	20.172	20.864	21.582	88.842	189.830
Allowances (920):													
BA	74.758	−7.621	−6.541	−7.331	−8.947	−9.959	−11.526	−12.888	−16.414	−21.460	−25.618	−40.399	−128.305
OT	38.279	22.346	1.520	−5.930	−8.796	−9.951	−9.978	−10.880	−12.671	−15.707	−19.181	−0.811	−69.228

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: MANDATORY SPENDING

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
SUMMARY													
Total Spending:													
BA	1,390.568	1,463.400	1,572.926	1,687.270	1,780.358	1,878.806	1,980.263	2,080.295	2,194.797	2,286.233	2,417.190	8,382.760	19,341.538
OT	1,338.949	1,407.478	1,517.348	1,623.209	1,715.019	1,810.930	1,910.974	2,012.192	2,129.012	2,213.071	2,347.923	8,073.984	18,687.156
On-budget:													
BA	1,025.871	1,080.801	1,180.488	1,284.255	1,364.890	1,449.527	1,534.456	1,616.371	1,712.448	1,780.808	1,885.466	6,359.961	14,889.510
OT	976.272	1,027.289	1,127.700	1,223.274	1,302.921	1,385.401	1,469.307	1,552.708	1,651.493	1,712.956	1,821.999	6,066.585	14,275.048
Off-budget:													
BA	364.697	382.599	392.438	403.015	415.468	429.279	445.807	463.924	482.349	505.425	531.724	2,022.799	4,452.028
OT	362.677	380.189	389.648	399.935	412.098	425.529	441.667	459.484	477.519	500.115	525.924	2,007.399	4,412.108
BY FUNCTION													
National Defense (050):													
BA	0.357	0.488	0.634	0.678	0.706	0.757	0.779	0.814	0.844	0.851	0.891	3.263	7.442
OT	−0.144	0.355	0.555	0.632	0.661	0.704	0.727	0.760	0.786	0.788	0.826	2.907	6.794
International Affairs (150):													
BA	−2.901	−2.970	−0.300	0.729	0.749	0.766	0.783	0.799	0.814	0.829	0.848	−1.026	3.047
OT	−6.717	−2.568	−2.605	−2.656	−2.620	−2.515	−2.492	−2.490	−2.507	−2.527	−2.480	−12.964	−25.460
General Science, Space, and Technology (250):													
BA	0.106	0.030	0.031	0.031	0.032	0.033	0.033	0.034	0.035	0.036	0.036	0.157	0.331
OT	0.099	0.098	0.095	0.064	0.045	0.033	0.032	0.033	0.034	0.034	0.035	0.335	0.503
Energy (270):													
BA	−1.163	−1.038	−1.178	−1.200	−1.362	−1.778	−1.885	−1.902	−1.931	−1.949	−1.969	−6.556	−16.192
OT	−2.712	−2.704	−2.922	−2.699	−2.832	−3.228	−3.225	−3.237	−3.181	−2.929	−3.089	−14.385	−30.046
Natural Resources and Environment (300):													
BA	1.578	2.296	2.702	2.865	2.803	2.745	3.185	3.316	3.381	3.333	3.244	13.411	29.870
OT	1.083	1.768	2.100	2.847	2.663	2.562	3.002	3.161	3.264	3.241	3.258	11.940	27.866
Agriculture (350):													
BA	18.691	19.340	21.394	21.094	20.423	19.470	19.884	19.159	18.416	17.806	17.335	101.721	194.321
OT	17.513	18.067	20.230	19.980	19.349	18.423	19.000	18.413	17.693	17.099	16.627	96.049	184.881
Commerce and Housing Credit (370):													
BA	5.062	7.812	8.512	6.356	4.921	4.333	3.984	3.617	3.337	3.091	2.795	31.934	48.758
OT	2.227	3.282	3.943	1.288	−0.969	−1.975	−2.389	−3.140	−3.995	−4.633	−4.888	5.569	−13.476
On-budget:													
BA	8.662	8.012	9.012	8.834	8.092	7.865	7.759	7.746	7.852	7.864	7.989	41.815	81.025
OT	5.827	3.482	4.443	3.766	2.202	1.557	1.386	0.989	0.520	0.140	0.306	15.450	18.791
Off-budget:													
BA	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
OT	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
Transportation (400):													
BA	41.480	46.301	47.355	48.304	50.396	51.651	52.485	51.526	51.584	51.652	51.727	244.007	502.981
OT	2.663	2.261	2.185	2.049	1.984	1.927	1.956	1.967	2.002	2.048	2.101	10.406	20.480
Community and Regional Development (450)													
BA	0.526	0.237	0.139	0.133	0.135	0.057	0.059	0.065	0.067	0.069	0.073	0.701	1.034
OT	−0.060	−0.089	−0.120	−0.163	−0.220	−0.267	−0.304	−0.334	−0.329	−0.321	−0.310	−0.859	−2.457
Education, Training, Employment and Social Services (500):													
BA	9.824	9.528	10.437	11.183	11.546	11.839	12.106	12.268	12.605	12.852	13.179	54.533	117.543
OT	9.497	8.999	9.868	10.502	10.814	11.143	11.397	11.637	11.867	12.099	12.411	51.326	110.737
Health (550):													
BA	173.445	190.934	209.034	227.436	246.664	267.762	289.941	313.654	338.431	355.984	384.238	1,141.830	2,824.078
OT	173.532	191.043	210.027	228.610	247.050	268.155	290.258	313.995	338.820	356.533	384.830	1,144.885	2,829.321
Medicare (570):													
BA	244.788	262.279	278.875	317.717	339.703	365.106	391.015	418.716	448.476	480.862	521.157	1,563.680	3,823.906
OT	244.637	262.557	281.819	314.487	339.995	365.006	390.798	419.022	451.885	477.098	521.482	1,563.864	3,824.149
Income Security (600):													
BA	282.370	273.806	285.061	291.505	297.195	307.983	317.931	327.549	341.123	342.715	355.788	1,455.550	3,140.656
OT	283.396	273.296	284.750	290.868	296.302	306.692	316.578	326.393	340.128	341.931	355.337	1,451.908	3,132.275
Social Security (650):													
BA	475.049	496.858	517.136	542.285	570.459	601.406	636.285	674.339	715.354	760.831	810.692	2,728.144	6,325.645
OT	473.029	494.448	514.346	539.205	567.089	597.656	632.145	669.899	710.524	755.521	804.892	2,712.744	6,285.725
On-budget:													
BA	13.234	14.269	15.446	16.395	17.892	19.677	21.782	24.254	28.140	31.326	34.315	83.679	223.496
OT	13.234	14.269	15.446	16.395	17.892	19.677	21.782	24.254	28.140	31.326	34.315	83.679	223.496
Off-budget:													
BA	461.815	482.589	501.690	525.890	552.567	581.729	614.503	650.085	687.214	729.505	776.377	2,644.465	6,102.149
OT	459.795	480.179	498.900	522.810	549.197	577.979	610.363	645.645	682.384	724.195	770.577	2,629.065	6,062.229
Veterans Benefits and Services (700):													
BA	31.065	33.822	38.749	36.585	34.602	37.828	38.483	39.203	42.845	38.731	42.455	181.586	383.303
OT	30.584	33.609	38.370	36.500	34.418	37.736	38.394	39.091	42.728	38.521	42.326	180.633	381.693
Administration of Justice (750):													
BA	2.254	4.097	2.184	1.320	0.840	0.783	0.726	0.668	0.601	0.533	0.459	9.224	12.211
OT	2.228	3.293	2.582	1.505	0.769	0.673	0.616	0.558	0.495	0.429	0.356	8.822	11.276
General Government (800):													
BA	2.483	2.850	2.881	2.886	2.935	2.557	2.633	2.707	2.791	2.884	2.971	14.109	28.095

CONFERENCE REPORT ON THE FISCAL YEAR 2004 BUDGET RESOLUTION: MANDATORY SPENDING—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
OT	2.540	3.033	2.845	2.827	2.910	2.697	2.645	2.701	2.774	3.016	2.938	14.312	28.386
Net Interest (900):													
BA	156.067	169.656	212.681	243.313	258.818	269.793	278.541	283.448	288.931	293.336	292.764	1,154.261	2,591.281
OT	156.067	169.656	212.681	243.313	258.818	269.793	278.541	283.448	288.931	293.336	292.764	1,154.261	2,591.281
On-budget:													
BA	240.176	259.414	310.630	352.219	380.574	405.647	429.542	450.651	473.381	496.015	514.513	1,708.484	4,072.586
OT	240.176	259.414	310.630	352.219	380.574	405.647	429.542	450.651	473.381	496.015	514.513	1,708.484	4,072.586
Off-budget:													
BA	−84.109	−89.758	−97.949	−108.906	−121.756	−135.854	−151.001	−167.203	−184.450	−202.679	−221.749	−554.223	−1,481.305
OT	−84.109	−89.758	−97.949	−108.906	−121.756	−135.854	−151.001	−167.203	−184.450	−202.679	−221.749	−554.223	−1,481.305
Allowances (920):													
BA													
OT													
Undistributed Offsetting Receipts (950):													
BA	−50.513	−52.926	−63.401	−65.950	−61.207	−64.285	−66.705	−69.685	−72.907	−78.213	−81.493	−307.769	−676.772
OT	−50.513	−52.926	−63.401	−65.950	−61.207	−64.285	−66.705	−69.685	−72.907	−78.213	−81.493	−307.769	−676.772
On-budget:													
BA	−41.104	−42.894	−52.598	−54.459	−49.035	−51.221	−52.785	−54.856	−57.007	−61.585	−63.783	−250.207	−540.223
OT	−41.104	−42.894	−52.598	−54.459	−49.035	−51.221	−52.785	−54.856	−57.007	−61.585	−63.783	−250.207	−540.223
Off-budget:													
BA	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549
OT	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: TOTAL SPENDING AND REVENUES

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
SUMMARY													
Total Spending:													
BA	2,158.555	2,225.395	2,349.552	2,483.786	2,597.355	2,716.161	2,834.044	2,950.169	3,084.734	3,215.178	3,369.698	12,372.249	27,826.072
OT	2,143.410	2,232.365	2,337.286	2,450.075	2,555.757	2,674.646	2,797.065	2,916.177	3,057.083	3,172.626	3,335.342	12,250.129	27,528.422
On-Budget:													
BA	1,790.046	1,838.519	1,952.639	2,076.319	2,177.306	2,282.248	2,383.491	2,481.237	2,597.191	2,704.406	2,832.479	10,327.031	23,325.835
OT	1,776.895	1,847.887	1,943.164	2,045.680	2,139.077	2,244.487	2,350.662	2,451.698	2,574.381	2,667.177	2,803.936	10,220.295	23,068.149
Off-Budget:													
BA	368.509	386.876	396.913	407.467	420.049	433.913	450.553	468.932	487.543	510.772	537.219	2,045.218	4,500.237
OT	366.515	384.478	394.122	404.395	416.680	430.159	446.403	464.479	482.702	505.449	531.406	2,029.834	4,460.273
Revenues:													
Total	1,855.336	1,908.024	2,107.162	2,281.891	2,444.370	2,587.249	2,736.597	2,886.701	3,028.028	3,194.074	3,372.405	11,328.696	26,546.501
On-budget	1,323.729	1,350.138	1,519.267	1,662.729	1,793.142	1,902.740	2,017.385	2,130.867	2,235.796	2,364.426	2,502.635	8,228.016	19,479.125
Off-budget	531.607	557.886	587.895	619.162	651.228	684.509	719.212	755.834	792.232	829.648	869.770	3,100.680	7,067.376
Surplus/Deficit (−):													
Total	−288.074	−324.341	−230.124	−168.184	−111.387	−87.397	−60.468	−29.476	−29.055	21.448	37.063	−921.433	−981.921
On-budget	−453.166	−497.749	−423.897	−382.951	−345.935	−341.747	−333.277	−320.831	−338.585	−302.751	−301.301	−1,992.279	−3,589.024
Off-budget	165.092	173.408	193.773	214.767	234.548	254.350	272.809	291.355	309.530	324.199	338.364	1,070.846	2,607.103
Debt Held by the Public (end of year)	3,858	4,179	4,416	4,597	4,720	4,819	4,889	4,926	4,963	4,949	4,918	na	na
Debt Subject to Limit (end of year)	6,687	7,264	7,794	8,302	8,777	9,251	9,719	10,179	10,660	11,112	11,564	na	na
BY FUNCTION													
National Defense (050):													
BA	392.494	400.546	420.071	440.185	460.435	480.886	494.067	507.840	522.103	536.531	551.323	2,202.123	4,813.987
OT	386.229	400.916	414.237	426.011	438.656	462.861	480.650	497.348	516.338	523.884	543.541	2,142.681	4,704.442
International Affairs (150):													
BA	22.506	24.750	28.631	31.090	32.271	33.120	33.775	34.466	35.315	36.148	37.006	149.862	326.572
OT	19.283	23.654	24.090	25.557	27.344	28.303	29.284	30.078	30.916	31.716	32.576	128.948	283.518
General Science, Space, and Technology (250):													
BA	23.153	22.771	23.591	24.344	25.153	25.899	26.504	27.140	27.800	28.464	29.134	121.758	260.800
OT	21.556	22.348	23.082	23.690	24.425	25.127	25.799	26.435	27.079	27.735	28.393	118.672	254.113
Energy (270):													
BA	2.074	2.583	2.707	2.609	2.431	2.988	2.977	3.085	3.181	3.288	3.401	13.318	29.250
OT	0.439	0.928	0.961	1.244	1.022	1.400	1.660	1.781	1.955	2.316	2.293	5.555	15.560
Natural Resources and Environment (300):													
BA	30.816	29.240	30.253	30.945	31.453	32.230	33.463	34.432	35.438	36.354	37.251	154.121	331.059
OT	28.940	29.868	30.276	31.203	31.335	31.713	32.843	33.768	34.752	35.626	36.600	154.395	327.984
Agriculture (350):													
BA	24.418	24.192	26.481	26.197	25.567	24.607	24.998	24.293	23.781	23.390	23.155	127.044	246.661
OT	23.365	23.363	25.205	25.000	24.430	23.543	24.091	23.526	23.030	22.654	22.413	121.541	237.255
Commerce and Housing Credit (370):													
BA	5.212	7.205	8.137	5.673	6.000	5.103	4.999	4.621	4.437	4.269	4.065	32.118	54.509
OT	2.281	3.294	3.457	0.487	−0.068	−1.562	−1.793	−2.584	−3.374	−3.945	−4.138	5.608	−10.226
On-budget:													
BA	8.812	7.405	8.637	8.151	9.171	8.635	8.774	8.750	8.952	9.042	9.259	41.999	86.776
OT	5.881	3.494	3.957	2.965	3.103	1.970	1.982	1.545	1.141	0.828	1.056	15.489	22.041
Off-budget:													
BA	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
OT	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
Transportation (400):													
BA	64.091	65.430	65.806	66.718	67.726	68.692	69.881	71.084	72.789	74.498	76.283	334.372	698.907
OT	67.847	69.225	66.917	66.538	67.264	68.297	69.552	70.915	72.410	74.004	75.640	338.241	700.762
Community and Regional Development (450):													
BA	12.251	14.137	14.356	14.647	14.968	15.351	15.702	16.076	16.468	16.858	17.256	73.459	155.819
OT	15.994	15.923	15.991	15.119	14.918	14.500	14.803	15.146	15.524	15.892	16.288	76.451	154.104
Education, Training, Employment and Social Services (500):													
BA	86.169	84.748	84.381	86.670	88.650	90.811	92.393	93.935	95.832	97.635	99.536	435.260	914.591
OT	81.340	85.706	83.598	84.639	86.417	88.355	90.486	92.170	93.936	95.713	97.602	428.715	898.622
Health (550):													
BA	221.878	235.103	248.663	265.462	284.237	303.780	324.153	345.696	370.681	395.391	423.754	1,337.245	3,196.920
OT	218.021	235.479	248.358	264.949	283.363	302.637	322.870	344.412	369.399	394.133	422.447	1,334.786	3,188.047
Medicare (570):													
BA	248.586	266.538	282.932	322.237	344.656	370.545	396.931	424.989	452.618	489.873	528.586	1,586.908	3,879.905
OT	248.434	266.865	285.912	319.017	344.943	370.436	396.685	425.263	455.994	486.064	528.861	1,587.173	3,880.040
Income Security (600):													
BA	326.588	315.485	325.921	331.772	336.386	344.748	352.988	360.370	374.372	377.623	391.496	1,654.312	3,511.161
OT	334.373	321.120	329.359	334.216	338.308	345.993	353.901	361.147	375.115	378.358	392.351	1,668.996	3,529.868
Social Security (650):													
BA	478.882	501.089	521.493	546.791	575.122	606.191	641.237	679.459	720.651	766.311	816.362	2,750.686	6,374.706
OT	476.888	498.690	518.702	543.719	571.753	602.437	637.087	675.006	715.810	760.988	810.549	2,735.301	6,334.741
On-budget:													
BA	13.255	14.223	15.330	16.451	17.975	19.827	21.982	24.357	28.235	31.450	34.481	83.806	224.311
OT	13.255	14.222	15.330	16.451	17.975	19.827	21.982	24.357	28.235	31.450	34.481	83.805	224.310
Off-budget:													
BA	465.627	486.866	506.163	530.340	557.147	586.364	619.255	655.102	692.416	734.861	781.881	2,666.880	6,150.395
OT	463.633	484.468	503.372	527.268	553.778	582.610	615.105	650.649	687.575	729.538	776.068	2,651.496	6,110.431

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: TOTAL SPENDING AND REVENUES—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Veterans Benefits and Services (700):													
BA	57.597	61.567	65.847	64.000	62.348	65.696	66.939	68.222	72.714	69.867	74.518	319.458	671.718
OT	57.486	61.119	65.632	63.830	62.074	65.557	66.695	67.938	72.418	69.477	74.198	318.212	668.938
Administration of Justice (750):													
BA	38.543	37.313	37.676	37.586	37.966	38.884	39.846	40.891	42.160	43.459	44.808	189.425	400.589
OT	37.712	40.898	39.007	38.030	37.862	38.639	39.669	40.703	41.855	43.131	44.471	194.436	404.265
General Government (800):													
BA	18.178	19.779	20.038	19.672	19.976	19.789	20.208	20.620	21.342	22.090	22.881	99.254	206.395
OT	18.103	19.597	20.226	19.731	19.737	19.584	19.800	20.175	20.874	21.751	22.374	98.875	203.849
Net Interest (900):													
BA	155.632	166.912	205.969	233.138	245.717	253.445	259.512	262.464	265.793	268.782	267.822	1,105.181	2,429.554
OT	155.632	166.912	205.969	233.138	245.717	253.445	259.512	262.464	265.793	268.782	267.822	1,105.181	2,429.554
On-budget:													
BA	239.741	256.670	303.916	342.042	367.472	389.300	410.519	429.676	450.251	471.470	489.580	1,659.400	3,910.896
OT	239.741	256.670	303.916	342.042	367.472	389.300	410.519	429.676	450.251	471.470	489.580	1,659.400	3,910.896
Off-budget:													
BA	−84.109	−89.758	−97.947	−108.904	−121.755	−135.855	−151.007	−167.212	−184.458	−202.688	−221.758	−554.219	−1,481.342
OT	−84.109	−89.758	−97.947	−108.904	−121.755	−135.855	−151.007	−167.212	−184.458	−202.688	−221.758	−554.219	−1,481.342
Allowances (920):													
BA		−1.067										−1.067	−1.067
OT		−0.614	−0.292	−0.093	−0.036	−0.015						−1.050	−1.050
Undistributed Offsetting Receipts (950):													
BA	−50.513	−52.926	−63.401	−65.950	−63.707	−66.604	−66.529	−69.514	−72.741	−75.653	−78.939	−312.588	−675.964
OT	−50.513	−52.926	−63.401	−65.950	−63.707	−66.604	−66.529	−69.514	−72.741	−75.653	−78.939	−312.588	−675.964
On-budget:													
BA	−41.104	−42.894	−52.598	−54.459	−51.535	−53.540	−52.609	−54.685	−56.841	−59.025	−61.229	255.026	−539.415
OT	−41.104	−42.894	−52.598	−54.459	−51.535	−53.540	−52.609	−54.685	−56.841	−59.025	−61.229	−255.026	−539.415
Off-budget:													
BA	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549
OT	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: DISCRETIONARY SPENDING

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
					SUMMARY								
Total Spending:													
BA	765.796	775.386	802.587	830.682	860.381	891.601	915.318	939.877	965.492	991.479	1,018.043	4,160.637	8,990.846
OT	804.682	831.265	841.708	857.651	878.630	911.456	940.851	968.691	999.228	1,018.712	1,050.542	4,320.710	9,298.734
Defense													
BA	392.137	400.058	419.437	439.507	459.729	480.129	493.288	507.026	521.259	535.680	550.432	2,198.860	4,806.545
OT	386.373	400.561	413.682	425.379	437.995	462.157	479.923	496.588	515.552	523.096	542.715	2,139.774	4,697.648
Nondefense													
BA	373.659	375.328	383.150	391.175	400.652	411.472	422.030	432.851	444.233	455.799	467.611	1,961.777	4,184.301
OT	418.309	430.704	428.026	432.272	440.635	449.299	460.928	472.103	483.676	495.616	507.827	2,180.936	4,601.086
					BY FUNCTION								
National Defense (050):													
BA	392.137	400.058	419.437	439.507	459.729	480.129	493.288	507.026	521.259	535.680	550.432	2,198.860	4,806.545
OT	386.373	400.561	413.682	425.379	437.995	462.157	479.923	496.588	515.552	523.096	542.715	2,139.774	4,697.648
International Affairs (150):													
BA	25.407	27.843	29.122	30.620	31.842	32.791	33.546	34.351	35.187	36.016	36.851	152.218	328.169
OT	26.000	26.376	26.888	28.455	30.266	31.234	32.310	33.233	34.097	34.935	35.754	143.219	313.548
General Science, Space, and Technology (250):													
BA	23.047	22.741	23.561	24.314	25.122	25.867	26.472	27.108	27.767	28.430	29.180	121.605	260.482
OT	21.457	22.251	22.989	23.627	24.381	25.095	25.768	26.404	27.047	27.703	28.360	118.343	253.625
Energy (270):													
BA	3.237	3.625	3.888	3.813	3.794	4.752	4.840	4.960	5.086	5.211	5.344	19.872	45.313
OT	3.151	3.614	3.856	3.915	3.816	4.562	4.804	4.919	5.043	5.167	5.297	19.763	44.993
Natural Resources and Environment (300):													
BA	29.238	27.018	27.588	28.150	28.751	29.646	30.518	31.431	32.374	33.340	34.320	141.153	303.136
OT	27.857	28.167	28.205	28.427	28.771	29.305	30.073	30.914	31.800	32.700	33.657	142.875	302.019
Agriculture (350):													
BA	5.727	5.109	5.467	5.569	5.591	5.838	6.005	6.177	6.354	6.538	6.728	27.674	59.476
OT	5.852	5.537	5.334	5.462	5.599	5.783	5.943	6.116	6.287	6.471	6.658	27.715	59.190
Commerce and Housing Credit (370):													
BA	0.150	−0.503	−0.217	−0.489	0.595	0.916	1.225	1.280	1.369	1.439	1.521	0.302	7.136
OT	0.054	0.147	−0.314	−0.564	0.523	0.730	1.042	1.150	1.234	1.333	1.387	0.522	6.668
On-budget:													
BA	0.150	−0.503	−0.217	−0.489	0.595	0.916	1.225	1.280	1.369	1.439	1.521	0.302	7.136
OT	0.054	0.147	−0.314	−0.564	0.523	0.730	1.042	1.150	1.234	1.333	1.387	0.522	6.668
Off-budget:													
BA													
OT													
Transportation (400):													
BA	22.611	22.225	22.140	22.544	23.010	23.554	24.279	25.042	25.828	26.635	27.468	113.473	242.725
OT	65.184	66.995	64.772	64.536	65.335	66.443	67.687	69.059	70.519	72.070	73.653	328.081	681.069
Community and Regional Development (450):													
BA	11.725	13.909	14.227	14.527	14.849	15.313	15.668	16.043	16.434	16.824	17.218	72.825	155.012
OT	16.054	16.016	16.116	15.289	15.145	14.775	15.116	15.491	15.866	16.227	16.614	77.341	156.655
Education, Training, Employment and Social Services (500):													
BA	72.875	75.390	74.170	75.775	77.459	79.444	80.873	82.381	83.947	85.515	87.091	382.238	802.045
OT	71.958	74.172	73.051	74.414	75.943	77.662	79.647	81.218	82.757	84.313	85.892	375.242	789.069
Health (550):													
BA	49.468	48.063	49.093	50.183	51.285	52.591	53.850	55.162	56.522	57.887	59.271	251.215	533.907
OT	44.349	47.097	48.243	49.086	50.216	51.105	52.282	53.540	54.849	56.186	57.537	245.747	520.141
Medicare (570):													
BA	3.798	3.619	3.687	3.785	3.888	4.009	4.221	4.433	4.662	4.936	5.234	18.988	42.474
OT	3.797	3.668	3.723	3.795	3.883	4.000	4.192	4.401	4.629	4.891	5.184	19.069	42.366
Income Security (600):													
BA	44.020	44.436	45.235	46.150	46.305	46.540	47.533	48.538	49.589	50.639	51.691	228.666	476.656
OT	50.781	50.570	48.947	49.387	49.075	48.944	49.724	50.427	51.286	52.128	52.985	246.923	503.473
Social Security (650):													
BA	3.833	4.160	4.226	4.310	4.407	4.519	4.671	4.829	4.991	5.158	5.333	21.622	46.604
OT	3.859	4.171	4.225	4.318	4.408	4.515	4.661	4.816	4.980	5.145	5.320	21.637	46.559
On-budget:													
BA	0.021	0.024	0.024	0.025	0.026	0.026	0.027	0.028	0.029	0.030	0.031	0.125	0.270
OT	0.021	0.023	0.024	0.025	0.026	0.026	0.027	0.028	0.029	0.030	0.031	0.124	0.269
Off-budget:													
BA	3.812	4.136	4.202	4.285	4.381	4.493	4.644	4.801	4.962	5.128	5.302	21.497	46.334
OT	3.838	4.148	4.201	4.293	4.382	4.489	4.634	4.788	4.951	5.115	5.289	21.513	46.290
Veterans Benefits and Services (700):													
BA	26.532	28.162	27.729	28.153	28.610	29.174	30.128	31.102	32.116	33.159	34.234	141.828	302.567

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: DISCRETIONARY SPENDING—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
OT	26.902	27.922	27.886	28.066	28.515	29.124	29.969	30.924	31.931	32.968	34.036	141.513	301.341
Administration of Justice (750):													
BA	36.289	33.314	35.592	36.372	37.247	38.266	39.328	40.482	41.819	43.190	44.612	180.791	390.222
OT	35.484	37.693	36.532	36.636	37.212	38.127	39.256	40.398	41.614	42.961	44.373	186.200	394.802
General Government (800):													
BA	15.702	17.284	17.642	17.399	17.797	18.252	18.873	19.532	20.188	20.882	21.595	88.374	189.444
OT	15.570	16.922	17.865	17.516	17.583	17.910	18.454	19.093	19.737	20.418	21.120	87.796	186.618
Allowances (920):													
BA		−1.067										−1.067	−1.067
OT		−0.614	−0.292	−0.093	−0.036	−0.015						−1.050	−1.050

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: MANDATORY SPENDING

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
					SUMMARY								
Total Spending:													
BA	1,392.759	1,450.009	1,546.965	1,653.104	1,736.974	1,824.560	1,918.726	2,010.292	2,119.242	2,223.699	2,351.655	8,211.612	18,835.226
OT	1,338.728	1,401.100	1,495.578	1,592.424	1,677.127	1,763.190	1,856.214	1,947.486	2,057.855	2,153.914	2,284.800	7,929.419	18,229.688
On-budget:													
BA	1,028.062	1,067.269	1,154.254	1,249.922	1,321.306	1,395.140	1,472.817	1,546.161	1,636.661	1,718.055	1,819.738	6,187.891	14,381.323
OT	976.051	1,020.770	1,105.657	1,192.322	1,264.829	1,337.520	1,414.445	1,487.795	1,580.104	1,653.580	1,758.683	5,921.098	13,815.705
Off-budget:													
BA	364.697	382.740	392.711	403.182	415.668	429.420	445.909	464.131	482.581	505.644	531.917	2,023.721	4,453.903
OT	362.677	380.330	389.921	400.102	412.298	425.670	441.769	459.691	477.751	500.334	526.117	2,008.321	4,413.983
					BY FUNCTION								
National Defense (050):													
BA	0.357	0.488	0.634	0.678	0.706	0.757	0.779	0.814	0.844	0.851	0.891	3.263	7.442
OT	−0.144	0.355	0.555	0.632	0.661	0.704	0.727	0.760	0.786	0.788	0.826	2.907	6.794
International Affairs (150):													
BA	−2.901	−3.093	−0.491	0.470	0.429	0.329	0.229	0.115	0.128	0.132	0.155	−2.356	−1.597
OT	−6.717	−2.722	−2.798	−2.898	−2.922	−2.931	−3.026	−3.155	−3.181	−3.219	−3.178	−14.271	−30.030
General Science, Space, and Technology (250):													
BA	0.106	0.030	0.030	0.030	0.031	0.032	0.032	0.032	0.033	0.034	0.034	0.153	0.318
OT	0.099	0.097	0.093	0.063	0.044	0.032	0.031	0.031	0.032	0.032	0.033	0.329	0.488
Energy (270):													
BA	−1.163	−1.042	−1.181	−1.204	−1.363	−1.764	−1.863	−1.875	−1.905	−1.923	−1.943	−6.554	−16.063
OT	−2.712	−2.686	−2.895	−2.671	−2.794	−3.162	−3.144	−3.138	−3.088	−2.851	−3.004	−14.208	−29.433
Natural Resources and Environment (300):													
BA	1.578	2.222	2.665	2.795	2.702	2.584	2.945	3.001	3.064	3.014	2.931	12.968	27.923
OT	1.083	1.701	2.071	2.776	2.564	2.408	2.770	2.854	2.952	2.926	2.943	11.520	25.965
Agriculture (350):													
BA	18.691	19.083	21.014	20.628	19.876	18.769	18.993	18.116	17.427	16.852	16.427	99.370	187.185
OT	17.513	17.826	19.871	19.538	18.831	17.760	18.148	17.410	16.743	16.183	15.755	93.826	178.065
Commerce and Housing Credit (370):													
BA	5.062	7.708	8.354	6.162	5.405	4.187	3.774	3.341	3.068	2.830	2.544	31.816	47.373
OT	2.227	3.147	3.771	1.051	−0.591	−2.292	−2.835	−3.734	−4.608	−5.278	−5.525	5.086	−16.894
On-budget:													
BA	8.662	7.908	8.854	8.640	8.576	7.719	7.549	7.470	7.583	7.603	7.738	41.697	79.640
OT	5.827	3.347	4.271	3.529	2.580	−1.240	0.940	0.395	−0.093	−0.505	−0.331	14.967	15.373
Off-budget:													
BA	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
OT	−3.600	−0.200	−0.500	−2.478	−3.171	−3.532	−3.775	−4.129	−4.515	−4.773	−5.194	−9.881	−32.267
Transportation (400):													
BA	41.480	43.205	43.666	44.174	44.716	45.138	45.602	46.042	46.961	47.863	48.815	220.899	456.182
OT	2.663	2.230	2.145	2.002	1.929	1.854	1.865	1.856	1.891	1.934	1.987	10.160	19.693
Community and Regional Development (450):													
BA	0.526	0.228	0.129	0.120	0.119	0.038	0.034	0.033	0.034	0.034	0.038	0.634	0.807
OT	−0.060	−0.093	−0.125	−0.170	−0.227	−0.275	−0.313	−0.345	−0.342	−0.335	−0.326	−0.890	−2.551
Education, Training, Employment and Social Services (500):													
BA	13.294	9.358	10.211	10.895	11.191	11.367	11.520	11.554	11.885	12.120	12.445	53.022	112.546
OT	9.382	11.534	10.547	10.225	10.474	10.693	10.839	10.952	11.179	11.400	11.710	53.473	109.553
Health (550):													
BA	172.410	187.040	199.570	215.279	232.952	251.189	270.303	290.534	314.159	337.504	364.483	1,086.030	2,663.013
OT	173.672	188.382	200.115	215.863	233.147	251.532	270.588	290.872	314.550	337.947	364.910	1,089.039	2,667.906
Medicare (570):													
BA	244.788	262.919	279.245	318.452	340.768	366.536	392.710	420.556	447.956	484.937	523.352	1,567.920	3,837.431
OT	244.637	263.197	282.189	315.222	341.060	366.436	392.493	420.862	451.365	481.173	523.677	1,568.104	3,837.674
Income Security (600):													
BA	282.568	271.049	280.686	285.622	290.081	298.208	305.455	311.832	324.783	326.984	339.805	1,425.646	3,034.505
OT	283.592	270.550	280.412	284.829	289.233	297.049	304.177	310.720	323.829	326.230	339.366	1,422.073	3,026.395
Social Security (650):													
BA	475.049	496.929	517.267	542.481	570.715	601.672	636.566	674.630	715.660	761.153	811.029	2,729.064	6,328.102
OT	473.029	494.519	514.477	539.401	567.345	597.922	632.426	670.190	710.830	755.843	805.229	2,713.664	6,288.182
On-budget:													
BA	13.234	14.199	15.306	16.426	17.949	19.801	21.955	24.329	28.206	31.420	34.450	83.681	224.041
OT	13.234	14.199	15.306	16.426	17.949	19.801	21.955	24.329	28.206	31.420	34.450	83.681	224.041
Off-budget:													
BA	461.815	482.730	501.961	526.055	552.766	581.871	614.611	650.301	687.454	729.733	776.579	2,645.383	6,104.061
OT	459.795	480.320	499.171	522.975	549.396	578.121	610.471	645.861	682.624	724.423	770.779	2,629.983	6,064.141
Veterans Benefits and Services (700):													
BA	31.065	33.405	38.118	35.847	33.738	36.522	36.811	37.120	40.598	36.708	40.284	177.630	369.151
OT	30.584	33.197	37.746	35.764	33.559	36.433	36.726	37.014	40.487	36.509	40.162	176.699	367.597
Administration of Justice (750):													
BA	2.254	3.999	2.084	1.214	0.719	0.618	0.518	0.409	0.341	0.269	0.196	8.634	10.367
OT	2.228	3.205	2.475	1.394	0.650	0.512	0.413	0.305	0.241	0.170	0.098	8.236	9.463
General Government (800):													
BA	2.476	2.495	2.396	2.273	2.179	1.537	1.335	1.088	1.154	1.208	1.286	10.880	16.951
OT	2.533	2.675	2.361	2.215	2.154	1.674	1.346	1.082	1.137	1.333	1.254	11.079	17.231
Net Interest (900):													
BA	155.632	166.912	205.969	233.138	245.717	253.445	259.512	262.464	265.793	268.782	267.822	1,105.181	2,429.554
OT	155.632	166.912	205.969	233.138	245.717	253.445	259.512	262.464	265.793	268.782	267.822	1,105.181	2,429.554
On-budget:													
BA	239.741	256.670	303.916	342.042	367.472	389.300	410.519	429.676	450.251	471.470	489.580	1,659.400	3,910.896
OT	239.741	256.670	303.916	342.042	367.472	389.300	410.519	429.676	450.251	471.470	489.580	1,659.400	3,910.896
Off-budget:													
BA	−84.109	−89.758	−97.947	−108.904	−121.755	−135.855	−151.007	−167.212	−184.458	−202.688	−221.758	−554.219	−1,481.342
OT	−84.109	−89.758	−97.947	−108.904	−121.755	−135.855	−151.007	−167.212	−184.458	−202.688	−221.758	−554.219	−1,481.342
Allowances (920):													
BA													
OT													
Undistributed Offsetting Receipts (950):													
BA	−50.513	−52.926	−63.401	−65.950	−63.707	−66.604	−66.529	−69.514	−72.741	−75.653	−78.939	−312.588	−675.964

HOUSE-PASSED FISCAL YEAR 2004 BUDGET RESOLUTION: MANDATORY SPENDING—Continued

[Dollars in billions]

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
OT	−50.513	−52.926	−63.401	−65.950	−63.707	−66.604	−66.529	−69.514	−72.741	−75.653	−78.939	−312.588	−675.964
On-budget:													
BA	−41.104	−42.894	−52.598	−54.459	−51.535	−53.540	−52.609	−54.685	−56.841	−59.025	−61.229	−255.026	−539.415
OT	−41.104	−42.894	−52.598	−54.459	−51.535	−53.540	−52.609	−54.685	−56.841	−59.025	−61.229	−255.026	−539.415
Off-budget:													
BA	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549
OT	−9.409	−10.032	−10.803	−11.491	−12.172	−13.064	−13.920	−14.829	−15.900	−16.628	−17.710	−57.562	−136.549

SENATE–PASSED FY 2004 BUDGET RESOLUTION AMENDMENT: AGGREGATE AND FUNCTION LEVELS

[Dollars in billions]

Function	2002 Actual	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
050—National Defense:														
BA	362.106	395.494	400.658	420.402	440.769	461.400	482.340	489.209	495.079	502.947	510.984	519.393	2,205.569	4,723.181
OT	348.555	389.229	401.064	414.536	426.591	439.621	464.315	477.989	487.993	500.478	501.628	514.885	2,146.127	4,629.100
Discretionary:														
BA	360.988	395.137	400.058	419.437	439.507	459.729	480.129	486.788	492.526	500.259	508.180	516.432	2,198.860	4,703.045
OT	348.511	389.373	400.561	413.682	425.379	437.995	462.157	475.620	485.494	497.848	498.887	511.989	2,139.774	4,609.612
Mandatory:														
BA	1.118	0.357	0.600	0.965	1.262	1.671	2.211	2.421	2.553	2.688	2.804	2.961	6.709	20.136
OT	0.044	−0.144	0.503	0.854	1.212	1.626	2.158	2.369	2.499	2.630	2.741	2.896	6.353	19.488
150—International Affairs:														
BA	25.144	22.506	25.681	29.734	32.308	33.603	34.611	35.413	36.258	37.136	38.005	38.885	155.937	341.634
OT	22.357	19.283	24.207	24.917	26.539	28.464	29.604	30.733	31.689	32.565	33.408	34.298	133.730	296.422
Discretionary:														
BA	25.208	25.407	28.651	30.034	31.579	32.854	33.845	34.630	35.459	36.322	37.176	38.037	156.963	338.587
OT	26.229	26.000	26.775	27.522	29.195	31.084	32.119	33.225	34.179	35.072	35.935	36.778	146.694	321.882
Mandatory:														
BA	−0.064	−2.901	−2.970	−0.300	0.729	0.749	0.766	0.783	0.799	0.814	0.829	0.848	−1.026	3.047
OT	−3.872	−6.717	−2.568	−2.605	−2.656	−2.620	−2.515	−2.492	−2.490	−2.507	−2.527	−2.480	−12.964	−25.460
250—General Science, Space and Technology:														
BA	22.016	23.153	23.603	24.433	25.217	26.055	26.832	27.462	28.121	28.805	29.492	30.185	126.140	270.205
OT	20.772	21.556	22.728	23.715	24.420	25.202	25.942	26.639	27.296	27.963	28.639	29.319	122.007	261.863
Discretionary:														
BA	21.922	23.047	23.573	24.402	25.186	26.023	26.799	27.429	28.087	28.770	29.456	30.149	125.983	269.874
OT	20.715	21.457	22.630	23.620	24.356	25.157	25.909	26.607	27.263	27.929	28.605	29.284	121.672	261.360
Mandatory:														
BA	0.094	0.106	0.030	0.031	0.031	0.032	0.033	0.033	0.034	0.035	0.036	0.036	0.157	0.331
OT	0.057	0.099	0.098	0.095	0.064	0.045	0.033	0.032	0.033	0.034	0.034	0.035	0.335	0.503
270—Energy:														
BA	0.400	2.074	2.634	2.797	2.714	2.540	3.080	3.090	3.194	3.296	3.408	3.520	13.765	30.273
OT	0.483	0.439	0.873	0.947	1.272	1.069	1.419	1.686	1.794	1.976	2.357	2.326	5.578	15.718
Discretionary:														
BA	3.248	3.237	3.672	3.975	3.914	3.902	4.858	4.975	5.096	5.227	5.357	5.489	20.321	46.465
OT	2.974	3.151	3.577	3.869	3.971	3.901	4.647	4.911	5.031	5.157	5.286	5.415	19.963	45.764
Mandatory:														
BA	−2.848	−1.163	−1.038	−1.178	−1.200	−1.362	−1.778	−1.885	−1.902	−1.931	−1.949	−1.969	−6.556	−16.192
OT	−2.491	−2.712	−2.704	−2.922	−2.699	−2.832	−3.228	−3.225	−3.237	−3.181	−2.929	−3.089	−14.385	−30.046
300—Natural Resources and Environment:														
BA	30.636	30.816	35.253	32.639	33.261	33.576	34.245	35.370	36.198	36.958	37.592	38.316	168.974	353.408
OT	29.459	28.940	31.378	32.325	33.889	34.128	34.119	34.701	35.512	36.267	36.874	37.677	165.840	346.870
Discretionary:														
BA	29.124	29.238	32.836	29.802	30.097	30.583	31.319	31.998	32.705	33.448	34.196	34.970	154.637	321.954
OT	28.949	27.857	29.489	30.090	30.936	31.392	31.431	31.542	32.199	32.899	33.595	34.342	153.339	317.915
Mandatory:														
BA	1.512	1.578	2.417	2.837	3.164	2.993	2.926	3.372	3.493	3.510	3.396	3.346	14.337	31.454
OT	0.510	1.083	1.889	2.235	2.954	2.736	2.688	3.159	3.313	3.368	3.279	3.335	12.501	28.955
350—Agriculture:														
BA	23.821	24.418	24.457	26.844	26.661	26.141	25.363	25.943	25.407	24.864	24.455	24.185	129.466	254.320
OT	22.188	23.365	23.530	25.604	25.426	24.949	24.237	24.979	24.578	24.053	23.660	23.386	123.746	244.402
Discretionary:														
BA	5.688	5.727	5.243	5.609	5.734	5.876	6.037	6.208	6.386	6.575	6.767	6.962	28.499	61.397
OT	5.306	5.852	5.589	5.533	5.613	5.758	5.958	6.128	6.303	6.487	6.679	6.871	28.451	60.919
Mandatory:														
BA	18.133	18.691	19.214	21.235	20.927	20.265	19.326	19.735	19.021	18.289	17.688	17.223	100.967	192.923
OT	16.882	17.513	17.941	20.071	19.813	19.191	18.279	18.851	18.275	17.566	16.981	16.515	95.295	183.483
370—Commerce and Housing Credit:														
BA	11.262	5.212	7.228	8.155	5.714	5.367	5.123	4.663	4.190	3.783	3.628	3.281	31.587	51.132
OT	−0.385	2.281	3.286	3.462	0.550	−0.608	−1.377	−1.844	−2.679	−3.669	−4.219	−4.526	5.313	−11.624
Discretionary:														
BA	0.693	0.150	−0.496	−0.269	−0.554	0.534	0.878	0.767	0.661	0.534	0.625	0.574	0.093	3.254
OT	1.230	0.054	0.092	−0.393	−0.650	0.449	0.686	0.633	0.549	0.414	0.502	0.450	0.184	2.732
Mandatory:														
BA	10.569	5.062	7.724	8.424	6.268	4.833	4.245	3.896	3.529	3.249	3.003	2.707	31.494	47.878
OT	−1.615	2.227	3.194	3.855	1.200	−1.057	−2.063	−2.477	−3.228	−4.083	−4.721	−4.976	5.129	−14.356
370 on-budget:														
BA	8.191	8.812	7.428	8.655	8.192	8.538	8.655	8.438	8.319	8.298	8.401	8.475	41.468	83.399
OT	0.266	5.881	3.486	3.962	3.028	2.563	2.155	1.931	1.450	0.846	0.554	0.668	15.194	20.643
Discretionary:														
BA	0.693	0.150	−0.496	−0.269	−0.554	0.534	0.878	0.767	0.661	0.534	0.625	0.574	0.093	3.254
OT	1.230	0.054	0.092	−0.393	−0.650	0.449	0.686	0.633	0.549	0.414	0.502	0.450	0.184	2.732
Mandatory:														
BA	7.498	8.662	7.924	8.924	8.746	8.004	7.777	7.671	7.658	7.764	7.776	7.901	41.375	80.145
OT	−0.964	5.827	3.394	4.355	3.678	2.114	1.469	1.298	0.901	0.432	0.052	0.218	15.010	17.911
400—Transportation:														
BA	68.887	64.091	75.783	76.502	77.515	79.931	82.747	85.361	72.323	73.183	74.067	74.987	392.478	772.399
OT	61.862	67.847	71.555	71.581	73.035	74.938	77.285	79.865	79.035	75.687	74.864	75.124	368.394	752.969
Discretionary:														
BA	23.820	22.611	25.715	25.040	24.857	25.840	26.936	28.756	26.221	27.040	27.875	28.739	128.388	267.019
OT	57.292	65.184	69.294	69.396	70.986	72.954	75.358	77.909	77.068	73.685	72.816	73.023	357.988	732.489
Mandatory:														
BA	45.067	41.480	50.068	51.462	52.658	54.091	55.811	56.605	46.102	46.143	46.192	46.248	264.090	505.380
OT	4.570	2.663	2.261	2.185	2.049	1.984	1.927	1.956	1.967	2.002	2.048	2.101	10.406	20.480
450—Community and Regional Development:														
BA	23.361	15.751	14.323	14.398	14.581	14.796	15.005	15.240	15.493	15.752	16.015	16.283	73.103	151.886
OT	12.991	17.569	16.716	16.696	15.553	15.096	14.383	14.558	14.761	15.010	15.252	15.519	78.444	153.543
Discretionary:														
BA	23.051	15.225	13.826	13.999	14.188	14.401	14.688	14.921	15.168	15.425	15.686	15.950	71.102	148.252
OT	14.108	17.629	16.787	16.517	15.474	15.059	14.390	14.602	14.835	15.079	15.313	15.569	78.227	153.624
Mandatory:														
BA	0.310	0.526	0.497	0.399	0.393	0.395	0.317	0.319	0.325	0.327	0.329	0.333	2.001	3.634
OT	−1.117	−0.060	−0.071	0.179	0.079	0.037	−0.007	−0.044	−0.074	−0.069	−0.061	−0.050	0.217	−0.081

SENATE-PASSED FY 2004 BUDGET RESOLUTION AMENDMENT: AGGREGATE AND FUNCTION LEVELS—Continued

[Dollars in billions]

Function	2002 Actual	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
500—Education, Training, Employment, and Social Services:														
BA	79.861	82.974	97.610	91.777	92.818	95.959	99.315	102.203	104.059	106.160	108.544	110.143	477.479	1,008.588
OT	70.544	81.531	86.279	91.286	91.964	92.948	95.279	98.470	101.281	103.536	105.570	107.642	457.757	974.256
Discretionary:														
BA	71.275	72.875	86.322	81.280	81.575	84.353	87.416	90.037	91.731	93.495	95.632	96.904	420.946	888.745
OT	62.751	71.958	75.843	81.012	81.317	82.028	84.040	87.013	89.584	91.609	93.411	95.171	404.241	861.029
Mandatory:														
BA	8.586	10.099	11.288	10.497	11.243	11.606	11.899	12.166	12.328	12.665	12.912	13.239	56.533	119.843
OT	7.793	9.573	10.436	10.274	10.647	10.920	11.239	11.457	11.697	11.927	12.159	12.471	53.516	113.227
550—Health:														
BA	205.120	222.913	248.464	264.948	284.216	304.438	326.942	350.373	375.419	401.552	415.777	445.554	1,429.008	3,417.683
OT	196.521	217.881	246.671	264.680	284.024	303.522	325.618	348.889	373.890	400.014	414.359	444.147	1,424.514	3,405.813
Discretionary:														
BA	45.789	49.468	52.712	50.667	51.800	52.950	54.299	55.607	56.972	58.387	59.806	61.246	262.428	554.446
OT	39.426	44.349	50.799	49.394	50.423	51.637	52.576	53.801	55.102	56.460	57.851	59.252	254.828	537.294
Mandatory:														
BA	159.331	173.445	195.752	214.281	232.416	251.488	272.643	294.766	318.447	343.165	355.971	384.308	1,166.580	2,863.237
OT	157.095	173.532	195.872	215.286	233.601	251.885	273.042	295.088	318.788	343.554	356.508	384.895	1,169.686	2,868.519
570—Medicare:														
BA	231.399	248.586	265.178	282.869	322.045	344.178	369.577	395.685	422.684	453.721	488.367	526.981	1,583.847	3,871.285
OT	230.855	248.434	265.443	285.817	318.806	344.448	369.452	395.424	422.942	457.078	484.541	527.237	1,583.966	3,871.188
Discretionary:														
BA	3.653	3.798	3.739	3.807	3.906	4.014	4.138	4.353	4.572	4.809	5.089	5.396	19.604	43.823
OT	3.156	3.797	3.726	3.811	3.897	3.992	4.113	4.309	4.524	4.757	5.027	5.327	19.539	43.483
Mandatory:														
BA	227.746	244.788	261.439	279.062	318.139	340.164	365.439	391.332	418.112	448.912	483.278	521.585	1,564.243	3,827.462
OT	227.699	244.637	261.717	282.006	314.909	340.456	365.339	391.115	418.418	452.321	479.514	521.910	1,564.427	3,827.705
600—Income Security:														
BA	309.367	326.390	319.513	333.810	341.805	349.191	362.006	373.681	385.152	400.573	404.045	418.978	1,706.325	3,688.754
OT	312.511	334.169	324.701	337.157	344.322	350.983	363.115	374.384	385.671	401.003	404.453	419.551	1,720.278	3,705.341
Discretionary:														
BA	42.379	44.020	45.712	48.760	50.311	52.004	53.714	55.441	57.295	59.143	61.023	62.884	250.501	546.287
OT	48.081	50.781	51.544	52.373	53.424	54.643	56.116	57.505	58.954	60.560	62.215	63.908	268.100	571.243
Mandatory:														
BA	266.988	282.370	273.801	285.050	291.494	297.187	308.292	318.240	327.857	341.430	343.022	356.094	1,455.824	3,142.467
OT	264.430	283.388	273.157	284.784	290.898	296.340	306.999	316.879	326.717	340.443	342.238	355.643	1,452.178	3,134.098
650—Social Security:														
BA	462.363	478.882	501.140	521.499	546.735	575.008	606.071	641.105	679.322	720.505	766.154	816.195	2,750.453	6,373.734
OT	455.999	476.888	498.679	518.672	543.640	571.621	602.300	636.939	674.852	715.645	760.812	810.363	2,734.912	6,333.523
Discretionary:														
BA	3.523	3.833	4.282	4.363	4.450	4.549	4.665	4.820	4.983	5.151	5.323	5.503	22.309	48.089
OT	3.925	3.859	4.231	4.326	4.435	4.532	4.644	4.794	4.953	5.121	5.291	5.471	22.168	47.798
Mandatory:														
BA	458.840	475.049	496.858	517.136	542.285	570.459	601.406	636.285	674.339	715.354	760.831	810.692	2,728.144	6,325.645
OT	452.074	473.029	494.448	514.346	539.205	567.089	597.656	632.145	669.899	710.524	755.521	804.892	2,712.744	6,285.725
650 on-budget:														
BA	13.997	13.255	14.294	15.471	16.421	17.919	19.704	21.810	24.283	28.170	31.357	34.347	83.809	223.776
OT	13.988	13.255	14.293	15.471	16.421	17.919	19.704	21.810	24.283	28.170	31.357	34.347	83.808	223.775
Discretionary:														
BA	0.019	0.021	0.025	0.025	0.026	0.027	0.027	0.028	0.029	0.030	0.031	0.032	0.130	0.280
OT	0.019	0.021	0.024	0.025	0.026	0.027	0.027	0.028	0.029	0.030	0.031	0.032	0.129	0.279
Mandatory:														
BA	13.978	13.234	14.269	15.446	16.395	17.892	19.677	21.782	24.254	28.140	31.326	34.315	83.679	223.496
OT	13.969	13.234	14.269	15.446	16.395	17.892	19.677	21.782	24.254	28.140	31.326	34.315	83.679	223.496
700—Veterans Benefits and Services:														
BA	52.126	57.597	63.773	67.125	65.388	63.859	67.645	69.254	70.967	75.643	72.592	77.429	327.790	693.675
OT	50.983	57.486	63.200	66.530	64.970	63.416	67.374	68.899	70.563	75.223	72.071	76.963	325.490	689.209
Discretionary:														
BA	24.074	26.532	29.957	28.386	28.812	29.272	29.838	30.796	31.789	32.824	33.887	35.000	146.265	310.561
OT	23.959	26.902	29.600	28.183	28.495	29.024	29.662	30.530	31.497	32.521	33.576	34.663	144.964	307.751
Mandatory:														
BA	28.052	31.065	33.816	38.739	36.576	34.587	37.807	38.458	39.178	42.819	38.705	42.429	181.525	383.114
OT	27.024	30.584	33.600	38.347	36.475	34.392	37.712	38.369	39.066	42.702	38.495	42.300	180.526	381.458
750—Administration of Justice:														
BA	36.171	38.543	37.757	38.077	37.965	38.442	39.458	40.478	41.580	42.870	44.188	45.557	191.699	406.372
OT	34.310	37.712	40.882	39.324	38.348	38.233	39.109	40.193	41.280	42.453	43.741	45.101	195.896	408.664
Discretionary:														
BA	34.676	36.289	33.679	35.912	36.664	37.621	38.694	39.771	40.931	42.288	43.674	45.117	182.570	394.351
OT	33.153	35.484	37.608	36.761	36.862	37.483	38.455	39.596	40.741	41.977	43.331	44.764	187.169	397.578
Mandatory:														
BA	1.495	2.254	4.078	2.165	1.301	0.821	0.764	0.707	0.649	0.582	0.514	0.440	9.129	12.021
OT	1.157	2.228	3.274	2.563	1.486	0.750	0.654	0.597	0.539	0.476	0.410	0.337	8.727	11.086
800—General Government:														
BA	18.384	18.195	20.012	20.341	22.396	21.147	21.646	21.957	22.706	23.469	24.267	25.138	105.542	223.079
OT	17.380	18.120	19.876	20.420	22.225	20.897	21.423	21.515	22.223	22.957	23.892	24.582	104.841	220.010
Discretionary:														
BA	15.602	15.702	17.102	17.364	17.760	18.181	18.669	19.303	19.977	20.656	21.360	22.094	89.076	192.466
OT	14.640	15.570	16.783	17.479	17.648	17.956	18.306	18.849	19.500	20.161	20.853	21.571	88.172	189.106
Mandatory:														
BA	2.782	2.493	2.910	2.977	4.636	2.966	2.977	2.654	2.729	2.813	2.907	3.044	16.466	30.613
OT	2.740	2.550	3.093	2.941	4.577	2.941	3.117	2.666	2.723	2.796	3.039	3.011	16.669	30.904
900—Net Interest:														
BA	170.955	155.592	166.095	203.823	230.541	243.499	252.354	259.782	263.974	267.195	267.392	261.100	1,096.312	2,415.755
OT	170.957	155.592	166.095	203.823	230.541	243.499	252.354	259.782	263.974	267.195	267.392	261.100	1,096.312	2,415.755
Discretionary:														
BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory:														
BA	170.955	155.592	166.095	203.823	230.541	243.499	252.354	259.782	263.974	267.195	267.392	261.100	1,096.312	2,415.755
OT	170.957	155.592	166.095	203.823	230.541	243.499	252.354	259.782	263.974	267.195	267.392	261.100	1,096.312	2,415.755
900 on-budget:														
BA	247.775	239.682	255.775	301.673	339.281	364.919	387.674	410.022	430.164	450.345	468.452	480.870	1,649.322	3,889.175
OT	247.777	239.682	255.775	301.673	339.281	364.919	387.674	410.022	430.164	450.345	468.452	480.870	1,649.322	3,889.175
Discretionary:														
BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory:														
BA	247.775	239.682	255.775	301.673	339.281	364.919	387.674	410.022	430.164	450.345	468.452	480.870	1,649.322	3,889.175
OT	247.777	239.682	255.775	301.673	339.281	364.919	387.674	410.022	430.164	450.345	468.452	480.870	1,649.322	3,889.175
920—Allowances:														
BA	0.000	0.115	−16.122	−5.943	−2.104	−1.467	−6.263	−19.939	−41.290	−19.883	−23.031	−27.371	−31.899	−163.413
OT	0.000	0.115	−8.342	−6.134	−5.959	−3.698	−7.163	−17.617	−38.356	−16.729	−19.546	−24.228	−31.297	−147.771
Discretionary:														
BA	0.000	0.115	−15.202	−5.623	−1.784	−1.147	−5.943	−19.619	−40.970	−19.563	−22.711	−27.051	−29.699	−159.613
OT	0.000	0.115	−7.763	−5.685	−5.657	−3.381	−6.843	−17.297	−38.036	−16.409	−19.226	−23.908	−29.330	−144.204

SENATE–PASSED FY 2004 BUDGET RESOLUTION AMENDMENT: AGGREGATE AND FUNCTION LEVELS—Continued

[Dollars in billions]

Function	2002 Actual	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–08	2004–13
Mandatory:														
BA	0.000	0.000	−0.920	−0.320	−0.320	−0.320	−0.320	−0.320	−0.320	−0.320	−0.320	−0.320	−2.200	−3.800
OT	0.000	0.000	−0.579	−0.449	−0.302	−0.317	−0.320	−0.320	−0.320	−0.320	−0.320	−0.320	−1.967	−3.567
950—Undistributed Offsetting Receipts:														
BA	−47.806	−50.513	−52.926	−63.411	−69.375	−61.259	−65.185	−66.882	−69.937	−73.259	−78.640	−82.068	−312.156	−682.942
OT	−47.392	−50.513	−52.926	−63.411	−69.375	−61.259	−65.185	−66.882	−69.937	−73.259	−78.640	−82.068	−312.156	−682.942
Discretionary:														
BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory:														
BA	−47.806	−50.513	−52.926	−63.411	−69.375	−61.259	−65.185	−66.882	−69.937	−73.259	−78.640	−82.068	−312.156	−682.942
OT	−47.392	−50.513	−52.926	−63.411	−69.375	−61.259	−65.185	−66.882	−69.937	−73.259	−78.640	−82.068	−312.156	−682.942
950 on-budget:														
BA	−38.514	−41.104	−42.894	−52.608	−57.884	−49.087	−52.121	−52.962	−55.108	−57.359	−62.012	−64.358	−254.594	−546.393
OT	−38.514	−41.104	−42.894	−52.608	−57.884	−49.087	−52.121	−52.962	−55.108	−57.359	−62.012	−64.358	−254.594	−546.393
Discretionary:														
BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory:														
BA	−38.514	−41.104	−42.894	−52.608	−57.884	−49.087	−52.121	−52.962	−55.108	−57.359	−62.012	−64.358	−254.594	−546.393
OT	−38.514	−41.104	−42.894	−52.608	−57.884	−49.087	−52.121	−52.962	−55.108	−57.359	−62.012	−64.358	−254.594	−546.393
Total:														
BA	2,085.573	2,162.789	2,260.114	2,390.819	2,531.170	2,656.404	2,782.913	2,889.448	2,970.900	3,125.270	3,227.301	3,366.670	12,621.420	28,201.009
OT	2,010.950	2,147.924	2,245.894	2,371.946	2,490.782	2,607.468	2,733.603	2,849.302	2,948.361	3,105.447	3,191.109	3,338.397	12,449.692	27,882.308
Discretionary:														
BA	734.713	772.411	791.381	816.945	848.002	881.539	910.979	916.981	909.590	950.790	968.401	984.394	4,248.847	8,979.003
OT	734.405	809.372	837.164	857.489	876.104	901.663	933.724	950.277	949.739	991.328	999.948	1,019.939	4,406.144	9,317.374
Mandatory:														
BA	1,350.860	1,390.378	1,468.733	1,573.874	1,683.168	1,774.865	1,871.933	1,972.467	2,061.310	2,174.480	2,258.900	2,382.276	8,372.573	19,222.006
OT	1,276.545	1,338.552	1,408.730	1,514.457	1,614.678	1,705.805	1,799.879	1,899.025	1,998.622	2,114.119	2,191.161	2,318.458	8,043.549	18,564.934
Total on-budget:														
BA	1,720.248	1,794.261	1,873.180	1,993.944	2,123.565	2,236.078	2,348.462	2,438.088	2,501.009	2,636.500	2,714.965	2,827.496	10,575.229	23,693.287
OT	1,655.288	1,781.390	1,861.420	1,977.898	2,086.272	2,190.529	2,302.923	2,402.108	2,482.940	2,621.537	2,684.115	2,805.055	10,419.041	23,414.796
Discretionary:														
BA	731.209	768.599	787.124	812.607	843.578	877.017	906.341	912.189	904.636	945.669	963.109	978.923	4,226.668	8,931.194
OT	730.499	805.534	832.957	853.188	871.695	897.158	929.107	945.511	944.815	986.237	994.688	1,014.500	4,384.105	9,269.855
Mandatory:														
BA	989.039	1,025.662	1,086.056	1,181.337	1,279.987	1,359.061	1,442.120	1,525.899	1,596.373	1,690.831	1,751.856	1,848.573	6,348.561	14,762.093
OT	924.789	975.856	1,028.463	1,124.710	1,214.577	1,293.371	1,373.816	1,456.597	1,538.125	1,635.300	1,689.427	1,790.555	6,034.937	14,144.941
Revenues	1,853.173	1,865.468	1,958.615	2,153.829	2,321.376	2,479.341	2,619.660	2,762.435	2,897.122	3,102.068	3,292.730	3,497.075	11,532.821	27,084.251
Revenues on-budget	1,337.852	1,333.861	1,400.789	1,566.044	1,702.314	1,828.213	1,935.251	2,043.323	2,141.398	2,309.946	2,463.192	2,627.425	8,432.611	20,017.895
Deficit/Surplus	−157.777	−282.456	−287.279	−218.117	−169.406	−128.127	−113.943	−86.867	−51.239	−3.379	101.621	158.678	−916.871	−798.057
On-budget	−317.436	−447.529	−460.631	−411.854	−383.958	−362.316	−367.672	−358.785	−341.542	−311.591	−220.923	−177.630	−1,986.430	−3,396.901
Off-budget	159.659	165.073	173.352	193.737	214.552	234.189	253.729	271.918	290.303	308.212	322.544	336.308	1,069.559	2,598.844
Notes and Miscellaneous Info:														
Revenues:														
On-budget	1,337.852	1,333.861	1,400.789	1,566.044	1,702.314	1,828.213	1,935.251	2,043.323	2,141.398	2,309.946	2,463.192	2,627.425	8,432.611	20,017.895
Off-budget	515.321	531.607	557.826	587.785	619.062	651.128	684.409	719.112	755.724	792.122	829.538	869.650	3,100.210	7,066.356
Outlays:														
On-budget:														
BA	1,720.248	1,794.261	1,873.180	1,993.944	2,123.565	2,236.078	2,348.462	2,438.088	2,501.009	2,636.500	2,714.965	2,827.496	10,575.229	23,693.287
OT	1,655.288	1,781.390	1,861.420	1,977.898	2,086.272	2,190.529	2,302.923	2,402.108	2,482.940	2,621.537	2,684.115	2,805.055	10,419.041	23,414.796
Off-budget:														
BA	365.325	368.528	386.934	396.875	407.605	420.326	434.451	451.360	469.891	488.770	512.336	539.174	2,046.191	4,507.722
OT	355.662	366.534	384.474	394.048	404.510	416.939	430.680	447.194	465.421	483.910	506.994	533.342	2,030.651	4,467.512

FUNCTIONS AND REVENUES

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the Conference Agreement for each major budget function and revenue totals are discussed in the following section. The Conference Agreement provides aggregate discretionary spending in 2004 of $784.460 billion in budget authority (BA) and $860.752 billion in outlays.

These two aggregate numbers are allocated to the Appropriations Committees to be sub-allocated to their 13 individual appropriation subcommittees.

REVENUE

The component of the budget resolution classified as revenue reflects all of the Federal Government's various tax receipts that are classified as "on-budget." This includes individual income taxes; corporate income taxes; excise taxes, such as the gasoline tax; various other taxes, such as estate and gift taxes; and social insurance taxes, except for Social Security. Customs duties, tariffs, and other miscellaneous receipts also are included in the revenue function.

Social insurance taxes collected for the Social Security system—the Old Age and Survivors and Disability Insurance [OASDI] payroll tax—are off budget. The remaining social insurance taxes (the Hospital Insurance [HI] payroll tax portion of Medicare, the Federal Unemployment Tax Act [FUTA] payroll tax, railroad retirement, and other retirement systems) are all on budget. Pursuant to the Congressional Budget Act of 1974 and the Budget Enforcement Act of 1990.

Social Security payroll taxes, which constitute slightly more than a quarter of all Federal receipts, are not reflected in the budget resolution.

House Resolution

The House resolution calls for on-budget revenue of $1.32 trillion in fiscal year 2003; $1.35 trillion in 2004; $8.23 trillion from 2004 through 2008; and $19.48 trillion from 2004 through 2013. When off-budget Social Security taxes are added, total revenue is estimated to be $1.86 trillion in fiscal year 2003, $1.91 trillion in 2004, $11.33 trillion over the next 5 years, and $26.55 trillion over the next 10 years.

The resolution directs the Committee on Ways and Means to report legislation to the House floor by 11 April 2003, making adjustments in current law to effect a reduction in revenue of $35.4 billion in 2003; $112.8 billion in 2004; $387.7 billion from 2004 through 2008; and $698.3 billion in 2003–2013. This "reconciles" an economic growth and job creation plan similar to the President's under the expedited reconciliation rules of the Budget Act. (Also reconciled to the Ways and Means Committee is $27.5 billion in new mandatory spending authority to cover the refundable component of an accelerated increase in the child tax credit.)

The resolution also assumes the permanent extension of the expiring tax cuts in the Economic Growth and Tax Relief Reconciliation Act of 2001 that otherwise will expire in 2010. This will reduce revenue over 11 years by $601.9 billion below the baseline. This adjustment is not reconciled.

Finally, the budget accommodates, but does not reconcile, $49.9 billion in additional tax relief over the next 11 years. Policies would be determined by the Committee on Ways and Means, but could include incentives for charitable giving, affordable single-family housing, and energy production, conservation, and reliability; simplifying the tax laws; and other House policies. Tariff and other revenue effects of various trade initiatives are also possible.

Senate Amendment

The Senate amendment assumes an overall reduction in revenues of $802.2 billion over the 11-year period, 2003–13. The Senate amendment instructs the Finance Committee to report legislation by 8 April 2003 to reduce revenues by $322.5 billion over 2003–2013 and to increase direct spending related to tax policy changes by $27.5 billion over 2003–13 (reflected in Function 600). The Senate amendment assumes, but does not reconcile, an additional $479.6 billion in tax relief over 11 years with a related, but unreconciled, increase in direct spending (related to tax policy changes) of $22.3 billion over 11 years (reflected in Function 600).

The Committee-reported resolution reconciled the Finance Committee for a reduction in revenues and an increase in outlays consistent with President Bush's jobs and growth tax relief plan. The President's plan provides tax relief of $698 billion over the 2003–13 period. It includes three main components: tax relief for working families (by speeding up individual income tax marginal rate reductions already in law, accelerating marriage penalty relief already in law, increasing the child credit immediately to $1,000, and increasing the alternative minimum tax exemption amount); elimination of the double taxation of dividends; and a permanent increase in small business expensing. Since the child credit is partially refundable, the Committee-reported resolution assumed outlay increases sufficient to accommodate the President's growth plan—$27.5 billion in new spending over the next 11 years.

During consideration of the Committee-reported resolution, the Senate adopted several amendments that had the combined effect of reducing the revenue reconciliation instruction to the Finance Committee to $322.5 billion over 11 years.

The Committee-reported resolution assumed, but did not reconcile, the permanent extension of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 [EGTRRA], which are currently scheduled to expire after 2010. The 11-year tax relief assumption for the EGTRRA extensions is $601.9 billion, with $592.6 billion of the revenue loss (98 percent) occurring in years 2011–13. The permanent extension of the EGTRRA provisions also results in an increase in direct spending of $22.3 billion over 11 years. The Committee-reported resolution also assumed, but did not reconcile, about $13 billion in tax relief over 11 years from several measures expected to be considered in the upcoming year.

During the Senate's consideration of the Committee-reported resolution, the Senate adopted eight amendments affecting the amount of tax relief assumed outside of reconciliation. The Senate adopted one amendment providing for $45 billion in additional tax relief consistent with making the repeal of the estate tax permanent beginning in 2009. The Senate also adopted seven amendments that reduced the level of tax relief assumed outside of reconciliation by $181 billion. The Committee-reported resolution assumed $614.7 billion of tax relief outside of reconciliation; the Senate amendment assumes $478.7 billion of tax relief outside of reconciliation.

Conference Agreement

The Conference Agreement calls for a jobs and growth plan with goals similar to the President's proposal: supporting broad, sustained economic growth and job creation.

With these goals, the Conference Agreement assumes $626 billion over the 2003–13 period for tax relief and associated outlays for a jobs and growth plan. The Agreement directs the Senate Finance Committee to report legislation by 8 May 2003 to reduce revenue by $522.524 billion over 2003–2013, and to increase direct spending related to tax policy changes by $27.476 billion over 2003–2013 (reflected in function 600). The Agreement also directs the House Ways and Means Committee to report legislation by 30 May 2003 to reduce revenue by $535.0 billion over 2003–13, and to increase direct spending related to tax policy changes by $15.0 billion over 2003–2013.

The Conference Agreement assumes, but does not reconcile, an additional $690.9 billion in tax relief over 11 years, and associated increases in direct spending. The assumed additional tax relief could accommodate the permanent extension of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 [EGTRRA], the tax provisions of energy policy legislation, the revenue impacts of trade legislation, and several miscellaneous tax provisions proposed by the President or Congress.

NATIONAL DEFENSE: FUNCTION 050

Function Summary

The National Defense function includes funds to develop, maintain, and equip the military forces of the United States. More than 95 percent of the funding in this function goes to Department of Defense [DOD] military activities. The function also includes pay and benefits for military and civilian personnel; research, development, testing, and evaluation; procurement of weapon systems; military construction and family housing; and operations and maintenance of the defense establishment. The remaining funding in the function is for atomic energy defense activities of the Department of Energy, and other defense-related activities.

House Resolution

The House resolution calls for $400.6 billion in BA and $400.9 billion in outlays in fiscal year 2004, an increase of 2.0 percent in BA compared with fiscal year 2003. The function totals are $2,202.1 billion in BA and $2,142.7 billion in outlays over 5 years; and $4,814.0 billion in BA and $4,704.4 billion in outlays over 10 years.

The BA and outlay funding levels for National Defense will support critical military and homeland security initiatives, and are consistent with the President's recommendations. The resolution assumes $70 million in additional mandatory BA to permit proceeds from facilities that were acquired, constructed, or improved with commissary surcharges or nonappropriated funds, and that were closed under Base Realignment and Closure authority, to be reapplied to nonappropriated fund activities without an appropriation.

Senate Amendment

For discretionary programs, the Senate amendment assumes the President's request for National Defense in 2004 totalling $400.1 billion in BA and $400.6 billion in outlays for 2004. This is an increase of $7.9 billion in BA (2.0 percent) and $14.2 billion in outlays (3.7 percent) from the 2003 level.

For 2003, the Committee-reported resolution assumed the full-year appropriations already enacted. An amendment to the resolution adopted by the Senate assumed an increase of $3.0 billion in BA and outlays in 2003 to provide pay and benefits for active duty, National Guard and Reserve forces, and to modernize National Guard and Reserve equipment and weapons.

For defense activities in the Department of Defense only, the Senate amendment assumes $380.8 billion in discretionary BA in 2004, an increase of $6.2 billion (1.6 percent) above the 2003 level of $374.6 billion.

Within DOD, the Senate amendment assumes $231.9 billion in discretionary BA for readiness accounts (military personnel and operations and maintenance) in 2004. This represents an increase of $2.4 billion in BA (1.0 percent) above the 2003 level of $229.5 billion. These appropriations would support an active duty end strength of 1,388,100 and a Selected Reserves strength of 863,000. It would also support pay raises ranging from 2.0 percent to 6.3 percent, targeted by rank and years of service.

The Senate amendment also assumes $136.2 billion for investment accounts (procurement and research, development, testing, and evaluation) in 2004. This represents an increase of $4.8 billion in BA (3.9 percent) above the 2003 appropriated level of $131.4 billion. Major purchases include a Virginia Class submarine, 3 DDG–51 destroyers, 42 F/A–18E/F fighter aircraft, and 22 F–22 fighter aircraft.

For military construction and family housing, the Senate amendment assumes $9.1 billion in discretionary budget authority for 2004 representing a 13.8-percent decrease from the 2003 level of $10.5 billion.

During floor consideration, the Senate adopted an amendment that would allow the Appropriations Committee to provide up to $100 billion for the costs associated with disarming Iraq.

For defense activities in the Department of Energy, the Senate amendment assumes $16.9 billion in discretionary BA in 2004, representing an increase of $1.1 billion (6.9 percent) above the 2003 enacted level of $15.8 billion.

The Senate amendment assumes $8.8 billion in discretionary BA for the National Nuclear Security Administration in 2004, representing an increase of $796 million (10.0 percent) above the 2003 enacted level of $8.0 billion.

The Senate amendment assumes $7.7 billion in discretionary BA for the Department of Energy's environmental and other defense activities in 2004, representing an increase of $185 million (2.5 percent) above the 2003 enacted level of $7.6 billion.

The Senate-reported resolution assumed no mandatory increases or decreases in this function. Of note, the Senate-reported amendment assumed full funding for the so-called the Purple Heart Plus program, which was included in last year's Defense Authorization Act. The provision allows all disabled military retirees whose disabilities are a direct result of combat, and those most severely disabled (60 percent or greater) military retirees whose disabilities are a direct result of combat-related injury, to receive their full military retirement pay as well as a special compensation equal to the amount of veterans' disability compensation without offset. The Senate amendment reflects an amendment to the Committee-reported resolution adopted by the Senate to cover the incremental mandatory cost of phased-in concurrent receipt of retirement pay and disability for all veterans with service-related disabilities rated at 60 percent or higher ($182 million in BA and outlays in 2004, and $12.8 billion in BA and outlays over the 2004–13 period).

Conference Agreement

The Conference Agreement assumes enactment of the fiscal year 2003 supplemental appropriations bill for addressing the conflict in Iraq. The provision allows an adjustment for the finally enacted level.

The Agreement calls for function totals of $400.5 billion in BA and $400.9 billion in outlays for fiscal year 2004; $2,202.1 billion in BA and $2,142.7 billion in outlays over 5 years; and $4,758.2 billion in BA and $4,658.3 billion in outlays over 10 years.

The discretionary levels in this function are consistent with the President's request. The levels will support military forces capable of prevailing decisively in the near term, and accommodate the military's longer-term transformation goals.

INTERNATIONAL AFFAIRS: FUNCTION 150

Function Summary

As part of the Global War on Terrorism, the Department of State and international assistance programs play a vital role in maintaining and expanding support of the international coalition against terrorism. Funds distributed through the International Affairs function provide for international development and humanitarian assistance; international security assistance; the conduct of foreign affairs; foreign information and exchange activities; and international financial programs. The major departments and agencies in this function include the Department of State, the Department of the Treasury, and the United States Agency for International Development [USAID].

House Resolution

The budget resolution calls for $24.8 billion in BA and $23.7 billion in outlays in fiscal year 2004, an increase of 9.8 percent in BA compared with fiscal year 2003. The function totals are $149.9 billion in BA and $128.9 billion in outlays over 5 years, and $326.6 billion in BA and $283.5 billion in outlays over 10 years.

The House resolution calls for $2 billion as the first installment toward the President's Emergency Plan for AIDS Relief, a 5-year, $15-billion initiative to turn the tide in the global effort to combat the HIV/AIDS pandemic. This initiative—funded through USAID, the Department of Health and Human Services, and the Centers for Disease Control—virtually triples U.S. funding to fight the international AIDS pandemic. The resolution also recommends funds sufficient for the President's proposal to create a new Government corporation—the Millennium Challenge Corporation—to administer a $1.3 billion fund designed to promote just governance and sound free-market economic policies in International Development Association-eligible countries (with yearly per-capita incomes below $1,435).

Senate Amendment

For discretionary programs, the Senate amendment assumes the President's request for 2004 totaling $28.7 billion in BA and $26.8 billion in outlays. This represents an increase of $3.2 billion in BA (12.8 percent) and $0.8 billion in outlays (3.0 percent) from the 2003 level.

The Senate amendment assumes $12.5 billion in discretionary BA for International Development and Humanitarian Assistance, an increase of $2.1 billion (20.1 percent) above the 2003 appropriated level of $10.4 billion. Within International Development and Humanitarian Assistance, the Senate amendment assumes a new development assistance organization, called the Millennium Challenge Corporation, with an initial funding level of $1.3 billion for 2004 and $14.3 billion over 2004–13. The Senate amendment also assumes a new Global AIDS Initiative ($450 million in 2004 and $22.3 billion over 10 years), and a new fund for dealing with famine ($200 million in 2004, and $2.2 billion over 10 years).

The Senate amendment assumes $7.6 billion in discretionary BA for International Security Assistance, an increase of $0.9 billion (13.2 percent) above the 2003 appropriated level of $6.7 billion. Within International Security Assistance, the Senate amendment assumes the creation of a new fund to deal with Complex Foreign Crises, with initial funding of $100 million for 2004.

The Senate amendment assumes $7.5 billion in discretionary BA for the Conduct of Foreign Affairs, an increase of $636 million (9.2 percent) above the 2003 appropriated level of $6.9 billion. The Senate amendment also assumes $983 million in discretionary BA for Foreign Information and Exchange Activities, an increase of $152 million (18.3 percent) above the 2003 appropriated level of $831 million.

The Senate amendment assumes no mandatory increases or decreases in this function.

Conference Agreement

The Conference Agreement calls for $25.7 billion in BA and $24.2 billion in outlays in fiscal year 2004; $155.9 billion in BA and $133.7 billion in outlays over 5 years; and $341.6 billion in BA and $296.4 billion in outlays over 10 years. The Conference Agreement fully accommodates the President's request for this function. This includes funding for the President's Millennium Challenge Corporation initiative and the Global AIDS Initiative.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY: FUNCTION 250

Function Summary

Function 250 consists of General Science, Space and Technology programs. The largest component of this function—about two-thirds of total spending—is for the space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA]. The function also reflects general science funding, including the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE].

House Resolution

The House resolution calls for $22.8 billion in BA and $22.3 billion in outlays in fiscal year 2004, a decrease of 1.6 percent in BA compared with fiscal year 2003. The function totals are $121.8 billion in BA and $118.7 billion in outlays over 5 years; and $260.8 billion in BA and $254.1 billion in outlays over 10 years.

Senate Amendment

For discretionary programs the Senate amendment assumes a discretionary total of $23.6 billion in BA and $22.6 billion in outlays for 2004. This represents an increase of $0.5 billion (2.3 percent) in BA and $1.2 billion (5.5 percent) in outlays from the 2003 level. The Senate amendment includes the following specific assumptions.

For NASA, the Senate amendment assumes funding the President's request of $14.5 billion for Function 250 activities (this excludes NASA aeronautics funding that falls in Function 400). Included is $6.7 billion for Science, Aeronautics, and Exploration and $7.8 billion for Space Flight Capabilities. The President's request of $4.0 billion (on a full-cost basis) is assumed for the Space Shuttle.

The Senate amendment assumes funding the President's request of $5.4 billion in discretionary funding for National Science Foundation activities, a 3.2 percent increase over the 2003 level.

For Department of Energy science programs, the Senate amendment assumes a $100 million increase over the President's request, bringing total funding for DOE science programs to $3.4 billion in 2004, a 4.6 percent increase over the 2003 level.

The Senate amendment includes $273 million for the Department of Homeland Security in 2004. These funds support the advance of homeland security through scientific research.

The Senate amendment assumes no mandatory increases or decreases in this function.

Conference Agreement

The Conference Agreement for Function 250 calls for $23.9 billion in BA and $22.8 billion in outlays in fiscal year 2004. The functional totals are $126.5 billion in BA and $122.3 billion in outlays over 5 years, and $270.5 billion in BA and $262.2 billion in outlays over 10 years. The Agreement accommodates an increase of $324 million above the administration's request for NSF research and related activities. The Agreement also supports a $100 million increase over the administration's request for DOE science programs.

ENERGY: FUNCTION 270

Function Summary

The Energy function reflects civilian energy and environmental activities and programs of the Federal Government. Through this function, spending is provided for energy supply programs, such as solar and renewable, fossil and nuclear research at the Department of Energy [DOE]; rural electricity and telecommunications loans, administered through the Rural Utilities Service of the Department of Agriculture; electric power generation and transmission programs of the Power Marketing Administrations (the Southeastern Power Administration, the Southwestern Power Administration, the Western Area Power Administration, and the Bonneville Power Administration); and power generation and transmission programs of the Tennessee Valley Authority. This function also provides funds for energy conservation programs; emergency energy preparedness (mainly the Strategic Petroleum Reserve); and energy information, policy, and regulation programs, including spending by the Office of the Secretary of Energy and the operations of the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission and the U.S. Enrichment Corporation.

Function 270 does not include DOE's national security activities—the National Nuclear Security Administration—which are in Function 050 (Defense), or its basic research and science activities, which are in Function 250 (General Science, Space, and Technology).

House Resolution

The House resolution calls for $2.6 billion in BA and $0.9 billion in outlays in fiscal year 2004, an increase of 25 percent in BA compared with fiscal year 2003. The function totals are $13.3 billion in BA and $5.6 billion in outlays over 5 years, and $29.3 billion in BA and $15.6 billion in outlays over 10 years.

Pursuant to the Homeland Security Act of 2002, the functions of the National Simulation and Analysis Center and the energy security and assurance programs of the Department of Energy are transferred to the new Department's Directorate of Information Analysis and Infrastructure Protection.

The resolution accommodates resources outside the Department of Homeland Security necessary for certain aspects of homeland security. A sum of $619 million is assumed in fiscal year 2004 for the Nuclear Regulatory Commission to continue to review and strengthen NRC's physical facilities and information technology infrastructure to enhance nuclear plant security. Of this amount, $572 million is provided by fees and receipts.

Senate Amendment

The Senate amendment assumes spending in this function would total $2.6 billion in BA and $0.9 billion in outlays for 2004. This represents an increase of $0.6 billion in BA (7 percent), and $0.4 billion in outlays from the 2003 level. The Senate amendment includes the following specific assumptions.

For discretionary programs, the Senate amendment assumes a total of $3.7 billion in BA and $3.6 billion in outlays for 2004. This represents an increase of $0.4 billion (13 percent) in BA above the 2003 level.

The Senate amendment assumes $881 million for non-defense environmental management activities. This is an increase of $213 million, or 32 percent, above the 2003 enacted level. (An additional $6.3 billion for environmental management activities is included in Function 050.)

The Senate amendment assumes $802 million for Energy Supply activities. This is $106 million (15 percent) above the 2003 enacted level. This increase includes funding for the President's Freedom Fuel Initiative, which would help reverse America's growing dependence on foreign oil, by providing funds for research for a commercially viable hydrogen-powered fuel cell technology.

The Senate amendment assumes no mandatory increases or decreases in this function.

Conference Agreement

The Conference Agreement for Function 270 calls for $2.6 billion in BA and $0.9 billion in outlays in fiscal year 2004. The functional totals are $13.8 billion in BA and $5.6 billion in outlays over 5 years, and $30.3 billion in BA and $15.7 billion in outlays over 10 years. The Conference Agreement fully supports the President's budget request for this function.

NATURAL RESOURCES AND ENVIRONMENT: FUNCTION 300

Function Summary

Programs within Function 300 consist of water resources, conservation, land management, pollution control and abatement, and recreational resources. Major departments and agencies in this function are the Department of Interior, including the National Park Service [NPS], the Bureau of Land Management [BLM], the Bureau of Reclamation, and the Fish and Wildlife Service [FWS]; conservation-oriented and land management agencies within the Department of Agriculture [USDA] including the Forest Service; the National Oceanic and Atmospheric Administration [NOAA] in the Department of Commerce; the Army Corps of Engineers; and the Environmental Protection Agency [EPA].

House Resolution

The House resolution calls for $29.2 billion in BA and $29.9 billion in outlays in fiscal year 2004. The function totals are $154.1 billion in BA and $154.4 billion in outlays over 5 years, and $331.0 billion in BA and $327.9 billion in outlays over 10 years.

The resolution assumes legislation allowing the Bureau of Land Management to use updated management plans to identify publicly owned areas suitable for sale; the permanent extension of the Recreation Fee Program, which allows parks, refuges, forests, and other publicly-owned units to spend fees within the units from which they are collected; legislation to prevent the United Mine Workers of America Combined Benefit Fund from financial crisis by transferring to it any additional interest from the Abandoned Mine Land Reclamation Fund; the Water Resources Development Act of 2002, which authorizes the Corps of Engineers to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration; and the Central Utah Project [CUP] Completion Act, which clarifies and streamlines completion of project goals. The CUP provides water for agricultural, industrial, and municipal uses.

Senate Amendment

The Senate amendment assumes spending in this function of $35.3 billion in BA and $31.4 billion in outlays for 2004. This represents an increase of $4.4 billion in BA (14 percent), and $2.4 billion in outlays from the 2003 level. The Senate amendment includes the following specific assumptions.

For discretionary programs, the Senate amendment assumes a total of $32.8 billion in BA and $29.5 billion in outlays for 2004. This represents an increase of $3.6 billion (12 percent) in BA above the 2003 level.

The Senate amendment assumes $3.1 billion for the National Fire Plan, which is $880 million above the President's request. This reflects an amendment to the resolution adopted by the Senate that added $500 million to the National Fire Plan. The Senate believes it is critical to fund the National Fire Plan at a realistic level that will allow the Forest Service and Department of Interior to pay for wildfire suppression, while maintaining its ongoing operations.

The Senate amendment assumes $900 million for the Land and Water Conservation Fund [LWCF], the same as the President's budget.

The Senate amendment assumes $11.3 billion for the Environmental Protection Agency. This is $3 billion (36 percent) above the 2003 enacted level. The Senate did not accept the President's cut to the State and Tribal Assistance Grants, instead funding them at $6.8 billion, which is $3 billion more than the 2003 enacted level. (This increase to the State and Tribal Assistance Grants is due to an amendment adopted by the Senate, which added $3 billion in 2004 to the Clean Water and Safe Drinking Water State Revolving Fund.) Within the EPA, there is $1.4 billion for Superfund, which is $125 million or 9.9 percent more than the 2003 enacted level. The Senate amendment also includes $2.2 billion for environmental programs and management. This is $122 million, or 5.8 percent, more than the 2003 enacted level.

The Senate amendment assumes $4.5 billion for the Corps of Engineers, the same as the 2003 level, and $546 million more than the President's request. It does not include the President's proposal to fund operations and maintenance and construction from the Inland Waterways Trust Fund or from the Harbor Maintenance Trust Fund.

The Senate amendment assumes the President's proposal to make the Recreation Fee Demonstration Program permanent. This program allows the Forest Service and Department of Interior to collect entrance fees and use a portion of those fees without further appropriation for maintenance and other projects. Over 10 years, this program would have a net cost of $803 million.

The Senate amendment reflects the administration's proposal for the Federal Land Transaction Facilitation Act. This proposal would allow the Bureau of Land Management to use updated management plans to identify property suitable for disposal as well as allow a certain portion of receipts to be used by the BLM for restoration projects. It would cap receipt retention at $100 million per year. The proposal costs $86 million over 10 years.

The Senate amendment assumes $3.4 billion over 10 years for the Conservation Security Program in the Department of Agriculture.

Conference Agreement

The Conference Agreement calls for $31.6 billion in BA and $30.8 billion in outlays in fiscal year 2004. The function totals are $164.5 billion in BA and $161.9 billion in outlays over 5 years, and $348.3 billion in BA and $342.4 billion in outlays over 10 years.

For discretionary programs, the Conference Agreement provides for a total of $29.3 billion in BA and $29.0 billion in outlays in fiscal year 2004.

The Conference Agreement recognizes the importance of the National Fire Plan and calls for $2.6 billion for the plan, $380 million above the President's request. The Congress believes it is critical to fund the National Fire Plan at a level that will allow the Forest Service and the Department of the Interior to pay for wildfire suppression, while maintaining their normal operations. In particular, Congress places a priority on wildfire suppression; rehabilitation and restoration of areas burned during recent fire seasons; and the reduction of hazardous fuels, which will help prevent wildfires in the future.

The Conference Agreement accommodates $8.3 billion for the Environmental Protection Agency, $250 million greater than the 2003 enacted level. The Congress restored funding for the State and Tribal Assistance Grants to $3.8 billion, the same as the 2003 enacted level. Within the EPA, there is $1.4 billion for Superfund, which is $125 million (9.9 percent) more than the 2003 enacted level; and $2.2 billion for environmental programs and management, which is $122 million (5.8 percent) more than the 2003 enacted level.

The Conference Agreement also accommodates the Senate's $4.5 billion for the Corps of Engineers.

For mandatory programs, the Agreement assumes the President's proposal allowing the Forest Service and Department of Interior to collect entrance fees and use a portion of those fees for maintenance and other projects without further appropriation. It also assumes an amendment allowing the Bureau of Land Management [BLM] to use updated management plans to identify property suitable for disposal, as well as permit a certain portion of receipts to be used by the BLM for restoration projects. The Agreement also assumes $3.4 billion over 10 years for the Conservation Security Program in the Department of Agriculture; legislation passed in the House last year to authorize the Army Corps of Engineers to conduct water resource studies and undertake specific projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration; and enactment of the Central Utah Project Completion Act, which passed in the House last year.

AGRICULTURE: FUNCTION 350

Function Summary

The Agriculture function includes funds for direct assistance and loans to food and fiber producers, export assistance, market information, inspection services, and agricultural research. Farm policy is driven by the Farm Security and Rural Investment Act of 2002, which provides producers with continued planting flexibility while protecting them against unique uncertainties such as poor weather conditions and unfavorable market conditions.

House Resolution

The House resolution calls for $24.0 billion in BA and $23.4 billion in outlays in fiscal year 2004. The function totals are $125.1 billion in BA and $121.5 billion in outlays over 5 years, and $240.8 billion in BA and $237.1 billion in outlays over 10 years.

Included in these funding levels is the continuation of the 2002 farm bill.

Senate Amendment

The Senate amendment assumes spending in this function would total $24.5 billion in BA and $23.5 billion in outlays for 2004. This represents an increase of $39 million in BA over the 2003 level.

For discretionary programs, the Senate amendment assumes a total of $5.2 billion in BA and $5.6 billion in outlays for 2004. This represents a decrease of $0.5 billion or 8.5 percent in BA from the 2003 level.

The Senate amendment assumes the President's request that several mandatory agriculture programs will provide discretionary savings of $321 million in 2004 and $1.1 billion over 10 years.

The Senate amendment also assumes a decrease of $1.4 billion over 10 years in the mandatory programs administered by the Department of Agriculture.

Conference Agreement

The conference agreement calls for $24.6 billion in BA and $23.7 billion in outlays in fiscal year 2004. The function totals are $130.2 billion in BA and $124.5 billion in outlays over 5 years, and $255.7 billion in BA and $245.8 billion in outlays over 10 years. Included in these funding levels is the continuation of the 2002 Farm Bill. The Conference Agreement fully supports the President's overall request for this function.

COMMERCE AND HOUSING CREDIT: FUNCTION 370

Function Summary

Function 370 includes four components: mortgage credit (usually negative BA because receipts tend to exceed the losses from defaulted mortgages); the Postal Service (mostly off budget); deposit insurance (negligible spending due to deposit insurance premiums); and other advancement of commerce (the majority of the discretionary and mandatory spending in this function).

The mortgage credit component of this function includes housing assistance through the Federal Housing Administration [FHA], the Government National Mortgage Association [Ginnie Mae], and rural housing programs of the Department of Agriculture. The function also includes net Postal Service spending and spending for deposit insurance for banks, thrifts, and credit unions. Finally, most, but not all, of the Commerce Department is provided for in this function including the International Trade Administration, Bureau of Economic Analysis; Patent and Trademark Office, National Institute of Standards and Technology, National Telecommunications and Information Administration, and the Bureau of the Census; as well as independent agencies such as the Securities and Exchange Commission [SEC], the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission [FCC], and the majority of the Small Business Administration [SBA].

More than two-thirds of the spending in Function 370 is out of the FCC's Universal Service Fund. Spending from this fund exactly offsets the receipts (classified as taxes on the revenue side of the budget) that certain telecommunications operators charge their customers to promote service to low-income users and high-cost areas, as well as new services.

House Resolution

The House resolution calls for $7.4 billion in BA and $3.6 billion in outlays in fiscal year 2004, a decline of 16 percent in BA compared with fiscal year 2003. The function totals are $42.0 billion in BA and $16.5 billion in outlays over 5 years, and $86.8 billion in BA and $26.6 in outlays over 10 years.

For the Department of Homeland Security, $21 million is provided for Departmentwide technology investments, as is $9 million for the Critical Infrastructure Assurance Office under Information Analysis and Infrastructure Protection.

The resolution assumes other funding for homeland security purposes of the Commerce Department, including: $83.9 million for the Bureau of Industry and Security to inhibit the global spread of dual-use technologies that could be used in biological, chemical, and nuclear weapons of mass destruction (formerly the Bureau of Export Administration); $10.3 million for the National Institute of Standards and Technology; and $3.7 million for the International Trade Administration.

Senate Amendment

For discretionary programs, the Senate amendment assumes discretionary spending in this function would total −$0.5 billion in BA and $0.1 billion in outlays for 2004. This represents a decrease of $0.6 billion in BA, but an increase of $38 million in outlays from the 2003 level. The Senate amendment includes the following specific assumptions.

The Senate amendment for 2004 reflects all the President's requested increases over 2003 (shown as percentage increase) for export control and enforcement (47 percent), the activities of the Census Bureau (20 percent), economic and statistical analysis (18-percent), and homeland security investments in the Department of Commerce (43 percent). The Senate amendment also assumes the President's request of $842 million (an 18-percent increase) for the Securities and Exchange Commission to implement the corporate responsibility activities under the Sarbanes-Oxley bill.

The President's budget proposes to eliminate the Advanced Technology Program, which would save $0.7 billion over the next 10 years and is reflected in the Senate amendment. The President's proposal to discontinue the Manufacturing Extension Program, however, is not assumed by the Senate amendment.

For mandatory programs, the Senate amendment assumes the President's proposal to merge the deposit insurance funds for banks and thrifts—the Bank Insurance Fund and the Savings Association Insurance Fund. According to CBO estimates, this proposal would be nearly budget neutral over the next 10 years.

The Senate amendment also assumes legislation (S. 380, as cleared for the President on 8 April 2003) that would reduce the Postal Service payment to the Civil Service Retirement [CSRS] trust fund for 2003–05, but then would reinstate and redirect the payment to an escrow fund until Congress can enact subsequent law regarding how the Postal Service should address its retiree health liabilities and other concerns. This proposal would increase the unified deficit by $7.3 billion over the 2003–13 period. The budgetary effect on the Postal Service is reflected in this function, and the effect on the receipts of the CSRS fund are shown in Function 950 (a small interest effect appears in Function 900).

Conference Agreement

The Conference Agreement calls for on-budget amounts as follows: $7.5 billion in BA and $3.6 billion in outlays in fiscal year 2004; $41.9 billion in BA and $15.6 billion in outlays over 5 years; and $84.3 billion in BA and $21.5 billion in outlays over 10 years. For mandatory programs, the agreement assumes a merger of the Bank Insurance Fund and the Savings Association Insurance Fund; legislation to pay interest on bank deposits with the Federal Reserve; and regulatory relief for certain financial services companies. For discretionary programs, the Agreement is consistent with the Senate amendment.

TRANSPORTATION: FUNCTION 400

Function Summary

This function funds all major Federal transportation modes and programs including the Transportation Security Administration; the Federal Highway Administration; the Federal Transit Administration; the National Rail Passenger Corporation [Amtrak]; highway, motor carrier and rail safety programs; the Federal Aviation Administration; the aeronautical activities of the National Aeronautics and Space Administration [NASA]; the Coast Guard; the Maritime Administration; and other transportation support activities.

House Resolution

The House resolution calls for $65.4 billion in BA and $69.2 billion in outlays in fiscal year 2004, an increase of 2.1 percent in BA compared with fiscal year 2003. Function totals are $334.2 billion in BA and $338.2 billion in outlays over 5 years, and $698.9 billion in BA and $700.8 billion in outlays over 10 years.

The resolution assumes an increase in Federal-aid Highway contract authority and obligation limitation from $32.1 billion in 2004 to $39.0 billion in 2013; a freeze of Transit Category contract authority and obligation limitation at $5.7 billion; transfer of the receipts from the 2.5-cent gasohol deficit reduction tax from the General Fund to the Highway Trust Fund; and establishment of a contingency procedure to increase spending above the level in the budget resolution on highways, highway safety, and transit should additional resources be made available to the Highway Trust Fund.

Senate Amendment

For Function 400, the Senate amendment includes $75.8 billion in BA and $71.6 billion in outlays for 2004. This represents an increase of $11.7 billion in BA, or 18 percent.

The Senate amendment includes major increases in the Federal-aid Highways program, reflecting an amendment adopted by the Senate that set contract authority at levels that cannot be sustained with trust fund receipts under current law. For 2004, the Senate amendment assumes an obligation limitation of $35.6 billion, an 11-percent increase from the Committee-reported resolution of $32.1 billion and contract authority of $39.3 billion, a 29-percent increase from the Committee-reported resolution of $30.5 billion.

For 2004–09, the Senate amendment includes $233.3 billion in obligation limitation, a 20-percent increase from the Committee-reported resolution of $194.4 billion and the amendment includes contract authority of $255.7 billion, a 24-percent increase in the Committee-reported resolution of $206.5 billion.

For Essential Air Service, the Senate amendment assumes $103 million for 2004, which is $53 million above the President's request.

For Port Security, the Senate amendment included $850 million in 2004, and $850 million in 2005 due to an amendment adopted on the floor.

For the Coast Guard, the Senate amendment assumes the President's request of $6.1 billion, the same as the 2003 enacted level.

This request would recapitalize much of the Coast Guard's budget which was diverted for more urgent needs, following September 11, 2001.

The Senate amendment assumes full funding for the President's request for NASA programs within this function at $993 million, a 20-percent increase from the enacted 2003 level.

The Senate amendment includes $1.8 billion for Amtrak, a 100-percent increase over the committee-passed resolution of $900 million due to an amendment adopted on the Senate floor that added $912 million.

Conference Agreement

The Conference Agreement calls for $69.5 billion in BA and $69.9 billion in outlays in fiscal year 2004; $364.7 billion in BA and $354.9 billion in outlays over 5 years; and $759.9 billion in BA and $745.8 billion in outlays over 10 years.

The Conference Agreement provides contract authority for Federal-aid highways of $35.482 billion in 2004, and $231.078 billion for 2004–09, representing a compromise midway between the House- and Senate-passed level.

The Conference Agreement also provides transit budget authority of $5.841 billion in 2004 and $49.1 billion for 2004–09, which is also a compromise midway between the House- and Senate-passed.

The Conference Agreement establishes a contingency procedure to increase spending above the level in the budget resolution on highways, highway safety, and transit should new offsetting resources be made available to the Highway Trust Fund. The conferees intend that the increase provided for in this Conference Agreement above the baseline will be constrained by the resources available to the Highway Trust Fund.

COMMUNITY AND REGIONAL DEVELOPMENT: FUNCTION 450

Function Summary

Function 450 includes programs that provide Federal funding for economic and community development in both urban and rural areas, including: Community Development Block Grants [CDBGs]; the non-power activities of the Tennessee Valley Authority; the non-roads activities of the Appalachian Regional Commission; the Economic Development Administration [EDA]; and partial funding for the Bureau of Indian Affairs [BIA]. Funding for disaster relief and insurance—including the Federal Emergency Management Agency [FEMA], now part of the new Department of Homeland Security [DHS]—also appear here.

House Resolution

The House resolution calls for $14.1 billion in BA and $15.9 billion in outlays in fiscal year 2004, an increase of 15.4 percent in BA compared with fiscal year 2003. The function totals are $73.5 billion in BA and $76.5 billion in outlays over 5 years, and $155.8 billion in BA and $154.1 billion in outlays over 10 years.

Resources allow for significant expansions of the First Responder Grant Program, with $3.5 billion in funding for grants for "first responders" such as local firefighters, and search-and-rescue or police forces. This is a $1.7 billion increase over the 2003 enacted level.

Senate Amendment

The Senate amendment assumes funding for this function will total $14.3 billion in BA and $16.7 billion in outlays. This represents a decrease of 9 percent in BA, or $1.4 billion, from 2003. The Senate amendment assumes funding of $151.9 billion in BA and $153.5 billion in outlays over 2004–13.

For discretionary programs, the Senate amendment assumes $13.8 billion in BA and $16.8 billion in outlays for 2004. This represents a decrease of $1.4 billion in BA from the 2003 level. The Senate amendment includes the following specific assumptions.

As part of the newly formed Department of Homeland Security, all the activities of what was once known as the Federal Emergency Management Agency will be managed by the Emergency Preparedness and Response Directorate within DHS. For the Office of Domestic Preparedness, the Committee-reported resolution assumed the President's request for $3.5 billion in 2004 to ensure that first responders are properly trained and equipped. Then the Senate adopted an amendment to the resolution to add an additional $3.5 billion in 2003 for first responders. The Senate amendment also assumes $3.2 billion for Disaster Relief activities. This level is consistent with the average cost of (non-terrorist) disaster events over the past 5 years. This includes $2.0 billion in new money, as well as money left over from prior years. This $2.0 billion in new money represents an increase of $1.2 billion over the 2003 level.

The Senate amendment also incorporates the President's proposal for a new $300 million pre-disaster mitigation program. The Senate amendment also continues to support the protection of the public against flood damage by supporting the Flood Map Modernization Fund and including $200 million to update the inaccurate maps.

For Community Development Block Grants, the Senate amendment matches the President's request by assuming $4.7 billion in 2004. This is $200 million below the enacted 2003 level. The President proposes to review this program and develop proposals to better incorporate poorer communities with poverty rates above the national average.

For the Bureau of Indian Affairs, the Senate amendment assumes $1.1 billion which is an increase of $21 million from 2003. The resolution also supports Indian school construction and provides $346 million to improve academic performance at BIA schools and to eliminate the school maintenance and repair backlog.

Among mandatory activities in this function, the Senate amendment reflects an amendment adopted by the Senate adding $260 million in BA in 2004 (and in each year thereafter through 2013) for a new Homestead Venture Capital Fund.

Conference Agreement

The Conference Agreement calls for spending of $14.1 billion in BA and $15.8 billion in outlays in 2004, and $71.8 billion in BA and $75.4 billion in outlays over the period 2004–08. Over the period 2004–13, the agreement calls for spending of $149.3 billion in BA and $149.2 billion in outlays. The conference agreement accommodates the expansion of grants for first responders, and other activities in the new Department of Homeland Security.

The conferees strongly support the continued funding of the Round II Urban and Rural Empowerment Zone and Enterprise Community [EZ/EC] initiatives at least at the level pledged by the Round II designation of 1999. The conferees recognize that the current EZ/EC initiative is yielding measurable results; improving the economy and quality of life in distressed areas; enabling self-sufficiency of disadvantaged residents; and leveraging private and nonprofit resources. In competing for the designations, these communities were selected for their thoughtful use of Federal funds over a full 10 year cycle, not on how quickly they could withdraw funds from the Treasury. The Round II EZ/EC designees have received only a small portion of the Federal grant funds they were promised to implement their strategic plans for revitalization. This Conference Agreement assumes the program will receive sufficient resources to continue progress on this important work.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES: FUNCTION 500

Function Summary

Education spending consumes two-thirds of the Function 500 total, including elementary and secondary education services, higher education aid, and research and general education aids—the last category incorporating funding for arts, humanities, museums, libraries, and public broadcasting. Job training and other Labor Department activities are in this function, as are social services—including the Social Services Block Grant, vocational rehabilitation, and national service.

House Resolution

The House resolution calls for $84.7 billion in BA and $85.7 billion in outlays in fiscal year 2004. The function totals are $435.2 billion in BA and $428.7 billion in outlays over 5 years, and $914.5 billion in BA and 898.5 billion in outlays over 10 years.

The resolution levels support priority funding for a number of discretionary spending programs. It assumes an increase of $50 million, to $1.238 billion, for the Impact Aid program. It accommodates an increase of at least $666 million, to $12.35 billion, for Title I funding of low-income school districts. The resolution also provides for at least $12.7 billion toward the Pell Grant program for low-income undergraduate students, a $1.34-billion increase from 2003. In the area of special education, the resolution assumes an increase of at least $660 million for Individuals with Disabilities Education Act [IDEA] Part B Grants to States.

In mandatory spending, the resolution includes reconciliation instructions to the Committee on Education and the Workforce to create re-employment accounts as a temporary new benefit. As recommended in the President's economic growth proposal, $3.6 billion in mandatory BA is provided in 2003 for the establishment of these accounts.

Senate Amendment

For discretionary programs, the Senate amendment assumes $86.3 billion in BA and $75.8 billion in outlays for 2004. This represents an increase of $13.4 billion (18.5 percent) in BA over the 2003 level. The Senate amendment includes the following specific assumptions.

For Title I Grants to Local Education Agencies, the Committee-reported resolution assumed a $1 billion increase, bringing funding to $12.7 billion for academic year 2004–05. This represents an 8.6-percent increase over the previous academic year. An amendment adopted by the Senate added an additional $2 billion for No Child Left Behind programs. Another amendment adopted by the Senate added $2 billion for block grants to States for No Child Left Behind, special education, and vocational education programs.

For the Individuals with Disabilities Education Act [IDEA], the Committee- reported resolution assumed a $1-billion increase for Part B Grants to States, and a $205-million cap adjustment in 2004. In addition to maintaining the previous year's funding level, a $1-billion increase was assumed in each year thereafter through 2009, bringing IDEA funding to $6.2 billion above the baseline level in 2009. During its consideration of the resolution, the Senate adopted an amendment that increased IDEA levels by $970 million in 2004 and $2.3 billion in 2005.

The Committee-reported resolution assumed holding Impact Aid at the 2003 level. The Senate adopted an amendment to increase Impact Aid by $112 million, bringing its funding level to $1.3 billion in 2004.

For Pell Grants, the Committee-reported resolution assumed a $1.4 billion increase. The Senate adopted an amendment to increase Pell funding by an additional $1.8 billion, which would support a $4,500 maximum award. This brings total funding for Pell Grants to $14.5 billion in 2004.

The Senate amendment fully funds the President's request of $6.8 billion for Head Start, which would remain in HHS.

The Senate amendment reflects the President's proposals for reauthorization of the Workforce Investment Act [WIA] as well as an amendment adopted by the Senate to increase WIA funding by $678 million, bringing total funding to $5.6 billion.

The Senate amendment includes the administration's request for the Labor Department's Office of Labor-Management Standards, which reflects an additional $6 million to improve the transparency of union finances. The Senate amendment also reflects an additional $6–million increase to make whole the chronic under-funding of the Office in prior years.

The Senate amendment also assumes enactment of the CARE Act, as reported by the Senate Finance Committee, and therefore reflects an additional $275 million for the Social Services Block Grant for 2003 and an additional $1.1 billion for 2004.

The Senate amendment assumes adoption of the President's student loan forgiveness proposal at a cost of $45 million in 2004.

Among mandatory programs in this function, the Senate amendment reflects an amendment adopted by the Senate to create a New Homestead Venture Capital Fund, costing $1.2 billion over 10 years.

Conference Agreement

The resolution calls for $90.0 billion in BA and $84.2 billion in outlays in fiscal year 2004. The function totals are $468.4 billion in BA and $449.9 billion in outlays over 5 years, and $986.3 billion in BA and $955.6 billion in outlays over 10 years.

These levels accommodate a $3–billion increase from the previous year for the Department of Education, which would provide for a $1.3–billion increase for the Pell Grant program; a $50–million increase for the Impact Aid Program; and a $1–billion increase for Title I of the No Child Left Behind Act. Cumulatively, the Conference Agreement accommodates funding for No Child Left Behind programs of $1.5 billion above the President's proposed level. For the Part B Grants to States program of the Individuals with Disabilities Education Act, a $2.2–billion increase is provided for 2004, followed by an additional $2.5 billion increase in 2005. This increase of $4.7 billion over 2 years would raise the program's level of funding from $8.9 billion to $13.6 billion.

In mandatory spending, the resolution assumes the President's proposal to increase from $5,000 to $17,500 the maximum level of student loan forgiveness available to math, science, and special education teachers serving in low-income communities.

HEALTH: FUNCTION 550

Function Summary

Medicaid represents about 71 percent of the spending in this function. The function also includes the State Children's Health Insurance Program [SCHIP]; health research and training, including NIH and substance abuse prevention and treatment; and consumer and occupational health and safety, including the Occupational Safety and Health Administration.

The Department of Health and Human Services [HHS] plays a lead role in addressing bioterrorism. Four key HHS components participate in homeland bioterrorism security: the Centers for Disease Control and Prevention [CDC], the Food and Drug Administration [FDA], the Health Resources and Services Administration [HRSA], and the National Institutes of Health [NIH]. In fiscal year 2004, total spending for HHS's bioterrorism efforts would be $3.6 billion.

House Resolution

The House resolution calls for $235.1 billion in BA and $235.5 billion in outlays in fiscal year 2004, an increase of 5.9 percent in BA compared with fiscal year 2003. The function totals are $1,337.2 billion in BA and $1,334.8 billion in outlays over 5 years, and $3,196.9 billion in BA and $3,188.0 billion in outlays over 10 years.

For the Department of Homeland Security [DHS], the resolution reserves $5.6 billion over 10 years for BioShield, a program to accelerate research, development, and purchase of bioterrorism threat countermeasures. Also within Function 550, the resolution assumes $400 million to maintain and strengthen the Strategic National Stockpile.

The resolution provides for Medicaid reform to give States greater flexibility and to provide health insurance coverage for new populations. The budget establishes a reserve fund of $3.25 billion in fiscal year 2004 and $8.9 billion over 5 years for Medicaid reform. The proposal is budget-neutral over 10 years.

Other Medicaid policies include assumptions that expiring fiscal year 2000 State Children's Health Insurance Program funds will be extended for 1 year, that Transitional Medicaid Assistance and the QI–1 programs are extended for 5 years, and that the Vaccines for Children program will be modified to allow health departments to give vaccines.

The resolution also assumes enactment of abstinence education legislation and assumes States will have the option to expand Medicaid coverage for children with special needs, allowing families of disabled children the opportunity to purchase coverage under the Medicaid program for such children.

The budget assumes that by fiscal year 2004, NIH funding will have more than doubled over the 1998 level, to $27.9 billion.

Senate Amendment

For discretionary programs, the Senate amendment assumes $52.7 billion in BA and $50.8 billion in outlays for 2004. This represents an increase of $3.2 billion in BA over the 2003 level.

The omnibus appropriations bill of 2003 completed the planned 5–year doubling of the National Institutes of Health [NIH] budget from $13.7 billion in 1998 to $27.1 billion in 2003. Nonetheless, the Senate amendment includes an additional 10–percent increase for 2004, bringing total NIH funding to $29.7 billion in BA in 2004.

For mandatory programs, the Senate amendment includes several reserve funds. The Senate amendment assumes a reserve fund for the Finance Committee to reform Medicaid and the State Children's Health Insurance Program by providing flexibility to the States for innovation and expansion of coverage. The fund is based on the administration's proposal for a new Medicaid and SCHIP program option, under which States may take their Medicaid and SCHIP funding in a single Federal payment.

The Senate amendment includes another reserve fund for the Finance Committee to report legislation to extend the availability of SCHIP funds that will expire and restore availability of funds from 1998 and 1999 that have expired. According to CBO estimates, approximately $1.26 billion in SCHIP funds reverted to the Treasury on 1 October 2002, and $1.35 billion will return to the Treasury at the end of 2003. Beyond these amounts, the reserve fund would allow such legislation to provide an additional $1.825 billion in BA and $975 million in outlays over 10 years to the States to ease some of the financial strain they face as well as to cover more children under their SCHIP programs.

The Senate amendment includes an $88 billion reserve fund for the Finance Committee to report legislation that would assist the 41 million uninsured Americans in gaining access to quality, affordable health insurance.

The Senate amendment includes a reserve fund for the HELP Committee for the creation of Project Bioshield, a comprehensive effort to develop effective countermeasures against biological and other dangerous agents. Over the next 10 years, almost $6 billion will be available to purchase new countermeasures for smallpox, anthrax, and botulism toxin as well as to produce and purchase countermeasures for other dangerous agents, such as Ebola and plague, once safe and effective treatments are developed.

The Senate amendment includes savings of $3.346 billion over 10 years for medical liability reform.

Conference Agreement

The Conference Agreement calls for $240.6 billion in BA and $238.8 billion in outlays in fiscal year 2004. The function totals are $1,401.2 billion in BA and $1,396.6 billion in outlays over 5 years, and $3,375.4 billion in BA and $3,363.5 billion in outlays over 10 years.

The Agreement reserves $5.6 billion in funding over 10 years to allow the Department of Homeland Security to procure, for inclusion in the Strategic National Stockpile, countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological or nuclear agents. For Medicaid reform, the Agreement establishes a reserve fund of $3.3 billion in fiscal year 2004, and $8.9 billion over 5 years. The fund is budget neutral over 10 years. Other reserve funds in the Agreement include $161 million in new BA in 2004 and $50 billion over 10 years to increase access to health insurance for the uninsured; and $43 million in new BA in 2004 and $7.5 billion over 10 years for the Family Opportunity Act. Other assumptions include a 1-year extension of certain State Children's Health Insurance Program funds—specifically fiscal year 1998 and 1999 funds that have expired, and fiscal year 2000 funds that are expiring. In addition, the Conference Agreement assumes that Transitional Medicaid Assistance and the QI–1 programs are extended for 5 years. It also assumes funding for abstinence education.

The Agreement assumes savings of $3.7 billion over 10 years resulting from the impact of medical liability reform on Medicaid, FEHBP, and DOD. The figure reflects an updated cost estimate from the Congressional Budget Office for the 108th Congress.

MEDICARE: FUNCTION 570

Function Summary

This budget function reflects the Medicare Part A Hospital Insurance [HI] Program, Part B Supplementary Medical Insurance [SMI] Program, and premiums paid by qualified aged and disabled beneficiaries. It also includes the "Medicare+Choice" Program, which covers Part A and Part B benefits and allows beneficiaries to choose certain private health insurance plans. Medicare+Choice plans may include health maintenance organizations, preferred provider organizations, provider-sponsored organizations, and private fee-for-service plans. In addition to covering all Medicare-covered services, such plans may add benefits or reduce cost-sharing required by the traditional Medicare program.

House Resolution

The House resolution calls for $266.5 billion in BA and $266.9 billion in outlays in fiscal year 2004, an increase of 7.2 percent in BA compared with fiscal year 2003. The function totals are $1.6 trillion in BA and $1.6 trillion in outlays over 5 years and $3.9 trillion in BA and $3.9 trillion in outlays over 10 years. Over the 2004–13 period, Medicare spending grows by 7.8 percent.

The House budget resolution includes a reserve fund of $400 billion over 10 years for Medicare modernization and a prescription drug benefit. The $400 billion amount is equal to the amount the President proposed in his fiscal year 2004 budget. This amount is in addition to the $54 billion increase in Medicare spending in the Fiscal Year 2003 Omnibus Appropriations Bill.

Senate Amendment

The Senate amendment assumes the President's proposal to provide additional Medicare funds to improve access to prescription drugs for all beneficiaries and to strengthen and modernize the program. This funding is included in a reserve fund, which contains up to $400 billion for the 2004–13 period.

The Senate amendment also assumes savings of $7.9 billion dollars over 10 years in Medicare from the passage of medical liability reform. The Congressional Budget Office has determined that limits on medical malpractice litigation would lower the cost of malpractice insurance for physicians, hospitals, and other health care providers and organizations. That reduction in insurance costs would, in turn, lead to lower charges for health care services and procedures, and ultimately, to a decrease in rates for health insurance premiums.

Conference Agreement

The Conference Agreement calls for $266.0 billion in BA and $266.3 billion in outlays in fiscal year 2004, $1,583.3 billion in BA and $1,583.4 billion in outlays over 5 years, and $3,867.7 billion in BA and $3,867.6 billion in outlays over 10 years.

The Conference Agreement includes separate Medicare reserve funds for the House and Senate, each of which provides $7 billion in fiscal year 2004 and $400 billion over 10 years. The $400-billion level is equal to the amount the President proposed in his fiscal year 2004 budget.

The Conference Agreement also assumes savings of $11.2 billion over 10 years in Medicare from the passage of medical liability reform legislation. This amount reflects the updated cost estimate from the Congressional Budget Office for the 108th Congress.

INCOME SECURITY: FUNCTION 600

Function Summary

The Income Security function includes most of the Federal Government's income support programs. These include: general retirement and disability insurance (excluding Social Security)—mainly through the Pension Benefit Guaranty Corporation [PBGC]—and benefits to railroad retirees. Other components are Federal employee retirement and disability benefits (including military retirees); unemployment compensation; low-income housing assistance, including section 8 housing; food and nutrition assistance, including food stamps and school lunch subsidies; and other income security programs.

This last category includes: Temporary Assistance to Needy Families [TANF], the Government's principal welfare program; Supplemental Security Income [SSI]; spending for the refundable portion of the Earned Income Credit [EIC]; and the Low Income Home Energy Assistance Program [LIHEAP]. Agencies involved in these programs include the Departments of Agriculture, Health and Human Services, Housing and Urban Development, the Social Security Administration (for SSI), and the Office of Personnel Management (for Federal retirement benefits).

Over the period 1998–03, BA in the function has had an average annual increase of 6.4 percent.

House Resolution

The House resolution calls for $315.9 billion in BA and $321.6 billion in outlays in fiscal year 2004. The function totals are $1,658.0 billion in BA and $1,672.7 billion in outlays over 5 years, and $3,524.3 in BA and $3,543.0 in outlays over 10 years. The reauthorization of the contingency fund in the TANF program causes a one-time spike in BA and outlays during fiscal year 2003 relative to the remaining period of the reauthorization.

The resolution assumes that the TANF block grant, as well as the related child care entitlement to States and other elements of the 1996 welfare reform law will be reauthorized during fiscal year 2003 as passed by the House on 13 February 2003 in the Personal Responsibility, Work, and Family Promotion Act of 2003, which accommodates an additional $2.4 billion in mandatory spending above the baseline for these programs over 5 years (2003–08). The resolution allows for an additional $1 billion over 5 years above current law for the mandatory child care entitlement to States.

The resolution also accommodates the President's proposal to offer States an optional block grant for foster care payments. The resolution assumes $6.9 billion in 2004 for Foster Care and Adoption Assistance, including the Independent Living program, which provides assistance to youths who are aging out of foster care.

The resolution assumes a decline in Unemployment Insurance benefit payments in fiscal year 2004, relative to 2003, because extended Federal Unemployment Insurance benefits enacted on 8 January 2003 will terminate on 31 May 2003, and because economic assumptions assume a drop in the unemployment rate in 2004.

The resolution seeks to reduce erroneous overpayments in SSI by accommodating $1.4 billion to conduct Continuing Disability Reviews [CDRs] of SSI Disability recipients to ensure that they are sufficiently disabled to remain eligible for benefits.

The resolution assumes the outlay portions of refundable tax credits contained in the President's economic growth package of tax incentives, together with the outlay effects of making refundable tax credit policies of the 2001 tax cuts permanent. Outlays are assumed for the Earned Income Tax Credit and the Child Tax Credit under these provisions.

The resolution also assumes enactment of legislation such as H.R. 4069 (from the 107th Congress), providing for enhancement of Social Security benefits for women.

Senate Amendment

For discretionary programs, the Senate amendment assumes $45.7 billion in BA and $51.5 billion in outlays for 2004. This represents an increase of $1.7 billion in BA and $763 million in outlays from the 2003 level. The Senate amendment includes the following specific assumptions.

The Senate amendment includes an additional $9 million for the Employee Benefit Security Administration for pension protection and employer education.

The Senate amendment incorporates the administration's plan to reform the Federal Employee Compensation Act. These changes will save taxpayers approximately $80 million over 10 years.

The Senate amendment incorporates a debt restructuring and interest refinancing plan for the Black Lung Trust Fund.

The Senate amendment includes the President's proposal for food and nutrition funding totaling $41.7 billion for 2004. The Senate amendment increases funding for the Women's Infant and Children program by $73 million, or 1.6 percent more than 2003.

The Senate amendment assumes reauthorization the Personal Responsibility and Work Act and therefore assumes an increase above the President's request for the Child Care Development Block Grant. The Senate amendment assumes an increase for 2004 of $214 million over the 2003 level, a 10.2-percent increase.

The Senate amendment includes the President's proposal to eliminate a discretionary limit on administrative expenditures for the Pension Benefit Guarantee Corporation.

Under the Senate amendment, sufficient budget authority is provided to renew all utilized section 8 housing contracts as contemplated in the 2003 Omnibus Appropriations Bill.

Among mandatory programs in this function, the Senate amendment assumes the President's request to reauthorize the landmark 1996 welfare reform legislation, which replaced the 60 year-old Aid to Families with Dependent Children program with the Temporary Assistance to Needy Families block grant. The Senate amendment also assumes the President's priority to promote healthy marriages, fatherhood and family formation. The Senate amendment is supportive of efforts to capitalize and develop the role of sustainable social services, such as Goodwill, which are critical to the success of moving welfare recipients to work.

The Senate amendment assumes an increase of $200 million annually above the baseline in the Child Care Entitlement to States.

The Senate amendment also assumes aspects of the President's proposal to enhance Child Support Enforcement collections. Child Support Enforcement efforts will increase collections and direct more of the support collected to children and families.

The Senate amendment assumes the President's Foster Care and Adoption Assistance proposal, providing States with increased flexibility to better design their child welfare system that supports services to families in crisis and children at risk.

Conference Agreement

The conference agreement calls for spending of $319.5 billion in BA and $324.8 billion in outlays in 2004, and $1,706.1 billion in BA and $1,720.0 billion in outlays over the period 2004–08. Over the period 2004–13, the agreement calls for spending of $3,686.9 billion in BA and $3,703.5 billion in outlays.

The conference agreement assumes reauthorization of TANF at the level requested by the President, which is largely consistent with H.R. 4 as passed by the House on 13 February, 2003. It also provides $2.0 billion above the baseline level for the mandatory Child Care Entitlement to States, as assumed in the Senate budget resolution. The Agreement assumes funding for the incentive to States to reform child welfare programs as proposed by the President. It also assumes savings from pre-effectuation reviews of applications for Supplemental Security Income benefits.

SOCIAL SECURITY: FUNCTION 650

Function Summary

Function 650 consists of the Social Security Program, or Old Age, Survivors, and Disability Insurance [OASDI]. Under provisions of the Congressional Budget Act and the Budget Enforcement Act, Social Security trust funds are "off budget." Nevertheless, a small portion of spending in Function 650—specifically a portion of the budget for the Office of the Inspector General of the Social Security Administration [SSA], the quinquennial adjustment for World War II veterans, and general fund transfers of taxes paid on Social Security benefits—are on budget.

House Resolution

Total on-budget spending in the House resolution is $14.2 billion in BA and outlays.

Senate Amendment

The Senate amendment assumes the on-budget totals for Social Security will be $14.3 billion in BA and outlays for 2004 and $223.8 billion in BA and outlays over 2004–13. The Senate amendment assumes discretionary spending in this function, for the administrative expenses of the Social Security Administration, would total $4.3 billion in BA and $4.2 billion in outlays for 2004. This represents an increase of $0.4 billion, or 11.7 percent, in BA above the 2003 level. The Senate amendment assumes no mandatory increases or decreases in this function.

Conference Agreement

The Conference Agreement calls for on-budget amounts as follows: $14.3 billion in BA and outlays in 2004; $83.8 billion in BA and outlays for 2004–08; and $223.8 billion in BA and outlays over the 2004–13 period. The House accepts the Senate's method of recording certain pension offsets.

VETERANS BENEFITS AND SERVICES: FUNCTION 700

Function Summary

The Veterans Benefits and Services function includes funding for the Department of Veterans Affairs [VA], which provides benefits to veterans who meet various eligibility rules. Benefits range from income security for veterans, principally disability compensation and pensions; veterans education, training, and rehabilitation services; hospital and medical care for veterans; and other veterans' benefits and services, such as home loan guarantees. There are about 25 million veterans, but over the next 20 years this number will decline by one-third, to about 17 million.

House Resolution

The House resolution calls for $61.6 billion in BA and $61.1 billion in outlays in fiscal year 2004, an increase of 5.4 percent in BA compared with fiscal year 2003. The function totals are $319.5 billion in BA and $318.2 billion in outlays over 5 years; and $671.7 billion in BA and $668.9 billion in outlays over 10 years.

The resolution supports a $1.3-billion increase in veterans medical care. It assumes the expansions and revisions of mandatory benefits proposed by the administration's fiscal year 2004 budget, as well as: continuation of Dependency and Indemnity Compensation for surviving spouses who remarry after age 55; an increase in auto allowance from $9,000 to $11,000 for severely disabled veterans; and accrued benefits for veterans survivors.

Senate Amendment

The Senate amendment assumes levels for this function of $63.8 billion in BA and $63.2 billion in outlays. This represents an increase of 10.7 percent, or $6.2 billion, in BA. The Senate amendment assumes funding of $693.7 billion in BA and $689.2 billion in outlays over 2004–13.

For discretionary spending, the Senate amendment assumes $30.0 billion in BA and $29.6 billion in outlays for 2004. This represents an increase of 12.9 percent, or $3.4 billion, in BA over the 2003 level. The Senate amendment proposes to refocus resources to benefit higher priority veterans.

The Senate amendment proposes total net funding of $29.0 billion for the Department of Veterans Affairs [VA] medical programs. This is an increase of 14.6 percent, or $3.7 billion, above the 2003 enacted level, and the largest increase for medical care in the past 5 years. This increase will help the VA in its mission to provide medical care to its core constituency low-income and service-connected disabled veterans.

The Senate amendment assumes the enactment of legislation to establish the President's proposed $250 enrollment fee for priority level 7 and 8 veterans. Priority 7 and 8 veterans have ailments that are not service connected and have a higher income than other veterans using the VA hospitals. The enrollment fee would generate offsetting receipts of $102 million in 2004 for the Medical Care Collections Fund [MCCF].

The Senate amendment also assumes legislation will be enacted to increase the insurance and prescription drug co-payments for Priority 7 and 8 veterans to $20 and $15, respectively, as proposed by the President. In addition, the Senate amendment reflects the President's proposal to eliminate both the insurance and prescription drug co-payment for priority level 2 through 5 veterans. These changes in the prescription drug and insurance co-payments would yield offsetting receipts of $224 million in 2004 into MCCF.

For mandatory veterans programs, the Senate amendment assumes the President's proposal to enact legislation to restore the original interpretation of section 1110 of title 38 U.S. Code will be enacted. Section 1110 prohibits compensation for alcohol or drug abuse that arises secondarily from a service connected disability. In February 2001, the U.S. Court of Appeals decided that section 1110 did not preclude compensation for alcohol or drug abuse arising secondarily from a service connected disability. This proposal would save $71 million over 10 years.

Conference Agreement

The Conference Agreement calls for $63.8 billion in BA and $63.2 billion in outlays in fiscal year 2004. The function totals are $327.9 billion in BA and $325.6 billion in outlays over 5 years; and $693.9 billion in BA and $689.4 billion in outlays over 10 years. The Agreement assumes no revisions in mandatory programs.

The Conference Agreement provides for discretionary BA of $29.96 billion for fiscal year 2004, an increase of $3.4 billion, or 12.9 percent—nearly all of which is expected to be for Department of Veterans Affairs [VA] medical programs. An increase of this magnitude will help the VA in its mission to provide medical care to its core constituency—low-income and service-connected disabled veterans, as well as the cost of medical care for combat veterans returning from Iraq in accordance with Public Law 105–368.

ADMINISTRATION OF JUSTICE: FUNCTION 750

Function Summary

Function 750 supports the majority of Federal justice and law enforcement programs and activities. This includes funding for the Department of Justice, much of the newly formed Department of Homeland Security [DHS], as well as the financial law enforcement activities of the Department of the Treasury, Federal courts and prisons, and criminal justice assistance to State and local governments.

House Resolution

The House resolution calls for $37.3 billion in BA and $40.9 billion in outlays for this function for fiscal year 2004. The function totals over 10 years are $404.2 billion in BA and outlays.

The House resolution fully funds the Department of Homeland Security [DHS] components reflected in this function, including: securing the Nation's borders; enhancing Federal, State, and local law enforcement efforts; stopping terrorist financing; and bringing terrorist conspirators to justice.

The resolution also provides for $18.7 billion in discretionary funding for the Department of Justice, and thus allows for the hiring of 2,170 new employees, including 1,911 new FBI personnel.

Also in this function, the resolution assumes $9 million for the mandatory costs associated with creating 62 new Federal judgeships and extending five existing bankruptcy judgeships.

Senate Amendment

The Senate amendment assumes funding for this function will total $37.8 billion in BA and $40.9 billion in outlays. This represents a decrease of 2.0 percent, or $0.8 billion, in BA from 2003. The Senate amendment assumes funding of $406.4 billion in BA and $408.7 billion in outlays over 2004–13.

For discretionary programs, the Senate amendment assumes $33.7 billion in BA and $37.6 billion in outlays for 2004. This represents a decrease of $2.6 billion in BA from the 2003 level. The Senate amendment includes the following specific assumptions.

For the Department of Homeland Security, the Senate amendment assumes $5.6 billion in discretionary funds in 2004 for the Bureau of Customs and Border Protection, an increase of $800 million (16.7 percent) more than in 2003. For the DHS Bureau of Immigration and Customs Enforcement, the Senate amendment assumes $1.4 billion for 2004, an increase of $0.3 billion or 26 percent more than in 2003. The Senate also adopted an amendment to add $150 million in BA in 2004 and 2005 for additional port security needs.

For the Federal Bureau of Investigation [FBI], the Senate amendment assumes a total of $4.1 billion, an increase of $397 million (10.6 percent) from 2003. This increase would be primarily used for intelligence analysts, surveillance personnel, and field investigators, including cybercrime investigators, as well as to support FBI-led interagency task forces.

The Senate amendment also assumes $500 million for the Office of Domestic Preparedness to be used exclusively for grants to local law enforcement agencies to combat terrorism.

The Senate amendment assumes two mandatory proposals in the President's budget concerning the extension of expiring Customs user fees. If extended, the combined resulting collections would be $1.3 billion in 2004 and $17.8 billion through 2013.

Conference Agreement

The function totals for the Conference Agreement are $37.6 billion in BA and $40.8 billion in outlays for fiscal year 2004; $191.5 billion in BA and $195.7 billion in outlays over 5 years; and $406.3 billion in BA and $408.6 billion in outlays over 10 years.

The Agreement fully funds the President's request for the Department of Justice and the programs and activities of the Department of Homeland Security in Function 750. The Agreement also assumes additional funding for Bankruptcy and other Federal judges.

GENERAL GOVERNMENT: FUNCTION 800

Function Summary

The General Government function consists of the activities of the Legislative Branch; the Executive Office of the President; general tax collection and fiscal operations of the Department of Treasury (including the Internal Revenue Service [IRS]); the property and personnel costs of the General Services Administration and the Office of Personnel Management; general purpose fiscal assistance to States, localities, the District of Columbia, and U.S. territories; and other general government activities. The IRS accounts for about half of the spending in this function.

House Resolution

The House resolution calls for $19.8 billion in BA and $19.6 billion in outlays in fiscal year 2004, an increase of 8.8 percent in BA compared with fiscal year 2003. The function totals are $99.3 billion in BA and $98.9 billion in outlays over 5 years, and $206.4 billion in BA and $203.9 billion in outlays over 10 years.

The House Passed resolution accommodates $500 million for the newly created Election Assistance Commission. It also assumes the President's mandatory spending proposal to pay financial institutions for their services in lieu of providing compensating balances; and continuation of fiscal assistance provided to the Compact of Free Association between the United States Government and the government of the Federated States of Micronesia.

Senate Amendment

For discretionary programs, the Senate amendment assumes $17.1 billion in BA and $16.8 billion in outlays for 2004. This represents an increase of $1.4 billion in BA from the 2003 level. The Senate amendment includes the following specific assumptions.

The Senate amendment allocates $10.4 billion for the Internal Revenue Service [IRS], an increase of $550 million or almost 6 percent over 2003. Of that increase, 50 percent is directed into Tax Law Enforcement [TLE], 23 percent toward Processing Assistance and Management [PAM], and 19 percent for reducing fraud in the Earned Income Tax Credit [EITC] program.

The Senate amendment allocates $223 million for Payments in Lieu of Taxes [PILT] for 2004, $23 million more than the President's request. Over the next decade, this translates into an additional $300 million above the President's request. These payments compensate municipal governments for forgone revenues stemming from the presence of the Federal Government.

The Senate amendment increases Homeland Security funding within Function 800 by $214 million in 2004. The additional funds are dedicated to developing the site plan for the new headquarters, converting wireless radio communication to narrowband operations and bolstering security at Federal buildings.

For mandatory programs, the Senate amendment reflects the President's proposal to open ANWR for oil and gas leasing (the total Federal receipts portion appears in Function 950, Offsetting Receipts). The State of Alaska would receive a payment of one-half of the proceeds, or $1.7 billion in 2006, which is reflected in Function 800.

The Senate amendment assumes that President's $386 million Financial Agent Services proposal is enacted. Currently, financial institutions that operate major collection and payment programs on behalf of the Federal Government are reimbursed via compensating balances. The President's proposal would instead replace the existing barter arrangement with a more transparent fee-for-service agreement.

In its examination of selected Government programs, OMB determined through the Performance Assessment Rating Tool [PART] that IRS collection efforts do not efficiently utilize its available resources. In response, the President proposes legislation that would permit the IRS to enlist the help of private collection agencies to obtain payment from delinquent taxpayers. The Senate amendment includes $226 million in mandatory funding in 2004 for this proposal.

Conference Agreement

The Conference Agreement for Function 800 calls for $20.2 billion in BA and $20.1 billion in outlays in fiscal year 2004. The functional totals are $103.9 billion in BA and $103.2 billion in outlays over 5 years, and $221.3 billion in BA and $218.2 billion in outlays over 10 years.

The Conference Agreement reflects the Senate amendment on funding for PILT.

In fiscal year 2004, the Conference Agreement assumes the President's $386 million Financial Agent Services proposal is enacted. It also assumes that Compacts of Free Association are ratified and therefore accommodates $19 million for this purpose in 2004.

NET INTEREST: FUNCTION 900

Function Summary

Net interest is the interest paid for the Federal Government's borrowing less the interest received by the Federal Government from trust fund investments and loans to the public. Function 900 is a mandatory payment, with no discretionary components.

On-budget BA and outlays for net interest has gone from $287.8 billion in fiscal year 1998 to $239.7 billion in fiscal year 2003, an overall decrease of 3.6 percent per year.

House Resolution

For on-budget interest, the resolution calls for $256.7 billion in BA and outlays in fiscal year 2004, an increase of 7.2 percent compared with fiscal year 2003. The function totals are $1,659.4 billion in BA and outlays over 5 years, and $3,910.9 billion in BA and outlays over 10 years. For off-budget interest, it calls for –$89.8 billion in BA and outlays in fiscal year 2004, a decrease of 6.7 percent compared with fiscal year 2003. The function totals are –$554.2 billion in BA and outlays over 5 years, and –$1,481.3 billion in BA and outlays over 10 years.

The resolution assumes a reduction in interest payments of $0.3 billion in BA and outlays in fiscal year 2004 and $5.3 billion in BA and outlays over 10 years. This saving arises from replacing Treasury's compensating balances by a permanent indefinite appropriation (see Function 800) that would result in lower borrowing by the Federal Government.

Senate Amendment

For 2004, the Senate amendment sets forth on-budget levels of $255.8 billion in BA and outlays. Over the 2004–2013 period, it provides on-budget amounts of $3,889.2 billion in BA and outlays.

The Senate amendment assumes two additional policies that affect net interest. The first is the President's proposal to pay financial institutions for their services in lieu of providing compensating balances (discussed in Function 800), which results in lower borrowing by the Federal Government and saves $5.3 billion in interest over 10 years. The second is the Postal Service pension proposal (discussed in Functions 370 and 950), which results in a reduction in interest received by the Federal Government.

Conference Agreement

The Conference Agreement calls for on-budget amounts of 259.4 billion in BA and outlays in fiscal year 2004, and $4,072.6 billion over the 2004–13 period.

ALLOWANCES: FUNCTION 920

Function Summary

The Allowances function is used for planning purposes to reflect the aggregate budgetary effects of proposals or assumptions that relate to programs in other budget functions. Once such changes are enacted, the budgetary effects are distributed to the appropriate budget functions.

There is no spending history in Function 920 for the reason mentioned above.

House Resolution

The House resolution calls for –$1.1 billion in BA and –$0.6 billion in outlays in fiscal year 2004, all of it in discretionary spending. The function totals are –$1.1 billion in BA and outlays for both the 5-year and the 10-year periods. There are offsets in Functions 500 and 700: $0.2 billion in BA and outlays in Function 500, for Impact Aid; and –$1.1 billion in BA and outlays in Function 700 to match the function total with the President's.

Senate Amendment

The Senate Amendment assumes levels for this function would total –$16.1 billion in BA and –$8.3 billion in outlays for 2004. Initially, the Committee-reported resolution only assumed discretionary effects in this function (totaling –$3.9 billion in BA and –$3.6 billion in outlays for 2004). These assumptions reflected removal of the effects of pay annualization in the baseline (which would reduce discretionary BA by about $2 billion annually); an alternate growth scenario for the path of nondefense discretionary spending after 2008 (the last year of the President's 2004 budget); and an unspecified offset for an increase in veterans medical care.

During consideration of the Committee-reported resolution, the Senate adopted 10 amendments that provided unspecified discretionary offsets in Function 920 for specific assumptions affecting other portions of the budget, and one amendment for an unspecified mandatory offset in Function 920 for spending increases in Functions 450 and 500.

Conference Agreement

The Agreement calls for –$7.6 billion in BA and $22.3 billion in outlays in fiscal year 2004.

UNDISTRIBUTED OFFSETTING RECEIPTS: FUNCTION 950

Function Summary

Offsetting Receipts recorded in this function are either intragovernmental (a payment from one Federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some kind of business transaction with the Government). The main types of receipts recorded in this function are: the payments Federal employers make to employee retirement trust funds; payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf; and payments by those who bid for the right to buy or use public property or resources, such as the electromagnetic spectrum. These receipts are treated as mandatory negative spending.

House Resolution

The House resolution calls for −$52.9 billion in BA and outlays for this function in fiscal year 2004, reflecting a −$2.4 billion, or −4.8 percent, increase in receipts (or decrease in spending) compared to the fiscal year 2003 budget. This amount is the baseline for offsetting receipts increased by the reduction ($2.7 billion) in the Postal Service's contribution to the Civil Service Retirement System. Over the 2004–08 period, BA and outlays are to further decrease by $16.1 billion due to an average increase for receipts of 5.7 percent per year. Over 10 years, receipts are to total −$676.0 billion in BA and outlays.

On-Budget Receipts. The resolution calls for −$42.9 billion in BA and outlays in fiscal year 2004, a decrease of 4.4 percent in BA compared with fiscal year 2003. The function totals are −$255.0 billion in BA and outlays over 5 years, and −$539.4 billion in BA and outlays over 10 years. Over the 2004–08 period, on-budget BA and outlays further decrease an average of 5.4 percent per year.

Off-Budget Receipts. The resolution assumes −$10.0 billion in BA and outlays in fiscal year 2004, a decrease of 6.6 percent in BA compared with fiscal year 2003. The off-budget function totals −$57.6 billion in BA and outlays over 5 years, and −$136.5 billion in BA and outlays over 10 years. Over the 2004–08 period, BA and outlays further decrease an average of 6.8 percent per year. The off-budget receipts in this function are agencies' payments to the Social Security trust funds at baseline.

Senate Amendment

The Senate amendment assumes additional offsetting receipts of $2.15 billion over the 2004–13 period, consistent with opening up the 1002 area of the Arctic National Wildlife Refuge for oil exploration and production in order to decrease our dependence on foreign oil (the payment of a share of these receipts to the State of Alaska is reflected in Function 800). An amendment to the Committee-reported resolution adopted by the Senate struck the reconciliation instruction to the Senate Energy Committee to report legislation producing that level of savings.

The Senate amendment also assumes legislation (S. 380, as cleared for the President on 8 April 2003) that would reduce the Postal Service payment to the Civil Service Retirement [CSRS] trust fund for 2003–05, but then would reinstate and redirect the payment to an escrow fund until Congress can enact subsequent law regarding how the Postal Service should address its retiree health liabilities and other concerns. This proposal would increase the unified deficit by $7.3 billion over the 2003–13 period. The budgetary effect on the Postal Service is reflected in Function 370, and the effect on the receipts of the CSRS fund are shown in this function (a small interest effect appears in Function 900).

The Senate amendment assumes the President's proposals to extend the authority of the Federal Communications Commission to auction spectrum (which would otherwise expire at the end of 2007) and to impose an efficiency fee on users of spectrum not acquired through Federal auction.

Conference Agreement

On-Budget Receipts. For these receipts, the Agreement assumes −$42.9 billion in BA and outlays in fiscal year 2004; −$250.2 billion over 5 years; and −$540.2 billion over 10 years.

Off-Budget Receipts. The Agreement assumes −$10.0 billion in BA and outlays in fiscal year 2004; −$57.6 billion over 5 years; and −$136.5 billion over 10 years.

The Agreement assumes extended authority to auction the electromagnetic spectrum. It makes no assumption concerning the Arctic National Wildlife Refuge.

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Congressional Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in spending or revenues. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the level of spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in sections 310 and 313 of the Budget Act.

House Resolution

Section 201. Reconciliation

Section 201 provides for two different reconciliation bills. The first reconciliation bill is designed to stimulate economic growth and to simplify and reform the tax system. It has two separate directives: The Committee on Ways and Means must reduce the total level of revenues by not more than $35.4 billion for fiscal year 2003, $112.8 billion for fiscal year 2004, $387.7 billion for the period of fiscal years 2004 through 2008, and $662.8 billion for the period of fiscal years 2004 through 2013. It must also increase the level of direct spending by $4.4 billion in outlays for fiscal year 2003, $1.1 billion in outlays for fiscal year 2004, $17.4 billion in outlays for the period of fiscal years 2004 through 2008, and $23.1 billion in outlays for the period of fiscal years 2004 through 2013. It also requires the Education and the Workforce to increase direct spending by $3.6 billion for FY2003. These changes must be transmitted to the Budget Committee by 11 April 2003.

The House resolution also instructs 13 committees to reduce spending on programs within their jurisdiction to the Budget Committee by 18 July 2003. The intent of the instruction is to reduce instances of waste fraud and abuse in these program areas. The committees may choose their own methods of complying with the directives. The committees are as follows: Agriculture, Education and the Workforce, Energy and Commerce, Financial Services, Government Reform, House Administration, International Relations, the Judiciary, Resources, Science, Transportation and Infrastructure, Veterans Affairs, and the Ways and Means. Each committee is required to reduce its spending by one percent.

Senate Amendment

Section 104. Reconciliation in the Senate

The Senate amendment instructs the Finance Committee to report legislation by 8 April 2003 to reduce revenues by $322.5 billion over 2003–2013 and to increase direct spending related to tax policy changes by $27.5 billion over 2003–2013 (reflected in function 600). The Committee-reported resolution had reconciled the Finance Committee for a reduction in revenues and an increase in outlays consistent with President Bush's jobs and growth tax relief plan—$725.8 billion over the 2003–2013 period. During consideration of the Committee-reported resolution, the Senate adopted several amendments that reduced the revenue reconciliation instruction to the Finance Committee.

Conference Agreement

Section 201. Reconciliation for Economic Growth and Tax Simplification and Fairness

Section 201(a) of the Conference Agreement includes a reconciliation directive to the House Ways and Means Committee to report legislation by 8 May 2003 to stimulate economic growth and to simplify and reform the tax system. The committee must reduce the total level of revenues by not more than $535.0 billion for the period of fiscal years 2003 through 2013, and to increase direct spending related to tax policy changes by $15.0 billion over 2003–2013.

Section 201(b) of the Conference Agreement instructs the Senate Finance Committee to report legislation by 8 May 2003 to reduce revenues by $522.524 billion over 2003–2013 and to increase direct spending related to tax policy changes by $27.476 billion over 2003–2013 (reflected in function 600).

Section 202. Limit on Senate Consideration of Reconciliation

Section 202 of the Conference Agreement limits initial Senate consideration of a reconciliation bill reported pursuant to Section 201, or any amendment thereto, to no more than $322.524 billion in revenue reductions and $27.476 billion in outlay increases for the period of fiscal years 2003 through 2013, enforced by a 60–vote point of order. The limitation would not apply to a conference report on legislation considered pursuant to this Title.

SUBMISSIONS TO ELIMINATE WASTE, FRAUD, AND ABUSE

Section 301. Submissions to eliminate waste, fraud, and abuse

Section 301 of the Conference Agreement requires authorizing committees in the House and the Senate to submit findings to the appropriate Budget Committee identifying instances of waste fraud and abuse in programs within their jurisdiction sufficient to reduce outlays by an amount to be specified by the chairmen of the Budget Committees. Such a specified amount must be inserted in the Congressional Record by 19 May 2003. The findings of the authorizing committees must be submitted to the Budget Committees by 2 September 2003. These findings will be used by the Budget Committees in the development of future budget resolutions.

In the House, the authorizing committees directed to report these findings are: Agriculture, Armed Services, Education and the Workforce, Energy and Commerce, Financial Services, Government Reform, House Administration, International Relations, Judiciary, Resources, Science, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means.

In the Senate, the authorizing committees directed to report these findings are: Agriculture, Nutrition and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign

Relations; Governmental Affairs; Health, Education, Labor, and Pensions; Judiciary; Small Business; Veterans' Affairs; and Indian Affairs.

Finally, the Comptroller-General of the General Accounting Office is directed to submit to the Budget Committees a report identifying instances in which the committees of jurisdiction can make legislative changes to improve the economy, efficiency, and effectiveness of Federal programs. The report must be submitted by 2 September 2003.

RESERVE FUNDS, CONTINGENCY PROCEDURES, AND ADJUSTMENTS

House Resolution

Section 301. Medicare modernization and prescription drugs

Section 301 creates a reserve fund for legislation that provides a prescription drug benefit and modernizes Medicare, and provides adjustments to the Medicare program on a fee-for-service, capitated, or other basis. It creates a separate allocation for Medicare and then permits the Chairman of the House Budget Committee to make adjustments to that allocation for such legislation. The committees with jurisdiction over Medicare may report legislation for these purposes, though the adjustment made must be no more than $7.5 billion in fiscal year 2004 and $400 billion for fiscal years 2004 through 2013. Pursuant to section 321(d), legislation must be within the allocations provided by the budget resolution in the first year and five-year period. Because of the separate Medicare allocation established in section 301(c), Medicare legislation must be within its allocation in the first year and the ten-year period. For legislation other than Medicare, the applicable allocation is for the first and five-year period.

Section 302. Reserve fund for medicaid

Section 302 creates a reserve fund that allows the Chairman of the House Budget Committee to adjust the allocation of BA and outlays to the Committee on Energy and Commerce for any measure that combines funding for Medicaid and the State Children's Health Insurance Program [SCHIP]. The purpose of this reserve fund is to ensure, as a condition for setting any increase in the allocation, the bill is deficit neutral over ten years. The adjustments in the allocations may not exceed $3.3 billion in new BA and outlays for fiscal year 2004; and $8.9 billion in new BA and outlays for the period of fiscal years 2004 through 2008.

Section 303. Reserve fund for Bioshield

In section 303, the Chairman of the House Budget Committee is permitted to adjust the allocation of BA and outlays to the appropriate committees for a bill that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures.

The adjustment can accommodate either a discretionary or mandatory program, depending on the structure of the program in the authorizing legislation. If it is mandatory, the adjustment may not exceed $890 million in new mandatory BA for fiscal year 2004, and $3.4 billion in new mandatory BA for fiscal years 2004 through 2008. If it is discretionary, the adjustment would be made in the Appropriations Committee's 302(a) allocation for fiscal year 2004 because that allocation is made for only a single fiscal year. If the program includes both mandatory and discretionary components or if two bills are enacted, the maximum adjustment the committee may make in fiscal year 2004 is $890 million in BA.

Section 311: Contingency procedure for surface transportation

In section 311, the House resolution creates a contingency procedure to permit the Transportation and Infrastructure Committee to increase spending above the level in the budget resolution on highways, highway safety, and transit in the surface transportation reauthorization bill it will consider later this year, should additional resources be made available to the Highway Trust Fund. The offsets may take the form of an increase in receipts to the Highway Trust Fund or a reduction in mandatory outlays from the fund.

Subsection (a) creates a reserve fund that allows the Chairman of the House Budget Committee to adjust the allocation of BA to the Committee on Transportation and Infrastructure for any measure that reauthorizes surface transportation programs and provides new BA for highway and transit spending. The Budget Committee Chairman may make an adjustment to its allocation if the Transportation Committee reports a measure that exceeds the amounts specified in section 311. The adjustment may only be made if it is offset by changes in law, either included in same measure, or by previously enacted legislation. The changes in law may effect either direct spending or receipts must be appropriated to the Highway Trust Fund. The adjustment may be made in the BA allocation for fiscal year 2004 and the 5 year period, but the additional resources must offset the additional BA and corresponding outlays in each year.

Subsection (b) creates a reserve fund that allows the Chairman of the House Budget Committee to adjust the allocation of outlays to the Committee on Appropriations for any measure that sets total obligation limitations greater than $38.5 billion for fiscal year 2004 for spending from the Highway Trust Fund. In addition, the amount of the adjustment must be offset by increases in resources dedicated to the Highway Trust Fund in fiscal year 2004 as previously referred to in subsection (a).

Senate Amendment

In general, a reserve fund permits the Chairman of the Committee on the Budget to increase the section 302 allocation and other appropriate levels set out in this resolution (including in some cases—see sections 211 and 212—the discretionary spending limits) once certain conditions specified in the reserve fund have been met. The authority to make these adjustments is solely within the discretion of the Chairman and may be made when the specified committee of jurisdiction reports a measure that satisfies all the conditions set out in the reserve fund.

Section 211: Adjustment for special education

The Senate amendment contains a mechanism to make additional resources available to the Committee on Appropriations specifically for the Part B grant program under the Individuals with Disabilities Education Act (IDEA). The mechanism will make available an additional $205 million for fiscal year 2004 and $209 million for fiscal year 2005 after enactment of a bill reported by the Committee on Health, Education, Labor and Pensions reauthorizing IDEA and only if the appropriators provide more than the base amounts described in the reserve. Additionally, the amendment requires the reauthorization bill to provide an allowance of uniform discipline policies for all students; local fiscal relief; and to minimize the over-identification of students with disabilities.

Section 212: Adjustment for highways and highway safety and transit

The Senate amendment provides a mechanism to make additional resources available to the appropriate authorizing committees and the Committee on Appropriations for highway and transit programs once the reauthorization of the Transportation Equity Act for the 21st Century (TEA–21) is enacted, provided that the reauthorization includes new governmental receipts for the highway trust fund—without increasing the deficit. The amendment makes no assumption with respect to the floor procedures required to bring together the portions of this legislation that fall within the jurisdiction of various committees of the Senate. Therefore the amendment names all three authorizing committees (the Committee on the Environment and Public Works, the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce, Science and Transportation). The amendment further assumes that the additional funding facilitated by this section will be provided in the form of new governmental receipts in a measure reported by the Committee on Finance, net of the 25% income tax offset as is customarily scored by the Joint Committee on Taxation.

Section 213: Reserve fund for Medicare

The Senate amendment provides up to $400 billion for the period of fiscal years 2004 through 2013 for legislation that improves the Medicare program and makes prescription drugs more accessible for those covered by Medicare. During the markup an amendment offered by Senator Feingold was agreed to which provides that the legislation may also promote geographic equity payments. The adjustment may be made only if the Committee on Finance reports a bill that strengthens and enhances the Medicare program as well as improves the access of beneficiaries to prescription drugs or promotes geographic equity.

Section 214: Reserve fund for health insurance for the uninsured

The Senate amendment provides up to $88 billion for the period of fiscal years 2004 through 2013 for legislation that provides health insurance for the uninsured. The adjustment may be made only if the Committee on Finance reports a bill that provides health insurance for the uninsured—which may include a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers.

Section 215: Reserve fund for children with special needs

The Senate amendment creates a reserve for legislation that provides states with the option to expand Medicaid coverage for children with special needs. The adjustment may be made only if the Committee on Finance reports a bill that does not exceed $43 million in new budget authority and $42 million in outlays for fiscal year 2004, and $7.462 billion in new budget authority and $7.262 billion in outlays for the period of fiscal years 2004 through 2013.

Section 216: Reserve fund for Medicaid Reform

The Senate amendment provides up to $12.782 billion through 2010 for legislation that reforms the Medicaid program. The adjustment may be made only if the Committee on Finance reports a bill that provides significant reform of the Medicaid program. The adjustments may be made only if the Finance Committee reports a bill that does not exceed $3.258 billion in new budget authority and outlays for 2004, $8.944 billion in new budget authority and outlays for the period of fiscal years 2004 through 2008, $12.782 billion in new budget authority and outlays for the period of fiscal years 2004 through 2010, and is deficit neutral for the period of fiscal years 2004 through 2013.

Section 217: Reserve fund for Project Bioshield

The Senate amendment provides up to $5.593 billion over the life of the resolution for legislation that facilitates procurement for inclusion by the Secretary of Health and Human Services in the Strategic National Stockpile of countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological, or nuclear agents. The adjustments may be made only if the Committee on Health Education, Labor and Pensions reports a bill that provides no more than $890 million in new budget authority (and $575 million in outlays) for fiscal year 2004 and $5.593 billion in new budget authority and outlays for the period of fiscal years 2004 through 2013.

Section 218: Reserve fund for the state grant program and ANWR receipts

The Senate amendment provides up to $250 million per year (beginning in fiscal year 2006) for legislation that provides additional resources for the state grant program funded from the Land and Water Conservation Fund. The adjustment is conditioned upon two events: the enactment of legislation that yields offsetting receipts (reflected in the resolution as a reduction in outlays) from the opening of the Arctic National Wildlife Refuge and subsequent reporting of a bill from the Committee on Energy and Natural Resources that dedicates a portion of these receipts to the Land and Water Conservation Trust Fund for the grant program.

Section 219: Reserve fund for State Children's Health Insurance Program

The Senate amendment provides up to $1.825 billion in new budget authority for legislation that extends the availability to states of expired State Children's Health Insurance Program allotments (from 1998 and 1999) and expiring 2000 allotments. The adjustments may be made only if the Committee on Finance reports a bill that provides no more than $1.26 billion in new budget authority (and $85 million in outlays) for fiscal year 2003, $1.33 billion in new budget authority (and $85 million in outlays) for fiscal year 2004, $1.95 billion in new budget authority (and $845 million in outlays) for the period of fiscal years 2003 through 2008, and $1.825 billion in new budget authority (and $975 million in outlays) for the period of fiscal years 2003 through 2013.

Section 319: Reserve fund to strengthen Social Security

Section 319 of the Senate amendment was adopted as part of an amendment that reduced to $350 billion the reconciliation instruction to the Committee on Finance. It purports to hold in reserve $396 billion to extend the solvency of the Social Security trust funds, but provides no policy directive for how to accomplish this. On its face, it would permit the Committee on Finance to spend $396 billion on any program so long as it was part of legislation that for instance, reduced benefits or increased the retirement age, and thus extended solvency.

Past practice has been to include the effect of the policies described in a reserve fund in the functional levels and aggregates of the budget resolution but to withhold the funds from the committee's 302(a) allocation. The language of section 319 does not conform to this model. Rather, it entirely eliminates the $396 billion from the budget—or in other words, reduces the deficit. If the authority in this section were invoked it would result in a $396 billion increase in the deficit. It is not clear, how a deficit increase would contribute to the solvency of Social Security trust funds.

Section 329: Reserve fund for possible military action and reconstruction in Iraq

Section 329 of the Senate amendment was adopted as part of an amendment that reduced the reconciliation instruction to the Finance Committee by $100 billion and thus increased taxes by $10 billion each year 2004 through 2013. It purports to hold this $100 billion in reserve for the Committee on Appropriations to pay for military action and reconstruction in Iraq over the period of 2003 through 2013. Because this reserve can only be triggered for an appropriations bill, it would more appropriately be a cap adjustment instead of a reserve fund.

Past practice has been to include the effect of the policies described in a reserve fund in the functional levels and aggregates of the budget resolution but to withhold the funds from the committee's 302(a) allocation. The language of section 329 does not conform to this model. Rather it entirely eliminates the $100 billion from the budget—or in other words, it reduces the deficit by that amount over the 10-year period ending in 2013. If the authority in this section were invoked, it would result in up to a $100 billion increase in the deficit.

Conference Agreement

Section 401. Reserve Fund for Medicare

Section 401 of the Conference Agreement permits the appropriate Budget Committee Chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for reported legislation (and amendments thereto, or any conference report thereon) for Medicare-related legislation.

Section 401(a) of the Conference Agreement establishes a Medicare reserve fund for the House. The reserve fund permits the Chairman of the Committee on the Budget to adjust the levels in the budget resolution to accommodate certain Medicare-related legislation. The Chairman may make an adjustment to the separate Medicare allocation to the Ways and Means Committee and the Energy and Commerce Committee for legislation that provides a prescription drug benefit and modernizes Medicare, and provides adjustments to the Medicare program on a fee-for-service, capitated, or other basis. The amount of the adjustment for this legislation may not exceed $7.0 billion in budget authority and outlays for fiscal year 2004 and $400 billion in budget authority and outlays for fiscal years 2004 through 2013. The adjustment is made to the separate allocation for Medicare, regardless of the committee that reports the measure.

Section 401(b) of the Conference Agreement sets forth a Medicare reserve fund for the Senate and also provides up to $400 billion for the period of fiscal years 2004 through 2013 for legislation that improves the Medicare program and makes prescription drugs more accessible for those covered by Medicare. The legislation may also promote geographic equity payments. The Chairman of the Committee on the Budget may make an adjustment only if the Committee on Finance reports a bill that strengthens and enhances the Medicare program as well as improves the access of beneficiaries to prescription drugs and does not exceed $7.0 billion in new budget authority and outlays for fiscal year 2004 and $400 billion fiscal years 2004–2013.

The Senate conferees recognize the need to enhance both the benefits and structure of the Medicare program in order to provide a better system for seniors. In addition to providing an integrated prescription drug benefit, the Conferees support efforts to take advantage of competition in order to enhance seniors' medical benefits which are currently lacking in our present system. This could include access to preventive care services, disease management and catastrophic protection against high hospital costs.

While considering benefit expansions, however, it is critical to recognize the long-term unfunded promises in the Medicare program. The President's budget submission includes sobering information on the extent of Medicare's long- term unfunded promises. According to the Medicare Trustees' most recent report, the Hospital Insurance Trust Fund is expected to be exhausted in 2026—four years earlier than estimated in the 2002 report.

Medicare actuaries project a 75-year unfunded promise to the HI fund of $5 trillion. However, this only tells half the story. It does not include the Part B program. Medicare beneficiary premiums only cover 25 percent of these costs. The remaining 75 percent of expenses are not covered by any specific or dedicated financing source. The Senate conferees believe it is artificial to separate Part A and B. Policy makers must look at the total expenditures for Medicare. From this perspective Medicare's unfunded promises are $13 trillion.

Section 402. Reserve Fund for Medicaid Reform

Section 402 of the Conference Agreement includes a reserve fund to reform the Medicaid program. Both the House resolution and the Senate amendment included reserve funds this general purpose. The reserve fund, which applies in both the House and the Senate, permits the appropriate Budget Committee Chairman to adjust the appropriate committee allocations of the Committee on Energy and Commerce in the House, or the Committee on Finance in the Senate, and other budgetary aggregates and allocations for reported legislation (and amendments thereto, or any conference report thereon) that modernizes Medicaid. The adjustments in the allocations may not exceed $3.258 billion in new BA and outlays for fiscal year 2004; and $8.944 billion in new BA and outlays for fiscal years 2004 through 2008, and $12.782 billion for fiscal years 2004 through 2010.

Section 403. Reserve Fund for State Children's Health Insurance Program

Section 403 of the Conference Agreement retains the reserve fund for the extension of the State Children's Health Insurance Program [SCHIP] included in section 219 of the Senate amendment. The reserve fund, which applies in both the House and the Senate, permits the appropriate Budget Committee Chairman to adjust the committee allocations for the Committee on Ways and Means in the House, or the Committee Finance in the Senate, and other appropriate budgetary aggregates and allocations for reported legislation (and amendments thereto, or any conference report thereon) that extends the availability of expired and expiring allotments of the State Children's Health Insurance Program [SCHIP]. The adjustments in the allocations may not exceed $1.260 billion in new BA and $85 million in outlays for fiscal year 2003; $1.350 billion in new BA and

$105 million in outlays for fiscal year 2004; $1.355 billion in new BA and $1.425 million in outlays for fiscal year 2004 through 2008; and $1.355 billion in new BA and $1.680 million in outlays for the period of fiscal years 2004 through 2013.

Section 404. Reserve Fund for Bioshield

Section 404 of the Conference Agreement establishes separate procedures in the House and the Senate reserving amounts for legislation providing countermeasures to international terrorism.

Section 404(a) of the Conference Agreement adopts the reserve fund for bioshield included in section 303 the House resolution. The reserve fund permits the House Budget Committee Chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for a reported measure (and amendments thereto, or any conference report thereon) that establishes either a new mandatory or discretionary program to accelerate the research, development, and purchase of biomedical threat countermeasures. If the program established is mandatory, the adjustment may not exceed $890 million in new mandatory BA for fiscal year 2004, and $3.418 billion in new BA and outlays for fiscal years 2004 through 2008. If the program authorized is discretionary, the adjustment may not exceed $890 million in new mandatory BA for the measure appropriating funds for the new program. If the program includes both mandatory and discretionary components or if two bills are enacted, the maximum adjustment the chairman may make in fiscal year 2004 is $890 million in BA.

Section 404(b) of the Conference Agreement adopts the reserve fund for bioshield included in section 217 of the Senate Amendment with minor modifications. The reserve fund permits the appropriate Budget Committee Chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for reported legislation (and amendments thereto, or any conference report thereon) that establishes a new mandatory program to accelerate the research, development, and purchase of biomedical threat countermeasures. For the adjustment to take place, the measure may provide no more than $890 million in new mandatory BA and $575 million in outlays for fiscal year 2004, and $5.593 billion in new mandatory BA and outlays for fiscal years 2004 through 2013.

Section 405. Reserve Fund for Health Insurance for the Uninsured

Section 405 of the Conference Agreement retains the Senate reserve fund for health insurance for the uninsured included in section 214 of the Senate amendment. The reserve fund permits the Chairmen of the respective Budget Committees to adjust the allocation of BA and outlays to the appropriate committee of jurisdiction in the House, or the Committee on Finance in the Senate, for any measure that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance for from their employers). The adjustments in the allocations may not exceed $28.5 billion in new BA and outlays for fiscal years 2004 through 2008, and $50 billion in new BA and outlays for the period of fiscal years 2004 through 2013.

Section 406. Reserve Fund for Children With Special Needs

Section 406 of the Conference Agreement retains the reserve fund for children with special needs included in section 215 of the Senate amendment and which was accommodated in the allocations in the House resolution. The reserve fund, which applies in both the House and the Senate, permits the appropriate Budget Committee Chairman to adjust the committee allocations for the Committee on Energy and Commere in the House, or the Committee on Finance in the Senate, and other appropriate budgetary aggregates and allocations for reported legislation (and amendments thereto, or any conference report thereon) that provides states with the option to expand Medicaid coverage for children with special needs, allowing families of disabled children to purchase coverage under the Medicaid program for such children. The adjustments in the allocations may not exceed $43 million in BA and $42 million in outlays for fiscal year 2004, $1.627 billion in BA and $1.566 billion in outlays for the period of fiscal years 2004 through 2008, and $7.462 billion in BA and $7.262 billion in outlays for the period of fiscal years 2004 through 2013.

Section 411. Contingency Procedure for Surface Transportation

Section 411 of the Conference agreement establishes a separate contingency procedure for the Highway Trust Fund, which will be reauthorized this session of Congress. The contingency procedure, which applies in both the House and the Senate, permits the appropriate Budget Committee Chairman to accommodate legislation providing additional highway spending to the extent it is offset by additional revenues or a reduction in mandatory spending in the Highway Trust Fund. The procedure permits the Budget Committee Chairmen to increase the 302(a) allocation of the Committee on Transportation and Infrastructure in the House, or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation in the Senate, for legislation that provides in excess of the level assumed in the budget resolution but only to the extent to which it has been offset by new revenue or savings in mandatory outlays. The offsets must be dedicated to the Highway Trust Fund and can be made in the same measure or legislation enacted earlier in the 108th Congress. In view of the fact that outlays are determined by obligation limits, subsection (a) also permits the chairman to make a corresponding change in outlays for the committee setting the obligation limits. Again, legislation must have first been enacted to offset the increase in contract authority.

Section 421. Supplemental Appropriations for Fiscal Year 2003

If a measure making supplemental appropriations for fiscal year 2003 is enacted before May 1, 2003, the Chairmen of the Committees on the Budget are permitted to adjust the appropriate allocations and aggregates of budget authority and outlays in the budget resolution to reflect the difference between that measure and the levels assumed in that resolution. The Conference Agreement reflects the President's requested level of $74.7 billion.

BUDGET ENFORCEMENT

Under section 301 of the Budget Act, the budget resolution may include special procedures to enforce the spending and revenue levels contained in the resolution and the allocations found in the accompanying joint statement of managers.

House Resolution

Section 301(c). Medicare 302(a) Allocation

Section 301(c) creates a Medicare allocation to the Ways and Means Committee and Energy and Commerce Committee. Legislation changing the Medicare program must be offset in the first year and the 10-year period. This allocation may be increased should a reserve fund for specific Medicare modernization legislation be released. Such a measure must provide less than $7.5 billion in the first year, and no more than $400 billion over 10 years. If a measure receiving a Medicare allocation adjustment also includes budget authority not directly related to Medicare modernization, that non-Medicare spending will be compared to the committee of jurisdiction's allocation.

Section 321. Application and Effects of Changes In Allocations and Aggregates

This section sets forth the procedures for making adjustments pursuant to the reserve funds included in this resolution. Subsection (a)(1) and (2) provide that the adjustments may only be made during the interval that the legislation is under consideration and do not take effect until the legislation is actually enacted. This is approximately consistent with the procedures for making adjustments for various initiatives under section 314 of the Congressional Budget Act. Subsection (a)(3) provides that in order to make the adjustments provided for in the reserve funds, the chairman of the House Budget Committee is directed to insert these adjustments in the CONGRESSIONAL RECORD.

Subsection (b) clarifies that any adjustments made under any of the reserve funds in the resolution have the same effect as if they were part of the original levels set forth in section 101. Therefore the adjusted levels are used to enforce points of order against legislation inconsistent with the allocations and aggregates included in the concurrent resolution on the budget.

Subsection (c) clarifies that the House Budget Committee determines the levels and estimates used to enforce points of order, as is the case for enforcing budget-related points of order, and the determination is made pursuant to section 312 of the Budget Act. This section of the Budget Act provides the chairman of the Budget Committee with the authority to advise the chairman of the House on the appropriate levels and estimates related to legislation being considered on the floor.

Subsection (d) provides for 5-year enforcement periods. Though the authorizing committees receive a 10-year allocation, under Section 321 (d) of the House resolution, the Budget Committee will apply the various relevant provisions of the Congressional Budget Act for only the first and 5-year time period.

Section 401. Restrictions on Advance Appropriations

Section 401 imposes a limitation on advance appropriations similar to a provision included in the last several budget resolutions. It does two things: (1) It limits the total amount of advance appropriations; and (2) It limits the accounts for which advanced appropriations may be made. It establishes this procedure with regard to any advance appropriation for fiscal year 2004 and any year thereafter. An exception is provided for those programs specified in the Joint Statement of Managers, but the total advance appropriation must be lower than a specified level. The section defines an 'advance appropriation' as any new discretionary budget authority making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available after 2004. This limitation is enforced by a point of order that may be raised against any measure including an advance appropriation not falling within the exception. The result of the point of order would be to remove the advance appropriation, but the measure would continue to be considered.

Section 402. Compliance With Section 13301 of the Budget Enforcement Act of 1990

Section 402 provides authority to include the administrative expenses related to Social Security in the allocation to the Appropriations Committee. This language is necessary to ensure that the Appropriations Committee retains control of administrative expenses through the Congressional budget process. In the 106th Congress, the Joint Leadership of the House and Senate Budget Committees decided to discontinue including administrative expenses in the budget resolution. This change was intended to make the budget resolution consistent with CBO's baseline which does not include administrative expenses for Social Security. At the same time, the Budget Committees believe that these expenses should continue to be reflected in the 302(a) allocations to the Appropriations Committee. Absent a waiver of section 302(a) of the Budget Act, the inclusion of these expenses in the allocation is construed as violating 302(a) of the Budget Act which states that the allocations must reflect the discretionary amounts in the budget resolution (and arguably, section 13301 of the Budget Enforcement Act, which states that Social Security benefits and revenues are off-budget).

Senate Amendment

Section 201. Extension of supermajority enforcement

The Senate amendment extends the 60-vote requirement for 5 years (until September 30, 2008), for waivers and appeals with respect to those Budget Act points of order for which this supermajority requirement expired on September 30, 2002 (and was temporarily extended through April 15, 2003 in S. Res. 304, 107th Congress).

Section 202. Discretionary spending limits in the Senate

The Senate amendment sets out discretionary spending limits for the Senate for the first two years covered by the budget resolution (FY 2004 and 2005) with respect to both budget authority and outlays. It also sets limits for FY 2003 because no FY 2003 budget resolution was ever adopted. Since the advent of statutory discretionary spending limits in 1990, a majority of budget resolution conference reports have included language dealing with "congressional caps".

The Senate amendment provides that the following amounts will be the discretionary spending limits:

For fiscal year 2003: $770.860 billion in new budget authority and $771.442 billion in outlays for the discretionary category: $31.264 billion in outlays for the highway category, and $1.436 billion in new budget authority and $6.551 billion in outlays for the transit category, for a total of $772.296 billion in new budget authority and $809.257 billion in outlays.

For fiscal year 2004: $788.459 billion in new budget authority and $797.890 billion in outlays for the discretionary category; $32.016 billion in outlays for the highway category, and $2.209 billion in new budget authority and $6.746 billion in outlays for the transit category, for a total of $790.668 billion in new budget authority and $836.652 billion in outlays.

For fiscal year 2005: $813.597 billion in new budget authority and $814.987 billion in outlays for the discretionary category; $34.665 billion in outlays for the highway category, and $2.544 billion in new budget authority and $7.109 billion in outlays for the transit category, for a total of $816.141 billion in new budget authority and $856.761 billion in outlays.

The Senate amendment also provides for a number of so-called cap adjustments. The cap adjustments permit the Chairman of the Committee on the Budget to increase the spending limit, the section 302(a) allocations to the Committee on Appropriations, and any other appropriate levels in the resolution if an appropriations bill provides additional resources for the programs specified in the adjustment. The Senate amendment provides that spending and allocations may be adjusted for: (1) emergency spending, (2) funding for Part B grants under the Individuals with Disabilities Education Act (IDEA), and (3) highway and transit programs.

These discretionary spending limits are enforced by a 60-vote point of order on two fronts: (1) there will be a point of order against the FY 2005 budget resolution if it exceeds the limits set forth in this resolution (or against any revision to the FY 2004 resolution that does so) and (2) there will be a point of order against any appropriations bill that causes the discretionary limits to be exceeded.

Section 203. Restriction on advance appropriations in the Senate

The Senate amendment once again includes language limiting the use of advance appropriations. This restriction was first included in the FY 2001 budget resolution and was included and revised in the FY 2002 resolution as well. The Senate amendment continues to limit advance appropriations to an annual limit of $23.158 billion with respect to both the FY 2004 and 2005 appropriations bills and to those programs, which are listed in the statement of managers accompanying the conference report on the budget resolution. The amendment also continues the exception for advances with respect to the Corporation for Public Broadcasting.

The list of permissible advances is as follows:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS

Interior

Elk Hills

Labor, HHS

Employment and Training Administration
Education for the Disadvantaged
School Improvement
Children and Family Services (Head Start)
Special Education
Vocational and Adult Education

Treasury, Postal

Payment to Postal Service

Veterans', HUD

Section 8 Renewals

Section 204. Emergency legislation

With respect to emergency spending, the Senate amendment addresses two issues: the ability to designate spending as an emergency and the restatement of the 60-vote point of order in the Senate with respect to the use of that designation.

The authority to designate spending as an "emergency" existed as a part of the statutory discretionary spending limits and the pay-as-you-go rules set out in sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. The purpose of the designation was to create a "safety valve" for unexpected, emergency expenditures with respect to the sequestration mechanism which served as the underlying enforcement mechanism for the caps and PAYGO. With the expiration of section 251 on September 30, 2002 and the de facto expiration of section 252 by virtue of setting the scorecard to zero for all fiscal years, the Senate amendment reestablishes the authority of Congress to designate spending and revenue changes as an emergency. In doing so, the resolution specifies the criteria used in the definition of an emergency and requires committee reports and statements of managers to justify the use of emergency designations vis a vis these criteria. The criteria are as follows:

An expenditure may be designated an emergency if it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) unforeseen (see below), unpredictable, and unanticipated;

Note: an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

If an item of discretionary spending is accompanied by an emergency designation then the discretionary spending limit and the allocation to the Committee on Appropriations will be adjusted accordingly (as well as all other appropriate levels in the resolution). If a revenue reduction or mandatory spending increase is accompanied by an emergency designation, then the committee allocation and the Senate's pay-go scorecard will be adjusted accordingly (again, as well as all other appropriate levels in the resolution).

The Senate amendment also revises the Senate's emergency designation point of order. This point of order was first included in the FY 2000 budget resolution. This point of order allows any member to question the use of an emergency designation while the bill, amendment or conference report containing the designation is before the Senate. Once the point of order is made, it will require 60-votes to waive the point of order and keep the designation. If the motion to waive is not successful, the designation is removed from the measure while the spending or revenue provision remains, potentially making the measure subject to a Budget Act point of order, which too would require 60-votes to overcome. The removal of the designation is accomplished by the same method as provided for in the Byrd Rule (section 313 of the Congressional Budget Act).

The language in the Senate amendment differs from past resolutions only to the extent that the references to sections 251 and 252 of the BBEDCA have been replaced with a cross reference to subsection (a) of this section, which provides the authority for the use of the designation. In addition, spending for homeland security programs would be exempt from the point of order as has been the case with defense spending.

Section 205. Pay-as-you-go point of order in the Senate

The Senate amendment revises and extends the Senate's pay-as-you-go point of order. The original pay-as-you-go point of order first appeared in the FY 1994 budget resolution. Its most recent incarnation expired in its entirety on September 30, 2002. The point of order was revised and extended in S. Res. 304 (107th Congress) through April 15, 2003. S. Res 304 included a new provision within the pay-as-you-go rule making the rule applicable to mandatory spending in appropriation bills in order to prevent the exploitation of the fact that there were no limits on discretionary spending for FY 2003 due to the expiration of the discretionary spending limits and the lack of a FY 2003 budget resolution.

The pay-as-you-go point of order included in the Senate amendment does not retain the expanded application to appropriation bills set out in S. Res. 304. Rather it resembles the previous versions of the rule with one specific exception: it will not apply to any spending or revenue changes that result from the implementation of the reconciliation instruction set out in section 104 of the Senate amendment (up to $350 billion). It will nonetheless apply to all other mandatory spending and revenue changes provided for in the Senate amendment.

Section 221. Authority to make adjustments for changes in concepts and definitions

The Senate amendment provides that upon enactment of legislation that changes the nature of funding of an existing program from discretionary to mandatory (or vice versa), the Chairman of the Committee on the Budget will immediately adjust the levels in this resolution (including the discretionary spending limits) to reflect such a change.

Section 222. Application and effect of changes in allocations and aggregates

The Senate amendment contains language identical to section 221 of the FY 2002 budget resolution, which makes clear when adjustments made under Title II of the budget resolution will take effect.

Section 223. Exercise of Rulemaking Powers

The Senate amendment includes language identical to section 222 of the FY 2002 budget resolution which simply states Congress' authority to legislate rule of procedure for either chamber.

Conference Agreement

Section 501. Restrictions on advance appropriations

Section 501 of the Conference Agreement retains the language of both section 401 of the House resolution and section 203 of the Senate amendment.

Subsection (a) applies to the House; it limits which programs may receive an advance appropriation and an overall amount of advanced appropriations. Advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.158 billion in budget authority. Advance appropriations are defined as any discretionary budget authority in a measure for fiscal year 2004 which first becomes available in a year after that fiscal year. This limitation is enforced by a point of order that may be raised against any measure including an advance appropriation not falling within the exception. The result of the point of order would be to remove the advance appropriation, but the measure would continue to be considered.

ACCOUNTS IDENTIFIED FOR ADVANCED APPROPRIATIONS

Part A: Advanced Appropriations for Fiscal Year 2005

Interior Appropriations

Elk Hills (89 5428 02 271)

Labor, Health and Human Services, Education Appropriations

Employment and Training administration (16 0174 01 504).

Education for the Disadvantaged (91 0900 01 501)

School Improvement (91 1000 01 501)

Children and Family Services [Head Start] (75 1536 01 506)

Special Education (91 0300 01 501)

Vocational and Adult Education (91 0400 01 501)

Treasury, General Government Appropriations

Payment to Postal Service (18 1001 01 372)

Veterans, Housing and Urban Development Appropriations

Section 8 Renewals (86 0319 01 604)

Part B: Advanced Appropriations for Fiscal Year 2006

Labor, Health and Human Services, Education Appropriations

Corporation for Public Broadcasting (20 0151 01 503)

Subsection (b) applies in the Senate and is virtually identical to the language in section 203 of the Senate amendment and sets an overall limit of $23.158 billion per year. The Conference Agreement modifies the Senate language only to the extent that the explicit exception for the Corporation for Public Broadcasting is moved from the text of the resolution to the list set out below. A conforming change is made to the definition of an advance appropriation to make clear that its inclusion on the list below, covers the advance for both the 1st and 2nd years.

The list of permissible advances is as follows:

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS

Interior

Elk Hills (89 5428 02 271)

Labor, HHS

Corporation for Public Broadcasting (20 0151 01 503)

Employment and Training Administration (16 0174 01 504)

Education for the Disadvantaged (91 0900 01 501)

School Improvement (91 1000 01 501)

Children and Family Services (Head Start) (75 1536 01 506)

Special Education (91 0300 01 501)

Vocational and Adult Education (91 0400 01 501)

Treasury, Postal

Payment to Postal Service (18 1001 01 372)

Veterans', HUD

Section 8 Renewals (86 0319 01 604)

Section 502. Emergency legislation

Section 502 the House recedes to the Senate on its regimen relating to the budgetary treatment of emergencies. With some modifications, it extends to the House the authority of Congress to designated spending-related legislation as an emergency for purposes of budget enforcement, adopts criteria for emergency spending, and requires committees to justify emergency-designated provisions. The point of order in the Senate amendment, however, continues to apply only to the Senate.

Section 502(a) of the Conference Agreement includes a statement of intent that, in the absence of the extension of the discretionary spending limits and PAYGO requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, the section enables Congress to designate provisions of legislation as emergencies. The House conferees note that this regimen is similar to H.R. 853, which was reported by the House Budget Committee in the 106th Congress.

Subsection (b) sets forth the procedure in the House governing emergencies designated spending (or receipts). It extends the automatic exemption for emergency-designated spending (and receipts) from the budget resolution, which was in effect until the statutory discretionary spending limits and PAYGO requirements expired last September. If an urgent need arises after the budget resolution is adopted, the committee of jurisdiction could designate the emergency-related provisions as an emergency requirement pursuant to this section.

Instead of adjusting the allocations and budget aggregates by the designated amount, subsection (b) provides that spending (or receipts) resulting from such measure would not be counted for purposes of determining whether the measure complies with the budget resolution or related requirements under the Budget Act of 1974. The conferees note that this is consistent with congressional scoring conventions prior to the Balanced Budget Act of 1997. Assuming the measure is otherwise in compliance with the budget resolution, it would not be subject to a point of order under sections 302(f), 303(a), 311(a) or 401 of the Congressional Budget Act of 1974. The same would be true with a violation of * * *

In subsection (b)(2), committees reporting legislation that includes an emergency designation are required to include in the accompanying report, or the conference committee in the joint statement of managers, a statement justifying the emergency designation on the basis of the following criteria:

Necessary, essential, or vital;

Sudden, quickly coming into being and building up over time;

Urgent, pressing and completing need requiring immediate action;

Unforeseen unpredictable and anticipated; and

Not permanent, temporary in nature.

The conferees note that this definition was originally developed by the previous Bush Administration as part of an OMB Circular (A–11) on the preparation and submission of budget estimates.

Section 502(c) of the Conference Agreement retains the language of section 204 of the Senate amendment (which provides the authority to use an emergency designation and creates a supermajority point of order to police the use of the designation) with a number of modifications.

The Conference Agreement strengthens the requirement that committees in both Houses provide a justification for use of the designation vis a vis the criteria listed in subsection (b)(2) and (c)(3).

The point of order with respect to the use of the designation applies only in the Senate and contains some technical changes with respect to the execution of the point of order that were recommended by the Parliamentarian of the Senate. It is the view of the Conferees that the exception for "homeland security" spending could not be included at this time due to the lack of consensus between the Congress and the Executive branch as to exactly what programs, projects or activities should qualify for the exception. It may be possible to do so in the future.

Section 503. Extension of supermajority enforcement

Section 503 of the Conference Agreement retains the language of section 201 of the

Senate amendment extending 60-vote enforcement for five years.

Section 504. Discretionary spending limits in the Senate

Section 504 of the Conference Agreement retains the language of section 202 of the Senate amendment which sets forth discretionary spending limits in the Senate only for fiscal years 2003, 2004 and 2005 with a number of modifications. The limits BA for FY 2003 now include the amounts included in the supplemental appropriations bill that is being considered at the same time as the conference on the budget resolution, with outlays reflected accordingly.

The Conference Agreement provides that the following amounts will be the discretionary spending limits in the Senate:

For fiscal year 2003: $839.118 billion in new budget authority and $805.146 billion in outlays for the discretionary category; $31.264 billion in outlays for the highway category, and $1.436 billion in new budget authority and $6.551 billion in outlays for the transit category, for a total of $840.554 billion in new budget authority and $842.961 billion in outlays.

For fiscal year 2004: $782.999 billion in new budget authority and $822.563 billion in outlays for the discretionary category; $31.555 billion in outlays for the highway category, and $1.461 billion in new budget authority and $6.634 billion in outlays for the transit category, for a total of $784.460 billion in new budget authority and $860.752 billion in outlays.

For fiscal year 2005: $812.598 billion in new budget authority and $817.883 billion in outlays for the discretionary category; $33.393 billion in outlays for the highway category, and $1.488 billion in new budget authority and $6.726 billion in outlays for the transit category, for a total of $814.086 billion in new budget authority and $858.002 billion in outlays.

The Conference Agreement also provides that these limits may be adjusted for emergency spending (pursuant to section 502) and for additional resources for transportation (pursuant to section 411).

Section 505. Pay-as-you-go point of order in the Senate

The Senate pay-as-you-go point of order included in the Conference Agreement reflects the language in the Senate-reported resolution and will apply on a post-budget resolution policy basis; that is, it will not apply to direct spending or revenue changes assumed in this resolution. To accomplish this, a scorecard will be maintained by the Chairman of the Committee on the Budget that will set out the total level of change to the deficit assumed by this budget resolution Conference Agreement. Subsequent legislation will be measured against these balances.

The following table shows the total of revenue and direct spending policy assumptions in the Conference Agreement on the budget resolution:

PAY GO SCORE CARD

2003	64.789
2004	155.946
2005	149.364
2006	133.611
2007	119.017
2008	121.625
2009	85.416
2010	87.650
2011	218.726
2012	302.840
2013	316.973
2004–08	679.563
2004–13	1691.168

Section 506. Compliance with Section 13301 of the Budget Enforcement Act of 1990

Section 506 retains the language of section 402 of the House resolution regarding the budgetary treatment in the House of discretionary spending for the Social Security Administration.

Section 507. Application and Effect of Changes in Allocations and Aggregates

Section 507 of the Conference Agreement retains the language of section 321 of the House resolution (which is virtually identical to Section 204 of the Senate amendment) clarifying the process for implementing any adjustment made pursuant to the reserve funds and the status of these adjusted levels. It further clarifies that the Budget Committee determines scoring for purposes of points of order. The section also makes clear that, for the purpose of enforcing provisions of the Congressional Budget Act in the House, legislation must be within a reporting committee's allocation for fiscal year 2004 and the period of fiscal years 2004 through 2008.

Section 508. Adjustments to Reflect Changes in Concepts and Definitions

Section 508 of the Conference Agreement retains the language of section 221 of the Senate amendment and applies it to the House. It provides that upon enactment of legislation that changes funding of an existing program from discretionary to mandatory (or vice versa), the Chairman of the Committee on the Budget will immediately adjust the levels in this resolution (including the discretionary spending limits) to reflect such a change.

ALLOCATIONS

As required in section 302 of the Congressional Budget Act, the joint statement of managers includes an allocation, based on the Conference Agreement, of total budget authority and total budget outlays among each of the appropriate committees. The allocations are as follow:

ALLOCATION OF SPENDING AUTHORITY TO HOUSE APPROPRIATIONS COMMITTEE

[In millions of dollars]

	2003	2004
Discretionary Action:		
BA	840,554	784,460
OT	842,961	860,752
Current Law Mandatory:		
BA	391,344	426,127
OT	378,717	409,870

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

[Dollars in millions]

Fiscal year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-08	2004-13
Agriculture Committee:													
Current Law													
BA	19,840	20,509	22,792	22,501	21,709	20,518	5,720	5,897	6,014	6,028	5,991	108,029	137,679
OT	15,480	16,561	19,201	19,449	18,467	17,078	2,734	3,151	3,429	3,754	3,712	90,756	107,536
Reauthorizations:													
BA						26,803	43,206	43,226	43,260	43,405	43,736	26,803	243,636
OT						25,586	43,169	43,188	43,221	43,367	43,696	25,586	242,227
Total:													
BA	19,840	20,509	22,792	22,501	21,709	47,321	48,926	49,123	49,274	49,433	49,727	134,832	381,315
OT	15,480	16,561	19,201	19,449	18,467	42,664	45,903	46,339	46,650	47,121	47,408	116,342	349,763
Armed Services Committee:													
Current Law:													
BA	74,000	77,493	80,663	83,445	86,350	89,324	92,292	95,417	98,608	101,899	105,348	417,275	910,839
OT	73,476	77,295	80,459	83,291	86,195	89,166	92,132	95,253	98,438	101,723	105,167	416,406	909,119
Discretionary Action:													
BA		70										70	70
OT		34	32	4								70	70
Total:													
BA	74,000	77,563	80,663	83,445	86,350	89,324	92,292	95,417	98,608	101,899	105,348	417,345	910,909
OT	73,476	77,329	80,491	83,295	86,195	89,166	92,132	95,253	98,438	101,723	105,167	416,476	909,189
Committee on Education and the Workforce:													
Current Law:													
BA	5,069	4,809	5,666	6,357	6,656	6,887	7,091	7,273	7,452	7,630	7,885	30,375	67,706
OT	4,516	4,121	5,053	5,637	5,942	6,212	6,401	6,572	6,733	6,897	7,138	26,965	60,706
Discretionary Action:													
BA	130	39	38	38	43	43	42	45	44	44	43	201	419
OT	115	47	47	47	52	52	52	57	57	57	57	245	525
Reauthorizations:													
BA		393	404	415	3,503	3,583	3,667	3,664	3,843	3,933	4,027	8,298	27,432
OT		330	402	413	2,422	3,419	3,629	3,728	3,816	3,906	3,999	6,986	26,064
Total:													
BA	5,199	5,241	6,108	6,810	10,202	10,513	10,800	10,982	11,339	11,607	11,955	38,874	95,557
OT	4,631	4,498	5,502	6,097	8,416	9,683	10,082	10,357	10,606	10,860	11,194	34,196	87,295
Energy and Commerce Committee:													
Current Law:													
BA	10,433	10,710	11,718	11,824	12,845	7,807	7,773	7,882	8,009	8,099	8,234	54,904	94,901
OT	11,987	12,071	11,900	12,003	12,455	10,289	8,154	7,719	7,615	7,732	7,849	58,718	97,787
Discretionary Action:													
BA		−170	−480	−910	1,250	749	−1,996	−2,161	−2,296	−4,780	−4,904	439	−15,698
OT		−170	−480	−910	1,250	749	−1,996	−2,161	−2,296	−4,780	−4,904	439	−15,698
Reauthorizations:													
BA						5,040	5,040	5,040	5,040	5,040	5,040	5,040	30,240

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[Dollars in millions]

Fiscal year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-08	2004-13
OT						2,345	4,470	5,130	5,446	5,465	5,443	2,345	28,299
Total:													
BA	10,433	10,540	11,238	10,914	14,095	13,596	10,817	10,761	10,753	8,359	8,370	60,383	109,443
OT	11,987	11,901	11,420	11,093	13,705	13,383	10,628	10,688	10,765	8,417	8,388	61,502	110,388
Financial Services Committee:													
Current Law:													
BA	6,100	7,406	8,430	8,365	7,702	7,558	7,456	7,568	7,795	7,938	8,170	39,461	78,388
OT	1,951	2,139	2,740	1,921	894	650	435	170	−228	−622	−619	8,344	7,480
Discretionary Action:													
BA													
OT		375	525	575	50	−275	−275	−300	−300	−200		1,250	175
Total:													
BA	6,100	7,406	8,430	8,365	7,702	7,558	7,456	7,568	7,795	7,938	8,170	39,461	78,388
OT	1,951	2,514	3,265	2,496	944	375	160	−130	−528	−822	−619	9,594	7,655
Government Reform Committee:													
Current Law:													
BA	66,645	68,243	71,550	74,376	77,325	80,696	84,320	88,242	92,163	95,997	99,999	372,190	832,911
OT	65,140	66,710	70,071	72,959	75,902	79,272	82,863	86,817	90,798	94,705	98,875	364,914	818,972
Discretionary Action:													
BA		−1		−1		−1	−1	−1	−1	−1	−1	−3	−8
OT					−1		−1	−1	−1	−1	−1	−1	−6
Total:													
BA	66,645	68,242	71,550	74,375	77,325	80,695	84,319	88,241	92,162	95,996	99,998	372,187	832,903
OT	65,140	66,710	70,071	72,959	75,901	79,272	82,862	86,816	90,797	94,704	98,874	364,913	818,966
Committee on House Administration:													
Current Law:													
BA	82	82	83	82	81	80	79	79	79	79	79	408	803
OT	85	246	38	23	54	213	79	61	55	208	48	574	1,025
International Relations Committee:													
Current Law:													
BA	13,633	9,825	11,398	12,424	12,665	12,912	13,162	13,417	13,679	13,911	14,147	59,224	127,540
OT	11,441	11,746	10,704	10,749	11,052	11,374	11,680	11,953	12,231	12,503	12,810	55,625	116,802
Resources Committee:													
Current Law:													
BA	3,832	3,840	3,676	3,740	3,739	3,050	2,981	3,039	3,112	3,196	3,272	18,045	33,645
OT	3,412	3,437	3,200	3,540	3,585	3,145	2,969	2,912	2,965	3,040	3,098	16,907	31,891
Discretionary Action:													
BA	7	24	118	124	126	130	133	137	139	143	146	522	1,220
OT	7	24	9	76	109	124	127	129	132	134	139	342	1,003
Total:													
BA	3,839	3,864	3,794	3,864	3,865	3,180	3,114	3,176	3,251	3,339	3,418	18,567	34,865
OT	3,419	3,461	3,209	3,616	3,694	3,269	3,096	3,041	3,097	3,174	3,237	17,249	32,894
Judiciary Committee:													
Current Law:													
BA	5,914	6,942	5,749	5,783	5,862	5,959	6,154	6,263	6,366	6,466	6,582	30,295	62,126
OT	5,870	6,082	6,101	5,985	5,838	5,888	6,065	6,137	6,218	6,306	6,418	29,894	61,038
Discretionary Action:													
BA		19	19	19	19	19	19	19	19	19	19	95	190
OT		19	19	19	19	19	19	19	19	19	19	95	190
Total:													
BA	5,914	6,961	5,768	5,802	5,881	5,978	6,173	6,282	6,385	6,485	6,601	30,390	62,316
OT	5,870	6,101	6,120	6,004	5,857	5,907	6,084	6,156	6,237	6,325	6,437	29,989	61,228
Transportation and Infrastructure Committee:													
Current Law:													
BA	69,531	8,038	14,449	13,581	13,345	13,583	13,804	14,129	14,407	14,798	15,284	62,996	135,418
OT	30,724	13,244	14,935	13,854	13,503	13,642	13,835	14,136	14,403	14,793	15,283	69,178	141,628
Discretionary Action:													
BA		9,256	5,890	6,868	8,942	10,178	10,965	9,983	10,000	10,019	10,038	41,134	92,139
OT													
Reauthorizations:													
BA		40,231	40,231	40,231	40,231	40,231	40,231	40,231	40,231	40,231	40,231	201,155	402,310
OT		173	441	550	588	613	626	639	639	639	639	2,365	5,547
Total:													
BA	69,531	57,525	60,570	60,680	62,518	63,992	65,000	64,343	64,638	65,048	65,553	305,285	629,867
OT	30,724	13,417	15,376	14,404	14,091	14,255	14,461	14,775	15,042	15,432	15,922	71,543	147,175
Science Committee:													
Current Law:													
BA	130	55	56	57	59	60	61	63	65	67	68	287	611
OT	122	123	120	90	72	60	60	62	64	65	67	465	783
Small Business Committee:													
Current Law:													
BA	864	3	1	1	1							6	6
OT	792	−6				−1	−1	−1	−1	−1	−1	−7	−12
Veterans' Affairs Committee:													
Current Law:													
BA	1,171	1,311	1,297	1,310	1,319	1,324	1,310	1,291	1,254	1,207	1,158	6,561	12,781
OT	1,042	1,217	1,228	1,250	1,262	1,270	1,262	1,250	1,224	1,185	1,142	6,227	12,290
Reauthorizations:													
BA		429	1,129	1,766	2,254	3,080	3,791	4,540	5,657	5,566	6,750	8,658	34,962
OT		419	1,129	1,746	2,231	3,072	3,773	4,481	5,636	5,505	6,688	8,597	34,680
Total:													
BA	1,171	1,740	2,426	3,076	3,573	4,404	5,101	5,831	6,911	6,773	7,908	15,219	47,743
OT	1,042	1,636	2,357	2,996	3,493	4,342	5,035	5,731	6,860	6,690	7,830	14,824	46,970
Ways and Means Committee:													
Current Law:													
BA	728,516	728,732	792,780	855,434	906,045	955,712	1,009,838	1,064,521	1,123,340	1,164,783	1,214,151	4,238,703	9,815,336
OT	731,399	732,853	796,856	852,561	906,718	956,342	1,010,200	1,065,527	1,127,592	1,162,020	1,215,640	4,245,330	9,826,309
Discretionary Action:													
BA	4,444	1,334	4,458	3,862	3,343	2,608	2,145	168	−2,219	9,076	8,323	15,605	33,098
OT	4,380	762	4,486	3,890	3,483	2,781	2,133	221	−2,205	9,087	8,327	15,402	32,965
Reauthorizations:													
BA	3,417	16,889	16,889	16,889	16,889	17,788	17,808	17,829	17,851	17,873	17,897	85,344	174,602
OT	3,025	15,000	17,250	17,700	17,300	17,298	17,747	17,819	17,840	17,863	17,886	84,548	173,703
Total:													
BA	736,377	746,955	814,127	876,185	926,277	976,108	1,029,791	1,082,518	1,138,972	1,191,732	1,240,371	4,339,652	10,023,036
OT	738,804	748,615	818,592	874,151	927,501	976,421	1,030,080	1,083,567	1,143,227	1,188,970	1,241,853	4,345,280	10,032,977
Medicare:													
Discretionary Action (Reserve Fund):													
BA		7,000	na	na	na	na	na	na	na	na	na	na	400,000
OT		7,000	na	na	na	na	na	na	na	na	na	na	400,000

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT: BUDGET YEAR TOTAL 2003

[Millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	839,118	805,146		
Memo:				
On-budget	835,306	801,308		
Off-budget	3,812	3,838		
Highways		31,264		
Mass transit	1,436	6,551		
Mandatory	391,344	378,717		
Total	1,231,898	1,221,678		
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science and Transportation	10,590	7,255	885	814
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372		
Finance	759,763	763,470	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Government Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence			223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444		
Small Business	864	769		
Unassigned to Committee	(371,644)	(358,647)		
Total	1,865,165	1,819,148	391,344	378,717

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT: BUDGET YEAR TOTAL 2004

[Millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	782,999	822,563		
Memo:				
On-budget	778,742	818,356		
Off-budget	4,257	4,207		
Highways		31,555		
Mass transit	1,461	6,634		
Mandatory	426,949	410,619		
Total	1,211,409	1,271,371		
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	357	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312		
Finance	757,606	760,928	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Government Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523
Health, Education, Labor and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence			226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472		
Small Business	3	(23)		
Unassigned to Committee	(371,280)	(355,315)		
Total	1,852,579	1,876,920	426,949	410,619

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 5-YEAR TOTAL: 2004–2008

[Millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561		
Finance	4,501,491	4,510,575	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence			1,230	1,230
Veterans' Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569		

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 5-YEAR TOTAL: 2004–2008—Continued

[Millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Small Business	6	(59)		

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, 10-YEAR TOTAL: 2004–2013

[Millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture	209,130	178,892	600,618	446,118
Armed Services	910,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403		
Finance	10,593,061	10,608,189	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence			2,648	2,648
Veterans' Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765		
Small Business	6	(76)		

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The Conference Agreement is built upon the economic forecasts developed by the Congressional Budget Office [CBO] and presented in CBO's "The Budget and Economic Outlook: Fiscal Years 2004-2013" (January 2003).

House Resolution.—CBO's economic assumptions were used.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS OF BUDGET RESOLUTION

[Calendar years 2003–2013]

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Real GDP (percentage change year over year):	2.5	3.6	3.4	3.3	3.2	3.1	3.0	2.9	2.6	2.5	2.7
GDP Price Index (percentage change year over year):	1.6	1.7	2.0	2.1	2.1	2.2	2.2	2.2	2.2	2.2	2.2
Consumer Price Index (percentage change year over year):	2.3	2.2	2.4	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Unemployment Rate (percent):	5.9	5.7	5.4	5.3	5.2	5.2	5.2	5.2	5.2	5.2	5.2
3-month Treasury Bill Rate (percent):	1.4	3.5	4.8	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9
10-year Treasury Note Rate (percent):	4.4	5.2	5.7	5.8	5.8	5.8	5.8	5.8	5.8	5.8	5.8

Source: CBO.

PUBLIC DEBT

The adoption of this Conference Agreement by the two Houses would result in the engrossment of a House Joint Resolution adjusting the level of the statutory limit on the public debt pursuant to House Rule XXVII. In consonance with clause 3 of that rule, the conferees contemplate a joint resolution of the following form:

"*Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $7,384,000,000,000.*"

If the joint resolution is enacted to raise the debt limit to the level contemplated by this conference agreement, the limit will be increased from $6.4 trillion to $7.384 trillion.

Legislative jurisdiction over the public debt remains with the Committee on Ways and Means. The debt rule does not preclude that committee from originating public debt limit bills whenever necessary.

OTHER PROVISIONS

The Senate amendment included 4 separate sections dealing with various reserve funds and or adjustments that have not been included in this Conference Agreement. These provisions are discussed below.

The Agreement does not include any language with respect to section 211 of the Senate amendment which provided an adjustment for Part B grant program under the Individuals with Disabilities Education Act. Additional funding for this program is assumed within the functional levels and discretionary spending limits set out in the Conference Agreement.

The Agreement also does not include any language with respect to section 218 of the Senate amendment which provided a reserve for the State grant program which is funded through the Land and Water conservation fund. The section 218 language was proposed only in conjunction with a reconciliation instruction to the Senate Committee on Energy and Natural Resources designed to facilitate exploration of the Arctic National Wildlife Refuge. This Conference Agreement does not include any such instruction, thus the reserve fund has become irrelevant.

The Agreement does not include any language with respect to section 319 of the Senate amendment which purported to provide a reserve fund to strengthen Social Security. As discussed above, the language was superfluous and thus was not adopted by the conferees.

The Agreement does not include any language with respect to section 329 of the Senate amendment which purported to create a $100 billion reserve for the war in Iraq and subsequent reconstruction. Again the language was superfluous and has in fact been superceded by the President's request and Congress' action on a FY 2003 supplemental appropriations bill for just this purpose.

SENSES OF CONGRESS

House Resolution

The House Resolution did not include any Senses of the House or of Congress.

Senate Amendment

The Senate amendment contains twenty-seven "Sense of the Senate" provisions that were adopted either during the markup or during consideration on the Senate floor. Two other provisions calling for reserve funds were also adopted and included in Title III of the Senate amendment. They more appropriately should have appeared in Title II with other reserve funds and adjustments. These are non-binding statements.

Section 301. Sense of the Senate on Federal employee pay.

Section 302. Sense of the Senate on Tribal colleges and universities.

Section 303. Sense of the Senate regarding the 504 small business credit program.

Section 304. Sense of the Senate regarding Pell Grants.

Section 305. Sense of the Senate regarding the National Guard.

Section 306. Sense of the Senate regarding weapons of mass destruction civil support teams.

Section 307. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.

Section 308. Social Security restructuring.

Section 309. Sense of the Senate concerning State fiscal relief.

Section 310. Federal Agency Review Commission.

Section 311. Sense of the Senate regarding highway spending.

Section 312. Sense of the Senate concerning an expansion in health care coverage.

Section 313. Sense of the Senate on the State Criminal Alien Assistance Program.

Section 314. Sense of the Senate concerning programs of the Corps of Engineers.

Section 315. Radio interoperability for first responders.

Section 316. Sense of the Senate on corporate tax haven loopholes.

Section 317. Sense of the Senate on phased-in concurrent receipt of retired pay and veterans' disability compensation for veterans with service-connected disabilities rated at 60 percent or higher.

Section 318. Sense of the Senate concerning Native American Health.

Section 319. Reserve fund to strengthen social security.

Section 320. Sense of the Senate on providing tax and other incentives to revitalize rural America.

Section 321. Sense of the Senate concerning higher education affordability.

Section 322. Sense of the Senate concerning children's graduate medical education.

Section 323. Sense of the Senate on funding for criminal justice.

Section 324. Sense of the Senate concerning funding for drug treatment programs.

Section 325. Funding for after-school programs.

Section 326. Sense of the Senate on the $1,000 child credit.

Section 327. Sense of the Senate concerning funding for domestic nutrition assistance programs.

Section 328. Sense of the Senate concerning free trade agreement with the United Kingdom.

Section 329. Reserve fund for possible military action and reconstruction in Iraq.

Conference Agreement

The Conference Agreement contains the following Senses of the Senate:

Section 601. Sense of the Senate on Federal employee pay.

Section 602. Sense of the Senate regarding Pell Grants.

Section 603. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.

Section 604. Social Security restructuring.

Section 605. Sense of the Senate concerning State fiscal relief.

Section 606. Federal Agency Review Commission.

Section 607. Sense of the Senate regarding highway spending.

Section 608. Sense of the Senate on Reports and Liabilities and Future Costs.

Section 609. Sense of the Senate concerning an expansion in health care coverage.

Section 610. Sense of the Senate concerning programs of the Corps of Engineers.

Section 611. Sense of the Senate concerning Native American Health.

Section 612. Sense of the Senate on providing tax and other incentives to revitalize rural America.

Section 613. Sense of the Senate concerning children's graduate medical education.

Section 614. Sense of the Senate on funding for criminal justice.

Section 615. Sense of the Senate concerning funding for drug treatment programs.

Section 616. Sense of the Senate concerning free trade agreement with the United Kingdom.

JIM NUSSLE,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

DON NICKLES,
PETE V. DOMINICI,
CHUCK GRASSLEY,
JUDD GREGG,
Managers on the Part of the Senate.

SENATE—*Thursday, April 10, 2003*

The Senate met at 10 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The guest Chaplain, Rev. Dr. Douglas John Waite, Deputy Chaplain of the Coast Guard, offered the following prayer:

Good morning, loving God of us all. We invite You here with us today as we deliberate about issues affecting Your people everywhere. We especially ask You to be with the former chaplain of the Senate, Dr. Lloyd Ogilvie, and his family in their grief and loss of his beloved wife Mary Jane.

We also request You to be with our forces who are in harm's way today. Grant wisdom to the leaders You appointed over them. Take those who have paid the ultimate price for freedom and safety into Your kingdom and comfort their families. Stand beside our terrorized prisoners of war. Bring them home safe and soon. Heal quickly those who have been wounded. Shield innocent civilians everywhere and cause a speedy end to war. Protect us all from terrorism at home and abroad.

Finally, Lord, we beseech You to enable the elected representatives of our democracy to seek Your guidance and direction so they may do Your will. We ask these things in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BENNETT. Madam President, this morning the Senate will be in a period of morning business until 11 a.m. Following morning business, the Senate may address any of the following items: The FISA bill, if unanimous consent can be reached; the PROTECT Act conference report; the digital technology bill; the nomination of Priscilla Owen to be a U.S. circuit judge; the BioShield bill; and any other conference reports that may become available. Therefore, Members should expect rollcall votes during today's session.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Madam President, if I could, through you, ask the acting majority leader: All we know on this side is what we read in the newspapers and listen to on the news. Are we going to be able to work on the budget before we leave here, either today or tomorrow? Members are concerned some will leave. This is the most important vote we have, it and the supplemental. We have a pretty good idea what is happening in the supplemental but less of an idea of what is happening on the budget. Does the acting majority leader have any information for this side of the aisle?

Mr. BENNETT. Madam President, I am not in a position to give any definitive answer to the Senator from Nevada. It is my understanding, however, that intense negotiations are going on with the chairman of the Budget Committee and other Senators who have an interest about the conference report. It is my understanding that an agreement has been reached and that a conference report will, in fact, be available to be voted on, if not late tonight, sometime tomorrow. But in the absence of any absolute word about that, I will simply put that in the category of rumors. They may be true rumors, but rumors nonetheless, that I can pass on as my best understanding.

I will, as a courtesy to the Senator from Nevada, and to the Senate, ask the majority leader to come forward with that information as quickly as it has been firmed up. But it is my expectation that there will be resolution of the budget situation before we go out for recess.

Understand, again, that is my personal expectation. That is not an official statement on behalf of the majority leader.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with the first 30 minutes to be equally divided between the Senator from Texas and the Democratic leader or their designees, and the second 30 minutes to be equally divided between the two leaders or their designees.

The Senator from Texas.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Madam President, I want to open today by noting what we saw live from Iraq yesterday starting in the midmorning. It was truly uplifting to see what we hoped would be the end: The fall of Saddam Hussein, the cheering in the streets by the Iraqi people, the flowers for the American and British soldiers being thrown at the tanks by the Iraqi people.

We are admonished by the President and by the Pentagon that this is not over. There are still areas—in fact, there was a firefight last night that was unexpected. There was one yesterday at the University of Baghdad. So it is not over.

But we know the end is very near, and we know the people of Iraq now understand that they are going to have the taste of freedom.

You could see it in their faces. You could see it in the tears coming down their cheeks. You could see it in the children reacting against the statue of the fallen Saddam Hussein.

I think we are at the beginning of the end or at the end of the beginning. We are seeing the light at the end of the tunnel, which is freedom for the Iraqi people and doing away with the many weapons that have been used in Iraq against its own people and that we feared would be used against ours.

I open by saying thank you to the American troops, the young men and women on the ground, who have fought so valiantly to make this happen. I could not be more proud today, after seeing what is happening in Baghdad and the reaction of the people and the message left by the U.S. troops on one of Saddam Hussein's palaces: "USA was here."

I hope in the days to come we will see more Iraqi people beginning to see what it is to be able to form a government and take control of their own country; to start creating jobs again and an economy that will allow them to have a democracy, free enterprise, and know what so many of us have grown up with and appreciated.

I thank the troops this morning. I want to turn over the management of our time to the Senator from Minnesota for the rest of this morning. He will also work with the Senator from Arkansas on the Democratic side to fill this time talking about the heroic and touching deeds that our troops have been doing in the field.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Madam President, what a glorious day yesterday was. I am privileged to follow my distinguished colleague from Texas who, as she reflects upon the joy that we all felt, expressed a real sense of pride in the incredible work done by our fighting men and women, knowing that many of those who have lost their lives and those who have been prisoners of war came out of Texas bases.

For all of us there is always this mixed sense. We are filled with joy, pride and joy for the Iraqi people to be able to taste liberation and freedom in Iraq. But part of my tradition in the Jewish faith is that at the time of a wedding ceremony—a glorious day—we wrap a glass in a cloth. Then, at the end of the service, at this moment of the greatest of joy such as the great joy we experienced yesterday, the groom steps on the glass and breaks it.

Part of the sense of tradition is, in this time of joy and celebration, let us not forget that life has mixed blessings, and there are tragedies that have occurred and will occur. So as we celebrate the incredible joy of the liberation of Baghdad, let us not ever—and we will not certainly in these hallowed Chambers, certainly not in this country—forget the sacrifices that have been made by those who have given their last ounce of courage and the sacrifice of their lives for the freedom we witnessed yesterday.

Let us also understand that much work remains to be done. There will be more death. We will suffer more casualties. The liberation of Baghdad is, as my distinguished colleague from Texas said, perhaps the beginning of the end, but it is not the end.

While we eagerly anticipate the day when all of Iraq will be freed from Saddam's iron fist—and Tikrit, his enclave, is still not liberated, so there will be fighting ahead—it is important for us, in what we have done over the last few weeks, not to forget the sacrifice and bravery of the coalition forces still fighting to free northern Iraq.

I note that many are special operations soldiers, such as the skilled and fearless unnamed Minnesota man who was profiled so powerfully in an edition of the Star Tribune. And being a Senator from Minnesota, obviously, I have great pride in this unnamed Minnesotan. It is a story of a Minnesota combat air controller who had already spent more than 30 hours on the ridge line, directing close bomb attacks, with little sleep.

In the briefings we get in the morning, just the other day we had one of those soldiers come in, one of those operatives who talked about the 150 pounds of gear that they have who talked about being on that line and directing in, with precision guidance, the airstrikes, to focus on the target, to minimize any harm to civilians who are right there.

This story chronicled the efforts, the skill, and the courage of one man—one unnamed man—a Minnesotan, but it drove home the devastating precision and prowess of our forces, a dramatic example of the remaining front line, of how the coalition has swept across Iraq in record time through the fearless teamwork and efforts of men such as this.

I do not know whether, in the chronicles of warfare, any army has moved so quickly and moved so decisively, moved so precisely, as have our troops in what they have accomplished in a few weeks in Iraq.

I cannot share the name and the family of this brave Minnesota soldier at this time because the embedded reporter was not allowed to identify him, other than to mention that the 34-year-old air controller hails from near Park Rapids, MN, and loves fishing and snowmobiling back home, as many of us Minnesotans love fishing and snowmobiling. But the description of what this dedicated Minnesotan is doing so far from home serves as an inspiring, yet sobering, reminder of the dangers and challenges that still confront our forces.

A few passages from the story underscore the perilous conditions our Special Forces still operate under as they coordinate and choreograph the pinpoint air attacks that will ultimately lead to complete surrender, that will ultimately lead to the liberation of all of Iraq, that will ultimately lead to more stability in the Middle East, that will ultimately lead to a safer world for us here at home in America.

Let me talk a little about what is in that story:

> Part cowboy, part choreographer, the Minnesotan stood in a bunker rife with scorpions early Tuesday morning and searched the sky. A U.S. fighter jet roared overhead for the third time in less than a half-hour. His casual tone masked his dangerous task of directing the aircraft to bomb Iraqi Republican Guard positions just a few thousand meters away.

The reporter continues:

> As a combat air controller, he owned a 3- to 4-mile stretch of horizon that is the leading edge of a northern front only an hour from Baghdad—and moving closer.
>
> If his team's position was not locked in by a pilot before the start of a bombing run, the five American operatives and three Kurdish reconnaissance scouts risked being the victims of friendly fire.
>
> Their mission this night was to pound Hill 323, an 800-foot mound amid rolling hills where reinforced concrete bunkers protected Republican Guard troops and supplies.

The story goes on to vividly detail the rest of the operation, the extraordinary coordination between pilots providing air support and the Special Forces on the ground.

The unnamed Minnesotan is using the finest battlefield technology ever developed—infrared lasers that allow pilots to lock on to the position of friendly troops and target the location of enemy forces to a devastating and precise effect.

But that mission and unnamed Minnesotan also exhibited another remarkable trait that has been displayed to the entire world throughout this campaign; namely, patience and concern—the patience to make sure he got it right, that no civilians were unintentionally injured, and that his fellow soldiers were safe.

The controller lined up two warplanes to drop their payloads, but called them off because he was not certain they were locked in on the target. The third jet, an F-15 Strike Eagle, took three checks of the coordinates before the air controller was confident the pilot understood his directions. The cluster bomb then hit its mark.

I submit that all of us should display similar patience and concern to that of that unnamed Minnesota combat air controller as we enter the final phase of Operation Iraqi Freedom—patience to let our coalition troops finish the job they went halfway around the world to do, and concern for the Iraqi people as they prepare for liberation and reconstruction of their country and society.

At the end of that operation, the nameless Minnesota soldier was asked if he wanted something to drink, and he requested a Guinness. I certainly hope to find out exactly who he is, so I can buy him one upon his safe return.

Madam President, I ask unanimous consent to have this newspaper story from the Star Tribune printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune, Apr. 9, 2003]

MINNESOTAN WITH SPECIAL FORCES HAS KEY ROLE IN STRIKES ON REPUBLICAN GUARD

(By Paul McEnroe)

KANSI-MASI, IRAQ.—Part cowboy, part choreographer, the Minnesotan stood in a bunker rife with scorpions early Tuesday morning and searched the sky.

A U.S. fighter jet roared overhead for the third time in less than a half-hour. "Let's rope that bird," he said in a casual tone that masked his dangerous task of directing the aircraft to bomb Iraqi Republican Guard positions just a few thousand meters away.

As a combat air controller, he owned a 3- to 4-mile stretch of horizon that is the leading edge of a northern front only an hour from Baghdad—and moving closer. Any pilot flying through his quadrants—a fighter jock in an F–15 Strike Eagle or a plodder in a B–52—had to check in with him and the U.S. Special Forces team he's working with in the hills north of the Iraqi-controlled city of Khanaqin.

If his team's position was not locked in by a pilot before the start of a bombing run, the five American operatives and three Kurdish Peshmerga reconnaissance scouts risked being the victims of friendly fire. All it took was a garbled radio transmission or a misunderstanding of map coordinates.

And after the friendly fire airstrike on a convoy near Mosul on Sunday, when at least 18 Kurdish fighters were killed and three U.S. special operations soldiers were injured, the Minnesotan was not about to let his team be the latest victims.

"Sparkle him now," he said to the burly man at his side. The Special Forces' team sergeant commanding the night mission pointed his M–4 rifle into the sky and beamed up an infrared laser line. The pilot would use that to mark the unit's forward position in the jet's navigational computer and thus eliminate the chance of a friendly fire episode.

The pilot locked on, but in a radio check the controller was concerned that the pilot did not have the accurate coordinates of the Iraqi target. What seemed minor could easily become a disaster.

The controller already had spent more than 30 hours up on the ridge line, directing close bomb attacks with little sleep. He wanted to double-check himself again. So he burrowed into a dark nylon bag at the bottom of the bunker, where he could turn on a light without alerting any Iraqis to the team's position.

Like a boy reading beneath the bedcovers at night, he scrutinized his Global Positioning System card, checking off degrees and meters while circling planes waited on his word.

AIR ATTACKS

Two weeks ago, Special Forces unit members helped Kurdish fighters rout hundreds of Islamic militants from the area around Halabja. Now they're focusing on the Iraqi troops, and they allowed a Star Tribune reporter and photographer, and a two-man team from Knight-Ridder Newspapers, to accompany them on a combat air-support mission. The only conditions were that their identities and certain strategic information not be published for the sake of their security.

Since the war began, the northern front has been characterized by air attacks in the Kirkuk, Mosul and Khanaqin areas—and little else. U.S. soldiers, frustrated at the lack of action in the region, speak of "being Turked," a reference to Turkey's refusal to allow U.S. ground troops to cross its border into Iraqi Kurdistan to attack Iraqi forces from the north.

That has led to increased pressure on Special Forces charged with combat air-support missions—such as this one, based in a western state and specializing in mountain warfare.

THEY ALL SEE THE END

The Special Forces team moved out of their small base near Khanaqin outfitted with electronic gear, Kevlar vests, night-vision goggles, 9-millimeter pistols strapped to their thighs and M–4 assault rifles slung over their shoulders. They were in for a 12-hour night mission along a newly taken line that moves south by the day.

"This is the farthest south the Pesh have been since 1991," the team sergeant said.

They all can see the end, and the push is on. The sergeant spoke of the 34-year-old Minnesota air controller this way: "He's our workhorse. We can't get him off the mountain."

The air controller joined the Air Force at 19 and has made it a career. Mention Fifth Crow Wing Lake near Park Rapids, Minn., and he brightens about the years of good fishing he's had in that area. He's also a snowmobile enthusiast.

He works beside people who are considered among the U.S. military's elite. In this Special Forces unit's last class, only 17 of 90 men survived the cut, the sergeant said.

Besides the team sergeant, the squad has a weapons sergeant who patrols the perimeter, an assistant team leader responsible for intelligence gathering and reconnaissance, a communications man and the air controller.

They are models of reserve around strangers, but hints of their wild side seep out while they make small talk and prepare to do their job.

Some speak of parachute jumps at nearly 30,000 feet and not opening their chutes until they're 3,500 feet from the ground. Others trade mountain climbing tales.

There's laughter over who got arrested—and who should've been—at a Texas bar called the Broken Spoke. They argue over what's worse to find in a sleeping bag—snakes or spiders. When a man talks of his children's birthdays or anniversaries missed while off on a mission, the rest turn quiet.

Their mission this night was to pound Hill 323, an 800-foot mound amid rolling hills where reinforced concrete bunkers protect Republican Guard troops and supplies.

"We see headlights," a soldier said. Then they counted up to 48 Iraqi vehicles on the move—lights on—a suspected armor movement that got everyone juiced because it meant that strikes could fill the night.

"B–52s in 15 minutes," the air controller said. He wasn't responsible for directing strikes against these targets, because the column was 6 kilometers away and a closer Special Forces unit was taking over.

"Hopefully they waste that column so we get some stuff over here and blow some ... up," the radio man said.

The sergeant ordered the weapons man to work the perimeter, fearing that Iraqis might be probing the hills to see whether their old bunkers were occupied. He studied the ridge line where the column's headlights briefly popped up. "They're being sent to be cannon fodder, " he said.

Simultaneously, a car started a slow, meandering drive toward the two trucks used by the Special Forces team. It moved slowly enough for the sergeant to order the men into defensive positions, and an anti-tank weapon was readied. After 10 minutes, a Peshmerga was sent down for a look. It turned out that another Peshmerga had strayed into the area.

"If we'd lit him up, they [the Iraqis] could have fixed their positions to fire on us," the sergeant said.

Soon, orange bursts lit up the sky, as a B–52 struck the column. Then came a jolting rumble of sound that shook the ground. Secondary explosions around a command bunker were seen.

Around 1 a.m. Tuesday, it was time to finally call in the strikes on Hill 323. First, a reconnaissance plane scoured the area. The news was good.

"He has hot spots in the buildings," the controller said, referring to the detection of heat and a sign that troops were hiding in one of the bunkers.

A jet was called in, but the pilot had to divert after the controller spent 10 minutes lining him up for an attack run. The coordination has to be both precise and quick, and this one wasn't.

"By the time they get here, they only have 10 minutes of fuel left," he said, expressing mild frustration that this pilot wasn't able to line up his target before the window closed. "Some planes are loaded with extra weapons instead of more fuel—it's a choice the air commanders make."

The visibility was so bad that another pilot—whose craft was not equipped with an optic scanning pod—couldn't see the controller's laser. He also departed with his payload intact.

The third jet, an F–15 Strike Eagle, was on its way but it took three checks of the coordinates before the air controller was confident the pilot understood his directions.

"I don't like all this sparkle," he said, referring to having to repeatedly signal the pilots.

"Neither do I. It causes too much confusion," the sergeant said. Then he raised his M–4's laser beam to the sky, and the pilot locked on.

Next, the sergeant painted the bunker 2,700 meters away with his laser. The pilot now had the distance marked between his air controller and his target.

"I have you in sight," the air controller said. "Roger, you are clear and hot."

That was the final go-ahead for the airstrike.

The cluster bomb—not the usual weapon used on bunkers—set off a brilliant white flash and exploded in the air over the target, spewing mini-bombs in a wide apron on top of the hill. Two more strikes followed.

"Thanks for the good work, and have a good night," the controller said to the departing pilot.

More strikes came in from another air support team down the line. About 2 a.m., an errant bomb from a B–52 landed a couple of miles to the north of this unit. Once again, everyone was reminded why the controller burrowed into his nylon bag and checked the grid coordinates as if his life depended on it.

Somebody popped open a can of soda, and the muffled sound of the hiss didn't escape the controller's ear. He was starting to relax.

"That's a Guinness for me, right?"

He finally left the bunker at 7 a.m., looking ragged.

SUPPLEMENTAL APPROPRIATIONS

Mr. COLEMAN. Madam President, on a final note, as the conferees to the emergency supplemental appropriations bill do their work, I hope they will include the unemployment benefits to laid-off airline workers that Senator MURRAY, I, and others worked so hard with Chairman STEVENS to include in the Senate bill.

Some of those laid-off workers from Northwest Airlines in Minnesota are now on military duty in the Persian Gulf, called up as part of Operation Iraqi Freedom. One of them, a mechanic named Todd Stock, keeps our C–130 military planes airworthy to take crucial supplies to ground troops in Iraq.

While on duty in the Middle East, Todd learned he is one of the 4,900 Northwest workers who will lose their jobs because of the downturn in the airline industry. When he is serving his country so nobly, Todd Stock should not have to worry about whether he can take care of his family when he gets back home. His wife Sheila has told him just to get home safely and that they will get through it somehow.

Our thoughts and prayers are with Todd Stock. Our thoughts and prayers are with that unnamed Minnesotan. Our thoughts and prayers are with those men and women on the front line. Our thoughts and prayers are with the families of those who have lost loved ones in a great sacrifice, a worthy sacrifice, but the pain being so deep. They need to know that our love surrounds them at this moment.

So I hope the conferees will keep in mind Todd Stock and the other mobilized mechanics serving our country when they make their final recommendations.

I hope Americans will have the patience to understand that though yesterday was a great day, more remains to be done and our support, our commitment, our love, and our prayers will never waiver from being with those who are on the front line doing their duty, doing the job we need them to do, doing it so bravely and so proudly.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, my good friend, the senior Senator from Texas, Mrs. HUTCHISON, has been so steadfast in coming to the floor each day to salute our troops. I thank her for her leadership and for her diligence. I think she has done a tremendous job. I am honored and pleased to have been working with her. She has just done a fabulous job and I think has really elevated the recognition of the service of our men and women in combat. She has done an excellent job. I thank her very much.

As Senator HUTCHISON has said on numerous occasions, and as she began today, we are so very proud of our troops, the men and women who are serving our great country, with their brave service and their tremendous courage, and also their humane treatment of Iraqi civilians and Iraqi prisoners of war.

The United States has complied with the Geneva Convention and international laws concerning the treatment of prisoners, and we call on the followers of Saddam Hussein to do the same.

The incredible vision we saw yesterday, as Senator HUTCHISON mentioned. We saw on the television the cheers of the Iraqi people over the freedom they had begun to feel in their blood and their bones, the idea that they no longer would have to fear expressing themselves, their ideas, their goals, their dreams for their families and for their country. What a wonderful feeling for all of us. As Senator COLEMAN mentioned, we don't want to think that everything has been accomplished. We know there is still much to be done. But again, what a vision to keep in our eyes and in our hearts of a people who have reached something we have long had in our grasp in this wonderful country.

Earlier this week I learned just how well the United States is treating our Iraqi POWs, how well we are working with our service men and women and our armed services to make sure we are doing right by the Geneva Convention.

In earlier remarks on the Senate floor some of my colleagues may recall I reported that a member of my staff, my congressional staff, Marine Reservist LCpl Jason Smedley had been injured in battle. Jason returned to the United States this week on a brief medical leave, and he stopped by my office on Monday. My entire staff sat in rapt attention for some time as Jason shared his experiences in the war on Iraq. Jason said while he was being treated for his injuries in a Kuwaiti hospital, Iraqi soldiers lay across the room from him, receiving the identical quality of medical care. Think of that—American soldiers recovering from battle wounds alongside Iraqi prisoners of war.

I remember the words from Jason. He said: We have definitely kept with the Geneva Convention.

Contrast that with what we have heard and seen of the Iraqi regime's criminal treatment of American POWs, including Jessica Lynch, not to mention the ghastly exhibitions of bodies of American soldiers in shallow graves in which our soldiers found their fallen brothers and sisters.

Jason reported to us many Iraqi citizens are, to quote him, "definitely glad we are here." He told of seeing Iraqi mothers bringing children who had been ill for years to U.S. soldiers for medical care. One mother's child had had problems with her eyesight since birth, and that mother was full of hope as she carried her child to a U.S. soldier. Imagine that—Iraqi children receiving better medical care from our soldiers in the field than they got for years under a brutal dictator who built opulent palaces for himself.

We have seen news reports of the guerrilla tactics employed by Iraqi troops posing as civilians and then ambushing our soldiers. Jason said soldiers of the Iraqi regime stood out even when they were wearing civilian clothing because they appeared to be strong and healthy, and it was such a stark contrast to the malnourished, despondent Iraqi civilians Jason had encountered.

Jason said he had many opportunities to talk to Iraqi civilians, and he made it his mission to seek their opinions of Saddam Hussein. Without exception, he said, they all wanted Saddam Hussein to be removed from power.

An Arab-speaking man who had accompanied Jason's unit as an interpreter had a very personal reason for volunteering to serve with the U.S. forces. He himself had been abducted and tortured by the Iraqi regime after they had invaded Kuwait. Jason had been assigned to a unit that was to rebuild Iraq. He was not in a combat unit. When he was injured during an enemy attack, he was bedding down after helping evacuate about 500 Iraqi civilians who had been caught in the firefight from an Nasiriyah. This Sunday at National Naval Medical Center in Bethesda, MD, the Commandant of the Marine Corps awarded Jason a Purple Heart.

Since Jason has been back in the United States, he has burned up the phone lines calling to check on family members of fellow marines. He said several men had missed the birth of their children, and he recalled one marine listening intently on a ship-to-shore phone as his wife tried to describe their newborn son to him.

That same marine was delighted when mail arrived with a CD-ROM video of his new baby as the ship steamed toward the Middle East. Jason had checked up on the marine's wife and many others because he said he and his fellow marines were so concerned about how their families were weathering the stress of the war.

As I e-mailed Jason on his trip over on the ship, I was amazed at the response in the e-mail I got back. It wasn't about him. It was about me.

He said: Senator, I want to lift up a prayer for you. He said: I am heading out to do what I am supposed to do. I want to lift up a prayer for you and all Americans because we are getting ready to enter into something so important, sharing something with the rest of the world, particularly a people who have not and do not understand what freedom feels like.

How incredible of a young man that age, leaving to defend his country and, more importantly, what his country means to him.

He has asked me to encourage all Americans who know families of our Armed Forces to check in on those family members regularly because that show of support is the best way we can help our troops.

Senator HUTCHISON and I have come on different occasions to talk about this. We have lifted up one another's personal stories we have had from the war. It is important that the American families of our service men and women and that our service men and women who are there in harm's way understand as we lift up these tributes to our troops, we are not just talking about those we know the best and most intimately, those who are a part of our family, we as a body are lifting up our pride, our prayers, the honor we feel for each and every service man and woman who is there putting themselves in harm's way on our behalf.

It is so critical to take to heart Jason's words that those of us out there living in different communities know one of the best things we can do for our troops is to reach out to their families—families who are frightened, nervous, who may not be hearing as much as they want from their loved ones serving this great land.

I hope we all, both as Senators, as Congress in general, and more importantly, as Americans reach out to those very important families.

While Jason's mother and I shared a sigh of relief that Jason is temporarily back in the United States out of harm's way, this dedicated young man says he hopes to return to his unit until the job is done, the job of sharing those incredible treasures we, as the American people, hold so dear, to help share with the Iraqi people what freedom means, to be able to speak out your ideas, your thoughts, your prayers, and ideals, how you believe your country can be stronger and should be run—things that oftentimes, as we move about our busy lives, whether it is to the grocery store or to drop children off at school, we take for granted.

I am proud of Jason Smedley, whose courage and character exemplifies our U.S. soldiers; a young man who spent nearly 1 month on a ship en route to Kuwait; a young man who had the chance to take a shower just once a week in Kuwait and not once after entering Iraq; a young man who helped dig out his unit's camp in a former trash dump where even the roaches were dead; a young man who endured hot days and cold nights in stinging sandstorms; a young man who has been in five hospitals in the last 2 weeks, but always reaching out to the patient next to him; a young man wounded in battle who saw his fellow soldiers lose their limbs; a young man whose wish is that he might get to go back and be with his unit to help rebuild Iraq for the oppressed people of that country.

I am so very proud of all of our brave and selfless young men and women serving in harm's way in Iraq and throughout the world, just as Jason Smedley has been—going with the spirit of America to share what each and every one of them holds so near and dear to their hearts: the freedoms and the treasures of being an American.

Madam President, may God bless them and bless our Nation as we continue to bring what democracy and freedom can share with the entire world. I thank you for this opportunity.

Again, I compliment my colleague from Texas, Senator HUTCHISON.

At this point, I will yield the floor to my colleague from Delaware, Senator CARPER, and thank him so much for taking the time to be here with us.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I express my appreciation to Senator LINCOLN and Senator HUTCHISON for making sure we had this opportunity again today to remember those who are serving and their families who are here supporting them and pulling for them and praying for them.

The video from the other side of the world—the visual images from the other side of the world over the last 24 hours are extraordinary to us all and, for the most part, they are encouraging. While many of us are troubled by the scenes of looting that occurred in parts of Baghdad yesterday, we will remember for many years the scene of the jubilation where people were realizing a time of oppression in their lives was coming to an end when the prospect for greater personal freedoms and liberties was denied. I know not everybody in this country and in this body supported the notion of our engaging in an armed conflict with Iraq at this time. We all, regardless of how we felt as we approached the day of decision, celebrate how well and effectively our men and women have served in that conflict. We regret the loss of life in that conflict.

I want to talk about two young men from my State for whom the last respects will be paid this Saturday as we lay them to rest. Before I do that, I was privileged to be Governor of Delaware for 8 years. One of the things I liked most about being Governor was, as an old Navy officer, they let me be chief of the Delaware Army National Guard. In the last several months, we have had the opportunity to send off unit after unit within the Delaware National Guard, to be mobilized and, in many cases, deployed and, in some cases, closer to home and, in other cases, to be sent to the other side of the world. I want to mention some of the work those men and women are doing. Some of them fly C–130 aircraft, which are part of the air bridge between America and the Middle East. The beginning of the air bridge, in many cases, is a C–5—we fly those out of Dover Air Force Base—which is the largest cargo aircraft in the world. They are being flown today by active-duty personnel and by the Reservists, and they fly very much as one team, one unit, literally as a wonderful, coordinated, combined team.

At the very end of the air bridge is, in many cases, the C–130s. They are flown by members of the Air National Guard out of Delaware, Alaska, Arkansas, Texas, and other States. Those men and women who are flying those, or maintaining those aircraft, or serving as military police, whether in this country or in the Middle East, and those people who are using heavy equipment, those who are providing health care—a number of those people come from my State of Delaware. They are male, female, officers, and enlisted. In many cases, they have left behind a spouse, children, their families, in order to serve us and, in some cases, they are doing so at great economic disadvantage to their families and, in some cases, at considerable danger to themselves.

We are grateful for their service. We are proud of each one of them. I say today to their family members—those who are tending the home fires and making sure the families stay together and the kids are going to school and are getting fed and clothed and all—a real special thank you for your willingness to share with us at a challenging time in our Nation your sons, daughters, husbands, wives, moms, and dads.

At the Dover Air Force Base, we traditionally carry a lot of the materiel and men and women who need to go around the world in support of our military actions. During the Afghanistan war, roughly 30 percent of the equipment that moved into Afghanistan in support of that conflict came through Dover Air Force Base and flew out on C–5s from there. We are continuing to carry a large part of the strategic airlift burden from Dover and places like Travis and other Air Force bases around the country.

There is another unit stationed at the Dover Air Force Base that gets probably even more attention these days than do the C–5 aircraft, and that unit is the mortuary. We hear almost every day of the remains of American soldiers, sailors, airmen, marines, that are being returned to America and to their loved ones. En route to their loved ones, those remains come through the Dover Air Force Base and the mortuary there. I visited there last month and also in the past. While the people who work there get precious little recognition for the work they do, they do some of the toughest work of anybody in this country—military or civilian.

I stand here today and take my hat off to those men and women. Some are active duty, some Reservists, and others have volunteered for the service. But there is no more emotionally demanding and draining work that you or I could do for our service men and women and their families. I really want to express my gratitude—and, I know, that of every Member of this body—for the work going on there at this moment.

Among the bodies that have been returned to their loved ones through that Air Force base in Dover through the mortuary are two young men, one 21 years of age from Seaford, DE, Army Ranger SP Ryan Long. Another is a young marine sergeant from New Castle, DE, who grew up in New Jersey and came to Delaware when he went to high school and married his high school sweetheart. He perished last week at the age of 23 on the other side of the world. His name is Brian McGinnis. As our Presiding Officer knows, one of the toughest tasks we do as Senators is to call families of those who have died and try to convey to them our anguish, grief, and our sympathy, and offer whatever we can to be supportive and encouraging in this tough time. As a father of two young boys myself, 13 and 14, I cannot imagine the difficulty of living with the loss of your child. Life prepares us to know that some day our grandparents will pass away, and eventually our parents, and maybe our siblings, and maybe even a spouse; but there is little in this life to prepare us to know that we are going to lose a child.

In this case, the Long family and the McGinnis family have lost their sons. They will be laid to rest this Saturday in the First State, Delaware.

I wish to mention the service of each of them. Ryan Long comes from a family that has served in our military for generations. He is fourth generation. While at Seaford High School, he was vice commander of the junior Navy ROTC unit. He ended up joining the Army and became a ranger.

He was at a checkpoint barely a week ago in an area northwest of Baghdad. A car driven by a woman went through that checkpoint. Out of that car emerged another woman who appeared to be pregnant. She came out of the car screaming, and three Army personnel approached the car. The car exploded, and the driver, the woman who had fled from the car, and our three Army personnel, including Ryan Long, were killed. The soldiers approached that car believing there was a problem and attempted to extend a helping hand. For that, they lost their lives.

I am sorry to say that the Ryan family has lost their son. To Rudy and Donna Long—I had the privilege of speaking with the dad who is a retired major—we extend our heartfelt sympathy.

Seaford is the home of the first nylon plant ever built. It is the first ever built in the world. Ryan used to play golf at the Seaford Nylon DuPont Country Club. He played on the golf team at school and did a lot of other activities in the community before he enlisted in the Army.

In the northern part of our State, there is a beautiful little town called New Castle. It has the largest high school in our State, the William Penn High School. Brian McGinnis went to William Penn High School, having grown up in New Jersey earlier in his life. At that school, Brian met a gal named Megan. He did not just meet her, he married her after school. He leaves behind a widow, a dad who lives in New Jersey, Bill Mcginnis, and a mom, Mildred Williams, who now lives in Port Charlotte, FL.

Brian was flying a helicopter. The helicopter, as we have seen too often in this war—any aircraft, whether fixed wing or rotary—crashed. He was aboard the helicopter, a Huey, and his life was lost. He will be buried this Saturday in New Castle, DE.

I send to his dad with whom I have spoken, to his mom, and to Megan, his bride, our sympathies. My office, my staff is doing whatever we can to be of help and support to them. We remember them today. We feel their anguish. Our hope is time will heal some of that pain. Again, we stand ready to provide whatever assistance and comfort we can throughout our State of Delaware to help the two families who have lost their loved ones.

I close with a comment on the war itself. Many of us have said the toughest part of the war lies ahead. There is still fighting to take place in other parts of the country that are not under allied control. The tough part of the war does lie ahead. It is not just keeping the peace and restoring order in places such as Baghdad and to stop the looting, but it is helping to build a democratic institution within a country where there are disparate groups—Shiites, Sunnis, and the Kurds in the North.

There is a history of distrust and hatred. We need to help put to bed those generations of mistrust. That is not going to be an easy job. It is not a job we and the Brits should assume. This is a job which others should join in fulfilling, tackling, and also paying. We should welcome their involvement.

Mr. President, I yield back whatever time I have not consumed.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I thank the Chair.

Mr. President, it is fitting that we reserve time each morning to pay tribute to the troops. I, too, mourn the loss of so many of our young men and women who went over to Iraq and will not be coming home. Our hearts go out to their families and friends and for these brave men and women who put their lives on the line for our freedoms.

To listen to the stories this morning, to hear the accounts of the two young men from Delaware who will not be returning home to their families, to sit in this Chamber and listen to Senators from the various States talk about those who will not be coming home, as a country we mourn for them, but we also have cause to celebrate and be joyous with those who will be coming home.

I stand before you with a great sense of pride for a young man from Alaska who we just learned, quite honestly by way of a photograph that appeared on Monday, was pinned by General Franks with a Bronze Star for battle. It is one of those success stories; it is one of those tributes that is important to mention as we speak about those who have not only given their lives but those who have gone into battle and are coming back to celebrate the victories.

The young man from Alaska about whom I would like to speak this morning is SGT Lucas Goddard. He has been in the military for just 3 years. He is 21 years old. He is part of the Army's 327th 1st Brigade of the 101st Airborne Division. It was on Monday in Najaf that General Franks pinned the Bronze Star on Sergeant Goddard.

Imagine yourself, Mr. President, as a parent, as we both are, your son or your daughter is overseas. They are in a conflict and you have not heard from them in several months, not knowing their situation, not knowing whether they are safe, really not knowing where they are. Your eyes are glued to the coverage of the war to glimpse anything.

The parents of Sergeant Goddard received a phone call on Monday from a reporter who had seen the picture, saw that the young man had been identified as being from Alaska, and contacted Mrs. Goddard. The reporter said: So what do you think? Mrs. Goddard was speechless. She was so happy, she was so joyous, not necessarily that her son had received this incredible recognition, but that her son was alive.

The headline in the hometown newspaper that day was: "Medal and Media Images Mean Army Son is Alive in Iraq." Think about yourself as a parent wanting to know, waiting to know, getting a call from a reporter saying: What do you think? But the good news is that your son is alive and, on top of that, to be given a medal such as the Bronze Star.

I had an opportunity last evening to speak with Sergeant Goddard's mother, Kathy Goddard. She lives in Juneau. It was heartwarming to speak with her about the pride she has for her son and the sense of giving that she has as a parent. She said to me: It's not just Lucas; it is not just Lucas who is out there. There are other young men and women from Sitka, who are in Iraq, who are serving our country, and we are concerned for all of them.

Sitka is a very small community in southeast Alaska. It is an island of about 8,000 people. In that community in the grocery store, I understand from Mrs. Goddard that what they have done is put a list in the grocery store of the individuals who are serving our country right now so that people can get a sense of who is out there serving, the men and women we honor.

I asked Mrs. Goddard: Can you tell us what it was that your son did to receive the Bronze Star? In the picture that we saw, there was no real recognition. It was just an acknowledgment that this young man had received the honor.

She does not know. Her comment to me was: It really does not matter what he was recognized for, but whatever it is, we are exceptionally proud. We cannot wait until he gets home and he can sit around the dinner table and tell us all that he has gone through.

She said he is a very humble young man and does not like to tout his accomplishments. She says he is probably going to be embarrassed over all of the hoopla that is going on right now, but there is good reason for hoopla. It is still very sketchy right now, but in referencing several of the newspaper accounts, we understand that General Franks awarded the Bronze Star for valor to two soldiers who had fought in the battle for Najaf. SGT James Ward led the team that stormed the military compound on the south side of the city, and SGT Lucas Goddard spearheaded the assault on the local airfield, taking direct enemy fire.

In further newspaper accounts, as best we have been able to tell, we understand they had captured a compound of weapons while under fire by AK-47s, grenade launchers, and rocket-propelled grenades. So our brave young man from Sitka did what he was trained to do and was recognized for it. He will be going home to Sitka to celebrate with his family.

I need to share a mother's intuition with the Chair and my colleagues. Mrs. Goddard said she woke up on Monday sensing that she was going to hear from her son that day.

She said: You know, you just sometimes get that intuition; I just felt something.

She had not heard from her son for upward of a month prior to this. That afternoon she received a phone call from a reporter asking: What do you think? We have seen the newspaper account.

Well, that was not a direct contact from her son necessarily, but she said: You follow that mother's instinct. I knew that I was going to hear from him today. And that is what she heard.

So to all of the men and women from Sitka, from all over my State, from all over the country, our hearts go out to you. We are extremely proud of all of you at this moment, like Sergeant Goddard, who so bravely is defending our freedom and our democracy. We must acknowledge all of our men and women for the sacrifices they are making for America's freedom, our freedom, the freedom of this Chamber, and the freedom of millions of people all over the world as we are protected by those who are serving in our Armed Forces.

Sergeant Goddard is an example to all of us. It is this rock solid courage that we think about. This is what our military is all about, unfaltering bravery. So the recognition Sergeant Goddard received is one that we look to, we say thank you, and God bless.

I am going to share one last communication from Sergeant Goddard. This was in an e-mail message he sent to his family some months ago. It is a testament of his good will, and I believe his honorable service to our country. In his message, he stated:

> I will be thinking of you all while over there. It is because of people like you that we fight the tyrants who stand in the way of freedom and peace.

So to Sergeant Goddard and all of those men and women who are serving us for our freedom, we thank you.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Ms. MURKOWSKI. I ask unanimous consent that morning business be extended until the hour of 12 p.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. THOMAS. We are in morning business?

The ACTING PRESIDENT pro tempore. That is correct.

ENERGY

Mr. THOMAS. Madam President, I take a moment to talk about at least one of the pending matters. Certainly our focus is, and should be, on what is happening in Iraq, supporting our troops, so we can support whatever needs to be done now as this war, hopefully, comes to a successful conclusion. In the meantime, of course, while we are aware we are not yet at that point, we have to continue with strong support and praise of our men and women.

In addition, business goes on. Despite our interest in terrorism, despite our concern and support for Iraq, our lives continue. An important issue is energy. We have been through this a number of times before, and the unrest in the Middle East has something to do with it, although it is not the exclusive reason. We need to find ways, as we look forward, to supply ourselves with our electricity needs.

Energy is at times taken for granted. We do not pay attention to it. Lights, automobiles, food—everything has to do with energy. As we all know, we depend on imports for 60 percent of our energy. Availability is threatened, from time to time, but economically we are better off producing here.

We are in the process of working on an energy policy. Last year, Members may recall, we began with no energy policy. For various reasons—organizations, committees did not get to the work—we had no policy. When we talk policy, we are talking broader than the details; we are talking about a vision, where we need to be and the best way to get there over a period of time. I know how difficult it is because we deal with issues before the Senate on a daily basis. However, the most important function of the Congress and the Senate is to make policy. Others do the details and the implementation. Our emphasis ought to be on where we want to go, where we want to be over a period of time and, in broad terms, how we get there.

We are now in the process, I am pleased to say, of coming up with an energy policy. Hopefully, it will be a broad policy that will include what we think our needs will be and then talk about how we get there. The policy will include, certainly, research. There will be new ways of generating energy for ourselves. We will be using different kinds of energy over time, including hydrogen. Certainly we will be looking at conservation. There is no question there are many ways we can save in the amount of energy we each use; we can reduce our demands on energy. There will be emphasis on alternative means, including hydrogen cars, and perhaps hydrogen for other purposes as well.

Most importantly, in the short term, we will look at increasing domestic production of energy. We have the resources in our country to have considerably more energy made available than we do now. When we do it, for instance, in the case of coal, one of the largest resources of energy we have, we have to continue to look for ways to produce it in a clean fashion so we can have good climate, clean skies.

I am hopeful we can continue to emphasize the future, where we need to be, how we are going to get there. We are going to have to recognize things have changed, for instance, in the area of electricity. Years ago, certainly, generators were also distributes of what they generated in their own retail markets. Now we have changed that and 40 percent of the generation is done by so-called marketing generators that do not distribute but sell it wholesale around the country. Obviously, to make that work, we have to have transmission and transportation. That will be something we need as a national grid to be able to move electricity from the source to the area of consumption. That has changed. That is different than in the past. We will find ways to have cars and trucks that are more conservative in their use of gasoline.

I am pleased we are moving forward. I just left a hearing where we discussed working on that after our recess, that hopefully we can come together with a sensible policy. I hope we do not get tangled up in every detail but, again, have this oriented toward looking out over a period of time as to how we will provide the necessary energy resources and use them in a clean manner. I look forward to that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I come to the floor to pay tribute to 14 young Americans who have been killed in the Iraqi war. All of these young men are either from California or based out of California. I have already eulogized 20 individuals from California, either born there, raised there, or based there. So we are now talking about 34 of my constituents who have been killed.

We pray that the killing is coming to an end. I am sure it cannot come soon enough for all Americans. We pray the POWs will be returned safety. We pray for stability. We pray that we can bring our young men and women home, get them out of harm's way, and share the burden of the rebuilding of Iraq with many nations, so that the people of Iraq can realize their hopes and dreams.

SGT Michael V. Lalush, age 23, grew up in Sunnyvale, CA, before his family moved to Virginia in the mid-1990s. He was killed on March 30 in a helicopter crash in southern Iraq. He joined the Marines 2 weeks after graduating from high school in 1997. He was assigned to the Marine Light Attack Helicopter Squadron, Marine Aircraft Group 39, Marine Corps Air Station, Camp Pendleton, CA. He is survived by his parents, a sister in Los Angeles, and grandparents in Folsom, CA.

SGT Brian D. McGinnis, age 23, was assigned to the Marine Light Attack Helicopter Squadron, Marine Aircraft Group 39, Marine Corps Air Station, Camp Pendleton, CA. He was from St. Georges, DE. He is a graduate of William Penn High School in New Castle, DE, where he was a star member of the wrestling squad. He was killed March 30 in a helicopter crash in southern Iraq. He is survived by his wife, who is living at Camp Pendleton in California, and he is also survived by his parents.

PFC Christian D. Gurtner, age 19, was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, Marine Corps Air-Ground Combat Center, Twenty-Nine Palms, CA. He was killed April 2 as a result of a noncombat weapons accident in southern Iraq. He is from Ohio City, OH. In March, 2002, while still a high school senior at Van Wert High School, he enlisted in the Marines. His grandfather fought in World War II, and a great-grandfather served in World War I. He also had relatives who fought in Vietnam. His friends have said that Christian loved bowling, the Atlanta Braves, and Ohio State football.

CPL Erik H. Silva, age 22, from Holtville, CA, was killed in action in Iraq Thursday. Erik was assigned to the 3rd Battalion, 5th Marines, 1st Marine Division, based at Camp Pendleton, CA. He graduated from Holtville High, where he played the trumpet, was a drum major, and a member of the varsity golf team. He wanted to pursue a career in law enforcement. He is survived by his mother, living in Chula Vista, CA; two brothers; and a sister, who is currently serving in the Navy.

CPT Benjamin W. Sammis, age 29, was assigned to the Marine Light Attack Helicopter Squadron, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, Camp Pendleton, CA. He was killed in action on April 4 when his AH-1W Super Cobra helicopter crashed during combat operations in Iraq. His hometown was Rehoboth, MA. He was a sailor, an Eagle Scout, a military school graduate, and a career marine, who had yearned to fly helicopters and jets since he was 10 years old. He is survived by a wife, his parents, and two brothers.

PFC Chad E. Bales Metcalf, age 20, was assigned to the 1st Transportation Support Battalion, 1st Force Service Support Group, Camp Pendleton, CA. He was killed on April 3 in a vehicle accident during convoy operations in Iraq. A native of Texas, Chad was born in Lubbock and grew up in Coahoma, where he played high school football. He is survived by his parents, two half sisters, and two half brothers.

CPL Mark A. Evnin, age 21, joined the Marines in 2000. He was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was killed in action on April 3 during a firefight in central Iraq. Corporal Evnin was from Burlington, VT. In the last letter he sent to his mom, he mentioned that he decided to go to college to study international relations.

CWO Eric A. Smith, age 41, lived in San Diego, CA, for a few years in the eighties. During his time in San Diego, he became acquainted with some Air Force pilots who sparked his interest in becoming a pilot. He joined the Army in 1987. Chief Warrant Officer Smith was killed when his Black Hawk helicopter crashed in central Iraq on Wednesday, April 2. He was assigned to the 2nd Battalion, 3rd Aviation Regiment, Hunter Army Airfield, GA. He grew up in Rochester, NY. Eric played soccer at Brighton High School and graduated from the Rochester Institute of Technology.

CAPT Travis A. Ford, age 30, lived in Oceanside, CA, with his wife and their 1-year-old daughter. He was assigned to the Marine Light Attack Helicopter Squadron, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, Camp Pendleton, CA. He was killed in action on April 4 when his AH-1 Super Cobra helicopter crashed during combat operations in Iraq. He grew up in Nebraska.

PVT Devon D. Jones, age 19, was from San Diego, CA. He was killed in a vehicle accident on April 4 in Iraq. Private Jones was assigned to the 41st Field Artillery Regiment, Fort Stewart, GA. He graduated from San Diego's Lincoln High School in 2002. He planned to become an English teacher and serve as a teaching intern at Kennedy Elementary School located across the street from his high school.

SGT Duane R. Rios, age 25, was assigned to the 1st Combat Engineer Battalion, 1st Marine Division based at Camp Pendleton, CA. He was from Griffith, IN. He was killed on April 4 during a firefight in central Iraq. Sergeant Rios was a 1990 graduate of Griffith High School in Indiana. He is survived by his wife living at Camp Pendleton and his parents.

1stSGT Edward Smith, age 39, was from Vista, CA. He joined the Marines when he was 17. He was assigned to the 2nd Battalion, 5th Marine Regiment, 1st Marine Division based at Camp Pendleton, CA. He also served as an Anaheim, CA, reserve police officer. He died April 5 as a result of wounds received in combat in central Iraq. Edward was born and raised on the south side of Chicago. He graduated in 1982 from Cosmopolitan Preparatory School. He is survived by his wife and three children.

CPL Jesus Martin Antonio Medellin, age 21, was assigned to the 3rd Assault Amphibian Battalion, 1st Marine Division, Camp Pendleton, CA. He was from Fort Worth, TX. Corporal Medellin was killed on April 7 in central Iraq after his vehicle was hit by enemy fire. He was active in his church. He loved his grandma's tortillas, and he enjoyed spending time with his 11-year-old brother.

PFC Juan Guadalupe Garza, Jr., age 20, was assigned to the 1st Battalion, 4th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was born in Michigan. Private First Class Garza was killed in action on April 8 in central Iraq.

Mr. President, 34 men who were either from California or based in California have died in the Iraqi war. The people of California, and I know the people of the whole country, mourn their loss and all the other losses we have had. May these beautiful young Americans rest in peace, may all the fighting end soon, and may we pray for the souls of those we have lost.

I cannot help but note that Cpl Mark Evnin, age 21, wrote to his mother and said he wanted to study international relations. I hope and pray, in his memory, that we can forge relations in this world such that war is not a necessary tool; that we can forge relations in this world such that the power of democracy and our ideals will be shared by the people of the world, and that the power of those ideals will lead the whole world to peace.

Mr. HATCH. Mr. President, today my heart is heavy. Though our Nation's forces continue to make dramatic gains to rid the world of a tyrant who cares not for basic human dignities, three sons of Utah have made the ultimate sacrifice so that a nation may be reborn in freedom. There names are SSG James W. Cawley, United States Marine Corps Reserve, SSG Nino D. Livaudais, of the Army's Ranger Regiment, and Randall S. Rehm, of the Army's 3rd Infantry Division.

To their families, I know that no words that I say here today will alleviate the sense of loss that you feel. You see, I too, lost a brother during the Second World War. But their families should know this, that our communities are with you and will stand behind you, that our State of Utah is praying for you and keeping you in our thoughts, and that our Nation will remember and honor your loss.

The death of these three men shows once again that it is our Nation's finest who answer the call of the colors.

Sergeant Cawley of Layton had dedicated his whole life to the protection of others. He was a Marine Reservist, who in civilian life was a Salt Lake City police officer. He was a member of that department's SWAT team and gang unit. Before joining the department he served for 12 years on active duty with the Marines, traveling the world. During one of his deployments to Okinawa he met his wife Miyuki, and they have two children, Cecil and Keiko. I join the entire Senate in telling those children that their father was someone to be proud of.

Sergeant Livaudais grew up around Ogden. He might have only been 23 years old, but he was already a combat veteran twice serving in Afghanistan. He truly died a hero's death, racing to protect a pregnant woman who was being used as a human shield. He fell victim to an explosion caused by a homicide bomber. His selfless act only reaffirms his unit's motto: "Rangers Lead The Way." He leaves behind a wife, two children, and a third child on the way. To his children who, in the coming years, might look back on these events in order to get a better understanding of who their father was and what he stood for, they should know this: Your father represents the very best that our Nation has to offer.

Sergeant Rehm was not a native of Utah, but we were honored to have him and his family in Utah for 3 years when the Sergeant ran the Army's Salt Lake City recruiting office. He helped so many young people make the important decision to enter Government service. He died in the fighting near Baghdad International Airport, but his memory and spirit will live on in all of the young soldiers that he introduced to the Army. They will now carry on his traditions of honor and service.

After all wars monuments are built and ceremonies are held. However, for me the greatest memorial that can be erected to theses fine men is to remember their names—James Cawley, Nino Livaudais, and Randall Rehm—and to learn from their example, that even now, in these challenging times, all people deserve to be free. It is our responsibility to these heros that we realize a better world for which they fought.

Mr. BROWNBACK. Mr. President, the military campaign to disarm Iraq and free the Iraqi people has been a display of America's technology, power, and compassion. Our fine men and women in uniform have demonstrated that they are not only fully capable of defeating anything that comes their way, but also that they are dedicated professionals even when confronted with the worst sort of cowardice and terrorism. Amidst fake surrenders and using innocent women and children as defensive shields, our troops have stayed on target and have kept civilian casualties to a remarkable minimum.

We now have word that our troops have found what may be chemical weapons on warheads. If proven, this will indeed be the answer to those who claimed that Saddam was not an imminent threat. It is unfortunate that some of our so-called allies, namely France, could not see this danger. But it is a reminder to every American—of just how important it is for the U.S. to act in preserving our security—and not to defer our defense to countries that refuse to face today's new threats.

When completed, military action is only half the battle. In order to secure a long-term peace in the region, and consequently, security for our Nation; we need to ensure a strong and vibrant democracy thrives in a new post-Saddam Iraq.

There have been numerous questions raised about the likelihood of such a transition. But based on my long experience in working with the Iraqi opposition, I strongly believe a better day is around the corner for Iraq. It will not be easy, but it is very likely. Allow me to explain a few reasons why this is not mere optimism.

Iraq is not Afghanistan—the problems we have seen in reconstructing Afghanistan will largely not be present when it comes to Iraq for many reasons. First, Iraq is a resource-rich nation and can afford to pay for its own reconstruction. Second, Iraq is not filled with religious radicals that plagued Afghanistan. And third, Iraq does not have armed warlords to settle with. In fact, Iraq has a history of having an educated and sophisticated population with a unique focus in the fields of technology and medicine. This will be a huge asset which will make a transformation to democracy more plausible.

There will need to be an extensive "de-Bath'ification" of the nation—just as in Germany it was necessary to "de-Nazify" much of that country's leaders following WWII. Even after this process, there will remain numerous ethnic, tribal and religious factions within the country that will likely have strong differences of opinion. But that is true of nearly every society and hardly a reason to believe there could be no democratic government. In fact, it makes it more likely that those differences will finally be recognized and worked out through a more productive manner than the use of brute force.

Iraq has a historical model for a federated democratic system—Much like Britain, Iraq used to have two parliamentary bodies. Opposition groups are working to reconstruct that model now to replace the existing regime. This is important because it shows that democracy as a concept, is not something that is being imposed on the Iraqi people, but rather, something that is being brought back to them from their own people. The U.S. should continue to work with all the Iraqi opposition groups in order to assist in this noble goal.

Iraqi opposition leaders have already held elections to replace Saddam—Just last month, members of numerous Iraqi opposition groups met inside northern Iraq and elected six leaders to help in the transition to a democratic government once Saddam Hussein is gone. These opposition members come from very diverse religious and ethnic backgrounds. But they agree on the basic principles—that Iraq should be a federated democracy which respects the freedoms of religion, speech, and respects human rights.

These Iraqi exiles have returned to fight for their homeland side by side with American forces. They have been flown into southern Iraq and are working with the local people there, as we speak, to help unify and embrace a peaceful transition to democracy.

I had an opportunity to meet with many of these now elected Iraqi leaders in a meeting with them in London this past December. I saw then, and I see now, the unity that they are creating. It is not always picture perfect. Democracy never is. But too often, there has been a tendency to write off the important work and success of these leaders. We should not underestimate them. We should instead, use our energies to help make their dreams for a peaceful and prosperous Iraq, into a reality.

Iraq's ultimate success will have to come from the Iraqi people—and it will! This is also why I believe we will see a strong, democratic Iraq in the near future. The people of this country have suffered under the rule of a tyrant. They have watched as their neighbors in Iran increasingly rise up to protest against the tyranny of the Islamic regime. They see the destitution that years of terrorism has brought to the Palestinian people. Democracy is the only way forward—and the people of Iraq know it. We don't have to convince them of it, but we do have to help them implement this dream. That will be the role for reconstruction in the months to come.

If there is a danger that we face in looking at reconstruction policy in Iraq, it comes from holding on to the old belief system that the Middle East just can not handle democracy. Sadly, there are many in various government agencies who strongly cling to this view. We must make sure that those who hand out the funds to rebuild Iraq are on target with the President's vision. We will only get one chance to do this right. We must not revert back to the lobbying of dying regimes in the region. We must stay true to the bold vision that democracy in Iraq is coming.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FRIST. Mr. President, there has been an objection made to the Judiciary Committee meeting today. Thus, as the only way to allow that committee to continue its very important work for the people of the United States of America, I am forced to ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:06 p.m., recessed subject to the call of the Chair and reassembled at 3:05 p.m. when called to order by the Presiding Officer (Mr. CRAPO).

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT TO ACCOMPANY S. 151

Mr. HATCH. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany S. 151, the PROTECT Act, and it be considered as follows: There be 2 hours of debate equally divided in the usual form.

I further ask unanimous consent that following that debate time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. REID. Mr. President, if I could ask my friend to yield for a parliamentary inquiry.

Mr. HATCH. Without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I want to make sure my friend from Utah understands that we, of course, would have no objection to going to the conference report. Our problem is having the majority leader set a time for completing this legislation. We have a number of people on our side who wish to speak. We would be willing to go to the conference report but with no time constraints. I want to make sure my friend understands that.

Mr. HATCH. Could I ask the distinguished Senator how much time he would need?

Mr. REID. I don't really know how much time. I know the Senator from Massachusetts wishes to speak, and he may want to speak for a little while. I think the best thing to do would be to go to the conference report. We have been basically doing nothing for 3 hours today anyway. I am sure it wouldn't take very long. But I don't have any idea. If I could, through the Chair, inquire of the Senator from Massachusetts, does the Senator from Massachusetts have any estimate as to how long we should be on this important legislation?

Mr. HATCH. I yield without losing my right to the floor.

Mr. KENNEDY. I intend to speak about this for some time, and then at the appropriate time I will make a point of order in terms of the bill.

Mr. HATCH. I am sorry to see the objection on this matter because I believe this is one of the most important bills we will ever enact in the Senate, especially with regard to our children, but with regard to criminal law in general.

CLEAN DIAMOND TRADE ACT

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 1584, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the Clean Diamond Trade Act. Clean Diamond legislation passed unanimously through the Finance Committee on April 2, by a voice vote. The bill we are taking up today is nearly identical to the bill that passed the House of Representatives on April 8, 2003, by a vote of 419 to 2. Today, with the passage of this bill, the Senate is taking a step toward bringing our Nation into compliance with our responsibilities as a participating Nation in the Kimberly Process Certification Scheme.

Passage of this legislation is a true bipartisan success and a significant step forward in stopping trade in conflict diamonds. I would like to thank my colleagues for helping to develop the compromise legislation in this act. I would especially like to recognize the hard work of Senators GREGG, DEWINE, DURBIN, BINGAMAN, and FEINGOLD, whose devotion and dedication to stopping trade in conflict diamonds is unsurpassed.

The Clean Diamond Trade Act will implement the Kimberley Process Certification Scheme. This is an international agreement establishing minimal acceptable international standards for national certification schemes relating to cross-border trade in rough diamonds. It represents over 2 years of negotiations among more than 50 countries, human rights advocacy groups, the diamond industry and nongovernment organizations. The Kimberley Process Certification Scheme will help end the trade in conflict diamonds, which has been fueling conflicts in some African countries for many years, leading to human rights atrocities that are beyond anything we in America have ever experienced. I am pleased that we can help put an end to these atrocities with this legislation.

The next plenary session of the Kimberley Process is scheduled to convene in Johannesburg, South Africa, from April 28 to 30, 2003. The U.S. played a leadership role in crafting the Kimberley Process Certification Scheme, and it is critical that we implement the certification process before April 28 if we are to retain this leadership. We also need to do this to ensure that the flow of legitimate diamonds into and out of the United States will continue without interruption. Most important, we need to do everything we can to stop trade in conflict diamonds as soon as possible.

This is a trade issue, a consumer issue, and most of all, a human rights issue. Legitimate trade can elevate the standard of living for people all over. This bill sends a strong message that the benefits of trade in valuable natural resources like diamonds should accrue to the legitimate governments and their people in Africa.

I would like to take this opportunity to thank the members of my staff whose hard work helped to get us to this point. First and foremost, my Finance Committee staff led by Kolan Davis, my Chief Trade Counsel Everett Eissenstat, along with Carrie Clark, Zach Paulsen and Nova Daly. And I would like to acknowledge Senator BAUCUS's staff Tim Punke and Shara Aranoff for their help in getting this bill through the Finance Committee and to the Senate floor. I hope this bill will receive wide support.

Mr. DURBIN. Mr. President, today the Senate has taken up and will unanimously pass the Clean Diamonds Trade Act, H.R. 1584, the House companion to S. 760, which I have cosponsored. The bill implements U.S. participation in the Kimberley Process Certification Scheme, an international arrangement to respond to the scourge of conflict diamonds.

In war-torn areas of Africa, rebels and human rights abusers, with the complicity of some governments, have exploited the diamond trade, particularly alluvial diamond fields, to fund their guerrilla wars, to murder, rape, and mutilate innocent civilians, and kidnap children for their forces. Al-Qaida terrorists and members of Hezbollah have also traded in conflict diamonds.

While the conflict diamond trade comprises anywhere from an estimated 3 to 15 percent of the legitimate diamond trade, it threatened to damage an entire industry that is important to the economies of many countries, and critical to a number of developing countries in Africa.

Governments, the international diamond industry, and non-governmental and religious organizations worked hard to address this complex issue, while setting an impressive example of public-private cooperation. For the last several years, the Kimberley Process participants have been working to design a new regimen to govern the trade in rough diamonds.

I introduced several bills on this subject over the last several years, along with Senator MIKE DEWINE and Senator RUSS FEINGOLD, to reflect the consensus that had developed between the religious and human rights community and the diamond industry on the U.S. response to this issue. Senator JUDD GREGG, who had introduced his own amendments and legislation dealing with this issue in the past, joined in cosponsoring our bill, as did a bipartisan group of 11 additional Senators.

In the House of Representatives over the last several years, former Representative Tony Hall and Representative FRANK WOLF were leaders on this issue, as is Representative AMO HOUGHTON, who took the lead in introducing the House version of the bill this year.

In the bills I had sponsored in the past, my aim had been to push for the strongest possible international agreement—showing leadership in the United States and strong support in Congress for a meaningful certification and monitoring agreement. Now that an international agreement has been reached, many of my concerns have been addressed.

We have learned about the horror that has resulted when illicit diamonds fueled conflicts in Africa. Rebels from the Revolutionary United Front, RUF, funded by illegal diamonds and supported by Liberia terrorized the people of Sierra Leone—raping, murdering, and mutilating civilians, including children.

If the fragile peace in Sierra Leone is to be maintained, profits from that country's diamonds must not fall into the hands of such brutal rebels again. Anti-government rebels in Angola and the Democratic Republic of the Congo continue to fight and are also supported by the sale of illicit diamonds.

We have learned that members of the Al-Qaida network may have bought large quantities of these illegal conflict diamonds from rebels in Sierra Leone in advance of September 11, anticipating that the United States would seek to cut off its sources of funds. An article in the Washington Post by Douglas Farah, on November 2, 2001, outlined the Al-Qaida connection and showed that Al-Qaida terrorists on the FBI's "Most Wanted" list bought conflict diamonds at below-market prices and sold them in Europe.

We have learned that the Lebanese terrorist group, Hezbollah, has participated in the conflict diamond trade and that it has been a source of funding and a way to launder funds for drug dealers and other criminals.

It is now clear that ending the trade in conflict diamonds is not only the just, right, and moral thing to do, it is also in our immediate national interest in our fight against terror.

If the crisis in Afghanistan has taught us anything, it must be that we ignore failed, lawless states at our peril.

American consumers who purchase diamonds for some happy milestone in their lives, such as an engagement, wedding, or anniversary, must be assured that they are buying a diamond from a legitimate, legal, and responsible source.

The Kimberley system will allow American consumers to have some confidence that they are buying "clean" diamonds, and will also serve our local jewelers and diamond retailers. The jewelers in our local malls and downtown shops do not want to support rebels and terrorists in Africa any more than consumers do.

I heard from a jeweler in my hometown of Springfield, IL, Bruce Lauer, president of the Illinois Jewelers Association, who wrote:

> The use of diamond profits to fund warfare and atrocities in parts of Africa is abhorrent to all of us. . . . As the owner of Stout & Lauer Jewelers in Springfield, I know firsthand the importance of diamonds to my customers. A diamond is a very special purchase symbolizing love, commitment and joy. It should not be tarnished with doubt. . . . We want to be able to assure our customers unequivocally that the diamonds in our stores come from legitimate sources.

There are not many issues that can bring together Senators and Congressmen across the political spectrum; that can bring together the human rights community and the diamond industry; and that can unite leaders of every religious denomination.

The horror of what has happened to the people of Sierra Leone and especially to its children has brought us together to fight this evil by cutting off the rebel's source of support—the illicit diamond trade. Now it brings us together to fight the terrorists who have murdered our own citizens, in our own country.

The world was shocked and horrified by the murder, mutilation, and terror imposed on the people of Sierra Leone by rebels funded with conflict diamonds. The moral outcry by religious and human rights groups galvanized governments and the diamond industry to address the problem. Now is the time to close the deal and to implement the Kimberley Process Certification Scheme.

I want to say how pleased I am that the Senate came to a consensus on this bill. I am especially grateful to Senator GRASSLEY and his trade counsel, Everett Eissenstat, and to Senator BAUCUS and his trade counsel, Shara Aranoff, for their careful work in being sure that my concerns and those of other Senators and the Clean Diamonds Coalition were addressed in the bill.

I am pleased that my concerns were addressed about the possibility that the Kimberley system could be circumvented by cutting rough diamonds, by calling for a report that would flag such actions if it becomes a problem, so action can be taken.

It is very important that the United States move quickly to fulfill its promise to implement the Kimberley agreement, and this consensus bill will allow this country to do so in a timely way.

AMENDMENT NO. 529

Mr. HATCH. I ask unanimous consent that the Grassley substitute be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 529) was agreed to.

The bill (H.R. 1584), as amended, was read the third time and passed.

PROSECUTORIAL REMEDIES AND OTHER TOOLS TO END THE EXPLOITATION OF CHILDREN TODAY (PROTECT) ACT OF 2003—CONFERENCE REPORT

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany S. 151, the PROTECT Act.

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151), to prevent child abduction and the sexual exploitation of children, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 9, 2003.)

Mr. HATCH. I rise in support of the conference report on S. 151, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, which truly represents landmark bipartisan legislation to protect our children.

On Tuesday of this week, the House and Senate conferees met and reached agreement on this important piece of bipartisan legislation. Earlier this morning, the House of Representatives passed the legislation by an overwhelming vote of 400 to 25.

I was hoping I could come to the floor to make a statement commending the Senate for working together as we had on so many other occasions on many important issues like this important piece of legislation which is needed to protect our children.

Unfortunately, this is not a proud day for the Senate, and unless we get this bill passed, it will be a sad day.

The spirit of bipartisanship appears to me to be fading, as my Democratic colleagues seek to obstruct and delay rather than working together to solve our Nation's problems and pass this important piece of legislation. Having listened to the distinguished Senator from Massachusetts, I have hope that there will not be obstruction or delay on this bill, and perhaps there won't be as he seeks his point of order. The spirit of obstructionism that I have been worried about, which we have experienced all year long, has now reached a difficult point here. If there is a desire to stop this bill in the Senate through a point of order, or otherwise, then I think it would exhibit a willingness to sacrifice the protection of our own children for political advantages. I hope that is not the case.

If it is, I will be deeply saddened by this turn of events, and I urge my colleagues on the other side to rethink their strategy and approach to so many issues.

In particular, when it comes to this issue of protecting our children, I think we ought to get this bill done. We need to cast aside partisan disputes and quickly pass this measure and send it to the President for signature as soon as possible.

Let me take a moment to commend the House of Representatives, and Judiciary Committee Chairman SENSENBRENNER in particular, for their tireless dedication to this legislation. Chairman SENSENBRENNER has demonstrated his commitment time and time again to passing this measure quickly during this new session of Congress. Thanks to our House colleagues, we in the Senate now have an opportunity to pass not only an AMBER alert bill, but a truly comprehensive package of measures that will protect our children from vicious criminals, pornographers, sexual abusers, and kidnappers. These types of individuals who prey on our Nation's youth are nothing less than the scum of the earth who deserve every ounce of punishment which we as a nation can fairly and justly mete out.

The problem of child abuse and child exploitation is simply mind-boggling. The recent wave of child abductions across the Nation, including the kidnapping of Elizabeth Smart in my own State of Utah, has highlighted the need for legislation to enhance our ability to protect our Nation's children against predators of all types.

I have a letter addressed to the Senate and the House of Representatives, signed by Ed and Lois Smart, Elizabeth's mother and father, as well as Elizabeth Smart, dated April 9, 2003. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 9, 2003.

U.S. Senate,
U.S. House of Representatives,
Washington, DC.

AN OPEN LETTER TO THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES:

We wish to express our sincerest appreciation to all of you who have played such a key role in moving forward legislation that includes the National Amber Alert. We applaud those members of the conference committee who exhibited the foremost cooperation in working out a compromise that will greatly benefit every child in America.

Today, we are writing to encourage you to quickly pass this legislation so that it can be signed into law. The Amber Alert as well as other preventative measures will make an immediate difference in safely rescuing those who are abducted and in preventing crimes against children.

We can't begin to express our joy and gratitude in having Elizabeth back home. It is our hope and prayer that immediate passage will save countless families from the trauma and sorrow caused by the senseless acts of those who prey on children.

Sincerely,

EDWARD SMART.
LOIS SMART.
ELIZABETH SMART.

Mr. HATCH. Mr. President, I will take a moment to address some of the significant components of this measure. First, the PROTECT Act of 2003, which I and Senator LEAHY introduced following the Supreme Court's decision in Ashcroft v. Free Speech Coalition, has been my top legislative priority since last year. Congress has long recognized that child pornography produces three distinct, disturbing, and lasting harms to our children. First, child pornography whets the appetites of pedophiles and prompts them to act out their perverse sexual fantasies on real children. Second, it is a tool used by pedophiles to break down the inhibitions of children. Third, child pornography creates an immeasurable and indelible harm on the children who are abused to manufacture it.

It goes without saying that we have a compelling interest in protecting our children from harm. The PROTECT Act strikes a necessary balance between this goal and the first amendment. The PROTECT Act has been carefully drafted to avoid constitutional concerns. The end result of all of our hard work is a bill of which we can be proud, one that is tough on pedophiles and child pornographers in a measured and constitutional way.

The legislation also addresses AMBER alert, America's Missing Broadcast Emergency Response. The bill will extend the AMBER alert system across our Nation. Our entire Nation recently rejoiced with the Smart family after Elizabeth was found alive and reunited with her loved ones. Her discovery, facilitated by everyday citizens who followed this case, demonstrates the importance of getting information about these disappearances out to the public quickly.

When a child is abducted, time is of the essence. All too often, it is only a matter of hours before a kidnapper commits an act of violence against the child. Alert systems, such as the AMBER alert system, galvanize entire communities to assist law enforcement in the timely search for and safe return of child victims.

This legislation will enhance our ability to recover abducted children by establishing a coordinator within the Department of Justice to assist States in developing and coordinating alert plans nationwide. The act also provides for a matching grant program through the Department of Justice and the Department of Transportation for highway signs, education and training programs, and the equipment necessary to facilitate AMBER alert systems. I support the national AMBER Alert Network Act because it will improve our ability on a national level to combat crimes against our children.

Also, I want to take a moment to highlight another very important measure. The legislation includes the Code Adam Act, which would require Federal buildings to establish procedures for locating a child that is missing in the building. The provision is named after the son of John Walsh, the host of America's Most Wanted and the John Walsh Show. As everybody knows, John Walsh's son, Adam, was kidnapped from a mall in Florida and murdered in 1981. Retail stores around the country, including Wal-Mart, have initiated Code Adam systems in memory of Adam, and they have successfully recovered many missing children. This would implement the same system for building alerts in all Federal buildings. It is a measure I am proud to support in memory of John Walsh's son, Adam, and in honor of John Walsh's commitment and vigilance to fighting for crime victims and our children throughout the country.

On Tuesday, John Walsh attended the meeting of the conferees to discuss this legislation. Yesterday, John Walsh issued the following statement:

> This incredible bill may be one of the most important pieces of child protection legislation passed in the last 20 years. I commend Senator HATCH's leadership on the Judiciary Committee and Chairman Sensenbrenner's leadership on the House Judiciary. Pushing this bipartisan legislation through is very appropriate during "National Crime Victims' Rights Week." This bill, which is a loud voice for the smallest victims—children—has sent a loud message to those who would prey upon our most vulnerable segment of society.

I also want to highlight other important measures contained in the conference report that will enhance existing laws, investigative tools, criminal penalties, and child crime resources in a variety of ways.

As the chart shows—the print is small—in addition to the PROTECT Act, AMBER Act, and the Code Adam Act, the legislation would, No. 1, provide a judge with the discretion to extend the term for supervision of released sex offenders up to a maximum of life; No. 2, extend the statute of limitations for child abductions and sex crimes to the life of a child; No. 3, denies pretrial release for child rapists and child abductors; No. 4, require a mandatory sentence of life imprisonment for twice-convicted serious child sex offenders; No. 5, increase penalties for kidnapping of under 18-year-old victims by nonfamily members; No. 6, add new wiretap predicates that relate to sexual exploitation crimes against children; No. 7, increase penalties and provide prosecutors with enhanced tools to prosecute those who lure children to porn Web sites using misleading domain names; No. 8, reauthorize and double the annual grant to the National Center for Missing and Exploited Children to $20 million each year through 2005; No. 9, authorize funding for the Sex Offender Apprehension Program to allow money to be used by local law enforcement to track sex offenders who violate terms of their release; No. 10, create a national Internet site for information regarding registered sex offenders; No. 11, establish a pilot program for national criminal history background checks and a feasibility study in order to provide a background check process for volunteers working for organizations, such as the Boys and Girls Clubs of America, National Mentoring Partnership, and the National Council of Youth Sports; No. 12, reauthorize grant programs to provide funding of child advocacy centers; No. 13, reforms sentencing for criminals convicted of crimes against children and sex crimes.

All of that is done in this particular bill. It is a very important bill, as you can see.

The bill also institutes sentencing reforms so that criminals convicted of crimes against children receive the stiff sentences they deserve. This provision, which was adopted at the conference, represents a significant compromise from the original House bill containing the so-called Feeney amendment which passed the House by a vote of 357 to 58. Indeed, the overall House bill passed the House by an overwhelming vote of 410 to 14.

In response to concerns raised about the Feeney amendment, I worked with Chairman SENSENBRENNER, Senator GRAHAM, and my colleagues to develop a bipartisan compromise which was ultimately supported by not only all of the Republican conferees, but by Democratic conferees as well—Senator BIDEN, as well as Congressmen FROST, MATHESON, and HINOJOSA.

The compromise proposal would:

No. 1, limit, but not prevent, downward departures only to enumerated factors for crimes against children and sex offenses;

No. 2, change the standard for review of sentencing matters for appellate courts to a de novo review, while factual determinations would continue to be subject to a "clearly erroneous" standard;

No. 3, require courts to give specific and written reasons for any departure from the guidelines of the Sentencing Commission; and

No. 4, require judges to report sentencing decisions to the Sentencing Commission.

It is important to note that the compromise restricts downward departures in serious crimes against children and sex crimes and does not broadly apply to other crimes, but because the problem of downward departures is acute across the board, the compromise proposal would direct the Sentencing Commission to conduct a thorough study of these issues, develop concrete measures to prevent this abuse, and report these matters back to Congress.

For those who want to oppose these needed sentencing reforms, I remind them that the Sentencing Reform Act of 1984 was designed "to provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct."

While the U.S. Sentencing Commission promulgated sentencing guidelines to meet this laudable goal, courts, unfortunately, have strayed further and further from this system of fair and consistent sentencing over the past decade.

Let me refer to this chart. As the chart shows, during the period 1991, in the left part of the chart, to the year 2001, the number of downward departures—in other words, soft-on-crime departures, excluding those requested by the Government for substantial assistance and immigration cases along the Southwest border—has steadily climbed.

In 1991, the number of downward departures was 1,241 and rose by 2001 to a staggering total of 4,098. This chart shows the rate of downward departures has increased over 100 percent during this period—in fact, almost four times—and nearly 50 percent over the last 5 years alone.

This problem is perhaps most glaring in the area of sexual crimes and kidnapping crimes.

This chart of downward departures from sentencing guidelines for sex crimes shows that during the last 5 years, trial courts granted downward departures below the mandated sentencing in 19.20 percent of sexual abuse cases, 21.36 percent of pornography and prostitution cases, and 12.8 percent of kidnapping and hostage-taking cases. Think about it: Downward departure in these types of cases that involve our children. This many departures happens to be very disturbing and astounding considering the magnitude of the suffering by our Nation's youth at the hands of pedophiles, molesters, and pornographers.

Let me give one example of the abuse this sentencing reform will correct. In one particular case, a defendant was charged—this is a convicted child pornographer—with possession of 1,300 separate images of child pornography, depicting young children in graphic and violent scenes of sexual exploitation that were sickening and horrible. For example, one of the images showed a young girl wearing a dog collar while engaging in sexual intercourse with an adult male. This same defendant was engaging in online sexual communications with a 15-year-old girl.

The sentencing guideline for this defendant mandated—these are the sentencing guidelines the distinguished Senator from Massachusetts, the distinguished Senator from Delaware, and a number of us, including myself, passed long ago—the sentencing guidelines for this defendant mandated a sentence in the range of 33 to 41 months. Yet the trial judge departed downward to a sentence of only 8 months, citing, No. 1, the defendant's height. He was just short of 6 feet tall, and he said that would make him vulnerable to abuse in prison. No. 2, he said the defendant was naive. And No. 3, the defendant's demeanor—he was meek and mild and compassionate.

We all have common sense, but this is simply incredible and outrageous. Congress has to act, and it has to act now. The compromise sentencing reform provisions contained in the conference report are a reasonable and measured response to this problem.

The compromise proposal would simply require judges to sentence these vicious defendants in accordance with the law and not seek new areas or new legal justifications for reducing sentences for these defendants without specific authorization from the U.S. Sentencing Commission.

Contrary to the oft-repeated claims of its opponents, the compromise proposal is not a mandatory minimum. Judges handling these important criminal cases can still exercise discretion to depart downward, but only when the Sentencing Commission specifies the factors that warrant a downward departure.

The other major reform in the compromise adopted in the conference report is consistent with prevailing law, requiring de novo review of a trial judge's application of facts to law. Indeed, this is the same standard that applies to appellate review of critical motions to suppress physical or testimonial evidence. There is no reason for appellate judges to give deference to the trial judge on such questions of law.

Even after the compromise amendment, the trial judge's factual determinations will still be subject to great deference under a "clearly erroneous" standard. If a discretionary downward departure is justifiable, it is difficult to understand why anyone would be opposed to the appellate courts reviewing them under the same standard that applies to other important areas of law.

I wish to take a moment to remind everyone to focus on the problem we face: an epidemic of abuse of our children. According to the National Center for Missing and Exploited Children—these facts really are not only astounding, they are deplorable—in our country, 3.9 million of the Nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted, and 1 in 3 girls and 1 in 5 boys are sexually abused before the age of 18. That is unbelievable, but that is what is going on, and that is why this bill is so important. That is why we need to pass it today.

Considered in this context, we can have an honest debate about the issues, but we have an epidemic that needs to be addressed and addressed now. We simply have no greater resource than our children. It has been said that the benevolence of a society can be judged on how well it treats its old people and how well it treats its young. Our children represent our Nation's future, and I commend all of my colleagues for their tireless efforts on behalf of children and families and urge my colleagues to pass this critical legislation. Quite frankly, our Nation's children deserve no less.

I know there are some misunderstandings from the conference, but virtually everybody but a number of Democrats have signed off on this, including a number of Democrats have signed off on this conference report, knowing what it says, knowing what it means, knowing what it was represented to mean. I acknowledge some of my dearest friends on the other side feel otherwise, but I believe it was made quite clear during conference what this actually means.

I urge my Democratic colleagues to stop any partisanship or partisan gamesmanship and support this needed legislation. I do not think we should let our children or our communities down. We need to pass this legislation without delay and send it to the President.

The epidemic of downward departures in child pornography cases has created what I like to call the "Me Too" sentencing pitch from the defense. In a recent case in Kansas, the judge departed from the Sentencing Commission's guideline sentence of 27–33 months in prison, and imposed only probation. As part of the reason for the departure, the court stated that it found defense counsel's argument compelling—that in 27.4 percent of cases involving possession of child pornography, sentencing courts have downwardly departed. In other words, the problem is so out of hand, that defense attorney's point to the downward departure statistics and say, "Me too, Judge, Me Too."

That is where we are. That is what we are trying to fix. I have to say I have done my best to try to accommodate both sides. I do not know how to accommodate them any differently. Even as late as today, I have tried to see if there was any possibility, but there is not any. I think those who stayed for the full conference knew exactly what was involved, and it is a bipartisan bill. That is apparent from the size of the vote over in the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, all of us understand the enormous human tragedy that has been suffered by families in this country who have experienced the abduction of their children. We have had tragic situations in my own State of Massachusetts. All of us know the primary importance of taking every possible step in order to make our children safer. Secondly, if they are abducted, to rescue these children. And finally, to have an appropriate kind of a penalty for those who would be involved in such an extraordinary aberration of conduct and travesty of justice and cruel action. These reasons stimulated the Senate to pass the AMBER alert bill.

We have passed it in the Senate twice already. First, we passed it once on September 10 of last year. I think many of us who supported it at that time were very hopeful we would have had speedy action by the House of Representatives and that they would have sent back to us. It did not seem to us it would take a great deal of time given the needs that are out there in the country. We could understand if the House might want to take a look at it for a few days but report back promptly. Nonetheless, we went through the session and there was no action by the House of Representatives. So, again, on January 21, 2003, it was sent over unanimously from the Senate of the United States, and no action later in January, no action in February, no action in March, and now, finally there is action in April. The House refused to act on these bills on both occasions. Instead, they sent over a conference bill loaded up with the provisions they knew would be strongly objected to in the Senate.

We are enormously supportive of the AMBER bill, but we question and wonder why it should carry with it such extraneous kinds of material which this legislation in this conference report carries. In the final hours of the consideration of the AMBER bill in the House of Representatives, there was an amendment to the AMBER bill offered by Congressman FEENEY. In a period of 20 minutes, it was accepted without any hearings. It was a part of the conference. The Feeney amendment affected the whole issue of sentencing, not just for these kinds of heinous crimes that take place against children but also against the underlying concept of our criminal sentencing provisions, affecting every type of criminal sentence, whether we are talking about terrorists, murderers, burglars or white-collar crime.

The amendment had nothing to do with the abduction of children, but would affect all of the other circumstances. It was never very clear whether that was intended or not. What was brought to my attention and concerned me was the observation that was made by the Chief Justice of the Supreme Court. He observed the Feeney amendment will do serious harm to the basic structure of the sentencing guidelines system and seriously impair the ability of courts to impose just and responsible sentences.

We are all for the AMBER legislation. We are all for the appropriate kinds of penalties for those who are going to violate the law, but this legislation is much more. However the Feeney amendment would do serious harm to the basic structure of the sentencing guidelines system and will seriously impair the ability of courts to impose just and responsible sentences. This is not just an objection from the Senator of Massachusetts, or from the Senate Democrats, this is an objection expressed by the Chief Justice of the United States.

I was personally quite amazed that the Chairman of our committee did not believe this kind of change in the criminal justice system was sufficiently important. I am amazed that he would not support the position of some of us who were conferees who suggested that we ought to have a day of hearings to call in experts, perhaps even the Chief Justice of the United States, or Congressman FEENEY or others who might be in favor of the amendment. This would be an opportunity to understand what the implications were and whether or not it was going to undermine the criminal justice system, as the Chief Justice of the Supreme Court has suggested. But, no, that was turned down. That suggestion that we have a hearing, chaired by Senator GRAHAM of South Carolina, the chairman of our Criminal Justice Subcommittee on the Judiciary Committee was turned down. The suggestion that we might hold a hearing with the understanding that we would expedite any of the recommendations to make sure we were going to target whatever actions we were going to take on the subject matter of the AMBER circumstance, make sure we got it right, that was rejected and turned down.

Then a second suggestion was made to ask the Sentencing Commission to study this and report back in 180 days. Then, we would have an opportunity to look at what the Sentencing Commission had recommended. We could then either accept it or reject it or take whatever action in 180 days. The House of Representatives has taken its time in sending this legislation over. We might be able to make a judgment about whether this should be done or considered in this particular way.

Over the period of these past days, just prior to going to the conference, I was amazed at the kind of additional support I received for the Chief Justice's position. I am sure the chairman of the committee received it as well.

The Judicial Conference of the United States said:

> The Judicial Conference strongly opposes these sentencing provisions because they undermine the basic structure of the Sentencing Commission and impair the ability of the courts to impose just and responsible sentences. We must note our concern and disappointment with the lack of careful review.
>
> Not 1 day of hearings; not 1 hour of consideration; 20 minutes of debate on the floor and the Senate Judiciary Committee virtually accepted it.

Then it continues along to those three chairs of the Sentencing Commission. These are individuals who have been accepted and approved by advice-and-consent votes in the Senate: Dick Murphy, Richard Conboy, William Wilkins, William Wilkins, certainly one of the important conservative jurists who has served in the Federal court system, joined in saying:

> The sentencing provisions are farfetched and effectively rewrite significant portions of the Sentencing Reform Act of 1984. No hearings have been held on a number of significant provisions of the current legislation urged our rejection of it.

The Conference on Civil Rights:

> The Feeney amendment would eviscerate the right to depart.

American Bar Association:

> This provision would fundamentally alter the carefully crafted and balanced position formed by the Reform Act without the customary safeguards and legislative process by effectively eliminating judicial departures. The Feeney amendment strikes a blow at judicial independence and sends an unmistakable message that Congress does not trust the judgment of the judges it has confirmed to offices.

Then we have the list of 618 professors of criminal law and procedure:

> Although adopted by the House with certainly no public hearings or debate, the Feeney amendment would effect a dramatic unwarranted change in Federal sentencing law.

Eight former U.S. attorneys in the Southern and Eastern Districts of New York, one of the most important districts in the prosecution of crime, all, Republican—most Republican and a handful of Democrats' proposed legislation not only disregards the Sentencing Commission's unique role, it also ignores Congress's own admonition.

Even Cato.

Business Civil Liberties, an organization affiliated with the conservative Washington Legal Foundation, also said:

> It sets a dangerous precedent for further restrictions on Federal judges.

All of these groups. All within a matter of a few days.

We raised this in our conference and said we believe we ought to have the time, either for the Judiciary Committee or the Sentencing Commission, to review it if there were these kinds of observations and criticisms.

I say this to underscore why these sentencing guidelines are important. I was here in 1968 when the Brown Commission was set up on the growth of violence in our society, criminal violence. The Commission made a series of recommendations. One of them was that we ought to recodify the Criminal Code because we had so many different ways of interpreting intent—willfully, wantonly, knowingly, unwillingly, lasciviously—all different kinds of mental tests that could be distorted and misrepresented. And we did.

For the first time in 200 years, we recodified it; we took seriously the recommendations. Unfortunately, the House of Representatives failed in their responsibilities.

But one of the other very important recommendations was because of the fact that one of the important reasons this Commission said there had been the growth of crime was the enormous feeling among those inside the criminal justice system and outside of the sentencing provisions that were so wildly out of whack—the same crimes in different jurisdictions and there was no confidence, either by the victims or the defendants or any, in the justice system—that the criminal sentencing provisions were effective, that they worked, or were based upon justice.

So we went about it. We passed sentencing reform three different times in the Senate of the United States before the House of Representatives. It was finally worked out with the Reagan Justice Department. Strom Thurmond was very much involved. It was a bipartisan effort. So we were going to try to have some kind of rationality in the assigning of the penalties for crimes in this country.

It is not without its failings. We understand that. There should be strengthening and improvement. We understand that. But it has worked pretty well.

In fact, a number of States are in the process of adopting very similar guidelines. A number of the States are moving in the direction which we had established. That is enormously important. I think that is one of the things that has been effective.

In any event, when the time came for this discussion, I said: Why, if we can't at least have an examination, since there is widespread application of these provisions, why don't we just take the provisions that apply to children, sex crimes, and say: OK, we'll let those particular provisions that happen to be particularly restrictive, we will let those apply to those kinds of conditions that are there for the crimes that are included in the AMBER legislation?

I thought we had a discussion. I thought the chairman of our Judiciary Committee—who is not the chairman of the conference—the chairman of the committee agreed. I thought he agreed. Senator HATCH repeatedly stated that at Tuesday's conference meeting that his so-called "compromise" was limited to sex crimes and children. It retained much of the underlying Feeney Amendment and dramatically limited departures in all cases.

In his own works, Senator HATCH's remarks at conference were "It's important to note . . . that the compromise is limited to those serious crimes against children and sex crimes and does not broadly apply to other crimes"—and he put in a compromise and said to the Senator from Massachusetts, on the question of having this apply to the children—this makes sense and this is what this compromise will do. This is what this compromise will do. These are the words that our chairman of our Judiciary Committee used:

> It's important to note . . . that the compromise is limited to those serious crimes against children and sex crimes, it does not apply aptly to other crimes.

Page 31—what do you conclude from that? That the amendment he puts in was just as he implied, applied to children. Furthermore:

> It is important to note that the compromise is limited to these serious crimes against children—serious crimes against children and sex crimes does not broadly apply to other crimes. We're not changing the whole system, which I've tried to do, at the urging of not of my friend from Massachusetts, but judges and a number of other people.

Page 37:

> Now, the compromise proposal would simply require judges to sentence these vicious defendants, child criminals, I mean defendants who are committing crimes against children, in accordance with the law—[didn't have to sentence them in accordance with the law]—and not seek to find new areas or new legal justification for reducing the sentences for these defendants without specific authorization for the United States Sentencing Commission.

Do Members of this body believe that when you had a chairman of the Judiciary Committee filing an amendment, which we had not seen, and then give us assurance that that was the scope of that amendment, and then to find out that that was not true and have it apply in a number of other cases—would the members of the Judiciary Committee of the Senate feel that they have been treated fairly? No. The answer is no.

> It is important to note that the compromise—

Here it is again—

> is limited to these serious crimes against children and does not broadly apply to other crimes, which is what the Feeney Amendment did.
>
> Now, look, I have to admit I had my own qualms about the totality of the Feeney amendment, and that's why I chatted with the distinguished chairman of the House Judiciary Committee, and that's why I chatted with a lot of others as we, and experts in the field, and I believe we've made a compromise here . . . .

It just goes on.

Then we received the assurances from the chairman of the Judiciary Committee, and—listen to this—Chief Justice Rehnquist is worried about the breadth and scope.

He is not worried about this. Where did he get that information? Where did you get that information, Senator HATCH? That is not an accurate statement. I don't think any Federal judge should worry about which language. They know this language is to protect our children in our society. We are limiting it to that. I am trying to solve this problem.

I could go on. The fact is, in just a cursory examination of that language, we saw that was not the case. In fact, the Hatch amendment went way beyond sex crimes and children. It retained much of the underlying Feeney amendment and dramatically limited departures in all cases and eliminated for all cases departures based on age and physical impairment, gambling dependence, aberrant behavior, family ties, military, and good works.

This is what is still in there. It establishes de novo appellate review of all departures. That applies to every single sentence. It goes to the circuit court. That says to the circuit court judges: You will look not at the trial court; look at the facts and the sentences, but you look to de novo, overturning a unanimous Supreme Court.

It applies to every case, overturning a Supreme Court decision.

It prohibits in all cases downward departures on remands of new grounds. It also chilled the departures in all cases by imposing burdensome reporting requirements on judges who depart from the guidelines. And it directed the Sentencing Commission to amend the guidelines and policy statements "to ensure that the incidence of downward departures is substantially reduced" in all cases.

In the departures, in all cases, by imposing burdensome reporting requirements—do you know what the requirements are? They have to tell someone in the Justice Department. Guess who. The Attorney General. Every time you depart from the guidelines, the Attorney General will be notified.

Talk about a blacklist for judges. The Attorney General will know. Do not think that does not send a chill into every judge, to know if he is going to make that kind of judgment, decision, in accordance with the sentencing guidelines, that the Attorney General is going to know why. Obviously, the proponents of the Feeney amendment understood it—in order to chill that—to create a blacklist of judges. And everyone knows that list will be published. That will be made available to the committee. It will be made available in every community where the judges go.

It still applies, not just to children's issues but to all cases—does everyone understand that?—in all cases.

Then it directs the Sentencing Commission to amend the guidelines to ensure that the incidents of downward departures are substantially reduced in all cases, saying, look, we do not like these downward departures, in spite of the fact that 80 percent of them were requested by the Government and in spite of the fact that anytime you have a downward departure, that is sufficient grounds to appeal. If there is a concern, they can appeal that. If it is outside the scope of the sentencing provision, it is remanded. That is the way the system works. That is what we included. If it will be excessive, in terms of downward, there is a remedy: Go to appeals. It has worked pretty well. If not, let's go back and take a look and have a hearing.

But absolutely no—absolutely no.

So then we had spotted those raised, and we had the continued assurances from the chairman of the Judiciary Committee that we did not understand it. We just looked at this quickly and did not have a real grasp of it. This was all done in a period of about 45 or 50 minutes. We did not really understand it.

The way I have described it is the way it is. This is what happened later. At 1:30 on Wednesday morning, more than 8 hours after Chairman SENSENBRENNER adjourned the conference, Senator HATCH's office distributed a new, revised version of the Hatch substitute to the Feeney amendment. At that hour, my staff was trying to figure out what exactly was in the old Hatch substitute. It appears, after having debated the Feeney amendment, the Hatch so-called compromise amendment, my secondary amendment after having voted on the items in the final conference report, the Republican conferees decided to change a substantial portion of that conference report and then file it as a technical amendment without reconvening the conference, to have the Members vote on the new language. This procedure was, to say the least, unorthodox.

At 1:30 in the morning, the revisioners describe it as a "technical change . . . made at the request of a democratic Senator." No mention of by whom the request was made. Unless the request was for only minor changing, it was not fulfilled.

At 1:34, the revision did not limit the Hatch amendment to serious crimes against children. To the contrary, like the amendment before it and the Feeney amendment before, the 1:34 revision broadly limits judicial departures in non-child and non-sex cases in many ways.

It overturns the Koon case by establishing the de novo standard for appellate review for all cases—still in there.

It still directs the Sentencing Commission to amend the guidelines and policy statements "to ensure that the incidence of downward departures are substantially reduced."

It still chills departures by imposing the burdensome reporting requirements.

It is true that at 1:34 the revision improved the bill by limiting restrictions on enumerated departure grounds to child and sex cases only. And it strikes the early text limiting military service departures. But the very idea that the Feeney amendment and the first Hatch amendment limited military service departures in this time of war shows how poorly considered the entire legislation has been.

The modest changes made in the 1:34 revision do not ameliorate the devastating impact the Hatch amendment will have on our system of criminal justice. They do not conform the amendment to the representations made by Senator HATCH at our conference meeting. They do not excuse the travesty of a process that has led to this provision being inserted into a conference that was meant to deal with the AMBER alert bill and other provisions involving the protection of children.

In reality, the Hatch amendment had nothing to do with the protecting of children and everything to do with handcuffing judges, eliminating fairness in the Federal sentencing system. That is what the Chief Justice of the United States believes.

Our belief is that if there are changes that are necessary—and there may very well be—we ought to have those changes made in an area of the criminal justice system. If we have to change them in order to deal with terrorism, let's do it. But to do this now, to represent the changes only applied to the children and not to the other parts of the provision, is not accurate and is a serious misrepresentation of what we are doing.

I have been assured that there are provisions in this legislation that go far beyond even the conference itself. It is interesting, we established seven members of the Sentencing Commission, and we say not fewer than three judges will be members of the Sentencing Commission. That has changed, to be not more than three judges.

The idea that we have seen the number of judges who have served on the Sentencing Commission, all of whom have been approved with the advice and consent of the Senate and have been approved—the idea in the early days of the Sentencing Commission was to bring more judges in to bring greater confidence and get their involvement in the drafting of the sentencing guidelines. That was the purpose. Now they complain about the guidelines and say no more than three judges; so it will never be more than three judges. There will always be more on the outside than judges in the drafting of the sentencing.

That was all put in at conference. If someone can show where that was in the Senate bill or the House bill—it was not there. It has important implications in terms of the makeup and the guidance in terms of the sentencing. But we found that out just in reading through the process. No justification. No explanation.

Finally, all Members can understand action here in the Senate at the times of enormous kinds of passion, when we see the circumstances of children who are abducted and what has happened to them—one cannot help but to understand that the feeling of the parents and Members is to just throw the book out and go to it. That would have been something, if the House of Representatives had done that when the facts were there last fall—then it would have been something that could have been done in January—but they did not. They waited all this time. And then, they have not only taken those actions in terms of enhanced penalties against the child abductors, all of which I was glad to support—I would have supported it, and would support it still, not the other provisions that have been included in it—but if he is truly committed to protecting the children and upholding the fairness, I would have hoped we could have at least restricted those provisions to the sentencing that applied in those circumstances, but they did not.

That is why we are caught, all of us here, in the situation where we are sufficiently concerned about the dangers that are out there in terms of the abduction of children and conflicted with the kinds of violence we are doing to the Sentencing Commission.

It is a lousy way to legislate, Mr. Chairman, and I deplore that we are in this circumstance. But we will just have to see what steps are available to us in the remaining time.

Mr. President, I would like to address the question of a judge's authority to depart from the guidelines.

While this legislation alters the grounds on which a judge may depart in certain child-related cases, it does not alter the basic legal authority of a district court to depart from the guidelines under 18 U.S.C. 3553 in other cases. Judges retain ultimate authority to impose a just sentence within statutory limits, and today we reaffirm that departures are an important and necessary part of that authority.

As one of the authors of the Sentencing Reform Act, I can say that Congress did not intend to eliminate judicial discretion. We recognized that the circumstances that may warrant departure from the guideline range cannot, by their very nature, be comprehensively listed or analyzed in advance. In interpreting the Act, both the Supreme Court and the Sentencing Commission have emphasized this point. This is not a partisan position. Judicial authority to exercise discretion when imposing a sentence was and is an integral part of the structure of the Federal sentencing guidelines and indeed of every guideline system in use today. In the eloquent words of Justice Kennedy, when he wrote for a unanimous Supreme Court to uphold the district court's authority to depart downward in Koon:

> The goal of the Sentencing Guidelines is, of course, to reduce unjustified disparities and so reach toward the evenhandedness and neutrality that are the distinguishing marks of any principled system of justice. In this respect, the Guidelines provide uniformity, predictability, and a degree of detachment lacking in our earlier system. This, too, must be remembered, however. It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue. We do not understand it to have been the congressional purpose to withdraw all sentencing discretion from the United States district judge.

According to *Koon* v. *United States*, 518 U.S. 81, 113 (1996).

In Koon, the Supreme Court held that a sentencing judge may depart based on a factor identified by the Sentencing Commission, or even based upon a factor discouraged by the Commission, as long as the discouraged factor nonetheless justifies departure because it is present in some unusual or exceptional way. Similarly, a sentencing judge may always depart when a factor, unmentioned in the guidelines, takes the case outside the heartland of cases covered by the guidelines.

I do not agree that there is an epidemic of leniency in the Federal criminal justice system. I do not regard the current rate of non-substantial assistance departures as excessive. There is no such thing as an excessive departure rate—the question is whether any particular departure is warranted or unwarranted. That is a question for appellate courts, not Congress. One of the reforms embodied in the Sentencing Reform Act was the appealability of sentences. The government was given the power to appeal downward departures under the act. Were downward departures "excessive" presumably the government would have brought more appeals than it has.

The Sentencing Reform Act recognized that departures are a healthy and necessary component of a just guideline system. In 2001, when we exclude those districts with departure policies designed to address the high volume of immigration caseloads, the non-substantial assistance departure rate is merely 10.2 percent. This reflects the proper exercise of judicial discretion, by Article III judges, who have been appointed by presidents of the United States and confirmed by the Senate, in conformance with the mandate that Congress gave them in 18 U.S.C. §3553(b).

Indeed, the vast majority of downward departures granted by judges today are those sought by the government, most to reward substantial assistance in the prosecution of crime. And, while departures have increased somewhat of late, government initiated departures lead the rising departure rate.

I am gratified that the concerns voiced by the Federal Judicial Conference, the American Bar Association, and others concerning the high rate of downward departures requested by prosecutors have been recognized in the version of the Feeney Amendment approved by the conference committee. The bill now requires that the Sentencing Commission:

> . . . review the grounds of downward departure that are authorized by the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission; and promulgate, pursuant to section 994 of title 28, United States Code (A) appropriate amendments to the sentencing guidelines, policy statements, and official commentary to ensure that the incidence of downward departures are substantially reduced.

I welcome this call for a thorough and impartial review of all downward departures, whether requested by the prosecution or the defense. Only a review embracing all downward departures will provide the Commission the information necessary to fulfill the mandate of this legislation.

A district court may depart from a guideline range whenever the unusual circumstances or combination of circumstances of a case take it outside of the "heartland" of cases covered by the relevant guideline. Other than in certain child-related cases, this legislation does not limit or lessen the myriad potential grounds for departure currently available to district courts in making sentencing decisions nor is it intended to discourage departure decisions when the unusual circumstances of a case justify a sentence outside the recommended range. It also is not intended to transfer authority over sentencing decisions from judges to prosecutors.

In that light, I must express my deep concern for the provision of the legislation that requires the Commission to report to the Judiciary Committees of the Congress and even to the Attorney General confidential court records and even "the identity of the sentencing judge." I do not believe that this provision serves any legitimate interests of the Congress. I do not believe that authorizing disclosure of this information to the executive branch is warranted. I have deep concerns that this provision lacks the respect owed by the Congress to a co-equal branch.

I remain convinced that this legislation is flawed and results from a hasty and unreliable process that ill serves us. It is my view that the directive to the Commission "to promulgate . . amendments . . . to ensure that the incidence of downward departures are substantially reduced" is inappropriate. It puts the cart before the horse and is based on faulty numbers of the incidence of departures that have been relied upon by some proponents of the legislation. The better course would be for the Commission to study and report on the question. Because the Feeney amendment was presented without discussion or debate and at the last possible moment, Congress was deprived of balanced and full information concerning the issue of whether departure decisions are made in inappropriate instances. Even without the opportunity to respond in detail to the amendment, the Commission did produce statistics and information that refute the reliability and credibility of the information used in promoting the notion that departures decisions are made too frequently or inappropriately. Indeed, a fact that was withheld by proponents of the amendment, close to 90 percent of departure decisions are made at the request of or with the support of the government and that number may be even higher.

For these reasons, I hope and expect that this legislation will not unduly restrict departures or impede the appropriate development of guideline departure common law. And we need to review the entire system in light of these changes to make sure that we are letting judges carry out their responsibility to impose just and responsible sentences.

I ask unanimous consent that the following letters in opposition to the proposal be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF
THE UNITED STATES,
Washington, DC.

HON. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am responding to your letter of March 31, 2003, that requested the views of the Judicial Conference of the United States on a number of specific provisions of a sentencing-related amendment to H.R. 1104. By now you will have received Ralph Mecham's letter, dated April 3, which was sent to other Judiciary Committee members as well, expressing the concerns of the judiciary about the amendment. More specifically, the Judicial Conference:

1. Opposes legislation that would eliminate the courts' authority to depart downward in appropriate situations unless the grounds relied upon are specifically identified by the Sentencing Commission as permissible for the departure.

2. Consistent with the prior Judicial Conference position on congressionally mandated guideline amendments, opposes legislation that directly amends the sentencing guidelines, and suggests that, in lieu of mandated amendments, Congress should instruct the Sentencing Commission to study suggested changes to particular guidelines and to report to Congress if it determines not to make the recommended changes.

3. Opposes legislation that would alter the standard of review in 18 U.S.C. §3742(c) from "due deference" regarding a sentencing judge's application of the guidelines to the facts of a case to a "de novo" standard of review.

4. Opposes any amendment to 28 U.S.C. §994(w) that would impose specific record keeping and reporting requirements on federal courts in all criminal cases or that would require the Sentencing Commission to disclose confidential court records to the Judiciary Committees upon request.

5. Urges Congress that, if it determines to pursue legislation in this area notwithstanding the Judicial Conference's opposition, it do so only after the Judicial Conference, the Sentencing Commission, and the Senate have had an opportunity to consider more carefully the facts about downward departures and the implications of making such a significant change to the sentencing guideline system.

I believe these Conference positions respond to most of the questions posed in your letter. Please note, however, that the Conference did not specifically oppose the provisions mentioned in your third and fourth questions. These provisions would amend U.S.S.G. §3E1.1 and promulgate new policy statement U.S.S.G §2K2.23. The Conference considered these provisions in adopting its opposition to direct congressional amendments of the sentencing guidelines. The Conference did not take positions on the provisions noted in your seventh and eighth questions. These would primarily affect the Department of Justice.

As stated in the April 3 letter, the Judicial Conference believes that this legislation, if enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences. Before such legislation is enacted there should, at least, be a thorough and dispassionate inquiry into the consequences of such action.

Sincerely,
WILLIAM H. REHNQUIST.

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, April 3, 2003.

HON. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This provides the views of the Judicial Conference of the United States with regard to Section 109 ("Sentencing Reform") of S. 151, the "Child Abduction Prevention Act," as passed by the House of Representatives on March 27, 2003. The Judicial Conference strongly opposes several of these sentencing provisions because they undermine the basic structure of the sentencing system and impair the ability of courts to impose just and responsible sentences.

At the outset, we must note our concern and disappointment with the lack of careful review and consideration that this proposal has received. While it constitutes one of the most fundamental changes to the basic structure of sentencing in the federal criminal justice system in nearly two decades, the review by Congress to date consists of a hearing at the subcommittee level in the House of Representatives on only part of Section 109 and limited debate on an amendment on the House floor. The Senate has held no hearings on this legislation at all. Neither the Judicial Conference nor the Sentencing Commission has been given a fair opportunity to consider and comment on this proposal. In our opinion, provisions that would have a significant impact on the administration of criminal justice should not be resolved without careful study and deliberation. The risk of unintended consequences should not be taken on such an important matter.

Section 109(a) of this bill would amend 18 U.S.C. §3553(b) to restrict courts' authority to depart downward from the sentencing guideline range to those situations specifically identified by the Sentencing Commission as grounds for downward departures. The Sentencing Reform Act of 1984 created a system of prescriptive sentencing, but Congress wisely recognized that any system that provides for sentencing based upon fixed sentencing factors should include a means to impose a just and responsible sentence on the rare defendant whose offense is not addressed by those sentencing factors. The means chosen was to allow for either upward or downward departures if the court finds "an aggravating or mitigating circumstance of a kind, or to a degree, not adequately considered by the Sentencing Commission." This system recognizes that a court should possess the authority to consider unforseen circumstances it deems relevant to sentencing determinations, and we urge the current system be retained.

Sections 109(b), (g) and (i) make specific changes to existing sentencing guidelines to among other things, restrict the bases for downward departures. The Judicial Conference opposes direct congressional amendment of the sentencing guidelines because such amendments undermine the basic premise in establishment of the Commission—that an independent body of experts appointed by the President and confirmed by the Senate is best suited to develop and refine sentencing guidelines. We recommend instead that the Sentencing Commission be directed by Congress to study the amendment of any particular guideline and either adjust the guideline or report to Congress the basis for its contrary decision.

Section 109(d) would alter the standard of appellate court review of departure decisions from "due deference" regarding a sentencing judge's application of the guidelines to a "de novo" standard of review. In *Kaon* v. *United States*, 518 U.S. 81 (1996), the Supreme Court interpreted the "due deference" standard to require appellate courts to review district court departure decisions for abuse of discretion. The Judicial Conference opposes rescission of the current standard, which recognizes that district judges are better positioned to decide departures, and the substitution of de novo review, which would not adequately guide courts in subsequent departure cases that, by their very nature, are not amenable to useful generalization.

Section 109(h) would amend 28 U.S.C. §994(w) to require the chief judge of each district to assure that certain sentencing records, including the judgment, statement of reasons plea agreement, indictment or information, and presentence report, are forwarded to the Sentencing Commission. Current law, by contrast, requires the sentencing court or other officer to transmit to the Sentencing Commission a "written report of the sentence" and other information as determined by the Sentencing Commission, recognizing that the Commission is best able to determine the information it needs to fulfill its statutory responsibilities. We oppose this additional burden upon the courts.

This section would further require the Commission, upon request, to provide these newly specified documents to the Senate and House Judiciary Committees. This provision raises two serious concerns. First, presentence reports are retained within the control of the courts and the Department of Justice in order to protect the safety and privacy of individuals identified in the course of criminal prosecutions and sentencings. In the absence of strict accommodations to protect this sensitive information, we believe this practice should be retained. Second, we oppose the systematic dissemination outside the court system of judge-identifying information in criminal case files. The Sentencing Commission compiles and releases annually comprehensive statistics on all federal sentences. Among other things, this data provides for each court the percentage of defendants who receive substantial assistance departures and the percentage of defendants who receive other downward departures. We urge Congress to meet its responsibility to oversee the functioning of the criminal justice system through use of this and other information without subjecting individual judges to the risk of unfair criticism in isolated cases where the record may not fully reflect the events leading up to and informing the judge's decision in a particular case.

In the event that Congress determines to go forward with this legislation, we urge that, at the least, the Judiciary Committees await the results of ongoing studies into downward departures being conducted by the Sentencing Commission and the General Accounting Office. To underline this point, an Associate Deputy Attorney General testified to a House Judiciary subcommittee why the "disturbing trend" in downward departures in non-immigration cases on grounds other than substantial assistance to the government justified "long overdue reform" in sentencing procedures. The Department of Justice statement cited statistics to prove this point; that is, these downward departures rose from 9.6 percent of cases in FY 1996 to 14.7 percent of cases in 2001. The fact is that there were 5,825 more non-substantial assistance downward departures in FY 2001 than in FY 1996. Of the increase, 4,057 occurred in the five southwest "border court" districts and 1,755 occurred in the other 89 United States district courts. In other words, the "border" districts accounted for almost 70 percent of the increase. The "disturbing trend" is not a national trend, but one more vivid measure of the crisis in the administration of criminal justice on the border. S. 151 recognizes that high downward departures in the border courts are a special circumstance and cannot be eliminated. By no means do "border court" problems and statistics support the elimination of this type of downward departures in all other district courts.

It is also important to note that, popular conceptions notwithstanding, the fact that a defendant is granted a "downward departures" does not mean that the defendant was not punished adequately for the crime. Eight-five percent of defendants granted non-substantial assistance departures in FY 2001 were sentenced to prison.

Finally, we strongly recommend that, after the data on downward departures is compiled and analyzed, hearings be held so that the views of the various entities with interest in federal criminal sentencing can be carefully considered with regard to the ramifications of his proposal. Congress should not alter the sensitive structure of the sentencing system without reasonable certainty as to the consequences of such legislation.

We appreciate your consideration of the views of the Judicial Conference on this significant legislation. If you have any questions regarding these views, please do not hesitate to contact me at 202/273-3000. If you prefer, you may have your staff contact Michael W. Blommer of the Office of Legislative Affairs at 202/502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

U.S. SENTENCING COMMISSION,
Washington, DC, April 2, 2003.

Subject: S. 151/H.R. 1104, the "Child Abduction Prevention Act."

Hon. ORRIN HATCH,
Chairman, Senate Committee on the Judiciary, Hart Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Senate Committee on the Judiciary, Dirksen Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: We, the voting members of the United States Sentencing Commission, join in expressing our concerns over the amendment entitled "Sentencing Reform" recently attached to the Child Abduction Prevention Act of 2003, H.R. 1104, 108th Cong. (2003) (hereinafter "H.R. 1104"). In the past, with an issue of such magnitude, Congress has directed that the Commission conduct a review and analysis which would be incorporated in a report back to Congress. The Commission is uniquely qualified to serve Congress by conducting such studies due to its ability to analyze its vast database, obtain the views and comments of the various segments of the federal criminal justice community, review the academic literature, and report back to Congress in a timely manner. Indeed, such a process is contemplated by the original legislation which established the Commission over 15 years ago. *See* 28 U.S.C. §994(o).

It is the Commission's understanding that the impetus for this proposed amendment to H.R. 1104 was congressional concern over the increasing rate of departures from guideline sentences for reasons other than substantial assistance. We share this concern. In fact, the Commission is undertaking an expansive review and analysis of all non-substantial assistance departures. That work has already yielded important preliminary data.

Based on this preliminary data, it appears that there are a number of factors that need to be examined and understood before drawing conclusions on the non-substantial assistance departure rate. One such factor is the impact on the non-substantial assistance departure rate resulting from policies implemented in a number of districts in an effort to deal with high volume immigration caseloads. For example, in 2001, the overall non-substantial assistance departure rate was 18.3 percent. If those districts with departure policies crafted to address these high volume immigration caseloads are filtered out, the non-substantial assistance departure rate is reduced to 10.2 percent.

In addition to the impact of the problems unique to districts with high volume immigration caseloads, other factors deserve analysis:

(1) the impact, if any, of departures for reasons other than substantial assistance that are the subject of plea agreements and the extent of judicial oversight of such plea agreements;

(2) the extent to which courts depart for reasons identified by the Sentencing Commission and specified in the guidelines as compared to factors unmentioned in the guidelines;

(3) the extent, if at all, of disparity in departures within circuits and districts and whether such disparities may be unwarranted;

(4) the advisability of creating different grounds for upward and downward departures;

(5) the extent of appeals of departures; and

(6) whether there are particular offense types that reflect unwarranted rates of departure.

When Congress created the Sentencing Commission as part of the Sentencing Reform Act of 1984, it did so with the idea that the Sentencing Commission would establish policies that would provide certainty and fairness in sentencing and would avoid unwarranted sentencing disparities among defendants. See 28 U.S.C. §991(b)(1). Congress also recognized, however, that guideline sentences would not fit all cases and instructed the Commission to maintain sufficient flexibility in the drafting of guidelines to permit individualized sentences when warranted by mitigating or aggravating factors not otherwise taken into account. See 28 U.S.C. §991(b)(1)(B). Based on this congressional policy, the Commission developed the concept of permitting courts to depart either upwards or downwards in unusual or atypical cases that fell outside the "heartland" of a particular guideline. The Commission adopted the departure policy not only to carry out congressional intent but also in recognition of the limits of adopting a perfect guideline system that would address all human conduct that might be relevant to a sentencing decision. Such a policy also was important in order to give feedback to the Commission as to whether a particular guideline should be reexamined because of an unusually high upward or downward departure rate. These departures have developed over time and have been adjusted throughout the history of the guidelines with the benefit of input from Congress, the federal criminal justice community, and considerable sentencing data.

We would note that there are numerous non-substantial assistance departures, both upward and downward, that appear in other than Chapter Five of the Guidelines Manual. The proposed amendment to H.R. 1104 deletes many of these departure provisions. For example, Chapter Four provides for a departure if the court finds that a defendant's criminal history category significantly either under- or over-represents the seriousness of a defendant's criminal history. See USSG §4A1.3. Similarly, USSG §2B1.1 in Chapter Two provides for a departure either up or down if the court determines that the offense level, which is primarily determined by the amount of the loss, either substantially under- or over-states the seriousness of the offense. Were the proposed amendment to be adopted, it would bar a court from downwardly departing in an appropriate case in each of the above examples.

The amendments being proposed in this legislation change not only departure guideline policy, but also alter the traditional way in which guideline revisions are implemented. The Commission would respectfully suggest that in order for the Commission to fulfill its statutory purposes as well as be of assistance to Congress in addressing its concern with respect to increased departure rates—a concern which the Commission shares—Congress might instead direct the Commission to review departures, recommend changes where appropriate, and then report back to Congress within 180 days. Such an approach would be in accordance with the procedure set forth by Congress when it established the Commission as well as with historical precedent. See 28 U.S.C. §994(o).

Thank you for your consideration of our concerns.

Sincerely,

Diana E. Murphy,
Chair.
Ruben Castillo,
Vice Chair.
John R. Steer,
Vice Chair.
William K. Sessions, III,
Vice Chair.
Michael O'Neill,
Commissioner.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Utah.

Mr. HATCH. Mr. President, I don't know anybody on the Senate floor who can roar better than my "lion" friend from Massachusetts. He is a great Senator. And he certainly feels very deeply on this issue. Apparently I have irritated him, and I feel sorry about that, but he is totally wrong in what he says. I can see why he might feel that way.

Now, let me just say this, that I believe the letters that he was referring to, with regard to the courts of this country complaining about this, were before the compromise we enacted in this particular conference report. I got a lot of complaints, too. That is why I tried to make the change and worked it out with Chairman SENSENBRENNER and others in the House who were not very happy to make the change.

My friend called and said: Can you do something in this area? I said I would try, which I did. And we came up with the Hatch-Graham-Sensenbrenner amendment. I apologize for my voice, but I have semi-laryngitis. But we came up with the Hatch-Graham-Sensenbrenner amendment, which I believed moved this in the right direction and I thought would please my friend from Massachusetts, but it did not.

Now, it needs to be pointed out that this is a bipartisan conference report. On the Senate side, we voted for this report 5 to 2, meaning it was bipartisan. On the House side, they voted in larger numbers for this report.

I have to mention that neither the distinguished Senator from Massachusetts nor the distinguished Senator from Vermont signed the conference report, so they did not agree with it. And I understand that they are upset about the language in the report. I cannot help that.

But we are talking about only 2 percent of the cases that are affected by this departure language—only 2 percent of all the cases. I thought I did a pretty good job in getting it done.

I have to mention one other thing: the distinguished Senator from Massachusetts talking about a blacklist for judges, because he claims that these reports have to be sent to the Attorney General.

Well, remember, sometimes Attorneys General are Republican and sometimes they are Democrat. I think most Attorneys General really try to do a good job. I know the current one is trying to do his best job against crime in this society. The current Attorney General approved and was for the original Feeney language—which we changed—and so were many Members of the House. They were not happy with this change.

Let me just make some points here that are important. It is not surprising that the American Civil Liberties Union, the Federal Public Defenders, the American Bar Association, and the Judicial Conference have opposed the Feeney amendment.

One seriously wonders what would have been heard from the ABA, the ACLU, the Leadership Conference on Civil Rights, and others if upward departures—in other words, making it tougher on crime—had grown at the absurd and dizzying rates that downward departures have.

Can anyone seriously believe that they would have been asking for more time to study this issue if upward departures had gone out of control, like these downward departures, that are skyrocketing?

So everybody in our country understands, we have judges on the bench—not many, but enough—who, in these child molestation, child degradation, and child pornography cases—these children's criminal cases—who are continually reducing the sentences recommended by the Sentencing Commission for these criminals who are hurting our children.

Look at this chart. Since 1991, when there were 1,241 downward departures—or lesser sentences for these types of people—we are now up to 4,098 in 2001. And I am sure it was much higher for 2002 and that for 2003 it will be much higher.

Can anyone seriously believe that these liberal groups would be asking for more time to study this issue, as is being asked for here? I suspect there would be a loud, steady drumbeat for swift legislative action by Congress to stop such an outrage—not more time for the Sentencing Commission to study the issue—that is, if the upward departures, in other words, the tougher on crime departures, were followed by the courts. Well, that isn't the case.

These are downward departures, making it easier on these pedophiles, sex criminals, child rapists, child pornographers.

I further suspect that these groups would not have waited as long and as patiently as we have in watching downward departures increase steadily year after year, making it easy on criminals who do these types of things to our children.

Additionally, I am not surprised the Judicial Conference is opposed to this amendment, if it is.

It is important to note, however, the compromise is limited to these serious crimes against children and sex crimes. But because the problem of downward departures is acute across the board, the compromise proposal would direct the Sentencing Commission to timely conduct a thorough study of these issues, develop concrete measures to prevent and limit this abuse—this abuse of downward departures, making it easy on child molesters—and report these matters back to Congress.

In fact, to place this matter in historical context, in debate on the Sentencing Reform Act, the distinguished Senator from Massachusetts observed, with respect to the Judicial Conference and sentencing disparity, the following:

> With all due respect to the Judicial Conference, the judges themselves have not been willing to face this issue and to make recommendations and to try and remedy this situation.

He acknowledges that some judges are out of control on these issues. And I think this chart shows they are out of control in children's cases, and it is time to stop it. That is what this bill does.

Along these lines, consider the following disparity, demonstrating the increasing undermining of the sentencing guidelines by some of these judges. The average downward departure rate for nonsubstantial assistance cases in the Fourth Circuit is 5.2 percent, while in the Tenth Circuit it is 23.3 percent. The average downward departure rates are making for easier sentences for these sex criminals. It is this type of sentencing disparity that risks turning our criminal justice system of sentencing into—to borrow yet another phrase from Senator KENNEDY on this issue—"a system of roulette."

I urge support for this conference bill. It squarely increases punishment for child-related crimes and ensures that those who commit these crimes are incarcerated accordingly. And it says the game is over for judges: You will have some departure guidelines from the Sentencing Commission, but you are not going to go beyond those, and you are not going to go on doing what is happening in our society today on children's crimes, no matter how softhearted you are. That is what we are trying to do here. We are tired of it. I am tired of having children abused. This bill will go a long way toward stopping that kind of abuse.

Let me talk about departure rates and the amounts for child-related crimes. The conference report addresses the glaring penalty gaps that exist in the sentencing guidelines. The bill represents a compromise from various points of view. I did my best to try to get a compromise that I hoped my colleagues on the other side would be happy with.

They are not, some of them. But I have to say that the distinguished Senator from Delaware was. He voted with us on this conference report, as he should have. I believe others on the committee should have also. For instance, there was one view that believed all downward departures should be banned, all of them. That was a view by some. The Feeney amendment, approved in the House before conference, moderated that view by merely limiting departures. I cosponsored an amendment in the conference with Chairman SENSENBRENNER and Senator GRAHAM that we have been talking about that went even further by limiting departures related to crimes victimizing children. This bill puts a stop to the very troubling practice of certain trial courts which depart from the sentencing guidelines in crimes involving children and sex crimes.

The following very troubling statistics related to child crimes demonstrate why this is necessary. According to the Sentencing Commission's 2001 Sourcebook of Federal Sentencing Statistics, trial courts reduce the sentence of those convicted of sexual abuse of children from the guidelines over 16 percent of the time. Think of it. Why do we have these sentencing rules to begin with if they are not going to be followed, especially in these children's cases?

On average, child courts reduce the sentences of those convicted of sexual abuse by an astonishing 63 percent from the guideline range. I would think my colleagues would want to put a stop to that kind of inappropriate decision-making by some judges. For those convicted of pornography and/or prostitution-related offenses, trial courts departed from the recommended guidelines over 18 percent of the time, reducing these defendants' sentences by a staggering 66 percent. Think about it. We are going to let that continue just because some of these groups don't like it or want to be more compassionate towards these criminals? This many departures and this amount of sentencing reductions are astounding given the trauma inflicted on victims of these particular types of offenses, and require us in Congress to step in and ensure the sentences in these areas remain uniform and consistent with national expectations.

Let me add an overall perspective to this compromise. The compromise agreed to in conference will affect only crimes against children and sex crimes; that is, sexual abuse, pornography, prostitution, and kidnapping/hostage taking. These types of cases represent only 2 percent of the Federal criminal caseload. This is only 2 percent of the cases that would have been affected by the original Feeney amendment—they all would have been affected by the original Feeney amendment—and only 2 percent of the cases that would have been affected by the version that passed the House by an overwhelming 357 to 58 vote. And we have complaints about this?

Hopefully in the future the Sentencing Commission will more closely monitor these types of disparities and will step in to fix these problems in a timely manner. However, when they do not, it is incumbent upon the Congress to do so. That is precisely what this bill does. We say in this bill: We are sick of this, judges. You are not going to do this anymore except within the guidelines set by the Sentencing Commission. There will be downward departures, but they will meet the guidelines and not just be off-of-the-top departures like the 190 pound man, five feet 11, almost six feet tall, who had committed a child crime and got reduced 400 percent or more.

It is absurd to suggest the Sentencing Commission should be given time to study this issue. The Sentencing Commission has been aware that Congress was greatly concerned about this problem since the year 2000, even before then. Indeed, these very issues were squarely raised with the Sentencing Commission during the Senate hearing in October 2000. Both Senators Thurmond and SESSIONS directed many questions at the commissioners and others about their concerns that trial judges systematically undermine the sentencing guidelines by creating new reasons to reduce these sentences.

Indeed, Senator SESSIONS expressed his concerns about the troubling trend of departures based on novel and creative reasons directly to the chair of the Sentencing Commission.

Senators Thurmond and SESSIONS were assured the Sentencing Commission intended to address this issue by including it in a larger report due November 2002, addressing how well the guidelines were accomplishing the statutory purposes of sentencing. It is now 6 months beyond the due date, and no such report has been produced. In fact, the Sentencing Commission announced just this past March it has completed portions of the report on cocaine sentencing and surveys related to Federal judges.

However, as to the departure issues raised at the Senate hearing, the Sentencing Commission continues to study the issue, 2 years, 3 years later. It is apparent this issue, while an obvious priority to the Congress, is simply not a priority to the Sentencing Commission. And we have done something about it in this conference report that has bipartisan support. After having decided we can no longer be held hostage to the schedule set to study this issue by the Sentencing Commission, only to watch it unilaterally change, action is now even more necessary.

It has now been over 2 years since Congress highlighted this problem in an oversight hearing. Further delay would effectively abdicate our responsibilities as legislators and politically accountable members of our society, something the Sentencing Commission and the ACLU and the ABA and other groups are not.

With regard to the Hatch-Sensenbrenner-Graham compromise amendment, this amendment limits, but does not prevent, downward departures only to enumerated factors for crimes against children in sex offenses including, one, kidnapping; two, kidnapping involving a minor victim; two, sex trafficking of children; three, sexual abuse crimes; four, sexual exploitation and other abuse of children; five, transportation for illegal sexual activity and related crimes; and, six, obscenity. Changes in the standard for review of sentencing matters for all cases in Federal courts to a de novo review while factual determinations would continue to be subjected to "a clearly erroneous" standard.

We require the courts to give specific and written reasons for any departure from the guidelines. That is a logical thing to do. We require the judges to report sentencing decisions to the Sentencing Commission. They don't like that because that means more work. I have to confess, I sympathize somewhat with these judges because they are being paid less than a number of law review graduates in their first year in private practice. The fact they don't want to increase their workload, I don't blame them for that. But it seems to me in this case, it is certainly justified.

Contrary to the oft repeated claims of the opponents, the compromise proposal is not a mandatory minimum. Judges handling these important criminal cases can sometimes exercise discretion to depart downward, but only when the Sentencing Commission specifies the factors that warrant a downward departure, only when they have the right to do so as listed by the Sentencing Commission. That seems to me just a gimmick. Yet we have had all this fuss and bother over this.

Requiring de novo review of a trial judge's application of the facts to the law is totally reasonable. This is the same standard that applies to appellate review of critical motions to suppress physical or testimonial evidence. There is no reason for appellate judges to give deference to the trial judge in such questions of law.

Even after my compromise amendment, the trial judge's factual determinations would still be subject to great deference under a "clearly erroneous" standard. If a discretionary downward departure is justifiable, it is difficult to understand why anyone would be opposed to the appellate court's reviewing them under the same standard that applies to other important areas of law.

I hope my colleagues are not obstructing this bill, because they are upset they didn't get their way in the conference—when, in fact, they were defeated 5 to 2 on these issues. To suggest the conference report suffers from a procedural flaw, I think, is going way too far. They argue, incredibly, that the Hatch-Sensenbrenner-Graham amendment to the Feeney amendment to the House bill was improperly modified in conference. That is simply ridiculous and we all know it. What occurred was straightforward.

In response to Democratic concerns raised about the drafting of the Hatch-Sensenbrenner-Graham amendment to the conference report, we made a number of technical changes to comport with Democratic Senator BIDEN's understanding of the amendment, as well as concerns raised by a Congressman during the conference, as to the meaning of one particular provision. In good faith, my staff addressed these technical drafting issues and made certain revisions to comport with these Democratic suggestions.

Senator BIDEN was right. I agreed with these changes. Senator BIDEN agreed with these changes as well. He voted for the conference report. Keep in mind these changes had the effect of cutting back on the restrictions contained in the Feeney amendment as it applies to sentencing decisions by judges to ensure that the restrictions apply only in a limited category of cases. In the end, Democratic members to the conference report—Senator BIDEN and Representatives FROST, HINOJOSA, and MATHESON—all supported the conference report.

For some Democratic members to now complain about the process is simply unfair, and I question those positions. I would like to refer to the transcript my colleague was referring to because he believes I represented one thing when in fact I meant another.

Let me start with line 759:

> Chairman HATCH. The proposed amendment would, and I hope my colleague from Massachusetts will listen carefully to this—Ted, if I could get you to listen to this.
>
> Senator KENNEDY. Yes.
>
> Chairman HATCH. Because, hopefully, this will help some of your concerns.
>
> The proposed amendment would limit, but not prevent, downward departures only to enumerated factors for crimes against children and sex offenses, including: one, kidnapping at Section 1201; two, sex trafficking of children, Section 1591; three, sexual abuse crimes, Chapter 109(a); four, sexual exploitation and other abuse of children, Chapter 110; and five, transportation for illegal sexual activity and related crimes. That's Chapter 117, and also Chapter 71, dealing with obscenity, I've been informed.
>
> It will change the standard for review of sentencing matters for appellate courts to a de novo review, while factual determinations would continue to be subject to the "clearly erroneous" standard.
>
> It would require courts to give specific and written reasons for any departure from the guidelines.
>
> It will require judges to report sentencing decisions to the Sentencing Commission.
>
> The Sentencing Reform Act of 1984 was designed, as Congress wrote in the text of that bill, "to provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct."
>
> Now, while the United States Sentencing Commission promulgated sentencing guidelines to meet this laudable goal, courts have strayed further and further from this system of fair and consistent sentencing over the past decade.
>
> The rate of discretionary downward departures, excluding downward departures for defendants' cooperation, has increased virtually every year since 1991.

But now Chairman SENSENBRENNER—and I don't know whether the Senator from Massachusetts was there at the time; maybe he was not there. Chairman SENSENBRENNER made it very clear. He said:

> Now there are several other issues that I think have got to be addressed. First of all, with respect to the standards of appellate review, that applies to all cases and it is a de novo review.

That is what we understood.

> This is in direct response to the Supreme Court's decision in the case of Koon v. United States. Now, you may recall this involved a conviction for a civil rights violation of one of the police officers accused of beating up Rodney King, which we all saw on TV.

The point is, I think everybody else there recognized what the Hatch-Sensenbrenner-Graham amendment was meant to be. I feel badly that my colleague feels like he was misled, because I don't think I misled him. I think the language I just read shows I didn't. I acknowledge and I express sorrow that he feels the way he does. I feel badly he feels the way he does because I would never deliberately mislead a colleague under any circumstances. I might make a mistake or forget something I might have said earlier, or something like that, but I would never deliberately mislead a colleague. I certainly didn't in this case. I don't think anybody there understood it the way it is being seen through the eyes of some on the other side.

I think to blow up this conference report over this is not only a mistake, it is a failure to recognize the tremendously irritating and damaging downward departure situation going on in the country today—letting these criminals off with regard to children's crimes.

I would add that the Reno Justice Department argued in the Koon case for a de novo standard for appellate review. This was the right argument to make.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Let me finish first. It was a position supported by the Congressional Black Caucus. I have a copy of that letter. Let me read it:

> As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.
>
> We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigating factors may be appropriate in other circumstances. However, we feel that the defendant's special status as police officers, with special duties owed to the public, should have militated against such a significant reduction.
>
> As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.
>
> Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendants' special responsibilities as police officers.
>
> In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.
>
> People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenomenal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?
>
> We think what has been lost, in all this, is that police officers have an enhanced responsibility to uphold the law.
>
> Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.
>
> We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

It is signed by a large number of good Members of Congress.

What we have proposed is that there should be de novo review. We set a standard that is not an easy standard to overcome. We have shown that we have an outrageous situation in this country where a number of judges have been giving extra downward departures far in excess of what anybody in their right mind would think they should do.

This is happening in criminal cases where children are victims, and we are trying to stop that because we think there has to be responsibility here. We believe that in these child molestation cases, pornography cases, prostitution cases, child rape cases, and kidnaping cases the sentencing guidelines ought to be followed.

Nothing says these judges cannot follow the downward departure guidelines if they so choose in their discretion as the trial judges, but they can no longer conjure up reasons outside the guidelines to reduce criminals' sentences.

Basically, that is what the conference report says. I would think everyone in this body would vote for this conference report. I think it does it right and does what we said it would do in the conference, and it does what a bipartisan majority in the House and the Senate said it should do. Frankly, I believe that is right.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. DURBIN. From the outset, the underlying legislation, the Amber alert legislation, the virtual pornography legislation passed through the Senate unanimously twice. There is no controversy concerning the underlying legislation; the controversy that has arisen came up because of an amendment offered by Congressman FEENEY of Florida which found its way into the House version of the bill and then became a subject matter in the conference.

I ask the Senator from Utah this: There appears to be a legitimate difference of opinion, but a very important difference of opinion, about the chart that he has brought to the Chamber. I received, and I believe he also received, a letter from the president of the American Bar Association yesterday. The American Bar Association president wrote to us talking about the so-called downward departures where a decision is made by a judge to impose a sentence below the recommended minimum. He said:

> In fiscal year 2001—

The last year shown on the Senator's chart—

> of 19,416 downward departures awarded Federal defendants, approximately 15,318 came on Government motion.

Put another way, in 2001, 7 percent of downward departures in the United States were requested by the prosecutor, by the Government.

I know the Senator from Utah sees it differently, but I would like to ask him in good faith—this is a good-faith question—many of us are concerned about sentencing guidelines, whether they are too strong or too weak and whether we should reassess them. I think that was the reason the Senator from Massachusetts offered that approach in the conference. Would the Senator from Utah, in an effort to try to bring together what he has asked for, bipartisan support, to give us his promise that he would look into a hearing relative to the sentencing guidelines so that we can finally bring to rest these questions of fact behind the downward departures and whether we need to look anew at some of these sentencing guidelines.

Many of us think that hearing and conversation is long overdue. If the chairman of the Senate Judiciary Committee would agree to such a hearing, that might move us closer to the adoption of this conference report.

Mr. HATCH. I personally believe we can do that. We did have a hearing in 2000. The hearing was extensive and led to this legislation. By the way, the number on the chart excluded departure requests made by the prosecutors under Section 5K1.1 of the Guidelines, when a defendant provides "substantial assistance" to the government. We counted 4,098 downward departures excluding the so-called "5K1.1 motions" made by the government. The number of downward departures has risen from 1,241 in 1991. Any Senator should see that this increase is the reason for our concern.

I do not disagree with the distinguished Senator. I think it would be good to find out what the Senator wants to know, and that is, if I understand him correctly, he is asking for a hearing on downward departures.

Mr. DURBIN. If the Senator will yield further.

Mr. HATCH. Yes.

Mr. DURBIN. I hope that we can have a hearing that might go beyond that specific question and to the broader question about sentencing guidelines today.

Mr. HATCH. I would certainly ask the Subcommittee on Crime to do that.

Mr. DURBIN. I say to the Senator from Utah, there have been many times that I have voted for stiff penalties, as he has, for crimes, but I can also tell the Senator from Utah that I have visited, for example, the Federal women's prison in Illinois, and I have seen some situations there that I think are awful. They are miscarriages of justice for these women to be sentenced to 5, 10, 15, 20 years because of an angry boyfriend snitching on them and really assessing liability against them.

Mr. HATCH. Let me interrupt the Senator for one second. I agree with the Senator. I have seen the girlfriend courier go to prison for 10 years when she did not even know what was in the package, or at least claimed she did not, while the boyfriend, the drug dealer, pleaded State's evidence and gets off. Frankly, I do not like that either.

I think we should hold hearings on this, and I will be happy to recommend it to the Crime Subcommittee or if it should be elevated to the full committee, we can perhaps do that. I appreciate the distinguished Senator's willingness to try and help us resolve this today because this bill needs to pass. I do not see how anybody can refute what I have been saying here. I do not see how anyone would not want to get tougher with sentencing with regard to these sexual crimes, especially when they have gone way outside the downward departure limits the Sentencing Commission gives them. We do not stop trial judges from granting downward departures, but they should be done in compliance with the purposes of the sentencing guidelines.

Mr. DURBIN. If I may respond to the chairman of the committee, I do not think the Senator would have any argument from any Member of the Senate, nor would we be here this moment, if he just confined the changes in conference to crimes involving children, sexual molestation. I think he will find unanimous approval of that. The fact we have gone in to de novo review to these departures applies to all crimes. That is why I am asking we take a look at the broad expanse of the sentencing guidelines.

Mr. HATCH. I am not willing to redo this bill because the conference is over. A vast majority has supported it in the House—a huge majority—and a bipartisan majority on the conference. But I am certainly willing to look at it. If we need to modify what we have done here today, I will certainly look at that.

I feel badly the distinguished Senator from Massachusetts feels he was misled, but I do not see how he was misled. I can see there was an ambiguity if one did not look at the whole record. He may not have been there when we decided to use Chairman SENSENBRENNER's language, which was clear and specific. I thought mine was clear, but Chairman SENSENBRENNER's language was more clear than mine. I think everybody there understood.

The distinguished Senator from Massachusetts and the distinguished Senator from Vermont, the ranking member, the Democrat leader on the committee, refused to sign the conference report over perhaps this misunderstanding, but it is a misunderstanding, not a desire by me to do something that is improper.

I thank the distinguished Senator for his comments here today. Those are good points he made, and we will see what we can do.

Let me make a couple other comments before I finish. Let me provide some additional examples of sentencing departure abuse and why we want to change this and why this bill makes a very good step in the right direction.

In one case, a defendant who was convicted of possessing child porn images, over 280 images, more than 10 of which were clearly identified as prepubescent children, was sentenced to serve 13 months in prison and 14 months in home detention, even though the defendant's lawful guidelines sentencing range was 27 to 33 months in prison. Think about that.

At sentencing, the defendant threw in the kitchen sink and moved for a departure on multiple grounds. He argued that his status as a former prison guard rendered him as particularly susceptible to abuse in prison. He argued that he needed rehabilitation and treatment. I have no doubt. He argued his age and his wife's age, his extraordinary family responsibilities, and his military and work histories justified a departure. He argued he was entitled to a "super" acceptance of responsibility and argued his conduct was aberrant. Although the Government opposed all grounds of downward departure, the court imposed an illegal split sentence and allowed the defendant to spend 14 months of his 27-month sentence in the home.

Without explaining how many guideline levels it was departing, the court credited the defendant's claim that he was the only one who could take care of his wife, who had degenerative arthritis and had back surgery but nonetheless continued to work as a night janitor—his wife, that is. The court also credited the defendant's claim that, based on his service in the military and his civilian career in law enforcement, his criminal acts were aberrant. Remarkably, these winning arguments enabled the defendant to spend over half of his 27-month sentence in the home.

Now let me state why we need this reporting requirement to the Attorney General that the distinguished Senator from Massachusetts has inappropriately characterized. It is no secret that the Attorney General is in charge of every aspect of prosecuting cases in the Federal courts. Therefore, he has a direct interest in the disposition of criminal cases. Now let me give you a specific example as to why we need this reporting requirement.

There is a Federal judge who routinely violates the Sentencing Commission guidelines because he believes the Sentencing Commission erroneously calculated the sentencing guidelines. He does not depart much, just a little reduction in a sentence here and a little reduction there. But the fact is, he routinely does it. Now the Attorney General may not have the resources to try to appeal each and every time this judge violates the sentencing guidelines. However, if an Attorney General is aware of someone routinely abusing this provision, this reporting requirement will allow him to monitor this and take action when appropriate. That is why we have the requirement in there.

Now let me give you another illustration, some more examples of what is going on here and what we are trying to correct with this bill.

A child pornographer was sentenced this year in Montana. Prior to sentencing, the court raised on its own motion that the defendant suffered from diminished capacity. The court ruled that this young man had extraordinary family responsibilities and that he suffered from a diminished mental capacity. The judgment notes, in part, United States Sentencing Guidelines section 5(k)(2)(13), diminished capacity: Defendant was extremely addicted to child pornography and the testimony of efforts established that defendant had a significantly impaired ability to control his behavior that he knew to be wrong; that the extent to which the reduced mental capacity contributed significantly and substantially to the commission of the offense. The Court departed downward 8 offense levels from offense level 18 to offense level 10. This reduced the guideline range from 27 to 33 months to just 6 to 12 months.

The trial court placed Clark on probation for 5 years.

I want to emphasize again a disturbing fact here about child pornographers. A Bureau of Prisons study shows that 76 percent of child pornographers and those who had been convicted of traveling in interstate commerce to commit sex acts with minors admitted to undetected sex crimes with an average of 30.5 child sex victims. Think about that. These child sexual predators, if you averaged them, admitted to undetected sex crimes with an average of 30.5 child sex victims. Can anyone really say that tougher penalties and sentencing reforms are not needed when it comes to these horrible crimes?

Does anyone believe that judges should be allowed to grant downward departures based on reasons that are not contemplated within the Guidelines themselves?

Now we have supporting letters for this conference report from the Department of Justice, the National Sheriffs' Association, the Law Enforcement Alliance of America, Major County Sheriffs' Association, Fraternal Order of Police, and the National Association of Assistant U.S. Attorneys.

One of the criticisms that has been raised about the conference agreement is that it limits the membership of Sentencing Commission to no more than three Federal judges. Currently, the law requires that the Sentencing Commission be comprised of at least three Federal judges. The hearings before the House and Senate Judiciary Committees showed that trial judges have downwardly departed from the sentencing guidelines to a level beyond what was originally intended. There may be an appearance of conflict of interest when judges, desiring to preserve judicial discretion, serve on the Sentencing Commission whose mission it is to ensure uniformity in sentencing, which necessarily means less judicial discretion.

Currently, judges outnumber other voting members of the Sentencing Commission. Because so, there is a potential for at least an appearance of a conflict of interest.

Now, I do not argue that there is a conflict or that they are acting improperly. I am proud of those who have served. But there is a different attitude in the courts, as Senator KENNEDY has suggested. He has all kinds of letters from judges who do not like this. It means more work to them.

This change will, hopefully, restore the appearance of balance in the Sentencing Commission and eliminate any conflict between the commissioners' desire to retain judicial discretion and uniformity in sentencing.

Now, the National Center for Missing and Exploited Children, the NCMEC, expressed its thanks to the House of Representatives and Senate conferees on agreeing to the language included in the conference report of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act 2003. This was released April 9. NCMEC also expressed its hope that both Houses of Congress would move swiftly to approve the report and enact these important provisions into law. Children throughout the United States will be safer because these key leaders of the House and Senate were able to come together and reach consensus on so many vital issues—Robbie Callaway, chairman of the National Center for Missing and Exploited Children.

I ask unanimous consent that the comments in this press release, along with a letter from Robbie Callaway, who is with the Boys and Girls Clubs of America, along with the National Sheriffs' Association, along with the Law Enforcement Alliance of America, and Major County Sheriffs' Association, the Federal Law Enforcement Officers Association, the U.S. Department of Justice, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 9, 2003.

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN COMMENDS SENATE AND HOUSE CONFEREES

ALEXANDRIA, VA.—The National Center for Missing & Exploited Children (NCMEC) expressed its thanks to the U.S. House of Representatives and U.S. Senate conferees on agreeing to the language included in the conference report of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003. NCMEC also expressed its hope that both houses of Congress would move swiftly to approve the report and enact these important provisions into law.

"Children throughout the United States will be safer because these key leaders of the House and Senate were able to come together and reach consensus on so many vital issues," said Robbie Callaway, Chairman of the National Center for Missing & Exploited Children.

"NCMEC is particularly pleased that the Conferees finalized language for a true national implementation of the AMBER Alert," said Ernie Allen, President and Chief Executive Officer of NCMEC. Allen added, "this legislation ensures that AMBER Plans become a resource for every state and every community, and that they are implemented in a consistent, meaningful manner." The conferees provided funding for notification systems along highways for alerts, as well as funding grants so that states may implement new technologies to improve AMBER Alert communications. Such monies will benefit not just abducted children but every member of the community when an emergency develops, whether weather-related, terrorism, or any other.

NCMEC also applauded important changes in attacking the insidious, expanding problem of child pornography. NCMEC also thanked Congressional leaders for allowing the U.S. Secret Service to provide forensic and investigative support to NCMEC to assist in efforts to find missing children.

Finally, NCMEC commended Congress for taking a tough, serious look at the problem of sex offenders against children and how they are handled by the criminal justice system. Important provisions like changes in the term of supervision for released sex offenders, eliminating the statute of limitations for child abductions and sex crimes, mandating minimum prison sentences for those who kidnap children, punishing those who participate in child sex tourism, and other important changes will strengthen society's ability to cope with these serious crimes and keep children safe.

NCMEC, a private, 501(c)(3) nonprofit organization, works in cooperation with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. NCMEC was established in 1984 as a public-private partnership to help find missing children and combat child sexual exploitation. It has assisted local law-enforcement agencies on more than 87,000 missing child cases, helping to reunite more than 71,000 children with their families. Today, the organization reports a 94-percent recovery rate. For more information about NCMEC, call 1–800–THE-LOST, or visit www.missingkids.com.

APRIL 9, 2003.

U.S. SENATE, HOUSE OF REPRESENTATIVES,
Washington, DC.

An Open Letter to the U.S. Senate and House of Representatives.

We wish to express our sincerest appreciation to all of you who have played such a key role in moving forward legislation that includes the National Amber Alert. We applaud those members of the conference committee who exhibited the foremost cooperation in working out a compromise that will greatly benefit every child in America.

Today, we are writing to encourage you to quickly pass this legislation so that it can be signed into law. The Amber Alert as well as other preventative measures will make an immediate difference in safely rescuing those who are abducted and in preventing crimes against children.

We can't begin to express our joy and gratitude in having Elizabeth back home. It is our hope and prayer that immediate passage will save countless families from the trauma and sorrow caused by the senseless acts of those who prey on children.

Sincerely,

EDWARD SMART,
LOIS SMART,
ELIZABETH SMART.

BOYS & GIRLS CLUBS OF AMERICA,
Rockville, MD, April 10, 2003.

The Hon. ORRIN HATCH,
Chairman Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I am writing to express the gratitude of Boys & Girls Clubs of America to you and the other Senate and House Conferees for the conference report on the PROTECT Act. We are hopeful that final passage will come quickly so that critically important provisions such as the AMBER alert system are enacted.

Along with the AMBER system, we are particularly pleased with the bill's efforts to take on the problem of child pornography, the reauthorization of the National Center for Missing and Exploited Children, and national criminal background screening for youth serving organizations. We are confident that these provisions will make America's children safer, and there is nothing more important than that.

We were pleased to work with your committee as well as the House Judiciary Committee, and know you will continue to call upon us if we can be helpful in this regard.

Sincerely,

ROBBIE CALLAWAY,
Senior Vice President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, April 4, 2003.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I write today to discuss the importance of H.R. 1104, the Child Abduction Prevention Act and I am asking for your support of the legislation and for your support of the Fenney Amendment. Passage of this legislation will protect our children against predators.

The House version of the bill has several provisions that protect children. Sheriffs especially support the AMBER Alert provision. AMBER is a highly successful tool for law enforcement and its adoption nationally will enhance our ability to recover children who have been kidnapped. It also provides citizens with a clear means of providing information to law enforcement about these cases.

However, there are additional sections in the House bill that are equally important to sheriffs. Specifically, NSA supports the Fenney Amendment, which limits the practice of downward departures from federal sentencing guidelines. The amendment would put strict limitations on departures by allowing sentences outside the guidelines range only upon grounds specifically enumerated in the guidelines as proper for departure. This eliminates ad hoc departures based on vague grounds, such as "general mitigating circumstances." The amendment also reforms the existing grounds of departure set forth in the current guidelines by eliminating those that have been most frequently abused.

Sheriffs also support provisions like "Lifetime Monitoring" of sex offenders and the "Two Strikes and You're Out" for repeat child molesters. These provisions are needed to protect our kids from sexual predators. Child molesters are four times more likely than other violent criminals to recommit their crime. A typical molester will abuse between 30 and 60 children before they are arrested, as many as 380 children during their lifetime. The Two Strikes and You're Out provision will save thousands of kids from going through this torture. Each repeat molester represents hundreds of victims with shattered lives. We can break the chain of violence with simple, straightforward proposals like Two Strikes and You're Out and Lifetime Monitoring.

The National Sheriffs' Association welcomes passage of this legislation. We look forward to working with you to assure its swift enactment.

Sincerely,

WILLIAM T. FERRELL,
President.

THE LAW ENFORCEMENT ALLIANCE
OF AMERICA,
Falls Church, VA, April 3, 2003.

Senator BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER FRIST: On behalf of the more than 75,000 Members and supporters of the Law Enforcement Alliance of America (LEAA), I write to request your prompt attention and support for conference and passage of H.R. 1104, "Child Abduction Prevention Act" and S. 151, the "Protect" act.

The House recently passed S. 151 with the text of H.R. 1104. The provisions in this legislation are vital protections that address clear and present dangers in America's laws to keep our children safe. Judges will be given the power to enforce supervision of convicted sex offenders for as long as is necessary and child rapists and abductors will be barred from pre-trial release. It would fund important grants to local law enforcement for tracking down wanted sex offenders and provide for mandatory 20 year sentences for strangers that kidnap kids.

The legislation would help fund a national AMBER alert system, put a two strikes rule for child molesters and double the funding for the National Center for Missing and Exploited Children.

LEAA is sure you'll agree that this legislation gives our judges, prosecutors and cops tough tools to fight back at some of America's most horrible criminals. LEAA respectfully asks that you do everything in your power to speed the process for passage of this legislation.

Sincerely,

JAMES J. FOTIS,
Executive Director.

MAJOR COUNTY SHERIFFS' ASSOCIATION,
Pontiac, MI, April 4, 2003.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: On behalf of the Major County Sheriffs' Association (MCSA), thank you for your legislative efforts to protect our children from sexual crime and abduction and to toughen penalties against those who commit these horrific acts.

Collectively, the MCSA membership represents over 100 million people throughout the United States. As elected Sheriffs and law enforcement officials, we take seriously our responsibility of protecting and serving our citizens, especially our children. In that regard, we encourage your efforts to move forward on legislation which safeguards our children from the hands of those who inflict irreversible harm and pain through crime and sexual abuse, specifically House Bill 1104 and Senate Bill 151.

In addition, the MCSA also supports the language set forth in the Feeney Amendment as passed in House Bill 1104, sponsored by Congressman James Sensenbrenner, which limits downward departures from federal sentencing guidelines. When the perpetrator makes the decision to commit the crime, they must accept the consequences of their actions which should include swift, unwavering penalties. We hope the results of the conference committee scheduled to meet next week will include the Feeney Amendment.

Thank you for your attention and consideration to this important issue. We look forward to working with you on this legislation and any other measure that protects and provides for the safety of our children. Please feel free to call upon me for additional information or comment.

Sincerely,

MICHAEL J. BOUCHARD,
Oakland County Sheriff, Legislative Chair.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
Lewisberry, PA, April 7, 2003.

FLEOA SUPPORTS H.R. 1104—CHILD ABDUCTION PREVENTION ACT

DEAR MEMBERS OF CONGRESS: On behalf of the 19,000 men and women of the Federal Law Enforcement Officers Association (FLEOA), we ask that you support H.R. 1104 and pass this important piece of legislation to protect the children of our nation.

The "Child Abduction Prevention Act" will enhance Federal penalties for convictions related to kidnapping, sexual abuse and murder of children. It will also create a national amber alert communications network regarding abducted children to aid in their recovery. The "Amber Alert System" is an important tool to assist law enforcement in obtaining leads from the public to assist in a quick recovery of abducted children.

We must protect the children of our nation, for they are our future. The "Elizabeth Smart Case" has demonstrated to all of us, the need for this important piece of legislation. As Federal law enforcement officers, we ask that you give us the necessary tools contained in this legislation to assist us in investigating these crimes against our children.

If there are any questions, I can be reached at 717-938-2300.

Sincerely,

ART GORDON,
National Executive Vice President.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 4, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to urge that the House-Senate Conference Committee quickly reach agreement on the differing versions of S. 151 and promptly send to the President a strong child protection bill that will comprehensively strengthen the Government's ability to prevent, investigate, prosecute, and punish violent crimes committed against children.

The House-passed version of S. 151 includes language that would codify the Administration's ongoing efforts to support AMBER Alert programs by providing for national coordination of state and local AMBER Alert programs and by establishing Federal grant programs for States to support AMBER Alert communication systems and plans. The Senate previously passed very similar legislation, S. 121, by a unanimous vote. The Department strongly supports these AMBER Alert provisions, which should be included in the final version of S. 151.

Both the House and Senate versions of S. 151 include provisions designed to revise and strengthen the nation's child pornography laws in light of Ashcroft v. Free Speech Coalition, 122 S. Ct. 1389 (2002). The House version's child pornography provisions are modeled on an Administration proposal that overwhelmingly passed the House last year as H.R. 4623. The Senate's version is likewise a very strong measure, which also has received the Administration's full support. On this score, the two bills overlap very significantly in approach, if not always in wording. We are confident that the relatively modest differences between the two versions of these provisions can be readily resolved, and we would be pleased to offer technical suggestions in that regard. Swift enactment of these important child pornography provisions would be an important step in protecting children from abuse by ensuring effective child pornography prosecutions.

The House version of S. 151 also includes a number of important measures designed to enhance the Government's ability to investigate, prosecute, and punish violent crimes against children. These measures include: Extending the length of supervised-release terms for offenders and establishment of a rebuttable presumption in favor of pretrial detention; Enhancing law enforcement tools for identifying and apprehending offenders, by including child exploitation offenses as wiretap predicates and by eliminating the statute of limitations for certain offenses; Increasing penalties to more accurately reflect the extreme seriousness of these offenses, especially repeat offenses; Enhancing the Government's ability to punish offenders who travel abroad to prey on children; and Providing the States with additional tools and assistance to pursue these common goals.

The Department has previously testified in strong support of these provisions, and urges the Conference to include them in the final bill.

We also wish to express our strong support for Congressman Feeney's amendment to the House version of S. 151. The Feeney amendment added section 109 to the bill, which is designed to address a number of deficiencies in federal sentencing policy—deficiencies that have proven particularly serious with respect to child victim offenses.

The amendment would address the long-standing—and still growing—problem of "downward departures" from the Federal Sentencing Guidelines—i.e., sentences that are significantly more lenient than those mandated by the Guidelines. The consistency, predictability, and toughness that Congress sought to achieve in the Sentencing Reform Act (which established the Guidelines System) is being undermined by steadily increasing downward departures:

The rate of downward departures on grounds other than substantial assistance to the government (i.e., cooperation in investigating other criminals) has climbed steadily every year for the last several years. The rate of such departures in non-immigration cases has climbed from 9.6 percent in FY 1996 to 14.7 percent in FY 2001—an increase of over 50 percent in just 5 years.

Using the measure recently suggested by the ABA as a benchmark—i.e., excluding downward departures based on substantial assistance and excluding those from Southwest border districts (which use departures to process large numbers of immigration cases)—the rate of downward departures nationwide has more than doubled over the ten years from FY 1991 to FY 2001, going from 5.5 percent to 13.2 percent.

The ratio of such downward departures to upward departures has climbed from 11:1 to a staggering 33:1 in just the last five years.

Far from being "highly infrequent"—as required by the Guidelines Manual—departures based on grounds not specifically mentioned in the Guidelines amounted last year to over 20 percent of all downward departures.

The rates of such sentencing leniency vary widely from district to district: the average downward departure rate in the Fourth Circuit is 4.2 percent; in the Tenth Circuit, it is 23.3 percent.

The rates of downward departures in cases involving certain offenses is nothing short of scandalous. For years, downward departures in child pornography possession cases have ranged between 20 percent and 29 percent nationwide. (In FY 2001, it was 25.1 percent.) Often, these departures are based on much-abused grounds, such as "aberrant behavior" and "family ties." And some of the grounds of departure employed in such cases have been as creative as they are outrageous: for example, a 5'11", 190-lb. child pornography defendant—who has accessed over 1,300 pornography pictures and begun an Internet correspondence with a 15-year-old girl in another State—was granted a 50 percent downward departure in part on the ground that he would be "unusually susceptible to abuse in prison." *United States* v. *Parish*, 308 F.3d 1025 (9th Cir. 2002) (rejecting Government's appeal and affirming the sentence).

The Feeney amendment would enact several reforms to ensure that the Guidelines are more faithfully and consistently enforced:

The bill would make it easier for the Government to appeal illegal downward departures by requiring appellate courts to undertake a de novo review of departure decisions. There is nothing unusual at all about applying a de novo standard of review to a mixed question of law and fact such as the decision to depart. Indeed, in most other contexts, appellate courts apply a de novo standard of review to mixed questions of law and fact, such as suppression issues (probable cause, voluntariness of a statement, etc.). It makes no sense to have a de novo standard of review only for mixed questions that generally favor the defendant.

The bill would require the Sentencing Commission to provide effective guidance concerning downward departures by prohibiting such departures on grounds that the Sentencing Commission has not affirmatively specified as permissible. Under the amendment, numerous authorized grounds of downward departure are preserved, and the Commission retains very broad discretion to add new factors to the list of authorized grounds of downward departure (with the exception of a few much-abused grounds of downward departure, such as "aberrant behavior," that are eliminated by the amendment). Departures based on grounds not specified by the Commission were always supposed to be "highly infrequent," and the amendment simply requires the Commission to do its job of affirmatively regulating the availability of departures. Moreover, the existence of such unfettered departure authority has made Government appeals of improper sentences more difficult. See, e.g., *United States* v. *Blazevich*, 38 Fed. Appx. 359 (9th Cir. 2002) (rejecting Government's appeal of downward departure in child pornography case, because there is "essentially no limit on the number of potential factors that may warrant departure in child pornography case, because there is "essentially no limit on the number of potential factors that may warrant departure," with the exception of those few factors that the Sentencing Commission has proscribed).

The bill would strengthen existing requirements for judges to explain the basis for their departures, thereby facilitating appellate review.

The bill would also limit a defendant to one bite at the apple by generally precluding a second downward departure after a successful Government appeal. There are too many cases in which, on remand, the district court simply re-imposes the same illegal sentence on a different theory, thereby necessitating a second government appeal. See, e.g., *United States* v. *Winters*, 174 F.3d 478 (5th Cir. 1999) (reversing second imposition of the same illegal sentence in civil rights prosecution against corrections officer); *United States* v. *O'Brien*, 18 F.3d 301 (5th Cir. 1994) (reversing district court's imposition, after Government successfully appealed prior downward departure, of an even more lenient sentence in drug case).

The Feeney Amendment would also enact a number of additional measures to strengthen the penalties applicable to those who prey upon our nation's children:

Under current Sentencing guidelines, a defendant is required to receive an enhanced penalty for engaging in multiple acts of prohibited sexual contact with minors, but the enhancement does not apply if the defendant repeatedly abused the same victim. This irrational and unjust disparity would be explicitly eliminated by the amendment.

The amendment would require that child pornography sentences be enhanced based on the number of such images possessed by the defendant. The current Sentencing Guidelines fail adequately to account for the volume of the material, with the result that an offender who sent one image of child pornography over the Internet receives the same treatment under the Guidelines as an offender who set up a website containing thousands of images. The amendment would instead require that sentences be sharply enhanced for offenses involving large numbers of images.

The problem of ignoring the Guidelines in favor of ad hoc leniency is well known and has already been the subject of much study. In October 2000, a Senate Judiciary Subcommittee, under the leadership of Senator Thurmond—one of the original architects of the Sentencing Reform Act—held a lengthy hearing on the problem and received extensive evidence examining downward departure rates from many different angles. The data are already out there, the problem is clear, and further inaction would be a travesty. Indeed, the Feeney Amendment was adopted only after the House Judiciary Committee held two hearings over the last year to review a variety of possible solutions to the growing leniency problem, including mandatory minimums, a total ban of downward departures in certain classes of cases (a position previously endorsed by the Department on several occasions), and a de novo review standard for departure appeals (which had been specifically included in H.R. 1161, as introduced). Based on the extensive record already before the Congress, the Feeney Amendment emerged as a compromise position that preserves district judges' ability to depart, but requires that this departure authority be subject to more consistent and careful review and control by the Sentencing Commission and appellate courts.

The Department strongly urges the conferees to retain these much-needed provisions of the Feeney Amendment in the final version of S. 151.

Thank you for your attention to this important matter. If we may be of further assistance in this or any other matter, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

JAMIE E. BROWN,
Acting Assistant Attorney General.

Mr. HATCH. I notice the distinguished Senator from Vermont is in the Chamber. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am somewhat perplexed that we are in this situation. Let me explain why. This is not a question of whether people are for or against those who abuse children. We are all against that, Republicans and Democrats. It is one of those many areas that would unite all of us. Those of us who are parents or grandparents always feel that way. I think of some of the child molesters I prosecuted before I was in the Senate. Invariably, I sought the stiffest sentences possible, and got them, including life sentences. So I do not think any of us has to demonstrate that we are against child molesters. I think the American people know that, of course, we are all against them. That is the way I was when I prosecuted them and the way I am in the legislation I have helped to write.

For example, the AMBER alert bill that is before us: When I was chairman of the Senate Judiciary Committee last year, I put that through in record time. We had a hearing. We had a vote in committee. We brought it up for a roll call vote on the floor in about a week. It was a record. We sent it over to the other body. Of course, they sat on it and never passed it.

This year, I joined with Senator HUTCHISON of Texas, Senator FEINSTEIN of California, and Senator HATCH of Utah. The four of us put through AMBER alert again, brought it up, had a rollcall vote on the Senate floor. Every single Senator who was here that day voted for it. We sent it over to the other body, where it languished.

This conference report also includes the PROTECT Act, to provide prosecutors with important tools to fight child pornography. That is a Hatch-Leahy act. Twice I came to the floor of the

Senate and joined Senator HATCH in urging passage of this measure that we crafted together. I do not need to suggest whether I am for that or not. I helped write it.

We have housing for abused children in this legislation. Again, I helped write that bill. I am the lead sponsor. Obviously, I am for that.

We had the so-called Reid shoe bomber fix to the criminal law. I am the lead sponsor of that.

The National Center for Missing and Exploited Children authorization, I am a lead sponsor of that.

The victims' shield, the cybertipline, these are things I have sponsored and supported. I have no problem with any one of them.

But what happens, and I hate to think this is why the other body has refused to take up our AMBER alert bill twice now, we suddenly have a bill that comes back—actually, as my friend Senator KENNEDY pointed out during our only conference meeting in this matter, subject to a point of order with new and controversial provisions added to a once non-controversial and bipartisan bill.

It would have been so much better if the other body had simply taken the bill I got out of the committee last year and we passed in the Senate, and having failed to do so, it would have been so helpful had they taken the bill—of Senator HATCH and myself and Senator KAY BAILEY HUTCHISON and Senator FEINSTEIN—and passed it here, this year, and gone with that. The House leaders chose not to pass it. They delayed its passage and tried to use it as a sweetener to add on a number of controversial items.

I wonder what would have happened had they simply taken the bill and passed it last year. The President made clear he would sign it after we passed it by such an overwhelming majority. The other body decided not to.

I wonder what would have happened had they picked it up and passed it this year after we passed it through the Senate. The President would have signed it. Maybe we would already have a nationwide AMBER alert system today. One wonders how many children might have been saved by such a nationwide AMBER alert plan if the other body had been willing to pass that bill last year or earlier this year when we passed it.

So many, Republicans and Democrats alike, came together on parts of this bill with the idea of protecting children. I worry when efforts to protect our children are used as pawns by those who play politics by attaching legislation of a more controversial nature. Of course, the AMBER alert legislation is in there. I was a main sponsor of that last year and this year. Of course, I am happy about that and I will speak further on that later.

I cannot imagine a worse nightmare than a family having an abducted child. I remember sitting around the clock with families when I was a prosecutor as we were trying to find their children. I also remember some cases where we found a child and the child was dead. I remember as a young prosecutor, trying to keep my composure in the trials when I prosecuted the people who did that and seeking the maximum sentence. One, especially, I still have nightmares about to this day, a case in Chittenden County. I remember it as though it were yesterday even though it was many years ago.

So that is why I worry when we find ourselves in a situation where all of this time-consuming discussion on more controversial matters could have been avoided. We have so much in this legislation, that Republicans and Democrats alike have joined in, so much that our staffs have worked on so hard over the last 2 years. So many things of these measures are helpful and broadly supported by police, Governors, and those who have to deal with abused and neglected children.

The unfortunate situation is—whether it is overreaching, whether someone was looking for an opportunity, I do not know—that members of the other body insisted once again on adding controversial measures that have already slowed down this important legislation.

These are bills that came out of the House Judiciary Committee and the Senate Judiciary Committee. We, of all people, should be willing to set the standards and make sure we follow the rules. We, of all people, should not add things in controversial provisions that do not belong here. That is what has been done.

I can think of things I would have liked to have had included in the conference report—and not controversial matters at that—but unfortunately, even non-controversial requests by the minority were not afforded the same consideration as highly controversial proposals by the majority.

I tried to add the Hometown Heroes Survivors Benefit Act of 2003. This legislation would improve the Department of Justice Public Safety Officers Program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits. I have been at the funerals of officers who died of a heart attack after putting their lives on the line to protect their community.

Each year hundreds of public safety officers nationwide lose their lives and thousands more are subjected to great physical risks. The benefits can never be the substitute for the loss of a loved one. Families of fallen heroes depend upon us for helping out when their family members make the ultimate sacrifice.

I tried to include the Hometown Heroes bill to fix this loophole and assure the survivors of public safety officers who die of heart attacks or strokes, who die within 24 hours of being on the job, are eligible to receive financial assistance. We passed this bill in the House last year. Representative ETHERIDGE, in the other body, and I introduced identical versions of this legislation. The House passed it, but an anonymous Republican hold in the Senate stopped those benefits for the families of fallen police and firefighters.

During the conference, I offered this bill as an amendment, hoping to see it become law. Unfortunately, the majority blocked it.

My colleagues across the aisle overlook the fact that public safety is dangerous, exhausting, and stressful work. A first responder's chance of suffering a heart attack or stroke greatly increases when he or she puts on heavy equipment and rushes into a burning building to fight a fire or save lives. To not be able to participate in the PSOP program—I wish my friends on the other side of the aisle allowed families, survivors of those who died in the line of duty that way, to be able to at least have the benefits that go to other officers. I think it is unfortunate.

I have heard from police officers, I have heard from firefighters. They ask, how can this possibly happen? Is this a partisan issue? I say, I hope it is not. If there is one thing that should unite Republicans and Democrats, it is support for the families of those who die in the line of duty. We could have done that. Unfortunately, Republicans in the House and Republicans in the Senate voted it down. I hope they will reconsider that decision. I would welcome them back to the fold. But also, the families of firefighters and police officers, the first responders, would welcome them back. They face grave disappointment today. They cannot understand why this was not done. They would like to see it back. I call on the Republican leadership to instruct the Members to let this go through.

I am glad the conference report did include a provision I introduced in the last Congress to clarify an airplane as a vehicle for the purpose of terrorism and other violent acts. I tried to include this bill in the omnibus appropriations measure, but the Department of Justice blocked it. Then, to my surprise, the same provision appeared in the leaked copy of the Department's new antiterrorism package.

This bill is meant to address a discrete problem that surfaced in the prosecution of Richard Reid, a man who tried to blow up an international flight from Paris to Miami. In that case, the court dismissed a charge against Reid over the question whether the airplane he attempted to destroy was a mass transportation vehicle. This makes it very clear that it is. I am glad this clarification was included at my request.

There are many things in this conference report that I either helped write or cosponsored that we can all support. The Leahy-Kennedy legislation establishes a transitional housing grant program within the Department of Justice to provide to victims of domestic violence, stalking, and sexual assault, the necessary means to escape the cycle of violence. That is in here. Today, more than 50 percent of homeless individuals are women and children fleeing domestic violence. This will help real women and children, including many in my home State. I commend my colleagues who, after some initial opposition, joined with Senator KENNEDY and me on this legislation.

I am glad the Protecting Our Children Comes First Act is in this conference report. It is a bipartisan bill I introduced both in this Congress and the last, joined by my friend from Utah as well as Senator DEWINE of Ohio and Senators BIDEN, SHELBY, LINCOLN, and HARRY REID. Our bill reauthorizes the National Center for Missing and Exploited Children. It needs to be reauthorized. That is in here.

We proposed reauthorization through the year 2007, but at least it has been agreed to through the year 2005. We agreed to double the grants. We also authorized the U.S. Secret Service to provide forensic and investigative assistance to the National Center; and we strengthened the Center's Cyber Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the distribution of child pornography, online enticement of children for sexual acts, child prostitution, and child pornography.

Of course, the Hatch-Leahy PROTECT Act is the centerpiece of this bill. And after all the hard work that Senator HATCH and I completed to craft this bill, introduce it twice, and usher it through the Senate by two unanimous votes, I do not have to tell any one how pleased I am that the House adopted most of our provisions. The key provision from the House bill that is retained is the so-called "virtual porn" provision, which I predict will be the subject of much constitutional scrutiny. We will see how the House provision fares before the Supreme Court, I am sure.

So there are a number of things that are good in this bill. That is why I am frustrated we have this situation. It is because of overreaching, because of putting controversial measures in that have received little or no consideration in either body and have delayed enactment of the better parts of this bill, that we do not yet have a law passed.

I say this really out of sadness. No. 1, we did not have to be here today. The Senate passed both the Amber bill and the PROTECT Act twice, once this year and once in the last Congress, and sent clean bills to the House both times.

When these bills came out of committee last year, when I was chairman, the Senate passed them by unanimous votes on the Senate floor. They passed. We sent them to the other body and they let the bills sit there. When Senator HATCH took over as chairman of the committee this year, we passed them out again. Both Senator HATCH and I, as well as Senators FEINSTEIN and HUTCHISON, were the main sponsors of the Amber bill. Senator HATCH and I were the main sponsors of the PROTECT Act. The Senate passed them out again. Again, they sat over in the other body for months without action.

Now we find out why. It appears that the Republican majority in the House was looking for legislation with that kind of universal support and popularity on which to attach controversial measures that might not have support in the Senate.

That is unfair. That is unfair to children. That is unfair to those who may be abducted. That is unfair to those of us who spent years trying to protect children. It is unfair to those, myself and others in this body, who were once prosecutors and prosecuted child molesters and abductors. It is unfair to them and to others.

I will put more material in the RECORD. I will go back to this. But I urge my friends on the other side of the aisle to find a way out of this increasing partisanship because it has delayed passage of this important legislation, which has so much in it to protect children.

I see my colleagues on the floor. I see the Senator from Alabama who I assume—he is nodding yes—I assume he is looking for the floor, so I will yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just will share a few thoughts I think are very important with regard to this legislation.

We seem to have strong or at least grudging support from everybody on the underlying portions of the bill. At least that is what we are told repeatedly. But there is a suggestion that the Feeney amendment is such a horrible thing that the entire PROTECT bill should not go forward.

I will just say a couple of things about that. The Feeney amendment was designed to deal with a growing problem of Federal judges downward-departing from the mandates of the sentencing guidelines and thereby giving lighter sentences than should be given to criminals. It is a growing problem.

Senator HATCH had the chart there. Downward departures went from 1,200 in 1991 to over 4,000 in 2001. There have been some erosions of the clarity of the law about that. In effect, we are at a point of some danger that the integrity of the guidelines would be undermined.

So I felt from the beginning we ought to give, in this body, serious consideration to the Feeney amendment and review it and see what we could do about it. That is my general view of that.

I served as a Federal prosecutor for almost 15 years. I was a Federal United States Attorney when the sentencing guidelines were passed. I applied them. I carried around the sentencing guideline manual. I could look through and find the upward departures and downward departures and all the statistics and how to figure out how many prior convictions should be considered in the defendant's criminal history. You would figure out the nature of the criminal act, did it involve violence, did the defendant carry a gun, did it involve a particularly vulnerable victim like a woman or a child. You would do all those things. A lot of experienced people in criminal justice came together and put the Sentencing Guidelines together over a decade ago. It was a remarkably good achievement.

Most experts who knew about it said basically they were compiling and putting into law what most Federal judges, mainstream Federal judges in America were doing, anyway. But it compromised those who were especially harsh and those who were especially light. Frankly, when you give a lifetime appointment to a Federal judge and he or she decides they don't want to enforce child pornography laws or child abuse laws and they don't think those are particularly significant crimes that ought to be in Federal court and they depart downward, and you are in a position where the law is unclear, they can depart with impunity. If the judge is elected, at least you can vote him out of office sometime, but you can't do that for an unelected, lifetime-appointed judge.

For the most part, I think judges follow the guidelines scrupulously. But these statistics on this chart, which shows an almost fourfold increase over a decade in downward departures, are troubling.

I served on the Senate Crime Subcommittee. We had hearings in the year 2000 to confront this problem. In fact, we even asked the Sentencing Commission to give us some information on it, but they still have not given us that information.

So the Feeney amendment comes along. It was offered in the House of Representatives and it applied to all crimes. They put that amendment on to the AMBER Alert legislation that was going through the House of Representatives, and made it an appropriate part of the PROTECT Act that we would conference about, that we would confer about.

I thought it was a matter that ought to be given serious thought. I had not overtly committed to the Feeney amendment, but as someone who worked with the sentencing guidelines, I felt that the intent of it was good.

So there was a big controversy. My colleagues on the other side said: Well, we are not going to pass this bill that will protect children. We believe in protecting children, but you can't have the Feeney amendment on it. It is irrelevant to children. It does other things in the criminal justice system, and we are not prepared to vote for that. We are not troubled, in effect, by Federal judges who are downward departing in record numbers. So we don't want that on the PROTECT Act.

We got a call from a Federal judge who said: It is restricting my freedom to do what I want to do, and we don't think it is a good idea. Take the Feeney amendment off.

Well, Chairman HATCH, who has been in this body a long time, and has been chairman of our committee off and on for a number of years, and Chairman SENSENBRENNER in the House, they knew there was a complaint about it. They knew people were unhappy about the Feeney amendment. So they got together and they decided: What could we do about it? And they decided to offer a suggestion and a provision, an amendment that would solve the problem. And I, frankly, am amazed it is having any difficulties getting passed in Congress.

What my colleagues on the other side said was: OK, since this is a child protect bill, we will not put in this limitation on downward departures—this legislation that really only tightens up the freedom of judges to abuse the guidelines. We will not do that for all these other cases, but since this is a child act, and we have historical and anecdotal records of child abuse cases where judges have improperly downward departed, we will just apply the Feeney amendment to those cases involving minor victims and sex offenders.

Certainly that was very consistent with the intent of the act. It dealt with the situation of some judges not taking these cases seriously. And we had a history of it. The legislation dealt with the problem of repeat offenders because some people seem to think if a person is caught in a child sexual abuse case, and they come in and say, "Oh, judge, I'm sorry, I won't do it again," that you can rely on that.

People in churches have heard people say that, and they have believed them. But I have been a prosecutor. I have seen the numbers. I have seen the prosecutions. Most of them have not offended just once or twice, but they have done it several times over a period of years. They come back to it again and again and again. I wish that were not so. I wish it were not so. But you cannot rely on the words of a pedophile, that they are not going to offend again, because history and science and criminal justice statistics show that they go back to these horrible acts again and again, ruining the lives of another child, another child, and another child. It is a big deal in America. It is not a little deal.

So the Feeney amendment was really constrained. It did not apply to all criminal justice cases; it applies to sex cases and those involving child and sexual abuse.

I would say, as a Federal prosecutor, and knowing the kind of cases that are prosecuted in Federal court—bank fraud, bank robbery, all kinds of white-collar crimes, gun cases, drug cases, international smuggling cases, and all those—I am confident—this may shock some people—I am confident that less than 2 percent—probably less than 1 percent—of the Federal cases prosecuted in Federal court deal with child sexual abuse. Most of them—many of them—are tried in State courts, and the ones that are prosecuted in Federal court are fairly limited in number.

So what Senator HATCH, Senator GRAHAM of South Carolina, and Chairman SENSENBRENNER offered was a tremendous move in the direction of the opponents who were concerned about the downward departure rule contained in the Feeney amendment. And they focused it simply on this very small but very important number of cases dealing with the abuse, sexual assault, kidnaping and rape of our citizens in America.

I think that was a very generous amendment. And I would have thought that would have settled the matter completely. I remain baffled that we would see this kind of opposition, the kind of opposition that would suggest they are willing to kill this important legislation that, if passed, this very day could save the lives of children, could save other children from being abused by a pedophile, if we pass it. And if we don't pass it, if we delay it, the victimization of our children could continue for a long time.

And some say: Well, this Feeney amendment is so extreme and so controversial. I suggest not, Mr. Chairman. Looking at the vote in the House of Representatives, when the full Feeney amendment came up, tightening up the ability of judges to downward depart on all the cases in the criminal justice system—the 98 percent plus the 2 percent—the vote was 357 for and 58 against, 1 voting present.

Now, that is an overwhelming vote. And then, when the conference report came back, after the Hatch-Sensenbrenner modification was put in, dramatically reducing the number of cases impacted by the Feeney amendment to 2 percent or so, or less—probably 1 percent or less—involving sexual abuse cases, it passed 400 to 25. So it comes out of the House 400 to 25—overwhelming support from Democrats and Republicans. You have more than 25 liberals, you have liberals and conservatives, Republicans and Democrats voting for this bill in the House of Representatives, overwhelmingly. Yet here we are having this legislation, as critical as it is, being held up over this small amendment, after Chairman HATCH had worked so hard to settle the issue and to accommodate my colleagues on the other side of the aisle.

So I think it is important that we understand that. It is important that we pass this bill now. There is no need for it to continue. Who knows? This very day—as a matter of fact I know this just because of the statistics that are out there some child has been sexually abused. Maybe there is a child being kidnaped right now. This legislation could help save that child, and other lives.

And I noticed Senator DURBIN suggested—and I see Senator KENNEDY and Senator LEAHY in the Chamber—well, maybe we could talk about having a hearing on the sentencing guidelines and minimum mandatory sentences. I am not opposed to that, but I will just say this: I really care about sentencing guidelines. I think there should be integrity in the enforcement of those guidelines.

Federal judges should not get in the habit of eroding the clear injunctions of those acts. And the way they are doing it today, sometimes they are not writing opinions and explaining why they are doing it, leaving it very difficult to determine what has actually occurred, and making it difficult to appeal. So I think we ought to have integrity in sentencing. But we, as a Congress, I say to my colleagues on the floor, passed the guidelines. We set up the mandatory minimums. We created the Sentencing Commission, and we directed them, in large part, on how to carry out sentencing.

The Congress has taken over sentencing; that is true. And after these many years of experience with the guidelines, I do not have any doubt that we could improve it, and that we ought to make some improvement. In fact, I would say to my colleagues here, who think some of the sentencing guidelines are too tough—and that is what you hear a lot—that Senator HATCH and I are the only two Members of this Senate, that I know of, who have taken any action to fix it.

We offered the Hatch-Sessions bill last year and are reoffering it this year, that would deal with what I believe to be an unfair circumstance: The crack cocaine/powder cocaine sentencing disparity. I don't believe the extent of the disparity is justified. If you want to complain about something, let's talk about that. Not child pornography, child sexual abuse, not sexual cases. I don't see a problem in the guidelines with those cases. If anything, those sentences need to be toughened up.

I do agree, as a person who regularly and consistently prosecuted cases, that we can improve the sentencing disparity on crack and powder cocaine. For every child sex case, there are probably 10 crack and powder cocaine cases going through Federal court. Let's talk about that. I would be willing to talk about that.

I also think we should pass the Hatch-Sessions bill first. That legislation takes a major step forward in creating some fairness in the system and deals with the courier case, the girlfriend case. It deals with the sentencing disparity between at some points as much as 100 to 1 between crack and powder cocaine. It narrows that, substantially eliminating the unfairness there. Let's do it that way. Let's not stop this bill. This bill needs to go forward.

I understand the concerns about sentencing guidelines in general. How should we fix it? We should fix it by maintaining integrity in the sentencing process, not by standing idly by if judges are violating that process.

No. 2, if we carry out our responsibilities, we will look at the act as we pass. We will look at the sentences being imposed in the courtrooms of America and if we were wrong in any of those sentences, we should change them. The one area I am confident we could do better in is the crack and powder cocaine issue. I am prepared to act on that. I have offered legislation that would act on that. It would reduce the crack cocaine sentences significantly. A lot of people don't want to appear to be soft on crime. They don't want to appear to reduce any sentences. But I have been there. I have seen defendant after defendant go off to jail. Several years in a row my office had some of the highest average sentences in America for drug cases. I didn't apologize for that one bit. But if the sentences are not what we need if some, like powder, are not tough enough and need to be increased, and some like crack need to be reduced we should eliminate some of the criticisms about justice in American by being more consistent in how we sentence. That would create more public confidence in the system, and we ought to do that. I am prepared to take the lead on that. In fact, Senator HATCH and I have led on that. We have stepped to the plate and proposed to make progress.

I suggest that the PROTECT Act needs to move forward. Chairman HATCH and Chairman SENSENBRENNER have done the responsible thing. They have examined the complaints about the Feeney amendment. They have reduced those complaints to an extraordinary degree. They kept this legislation focused on sexual abuse cases, as it should be. We ought to support it.

One thing we know is that sexual offenders and predators are repeat offenders. A 1998 study of sexual recidivism factors for child molesters showed that 43 percent of offenders sexually reoffended within a 4-year follow-up period. Almost half of the people arrested as child molesters reoffended in a sexual abuse case within 4 years. I would suggest some of those reoffended and were not caught. There is no doubt in my mind that within 4 years, if this number is accurate, we could say with certainty that over half of those offenders in 4 years reoffended. That is a serious social problem.

One thing we put in this bill is important. We put in a provision that would allow lifetime supervision after release from custody or after probation, if that occurs, if the judge feels the defendant poses a danger to society. That is the right thing to do. I am so glad that is in this bill. Senator HATCH and I offered language to that effect. We suggested it last year.

The theory behind it is simply this: science and history tell us that child molesters are repeat offenders. Pedophiles reoffend. Do we want to keep them in jail forever? They ought to be kept in jail a long time—no doubt about that in my mind. Should they be kept in jail forever? Very few are kept in jail forever, whether they should be or not. Large numbers of them are released. Under the normal Federal sentencing guidelines, post conviction supervision is 1 to 5 years. So after that 5 years is over, these sexual offenders are not even being supervised by Federal probation officers.

It is a rational and logical and just step to give a Federal judge the ability to impose post-release supervision for as long as he or she deems appropriate. That is a good step in the right direction.

According to the Bureau of Justice statistics, released rapists were 10.5 times as likely as nonrapists to be rearrested for rape, and those who had served time for sexual assault were 7.5 times more likely as those convicted of any other crime to be rearrested for a new sexual assault. Do you see what that is saying? Those are stunning numbers, when you think about it. They tell us that released rapists are 10 times more likely to rape someone else in the future; that tells us that when you apprehend a rapist, it needs to be taken seriously. We need to understand that a person who has committed rape in the past has a much, much greater potential for raping another innocent human being in the future or for molesting another child in the future. That is why Federal supervision can be helpful there.

Good Federal probation officers work hard. They stay on top of offenders. Perhaps they can identify circumstances when offenders may be getting in trouble or acting in an unhealthy way, to make sure that the jobs sexual offenders take do not place them in contact with children. Perhaps probation officers can otherwise monitor offenders' activities to substantially reduce the likelihood that they would reoffend.

I thank Senator HATCH for his leadership. We thought we had an agreement with Senators LEAHY and KENNEDY and others to move this bill forward. Unfortunately, we are not moving forward at this moment. I hope we can break the logjam so that this important legislation will go forward to final passage.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will only speak for about 3 or 4 minutes, I tell the Senator from Massachusetts. I appreciate the recognition.

I want to speak on the AMBER alert portion of this legislation because we have been working on it for several months. We passed AMBER alert legislation last year. Senator FEINSTEIN and I cosponsored the legislation. Senator HATCH and Senator LEAHY were very supportive. We passed AMBER alert again this year and hoped very much that we could get a clean bill that would be signed quickly by the President.

However, I know provisions were added that are very good provisions. I am very pleased that we have finally gotten a bill that the House has passed and would be able hopefully to pass this legislation and send it to the President.

Because the AMBER alert is proven to save lives, Senator FEINSTEIN and I have been working very hard to get it passed through the Senate. Ed Smart, a constituent of the distinguished Senator from Utah, told us how important AMBER alerts were in helping to find his daughter Elizabeth. Even though she is one of the few abducted children who was found after a long period, it was the publicity that made the difference because a person who saw the picture of the suspect in the paper then saw the suspect on the street, and the police were able to walk up to the suspect and Elizabeth Smart was right there with him. So it does make a difference that we have this kind of publicity.

To date, sixty abducted children have been recovered with the assistance of AMBER alert. In fact, the statistics show that 75 percent of recovered children are recovered within the first 3 hours. You can only do this with the large electronic road signs and with media helping you to get the word out that this is a child in peril. That is why the AMBER alerts do work, and the quick recovery is the best chance we have for a recovery at all.

There are Federal grants authorized in this legislation that will help educate States about AMBER alerts and assist States so they won't be overused. The legislation will provide for a person who will be in the Justice Department—the AMBER coordinator—so that a law enforcement officer who believes a suspect may be going to another State can make one call to the Justice Department and not worry again about the recovery effort continuing. The Justice Department can put the word out to the other contiguous States and really make a difference.

The AMBER alert bill has had a lot of supporters: The National Center for Missing and Exploited Children, the National Association of Broadcasters, and the Fraternal Order of Police have all been instrumental in passing this legislation. I had hoped we could pass it earlier. I had hoped we would have passed it last year to get other States up to speed, so they would have good, solid AMBER alert systems that would coordinate with the Justice Department. But it is April of 2003 now and it is time to pass this legislation.

Senator FEINSTEIN and I have worked very hard to do this. We thank Senator HATCH and we thank those who helped us with the original legislation. I know there are differences in some of the add-ons. Believe me, we would have liked to have had a clean bill. But we don't get exactly what we want in the legislative process. There are a lot of other people with different views and they have to be accommodated.

So I am very pleased we have the bill before us. I intend to support it, and I hope we can pass it and send it to the President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I listened to the Senator from Texas in terms of her strong support. I know she has been involved in the AMBER legislation, as others have, such as my friend and colleague from Vermont. We all remember the work done by the committee itself last year when we initially sent this over to the House of Representatives. We waited a long time. It didn't come back. We sent it back over in January. It didn't come back. Now we have this part come back, of which we are all in support.

I must say there are procedures that probably would have to be streamlined, but the provisions that apply to those who are going to be involved in the abduction and kidnaping of children and the various sex crimes outlined and considered in the legislation, that is not any point of dispute. We are in strong support.

The fact is, there are other factors included in this legislation on which there haven't been hearings and which basically undermine the criminal justice system, as pointed out by the Chief Justice of the United States. It is not just the Senator from Massachusetts, it is the Chief Justice of the U.S. and he has not been known as a coddler of criminals or lenient on defendants. That is not the reputation of the Chief Justice of the United States, Mr. Rehnquist. Yet he has serious reservations about the provisions of this legislation which we have addressed earlier today and which were addressed in the conference.

So I want to make some additional remarks at this time to once again let my colleagues know what is really involved in the legislation.

As I mentioned earlier, when we came out of conference, it was said by the chairman of the committee that rather than have the Sentencing Commission do a review and report back in 180 days about the sentencing requirements under this legislation, then we could either enhance or adjust, or rather than even having hearings by the Criminal Justice Subcommittee of the Judiciary Committee, then we could move ahead and consider those on the floor of the Senate. We accepted, after the 6 or 7 minutes of debate and discussion on the floor of the House of Representatives, and without any hearings whatsoever in the Senate or in the Judiciary Committee, provisions that have broad application to all of the sentencing guidelines. We have heard explanations that they really don't, but they do.

I will review them very quickly here this afternoon once again. There are three major ways in which this conference report goes beyond the issues of crimes against children.

First, the bill changes the standard of appellate review in all cases, not just cases in which children are victims. This overturns a unanimous Supreme Court decision and radically changes the Federal sentencing system.

Do we understand that? This legislation overturns a unanimous Supreme Court decision, without a single day, hour, or minute of hearings. That is one reason the Chief Justice, the Judicial Conference of Judges, the American Bar Association, all have expressed their opposition to these provisions.

Second, the bill imposes new reporting requirements when judges depart in any case, not just children cases, and this is a blatant attempt to intimidate the judiciary. It says to judges you will be called on the carpet if you depart downward. Your name will be given to the Attorney General and he will report you to Congress. If that isn't a blacklisting for Federal judges, I don't know what is, Mr. President. If these judges are not competent to serve on the Federal judiciary, they should not have been recommended—in these cases, Republican Presidents—or approved by a Republican Senate. But these are the ones who are basically applying these guidelines at the present time.

Third, the bill directs the Sentencing Commission to limit downward departures in all cases, not just child cases. This proposal is based on the erroneous view that there is excessive leniency in the Federal sentencing system. The Federal prison population has quadrupled in the last 20 years. The length of sentences is up dramatically in 20 years.

Those are three major departures from the assurances that were given by the chairman of the Judiciary Committee in that conference. His amendment, which is included in the conference, would only apply to the issues that were before us dealing with children and children's crimes. These are three examples of where they will affect all of the sentencing, and that has not been refuted this afternoon.

I want to take a moment of time to consider a response to many of the claims that have been made here about the problems in the Federal criminal system—claims, quite frankly, that are not supported by any record in the Senate, I might add. This is the analysis of eight highly respected former U.S. attorneys, most of whom are Republicans. They wrote to the Judiciary Committee:

> We write, as former United States Attorneys in the Southern and Eastern Districts of New York, to express our concern about Section 109 of S. 151/H.R. 1104, the Child Abduction Prevention Act. This proposed legislation—which contains some of the most far-reaching revisions of the federal sentencing process in many years—was passed by the House of Representatives on March 27, 2003. Our concern regarding this legislation is based not only on the questionable justification for many of its provisions, but also on the fact that it has already been adopted by one house of Congress without any meaningful input from the judiciary, the Sentencing Commission, members of the bar or other interested experts and members of the criminal justice community.

It continues:

> . . . The proposed legislation not only disregards the Sentencing Commission's unique role in the federal sentencing process, but also ignores Congress' own admonition that the views of interested parties in the federal criminal justice system be carefully considered before changes to the Guidelines are enacted.
>
> The proposed legislation raises serious questions on its merits as well. To start, the justification for such sweeping changes is unclear. Although the number of downward departures not based on cooperation has increased in the last several years, 70 percent of that increase is attributable to departures in a small number of "border" districts that handle an extraordinary number of immigration cases which place unique demands on the criminal justice system. The localized nature of this increase does not justify a nationwide restriction on the availability of downward departures in all cases.
>
> The sparse legislative history of this proposal similarly reflects that it is an unnecessarily broad response to a particularized concern. The amendment's author has stated that the legislation is prompted by the fact that a "disturbing trend has occurred, especially in child pornography cases" and that departures have become a "common occurrence." If downward departures have become commonplace in one particular type of case, then careful scrutiny of the reasons for this

> phenomenon, and of the appropriateness of the Guideline level for that type of case, may well be warranted. It does not, however, justify a wholesale restriction of downward departures for all cases within the criminal justice system.
>
> The legislation also contemplates unwarranted limitations on the exercise of sentencing discretion by the federal judiciary. A United States District Judge has the unique and difficult responsibility of imposing criminal punishment on a defendant based on an individualized assessment of the facts and circumstances of a particular case. Indeed, Congress has explicitly recognized that the Sentencing Guidelines are intended not only to avoid unwarranted disparity in sentencing but also to maintain "sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices." 28 U.S.C. §991(b)(1)(B). . . .
>
> In fiscal year 2001, putting aside the "border" districts and departures based on cooperation (which require the government's consent), district judges departed downward only 10.2 percent of the time. Moreover, 85 percent of all defendants who received noncooperation downward departures that year nevertheless were sentenced to prison. What these statistics reveal is a relatively limited exercise of sentencing discretion of the sort contemplated by Congress when it authorized the promulgation of the Guidelines.
>
> The legislation also would overrule the Supreme Court's decision in Koon v. United States, 518 U.S. 81 (1996). This, too, is of serious concern. In Koon, all nine Justices of the Supreme Court recognized that an appellate court should review a decision to depart from the Guidelines with "due deference" to the district court's decision, and that such a decision should be overruled only if the district court abuses its discretion.

That is what the Supreme Court said, but that is not what is in the Hatch amendment.

Continuing to quote the letter:

> The decision correctly recognized that district judges are uniquely qualified to decide whether a departure from the Guidelines is justified by the particular circumstances of a given case or the background of a particular defendant. The legislation's substitution of a de novo standard of review would allow appellate courts to second-guess sentencing decisions without any meaningful guidance as to when those decisions should or should not be upheld. Moreover, given the fact that the government currently has the ability to appeal unauthorized or excessive downward departures and is successful in such appeals about 80 percent of the time—

Understand that, 80 percent of the time when the Government appeals these cases, they are successful.

> A change in the appellate standard of review appears unnecessary to enable the appellate courts to overturn unwarranted departures.
>
> These and other concerns have prompted objections to the proposed legislation from representatives of a wide variety of interested parties to this issue. This includes the Secretary of the Judicial Conference of the United States, all five current voting members of the United States Sentencing Commission, all three Chairpersons of the Commission since its creation, the President of the American Bar Association, and numerous other bar organizations. As former members of the Department of Justice, we respectfully urge you to allow careful consideration of their views, and those of other interested parties, in a public forum before deciding upon the wisdom of any of the sentencing reforms contained in this proposed legislation.

Imagine that, they are requesting us to give some consideration and have a hearing on it. According to the chairman of the Judiciary Committee, there is no chance for that. We are just going to be faced with this situation.

The entire premise of the Feeney amendment is that departure from the guidelines is a problem that needs to be stamped out. That reflects the fundamental misunderstanding of the guideline system. We never intended the Sentencing Reform Act of 1984 to eliminate judicial discretion. We struck a balance between sentencing uniformity and individualized sentencing. We recognized that guidelines cannot possibly describe every single case. We need uniform rules, but then we need flexibility in individual cases.

There is no epidemic of leniency in the Federal criminal justice system. The Federal prison population has quadrupled in the last 20 years. It is now larger than any State system.

The departure rate is not excessive. In the committee report accompanying the 1984 act, we anticipated a departure rate of around 20 percent. That is what the estimates were at the time we accepted the Federal guidelines. In fact, the rate at which judges today depart over the objection of the Government is slightly more than 10 percent. So we are well within the acceptable rates.

If there is any problem at all, it is with Government departures. The American Bar Association reports that 79 percent of the downward departures in the United States were requested by the Government. Unlike judicial departures, which are subject to appellate review, departures sought by prosecutors are essentially unreviewable. Maybe we need to look at the procedures adopted by the Department of Justice in this area.

Why do judges depart? According to the Sentencing Commission, the second most frequent reason for departure is "pursuant to a plea agreement." That accounts for 17.6 percent of downward departures other than substantial assistance. Only a small fraction of departures are based on the offender traits the Senator from Utah complains about—family ties, 3.8 percent; rehabilitation, 1.7 percent; mental conditions, 1.1 percent.

It is only a small number of defendants that benefit from judicial leniency. In all the talk about leniency, we forget who these judges are. Many were appointed by Republican Presidents. All were confirmed by the Senate. Many are former prosecutors or other government officials. These are not people predisposed to sympathy for criminals. They are toughminded, responsible pillars of their communities trying their best to impose just sentences within the constraints of the law. Almost 80 percent of the time, the prosecutor agrees that leniency is warranted. Sometimes the Government does not agree, and that is what an appellate review is for.

Moreover, the Government wins 78.1 percent of all sentencing appeals. So that mechanism is functioning very well to ensure tough sentences.

In this proposal, judges will now have less discretion, and so the prosecutor—listen to this, Mr. President—and so the prosecutor will dictate the sentence in more and more cases. This is a dangerous development. Judicial discretion in sentencing is an accountability measure. It is an important way to check the excesses of the prosecutor. Our system of government is founded on that type of checks and balances. But by weakening the judiciary and depriving judges of the tools they need to do justice in individual cases, the proposal undermines accountability and diminishes justice.

This is not the end of the fight. It took us 10 years, 75 hearings, and extensive consultation with top judges, prosecutors, defense attorneys, and other experts to achieve the right balance between ensuring fairness and consistency in the criminal justice system and preserving judges' judicial sentencing discretion.

It is not right for us to destroy that balance through an ill-considered measure that has not received any hearings or any debate in the Senate.

It is not right to transform the entire Federal guideline system into a system of mandatory minimum sentences. Just yesterday, Justice Kennedy vigorously criticized the existing mandatory minimums as unfair and inconsistent with fundamental principles of justice.

Of course, Chief Justice Rehnquist, as I mentioned, not known to be particularly sympathetic to criminal defendants, has described this provision as doing serious harm to the basic structure of the sentencing guidelines system and impairing the ability of courts to impose just and responsible sentences.

That is what the Chief Justice has stated about these provisions in this legislation that we are about to consider, as well as Justice Kennedy, also nominated by a Republican President and not known to be a coddler of criminals or lenient in terms of sentencing.

It is a slap in the face of Federal judges, who have to apply the guidelines system on a daily basis, to include these provisions in the conference report. It is wrong for my Republican colleagues to misrepresent the nature of this provision, to suggest that it is limited to serious crimes against children, when they know more serious provisions will apply to all of the offenses. It is wrong to hold protections for children hostage in order to ram through this sweeping, ill-advised provision without a single hour or day of hearings or debate.

I will continue to pursue this issue and do everything I can to protect the reforms we have achieved on a strong bipartisan basis in the Sentencing Reform Act of 1984.

I ask unanimous consent that the conference report be defeated, that the Senate concur in the House amendment with an amendment which is the text of the conference report with a new title IV.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object, if this change were allowed, as the Senator's unanimous consent request asks, it would effectively kill this bill, and he knows it. If Senators on the other side of the aisle want to vote against this conference report, they can do so.

The point is that we are prepared to vote on this bill today and to get this to the President for signature before the impending recess so that there will not be any more children subjected to what Elizabeth Smart was subjected to, or at least we can have a better set of tools to solve these problems. Therefore, we cannot agree to this request.

I ask unanimous consent that the consent be modified so that there now be 30 additional minutes of debate on the conference report, to be equally divided in the usual form, and that following that time, the Senate proceed to a vote on adoption of the conference report, with no further intervening action or debate.

Mrs. FEINSTEIN. Reserving the right to object, if I may.

The PRESIDING OFFICER. The unanimous consent request before the Senate is the request from the Senator from Massachusetts. The Senator from Utah has suggested a modification of that request.

Mr. KENNEDY. Under the rules, the Senator can either object or accede to that request. I retain my right to the floor, Mr. President.

The PRESIDING OFFICER. Is the Senator from Massachusetts calling for regular order?

Mr. KENNEDY. Regular order.

Mr. HATCH. Then I object.

The PRESIDING OFFICER. Does the Senator from Utah object?

Mr. HATCH. I object to the request of the Senator.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I have not lost the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Massachusetts retains the floor.

Mr. KENNEDY. Mr. President, I am going to send to the desk the underlying legislation which also strikes the provisions in title IV. It will limit them to the serious crimes against children. This is what was basically agreed to in the conference report, the AMBER legislation, and the provisions in that Feeney amendment that apply to children as was, I think, represented by the chairman of the Judiciary Committee.

I send the legislation of the committee to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. Without objection, it is so ordered. The measure will be received and appropriately referred.

The Senator from Utah.

Mr. HATCH. Mr. President, I now renew any unanimous consent request, without losing my right to the floor, that we have 30 additional minutes of debate on the conference report, to be equally divided in the usual form, and that following that time, the Senate proceed to a vote on adoption of the conference report, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I would like to speak for a few minutes on this bill, if I might.

Mr. HATCH. If the Senator will withhold, I will yield a few minutes to the Senator, but I first want to do this unanimous consent request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Would the Chair explain what the parliamentary order is.

The PRESIDING OFFICER. There will now be up to 30 minutes of debate, evenly divided, on the conference report. At the expiration of the time, a vote will occur on the report, without any intervening action or debate.

Mr. HATCH. With that understanding then, I yield to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I must say I really think this is unfortunate. When Senator HUTCHISON and I proposed the AMBER alert in the last session and when Senator LEAHY was good enough to see that it passed through the committee very rapidly, the Senate voted on it, the House did not. This year Senator HATCH was good enough, as chairman, to see that it passed through the Judiciary Committee very rapidly. The Senate passed the bill. It went to the House, and it became confused in what is a rather monumental discussion.

I want to make a couple of comments on the AMBER alert bill, and then I want to make a few comments on the remainder of the bill.

More than any other single law enforcement tool, I deeply believe, as does Senator HUTCHISON, that the AMBER alert can result in an abducted child being brought home safely. We know it works, and we know it is a program that should be nationwide.

To date, in 39 States and 49 local and regional jurisdictions, there is an AMBER alert. This is up from 16 States and 32 local and regional jurisdictions just last August. These alerts have been extremely successful. They have resulted in the return of 53 abducted children across the country. Hallelujah. That is 53 families who did not have to suffer the pain of losing a loved one, 53 families who did not have to live through the trauma of losing a child, and that is why this legislation is so important. That is why I am going to vote for this bill.

The first hours after a child is taken are critical. If the child is not found in those first few hours, chances increase dramatically that he or she will disappear forever, and this is the power of the AMBER alert. An alert can be issued within minutes of an abduction and disseminate key information.

Since the State of California first adopted the AMBER alert just 9 months ago, 25 AMBER alerts have been issued involving 31 victims. Each of these alerts ended with the child being united with their family. One cannot argue with results like that.

The provision included in the conference report has a number of key components. It would authorize $20 million for the Department of Transportation and $5 million to the Department of Justice for the development of AMBER alert systems in States where they do not exist; it would build upon the President's Executive order by authorizing a national coordinator; and it would reduce the number of false alerts.

The bill would provide a framework for the Justice Department to establish minimum standards for the regional coordination of AMBER alerts. It is a good bill. We need it.

The report also includes several provisions similar to legislation that I sponsored, with Senator HATCH, which would enhance national efforts to investigate, prosecute, and prevent crimes against children. I really regret that these provisions have become enmeshed with other concerns over the conference report.

I heard Senator KENNEDY speak in the Judiciary Committee this morning. I have heard him speak on the floor this afternoon. I understand his concerns. I do not believe judges should have to report their sentences on child crime to the Congress of the United States. I think that is a mistake. It should not happen.

With respect to Koon v. the United States, I think it is a mistake to let appellate courts change the standard of review. I hope the Judiciary Committee will consider these things in the future.

Let me state what is in the report that I agree with. It mandates that sex offenders be supervised for a minimum of 5 years after they are released from prison. I agree.

It ensures that the murder of a child committed as part of a pattern of assaulting or torturing a child is considered first-degree murder. I agree.

It increases the maximum and minimum penalties for anyone who sexually exploits a child. For first conviction, a maximum penalty is 30 years, increased from 20 years. And the minimum sentence is 15 years, increased from 10 years. I happen to agree.

It creates a mandatory minimum penalty for kidnapping of not less than 20 years. Some do not agree with mandatories. I understand that. I respect that. But in the instance of a child, I agree with mandatories.

It creates a crime with a maximum penalty of 30 years for a U.S. citizen traveling within or outside the United States to engage in illegal sexual conduct with children. I agree.

It requires a person convicted a second time of a Federal sex offense involving children to receive a penalty of life imprisonment unless a death sentence is imposed.

Now, if a person is going to be convicted of sexually abusing children twice, the question comes, should there be a third time? I have to say there shouldn't be a third time. I support this provision.

It makes it a crime to attempt international parental kidnapping. Currently, only actual parental kidnapping is illegal. The attempt should be illegal, as well. I support that.

It removes the statute of limitations for child abduction and sex crimes. I agree with that.

It creates a Federal crime with a 2-year maximum penalty for creating a domain name with the intent to deceive a person into viewing obscene material on the Internet. The maximum penalty is 4 years if the intent is to deceive a minor. I agree.

It creates a rebuttal presumption against bail for a person accused of raping or kidnapping a victim who was under 18.

It expands reporting requirements for missing children from 18 to 21 years. Current law requires a host of Federal agencies to report a case of a child under 18 who is missing to the National Crime Information Center. In this case, the age of a missing child for reporting purposes is increased to 21.

It provides more funding for the National Center for Missing and Exploited Children, increasing funding by $10 million in both fiscal years 2004 and 2005.

I wish it did not have to happen this way. I would have felt much better if we had a chance in the Judiciary Committee to hold the requisite decisions and debate this more fully. I am very hopeful those things which are very controversial—and there are a few in this bill—we will have an opportunity to hear further and amend, if necessary.

What is important is to get the AMBER alert established nationally. If we had been at this for a month or two, I would not feel the way I do today. But we passed this bill in this body in the last Congress. Yet here we are today. I wish it could be a clean bill. I wish it could be just AMBER alert, but I am very pleased and will support the passage of this legislation.

I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that today we will finally pass into law a very important bill designed to protect children.

As an original cosponsor of the National AMBER Alert Network Act, S. 121, I have worked with my Senate colleagues to do all that we possibly can to speedily pass it into law. Twice now we rapidly passed our bill through the Senate on unanimous, bipartisan votes—last fall and again in January. Both times House leaders chose not to pass it, instead delaying its assured passage into law by using the bill as a "sweetener" for a package of other controversial provisions that the Senate has not previously considered. The Smart family—who credit the AMBER Alert for the safe return of Elizabeth—has repeatedly joined us to urge House leaders to promptly take up and pass our Senate bill.

Had House leaders opted to stand up and do what is right from the beginning, we would already have a nationwide AMBER Alert system in place to save our children's lives when they are abducted. We will never know how many children could have been saved by a nationwide AMBER Plan—if the House had simply passed our bill when the Senate did, I daresay the number of children rescued from their abductors and death would be much higher. Efforts to protect our children do not deserve to be used as pawns by groups who play politics by attaching it to more controversial measures.

That being said, I am pleased that AMBER Alert legislation is included in the conference report, as it will aid states in their fight against the disturbingly increasing trend of child abductions and their often tragic ends. Our plan will enhance the AMBER Alert system created after the 1996 kidnapping and murder of 9-year-old Amber Hagerman of Arlington, TX. Since 1996, AMBER Alerts have helped rescue 53 children from their abductors nationwide by using broadcasters, law enforcement officials, road signs and a variety of other tools to instantly disseminate information about child abductions.

Today 39 States have statewide AMBER Alert plans. Our AMBER Alert legislation included in the conference report will create voluntary standards that would help States determine the criteria for AMBER Alerts and for quickly disseminating official information during AMBER Alerts. A newly appointed coordinator within the Justice Department will oversee the communication network for abducted children, working with states, broadcasters, and law enforcement agencies to set up and supplement AMBER plans and responses.

Our plan will give law enforcement agencies a powerful tool, while providing flexibility for states to implement the alert system. States also need financial help to create effective Amber Alert systems, and this conference report creates two Federal grant programs to help States establish AMBER plans. One, administered by the Department of Transportation, will give States assistance creating Statewide notification and communications systems, including message boards and road signs to help in the recovery of abducted children. The other, administered by the Justice Department, will help States create communications plans with law enforcement agencies and the communities they serve. My State of Vermont does not yet have an AMBER Alert system, and law enforcement officials in Vermont have begun laying the groundwork for a system there. They welcome the Federal help our bill will offer to get a system up and running.

As a father and grandfather I know that an abducted child is a family's worst nightmare, and one that happens far too often. The families of children taken by strangers need our help, and they will get it with the passage of the AMBER Alert legislation.

The conference report we consider today includes another very important piece of legislation this one designed to protect children from being exploited by child pornographers. I should know because I helped to write this bill in the Senate. Indeed, I am the lead cosponsor of the Senate bill, S.151, which we sent over to the House with a vote of 84-0.

Ironically, the House and the conference committee have added so many extra controversial provisions to the conference report bill that one of its core elements, and the element that gives the conference report its title—the PROTECT Act—is buried near the end in Title V. Title V is largely the bill that Senator HATCH and I jointly crafted, held hearings on, and moved through the Senate as the PROTECT Act. I would like to discuss both the content and history of the provisions in this title of the conference reported bill.

When Senator HATCH and I introduced S. 151 in January, I supported passing a bill that was identical to the measure that we worked so hard to craft in the last Congress. That bill had passed the Judiciary Committee and the Senate unanimously in the 107th Congress. It did not become law last year because, even though the Senate was still meeting, considering and passing legislation, the House of Representatives had adjourned and would not return to take action on this measure, which had passed the Senate unanimously, or to work out our differences.

As I said when we introduced the Hatch-Leahy PROTECT Act and again as the Judiciary Committee considered this measure, although this bill is not perfect, it is a good faith effort to provide powerful tools for prosecutors to deal with the problem of child pornography within constitutional limits. We failed to do that in the 1996 Child Pornography Protection Act ("CPPA"), a significant portion of which the Supreme Court struck down last year. We must not make the same mistake again. The last thing we want to do is to create years of legal limbo for our nation's children, after which the courts strike down yet another law as unconstitutional.

I also said at our Judiciary Committee markup and again when the Senate passed this bill unanimously that I hoped we could pass the bill in the same form as it unanimously passed in the last Congress. Unfortunately, my colleagues on the other side of the aisle and in the House have jointly decided not to follow this route. Despite this fact, I have continued to work with Senator HATCH to craft the strongest bill possible that will produce convictions that will stick under the Constitution.

I was also glad to learn that, after we passed the bill unanimously, the administration "strongly supported" the Senate version of the bill. However, the House still chose not to enact the Senate bill, instead adding numerous controversial provisions to it. That is a shame, because it was no easy feat to move a bill fraught with such constitutional difficulties as the PROTECT Act to the point where not a single Senator voted against it.

I want to take a moment to speak again about the history of this important bill and the joint effort that it took to get to this point. In May of 2002, I came to the Senate floor and joined Senator HATCH in introducing the PROTECT Act, after the Supreme Court's decision in Ashcroft v. Free Speech Coalition ("Free Speech"). Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed that unlike legislative language proposed by the administration in the last Congress, it was a good faith effort to work within the first amendment.

Everyone in the Senate agrees that we should do all we can to protect our children from being victimized by child pornography. That would be an easy debate and vote. The more difficult thing is to write a law that will both do that and will produce convictions that stick. In 1996, when we passed the CPPA many warned us that certain provisions of that Act violated the first amendment. The Supreme Court's decision last year in Free Speech has proven them correct.

I believed and continue to believe that we should not sit by and do nothing. It is important that we respond to the Supreme Court's decision. It is just as important, however, that we avoid repeating our past mistakes. Unlike the CPPA, this time we must respond with a law that passes constitutional muster. Our children deserve more than a press conference on this issue. They deserve a law that will last, rather than one that will be stricken from the law books.

It is important that we do all we can to end the victimization of real children by child pornographers, but it is also important that we pass a law that will withstand first amendment scrutiny. We need a law with real bite, not one with false teeth.

After joining Senator HATCH in introducing the PROTECT Act in the 107th Congress, as Chairman of the Judiciary Committee in the last Congress, I convened a hearing on October 2, 2002 on the legislation. We heard from the Administration, from the National Center for Missing and Exploited Children, NCMEC, and from experts who came and told us that our bill, as introduced, would pass constitutional muster, but the House-passed bill supported by the administration would not.

I then placed the Hatch-Leahy PROTECT Act on the Judiciary Committee's calendar for the October 8, 2002, business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Unfortunately the Judiciary Committee was unable to consider it because of procedural maneuvering by my colleagues that had nothing to do with this important legislation.

I still wanted to get this bill done. That is why, for a full week last October, I worked to clear and have the full Senate pass a substitute to the bill that tracked the Hatch-Leahy proposed committee substitute in nearly every area.

Indeed, the substitute I offered even adopted parts of the House bill which would help NCMEC work with local and State law enforcement on these cases. Twice, I spoke on the Senate floor imploring that we approve such legislation. As I stated then, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure which was substantially similar to the joint Hatch-Leahy substitute so that we could swiftly enact a law that would pass constitutional muster. Unfortunately, they did not. Facing the recess before the mid-term elections, we were stymied again.

Even after the last election, during our lameduck session, I continued to work with Senator HATCH to pass this legislation in the Senate. As I had stated I would do prior to the election, I called a meeting of the Judiciary Committee on November 14, 2002. In the last meeting of the Judiciary Committee under my Chairmanship in the 107th Congress, I placed S. 2520, the Hatch-Leahy PROTECT Act, on the agenda yet again. At that meeting the Judiciary Committee amended and approved this legislation. We agreed on a substitute and to improvements in the victim shield provision that I authored.

I did not agree with certain of Senator HATCH's committee amendments because I thought that they risked having the bill declared unconstitutional. I nevertheless both called for the committee to approve the bill and voted for the bill in its amended form. That is the legislative process and it was followed for this portion of the bill. We studied and argued the issues. I compromised on some issues, and Senator HATCH compromised on others. Even though the bill was not exactly as either of us would have wished, we both worked fervently to seek its passage.

The same day as the bill unanimously passed the Judiciary Committee, I sought to gain the unanimous consent of the full Senate to pass the Hatch-Leahy PROTECT Act as reported, and I worked with Senator HATCH to clear the bill on both sides of the aisle. I am pleased that the Senate did pass the bill by unanimous consent. I want to thank Senator HATCH for all he did to help clear the bill for passage in the 107th Congress. Unfortunately, the House failed to act on this measure last year and the administration decided not to push for passage. If they had, we could have passed a bill, sent it to the President, and had a new law to protect children on the books months ago.

Instead, we were forced to repeat the entire process again, and we did it. I am glad to have been able to work hand-in-hand with Senator HATCH on the real "PROTECT Act"—now Title V of the massive bill we are considering—because, it is a bill that gives prosecutors and investigators the tools they need to combat child pornography. The Hatch-Leahy PROTECT Act strives to be a serious response to a serious problem. Let me outline some of the important provisions in Title 5 that I helped to write and move through the Senate.

I was glad that the House retained the Senate version of Section 503 of the bill, which created two new crimes aimed at people who distribute child pornography and those who use such material to entice children to do illegal acts. Each of these new crimes carries a 15-year maximum prison sentence for a first offense and double that term for repeat offenders. First, the bill criminalizes the pandering of child pornography, creating a new crime to respond to the Supreme Court's recent ruling striking down the CPPA's definition of pandering. This provision is narrower than the old pandering definition in at least one way that responds to a specific Court criticism. The new crime only applies to the people who actually pander the child pornography or solicit it, not to all those who possess the material "downstream," and it requires the government to demonstrate that the defendant acted with the specific intent that the material is believed to be child pornography.

The bill also contains a directive to the Sentencing Commission which asks it to distinguish between those who pander or distribute such material and those who only "solicit" the material. As with narcotics cases, distributors and producers are more culpable than users and should be more harshly punished for maximum deterrent effect. With the many problematic sentencing provisions that were included in the conference report, this provision that I crafted does it the correct way. It points out an important distinction between possessors and distributors but ultimately leaves it to the bipartisan commission to set the guidelines.

I would have liked for the pandering provision to be crafted more narrowly so that "purported" material was not included and so that all pandering prosecutions would be linked to "obscenity" doctrine. That is the way that Senator HATCH and I originally wrote and introduced this provision in the last Congress. Unfortunately, the Senate amendment process has resulted in some expansions to this once non-controversial provision that may subject it to a constitutional challenge. Thus, while it responds to some specific concerns raised by the Supreme Court, there are constitutional issues that the courts will have to seriously consider with respect to this provision. I will discuss these issues later.

Second, section 503 creates a new crime that I proposed to take direct aim at one of the chief evils of child pornography: namely, its use by sexual predators to entice minors either to engage in sexual activity or the production of more child pornography. This was one of the compelling arguments made by the government before the Supreme Court in support of the CPPA, but the Court rejected that argument as an insufficient basis to ban the production, distribution or possession of "virtual" child pornography. This bill addresses that same harm in a more targeted and narrowly tailored manner. It creates a new felony, which applies to both actual and virtual child pornography, for people who use such material to entice minors to participate in illegal activity. This will provide prosecutors a potent new tool to put away those who prey upon children using such pornography—whether the child pornography is virtual or not.

Next, this bill attempts to revamp the existing affirmative defense in child pornography cases both in response to criticisms of the Supreme Court and so that the defense does not erect unfair hurdles to the prosecution of cases involving real children. Responding directly to criticisms of the Court, the new affirmative defense applies equally to those who are charged with possessing child pornography and to those who actually produce it, a change from current law. It also allows, again responding to specific Supreme Court criticisms, for a defense that no actual children were used in the production of the child pornography—i.e. that it was made using computers.

The final bill includes the House provision on banning virtual and non-obscene child pornography, a provision that I have counseled against in both bills because it renders the bill weaker against constitutional attack. One addition to the bill that I helped to include is the inclusion of a definition of material as "graphic" in nature. Had that definition, which narrowed the field to hard core child pornography, been applied to the entire definition, the measure would have been much stronger against constitutional attack. By also including "lascivious simulated" material in the virtual porn definition, however, the conference report risks having the entire provision stricken.

At the same time, I was pleased the House agreed to accept the provision I authored that protects prosecutors from unfair surprise in the use of this affirmative defense by requiring that a defendant give advance notice of his intent to assert it, just as defendants are currently required to give if they plan to assert an alibi or insanity defense. As a former prosecutor I suggested this provision because it affects the real way that these important trials are conducted. With the provision, the government will have sufficient notice to marshal the expert testimony that may be needed to rebut this "virtual porn" defense in cases where real children were victimized.

This improved affirmative defense measure also provides important support for the constitutionality of much of this bill after the Free Speech decision. Even Justice Thomas specifically wrote that it would be a key factor for him. This is one reason for making the defense applicable to all non-obscene, child pornography, as defined in 18 U.S.C. 2256. In the bill's current form, however, the affirmative defense is not available in one of the new proposed classes of virtual child pornography, which would be found at 18 U.S.C. 2256(8)(C). This omission also may render that provision unconstitutional under the first amendment.

The bill also provides much needed assistance to prosecutors in rebutting a false "virtual porn" defense by removing a restriction on the use of records of performers portrayed in certain sexually explicit conduct that are required to be maintained under 18 U.S.C. 2257, and expanding such records to cover computer images. These records, which will be helpful in proving that the material in question is not "virtual" child pornography, may be used in federal child pornography and obscenity prosecutions under this act. The purpose of this provision is to protect real children from exploitation. It is important that prosecutors have access to this information in both child pornography and obscenity prosecutions, since the Supreme Court's recent decision has had the effect of narrowing the child pornography laws, making it more likely that the general obscenity statutes will be important tools in protecting children from exploitation. In addition, the Act raises the penalties for not keeping accurate records, further deterring the exploitation of minors and enhancing the reliability of the records.

Next, the Hatch-Leahy bill contains several provisions altering the definition of "child pornography" in response to the Free Speech case. One approach would have been simply to add an "obscenity" requirement to the child pornography definitions. Outlawing all obscene child pornography—real and virtual; minor and youthful-adult; simulated and real—would clearly pass a constitutional challenge because obscene speech enjoys no protection at all. Under the Miller obscenity test, such material—one, "appeals to the prurient interest," two, is utterly "offensive" in any "community," and three, has absolutely no serious "literary, artistic or scientific value."

Some new provisions of this bill do take this "obscenity" approach, like the new section 1466A, which I crafted with Senator HATCH. Other provisions, however, take a different approach. Specifically, the House virtual porn provision 2256(8) include persons who are "indistinguishable" from an actual minor. This adopts language from Justice O'Connor's concurrence in the Free Speech case. The problem with that is that Justice O'Connor was not the deciding vote in the Free Speech case, she was the seventh vote to strike down the law. Thus, while this language is defensible, I predict that this provision will be the center of much constitutional debate. Although I will explain in more detail later, these new definitional provisions risk crossing the constitutional line.

Title V, which was already in the unanimously passed Senate bill before the House saw fit to make the bill more controversial, itself contains a variety of other measures designed to increase jail sentences in cases where children are victimized by sexual predators. First, it enhances penalties for repeat offenders of child sex offenses by expanding the predicate crimes which trigger tough, mandatory minimum sentences. Second, the bill requires the U.S. Sentencing Commission to address a disturbing disparity in the current Sentencing Guidelines. The current sentences for a person who actually travels across State lines to have sex with a child are not as high as for child pornography. The commission needs to correct this oversight immediately, so that prosecutors can take these dangerous sexual predators off the street. These are all strong measures designed to protect children and increase prison sentences for child molesters and those who otherwise exploit children but—unlike the ill-considered Feeney and Hatch-Sensenbrenner amendments—they are done the right way within the structure that Congress established under the Sentencing Reform Act of 1984.

Also retained from the original Hatch-Leahy PROTECT Act are several provisions designed to protect the children who are victims in these horrible cases. Privacy of the children must be paramount. It is important that they not be victimized yet again in the criminal process. This bill provides for the first time ever a provision that I suggested. It is an explicit shield law that prohibits the name or other nonphysical identifying information of the child victim, other than the age or approximate age, from being admitted at any child pornography trial. It is also intended that judges can and will take appropriate steps to ensure that such information as the child's name, address or other identifying information not be publicly disclosed during the pretrial phase of the case or at sentencing. The conference report also retained a Senate provision requiring the judge to instruct the jury, upon request of the government, that no inference should be drawn against the United States because of information inadmissible under the new shield law.

The conferees also voted to adopt a provision from the original Hatch-Leahy PROTECT Act that amended certain reporting provisions governing child pornography. Specifically, it allows Federal authorities to report information they receive from NCMEC to State and local police without a court order. In addition, the bill removes the restrictions under the Electronic Communications Privacy Act (ECPA) for reporting the contents of, and information pertaining to, a subscriber of stored electronic communications to NCMEC when a mandatory child porn report is filed with NCMEC pursuant to 42 U.S.C. 13032.

While this change may invite rogue Federal, State or local agents to try to circumvent all subpoena and court order requirements under ECPA and allow them to obtain subscriber emails and information by triggering the initial report to NCMEC themselves, it should be well understood that this is not the intention behind this provision. These important safeguards are not being altered in any way, and a deliberate use of the tip line by a government agent to circumvent the well established statutory requirements of these provisions would be a serious violation of the law. Nevertheless, we should still consider further clarification in the future to guard against subverting the safeguards in ECPA from government officials going on "fishing expeditions" for stored electronic communications under the rubric of child porn investigations.

As I made clear when the Senate bill was introduced and again when it passed the Senate, I continue to express my disappointment in the Department of Justice information sharing regulations related to NCMEC tip line. According to a recent Government Accounting Office (GAO) report, due to outdated turf mentalities, the Attorney General's regulations exclude both the United States Secret Service and the U.S. Postal Inspection Service from direct access to important tip line information. That is totally unacceptable, especially in the post 9–11 world, where the importance of information sharing is greater than ever. How can the Administration justify support of this provision, which allows state and local law enforcement officers such access, when they are simultaneously refusing to allow other federal law enforcement agencies access to the same information? I once more urge the Attorney General to end this unseemly turf battle and to issue regulations allowing both the Secret Service (now in the Department of Homeland Defense) and the Postal Inspection Service, both of whom perform valuable work in investigating these cases, to have access to this important information so that they can better protect our nation's children.

Section 506 of the conference report also adopted the Senate provision providing for extraterritorial jurisdiction where a defendant induces a child to engage in sexually explicit conduct outside the United States for the purposes of producing child pornography which they intend to transport to the United States. The provision is crafted to require the defendant to have the intent of actual transport of the material into the United States, unlike the House bill, which criminalized even an intent to make such material "accessible." Under that overly broad wording, any material posted on a foreign web site could be covered, whether or not it was ever intended that the material be downloaded in the United States. Under the bill we consider today, however, proof of a specific intent to send such material to the United States is required.

Finally, Section 510 of the bill provides a new private right of action for the victims of child pornography that was part of the Senate bill. This provision has teeth, including injunctive relief and punitive damages that will help to put those who produce child pornography out of business for good. I commend Senator HATCH for his leadership on this provision and his recognition that such punitive damages provisions are important means of deterring misconduct. These provisions are important, practical tools to put child pornographers out of business for good and in jail where they belong. These are provisions that were in the Senate Hatch-Leahy bill and could have already been law had the House not chosen to hold them hostage to try to gain passage of the more controversial elements of the House package.

The committee process is there for a reason. It is there because it causes us to work together and improve bills as they go along. The Senate version of the PROTECT Act, much of which is included in the conference reported bill, is a prime example of the merits of that process. I only wish that other portions of this bill had been so considered. Let me explain.

As I mentioned previously, the Senate Hatch-Leahy PROTECT Act—most of which is now stuck in at the end of the bill—is a good faith effort to tackle the child pornography problem, and I have supported its passage from the outset. Until our conference, Senator HATCH and I worked closely together to make this bill as strong as possible. In fact, Senator HATCH and I were able to offer a joint amendment in the Judiciary Committee that strengthened the bill further against constitutional attack. Here are some of the improvements that we jointly made to the bill as introduced and which are in the final bill.

The Hatch-Leahy committee amendment created a new specific intent requirement in the pandering crime. The provision is now better focused on the true wrongdoers and requires that the government prove beyond a reasonable doubt that the defendant actually intended others to believe that the material in question is obscene child pornography. This is a positive step.

The Hatch-Leahy committee amendment narrowed the definition of "sexually explicit conduct" for prosecutions of computer created child pornography. Although I continue to have serious reservations about the constitutionality of prosecuting cases involving such "virtual child pornography" after the Supreme Court's decision in Free Speech Coalition v. Ashcroft, narrowing the definition of the conduct covered provides another argument that the provision is not as overbroad as the one in the CPPA. I had also proposed a change that contained an even better definition, in order to focus the provision to true "hard core" child pornography, and I was glad that this provision—relating to "graphic" pornography, was included in the final conference report.

The Hatch-Leahy committee amendment refined the definition of virtual child pornography in the provision that Senator HATCH and I worked together to craft last year, which will be a new 18 U.S.C. 1466A. These provisions rely to a large extent on obscenity doctrine, and thus are more rooted in the Constitution than other parts of the bill. I was pleased that the Hatch-Leahy amendments included a definition that the image be "graphic"—that is, one where the genitalia are actually shown during the sex act—and that the House agreed to adopt this definition for the virtual porn provision as a whole for two reasons.

First, because the old law would have required proof of "actual" minors in cases with "virtual" pictures, I believe that this clarification will remove a potential contradiction from the new law which pornographers could have used to mount a defense.

Second, it will provide another argument supporting the law's constitutionality because the new provision is narrowly tailored to cover only the most "hard core" child pornography. If only we would have gone the extra step of requiring this level of obscenity for all virtual child pornography, I think the bill would be safe from constitutional challenge, instead of skating along the constitutional edge.

The Hatch-Leahy committee amendment also clarified that digital pictures are covered by the PROTECT Act, an important addition in today's world of digital cameras and camcorders. I am glad that the final bill adopted that change.

These were important changes, and I was glad to work with Senator HATCH to craft them. It is unfortunate that this bipartisan cooperation did not extend to the controversial provisions that were added to the bill in the House and in the conference.

Even Title V of this law—the real PROTECT Act—is not perfect, however, and I would have liked to see some additional improvements to the bill. Let me outline some of them.

First, with regard to the tip line, I would have liked to further clarify that law enforcement agents may not and should not "tickle the tip line" to avoid the key protections of the Electronic Communications Privacy Act (ECPA). This might have included modifying 42 U.S.C. 13032 to clarify that the initial tip triggering the report may not be generated by the government's investigative agents themselves. A tip line to NCMEC is just that—a way for outsiders to report wrongdoing to NCMEC and the government, not for the government to generate a report to itself without following otherwise required lawful process. It was not the intent of any part of this bill to alter that purpose.

Second, regarding the affirmative defense, I would have liked to ensure that there is an affirmative defense for each new category of child pornography, and for all cases where a defendant can prove in court that a specific, non-obscene image was made not using any child but only actual, identifiable adults. That will no doubt be a basis for attacking the constitutionality of this law. I specifically made this suggestion in conference negotiations but my Republican colleagues from both the House and the Senate refused to adopt a "complete" affirmative defense, instead leaving holes that will surely be raised in constitutional attacks on the bill.

As a general matter, it is worth repeating that we could have avoided all these problems were we to take the simple approach of outlawing "obscene" child pornography of all types, which we do in one new provision that I suggested and which is the new Section 1466A established in the conference report. That approach would produce a law beyond any possible challenge. This approach is also supported by NCMEC, which we all respect as the true expert in this field.

Following is an excerpt from NCMEC's answer to written questions submitted after our hearing, which I will place in the RECORD in its entirety:

> Our view is that the vast majority (99-100%) of all child pornography would be found to be obscene by most judges and juries, even under a standard of beyond a reasonable doubt in criminal cases. Even within the reasonable person under community standards model, it is highly unlikely that any community would not find child pornography obscene. . . .
>
> In the post Free Speech decision legal climate, the prosecution of child pornography under an obscenity approach is a reasonable strategy and sound policy.

Thus, according to NCMEC, the approach that is least likely to raise constitutional questions—using established obscenity law—is also an effective one. In short, the obscenity approach is the most narrowly tailored to prevent child pornography. New section 1466A adopts this obscenity approach, but because that is not the approach that other parts of the PROTECT Act uses, I recognize that it contains provisions about which some may have legitimate constitutional questions.

Specifically, in addition to the provisions that I have already discussed, there were two amendments adopted in the Judiciary Committee in the last Congress and one in this Congress to which I objected that are included in the bill as we consider it today. I felt and still feel that these alterations from the original language that Senator HATCH and I introduced needlessly risk a serious constitutional challenge to a bill that provided prosecutors the tools they needed to do their jobs. The bill would be even stronger than it is now were they changed. Let me discuss my opposition to these changes adopted by the Judiciary Committee in this Congress and the last.

Although I worked with Senator HATCH to write the new pandering provision in the PROTECT Act, I did not support two of Senator HATCH's amendments extending the provision to cover (1) "purported" material, and (2) material not linked to obscenity. Although our bill, unlike the House bill which had a pandering provision with no link to obscenity at all, had at least one provision which covered predominantly unprotected speech, it was needlessly altered in the legislative process and made vulnerable to attack.

First, during our markup in the last Congress I objected to an amendment from Senator HATCH to include "purported" material in the pandering provision. "Purported" material criminalizes speech even when there is no underlying material at all—whether obscene or non-obscene, virtual or real, child or adult. The pandering provision is an important tool for prosecutors to punish true child pornographers who for some technical reason are beyond the reach of the normal child porn distribution or production statutes. It is not meant to federally criminalize talking dirty over the internet or the telephone when the person never possesses any material at all. That is speech, and criminalizing it goes too far.

The original pandering provision in S. 2520 as introduced last Congress was quite broad, and some argued that it presented constitutional problems as written, but I thought that prosecutors needed a strong tool, so I supported Senator HATCH on that provision.

I was heartened that Professor Schauer of Harvard, a noted first amendment expert, testified at our hearing last year that he thought that the original provision was constitutional, barely. Unfortunately, Professor Schauer has since written to me stating that this new amendment to include "purported" material "would push well over the constitutional edge a provision that is now up against the edge, but probably barely on the constitutional side of it." I placed his letter in the RECORD upon introduction of the bill in this Congress on January 13, 2003.

The second amendment to the pandering provision to which I objected expanded it to cover cases not linked in any way to obscenity. It would allow prosecution of anyone who "presented" a movie that was intended to cause another person to believe that it included a minor engaging in sexually explicit conduct, whether or not it was obscene and whether or not any real child was involved. Any person or movie theater that presented films like Traffic, Romeo and Juliet, and American Beauty would be guilty of a felony. The very point of these dramatic works is to cause a person to believe that something is true when in fact it is not. These were precisely the overbreadth concerns that led 7 justices of the Supreme Court to strike down parts of the 1996 Act. We do not want to put child porn convictions on hold while we wait another 6 years to see if the law will survive constitutional scrutiny.

Because these two changes endanger the entire pandering provision, because they are unwise, and because that section is already strong enough to prosecute those who peddle child pornography, I opposed those expansions of the provision which are in the bill we consider today. At least with those provisions, however, we debated and carefully considered alternatives. As I have said, with respect to other provisions in the bill the process has been fundamentally flawed.

Although I joined Senator HATCH in introducing this bill, even when it was introduced last year I expressed concern over certain provisions. One such provision was a new definition of "identifiable minor." When the bill was introduced, I noted that this provision might both confuse the statute unnecessarily and endanger the already upheld "morphing" section of the CPPA. I said I was concerned that it could present both overbreadth and vagueness problems in a later constitutional challenge. Unfortunately, this provision remains problematic and susceptible to constitutional challenge. I was even more concerned with the House bill, which included 100 percent virtual child pornography from the start.

Unfortunately, as we consider the bill today, we have the House provision designed to cover "virtual" child pornography—that is, 100 percent computer generated pictures not involving any real children.

The "identifiable minor" provision in the current law may be used without any link to obscenity doctrine. Therefore, what potentially saved the original version we introduced in the 107th Congress was that it applied to child porn made with real persons. The provision was designed to cover all sorts of images of real kids that are morphed or altered, but not something entirely made by computer, with no child involved.

The provision we now consider, however, dislodges, in my view, that sole constitutional anchor. The new provision could be read to include images that never involved real children at all but were 100 percent computer generated. That was not the original goal of the Senate provision.

There are other provisions in this bill that deal with obscene virtual child pornography that I support, such as those in new section 1466A, which are linked to obscenity doctrine. This provision, however, was intended to ease the prosecutor's burden in cases where images of real children were cleverly altered to avoid prosecution. By changing the Senate's identifiable minor provision into the House's virtual porn provision, the conference needlessly endangered its constitutionality.

For these reasons, I was glad to work in a bipartisan manner to shore up this provision in conference. Unfortunately, despite our best efforts, I fear we did not do everything possible to strengthen it against constitutional attack. Let me explain.

The new "virtual" porn provision in section 502 lumps together such truly "hard core" sexual activities such as intercourse, bestiality, and S&M with simple lascivious exhibition of the genitals and simulated intercourse where any part of a breast is shown. Equating such disparate types of conduct, however, does not mesh with community standards and is precisely the type of "one size fits all" approach that the Supreme Court rejected in the area of virtual pornography in the Free Speech case. The contrast between this broad definition and the tighter definition in new Section 1466A, crafted by Senator HATCH and myself, is striking. Although I was glad that we included the same definition of "graphic" conduct found in new section 502 as in Section 1466A, we have also left intact the less focused language that imperils the bill. The provision may be open to overbreadth attacks.

I am pleased that the conference addressed the vagueness concern in the new statute 2256(2) as it applies in virtual cases. By removing the requirement of "actual" conduct, we corrected the vagueness issue and have prevented clever defendants from seeking to argue that this new provision still requires proof of "actual" sexual acts involving real children.

The Supreme Court made it clear that we can only outlaw child pornography in two situations: No. 1, where it is obscene, or No. 2, where it involves real kids. That is the law as stated by the Supreme Court, whether or not we agree with it.

Senator HATCH and I agree that legislation in this area is important. But regardless of our personal views, any law must be within constitutional limits or it does no good at all. Section 502, which would include most "virtual" child pornography in the definition of child pornography, in my view, crosses the constitutional line and needlessly risks protracted litigation that could assist child pornographers in escaping punishment.

I supported passage of the original PROTECT Act as Senator HATCH and I introduced it and as it passed the Senate unanimously in the last Congress. Even so, I was willing to work with him to further amend the bill in the Judiciary Committee. Some amendments that we considered in committee I supported because they improved the bill. Others went too far. I had hoped the House would simply adopt the unanimously passed Senate bill and we would have already had a law on the books. Unfortunately, the House chose to proceed otherwise. Nevertheless I continued to work side by side with Republicans in conference to work through a variety of controversial and largely unrelated provisions. I wish I could say that my efforts have been reciprocated. One wonders whether everyone is placing the interests of our children first.

A media report on this legislation at the end of the last Congress reported the wide consensus that the Hatch-Leahy bill was more likely than the House bill to withstand scrutiny, but quoted a Republican House member as stating: "Even if it comes back to Congress three times we will have created better legislation."

To me, that makes no sense. Why not create the "better legislation" right now for today's children, instead of inviting more years of litigation and putting at risk any convictions obtained in the interim period before the Supreme Court again reviews the constitutionality of Congress' effort to address this serious problem? That is what the Senate passed version of the PROTECT Act sought to accomplish.

As I have explained, I believe that this issue is so important that I have been willing to compromise and to support a measure even though I do not agree with each and every provision that it contains. That is how legislation is normally passed. I am disappointed that the Administration and the House decided to play politics with this issue and add controversial positions that could bog the bill down.

There are a few additional measures in the conference report that I want to mention. First, Section 604 of the conference report, which was proposed by Senator GRASSLEY, amends Section 170101(e) of the Violent Crime Control and Law Enforcement Act of 1994. That section would amend several provisions of the sexual registry established under that law. First, it would add additional crimes to those that are included in the registry. Second, it would require that such registries be made available over the Internet. Finally, and quite significantly, this provision would not only require a "process" be established for contesting the accuracy of any information on the registry, but would also require that the instructions for following that process be readily available on the Internet. For the first time, then, we are explicitly requiring that there is a mechanism for those who believe that information has been erroneously posted on the registry to challenge that information and seek to have it removed.

Second, I want to thank the conferees for supporting measures included in the Protecting Our Children First Act, S. 773, a bipartisan bill that I introduced in both this Congress and the last, joined by Senators HATCH, KENNEDY, DEWINE, BIDEN, SHELBY, LINCOLN, and REID, to reauthorize the National Center for Missing and Exploited Children. As the nation's top resource center for child protection, NCMEC spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation. NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights.

We had proposed reauthorization through 2007 but have at least achieved agreement to extend its activities through 2005. We were able to double the grants from $10 million to $20 million a year so that the National Center can help more children and families. We also authorize the U.S. Secret Service to provide forensic and investigative assistance to the National Center, and we strengthen NCMEC's Cyber Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

Third, I am pleased that conferees agreed to include in the conference report Leahy-Kennedy-Biden legislation that will establish a transitional housing grant program within the Department of Justice to provide to victims of domestic violence, stalking, or sexual assault the necessary means to escape the cycle of violence.

Today, more than 50 percent of homeless individuals are women and children fleeing domestic violence. They are homeless because, in their desperate attempt to leave their abusers, they find themselves with few, if any, funds to support themselves. Shelters offer a short-term solution, but are often overcrowded and unable to provide all of the support that is needed. Transitional housing allows women to bridge the gap between escaping from a domestic violence situation and becoming fully self-sufficient. Such assistance is limited, however, because no federal funds exist for transitional housing programs geared specifically to victims of domestic violence. We last authorized such a transitional housing grant program as part of the reauthorization of the Violence Against Women Act in 2000. This program would have been administered through the Department of Health and Human Services and would have provided $25 million in fiscal year 2001. Unfortunately, funds were never appropriated for the program, and the authorization expired.

If we truly seek an end to domestic violence, then transitional housing must be available to all those fleeing their abusers. First of all, such housing provides women and children a stable, sustainable home base. Second, it gives these victims opportunity to participate in educational programs, to work full-time jobs, to learn new job skills, and to search for adequate child care in order to gain self-sufficiency. Without such resources, many women and children eventually return to situations where they are abused or even killed.

This conference report amends the Violence Against Women Act of 1994 to authorize $30 million for each of fiscal years 2004–2008 for the Attorney General to award grants to organizations, States, units of local government, and Indian tribes to help victims of domestic violence, stalking, or sexual assault who need transitional housing or related assistance as a result of fleeing their abusers, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Funds may be used for programs that provide short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses. The funds may also support services designed to help individuals locate and secure permanent housing. Lastly, these resources may be used to help integrate domestic violence victims into the community by providing services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

This new grant program will make a significant impact in many areas of the country, such as my State of Vermont, where the availability of affordable housing is at an all-time low. There are many dedicated people working to provide victims of domestic violence with resources, but they can not work alone. We must provide women and children who have endured domestic violence with a safe place to gain the skills and stability needed to make the transition to independence. I thank the conferees for adding this language to the conference report and recognizing that this is an important component of reducing and preventing crimes that take place in domestic situations. Together, we can help the victims of these crimes to move on with their lives.

Fourth, I am pleased that the conference report includes a provision that I introduced in the last Congress to clarify that an airplane is a vehicle for purposes of terrorist and other violent acts against mass transportation systems. A significant question about this point was raised in an important criminal case and deserves our prompt attention.

On June 11, 2002, a U.S. District Judge in Boston dismissed one of the nine charges against Richard Reid stemming from his alleged attempt to detonate an explosive device in his shoe while onboard an international flight from Paris to Miami on December 22, 2001. The dismissed count charged defendant Reid with violating section 1993 of title 18, United States Code, by attempting to "wreck, set fire to, and disable a mass transportation vehicle."

Section 1993 is a new criminal law that was added, as section 801, to the USA PATRIOT Act to punish terrorist attacks and other acts of violence against, inter alia, a "mass transportation" vehicle or ferry, or against a passenger or employee of a mass transportation provider. I had urged that this provision be included in the final anti-terrorism law considered by the Congress. A similar provision was originally part of S. 2783, the "21st Century Law Enforcement and Public Safety Act," that I introduced in the 106th Congress at the request of the Clinton Administration.

The district court rejected defendant Reid's arguments to dismiss the section 1993 charge on grounds that one, the penalty provision does not apply to an "attempt" and two, an airplane is not engaged in "mass transportation." "Mass transportation" is defined in section 1993 by reference to the "the meaning given to that term in section 5302(a)(7) of title 49, U.S.C., except that the term shall include schoolbus, charter and sightseeing transportation." Section 5302(a)(7), in turn, provides the following definition: "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter or sightseeing transportation." The court explained that "commercial aircraft transport large numbers of people every day" and that the definition of "mass transportation" "when read in an ordinary or natural way, encompasses aircraft of the kind at issue here." *U.S.* v. *Reid*, CR No. 02–10013, at p. 10, 12 (D. MA, June 11, 2002).

Defendant Reid also argued that the section 1993 charge should be dismissed because an airplane is not a "vehicle." The court agreed, citing the fact that the term "vehicle" is not defined in section 1993 and that the Dictionary Act, 1 U.S.C. §4, narrowly defines "vehicle" to include "every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land." Emphasis in original opinion. Notwithstanding common parlance and other court decisions that have interpreted this Dictionary Act definition to encompass aircraft, the district court relied on the narrow definition to conclude that an aircraft is not a "vehicle" within the meaning of section 1993.

The new section 1993 was intended to provide broad Federal criminal jurisdiction over terrorist and violent acts against all mass transportation systems, including bus services, airplanes, railroads and other forms of transportation available for public carriage. The more inclusive definition would also cover cruise ships. Unfortunately terrorist attacks against Americans is not a new threat. In 1985, four terrorists brutally attacked the *Achille Lauro* Cruise Ship. The wheelchair-bound Leon Klinghoffer, a stroke victim, was shot once in the head and once in the back by the terrorists who then pushed him over the side of the ship into the Mediterranean.

Section 609 of the conference report adds a definition of "vehicle" to 18 U.S.C. 1993 and clarifies the breadth of the meaning of this term both in common parlance and under this new criminal law to protect mass transportation systems. Specifically, it defines this term to mean "any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water or through the air."

Having reviewed all the positive elements of the conference report, I want to speak to the conference process itself. I am deeply disappointed by the process that characterized Tuesday's AMBER Alert and PROTECT Act conference. By taking bipartisan, noncontroversial bills and adding numerous controversial, unrelated measures, the Republicans have decided yet again to play games with important measures to protect our children. They are rolling the dice with the safety of America's children. I do not say this lightly, and I say it with a heavy heart, but House and Senate Republicans are now holding the passage of AMBER and the PROTECT Act hostage to these very troubling additions.

With respect to new matters never considered by this body, the conference committee in this matter tried no less a feat than to rewrite the criminal code on the back of an envelope. That type of effort is unwise and doomed to failure.

There are many things in this bill that I support—indeed as a former prosecutor I brought my personal experiences to bear and I wrote much of it. That is why even after the House Republicans loaded the bill with numerous controversial, unrelated provisions, I worked in good faith to come to agreement on many provisions. In fact, staff members of the conferees met all through the weekend and late into the early hours of Tuesday morning to find common ground. It is unfortunate that our good faith was repaid with attempts to add even more extraneous controversial provisions at the conference meeting.

Tuesday's conference, which was convened in the spirit of bipartisan cooperation, turned political, however, when Republicans sprung a lengthy and complex amendment on the Democrats. This 9-page document was not a simple substitute for a portion of the bill. It was a highly complex amendment requiring careful consideration. The sponsors denied a request to break briefly in order to give conferees a moment to analyze the document. After meeting for three days in good faith, the Democratic conferees were effectively slapped in the face with a totally new proposal. Then, to add insult to injury, the sponsors of the amendment misrepresented its contents in the conference meeting and quickly forced a vote before the conferees had a chance to review or debate the amendment.

I was sorely disappointed by the way that this amendment was explained to the conferees. One sponsor said not once or twice, but three separate times: "It's important to note that the compromise is limited to these serious crimes against children and sex crimes and does not broadly apply to other crimes." In fact, the amendment was not limited as he described, and did apply broadly to downward departures in sentencing for all Federal crimes.

After the conferees were forced to vote on the Hatch-Sensenbrenner amendment, Senator HATCH's office, at 2:00 a.m., substantially changed the text of his own amendment—the amendment that had already been voted upon in open conference. With no new meeting and no new vote of the conferees, the Republicans changed the conference report as it was voted on, and filed it in the House. The 2:00 a.m. text came closer to reflecting the original description of the amendment, but was still not limited, as was promised, to crimes against children.

The substance of the Hatch-Sensenbrenner amendment—whether in the form that was voted on in conference, or in the form that was circulated after the conference adjourned—is just as outrageous as the way in which it was adopted. This amendment modifies in very limited ways the Feeney amendment, which was added to the bill on the House floor after only 20 minutes of debate. This far-reaching proposal will undermine the Federal sentencing system and prevent judges from imposing just and responsible sentences. In short, it amounts to an attack on the Federal judiciary.

Speaking about the original Feeney amendment, Chief Justice Rehnquist wrote: "this legislation, if enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences." In another bald mischaracterization of the Hatch-Sensenbrenner amendment, Senator HATCH claimed in the conference meeting that he had addressed the Chief Justice's concerns. He said, "Chief Justice Rehnquist is worried about the breadth and scope of the Feeney Amendment. He's not worried about this [language]. I don't think any federal judge would worry about this language. They know this language is to protect our children in our society, and we're limiting it to that." In fact, the Hatch-Sensenbrenner amendment does not address the problems raised in Chief Justice Rehnquist's letter, which were directed at the assault on the sentencing structure that is retained in the amendment.

In addition to the Chief Justice of the United States, this is an issue on which we have heard from the Judicial Conference, other distinguished judges, the Sentencing Commission, the former chairmen of the Sentencing Commission, the American Bar Association, the Washington Legal Foundation, the Leadership Conference on Civil Rights, the Cato Institute, the National Petroleum Refiners Association and a number of other business associations, all of which opposed the House language.

Just this week, Justice Kennedy voiced grave concerns over the excessive application of mandatory minimum sentences. He said, "When the guilt determination phase and the sentencing is over," Kennedy said, "the legal system loses all interest in the prisoner. And this must change. Winston Churchill said a society is measured by how it treats the least deserving of its people. And two million people in prison in this country is just unacceptable."

A number of the groups opposed to the original proposal have expressed continued opposition. Others have not had time to write about the new version because this proposal is being rushed through the legislative process.

The language that was adopted in the conference report establishes new and separate departure procedures for child-related and sex offenses. So, we will have one set of sentencing rules for pornographers and a more flexible set of sentencing rules for other Federal defendants, including terrorists, murderers, mobsters, civil rights violators, and white collar criminals. No one here believes that sex offenders deserve anything less than harsh sentences, but I cannot understand why we would treat the terrorists better.

The conference report also overturns a unanimous Supreme Court decision, *Koon* v. *United States*, by establishing a new standard of appellate review in all departure cases. This provision, like so many others, is not limited to cases involving children. The Court in Koon interpreted the departure standard in a way that limited departures but left some room for judicial discretion. By contrast, the new provision would appear to require appellate courts to consider the merits of a departure before it can decide what standard of review to apply to the merits. That is because, in order to determine which standard of review applies—"due deference" or "de novo"—the appellate court must first decide whether the departure advances the objectives of 18 U.S.C. 3553(a)(2) (incapacitation, deterrence, etc.) or is authorized under 18 U.S.C. 3553(b) (a mitigating circumstance of a kind, or to a degree, not adequately considered by the Sentencing Commission) or is justified by the facts of the case. This sloppily drafted, circular provision is likely to tie up the courts in endless litigation, draining already scarce judicial resources, and costing the taxpayers money.

The Republican supporters of this amendment seem to believe that our

Federal judges cannot be trusted. I have always advocated doing a thorough review of our Federal judge nominees when they come before the Senate for lifetime appointments. Perhaps that is the difference between my view of Federal judges and those of my colleagues across the aisle who seem to believe they should rubber stamp the President's nominees to these lifetime positions. I believe we should pick our Federal judges carefully and them trust them once appointed, not rubber-stamp them and then feign disbelief when we are unhappy with their decisions.

The amendment effectively creates a judicial "black list" of judges that stray from the draconian mandates of this bill. The Hatch-Sensenbrenner language retains the Feeney amendment's attempt to intimidate Federal judges by compiling a "hit list" of all judges who impose sentences that the Justice Department does not like in any type of criminal case. It takes a sledge hammer to the concept of separation of powers.

In a further demonstration of hostility to our Federal judiciary as envisioned by our constitution, the Hatch-Sensenbrenner amendment removes almost all discretion for Federal judges to depart from the sentencing guidelines in some extraordinary cases.

At the conference's one meeting, during the brief period afforded for debate on the Hatch-Sensenbrenner amendment, I pointed out that the amendment retained language from the original Feeney amendment that eliminated the ability of Federal judges to depart and give lower sentences based upon extraordinary military service.

The sponsors of the amendment dismissed my concern. They said that I was wrong—that their amendment did not eliminate the departure for extraordinary military service. They were both quite certain on this point, even after I raised it a second time. One sponsor said, "I don't know where you're getting your language from." Another assured us that "this nine-page amendment has been very well drafted . . . It does exactly what we have said."

After the conference had adjourned and they took the time to familiarize themselves with their own amendment, they discovered that I was correct. They were, in fact, eliminating the departure for extraordinary military service in all Federal criminal cases—for congressional medal of honor winners, for example, and veterans who had been seriously wounded while defending their nation in battle. What is worse, they were doing this during a time of war, when future veterans are literally risking their lives for America. Realizing that this might not go down well on the floor of the United States Senate, they quietly dropped the provision from the final conference report.

I have discussed this issue at some length not to embarrass any member or his staff, but to make the point that Congress should spend more than a few minutes considering legislation with such far-reaching consequences. The conference report blithely overturns the basic structure of the carefully crafted guidelines system without any serious process in either the House or the Senate, and without any meaningful input from judges and practitioners.

With respect to the few parts of the Hatch-Sensenbrenner amendment that are limited to crimes against children, it may not be the end of the guidelines system, but it is very likely the beginning of the end. Once we prohibit judges from exercising discretion in one set of cases, we will have established a prototype for future attacks on the guidelines system—a form of "mission creep" in this uncompromising, anti-judge agenda. The same "tough on crime" political posturing that fuels the relentless drive for more mandatory minimums and death penalties will lead to future expansions of the Hatch-Sensenbrenner amendment to crimes having nothing to do with minors.

My Republican colleagues on the conference claim that there is a crisis on the Federal bench of downward departures in sentencing. In fact, downward departure rates are well below the range contemplated by Congress when it authorized the Sentencing Guidelines, except for departures requested by the government.

The overwhelming majority of downward departures are requested by Federal prosecutors to reward cooperation by defendants or to manage the high volume of immigration cases in certain border districts. When the government does not like a specific downward departure, it can appeal that decision, and it often wins—approximately 80 percent of such appeals are successful. This amendment is a solution in search of a problem.

Rather than rush to change the law with no factual basis for doing so, the Democrats in this conference asked for hearings on the topic. In fact, Senator GRAHAM, the new chairman of the newly constituted Crime, Corrections and Victims' Rights Subcommittee indicated that he planned to hold hearings on this topic very soon—that is, until the Feeney amendment and the subsequent Hatch-Sesenbrenner amendment overtook events. The Republican conferees now claim that no study is necessary. They believe that no hearings are necessary. They would rather significantly increase incarceration rates at taxpayer expense than take the time to determine whether such severe changes are necessary or appropriate.

The Hatch-Sensenbrenner amendment not only maintains the worst aspects of the controversial Feeney Amendment—provisions that have nothing to do with child protection—but also adds in new provisions that were not in the original Feeney amendment. For example, it limits the number of Federal judges who can serve on the Sentencing Commission because, as Chairman SENSENBRENNER explained, "we don't want to have the Commission packed with Federal judges that have a genetic predisposition to hate any kind of sentencing guidelines." I, for one, believe that judges are extremely valuable members of the Commission. They bring years of highly relevant experience, not to mention reasoned judgment, to the table. The Republicans apparently believe that their knowledge is of limited value.

I find it ironic that the Republicans, in forcing through this measure, will undercut one of the signature achievements of Ronald Reagan's Presidency—a firm, tough, fair system of sentencing in the Federal criminal justice system. The Sentencing Reform Act of 1984 struck a balance between uniformity and judicial discretion and was enacted after years of study and consideration of the problems in the previous sentencing system. Congress understood that a guidelines system that encompasses every relevant sentencing factor is neither possible nor desirable. Departures, both upward and downward, are an integral and healthy part of the guideline system. They do not reflect an avoidance of the law by Federal judges but rather their conscientious compliance with the congressional mandate to impose a guideline sentence unless the court finds a circumstance not adequately considered by the Commission that warrants a departure.

Moving beyond the sentencing amendments offered at the conference, there are several provisions of the conference report that are equally problematic.

Section 106 of the conference report, entitled "two strikes and you're out," is one of the many controversial provisions in the House-passed bill that have never been considered in the Senate. It mandates life imprisonment without parole for defendants who have twice been convicted of certain crimes against children.

Another section of the conference report creates several new mandatory minimum sentences, and raises some existing ones, for crimes involving child pornography and prostitution.

We can all agree that those who commit crimes against children should be severely punished. In fact, the bill that Senator HATCH and I authored—the real PROTECT Act, which is buried in title V of the conference report—contains a number of very strong sentencing provisions. But I believe we can accomplish our common goal of ensuring that those who prey on children receive tough punishment without further expanding the mandatory sentencing scheme that is gradually replacing the guidelines system.

The arguments against mandatory minimums are well known. The Chief Justice of the United States has observed that mandatory minimum sentences "frustrate the careful calibration of sentences, from one end of the spectrum to the other, which the Sentencing Guidelines were intended to accomplish." Another conservative member of the Court, Justice Kennedy, testified before a House subcommittee in 1994 that mandatory minimums were "imprudent, unwise, and often an unjust mechanism for sentencing." As I mentioned previously, Justice Kennedy reiterated that thought just this week, before another House committee. Justice Breyer, who served on the original Sentencing Commission, has written that mandatory minimums prevent the Commission from developing a rational, coherent, and fair set of punishments. Most judges in the Federal system, Republicans and Democrats alike, agree with these criticisms.

Senator HATCH has also expressed reservations about statutory mandatory sentences. In a 1993 law review article, Senator HATCH observed that mandatory minimums are fundamentally inconsistent with the guidelines system. He wrote:

> Whereas the guidelines permit a degree of individualization in determining the appropriate sentence, mandatory minimums employ a relatively narrow approach under which the same sentence may be mandated for widely divergent cases. Whereas the guidelines provide for graduated increases in sentence severity for additional wrongdoing or for prior convictions, mandatory minimums often result in sharp variations in sentences based on what are often only minimal differences in criminal conduct or prior record. Finally, whereas the guidelines incorporate a "real offense" approach to sentencing, mandatory minimums are basically a "charge-specific" approach wherein the sentence is triggered only if the prosecutor chooses to charge the defendant with a certain offense or to allege certain facts.

Senator HATCH concluded that Congress should make greater use of the various alternative sentencing methods proposed by the Commission, including increased statutory maximums.

I am disappointed that Congress is poised, once again, to demonstrate that we are "tough on crime" by enacting new mandatory minimum sentences. That being said, I am pleased that the conference accepted my proposals to modify the two strikes provision to eliminate its harshest and most disproportionate applications. Among other things, the conference clarified that the "two strikes" law would not apply to a defendant whose only prior sex conviction was a misdemeanor under state law. The conference also provided a limited affirmative defense for defendants convicted under certain Federal statutes that have less culpable applications. Congress provided a similar defense in the three strikes law, and it is appropriate that we included one here as well.

We should also have included in the two strikes provision a carve-out for Indian country. Unfortunately, the conference refused in a party line vote to allow Indian nations to decide for themselves whether or not to be part of the new two strikes regime.

There is no question that the two strikes law will disproportionately affect Indian country. Sentencing Commission data indicates that approximately 75 percent of cases to which the two strikes provision will be applied will involve Native Americans on reservations. Thus, the two strikes provision will have the effect of singling out Native Americans for harsher treatment.

Congress has confronted this problem before, when passing various criminal laws with particularly harsh sentences. In those situations, we have allowed the tribes to decide whether they want to be covered. The amendment that I offered, and that the Republican conferees rejected, was identical to provisions for Indian Country in current criminal statutes such as the "three strikes" law, the juvenile delinquency statute, and the Federal death penalty statute. These provisions preserve the sovereignty of the Indian tribes by providing their governing bodies with authority to control the laws affecting their land and people. For Congress to treat the "two strikes" provision differently is simply wrong.

Another provision of the conference report dealing with statutes of limitations raises concerns about the message we are sending to law enforcement. Section 202 extends the statute of limitations for certain crimes against children. This provision is substantially narrower than the version passed by the House, which covered a laundry list of crimes having nothing at all to do with children.

The purpose of section 202 is to address the problem—highlighted in several recent cases—of child victims who fail to notify authorities that they have been victimized until years and even decades after the event. Current law deals with this problem by allowing prosecution of certain offenses involving the abuse of a child until the child turns 25. Section 202 goes further, extending the limitations period for the entire life of the child.

During the conference, I expressed concern that section 202's lifetime extension of the limitations period would reduce law enforcement's incentive to move quickly and aggressively to solve these very serious crimes. I therefore proposed a modification along the lines that Congress adopted last year in the context of corporate fraud. More specifically, I proposed that a 3 or 5 year limitations period should exist, and start to run, once the facts constituting the offense were known, or reasonably should have been known, by Federal law enforcement authorities. This modification would have benefitted victims by requiring authorities to focus on their case, and to take immediate steps to bring the perpetrator to justice, as soon as the crime was brought to their attention. Senate Republicans fought for similar language in the Sarbanes-Oxley bill. Their opposition to it outside the context of corporate crime suggests a troubling double standard.

A final point on section 202: I am pleased that the conference agreed to drop language from the original House-passed bill that would have extended the limitations period retroactively. That language, which would have revived the government's authority to prosecute crimes that were previously time-barred, is of doubtful constitutionality. We are already pushing the constitutional envelope with respect to several of the "virtual porn" provisions in this bill. I am pleased that we are not doing so in section 202 as well.

The next section of the conference report is another example of hastily drafted language that has not been vetted thoroughly by either house of Congress. Section 203 adds certain crimes against children to the list of offenses that carry a rebuttable presumption against pre-trial release. Like the other provisions in titles I and II, this section has never been considered by the Senate, and received only the most cursory consideration by the House.

I have two problems with this provision. First, as with sentencing determinations, I believe that judges, not Congress, should determine who gets bail. Clearly, judges are in the better position to determine whether, for public safety reasons, an accused offender should be detained.

Second, I am concerned that the complete absence of legislative findings supporting the new presumption could imperil its constitutionality under the Excessive Bail Clause. At a minimum, it could give defendants a good argument that the presumption should be overcome more easily than the authors of this provision perhaps intended. That is what happens when we do not take the time to do things the right way.

For the same reason, I am troubled by section 521 of the conference report, which makes it a crime to use a "misleading" domain name with the intent to deceive a person into viewing obscenity on the Internet, or with the intent to deceive a minor into viewing "material that is harmful to minors" on the Internet. This provision is similar to section 108 of the House-passed bill, which was added as a floor amendment with no prior consideration in either body.

I have serious doubts about whether section 521 will survive constitutional challenge. For one thing, its failure to define the term "misleading" may unduly chill constitutionally-protected speech. For example, it is unclear whether a website like "northernlights.com" would be considered "misleading" if it contains images of naked persons that are deemed harmful to minors.

Section 521 does create a "safe harbor" for those who include the word "porn" or "sex" in their Internet domain name. This form of mandatory labeling of the site of a mainstream business, which includes material constitutionally protected as to adults, but which may be deemed inappropriate for some level of minors, also raises constitutional concerns. In addition, labeling domain names in this manner could turn sites into attractive nuisances, drawing more childrens' eyes to the site and thus having the opposite of its intended effect.

My uncertainty about the constitutionality of this provision is, of course, compounded by the fact that there is virtually no legislative record on it. It has never been introduced in the Senate, and received a grand total of 10 minutes of debate before being passed as a floor amendment in the House. And in case any judge is reading this and wondering, there was no discussion of this provision during the one afternoon that the conference committee actually met.

In recent years, Congress's efforts to regulate protected speech on the Internet have not fared well in the Supreme Court, which takes its responsibility to uphold the first amendment a bit more seriously than some of my Republican colleagues. It would not surprise me if the Court was especially dismissive of this current effort.

I am also concerned about the inclusion of the Illicit Drug Anti-Proliferation Act in this conference report. This bill has drawn serious grass-roots opposition, and I know that I am not alone in hearing from many constituents about their serious and well-considered objections to it. Despite this opposition, and even though the Senate has never held a hearing on this bill, the conference committee agreed to include it in this hastily-assembled package.

I know that Senator BIDEN has made changes to the bill since the last Congress, beginning with its title, and I appreciate his flexibility. But these changes do not address some of the questions that have been raised about this legislation.

The bill's primary purpose is to expand the existing "crack house statute," (21 U.S.C. 856) which makes it unlawful to knowingly open or maintain any place for the purpose of manufacturing, distributing, or using any controlled substance, or to make a place available to someone else for use for such purposes or for storing a controlled substance. The bill would expand the statute to include those who lease, rent, or use property, including temporary occupants, and would allow for civil suits against violators.

The crack house statute has been on the books for more than 15 years, and for most of its existence, Federal prosecutors have used it solely against property owners who have been directly involved in committing drug offenses. The House Judiciary Committee, however, heard evidence last year that the Drug Enforcement Administration and prosecutors are now using the "crack house statute" to pursue even business owners who take serious precautions to avoid drug use at their events. Business owners have come to Congress and told us there are only so many steps they can take to prevent any of the thousands of people who may attend a concert or a rave from using drugs, and they are worried about being held personally accountable for the illegal acts of others. Those concerns may well be overstated, but they deserve a fuller hearing.

In addition, the provision allowing civil suits dramatically increases the potential liability of business owners. Of course, this is a good thing when applied against those who are knowingly profiting from illegal drug use. But we have been told that even conscientious promoters may think twice before holding large concerts or other events where some drug use may be inevitable despite their best efforts. I do not know enough to know whether that claim is exaggerated, but I think we would have been well-served by making a greater effort to find out.

Finally, I want to speak on a very important piece of legislation that I attempted to add in conference. I am deeply disappointed that the Republican House and Senate conferees refused to include in the conference agreement the "Hometown Heroes Survivors Benefits Act of 2003," tri-partisan legislation that I introduced earlier this year with ten cosponsors, including the lead Republican cosponsor Senator GRAHAM of South Carolina, who served as a member of this conference. This legislation would improve the Department of Justice's Public Safety Officers' Benefits (PSOB) program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits.

Every year, hundreds of public safety officers nationwide lose their lives and thousands more are injured while performing duties that subject them to great physical risks. While we know that PSOB benefits can never be a substitute for the loss of a loved one, the families of all our fallen heroes deserve our support for making the ultimate sacrifice.

The PSOB Program currently provides a one-time financial benefits payment to the families of law enforcement officers, firemen, emergency response squad members, and ambulance crew members who are killed in the line of duty. Unfortunately, PSOB guidelines do not allow survivors of public safety officers who die of a heart attack or stroke while acting in the line of duty to collect those benefits, ignoring the fact that service-connected heart conditions are silent killers of public safety officers nationwide.

I sought to include our tri-partisan bill in the conference report to fix the loophole in the PSOB program. This language would ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering incident while on duty—regardless of whether a traumatic injury is present at the time of the heart attack or stroke—are eligible to receive financial assistance. Representative ETHERIDGE and I introduced identical versions of this legislation last Congress, and the House bill passed that body, but an anonymous Republican hold in the Senate killed it.

I am saddened that the House and Republican conferees voted to strike Hometown Heroes from consideration by the conference. They squandered a chance to pass legislation to support our first responders and their families by striking it in a strict party line vote.

Public safety is dangerous, exhausting, and stressful work. A first responder's chances of suffering a heart attack or stroke greatly increase when he or she puts on heavy equipment and rushes into a burning building to fight a fire and save lives. The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac-related ailment while selflessly protecting us from harm.

It is time for both the Senate and House to show their support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

Mr. President, I would like to take a moment to thank my staff for all their hard work on these provisions to protect our nation's children. I want to recognize Julie Katzman, Steve Dettelbach, Tara Magner, Ed Pagano, Phil Toomijian, Jessica Berry, Tim Lynch and Marguererite McConihe for their dedication to these important measures. Their diligence and professionalism do credit to this body.

I also wish to recognize the staff of the other Senate conferees for their hard work, including Robin Toone, Neil MacBride, Tonya Robinson, Eric Rosen, Chad Groover, Mike Volkov, Reed O'Connor, Wan Kim, James Galyean, and William Smith.

Finally, I wish to thank the staffs of the Democratic House conferees, including Perry Apelbaum, Bobby Vassar, Greg Branes, Ted Kalo, as well as Chairman SENSENBRENNER's professional staff, especially Will Moschella, Phil Kiko, Beth Sokul, Sean McLaughlin and Jay Apperson.

Mr. GRASSLEY. Mr. President, I rise today in support of the conference report on the PROTECT Act, S. 151. As a conferee on that Conference Committee, I proudly support this important bill. It is, undoubtedly, one of the most significant and comprehensive pieces of legislation ever drafted to protect children. By marrying the AMBER alert bill with the Senate's PROTECT Act, and the House's Child Abduction Prevention Act, we will be ensuring a greater measure of protection for our children and greatly impacting their safety.

I am proud to have been a cosponsor of the Senate's version of the PROTECT Act. This portion of the conference bill does many important things. Because of advances in modern technology, prosecutors and experts are finding it more and more difficult to determine which images of child pornography are of real children and which are computer generated. This makes it very difficult to prove that an image is of a real child in a criminal case. To solve this problem, the bill makes it illegal to possess any material that contains a visual image of a minor engaging in sexually explicit conduct. Because child pornography, including morphed child pornography, is used to seduce children, the bill also makes it illegal to try to induce a child, through any means, including by computer, to participate in any activity that is illegal. The bill also makes any identifying information of a child, with the exception of age, inadmissible evidence in a court of law. Finally, to combat a grave problem that is growing worse daily, the bill requires the Attorney General to appoint 25 additional trial attorneys that would focus on the investigating and prosecuting Federal child pornography and obscenity laws.

Another important inclusion in this bill is the Public Outreach Title, which deals with the AMBER alert and the National Center for Missing and Exploited Children. The Senate Judiciary Committee heard very poignant testimony about how the AMBER alert, had it been available, could have been used to save young children, like Polly Klaas. We also heard testimony of how the California AMBER alert was successfully used to find two Lancaster teenagers, last summer. That hearing built a good record for why we need a nationally coordinated AMBER alert communications network. Additionally, the Public Outreach Title increases the support for the National Center for Missing and Exploited Children; gives the U.S. Secret Service the authority to render investigative and forensic support to missing children; and creates a cyber tipline. This title will greatly enhance the ability of law enforcement to find our Nation's missing children.

While the bill makes significant progress in strengthening Federal child pornography laws and in enhancing public outreach, so that missing and exploited children can be recovered, the bill also includes the House's tough on crime penalties for Federal sex offenses. The bill increases penalties for crimes like kidnaping, sex tourism, child abuse, and child torture. It also includes a "two-strikes" provision that would establish a mandatory life sentence for twice convicted sex offenders. This one provision alone will help keep some of the worst violent child molesters off the streets and out of the exploitation business. The bill also includes new rules for supervised release of sex offenders, so that criminals with deep-seated aberrant sexual tendencies will not just be released to the public without some measure of protecting the public once the criminal is let out of prison. Additionally, the bill removes the statute of limitations for sex crimes against minors. This provision will be particularly helpful in cases where there is old DNA evidence, but still no suspect. It is my hope that these new sanctions will have a tremendous deterrent impact, and when taken all together they will provide for greater security for America's most precious resource—it is children.

Although the underlying bill is an exceptional piece of legislation, I felt that there were a few additional provisions that would make the bill even better. I appreciate the way some members of the conference worked with me to include these additional provisions on the bill. First, I was able to get accepted an amendment to include child pornography manufacturers and distributors in the Federal sex offender registry. Because child pornography is a gateway to child molestation, just as marijuana is a gateway to harder drugs, those who deal in this type of material should be included in the offender registry, so that the public is on notice of these criminals.

I was also able to get approved a technical amendment to the Communications Decency Act. This amendment would conform the language of the CDA to the Supreme Court's decision in Reno v. ACLU, 521 U.S. 844 (1997). The amendment strikes the indecency provisions, which the court ruled were unconstitutionally vague, and limits the scope of the CDA to obscenity and child pornography, which can be restricted since they do not benefit from first amendment protection.

The conference also accepted two sense-of-Congress provisions. The first provision expresses that it is the sense of the Congress that the Child Exploitation and Obscenity Section of the Department of Justice should focus its investigative and prosecutorial efforts on major producers, distributors, and sellers of obscene material and child pornography that use misleading methods to market their material to children. This provision was recommended in the 2000 report of the COPA Commission, a congressional commission tasked with studying how to protect children from pornography online. The second provision, which is also taken from the COPA Commission report, expresses that it is the sense of the Congress that the online commercial adult industry should voluntarily refrain from placing obscenity, child pornography, or harmful-to-minors material on the front pages of their Web sites. By taking this step, these Web sites will be helping to protect minors from material that may negatively impact their social, moral, and psychological development.

With improved child pornography laws, enhanced public outreach, and tougher sentences for sex offenders who victimize minors, this conference report will be essential to keeping our children safe from individuals who wish to do them harm. I urge my colleagues to vote for the conference report on S. 151, The PROTECT Act.

Mr. BIDEN. Mr. President, I am pleased the Senate is considering the conference report to accompany S. 151, the Protect Act. As a member of the conference committee tasked with reconciling the differences between the House and Senate bills, I am gratified to see action being taken on this measure today. The conference report before us addresses one of the most important issues in America—protecting our kids from sexual and physical abuse. Enactment of this measure could literally save lives.

This bill will expand the nationwide AMBER Alert System to ensure maximum coordination between state and local law enforcement in their efforts to catch predators that kidnap kids. "AMBER alerts"—typically distributed through radio and television broadcasts and electronic highway signs—gained prominence after last summer's unfortunate and high-profile child abduction cases. These bulletins proved invaluable in their ability to disperse information about the missing children quickly and broadly—and they remain a critically important law enforcement tool.

The conference report that we consider today will expand and improve the program by establishing an AMBER Coordinator within the Department of Justice to enhance and centralize the operation of the communications system. It will establish minimum standards for coordination between various AMBER plans, particularly between state plans. And, perhaps most important, it will authorize two grants—one in the Department of Transportation to help sustain the AMBER alert programs themselves and a second in the Department of Justice to fund education, training, and related equipment. This common-sense legislation has been delayed far too long. We know that the AMBER Alert System helps save abducted children, and we should not let a single additional day pass before voting this measure into law. With this legislation, safeguards will soon be in place to protect children and their families.

The conference report also includes a negotiated version of the PROTECT Act, which this body unanimously adopted in February. The measure responds to last year's Supreme Court decision in Ashcroft v. Free Speech Coalition by writing a tough new child pornography law that, we hope, will allow prosecutors to go after those who traffic in child pornography—while not running afoul of the Court's first amendment holdings. Importantly, in addition to prohibiting the production and distribution of pornographic material depicting children, this bill achieves a range of other improvements to the law:

First, it strengthens penalties against repeat offenders. Second, it protects the privacy of children victimized by pornographers by preventing the introduction of any non-physical identifying information—like the child's name or social security number—into evidence at court. Third, it facilitates information-sharing between internet providers, who report incidents of child pornography and exploitation on their sites, and State law enforcement officers. And finally, it provides a civil remedy for victims of child pornography—including injunctive relief to stop immediately the bad conduct. These important improvements put children and their needs first. Is the legislation perfect? No. But it will move us substantially down the road to protecting our kids from predators, while preserving important first amendment principles.

I am pleased that several bipartisan proposals which I sponsored in the Senate will be included in this conference report. Like the AMBER Alert and child porn provisions, these additional initiatives will also protect our kids from child predators. I would like to take a moment to explain several of the provisions that I worked to see included in this conference report.

Section 108 establishes the Child Safety Pilot Program, an initiative that for the first time will permit groups like the Boys and Girls Clubs to apply directly to the Justice Department for background checks for their volunteers. It is a proposal that has been a long time in the making, and I am very pleased the conferees agreed to its adoption.

This section is drawn from legislation that I authored along with Senator Thurmond in the 107th Congress, the National Child Protection and Volunteers for Children Improvement Act. That bill passed the Senate unanimously but was not acted upon by the other body. I first raised concerns about the current state of background checks for volunteers in 2000 with the introduction of S. 3252. That bill and the bill that passed the Senate last year would have markedly simplified the current process for background checks for volunteers who work with kids.

Today, 87 million of our children are involved in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more elderly and disabled adults are served by public and private service organizations. Organizations across the country, like the Boys and Girls Clubs, often rely solely on volunteers to make these safe havens for kids a place where they can learn. The Boys and Girls Clubs and others don't just provide services to kids—their work reverberates throughout our communities, as the afterschool programs they provide help keep kids out of trouble. This is juvenile crime prevention at its best, and I salute the volunteers who help make these programs work.

Unfortunately, some of these volunteers come to their jobs with less than the best of intentions. According to the National Mentoring Partnership, between 1 and 7 percent of children in child care settings, foster homes and schools are sexually abused. Organizations have tried to weed out bad apples, and today most conduct background checks on applicants who seek to work with children. Regrettably, these checks can often take months to complete, can be expensive, and many organizations do not have access to the FBI's national fingerprint database. These time delays and scope limitations are dangerous: a prospective volunteer could pass a name-based background check in one state, only to have a past felony committed in another jurisdiction go undetected.

Effective December 20, 1993, the National Child Protection Act, NCPA, P.L. 103-209, encouraged States to adopt legislation to authorize a national criminal history background check to determine an employee's or volunteer's fitness to care for the safety and well-being of children. On September 13, 1994, the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) expanded the scope of the NCPA to include the elderly and individuals with disabilities.

As envisioned by Congress, the NCPA was to encourage states to have in effect national background check procedures that enable a "qualified entity" to determine whether an individual applicant is fit to care for the safety and well-being of children, the elderly, or individuals with disabilities. The procedures permit this entity to ask an authorized state agency to request that the Attorney General run a nationwide criminal history background check on an applicant provider.

"Qualified entity" is defined at 42 U.S.C. 5119c as "a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services. . . ."

The authorized agency should access and review state and Federal criminal history records through the national criminal history background check system and make reasonable efforts to respond to an inquiry within 15 business days. Congress addressed this issue again in 1998 through enactment of the Volunteers for Children Act, Sections 221 and 222 of P.L. 105-251, "VCA". The VCA amended the NCPA to permit child care, elder care, and volunteer organizations to request background checks through state agencies in the absence of state laws implementing the NCPA.

Thus, the NCPA, as amended by the VCA, authorizes national fingerprint-based criminal history background checks of volunteers and employees (including applicants for employment) of qualified entities who provide care for children, the elderly, or individuals with disabilities, and those who have unsupervised access to such populations (regardless of employment or volunteer status), for the purpose of determining whether they have been convicted of crimes that bear upon their fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.

Three years ago, organizations seeking to conduct background checks on their employees and volunteers made me aware of serious problems with the current background check system, problems that were jeopardizing the safety of children. Groups like the Boys and Girls Clubs of America alerted me that, despite the authorities provided in the NCPA and the VCA, national check requests were often delayed, in some jurisdictions they were never processed, and that the prohibitive costs of some of these checks were discouraging entities from seeking the reviews.

Under current law, whether they want a state or national criminal background check, organizations must apply through their state-authorized agency. The state agency then performs the state check and forwards the request to the FBI for a national check. The FBI responds back to the state agency, which then forwards the information back to the volunteer organization. In Delaware, the State Police Bureau of Identification works with groups to fingerprint prospective workers and check their backgrounds.

A patchwork of statutes and regulations govern background checks at the state level; there are currently over 1,200 State statutes concerning criminal record checks. This has led to widely different situations in each state: different agencies are authorized to perform the checks for different types of organizations, distinct forms and information are required, and the results are returned in various formats that can be difficult to interpret. States have not been consistent in their interpretation of the NCPA and VCA. Put simply, the current system is extremely cumbersome, particularly for those organizations that must check criminal records in multiple states, and for those groups employing seasonal workers, such as summer camps, for whom time is of the essence when seeking the results of background checks.

After careful study of this issue it became clear to me that the concerns of groups such as the National Mentoring Partnership and the Boys and Girls Clubs are not merely anecdotal. In 1998, the FBI's Criminal Justice Information Services, CJIS, Division performed an analysis of fingerprints submitted for civil applicants purposes. CJIS found that the average transmission time from the point of fingerprint to the state bureau was 51.0 days, and from the state bureau to the FBI was another 66.6 days, for a total of 117.6 days from fingerprinting to receipt by the FBI. The worst performing jurisdiction took 544.8 days from fingerprinting to receipt by the FBI. In a survey conducted by the National Mentoring Partnership, mentoring organizations on average waited 6 weeks for the results of a national criminal background check to be returned.

The danger these delays post to mentoring groups and others cannot be overstated. Suppose a group seeks to hire a volunteer who grew up in a neighboring jurisdiction to work with children. The group has the volunteer fingerprinted at their local police department, forwards those prints along to the agency designated by state statute or procedure to receive such requests, and then waits for the national results. FBI data indicates they will wait close to four months, on average, for the final results of the background check. That's too long. It forces groups to choose between taking a risk on someone's background, not making the hire at all, or seeking out only candidates from their jurisdiction for whom a full national background check may not be necessary.

Delay is not the only problem with the current system. The NCPA/VCA caps the fees the FBI can charge for national background checks at $24 for employees. For state fees, the NCPA/VCA requires States to "establish fee systems that insure that fees to non-profit entities for background checks do not discourage volunteers from participating in child care programs." In a survey of mentoring organizations, the National Mentoring Partnership found that organizations were paying on average $10 for a State records check, plus the fee for a national check. For organizations utilizing hundreds of volunteers and employees, the costs of conducting thorough background checks can be exorbitant. Small, community-based organizations with limited funding often must choose between funding services to children and checking the criminal history records of prospective volunteers.

Section 108 does three things. First, subsection (a)(2) establishes a State Pilot Program that will facilitate the ability of youth-serving organizations in three States designated by the Attorney General to check the backgrounds of their volunteers. The intent of this provision is for State Pilot Program to operate as the Congress intended the National Child Protection Act to operate. That is, youth-serving organizations who attempt to check the backgrounds of volunteers under this section shall be able to access the FBI's national criminal history database when necessary. The requesting process will go through the appropriate State agency. The State will review its criminal history records, and then forward the organization's request along to the FBI if a national check is required. Under 108(a)(2)(D), all criminal history records will be provided to the State agency. The language in that section which reads "consistent with the National Child Protection Act" is intended to result in that State agency then making a determination of the potential volunteer's fitness to work with children. While (a)(2)(D) does permit the National Center for Missing and Exploited Children to access the criminal history records of the potential volunteer under (a)(2)'s State Pilot Program, it is my view that the Conferees intended this section result in fitness determinations being made by the appropriate State agency as under current law. Subsection (a)(2)(F) ensures that this determination will be provided to the organization in a timely fashion.

Second, subsection (a)(3) establishes a Child Safety Pilot Program. Under this subsection, three youth-serving organizations will be permitted to allocate a number of Federal background checks to their members or affiliates over an 18-month period. Current law does not permit these organizations to provide fingerprint cards directly to the FBI's criminal history records system in order to check the backgrounds of potential volunteers. This subsection changes that. Ninety days after the date of enactment of this conference report, the Attorney General will notify the Boys and Girls Clubs of America, the National Mentoring Partnership, and the National Council of Youth Sports that they have been statutorily designated to make 100,000 background check requests of the FBI. Allocations of these checks are set out in (a)(3)(C). The three eligible organizations may not accept fingerprint cards under this Pilot Program from any of their members or affiliates located in the three States designated by the Attorney General to participate in the State Pilot Program described in (a)(2). The organizations are required to obtain a signed statement from the potential volunteer along with the volunteer's fingerprints. Once the Attorney General receives fingerprint cards from the volunteer organizations, subsection (a)(3)(F) gives him 14 business days to provide any resulting criminal history records information to the National Center for Missing and Exploited Children. The Attorney General shall charge these three organizations no more than $18 to perform these checks. The National Center for Missing and Exploited Children will work with the three organizations to develop standards to determine how to evaluate the criminal history records information provided by the FBI, and to set standards to guide the fitness determination described in (a)(3)(G)(i). Nothing in this subsection requires the NCMEC to make such a fitness determination; the language of (a)(3)(G)(i) is discretionary. It is my view that the conferees intended this subsection to permit NCMEC to work with the eligible organizations in determining the fitness of prospective volunteers to work with children. However, it is my view that the conferees did not intend for NCMEC to perform this function unless adequate appropriations are allocated to it pursuant to subsection (c)(1). NCMEC shall not be liable for any fitness determination made pursuant to (a)(3)(G)(i), consistent with the limitation on liability set forth in section 305(a) of the conference report.

Third, subsection (d) requires the Attorney General to report to Congress on the implementation of the pilot programs at their conclusion, and to make legislative recommendations to Congress on whether the National child Protection Act requires amendments to ensure that organizations like those described in section 108 have access to prompt, effective, and affordable national criminal history background checks. It is important to point out that section 108 establishes only a pilot program for 100,00 checks. Members of the National Mentoring Partnership alone rely upon close to one million volunteers. The boys and Girls Clubs have close to 150,000 volunteers. Hundreds of thousands more volunteer with little leagues, soccer leagues, and other youth sports leagues affiliated with the National Council of Youth Sports. We should be doing more than establishing a pilot program, and I am disappointed the department of Justice continues to maintain that enactment of my legislation that passed the Senate last year, S. 1868, could overburden its fingerprinting infrastructure. Ensuring that those who volunteer to work with out kids in an investment that we should be willing to make. I intend to work to expand this Child Safety Pilot Program until ultimately all of those who want to access the FBI's criminal history records system are able to do so, consistent with the privacy protections provided by current law.

I thank Robbie Callaway and Steve Salem of the Boys and Girls Clubs of America for their strong support for my original bill and for this section would not be included in this conference report we take up today. Margo Pedroso of the National Mentoring Partnership has been extremely helpful to me and my staff in terms of educating Congress concerning the extent of the current problem, and I thank her and her organization for their support for this section. John Walsh with America's Most Wanted provided effective, timely advocacy for this provision and I am extremely grateful for his tireless commitment to protecting the Nation's children from criminals. I am also thankful for the efforts of Sally Cunningham of the National Council of Youth Sports for her organization's support for this program this year.

This bill also contains a provision I sponsored that reauthorizes Child Advocacy Centers. Child Advocacy Centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. They provide immediate attention to young victims of sexual and physical abuse so that they are not "twice abused," first by the perpetrator and second by a system which used to shuttle them from a medical clinic to a counseling center to the police station to the D.A.'s office.

Operating in all 50 states, Child Advocacy Centers served over 116,000 child victims last year. Of these victims, 26,934 received onsite medical exam, 27,684 received counseling and 69,443 went through a forensic interview process especially designed for children. Seventy-six percent of the children they serviced were under the age of 12. In Delaware, there are currently two operational Centers. Last year, Child Advocacy Centers in Delaware handled 1,000 cases where child victims as young as three alleged physical or sexual abuse.

Widely cited as an efficient, cost-effective mechanism of handling child abuse cases, Child Advocacy Centers are widely supported by police, prosecutors and the courts. Not surprisingly, communities with centers report increased successful prosecution of perpetrators, more consistent follow-up to child abuse reports, increased medical and mental health referrals for victims, and more compassionate support for child victims. It is also worth noting that in a May 1998 publication titled, New Directions from the Field, the Department of Justice included Children's Advocacy Centers as their number one recommendation for improving services to children who directly experience or witness violence—number one.

Mr. President, in 1994, this body passed the Violence Against Women Act, which I authored. This act made it clear that victims of domestic violence were victims in need of the full extent of this nation's medical and legal resources. My child advocacy provision is designed to bring this same type of concentrated focus, general awareness, and coordinated response to victims of child abuse

Section 607 is of the conference report includes my Secure Authentication Feature and Enhanced Identification Defense Act of 2003, also known as the "SAFE ID" Act. I would also like to thank Senator HATCH for joining me in introducing this legislation as a stand-alone bill and for helping to ensure that it became part of this conference report.

Mr. President, two of the terrorists who perpetrated the acts of 9/11 held false identification documents, which they purchased from a broker of false IDs. That broker was convicted under State law, but sentenced merely to probation. The judge and the prosecutor publicly lamented that the law did not subject such a person to harsher penalties.

These events focused new attention on an existing, growing problem—the ease with which individuals and organizations can forge and steal IDs and use them to harm our society. These circumstances weaken our efforts in the fight against terrorism; identity theft; underage drinking and drunk driving; driver's license, passport and birth certificate fraud; even child abduction. In the post-9/11 era, we must do more to prevent the creation of false, misleading or inaccurate government IDs. This has become an issue of national importance and therefore merits a national response.

In recent years, the ability of criminals to produce authentic-looking fake IDs has grown immensely. Today, unfortunately, it is becoming increasingly common for criminals to either steal or forge, and traffic in, the very items that issuing authorities use to verify the authenticity of their IDs.

These "authentication features" are the holograms, watermarks, and other symbols, letters and codes used in identification documents to prove that they are authentic. Unfortunately, today ID's carrying authentication features can be purchased on the Internet or through mail order outfits. In addition, breeder documents, such as birth certificates, are desk-top published, with an illegitimate embossed or foil seal. Put another way, not only do crooks forge identification documents, they also now illegally fake or steal the very features issuing authorities use to fight that crime.

Under current law, it is not illegal to possess, traffic in, or use false or misleading authentication features whose purpose is to create fraudulent IDs. That is why I have authored the SAFE ID Act. The SAFE ID Act would prohibit the fraudulent use of authentication features in identity documents. Specifically, the SAFE ID Act adds authentication features to the list of items covered by an existing law prohibiting fraud and related activity in connection with identification documents. In addition, the act requires forfeiture of any violative items, such as false authentication features and relevant equipment.

The act defines "authentication feature" as "any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified."

Holograms have long been used on credit cards, and are beginning to be deployed in identification documents. The term "hologram" is meant to include diffractive optical gratings and other optically variable devices, regardless of their manner of fixation to, or formation in, a document substrate.

Watermarks take a variety of forms including fabricated paper watermarks and digital watermarks. Watermarks have a long history of use as authentication features in paper, and were traditionally fabricated during the wet paper phase of the paper-making process by varying the thickness of paper fiber. Such conventional watermarks are now fabricated in a number of other ways, including chemical treatment. Generally, the watermark pattern—e.g., a logo—is revealed by viewing the document at an angel, or subject to certain illumination.

A second type of watermark is a digital code, sometimes referred to as a digital watermark. This code is secretly conveyed by an identification document using a number of steganographic technologies. In one, artwork on the document is altered in very slight respects to effect changes to the luminance, chromaticity, or reflectance at different locations across the artwork. This pattern is imperceptible to the human eye, but can be revealed by digitally scanning the document, examining the resulting data for these slight variations, and interpreting these variations to discern the digital code. The artwork encoded in this fashion can be a photograph, a logo—e.g., a seal of the issuing authority—or ornamentation—e.g., guilloche patterning. In other steganographic techniques, the background of the card is tinted with a subtle patterning, or a patterned texture is formed on the document. Again, such patterns are too slight to be recognized by human observers as conveying the digital watermark code, but the code can be discerned by scanning, and then analyzing the scan data.

This type of watermark finds application in detecting counterfeit, altered, and otherwise falsified documents in a number of different ways. For example, a photograph on a driver's license may steganographically convey a digital watermark code that identifies the issuing authority (e.g., the State of New Jersey). If the license is altered—by substituting a different photo—then analysis of the license will reveal the substitution because the photograph will not convey the expected digital code. Likewise, the blank stock on which driver's licenses are printed may convey, e.g., in a tint pattern, a digital code that identifies the issuing authority. If a suspect driver's license is found not to convey the expected code, it will be recognized as non-authentic.

In still other documents, the watermark can serve as a logical cross-check of other data or security features on the card. For example, the digital watermark code with which a driver's license is steganographically marked can convey a "hash" of the ASCII characters forming the lawful owner's name that is originally printed on the license. If the name on the license is altered, the hash resulting from that name will be different, and will not longer match the hash conveyed by the digital watermark code. Likewise, the birthdate printed on the license can be hashed and serve as the watermark. If the printed birthdate is altered, its hash will no longer match that conveyed by the steganographic encoding. By such arrangements, alteration of text and other elements of an identification document can readily be discerned by reference to digital watermarks.

Sometimes authentication features are used in the creation of so-called "novelty IDs." These are documents that appear to be identification documents from recognized issuing authorities, but in fact are not. (An Internet search on the term reveals hundreds of web sites.) Sometimes such documents follow the exact layout of text, photo, and design elements used in authentic identity documents. However, such mimicry is not essential for such a "novelty ID" to be accepted as legitimate (e.g., a liquor store owner in California may not know what a genuine Vermont driver's license looks like). Such non-identical documents commonly make use of features that are relied upon by others in ascertaining the genuineness of an identification document. The definition of "authentication feature" thus embraces such features, and provisions elsewhere in the amended statute prohibit the use of such features on so-called "novelty IDs."

Subpart (4) extends the former statutory definition of "false identification document" from documents that are counterfeit ab inito, to also include documents that were originally issued lawfully, but subsequently altered for a purpose of deceit.

In like manner, subpart (5) makes clear that "false identification document" includes both features that were never genuine, but appear to be genuine, as well as features that originally were genuine but were subsequently (i) tampered with or altered for purposes of deceit; or (ii) diverted, or intended for diversion, without the authorization of the issuing authority.

Subpart (6) is amended to define "issuing authority." This term includes "quasi-governmental organizations," such as The Port Authority of New York and New Jersey, and governmentally chartered entities (e.g., the United States Postal System and the U.S. Federal Reserve System).

Mr. President, this section will give law enforcement officials a powerful tool to crack down on identity thieves. According to the U.S. Department of Justice, up to 700,000 people in the United States may be victimized by identity bandits each year, costing the average victim more than $1,000. Additionally, banks lost at least $1 billion to identity thieves last year. The SAFE ID Act will also go a long way toward combating the nationwide problem of underage drinking. Underage drinking is a serious problem with dangerous, and sometimes deadly consequences. The SAFE ID Act will help prevent underage drinking by making it harder for fraudulent criminals to provide young people with fake IDs. It perhaps goes without saying that legislation such as this, which makes it harder to obtain fake IDs, will also make it harder for those who abduct innocent children to mask their identity and thereby avoid detection.

Mr. President, it is rare that we have before us legislation that would effectively address problems as disparate as homeland defense, identity theft, underage drinking, and child abduction. The SAFE ID Act would do just that, by cutting the legs out from under those who would misuse technology to mislead government authorities.

I am pleased that we were also able to include in the conference agreement the text of the Illicit Drug Anti-Proliferation Act, a bill which I introduced with Senator GRASSLEY in the Senate as S. 226, and that Representatives COBLE and SMITH introduced in the House of Representatives.

This legislation arose out of a series of hearings Senator GRASSLEY and I held in the Senate Caucus on International Narcotics Control on the risk that the so-called "club drug" Ecstasy poses to young people and the predatory behavior of some promoters of all-night dance parties—known as "raves"—in distributing the drug to them.

The bill provides federal prosecutors the tools needed to combat the manufacture, distribution or use of any controlled substance at any venue whose purpose is to engage in illegal narcotics activity.

Rather than create a new law, it merely amends a well-established statute to make clear that anyone who knowingly and intentionally uses their property—or allows another person to use their property—for the purpose of distributing or manufacturing or using illegal drugs can be held accountable, regardless of whether the drug use is ongoing or occurs at a single event.

The bill is aimed at the defendant's predatory behavior, regardless of the type of drug or the particular place in which it is being used or distributed. One problem that we are facing currently involves so-called "club drugs" and raves. According to the Partnership for a Drug Free America, teens who report attending a rave are seven times more likely to have tried Ecstasy than teens who report not attending a rave. I find this statistic quite troubling and I hope that the changes made by the conference report before us today will make promoters think twice before endangering kids in this manner.

Despite the conventional wisdom that Ecstasy and other club drugs are "no big deal," a view that even the New York Times magazine espoused in a cover story, these drugs can have serious consequences, and can even be fatal. Earlier this year we got some encouraging news: after years of steady increase, Ecstasy use is finally beginning to decrease among teens. That said, the rate of use remains unacceptably high and we still have quite a bit of work to do to counter the widespread misconception that Ecstasy is harmless, fashionable and hip.

At a 2001 Drug Caucus hearing, witnesses testified that rogue rave organizers commonly go to great lengths to portray their events as safe so that parents will allow their kids to attend. But the truth is that some of these raves are drug dens where use of Ecstasy and other "club drugs"—such as the date rape drugs Rohypnol, GHB and Ketamine—is widespread.

We know that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner.

This is not the type of activity that my bill would address. My bill would help in the prosecution of rogue promoters who not only know that there is drug use at their event but also hold the event for the purpose of illegal drug use or distribution. That is quite a high bar. The coalition of Licensed Beverage Associations and the International Association of Assembly Managers, who initially expressed concerns that my bill would make their members liable for the actions of their patrons, have endorsed my legislation because they realized that my bill was not aimed at responsible party promoters.

I am confident that the overwhelming majority of promoters are decent, law abiding people who are going to discourage drug use—or any other illegal activity—at their venues. But there are a few promoters out there who are taking steps to profit from drug activity at their events. Some of these folks distribute drugs themselves or have their staff distribute drugs, get kickbacks from drug sales, have thinly veiled drug messages on their promotional flyers, tell security to ignore drug use or sales, or send patients who need medical attention to a hospital across town so that people won't link emergency room visits with their club.

My bill has met fierce resistance from a number of groups who have not felt the need to be constrained by the facts. Earlier this week the Drug Policy Alliance, a group whose goal is to end criminal penalties for marijuana, sent out an alert to get people to call their Senators and Representatives to register their disapproval of my bill. The background information they provided on the issue discussed my bill interchangeably with a House bill that I have never had any association with, have never supported, and was not being discussed by the conference committee. Rather than quoting the legal standard in my bill—which makes clear that an individual would have to knowingly maintain a place for the purpose of drug use—the Drug Policy Alliance chose to quote from the House bill that (1) has a legal standard—that the individual "knows or reasonably ought to know" that a controlled substance will be used at their event—that is far lower than that in my bill and (2) is specifically targeted at raves and promoters. What is more, on their web site, the Drug Policy Alliance makes the outlandish claim that:

> The "RAVE" Act threatens free speech and musical expression while placing at risk any hotel/motel owner, concern promoter, event organizer, nightclub owner or arena/stadium owner for the drug violations of 3rd parties—real or alleged—even if the event promoter and/or property owner made a good-faith effort to keep their event drug-free. It applies not just to electronic-music parties, but any type of public gathering, including theatrical productions, rock concerns, DJ nights at local bars, and potentially even political rallies. Moreover, it gives heightened powers and discretion to prosecutors, who may use it to target events they personally don't like—such as Hip-Hop events and gay and lesbian fundraisers.

The law that my bill amends, 21 U.S.C. 856, has been on the book for nearly two decades and I am unaware of it ever being used to prosecute a legitimate business. My bill would not change that fact.

The reason that I introduced this bill was not to ban dancing, kill the "rave scene" or silence electronic music—all things of which I have been accused. Although this legislation grew out of testimony I heard at a number of hearings about the problems identified at raves, the criminal and civil penalties in the bill would also apply to people who promoted any type of event for the purpose of drug use or distribution. If rave promoters and sponsors operate such events as they are so often advertised—as places for people to come dance in a safe, drug-free environment—then they have nothing to fear from this law. In no way is this bill aimed at stifling any type of music or expression—it is only trying to deter illicit drug use and protect kids.

Again, I am glad that this measure was included in the conference report. I believe it is a fitting addition to a bill whose purpose is to protect children.

I am pleased that we were also able to include in the conference agreement section 10 of S. 152, the "DNA Sexual Assault Justice Act of 2003," a bill which I introduced with Senators SPECTER, CANTWELL and CLINTON, along with 20 bipartisan cosponsors, in the Senate and that Representatives GREEN and MALONEY introduced in the House of Representatives. This bill unanimously passed the Senate in the 107th Congress as S. 2513.

Section 611 would amend Title 18 to encourage federal prosecutors to bring "John Doe/DNA indictments" in federal sex crimes. Specifically, the provision amends 18 U.S.C. §3282 to authorize explicitly federal prosecutors to issue an indictment identifying an unknown defendant by this DNA profile within the 5-year statute of limitations. If the indictment is issued within the 5-year statute of limitations, the statute is then tolled until the perpetrator is identified through his or her DNA profile at a later date. The John Doe/DNA indictment would permit prosecution at anytime once there was a DNA "cold hit" through the national DNA database system.

While the Justice Department is permitted currently to bring John Doe/DNA indictments under Rule 7 of the Federal Rules of Criminal Procedure, see, e.g., *United States* v. *Fawcett*, 115 F.2d 764, 767 (3d Cir. 1940) (an indictment is an accusation against a person, not against a name, and hence the name is not of the substance of the indictment), they have not been frequently used in federal sex offenses. Accordingly, section 611 in no way should be construed, by negative implication, as suggesting that a DNA profile is the only alternative method of identification in criminal indictments.

Joe Doe/DNA indictment strike the right balance between encouraging swift and efficient investigations, recognizing the durability and credibility of DNA evidence and preventing an injustice if a cold hit happens years after the crime if law enforcement did not promptly process forensic evidence. Providing incentives for law enforcement to test quickly crime scene DNA from sexual assaults will also help identify sex offenders (who are often recidivists) to permit their speedy apprehension and prosecution.

In conclusion, Mr. President, this conference report will do a lot to protect our kids. I commend the Chairman of the Judiciary committee Senator HATCH for his efforts. Our ranking member Senator LEAHY dedicated himself to passing a meaningful Amber Alert bill. The staffs of the Senate and House Judiciary Committees worked long hours to get us to this point today. I am especially grateful for the efforts of Makan Delrahim, Mike Volkov, Reed O'Connor and Jennifer Wagner of Senator HATCH's staff. Thanks also to Bruce Cohen, Ed Pagano, Julie Katzman, Steve Dettelbach, Tim Lynch, Tara Magnere and Jessica Berry of Senator LEAHY's staff. The majority and minority staffs of the House Judiciary Committee worked equally hard to produce this conference report. I am appreciative of the efforts of Phil Kiko, Steve Pinkos, Will Moschella, Jap Apperson, Sean McLaughlin, Beth Sokul and Katy Crooks of Congressman SENSENBRENNER's staff. Also I would like to thank Ted Kalo with Congressman CONYERS and Bobby Vassar and Greg Barnes with Congressman SCOTT for their working during the conference committee.

Finally, and most importantly, I thank my Judiciary Committee staff for their efforts on behalf of this conference report. Neil MacBride, Eric Rosen, Tonya Robinson, Marcia Lee, Jonathan Meyer, Louisa Terrell and my very able law clerk Tracy Carney each ensured that many of my legislative priorities were included in this conference report and in so doing they helped to ensure our kids will be safer tomorrow then they are today. I urge my colleagues to vote in favor of the conference report.

Mr. LEVIN. Mr. President, I am deeply concerned about sentencing-related provisions included in the legislation now under consideration. The bill which the Senate passed in February of this year addressed an important issue—on which their was unanimous bipartisan agreement—of cracking down on child pornography. While I am pleased that the bill before us retains the provisions of that bill, it also proposes wholesale, and in my view unwise, changes to procedures for judicial departures from the sentencing guidelines in criminal cases.

The bill before the Senate contains a provision requiring de novo review of all sentencing departure cases appealed to the circuit courts. This provision overturns, without there having been any State debate on the issue, the interpretation of the "due-deference" standard for review of district court sentencing decisions contained in the Supreme Court's 1996 decision in Koon v. United States. In that case, the Court said:

> We agree that Congress was concerned about sentencing disparities, but we are just as convinced that Congress did not intend, by establishing limited appellate review, to vest in appellate courts wide ranging authority over district court sentencing decisions. Indeed, the text of section 3742 manifests an intent that district courts retain much of their traditional sentencing discretion. Section 3742(e), as enacted in 1984, provided "[t]he court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous." In 1988, Congress amended the statute to impose the additional requirement that courts of appeals "give due deference to the district court's application of the guidelines to the facts . . .

The bill also threatens to chill the use of judicial discretion to depart from the sentencing guidelines by imposing burdensome reporting requirements on judges who depart. Further, it requires the Attorney General to provide both the House and Senate Judiciary Committees with a report containing information—including the identity of the district court judge—on every downward departure in any case. The Judicial Conference of the United States has said, in an April 3, 2003, letter to Senator HATCH:

> We oppose the systematic dissemination outside the court system of judge-identifying information in criminal case files. . . . We urge Congress to meet its responsibility to oversee the functioning of the criminal justice system through the use of this and other information without subjecting individual judges to the risk of unfair criticism in isolated cases where the record may not fully reflect the events leading up to and informing the judge's decision in a particular case.

Surely we should hear from the Judicial Conference which has some serious concerns about the impact of this provision on judicial decisionmaking.

The bill could also have the effect of dramatically altering the composition of the U.S. Sentencing Commission. The Sentencing Commission consists of seven members. Under current law, at least three of it members must be Federal judges selected by the President from a list of six judges submitted by the Judicial Conference. By removing the requirement that judges hold at least three of the seven seats on the Sentencing Commission, the bill threatens the integrity and future good judgement of the Commission. I do not believe that this is a wise change because judges have a unique perspective on the issue of criminal sentencing.

These are just a few among the many troublesome provisions that were inserted into a piece of legislation after its passage in the Senate had enjoyed broad bipartisan support. The Senate has not had the opportunity to consider the potential impact of these provisions through either hearings or floor debate. Mr. President, I am disappointed that they are now being considered in a conference report which we will not have opportunity to amend.

Mr. DODD. Mr. President, I rise today to speak about the CARE Act which is an important piece of legislation that was passed yesterday. The CARE Act will help thousands of charitable organizations across the country perform the important work that they do every day on behalf of people and causes that need and deserve our assistance.

Every day in America, men and women and sometimes children—working and volunteering under the auspices of countless charitable organizations—feed hungry children, provide hot meals and home visits to senior citizens, clean our parks and lakes and rivers, care for neglected and abused animals, and provide clothes, food, and shelter for the homeless and mentally ill. These activities take place each day despite great costs to workers and volunteers in terms of time and resources.

I would daresay that were this bill not to become law, volunteers and charitable organizations around the country would be no less committed and dedicated to their work. But because we have passed this legislation and because this legislation or a reasonable facsimile thereof will hopefully become law in the near future, it is my belief that the work performed by charitable organizations and volunteers throughout America will be supported, strengthened, and expanded upon for years to come.

One of the most important provisions in this bill will allow those who do not itemize their deductions to receive a tax deduction for their charitable contributions. This deduction will benefit millions of low and middle-income families who are already making significant charitable contributions each year, and it will encourage even more charitable contributions in future years.

This bill also authorizes preferential treatment of gifts made from IRAs. This provision is important to many major charities and universities throughout our Nation.

I am also very pleased that the CARE Act restores funding for the Social Services Block Grant. The social services block grant pays for critical services for millions of children, families, seniors, and persons with disabilities each year. Congress has been ignoring its responsibility to those in need for too long. Since 1995, annual funding for SSBG has been cut by more than $1 billion, from a high of $2.8 billion to the current level of $1.7 billion. This bill will restore the amount to $2.8 billion in the next fiscal year which is especially important now since we are seeing States across America cut and sometimes even eliminate the very services that SSBG was enacted to support because of the budget deficits they are currently faced with.

I do not believe it is an exaggeration to say that, if you want to know what America is all about, visit one of America's charities. There you will find the American spirit burning brightly. It is a spirit of compassion, selflessness, equal opportunity, and initiative. Those are the values that have made our Nation great. Those are the values that are nurtured each and every day in these organizations. And those are the values that will be given new strength and potency by this legislation.

I commend those of our colleagues who have worked hard to bring this legislation to the floor today. And I look forward to continuing to work with them in the days to come to enact it into law.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from California. There is no question she and the distinguished Senator from Texas have been major movers of this legislation and she has been a strong supporter of the bill that this is attached to that does so much for children. I personally would have preferred to have just passed AMBER alert, but I am overjoyed we have this child legislation.

By the way, the judges did not have to report to the Congress, they only have to report to the Sentencing Commission, which is made up in part of judges. I wanted to correct that in the RECORD because I know my colleague will appreciate knowing that.

One of the most startling statistics is to find almost 4 million kids out of the 23 million children in our country between 12 and 18 have been abused. It is unbelievable. A study conducted by the Bureau of Prisons found that 76 percent of defendants convicted of child pornography or of traveling in interstate commerce to engage in sex with minors, admitted to undetected sex crimes, with an average of 30.5 victims;

on average, 76 percent of people convicted of child pornography or of traveling in interstate commerce to engage in sex with minors, admitted to undetected—in other words, crimes that nobody knows about—sex crimes with minors with an average of 30.5 additional child sex victims. Every one of them.

It is time we get tough. This bill is a tough bill, as it should be. This bill will help solve some of the problems of society, as it should.

I have to confess, I have been underwhelmed by some of the arguments, underwhelmed by some of the arguments in this area. All I can say is that we do not do away with downward departures; they better be the departures allowed by the Sentencing Commission and not just conjured out of thin air by the judges.

I have to also confess the distinguished Senator from Massachusetts is continuously bringing up Justice Rehnquist and Justice Kennedy. Their letters were to the Feeney amendment which has been drastically modified by the Hatch-Sensenbrenner-Graham amendment. That argument, in and of itself, does not stand or hold water. I will not say that it is a misrepresentation, as has been indicated on the other side, but I will say it does not hold any water.

Now, there have been some complaints from some that the conference committee refused to pass a stand-alone AMBER alert and PROTECT Act bill. They complain that the conference bill contains measures that they had not considered and are opposed to including in the conference bill. We have a wonderful system of government in this country. Our system divides the Congress into two coequal branches of Government because that is the case. It is not unusual the legislation covering the same topics pass both Houses with language and subject matter that is not entirely the same. Just because the two legislative bodies do not agree on each and every provision, we do not simply walk away from the legislation. Instead, we convene a conference between the two legislative bodies in an attempt to harmonize the legislation.

Sometimes the conference between the two bodies reaches agreement, and sometimes the two bodies do not. In this case, we did. Both bills—the House bill and the Senate bill—dealt with crimes that victimized children. However, the two bills were not identical in every respect. The House bill included significant provisions that add stiff punishments to those who actually victimize children, as well as other punishment-related issues.

The House passed a measure that would have provided for a study on volunteer background checks, but we from the Senate side insisted that the bill go further, to include a pilot program so the volunteers would have access immediately. A majority of the conferees, after considering all of the measures, have agreed to this conference bill.

While all may not agree to each and every specific compromise made by the conference, this bicameral system has succeeded in compiling and producing comprehensive child protective legislation. In fact, it would be safe to say that some of the 400 Members of the House who voted for this today, who voted for this conference bill, agreed to each and every provision in the conference bill, but as with every piece of legislation, overall they voted to pass it.

That is how our system works. I urge my colleagues to vote in favor of this measure because this measure is a measure that can help to put an end to some of these crimes against children that are so affecting our society.

I want to pay tribute to John Walsh, to the people who run the Boys and Girls Clubs of America, and my friend, Wintley Phipps, who runs the Dream Academy to help children of prisoners who have family members in prison; to bring mentors and tutors into their lives to help them come into the digital world and bring mentors and teachers to help them understand computers, to help them understand there is a better way. Many of these kids, 65 to 85 percent of them, depending on the jurisdiction, would go to crime themselves.

I want to compliment those groups I mentioned and many others I wish I had time to mention, who are fighting these battles on the front lines against these child molesters, pornographers, rapists, et cetera. They deserve our respect and they deserve this legislation.

We all deserve this legislation. As a father of 6 children, and a grandfather of 21, I have to tell you I want all my kids and grandchildren protected. My kids are now adults so hopefully they can protect themselves, but my grandchildren by and large are not. I am worried about children all over this country. When you think the average convicted child molester has personally abused 30.5 kids, it is time to get tough on them. Frankly, it is time to quit playing games with the sentencing guidelines in this area.

I don't see why judges should be offended or concerned if we have them review decisions on guidelines, downward departures by the lower court, especially when those departures are unjustified, unwarranted, and in many cases ridiculous.

Let me address something else that has me deeply troubled about what I have heard on the floor about the main complaint by our friends on the other side—some of our friends on the other side; very few, I believe. I believe the vast majority of Democrats are for this bill. I hope they will vote for it. I will be shocked if they do not.

But the main complaint by Democrats appears to be they do not like this compromise that provides for meaningful review of the sentencing guideline provisions. Why anyone would oppose provisions that simply grant appellate courts the opportunity to give meaningful review to criminal sentences is just simply beyond me. The House had Sentencing Commission hearings. The Senate has had Sentencing Commission hearings—regardless of the representations by my distinguished friend from Massachusetts. We had extensive hearings back in the year 2000. We all know a lot about this.

This measure, through compromise, has taken steps to address a growing problem both bodies identified in guideline sentencing.

But I am even more troubled by remarks I have heard or read from the Associated Press, where Republicans were accused of:

> . . . kidnapping the AMBER alert bill in an attempt to achieve partisan and wholly unrelated goals, getting judicial sentencing guidelines.

Understand, those who support this bill want to strengthen punishments. That is what the supporters have voted for; that is what the supporters who plan to vote for this bill want.

However, the insinuation that supporters of this bill have kidnapped anything is offensive. I am appalled that was said in public and in the press.

The AMBER alert provision is named after Amber Hagerman, from Arlington, TX. This child was kidnapped and murdered. This tragic crime has led to AMBER alerts in various States and is one of the provisions included in this bill for nationwide implementation. To invoke her name in connection with kidnapping is simply offensive. I suspect that when her family reads about that, instead of feeling proud about a law that is named in Amber's memory, this kidnapping reference in connection with her name will only prove more hurtful.

Let's put these unwarranted snipes—and that is what they are—aside. Let's vote on this bill and send it to the President immediately. It will be signed by Easter and those criminals who even think of stepping outside the law with respect to any of these offenses will know the full weight of the law will be brought down to bear on them.

Mr. President, I again urge my colleagues to pass this bipartisan compromise agreement. The House of Representatives passed this legislation this morning by a vote of 400–25. I am pleased we will act tonight by voting on this critical measure to protect our children.

This bill enjoys widespread support, and the need for the measures contained in the bill is well demonstrated. Law enforcement organizations around the country have expressed their support for this bill. Victims' families and citizens alike have done so. Earlier I read a letter we received from Elizabeth Smart's family in support of the bill. Even citizens from Senator KENNEDY's home State of Massachusetts—such as Maggie Bish whose daughter Molly was abducted in 2000 and hasn't been found—have expressed their support for this legislation.

I now urge my colleagues to vote in support of this bill and forward it to the President for his signature as soon as possible.

I know that some on the other side do not agree with each and every measure contained within it. I suspect that there are those among the 400 Members in the House who voted for this conference bill who did not agree with each and every provision. They might not have agreed with the specifics of Representative FEENEY's amendment. However, overall, they believed that the conference bill includes child protection measures that will ultimately benefit those in our society who are most vulnerable.

The fact is, this legislation has many provisions that will help prevent crimes against children, as well as help keep those who prey upon the innocent out of our society and away from our children. I am not going to list all of them again here. But I note that provisions such as the AMBER Alert and Code Adam systems will allow the public to assist law enforcement in the timely search for and safe return of child victims. Stronger penalties for pedophiles and child molesters, and especially recidivists, will ensure that those who victimize children will stay behind bars where they deserve to be. Enhanced investigative tools will enable law enforcement officers to prosecute those who exploit children. The sentencing reforms will prevent sentencing abuses in cases involving child and sexual crimes where too often we have seen lenient sentences imposed. They will also ensure that appellate courts can adequately review sentences by district courts.

Mr. President, I would also like to take this opportunity to recognize the tireless work of the dedicated staff members on both sides of the aisle whose work around the clock made this legislation possible. First, on my staff, I want to specifically commend my former staffer Wan Kim, who recently re-joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney. He, along with Mike Volkov, Reed O'Conner, Jennifer Wagner, Ted Lehman, Dabney Friedrich, and my Chief Counsel and Staff Director Makan Delrahim, all poured their hearts into this legislation. On Senator LEAHY's staff, I want to thank Julie Katzman, Steve Dettelbach, Tara Magner, Jessica Berry, and Ed Pagano. On Senator BIDEN's staff, Neil McBride, Tonya Robinson and Eric Rosen. On Senator SESSIONS's staff, William Smith and Andrea Sanders. On Senator GRASSLEY's staff, Chad Groover. On Senator GRAHAM's staff, James Galyean. On Chairman SENSENBRENNER's staff, I want to commend Will Moschella, Phil Kiko, Jay Apperson, Beth Sokul, Katy Crooks and Sean McLaughlin for their hard work and dedication.

It is time for us to vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that the vote with respect to this conference report occur at 6:40 today, and that immediately following that vote, the Senate proceed to executive session and a vote on calendar No. 60, the nomination of Ross Swimmer, to be Special Trustee for American Indians; further, I ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report to accompany S. 151. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Kerry
Lieberman

The conference report was agreed to. (Disturbance in the galleries.)

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF ROSS OWEN SWIMMER TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 60, which the clerk will report.

The legislative clerk read the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

Mr. DASCHLE. Mr. President, the Senate is about to vote on the nomination of Ross Swimmer for Special Trustee for American Indians.

Trust reform is a critical issue for the Native American community nationwide, and the Special Trustee is the official responsible for directing the Department of the Interior's efforts to correct this longstanding problem and provide sound fiduciary services to trust beneficiaries. This nomination and vote will affect the prospects for success of this critical reform effort.

I think it is extremely important for the full Senate to reflect on two central facts about the trust debate as they consider Mr. Swimmer's nomination. First, for generations, residents of Indian Country have been victimized by persistent mismanagement of trust assets by the Federal Government. Far too many families for far too long have been denied trust assets to which they are entitled because of this mismanagement. And this situation has adversely affected their quality of life.

Second, frustration with the Federal Government's failure to come to grips with this problem has not only led to litigation (*Cobell* v. *Norton*), it has also solidified the tribes' determination to contribute to the development of a workable solution to the problem. Effective trust management reform will remain an elusive goal if the tribes are not full participants in this exercise.

The tribes understand that the Special Trustee for American Indians must be their ally in the search for a solution, not an independent actor balancing other agendas. In the past months, leaders of South Dakota's nine tribes have expressed to me their concerns about the administration's desire to entrust Ross Swimmer with this influential role.

The bottom line is that trust beneficiaries deserve a Special Trustee in whom they can have confidence to restore sound accounting principles and integrity to the Federal Government's management of trust assets. There is a critical need to elevate the Indian trust issue to higher levels within the administration. The current state of Indian trust management is a debacle and has come to be known as the "Enron of Indian Country." We need an individual who is able to tackle this issue with the interested stakeholders. I agree with South Dakota tribal leaders and the Great Plains Tribal Chairmen's Association that Ross Swimmer is not the right man for this job.

Ross Swimmer has had many responsibilities at the Department of the Interior. But, most significantly for this debate, over the past several years, he has been an integral part of the Department's disappointing effort to impose a trust management solution conceived by Federal bureaucrats without the full engagement and consent of Native American leadership. It is time to make sure that trust beneficiaries receive the assets to which they are entitled. We must not allow the bureaucracy to "run out the clock" in the hope that the courts will "save the day" by absolving the Government of its trust responsibility.

To provide some perspective, the 16 tribes of the Great Plains in South Dakota, North Dakota and Nebraska own 10 million acres of land held in trust by the U.S. Government. These lands represent over one-third of the tribal trust assets. They have huge interests at stake in ensuring that the Special Trustee is committed to a fair resolution of the trust assets management controversy.

I value and respect the judgment of South Dakota tribal people, their tribal leadership and the Great Plains Tribal Chairmen's Association on this important issue. Therefore, I cannot support Mr. Swimmer's nomination as Special Trustee for American Indians.

Mr. NICKLES. Mr. President, today I want to speak on the nomination of my good friend Ross Swimmer to be Special Trustee for American Indians. Back in 1994 Congress passed the American Indian Trust Fund Management Reform Act, which created the position of Special Trustee for American Indians. This position was created to address years of trust fund mismanagement. Special Trustee is a very challenging responsibility not to mention a thankless job. The President could not have picked a better person for this job. Because of Ross's extensive background in Indian law, banking, and finance, I believe that Ross Swimmer can begin to resolve this issue.

I have had the pleasure of knowing, respecting, and working with Ross for more than 22 years. He has served Indian country in both the public and private sectors where he has served in numerous leadership capacities. For 10 years, Ross was Principal Chief of the Cherokee Nation, the second largest Indian tribe in the United States. He served 3 years as Assistant Secretary at the Department of Interior, where he managed a $1.5 billion budget; 15,000 employees, and the oversight and management of policy concerning Indian affairs.

Ross was president of the First National Bank in Tahlequah and chairman of the First State Bank in Hulbert, OK. He was president of a multimillion-dollar manufacturing company, owned by the Cherokee Nation, which is involved in the aerospace, defense, and telecommunications industries. Ross's legal experience includes General Counsel to the Cherokee Nation, associate and partner in the Oklahoma City firm of Hanson, Fisher, Tumilty, Peterson and Tompkins. Because of Ross's background with Indian law, he established the Indian law division for the law firm of Hall, Estill, Hardwick, Gable, Golden and Nelson.

Ross had the distinction of serving as cochairman of the Presidential Commission on Reservation Economies; chairman of the Energy Resources Tribes; and chairman of the White House Conference on Indian Education. He was also named Outstanding American Indian Leader in 1985 and was inducted into the Tulsa Historical Society's Hall of Fame.

I am delighted to be here to recommend my friend Ross Swimmer, to be Special Trustee for American Indians. I have confidence in Ross that he will work with the Indian community toward resolving the issues surrounding the Indian trust. As you can see by Ross's career, he has the dedication, experience, and qualifications as well as the understanding of Indian law necessary to address this complex, monumental task.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN) would vote "no".

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 133 Ex.]

YEAS—72

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Durbin
Edwards
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham (FL)
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kohl
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Reed
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—24

Akaka
Baucus
Bingaman
Boxer
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Feinstein
Harkin
Johnson
Lautenberg
Levin
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Sarbanes
Stabenow

NOT VOTING—4

Dorgan
Kerry
Lieberman
Thomas

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak during that period for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

POST-WAR IRAQ

Ms. LANDRIEU. Mr. President, I would like to take just a few minutes to speak about the unfolding victory in Iraq and to speak about a specific point that I am going to be spending some time working on throughout the course of the next couple of days and as we spend some time, in a recess, traveling back to our States and visiting other places in the world that have been supportive in terms of our alliance in Iraq.

I want to say, just before we break tonight, that the people of Louisiana have watched, with relief and exuberance and pride, the exploits and the work of our troops in Iraq. We have been proud of each and every soldier and the work they are performing under very difficult circumstances, but they are performing beautifully, exceptionally, as expected. We are very proud of their work, the Active Forces as well as the Reserve Forces.

We know we have done many things right in Iraq. We know there are some weaknesses we will address. The military is always the first to say—which is why I enjoy working so closely with them—this is what we did right and we are proud of it and we are going to do it better. But we don't mind admitting there are some things we could do better next time. And lessons learned is something that our military goes through after each and every exercise, which is why they are so good, and why we get better and better and better. I am very proud of that kind of approach.

So as we watch this victory unfold in Iraq, with every toppling of every statue, with the destruction of every image of Saddam Hussein, we can begin to build a new image, a new vision for the people of Iraq, one they so richly deserve and have waited decades and decades to arrive. And it is our pride and our great joy that America and Britain and our allies are helping to bring about this vision, as we speak tonight on the floor of the Senate.

We have been involved today in many other important issues, but, of course, there is no issue more important to this Senate or to this Congress or to this country right now, or to the world, than what is unfolding in Iraq as we speak.

I want to just make a note about one specific aspect of the postbattle plan for Iraq. I am going to be working closely with many committees in the Senate to help to fashion that plan, which, of course, will be broad and comprehensive. Hopefully, we will have bipartisan support.

The President will submit many of his own ideas. The international community will contribute. I, for one, have felt very strongly that our military should continue to lead that effort. While they are soldiers first, and soldiers always, they have tremendous skills and abilities when it comes to postconflict periods, when the battle is actually over and the bullets stop flying and the construction and reconstruction begins. Not that our military would want to be engaged over a long period of time, but there are, most certainly, skills that our military can bring to establishing the, at least, early stages of that civil affairs network and framework.

So I am pleased to see the House and the Senate moving back to the administration's original position, which was to allow our military to lead that effort and the Pentagon, as opposed to the State Department; most certainly for the U.S. to continue that leadership position as opposed to the U.N. The U.N. should be a partner, the international community should be a partner, but the U.S. should lead that effort.

I think that is the way we are moving, and I most certainly support that. And I could venture to say, without seeing any polls, I know the people of Louisiana would want that kind of arrangement to be made.

In one part of the post battle plan for Iraq, the reconstruction plan, I am hoping that we would strongly consider—and I will be filing a resolution in just a few days, as soon as we can get some of the details worked out, and, hopefully, file it in a bipartisan way—a resolution that would suggest that we help the people of Iraq establish a permanent trust fund for their long-term economic development, a trust fund based on the revenues received from the production of oil and gas.

The reason I want to spend just a few minutes speaking about this idea is there have been several articles written. We have done, in our office, some research on this subject. And I have had a great deal of experience with the people of Louisiana with this concept. And we are not the only State that has created trust funds from the oil and gas reserves.

Just like Iraq, although we are not a nation, Louisiana produces a tremendous amount of oil and gas and has some of the richest reserves in the United States.

Texas is also a State that has tremendous resources and established, years ago, a permanent trust fund. The proceeds of that fund are directed to the support and maintenance and the strengthening of their two major universities in Texas. And the billions of dollars that have flowed into this trust fund have provided educational opportunities and research opportunities that have led to jobs creation and economic strength in the State of Texas.

The State of Alaska probably has the largest of such a trust fund, called the Permanent Alaska Trust Fund. Not only have those resources been used to help Alaska strengthen its economy, but there are also, literally, rebates that go from that fund to each individual citizen of Alaska. There are only 500,000 people, but the fund has worked in many wonderful ways.

I will suggest through this resolution that we in the Congress lay out an idea to create such a trust fund for the people of Iraq, run by the people of Iraq, to make sure of that diminishing resource, although they supply now 6 percent of the world's oil, and while I am convinced that our technology working with them will find more oil, and potentially gas reserves, that is a diminishing resource, just as in Louisiana and Texas and Alaska. And beginning a plan now for that money to be used in appropriate ways for education, for health care, for economic development, for improving the infrastructure in Iraq and setting up in a way that protects those moneys so they can be used for the people of Iraq would serve as a great foundation or at least a significant part of a plan for reconstruction for Iraq.

In conclusion, the people are talented and industrious, the infrastructure is there to be built on. With a few good and solid ideas like carving out a trust fund with specific funding from their oil and gas reserves, the people of Iraq can enjoy those reserves and benefit from them, not just in the next year but in many years to come.

I yield the floor.

THE BUDGET CONFERENCE AND OUR ECONOMY

Mr. DORGAN. Mr. President, I wanted to make a comment about what I have been reading this afternoon and hearing most of today about a process by which the budget conference is going to cobble together a compromise and bring it to the House and the Senate, with the prospect of having the Senate have its arms tied behind its back procedurally in order to accomplish a very large tax cut.

Now, what I do not understand is this: We have an economy that everyone understands is in some significant trouble. We have a fiscal policy that does not add up.

About 2 years ago, the President said he wanted a fiscal policy with a very large tax cut, $1.7 trillion. Some of us said: Well, what we ought to do is be a little careful and be a little bit conservative because we don't know what is going to happen in the future.

The President said: No. What we have are budget surpluses as far as the eye can see, and we ought to give that money back.

I said: I believe we ought to provide some tax cuts, but maybe we ought to be a little bit conservative. Who knows what is going to happen in the future.

Well, the President won the day on that, and we had the tax cuts. And then we ran into a couple of problems: One, a recession; two, the terrorist attack of 9/11, which was devastating both with respect to loss of life and also this country's economy.

Then we had the largest corporate scandals in this country's history. We had a pancaking or a flattening of the stock market, a collapsing of the technology bubble in the stock market.

All of these things came to the same intersection at the same time and have caused enormous problems for this country's economy.

Some people say none of that matters. The medicine is still the same no matter the circumstance. I submit, when your economy is sluggish, and people are concerned about the future, they don't have the kind of confidence you would expect about the future—confidence is, after all, what allows this economy to grow—that you ought to take a look at the fiscal policy and see if you can construct a policy that adds up.

Let me describe where we are today.

Two years ago, we had projections that we would have budget surpluses for the next decade—every year, big budget surpluses.

Well, 2 years later, guess where we are. This year, we have a projected $460 billion budget deficit. Under this fiscal policy, this Government spends almost $1.5 billion a day more than it takes in—every single day, 7 days a week. People say it does not matter.

We send our sons and daughters off to war. And those brave souls have performed in a way that make all of us proud. But are we saying to them: "Go fight this war and come back and we'll allow you to bear the burden of the costs. We will allow you to bear the burden of paying off the debt". That is what this fiscal policy does.

Some will say the budget deficit is only $300 billion. That is not true. One hundred sixty billion is the Social Security trust fund. That belongs in the trust fund. You can't use that to counter the deficit. Our budget deficit right now is $460 billion.

What is the solution? The majority party says the solution is to cobble together a budget that looks like Disneyland to me in its construct, that says what we ought to do is have larger and larger tax cuts. Why? Because it is a growth policy.

The only thing that is growing in this economy is the Federal debt. The budget that left the Senate—I will bet not many Senators know this—which had the lower tax cut number in it, $350 billion over the next 10 years, proposed on page 6 that at the end of 10 years we would have a $12.9 trillion debt. I wonder if people know that.

Will it grow the economy? No, it is not going to grow the economy. This fiscal policy is going to grow the Federal debt, from just over $6 trillion to nearly $12 trillion in 10 years.

I come from a small town, but we know how to add and subtract. That isn't progress, not for this country.

What is the construction of all of this? The construction is to say, it is a troubled world, we need more defense spending, a lot more. Most Members have decided, yes, we should do that; it is a troubled world; we are threatened by terrorists; we need more spending to protect the homeland—homeland defense it is called, and most Members say yes; I say yes to both of those. So higher homeland security and defense spending, and then very large tax cuts, and then saying: Let's shrink the domestic discretionary spending; let's decide to shrink that.

I was at one hearing today—one example of dozens—on shrinking spending: Let's cut spending for young American Indians going to tribal colleges to try to better themselves through education. That is what they propose. We will shrink spending for that. Does that make any sense?

I told a story this morning about a young woman named Loretta—someone I have been privileged to know. She grew up in a pretty troubled circumstance. She was shy, stuttered, had a baby out of wedlock, got into lots of trouble. She found her way back. This young woman went to a tribal college on an Indian reservation, got an education, had the support of an extended family for childcare and the kinds of things you can get support for when you are going to a tribal college on the Indian reservation. That young woman who started out in such a difficult situation is now called Doctor. She went to school. They called her a savage. She had a very troubled beginning. But now she is a Ph.D.

Do tribal colleges work? Does it matter? Does it make sense? Is it an investment in life that makes sense? The answer is yes.

So if the construct of the fiscal policy says, let's add for defense and homeland security, and we all agree to that, and let's have very big tax cuts, and then let's cut programs such as tribal colleges that give some of those young American Indians an opportunity, if that is the construct, I say this country is not investing smartly. I would much sooner provide an opportunity for those young kids to go to college than provide a tax cut, on average, which will be $80,000 a year for the American who earns $1 million a year in income. At a time when we have a $460 billion annual budget deficit—yes, it is that unless you take the Social Security trust fund and use it as it has been misused—we say we will just take this out of the hide of some programs that really help people. I don't think that makes any sense. By the way, we will have to do that in order to pay for very large tax cuts. That doesn't make sense either.

I don't know what happened to conservatism. I thought being conservative meant that you did not want to see this runup in Federal budget deficits, you did not want to end up in 2013 with a $1.9 trillion Federal debt. Yet that is where we are headed. That is on page 6 of the budget report that enough of my colleagues voted for to send it on to the House. Coming back, it will be worse. Coming back, I guarantee you that on whatever page they list public indebtedness, it will be higher than $11.9 trillion, if they come out with the House number rather than the Senate number on tax cuts.

I don't understand the rationale. We have Nobel laureates, some of the top business men and women, we have almost anybody who looks at this fiscal policy through a lens other than the rose-colored lens of politics saying: This is crazy. This doesn't make any sense. It doesn't add up. This fiscal policy is going to steer this country in a way that will prevent us from having economic growth.

It is interesting to me that this fiscal policy is always described as the growth plan. Even the nonpartisan Congressional Budget Office says this is not going to grow the economy. The only thing it is going to grow is the Federal debt, doubling it from $6 trillion to $12 trillion. I don't understand. And perhaps some will say: You don't understand; this is a new approach. But it is really not even new. Twenty years ago we did this. Then the fiscal policy was to say, let's double defense spending and cut taxes, and somehow it would produce more revenue and add up.

The fact is, we ended up on the road to $6 trillion in additional indebtedness. Then, through a series of good fortunes, this country saw its economy begin to pick up steam once again, and we saw a whole series of things happen, with massive creation of new jobs and growth. Then we began finally to create budget surpluses.

At that moment, very quickly eyes began to water; everybody began to salivate over the surpluses: What can we do with the budget surpluses? The President said: It is their money; it belongs to the American people—he is right about that—so the surplus should go back to the American people.

But some said: Let's not lock in place a tax cut so large for 10 years that it would put our economy at risk.

Never mind, he said.

So now the question: What belongs to the people? The debt? At $1.5 billion a day, every single day, $1.5 billion more that we spend every day than we take in.

It is unfathomable that we have seen this juxtaposition in American politics that those who say they are conservatives don't worry about the debt. But, of course, the evidence is quite to the contrary.

I am perhaps limited by having taught economics for a couple of years. I always point out that although I taught economics, I have been able to overcome that experience. The fact is, the study of economics is not a science; it is an art. But we know enough about how this economy works to understand it works with respect to people's confidence. If the American people are confident about the future with respect to this economy, they do the things that manifest that confidence, and that is the expansion side of the business cycle. They buy a home, take a trip, buy a car, make a purchase, and you have the expansion side of the American business cycle. If, however, they are not confident about the future, they do exactly the opposite: They decide not to make the purchase; they postpone the trip; they don't buy the car; they don't buy the house. And that is the contraction side of the business cycle.

It is all about confidence. The question raised by Nobel laureates and many others, and op-ed pieces, in fact, in the last day or so by a bipartisan group of the most distinguished American thinkers, in my judgment, is: How can the American people be confident about the future of this economy until and unless they see a Congress willing to make the tough choices to put this economy back on track and make these budgets add up. The easiest political lifting in America, the easiest lifting for American politicians, is to say: Let me support tax cuts. A more difficult proposition for a politician is to say: Let us make tough choices to make sure our budgets add up.

There is no way that what we are going to be confronted with tomorrow morning adds up. The American people know it, politicians know it, economists know it, and it is going to erode confidence in this country that will, in my judgment, stall and stutter the recovery that we expect, need, and deserve.

I will have more to say tomorrow on this subject. It is a disappointing day to know what has happened that will bring the budget to the floor tomorrow in such a state that we will hardly give the American people confidence about our country's future.

I yield the floor.

JUDGE MARY BEATTY MUSE

Mr. FRIST. Mr. President, on April 29, 2003, Judge Mary Beatty Muse of Boston will receive the Lifetime Achievement Award from Boston College Law School which she attended 50 years ago. Judge Muse's professional and personal achievements are extraordinary, and Boston College Law School does well to honor this admirable woman whose life stands as a reminder of honor, courage, commitment, duty to profession, and love of family. It has been my good fortune to know Mary Muse over the past several years, as three of her grandsons and my own boys have become close friends and our families have shared many times together. Let me provide a brief summary of Judge Muse's considerable achievements and note several of the commendations she has received because of her professional and personal integrity.

Mary Beatty Muse was born on July 12, 1920, in Boston. In 1937, she graduated from the Boston Latin School for Girls and then attended Emmanuel College, graduating in 1941.

Soon after Pearl Harbor, she enlisted in the Navy and joined the first class of the newly formed WAVES. She served in the Navy for 3 years as an intelligence and communications officer. Lieutenant Muse was cited for numerous achievements during World War II, as she and this newly formed group of woman sailors served valiantly during that conflict.

Following the war, she attended Boston College Law School on the GI bill, graduating as one of three women in a class of approximately 160 students. That law school, like so many other of our institutions, has seen much progress over the past several decades. In noting this progress, it is imperative we recall and honor the people who were in the vanguard of this movement of women into our professions. The circumstances back in 1950 were dramatically different for women. It took unusual courage, perseverance, and fortitude to achieve as Mary Muse did.

From the early days in her professional career, Judge Muse served as a role model to a generation of younger women, particularly in the Boston area. In her law practice and on the bench, she inspired countless women by her words and actions. Over time, the disparity that was so palpable and obvious when she started her career in law has been erased. Only now because of women like Judge Muse can it be said that our educational institutions are open to all, regardless of gender. This past year, Boston College Law School had a graduating class of 267 students, 123, or 46 percent, of whom were women, a vastly different setting from the early fifties when Mary Muse and her two female classmates accounted for less than 2 percent of their class.

In 1983, Mary B. Muse was appointed a justice of the Massachusetts Trial Court. On the bench, she was known for her firm but kindly manner, as she treated all participants—attorneys, court personnel, and parties—with the respect and courtesy that should be the hallmarks of our justice system. She remained on the bench until her mandated retirement at the age of 70. To say that she "retired" though is to misspeak. Judge Muse is now almost 83 and has not begun to slow down in her daily chores or professional activities. Since she left the court, she has been active in numerous and varied undertakings that would exhaust a person half her age.

With an unswerving sense of commitment and an untiring energy, she has served as a member of the Supreme Judicial Court Rules Committee; a member of the board of governors for the Massachusetts Academy of Trial Lawyers; an officer of the Massachusetts Association of Woman Lawyers; vice president of the Massachusetts Judges Conference; a member of the board of directors of the Massachusetts Catholic Lawyers Guild; an elected official in Brookline, MA; a member of the board of trustees of Emmanuel College; and as an officer and member of various other groups and organizations that serve the community . She has also been appointed by the Governor of Massachusetts to be a Master for the Review of Treatment Plans for the Mentally Ill and has been a member of the Governor's Advisory Board to the Department of Mental Retardation.

Her involvement in the Catholic Church reflects the same level of commitment that she brings to her professional endeavors. She has been a Eucharistic lay minister and an active member of her church. But more importantly, behind the scenes, she has been a source of constant and unremitting charity to scores of those in need. She understands and lives by the notion of quiet charity, helping others both by spiritual and material assistance.

Mary Muse has been honored numerous times by colleges, bar associations, and other organizations. She is the recipient of an honorary degree from Emmanuel College. She has received the Irish American Charitable Award and has been acknowledged with the Distinguished Jurist Award from the Massachusetts Association of Woman Lawyers. In 1991, she was the recipient of Emmanuel College's Alumna of the Year Award. In 1998, Boston College gave her its Alumni Award for Excellence.

I provide this background to give a small sample of the full and vital life of this still very active woman. But it has one critical omission. Along the way, Judge Muse also raised her 11 children, 8 sons and 3 daughters. Each of them was not only a college graduate, but also has a graduate degree from a professional school. They are lawyers, doctors, teachers, builders—and one son is a judge like his mom. If you asked Judge Muse her greatest achievement in life, it would be a quick answer: her family. Throughout her career, she has placed a primacy on what she deems most important in life: her loved ones. As she pursued and reached the pinnacle of her professional career, she raised a family that was deeply nurtured in great love and values. Judge Muse stands heroically in the eyes of her 11 children, all of whom will come from different spots in the country and abroad to be with her on April 29 when she receives this special acknowledgment of her remarkable life.

Finally, my statement would not be complete if I didn't make some mention of the other great force in her life. Her husband, Bob Muse, himself a great trial lawyer and a much decorated Marine Corps fighter pilot, has been her partner for 60 years. No one will stand prouder on April 29. He has been her source of strength and love—as she has been for him.

Mary Muse has served as an exemplar for others, men and women alike, who seek to achieve in this world while holding on to the values of family, friends, and community. She is a gentle and unassuming person whose modesty and Irish wit forbid her from reflecting on, or talking about, the great influence she has had on so many. But it is appropriate and right that others do so—and Boston College Law School does well to honor one of its most distinguished graduates.

NORTH KOREA

Mrs. FEINSTEIN. Mr. President, today North Korea formally withdrew from the Nuclear Non-Proliferation Treaty. Yet while the United States has marshaled its military, diplomatic, and political resources against Iraq over the past 6 months, too little appears to have been done with regard to North Korea, which I believe represents the most imminent, serious, and dangerous threat facing the United States.

Over the past few months North Korea has: expelled International Atomic Energy Agency inspectors; moved 8,000 previously canned plutonium rods back to a reprocessing facility; started up its Yongbyon nuclear facility again; scrambled fighter jets to intercept a U.S. Air Force reconnaissance plane over the Sea of Japan; and, threatened to abandon the armistice that has been in effect since 1953.

We must face facts: North Korea, an isolated dictatorship, with a collapsed economy, controlled by its military, and in possession of nuclear weapons and the means to deliver them, represents a clear and present danger.

If the United States does not exercise leadership and seek a pragmatic approach to engaging North Korea—pragmatism that comes not from weakness, but from strength—we run the risk of disrupting strategic stability in the Asia-Pacific region, the most vital political, military, and economic region for the United States in the 21st century, and undermining our international credibility and global nuclear nonproliferation efforts.

North Korea is a quasi-Stalinist state which, since its formal creation in 1948, has been run by two men—Kim Il Sung, who died in 1994, and his son, Kim Jong Il. It is still almost entirely closed to the Western World, a stark and isolated country marked by repression and poverty.

The North Korean people have no access to outside sources of information, such as television or radio or the Internet.

The totalitarian discipline of the North Korean people is dramatically illustrated by the fact that North Korean infiltrators commonly commit suicide rather than allow themselves to be captured. Only in rare cases have they been captured before they killed themselves. That is a measure of fanatical devotion.

Second, the North Korean economy is increasingly isolated and stands, in my view, on the brink of collapse.

In many ways, North Korea is the "black hole" of Northeast Asia. Even before Russia and China curtailed their energy and food support in the 1990s, the North Korean economy was in freefall.

One measure of the dire straits facing the North Korean economy is the famine that has gripped that nation for the past decade. Largely created by gross human negligence, not natural causes, it has killed an estimated 2 million people since the mid-1990s. Although harvests have improved modestly in recent years, food shortages are still a serious problem.

In recognition of this problem, just last month Secretary of State Powell announced that the United States would provide 40,000 tons of food aid to the North—a modest level compared to recent years but significant nonetheless.

A second measure of the desperate situation facing the North Korean economy is the collapse of its energy sector.

North Korea's total electricity consumption in 2000 was only 65 percent of what it had been in 1991. North Korea has resorted to a rationing system for electricity and often experiences extended blackouts and power losses due to an antiquated transmission grid, and the North Korean agricultural sector is severely afflicted by a lack of diesel and power supplies, as well as spare parts and fertilizer.

Taken together, North Korea's continuing isolation, famine, and economic collapse constitute a humanitarian crisis, and act as a barrier to improving cooperation and engagement in Northeast Asia on a number of fronts—political, economic, and military.

In early October of 2002, Assistant Secretary of State James Kelly informed North Korean officials that the United States was aware that North Korea had a program underway to enrich uranium for use in nuclear weapons.

According to Secretary Kelly, with whom I have discussed this situation on several occasions, North Korea initially denied the allegations, but later confirmed the U.S. claim. In confirming that they had an active nuclear weapons program, they also declared that the 1994 Agreed Framework was essentially null and void.

Under the Agreed Framework, signed by North Korea and the United States: North Korea would freeze its existing nuclear program and agree to enhanced International Atomic Energy Agency, IAEA, safeguards; the United States would lead an effort to replace the DPRK's graphite-moderated reactors for related facilities with light-water, LWR, powerplants; the U.S. pledged to provide 500,000 tons of heavy fuel oil, HFO, annually until the LWRs were completed; both countries would move toward full normalization of political and economic relations; both sides would work together for peace and security on a nuclear-free Korean peninsula; and both sides would work to strengthen the international nuclear nonproliferation regime.

Implementation of the Agreed Framework was never perfect. None of those who negotiated it or worked to implement it were operating under the mistaken belief that North Korea was a "good actor." But the guts of the deal—international safeguards on North Korea's plutonium facilities in exchange for HFO and the construction of the LWRs—appeared to be intact until October 2002, when North Korean officials acknowledged the existence of a clandestine program to enrich uranium for nuclear weapons that is in violation of the Agreed Framework and other agreements.

With the Agreed Framework now null and void, North Korea may well find in the production of fissile material a new cash crop, ready for export, to support its sagging economy.

What makes the North Korean nuclear program of particular concern is that North Korea also possesses advanced missile technology—in fact, it is the only country on earth that continues to sell Missile Technology Control Regime-banned missiles—including missiles that one day may be capable of reaching the United States.

North Korea produces a wide range of ballistic missiles, including extended range versions of the Soviet-era Scud missile as well as indigenous medium range No Dong and Taepo Dong missiles.

In fact, in 1998, North Korea test fired one of its Taepo Dong missiles over Japan and into the Pacific.

In addition, since at least 1987, North Korea has been developing long-range missiles, including the Taepo Dong 2. A two-stage Taepo Dong 2 has a range of approximately 6,000 miles, while a three-stage version has a 9,300 mile range, allowing it to hit almost any point in North America.

North Korea has also developed and produced cruise missiles. In fact, the land-to-ship missile fired last month on the eve of Roh Moo-hyun's inauguration as South Korea's new President, was a cruise missile believed to be based on the Chinese Silkworm missile design.

Exporting missiles is one of the few sources of hard currency for North Korea, and in addition to the recent Scud sale to Yemen, North Korean leader Kim Jong Il has admitted that Pyongyang sells missile technology to other nations, including Syria, Iran, and Libya.

Now, I believe the blame for precipitating the current crisis lies squarely with North Korea, which clearly violated the Agreed Framework by undertaking its secret uranium enrichment program.

The government of Kim Jong Il has clearly placed its focus not on feeding its people but in developing its military, its missiles, and its nuclear capability all in defiance of the treaties it has signed.

Yet it also appears that our own handling of events on the Korean peninsula over the past 2 years, as well as our broader foreign policy rhetoric and statements have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

Part of the problem was our reluctance to endorse former President Kim Dae Jung's "Sunshine Policy," a diplomatic and economic effort by the South Korean Government to ease tensions with the North. President Kim was awarded the Nobel Peace Prize in 2000 for precisely these initiatives.

This move was perceived as a major humiliation in South Korea, helped set the stage for the rise of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

Next month, when President Roh visits Washington, I would urge the administration to take great care to assure that the United States and South Korea share a common vision, goal, and purpose regarding North Korea.

The North Korean situation offers no easy solution. But over the past several months it has gone from bad to worse, and the administration has yet to demonstrate the degree of high-level seriousness and commitment necessary to defuse the crisis.

We cannot allow North Korea to produce additional nuclear material. Restarting its production facility will allow North Korea to develop at least a half dozen nuclear weapons within 6 months.

It is bad enough that North Korea might acquire a significant nuclear arsenal for its own possible use. But even worse would be North Korea becoming a plutonium factory selling fissile material to the highest bidder. As we were reminded in December when we intercepted a quasi-legal missile shipment to Yemen, this is a regime that will sell anything it develops.

In short, the administration's justification for being concerned about Iraq that it is a brutal dictatorship that may threaten instability in the region and may provide WMD to terrorists is quickly becoming a reality with North Korea.

A failure to stop North Korea's nuclear program is sending a terrible message to other rogue states and to our friends and allies as well. Every would-be proliferator is measuring our response to North Korea as they consider how to chart their futures.

And a nuclear North Korea may lead friends in the region, like Japan and South Korea, to conclude that they have to increase their military capabilities, sparking an arms race in Asia and drawing China, India, and Pakistan into a regionwide cycle of escalation.

At the end of the day, I believe that we face the same three basic options today that we did in 1994: We can launch a preemptive strike against North Korea's nuclear facilities; we can pursue a policy of isolation and containment; or, we can seek to persuade North Korea to abandon its nuclear ambitions through negotiations.

In reality, a preemptive strike is not a feasible option.

First, while we might be able to take out Yongbyon and other well-known sites, we simply don't know where all of North Koreans fissile material, missile, or nuclear facilities are located. There are over 10,000 caves and holes in North Korea. We don't know the location of the uranium facility.

Second, launching a preemptive strike is hardly a palatable option given the military realities on the ground at the DMZ. Such a strike would lead to all-out war on the Korean peninsula, and although I believe the U.S. and our allies would emerge victorious, the price would be high.

Finally, our South Korean allies strongly reject a preemptive strike, which should give us pause.

Likewise, there are major problems with continuing a policy of isolation and containment, as some in the administration have argued for. In essence, isolation and containment appear unlikely to succeed in toppling a regime that has been isolated and contained for so long. And it means that we have acquiesced to North Korea's going nuclear, and to North Korea acquiring serial production capacity for nuclear weapons and fissile material. Furthermore, isolation will not prevent North Korea from exporting fissile material to Iran, al-Qaida, or others.

A policy that allows North Korea to build and retain nuclear weapons and long-range missiles capable of reaching the United States, and to possess excess fissile material and a highly efficient network to sell or transfer fissile material to terrorists or other rouge states, is not in our best interest, which brings us to the third option negotiations.

I strongly believe that the United States must signal its willingness to engage in immediate U.S.-North Korean negotiations to dismantle North Korea's nuclear program in return for U.S. security assurances to North Korea, economic assistance and normalized relations. In fact, as some experts have suggested, bilateral negotiations themselves could be premised on a North Korean commitment not to reprocess the Yongbyon reactor fuel rods into plutonium during the discussions.

As we seek creative solutions to engage North Korea and go forward with a process of negotiations, it is critical that we do so in harmony with South Korea and Japan, and both China and Russia must also play a major role. The administration is right that this crisis is an international problem that requires the active involvement of the other powers in the region.

I am particularly pleased to note that China has, in fact, played a constructive role in helping to convey to North Korea the gravity of its current course.

At the same time, I believe that the burden of international leadership falls on the United States, and, as we seek to engage North Korea diplomatically, we must move beyond continuing to argue over the shape of the table or how many chairs should be at it. Continuing to do so is little more than an excuse for those who would prefer to see the crisis escalate instead of seeking to solve it.

Although the administration believes, correctly, that bad behavior should not be rewarded, it is also a truism of diplomacy that if you want to get something you must be prepared to give something.

And I strongly believe that it is in the United States' best interests to get something from North Korea: That North Korea cease and desist its nuclear activities and stop proliferating missiles.

So I believe that it is imperative to think creatively about inducements that can be offered to induce North Korea to relinquish its nuclear ambitions. Implementation of several relatively modest nonnuclear energy sector initiatives—introducing market institutions to the North Korean energy sector; undertaking efforts to repair the existing electric grid; rehabilitating coal supply and transport; eliminating waste; and underwriting small-scale renewable projects—would provide for a stable energy sector for North Korea in the near and intermediate term. And, as part of a process of larger diplomatic engagement with North Korea, this can contribute significantly to defusing the current crisis.

There is no evidence that North Korea has started to reprocess. North Korea may well be determined to go down the nuclear path and a nuclear North Korea may well be an unavoidable consequence of the current crisis. But nothing is yet set in stone, and at a time of increasing uncertainty the world looks to the United States to lead. And there is no better way to underscore our seriousness than through direct negotiations. Such talks are all the more important when dealing with an isolated, tyrannical and bellicose regime, because miscommunication can all too easily lead to miscalculation, with possibly catastrophic consequences.

REAUTHORIZING THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, a Bureau of Justice Statistics survey published in November 2001 reported that almost 7 percent of State inmates and more than 9 percent of Federal inmates carried military-style semiautomatic weapons in carrying out the crime for which they were convicted. In 1997, roughly 43 percent of inmates who carried a military-style semiautomatic or fully automatic weapon fired it and more than 25 percent of them killed or injured their victim.

Military-style semiautomatic weapons are modifications of traditional semiautomatic weapons. They incorporate features intended to give users an advantage in combat situations. Such features include but are not limited to: pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 semiautomatic assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. Preexisting military-style semiautomatic weapons were not banned.

The semiautomatic assault weapons ban will expire on Sept. 13, 2004. If the law is not reauthorized, the production of military-style semiautomatic weapons can legally resume. As the Bureau of Justice Statistics study illustrates, the use of military-style semiautomatic weapons is already a widely used option for many in the criminal population. Restarting production of these weapons will obviously increase their number and availability. Such an increase does not bode well for public safety.

It is critical that we reauthorize the semiautomatic assault weapons ban. We should not wait for new statistics to demonstrate that more criminals are turning to newly manufactured military-style semiautomatic weapons. Existing evidence of past behavior is clear. If we wait, more damage will already have been done. Military-style semiautomatic weapons represent a danger to the lives of police officers and the general public. For the safety of our Nation's citizens, the Congress should act this year.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001, in Pittsburgh, PA. A 43-year-old man attacked a 22-year-old Pakistani-born university student. The student was walking home from classes when he was alarmed to see a stranger charging after him, his arms already swinging. As he punched and kicked the student, the attacker yelled, "Are you from Afghanistan?" and "I'm going to kill you!" A nearby construction worker managed to stop the attacker, who then fled.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CLUSTER BOMBS AND LANDMINES IN IRAQ

Mr. LEAHY. Mr. President, we can all celebrate the collapse of Saddam Hussein's brutal, corrupt regime. While much remains to be done to rebuild Iraq and reassure the Arab world that the United States is a liberator, not a conqueror, and that we have no intention of imposing our will on the Iraqi people, the demise of such a tyrant should be universally welcomed.

As we reflect on the past 3 weeks of war, we should above all pay tribute to the extraordinary courage and professionalism of our Armed Forces. They conducted themselves in ways that should make all of us proud.

We should also make note of the vast arsenal of modern weapons which enabled them to prevail. These weapons have devastated Iraqi troops, armor, and military infrastructure.

We have seen on television how effective our precision-guided missiles and bombs are, and we can only imagine how many civilian casualties were avoided because of their accuracy. It is partly because we have such increasingly accurate weapons that I want to discuss an issue that concerns me, and that is the use of cluster bombs by our forces in Iraq.

Cluster bombs, otherwise known as "submunitions" or "bomblets," are strewn by aircraft or artillery over a wide area. They can be as small as a baseball. They are designed to detonate on impact and scatter deadly shrapnel in every direction. However, on average some 2–20 percent do not explode on impact. Instead, they remain on the surface of the ground, often hidden by sand or vegetation, where they lie in wait for some unsuspecting child, farmer, or other innocent person. They also pose a grave danger to U.S. forces in the area.

The United States military dropped millions of cluster bombs on Laos during the Vietnam war. Today, over 30 years later, they continue to maim and kill innocent people. The cost of removing these tiny, lethal weapons is prohibitive for an impoverished country like Laos. The United States Agency for International Development, through the Leahy War Victims Fund, is aiding some of the severely disabled victims of these indiscriminate weapons.

More recently, the United States has used cluster bombs in several countries, including Kosovo, Afghanistan, Iraq during the first gulf war, and, according to reports, again in Operation Iraqi Freedom.

In the first gulf war, U.S. planes dropped more than 24 million submunitions on Iraq, leaving roughly 1.2 million duds which resulted in over 1,600 Kuwaiti and Iraqi civilian deaths and an additional 2,500 injured following the war. The cost of clearing these duds and other unexploded ordnance was in the hundreds of millions of dollars.

In 1995 in Bosnia, U.S. military officers reportedly banned the use of cluster bombs because they were seen to present an unacceptable risk to civilians. However, 3 years later, during the NATO air campaign in Yugoslavia, U.S., British and Dutch military aircraft dropped more than 295,000 submunitions. The U.N. Mine Action Coordination Center estimated that more than 20,000 live bomblets remained after the war, and the International Committee of the Red Cross reported that in the year following the war there were 151 reported casualties due to cluster bombs.

The U.S. Air Force has used cluster bombs in Afghanistan, where, predictably, they have caused the deaths of innocent civilians. Additionally, the appearance of the yellow bomblets bore a remarkable similarity to food aid parcels being airdropped. Civilians searching for food instead have found a hidden death. Also, the bright yellow of the bomblets attracted children, who thought it might be a toy. I read recently that this same problem has occurred in Iraq.

According to Human Rights Watch, television images and reports from journalists embedded with the U.S. military indicate that U.S. forces are using artillery projectiles and rockets containing large numbers of cluster munitions of a type which, according to a Department of Defense report, have a failure rate of 16 percent. This could result in hundreds or thousands of dangerous duds.

In addition, The Washington Post reported on March 29 that U.S. forces fired 18 Army Tactical Missile Systems against suspected air defense sites in support of a helicopter attack by units of the 101st Airborne Division on March 28. The payload of an ATACMS is 300 or 950 submunitions with a reported failure rate of 2 percent.

There is also apparently video footage of U.S. Marine artillery units supporting the 3rd Light Armored Reconnaissance Battalion using 155 millimeter artillery firing projectiles at Iraqi positions. A reporter described "hundreds of grenades" being fired at the Iraqis. These were apparently a type of submunition which have a 14 percent dud rate.

Submunitions that fail to detonate upon impact become de facto landmines. I have long opposed the use of landmines, and while cluster bombs differ from landmines in that the former are designed to explode on impact, I have urged the Department of Defense to only use cluster bombs that contain reliable self-destruct fuses. Modern self-destruct fuses, which cost only $8–10 each, could reduce the number of duds and the number of innocent casualties by more than 97 percent. Yet, the cluster bombs used by U.S. forces in Iraq do not, to my knowledge, include this available technology. Innocent people, whether Iraqis or Americans, should not die on account of a mere ten dollars.

I have also urged the Pentagon to adopt rules of engagement to prevent the use of cluster bombs in heavily populated areas. These weapons, which are designed to detonate over a wide area, are not accurate enough to prevent widespread death and injury to noncombatants.

I also want to speak about the use of landmines by Iraqi forces. As I mentioned, I oppose the use of landmines—specifically, landmines that do not have a man in the loop. According to Human Rights Watch and press reports, Iraqi soldiers and paramilitaries have strewn antipersonnel mines widely. They even stored mines inside a mosque in a town in northern Iraq, and placed them around the mosque. This is a war crime.

Iraq is not among the 132 countries that are party to the 1997 Ottawa Convention that outlaws any use, production, stockpiling or trade in antipersonnel mines. Neither is the United States. However, landmines that do not have a man in the loop which can distinguish between an enemy soldier and an innocent civilian are outmoded, inhumane weapons. They should be universally condemned.

Even before this latest conflict, Iraq was a heavily mined country. It is littered with mines from the Iraq-Iran war and from decades of internal fighting. Landmines were used in the first Gulf war by Iraq, as well as by U.S. forces. I am very pleased that U.S. forces apparently have not used landmines in Operation Iraqi Freedom. The fact that even without landmines our soldiers were able to destroy the Iraqi army in a matter of weeks is the latest evidence that landmines without a man in the loop should have no future in U.S. war fighting plans.

Landmines continue to take their toll. In the past 3 weeks, a cameraman working for the BBC was killed in Iraq when he stepped on a mine, and at least three U.S. marines have been injured by mines in separate incidents. It is a virtual certainty that innocent people will continue to be maimed and killed by mines in Iraq long after the fighting stops.

Saddam Hussein's army had a long history of atrocities against the Iraqi people, as well as against Iraq's neighbors. Its use of landmines is but another example of its utter disregard for innocent life.

Mr. EDWARDS. Mr. President, today is a new beginning for the people of free Iraq. The central authority in Baghdad has collapsed. Saddam Hussein's regime has lost control. But we know that there will be hard days ahead, days that will test our leadership, and test our willingness to engage with the rest of the world.

In the coming months and years, America faces the enormous challenge of helping the Iraqi people rebuild their lives in peace and prosperity. This challenge presents an extraordinary opportunity for the United States as well. If we do this right, we have a chance to ensure that the United States occupies a place of respect and admiration in the world. We must take advantage of this opportunity to strengthen relationships with our core allies, to revitalize the United Nations, and to demonstrate American leadership through respectful engagement with the rest of the world.

Today, in Baghdad and throughout Iraq, America's military forces are still in harm's way, and our thoughts and prayers are with them. Over the past 3 weeks, I have visited with some of our troops and their families in North Carolina at Fort Bragg, Camp Lejeune, and with the National Guard. These young men and women inspire us all. They are performing brilliantly, and they will bring us to a great military victory. I support our troops, and I support the cause for which they are fighting.

I have long argued that disarming Saddam, even if it meant the use of military force, was necessary to defend America's national interests. Last fall, I cosponsored and voted for the resolution authorizing force to disarm Saddam. As I argued then, lasting victory will require more than removing Saddam from power and disarming Iraq once and for all. Victory means winning the peace. We have proved that we have firepower. Now we must show that we have staying power.

We must make a major commitment to help rebuild Iraq. It is in America's national interest to help build an Iraq at peace with itself and its neighbors, because a democratic, tolerant and accountable Iraq will be a peaceful regional partner. Such an Iraq could serve as a model for the entire Arab world. If done right—with humility, patience and cooperation—this effort to rebuild Iraq will bring the world together and return America to a place where it is respected and admired.

The President has spoken about his commitment to Iraq's future and pledged that America will be there to help. We must hold him to these commitments, especially because in Afghanistan the President's rhetoric about winning the peace looks more and more like an empty promise.

In order to succeed, our actions to help Iraq must be based on four clear and simple principles.

First, the United States cannot do this alone. It would be a huge mistake if the reconstruction of Iraq were an "American-only" effort. The United Nations must play a central role, not just through passive endorsement, but through active engagement in reconstruction, humanitarian relief, and civil administration. In addition, we should be working with our NATO allies to find ways the alliance could be involved in providing security assistance, and we should seek help from our friends in the European Union. Finally, we need to work with regional partners such as Turkey and Jordan to support these efforts. A robust multilateral approach to this problem will not just increase the likelihood of success. It also will allow us to share the burden of the reconstruction costs with the rest of the international community. And it will help create a free Iraqi Government with legitimacy and authority in the region and the world.

Second, we must ensure the immediate security and safety of the Iraqi people, and help them achieve stability over the long-term. In the beginning, most of this security will have to come from American and British military forces. While our forces should be there as long as it takes, and not be restricted by artificial deadlines, an American military presence in Iraq cannot be indefinite. We should support creating a multinational force to follow our efforts, including a central role for NATO. There are many other urgent security needs as well, such as eliminating the instruments of Iraq's system of repression and securing Iraq's borders and oil facilities. The Iraqi people will only be able to emerge from the shadow of Saddam Hussein's tyranny if they are freed from the threat of violence and lawlessness.

Third, the Iraqi people must be able to shape their own future, not have it imposed on them by outsiders. We can help create an environment for this to happen. This means, most fundamentally, a civil administration that protects three basic freedoms: freedom of speech, freedom of assembly, and freedom of movement. Iraq also must develop the rule of law. Its people need the international community's help in capturing and trying war criminals, developing legal institutions, educating judges and lawyers, and developing a legitimate police force.

The reconstruction effort must also begin to restore the basic elements of everyday life, from ensuring that they have adequate electricity and clean water to helping them at tasks life rebuilding their roads and schools.

All Iraqis must have confidence that they will have a voice in their future and that they will have a government that reflects their diversity. A free and democratic Iraq will not spring up by itself or overnight in a multi-ethnic, complicated society that has suffered under repression for generations. The Iraqi people deserve and need our help to rebuild their lives and to create a prosperous, thriving, open society. All Iraqis—including Sunnis, Shia and Kurds—deserve to be represented.

Fourth, the Iraqi people must have the tools to build a prosperous economy that is theirs alone. Iraqi has enormous natural resources and it has great potential. While we should help the Iraqi people tap into that potential, we have to make clear to the Iraqi people that the oil is theirs, and not for the U.S. or others to exploit. We also will have to explore all possibilities for debt restructuring and relief. Yet doing what it takes to succeed in Iraq is only one of the challenges we face. We have to develop a new kind of leadership throughout the world.

In the Middle East, it is time to engage to achieve a real peace between the Israelis and the Palestinians. I think this administration's disengagement in this crisis for the past 2 years has been a mistake. With the end of the conflict in Iraq, we have an opportunity to bring hope to this troubled region. We must seize it.

We also have to do far more to support democracy and freedom throughout the Middle East. No region of the world is more vital to our interests; yet no region is as undemocratic. Ultimately, there is no greater force for peace and prosperity—and against terrorism—than the promotion of democratic regimes that respect human rights and the rule of law, both within and beyond their borders.

Showing a new kind of leadership in the Middle East will also help begin to bridge the gap that has grown between America and many of our best friends in the world.

The most powerful country in the world can afford to heed the concerns of its friends. We cannot afford to lose them. Yet I am concerned that some would move us in the opposite direction, attempting to punish allies that disagreed with us on Iraq. This is wrong. We also have to take action to revitalize institutions like NATO and the United Nations. At times these institutions can be frustrating, but we must remember that it was America's vision and leadership that created these institutions. American leadership will be indispensable to helping them act to tackle today's challenges.

Make no mistake, America's families are safer in a world where America is looked up and respected, not isolated and resented. America's interests are best served when we lead in a way that brings others to our side, not drives them away. Like the generation of Franklin Roosevelt and Harry Truman, we have a chance to define how America uses its power—whether it is defending against threats, promoting prosperity and freedom or giving help to those who need it.

We have a chance to strengthen international institutions and alliances to help us meet these challenges. And we have a chance to ensure America's place of respect in the world. This is what we can achieve with the right kind of leadership.

NATIONAL LIBRARY WEEK

Mr. SARBANES. Mr. President, as a strong supporter of Federal programs to strengthen and protect libraries, I am pleased to recognize April 6 to 12 as National Library Week. This is the 45th anniversary of this national observance, and its longevity is evidence of the great importance our Nation places on libraries, books, reading, and education.

National Library Week grew out of 1950s research that showed a troublesome trend Americans were spending more money on radios and television and less on buying books. The American Library Association and the American Book Publishers joined forces and introduced the first National Library Week in 1958 in an effort to encourage people to read and to use their libraries.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the principle of a free and open exchange of ideas, much like the Constitution itself. Libraries continue to be an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society.

I firmly believe libraries play an indispensable role in our communities. They promote reading and quench a thirst for knowledge among adults, adolescents, and children. More importantly, they provide the access and resources to allow citizens to obtain timely and reliable information that is so necessary in our fast-paced society. In this age of rapid technological advancement, libraries are called upon to provide not only books and periodicals, but many other valuable resources as well—audiovisual materials, computer services, internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public.

Libraries provide a gateway to a new and exciting world for all—the place where a spark is often struck for disadvantaged citizens who, for whatever reason, have not had exposure to the vast stores of knowledge and emerging technology available to others. In this information age, they play a critical role in bridging the digital divide. Many families cannot afford personal computers at home, yet the role of computers has become almost necessary to a basic educational experience. The children of these families would suffer without the access to emerging technology that libraries provide to all patrons regardless of income. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

During National Library Week, I wish to salute those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our libraries. Library staff, volunteers, and patrons work to ensure existing libraries run smoothly and have adequate resources, as well as advocate for increased funding and new libraries.

I am proud that Maryland is a State of readers. Recent statistics show that Maryland citizens borrowed more public library materials per person than those of almost any other State, nearly 9 per person. In addition, 67 percent of the State's population are registered library patrons. We are lucky to have 24 public library systems, providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. The State Library Network that provides interlibrary loans to the State's public, academic, special libraries, and school library media centers has enhanced this policy. Marylanders have responded to this outstanding service by showing their continued enthusiasm and support for our public libraries.

I have worked closely with members of the Maryland Library Association, colleges and universities, and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of National Library Week. I look forward to continuing this relationship with those who enable libraries to provide the unique and vital services available to all Americans.

I ask unanimous consent that the attached op-ed by Carla Hayden, "Don't Take Libraries for Granted," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Apr. 9, 2003]

DON'T TAKE LIBRARIES FOR GRANTED

(By Carla D. Hayden)

Americans have several beacons of light in what seem to be dark and fearful times, among them libraries.

The Enoch Pratt Free Library is proud to join the American Library Association in celebrating all that libraries have to offer during National Library Week this week.

Every day, more than 120,000 librarians nationwide connect students, families, senior citizens, businesspeople, teachers and professors with the information they need to be successful in a swiftly changing and increasingly troubled era.

Americans rely on libraries for help in finding jobs, using the Internet, demystifying technology, getting free access to thousands of books and videotapes and connecting with their neighbors and colleagues. And this couldn't be more relevant in Baltimore City, where more than 23 percent of our residents live at or below the poverty level.

The staff at the Pratt works to meet the needs of the community by providing seminars on race relations, building personal assets, entrepreneurship, computer training and more.

As the State Library Resource Center for Maryland, the Pratt is dedicated to assisting residents across the state in finding information they need 24 hours a day, seven days a week. We are a major support of the new "Ask Us Now" statewide library reference service, an invaluable resource. And it's all free of charge.

Librarians are committed to freedom of access to information and are fighting to ensure that such freedom remains intact so that no one is afraid to search for answers to important questions. It is often easy to take our libraries and librarians for granted.

Carla D. Hayden is the executive director of the Enoch Pratt Free Library and president-elect of the American Library Association.

DANIEL PATRICK MOYNIHAN

Mr. CHAFEE. Mr. President, I want to pay tribute to Daniel Patrick Moynihan, a man for whom I had the utmost respect.

One of the first times I was presiding in the Senate, Senator Moynihan was speaking from the floor. What he had to say and the way he said it made a lasting impression on me. The next day I asked for a copy of the statement and have kept it in my desk ever since. Senator Moynihan began: "Mr. President, it is agreed that I will begin these brief remarks in order that our chairman might conclude the debate and proceed to the vote which I think has every prospect of being prodigious in its majority." He continued to explain one of the most complicated and difficult issues that we will deal with here in the Senate in a clear and concise manner. "In very short order, I would simply like to recapitulate the four simple steps which will put Social Security on an actuarially sound basis for the next 75 years. They are: 1. Provide for an accurate cost-of-living adjustment. In 1996, the Boskin Commission originally estimated that the CPI overstates changes in the cost-of-living by 1.1 percentage points; now they say it is 0.8 of a percentage point; 2. Normal taxation of benefits; 3. Extend coverage to all newly hired State and local workers; 4. Increase the length of the computation period from 35 to 38 years."

I don't know if this is the answer, but I will always refer to it when the topic of Social Security comes up. He laid out a plan with professorial clarity and a complete grasp of the issue. Whether you agreed or disagreed with Senator Moynihan, you had to appreciate his style.

Although I did not have a close working relationship with Senator Moynihan, I am truly impressed with the depth and breadth of his career achievements. From his pioneering work on Social Security reform, his almost encyclopedic knowledge of fiscal policy, to his championing of environmental and transportation issues, Senator Moynihan was the kind of Senator worth emulating. I also admired his ability to always look at the long view of the steps taken today and their impact on future generations. Senator Moynihan had an unwavering commitment to care for all people in need and was willing to cross party lines to accomplish his goals. His work as advisor to Presidents of both parties is testament to the high regard that official Washington had for his intellect and integrity.

As a dear friend of my father's for over 25 years, my strongest sense of the Senator comes from hearing my dad speak of Senator Moynihan with reverence and true admiration. Upon my father's passing, Senator Moynihan included an excerpt from a wonderful poem by W.B. Yeats, "The Municipal Gallery Revisited," in his tribute. Those kind words were a great comfort to our family.

In the words of another poem by the poet W.B. Yeats:

The man is gone guided ye, unweary, through the long bitter way,
Ye by the waves that close in our sad nation,
Be full of sudden fears,
The man is gone who from this lonely station
—Has moulded the hard year . . .
Mourn—and then onward, there is no returning
He guides ye from the tomb;
His memory is a tall pillar, burning
Before the gloom

Our Nation will mourn, but Senator Moynihan would insist that we move on. On behalf of my mother and the Chafee family, we send our sincere condolences to Liz and all her family.

JEFF MADRICK ON "THE U.S. ECONOMY AND THE IRAQI TIME BOMB"

Mr. KENNEDY. Mr. President, last Sunday's magazine section of the New York Times contained an excellent and insightful article by Jeff Madrick on the Nation's troubled economy as a result of huge tax cuts, the stalled economy, and the cost of the war and the reconstruction of Iraq. His article emphasizes the severe consequences we will face if we fail to bring the exploding deficit under control. Mr. Madrick's article, "The Iraqi Time Bomb," will be of major interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine Section, Apr. 6, 2003]

THE IRAQI TIME BOMB

(By Jeff Madrick)

The denial of economic reality that permeated Wall Street a few years ago has now migrated to Washington. On Wall Street, when companies did not generate the promised profits to justify the bubble in stock prices, many analysts told investors that profits did not matter. A new economy would be gauged by other measures, they insisted. Today, in similar fashion, as the federal budget has plunged into the red over the past two years, President Bush's economic team is telling the nation that deficits no longer matter.

At first, perhaps, the claim seemed plausible. Damage to the economy was not yet evident. And I, for one, am not a deficit hawk. At times, deficits are necessary to stimulate economic growth, and their dampening impact on private investment is occasionally exaggerated. But because of the Bush administration's policies and a weak economy, deficits are now approaching unmanageable levels, as they did in the 1980's. In fact, the federal government's fiscal health has deteriorated at a pace so stunning that few have yet caught up with the facts.

Here are some of those facts. Even without a war, the budget deficit would have exceeded $300 billion this year—just three years after the budget experienced a surplus of nearly $240 billion. (This was in the midst of a four-year run of substantial surpluses.) But with war costs escalating and revenues falling as a result of the flat economy, this year's deficit could rise to $400 billion. In fiscal year 2004, it is likely to be higher.

The president has asked Congress for $75 billion to finance war-related costs, but many think a more realistic estimate of the combined costs of war and reconstruction will be closer to $200 billion. More alarming is the decline of government revenues over the long run. Instead of generating $5 trillion to $6 trillion in surpluses over 10 years from rising tax revenues on growing incomes, the government will now probably come up nearly $2 trillion short through 2013. That recession and slower growth have shrunk tax revenues is predictable enough. But the sinking stock market has taken more of a toll than expected: there are no more outsize capital gains to tax. These yielded fat revenues in the late 1990's, when stocks were soaring, exaggerating the fiscal health of the nation. Now the train is running in reverse.

Finally, the Bush tax cuts have made long-term financial prospects significantly worse. Occasionally, tax cuts make sense. But the $1.4 trillion tax-cut package passed in 2001 would have been more productive if it had been temporary and applicable to more taxpayers. Instead, it was skewed to the rich (who are prone to save rather than spend) and will be permanent—far from disappearing should the economy improve, the tax cut will grow larger. The administration proposed a second major tax cut in early January, estimated to cost $726 billion over 10 years, and it appears to be even less effective as a near-term stimulus: more than half of the total results from the elimination of taxes on dividends, an idea raised at Bush's economic summit in Waco, Tex., last August by a stockbroker, Charles Schwab. In addition, the Bush administration followed up this tax plan with a new budget that would extend the 2001 cuts three years past their expiration, costing another $600 billion.

The Senate has since voted to reduce the $726 billion budget request by half, but last week it was still far from clear that this change would prevail, given that the House passed a budget resolution that assumed the president's tax cuts.

The consequence of all these steps? Budget deficits as far as the eye can see. When Bush took office, his budget team estimated there would be a cumulative surplus of some $5.6 trillion over the next 10 years. Now, in light of the 2003 tax cuts and the new Bush budget, the Congressional Budget Office, the nonpartisan economic research arm of Congress, calculates that a long-term surplus will turn into a $1.8 trillion deficit between 2004 and 2013.

Unfortunately, economists outside the government estimate that the deficit will be even larger. William Gale and Peter Orszag of the Brookings Institution figure the deficit is likely to approach $2.5 trillion. The Wall Street economists William Dudley and Edward McKelvey of Goldman Sachs say that the deficit will exceed $4 trillion by 2013.

The timing of this looming deficit could not be worse. The retirement of baby boomers is about to begin en masse. In 10 years, the costs of Social Security and Medicare will start rising rapidly. By the 2020's, these costs will begin to reach roughly 12 to 15 percent of gross domestic product, compared with about 6.8 percent today. To put this in perspective, consider that all current federal expenditures now come to only 20 percent of G.D.P.

The concern about large deficits is that they reduce long-term economic growth and produce even less revenue for social programs. When large enough, government deficits require so much federal borrowing that they can displace private investment and push up interest rates on mortgages, consumer credit and business borrowing to levels that thwart home buying, consumer purchases and capital investment. (If interest rates should stop falling, home refinancing, which has recently been a principal source of more money for consumers, will be less attractive.) Big deficits also make the U.S. economy especially vulnerable to the loss of capital investment from overseas. Because Americans save so little, and because the nation imports much more than it exports, the United States must attract close to $500 billion of foreign capital annually to finance its growth. High budget deficits could easily reduce the confidence of foreign investors, who already own 36 percent of U.S. government debt. If they sell some of those securities, they will drive down the value of the dollar and U.S. investments will become even less attractive. Over the last year, the dollar has already fallen by 20 percent against some major currencies.

The slower growth that results from large deficits affects everybody. It leads to lost jobs, lower wages and fewer business opportunities. A return to the sluggish economy of the 1980's and early 1990's is not only possible but likely.

Straitened conditions are being felt already. States, starved for revenues because they cannot borrow to make up for the deficits caused by the economic downturn, are now cutting education, health and poverty programs aggressively. State and local governments are also complaining that money promised by Washington for homeland security has not arrived. And the president recently told the states that there's no extra money for them.

Given the pinch, how can we explain the administration's fiscal choices? Some economists in the Bush camp claim that lower tax rates and the elimination of taxes on dividends will both motivate people to work harder and investors to invest more. The economy will grow faster than traditional economic models anticipate, producing tax revenues that will reduce projected budget deficits. But most economists say there is a large measure of ideological wishful thinking here, reminiscent of the supply-side economists who advised President Reagan. Bush's economic advisers argue, for example, that the dividend tax cuts may generate more growth than any conventional economic model can predict by making investment in stocks more attractive; rising stock prices will in turn encourage investment. Few economists agree, however that eliminating dividend taxes will have more than a modest impact on stock prices. And even a 20 percent boost in stock prices from current levels does not restore them to their recent highs.

Narrow politics, of course, can partly account for the Bush administration's tax proposals. The tax cuts disproportionately benefit the wealthy, which, after all, is Bush's natural political constituency. But Bush's policies may, in fact, best be explained by another, more radical agenda. Extensive tax cuts will require Congress to limit the growth of social programs and public investment and undermine other programs altogether. If that is your vision of the best direction America can take, the strategy makes some sense. So, we were wrong about how dividend tax cuts stimulate growth, you can almost hear the Bush advisers thinking. No problem. Rising deficits will inevitably force Congress to starve those "wasteful" social programs. The prospective high deficits may even make it imperative to privatize Social Security and Medicare eventually. Social spending is the problem, goes the argument, not tax cuts.

The Bush administration has been inconsistent about its economic rationales since it earliest days in office. First, President Bush justified his $1.4 trillion tax cut in 2001 by claiming the government should return surpluses to taxpayers when the economy is strong. He found a convincing ally in Alan Greenspan, chairman of the Federal Reserve, whose influence was critical to the tax cut's passage. Then, as the economy appeared to be weakening, Bush argue that a tax cut was needed for an entirely different reason. It would stimulate the weak economy inherited from Bill Clinton. This made sense, but as noted, the tax package was not a short-term stimulus package.

When, by early 2003, there was no escaping the fact that the federal budget would remain in long-term deficit, the Bush administration's budget office did not issue the customary 10-year forecast. Instead, it only forecast a five-year budget. Beyond that, the Bush team said, economic events were too uncertain.

The Congressional Budget Office, however, does not enjoy such flexibility. It produced its standard 10-year outlook, which spelled out the obvious. But to give the Bush administration its due, a more recent C.B.O,. analysis also tried to take into account the possible growth incentives of the tax cuts. Based on at least seven different approaches to how government policies may affect future finances, none of the Congressional Budget Office's economic projections eliminated the future deficit. To the contrary, they all clustered around the original $1.8 trillion deficit figure that the office had calculated earlier. (The number of possible approaches to these forecasts alone suggests how little is truly known about the impact of such changes.) There would be a significant budget deficit every year through at least 2013, and, by implication, for many years after.

Can we live with these new deficits? If they remain as low as the budget office predicts, they will come to less than 1 percent of gross domestic product in the last few years of the forecast. Even so, this will probably impede economic growth. And by 2014, when baby boomer liabilities begin to rise rapidly, there will be no easy way to finance them. As Lee Price, the chief economist of the Senate Budget Committee Democrats, points out, by 2010 or even earlier, the nation will have to start gearing up to pay for the baby boom retirement. This will require either a very large tax increase or substantially reduced benefits. The financial markets will force the government to become more responsible about spending, or interest rates will be driven to damagingly high levels.

And that's based on a moderately optimistic forecast, one that assumes the economy grows at a healthy rate. Specifically, it assumes that productivity—the output per hour of work that is the primary source of growth—will rise by 2 percent year. That is a rate slower than that of the booming late 1990's, but it is considerably faster than the average pace between 1973 and 1995.

The C.B.O.'s projection incorporates only changes proposed in the Bush budget. But other costly adjustments will be necessary. Most important, tax cuts will subject as many as 40 million taxpayers to the higher alternative minimum tax. (The A.M.T. forces taxpayers, whose payments would be very low on account of large deductions, to pay at least a minimum rate.) The government will almost certainly change that, further reducing tax revenues. Also, some expiring tax provisions will surely be extended. Gale and Orszag of the Brookings Institution find that these factors add another $700 billion to the 10-year deficit. This does not include war expenditures.

Dudley and McKelvey of Goldman Sachs reach their estimated $4.2 trillion 10-year deficit by adding war and reconstruction estimates. They also expect that Congress will pass a substantially higher provision for reimbursement of prescription drug costs under Medicare than Bush has proposed, and that economic growth will be slower than anticipated.

These and several other realistic assumptions result in a federal deficit that is unquestionably a terrible burden. The deficits will require so much borrowing that the Goldman economists figure that the size of the federal debt will rise from 33 percent of gross domestic product to 49 percent. This, even more than annual deficits, alarms economists. The federal revenue needed just to pay the interest will be enormous.

Even this estimate does not take into account a realistic view of the costs of war and a new foreign-policy doctrine that could mean military involvement elsewhere. The $75 billion in appropriations that the Bush administration recently asked for covers only the first six months in Iraq. As for the costs of peace, it is hard to make any sensible assessment. Some military experts claim that the presence of only 50,000 troops will be required. Gen. Eric Shinseki, the Army chief of staff, estimates that as many as 200,000 troops will be needed. That could well cost $50 billion a year. There are wide-eyed hopes that Iraq's oil revenues will defray most of the cost of reconstruction, but it will take several years to bring production to its full potential, as well as billions of dollars—and that's assuming there is complete peace. Some put the estimates of maintaining peace and building democracy in the hundreds of billions of dollars.

And implementing the new world vision Bush has discussed recently will require still more money. An ongoing presence in the Middle East beyond Iraq will soak up additional billions; potential crises in Korea and elsewhere will demand expensive attention. As I understand it, since even before the war started, the Defense Department has been spending money so fast it can't keep track of it. In sum, the new defense commitment looks open-ended.

The budget resolution the House passed last month makes clear the dollar amount of cuts in domestic programs that would have to be made in order to retain something close to fiscal balance in Washington in 10 years. They will involve deep cuts in programs from Medicaid to school lunches to college loans to, perhaps most cynically in the current environment, veterans' benefits. The Center on Budget and Policy Priorities calculates that reductions in mandatory programs for the elderly, veterans and the poor would come to $265 billion over 10 years. Another $210 billion would be lopped off of discretionary programs. The total of $475 billion is about equal to the tax reduction the president is requesting for the top 1 percent of earners in America.

To make this politically palatable, the reductions would be phased in. Average reductions would be only 1 percent in the first year, but they would rise rapidly and would average 4 percent over 10 years. In the worst years, the budget for Medicaid would be cut by 7 percent.

But the House bill is based on the C.B.O. projections. If other economists are right, and the deficits are considerably larger, still greater cuts will be required to balance the budget over time—in fact, perhaps double the amount. The Bush administration insists that it can live with the budget deficits and still maintain many of these programs. Denial has become almost a ritual. But it cannot have anticipated how quickly America's finances have turned to red, and it is not very likely that it is prepared to face the reality that the financial markets, if not Congress, will eventually impose on it. If there is no growth miracle on the horizon that would raise government revenues, the Bush administration's options will be limited not only domestically, which may be part of its design, but also militarily. The administration may well be compromising its own dearest goals.

The longer we wait, the harder it will be to correct the nation's finances. Most of us will be hit from both ends. Incomes will not rise the way they did in the late 1990's, and it will be difficult to save for retirement. The rising costs of education and health care will be harder for the typical family to meet. Meanwhile, government will not have the money to help. Programs may be cut across the board. And consider what was not accomplished in the 1990's, despite the nation's prosperity. More than 40 million Americans still have no health insurance. The United States has the highest proportion of children born into poverty in the developed world. The quality of education remains grossly unequal. Even two-worker families cannot afford quality day care. Much remains to be done.

There is time for a course correction. But the longer the nation waits, the harder the problems will be to fix. Forecasting the economic future, as everyone knows by now, is no sure thing. But the federal government simply cannot indefinitely spend so much more than it takes in. At some point, the nation will either raise taxes significantly or make painful cuts in cherished federal programs.

But as long as the full consequences of Bush's extravagance are not immediate, and war limits serious public criticism, the president may for now get away with promising guns and a little butter. And we will all pay for it.

ADDITIONAL STATEMENTS

TRIBUTE TO THE PIKEVILLE HIGH SCHOOL FRESHMAN CHEERLEADERS

• Mr. BUNNING. Mr. President, I rise to pay tribute to the Pikeville High School Cheerleaders of Pikeville, KY. The squad won the freshman division of the Universal Cheerleading Association's National High School Cheerleading Championship earlier this year.

The 23 members of the Pikeville High School Freshman squad were awarded the top prize in the freshman division in Orlando, FL. This is no easy feat and the citizens of Pikeville should be proud to have the members of the Pikeville High School Freshman Cheerleading Squad living and learning in their community. Their examples of hard work and determination should be followed by all in the Commonwealth.

I would like to congratulate the following members of the squad for their success: Lora Cleary, Leann Clevenger, Amanda Combs, Stephanie Combs, Amelia Crum, Amanda Hall, Olivia Harris, Jessica Justice, Kristen Kendrick, Olivia Kinney, Chelsey Kurkowski, Colby Kurkowski, Collins Kurkowski, Chelsi Lawson, Mackenzie Lewis, Leigh Brittany Lynn, Griffin Myers, Jordan Shull, Taylor Stone, Ali Tucker, Bianca Vanhoose, Bridget Walsh, and Erin Wheeler. But also, I want to congratulate their coaches, Mrs. Lisa Wheeler and Ms. Kendra Hamilton, and choreographer, Mr. Hank Light, along with their peers, faculty, administrators, and parents for their support and sacrifices they have made to help meet those achievements and dreams.•

COMMENDING FINDLAY HIGH SCHOOL

• Mr. DEWINE. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, DC, to compete in the national finals of the "We the People: The Citizen and the Constitution" program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am pleased and proud to announce that a class from Findlay High School from Findlay, OH, will represent our state in the upcoming national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience, they have gained a thorough knowledge and deep understanding of the fundamental principles and values of our constitutional democracy.

The 3-day We the People national competition is modeled after hearings in the Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricular materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, but it also helps them identify the contemporary relevance of the

Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Furthermore, independent studies by the Educational Testing Service, ETS, revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels significantly outperformed comparison students on every topic of the tests taken. Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted:

> [T]eachers feel excited and renewed. . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States.

The class from Findlay High School is currently preparing for their participation in the national competition, and it is inspiring how these young people advocate the fundamental ideals and principles of our government—ideas that identify us as a people and bind us together as a Nation. I send these fine young constitutional experts my best wishes as they compete in the We the People national finals.●

IN RECOGNITION OF ARCHBISHOP VATCHÉ HOVSEPIAN ON THE 52ND ANNIVERSARY OF HIS ORDINATION AND FOR HIS SERVICE TO THE COMMUNITY

● Mrs. BOXER. Mr. President, I rise today to bring to the Senate's attention His Eminence Archbishop Vatché Hovsepian, on the 52nd anniversary of his ordination.

Archbishop Hovsepian is an inspirational and dynamic leader in the Armenian Church, and this milestone anniversary is a symbol of the Archbishop's 52 years of dedicated service and commitment to the Armenian people and the greater community in which he serves. Since 1996, he has served as the Archbishop of the Western Diocese of the Armenian Church of North America.

During his 50 years of service to his Church and community, His Eminence Vatché Hovsepian has been very active. The Archbishop has met with five Presidents of the United States, along with various religious leaders and political figures from all over the world, created new parishes, Armenian schools and summer camps. His Eminence Vatché Hovsepian has traveled and studied all over the world, thus allowing him to have the knowledge of many customs, traditions, cultures and languages.

The Archbishop has spoken eloquently about the Armenian Genocide and the importance that it be remembered by Armenians and people around the world.

He has addressed the California State legislature and been warmly received. He is widely known for his good works, including assistance with reconstruction in Armenia after the 1988 earthquake.

His Eminence Archbishop Vatché Hovsepian is a warm, compassionate and charismatic leader who is most deserving of the outpouring of admiration that greets him today and each day. I am honored to pay tribute to him, and I encourage my colleagues to join me in congratulating the Archbishop on this grand anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1036. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

H.R. 1664. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs.

H. Con. Res. 142. Concurrent resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151) to amend title 18, United States Code, with respect to sexual exploitation of children.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1036. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

H.R. 1664. An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 142. Concurrent resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1876. A communication from the Secretary of the Army, Department of Defense, transmitting, pursuant to law, the Selected Acquisition Report (SAR) which state that breaches of 15 percent or more occurred in both Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) of the Army Tactical Missile System (ATACMS)/BAT, received on April 7, 2003; to the Committee on Armed Services.

EC–1877. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report relative to an interagency audit of policies and procedures pertaining to the "export of technologies and technical information to countries of concern" received on March 28, 2003; to the Committee on Armed Services.

EC–1878. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report of the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for Fiscal Year (FY) 2004, received on April 1, 2003; to the Committee on Armed Services.

EC–1879. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, the report of a statement to the U.S. Senate with respect to a transaction involving U.S. exports to the Kingdom of the Netherlands, received on April 4, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1880. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Standard Flood Insurance Policy 68 FR 9895 (RIN 3067–AD33)" received on April 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1881. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 68 FR 9897 (Docket No.–7803)" received on April 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1882. A communication from the Assistant General Counsel, Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Homeownership Program (RIN 2577–AC15) (FR–4504–F–02)" received on April 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1883. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Financial and Other Information (RIN 2550–AA25)" received on April 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1884. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Official Staff Commentary for Truth in Lending (Regulations Z)" received on March 31, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1885. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report relative to the financial statements of the Bank Insurance Fund (BIF), the Savings Association Insurance Fund (SAIF), and the FSLIC Resolution Fund (FRF); to the Committee on Banking, Housing, and Urban Affairs.

EC–1886. A communication from the Assistant General Counsel, Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOME Investment Partnerships Program; CORRECTION (RIN 2501–AC30) (FR–4111–C–04)" received on April 1, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1887. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the report relative to the implementation of the District of Columbia Family Court Act of 2001 submitted April 4, 2003; to the Committee on Governmental Affairs.

EC–1888. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Department of Transportation Management Decisions and Final Actions on the Office of Inspector General Audit Recommendations for the period ending September 30, 2002; to the Committee on Governmental Affairs.

EC–1889. A communication from the Senior Vice-President and Chief Financial Officer, transmitting, pursuant to law, the report relative to the Export-Import Bank audit that was performed by Deloitte and Touche LLP, received on April 3, 2003; to the Committee on Governmental Affairs.

EC–1890. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the report relative to the implementation of the District of Columbia Family Court Act of 2001 submitted March 31, 2003; to the Committee on Governmental Affairs.

EC–1891. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–33 "Emancipation Day Fund Temporary Act of 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1892. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–32 "Kings Court Community Garden Equitable Real Property Tax Relief Temporary Act of 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1893. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–31 "Housing Notice Temporary Amendment Act of 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1894. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–30 "Marvin Caplan Memorial Designation Act 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1895. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–29 "Closing of a Public Alley in Square 341 S.O. 02–4058, Act of 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1896. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–28 "William H. Rumsey, Sr. Aquatic Center Designation Act of 2003" received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1897. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Annual report summarizing the Securities and Exchange Commission's activities, received on April 3, 2003; to the Committee on Governmental Affairs.

EC–1898. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of a Document consisting of the Performance Plan for fiscal year (FY) 2004 and the Program Performance Report for FY 2002; to the Committee on Governmental Affairs.

EC–1899. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Financial Report of the United States Government for Fiscal Year 2002, received on March 31, 2003; to the Committee on Governmental Affairs.

EC–1900. A communication from the Vice Counsel and Corporate Secretary, Legal Services Corporation, transmitting, pursuant to law, the Sunshine Act report for the Legal Services Corporation for 2002, received on April 1, 2003; to the Committee on Governmental Affairs.

EC–1901. A communication from the Chairman, National Capitol Planning Commission, transmitting, pursuant to law, the report relative to an audit of the National Capitol Planning Commission, received on April 1, 2003; to the Committee on Governmental Affairs.

EC–1902. A communication from the Assistant Secretary, Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the Department of Labor's (DOL) Commercial Activities Inventory for Fiscal Year 2002, received on April 1, 2003; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–77. A joint resolution adopted by the Legislature of the State of Wyoming relative to tax treatment of Health insurance; to the Committee on Finance.

JOINT RESOLUTION NO. 1

Whereas, the high cost of health insurance has created a large number of uninsured citizens in the United States and the State of Wyoming;

Whereas, those without health insurance are less likely to receive adequate health care;

Whereas, insurance purchasing decisions are to a large extent made by employees and not insurance beneficiaries;

Whereas, overreliance on employer-provided health insurance impedes worker mobility;

Whereas, spiraling health care costs are in part caused by a lack of active consumer participation in health care markets;

Whereas, employers can deduct the full cost of employee health insurance as a business expense, while individuals may not: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming:

Section 1. That the Wyoming State Legislature petitions the Congress of the United States to equalize the tax treatment of employer-provided and individually purchase health insurance by creating a tax credit for the full amount of insurance purchased by individuals.

Section 2. That the Secretary of State of Wyoming transmit copies of the resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–78. A joint resolution adopted by the Legislature of the State of Wyoming relative to the declaration of an emergency in watersheds located in the national forests within Wyoming; to the Committee on Environment and Public Works.

Whereas, the Wyoming State Legislature finds that:

(a) A state of emergency exists in Wyoming due to a shortage, and ever diminishing aggregate total supply, of water available to its citizens, communities, livestock, wildlife and their habitats.

(b) Virtually all Wyoming communities have been seriously threatened and impacted by a shortage of available water within the last calendar year.

(c) Virtually all Wyoming waterways are either presently experiencing, or within the last calendar year have experienced, a significant depletion of available water as well as the streams and tributaries that contribute water to the waterways.

(d) Most Wyoming livestock, wildlife and threatened or endangered species are now or are likely to be seriously imperiled by a shortage of available water either directly or indirectly via the impact of the water shortage on their supply of forage or prey base.

(e) Due to the existence of this declared state of emergency it is imperative that Wyoming promptly take necessary actions to restore and increase the aggregate total supply of water available within the state.

(f) This state's aggregate total supply of water is significantly dependent upon watersheds located on federal lands. To achieve an increase in the aggregate total supply of water in Wyoming it is imperative for the state to take appropriate actions that may be available to remedy the presently existent deteriorated conditions of these watersheds.

(g) The existence of excessive overgrowth on Wyoming's federal forests has been publicly acknowledged and declared both by state officials and in 2002 by the President of the United States, members of his cabinet, other administration officials and numerous members of the United States Congress.

(h) Numerous state and local Wyoming elected officials and other citizens have repeatedly petitioned the United States Forest Service over the last several years to take actions needed to remove or eliminate the excessive forest overgrowth conditions that exist on watersheds on the federal lands within the state of Wyoming. All the petitions have been effectively ignored by the Secretary of Agriculture and other officers within the federal government under her authority, reflecting what can only be characterized as their utter disregard for both the needs of Wyoming citizens and wildlife, and Wyoming's lawful rights to the waterflows.

(j) The United States Congress, in pertinent part, expressly provided that "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of waterflows . . ." 16 U.S.C. §475. Congress reaffirmed this directive when it passed the Multiple-Use Sustained-Yield Act of 1960 by specifically stating that the national forests "shall be administered" for "watershed" purposes, 16 U.S.C. §528 et seq.

(k) The United States Supreme Court in United States v. New Mexico, 438 U.S. 696 (1978) stated "Congress has evidenced its continuing concern with enhancing the water supply for nonforest use by specifically authorizing the President to set aside and protect national forest lands needed as sources of municipal water supplies. 16 U.S.C. §552a." Moreover, the Supreme Court further stated that the "States have exclusive control of the distribution of water on public lands and reservations."

(m) The following facts are indisputable:

(i) Wyoming's watersheds located on federal lands presently contain millions of excess and unnecessary junipers and conifers;

(ii) Each of these excess trees individually consumes from ten (10) to two hundred (200) gallons of water each and every day of the year, depending on its size;

(iii) Thus, in the aggregate, the millions of excess trees on Wyoming's watersheds unnecessarily consume hundreds of acre feet of water each and every day of the year;

(iv) The continued existence of the overgrowth serves no legitimate federal or state purpose. In fact, these conditions have been previously declared to constitute a state of emergency because the catastrophic fire potential they create poses a present unreasonable risk to the lives and property of Wyoming citizens;

(v) The federal government's persistent failure to remove the excess tree overgrowth from Wyoming's watersheds prevents downstream flow to Wyoming in violation of the state's legal entitlement to the diverted waters under both state and federal law.

(n) Based on the foregoing findings of fact, the following conclusions are indisputable:

(i) Wyoming has a legal entitlement to the waterflows that either are or may be derived from federal lands within the state;

(ii) The excessive overgrowth on the watersheds is depriving the state of Wyoming of its legal entitlement to the waters in direct violation of the mandates of the United States Congress and the rulings of the United States Supreme Court;

(iii) Therefore, to abate this illicit diversion of Wyoming's water, to increase the aggregate total supply of water available in and to Wyoming in the future, and to thereby remedy the state of emergency declared by this act, Wyoming hereby now affirms and asserts the supremacy of its right over that of the federal government to the ownership and use of those waters that are currently being unlawfully diverted by the federal government without justification to supply the demands of the needless federal forest overgrowth on Wyoming's watersheds: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming:

Section 1. That the legislature declares the existence of a state of emergency due to a shortage of water available to Wyoming caused in significant part by the deteriorating conditions of the state's watersheds located on federal lands. These conditions are due in turn to unnecessary excessive forest overgrowth. This overgrowth is unlawfully diverting Wyoming's waterflows, thus depleting Wyoming's total supply of water available to its citizens, communities, livestock, wildlife and wildlife habitats.

Section 2. (a) The legislature further finds that the continued existence of the state of emergency poses a direct threat to the health, safety, well-being and economic viability of Wyoming's citizens and to the continued health and viability of its communities, livestock, wildlife and wildlife habitats. It is therefore imperative that Wyoming take such actions as may be necessary to mitigate or eliminate the federal forest watershed overgrowth conditions that shall include the following:

(i) The state shall take any and all actions necessary to obtain a transfer to the state of such limited jurisdiction over federal lands as may be necessary to enable the state to take appropriate actions that are needed to restore the state's watersheds to a condition of health, and to increase waterflows available within Wyoming; and

(ii) Upon the transfer of the limited jurisdiction, the state shall utilize the police and contract powers of the state to the extent necessary to garner the public and private resources and services needed to mitigate and ultimately eliminate the state of emergency hereby declared.

Section 3. (a) The legislature further finds that to further achieve the objectives of this resolution, within ninety (90) days of this resolution, the governor of this state shall consider:

(i) Taking actions necessary and appropriate pursuant to the provision of 7 U.S.C. §2268 and any other state or federal law that may be determined relevant by the attorney general of this state in order to request and obtain from the United States Secretary of Agriculture limited jurisdiction over relevant federal lands as may be necessary for Wyoming to restore its watersheds to a condition of health and thereby increase the waterflows that may be derived from the watersheds; and

(ii) Including within the application to the United States Secretary of Agriculture for the transfer of the limited jurisdiction an express provision that any acceptance by Wyoming of a transfer of limited jurisdiction to restore watershed health upon federal lands shall be conditioned on Wyoming's receipt of sufficient federal funds determined by Wyoming to be necessary to enable the state to perform the actions needed to mitigate or eliminate the state of emergency created by the federal government's impairment of Wyoming's watersheds, waterflows and aggregate water supplies.

Section 4. (a) The legislature further finds that in the event limited jurisdiction coupled with necessary federal funds are not made available by the United States Secretary of Agriculture to Wyoming within one hundred eighty (180) days from the date this resolution is passed, the governor shall direct the Wyoming attorney general to consider the preparation, filing and pursuit of a lawsuit on behalf of Wyoming to:

(i) Obtain a judicial declaration of Wyoming's lawful right to the waterflows originating from watersheds located on federal lands within the state;

(ii) Obtain a judicial declaration of the impairment of the state's rights to waterflows originating on federal lands as a foreseeable consequence of excessive and unjustifiable forest overgrowth; and

(iii) Compel the United States, the Secretary of Agriculture and the Forest Service to take such actions as may be determined by a court of law to be necessary, appropriate and lawful to mitigate or eliminate the state of emergency declared by this act.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM–79. A concurrent resolution adopted by the Legislature of the State of Kansas relative to urging the Federal Energy Regulatory Commission to work to develop sufficient electric transmission facility infrastructure and design and implement regional transmission; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 5007

Whereas, The existing transmission system in the United States is an extensive network of high-voltage power lines which transport electricity from generators to consumers and which must accommodate the nation's growing demand for reliable and affordable power; and

Whereas, The system is rapidly becoming congested due to growth in demand, investment in new generation facilities and lack of investment in expansion and improvement of transmission facilities; and

Whereas, Expansion and improvement of the transmission system is vital to the national interest because congestion creates bottlenecks which result in decreased reliability, less competition, higher prices to consumers and increased infrastructure vulnerability; and

Whereas, The United States Department of Energy recognizes that Kansas transmission system is vital to the national interest because congestion creates bottlenecks which result in decreased reliability, less competition, higher prices to consumers and increased infrastructure vulnerability; and

Whereas, The existing transmission system is increasingly incapable of providing reliable service to the nature load in Kansas and does not have the capacity to support economic development of renewable and fossil-fuel resources or to economically dispatch power within the state; and

Whereas, The existing transmission system experiences significant constraints to the importation of additional power from outside the state and export of additional power to markets beyond the state's boundaries in support of national energy reliability and clean air standards; and

Whereas, The leadership of the Federal Energy Regulatory Commission is crucial to resolving issues related to cost recovery of transmission facility upgrades and regional transmission system reliability issues: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Legislature urges the Federal Energy Regulatory Commission to work with the State of Kansas in development of sufficient transmission facility infrastructure to support the state's economic development efforts and the nations' growing energy, security and reliability needs, along with the design and implementation of regional transmission organizations and cost recovery mechanisms, and be it further

Resolved, That the Secretary of State is directed to provide a copy of this enrolled resolution to each member of the Federal Energy Regulatory Commission, the President of the United States, the Vice-President of the United States, the United States Secretary of Energy, the President Pro Tempore of the United States Senate, the Minority leader of the United States House of Representatives, each member of the Kansas Congressional delegation, the State Corporation Commission, the Nebraska Power Review Board, the Missouri Public Service Commission, the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

I hereby certify that the above Concurrent Resolution originated in the House, and was adopted by that body.

POM–80. A Senate resolution adopted by the Legislature of the State of Michigan relative to expressing support to the war in Iraq; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 37

Whereas, While our nation has faced a wide range of threats to our freedom over the years, the unique war on terrorism in which we now find ourselves engaged demands an exceptional commitment. From our leaders and our military to our citizens and state and local governments, we all must work together to increase the security of our homeland. In the aftermath of September 11th, our country must deal with the entire range of terrorist threats before us; and

Whereas, The ongoing preparations for a military action to deal with threats from Iraq and its weapons of mass destruction are a direct and necessary response for the United States and our allies. As the world learns more about the links between the reign of hatred of Saddam Hussein and international terrorist organizations, including those affiliated with Osama bin Laden, the gravity of the world's situation has become increasingly clear. The smokescreen of misinformation that has hampered United Nations efforts in Iraq must not be permitted to jeopardize the homeland security of our nation or the stability of other parts of the world; and

Whereas, A number of Michigan citizen soldiers are engaged in the noble effort to defend our liberties. In addition to those already serving in the military, several reserve units have been called into duty. It is important to voice our support for all of them, as their courage and steadfastness in the face of war represents the highest standard of citizenship. For the families with loved ones in the military, the world's tensions take on much more intensity. Once again, we are reminded that the true cost of freedom is clearly beyond measure; and

Whereas, Unity in the face of adversity is essential for success in any grave battle. The people of this state, well aware of the high stakes of any military action, stand behind our President in his work to protect peace in our troubled world: Now, therefore, be it

Resolved by the Senate, That we express support for the President's strategy for protecting the security of the United States through our efforts in Iraq and to express support for the men and women of our military and their families; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 880. An original bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes (Rept. No. 108–37).

By Mr. KENNEDY, from the Committee on the Judiciary, without amendment with a preamble:

S. Res. 117. An original resolution recognizing the 100th anniversary of the founding of the Laborers' International Union of North America, and congratulating members and officers of the Laborers' International Union of North America for the union's many achievements.

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 538. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 703. A bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Maj. Gen. H. Steven Blum.

By Mr. LUGAR for the Committee on Foreign Relations.

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Joseph LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Reno L. Harnish, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Heather M. Hodges, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Gregory W. Engle, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Eric S. Edelman, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy.

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy.

Marie Sophia Aguirre, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy.

Barbara McConnell Barrett, of Arizona, to be a Member of the United States Advisory Commission on Public Diplomacy.

Charles William Evers III, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy.

Wayne E. Neill, of Nevada, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Stephen D. Mull, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Ralph Frank, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Republic of Croatia.

William M. Bellamy, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Helen R. Meagher La Lime, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Pamela J. H. Slutz, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Stephen M. Young, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

By Mr. HATCH for the Committee on the Judiciary.

Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida.

Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles F. Lettow, of Viginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

By Mr. SPECTER for the Committee on Veterans' Affairs.

*John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

*Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

NOMINATIONS DISCHARGED

On request by Mr. McCONNELL and by unanimous consent, it was ordered, That the following nominations be discharged from the Committee on Health, Education, Labor and Pensions.

DEPARTMENT OF EDUCATION

Karen Johnson, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

NATIONAL SCIENCE FOUNDATION

Barry C. Barish, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Delores M. Etter, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Daniel E. Hastings, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Douglas D. Randall, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jo Anne Vasquez, of Arizona, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLARD:

S. 850. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. Brownback, Mr. Inhofe, Mr. Talent, Mr. Santorum, Mr. Grassley, Mr. Enzi, Mr. Sessions, Mr. Allen, Mr. Bunning, Mr. Fitzgerald, Mr. Chambliss, Mr. DeWine, Mr. McConnell, Mr. Coleman, Mr. Kyl, Mr. Nickles, Mr. Graham of South Carolina, Mr. Bond, Mr. Hagel, Mr. Craig, Mr. McCain, and Mr. Hatch):

S. 851. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. Daschle, Mr. Smith, and Mr. Leahy):

S. 852. A bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. Kerry):

S. 853. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program; to the Committee on Finance.

By Mr. COLEMAN (for himself and Mr. Dayton):

S. 854. A bill to authorize a comprehensive program of support for victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. Bond, and Mr. Grassley):

S. 855. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. Harkin, Mr. Daschle, and Mr. Johnson):

S. 856. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DeWine, Ms. Landrieu, and Mr. Cochran):

S. 857. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Bunning):

S. 858. A bill to extend the Abraham Lincoln Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Ms. Snowe, Ms. Cantwell, Mr. Smith, Mr. Dodd, Mr. Leahy, Mrs. Murray, Mr. Durbin, Mr. Lautenberg, and Mr. Bingaman):

S. 859. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska:

S. 860. A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Gregg, Mr. Kerry, Ms. Snowe, Mr. Inouye, Mr. Reed, Mr. Breaux, Mr. DeWine, Mr. Sarbanes, Mr. Biden, Mr. Kennedy, Ms. Mikulski, Mr. Cochran, Mrs. Murray, Mr. Corzine, Ms. Collins, Mr. Dodd, Mr. Levin, Mr. Nelson of Florida, Mr. Wyden, Mr. Lieberman, Mrs. Feinstein, Mr. Lautenberg, Ms. Cantwell, and Mr. Chafee):

S. 861. A bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. DeWine, Ms. Landrieu, Ms. Collins, Mr. Levin, and Mr. Johnson):

S. 862. A bill to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. EDWARDS (for himself, Mr. Miller, Mr. Bingaman, Ms. Mikulski, and Mrs. Murray):

S. 863. A bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS (for himself, Mr. Bingaman, Ms. Mikulski, and Mrs. Murray):

S. 864. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for grants to parents and guardians of certain military dependents, in order to assist the parent and guardians in paying for the cost of child care services provided to the dependents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCAIN (for himself, Mr. Dorgan, Mr. Brownback, and Mr. Ensign):

S. 865. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. Durbin, Mr. Schumer, Mr. Corzine, Mrs. Feinstein, Mr. Reed, and Mr. Lautenberg):

S. 866. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks; to the Committee on the Judiciary.

By Mr. BURNS:

S. 867. A bill to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the "Ronald Reagan Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SMITH:

S. 868. A bill to amend the Coos, Lower Umpqua, and Siuslaw Restoration Act to provide for the cultural restoration and economic self-sufficiency of the Confederation Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN (for himself, Ms. SNOWE, Mr. INOUYE, Mr. GRAHAM of South Carolina, Mrs. MURRAY, Mr. CORZINE, Mr. BIDEN, Mr. SPECTER, Ms. LANDRIEU, Mr. JOHNSON, Mrs. LINCOLN, Mr. HOLLINGS, Ms. MIKULSKI, Mrs. CLINTON, and Ms. COLLINS):

S. 869. A bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the medicare program for screening and diagnostic mammography services, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. COCHRAN):

S. 870. A bill to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program; considered and passed.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KENNEDY, Mr. HAGEL, Mr. DOMENICI, and Mr. FEINGOLD):

S. 871. A bill to provide for global pathogen surveillance and response; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. 872. A bill to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN:

S. 873. A bill to authorize funding for catalysis science and engineering research and development at the Department of Energy for fiscal years 2004 through 2009, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TALENT (for himself, Mr. SCHUMER, and Mr. GRAHAM of South Carolina):

S. 874. A bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. SANTORUM, Mr. SARBANES, Mr. ALLARD, Mr. DASCHLE, Mr. KENNEDY, Ms. STABENOW, and Mrs. CLINTON):

S. 875. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 876. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BURNS (for himself, Mr. WYDEN, Mr. STEVENS, Mr. BREAUX, Mr. THOMAS, Ms. LANDRIEU, and Mr. SCHUMER):

S. 877. A bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 878. A bill to authorize an additional permanent judgeship in the district of Idaho, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH:

S. 879. A bill to amend the Internal Revenue Code of 1986 to increase and extend the special depreciation allowance, and for other purposes; to the Committee on Finance.

By Mr. GREGG:

S. 880. An original bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mrs. LINCOLN, Mr. HATCH, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. DAYTON):

S. 881. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 882. A bill to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safe-guards, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. CHAFEE, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. CLINTON, Mr. MILLER, and Mr. GRAHAM of Florida):

S. 883. A bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. NELSON of Nebraska, Mr. SHELBY, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. JOHNSON, Mr. BUNNING, and Mr. REID):

S. 884. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY:

S. 885. A bill entitled "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003"; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY):

S. 886. A bill to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. CORNYN):

S. 887. A bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgments, settlements, or agreements that operate as a tax; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 117. An original resolution recognizing the 100th anniversary of the founding of the Laborers' International Union of North America, and congratulating members and officers of the Laborers' International Union of North America for the union's many achievements; from the Committee on the Judiciary; placed on the calendar.

By Mrs. BOXER:

S. Res. 118. A resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. CLINTON):

S. Res. 119. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS:

S. Res. 120. A resolution commemorating the 25th anniversary of Vietnam Veterans of America; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS):

S. Con. Res. 35. A concurrent resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher on April 10, 1963, and urging the Secretary of the Army to erect a memorial to this tragedy in Arlington National Cemetery; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 245

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 392

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 436

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 436, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes.

S. 504

At the request of Mr. ALEXANDER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 583

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 583, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 605

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 605, a bill to extend waivers under the temporary assistance to needy families program through the end of fiscal year 2008.

S. 623

At the request of Mr. WARNER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 631

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 631, a bill to amend title 39, United States Code, with respect to cooperative mailings.

S. 703

At the request of Mr. HAGEL, the names of the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 703, a bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

S. 740

At the request of Mr. LIEBERMAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 757

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 757, a bill entitled the "Guard and Reserve Commanders Pay Equity Act".

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. DASCHLE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 783

At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 783, a bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 822

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 832

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 832, a bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 845

At the request of Mr. GRAHAM of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 8

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S.J. Res. 8, a joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

S.J. RES. 8

At the request of Mr. BROWNBACK, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S.J. Res. 8, supra.

S. RES. 75

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 75, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 82

At the request of Mr. BROWNBACK, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 82, a resolution expressing the sense of the Senate concerning the continuos repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

S. RES. 111

At the request of Mr. HATCH, the names of the Senator from Iowa (Mr.

GRASSLEY), the Senator from Texas (Mrs. HUTCHISON), the Senator from Colorado (Mr. ALLARD), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 111, a resolution designating April 30, 2003, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN (for himself, Mr. BROWNBACK, Mr. INHOFE, Mr. TALENT, Mr. SANTORUM, Mr. GRASSLEY, Mr. ENZI, Mr. SESSIONS, Mr. ALLEN, Mr. BUNNING, Mr. FITZGERALD, Mr. CHAMBLISS, Mr. DEWINE, Mr. MCCONNELL, Mr. COLEMAN, Mr. KYL, Mr. NICKLES, Mr. GRAHAM of South Carolina, Mr. BOND, Mr. HAGEL, Mr. CRAIG, Mr. MCCAIN, and Mr. HATCH):

S. 851. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

Mr. ENSIGN. Mr. President, I rise to introduce the Child Custody Protection Act. This legislation makes it a Federal offense to knowingly transport a minor across a State line, with the intent that she obtain an abortion, in circumvention of a State's parental consent or parental notification law.

I have three young children in school, including a daughter, so I know something about parental consent. My wife and I, like most parents, have to give our written consent for school activities all the time.

In most schools, an underage child can't go on a school field trip without a signed permission slip. An underage child also can't receive mild medication at school, such as aspirin, for the alleviation of pain or discomfort unless a parent signs a release form permitting the school nurse to administer it. In some schools, a child may not take sex education class without parental consent. Nothing, however, prevents this same child from being taken across State lines, in direct disobedience of State laws, for the purpose of undergoing a life-altering abortion.

The Child Custody Protection Act simply attempts to strengthen the effectiveness of State laws designed to protect children from the health and safety risks associated with abortion. In many cases, only a girl's parents know of her prior psychological and medical history, including allergies to medication and anesthesia. Also, parents are usually the only people who can provide authorization for post-abortion medical procedures or the release of pertinent data from family physicians. When a pregnant girl is taken to have an abortion without her parents' knowledge, none of these precautions can be taken. The harsh reality is that leaving parents uniformed about their underage daughter's abortion may not only be detrimental to the physical and mental health of the child but may, in some instances, be fatal.

This legislation does not supercede, override, or in any way alter existing State parental involvement laws. It does not impose any parental notice or consent requirement on any State. The Child Custody Protection Act addresses the interstate transportation of minors in order to circumvent valid, existing state laws and uses the authority of Congress to regulate interstate activity to protect those laws from evasion.

Currently, forty-three States have laws requiring a minor to get the consent of or notify one or both parents prior to an abortion, but only thirty-three are enforcing those measures. Most of the statutes apply to a child under the age of 18 and provide for a court bypass procedure should she be unable to involve her parents.

This legislation is a common sense solution to a dire problem. A minor who is forbidden to drink alcohol, to stay out past a certain hour, or to drive a car in some states is certainly not prepared to make a life-altering, hazardous decision, such as an abortion, without the consultation or consent of at least one parent.

In fact, a poll found that 85 percent of voters, including 75 percent of "pro-choice" voters, said "No" when asked, "Should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge?"

I would like to thank the original cosponsors of this bill for their support, Senators BROWNBACK, INHOFE, TALENT, SANTORUM, GRASSLEY, ENZI, SESSIONS, ALLEN, BUNNING, FITZGERALD, CHAMBLISS, DEWINE, MCCONNELL, COLEMAN, KYL, NICKLES, LINDSEY GRAHAM, BOND, HAGEL, CRAIG, MCCAIN and HATCH. I look forward to working with them, and other members of the Senate, to ensure that underage girls are protected from unscrupulous individuals who want them to make a life-altering decision without parental involvement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

‘‘(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides,

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

‘‘(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

‘‘(4) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.’’.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

‘‘117A. Transportation of minors in circumvention of certain laws relating to abortion .... 2431’’.

Mr. HATCH. Mr. President, I rise today to join with my colleagues in introducing the Child Custody Protection Act and express my strong support for this important piece of legislation. Similar legislation was previously introduced in past sessions of Congress but, and I am sad to say, never was signed into law. However, I hope that today is the beginning of a new day to help protect the health and safety of children while safeguarding the rights and responsibilities of parents.

This bill is a reasonable effort to build upon two basic points with which many agree—despite other longstanding differences. The first is the desirability of parental involvement in a minor's abortion decision, and the other is the need to protect a pregnant minor's physical health.

This bill does not supersede, override, or in any way alter existing State parental consent or notification laws. Nor does this bill require States to implement their own parental involvement laws. The Child Custody Protection Act simply makes it a Federal offense to knowingly transport a female minor across a state line, with the intent that she obtain an abortion, in circumvention of State laws requiring parental consent or notification.

This bill, I would emphasize, is not a Federal parental involvement law; it merely ensures that State laws are not evaded through interstate activity. The Federal Government is not trying to tell the States how they must act and when, and this bill is not forcing parents to be good parents. This legislation strengthens the effectiveness of State laws, which is where the issue is best addressed and enforced. If we fail to pass this bill, we would be choosing to ignore the legitimacy and constitutionality of States to create and pass laws that specifically address the needs and desires of its citizens, especially when it comes to the health and safety of children.

The Child Custody Protection Act is a reasonable and rational approach to fixing a serious problem. In most places, a school nurse cannot provide an aspirin to a student for a headache without permission from the parent. Students cannot go on field trips without parental approval. Some report cards need a parent's signature to verify the parent knows how their child is performing academically.

This bill is not addressing something relatively trivial; it is drawing attention to a very serious medical procedure and protecting the health and safety of young girls. States that choose to implement parental notification laws because of their concerns with the well-being and safety of children should have every tool necessary to enforce their own laws.

An abortion is a risky medical procedure, especially for young teenagers. This bill is designed to protect children from the health and safety risks associated with abortion. In many cases, only a young girl's parents know of her prior psychological and medical history, including allergies to medication and anesthesia. Many other medical procedures in this country require the consent of parents before they are performed. Also, parents are usually the only people who can provide authorization for post-abortion medical procedures or even release important information from family physicians. Given all of these other important medical situations that require parental consent, it is only reasonable and logical to recognize and enforce a States' law asking for parental consent or notification for certain abortions.

We all know how contentious the issue of abortion can get around here, and across the country. But this matter is not really even about abortion. This bill is simply about protecting the health and safety of minor children and the rights that their own States have concluded their parents should have.

I would urge all of my colleagues to support this legislation and prevent circumvention of State laws, especially when the health and safety of children is involved.

By Mr. DEWINE (for himself, Mr. DASCHLE, Mr. SMITH, and Mr. LEAHY):

S. 852. A bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. DASCHLE. Mr. President, today I join with a bipartisan group of colleagues from the Senate Guard Caucus to introduce the National Guard and Reserve Comprehensive Health Benefits Act of 2003. This bill will allow reservists and their families to receive health coverage through Tricare by paying a modest premium.

These dedicated men and women deserve a better benefit package, given the dramatic expansion of their role within our military. Indeed, there is concern that the high rate of mobilizations—which no one expects to abate—will erode this force's ability to recruit and retain top-notch personnel. South Dakota Guard leaders tell me this bill would be perhaps the most powerful tool we could give them for recruiting and retention. By providing access to quality affordable health care for reservists and their families, this bill will also ensure that when they are mobilized, they are healthy and ready to go.

As I stand before you today, nearly 2,000 members of South Dakota's Guard and Reserves are deployed throughout the world—from force-protection missions at home to assignments in Europe and the Persian Gulf. Most of these reservists will be mobilized for 6 months, and some will stay activated for up to 2 years. And while South Dakota has one of the highest per-capita mobilization rates in the country, it is not unique. As the U.S. role as an international leader evolves, the National Guard and Reserves are being called upon at unprecedented rates to bolster our Nation's defense.

Indeed, since the 1991 gulf war, and particularly since the terrorists attacks of September 11, the demands on Reserve and Guard units have increased steadily. Not only are more reservists deployed more often, they are also activated for increasingly diverse tasks. Historically, this force has helped address a wide variety of social needs—from enforcing civil rights laws to fighting forest fires—and homeland defense is shaping us a major new duty that will require its sustained engagement.

While the demands we place on reservists have grown markedly in the last decade, the Federal Government's commitment to this dedicated group of men and women has not kept pace. In fact, the basic pay and benefit structure that was established during the cold war—when reservists could see their entire career pass by without being activated—remains in place today. As a result, leaders of the National Guard and Reserves are increasingly worried about their ability to recruit and retain new members.

The legislation we are introducing today takes a major step toward providing the men and women of our Reserve components with the support they need to carry out their new, vital role in the total force structure. It will offer Reserve and National Guard members the opportunity to participate for themselves and their family members in the same Tricare program available to active-duty service members and their families. Reservists and their families will share the cost of premium payments with the Department of Defense, with the same cost distribution as used in the Federal Employees Health Benefit Plan. This program will help the National Guard and Reserves attract and keep the best and brightest men and women in the Nation.

The National Guard Association of the United States reports that the average cost of a family health care plan through a civilian HMO is $7,541 per year. In contrast, it estimates that the Tricare cost per family is only $5,173 per year, even without the Government sharing any of the cost. With Government cost-sharing, this will be an attractively priced option for securing health coverage.

Beyond recruitment and retention, this program will improve readiness. More than 20 percent of the Ready Reserve—and as much as 40 percent of young enlisted personnel—do not currently have health insurance. Providing access to quality health care during all phases of service can drastically reduce the occurrence of situations in which large portions of a unit are unable to deploy because of medical reasons. Maintaining a healthy force is absolutely essential to maintaining a prepared force.

Our legislation will also reduce the incidence of problems that invariably occur during mobilization, when families leave their private-sector health plan and enter a wholly new plan, Tricare. Last month, I worked with Secretary of Defense Donald Rumsfeld to end a nationwide problem among families of mobilized reservists. Simply put, they were being forced, unfairly and improperly, to join a more expensive Tricare plan. We did solve that problem, but many families had to wait weeks without knowing whether they should try to extend their private coverage or whether they could afford Tricare. That is simply unacceptable. It is the last thing a reservist should have to worry about when preparing, possibly, for deployment to a war zone.

Another challenge for families going through mobilization is learning the Tricare benefit structure and understanding its system for helping those with problems or questions. Again, all this would be eliminated if families could enroll in Tricare before mobilization. If a family believes its employer's civilian plan is superior, they would be free to remain, and, during periods of mobilization, those premiums would be partially subsidized.

We have developed this bill in consultation with leaders of the National Guard and Reserves at the State and National levels. I appreciate their concern for this problem and their work to help develop a solution. In this regard, I would particularly like to acknowledge the efforts and strong support of the South Dakota National Guard, as well as the Military Officers Association of America, the Enlisted Association of the National Guard, the National Guard Association of the United States, the Reserve Officers Association, the Marine Corps Reserve Officers Association, the National Military Family Association, the National Association for Uniformed Services, and the National Military/Veterans Association.

I would like also to thank my cosponsors, Senator LEAHY, Senator DEWINE, and Senator GORDON SMITH, for helping advance this project.

Guaranteeing that all reservists have access to health care—either through civilian employers or Tricare—will ensure that this force is ready to fight at a moment's notice. The bill we are introducing today will not only improve the readiness of the current Reserve Force, but will pay dividends in the future by improving our ability to recruit and retain the best and brightest men and women for the National Guard and Reserves.

The Senate has set aside time each day for the last 3 weeks to honor and support the dedicated service of our troops in Iraq. Surely we can agree that one of our high priorities should be to ensure that, as long as they continue their service to our country, they will always have access to high-quality affordable health care.

Mr. LEAHY. Mr. President, today I am joined by Senator DEWINE, by our minority leader, Senator DASCHLE, and by Senator SMITH in introducing legislation that will boost the readiness of our Nation's military Reserve.

Never has our Nation relied more heavily on the Selected Reserve—more than 875,000 men and women, who stand ready for deployments at home or abroad, at a moment's notice. More than 54 percent of the U.S. Army's and 34 percent of the U.S. Air Force's end strength resides in the Selected Reserve. Both the Army and the Marine Corps rely on these Reserve forces for almost 20 percent of their manpower strength. The skill, experience and professionalism of these dedicated citizens often meet and exceed those of their brave counterparts in the active force.

It is no wonder that more than 200,000 reservists have been called to duty for service that is related to the war in Iraq. Many States have thousands of their citizens who have temporarily dropped their civilian jobs and left their families for deployments halfway across the globe. More than 300 citizen-soldiers, sailors, airmen, and marines in my home State of Vermont are serving proudly at the moment, here and abroad. When you include the call-ups since the September 11 attacks, the number of activated reservists across the country far exceeds those in the first gulf war.

These deployments have spotlighted some specific and solvable problems that have affected the readiness of the reserves and, in turn, our entire military. Some of the troops who have been called up have not been as healthy as possible. Others have faced the stress of leaving their families behind while looking back in concern as their families try to navigate the sometimes arcane military health care system. While often experiencing a loss of income, reserve family members also have had to leave their civilian doctors and join the military's TRICARE program.

More troubling, many of the members of the Guard and Reserve who might be activated any day do not currently have access to affordable health insurance. A recent General Accounting Office report underscores the fact that most of these uninsured Guard and Reservists reside in the lower enlisted ranks, where the reserve soldiers, sailors, airmen, and marines oftentimes are unemployed or switch jobs frequently. It is unfair to them and their families, and it is unwise for the preparedness of our military, to expect someone to deploy anywhere at the drop of a hat, but then to disregard whether they will be as healthy as possible when we need to call them to active duty.

These men and women are ready to make the ultimate sacrifice for their country, and so are their families. But they are performing as full-time soldiers with part-time benefits.

This situation is preventing the National Guard and the Reserve from being as ready as possible for action. At the same time, the stress and strain that activations place on families has hurt recruiting and retention. To ensure the strongest and most effective reserve and the strongest and most effective military capability, it is critical that we address these issues and provide comprehensive health insurance coverage.

The National Guard and Reserve Comprehensive Health Benefits Act of 2003 will provide seamless health coverage to our reserve forces at all phases of their service. Under our plan, if one of 876,000 members of the Selected is in a drill status, that reservist and his or her family will become eligible to join the TRICARE military health insurance program. The reservist will pay an annual premium, around 30 percent of the annual cost of providing care. For a single reservist, the premium would be about $420 per year, while for a family the annual payment would be about $1,450. This is not rock-bottom-cheap health care, but our aim is to ensure affordable health insurance for hard-working families that may not otherwise have access to coverage.

If a reservist is activated, he or she will continue to have free health care through the military health system. But under our legislation, the reservist's family will be able to avoid the considerable difficulties of switching doctors and health insurance. They also can apply to have their civilian health insurance reimbursed. The program will not cost any more to the Federal Government than the current arrangement because the per capita costs are capped to ensure that they are no more than the cost of TRICARE. And when a reservist comes off active duty, he or she will be able to enter the new premium-based TRICARE program, just as before deployment.

Because reservists will be able to have access to affordable insurance whatever their deployment status, this legislation is being supported by several leading organizations, including the National Guard Association of the United States, NGAUS, the Enlisted National Guard Association of the United States, EANGUS, the Reserve Officers Association, ROA, the Naval Reserve Association, NRA, the National Military Family Association, NMFA, Marine Corps Reserve Officers Association, the National Association for Uniformed Services, the National Military/Veterans Association, and the Military Officers Association, MOA. This legislation is the top priority of The Military Coalition's Guard/Reserve Committee.

We have worked hard to fully understand the existing problems and to construct this efficient and effective solution. I would particularly like to thank former Undersecretary of Defense Fred Pang and former House Armed Services Committee Professional Staff Member Karen Heath for their sage counsel and guidance in developing this legislation. We are part of a strong, bipartisan coalition that will push for enactment of this long-overdue legislation. In the coming weeks we plan to welcome additional cosponsors for this comprehensive bill as we begin the process of moving it without delay through the legislative process and to the President's desk.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 853. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Health Copayment Equity Act with my colleague on the Finance Committee, Senator JOHN KERRY.

In brief, my bill would a correct a serious disparity in payment for treatment of mental disorders under Medicare law. Medicare beneficiaries typically pay 20 percent copayment for outpatient services, including doctor's visits and Medicare pays the remaining 80 percent. But for treatment of mental disorders, Medicare law requires patients pay a 50-percent copayment. Under my bill, this copayment will be reduced over a six year period, starting in 2004, from the current 50 percent to 20 percent. This means that in 2010, patients seeking outpatient treatment for mental illness will pay the same 20 percent copayment required of Medicare patients that receive treatment for any other illness.

Let's look at this issue in another way. If a Medicare patient has an office visit for treatment for cancer or heart disease, the patient is responsible for 20 percent of the doctor's fee. But if a Medicare patient has an office visit with a psychiatrist, psychologist, social worker, or other professional for treatment for depression, schizophrenia, or any other condition diagnosed as a mental illness, the copayment for the outpatient visit for treatment of the mental illness is 50 percent. What sense does this make?

Indeed, my bill has a larger purpose, to help end an outdated distinction between physical and mental disorders, and ensure that Medicare beneficiaries have equal access to treatment for all health conditions. Perhaps this disparity would matter less if mental disorders were not so prevalent. But the Surgeon General has told us otherwise.

The importance of access to treatment for mental disorders is emphasized in a landmark report on mental health released by the Surgeon General in 1999. The Surgeon General reported mental illness was second only to cardiovascular diseases in years of healthy life lost to either premature death or disability. And the occurrence of mental illness among older adults is widespread with a substantial proportion of the population 55 and older—almost 20 percent of this age group—experiencing specific mental disorders that are not part of "normal" aging.

Further, older Americans have the highest rate of suicide in the country, and the risk of suicide increases with age. In fact, in the State of Maine, the suicide rate for seniors is three times as high as the rate for adolescents. Untreated depression among the elderly substantially increases the risk of death by suicide.

There is another sad irony. While Medicare often is viewed as health insurance for people over age 65, Medicare also provides health insurance coverage for people with severe disabilities. The single most frequent cause of disability for Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, at the same time, Medicare pays less for critical mental health services needed by these beneficiaries than if they had a non-mental disability.

But there also is very good news that there are increasingly effective treatments for mental illnesses. With proper treatment, the majority of people with a mental illness can lead productive lives. By removing financial barriers that inhibit access to treatment services, we will be able to eliminate stigmas and overcome a lack of understanding of mental disorders.

I urge my colleagues to join with me to bring Medicare payment policy for mental disorders into the 21st century.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator SNOWE in introducing the Medicare Mental Health Copayment Equity Act. This legislation will establish mental health care parity in the Medicare program.

Medicare currently requires patients to pay a 20 percent co-payment for all Part B services except mental health care services, for which patients are assessed a 50 percent co-payment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the co-payment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the co-payment is 50 percent of the cost of the visit. This disparity in outpatient co-payments represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the United States, and there is a clear correlation between major depression and suicide: 60 to 70 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, 400,000 non-elderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, those in need of treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Health Copayment Equity Act will phase-down the 50 percent co-payment for mental health care services to 20 percent over six years. By applying the same co-payment rate to mental health services to which all other outpatient services are subjected, the

Medicare Mental Health Copayment Equity Act will bring parity to the Medicare program and improve access to care for our senior and disabled beneficiaries who are living with mental illness. I urge my colleagues to join with us to pass this critical legislation.

I ask unanimous consent that several letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAINE OSTEOPATHIC ASSOCIATION,
Manchester, ME, April 9, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the osteopathic physicians (D.O.'s) in Maine, I want to applaud your leadership efforts in sponsoring the Medicare Mental Health Copayment Equity Act of 2003. This bill would end Medicare's unfortunate discrimination against patients with mental illness.

We support this legislation that would end this discrimination because it requires that Medicare patients pay only the same 20 percent co-payment for mental illness treatment that they pay when seeking other medical treatment, such as treatment for diabetes, asthma or influenza.

The Maine Osteopathic Association appreciates your thoughtfulness, commitment and compassion in equitably treating persons with mental illness.

Your sponsorship of this most important bill is a major step to end Medicare's discrimination coverage of mental illness treatment.

Sincerely,
DANIEL M. PIERCE, D.O.
President.

April 9, 2003.

Hon. JOHN KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: On behalf of the American Association for Geriatric Psychiatry (AAGP), I am writing to add AAGP's endorsement to legislation which you are planning to introduce with Senator Snowe to end the discriminatory copayment required by Medicare for treatment of mental illness.

Medicare coverage of mental health services is fragmented and subject to arbitrary and discriminatory limitations. Although coinsurance for most services covered by Medicare is 20 percent, current law requires a 50 percent co-payment for mental health services furnished by psychiatrists and other health care professionals who specialize in the treatment of mental illness. This limit, which dates back to the inception of the Medicare program in 1965, is based on the outmoded assumption that all mental illness is chronic and requires unlimited therapeutic services. Advances in treatment have made this assumption highly inaccurate. Your bill would establish copayment parity between mental health benefits and other medical benefits under the Medicare program.

Your legislation stands to dramatically improve the lives of Medicare beneficiaries by providing them with the access to mental health care that they deserve.

AAGP commends you for your dedication to ensuring that all Americans have adequate access to effective mental health treatments, and we look forward to working with you to achieve the enactment of this legislation.

Sincerely,
JOEL E. STREIM, M.D.,
President.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, April 9, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the 38,000 physician members of the American Psychiatric Association (APA), and most particularly on behalf of the patients they treat, please accept my thanks for your House sponsorship of the Medicare Mental Health Copayment Equity Act of 2003.

As you know, Medicare Part B requires by statute that beneficiaries pay a copayment of 20 percent, except for the discriminatory 50 percent copayment charged for outpatient mental health treatment. It is time for Congress to end what amounts to cost-sharing discrimination by diagnosis. The bill you are introducing with Representative Richard Neal would ultimately require Medicare beneficiaries to pay the same 20 percent copayment amount for outpatient mental health treatment as they would otherwise pay for other Part B services. Asking our Medicare beneficiaries to pay half the cost of their mental health care out of pocket is simply unjust, and is a significant barrier to necessary treatment.

Thank you for your foresight and leadership in your lead sponsorship of the Medicare Mental Health Copayment Equity Act of 2003. Thanks are also due to the outstanding work by Catherine Finely, who ably represents you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,
PAUL S. APPELBAUM, M.D.,
President.

NAMI,
THE NATION'S VOICE ON
MENTAL HEALTH,
Arlington, VA, April 9, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of NAMI's 210,000 members and 1,200 affiliates I am writing to offer our strong support for the Medicare Mental Illness Nondiscrimination Act. Thank you for bringing forward this important legislation to bring a discrimination in outpatient treatment services in the Medicare program. As the nation's largest organization representing persons with severe mental illness and their families, we are extremely grateful for your leadership on this important issue.

Perhaps the most glaring shortcoming in the Medicare program is the discriminatory co-payment for most outpatient mental illness treatment services. As you know, outpatient psychotherapy services are covered at 50 percent under Medicare, with a 50 percent beneficiary co-payment requirement. This is stark contrast to the 80 percent payment, and 20 percent co-payment for all other outpatient services. In NAMI's view, this is a clear form of discrimination in one of the federal government's most important health care programs—providing coverage to more than 39 million Americans—both seniors and non-elderly people with severe disabilities such as serious mental illnesses. We know that treatment makes a tremendous difference in the lives of persons with mental illness. Your legislation removes a significant financial barrier to such necessary care for the Medicare population.

Thank you for once again leading the way in the Congress in bringing an end to discrimination against persons living with severe mental illness.

Sincerely,
RICHARD C. BIRKEL,
Executive Director.

AMERICAN ASSOCIATION FOR
GERIATRIC PSYCHIATRY,
Bethesda, MD, April 9, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the American Association for Geriatric Psychiatry (AAGP), I writing to add AAGP's endorsement to legislation which you are planning to introduce with Senator Kerry to end the discriminatory copayment required by Medicare for treatment of mental illness.

Medicare coverage of mental health services is fragmented and subject to arbitrary and discriminatory limitations. Although coinsurance for most services by Medicare is 20 percent, current law requires a 50 percent co-payment for mental health services furnished by psychiatrists and other health care professionals who specialize in the treatment of mental illness. This limit, which dates back to the inception of the Medicare program in 1965, is based on the outmoded assumption that all mental illness is chronic and requires unlimited therapeutic services. Advances in treatment have made this assumption highly inaccurate. Your bill would establish copayment parity between mental health benefits and other medical benefits under the Medicare program.

Your legislation stands to dramatically improve the lives of Medicare beneficiaries by providing them with the access to mental health care that they deserve.

AAGP commends you for your dedication to ensuring that all Americans have adequate access to effective mental health treatments, and we look forward to working with you to achieve the enactment of this legislation.

Sincerely,
JOEL E. STREIM, M.D.,
President.

MAINE PSYCHIATRIC ASSOCIATION,
Manchester, ME, March 19, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE, on behalf of the psychiatric physicians of the Maine Psychiatric Society, I want to offer you my sincere appreciation for your leadership in sponsoring the Medicare Mental Health Copayment Equity Act of 2003, working to end Medicare's historic discrimination against patients with mental illness.

Your legislation would end this discrimination by requiring that discriminatory copayments required of Medicare patients for mental illness treatment would eventually be reduced from the current 50 percent level to the 20 percent level patients pay for other medical treatment, such as treatment for diabetes, heart disease, or the flu. This legislation promotes parity for mental health benefits and improves access to mental health care for all Medicare beneficiaries in Maine and across the country.

The Maine Psychiatric Association appreciates your ongoing commitment to persons with mental illness, and your sponsorship of this most important bill to end Medicare's discriminatory coverage of mental illness treatment.

Sincerely,
EDWARD PONTIUS, M.D.,
Chair, Legislative Affairs Committee,
Maine Psychiatric Association.

MAINE MEDICAL ASSOCIATION,
April 9, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: I am writing to you on behalf of the Maine Medical Association and the Maine Psychiatric Association, representing over 2500 Maine-licensed physicians, to thank you sincerely for assuming the leadership in sponsoring the Medicare Mental Health Co-payment Equity Act of 2003, that would end Medicare's historic discrimination against patients with mental illness.

As you know, mental health illness and treatment are very often complicated by concurrent major physical illnesses, like cancer, heart disease, and diabetes. Unfortunately, co-payment for treatment of mental illnesses are two and a half times higher than that for physical illnesses. Your legislation would end this discrimination by requiring that Medicare patients pay only the same 20 percent co-payment for mental illness treatment that they would pay when seeking other medical treatment.

The Maine Medical Association and the Maine Psychiatric Association appreciate your ongoing commitment to persons with mental illness and your sponsorship of this most important bill to end Medicare's discriminatory coverage of mental illness treatment.

Sincerely,
KRISHNA BHATTA, M.D.,
President.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, April 9, 2003.

Hon. JOHN KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: On behalf of the 38,000 physician members of the American Psychiatric Association (APA), and most particularly on behalf of the patients they treat, please accept my thanks for your House sponsorship of the Medicare Mental Health Copayment Equity Act of 2003.

As you know, Medicare Part B requires by statute that beneficiaries pay a copayment of 20 percent, except for the discriminatory 50 percent copayment charged for outpatient mental health treatment. It is time for Congress to end what amounts to cost-sharing discrimination by diagnosis. The bill you are introducing with Representative Richard Neal would ultimately require Medicare beneficiaries to pay the same 20 percent copayment amount for outpatient mental health treatment as they would otherwise pay for other Part B services. Asking our Medicare beneficiaries to pay half the cost of their mental health care out of pocket is simply unjust, and is a significant barrier to necessary treatment.

Thank you for your foresight and leadership in your lead sponsorship of the Medicare Mental Health Copayment Equity Act of 2003. Thanks are also due to the outstanding work by Kelly Bovio, who ably represented you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,
PAUL S. APPLEBAUM, M.D.,
President.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. 854. A bill to authorize a comprehensive program of support for victims of torture, and for other purposes; to the Committee on Foreign Relations.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today to authorize a comprehensive program of support for victims of torture be printed in the RECORD.

There being on objection, the bill was ordered to be printed in the RECORD, as follows:

S. 854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Reauthorization Act of 2003".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2004, 2005, and 2006 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there are authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004, $12,000,000 for fiscal year 2005, and $13,000,000 for fiscal year 2006.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Of the amounts authorized to be appropriated`for fiscal years 2004, 2005, and 2006 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, and $8,000,000 for fiscal year 2006.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2004, 2005, and 2006, there are authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004, $25,000,000 for fiscal year 2005, and $30,000,000 for fiscal year 2006.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. GRASSLEY):

S. 855. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Investment Company Capital Access Act of 2003 whose purpose is to increase the amount of venture capital available to small businesses. As the chair of the Committee on Small Business and Entrepreneurship, I am pleased that my good friend and former chairman of the Committee, Senator BOND, and the chairman of the Senate Finance Committee, Senator GRASSLEY, have agreed to be the principal cosponsors of this important bill.

During the past 2 years, there has been a significant contraction of the private equity market. During this same period, the Small Business Administration's Small Business Investment Company program has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million.

Small Business Investment Companies are government-licensed, government-regulated, privately managed venture capital firms created to invest only in original issue debt or equity securities of U.S. small businesses that meet size standards set by law. In the current economic environment, the SBIC program represents an increasingly important source of capital for small enterprises.

While debenture SBICs qualify for SBA-guaranteed borrowed capital, the Government guarantee forces a number of potential investors, namely pension funds and university endowment funds, to avoid investing in SBICs because they would be subject to tax liability for unrelated business taxable income. More often than not, tax-exempt investors opt to invest in venture capital funds that do not create UBTI. As a result an estimated 60 percent of the private capital potentially available to these SBICs is effectively off limits.

The Small Business Investment Company Capital Access Act of 2003 would correct this problem by excluding government-guaranteed capital of debenture SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI recordkeeping or tax liability.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. More than 40 years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000 to $3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nation's best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, when Federal

Express needed help from reluctant credit markets, it received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to main street America small businesses. These are companies we know from hometowns all over the United States. Main street companies provide both stability and growth in our local business communities.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, six of the top 12 businesses on the list received SBIC financing during their critical growth year.

The Small Business Investment Company Capital Access Act of 2003 is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees. According to the National Association of Small Business Investment Companies, a conservative estimate of the effect of this bill would be to increase investments in debenture SBICs by $200 million per year from tax-exempt investors. Together with SBA-guaranteed leverage, that will mean as much as $500 million per year in new capital assets for debenture SBICs to invest in U.S. small businesses.

According to the SBA, one job is created for every $36,000 invested in a small company. At that rate, this bill could be responsible for the creation or support of as many as 16,600 jobs—within companies receiving investments directly as well as within those firms benefitting indirectly through increased sales of goods and services to the former companies. In short, this bill is a jobs creator.

And the cost? The Joint Committee on Taxation estimated in the last Congress that this bill would result in tax revenue loss of only $1 million per year for the next 10 years.

Mr. President, the cost is low and the potential for economic gain is great. Passage of the bill will make the Government's existing SBIC program more effective in providing growth capital for America's small business entrepreneurs.

And most importantly, it will provide sorely needed capital for the sector of our economy that provides a majority of the net new jobs in this country—small businesses. That is a real stimulus that would cause new investments to be made and the creation of critically needed new jobs. Our economy is primed for this kind of support, and I urge my colleagues to support this important bill.

I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"SMALL BUSINESS INVESTMENT COMPANY CAPITAL ACCESS ACT OF 2003"

DESCRIPTION OF PROVISIONS

The bill amends section 514 of the Internal Revenue Code to exclude government-guaranteed capital borrowed by Debenture Small Business Investment Companies (SBICs) from debt for purposes of the Unrelated Business Taxable Income (UBTI) rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI record keeping or tax liability.

Currently, while Debenture SBICs qualify for borrowed capital guaranteed by the Small Business Administration, the government guarantee forces a number of potential investors, namely pension funds and university endowment funds, to avoid investing in SBICs because they would be subject to tax lability for UBTI. Frequently, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI. As a result, an estimated 60% of the private-capital potentially available to these SBICs is effectively "off limits."

S. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Capital Access Act of 2003".

SEC. 2. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) IN GENERAL.—Section 514(c)(6) of the Internal Revenue Code of 1986 (relating to acquisition indebtedness) is amended—

(1) by striking "include an obligation" and inserting "include—

"(A) an obligation",

(2) by striking the period at the end and inserting ", or", and

(3) by adding at the end the following:

"(B) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

"(i) issued by such company under section 303(a) of such Act, or

"(ii) held or guaranteed by the Small Business Administration.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acquisitions made on or after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, Mr. DASCHLE, and Mr. JOHNSON):

S. 856. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DEWINE, Ms. LANDRIEU, and Mr. COCHRAN):

S. 857. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing two key education initiatives designed to promote quality education across our country and respond to the compelling needs in our schools. When I meet with teachers and parents, and even business leaders in West Virginia, everyone is concerned about the condition of our school buildings and the importance of qualified committed teachers working in those classrooms.

To address these clear and compelling needs, I am introducing two education bills. The first initiative, America's Better Classroom Act of 2003, is a school construction initiative to respond to the overwhelming needs for school construction. The Department of Education reports that the average public school building is 42 years old. In 1995, GAO estimated that we needed $112 billion for school construction and renovations. A more recent survey in 2001 in the Journal of Education Finance indicates that the need is increasing, and the unmet need for school infrastructure over the next decade is over $200 billion. My State of West Virginia will need as much as $2 billion for school construction and renovations.

America's Better Classroom Act provides the financial tools to help build and renovate our schools. It will continue the Qualified Zone Academy Bonding, QZAB, Program that has helped economically disadvantaged communities. This provision would provide $2.8 billion to continue and expand the successful QZAB Program. In recent years, this program has provided $4.2 million for support school construction and renovations in disadvantaged communities. Effective programs have earned continued support.

But the truth is that many schools districts need help with school construction and renovations, which is why the America's Better Classroom Act creates a $22 billion Qualified School Bonding Program. Funding will be allocated to the states based on the Title 1 formula so it is targeted, but the states will have flexibility in allocating support among school districts.

Last summer, I toured two schools in Berkeley County, WV—Martinsburg High School and South Middle School. The high school was built in 1928, but it had been renovated. The middle school was built in 1954, and needed serious work. The cafeteria had to serve as a part-time classroom, and they used portable trailers. These schools are in our eastern panhandle which is the region of the greatest population growth, so Berkeley County predicts that it will need to build or renovate nine schools over the next 10 years. Given the current state fiscal crisis, states and communities need the America's Better Classroom Act so that we can make needed investments. Also school construction can play a positive role in helping to stimulate our economy and create needed jobs. School construction is a more reliable economic stimulus, and an important investment in our children's education. I am proud to have Senators Tom Harkin, Tom Daschle, and Tim Johnson as cosponsors of this important initiative. Senator Harkin has been a true leader on education issues throughout this career, including school construction and renovations.

The next initiative to improve education is a bipartisan bill, known as Incentives to Educate American Children Act, or I TEACH. I am proud to have Senators DeWine, Landrieu, and Cochran as cosponsors.

Under No Child Left Behind, every classroom should have a qualified teacher. Studies suggest that an estimated 2 million new teachers will be needed in our classrooms over the next decade. It will be important to ensure that we recruit and retain good teachers in every classroom, including our most disadvantaged schools and our rural schools, which often have more trouble recruiting and keeping teachers.

Unfortunately, without our help, America's disadvantaged and rural schools may not be able to attract the qualified teachers required by the No Child Left Behind Act. Isolated and impoverished, competing against higher paying and well-funded school districts for scarce classroom talent, they are already facing a desperate shortage of qualified teachers. As pressure to hire increases, that shortage could become a crisis, and children already at a disadvantage in relation to their more affluent and less isolated peers will be the ones who suffer most. Principals in West Virginia already are reporting shortages of trained teachers.

To help bring dedicated and qualified teaching professionals into our schools, the I TEACH Act will provide teachers a $1000 refundable tax credit every year they practice their profession in the public schools where they are needed most. In addition to this incentive for disadvantage and rural schools, every public school teacher has the ability to earn a $1000 refundable tax credit if a teacher achieves the National Board for Professional Teaching Standards certification. Under the bill, every teacher willing to work in underserved schools will earn a tax credit. Every teacher who gets Board certification will earn a tax credit. Teachers who work in rural or poor schools and get certified will have both credits, worth $2000. Schools who desperately need help attracting teachers will get a boost. And children educated in poor and rural schools will benefit most.

One-fourth of America's children attend public schools in rural areas, and of the 250 poorest counties in the United States, 244 are rural. West Virginia has rural schools scattered throughout 36 of its 55 counties, and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location. Attracting teachers to these schools is difficult in large part due to the vast gap between what rural districts are able to offer and the salaries paid by more affluent school districts—as wide as $20,000 a year, according to one study. Poor urban schools must overcome similar difficulties. It is often a challenge for these schools to attract and keep qualified teachers. Yet, according to the 2001 No Child Left Behind Act, every school must have qualified teachers by the end of the 2005–2006 school year.

In my State of West Virginia, as in over 30 other States, there is already a state fiscal incentive for teachers who earn National Board certification. My legislation builds upon the West Virginia program; together, they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

Education should be among our top national priorities, essential for every family with a child and vital for our economic and national security. I supported the bold goals and higher standards of the 2001 No Child Left Behind Act, but they won't be met unless we invest in quality schools and good teachers. I am committed to working closely with my Senate colleagues this fall to secure as much funding as possible for our children's education.

By Mr. CORZINE (for himself, Ms. Snowe, Ms. Cantwell, Mr. Smith, Mr. Dodd, Mr. Leahy, Mrs. Murray, Mr. Durbin, Mr. Lautenberg, and Mr. Bingaman):

S. 859. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Microbicides Development Act of 2003. I am very pleased to be introducing this bipartisan bill along with my colleagues, Senators Snowe, Cantwell, Gordon Smith, Dodd, Leahy, Murray, Durbin, and Lautenberg. I thank my colleagues for their support of this important legislation, which we believe is vital to the pursuit of combating the global HIV/AIDS crisis.

As you know, recently released UN reports paint the most horrendous picture yet of the HIV epidemic, with AIDS continuing to kill more people worldwide than any other infectious disease, and sparing no corner of the world. According to the UN, China could have more than 10 million HIV-infected people by 2010. Infection rates in Russia and Eastern Europe are rising faster than anywhere else. India may soon have the largest number of people living with HIV/AIDS in the world. And Sub-Saharan Africa remains devastated by an epidemic that has lowered life expectancy from 62 years on average to just 47. In hard-hit countries like Botswana, where 45 percent of women attending prenatal clinics are HIV-positive, a 15-year old youth has an 80 percent chance of dying of AIDS.

The UN reports come on the heels of CIA assessments that the AIDS pandemic is entering a "stage of substantial increases in size and scope."

Despite alarm bells ringing from the organizations as diverse in mandate as the UN and the CIA, little attention is paid to the reality that the face of the HIV epidemic both at home and abroad is increasingly female. As of the end of 2002, according to the Joint United Nations/World Health Organization Programme on HIV/AIDS, half of the world's HIV/AIDS-infected people were women. In Sub-Saharan Africa, 58 percent of all adult HIV/AIDS cases were found in women, and in hard-hit nations such as Zambia, girls are five times more likely than boys to be HIV positive.

Here in the United States, 30 percent of new HIV infections each year occur among women, most of whom, 64 percent, are African-American. The majority of U.S. women, 75 percent, acquire the disease through heterosexual transmission. My own State of New Jersey has the Nation's highest HIV/AIDS infection rate among women and the sixth highest infection rate among all adults. And here in our Nation's capital, one in three people with HIV now is a woman.

Biologically, women are four times more vulnerable to HIV infection. Their vulnerability increases due to their lack of economic and social power in many societies, where women often cannot control sexual encounters or insist on protective measures such as abstinence or mutual monogamy. The typical woman who gets infected with HIV has only one partner—her husband. This trend devastates families and puts children at risk.

This astounding reality bears restating: The single greatest risk factor for a woman in the developing world of contracting the HIV virus is being married.

Women need HIV-prevention tools that they can control to safeguard their health and that of their families and communities. Unfortunately, there exists absolutely no HIV or STD prevention method that is within a woman's personal control. Condom use must be negotiated with a partner. We are all aware that for too many women, particularly low-income women in the developing world and many in our own country who rely upon a male partner for economic support, there is no power of negotiation. We know these women are at risk—yet, we expect them to protect themselves without any tools.

Today we have the opportunity to invest in groundbreaking research that can produce these tools, and ultimately, empower women. Microbicides are self-administered products that women could use to prevent transmission of STDs, including HIV/AIDS. I say "could" because due to insufficient research investments, no microbicides have been brought to market. This legislation would expand federal investments for microbicide research at the National Institutes for Health, NIH, the Centers for Disease Control and Prevention, CDC, and the United States Agency for International Development, USAID.

In addition to encouraging new investments in microbicide research, the Microbicides Development Act will expedite the implementation of the NIH's five-year strategic plan for microbicide research, as well as expand coordination among Federal agencies already involved in this research, including NIH, CDC, and the United States Agency on International Development, USAID.

Perhaps most importantly, the legislation calls for the establishment of a Microbicide Research and Development Branch within the National Institute of Allergy and Infectious Diseases.

The National Institutes of Health, principally through the National Institute of Allergy and Infectious Diseases, NIAID, spends the majority of Federal dollars in this area. However, microbicide research at NIH is currently conducted with no single line of administrative accountability or specific funding coordination. In addition, other federal agencies such as CDC and USAID undertake microbicides research and development activities. Because there is no federal coordination, however, there is the risk that inefficiencies and duplication of effort could result. Through a variety of committees Congress has requested that NIH and its Office of AIDS Research provide Congress with a "federal coordination plan" for research and development in this area, but formal submission of this plan has been repeatedly delayed.

A branch dedicated to microbicide research and development at the NIH is essential to providing the appropriate staff and funding for the coordination of these activities at the NIH and across agencies.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Microbicide Development Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During 2002, AIDS caused the deaths of an estimated 3,100,000 people, including 1,200,000 women and 610,000 children under 15 years of age. An estimated 14,000,000 children living today have lost one or both parents due to AIDS.

(2) Worldwide, heterosexual transmission is accounting for an increasing share of new HIV infections, with adolescents, women, and disadvantaged people at particular risk.

(3) In the United States, for example, African American and Latina women account for 64 percent and 17 percent of all reported HIV cases, respectively, even though they represent only 25 percent of the total United States female population.

(4) Half of the 38,600,000 adults living today with HIV/AIDS are women.

(5) Biological, cultural, economic, and social factors combine to make women and girls particularly vulnerable to HIV and other sexually transmitted diseases (referred to in this section as "STDs"). In the hardest hit areas of Africa, almost one-quarter of 15 to 19 year-old girls are already infected with HIV, compared to 4 percent of their male peers.

(6) In addition to HIV, other STDs can cause serious, costly, even deadly conditions for women and their children, including infertility, pregnancy complications, cervical cancer, infant mortality, and higher risk of contracting HIV. When women become infected with HIV, they risk passing along the infection to their infants, either through pregnancy, childbirth, or breastfeeding.

(7) Regrettably, today's HIV prevention methods do not meet the needs of the millions of women worldwide who, for cultural, economic, and social reasons, cannot insist on protective measures such as abstinence, condom use, or mutual monogamy.

(8) A large majority of women become infected with HIV with only one partner—their husbands. Women need prevention options that they can use consistently within ongoing, long-term relationships.

(9) Microbicides are a promising new technology, complementary to vaccines, that could put the power of prevention into women's hands. Formulated as gels, creams, or films, microbicides inactivate, block, or otherwise interfere with the pathogens that cause HIV/AIDS and other STDs.

(10) Even a moderately effective microbicide could have a substantial impact on the HIV epidemic. The London School of Hygiene and Tropical Medicine estimates that a 60 percent efficacious microbicide introduced into the 73 poorest countries could avert 2,500,000 HIV infections in men, women, and children over 3 years.

(11) Microbicides would also benefit men, because their protective effect is likely to be bidirectional.

(12) Numerous potential microbicides are poised for successful development. Thirteen products are in clinical trials and approximately 50 compounds exist that could be investigated further. There is a backlog in the research and development pipeline, however, so that innovative and promising product concepts are languishing, while infection rates are growing.

(13) At present, there is insufficient economic incentive for large pharmaceutical companies to become actively engaged in microbicide research and development, thus, Federal support is crucial. Three Federal agencies—the National Institutes of Health, the Centers for Disease Control and Prevention, and the United States Agency for International Development—have played important roles in progress to date, but strong, effective, well-coordinated, and visible public sector leadership will be essential for the promise of microbicides to be realized.

(14) A microbicide could be available within 5 to 7 years if sufficient public sector funding were made available to accelerate research and support the necessary clinical trials.

(15) Microbicide research and development currently receive only 2 percent of the AIDS research budget of the National Institutes of Health, not nearly enough to keep pace with public health need and scientific opportunity.

(16) The United States Agency for International Development sustains strong partnerships with public and private organizations working on microbicide research, importantly including clinical trials in developing countries where its experience is extensive. The long experience of such Agency in logistics management, service delivery, provider training, and social marketing position it well to prepare for and implement the introduction of microbicides once they are available.

(17) The Centers for Disease Control and Prevention also engages in critical microbicide research and clinical testing, and has a long history of conducting field trials in developing countries.

(18) For the microbicide pipeline to advance significantly and the essential clinical trials to be fielded soon, the current amount of Federal investment needs to increase to $130,000,000 in fiscal year 2004 and to $160,000,000 in fiscal year 2005.

TITLE I—MICROBICIDE RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. OFFICE OF AIDS RESEARCH; PROGRAM REGARDING MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

Subpart I of part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc–40 et seq.) is amended by inserting after section 2351 the following:

"SEC. 2351A. MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

"(a) FEDERAL STRATEGIC PLAN.—

"(1) IN GENERAL.—The Director of the Office of AIDS Research shall expedite the development and implementation of a Federal strategic plan for the conduct and support of microbicide research and shall biannually review and as appropriate revise the plan.

"(2) COORDINATION.—In developing, implementing, and reviewing the plan, the Director of the Office of AIDS Research shall coordinate with—

"(A) other Federal agencies, including the Director of the Centers for Disease Control and Prevention and the Administrator of the United States Agency for International Development, involved in microbicide research;

"(B) the microbicide research community; and

"(C) health advocates.

"(b) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Office of AIDS Research, acting in coordination with other relevant institutes and offices, shall expand, intensify, and coordinate the activities of all appropriate institutes and components of the National Institutes of Health with respect to research on the development of microbicides to prevent the transmission of HIV and other sexually transmitted diseases.

"(c) MICROBICIDE DEVELOPMENT BRANCH.—In carrying out subsection (b), the Director of the National Institute of Allergy and Infectious Diseases shall establish within the Vaccine and Prevention Research Program of the Division of AIDS in the Institute, a branch charged with carrying out microbicide research and development. In establishing such branch, the Director shall ensure that there are a sufficient number of employees dedicated to carry out the mission of the branch.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date on which the initial Federal strategic plan is developed under subsection (a), and biannually thereafter, the Director of the Office of AIDS Research shall submit to the appropriate committees of Congress a report that describes the strategies being implemented by the Federal Government regarding microbicide research and development. Each such report shall include—

"(A) a description of activities with respect to microbicides conducted and supported by the Federal Government;

"(B) a summary and analysis of expenditures, during the period for which the report is prepared, for activities with respect to microbicide-specific research and development, including the number of employees involved in these activities within each agency;

"(C) a description and evaluation of the progress made, during the period for which such report is prepared, towards the development of effective, reliable, and acceptable microbicides;

"(D) a review of the remaining scientific and programmatic obstacles with respect to microbicides; and

"(E) an updated Federal Strategic Plan, including professional judgment funding projections.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINITION.—For the purposes of this subsection, the term 'appropriate committees of Congress' means the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

"(e) HIV DEFINITION.—For purposes of this section, the term 'HIV' means the human immunodeficiency virus. Such term includes acquired immune deficiency syndrome (AIDS).

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 and 2005, and such sums as may be necessary in subsequent fiscal years to sustain multiyear funding at a productive level.".

TITLE II—MICROBICIDE RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended—

(1) by transferring section 317R so as to appear after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following:

"SEC. 317S. MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

"(a) DEVELOPMENT AND IMPLEMENTATION OF THE MICROBICIDE AGENDA SUPPORTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Director of the Centers for Disease Control and Prevention shall fully implement the Center's 5-year topical microbicide agenda to support microbicide research and development. Such an agenda shall include—

"(1) conducting laboratory research in preparation for, and support of, clinical microbicide trials;

"(2) conducting behavioral research in preparation for, and support of, clinical microbicide trials;

"(3) developing and characterizing domestic populations and international cohorts appropriate for Phase I, II, and III clinical trials of candidate topical microbicides;

"(4) conducting Phase I and II clinical trials to assess the safety and acceptability of candidate microbicides;

"(5) conducting Phase III clinical trials to assess the efficacy of candidate microbicides;

"(6) providing technical assistance to, and consulting with, a wide variety of domestic and international entities involved in developing and evaluating topical microbicides, including health agencies, extramural researchers, industry, health advocates, and nonprofit organizations; and

"(7) developing and evaluating the diffusion and effects of implementation strategies for use of effective topical microbicides.

"(b) STAFFING.—In carrying out the microbicide agenda, the Centers for Disease Control and Prevention shall ensure that there are sufficient numbers of dedicated employees for carrying out the agenda under subsection (a).

"(c) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and biannually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress, a report on the strategies being implemented by the Centers for Disease Control and Prevention with respect to microbicide research and development. Such report shall be submitted alone or as part of the overall Federal strategic plan on microbicides compiled annually by the National Institutes of Health Office of AIDS Research as required under section 2351A. Such report shall include—

"(A) a description of activities with respect to microbicides conducted and supported by the Centers for Disease Control and Prevention;

"(B) a summary and analysis of expenditures, during the period for which the report is prepared, for activities with respect to microbicide-specific research and development, including the number of employees involved in these activities;

"(C) a description and evaluation of the progress made, during the period for which such report is prepared, towards the development of effective, reliable, and acceptable microbicides; and

"(D) a review of the remaining scientific and programmatic obstacles with respect to microbicides.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINITION.—For the purposes of this subsection, the term 'appropriate committees of Congress' means the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

"(d) DEFINITION.—For the purposes of this section, the term 'HIV' means the human immunodeficiency virus. Such term includes acquired immune deficiency syndrome (AIDS).

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 and 2005, and such sums as may be necessary in subsequent fiscal years to sustain multiyear funding at a productive level.".

TITLE III—MICROBICIDE RESEARCH AT THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 301. MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 104 the following:

"SEC. 104A. MICROBICIDES FOR PREVENTING TRANSMISSION OF HIV AND OTHER DISEASES.

"(a) DEVELOPMENT AND IMPLEMENTATION OF THE MICROBICIDE AGENDA SUPPORTED BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Office of HIV/AIDS of the Agency for International Development, in conjunction with other offices within the Agency for International Development, shall fully implement the Agency's microbicide agenda to support the development of microbicides, and facilitate wide-scale introduction once microbicide products are available. Such an agenda shall include—

"(1) support for the discovery, development, and preclinical evaluation of topical microbicides;

"(2) support for the conduct of clinical studies of candidate microbicides to assess safety, acceptability, and effectiveness in reducing HIV and other sexually transmitted diseases;

"(3) support for behavioral and social science research relevant to microbicide development, testing, acceptability, and use;

"(4) support for preintroductory and introductory studies of safe and effective microbicides in developing countries; and

"(5) facilitation of access to microbicides as they become available to women at highest risk of HIV and other sexually transmitted diseases as soon as possible.

"(b) STAFFING.—The Office of HIV/AIDS of the Agency for International Development shall ensure that there are sufficient numbers of dedicated employees for purposes of carrying out the agenda under subsection (a).

"(c) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and biannually thereafter, the Administrator of the Agency for International Development shall submit to the appropriate committees of Congress a report on the strategies being implemented by the Agency for International Development with respect to microbicide research and development. Such report shall be submitted alone or as part of the overall Federal strategic plan on microbicides compiled annually by the National Institutes of Health Office of AIDS Research as required under section 2351A. Such report shall include—

"(1) a description of activities with respect to microbicides conducted and supported by the Agency for International Development;

"(2) a summary and analysis of expenditures, during the period for which the report is prepared, for activities with respect to microbicide-specific research and development, including the number of employees involved in these activities;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, towards the development of effective, reliable, and acceptable microbicides;

"(4) a review of the remaining scientific and programmatic obstacles with respect to microbicides; and

"(5) a description of the steps being taken to increase access and availability of approved microbicides to prevent HIV and other sexually transmitted diseases.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINITION.—For the purposes of this subsection, the term 'appropriate committees of Congress' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(d) DEFINITION.—For the purposes of this section, the term 'HIV' means the human immunodeficiency virus. Such term includes acquired immune deficiency syndrome (AIDS).

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2004 and 2005, and such sums as may be necessary in subsequent fiscal years to sustain multiyear funding at a productive level.".

Mr. DURBIN. Mr. President, I am honored to be a cosponsor of the Microbicides Development Act of 2003. The legislation calls for a redoubling of the effort at the National Institutes of Health and the Centers for Disease Control to develop microbicides, a class of products that can prevent transmission of HIV and other sexually transmitted diseases in women and their partners.

As this Congress continues to fight AIDS, taking tiny steps in pursuit of a challenge racing away from us, I see the development of microbicides as another "tiny" step forward. I believe microbicides are an important addition to the arsenal to fighting AIDS, and indeed the Global AIDS bill I introduced, The Global CARE Act of 2003, S. 250, includes microbicides among the preventative measures the U.S. should support.

I, and the other cosponsors of this important legislation, see a real need and urgency to expand the range of preventive interventions for HIV transmission. The ABC options for preventing HIV infection, which remain a key part of our response and contribute to the world's ability to slow the spread of HIV/AIDS, have not changed since the 1980s: A, abstinence when it comes to sexual activity; B, be faithful to one partner; C, if you are going to ignore the other two, use a condom. Despite the effectiveness of the ABCs in many areas, HIV/AIDS continues to spread. We urgently need more prevention options.

Microbicides, defined as antimicrobial products that can be applied topically for the prevention of sexually transmitted diseases, STDs, including HIV, may offer one of the most promising preventive interventions. They could prove to be safe, effective, inexpensive, readily available, and widely acceptable. Microbicides will add to the range of options available. Most importantly, microbicides offer an additional method of prevention that can be controlled by women.

Notwithstanding the knowledge of successful HIV prevention strategies—condom use, reduction in the number of sexual partners, diagnosis and treatment of sexually transmitted infections—HIV continues to spread at an alarming rate especially among women in developing countries.

In sub-Saharan Africa, the area hardest hit by the pandemic, women and girls account for 58 percent of those living with AIDS. Worldwide, women represent 50 percent of those infected, an increase of 9 percent in five years. In some of the hardest hit countries in southern Saharan Africa, HIV prevalence among girls aged 15 to 19 is four to seven times higher than among boys their age. Attitudes, beliefs, and taboos surrounding sex, the status of women and children, and the source and causes of AIDS also complicate attempts to control transmission and provide appropriate prevention and treatment.

In the United States, more than 30 percent of newly reported HIV cases diagnosed are occurring in women, according to the most recent data collected by the Centers of Disease Control. As in the rest of the world, the majority of these reported HIV infections among U.S. women result from heterosexual transmission, and the data suggest that younger women are disproportionately at risk for acquiring HIV.

Microbicides will be particularly attractive to those who do not wish to draw attention to the fact that they are using a prevention method. Unlike male or female condoms, microbicides are a potential preventive option that women can easily control and that does not require the cooperation, consent or even knowledge of the partner. Microbicides are likely to be cheaper than condoms and, in the future, microbicides could be used to prevent mother-to-child transmission of HIV.

Microbicides have been under development for more than a decade. Yet, it is unlikely that they will be available before 2007, which leads to the general perception that there has been insufficient progress in this area. Three versions are currently in the final stages of clinical trials to determine whether they are safe and effective. Many factors contribute to this slow progress. The National Institutes of Health, NIH, reports that microbicide research requires huge and complex efficacy and effectiveness studies that must be conducted in areas with high HIV incidence rates. Such rates occur predominantly in developing countries where the research infrastructure is underdeveloped. Given this dependency on poorer, developing nations, it is not surprising that no large pharmaceutical company is interested in funding microbicide development. A second obstacle lies in the ethical obligation to provide counseling and make condoms available to the study subjects, which adds to the complexity and size of the trials. As a result, NIH explains, few Phase III efficacy trials have been completed. Of those completed, few have yielded promising results.

Reflecting on the reality of the global epidemic, United Nations Secretary General Kofi Annan stated that the face of the HIV epidemic is that of a woman. "If you want to save Africa," Annan says, "you must save the African woman first. It is they who care for the young, the old, the sick and the dying. It is they who nurture social networks that help societies share burdens."

Lack of access to treatment and care means that for the majority of HIV-positive women throughout the world, HIV infection is a death sentence. In Haiti, for example, AIDS is now the leading cause of death for women of childbearing age.

Microbicides will never become a viable option for prevention unless a serious amount of money is invested in their development. Senator CORZINE's legislation will make microbicide research a priority, calling for the expansion and coordination of microbicide activities at the National Institutes of Health and other agencies working in this field. The bill requires the Centers for Disease Control to implement a 5-year topical research plan and requires the U.S. Agency for International Development to develop and implement a microbicide agenda.

I am proud to join Senator CORZINE as a cosponsor of this legislation and hope that my colleagues will join us as we determine the next steps in our battle against AIDS, including the development of prevention efforts that may help women take control of their lives and their survival.

By Mr. HOLLINGS (for himself, Mr. GREGG, Mr. KERRY, Ms. SNOWE, Mr. INOUYE, Mr. REED, Mr. BREAUX, Mr. DEWINE, Mr. SARBANES, Mr. BIDEN, Mr. KENNEDY, Ms. MIKULSKI, Mr. COCHRAN, Mrs. MURRAY, Mr. CORZINE, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. NELSON of Florida, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. CHAFEE):

S. 861. A bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today with my colleague Senator GREGG to introduce the Coastal and Estuarine Land Protection Act of 2003. Senator GREGG and I introduced this bill last session, and it was reported favorably by the Commerce Committee, but time did not permit action to be completed on the bill before the end of the Congress. My colleagues and I will work hard to pass this important piece of legislation during the 108th Congress.

I would like to thank our cosponsors, 24 in all, Senators KERRY, SNOWE, INOUYE, JACK REED, BREAUX, DEWINE, SARBANES, BIDEN, KENNEDY, MIKULSKI, COCHRAN, MURRAY, CORZINE, COLLINS, DODD, LEVIN, BILL NELSON, WYDEN, LIEBERMAN, FEINSTEIN, LAUTENBERG, CANTWELL, and CHAFEE for their strong support of this bill, which marks another important chapter of our thirty year effort to put coastal and ocean issues at the forefront of environmental policy.

I am also proud to say that the bill is strongly supported by The Trust for Public Land, Coastal States Organization, The Nature Conservancy, Land Trust Alliance, International Association of Fish and Wildlife Agencies, American Sportfishing Association, and the South Carolina Wildlife Federation. I understand that the U.S. Commission on Ocean Policy will also endorse this approach.

When I was Governor of South Carolina over 30 years ago, I experienced first hand the need for Federal direction and assistance to the States to enable them to effectively and sustainably manage coastal development. My experiences during a series of coastal hearings and continued research in the Senate led me to write the Coastal Zone Management Act of 1972, which provided clear policy objectives for states to establish coordinated coastal zone management programs to help balance coastal development with protection.

But we appear to need more tools to help States continue the job we started in 1972. In the year 2003, as our population grows, more and more people are moving to the coast to enjoy its beauty and recreational opportunities. In fact, by 2010, an estimated 60 percent of Americans will live along our coasts, which represent less than 17 percent of our land area. More than 3,000 people move to coastal areas everyday, and 14 of the Nation's 20 largest cities are on the coast, and are five times more densely populated than the interior of the country. As these good folks move to take advantage of coastal living, we have to be careful that we don't destroy the natural resources and quality of life that draw them to our shores. Big changes are coming to all of our coastal counties, and we must make some careful and smart decisions if we want to keep the very resources we depend on.

In particular, estuaries and wetlands have many unique attributes that make them important to both our natural resources and our economy. Estuaries, and the watersheds that flow into them, support fisheries and wildlife and contribute immensely to the coastal area economies. But these ecologically and economically important watersheds are also under the most threat from land development and conversion away from their natural state. Coastal urbanization trends are particularly strong in the southeastern areas. In my State alone, the Forest Service has estimated natural forests of the coastal plain will decrease by 1.9 million acres in the next 40 years—a 35 percent loss of South Carolina's forests. These findings and future trends tell me that for the good of our coastal communities we need some fast, targeted action to protect ecologically important coastal areas most threatened with development or conversion.

Now more than ever, the pressures of urbanization and pollution along our nation's coasts threaten to impair watersheds, impact wildlife habitat and cause irreparable damage to the fragile coastal ecology. The Environmental Protection Agency has reported that some areas of the country are seeing some improvement from the heavily polluted status of the past, but predicts that the more pristine areas like the Southeast, which has some of the best water quality in the Nation, will experience degradation of water quality due primarily to runoff of pollutants from rapid development in our coastal watersheds. This is very bad news for the shrimpers, oystermen, and recreational users who depend on these waters for their livelihood and quality of life.

We see strong signals of what continuing down this path will bring us: beach and shellfish closings, fish kills, and human health impacts. The National Research Council reports that over the next 20 years over 70 percent of our estuaries will experience more low oxygen—or "eutrophic"—conditions, such as the Gulf "Dead Zone." If this trend continues, our coastal economies will suffer and perhaps never recover. I know in my state the economy would falter greatly from the lack of fishing, shrimping and tourism opportunities, and this is true up and down the Atlantic coast, which contains 37 percent of the Nation's estuarine areas.

The good news is that there are ways we can make a difference, and we have some good models we can turn to. I am proud to say my home State of South Carolina is a leader in this area. The past decade I have led an extensive cooperative conservation effort, bringing together the State of South Carolina, private landowners, groups like the Nature Conservancy, Ducks Unlimited and federal partners like NOAA and the Fish and Wildlife Service to protect the ACE Basin. It is now the largest pristine estuarine reserve on the East Coast, a 350,000-acre area at the convergence of the Edisto, Ashepoo and Combahee Rivers, which comprises many ecologically important habitats that are home to many fish and bird species, including a number of endangered species. An outcome of these efforts is that the ACE Basin, already home to a National Wildlife Refuge, was declared a National Estuarine Research Reserve in 1992, and has been growing in size ever since. In building the ACE Basin, the partners worked creatively and in a coordinated manner, and we successfully obtained land acquisition funds through a variety of federal sources, including the Forest Legacy Program.

What became clear, however, is that there is no Federal program explicitly setting aside funding for conservation of coastal lands, where the needs are clearly the greatest. That is exactly what the Coastal and Estuarine Land Protection Act of 2003 will do. It authorizes a competitive matching grant program in NOAA to enable states to permanently protect important coastal areas.

Under this NOAA program, coastal states can compete for matching funds of up to 75 percent to acquire land or easements for the protection of endangered coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion. The bill also provides funding for a regional watershed demonstration project that can be used as a model for future watershed-scale programs. The program is authorized at $60 million for fiscal year 2004 and beyond, with an additional $5 million for the regional watershed demonstration project.

By establishing a plan for the preservation of our coastal areas, the Coastal and Estuarine Land Protection Act will build on the foundation laid down by the CZMA, all in stride with the changing times, growing number of people, and limited resources available today. When it comes to the environment, rules and regulations sometimes can't do it all. Sometimes cooperative actions work better and we can turn to models that encourage joint conservation projects among folks who all want the same thing—sustainable coasts.

Partnership programs among federal government, state agencies, local governments, private landowners and nonprofits, like the ACE Basin Project, work and we need to encourage these partnerships in all our coastal areas if we are to prevent degradation of our coastal resources. The good news is that we can make a difference today by providing the funding for land conservation partnerships provided for by the Coastal and Estuarine Land Protection Act. I am proud to be a sponsor of this bill, which will not only improve the quality of the coastal areas and marine life it supports, but also sustain surrounding communities and their way of life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal and Estuarine Land Protection Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Coastal and estuarine areas provide important nursery habitat for two-thirds of the nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

(2) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) recognizes the national importance of these areas and their ecological vulnerability to anthropogenic activities by establishing a comprehensive Federal-State partnership for protecting natural reserves and managing growth in these areas.

(3) The National Estuarine Research Reserve system established under that Act relies on the protection of pristine designated areas for long-term protection and for the conduct of education and research critical to the protection and conservation of coastal and estuarine resources.

(4) Intense development pressures within the coastal zone are driving the need to provide coastal managers with a wider range of tools to protect and conserve important coastal and estuarine areas.

(5) Protection of undeveloped coastal lands through the acquisition of interests in property from a willing seller are a cost-effective means of providing these areas with permanent protection from development.

(6) Permanent protection of lands in the coastal zone is a necessary component of any program to maintain and enhance coastal and estuarine areas for the benefit of the Nation, including protection of water quality, access to public beachfront, conserving wildlife habitat, and sustaining sport and commercial fisheries.

(7) Federal-State-nongovernmental organization pilot land acquisition projects have already substantially contributed to the long-term health and viability of coastal and estuarine systems.

(8) Enhanced protection of estuarine and coastal areas can be attained through watershed-based acquisition strategies coordinated through Federal, State, regional, and local efforts.

SEC. 3. ESTABLISHMENT OF COASTAL AND ESTUARINE LAND PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish a Coastal and Estuarine Land Protection Program, in cooperation with appropriate State, regional, and other units of government for the purposes of protecting the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, and that are threatened by conversion from their natural, undeveloped, or recreational state to other uses. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal States, except coastal States that have lost less than 1 percent of their wetlands to development or conversion to other land uses by the date of enactment of this Act, with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

(1) a Coastal Zone Management Plan or Program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); or

(2) a National Estuarine Research Reserve management plan; or

(3) a regional or State watershed protection plan involving coastal States with approved coastal zone management plans.

(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal States or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

(1) The Secretary shall consult with the State's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the establishment and implementation of this Act (if different from the coastal zone management program).

(2) Each participating State shall identify priority conservation needs within the State, the values to be protected by inclusion of lands of the program, and the threats to those values that should be avoided.

(3) Each participating State shall evaluate how the acquisition of property or easements might impact working waterfront needs.

(4) The applicant shall identify the values to be protected by inclusion of the lands in the programs, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

(6) Applications must be determined to be consistent with the State's or territory's approved coastal zone plan, program and policies prior to submittal to the Secretary.

(7) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological or watershed protection value.

(8) In developing guidelines under this section, the Secretary shall consult with other Federal agencies and non-governmental entities expert in land acquisition and conservation procedures.

(9) Eligible States or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455a) and may acquire lands in cooperation with nongovernmental entities and Federal agencies.

(10) The Secretary shall develop performance measures that will allow periodic evaluation of the program's effectiveness in meeting the purposes of this section and such evaluation shall be reported to Congress.

(d) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

(2) MAXIMUM FEDERAL SHARE.—

(A) 75 PERCENT FEDERAL FUNDS.—No more than 75 percent of the funding for any grant under this section shall be derived from Federal sources, unless such requirement is specifically waived by the Secretary.

(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of the limitation in subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate.

(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

(A) Land value may be used as non-Federal match if the lands are identified in project plans and acquired within three years prior to the submission of the project application or after the submission of a project application until the project grant is closed (not to exceed 3 years). The appraised value of the land at the time of project closing will be considered the non-Federal cost share.

(B) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award.

These costs may include either case or in-kind contributions.

(e) REGIONAL WATERSHED DEMONSTRATION PROJECT.—The Secretary may provide up to $5,000,000 for a regional watershed protection demonstration project that will meet the requirements of this section, and—

(1) leverages land acquisition funding from other Federal land conservation or acquisition programs such that other Federal contributions, at a minimum, equal the amounts provided by the Secretary;

(2) involves partnerships from a broad spectrum of Federal, State, and non-governmental entities;

(3) provides for the creation of conservation corridors and preservation of unique coastal habitat;

(4) protects largely unfragmented habitat under imminent threat of development or conversion;

(5) provides water quality protection for areas set aside for research under the National Estuarine Research Reserve program; and

(6) provides a model for future regional watershed protection projects.

(f) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefiting National Estuarine Research Reserve acquisitions.

(g) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2004, fiscal year 2005, and triennially thereafter.

(h) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—

(1) IN GENERAL.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide such assurances as the Secretary may require that—

(A) the title to the property will be held by the grant recipient or other appropriate public agency designated by the recipient in perpetuity;

(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the correct value will be returned to the Secretary, for re-distribution in the grant process.

(2) CONSERVATION EASEMENT.—In this subsection, the term "conservation easement" includes an easement, recorded deed, or interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this Act except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

(d) DEFINITIONS.—In this section, the term "coastal State" has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)), and any other term used in this section that is defined in section 304 of that Act has the meaning given that term in that section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) $60,000,000 for each of fiscal years 2004 through 2007 to carry out this section (other than subsection (e)); and

(2) $5,000,000 for fiscal year 2004 to carry out subsection (e), such sum to remain available without fiscal year limitation.

SEC. 4. ASSISTANCE FROM OTHER AGENCIES.

Section 310(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456c(a)) is amended by striking "any qualified person for the purposes of carrying out this subsection." and inserting "any other Federal agencies (including interagency financing of Coastal America activities) and any other qualified person for the purposes of carrying out this section.".

Mr. GREGG. Mr. President, I rise today along with Senator HOLLINGS to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators KERRY, SNOWE, INOUYE, REED, BREAUX, DEWINE, SARBANES, BIDEN, KENNEDY, MIKULSKI, COCHRAN, MURRAY, CORZINE, COLLINS, DODD, LEVIN, NELSON, WYDEN, LIEBERMAN, FEINSTEIN, LAUTENBERG, CANTWELL, and CHAFEE. In addition, this legislation is supported by the Trust for Public Land, the Coastal States Organization, the Nature Conservancy, International Association of Fish and Wildlife Agencies, American Sportfishing Association, and the Land Trust Alliance.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of Federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of state and local communities. This new program, authorized through the National Oceanic and Atmospheric Administration at $60,000,000 per year, would provide Federal matching funds to States with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much needed support for local coastal conservation initiatives throughout the country. In my role on the Commerce, Justice, State Appropriations Subcommittee, I have been able to secure significant funds for the Great Bay estuary in New Hampshire. This estuary is the jewel of the seacoast region, and is home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs like the Coastal and Estuarine Land Protection Program will now enable other States to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my close friend, Senator HOLLINGS. I am thankful for his strong leadership on this issue, and look forward to working with him to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

By Mr. ROCKEFELLER (for himself, Mr. DEWINE, Ms. LANDRIEU, Ms. COLLINS, Mr. LEVIN, and Mr. JOHNSON):

S. 862. A bill to promote the adoption of children with special needs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Adoption Equality Act of 2003. I am proud to have a bipartisan group of cosponsors including Senators DEWINE, LANDRIEU, COLLINS, LEVIN and JOHNSON. Wcrk on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act, an historic effort to ensure that a child's safety and health are paramount, and that every child should have a permanent home.

The Adoption and Safe Families Act was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade, and since its enactment, adoptions from our foster care system have nearly doubled. In my State of West Virginia, adoptions have nearly tripled. Those adopted children now have a permanent home. But there are still 131,000 in foster care nationwide who have the goal of adoption but are still waiting. In West Virginia, we have 520 children in foster care waiting for adoption, but only 343 children might qualify for support. I believe each child with special needs who is waiting for adoption deserves help but under current law only some do. They are the innocent ones who were victims of abuse and neglect. Clearly we must do more for those children.

Throughout the process of developing the Adoption Act we heard about the challenging circumstances facing children described as having "special needs". These include children who are the most difficult to place into permanent homes, often due to their age, disability or status as part of a group of siblings needing to be placed together.

One of the most significant provisions of ASFA was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. Parents willing to adopt such children were promised health care coverage in 1997 which is essential.

While all special needs children that are adopted maintain health care coverage, only half are eligible for adoption assistance payments. Current law provides for the payment of federal adoption subsidies to families who adopt only those special needs children whose biological family would have qualified for welfare benefits under the old 1996 AFDC standards. Federal adoption subsidy payments provide essential income support to help families finance the daily basic costs of raising these special children, as well as support for special services like therapy, tutoring, or special equipment for disabled children. Federal adoption subsidies are a vital link in securing adoptive homes for special needs children who by definition would not be adopted without support.

Under current law, a child's eligibility for these important benefits is dependent on the income of his or her biological parents even though these parents' legal rights to the child have been terminated, and these are the parents who either abused or neglected the child. This is, simply, wrong. The Adoption Equality Act will eliminate this anomaly in Federal law by making all special needs children eligible for Federal adoption subsidies.

The Adoption Equality Act is the next logical step to streamline and promote adoptions from foster care. The bill is designed to "level the playing field" by ensuring that all children with special needs, and the loving families who adopt them, have the support they need to grow and develop.

First, the bill removes the requirement that an income eligibility determination be made in regard to the child's biological parents, whom the child is leaving, thereby allowing Federal adoption subsidy to be paid to all families who adopt children who meet the definition of special needs.

Second, the bill continues to give states flexibility to determine the definition of a child with special needs, but it is clear that adoption subsidies should only be provided if the child could not be adopted without such assistance.

Third, the bill requires that States reinvest the monies they save as a result of this bill back into their state child abuse and neglect programs which should help promote prevention and family support.

When we talk about how to help abused and neglected children in this country, many complex questions are raised about what constitutes best policy, and how Federal tax dollars should be spent. Yet, at the heart of all the questions are vulnerable children who desperately want a safe, permanent home. The lack of modest financial resources to support these adoptions is often the only barrier that stands between an abused child and a safe, loving and permanent home.

Federal adoption subsidies are designed to encourage adoption of children with special needs—those children who have the hardest time finding permanent, adoptive families. It is an absurd policy to discriminate against thousands of children with special needs based upon the income of their biological, and often abusive, parents. It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted.

The Adoption Equality Act will treat every special needs child the same. It is designed to encourage adoption and support those admirable parents willing to help a child with special needs and a history of abuse or neglect. Such children may have physical disabilities, or other may have emotional challenges due to past abuse and neglect. Such children and families often need special counseling or support services, and that is why the adoption assistance payments are key. If we want to truly help our most vulnerable children find a permanent home, this is a wise investment.

By Mr. EDWARDS (for himself, Mr. MILLER, Mr. BINGAMAN, Ms. MIKULSKI, and Mrs. MURRAY):

S. 863. A bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS (for himself, Mr. BINGAMAN, Ms. MIKULSKI, and Mrs. MURRAY):

S. 864. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for grants to parents and guardians of certain military dependents, in order to assist the parent and guardians in paying for the cost of child care services provided to the dependents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, I rise today to introduce two important pieces of legislation that offer a helping hand to the members and families of the National Guard, the Reserves, and the regular active-duty military.

The National Guard and Reserves used to be called "forces of last resort," but they have become much more. Between 1945 and 1989, the Guard and Reserves were activated four times. Only four times in 45 years. Between 1990 and the present, in less than 15 years, the Guard and Reserves were activated six times. They have become a central element of our national defense.

We've come to rely on them to fight side-by-side with full-time active duty soldiers. Each time our Nation has needed them, the Guard and Reserves members have left their jobs, their homes, and their families to serve this nation with pride and distinction. They view activation as an opportunity for service, but the truth is that activation does cause challenges at home. We should do right by them.

Over the past few weeks, this body has considered a number of important measures for the Guard, the Reserves, and our entire military. I was pleased to support Senator LANDRIEU's amendment to raise combat and family separation pay and to modernize equipment. I also supported Senator LINCOLN's effort to make sure that all members of the National Guard and Reserves can participate in the same health program that's available to full-time soldiers and their families. It's hard to believe, but 20 percent of the men and women in the Guard and Reserves don't even have health insurance.

Today, I am introducing two new pieces of legislation to address unique difficulties facing Guard and Reserve members and, in fact, members of the regular military as well. I've traveled around the bases in my State and, time and time again, soldiers and their families have told me they need help.

My first proposal is for child care. A few weeks ago, I outlined my ideas for addressing the growing challenges facing working families. Parents are working longer hours, earning less, and spending less time with their kids. One idea I offered was expanding after-school programs for kids of working parents.

The child care crunch is enormously exacerbated for military families. When one parent is called away, the other must take on all the responsibilities around the home. And at the same time, many members of the Guard and Reserves take a pay cut, making it more difficult to hire help.

Families can get child care on a military base, which is great for some families. But members of the Guard in

North Wilkesboro, for example, live 173 miles away from the nearest military installation. Those families are totally left out.

My National Guard and Reserves Child Care Relief Act would give families financial help for child care in their hometown. We would help families with a mom or dad called away on active duty. This is a concrete, practical way to make a difference in people's lives.

I also have a bill to provide some help paying for education for the men and women who serve our country in the military. Nearly a quarter of Guardsmen and Reservists are college students, and many more are graduates with student loans.

While these patriots are fighting for their country overseas, we charge them interest on their student loans here at home. This happens even if they're serving on the frontlines in Iraq; even if they took a huge pay cut because they're in the Guard or Reserves; even if they have a very low income to begin with.

For somebody with an average size loan of $17,000, this can add up to as much as $1,400 in interest a year. That's not right. No one should return to civilian life deeper in debt because they took time off to serve their country. We should waive the interest on these Federal loans.

The Secretary of Education has the authority to waive interest under the HEROES Act of 2001, but he has chosen not to exercise it. My Fairness for America's Soldiers in Higher Education Act would require him to do just that.

It would also permanently end an Education Department policy-suspended during the current conflict—that makes many guardsmen and reservists who have to drop college courses when they are activated pay back student aid.

As we consider trillion-dollar budgets, these are modest ideas, but they would make a real difference in the lives of Americans serving their country and signal our appreciation for their sacrifice.

I urge my colleagues to support these important bills. I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the texts of the bills were ordered to be printed in the RECORD, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for America's Soldiers in Higher Education Act of 2003".

SEC. 2. REFUND POLICY.

Section 484B(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following:

"(D) STUDENTS ON ACTIVE DUTY DURING A WAR OR NATIONAL EMERGENCY.—Notwithstanding subparagraphs (A), (B), and (C), a student who withdraws from an institution of higher education to serve on active duty during a war or national emergency shall not be required to repay any grant assistance that is otherwise required to be repayed under this section.".

SEC. 3. DEFERMENT DURING ACTIVE DUTY.

(a) FFEL AND DIRECT SUBSIDIZED LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in clause (ii), by striking "or" after the semicolon;

(2) in clause (iii), by inserting "or" after the semicolon; and

(3) by inserting after clause (iii) the following:

"(iv) during which the borrower—

"(I) is a member of a regular component on active duty during a war or during a national emergency declared by the President or Congress, and receives compensation described in section 112(a) of the Internal Revenue Code of 1986;

"(II) is on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12306, 12307, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law, during a war or during a national emergency declared by the President or Congress, regardless of the location at which such active duty service is performed; or

"(III) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 12402 of title 10, United States Code, or section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.".

(b) CONSOLIDATION LOANS.—Section 428C(b)(4)(C)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(4)(C)(ii)) is amended—

(1) in subclause (II), by striking "or" after the semicolon;

(2) in subclause (III), by striking "or (II)" and inserting ", (II) or (III)";

(3) by redesignating subclause (III) (as so amended) as subclause (IV); and

(4) by inserting after subclause (II) the following:

"(III) by the Secretary, in the case of a consolidation loan of a student who is on an active duty deferment under section 428(b)(1)(M)(iv); or".

(c) FFEL AND DIRECT UNSUBSIDIZED LOANS.—Section 428H(e) of the Higher Education Act of 1965 (20 U.S.C. 1078-8(e)) is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (A), interest on loans made under this section for which payments of principal are deferred because the student is on an active duty deferment under section 428(b)(1)(M)(iv) shall be paid by the Secretary.".

(d) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in clause (iii), by striking "or" after the semicolon;

(2) in clause (iv), by inserting "or" after the semicolon; and

(3) by inserting after clause (iv) the following:

"(v) during which the borrower—

"(I) is a member of a regular component on active duty during a war or during a national emergency declared by the President or Congress, and receives compensation described in section 112(a) of the Internal Revenue Code of 1986;

"(II) is on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12306, 12307, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law, during a war or during a national emergency declared by the President or Congress, regardless of the location at which such active duty service is performed; or

"(III) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 12402 of title 10, United States Code, or section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after July 1, 1993, to an individual who is a new borrower (within the meaning of section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on or after such date.

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guard and Reserves Child Care Relief Act".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There is" and inserting "(a) IN GENERAL.—There is";

(2) in subsection (a), as so designated, by inserting "(except section 658T)" after "this subchapter"; and

(3) by adding at the end the following:

"(b) CHILD CARE FOR CERTAIN MILITARY DEPENDENTS.—There is authorized to be appropriated to carry out section 658T $10,000,000 for each of fiscal years 2004 through 2008.".

SEC. 3. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

"SEC. 658T. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

"(a) IN GENERAL.—The Secretary shall make grants to eligible persons to assist the persons in paying for the cost of child care services provided to dependents by eligible child care providers.

"(b) ELIGIBLE PERSON AND DEPENDENT.—In this section:

"(1) DEPENDENT.—The term 'dependent' means an individual who is—

"(A) a dependent, as defined in section 401 of title 37, United States Code, except that such term does not include a person described in paragraph (1) or (3) of subsection (a) of such section; and

"(B) an individual described in subparagraphs (A) and (B) of section 658P(4).

"(2) ELIGIBLE PERSON.—The term 'eligible person' means a person who—

"(A) is a parent of one or more dependents of—

"(i) a member of a reserve component of the Armed Forces serving on active duty for a period of more than 30 days in support of a military operation pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code; or

"(ii) any other member of the Armed Forces on active duty who, as determined by the Secretary of the military department concerned, is involved in a military operation;

"(B) has the primary responsibility for the care of one or more such dependents; and

"(C) resides permanently at a location at least 50 miles from—

"(i) the nearest military installation of the Department of Defense where child care facilities and programs are available for use by dependents of the member; and

"(ii) the nearest child development center or family child care home that is funded in whole or in part with appropriations available to the Department of Defense and is available for use by dependents of the member.

"(3) MILITARY OPERATION.—The term 'military operation' means—

"(A) Operation Enduring Freedom;

"(B) Operation Iraqi Freedom;

"(C) Operation Noble Eagle; or

"(D) any successor operation of the United States Armed Forces to an operation named in subparagraph (A), (B), or (C).

"(c) APPLICATIONS.—To be eligible to receive a grant under this section, a person shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible child care provider who provides the child care services assisted through the grant.

"(d) RULE.—The provisions of this subchapter, other than section 658P and provisions referenced in section 658P, that apply to assistance provided under this subchapter shall not apply to assistance provided under this section.".

SEC. 4. CONFORMING AMENDMENTS.

Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "appropriated under this subchapter" and inserting "appropriated under section 658B(a)"; and

(B) in paragraph (2), by striking "appropriated under section 658B" and inserting "appropriated under section 658(a)"; and

(2) in subsection (b)(1), by striking "appropriated under section 658B" and inserting "appropriated under section 658(a)".

By Mr. McCAIN (for himself, Mr. DORGAN, Mr. BROWNBACK, and Mr. ENSIGN):

S. 865. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today I am joined by Senators DORGAN, BROWNBACK, and ENSIGN in introducing the Commercial Spectrum Enhancement Act. This bill is designed to streamline the process of relocating government users from spectrum reallocated for commercial use.

The bill would establish a separate fund on the books of the United States Treasury called the Spectrum Relocation Fund. When spectrum occupied by a Federal agency is auctioned, the proceeds from the auction would be deposited into the fund. Federal agencies would be able to withdraw from the fund the estimated expenses associated with the relocation, with additional expenses being approved by the Office of Management and Budget, with notice provided to Congress and the General Accounting Office, GAO, as necessary.

Currently, when spectrum assigned to a Government agency is auctioned, the law requires the agency to negotiate with the winning bidder to determine the cost of purchasing or returning new equipment necessary for the agency to transfer out of the spectrum band. These negotiations would be time-consuming and difficult for both parties. This bill would eliminate the need for lengthy negotiations between these parties. Thus it would accelerate the pace of introduction of new services using the spectrum.

Spectrum is a critical resource of our armed services. It is important that any relocation process consider the needs of our military operations. I believe that this bill would allow our military to have confidence that its relocation costs will be fully and timely reimbursed, while providing commercial bidders with certainty regarding the full cost of the right to use the spectrum and the ability to use it in a timely fashion.

Finally, the bill provides important oversight functions for Congress and the GAO to ensure that the fund is used in a manner that is fair and justified. In this way, American taxpayers are assured that their resources are used most efficiently.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

(The bill will be printed in a future edition of the RECORD.)

By Mr. KOHL (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. CORZINE, Mrs. FEINSTEIN, Mr. REED, and Mr. LAUTENBERG):

S. 866. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Child Safety Lock Act of 2003, on behalf of myself, Senator DURBIN, Senator SCHUMER, Senator CORZINE, and Senator FEINSTEIN. Our measure will save children's lives by reducing the senseless tragedies that result when children get their hands on improperly stored and unlocked handguns.

Each year, children and teenagers are involved in more than 10,000 accidental shootings in which close to 800 of them die. In addition, each year more than 1,000 young people killed themselves with a firearm—that is almost three per day. Safety locks can be effective in deterring or preventing many of these incidents.

The sad truth is that we are inviting disaster every time an unlocked gun is stored in a place that is still accessible to children. Parents take a number of precautions to ensure their children's safety, from equipping them with bike helmets, to securing them in automobiles, to changing smoke detector batteries. Unfortunately, not all parents are as safety conscious about child proofing their firearms.

Guns are kept in 43 percent of American households with children. In 23 percent of these households, the guns are kept loaded. And alarmingly, in one out of every eight of those homes the loaded guns are left unlocked.

This is wrong and unacceptable.

Such startlingly cold statistics cannot even begin to describe in human terms the daily tragedies that could be prevented by the use of a safety lock.

For example, in January a 21-month-old little boy was fatally shot when he tipped over a laundry hamper containing a loaded handgun. The handgun did not have a lock. The boy had no supervision. The result was tragic. A lock would have also saved the life of a four-year-old in Florida who shot himself playing with his grandfather's gun while the rest of his family was sleeping. Last September, a Detroit mother lost her son because he accidentally shot himself with a gun she had borrowed to protect herself. And, of course, no one will ever forget the Santana High School shooting two years ago, when a high school freshman opened fire on his classmates, killing two and injuring 13 others with a handgun and multiple rounds of ammunition he found at home.

Our legislation will help prevent tragedies like these. It is simple, effective, and straightforward. It requires that a child safety device—or trigger lock—be sold with every handgun. These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it. Trigger locks can be purchased in virtually any gun store for less than ten dollars. They are already used by tens of thousands of responsible gun owners to protect their firearms from unauthorized use and have surely saved many lives.

Protection is only as good as the safety lock itself, therefore the Child Safety Lock Act of 2003 includes standards for the safety locks. Studies by the Consumer Product Safety Commission and recalls by safety lock manufacturers conclusively demonstrate the child safety locks are often not made well enough. A lock that is easily picked or one that breaks apart with little force defeats the purpose of this bill. We would not use a lock that is less than foolproof to guard our most valuable possessions. We should not use defective locks to protect what is most valuable to us—our children.

Support for this simple, common sense proposal is widespread. In 1999, a child safety lock provision passed the Senate by an overwhelming vote of 78 to 20 as an amendment during the juvenile justice debate. This proposal is as popular with the rest of the country and the law enforcement community as it was with the 106th Senate. Polls show that between 75 and 80 percent of the American public, including gun owners, favor the mandatory sale of child safety locks with guns. When I surveyed almost 500 of Wisconsin's police chiefs and sheriffs last summer, 90 percent of respondents agreed that child safety locks should be sold with each gun.

During his campaign, President Bush indicated that if Congress passes a bill making child safety locks mandatory he would sign it into law. Two years ago, Attorney General Ashcroft affirmed the Administration's support of the mandatory sale of child safety locks during his confirmation hearings before the Senate Judiciary Committee.

Mr. President, this legislation is necessary to ensure that safety locks are provided with all handguns so that numerous lives are not lost in easily preventable accidents. We already protect children by requiring that seat belts be installed in all automobiles and that childproof safety caps be provided on medicine bottles. We should be no less vigilant when it comes to gun safety. I hope that the Senate will move to pass the Child Safety Lock Act of 2003 so that further unnecessary death and injury can be avoided.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Lock Act of 2003".

SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36) The term 'locking device' means a device or locking mechanism that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred and that—

"(A) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

"(B) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

"(C) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.".

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting at the end the following:

"(z) LOCKING DEVICES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm;

"(B) transfer to, or possession by, a law enforcement officer employed by an entity referred to in subparagraph (A) of a firearm for law enforcement purposes (whether on or off duty); or

"(C) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under State law of a firearm for purposes of law enforcement (whether on or off duty).".

(2) EFFECTIVE DATE.—Section 922(z) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensee, the Attorney General may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action by the Attorney General under this paragraph may be reviewed only as provided under section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Attorney General.".

SEC. 3. AMENDMENT TO CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"SEC. 39. CHILD HANDGUN SAFETY LOCKS.

"(a) ESTABLISHMENT OF STANDARD.—

"(1) RULEMAKING REQUIRED.—

"(A) INITIATION OF RULEMAKING.—Notwithstanding section 3(a)(1)(E), the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, not later than 90 days after the date of enactment of the Child Safety Lock Act of 2003 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause.

"(B) FINAL RULE.—Notwithstanding any other provision of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph not later than 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause.

"(C) EFFECTIVE DATE.—The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

"(D) STANDARD REQUIREMENTS.—The standard promulgated under this paragraph shall require locking devices that—

"(i) are sufficiently difficult for children to de-activate or remove; and

"(ii) prevent the discharge of the handgun unless the locking device has been de-activated or removed.

"(2) INAPPLICABLE PROVISIONS.—

"(A) PROVISIONS OF THIS ACT.—Sections 7, 9, and 30(d) shall not apply to the rulemaking proceeding described under paragraph (1). Section 11 shall not apply to any consumer product safety standard promulgated under paragraph (1).

"(B) CHAPTER 5 OF TITLE 5.—Except for section 553, chapter 5 of title 5, United States Code, shall not apply to this section.

"(C) CHAPTER 6 OF TITLE 5.—Chapter 6 of title 5, United States Code, shall not apply to this section.

"(D) NATIONAL ENVIRONMENTAL POLICY ACT.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) shall not apply to this section.

"(b) NO EFFECT ON STATE LAW.—

"(1) IN GENERAL.—Notwithstanding section 26, this section shall not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of law of any State or any political subdivision thereof, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of such inconsistency.

"(2) CLARIFICATION.—A provision of State law is not inconsistent with this section if such provision affords greater protection to children from handguns than is afforded by this section.

"(c) ENFORCEMENT.—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission pursuant to subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described under section 7(a).

"(d) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) CHILD.—The term 'child' means an individual who has not attained the age of 13 years.

"(2) LOCKING DEVICE.—The term 'locking device' has the meaning given that term in clauses (i) and (iii) of section 921(a)(36) of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

"Sec. 39. Child handgun safety locks.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Consumer Product Safety Commission $2,000,000 to carry out the provisions of section 39 of the Consumer Product Safety Act, as added by this Act.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

By Mr. BURNS:

S. 867. A bill to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the "Ronald Reagan Post Office Building"; to the Committee on Governmental Affairs.

Mr. BURNS. Mr. President, I would like to introduce a bill which names one of our post offices in Billings, Montana, after one of this Nation's greatest leaders and true patriot: former President Ronald Reagan. His legacy extends far beyond his Presidency. I think it's only fitting that I introduce this legislation today, since President Reagan worked tirelessly to end the Cold War and liberate millions of people, and we see the same dedication today to free the people of Iraq. President Reagan spoke about the threat of Saddam Hussein, and asked, "will we be ready to respond?" He went on to answer this question by saying, "In the end, it all comes down to leadership. This is what this country is looking for now. It was leadership here at home that gave us strong American influence abroad and the collapse of imperial communism. Great nations have responsibilities to lead and we should always be cautious of those who would lower our profile because they might just wind up lowering our flag." He made these comments not two weeks ago, and not even two months ago. President Reagan, already sensitive to the threat posed by Saddam Hussein, asked this rhetorical question in 1994. This foresight was evident during President Reagan's tenure in the White House. President Reagan played a significant role in framing the modern political landscape, and I am proud to do what I can to commemorate his contribution to America and the world. I can clearly remember President Reagan's visit to Big Sky Country in 1982 for the Centennial celebration for Billings and Yellowstone County. He arrived in the Billings Metra Arena, one of the largest venues in the State, riding in a stagecoach. He embraced the ideals that Montana stood for, and said he was trying to bring a little of it to Washington. I feel much the same way as President Reagan did when he said, "What we're trying to do in Washington is reawaken the government to the very values that you here in Billings represent—determination, responsibility, confidence, and common sense—the kind of common sense that says if it ain't broke, don't fix it. We are reintroducing the idea that progress is still an American word and that optimism is still an American trait. I believe if we cling to our hopes and dreams, I believe the future will flower just as it did for the founders of Billings, Montana." Now more than ever, we need to remember that "progress" and "optimism" are part of the American vocabulary. The wisdom of President Reagan helped guide us in the right direction, and I am pleased and honored to introduce this legislation today so that we may dedicate a piece of Montana to a great visionary and statesman.

By Mr. SMITH:

S. 868. A bill to amend the Coos, Lower Umpqua, and Siuslaw Restoration Act to provide for the cultural restoration and economic self-sufficiency of the Confederation Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon, and for other purposes; to the Committee on Indian Affairs.

Mr. SMITH. Mr. President, I rise today to introduce legislation that will restore to the members of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians a small portion of their ancestral homelands.

The story of these Tribes' experience is well worth hearing. For many of my colleagues, parts of it will sound familiar, as it reflects the history of the early west. In 1850, gold was discovered at a place known as Eight Dollar Bar, near what we now call Cave Junction, OR. Within months thousands of miners with gold fever moved into the area. Indians struggled to protect their land while miners aggressively pursued their vision of the American dream.

In 18[illegible], Joel Palmer, an Indian Agent for the Oregon Territory was sent in by the Federal Government to negotiate treaties with Oregon tribes. Treaties with the tribes of the Rogue River, Umpqua/Cow Creek, and Calapooyas were established, but not the tribes of the central and southern Oregon coast. Much of this land is now in the Siuslaw National Forest.

The Coos, Lower Umpqua and Siuslaw Indians were not a warring people. They were prepared to share their ancestral homelands, which approximated about 1.6 million acres in the coast mountain range, living on a small portion of the land and receiving compensation for the balance. In 1855 and in good faith the tribes signed the Empire Treaty with the Federal Government. But, somewhere between Empire, Oregon and the floor of the U.S. Senate the treaty was lost. No land was allotted for their reservation and no compensation given.

In 1856 the Rogue River War began and the Coos, Lower Umpqua and Siuslaw Indians were marched north and held prisoner in what was called the Coast Reservation. They were held against their will until the mid-1870s. It was during this dark period in their history that over half their population died.

With their release, tribal members returned to their homelands, only to find they had neither land nor resources left. At this point, the three tribes formed a Confederation. In 1954, by Presidential order the Confederation's tribal status was terminated. These decades were difficult ones for members of this Tribe. Lack of education and economic opportunities in the area, and racism by some of their white neighbors took a heavy toll.

In 1984, the Oregon congressional delegation sought and achieved federal recognition for the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. At the same time, no reservation lands were granted to the tribe and no compensation offered. The Tribe received a donation of approximately 6 acres in Empire, Oregon. This is now the site of their tribal hall where services are provided to their members and tribal council meetings and tribal events are held. Small, additional tracts have been purchased over time.

The Indian Self-Determination Act encourages tribes to develop plans to achieve the goals of cultural restoration, economic self-sufficiency and attain the standard of living enjoyed by other citizens of the United States. The Confederated Tribes have been working diligently since 19[illegible] to attain those goals.

An essential component in this effort is the Reservation Plan and Forest Land Restoration Proposal. It will provide a long-term source of revenue and lessen dependence on federal funding to operate Tribal government programs and to provide economic benefits to local communities. The Plan will revitalize Tribal culture by reconnecting Tribal people to their ancestral homelands and it will provide a net benefit to the environment by improving the health of ancestral watersheds.

My staff and I began meeting with Tribal members soon after I was first elected to the Senate. Years of work with local citizens, communities and governments to gain understanding and support for the land restoration proposal have been successful. Hundreds of individual meetings, workshops and open forums have been held by the Tribes. Development of the Reservation Plan and Forest Land Restoration Proposal has led to a clear understanding of what activities can occur on these lands which is reflected in the legislation that I have introduced today.

I am proud to introduce legislation today that will return approximately 63,000 acres of their ancestral homeland to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. These U.S. Forest Service lands encompass a portion of the Siuslaw National Forest. Under the legislation, management of the restored lands would be transferred to the Bureau of Indian Affairs with title held in trust by the Secretary of the Interior for the Confederated Tribes.

These lands contain significant cultural sites: encampments, spiritual and burial sites. My proposal will allow these people to meet their cultural goals, and provide economic and environmental benefits to all of the citizens of the region. The legislation ensures continued public access to these lands for hunting and fishing, recreation and transportation. Applicable State and Federal laws will be followed. Payments to county governments will not be impacted under this proposal. Timber harvested from this land will be processed domestically by local mills. Twenty percent of the revenues from the land will be reinvested in watershed management activities to restore habitat. These lands contain some significant environmental sites. They will be preserved. These lands are not suitable for nor will the laws allow gaming to occur on them.

Revenue gained from activities on these lands will help meet the self-sufficiency goals of the Confederated Tribes. It will be used to assist seniors through elder housing programs, youth through scholarships, low income housing for those in need and provide health care benefits for all of the Tribal members.

The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw are the only federally recognized tribe in Oregon that has never received any land or compensation for the loss of their homeland from the United States Government. This legislation works to right that wrong, to restore a Tribe, to restore a forest, and to restore a very special relationship between the two.

By Mr. HARKIN (for himself, Ms. Snowe, Mr. Inouye, Mr. Graham of South Carolina, Mrs. Murray, Mr. Corzine, Mr. Biden, Mr. Specter, Ms. Landrieu, Mr. Johnson, Mrs. Lincoln, Mr. Hollings, Ms. Mikulski, Mrs. Clinton, and Ms. Collins):

S. 869. A bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the medicare program for screening and diagnostic mammography services, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President. Today I am introducing legislation, the Assure Access to Mammography Act of 2003, on behalf of myself and my colleagues, Senators Snowe, Inouye, Graham of South Carolina, Murray, Corzine, Biden, Specter, Landrieu, Johnson, Lincoln, Hollings, Mikulski, Clinton, and Ms. Collins to ensure women have full and timely access to preventive breast cancer screenings. As you know, the earlier a woman is diagnosed with breast cancer, the earlier she can begin to receive treatment and the more likely she will survive.

Unfortunately, due to inadequate reimbursement rates for mammograms, women increasingly are having problems getting the mammograms they need. Across the nation, there have been reports of women waiting up to six months for an appointment for this simple procedure. While mammograms often cost up to $150 to administer, Medicare's reimbursement rate is currently set at about $82, barely over half the actual cost of the procedure. This disparity increasingly makes access a real problem, forcing many private centers to shut down and creating a shortage of providers willing to provide services significantly below cost.

The Assure Access to Mammography Act would reverse this growing and alarming trend by correcting the two primary causes of the problem. First, it would increase Medicare reimbursement to radiologists to a reasonable level to ensure health care providers are reimbursed fairly for mammography services. Second, the bill would increase the number of radiologists by increasing the Graduate Medical Education payments to provide for three additional radiologists in each teaching hospital. Finally, the Assure Access to Mammography Act would provide a MEDPAC study on the Medicare reimbursement structure for gender specific medical procedures so that Congress and CMS have the tools we need to make appropriate health policy decisions.

This is an issue that hits close to home for me. Both of my sisters died of breast cancer, at a time when mammograms were not readily available. While imperfect, mammograms are the best-known way to diagnose breast cancer at an early stage in order to reduce mortality. As our society ages, one million additional women each year are needing regular mammograms. The Assure Access to Mammography Act will provide the resources our health care system needs to guarantee all women access to the mammograms they need to ensure that breast cancer is detected early enough to apply appropriate treatments effectively. I look forward to working with my colleagues to pass this needed bipartisan legislation.

By Mr. BIDEN (for himself, Mr. Lugar, Mr. Kennedy, Mr. Hagel, Mr. Domenici, and Mr. Feingold):

S. 871. A bill to provide for global pathogen surveillance and response, to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, I am pleased to re-introduce today the "Global Pathogen Surveillance Act".

Last year, this bill passed the Senate by unanimous consent on August 1st, but died when the House of Representatives failed to take timely action.

The Global Pathogen Surveillance Act authorizes $150 million over the next two years to help developing nations improve global disease surveillance.

That will go a long way to prevent and contain both biological weapons attacks, if, God forbid, it happens, and naturally occurring infectious disease outbreaks around the world.

I'm happy to announce that Senators Lugar, Kennedy, Hagel, Domenici, and Feingold are joining me in co-sponsoring this bill.

The mysterious global outbreak of severe acute respiratory syndrome, or SARS, is an unfortunate reminder of why this bill is so important. We've heard a lot about it. We don't know much about it yet.

We know it's a contagious respiratory illness which apparently originated in the Guangdong province of China last November, has stricken more than 2600 individuals in 17 countries, taking the lives of at least 100 individuals.

The World Health Organization is concerned. They've issued a rare global health alert and discouraged travel to certain nations as authorities struggle to determine the cause of this flu-like illness and what viral or infectious agent is involved.

The WHO has not ruled out bioterrorism as a potential cause for the epidemic, although it is unlikely that a disease with only a 4 to 5 percent mortality would be used.

What's so scary about this outbreak is that doctors and nurses taking care of sick patients have fallen ill themselves; initial tests have not revealed evidence of infection with any previously known virus or bacterial agent; and patients are not being cured by standard treatments, although the vast majority do recover.

How would better disease surveillance have helped in dealing with this kind of crisis?

Experts suspect this epidemic first originated in the Guangdong province in southern China in November, but peaked in early February.

A comprehensive surveillance network might have picked up the unique symptoms of this epidemic earlier . . . might have led to quicker diagnosis and better containment measures.

We would have had a better chance to keep this epidemic contained within China, before the pathogen spread to neighboring nations, and now to Canada and the United States.

Over the last eighteen months, Americans have become all too familiar with the threat of bioterrorism and the army of deadly agents capable of spreading death and disease—anthrax, Ebola, and smallpox are only the most sensational examples.

We've had to strengthen our homeland defenses—not just against terrorists armed with bombs and explosives—but against shadowy figures carrying vials of deadly pathogens.

But all in all, this country is making important advances on the domestic front in bioterrorism defense.

Last year, the President signed into law the Bioterrorism Prevention Act of 2002, a comprehensive domestic initiative co-sponsored by Senators Kennedy and Frist.

In January, the Centers for Disease Control announced an initiative to establish electronic surveillance systems in eight American cities as the cornerstone of an eventual national network.

In Delaware, we're developing the very first, comprehensive, state-wide electronic reporting system for infectious diseases.

It'll serve as a prototype for other states by enabling much earlier detection of infectious disease outbreaks.

But a domestic defense against biological weapons isn't sufficient alone.

Biological weapons are a global threat with no respect for borders. A dangerous pathogen released on another continent can quickly spread to the United States in a matter of days, if not hours.

A terrorist group could launch a biological weapons attack in Mexico in the expectation that the epidemic would quickly spread to the United States.

A rogue state might experiment with new disease strains in another country, intending later to release them here.

And international trade, travel, and migration patterns offer unlimited opportunities for pathogens to spread across national borders and to move from one continent to another.

We should make no mistake: in today's world, all infectious disease epidemics, wherever they occur and whether they are deliberately engineered or are naturally occurring, are a potential threat to all nations, including the United States. Such a threat need not begin in the United States to reach our shores.

For that reason, our response cannot be limited to the United States alone.

Global disease surveillance, a systematic approach to tracking disease outbreaks as they occur and evolve around the world, is essential to any real international response.

Why is disease surveillance so important? A biological weapons attack succeeds partly through the element of surprise.

As Dr. Alan P. Zelicoff of the Sandia National Laboratory testified before the Senate Foreign Relations Committee last spring, early warning of a biological weapons attack can prevent illness and death in all but a small fraction of those infected.

A cluster of flu-like symptoms in a city or region may be dismissed by doctors as just the flu when in fact it may be anthrax, plague, or another biological weapon.

But armed with the knowledge that a suspicious epidemic has emerged, doctors and nurses can examine their patients in a different light and, in many cases, effectively treat them.

Disease surveillance is a fancy phrase for a comprehensive reporting system to quickly identify and communicate abnormal patterns of symptoms and illnesses that can quickly alert doctors across a region that a suspicious disease outbreak has occurred.

Epidemiological specialists can then investigate and combat the outbreak.

And if it's a new disease or strain, we can begin to develop treatments that much earlier.

An effective disease surveillance system helps even in the absence of biological weapons attacks. Bubonic plague is bubonic plague, whether it is deliberately engineered or naturally occurring.

Just as disease surveillance can help contain a biological weapons attack, it can also help contain a naturally occurring outbreak of infectious disease.

According to the World Health Organization, thirty new infectious diseases have emerged over the past thirty years; between 1996 and 2001 alone, more than 800 infectious disease outbreaks occurred around the world, on every continent.

The SARS epidemic is only the most recent such outbreak. With better surveillance, we can do a better job of mitigating the consequences of these disease outbreaks.

A good surveillance system requires trained epidemiological personnel, adequate laboratory tools for quick diagnosis, and working communications equipment to circulate information.

Even here, in the most advanced Nation in the world, many States and cities rely on old-fashioned pencil and paper methods of tracking disease patterns.

Thankfully, the comprehensive bioterrorism legislation enacted into law last year is beginning to correct that.

Now, it is vitally important that we extend these initiatives into the international arena.

In 2000, the World Health Organization established the first truly global disease surveillance system, the Global Alert and Response Network, to monitor and track infectious disease outbreaks everywhere.

The WHO has done an impressive job so far with this initiative, working on a shoestring budget. But this global network is only as good as its components—individual nations.

Unfortunately, developing nations—those nations most likely to experience rapid disease outbreaks—simply don't have the trained personnel, the laboratory equipment, or the public health infrastructure to do the job . . . to track evolving disease patterns or detect emerging pathogens.

According to a January 2000 report by the National Intelligence Council, developing nations in Africa and Asia have established only rudimentary systems, if any at all, for disease surveillance, response, and prevention.

The World Health Organization reports that more than 60 percent of laboratory equipment in developing countries is either outdated or non-functioning.

This lack of preparedness can lead to tragic results. In August 1994 in Surat, a city in western India, a surge of complaints about flea infestation and a growing rat population was followed by a cluster of reports about patients exhibiting the symptoms of pneumonic plague.

But authorities were unable to connect the dots and warn people until the plague had spread to seven states across India, ultimately killing 56 people and costing the Indian economy $600 million.

Had the Indian authorities possessed better surveillance tools, they may well have contained the epidemic, limited the loss of life, and avoided the panic that led to economically disastrous embargoes on trade and travel.

Thanks to improved surveillance, an outbreak of pneumonic plague in India last year was detected more quickly and contained with only a few deaths—with no costly panic.

In short, developing nations are the weak links in any comprehensive global disease surveillance network.

Unless we take action to shore up their capabilities to detect and contain disease outbreaks, we leave the entire world vulnerable to a deliberate biological weapons attack or a virulent natural epidemic.

It's for these reasons that I'm reintroducing the Global Pathogen Surveillance Act. This bill will authorize $150 million in FY 2004 and FY 2005 to strengthen the disease surveillance capabilities of developing nations.

First, the bill seeks to ensure in developing nations a greater number of personnel trained in basic epidemiological techniques.

It offers enhanced in-country training for medical and laboratory personnel and the opportunity for select personnel to come to the United States to receive training in our Centers for Disease Control laboratories and Master of Public Health programs in American universities.

Second, it provides assistance to developing nations to acquire basic laboratory equipment, including items as basic as microscopes, so they can quickly diagnose pathogens.

Third, it enables developing nations to obtain communications equipment to quickly transmit data on disease patterns and pathogen diagnoses, both inside a nation and to regional organizations and the WHO.

Again, we're not talking about fancy high-tech equipment, but basics like fax machines and internet-equipped computers.

Finally—to create a real incentive for nations to promptly report suspicious disease outbreaks and offer international health authorities prompt access—the bill gives preference to those countries that agree to let international health experts investigate any suspicious disease outbreaks.

If passed, the Global Pathogen Surveillance Act will go a long way in ensuring that developing nations acquire the basic disease surveillance capabilities to link up effectively with the WHO's global network.

It's an inexpensive and common sense solution to a problem of global proportions—the dual threat of biological weapons and naturally occurring infectious diseases.

Make no mistake—this bill will contribute to our homeland security. The funding authorized is only a tiny fraction of what we will spend domestically on bioterrorism defenses, but this investment will pay enormous dividends in terms of our national security.

In a report released only last month on global infectious disease, the National Academies' Institute of Medicine said, "The United States should take a leadership role in promoting the implementation of a comprehensive system of surveillance for global infectious diseases that builds on the current global capacity of infectious disease monitoring." By introducing this bill, I hope that our nation can begin to assume that mantle of leadership in this critical area.

Let me close with an excerpt of testimony from a Foreign Relations Committee hearing held on September 5, 2001. Dr. D.A. Henderson, the man who spearheaded the successful international campaign to eradicate smallpox in the 1970's, most recently served as the principal advisor to Secretary of Health and Human Services Tommy Thompson in organizing the nation's defenses against bioterrorism.

Dr. Henderson, who at the time of the hearing was a private citizen, was very clear on the value of global disease surveillance: "In cooperation with the WHO and other countries, we need to strengthen greatly our intelligence gathering capability.

A focus on international surveillance and on scientist-to-scientist communication will be necessary if we are to have an early warning about the possible development and production of biological weapons by rogue nations or groups."

Dr. Henderson is exactly right. We cannot leave the rest of the world to fend for itself in combating biological weapons and infectious diseases if we are to ensure America's security.

I ask unanimous consent that the text of the "Global Pathogen Surveillance Act" be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Pathogen Surveillance Act of 2003".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting is based on symptoms and signs (known as "syndrome surveillance"), enabling the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this Act are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish "lab-to-lab" cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term "eligible developing country" means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this Act; and

(C) is a state party to the Biological Weapons Convention.

(2) ELIGIBLE NATIONAL.—The term "eligible national" means any citizen or national of an eligible developing country who is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term "international health organization" includes the World Health Organization and the Pan American Health Organization.

(4) LABORATORY.—The term "laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) SECRETARY.—Unless otherwise provided, the term "Secretary" means the Secretary of State.

(6) SELECT AGENT.—The term "select agent" has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(7) SYNDROME SURVEILLANCE.—The term "syndrome surveillance" means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 4. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this Act shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

SEC. 5. RESTRICTION.

Notwithstanding any other provision of this Act, no foreign nationals participating in programs authorized under this Act shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 6. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the "program") under which the Secretary, in consultation with the Secretary of Health and Human Services, and, subject to the availability of appropriations, awards fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a "fellow") may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary in an international health organization; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least five years of employment in a public health position in an eligible developing country or the World Health Organization.

SEC. 7. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) to laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) TRAINING IN SYNDROME SURVEILLANCE.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 8. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) EQUIPMENT COVERED.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks; and

(4) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act.

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (or successor statutes).

(e) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 9. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) Assistance for Purchase of Communication Equipment and Information Technology.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) Covered Equipment.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act.

(c) Rule of Construction.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (or successor statutes).

(d) Limitation.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (or successor statutes).

(e) Assistance for Standardization of Reporting.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) Host Country's Commitments.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 10. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) In General.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) Reimbursement.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 11. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) In General.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) Cooperation and Coordination Between Laboratories.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) Relation to Core Missions and Security.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 12. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) Authority.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) Expansion of Foreign Epidemiology Training Programs.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—

(1) In general.—Subject to subsection (c), there are authorized to be appropriated $70,000,000 for the fiscal year 2004 and $80,000,000 for fiscal year 2005, to carry out this Act.

(2) Allocation of funds.—Of the amounts made available under paragraph (1)—

(A) $50,000,000 for the fiscal year 2004 and $50,000,000 for the fiscal year 2005 are authorized to be available to carry out sections 6, 7, 8, and 9;

(B) $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 are authorized to be available to carry out section 10;

(C) $8,000,000 for the fiscal year 2004 and $18,000,000 for the fiscal year 2005 are authorized to be available to carry out section 11; and

(D) $10,000,000 for the fiscal year 2004 and $10,000,000 for the fiscal year 2005 are authorized to be available to carry out section 12.

(b) Availability of Funds.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) Reporting Requirement.—

(1) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(A) a description of the implementation of programs under this Act; and

(B) an estimate of the level of funding required to carry out those programs at a sufficient level.

(2) Limitation on obligation of funds.—Not more than 10 percent of the amount appropriated pursuant to subsection (a) may be obligated before the date on which a report is submitted, or required to be submitted, whichever first occurs, under paragraph (1).

By Mr. BINGAMAN:

S. 873. A bill to authorize funding for catalysis science and engineering research and development at the Department of Energy for fiscal years 2004 through 2009; and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill entitled the Department of Energy Catalysis Research and Development Act.

Catalysis is at the heart of fuels production in the petroleum and chemical industries. Catalytic converters help reduce emissions of cars. Catalysis can help reduce carbon dioxide from industrial plants, which can contribute to global warming. The science of catalysis can help our pharmaceutical industry by one day mimicking nature's enzymes which are nature's catalysts. The industries I just mentioned contribute $500 billion to our gross national product; they all rely on catalysis to produce new compounds as efficiently as possible.

The catalysis science program is one of the hidden gems at the Department of Energy's Office of Science. The Department supports over 60 percent of the catalysis research in the Federal Government. I feel it is important that our energy bill highlights its basic research, and recommends a steady increase in funding levels for it.

The bill seeks to help the Department meet what it called the "grand challenge" in catalytic chemistry. The "grand challenge" which this bill seeks to address is first, the ability to design, at the atom level, catalytic structures to control "catalytic activity", or the rate at which a chemical reaction proceeds. The second part of this "grand challenge" is to control the "selectivity" of a catalytic reaction, or the ability of a catalytic compound to precisely seek out other chemicals through which to start a reaction. To achieve this "grand challenge", this bill directs the Department to design new catalytic compounds using the latest advancements in scientific computing. Today's computers are rapidly approaching a point where we can model a chemical reaction by simulating its atom level constituents. This bill directs the Department to utilize its state-of-the-art diagnostic equipment at its national laboratories and universities to analyze catalytic reactions in real time, and at the atomic level. These diagnostics will be used to validate computational models being developed in the advanced scientific computing program. This bill directs the Department to use the emerging field of nanoscience to tailor new catalytic compounds atom by atom, so as to accelerate reactions to produce clean fuels at rates that far exceed what we know today. In that regard, I expect the Department to utilize its nanoscience facilities to help design these new compounds. If we are successful in meeting this grand challenge, we will bring fuels to market quicker to meet increasing energy demands, while using less overall energy to produce them.

Finally, the bill directs the Secretary fund these efforts in multidisciplinary teams including computer scientists, chemists, biochemists, materials scientists and physicists. It requires the Department to transfer its catalysis research to industry so that they can bring to market the full fruits of our Government's advanced energy research in the shortest time possible.

We are currently debating an energy bill in the Energy and Natural Resources Committee. We plan to shortly mark up the research and development section, and, I think it is vitally important that this section address the topic of catalysis to produce future fuels for our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Catalysis Research and Development Act".

SEC. 2. FINDINGS.

The Congress finds that catalysis science is critical to the production of fuels for energy generation, the reduction of toxic waste streams, and the development of compounds to reduce global warming.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Director of the Office of Science of the Department of Energy, shall establish a program of research and development in catalysis science consistent with the Secretary's statutory authorities related to research and development.

(b) SCOPE OF THE PROGRAM.—The program shall include efforts to—

(1) enable catalyst design using—

(i) combined experimental and mechanistic methodologies, and

(ii) computational modeling of catalytic reactions at the molecular level;

(2) develop techniques for—

(i) high throughout synthesis of catalysts and novel assays for rapid throughout catalyst testing of small quantities of catalysts on diverse processes,

(ii) reducing the analytical cycle time by parallel operation and automation,

(iii) characterizing catalysts at the 0.1 to 2 nanometer scale, and

(iv) characterizing catalysts in-situ under actual operating conditions at high temperature and pressure,

(3) synthesize catalysts with specific site architecture,

(4) conduct research in the use of precious metals for catalysis (excluding platinum, palladium, and rhodium),

(5) translate molecular (picoscale) and nanoscale fundamentals to the design of catalytic compounds.

(c) DUTIES OF THE DIRECTOR OF THE OFFICE OF SCIENCE.—In carrying out the program under this Act, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators that include teams drawing upon the expertise of homogeneous, heterogeneous, and biocatalytic investigators to pioneer new approaches in catalytic design;

(2) develop, plan, construct, acquire, share, or operate special equipment or facilities for the use of investigators conducting research and development in catalysis science in collaboration with national user facilities such as nanoscience and engineering centers;

(3) support technology transfer activities to benefit industry and other users of catalysis science and engineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(d) MERIT REVIEW REQUIRED.— All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

(e) TRIENNAL ASSESSMENT.—The National Academy of Sciences shall review the catalysis program every three years to report on gains made in the fundamental science of catalysis and its progress made towards developing new fuels for energy production, material fabrication processes and methods to reduce global warming.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $33,000,000 for fiscal year 2004.
(2) $35,000,000 for fiscal year 2005.
(3) $36,500,000 for fiscal year 2006.
(4) $38,200,000 for fiscal year 2007.
(5) $40,100,000 for fiscal year 2008.
(6) $42,100,000 for fiscal year 2009.

By Mr. TALENT (for himself, Mr. SCHUMER, and Mr. GRAHAM of South Carolina):

S. 874. A bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes; to the Committee on Finance.

Mr. TALENT. Mr. President, today I rise on behalf of myself and my colleagues, Senators CHARLES SCHUMER and LINDSEY GRAHAM, in support of the Sickle Cell Treatment Act of 2003, which will help hundreds of thousands of people who suffer from Sickle Cell Disease. SCD, a genetic disease that affects red blood cells. This bill has bipartisan and bicameral support, as Representatives DANNY K. DAVIS, a Democrat, and RICHARD BURR, a Republican, will introduce the companion bill today.

Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States, primarily affecting African Americans. People with sickle cell disease have red blood cells that contain an abnormal type of hemoglobin. Sometimes these red blood cells become sickle-shaped—crescent shaped—and have difficulty passing through small blood vessels. When sickle-shaped cells block small blood vessels, less blood can reach that part of the body. Tissue that does not receive a normal blood flow eventually becomes damaged. This is what essentially causes the potentially life-threatening complications of sickle cell disease. There is currently no cure.

More than 2,500,000 Americans, mostly African Americans, have the sickle cell trait. Among newborn American infants, SCD occurs in approximately 1, in 300 African Americans. The most feared complication for children with SCD is a stroke, which may affect infants as young as 18 months of age. While some patients can remain without symptoms for years, many others may not survive infancy or early childhood.

Many adults with SCD have severe physical problems, such as acute lung complications that can result in death. Adults with SCD can also develop chronic problems, including pulmonary disease, pulmonary hypertension, and kidney failure. The average life span for an adult with SCD is the mid-40s. Stroke in the adult SCD population commonly results in both mental and physical disabilities for life.

The Sickle Cell Treatment Act of 2003 helps combat SCD by providing Federal matching funds for SCD-related services under Medicaid, and by allowing States to receive a Federal 50-50 match for nonmedical expenses related to SCD treatment such as genetic counseling. This bill also authorizes a grant program in the amount of $10 million per year for 5 years to fund 40 health centers nationwide. Although I will go into detail about the bill, its focus is to encourage States to partner with SCD providers, who have historically been on the frontlines of this issue, to treat and find a cure for SCD patients.

With regard to the Federal matching funds, this bill allows states to reimburse SCD services beyond current Medicaid law, which only covers physician and laboratory services. For example, if a State wanted to increase reimbursement rates for SCD blood transfusions, it could do so through rate setting for the new SCD benefit without having to increase reimbursement for all Medicaid blood transfusions, therefore, making it easier for a State to reimburse at a higher rate for SCD-related treatment.

The bill also provides Federal reimbursement for education and other services related to the prevention and treatment of SCD. This will allow States to get a Federal 50-50 match for nonmedical, administrative expenses to include outreach and genetic counseling about SCD and its treatment for SCD patients of any age. This is critical to helping this historically underserved population, many of who may not know about SCD or its symptoms until it is too late.

This bill also allows hospitals and clinics to do outreach with non-medical personnel to educate high-risk communities about recognizing SCD. It would also allow nonmedical personnel like counselors to spend time with SCD families to discuss how to manage the disease. Providing this one-stop shop will centralize SCD-related treatment and counseling services to better serve those with SCD.

In addition to the diagnosis and treatment components, this bill creates a grant program for 40 health centers nationally. Specifically, the U.S. Department of Health and Human Services is authorized to distribute grants to up to 40 eligible health centers nationwide for $5 million for the next 5 fiscal years. Grants may be used for purposes including the education, treatment—i.e., genetic counseling and testing—and continuity of care for individuals with SCD, for training health professionals, and to identify and secure additional Federal funds to continue SCD treatment.

This bill also creates a National Coordinating Center to collect, monitor and distribute information on new and innovative practices to prevent and treat SCD, establish a model protocol for the grant recipients to follow as a quality control mechanism, develop educational materials regarding the prevention and treatment of SCD, and submit a report to Congress to ensure fiscal accountability and provide information of recent developments towards a cure for SCD.

The Sickle Cell Treatment Act of 2003 provides tremendous benefits to States. The approach taken in this bill is to add services related to SCD to the list of services covered by Medicaid for those people who are eligible for Medicaid under current eligibility rules. For example, the bill allows States to use Medicaid funds to work with providers to better serve areas with a high prevalence of SCD in fields such as education and counseling,which are currently not reimbursed by Medicaid. This bill also allows the States to create opportunities to partner with providers to determine "best practices" to encourage the most effective and efficient use of medical resources toward SCD treatment and education.

In introducing the Sickle Cell Treatment Act of 2003, we are trying to help thousands of Americans who live with this disease. This legislation will provide many of these patients with access to the essential treatments that they need. It has the support of many important groups representing the SCD, African-American and children's health care communities as well as the providers and researchers who are working to treat and find a cure for this disease. For example, Allan Platt, Program Coordinator, The Georgia Comprehensive Sickle Cell Center at Grady Health System in Atlanta, GA has written me the following letter, which states in part, "You did a wonderful thing for sickle cell patients and for those who are caring for them. Let us know how we can rally support for this."

I want to offer my appreciation to the Sickle Cell Disease Association of American Inc., SCDAA, for its vigilant efforts to help find a cure for SCD, and working with my office to help craft this critical piece of legislation. SCDAA President and Chief Operating Officer, Lynda K. Anderson, has provided tireless support on behalf of this effort. Also I would like to acknowledge the efforts of SCDAA Board Member Michael R. DeBaun, M.D., M.P.H, Assistant Professor of Pediatrics and Biostatistics at the Washington University School of Medicine in St. Louis, MO. Lynda and Michael have brought the issues addressed in this bill to my attention and helped to bring the introduction of this bill to fruition.

The SCDAA was founded in 1971 to provide an effective coordinated community-based approach to developing and implementing strategies to resolve issues surrounding sickle cell disease. Through three decades, SCDAA and its member organizations have demonstrated how community-based organizations and comprehensive health and research centers can work with local, State and Federal agencies in furtherance of national health care objectives. To this day, SCDAA continues to pursue legislative initiatives to secure additional government funding for research and community-based services. Moreover, it has demonstrated its capacity to provide continued leadership in this area as a potential national coordinator center, and I look forward to the organization applying for such a designation, once this measure has been enacted into law. My colleagues and I on both sides of the aisle and in both legislative bodies look forward to working with SCDAA to fight this good fight and to secure the resources required to address the very unique needs of patients, families and communities affected by SCD.

I ask that my colleagues in the Senate join Senators SCHUMER and GRAHAM, and Representatives DAVIS and BURR in helping us to find a cure to help the approximately 70,000 Americans who have SCD and the approximately 1,800 American babies who are born with this disease each year in supporting the Sickle Cell Treatment Act of 2003.

I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sickle Cell Treatment Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Sickle Cell Disease (in this section referred to as "SCD") is an inherited disease of red blood cells that is a major health problem in the United States.

(2) Approximately 70,000 Americans have SCD and approximately 1,800 American babies are born with the disease each year. SCD also is a global problem with close to 300,000 babies born annually with the disease.

(3) In the United States, SCD is most common in African-Americans and in those of Hispanic, Mediterranean, and Middle Eastern ancestry. Among newborn American infants, SCD occurs in approximately 1 in 300 African-Americans, 1 in 36,000 Hispanics, and 1 in 80,000 Caucasians.

(4) More than 2,500,000 Americans, mostly African-Americans, have the sickle cell trait. These Americans are healthy carriers of the sickle cell gene who have inherited the normal hemoglobin gene from 1 parent and the sickle gene from the other parent. A sickle cell trait is not a disease, but when both parents have the sickle cell trait, there is a 1 in 4 chance with each pregnancy that the child will be born with SCD.

(5) Children with SCD may exhibit frequent pain episodes, entrapment of blood within the spleen, severe anemia, acute lung complications, and priapism. During episodes of severe pain, spleen enlargement, or acute

lung complications, life threatening complications can develop rapidly. Children with SCD are also at risk for septicemia, meningitis, and stroke. Children with SCD at highest risk for stroke can be identified and, thus, treated early with regular blood transfusions for stroke prevention.

(6) The most feared complication for children with SCD is a stroke (either overt or silent) occurring in 30 percent of the children with sickle cell anemia prior to their 18th birthday and occurring in infants as young as 18 months of age. Students with SCD and silent strokes may not have any physical signs of such disease or strokes but may have a lower educational attainment when compared to children with SCD and no strokes. Approximately 60 percent of students with silent strokes have difficulty in school, require special education, or both.

(7) Many adults with SCD have acute problems, such as frequent pain episodes and acute lung complications that can result in death. Adults with SCD can also develop chronic problems, including pulmonary disease, pulmonary hypertension, degenerative changes in the shoulder and hip joints, poor vision, and kidney failure.

(8) The average life span for an adult with SCD is the mid-40s. While some patients can remain without symptoms for years, many others may not survive infancy or early childhood. Causes of death include bacterial infection, stroke, and lung, kidney, heart, or liver failure. Bacterial infections and lung injuries are leading causes of death in children and adults with SCD.

(9) As a complex disorder with multisystem manifestations, SCD requires specialized comprehensive and continuous care to achieve the best possible outcome. Newborn screening, genetic counseling, and education of patients and family members are critical preventative measures that decrease morbidity and mortality, delaying or preventing complications, in-patient hospital stays, and increased overall costs of care.

(10) Stroke in the adult SCD population commonly results in both mental and physical disabilities for life.

(11) Currently, one of the most effective treatments to prevent or treat an overt stroke or a silent stroke for a child with SCD is at least monthly blood transfusions throughout childhood for many, and throughout life for some, requiring removal of sickle blood and replacement with normal blood.

(12) With acute lung complications, transfusions are usually required and are often the only therapy demonstrated to prevent premature death.

SEC. 3. INCLUSION OF PRIMARY AND SECONDARY PREVENTATIVE MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (26);

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26), the following:

"(27) subject to subsection (x), primary and secondary preventative medical strategies, including prophylaxes, and treatment and services for individuals who have Sickle Cell Disease; and"; and

(2) by adding at the end the following:

"(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in that subsection include the following:

"(1) Chronic blood transfusion (with deferoxamine chelation) to prevent stroke in individuals with Sickle Cell Disease who have been identified as being at high risk for stroke.

"(2) Genetic counseling and testing for individuals with Sickle Cell Disease or the sickle cell trait.

"(3) Other treatment and services to prevent individuals who have Sickle Cell Disease and who have had a stroke from having another stroke.".

(b) FEDERAL REIMBURSEMENT FOR EDUCATION AND OTHER SERVICES RELATED TO THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking "plus" at the end and inserting "and"; and

(2) by adding at the end the following:

"(E) 50 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing—

"(i) services to identify and educate individuals who have Sickle Cell Disease or who are carriers of the sickle cell gene, including education regarding how to identify such individuals; or

"(ii) education regarding the risks of stroke and other complications, as well as the prevention of stroke and other complications, in individuals who have Sickle Cell Disease; plus".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and apply to medical assistance and services provided under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after that date, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

SEC. 4. DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(A) the coordination of service delivery for individuals with Sickle Cell Disease;

(B) genetic counseling and testing;

(C) bundling of technical services related to the prevention and treatment of Sickle Cell Disease;

(D) training of health professionals; and

(E) identifying and establishing other efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with Sickle Cell Disease.

(2) GRANT AWARD REQUIREMENTS.—

(A) GEOGRAPHIC DIVERSITY.—The Administrator shall, to the extent practicable, award grants under this section to eligible entities located in different regions of the United States.

(B) PRIORITY.—In awarding grants under this section, the Administrator shall give priority to awarding grants to eligible entities that are—

(i) Federally-qualified health centers that have a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health; or

(ii) Federally-qualified health centers that intend to develop a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health.

(b) ADDITIONAL REQUIREMENTS.—An eligible entity awarded a grant under this section shall use funds made available under the grant to carry out, in addition to the activities described in subsection (a)(1), the following activities:

(1) To facilitate and coordinate the delivery of education, treatment, and continuity of care for individuals with Sickle Cell Disease under—

(A) the entity's collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity that works with individuals who have Sickle Cell Disease;

(B) the Sickle Cell Disease newborn screening program for the State in which the entity is located; and

(C) the maternal and child health program under title V of the Social Security Act (42 U.S.C. 701 et seq.) for the State in which the entity is located.

(2) To train nursing and other health staff who specialize in pediatrics, obstetrics, internal medicine, or family practice to provide health care and genetic counseling for individuals with the sickle cell trait.

(3) To enter into a partnership with adult or pediatric hematologists in the region and other regional experts in Sickle Cell Disease at tertiary and academic health centers and State and county health offices.

(4) To identify and secure resources for ensuring reimbursement under the medicaid program, State children's health insurance program, and other health programs for the prevention and treatment of Sickle Cell Disease, including the genetic testing of parents or other appropriate relatives of children with Sickle Cell Disease and of adults with Sickle Cell Disease.

(c) NATIONAL COORDINATING CENTER.—

(1) ESTABLISHMENT.—The Administrator shall enter into a contract with an entity to serve as the National Coordinating Center for the demonstration program conducted under this section.

(2) ACTIVITIES DESCRIBED.—The National Coordinating Center shall—

(A) collect, coordinate, monitor, and distribute data, best practices, and findings regarding the activities funded under grants made to eligible entities under the demonstration program;

(B) develop a model protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(C) develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(D) prepare and submit to Congress a final report that includes recommendations regarding the effectiveness of the demonstration program conducted under this section and such direct outcome measures as—

(i) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits for individuals with Sickle Cell Disease); and

(ii) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Health Resources and Services Administration.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a Federally-qualified health center, a nonprofit hospital or clinic, or a university health center that provides primary health care, that—

(A) has a collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity with experience in working with individuals who have Sickle Cell Disease; and

(B) demonstrates to the Administrator that either the Federally-qualified health center, the nonprofit hospital or clinic, the university health center, the organization or entity described in subparagraph (A), or the experts described in subsection (b)(3), has at least 5 years of experience in working with individuals who have Sickle Cell Disease.

(3) FEDERALLY-QUALIFIED HEALTH CENTER.—The term "Federally-qualified health center" has the meaning given that term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2004 through 2009.

By Mr. KERRY (for himself, Mr. SANTORUM, Mr. SARBANES, Mr. ALLARD, Mr. DASCHLE, Mr. KENNEDY, Ms. STABENOW, and Mrs. CLINTON):

S. 875. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

• Mr. KERRY. Mr. President, owning your own home is the foundation of the American dream. It encourages personal responsibility, improves child development, provides economic security and gives families a greater stake in the development of their communities. Communities where homeownership rates are highest have lower crime rates, better schools and provide a better quality of life for families to raise their children.

However, too many low- and moderate-income families living in urban and rural areas across our nation have not been able to share in the dream and benefits of homeownership due to the lack of available housing or the high cost of what housing is available.

Today, I am introducing the Community Development Homeownership Tax Credit Act, along with Senators SANTORUM, SARBANES, ALLARD, DASCHLE, KENNEDY, STABENOW and CLINTON to encourage the construction and substantial rehabilitation of 500,000 homes over the next ten years for low- and moderate-income families in economically distressed areas.

The bill will increase the supply of affordable homes for sale in inner cities, rural areas and low- and moderate-income neighborhoods across the United States. It will bridge the gap that exists today between the cost of developing affordable housing and the price at which these homes can be sold in many low-income neighborhoods by providing investors with a tax credit of up to 50 percent of the cost of home construction or rehabilitation.

By facing the mounting challenge of producing affordable housing, I strongly believe we can help provide critically needed economic development low- and moderate-income communities across our country and provide an important stimulus in the development of our nation's economy. The production of new homes provided in this legislation will create both construction and construction-related jobs which will both increase economic growth and lower the unemployment rate. New economic activity can revitalize many inner city neighborhoods and rural areas where unemployment and crime have been a fact of life for too long.

Buying a new home also leads to the purchase of new appliances and furnishings. Average new homebuyers spend almost $5,000 on appliances and furnishings during the first year of living in their new home. This will help stimulate the manufacturing section of our economy. It is clear that building new homes creates jobs and moves our economy forward.

Over the past decade, we have made substantial progress in increasing the homeownership rate in the United States. In 2000, the U.S. homeownership rate reached a record high of 67.1 percent with some 71 million U.S. households owning their own home. However, many working families have been struggling to find an affordable home in our nation's cities. Over the past two generations, many families have moved out of cities and into the suburbs, which has depressed the development of housing in the inner city. In 1999, the homeownership rate in the central-city areas was 50.4 percent. This is more than 20 percent lower than the suburban homeownership rate of 73.6 percent.

Working families with low- and moderate-income have also had difficulties buying a home. Currently, 83.3 percent of households with family income higher than the median family income are homeowners, while only 52.4 percent of households with family income below the median income are homeowners.

Too many communities face a lack of available homes because developers are concerned that the new houses may not be sold for the cost of construction. Many properties or sites that could be developed into affordable homes now sit vacant, and neighborhoods remain undeveloped because the gap between development costs and market prices has not been filled. The lack of affordable single-family homes affect many urban and rural areas where a majority of residents earn less than the median income.

Today, too many minority families face barriers in their attempts to reach the American Dream of homeownership. According to Census data for the fourth quarter of 2002, non-Hispanic whites have a 74.8 percent homeownership rate, while minority groups have just a 55.4 percent homeownership rate. African Americans have only a 47.5 percent homeownership rate, and Hispanics have a 49.5 percent homeownership rate in the same study. The gap between white and African American homeownership rates has been approximately 25 percent to 30 percent for most of the last century. These numbers are simply unacceptable.

Despite our efforts at the federal level to promote homeownership, many minorities also face higher than average denial rates for mortgage applications. A recent study by the University of Massachusetts shows that racial and ethnic lending disparities continue in Boston. For example, African Americans were 2.73 times as likely as whites to be denied in their mortgage applications. Latinos were 2.25 times as likely as whites to be denied in their mortgage applications. Finally, Asians were 1.55 times as likely as whites to be denied in their mortgage applications.

Along with a lack of available homes in urban and rural areas, our nation is also facing an affordable rental housing crisis. Thousands of low-income families with children, the disabled, and the elderly are finding it difficult to obtain or afford privately owned affordable rental housing units. Recent changes in the housing market have limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains. Constructing new housing will help many families move out of rental housing and help increase the number of available rental housing units and help ease the affordable housing crisis we now face.

The story of Benjamin and Rita Okafor shows how working families in Massachusetts have great difficulty obtaining a decent home of their own. For many years, the Okafors and their two young children were forced to live in a one-bedroom apartment. Benjamin Okafor, who worked full time as a cab driver in Boston, spent days and months looking for a bigger apartment for his family. However, the lack of affordable housing in the Boston area made it impossible for him to find anything appropriate. When his wife Rita became pregnant with their third child, the Okafors knew something had to change in their living situation. Luckily, Ben was accepted into the Habitat for Humanity program and worked 300 sweat equity hours constructing a house. In August 2000, the Okafor family moved into a new home of their own in Dorchester. Ben says that this new home gives them the hope and stability they need. Yet, there are still far too many working families living a substandard housing and many more families that desperately need assistance to become homeowners. A new tax incentive for developers to build affordable homes in distressed areas will help working families like the Okafors to afford a home for the first time.

The benefits of owning a home can bring families financial rewards and personal satisfaction with a deep sense of security. Real estate values have historically risen over time. Homeowners may deduct mortgage interest and property taxes as an expense against income. Real estate has generally been seen as marketable, allowing for property to be sold at a predictable price to a dependable group of available buyers.

We know that owning a home instead of renting leads to a better quality of life for its residents, but we are now learning more and more about the impact homeownership has on the cognitive and behavioral outcomes for children. A recent study by Ohio State University shows that children of families who own their home have fewer behavioral problems and are able to learn more effectively. Specifically, a child's cognitive abilities are 9 percent higher in math and 7 percent higher in reading for children living in their own homes. The study also shows that these children also experienced up to 3 percent lower behavioral problems than other children. This study proves that the national goal of homeownership has an added benefit of helping America's children learn and behave better, which helps our schools produce better citizens and will help our economy develop in the long term.

The Community Development Tax Credit Act, which I am introducing today, bridges the gap between development costs and market value to enable the development of new or refurbished homes in urban and rural areas to blossom. The tax credit would be available to developers or investors that build or substantially rehabilitate homes for sale to low- or moderate-income buyers in low-income areas. The credit would generate equity investment sufficient to cover the gap between the cost of development and the price at which the home can be sold to an eligible buyer.

The tax credit volume would be limited to $1.75 per capita for each State and allocated by the States themselves. Credits would be claimed over 5 years, starting when homes are sold. I believe this legislation will result in approximately 50,000 homes built or refurbished annually, assuming about $40,000 per home.

The maximum tax credit equals 50 percent of the cost of construction, substantial rehabilitation, and building acquisition. The eligible cost may not exceed the Federal Housing Administration single-family mortgage limits. The minimum rehabilitation costs is $25,000. Eligible building acquisition costs are limited to one-half of rehabilitation costs. States will allocate only the level of tax credits necessary for financial feasibility of individual projects. Ten percent of the available credit will be set aside for nonprofit organizations.

The eligible areas for the tax credit are defined as Census Tracts with median income below 80 percent of the area or state median. Rural areas that are currently eligible for USDA housing programs will be eligible for the tax credit. Indian tribal lands will be eligible for the tax credit. State-identified areas of chronic economic distress will also be eligible for tax credit, subject to disapproval by the Department of Housing and Urban Development.

Those eligible to buy homes built or refurbished using the tax credit include: individuals with incomes up to 80 percent of the area or state median and up to 100 percent of area median income in low-income/high-poverty Census Tracts.

Individual states will write plans to allocate the available tax credits using the following selection criteria: contribution of the development to community stability and revitalization; community and local government support; need for homeownership development in the area; sponsor capability; and the long-term sustainability of the project as owner-occupied residences. Then individual developers along with investors can apply to the state to be awarded a tax credit for developing a property in a low- or moderate-income area. If chosen by the state, investors can start to claim the tax credit as the homes are sold to eligible buyers. They can continue to claim the tax credit for five years. Investors are not subject to recapture. If the home owner sells the residence within five years, a scale would determine the percentage of the gain that would be recaptured by the Federal Government. In the first two years, 100 percent of the gain and 80, 70 and 60 percent in the third, fourth, and fifth years, respectively, would be recaptured.

The Community Development Homeownership Tax Credit Act that I am introducing today will positively affect the lives for approximately 500,000 families over the next 10 years, help resolve the affordable rental housing crisis we face, and help create jobs and grow our economy. I ask all of my colleagues to help expand the foundation of the American Dream by supporting this new tax incentive to encourage the construction and rehabilitation of homes for low- and moderate-income families in economically distressed areas.

This legislation is supported by the U.S. Conference of Mayors, Fannie Mae, Freddie Mac, the Enterprise Foundation, Local Initiatives Support Coalition, Mortgage Bankers Association of America, National Association of Home Builders, National Low Income Housing Coalition, National Association of Local Housing Finance Agencies, National Association of Realtors, National Council of La Raza, National Hispanic Housing Conference, Habitat for Humanity International and others.●

By Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 876. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Governmental Affairs.

Mr. WYDEN. Mr. President, Senators COLLINS, CLINTON, BYRD, LIEBERMAN and I want the rebuilding of Iraq to be done in the best way possible—for the Iraqi people and for the American taxpayers who will foot the bill. To ensure that happens, we're introducing bipartisan legislation today to ensure accountability in the awarding of U.S. contracts to rebuild Iraq.

Usually in situations like this, open and competitive bidding is used to get the best deal for the taxpayers. The same needs to hold true here. Contracts to rebuild Iraq should be awarded in the sunshine—not behind a smokescreen. If the Federal Government chooses not to use free market competition to get the most reasonable price from the most qualified contractor, then, at a minimum, they should have to tell the American people why.

The bill we're introducing today is called the Sunshine in Iraq Reconstruction Contracting Act. It's intended to shine light into the secretive practices the United States Agency for International Development, USAID, and other Federal agencies are using to hand out in Iraqi work.

There are dollars-and-cents reasons for doing this. The potential cost of rebuilding Iraq has been estimated at around $100 billion. That's a lot of taxpayer money. And the U.S. General Accounting Office, GAO, reports that sole-source and limited-source contracts aren't usually the best buy. Investigator found that Army officials often just took whatever level of services the contractor gave, without ever asking if it could be done more efficiently or at a lower cost.

Despite that, sole-source and limited-source contracts look like the rule, not the exception, for rebuilding Iraq. And these are costing some big cash. Contracts awarded for oil fire fighting and other projects are so-called "cost-plus" contracts. They pay a company's expenses, plus a guaranteed profit of one to eight percent. There are no limits on total costs, so the more a firm charges in expenses, the more profit it makes. If the Federal Government's going to spend my constituents' money that way, without asking for competitive bids, I think my constituents deserve to know why.

Let me give you two concrete examples of the kind of secrecy I'm talking about. A lot of the known details come from press reports. In February and March, USAID invited a handful of companies to bid on $1.7 billion in Iraqi projects—rebuilding highways, bridges, schools. Competition for one $600 million contract was limited to seven large U.S. engineering firms. USAID apparently put out some bid invitations before the war even started.

On March 24, the Army Corps of Engineers announced a sole-source, unlimited contract to two American companies to control Iraqi oil fires. The no-bid contract is still classified. Information that should be available to the public was finalized on March 8 but is still under wraps. What we know is that other firms that had experience putting out oil well fires in Kuwait in 1991 were left out of the process altogether. And we also know that as early as last fall, the parent company of these contractors got an exclusive contract to study how to supply oil services during an invasion of Iraq.

Anybody looking to find an explanation for this closed-door contracting is likely to come up short. So far the agencies haven't said much. Last month, USAID announced that it would limit competition to companies with demonstrated technical ability, proven accounting mechanisms, ability to field a qualified technical team on short notice, and authority to handle classified national security material. The USAID Director told The New York Times that to work in Iraq you have to have a security clearance, and only these few American companies have that clearance.

I sit on the Intelligence Committee, and don't know of any good reason why a contractor bidding to rebuild a school, hospital, sewer system or any other part of Iraq's infrastructure would need a security clearance. In any case, four of USAID's eight reconstruction projects will allow subcontracting to companies that don't have to meet the security requirements. So that argument doesn't hold up.

Our bill has a simple premise to ensure accountability in the awarding process. It says that any Federal entity bypassing competitive bidding for Iraqi reconstruction projects has to disclose some key information. Most importantly, that means revealing the documents used to justify a sole-source or limited contract. Agencies are already required by law to prepare this rationale for sole source bidding. Our bill just makes the information accessible. We've written provisions to protect classified information, while still giving Congress full oversight over the billions in taxpayer money that Americans are being asked to commit in Iraq.

There are too many questions and the stakes are too high for Congress not to demand public disclosure of this information. I am pleased that Senators COLLINS, CLINTON, BYRD and LIEBERMAN are joining me in introducing this legislation to bring greater accountability and openness to the contracting for Iraq reconstruction.

I ask unanimous consent that the text, of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in Iraq Reconstruction Contracting Act of 2003".

SEC. 2. PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.

(a) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The head of an executive agency of the United States that enters into a contract for the repair, maintenance, rehabilitation, or construction of infrastructure in Iraq without full and open competition shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 30 days after the date on which the contract is entered into, the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) INAPPLICABILITY TO CONTRACTS AFTER FISCAL YEAR 2013.—Paragraph (1) does not apply to a contract entered into after September 30, 2013.

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and the House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(c) FISCAL YEAR 2003 CONTRACTS.—This section shall apply to contracts entered into on or after October 1, 2002, except that, in the case of a contract entered into before the date of the enactment of this Act, subsection (a) shall be applied as if the contract had been entered into on the date of the enactment of this Act.

(d) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(e) DEFINITIONS.—In this section, the terms "executive agency" and "full and open competition" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

By Mr. BURNS (for himself, Mr. WYDEN, Mr. STEVENS, Mr. BREAUX, Mr. THOMAS, Ms. LANDRIEU, and Mr. SCHUMER):

S. 877. A bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Thank you, Mr. President: I rise today to introduce the CAN-SPAM bill along with my good friend and colleague Senator WYDEN. The CAN-SPAM bill addresses an issue of critical importance to the further development of commerce on the Internet: how to control the explosion of unsolicited commercial e-mail. I also want to thank the additional original cosponsors of the bill, Senator STEVENS, Senator BREAUX, Senator THOMAS, Senator LANDRIEU and Senator SCHUMER.

While it is obvious to anyone with an e-mail account that the scourge of "spam" has continued to worsen, the numbers and the trends they represent paint an even more disturbing picture. According to an article in the Washington Post less than a month ago, spam currently accounts for 40 percent of all e-mail traffic. Spam has become more than just an inconvenience that we have learned to live with; it has now become a fundamental part of any e-mail inbox with serious economic consequences. According to one study done by a consulting group, spam will cost U.S. businesses more than $10 billion this year alone.

Spam also makes working on the Internet less efficient, by clogging up servers on one end and inboxes on the other. I want some accountability brought to bear on this issue, and feel that by introducing this legislation today, we have taken an appropriate and meaningful step to tame a horse we can't seem to break just yet. This problem continues to escalate, and experts warn that more than half of e-mail traffic will be spam by this summer. This point bears repeating: within months, you will waste more than half of your time with unsolicited e-mail.

The CAN-SPAM bill would require e-mail marketers to comply with a straightforward set of workable, common-sense rules designed to give consumers more control over spam. Specifically, the bill would require a sender of marketing e-mail to include a clear and conspicuous "opt-out" mechanism so that they could "unsubscribe" from further unwanted e-mail. Also, the bill would prohibit e-mail marketers from using deceptive headers or subject lines, so that consumers will be able to tell who initiated the solicitation.

The bill includes strong enforcement provisions to ensure compliance. The Federal Trade Commission would have authority to impose steep civil fines of up to $500,000 on spammers. This fine could be tripled if the violation is found to be intentional. In short, this bill provides broad consumer protection against bad actors, while still allowing Internet advertising a justified means of flourishing.

Spamming is a serious economic problem and I believe it is absolutely critical that we address this now, so that the Internet is allowed to reach its full potential. Because of the vast distances in Montana, many of my constituents are forced to pay long-distance charges for their time on the Internet. Spam makes it nearly impossible for these people to enjoy the experience, and it makes it even harder for them to see how this will help rural America flourish in the 21st century. Also, Internet service providers are bombarded with spam that often corrupts or shuts down their systems. In today's information age where beating the competitor to the next sale is absolutely critical to survival, these shutdowns can cause real economic damage. We may be in a downturn in the American economy and especially in the high technology sector, but the efficiencies created through vast information sharing are here to stay and will help propel our economy to levels beyond our imagination, but in order to reach this potential we must eliminate the bad actors who threaten these efficiencies.

The fact that this bill is strongly supported by pillars of the Internet age such as Yahoo, America Online and eBay is a testament to its common-sense approach. I think these companies for their critical expertise in perfecting this bill which would help to address this scourge of the digital age. I also appreciate the numerous valuable suggestions from the many concerned cyber-citizens who want to see this Pandora's box of digital dreck closed once and for all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) There is a right of free speech on the Internet.

(2) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy.

(3) In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(4) Unsolicited commercial electronic mail can be a mechanism through which businesses advertise and attract customers in the online environment.

(5) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(6) Unsolicited commercial electronic mail may impose significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment in infrastructure.

(7) Some unsolicited commercial electronic mail contains material that many recipients may consider vulgar or pornographic in nature.

(8) While some senders of unsolicited commercial electronic mail messages provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(9) An increasing number of senders of unsolicited commercial electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(10) An increasing number of senders of unsolicited commercial electronic mail purposefully include misleading information in the message's subject lines in order to induce the recipients to view the messages.

(11) In legislating against certain abuses on the Internet, Congress should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

(b) CONGRESSIONAL DETERMINATION OF PUBLIC POLICY.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is a substantial government interest in regulation of unsolicited commercial electronic mail;

(2) senders of unsolicited commercial electronic mail should not mislead recipients as to the source or content of such mail; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive additional unsolicited commercial electronic mail from the same source.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFIRMATIVE CONSENT.—The term "affirmative consent", when used with respect to a commercial electronic mail message, means that the recipient has expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative.

(2) COMMERCIAL ELECTRONIC MAIL MESSAGE.—

(A) IN GENERAL.—The term "commercial electronic mail message" means any electronic mail message the primary purpose of which is the commercial advertisement or promotion of a commercial product or service (including content on an Internet website operated for a commercial purpose).

(B) REFERENCE TO COMPANY OR WEBSITE.—The inclusion of a reference to a commercial entity or a link to the website of a commercial entity in an electronic mail message does not, by itself, cause such message to be treated as a commercial electronic mail message for purposes of this Act if the contents or circumstances of the message indicate a primary purpose other than commercial advertisement or promotion of a commercial product or service.

(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(4) DOMAIN NAME.—The term "domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) ELECTRONIC MAIL ADDRESS.—The term "electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part"), to which an electronic mail message can be sent or delivered.

(6) ELECTRONIC MAIL MESSAGE.—The term "electronic mail message" means a message sent to an electronic mail address.

(7) FTC ACT.—The term "FTC Act" means the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(8) HEADER INFORMATION.—The term "header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name and originating electronic mail address.

(9) IMPLIED CONSENT.—The term "implied consent", when used with respect to a commercial electronic mail message, means that—

(A) within the 3-year period ending upon receipt of such message, there has been a business transaction between the sender and the recipient (including a transaction involving the provision, free of charge, of information, goods, or services requested by the recipient); and

(B) the recipient was, at the time of such transaction or thereafter in the first electronic mail message received from the sender after the effective date of this Act, provided a clear and conspicuous notice of an opportunity not to receive unsolicited commercial electronic mail messages from the sender and has not exercised such opportunity.

If a sender operates through separate lines of business or divisions and holds itself out to the recipient, both at the time of the transaction described in subparagraph (A) and at the time the notice under subparagraph (B) was provided to the recipient, as that particular line of business or division rather than as the entity of which such line of business or division is a part, then the line of business or the division shall be treated as the sender for purposes of this paragraph.

(10) INITIATE.—The term "initiate", when used with respect to a commercial electronic mail message, means to originate such message or to procure the origination of such message, but shall not include actions that constitute routine conveyance of such message.

(11) INTERNET.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (47 U.S.C. 151 nt).

(12) INTERNET ACCESS SERVICE.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(13) PROTECTED COMPUTER.—The term "protected computer" has the meaning given that term in section 1030(e)(2) of title 18, United States Code.

(14) RECIPIENT.—The term "recipient", when used with respect to a commercial electronic mail message, means an authorized user of the electronic mail address to which the message was sent or delivered. If a recipient of a commercial electronic mail message has 1 or more electronic mail addresses in addition to the address to which the message was sent or delivered, the recipient shall be treated as a separate recipient with respect to each such address. If an electronic mail address is reassigned to a new user, the new user shall not be treated as a recipient of any commercial electronic mail message sent or delivered to that address before it was reassigned.

(15) ROUTINE CONVEYANCE.—The term "routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has provided and selected the recipient addresses.

(16) SENDER.—The term "sender", when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message.

(17) TRANSACTIONAL OR RELATIONSHIP MESSAGES.—The term "transactional or relationship message" means an electronic mail message the primary purpose of which is to facilitate, complete, confirm, provide, or request information concerning—

(A) a commercial transaction that the recipient has previously agreed to enter into with the sender;

(B) an existing commercial relationship, formed with or without an exchange of consideration, involving the ongoing purchase or use by the recipient of products or services offered by the sender; or

(C) an existing employment relationship or related benefit plan.

(18) UNSOLICITED COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that—

(A) is not a transactional or relationship message; and

(B) is sent to a recipient without the recipient's prior affirmative or implied consent.

SEC. 4. CRIMINAL PENALTY FOR UNSOLICITED COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Unsolicited commercial electronic mail containing fraudulent transmission information

"(a) IN GENERAL.—Any person who initiates the transmission, to a protected computer in the United States, of an unsolicited commercial electronic mail message, with knowledge and intent that the message contains or is accompanied by header information that is materially false or materially misleading shall be fined or imprisoned for not more than 1 year, or both, under this title. For purposes of this subsection, header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading.

"(b) DEFINITIONS.—Any term used in subsection (a) that is defined in section 3 of the CAN-SPAM Act of 2003 has the meaning given it in that section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1351. Unsolicited commercial electronic mail containing fraudulent routing information".

SEC. 5. OTHER PROTECTIONS AGAINST UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) REQUIREMENTS FOR TRANSMISSION OF MESSAGES.—

(1) PROHIBITION OF FALSE OR MISLEADING TRANSMISSION INFORMATION.—It is unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message that contains, or is accompanied by, header information that is materially or intentionally false or materially or intentionally misleading. For purposes of this paragraph, header information that is technically accurate but includes an originating electronic mail address the access to which for purposes of initiating the message was obtained by means of false or fraudulent pretenses or representations shall be considered materially misleading.

(2) PROHIBITION OF DECEPTIVE SUBJECT HEADINGS.—It is unlawful for any person to initiate the transmission to a protected computer of a commercial electronic mail message with a subject heading that such person knows would be likely to mislead a recipient, acting reasonably under the circumstances, about a material fact regarding the contents or subject matter of the message.

(3) INCLUSION OF RETURN ADDRESS OR COMPARABLE MECHANISM IN UNSOLICITED COMMERCIAL ELECTRONIC MAIL.—

(A) IN GENERAL.—It is unlawful for any person to initiate the transmission to a protected computer of an unsolicited commercial electronic mail message that does not contain a functioning return electronic mail address or other Internet-based mechanism, clearly and conspicuously displayed, that—

(i) a recipient may use to submit, in a manner specified by the sender, a reply electronic mail message or other form of Internet-based communication requesting not to receive any future unsolicited commercial electronic mail messages from that sender at the electronic mail address where the message was received; and

(ii) remains capable of receiving such messages or communications for no less than 30 days after the transmission of the original message.

(B) MORE DETAILED OPTIONS POSSIBLE.—The sender of an unsolicited commercial electronic mail message may comply with subparagraph (A)(i) by providing the recipient a list or menu from which the recipient may choose the specific types of commercial electronic mail messages the recipient wants to receive or does not want to receive from the sender, if the list or menu includes an option under which the recipient may choose not to receive any unsolicited commercial electronic mail messages from the sender.

(C) TEMPORARY INABILITY TO RECEIVE MESSAGES OR PROCESS REQUESTS.—A return electronic mail address or other mechanism does not fail to satisfy the requirements of subparagraph (A) if it is unexpectedly and temporarily unable to receive messages or process requests due to technical or capacity problems, if the problem with receiving messages or processing requests is corrected within a reasonable time period.

(4) PROHIBITION OF TRANSMISSION OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL AFTER OBJECTION.—If a recipient makes a request to a sender, using a mechanism provided pursuant to paragraph (3), not to receive some or any unsolicited commercial electronic mail messages from such sender, then it is unlawful—

(A) for the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that falls within the scope of the request;

(B) for any person acting on behalf of the sender to initiate the transmission to the recipient, more than 10 business days after the receipt of such request, of an unsolicited commercial electronic mail message that such person knows or consciously avoids knowing falls within the scope of the request; or

(C) for any person acting on behalf of the sender to assist in initiating the transmission to the recipient, through the provision or selection of addresses to which the message will be sent, of an unsolicited commercial electronic mail message that the person knows, or consciously avoids knowing, would violate subparagraph (A) or (B).

(5) INCLUSION OF IDENTIFIER, OPT-OUT, AND PHYSICAL ADDRESS IN UNSOLICITED COMMERCIAL ELECTRONIC MAIL.—It is unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to a protected computer unless the message provides—

(A) clear and conspicuous identification that the message is an advertisement or solicitation;

(B) clear and conspicuous notice of the opportunity under paragraph (3) to decline to receive further unsolicited commercial electronic mail messages from the sender; and

(C) a valid physical postal address of the sender.

(b) Prohibition of Transmission of Unlawful Unsolicited Commercial Electronic Mail to Certain Harvested Electronic Mail Addresses.—

(1) In general.—It is unlawful for any person to initiate the transmission, to a protected computer, of an unsolicited commercial electronic mail message that is unlawful under subsection (a), or to assist in the origination of such a message through the provision or selection of addresses to which the message will be sent, if such person knows that, or acts with reckless disregard as to whether—

(A) the electronic mail address of the recipient was obtained, using an automated means, from an Internet website or proprietary online service operated by another person; or

(B) the website or proprietary online service from which the address was obtained included, at the time the address was obtained, a notice stating that the operator of such a website or proprietary online service will not give, sell, or otherwise transfer addresses maintained by such site or service to any other party for the purpose of initiating, or enabling others to initiate, unsolicited electronic mail messages.

(2) Disclaimer.—Nothing in this subsection creates an ownership or proprietary interest in such electronic mail addresses.

(c) Compliance Procedures.—An action for violation of paragraph (2), (3), (4), or (5) of subsection (a) may not proceed if the person against whom the action is brought demonstrates that —

(1) the person has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of such paragraph; and

(2) the violation occurred despite good faith efforts to maintain compliance with such practices and procedures.

SEC. 6. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) Violation Is Unfair or Deceptive Act or Practice.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if the violation of this Act were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Enforcement by Certain Other Agencies.—Compliance with this Act shall be enforced—

(1) under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Director of the Office of Thrift Supervision;

(2) under the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the Board of the National Credit Union Administration with respect to any Federally insured credit union, and any subsidiaries of such a credit union;

(3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) by the Securities and Exchange Commission with respect to any broker or dealer;

(4) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) by the Securities and Exchange Commission with respect to investment companies;

(5) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) by the Securities and Exchange Commission with respect to investment advisers registered under that Act;

(6) under State insurance law in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled, subject to section 104 of the Gramm-Bliley-Leach Act (15 U.S.C. 6701);

(7) under part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(8) under the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act;

(9) under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

(10) under the Communications Act of 1934 (47 U.S.C. 151 et seq.) by the Federal Communications Commission with respect to any person subject to the provisions of that Act.

(c) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(d) Actions by the Commission.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that subtitle.

(e) Enforcement by States.—

(1) Civil action.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person engaging in a practice that violates section 5 of this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or in any other court of competent jurisdiction—

(A) to enjoin further violation of section 5 of this Act by the defendant; or

(B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of—

(i) the actual monetary loss suffered by such residents; or

(ii) the amount determined under paragraph (2).

(2) Statutory damages.—

(A) In general.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message received by such residents treated as a separate violation). In determining the per-violation penalty under this subparagraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, the extent of economic gain resulting from the violation, and such other matters as justice may require.

(B) Limitation.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $500,000, except that if the court finds that the defendant committed the violation willfully and knowingly, the court may increase the limitation established by this paragraph from $500,000 to an amount not to exceed $1.500.000.

(3) Attorney fees.—In the case of any successful action under paragraph (1), the State shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

(4) Rights of Federal regulators.—The State shall serve prior written notice of any action under paragraph (1) upon the Federal Trade Commission or the appropriate Federal regulator determined under subsection (b) and provide the Commission or appropriate Federal regulator with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Federal Trade Commission or appropriate Federal regulator shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein;

(C) to remove the action to the appropriate United States district court; and

(D) to file petitions for appeal.

(5) Construction.—For purposes of bringing any civil action under paragraph (1),

nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) Venue; service of process.—

(A) Venue.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) Service of process.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) maintains a physical place of business.

(7) Limitation on state action while federal action is pending.—If the Commission or other appropriate Federal agency under subsection (b) has instituted a civil action or an administrative action for violation of this Act, no State attorney general may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(f) Action by Provider of Internet Access Service.—

(1) Action authorized.—A provider of Internet access service adversely affected by a violation of section 5 may bring a civil action in any district court of the United States with jurisdiction over the defendant, or in any other court of competent jurisdiction, to—

(A) enjoin further violation by the defendant; or

(B) recover damages in an amount equal to the greater of—

(i) actual monetary loss incurred by the provider of Internet access service as a result of such violation; or

(ii) the amount determined under paragraph (2).

(2) Statutory damages.—

(A) In general.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the amount calculated by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message carried over the facilities of the provider of Internet access service or sent to an electronic mail address obtained from the provider of Internet access service in violation of section 5(b) treated as a separate violation). In determining the per-violation penalty under this subparagraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, the extent of economic gain resulting from the violation, and such other matters as justice may require.

(B) Limitation.—For any violation of section 5 (other than section 5(a)(1)), the amount determined under subparagraph (A) may not exceed $500,000, except that if the court finds that the defendant committed the violation willfully and knowingly, the court may increase the limitation established by this paragraph from $500,000 to an amount not to exceed $1,500,000.

(3) Attorney fees.—In any action brought pursuant to paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

SEC. 7. EFFECT ON OTHER LAWS.

(a) Federal Law.—

(1) Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934 (47 U.S.C. 223 or 231, respectively), chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(2) Nothing in this Act shall be construed to affect in any way the Commission's authority to bring enforcement actions under FTC Act for materially false or deceptive representations in commercial electronic mail messages.

(b) State Law.—

(1) In general.—This Act supersedes any State or local government statute, regulation, or rule regulating the use of electronic mail to send commercial messages.

(2) Exceptions.—Except as provided in paragraph (3), this Act does not supersede or pre-empt—

(A) State trespass, contract, or tort law or any civil action thereunder; or

(B) any provision of Federal, State, or local criminal law or any civil remedy available under such law that relates to acts of fraud or theft perpetrated by means of the unauthorized transmission of commercial electronic mail messages.

(3) Limitation on exceptions.—Paragraph (2) does not apply to a State or local government statute, regulation, or rule that directly regulates unsolicited commercial electronic mail and that treats the mere sending of unsolicited commercial electronic mail in a manner that complies with this Act as sufficient to constitute a violation of such statute, regulation, or rule or to create a cause of action thereunder.

(c) No Effect on Policies of Providers of Internet Access Service.—Nothing in this Act shall be construed to have any effect on the lawfulness or unlawfulness, under any other provision of law, of the adoption, implementation, or enforcement by a provider of Internet access service of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages.

SEC. 8. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) In general.—Not later than 24 months after the date of the enactment of this Act, the Commission, in consultation with the Department of Justice and other appropriate agencies, shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

(b) Required Analysis.—The Commission shall include in the report required by subsection (a) an analysis of the extent to which technological and marketplace developments, including changes in the nature of the devices through which consumers access their electronic mail messages, may affect the practicality and effectiveness of the provisions of this Act.

SEC. 9 SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.

Mr. WYDEN. Mr. President, I am pleased today to be teaming up again with my good friend Senator Burns to reintroduce legislation to address the rising tide of unsolicited commercial e-mail, commonly known as "spam."

In the last Congress, our anti-spam legislation was approved unanimously by the Senate Commerce Committee. Since that time—nearly a year ago now—the problem of spam has been increasing at an alarming rate. Roughly 40 percent of all e-mail traffic in the United States is spam, up from 8 percent in late 2001 and nearly doubling in the past six months. By 2004, according to some estimates, a typical company that fails to take defensive action could find that over 50 percent of its e-mail messages will be spam. This isn't just annoying, it's costly: one consulting group has estimated that spam will cost U.S. organizations more than $10 billion this year, due to expenses for anti-spam equipment and manpower and lost productivity.

If nothing is done, the situation is only likely to get worse. The fundamental problem—and what makes spam different from other types of marketing—is that it is so cheap to send huge volumes of messages. With the stroke of a key, the spammer can let fly a massive torrent of e-mails. And since the sender doesn't pay any per-message postage, the incentive is to send as many as possible. The cost of all these extra messages is borne by the Internet service providers, ISPs, and the recipients, not by the sender. So as far as the spammer is concerned, the sky is the limit.

Anyone who uses e-mail should be deeply concerned about this trend. In a few short years, e-mail quickly went from a novelty to a core medium of communication for millions of Americans. They came to rely on it daily, for business and personal communications alike. But just as quickly as e-mail rose to prominence, its usefulness could dwindle—buried under an avalanche of endless "Get Rich Quick," "Lose Weight Fast," and offensive pornographic marketing pitches. As consumers grow frustrated with bloated in-boxes, and as ISP networks and e-commerce websites are slowed by mounting junk e-mail traffic jams, enthusiasm for the entire medium of e-mail and e-commerce could sour.

Right now, e-mail users and ISPs are trying to manage the problem as best they can. They use filtering software, or lists of known spammers, or sign up for special anti-spam services. But these tactics can be burdensome, costly, and only partially effective. The fact is, existing laws do not provide sufficient tools. More help is needed.

Many States have moved to address the issue. But e-mail is not a medium that respects, or even recognizes, State borders. Indeed, e-mail addresses tell nothing about which State the user is located in, so the sender and recipient of an e-mail message may have no clue where the other is located. Therefore, this is one area where a State-by-State patchwork of rules makes no sense. It is time for a nationwide approach.

That is why Senator BURNS and I are reintroducing the "Controlling the Assault of Non-Solicited Pornography and Marketing Act"—the CAN SPAM Act, for short. This bipartisan legislation says that if you want to send unsolicited marketing e-mail, you've got to play by a set of rules—rules that allow the recipient to see where the messages are coming from, and to tell the sender to stop. The basic goal is simple: give the consumer more control.

Specifically, the bill would prohibit the use of falsified or deceptive headers or subject lines, so that consumers will be able to identify the true source of the message. A sender of unsolicited marketing e-mail would also be required to provide the recipient with a return address or similar mechanism that can be used to tell the sender, "no more." And once a consumer says "no more," a sender would be required to honor that request. Senders of unsolicited commercial messages would also be required to include a clear notification that the message is an advertisement or solicitation, and a valid physical postal address.

The bill includes strong enforcement provisions to ensure compliance. Spammers that intentionally disguise their identities would be subject to misdemeanor criminal penalties. The Federal Trade Commission would have authority to impose civil fines. State attorneys general would be able to bring suit on behalf of the citizens of their states. And ISPs would be able to bring suit to keep unlawful spam off their networks. In all cases, particularly high penalties would be available for true "bad actors"—the shady, high-volume spammers who have no intention of behaving in a lawful and responsible manner.

Our goal here is not to discourage legitimate online communications between businesses and their customers. Senator BURNS and I have no intention of interfering with a company's ability to use e-mail to inform customers of warranty information, provide account holders with monthly account statements, and so forth. Rather, we want to go after those unscrupulous individuals who use e-mail in an annoying and misleading fashion. I believe this bill strikes that important balance.

Senator BURNS and I have been at this for three years now, and have worked with many different groups in shaping the legislation. We believe we have made real progress in addressing some of the legitimate concerns that were raised about previous versions of the bill. Naturally, there are interested parties who have additional ideas for measures they would like to see. We will be happy to continue to work with them, and I would also point out that the bill calls for a study to evaluate this initial Federal step against spam and to determine whether further provisions are needed. But the bill we are introducing today offers a workable, common-sense approach that should be politically viable this year.

I am pleased that Senators BREAUX, LANDRIEU, SCHUMER, and THOMAS are joining Senator BURNS and me in cosponsoring this legislation. I urge the rest of my Senate colleagues to join with us on moving it forward as promptly as possible, so that the Senate won't still be debating the issue, with no action taken, several years from now.

By Mr. SMITH.

S. 879. A bill to amend the Internal Revenue Code of 1986 to increase and extend the special depreciation allowance, and for other purpose; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Economic Stimulus Act of 2003, legislation that will allow a 50 percent bonus depreciation over a 5 year period. Last year I was proud to introduce and pass a 30 percent bonus depreciation incentive as part of legislation signed into law in March 2002. We had great bipartisan support on this issue and I hope that similar action will take place during consideration of this year's tax bill.

I introduce the Economic Stimulus Act of 2003 in order to build on last year's effort by both increasing that bonus to 50 percent and extending it through 2008. Our economy clearly needs a boost, and this provision will complement many of the provisions in President Bush's economic growth package.

Recently, U.S. Department of Commerce data revealed that private investment in high tech equipment ended it's decline as this provision went into effect last year and has begun to increase modestly in the past year. A significant increase in that bonus along with an extension of its effective date can only boost business investment even further. By extending the effective date past next year, businesses will be able to better plan for sustained increases in technology investment.

This legislation will provide an immediate and broad stimulus to the U.S. economy by encouraging business investment. In my own state of Oregon I can look to both heavy industry and the hi tech sector and see the real return this legislation will have on our economy. Heavy industry in my state will have an ability to save family-wage jobs and put additional employees to work in Oregon. For example, the rail supply industry has been hard hit, and though there is a need for investment, there has been a reluctance to invest significant sums that are necessary to sustain this industry. Bonus depreciation provisions is an additional incentive that will lead institutional investors, leasing companies, shippers and railroads to invest in new rail equipment.

In Oregon's high-tech sector the strong increase in the first year depreciation amount will have a real and positive impact on the investment environment for high-tech equipment, such as computer hardware, software and broadband network infrastructure. This legislation will definitely stimulate the demand for the software and the whole high-tech sector. In Oregon, the hi-tech sector has been a major component of economic growth and I am intent that this engine of growth continue to provide stimulus to the economy.

I note that there are a myriad of bonus depreciation proposals out there. Most don't provide enough lead time however to make real and substantive business decisions. The current downturn is caused in part by a decline in business investment. So what kind of investment can be stimulated by a year-long depreciation incentive? It probably gives business people time to buy a chair and some new wastebaskets.

But a year is not enough time to start a major project that could employ thousands of people. It doesn't allow time to build heavy equipment, modernize a lumber mill, revamp a corporate computer system, repair a railbed, or construct an airplane. It doesn't allow enough time to obtain building permits, perform environmental reviews, or complete architectural or engineering studies.

We need to create a booming economy not just for today, but for the next several years. So I must emphasize that short depreciation proposals lack economic weight.

Bonus depreciation is probably the best idea of any stimulus proposal. I ask that all my colleagues consider and support the Economic Stimulus Act of 2003. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Stimulus Act of 2003".

SEC. 2. EXPANSION OF SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Subsection (k) of section 168 (relating to accelerated cost recovery system) is amended—

(1) by adding at the end of paragraph (1) the following new flush sentence:

"In the case of any qualified property acquired by the taxpayer pursuant to a written binding contract which was entered into after the date of the enactment of the Economic Stimulus Act of 2003, subparagraph

(A) shall be applied by substituting '50 percent' for '30 percent'.",

(2) by redesignating subclauses (III) and (IV) of paragraph (2)(A)(i) as subclauses (IV) and (V), respectively,

(3) by inserting after subclause (II) of paragraph (2)(A)(i) the following new subclause:

"(III) which is a motion picture film or videotape (as defined in section 167(f)(1)(B) for which a deduction is allowable under section 167 without regard to this subsection,",

(4) by striking clause (iv) of paragraph (2)(A) and inserting the following new clause:

"(iv) which is placed in service by the taxpayer—

"(I) except as provided in subclauses (II) and (III), before April 1, 2010,

"(II) in the case of transportation property described in subparagraph (B), before the later of the date which is 90 days after delivery of such property or which is 10 years after the date of the enactment of the Economic Stimulus Act of 2003, or

"(III) in the case of other property described in subparagraph (B), before January 1, 2011.",

(5) by inserting "transportation property which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A), or other" before "property" in the matter preceding subclause (I) of paragraph (2)(B)(i),

(6) by striking "production before September 11, 2004." in paragraph (2)(B)(ii) and inserting "production—

"(I) with respect to transportation property, before the earlier of the date which is 90 days after delivery of such property or which is 10 years after the date of the enactment of the Economic Stimulus Act of 2003, and

"(II) with respect to other property, before January 1, 2010.",

(7) by striking "SEPTEMBER 11, 2004" in the heading of clause (ii) of paragraph (2)(B) and inserting "CERTAIN",

(8) by striking "subparagraph" in paragraph (2)(B)(iii) and inserting "paragraph",

(9) by striking "September 11, 2004" each place it appears in the subsection and inserting "January 1, 2010", and

(10) by striking "SEPTEMBER 11, 2004" in the heading thereof and inserting "JANUARY 1, 2010".

(b) CONFORMING AMENDMENTS.—

(1) The heading for clause (i) of section 1400L(b)(2)(C) of the Internal Revenue Code of 1986 is amended by striking "30 PERCENT ADDITIONAL" and inserting "ADDITIONAL".

(2) Section 1400L(b)(2)(D) of such Code is amended by inserting "(as in effect on the day after the date of the enactment of this section)" after "section 168(k)(2)(D)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property acquired after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. BINGAMAN (for himself, Mr. COCHRAN, Mrs. LINCOLN, Mr. HATCH, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. DAYTON):

S. 881. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators COCHRAN, LINCOLN, HATCH, JEFFORDS, LANDRIEU, and DAYTON entitled the "Rural Equity Payment Index Reform Act of 2003" is designed to reduce the work payment inequity between urban and rural localities under the Medicare physician fee schedule. This legislation is a companion bill to HR 33, introduced by Representative Doug Bereuter, which now has over 65 House cosponsors.

In my own State of New Mexico, recruitment and retention of physicians in rural areas is an ongoing problem, which is contributed to, in a part, by inequities in payments these physicians receive in comparison to their urban counterparts. With only 170 physicians per 100,000 people, New Mexico ranks well behind the national average with regard to primary care and specialist physicians.

Lack of adequate reimbursement, in the face of increasing costs, is a critical factor leading to the shortage of physician services in my state, and in other rural areas. The State of New Mexico ranks 32nd in the nation in terms of Medicare reimbursement, as defined by the geographic adjustment factor used to set reimbursement rates. Yet, an office visit to a rural physician is no different in time, effort, or workload compared to an office visit to an urban physician. Geographically adjusting the quantifiable workload simply makes no sense; physician work should be valued equally, irrespective of where a physician works.

This inequity unfairly "punishes" physicians in non-metropolitan areas, where there are often proportionately larger populations of Medicare beneficiaries. In effect, the rural areas subsidize healthcare in urban areas, while they struggle to attract health care professionals. Since Medicare beneficiaries pay into the program on the basis of income and wages, and beneficiaries pay the same premium for part B services, these inequitable physician fee payments result in substantial cross-subsidies from people living in low payment States to people living in higher payment States.

Targeted efforts to provide relief to rural doctors in low payment localities with more equitable payments would improve access to primary and tertiary services. The bill I am introducing would lessen the disparity that currently exists between rural and urban areas. It gradually phases in a floor that upwardly adjusts reimbursement rates for rural providers, without lowering the reimbursement for urban providers, so that the discrepancy will progressively be corrected.

This bill would phase-in a floor of 1.000 for the Medicare "physician work adjuster", thereby raising all localities with a work adjuster below 1.000 to that level. This proposed change would be put in place without regard to the budget neutrality agreement in the present law. The phase-in approach softens the budgetary implications by spreading it out over four years.

It is estimated that payment rates to New Mexico physicians will increase by 2.8 million dollars over a 4-year period. In my state, this represents an important increase in reimbursements for physicians, but it also represents a tangible acknowledgement of the hard work and efforts that our physicians commit to patient care, particularly rural based physicians.

Some of the following organizations, which have expressed support for this legislation, include the National Rural Health Association, the American College of Physicians/American Society of Internal Medicine, and the American Physical Therapy association.

I ask unanimous consent that letters of support and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Equity Payment Index Reform Act of 2003".

(b) FINDINGS.—Congress makes the following findings:

(1) Variations in the physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4w(e)) result in a physician work payment inequity between urban and rural localities under the medicare physician fee schedule.

(2) The amount the medicare program spends on its beneficiaries varies substantially across the country, far more than can be accounted for by differences in the cost of living or differences in health status.

(3) Since beneficiaries and others pay into the program on the basis of income and wages and beneficiaries pay the same premium for part B services, these payments result in substantial cross-subsidies from people living in low payment States with conservative practice styles or beneficiary preferences to people living in higher payment States with aggressive practice styles or beneficiary preferences.

(4) Congress has been mindful of these variations when it comes to capitation payments made to managed care plans under the Medicare+Choice program and has put in place floors that increase monthly payments by more than one-third in some of the lowest payment counties over what would otherwise occur. But this change addresses only a very small fraction of medicare beneficiaries who are presently enrolled in Medicare+Choice plans operating in low payment counties.

(5) Unfortunately, Congress has only begun to address the underlying problem of substantial geographic variations in fee-for-service spending under traditional medicare.

(6) Improvements in rural hospital payment systems under the medicare program help to reduce aggregate per capita payment variation as rural hospitals are in large part located in low payment counties.

(7) Many rural communities have great difficulty attracting and retaining physicians and other skilled health professionals.

(8) Targeted efforts to provide relief to rural doctors in low payment localities would further reduce variation by improving access to primary and tertiary services along with more equitable payment.

(9) Geographic adjustment factors in the medicare program's resource-based relative value scale unfairly suppress fee-for-service payments to rural providers.

(10) Actual costs are not presently being measured accurately and payments do not reflect the costs of providing care.

(11) Unless something is done about medicare payment in rural areas, as the baby boom cohort ages into medicare, the financial demands on rural communities to subsidize care for their aged and disabled medicare beneficiaries will progress from difficult to impossible in another 10 years.

(12) The impact on rural health care infrastructure will be first felt in economically depressed rural areas where the ability to shift costs is already limited.

SEC. 2. PHYSICIAN FEE SCHEDULE WAGE INDEX REVISION.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)) is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (E)"; and

(2) by adding at the end the following new subparagraph:

"(E) FLOOR FOR WORK GEOGRAPHIC INDICES.—

"(i) IN GENERAL.—Notwithstanding the work geographic index otherwise calculated under subparagraph (A)(iii), in no case may the work geographic index applied for payment under this section be less than—

"(I) 0.976 for services furnished during 2004;

"(II) 0.987 for services furnished during 2005;

"(III) 0.995 for services furnished during 2006; and

"(IV) 1.000 for services furnished during 2007 and subsequent years.

"(ii) EXEMPTION FROM LIMITATION ON ANNUAL ADJUSTMENTS.—The increase in expenditures attributable to clause (i) shall not be taken into account in applying subsection (c)(2)(B)(ii)(II).".

NRHA SUPPORTS "EQUAL PAY FOR EQUAL WORK"

WASHINGTON, DC., Jan. 7.—The National Rural Health Association (NRHA) today strongly endorsed legislation introduced by Representative Doug Bereuter (R.-Neb) that would provide rural physicians with Medicare payments closer to those of their urban counterparts. The Rural Equity Payment Index Reform Act addresses the little known fact that the federal government pays rural doctors at a lower rate.

"An office visit to a rural physician is no different than an office visit to an urban physician," NRHA President Wayne Myers, M.D., said. "The idea that physicians are reimbursed for their work and their skills at a lower rate simply on the basis that they choose to practice in a rural area and serve our rural communities is completely ludicrous."

The Bereuter bill would lessen the disparity that currently exists between urban and rural areas. By gradually phasing in a floor that upwardly adjusts reimbursement rates for rural providers, without lowering the reimbursement in urban areas, the discrepancy in payment will progressively be corrected. "These health care providers put as much or even more time, skill and intensity into a patient visit as their urban counterparts," Rep. Bereuter said, "yet they are paid less for their work under the Medicare program. This is a formula that is punishing non-metropolitan areas."

Under the current Medicare physician payment formula, residents of non-metropolitan areas essentially subsidize the delivery of health care in metropolitan areas. Even though rural areas tend to have larger populations of Medicare beneficiaries, they are subsidizing health care in urban areas, while their own communities are struggling to attract health care professionals.

"This is a top priority issue for the NRHA," Myers said. "In fact, this disparity in health care is among the basic reasons the NRHA exists. "For far too long, rural American health care has been overlooked in Washington. We applaud Congressman Bereuter for his efforts and look forward to working with him to ensure rural physicians—and rural residents alike—receive an equitable deal."

The NRHA is a national nonprofit membership organization that provides leadership on rural health issues. The association's mission is to improve the health of rural Americans and to provide leadership on rural health issues through advocacy, communications, education and research. The NRHA membership is made up of a diverse collection of individuals and organizations.

AMERICAN PHYSICAL THERAPY
ASSOCIATION,
March 25, 2003.

Hon. DOUG BEREUTER (R-NE),
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN BEREUTER: The American Physical Therapy Association (APTA) would like to express its appreciation for your legislation to correct an inequity in Medicare payments to rural health care providers. APTA strongly supports HR 33, The Rural Equity Payment Index Reform (REPaIR) Act. This legislation is a positive step to ensuring improved access to quality health care services, including those delivered by licensed physical therapists, in rural America. The current inequity of payment to health care providers under the Medicare physician fee schedule and its Geographic Medical Practice Index needs to be corrected to ensure that qualified providers continue to serve the needs of our rural communities.

Physical therapists are highly qualified and recognized providers under Medicare who bill for their services under the Medicare Physician Fee Schedule. Your legislation (HR 33) would improve access and payment for appropriate physical therapy services in rural and underserved areas. This legislation would also go a long way to attract and retain physical therapist to consider rural areas for practice and service. Access to qualified health care providers is a growing problem in rural America and your legislation is one of many steps to reverse this trend.

We applaud your dedication to rural health and express our support that Congress pass HR 33, The Rural Equity Payment Index Reform (REPaIR) Act in this Congress. If you have questions, please feel free to contact Justin Moore at 703-706-3162 or *justinmoore@apta.org.*

Sincerely,

G. DAVID MASON,
Vice President, Government Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 882. A bill to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safeguards, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today we are introducing the Tax Administration Good Government Act.

The legislation contains five major components. First, it provides additional safeguards for taxpayers. Second, the legislation significantly simplifies the current interest and penalty regimes. Third, the Act also includes the proposals passed out of the Finance Committee on April 2, 2003 and included in a bill introduced by Senators HATCH and BREAUX to modernize the United States Tax Court.

Fourth, our legislation also includes several provisions, some of which were requested by the Treasury Department and the Joint Committee on Taxation, to strike an appropriate balance in protecting taxpayer confidentiality through disclosure reforms. Finally, the legislation takes a small, but important step toward simplification of the tax code through the elimination of obsolete provisions.

We have worked closely with the Treasury Department, the Internal Revenue Service, the National Taxpayer Advocate and the Joint Committee on Taxation to develop this package of proposals to promote good government in the administration of our tax code.

Congress's responsibility for the tax system does not stop after we pass tax law changes. We have an oversight responsibility to ensure that taxpayer rights are protected, that our tax laws are not administered counter to Congressional intent, that the judicial body with primary jurisdiction over the tax laws has the tools necessary to provide independent review of controversies between taxpayers and the Internal Revenue Service, and to take steps to simplify the tax code whenever possible.

It is our intention to pass a package of tax administration good government proposals out of the Finance Committee in the coming months. We urge our colleagues to support this important legislation.

We also submit for the RECORD a more detailed description of the specific provisions included in the Tax Administration Good Government Act.

I ask unanimous consent that the text of the bill and the description be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Administration Good Government Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—IMPROVEMENTS IN TAX ADMINISTRATION AND TAXPAYER SAFEGUARDS

Subtitle A—Improving Efficiency and Safeguards in Internal Revenue Service Collection

Sec. 101. Waiver of user fee for installment agreements using automated withdrawals.
Sec. 102. Partial payment of tax liability in installment agreements.
Sec. 103. Termination of installment agreements.
Sec. 104. Office of Chief Counsel review of offers in compromise.
Sec. 105. Seven-day threshold on tolling of statute of limitations during National Taxpayer Advocate review.
Sec. 106. Increase in penalty for bad checks or money orders.
Sec. 107. Financial management service fees.
Sec. 108. Elimination of restriction on offsetting refunds from former residents.

Subtitle B—Processing and Personnel

Sec. 111. Explanation of statute of limitations and consequences of failure to file.
Sec. 112. Disclosure of tax information to facilitate combined employment tax reporting.
Sec. 113. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 114. Amendment to Treasury auction reforms.
Sec. 115. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 116. IRS Oversight Board approval of use of critical pay authority.
Sec. 117. Low-income taxpayer clinics.
Sec. 118. Enrolled agents.
Sec. 119. Establishment of disaster response team.
Sec. 120. Accelerated tax refunds.
Sec. 121. Study on clarifying record-keeping responsibilities.
Sec. 122. Streamline reporting process for National Taxpayer Advocate.

Subtitle C—Other Provisions

Sec. 131. Penalty on failure to report interests in foreign financial accounts.
Sec. 132. Repeal of personal holding company tax.

TITLE II—REFORM OF PENALTY AND INTEREST

Sec. 201. Individual estimated tax.
Sec. 202. Corporate estimated tax.
Sec. 203. Increase in large corporation threshold for estimated tax payments.
Sec. 204. Abatement of interest.
Sec. 205. Deposits made to suspend running of interest on potential underpayments.
Sec. 206. Freeze of provision regarding suspension of interest where Secretary fails to contact taxpayer.
Sec. 207. Expansion of interest netting.
Sec. 208. Clarification of application of Federal tax deposit penalty.
Sec. 209. Frivolous tax submissions.

TITLE III—UNITED STATES TAX COURT MODERNIZATION

Subtitle A—Tax Court Procedure

Sec. 301. Jurisdiction of Tax Court over collection due process cases.
Sec. 302. Authority for special trial judges to hear and decide certain employment status cases.
Sec. 303. Confirmation of authority of Tax Court to apply doctrine of equitable recoupment.
Sec. 304. Tax Court filing fee in all cases commenced by filing petition.
Sec. 305. Amendments to appoint employees.
Sec. 306. Expanded use of Tax Court practice fee for pro se taxpayers.

Subtitle B—Tax Court Pension and Compensation

Sec. 311. Annuities for survivors of Tax Court judges who are assassinated.
Sec. 312. Cost-of-living adjustments for Tax Court judicial survivor annuities.
Sec. 313. Life insurance coverage for Tax Court judges.
Sec. 314. Cost of life insurance coverage for Tax Court judges age 65 or over.
Sec. 315. Modification of timing of lump-sum payment of judges' accrued annual leave.
Sec. 316. Participation of Tax Court judges in the Thrift Savings Plan.
Sec. 317. Exemption of teaching compensation of retired judges from limitation on outside earned income.
Sec. 318. General provisions relating to magistrate judges of the Tax Court.
Sec. 319. Annuities to surviving spouses and dependent children of magistrate judges of the Tax Court.
Sec. 320. Retirement and annuity program.
Sec. 321. Incumbent magistrate judges of the Tax Court.
Sec. 322. Provisions for recall.
Sec. 323. Effective date.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Clarification of definition of church tax inquiry.
Sec. 402. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 403. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 404. Prohibition of disclosure of taxpayer identifying number with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors and other agents with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Civil damages for unauthorized inspection or disclosure.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.
Sec. 410. Disclosure to State officials of proposed actions related to section 501(c) organizations.
Sec. 411. Treatment of public records.
Sec. 412. Investigative disclosures.
Sec. 413. TIN matching.
Sec. 414. Form 8300 disclosures.
Sec. 415. Technical amendment.

TITLE V—SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS

Sec. 501. Simplification through elimination of inoperative provisions.

TITLE I—IMPROVEMENTS IN TAX ADMINISTRATION AND TAXPAYER SAFEGUARDS

Subtitle A—Improving Efficiency and Safeguards in Internal Revenue Service Collection

SEC. 101. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) WAIVER OF USER FEES FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 102. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159, as amended by this Act, is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 103. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) CONFORMING AMENDMENT.—Section 6159(b)(4) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED

FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 104. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 105. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING NATIONAL TAXPAYER ADVOCATE REVIEW.

(a) IN GENERAL.—Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after "application," the following: "but only if the date of such decision is at least 7 days after the date of the taxpayer's application".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 106. INCREASE IN PENALTY FOR BAD CHECKS OR MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after December 31, 2003.

SEC. 107. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 108. ELIMINATION OF RESTRICTION ON OFFSETTING REFUNDS FROM FORMER RESIDENTS.

Section 6402(e) (relating to collection of past-due, legally enforceable State income tax obligations) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively.

Subtitle B—Processing and Personnel

SEC. 111. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2001 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 112. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

Section 6103(d)(5) is amended to read as follows:

"(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.".

SEC. 113. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after "509(a))" the following: "or as a private operating foundation (as defined in section 4942(j)(3))"; and

(2) by amending subparagraph (C) to read as follows:

"(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) or 501(d) which is exempt from tax under section 501(a), or".

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking "United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia" and inserting the following: "United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after December 31, 2003.

SEC. 114. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL.—Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon "(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to meetings held after the date of the enactment of this Act.

SEC. 115. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

"SEC. 7804A. TERMINATION OF EMPLOYMENT FOR MISCONDUCT.

"(a) IN GENERAL.—Subject to subsection (c), the Commissioner shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties. Such termination shall be a removal for cause on charges of misconduct.

"(b) ACTS OR OMISSIONS.—The acts or omissions described under this subsection are—

"(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets,

"(2) providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative,

"(3) with respect to a taxpayer or taxpayer representative, the violation of—

"(A) any right under the Constitution of the United States, or

"(B) any civil right established under—

"(i) title VI or VII of the Civil Rights Act of 1964,

"(ii) title IX of the Education Amendments of 1972,

"(iii) the Age Discrimination in Employment Act of 1967,

"(iv) the Age Discrimination Act of 1975,

"(v) section 501 or 504 of the Rehabilitation Act of 1973, or

"(vi) title I of the Americans with Disabilities Act of 1990,

"(4) falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative,

"(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final judgment by a court in a civil case, with respect to the assault or battery,

"(6) violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative,

"(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry,

"(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect,

"(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect, and

"(10) threatening to audit a taxpayer for the purpose of extracting personal gain or benefit.

"(c) DETERMINATIONS OF COMMISSIONER.—

"(1) IN GENERAL.—The Commissioner may take a personnel action other than termination for an act or omission described under subsection (b).

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in the Commissioner's sole discretion, may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

"(3) NO APPEAL.—Any determination of the Commissioner under this subsection may not be appealed in any administrative or judicial proceeding.

"(d) DEFINITION.—For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

"Sec. 7804A. Termination of employment for misconduct.".

(c) REPEAL OF SUPERSEDED SECTION.—Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206; 112 Stat. 720) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 116. IRS OVERSIGHT BOARD APPROVAL OF USE OF CRITICAL PAY AUTHORITY.

(a) IN GENERAL.—Section 7802(d)(3) (relating to management) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following new subparagraph:

"(D) review and approve the Commissioner's use of critical pay authority under section 9502 of title 5, United States Code, and streamlined critical pay authority under section 9503 of such title.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to personnel hired after the date of the enactment of this Act.

SEC. 117. LOW-INCOME TAXPAYER CLINICS.

(a) GRANTS FOR RETURN PREPARATION CLINICS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

"SEC. 7526A. RETURN PREPARATION CLINICS FOR LOW-INCOME TAXPAYERS.

"(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RETURN PREPARATION CLINIC.—

"(A) IN GENERAL.—The term 'qualified return preparation clinic' means a clinic which—

"(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

"(ii) operates programs which assist low-income taxpayers in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

"(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"(2) CLINIC.—The term 'clinic' includes—

"(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

"(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

"(c) SPECIAL RULES AND LIMITATIONS.—

"(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

"(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

"Sec. 7526A. Return preparation clinics for low-income taxpayers.".

(b) GRANTS FOR TAXPAYER REPRESENTATION AND ASSISTANCE CLINICS.—

(1) INCREASE IN AUTHORIZED GRANTS.—Section 7526(c)(1) (relating to aggregate limitation) is amended by striking "$6,000,000" and inserting "$10,000,000".

(2) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—

(A) IN GENERAL.—Section 7526(c) (relating to special rules and limitations) is amended by adding at the end the following new paragraph:

"(6) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the overhead expenses of any clinic or of any institution sponsoring such clinic.".

(B) CONFORMING AMENDMENTS.—Section 7526(c)(5) is amended—

(i) by inserting "qualified" before "low-income", and

(ii) by striking the last sentence.

(3) PROMOTION OF CLINICS.—Section 7526(c), as amended by paragraph (2), is amended by adding at the end the following new paragraph:

"(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

SEC. 118. ENROLLED AGENTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ENROLLED AGENTS.

"(a) IN GENERAL.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

"(b) USE OF CREDENTIALS.—Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Enrolled agents.".

(c) PRIOR REGULATIONS.—Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 119. ESTABLISHMENT OF DISASTER RESPONSE TEAM.

(a) IN GENERAL.—Section 7508A (relating to authority to postpone certain tax-related deadlines by reason of presidentially declared disaster) is amended by adding at the end the following new subsection:

"(c) DUTIES OF DISASTER RESPONSE TEAM.—

"(1) RESPONSE TO DISASTERS.—The Secretary shall—

"(A) establish as a permanent office in the national office of the Internal Revenue Service a disaster response team composed of members, who in addition to their regular responsibilities, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as so defined), and

"(B) respond to requests by such taxpayers for filing extensions and technical guidance expeditiously.

"(2) PERSONNEL OF DISASTER RESPONSE TEAM.—The disaster response team shall be composed of—

"(A) personnel from the Office of the Taxpayer Advocate, and

"(B) personnel from the national office of the Internal Revenue Service with expertise in individual, corporate, and small business tax matters.

"(3) COORDINATION WITH FEMA.—The disaster response team shall operate in coordination with the Director of the Federal Emergency Management Agency.

"(4) TOLL-FREE TELEPHONE NUMBER.—The Commissioner of Internal Revenue shall establish and maintain a toll-free telephone number for taxpayers to use to receive assistance from the disaster response team.

"(5) INTERNET WEBPAGE SITE.—The Commissioner of Internal Revenue shall establish and maintain a site on the Internet webpage of the Internal Revenue Service for information for taxpayers described in paragraph (1)(A).".

(b) FEMA.—The Director of the Federal Emergency Management Agency shall work in coordination with the disaster response team established under section 7804(c)(1)(A) of the Internal Revenue Code of 1986 to provide timely assistance to disaster victims described in such section, including—

(1) informing the disaster response team regarding any tax-related problems or issues arising in connection with the disaster,

(2) providing the toll-free telephone number established and maintained by the Internal Revenue Service for the disaster victims in all materials provided to such victims, and

(3) providing the information described in section 7804(c)(5) of such Code on the Internet webpage of the Federal Emergency Management Agency or through a link on such webpage to the Internet webpage site of the Internal Revenue Service described in such section.

(c) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 120. ACCELERATED TAX REFUNDS.

(a) Study.—The Secretary of the Treasury shall study the implementation of an accelerated refund program for taxpayers who—

(1) maintain the same filing characteristics from year to year, and

(2) elect the direct deposit option for any refund under the program.

(b) Report.—Not later than the date which is 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall transmit a report of the study described in subsection (a), including recommendations, to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 121. STUDY ON CLARIFYING RECORD-KEEPING RESPONSIBILITIES.

(a) Study.—The Secretary of the Treasury shall study—

(1) the scope of the records required to be maintained by taxpayers under section 6001 of the Internal Revenue Code of 1986,

(2) the utility of requiring taxpayers to maintain all records indefinitely,

(3) such requirement given the necessity to upgrade technological storage for outdated records,

(4) the number of negotiated records retention agreements requested by taxpayers and the number entered into by the Internal Revenue Service, and

(5) proposals regarding taxpayer recordkeeping.

(b) Report.—Not later than the date which is 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall transmit a report of the study described in subsection (a), including recommendations, to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 122. STREAMLINE REPORTING PROCESS FOR NATIONAL TAXPAYER ADVOCATE.

(a) One Annual Report.—Subparagraph (B) of section 7803(c)(2) (relating to functions of Office) is amended—

(1) by striking all matter preceding subclause (I) of clause (ii) and inserting the following:

"(B) Annual report.—

"(i) In general.—Not later than December 31 of each calendar year, the National Taxpayer Advocate shall report to the Committee of Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Office of the Taxpayer Advocate for the fiscal year beginning in such calendar year and the activities of such Office during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—",

(2) by striking "clause (ii)" in clause (iv) and inserting "clause (i)", and

(3) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(b) Effective Date.—The amendments made by this section shall apply to reports in calendar year 2003 and thereafter.

Subtitle C—Other Provisions

SEC. 131. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) In General.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) Foreign financial agency transaction violation.—

"(A) Penalty authorized.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) Amount of penalty.—

"(i) In general.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) Reasonable cause exception.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) Willful violations.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) Amount.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation."

(b) Effective Date.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 132. REPEAL OF PERSONAL HOLDING COMPANY TAX.

(a) In General.—Part II of subchapter G of chapter 1 (relating to personal holding companies) is hereby repealed.

(b) Conforming Amendments.—

(1) Section 12(2) is amended to read as follows:

"(2) For accumulated earnings tax, see part I of subchapter G (sec. 531 and following).".

(2) Section 26(b)(2) is amended by striking subparagraph (G) and by redesignating the succeeding subparagraphs accordingly.

(3) Section 30A(c) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(4) Section 41(e)(7)(E) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(5) Section 56(b)(2) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(6) Section 170(e)(4)(D) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(7) Section 111(d) is amended to read as follows:

"(d) Special Rules for Accumulated Earnings Tax.—In applying subsection (a) for the purpose of determining the accumulated earnings tax under section 531—

"(1) any excluded amount under subsection (a) allowed for purposes of this subtitle (other than section 531) shall be allowed whether or not such amount resulted in a reduction of the tax under section 531 for the prior taxable year, and

"(2) where any excluded amount under subsection (a) was not allowed as a deduction for the prior taxable year for purposes of this subtitle other than section 531 but was allowable for the same taxable year under section 531, then such excluded amount shall be allowable if it did not result in a reduction of the tax under section 531.".

(8)(A) Section 316(b) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(B) Section 331(b) is amended by striking "(other than a distribution referred to in paragraph (2)(B) of section 316(b))".

(9) Section 341(d) is amended—

(A) by striking "section 544(a)" and inserting "section 465(f)", and

(B) by inserting before the period at the end of the next to the last sentence "and such paragraph (2) shall be applied by inserting 'by or for his partner' after 'his family' ".

(10) Section 381(c) is amended by striking paragraphs (14) and (17).

(11) Section 443(e) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(12) Section 447(g)(4)(A) is amended by striking "other than—" and all that follows and inserting "other than an S corporation."

(13)(A) Section 465(a)(1)(B) is amended to read as follows:

"(B) a C corporation which is closely held.".

(B) Section 465(a)(3) is amended to read as follows:

"(3) Closely held determination.—For purposes of paragraph (1), a corporation is closely held if, at any time during the last half of the taxable year, more than 50 percent in value of its outstanding stock is owned, directly or indirectly, by or for not more than 5 individuals. For purposes of this paragraph, an organization described in section 401(a), 501(c)(17), or 509(a) or a portion of a trust permanently set aside or to be used exclusively for the purposes described in section 642(c) shall be considered an individual."

(C) Section 465 is amended by adding at the end the following new subsection:

"(f) Constructive Ownership Rules.—For purposes of subsection (a)(3)—

"(1) Stock not owned by individual.—Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

"(2) Family ownership.—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family. For purposes of this paragraph, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(3) Options.—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(4) Application of family and option rules.—Paragraphs (2) and (3) shall be applied if, but only if, the effect is to make the corporation closely held under subsection (a)(3).

"(5) CONSTRUCTIVE OWNERSHIP AS ACTUAL OWNERSHIP.—Stock constructively owned by a person by reason of the application of paragraph (1) or (3), shall, for purposes of applying paragraph (1) or (2), be treated as actually owned by such person; but stock constructively owned by an individual by reason of the application of paragraph (2) shall not be treated as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

"(6) OPTION RULE IN LIEU OF FAMILY RULE.—If stock may be considered as owned by an individual under either paragraph (2) or (3) it shall be considered as owned by him under paragraph (3).

"(7) CONVERTIBLE SECURITIES.—Outstanding securities convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock if the effect of the inclusion of all such securities is to make the corporation closely held under subsection (a)(3). The requirement under the preceding sentence that all convertible securities must be included if any are to be included shall be subject to the exception that, where some of the outstanding securities are convertible only after a later date than in the case of others, the class having the earlier conversion date may be included although the others are not included, but no convertible securities shall be included unless all outstanding securities having a prior conversion date are also included."

(D) Section 465(c)(7)(B) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(E) Section 465(c)(7)(G) is amended to read as follows:

"(G) LOSS OF 1 MEMBER OF AFFILIATED GROUP MAY NOT OFFSET INCOME OF PERSONAL SERVICE CORPORATION.—Nothing in this paragraph shall permit any loss of a member of an affiliated group to be used as an offset against the income of any other member of such group which is a personal service corporation (as defined in section 269A(b) but determined by substituting '5 percent' for '10 percent' in section 269A(b)(2))."

(14) Sections 508(d), 4947, and 4948(c)(4) are each amended by striking "545(b)(2)," each place it appears.

(15) Section 532(b) is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(16) Sections 535(b)(1) and 556(b)(1) are each amended by striking "section 541" and inserting "section 541 (as in effect before its repeal)".

(17)(A) Section 553(a)(1) is amended by striking "section 543(d)" and inserting "subsection (c)".

(B) Section 553 is amended by adding at the end the following new subsection:

"(c) ACTIVE BUSINESS COMPUTER SOFTWARE ROYALTIES.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'active business computer software royalties' means any royalties—

"(A) received by any corporation during the taxable year in connection with the licensing of computer software, and

"(B) with respect to which the requirements of paragraphs (2), (3), (4), and (5) are met.

"(2) ROYALTIES MUST BE RECEIVED BY CORPORATION ACTIVELY ENGAGED IN COMPUTER SOFTWARE BUSINESS.—The requirements of this paragraph are met if the royalties described in paragraph (1)—

"(A) are received by a corporation engaged in the active conduct of the trade or business of developing, manufacturing, or producing computer software, and

"(B) are attributable to computer software which—

"(i) is developed, manufactured, or produced by such corporation (or its predecessor) in connection with the trade or business described in subparagraph (A), or

"(ii) is directly related to such trade or business.

"(3) ROYALTIES MUST CONSTITUTE AT LEAST 50 PERCENT OF INCOME.—The requirements of this paragraph are met if the royalties described in paragraph (1) constitute at least 50 percent of the ordinary gross income of the corporation for the taxable year.

"(4) DEDUCTIONS UNDER SECTIONS 162 AND 174 RELATING TO ROYALTIES MUST EQUAL OR EXCEED 25 PERCENT OF ORDINARY GROSS INCOME.—

"(A) IN GENERAL.—The requirements of this paragraph are met if—

"(i) the sum of the deductions allowable to the corporation under sections 162, 174, and 195 for the taxable year which are properly allocable to the trade or business described in paragraph (2) equals or exceeds 25 percent of the ordinary gross income of such corporation for such taxable year, or

"(ii) the average of such deductions for the 5-taxable year period ending with such taxable year equals or exceeds 25 percent of the average ordinary gross income of such corporation for such period.

If a corporation has not been in existence during the 5-taxable year period described in clause (ii), then the period of existence of such corporation shall be substituted for such 5-taxable year period.

"(B) DEDUCTIONS ALLOWABLE UNDER SECTION 162.—For purposes of subparagraph (A), a deduction shall not be treated as allowable under section 162 if it is specifically allowable under another section.

"(C) LIMITATION ON ALLOWABLE DEDUCTIONS.—For purposes of subparagraph (A), no deduction shall be taken into account with respect to compensation for personal services rendered by the 5 individual shareholders holding the largest percentage (by value) of the outstanding stock of the corporation. For purposes of the preceding sentence individuals holding less than 5 percent (by value) of the stock of such corporation shall not be taken into account."

(18) Section 561(a) is amended by striking paragraph (3), by inserting "and" at the end of paragraph (1), and by striking ", and" at the end of paragraph (2) and inserting a period.

(19) Section 562(b) is amended to read as follows:

"(b) DISTRIBUTIONS IN LIQUIDATION.—Except in the case of a foreign personal holding company described in section 552—

"(1) in the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction, and

"(2) in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

For purposes of paragraph (1), a liquidation includes a redemption of stock to which section 302 applies. Except to the extent provided in regulations, the preceding sentence shall not apply in the case of any mere holding or investment company which is not a regulated investment company."

(20) Section 563 is amended by striking subsection (b).

(21) Section 564 is hereby repealed.

(22) Section 631(c) is amended by striking "or section 545(b)(5)".

(23) Section 852(b)(1) is amended by striking "which is a personal holding company (as defined in section 542) or".

(24)(A) Section 856(h)(1) is amended to read as follows:

"(1) IN GENERAL.—For purposes of subsection (a)(6), a corporation, trust, or association is closely held if the stock ownership requirement of section 465(a)(3) is met."

(B) Section 856(h)(3)(A)(i) is amended by striking "section 542(a)(2)" and inserting "section 465(a)(3)".

(C) Paragraph (3) of section 856(h) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(D) Subparagraph (C) of section 856(h)(3), as redesignating by the preceding subparagraph, is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(25) The last sentence of section 882(c)(2) is amended to read as follows:

"The preceding sentence shall not be construed to deny the credit provided by section 33 for tax withheld at source or the credit provided by section 34 for certain uses of gasoline.".

(26) Section 936(a)(3) is amended by striking subparagraph (C), by inserting "or" at the end of subparagraph (B), and by redesignating subparagraph (D) as subparagraph (C).

(27) Section 992(d) is amended by striking paragraph (2) and by redesignating succeeding paragraphs accordingly.

(28) Section 992(e) is amended by striking "and section 541 (relating to personal holding company tax)".

(29) Section 1202(e)(8) is amended by striking "section 543(d)(1)" and inserting "section 553(c)(1)".

(30) Section 1362(d)(3)(C)(iii) is amended by adding at the end the following new sentence: "References to section 542 in the preceding sentence shall be treated as references to such section as in effect on the day before its repeal."

(31) Section 1504(c)(2)(B) is amended by adding "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(32) Section 2057(e)(2)(C) is amended by adding at the end the following new sentence: "References to sections 542 and 543 in the preceding sentence shall be treated as references to such sections as in effect on the day before their repeal."

(33) Sections 6422 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (12) and paragraphs (3) through (11), respectively.

(34) Section 6501 is amended by striking subsection (f).

(35) Section 6503(k) is amended by striking paragraph (1) and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(36) Section 6515 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(37) Subsections (d)(1)(B) and (e)(2) of section 6662 are each amended by striking "or a personal holding company (as defined in section 542)".

(38) Section 6683 is hereby repealed.

(c) Clerical Amendments.—

(1) The table of parts for subchapter G of chapter 1 is amended by striking the item relating to part II.

(2) The table of sections for part IV of such subchapter G is amended by striking the item relating to section 564.

(3) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(d) Effective Date.—The amendments made by this Act shall apply to taxable years beginning after December 31, 2003.

TITLE II—REFORM OF PENALTY AND INTEREST

SEC. 201. INDIVIDUAL ESTIMATED TAX.

(a) Increase in Exception for Individuals Owing Small Amount of Tax.—Section 6654(e)(1) (relating to exception where tax is small amount) is amended by striking "$1,000" and inserting "$2,000".

(b) Computation of Addition to Tax.—Subsections (a) and (b) of section 6654 (relating to failure by individual to pay estimated taxes) are amended to read as follows:

"(a) Addition to the Tax.—

"(1) In general.—Except as otherwise provided in this section, in the case of any underpayment of estimated tax by an individual for a taxable year, there shall be added to the tax under chapters 1 and 2 for the taxable year the amount determined under paragraph (2) for each day of underpayment.

"(2) Amount.—The amount of the addition to tax for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

"(b) Amount of Underpayment; Interest Rate.—For purposes of subsection (a)—

"(1) Amount.—The amount of the underpayment on any day shall be the excess of—

"(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

"(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

"(2) Determination of interest rate.—

"(A) In general.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

"(B) Installment underpayment period.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

"(C) Daily rate.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

"(3) Termination of estimated tax interest.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 202. CORPORATE ESTIMATED TAX.

(a) Increase in Small Tax Amount Exception.—Section 6655(f) (relating to exception where tax is small amount) is amended by striking "$500" and inserting "$1,000".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 203. INCREASE IN LARGE CORPORATION THRESHOLD FOR ESTIMATED TAX PAYMENTS.

(a) In General.—Section 6655(g)(2) (defining large corporation) is amended—

(1) by striking "$1,000,000" in subparagraph (A) and inserting "the applicable amount",

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) Applicable amount.—For purposes of subparagraph (A), the applicable amount is $1,000,000 increased (but not above $1,500,000) by $50,000 for each taxable year beginning after 2004.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 204. ABATEMENT OF INTEREST.

(a) Abatement of Interest for Periods Attributable to Any Unreasonable IRS Error or Delay.—Section 6404(e)(1) is amended—

(1) by striking "in performing a ministerial or managerial act" in subparagraphs (A) and (B),

(2) by striking "deficiency" in subparagraph (A) and inserting "underpayment of any tax, addition to tax, or penalty imposed by this title", and

(3) by striking "tax described in section 6212(a)" in subparagraph (B) and inserting "tax, addition to tax, or penalty imposed by this title".

(b) Abatement of Interest to Extent Interest Is Attributable to Taxpayer Reliance on Written Statements of the IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking "Penalty or Addition" and inserting "Interest, Penalty, or Addition"; and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking "penalty or addition" and inserting "interest, penalty, or addition".

(c) Effective Date.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 205. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) In General.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) Authority To Make Deposits Other Than As Payment of Tax.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) No Interest Imposed.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) Return of Deposit.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) Payment of Interest.—

"(1) In general.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) Disputable tax.—

"(A) In general.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) Safe harbor based on 30-day letter.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) Other definitions.—For purposes of paragraph (2)—

"(A) Disputable item.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-day letter.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) Rate of interest.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) Use of Deposits.—

"(1) Payment of tax.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(2) Returns of deposits.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to deposits made after December 31, 2003.

(2) Coordination with deposits made under Revenue Procedure 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 206. FREEZE OF PROVISIONS REGARDING SUSPENSION OF INTEREST WHERE SECRETARY FAILS TO CONTACT TAXPAYER.

(a) IN GENERAL.—Section 6404(G) (relating to suspension of interest and certain penalties where secretary fails to contact taxpayer) is amended by striking “1-year period (18-month period in the case of taxable years beginning before January 1, 2004)” both places it appears and inserting “18-month period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. EXPANSION OF INTEREST NETTING.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: “Solely for purposes of the preceding sentence, section 6611(e) shall not apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to interest accrued after December 31, 2003.

SEC. 208. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

SEC. 209. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

“(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

“(1) such person files what purports to be a return of a tax imposed by this title but which—

“(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

“(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

“(2) the conduct referred to in paragraph (1)—

“(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(B) reflects a desire to delay or impede the administration of Federal tax laws.

“(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

“(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

“(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

“(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term ‘specified frivolous submission’ means a specified submission if any portion of such submission—

“(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(ii) reflects a desire to delay or impede the administration of Federal tax laws.

“(B) SPECIFIED SUBMISSION.—The term ‘specified submission’ means—

“(i) a request for a hearing under—

“(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

“(II) section 6330 (relating to notice and opportunity for hearing before levy), and

“(ii) an application under—

“(I) section 7811 (relating to taxpayer assistance orders),

“(II) section 6159 (relating to agreements for payment of tax liability in installments), or

“(III) section 7122 (relating to compromises).

“(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission promptly after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

“(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

“(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

“(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.”

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

“(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking “(A)” and inserting “(A)(i)”;

(B) by striking “(B)” and inserting “(ii)”;

(C) by striking the period at the end of the first sentence and inserting “; or”; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

“(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).”

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”, and

(2) in subsection (c), by striking “and (e)” and inserting “(e), and (g)”.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

“(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

“Sec. 6702. Frivolous tax submissions.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

TITLE III—UNITED STATES TAX COURT MODERNIZATION

Subtitle A—Tax Court Procedure

SEC. 301. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL.—Paragraph (1) of section 6330(d) (relating to proceeding after hearing) is amended to read as follows:

“(1) JUDICIAL REVIEW OF DETERMINATION.—The person may, within 30 days of a determination under this section, appeal such determination to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations made after the date of the enactment of this Act.

SEC. 302. AUTHORITY FOR SPECIAL TRIAL JUDGES TO HEAR AND DECIDE CERTAIN EMPLOYMENT STATUS CASES.

(a) IN GENERAL.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking “and” at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

“(5) any proceeding under section 7436(c), and”.

(b) CONFORMING AMENDMENT.—Section 7443A(c) is amended by striking “or (4)” and inserting “(4), or (5)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any proceeding under section 7436(c) of the Internal Revenue Code of 1986 with respect to which a decision has not become final (as determined under section 7481 of such Code) before the date of the enactment of this Act.

SEC. 303. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.—Section 6214(b) (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any action or proceeding in the United States Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 304. TAX COURT FILING FEE IN ALL CASES COMMENCED BY FILING PETITION.

(a) IN GENERAL.—Section 7451 (relating to fee for filing a Tax Court petition) is amended by striking all that follows "petition" and inserting a period.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 305. AMENDMENTS TO APPOINT EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 7471 (relating to Tax Court employees) is amended to read as follows:

"(a) APPOINTMENT AND COMPENSATION.—

"(1) CLERK.—The Tax Court may appoint a clerk without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The clerk shall serve at the pleasure of the Tax Court.

"(2) LAW CLERKS AND SECRETARIES.—

"(A) IN GENERAL.—The judges and special trial judges of the Tax Court may appoint law clerks and secretaries, in such numbers as the Tax Court may approve, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such law clerk or secretary shall serve at the pleasure of the appointing judge.

"(B) EXEMPTION FROM FEDERAL LEAVE PROVISIONS.—A law clerk appointed under this subsection shall be exempt from the provisions of subchapter I of chapter 63 of title 5, United States Code. Any unused sick leave or annual leave standing to the employee's credit as of the effective date of this subsection shall remain credited to the employee and shall be available to the employee upon separation from the Federal Government.

"(3) DEPUTIES AND OTHER EMPLOYEES.—The clerk may appoint necessary deputies and employees without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such deputies and employees shall be subject to removal by the clerk.

"(4) PAY.—The Tax Court may fix and adjust the compensation for the clerk and other employees of the Tax Court without regard to the provisions of chapter 51, subchapter III of chapter 53, or section 5373 of title 5, United States Code. To the maximum extent feasible, the Tax Court shall compensate employees at rates consistent with those for employees holding comparable positions in the judicial branch.

"(5) PROGRAMS.—The Tax Court may establish programs for employee evaluations, incentive awards, flexible work schedules, premium pay, and resolution of employee grievances.

"(6) DISCRIMINATION PROHIBITED.—The Tax Court shall—

"(A) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

"(B) promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment.

"(7) EXPERTS AND CONSULTANTS.—The Tax Court may procure the services of experts and consultants under section 3109 of title 5, United States Code.

"(8) RIGHTS TO CERTAIN APPEALS RESERVED.—Notwithstanding any other provision of law, an individual who is an employee of the Tax Court on the day before the effective date of this subsection and who, as of that day, was entitled to—

"(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

"(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code,

"(C) appeal a prohibited personnel practice described under section 2302(b) of title 5, United States Code, to the Merit Systems Protection Board under chapter 77 of that title,

"(D) make an allegation of a prohibited personnel practice described under section 2302(b) of title 5, United States Code, with the Office of Special Counsel under chapter 12 of that title for action in accordance with that chapter, or

"(E) file an appeal with the Equal Employment Opportunity Commission under part 1614 of title 29 of the Code of Federal Regulations,

shall be entitled to file such appeal or make such an allegation so long as the individual remains an employee of the Tax Court.

"(9) COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Tax Court who has completed at least 1 year of continuous service under a non temporary appointment with the Tax Court acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

"(10) MERIT SYSTEM PRINCIPLES; PROHIBITED PERSONNEL PRACTICES; AND PREFERENCE ELIGIBLES.—Any personnel management system of the Tax Court shall—

"(A) include the principles set forth in section 2301(b) of title 5, United States Code;

"(B) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code; and

"(C) in the case of any individual who would be a preference eligible in the executive branch, the Tax Court will provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date the United States Tax Court adopts a personnel management system after the date of the enactment of this Act.

SEC. 306. EXPANDED USE OF TAX COURT PRACTICE FEE FOR PRO SE TAXPAYERS.

(a) IN GENERAL.—Section 7475(b) (relating to use of fees) is amended by inserting before the period at the end "and to provide services to pro se taxpayers".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Tax Court Pension and Compensation

SEC. 311. ANNUITIES FOR SURVIVORS OF TAX COURT JUDGES WHO ARE ASSASSINATED.

(a) ELIGIBILITY IN CASE OF DEATH BY ASSASSINATION.—Subsection (h) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended to read as follows:

"(h) ENTITLEMENT TO ANNUITY.—

"(1) IN GENERAL.—

"(A) ANNUITY TO SURVIVING SPOUSE.—If a judge described in paragraph (2) is survived by a surviving spouse but not by a dependent child, there shall be paid to such surviving spouse an annuity beginning with the day of the death of the judge or following the surviving spouse's attainment of the age of 50 years, whichever is the later, in an amount computed as provided in subsection (m).

"(B) ANNUITY TO CHILD.—If such a judge is survived by a surviving spouse and a dependent child or children, there shall be paid to such surviving spouse an immediate annuity in an amount computed as provided in subsection (m), and there shall also be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 10 percent of the average annual salary of such judge (determined in accordance with subsection (m)), or

"(ii) 20 percent of such average annual salary, divided by the number of such children.

"(C) ANNUITY TO SURVIVING DEPENDENT CHILDREN.—If such a judge leaves no surviving spouse but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 20 percent of the average annual salary of such judge (determined in accordance with subsection (m)), or

"(ii) 40 percent of such average annual salary, divided by the number of such children.

"(2) COVERED JUDGES.—Paragraph (1) applies to any judge electing under subsection (b)—

"(A) who dies while a judge after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), for the last 5 years of which the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made or the salary deductions required by the civil service retirement laws have actually been made, or

"(B) who dies by assassination after having rendered less than 5 years of civilian service computed as prescribed in subsection (n) if, for the period of such service, the salary deductions provided for by subsection (c)(1) or the deposits required by subsection (d) have actually been made.

"(3) TERMINATION OF ANNUITY.—

"(A) IN THE CASE OF A SURVIVING SPOUSE.—The annuity payable to a surviving spouse under this subsection shall be terminable upon such surviving spouse's death or such surviving spouse's remarriage before attaining age 55.

"(B) IN THE CASE OF A CHILD.—The annuity payable to a child under this subsection shall be terminable upon (i) the child attaining the age of 18 years, (ii) the child's marriage, or (iii) the child's death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability the child's annuity shall be terminable only upon death, marriage, or recovery from such disability.

"(C) IN THE CASE OF A DEPENDENT CHILD AFTER DEATH OF SURVIVING SPOUSE.—In case of the death of a surviving spouse of a judge leaving a dependent child or children of the judge surviving such spouse, the annuity of such child or children shall be recomputed and paid as provided in paragraph (1)(C).

"(D) RECOMPUTATION.—In any case in which the annuity of a dependent child is terminated under this subsection, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

"(4) SPECIAL RULE FOR ASSASSINATED JUDGES.—In the case of a survivor or survivors of a judge described in paragraph (2)(B), there shall be deducted from the annuities otherwise payable under this section an amount equal to—

"(A) the amount of salary deductions provided for by subsection (c)(1) that would have been made if such deductions had been made for 5 years of civilian service computed as prescribed in subsection (n) before the judge's death, reduced by

"(B) the amount of such salary deductions that were actually made before the date of the judge's death.

(b) Definition of Assassination.—Section 7448(a) (relating to definitions) is amended by adding at the end the following new paragraph:

"(8) The terms 'assassinated' and 'assassination' mean the killing of a judge that is motivated by the performance by that judge of his or her official duties.".

(c) Determination of Assassination.—Subsection (i) of section 7448 is amended—

(1) by striking the subsection heading and inserting the following:

"(i) Determinations by Chief Judge.—

"(1) Dependency and disability.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) Assassination.—The chief judge shall determine whether the killing of a judge was an assassination, subject to review only by the Tax Court. The head of any Federal agency that investigates the killing of a judge shall provide information to the chief judge that would assist the chief judge in making such a determination.".

(d) Computation of Annuities.—Subsection (m) of section 7448 is amended—

(1) by striking the subsection heading and inserting the following:

"(m) Computation of Annuities.—

"(1) In general.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) Assassinated judges.—In the case of a judge who is assassinated and who has served less than 3 years, the annuity of the surviving spouse of such judge shall be based upon the average annual salary received by such judge for judicial service.".

(e) Other Benefits.—Section 7448 is amended by adding at the end the following:

"(u) Other Benefits.—In the case of a judge who is assassinated, an annuity shall be paid under this section notwithstanding a survivor's eligibility for or receipt of benefits under chapter 81 of title 5, United States Code, except that the annuity for which a surviving spouse is eligible under this section shall be reduced to the extent that the total benefits paid under this section and chapter 81 of that title for any year would exceed the current salary for that year of the office of the judge.".

SEC. 312. COST-OF-LIVING ADJUSTMENTS FOR TAX COURT JUDICIAL SURVIVOR ANNUITIES.

(a) In General.—Subsection (s) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended to read as follows:

"(s) Increases in Survivor Annuities.—Each time that an increase is made under section 8340(b) of title 5, United States Code, in annuities payable under subchapter III of chapter 83 of that title, each annuity payable from the survivors annuity fund under this section shall be increased at the same time by the same percentage by which annuities are increased under such section 8340(b).".

(b) Effective Date.—The amendments made by this section shall apply with respect to increases made under section 8340(b) of title 5, United States Code, in annuities payable under subchapter III of chapter 83 of that title, taking effect after the date of the enactment of this Act.

SEC. 313. LIFE INSURANCE COVERAGE FOR TAX COURT JUDGES.

(a) In General.—Section 7447 (relating to retirement of judges) is amended by adding at the end the following new subsection:

"(j) Life insurance coverage.—For purposes of chapter 87 of title 5, United States Code (relating to life insurance), any individual who is serving as a judge of the Tax Court or who is retired under this section is deemed to be an employee who is continuing in active employment.".

(b) Effective Date.—The amendment made by this section shall apply to any individual serving as a judge of the United States Tax Court or to any retired judge of the United States Tax Court on the date of the enactment of this Act.

SEC. 314. COST OF LIFE INSURANCE COVERAGE FOR TAX COURT JUDGES AGE 65 OR OVER.

Section 7472 (relating to expenditures) is amended by inserting after the first sentence the following new sentence: "Notwithstanding any other provision of law, the Tax Court is authorized to pay on behalf of its judges, age 65 or over, any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the chief judge in a manner consistent with such payments authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28, United States Code.".

SEC. 315. MODIFICATION OF TIMING OF LUMP-SUM PAYMENT OF JUDGES' ACCRUED ANNUAL LEAVE.

(a) In General.—Section 7443 (relating to membership of the Tax Court) is amended by adding at the end the following new subsection:

"(h) Lump-Sum Payment of Judges' Accrued Annual Leave.—Notwithstanding the provisions of sections 5551 and 6301 of title 5, United States Code, when an individual subject to the leave system provided in chapter 63 of that title is appointed by the President to be a judge of the Tax Court, the individual shall be entitled to receive, upon appointment to the Tax Court, a lump-sum payment from the Tax Court of the accumulated and accrued current annual leave standing to the individual's credit as certified by the agency from which the individual resigned.".

(b) Effective Date.—The amendment made by this section shall apply to any judge of the United States Tax Court who has an outstanding leave balance on the date of the enactment of this Act and to any individual appointed by the President to serve as a judge of the United States Tax Court after such date.

SEC. 316. PARTICIPATION OF TAX COURT JUDGES IN THE THRIFT SAVINGS PLAN.

(a) In General.—Section 7447 (relating to retirement of judges), as amended by this Act, is amended by adding at the end the following new subsection:

"(k) Thrift Savings Plan.—

"(1) Election to contribute.—

"(A) In general.—A judge of the Tax Court may elect to contribute to the Thrift Savings Fund established by section 8437 of title 5, United States Code.

"(B) Period of election.—An election may be made under this paragraph only during a period provided under section 8432(b) of title 5, United States Code, for individuals subject to chapter 84 of such title.

"(2) Applicability of title 5 provisions.—Except as otherwise provided in this subsection, the provisions of subchapters III and VII of chapter 84 of title 5, United States Code, shall apply with respect to a judge who makes an election under paragraph (1).

"(3) Special rules.—

"(A) Amount contributed.—The amount contributed by a judge to the Thrift Savings Fund in any pay period shall not exceed the maximum percentage of such judge's basic pay for such period as allowable under section 8440f of title 5, United States Code. Basic pay does not include any retired pay paid pursuant to this section.

"(B) Contributions for benefit of judge.—No contributions may be made for the benefit of a judge under section 8432(c) of title 5, United States Code.

"(C) Applicability of section 8433(b) of title 5 whether or not judge retires.—Section 8433(b) of title 5, United States Code, applies with respect to a judge who makes an election under paragraph (1) and who either—

"(i) retires under subsection (b), or

"(ii) ceases to serve as a judge of the Tax Court but does not retire under subsection (b).

Retirement under subsection (b) is a separation from service for purposes of subchapters III and VII of chapter 84 of that title.

"(D) Applicability of section 8351(b)(5) of title 5.—The provisions of section 8351(b)(5) of title 5, United States Code, shall apply with respect to a judge who makes an election under paragraph (1).

"(E) Exception.—Notwithstanding subparagraph (C), if any judge retires under this section, or resigns without having met the age and service requirements set forth under subsection (b)(2), and such judge's nonforfeitable account balance is less than an amount that the Executive Director of the Office of Personnel Management prescribes by regulation, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act, except that United States Tax Court judges may only begin to participate in the Thrift Savings Plan at the next open season beginning after such date.

SEC. 317. EXEMPTION OF TEACHING COMPENSATION OF RETIRED JUDGES FROM LIMITATION ON OUTSIDE EARNED INCOME.

(a) In General.—Section 7447 (relating to retirement of judges), as amended by this Act, is amended by adding at the end the following new subsection:

"(l) Teaching Compensation of Retired Judges.—For purposes of the limitation under section 501(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.), any compensation for teaching approved under subsection (a)(5) of that section shall not be treated as outside earned income when received by a judge of the Tax Court who has retired under subsection (b) for teaching performed during any calendar year for which such a judge has met the requirements of subsection (c), as certified by the chief judge of the Tax Court.".

(b) Effective Date.—The amendment made by this section shall apply to any individual serving as a retired judge of the United States Tax Court on or after the date of the enactment of this Act.

SEC. 318. GENERAL PROVISIONS RELATING TO MAGISTRATE JUDGES OF THE TAX COURT.

(a) Title of Special Trial Judge Changed to Magistrate Judge of the Tax Court.—The heading of section 7443A is amended to read as follows:

"SEC. 7443A. MAGISTRATE JUDGES OF THE TAX COURT.".

(b) Appointment, Tenure, and Removal.—Subsection (a) of section 7443A is amended to read as follows:

"(a) Appointment, Tenure, and Removal.—

"(1) Appointment.—The chief judge may, from time to time, appoint and reappoint magistrate judges of the Tax Court for a term of 8 years. The magistrate judges of the Tax Court shall proceed under such rules as may be promulgated by the Tax Court.

"(2) Removal.—Removal of a magistrate judge of the Tax Court during the term for which he or she is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but the office of a magistrate judge of the Tax Court shall be terminated if the judges of the Tax Court determine that the services performed by the magistrate judge of the Tax Court are no longer needed. Removal shall not occur unless a majority of all the judges of the Tax Court concur in the order of removal. Before any order of removal shall be entered, a full specification of the charges shall be furnished to the magistrate judge of the Tax Court, and he or she shall be accorded by the judges of the Tax Court an opportunity to be heard on the charges.".

(c) Salary.—Section 7443A(d) (relating to salary) is amended by striking "90" and inserting "92".

(d) Exemption From Federal Leave Provisions.—Section 7443A is amended by adding at the end the following new subsection:

"(f) Exemption From Federal Leave Provisions.—

"(1) In general.—A magistrate judge of the Tax Court appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5, United States Code.

"(2) Treatment of unused leave.—

"(A) After service as magistrate judge.—If an individual who is exempted under paragraph (1) from the subchapter referred to in such paragraph was previously subject to such subchapter and, without a break in service, again becomes subject to such subchapter on completion of the individual's service as a magistrate judge, the unused annual leave and sick leave standing to the individual's credit when such individual was exempted from this subchapter is deemed to have remained to the individual's credit.

"(B) Computation of annuity.—In computing an annuity under section 8339 of title 5, United States Code, the total service of an individual specified in subparagraph (A) who retires on an immediate annuity or dies leaving a survivor or survivors entitled to an annuity includes, without regard to the limitations imposed by subsection (f) of such section 8339, the days of unused sick leave standing to the individual's credit when such individual was exempted from subchapter I of chapter 63 of title 5, United States Code, except that these days will not be counted in determining average pay or annuity eligibility.

"(C) Lump sum payment.—Any accumulated and current accrued annual leave or vacation balances credited to a magistrate judge as of the date of the enactment of this subsection shall be paid in a lump sum at the time of separation from service pursuant to the provisions and restrictions set forth in section 5551 of title 5, United States Code, and related provisions referred to in such section.".

(e) Conforming Amendments.—

(1) The heading of subsection (b) of section 7443A is amended by striking "Special Trial Judges" and inserting "Magistrate Judges of the Tax Court".

(2) Section 7443A(b) is amended by striking "special trial judges of the court" and inserting "magistrate judges of the Tax Court".

(3) Subsections (c) and (d) of section 7443A are amended by striking "special trial judge" and inserting "magistrate judge of the Tax Court" each place it appears.

(4) Section 7443A(e) is amended by striking "special trial judges" and inserting "magistrate judges of the Tax Court".

(5) Section 7456(a) is amended by striking "special trial judge" each place it appears and inserting "magistrate judge".

(6) Subsection (c) of section 7471 is amended—

(A) by striking the subsection heading and inserting "Magistrate Judges of the Tax Court.—", and

(B) by striking "special trial judges" and inserting "magistrate judges".

SEC. 319. ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF MAGISTRATE JUDGES OF THE TAX COURT.

(a) Definitions.—Section 7448(a) (relating to definitions), as amended by this Act, is amended by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (7), (8), (9), and (10), respectively, and by inserting after paragraph (4) the following new paragraphs:

"(5) The term 'magistrate judge' means a judicial officer appointed pursuant to section 7443A, including any individual receiving an annuity under section 7443B, or chapters 83 or 84, as the case may be, of title 5, United States Code, whether or not performing judicial duties under section 7443C.

"(6) The term 'magistrate judge's salary' means the salary of a magistrate judge received under section 7443A(d), any amount received as an annuity under section 7443B, or chapters 83 or 84, as the case may be, of title 5, United States Code, and compensation received under section 7443C.".

(b) Election.—Subsection (b) of section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended—

(1) by striking the subsection heading and inserting the following:

"(b) Election.—

"(1) Judges.—",

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following new paragraph:

"(2) Magistrate judges.—Any magistrate judge may by written election filed with the chief judge bring himself or herself within the purview of this section. Such election shall be filed not later than the later of 6 months after—

"(A) 6 months after the date of the enactment of this paragraph,

"(B) the date the judge takes office, or

"(C) the date the judge marries.".

(c) Conforming Amendments.—

(1) The heading of section 7448 is amended by inserting "**AND MAGISTRATE JUDGES**" after "**JUDGES**".

(2) The item relating to section 7448 in the table of sections for part I of subchapter C of chapter 76 is amended by inserting "and magistrate judges" after "judges".

(3) Subsections (c)(1), (d), (f), (g), (h), (j), (m), (n), and (u) of section 7448, as amended by this Act, are each amended—

(A) by inserting "or magistrate judge" after "judge" each place it appears other than in the phrase "chief judge", and

(B) by inserting "or magistrate judge's" after "judge's" each place it appears.

(4) Section 7448(c) is amended—

(A) in paragraph (1), by striking "Tax Court judges" and inserting "Tax Court judicial officers",

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "and section 7443A(d)" after "(a)(4)", and

(ii) in subparagraph (B), by striking "subsection (a)(4)" and inserting "subsections (a)(4) and (a)(6)".

(5) Section 7448(g) is amended by inserting "or section 7443B" after "section 7447" each place it appears, and by inserting "or an annuity" after "retired pay".

(6) Section 7448(j)(1) is amended—

(A) in subparagraph (A), by striking "service or retired" and inserting "service, retired", and by inserting ", or receiving any annuity under section 7443B or chapters 83 or 84 of title 5, United States Code," after "section 7447", and

(B) in the last sentence, by striking "subsections (a)(6) and (7)" and inserting "paragraphs (8) and (9) of subsection (a)".

(7) Section 7448(m)(1), as amended by this Act, is amended—

(A) by inserting "or any annuity under section 7443B or chapters 83 or 84 of title 5, United States Code" after "7447(d)", and

(B) by inserting "or 7443B(m)(1)(B) after "7447(f)(4)".

(8) Section 7448(n) is amended by inserting "his years of service pursuant to any appointment under section 7443A," after "of the Tax Court,".

(9) Section 3121(b)(5)(E) is amended by inserting "or magistrate judge" before "of the United States Tax Court".

(10) Section 210(a)(5)(E) of the Social Security Act is amended by inserting "or magistrate judge" before "of the United States Tax Court".

SEC. 320. RETIREMENT AND ANNUITY PROGRAM.

(a) Retirement and Annuity Program.—Part I of subchapter C of chapter 76 is amended by inserting after section 7443A the following new section:

"SEC. 7443B. RETIREMENT FOR MAGISTRATE JUDGES OF THE TAX COURT.

"(a) Retirement Based on Years of Service.—A magistrate judge of the Tax Court to whom this section applies and who retires from office after attaining the age of 65 years and serving at least 14 years, whether continuously or otherwise, as such magistrate judge shall, subject to subsection (f), be entitled to receive, during the remainder of the magistrate judge's lifetime, an annuity equal to the salary being received at the time the magistrate judge leaves office.

"(b) Retirement Upon Failure of Reappointment.—A magistrate judge of the Tax Court to whom this section applies who is not reappointed following the expiration of the term of office of such magistrate judge, and who retires upon the completion of the term shall, subject to subsection (f), be entitled to receive, upon attaining the age of 65 years and during the remainder of such magistrate judge's lifetime, an annuity equal to that portion of the salary being received at the time the magistrate judge leaves office which the aggregate number of years of service, not to exceed 14, bears to 14, if—

"(1) such magistrate judge has served at least 1 full term as a magistrate judge, and

"(2) not earlier than 9 months before the date on which the term of office of such magistrate judge expires, and not later than 6 months before such date, such magistrate judge notified the chief judge of the Tax

Court in writing that such magistrate judge was willing to accept reappointment to the position in which such magistrate judge was serving.

“(c) Service of at Least 8 Years.—A magistrate judge of the Tax Court to whom this section applies and who retires after serving at least 8 years, whether continuously or otherwise, as such a magistrate judge shall, subject to subsection (f), be entitled to receive, upon attaining the age of 65 years and during the remainder of the magistrate judge's lifetime, an annuity equal to that portion of the salary being received at the time the magistrate judge leaves office which the aggregate number of years of service, not to exceed 14, bears to 14. Such annuity shall be reduced by ⅙ of 1 percent for each full month such magistrate judge was under the age of 65 at the time the magistrate judge left office, except that such reduction shall not exceed 20 percent.

“(d) Retirement for Disability.—A magistrate judge of the Tax Court to whom this section applies, who has served at least 5 years, whether continuously or otherwise, as such a magistrate judge, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the magistrate judge's lifetime, an annuity equal to 40 percent of the salary being received at the time of retirement or removal or, in the case of a magistrate judge who has served for at least 10 years, an amount equal to that proportion of the salary being received at the time of retirement or removal which the aggregate number of years of service, not to exceed 14, bears to 14.

“(e) Cost-of-Living Adjustments.—A magistrate judge of the Tax Court who is entitled to an annuity under this section is also entitled to a cost-of-living adjustment in such annuity, calculated and payable in the same manner as adjustments under section 8340(b) of title 5, United States Code, except that any such annuity, as increased under this subsection, may not exceed the salary then payable for the position from which the magistrate judge retired or was removed.

“(f) Election; Annuity in Lieu of Other Annuities.—

“(1) In general.—A magistrate judge of the Tax Court shall be entitled to an annuity under this section if the magistrate judge elects an annuity under this section by notifying the chief judge of the Tax Court not later than the later of—

“(A) 5 years after the magistrate judge of the Tax Court begins judicial service, or

“(B) 5 years after the date of the enactment of this subsection.

Such notice shall be given in accordance with procedures prescribed by the Tax Court.

“(2) Annuity in lieu of other annuity.—A magistrate judge who elects to receive an annuity under this section shall not be entitled to receive—

“(A) any annuity to which such magistrate judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, United States Code, for service performed as a magistrate or otherwise,

“(B) an annuity or salary in senior status or retirement under section 371 or 372 of title 28, United States Code,

“(C) retired pay under section 7447, or

“(D) retired pay under section 7296 of title 38, United States Code.

“(3) Coordination with title 5.—A magistrate judge of the Tax Court who elects to receive an annuity under this section—

“(A) shall not be subject to deductions and contributions otherwise required by section 8334(a) of title 5, United States Code,

“(B) shall be excluded from the operation of chapter 84 (other than subchapters III and VII) of such title 5, and

“(C) is entitled to a lump-sum credit under section 8342(a) or 8424 of such title 5, as the case may be.

“(g) Calculation of Service.—For purposes of calculating an annuity under this section—

“(1) service as a magistrate judge of the Tax Court to whom this section applies may be credited, and

“(2) each month of service shall be credited as 1/12 of a year, and the fractional part of any month shall not be credited.

“(h) Covered Positions and Service.—This section applies to any magistrate judge of the Tax Court or special trial judge of the Tax Court appointed under this subchapter, but only with respect to service as such a magistrate judge or special trial judge after a date not earlier than 9½ years before the date of the enactment of this subsection.

“(i) Payments Pursuant to Court Order.—

“(1) In general.—Payments under this section which would otherwise be made to a magistrate judge of the Tax Court based upon his or her service shall be paid (in whole or in part) by the chief judge of the Tax Court to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

“(2) Requirements for payment.—Paragraph (1) shall apply only to payments made by the chief judge of the Tax Court after the date of receipt by the chief judge of written notice of such decree, order, or agreement, and such additional information as the chief judge may prescribe.

“(3) Court defined.—For purposes of this subsection, the term ‘court’ means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian tribal court or courts of Indian offense.

“(j) Deductions, Contributions, and Deposits.—

“(1) Deductions.—Beginning with the next pay period after the chief judge of the Tax Court receives a notice under subsection (f) that a magistrate judge of the Tax Court has elected an annuity under this section, the chief judge shall deduct and withhold 1 percent of the salary of such magistrate judge. Amounts shall be so deducted and withheld in a manner determined by the chief judge. Amounts deducted and withheld under this subsection shall be deposited in the Treasury of the United States to the credit of the Tax Court Judicial Officers' Retirement Fund. Deductions under this subsection from the salary of a magistrate judge shall terminate upon the retirement of the magistrate judge or upon completion of 14 years of service for which contributions under this section have been made, whether continuously or otherwise, as calculated under subsection (g), whichever occurs first.

“(2) Consent to deductions; discharge of claims.—Each magistrate judge of the Tax Court who makes an election under subsection (f) shall be deemed to consent and agree to the deductions from salary which are made under paragraph (1). Payment of such salary less such deductions (and any deductions made under section 7448) is a full and complete discharge and acquittance of all claims and demands for all services rendered by such magistrate judge during the period covered by such payment, except the right to those benefits to which the magistrate judge is entitled under this section (and section 7448).

“(k) Deposits for Prior Service.—Each magistrate judge of the Tax Court who makes an election under subsection (f) may deposit, for service performed before such election for which contributions may be made under this section, an amount equal to 1 percent of the salary received for that service. Credit for any period covered by that service may not be allowed for purposes of an annuity under this section until a deposit under this subsection has been made for that period.

“(l) Individual Retirement Records.—The amounts deducted and withheld under subsection (j), and the amounts deposited under subsection (k), shall be credited to individual accounts in the name of each magistrate judge of the Tax Court from whom such amounts are received, for credit to the Tax Court Judicial Officers' Retirement Fund.

“(m) Annuities Affected in Certain Cases.—

“(1) 1-year forfeiture for failure to perform judicial duties.—Subject to paragraph (3), any magistrate judge of the Tax Court who retires under this section and who fails to perform judicial duties required of such individual by section 7443C shall forfeit all rights to an annuity under this section for a 1-year period which begins on the 1st day on which such individual fails to perform such duties.

“(2) Permanent forfeiture of retired pay where certain non-government services performed.—Subject to paragraph (3), any magistrate judge of the Tax Court who retires under this section and who thereafter performs (or supervises or directs the performance of) legal or accounting services in the field of Federal taxation for the individual's client, the individual's employer, or any of such employer's clients, shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which the individual performs (or supervises or directs the performance of) such services. The preceding sentence shall not apply to any civil office or employment under the Government of the United States.

“(3) Forfeitures not to apply where individual elects to freeze amount of annuity.—

“(A) In general.—If a magistrate judge of the Tax Court makes an election under this paragraph—

“(i) paragraphs (1) and (2) (and section 7443C) shall not apply to such magistrate judge beginning on the date such election takes effect, and

“(ii) the annuity payable under this section to such magistrate judge, for periods beginning on or after the date such election takes effect, shall be equal to the annuity to which such magistrate judge is entitled on the day before such effective date.

“(B) Election requirements.—An election under subparagraph (A)—

“(i) may be made by a magistrate judge of the Tax Court eligible for retirement under this section, and

“(ii) shall be filed with the chief judge of the Tax Court.

Such an election, once it takes effect, shall be irrevocable.

“(C) EFFECTIVE DATE OF ELECTION.—Any election under subparagraph (A) shall take effect on the first day of the first month following the month in which the election is made.

“(4) ACCEPTING OTHER EMPLOYMENT.—Any magistrate judge of the Tax Court who retires under this section and thereafter accepts compensation for civil office or employment under the United States Government (other than for the performance of functions as a magistrate judge of the Tax Court under section 7443C) shall forfeit all rights to an annuity under this section for the period for which such compensation is received. For purposes of this paragraph, the term ‘compensation’ includes retired pay or salary received in retired status.

“(n) LUMP-SUM PAYMENTS.—

“(1) ELIGIBILITY.—

“(A) IN GENERAL.—Subject to paragraph (2), an individual who serves as a magistrate judge of the Tax Court and—

“(i) who leaves office and is not reappointed as a magistrate judge of the Tax Court for at least 31 consecutive days,

“(ii) who files an application with the chief judge of the Tax Court for payment of a lump-sum credit,

“(iii) is not serving as a magistrate judge of the Tax Court at the time of filing of the application, and

“(iv) will not become eligible to receive an annuity under this section within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Payment of the lump-sum credit voids all rights to an annuity under this section based on the service on which the lump-sum credit is based, until that individual resumes office as a magistrate judge of the Tax Court.

“(B) PAYMENT TO SURVIVORS.—Lump-sum benefits authorized by subparagraphs (C), (D), and (E) of this paragraph shall be paid to the person or persons surviving the magistrate judge of the Tax Court and alive on the date title to the payment arises, in the order of precedence set forth in subsection (o) of section 376 of title 28, United States Code, and in accordance with the last 2 sentences of paragraph (1) of that subsection. For purposes of the preceding sentence, the term ‘judicial official’ as used in subsection (o) of such section 376 shall be deemed to mean ‘magistrate judge of the Tax Court’ and the terms ‘Administrative Office of the United States Courts’ and ‘Director of the Administrative Office of the United States Courts’ shall be deemed to mean ‘chief judge of the Tax Court’.

“(C) PAYMENT UPON DEATH OF JUDGE BEFORE RECEIPT OF ANNUITY.—If a magistrate judge of the Tax Court dies before receiving an annuity under this section, the lump-sum credit shall be paid.

“(D) PAYMENT OF ANNUITY REMAINDER.—If all annuity rights under this section based on the service of a deceased magistrate judge of the Tax Court terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid.

“(E) PAYMENT UPON DEATH OF JUDGE DURING RECEIPT OF ANNUITY.—If a magistrate judge of the Tax Court who is receiving an annuity under this section dies, any accrued annuity benefits remaining unpaid shall be paid.

“(F) PAYMENT UPON TERMINATION.—Any accrued annuity benefits remaining unpaid on the termination, except by death, of the annuity of a magistrate judge of the Tax Court shall be paid to that individual.

“(G) PAYMENT UPON ACCEPTING OTHER EMPLOYMENT.—Subject to paragraph (2), a magistrate judge of the Tax Court who forfeits rights to an annuity under subsection (m)(4) before the total annuity paid equals the lump-sum credit shall be entitled to be paid the difference if the magistrate judge of the Tax Court files an application with the chief judge of the Tax Court for payment of that difference. A payment under this subparagraph voids all rights to an annuity on which the payment is based.

“(2) SPOUSES AND FORMER SPOUSES.—

“(A) IN GENERAL.—Payment of the lump-sum credit under paragraph (1)(A) or a payment under paragraph (1)(G)—

“(i) may be made only if any current spouse and any former spouse of the magistrate judge of the Tax Court are notified of the magistrate judge’s application, and

“(ii) shall be subject to the terms of a court decree of divorce, annulment, or legal separation, or any court or court approved property settlement agreement incident to such decree, if—

“(I) the decree, order, or agreement expressly relates to any portion of the lump-sum credit or other payment involved, and

“(II) payment of the lump-sum credit or other payment would extinguish entitlement of the magistrate judge’s spouse or former spouse to any portion of an annuity under subsection (i).

“(B) NOTIFICATION.—Notification of a spouse or former spouse under this paragraph shall be made in accordance with such procedures as the chief judge of the Tax Court shall prescribe. The chief judge may provide under such procedures that subparagraph (A)(i) may be waived with respect to a spouse or former spouse if the magistrate judge establishes to the satisfaction of the chief judge that the whereabouts of such spouse or former spouse cannot be determined.

“(C) RESOLUTION OF 2 OR MORE ORDERS.—The chief judge shall prescribe procedures under which this paragraph shall be applied in any case in which the chief judge receives 2 or more orders or decrees described in subparagraph (A).

“(3) DEFINITION.—For purposes of this subsection, the term ‘lump-sum credit’ means the unrefunded amount consisting of—

“(A) retirement deductions made under this section from the salary of a magistrate judge of the Tax Court,

“(B) amounts deposited under subsection (k) by a magistrate judge of the Tax Court covering earlier service, and

“(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Tax Court Judicial Officers’ Retirement Fund during the preceding fiscal year from all obligations purchased by the Secretary during such fiscal year under subsection (o); but does not include interest—

“(i) if the service covered thereby aggregates 1 year or less, or

“(ii) for the fractional part of a month in the total service.

“(o) TAX COURT JUDICIAL OFFICERS’ RETIREMENT FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a fund which shall be known as the ‘Tax Court Judicial Officers’ Retirement Fund’. Amounts in the Fund are authorized to be appropriated for the payment of annuities, refunds, and other payments under this section.

“(2) INVESTMENT OF FUND.—The Secretary shall invest, in interest bearing securities of the United States, such currently available portions of the Tax Court Judicial Officers’ Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

“(3) UNFUNDED LIABILITY.—

“(A) IN GENERAL.—There are authorized to be appropriated to the Tax Court Judicial Officers’ Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

“(B) UNFUNDED LIABILITY.—For purposes of subparagraph (A), the term ‘unfunded liability’ means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, United States Code, of the present value of all benefits payable from the Tax Court Judicial Officers’ Retirement Fund over the sum of—

“(i) the present value of deductions to be withheld under this section from the future basic pay of magistrate judges of the Tax Court, plus

“(ii) the balance in the Fund as of the date the unfunded liability is determined.

“(p) PARTICIPATION IN THRIFT SAVINGS PLAN.—

“(1) ELECTION TO CONTRIBUTE.—

“(A) IN GENERAL.—A magistrate judge of the Tax Court who elects to receive an annuity under this section or under section 321 of the Tax Administration Good Government Act may elect to contribute an amount of such individual’s basic pay to the Thrift Savings Fund established by section 8437 of title 5, United States Code.

“(B) PERIOD OF ELECTION.—An election may be made under this paragraph only during a period provided under section 8432(b) of title 5, United States Code, for individuals subject to chapter 84 of such title.

“(2) APPLICABILITY OF TITLE 5 PROVISIONS.—Except as otherwise provided in this subsection, the provisions of subchapters III and VII of chapter 84 of title 5, United States Code, shall apply with respect to a magistrate judge who makes an election under paragraph (1).

“(3) SPECIAL RULES.—

“(A) AMOUNT CONTRIBUTED.—The amount contributed by a magistrate judge to the Thrift Savings Fund in any pay period shall not exceed the maximum percentage of such judge’s basic pay for such pay period as allowable under section 8440f of title 5, United States Code.

“(B) CONTRIBUTIONS FOR BENEFIT OF JUDGE.—No contributions may be made for the benefit of a magistrate judge under section 8432(c) of title 5, United States Code.

“(C) APPLICABILITY OF SECTION 8433(b) OF TITLE 5.—Section 8433(b) of title 5, United States Code, applies with respect to a magistrate judge who makes an election under paragraph (1) and—

“(i) who retires entitled to an immediate annuity under this section (including a disability annuity under subsection (d) of this section) or section 321 of the Tax Administration Good Government Act,

“(ii) who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under this section or section 321 of the Tax Administration Good Government Act, or

“(iii) who retires before becoming entitled to an immediate annuity, or an annuity upon attaining age 65, under this section or section 321 of the Tax Administration Good Government Act.

“(D) SEPARATION FROM SERVICE.—With respect to a magistrate judge to whom this subsection applies, retirement under this section or section 321 of the Tax Administration Good Government Act is a separation from service for purposes of subchapters III and VII of chapter 84 of title 5, United States Code.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'retirement' and 'retire' include removal from office under section 7443A(a)(2) on the sole ground of mental or physical disability.

"(5) OFFSET.—In the case of a magistrate judge who receives a distribution from the Thrift Savings Fund and who later receives an annuity under this section, that annuity shall be offset by an amount equal to the amount which represents the Government's contribution to that person's Thrift Savings Account, without regard to earnings attributable to that amount. Where such an offset would exceed 50 percent of the annuity to be received in the first year, the offset may be divided equally over the first 2 years in which that person receives the annuity.

"(6) EXCEPTION.—Notwithstanding clauses (i) and (ii) of paragraph (3)(C), if any magistrate judge retires under circumstances making such magistrate judge eligible to make an election under subsection (b) of section 8433 of title 5, United States Code, and such magistrate judge's nonforfeitable account balance is less than an amount that the Executive Director of the Office of Personnel Management prescribes by regulation, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment.".

(b) CONFORMING AMENDMENT.—The table of section for part I of subchapter C of chapter 76 is amended by inserting after the item relating to section 7443A the following new item:

"Sec. 7443B. Retirement for magistrate judges of the Tax Court.".

SEC. 321. INCUMBENT MAGISTRATE JUDGES OF THE TAX COURT.

(a) RETIREMENT ANNUITY UNDER TITLE 5 AND SECTION 7443B OF THE INTERNAL REVENUE CODE OF 1986.—A magistrate judge of the United States Tax Court in active service on the date of the enactment of this Act shall, subject to subsection (b), be entitled, in lieu of the annuity otherwise provided under the amendments made by this title, to—

(1) an annuity under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, United States Code, as the case may be, for creditable service before the date on which service would begin to be credited for purposes of paragraph (2), and

(2) an annuity calculated under subsection (b) or (c) and subsection (g) of section 7443B of the Internal Revenue Code of 1986, as added by this Act, for any service as a magistrate judge of the United States Tax Court or special trial judge of the United States Tax Court but only with respect to service as such a magistrate judge or special trial judge after a date not earlier than 9½ years prior to the date of the enactment of this Act (as specified in the election pursuant to subsection (b)) for which deductions and deposits are made under subsections (j) and (k) of such section 7443B, as applicable, without regard to the minimum number of years of service as such a magistrate judge of the United States Tax Court, except that—

(A) in the case of a magistrate judge who retired with less than 8 years of service, the annuity under subsection (c) of such section 7443B shall be equal to that proportion of the salary being received at the time the magistrate judge leaves office which the years of service bears to 14, subject to a reduction in accordance with subsection (c) of such section 7443B if the magistrate judge is under age 65 at the time he or she leaves office, and

(B) the aggregate amount of the annuity initially payable on retirement under this subsection may not exceed the rate of pay for the magistrate judge which is in effect on the day before the retirement becomes effective.

(b) FILING OF NOTICE OF ELECTION.—A magistrate judge of the United States Tax Court shall be entitled to an annuity under this section only if the magistrate judge files a notice of that election with the chief judge of the United States Tax Court specifying the date on which service would begin to be credited under section 7443B of the Internal Revenue Code of 1986, as added by this Act, in lieu of chapter 83 or chapter 84 of title 5, United States Code. Such notice shall be filed in accordance with such procedures as the chief judge of the United States Tax Court shall prescribe.

(c) LUMP-SUM CREDIT UNDER TITLE 5.—A magistrate judge of the United States Tax Court who makes an election under subsection (b) shall be entitled to a lump-sum credit under section 8342 or 8424 of title 5, United States Code, as the case may be, for any service which is covered under section 7443B of the Internal Revenue Code of 1986, as added by this Act, pursuant to that election, and with respect to which any contributions were made by the magistrate judge under the applicable provisions of title 5, United States Code.

(d) RECALL.—With respect to any magistrate judge of the United States Tax Court receiving an annuity under this section who is recalled to serve under section 7443C of the Internal Revenue Code of 1986, as added by this Act—

(1) the amount of compensation which such recalled magistrate judge receives under such section 7443C shall be calculated on the basis of the annuity received under this section, and

(2) such recalled magistrate judge of the United States Tax Court may serve as a reemployed annuitant to the extent otherwise permitted under title 5, United States Code.

Section 7443B(m)(4) of the Internal Revenue Code of 1986, as added by this Act, shall not apply with respect to service as a reemployed annuitant described in paragraph (2).

SEC. 322. PROVISIONS FOR RECALL.

(a) IN GENERAL.—Part I of subchapter C of chapter 76, as amended by this Act, is amended by inserting after section 7443B the following new section:

"SEC. 7443C. RECALL OF MAGISTRATE JUDGES OF THE TAX COURT.

"(a) RECALLING OF RETIRED MAGISTRATE JUDGES.—Any individual who has retired pursuant to section 7443B or the applicable provisions of title 5, United States Code, upon reaching the age and service requirements established therein, may at or after retirement be called upon by the chief judge of the Tax Court to perform such judicial duties with the Tax Court as may be requested of such individual for any period or periods specified by the chief judge; except that in the case of any such individual—

"(1) the aggregate of such periods in any 1 calendar year shall not (without such individual's consent) exceed 90 calendar days, and

"(2) such individual shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a magistrate judge of the Tax Court.

"(b) COMPENSATION.—For the year in which a period of recall occurs, the magistrate judge shall receive, in addition to the annuity provided under the provisions of section 7443B or under the applicable provisions of title 5, United States Code, an amount equal to the difference between that annuity and the current salary of the office to which the magistrate judge is recalled. The annuity of the magistrate judge who completes that period of service, who is not recalled in a subsequent year, and who retired under section 7443B, shall be equal to the salary in effect at the end of the year in which the period of recall occurred for the office from which such individual retired.

"(c) RULEMAKING AUTHORITY.—The provisions of this section may be implemented under such rules as may be promulgated by the Tax Court.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter C of chapter 76, as amended by this Act, is amended by inserting after the item relating to section 7443B the following new item:

"Sec. 7443C. Recall of magistrate judges of the Tax Court.".

SEC. 323. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

SEC. 401. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by inserting after paragraph (5) the following:

"(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.".

SEC. 402. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking "in writing" the first place it appears.

(b) ELIMINATION OF REPORTING REQUIREMENT.—Section 7803(d)(1) (relating to annual reporting) is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to requests made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to reports made after the date of the enactment of this Act.

SEC. 403. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL.—Paragraph (1) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended—

(1) by striking "TREASURY.—Returns and return information" and inserting "TREASURY.—

"(A) IN GENERAL.—Returns and return information", and

(2) by adding at the end the following new subparagraph:

"(B) TAXPAYER REPRESENTATIVES.—Notwithstanding subparagraph (A), the return or return information of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return or return information of such representative on a basis other than by reason of such relationship.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFYING NUMBER WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting "(other than the taxpayer's identifying number)" after "Return information".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS AND OTHER AGENTS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor or other agent to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor and other agent, a description of the contract or agreement with such contractor or other agent, and the duration of such contract or agreement. The requirements of this paragraph shall not apply to disclosures pursuant to subsection (n) for purposes of Federal tax administration.".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 6103(p)(8) is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to disclosures made after December 31, 2003.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2004.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended—

(1) by striking "TAXPAYER.—The Secretary" and inserting "TAXPAYER.—

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraphs:

"(2) RESTRICTIONS ON PERSONS OBTAINING INFORMATION.—The return of any taxpayer, or return information with respect to such taxpayer, disclosed to a person or persons under paragraph (1) for a purpose specified in writing, electronically, or orally may be disclosed or used by such person or persons only for the purpose of, and to the extent necessary in, accomplishing the purpose for disclosure specified and shall not be disclosed or used for any other purpose.

"(3) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for written requests and consents which shall—

"(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

"(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

"(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.

"(4) CROSS REFERENCE.—

"For provision providing for civil damages for violation of paragraph (2), see section 7431(i).".

(b) CIVIL DAMAGES.—Section 7431 (relating to civil damages for unauthorized inspection or disclosure of returns and return information) is amended by adding at the end the following new subsection:

"(i) DISCLOSURE OR USE OF RETURNS AND RETURN INFORMATION OBTAINED UNDER SUBSECTION 6103(c).—Disclosure or use of returns or return information obtained under section 6103(c) other than for—

"(1) the purpose of, and to the extent necessary in, accomplishing the purpose for disclosure specified in writing, electronically, or orally, or

"(2) subject to the safeguards set forth in section 6103, for purposes permitted under section 6103,

shall be treated as a violation of section 6103(a).".

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Secretary of the Treasury considers necessary or appropriate to better achieve the purposes of this section.

(d) SUNSET OF EXISTING CONSENTS.—Notwithstanding any other provision of law, any request for or consent to disclose any return or return information under section 6103(c) of the Internal Revenue Code of 1986 made before the date of the enactment of this Act shall remain in effect until the earlier of the date such request or consent is otherwise terminated or the date which is 3 taxable years after such date of enactment.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 407. CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: "The Secretary shall also notify such taxpayer if the Internal Revenue Service or, upon notice to the Secretary by a Federal or State agency, if such Federal or State agency, proposes an administrative determination as to disciplinary or adverse action against an employee arising from the employee's unauthorized inspection or disclosure of the taxpayer's return or return information. The notice described in this subsection shall include the date of the inspection or disclosure and the rights of the taxpayer under such administrative determination.".

(b) EXHAUSTION OF ADMINISTRATIVE REMEDIES REQUIRED.—Section 7431, as amended by this Act, is amended by adding at the end the following new subsection:

"(j) EXHAUSTION OF ADMINISTRATIVE REMEDIES REQUIRED.—A judgment for damages shall not be awarded under subsection (c) unless the court determines that the plaintiff has exhausted the administrative remedies available to such plaintiff within the Internal Revenue Service.".

(c) PAYMENT AUTHORITY CLARIFIED.—

(1) IN GENERAL.—Section 7431, as amended by subsection (b), is amended by adding at the end the following new subsection:

"(k) PAYMENT AUTHORITY.—Claims pursuant to this section shall be payable out of funds appropriated under section 1304 of title 31, United States Code.".

(2) ANNUAL REPORTS OF PAYMENTS.—The Secretary of the Treasury shall annually report to the Committee of Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding payments made from the United States Judgment Fund under section 7431(k) of the Internal Revenue Code of 1986.

(d) BURDEN OF PROOF FOR GOOD FAITH EXCEPTION RESTS WITH SECRETARY.—Section 7431(b) (relating to exceptions) is amended by adding at the end the following new flush sentence:

"In any proceeding involving the issue of the existence of good faith, the burden of proof with respect to such issue shall be on the Secretary.".

(e) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) REPORT ON WILLFUL UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the willful unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

"(A) administrative investigations,

"(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

"(C) criminal prosecutions.".

(c) Effective Dates.—

(1) Notice.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) Exhaustion of remedies and burden of proof.—The amendments made by subsections (b) and (d) shall apply to inspections and disclosures occurring on and after the date of the enactment of this Act.

(3) Payment authority.—The amendment made by subsection (c)(1) shall take effect on the date of the enactment of this Act.

(4) Reports.—The amendment made by subsection (e) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 408. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) In General.—Section 6103(i)(3)(B)(i) (relating to danger of death or physical injury) is amended by striking "or State law enforcement agency" and inserting ", State, or local law enforcement agency".

(b) Conforming Amendments.—Section 6103(p)(4) is amended—

(1) by striking "(i)(3)(B)(i) or (7)(A)(ii)" and inserting "(i)(7)(A)(ii)", and

(2) by striking ", (i)(3)(B)(i),".

(c) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 409. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) In General.—Section 6103(m)(1) (relating to tax refunds) is amended by striking "taxpayer identity information to the press and other media" and by inserting "a person's name and the city, State, and zip code of the person's mailing address to the press, other media, and through any other means of mass communication.".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 410. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c) ORGANIZATIONS.

(a) In General.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Disclosure of proposed actions related to charitable organizations.—

"(A) Specific notifications.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

"(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

"(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

"(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

"(B) Additional disclosures.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

"(C) Procedures for disclosure.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

"(i) upon written request by an appropriate State officer, and

"(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(D) Disclosures other than by request.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

"(3) Disclosure with respect to certain other exempt organizations.—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may be inspected only by or disclosed only to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(4) Use in civil judicial and administrative proceedings.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

"(5) No disclosure if impairment.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

"(6) Definitions.—For purposes of this subsection—

"(A) Return and return information.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

"(B) Appropriate state officer.—The term 'appropriate State officer' means—

"(i) the State attorney general,

"(ii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

"(iii) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 6103 is amended—

(A) by inserting "or any appropriate State officer who has or had access to returns or return information under section 6104(c)" after "this section" in paragraph (2), and

(B) by striking "or subsection (n)" in paragraph (3) and inserting "subsection (n), or section 6104(c)".

(2) Subparagraph (A) of section 6103(p)(3) is amended by inserting "and section 6104(c)" after "section" in the first sentence.

(3) Paragraph (4) of section 6103(p), as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18) or any appropriate State officer (as defined in section 6104(c))".

(4) The heading for paragraph (1) of section 6104(c) is amended by inserting "FOR CHARITABLE ORGANIZATIONS".

(5) Paragraph (2) of section 7213(a) is amended by inserting "or under section 6104(c)" after "6103".

(6) Paragraph (2) of section 7213A(a) is amended by inserting "or 6104(c)" after "6103".

(7) Paragraph (2) of section 7431(a) is amended by inserting "(including any disclosure in violation of section 6104(c))" after "6103".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 411. TREATMENT OF PUBLIC RECORDS.

(a) In General.—Section 6103(b) (relating to definitions) is amended by adding at the end the following new paragraph:

"(12) Treatment of public records.—Returns and return information shall not be subject to subsection (a) if disclosed—

"(A) in the course of any judicial or administrative proceeding or pursuant to tax administration activities, and

"(B) properly made part of the public record.".

(b) Effective Date.—The amendment made by this section shall take effect before, on, and after the date of the enactment of this Act.

SEC. 412. INVESTIGATIVE DISCLOSURES.

(a) In General.—Section 6103 (confidentiality and disclosure of returns and return information) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) Investigative Disclosures.—Nothing in this section may be construed to prohibit investigative agents of the Internal Revenue Service from identifying themselves, their organizational affiliation, and the criminal nature of an investigation when contacting third parties in writing or in person.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 413. TIN MATCHING.

(a) In General.—Section 6103(k) (relating to disclosure of certain returns and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

"(10) TIN matching.—The Secretary may disclose to any person required to provide a taxpayer identifying number (as described in section 6109) to the Secretary whether such information matches records maintained by the Secretary.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 414. FORM 8300 DISCLOSURES.

(a) In General.—Section 6103(p)(4) (relating to safeguards) is amended by striking "(15)," both places it appears.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 415. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 6103(i)(7)(A) (relating to disclosure to law enforcement agencies) is amended by adding at the end the following new clause:

"(v) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE V—SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS

SEC. 501. SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS.

(a) IN GENERAL.—

(1) ADJUSTMENTS IN TAX TABLES SO THAT INFLATION WILL NOT RESULT IN TAX INCREASES.—Paragraph (7) of section 1(f) is amended to read as follows:

"(7) SPECIAL RULE FOR CERTAIN BRACKETS.—In prescribing tables under paragraph (1) which apply to taxable years beginning in a calendar year after 1994, the cost-of-living adjustment used in making adjustments to the dollar amounts at which the 36 percent rate bracket begins or at which the 39.6 percent rate bracket begins shall be determined under paragraph (3) by substituting '1993' for '1992'.".

(2) REDUCED CAPITAL GAIN RATES FOR QUALIFIED 5-YEAR GAIN.—Paragraph (2) of section 1(h) is amended by striking "In the case of any taxable year beginning after December 31, 2000, the" and inserting "The".

(3) CREDIT FOR PRODUCING FUEL FROM NONCONVENTIONAL SOURCE.—Section 29 is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(4) EARNED INCOME CREDIT.—Paragraph (1) of section 32(b) is amended—

(A) by striking subparagraphs (B) and (C), and

(B) in subparagraph (A) by striking "(A) IN GENERAL.—In the case of taxable years beginning after 1995" and moving the table 2 ems to the left.

(5) GENERAL BUSINESS CREDITS.—Subsection (d) of section 38 is amended by striking paragraph (3).

(6) CARRYBACK AND CARRYFORWARD OF UNUSED CREDITS.—Subsection (d) of section 39 is amended by striking paragraphs (1) through (8) and by redesignating paragraphs (9) and (10) as paragraphs (1) and (2), respectively.

(7) ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS.—Clause (ii) of section 56(g)(4)(F) is amended by striking "In the case of any taxable year beginning after December 31, 1992, clause" and inserting "Clause".

(8) ITEMS OF TAX PREFERENCE; DEPLETION.—Paragraph (1) of section 57(a) is amended by striking "Effective with respect to taxable years beginning after December 31, 1992, this" and inserting "This".

(9) INTANGIBLE DRILLING COSTS.—

(A) Clause (i) of section 57(a)(2)(E) is amended by striking "In the case of any taxable year beginning after December 31, 1992, this" and inserting "This".

(B) Clause (ii) of section 57(a)(2)(E) is amended by striking "(30 percent in the case of taxable years beginning in 1993)".

(10) ANNUITIES; CERTAIN PROCEEDS OF ENDOWMENT AND LIFE INSURANCE CONTRACTS.—Section 72 is amended—

(A) in subsection (c)(4) by striking "; except that if such date was before January 1, 1954, then the annuity starting date is January 1, 1954", and

(B) in subsection (g)(3) by striking "January 1, 1954, or" and ", whichever is later".

(11) ACCIDENT AND HEALTH PLANS.—Section 105(f) is amended by striking "or (d)".

(12) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106(c)(1) is amended by striking "Effective on and after January 1, 1997, gross" and inserting "Gross".

(13) CERTAIN COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES.—Subsection (c) of section 112 is amended—

(A) by striking "(after June 24, 1950)" in paragraph (2), and

(B) striking "such zone;" and all that follows in paragraph (3) and inserting "such zone.".

(14) PRINCIPAL RESIDENCE.—Section 121(b)(3) is amended—

(A) by striking subparagraph (B); and

(B) in subparagraph (A) by striking "(A) IN GENERAL.—" and moving the text 2 ems to the left.

(15) CERTAIN REDUCED UNIFORMED SERVICES RETIREMENT PAY.—Section 122(b)(1) is amended by striking "after December 31, 1965,".

(16) GREAT PLAINS CONSERVATION PROGRAM.—Section 126(a) is amended by striking paragraph (6) and by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (6), (7), (8), and (9), respectively.

(17) MORTGAGE REVENUE BONDS FOR RESIDENCES IN FEDERAL DISASTER AREAS.—Section 143(k) is amended by striking paragraph (11).

(18) INTERIM AUTHORITY FOR GOVERNOR.—

(A) Section 146(e) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(B) Section 42(h)(3)(F) is amended by striking "(other than paragraph (2)(B) thereof)".

(19) TREBLE DAMAGE PAYMENTS UNDER THE ANTITRUST LAW.—Section 162(g) is amended by striking the last sentence.

(20) STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.—Paragraph (4) of section 162(h) is amended by striking "For taxable years beginning after December 31, 1980, this" and inserting "This".

(21) INTEREST.—

(A) Section 163 is amended by striking paragraph (6) of subsection (d) and paragraph (5) (relating to phase-in of limitation) of subsection (h).

(B) Section 56(b)(1)(C) is amended by striking clause (ii) and by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively.

(22) CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.—Section 170 is amended by striking subsection (k).

(23) AMORTIZABLE BOND PREMIUM.—Subparagraph (B) of section 171(b)(1) is amended to read as follows:

"(B)(i) in the case of a bond described in subsection (a)(2), with reference to the amount payable on maturity or earlier call date, and

"(ii) in the case of a bond described in subsection (a)(1), with reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period of earlier call date, with reference to the amount payable on earlier call date), and".

(24) NET OPERATING LOSS CARRYBACKS AND CARRYOVERS.—

(A) Section 172 is amended—

(i) by striking subparagraph (D) of subsection (b)(1) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively,

(ii) by striking subsection (g), and

(iii) by striking subparagraph (F) of subsection (h)(2).

(B) Section 172(h)(4) is amended by striking "subsection (b)(1)(E)" each place it appears and inserting "subsection (b)(1)(D)".

(C) Section 172(i)(3) is amended by striking "subsection (b)(1)(G)" each place it appears and inserting "subsection (b)(1)(F)".

(D) Section 172(j) is amended by striking "subsection (b)(1)(H)" each place it appears and inserting "subsection (b)(1)(G)".

(E) Section 172, as amended by subparagraphs (A) through (D) of this paragraph, is amended—

(i) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively,

(ii) by striking "subsection (h)" each place it appears and inserting "subsection (g)", and

(iii) by striking "subsection (i)" each place it appears and inserting "subsection (h)".

(25) RESEARCH AND EXPERIMENTAL EXPENDITURES.—Subparagraph (A) of section 174(a)(2) is amended to read as follows:

"(A) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this subsection for his first taxable year for which expenditures described in paragraph (1) are paid or incurred.".

(26) AMORTIZATION OF CERTAIN RESEARCH AND EXPERIMENTAL EXPENDITURES.—Paragraph (2) of section 174(b)(2) is amended by striking "beginning after December 31, 1953".

(27) SOIL AND WATER CONSERVATION EXPENDITURES.—Paragraph (1) of section 175(d) is amended to read as follows:

"(1) WITHOUT CONSENT.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this section for his first taxable year for which expenditures described in subsection (a) are paid or incurred.".

(28) ACTIVITIES NOT ENGAGED IN FOR PROFIT.—Section 183(e)(1) is amended by striking the last sentence.

(29) DIVIDENDS RECEIVED ON CERTAIN PREFERRED STOCK; AND DIVIDENDS PAID ON CERTAIN PREFERRED STOCK OF PUBLIC UTILITIES.—

(A) Sections 244 and 247 are hereby repealed and the table of sections for part VIII of subchapter B of chapter 1 is amended by striking the items relating to sections 244 and 247.

(B) Paragraph (5) of section 172(d) is amended to read as follows:

"(5) COMPUTATION OF DEDUCTION FOR DIVIDENDS RECEIVED.—The deductions allowed by section 243 (relating to dividends received by corporations) and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions).".

(C) Paragraph (1) of section 243(c) is amended to read as follows:

"(1) IN GENERAL.—In the case of any dividend received from a 20-percent owned corporation, subsection (a)(1) shall be applied by substituting '80 percent' for '70 percent'.".

(D) Section 243(d) is amended by striking paragraph (4).

(E) Section 246 is amended—

(i) by striking ", 244," in subsection (a)(1),

(ii) in subsection (b)(1)—

(I) by striking "sections 243(a)(1), and 244(a)," the first place it appears and inserting "section 243(a)(1),",

(II) by striking "244(a)," the second place it appears therein, and

(III) by striking "subsection (a) or (b) of section 245, and 247," and inserting "and subsection (a) or (b) of section 245,", and

(iii) by striking ", 244," in subsection (c)(1).

(F) Section 246A is amended by striking ", 244," both places it appears in subsections (a) and (e).

(G) Sections 263(g)(2)(B)(iii), 277(a), 301(e)(2), 469(e)(4), 512(a)(3)(A), subparagraphs (A), (C), and (D) of section 805(a)(4), 805(b)(5), 812(e)(2)(A), 815(c)(2)(A)(iii), 832(b)(5), 833(b)(3)(E), 1059(b)(2)(B), and 1244(c)(2)(C) are each amended by striking ", 244," each place it appears.

(H) Section 805(a)(4)(B) is amended by striking ", 244(a)," each place it appears.

(I) Section 810(c)(2)(B) is amended by striking "244 (relating to dividends on certain preferred stock of public utilities),".

(30) ORGANIZATION EXPENSES.—Section 248(c) is amended by striking "beginning after December 31, 1953," and by striking the last sentence.

(31) BOND REPURCHASE PREMIUM.—Section 249(b)(1) is amended by striking ", in the case of bonds or other evidences of indebtedness issued after February 28, 1913,".

(32) AMOUNT OF GAIN WHERE LOSS PREVIOUSLY DISALLOWED.—Section 267(d) is amended by striking "(or by reason of section 24(b) of the Internal Revenue Code of 1939)" in paragraph (1), by striking "after December 31, 1953," in paragraph (2), by striking the second sentence, and by striking "or by reason of section 118 of the Internal Revenue Code of 1939" in the last sentence.

(33) ACQUISITIONS MADE TO EVADE OR AVOID INCOME TAX.—Paragraphs (1) and (2) of section 269(a) are each amended by striking "or acquired on or after October 8, 1940,".

(34) INTEREST ON INDEBTEDNESS INCURRED BY CORPORATIONS TO ACQUIRE STOCK OR ASSETS OF ANOTHER CORPORATION.—Section 279 is amended—

(A) by striking "after December 31, 1967," in subsection (a)(2),

(B) by striking "after October 9, 1969," in subsection (b),

(C) by striking "after October 9, 1969, and" in subsection (d)(5), and

(D) by striking subsection (i) and by redesignating subsection (j) as subsection (i).

(35) SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS.—Paragraph (4) of section 291(a) is amended by striking "In the case of taxable years beginning after December 31, 1984, section" and inserting "Section".

(36) QUALIFICATIONS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN.—Section 409 is amended by striking subsections (a), (g), and (q).

(37) FUNDING STANDARDS.—Section 412(m)(4) is amended—

(A) by striking "the applicable percentage" in subparagraph (A) and inserting "25 percent", and

(B) by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(38) RETIREE HEALTH ACCOUNTS.—Section 420 is amended—

(A) by striking paragraph (4) in subsection (b) and by redesignating paragraph (5) as paragraph (4), and

(B) by amending paragraph (2) of subsection (c) to read as follows:

"(2) REQUIREMENTS RELATING TO PENSION BENEFITS ACCRUING BEFORE TRANSFER.—The requirements of this paragraph are met if the plan provides that the accrued pension benefits of any participant or beneficiary under the plan become nonforfeitable in the same manner which would be required if the plan had terminated immediately before the qualified transfer (or in the case of a participant who separated during the 1-year period ending on the date of the transfer, immediately before such separation).".

(39) EMPLOYEE STOCK PURCHASE PLANS.—Section 423(a) is amended by striking "after December 31, 1963,".

(40) LIMITATION ON DEDUCTIONS FOR CERTAIN FARMING.—Section 464 is amended—

(A) by striking "any farming syndicate (as defined in subsection (c))" both places it appears in subsections (a) and (b) and inserting "any taxpayer to whom subsection (f) applies", and

(B) by striking subsection (g).

(41) DEDUCTIONS LIMITED TO AMOUNT AT RISK.—

(A) Paragraph (3) of section 465(c) is amended by striking "In the case of taxable years beginning after December 31, 1978, this" and inserting "This".

(B) Paragraph (2) of section 465(e)(2)(A) is amended by striking "beginning after December 31, 1978".

(42) NUCLEAR DECOMMISSIONING COSTS.—Section 468A(e)(2) is amended—

(A) by striking "at the rate set forth in subparagraph (B)" in subparagraph (A) and inserting "at a rate of 20 percent", and

(B) by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(43) PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.—

(A) Section 469 is amended by striking subsection (m).

(B) Subsection (b) of section 58 is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(44) ADJUSTMENTS REQUIRED BY CHANGES IN METHOD OF ACCOUNTING.—Section 481(b)(3) is amended by striking subparagraph (C).

(45) EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.—Section 501 is amended by striking subsection (p).

(46) REQUIREMENTS FOR EXEMPTION.—

(A) Section 503(a)(1) is amended to read as follows:

"(1) GENERAL RULE.—An organization described in paragraph (17) or (18) of section 501(a) or described in section 401(a) and referred to in section 4975(g)(2) or (3) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction.".

(B) Paragraph (2) of section 503(a) is amended by striking "described in section 501(c)(17) or (18) or paragraph (a)(1)(B)" and inserting "described in paragraph (1)".

(C) Subsection (c) of section 503 is amended by striking "described in section 501(c)(17) or (18) or subsection (a)(1)(B)" and inserting "described in subsection (a)(1)".

(47) AMOUNTS RECEIVED BY SURVIVING ANNUITANT UNDER JOINT AND SURVIVOR ANNUITY CONTRACT.—Subparagraph (A) of section 691(d)(1) is amended by striking "after December 31, 1953, and".

(48) INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH.—Section 692(a)(1) is amended by striking "after June 24, 1950".

(49) INSURANCE COMPANY TAXABLE INCOME.—

(A) Section 832(e) is amended by striking "of taxable years beginning after December 31, 1966,".

(B) Section 832(e)(6) is amended by striking "In the case of any taxable year beginning after December 31, 1970, the" and by inserting "The".

(50) TAX ON NONRESIDENT ALIEN INDIVIDUALS.—Subparagraph (B) of section 871(a)(1) is amended to read as follows:

"(B) gains described in subsection (b) or (c) of section 631,".

(51) PROPERTY ON WHICH LESSEE HAS MADE IMPROVEMENTS.—Section 1019 is amended by striking the last sentence.

(52) INVOLUNTARY CONVERSION.—Section 1033 is amended by striking subsection (j) and by redesignating subsection (k) as subsection (j).

(53) PROPERTY ACQUIRED DURING AFFILIATION.—Section 1051 is repealed and the table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1051.

(54) HOLDING PERIOD OF PROPERTY.—

(A) Paragraph (5) of section 1223 is amended by striking "(or under so much of section 1052(c) as refers to section 113(a)(23) of the Internal Revenue Code of 1939)".

(B) Paragraph (7) of section 1223 is amended by striking the last sentence.

(C) Paragraph (9) of section 1223 is repealed.

(55) PROPERTY USED IN THE TRADE OR BUSINESS AND INVOLUNTARY CONVERSIONS.—Subparagraph (A) of section 1231(c)(2) is amended by striking "beginning after December 31, 1981".

(56) SALE OR EXCHANGE OF PATENTS.—Section 1235 is amended—

(A) by striking subsection (c) and by redesignating subsections (d) and (e) as (c) and (d), respectively, and

(B) by striking "(d)" in subsection (b) and inserting "(c)".

(57) DEALERS IN SECURITIES.—Subsection (b) of section 1236 is amended by striking "after November 19, 1951,".

(58) SALE OF PATENTS.—Subsection (a) of section 1249 is amended by striking "after December 31, 1962,".

(59) GAIN FROM DISPOSITION OF FARM LAND.—Paragraph (1) of section 1252(a) is amended by striking "after December 31, 1969," both places it appears.

(60) TREATMENT OF AMOUNTS RECEIVED ON RETIREMENT OR SALE OR EXCHANGE OF DEBT INSTRUMENTS.—Subsection (c) of section 1271 is amended to read as follows:

"(c) SPECIAL RULE FOR CERTAIN OBLIGATIONS WITH RESPECT TO WHICH ORIGINAL ISSUE DISCOUNT NOT CURRENTLY INCLUDIBLE.—

"(1) IN GENERAL.—On the sale or exchange of debt instruments issued by a government or political subdivision thereof after December 31, 1954, and before July 2, 1982, or by a corporation after December 31, 1954, and on or before May 27, 1969, any gain realized which does not exceed—

"(A) an amount equal to the original issue discount, or

"(B) if at the time of original issue there was no intention to call the debt instrument before maturity, an amount which bears the same ratio to the original issue discount as the number of complete months that the debt instrument was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as ordinary income.

"(2) SUBSECTION (a)(2)(A) NOT TO APPLY.—Subsection (a)(2)(A) shall not apply to any debt instrument referred to in subparagraph (A) of this paragraph.

"(3) CROSS REFERENCE.—

"For current inclusion of original issue discount, see section 1272.".

(61) AMOUNT AND METHOD OF ADJUSTMENT.—Section 1314 is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(62) ELECTION; REVOCATION; TERMINATION.—Clause (iii) of section 1362(d)(3) is amended by striking "unless" and all that follows and inserting "unless the corporation was an S corporation for such taxable year.".

(63) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—Subsection (a) of section 1401 is

amended by striking "the following percent" and all that follows and inserting "12.4 percent of the amount of the self-employment income for such taxable year.".

(64) HOSPITAL INSURANCE.—Subsection (b) of section 1401 is amended by striking "the following percent" and all that follows and inserting "2.9 percent of the amount of the self-employment income for such taxable year.".

(65) MINISTERS, MEMBERS OF RELIGIOUS ORDERS, AND CHRISTIAN SCIENCE PRACTITIONERS.—Paragraph (3) of section 1402(e) is amended by striking "whichever of the following dates is later: (A)" and by striking "; or (B)" and all that follows and by inserting a period.

(66) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—The first sentence of subsection (b) of section 1441 and the first sentence of paragraph (5) of section 1441(c) are each amended by striking "gains subject to tax" and all that follows through "October 4, 1966" and inserting "and gains subject to tax under section 871(a)(1)(D)".

(67) AFFILIATED GROUP DEFINED.—Subparagraph (A) of section 1504(a)(3) is amended by striking "for a taxable year which includes any period after December 31, 1984" in clause (i) and by striking "in a taxable year beginning after December 31, 1984" in clause (ii).

(68) DISALLOWANCE OF THE BENEFITS OF THE GRADUATED CORPORATE RATES AND ACCUMULATED EARNINGS CREDIT.—

(A) Subsection (a) of section 1551 is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(B) Section 1551(b) is amended—

(i) by striking "or (2)" in paragraph (1), and

(ii) by striking "(a)(3)" in paragraph (2) and inserting "(a)(2)".

(69) DEFINITION OF WAGES.—Section 3121(b) is amended by striking paragraph (17).

(70) CREDITS AGAINST TAX.—

(A) Paragraph (4) of section 3302(f) is amended by striking "subsection—" and all that follows through "(A) IN GENERAL.—", by striking subparagraph (B), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving the text of such subparagraphs (as so redesignated) 2 ems to the left.

(B) Paragraph (5) of section 3302(f) is amended by striking subparagraphs (D) and by redesignating subparagraph (E) as subparagraph (D).

(71) DOMESTIC SERVICE EMPLOYMENT TAXES.—Section 3510(b) is amended by striking paragraph (4).

(72) TAX ON FUEL USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.—Section 4042(b)(2)(A) is amended to read as follows:

"(A) The Inland Waterways Trust Fund financing rate is 20 cents per gallon.".

(73) TRANSPORTATION BY AIR.—Section 4261(e) is amended—

(A) in paragraph (1) by striking subparagraph (C), and

(B) by striking paragraph (5).

(74) TAXES ON FAILURE TO DISTRIBUTE INCOME.—Section 4942 is amended—

(A) by striking subsection (f)(2)(D),

(B) in subsection (g)(2)(A) by striking "For all taxable years beginning on or after January 1, 1975, subject" and inserting "Subject",

(C) in subsection (g) by striking paragraph (4), and

(D) in subsection (i)(2) by striking "beginning after December 31, 1969, and".

(75) TAXES ON TAXABLE EXPENDITURES.—Section 4945(f) is amended by striking "(excluding therefrom any preceding taxable year which begins before January 1, 1970)".

(76) RETURNS.—Subsection (a) of section 6039D is amended by striking "beginning after December 31, 1984,".

(77) INFORMATION RETURNS.—Subsection (c) of section 6060 is amended by striking "year" and all that follows and inserting "year.".

(78) ABATEMENTS.—Section 6404(f) is amended by striking paragraph (3).

(79) FAILURE BY CORPORATION TO PAY ESTIMATED INCOME TAX.—Clause (i) of section 6655(g)(4)(A) is amended by striking "(or the corresponding provisions of prior law)".

(80) RETIREMENT.—Section 7447(i)(3)(B)(ii) is amended by striking "at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter", and inserting "at 3 percent per annum".

(81) ANNUITIES TO SURVIVING SPOUSES AND DEPENDENT CHILDREN OF JUDGES.—

(A) Paragraph (2) of section 7448(a) is amended by striking "or under section 1106 of the Internal Revenue Code of 1939" and by striking "or pursuant to section 1106(d) of the Internal Revenue Code of 1939".

(B) Subsection (g) of section 7448 is amended by striking "or other than pursuant to section 1106 of the Internal Revenue Code of 1939".

(C) Subsection (j)(1) and (j)(2) of section 7448 are each amended by striking "at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter" and inserting "at 3 percent per annum".

(82) MERCHANT MARINE CAPITAL CONSTRUCTION FUNDS.—Paragraph (4) of section 7518(g) is amended by striking "any nonqualified withdrawal" and all that follows through "shall be determined" and inserting "any nonqualified withdrawal shall be determined".

(83) VALUATION TABLES.—Paragraph (3) of section 7520(c) is amended—

(A) by striking "Not later than December 31, 1989, the" and inserting "The", and

(B) by striking "thereafter" in the last sentence thereof.

(84) ADMINISTRATION AND COLLECTION OF TAXES IN POSSESSIONS.—Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(85) DEFINITION OF EMPLOYEE.—(A) Section 7701(a)(20) is amended by striking "chapter 21" and all that follows and inserting "chapter 21.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as otherwise provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SAVINGS PROVISION.—If—

(A) any provision amended or repealed by subsection (a) applied to—

(i) any transaction occurring before the date of the enactment of this Act,

(ii) any property acquired before such date of enactment, or

(iii) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(B) the treatment of such transaction, property, or item under such provision would (without regard to the amendments made by subsection (a)) affect the liability for tax for periods ending after such date of enactment, nothing in the amendments made by subsection (a) shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

TAX ADMINISTRATION GOOD GOVERNMENT ACT INTRODUCED APRIL 10, 2003

I. IMPROVE TAX ADMINISTRATION AND ESTABLISH TAXPAYER SAFEGUARDS

Collection

Waiver of user fee for installment agreements using automated withdrawals. The IRS imposes a $43 user fee on taxpayers entering into an installment agreement. The proposal would waive the user fee if the taxpayer agrees to automated withdrawal of installment payments from a bank account. This proposal will help facilitate collection through automated withdrawals.

Authorize partial pay installment agreements. The proposal restores authority that the IRS had prior to 1998 to allow IRS to enter into installment agreements with taxpayers that want to resolve their tax liability but cannot afford to make payments large enough to fully pay the liability at the end of the term of the installment agreement. The proposal would permit the collection of taxes from cases that are otherwise placed in the currently not collectible inventory.

Terminate installment agreements for failure to file returns and failure to make tax deposits. The proposal would stop the downward spiral where taxpayers owe more and the Government collects less. Although a significant number of taxpayers violate the terms of their installment agreements by failing to timely file their tax returns or make required Federal tax deposits, the IRS is not permitted to terminate installment agreements for these reasons.

Remove $50,000 threshold requirement for office of chief counsel review of offers in compromise—IRC section 7122(b). The proposal would remove the dollar threshold and give IRS discretion in determining when a Chief Counsel opinion is necessary. IRS attorneys are presently required to review offers where the tax assessed, including penalties and interest, exceeds $50,000. As a practical matter, IRS lawyers offer little in the way of review and often contribute to the delay in processing OICs.

Seven-day threshold on tolling of statute of limitations during National Taxpayer Advocate review. The proposal provides additional time, without tolling the statute of limitations, for review by the National Taxpayer Advocate for taxpayer assistance orders.

Increase Penalty for Bad Checks. Proposal would increase penalty for bad checks to $20 or 2% of amount over $1,000.

Allow the Financial Management Service to Retain Transaction Fees from Levied Amounts. Proposal would allow FMS to retain directly a portion of the levied funds as payment of FMS fees. A delinquent taxpayer, however, would receive full credit for the amount levied upon (i.e., the amount credited to a taxpayer's account would not be reduced by FMS's fee). The IRS pays FMS fees out of its own appropriations. The proposal would alter internal government accounting and allow the use of appropriated funds to administer the tax system.

Elimination or Restriction on Offsetting Refunds from former residents. The proposal would allow States to offset Federal tax refunds owed by former residents. In 1998, Congress authorized the state refund offset program. However, the provision did not authorize states to offset Federal tax refunds for State tax debts owed by former residents who had subsequently moved to another State. Former residents have the same safeguards as residents in these situations and there is strong precedence that clearly gives

States authority to impose and collect taxes on former residents.

Processing and Personnel

Explanation of Statute of Limitations and Consequences of Failure to Timely File. The proposal would require the IRS to provide taxpayers with an explanation of the consequences of failing to timely file refund claims.

Disclosure of tax information to facilitate combined employment tax reporting. The proposal would expand and make permanent the disclosure authority of the IRS to permit disclosures of name, address, taxpayer identification number, and signature to any State entity for purposes of carrying out a combined federal and state employment tax reporting program. Under current law, no tax information may be furnished by the Internal Revenue Service to another agency except as permitted under section 6103 which requires the other agency to establish procedural safeguards satisfactory to the IRS. A pilot program was established in 1997 in the State of Montana to assess the feasibility and desirability of expanding combined reporting. Reports from Montana were very positive about the program.

Expansion of declaratory judgment remedy to tax-exempt organizations. The proposal would extend declaratory judgment procedures similar to those currently available only to charities under section 7428 to other section 501(c) determinations. The proposal would limit jurisdiction over controversies involving such determinations to the United States Tax Court. In addition, the proposal would modify the present-law declaratory judgment procedures to provide that an organization is deemed to have exhausted its administrative remedies under the declaratory judgment procedures at the expiration of (1) 270 days after the date on which the request for a determination was made, or (2) in the case of a failure by any office of the IRS to make a determination (other than the office responsible for initial determinations with respect to the issue), 450 days after the date on which the request for a determination was made. The proposal would also require the organization to take, in a timely manner, all reasonable steps to secure such determination.

Amendment to Treasury auction reforms. The proposal would permit earlier disclosure upon the release by the Secretary of the minutes of the meeting. Under current law, members of the Treasury Borrowing Advisory Committee are prohibited from disclosing anything relating to the securities to be auctioned in a midquarter refunding by the Secretary until the Secretary makes a public announcement of the refunding.

Revisions relating to termination of employment of IRS employee misconduct. Proposal would modify section 1203 by removing the late filing of refund returns from the list of violations and removing employee versus employee acts (i.e. for violation of an employee's rather than a taxpayer's Constitutional or civil rights) from the list of violations.

IRS Oversight Board approval of use of critical pay authority. The proposal would require IRS Oversight Board review and approve the use of critical pay authority. Critical pay allows the IRS to hire employees critical to the mission of the IRS as well as allow the IRS to hire up to 40 individuals for four year terms under streamlined procedures.

Low-income taxpayer clinics. The proposal would increase the authorization for low-income taxpayer controversy clinics to $10 million and authorize a similar grant program for low-income taxpayer preparation clinics for $10 million. The proposal would specify that grants may not be used for any purpose other than those specified in the Code (this restriction would be inapplicable to funds from other sources). The proposal would also authorize the IRS to promote the benefits and encourage the use of low-income taxpayer clinics.

Enrolled agents. The proposal would add a new section to the Code permitting the Secretary to prescribe regulations to regulate the conduct of enrolled agents in regard to their practice before the IRS and to permit enrolled agents meeting the Secretary's qualifications to use the credentials or designation "enrolled agent", "EA", or "E.A.".

Establishment of disaster response team. Proposal would require the IRS to establish a permanent Disaster Response Team which, in coordination with the Federal Emergency Management Agency, is to assist taxpayers in clarifying and resolving tax matters associated with a Presidentially declared disaster or a terroristic or military action. The Team is to be staffed by IRS employees with a relevant knowledge and experience, including a representative from the Office of the Taxpayer Advocate.

Accelerated tax refunds. Proposal would require the Secretary of Treasury to study and report to the tax writing committees on options to accelerate tax refunds for taxpayers who maintain the same filing characteristics and elect the direct option for any refund.

Study on clarifying record-keeping responsibilities. The proposal would require the Secretary of the Treasury to study the scope of records required to be maintained by taxpayers, the utility of requiring taxpayers to maintain records indefinitely, the taxpayer burden incurred by such requirement given the necessity to upgrade technological storage for outdated records, the number of negotiated records retention agreements requested by taxpayers and the number entered into by the IRS, and proposals regarding taxpayer record-keeping. Under current law, every person liable for any tax imposed by the Code, or for any collection thereof, shall keep such records as the Secretary of the Treasury may from time to time prescribe.

Streamline National Taxpayer Advocate Annual Reports. Each year, the National Taxpayer Advocate is required to issue two reports to Congress: (1) an annual report on objectives of the Advocate for the year due June 30 and (2) an annual report on the Advocate's activities including the 20 most serious problems confronting taxpayers. The Advocate's office spends an enormous amount of time and effort preparing these reports. The proposal would streamline the reporting process by requiring the Advocate to issue only one report each year.

Penalty on failure to report interests in foreign financial accounts. The proposal would establish a $5,000 penalty for non-willful failure to report interest in foreign bank accounts. Under present law there is only a penalty of $25,000 for willful failures.

Repeal of personal holding company tax. The proposal would repeal the personal holding company (PHC) tax. Subsequent changes in the tax code resulted in the provisions ineffectiveness as originally intended.

II. SIMPLIFICATION OF INTEREST AND PENALTY REGIMES

Individual estimated tax. The proposal simplifies the individual estmated tax penalty including, increase the penalty threshold for individuals to $2,000 from $1,000; apply one interest rate per estimated tax underpayment; and adopt 365-day year.

Corporate estimated tax. The proposal simplifies the corporate estimated tax penalty by increasing the exception for small amount of tax shown on the return from less than $500 to less than $1,000.

Increase in large corporation threshold for estimated tax payments. The proposal simplifies the corporate estimated tax by expanding the safe harbor exception used by small corporations by increasing the threshold from $1 million to $1.5 million of taxable income.

Expansion of interest abatement. The proposal would: (1) expand the circumstances in which interest may be abated to include periods attributable to any unreasonable IRS error or delay and (2) allow the abatement of interest to the extent interest is attributable to the taxpayer's reliance on written statement by the IRS.

Deposits made to stop the running of interest. Proposal would permit deposits to be made to an interest bearing account within Treasury to cover tax underpayments related to issues potentially subject to dispute with the IRS.

Freeze provision regarding suspension of interest where Secretary fails to contact taxpayer. The proposal would repeal current law which requires the suspension of interest on taxes owed until 21 days after the IRS sends a notice of deficiency. The suspension is triggered if the IRS fails to contact the taxpayer within 1 year for taxable years after January 1, 2004 or 18 months for taxable years before January 1, 2004. The proposal is unnecessary with expanded interest abatement.

Expansion of interest netting. Applies interest netting rules without regard to the 45-day period in which the Secretary may refund an overpayment of tax without the payment of interest.

Clarification of application of Federal tax deposit penalty. The proposal would clarify that the 10 percent penalty rate only applies in cases where the failure to deposit extends for more than 15 days.

Frivolous tax submissions. The proposal would increase the penalty for frivolous tax returns from $500 to $5,000. In addition, the proposal would permit the IRS to dismiss requests for Collection Due Process hearings, installment agreements, offers-in-compromise, and taxpayer assistance orders if they are based on frivolous arguments or are intended to delay or impede tax administration. Individuals submitting such requests are subject to a $5,000 penalty for repeat behavior or failure to withdraw the request after being given the opportunity to do so.

III. U.S. TAX COURT MODERNIZATION

Jurisdiction of Tax Court over collection due process cases. Currently, if a taxpayer's underlying tax liability does not relate to income taxes or a type of tax over which the Tax Court normally has deficiency jurisdiction, there is no opportunity for Tax Court review and the taxpayer must file in a District Court to obtain review. This provision consolidates judicial review of collection due process activity in the Tax Court.

Authority for special trial judges to hear and decide certain employment status cases. This provision clarifies that the Tax Court may authorize its special trial judges to enter decisions in employment status cases that are subject to small case proceedings under section 7436(c).

Confirmation of authority of Tax Court to apply doctrine of equitable recoupment. The common-law principle of equitable recoupment permits a party to asset an otherwise time-barred claim to reduce or defeat an opponent's claim if both claims arise from the same transaction. This provision confirms statutorily that the Tax Court may apply equitable recoupment principles to the same extent as District Court and the Court of Federal Claims.

Tax Court filing fee in all cases commenced by filing petition. This provision clarifies, in keeping with current Tax Court procedure, that the Tax Court is authorized to impose a $60 filing fee for all cases commenced by petition. The proposal would eliminate the need to amend section 7451 each time the Tax Court is granted new jurisdiction.

Amendments to appoint employees. Currently, the Tax Court has to go to the executive branch, the Office of Personnel Management, to change a position. It is inappropriate to require the Tax Court to seek permission from the executive since that branch is a party (Commissioner of Internal Revenue) before the Tax Court. This change would allow the Tax Court to be independent in fact and perception from the Executive Branch while ensuring that basic employee rights, protections, and remedies are retained or required in an appropriate way (e.g., whistleblower protection, civil rights, merit system principles, etc.).

Expanded use of Tax Court practice fee for pro se taxpayers. The Tax Court is authorized to charge practitioners a fee of up to $30 per year and to use these fees to pursue disciplinary matters. The provision expands use of these fees to provide services to pro se taxpayers. Fees could be used for education programs for pro se taxpayers.

Annuities for survivors of Tax Court judges who are assassinated. The reality is that many people do not like to pay taxes. There is as much risk of a Tax Court judge being assassinated as any other Federal judge. The proposal would conform the treatment of Tax Court judges to District Court judges.

Cost-of-living adjustments for Tax Court judicial survivor annuities. All Federal employees have this provision except the Tax Court. Survivors of Tax Court judges are subject to an obsolete method of indexing.

Life insurance coverage for Tax Court judges. This simply codifies current Office of Personnel Management interpretation, as was previously done for District Court judges.

Cost of life insurance coverage for Tax Court judges age 65 or over. Congress established the Tax Court in 1969 and required that Tax Court judges receive the same compensation as District Court judges. The District Court judges were given this benefit to ensure that there was no diminution of their compensation (as required by the Constitution). This provision is in keeping with the original intent of Congress.

Modification of timing of lump-sum payment of judge's accrued annual leave. District Court judges are allowed to receive a lump-sum payment due to the life-time tenure of Article III judges. Tax Court judges, while they have a 15 year term, effectively have a life-time term because they are always subject to recall.

Participation of Tax Court judges in the Thrift Savings Plan. The proposal would allow Tax Court judges to participate in Thrift Savings Plan. Currently, only 19 federal government employees are left out of the Thrift Savings Plan (i.e., Tax Court judges).

Exemption of teaching compensation of retired judges for limitation on outside earned income. After retirement, Tax Court judges should have the same ability to teach as District Court judges.

General provisions relating to magistrate judges of the Tax Court. "Magistrate" is more recognizable to the American public because it is the term used by Article III courts. The provision changes the term "Special Trial Judge" to "Magistrate Judge of the United States Tax Court" and provides for alignment of term of office and removal applicable to District Court magistrate judges.

Annuities to surviving spouses and dependent children of magistrate judges of the Tax Court. This section gives Magistrates/Special Trial Judges the same advantages as Tax Court judges, thus ensuring a greater pool of participants in the fund.

Retirement and annuity program for magistrate judges. A retirement and annuity program more aligned with District Court Magistrates and the Tax Court judges is key for attracting and retaining qualified judges.

Incumbent magistrate judges of the Tax Court. The provision provides transition rules similar to those given to the District Court magistrate judges.

Provisions for recall. Article III judges are "self-recalling" (i.e., they decide for themselves whether they are recalled or not). In contrast, Tax Court judges are subject to provisions that authorize mandatory recall by the Chief Judge. These provisions authorize the recall of Magistrates/Special Trial judges in a manner similar to those now applicable to the regular judges of the Court.

IV. CONFIDENTIALITY AND DISCLOSURE REFORMS

Clarification of definition of church tax inquiry. The proposal would clarify that the present-law church tax inquiry procedures do not apply to contacts made by the IRS for the purpose of educating churches with respect to the law governing tax-exempt organizations. For example, the proposal clarifies that the IRS does not violate the church tax inquiry procedures when written materials are provided to a church or churches for the purpose of educating such church or churches with respect to the types of activities that are not permissible under section 501(c)(3).

Collection activities with respect to joint return disclosable to either spouse based on oral request. The proposal would eliminate the requirement for former spouses to make a written request for disclosure of collection activities with respect to a joint return. Under present law, section 6103(e)(7) permits the IRS to disclose return information to the same persons who may have access to a return under the other provisions of section 6103(e), thus either spouse may obtain return information regarding a joint return upon oral request.

Taxpayer representatives not subject to examination on sole basis of representation of taxpayers. The proposal would clarify that an IRS employee conducting an examination of a taxpayer is not authorized to inspect a taxpayer representative's return or return information solely on the basis of the representative relationship to the taxpayer. Under the proposal, the supervisor of the IRS employee would be required to approve such inspection after making a determination that other grounds justified such an inspection. The proposal would not affect the ability of employees of the IRS Director of Professional Responsibility, or other employees whose assigned duties concern the regulation of practice before the IRS, to access returns and return information of a representative.

Prohibition of disclosure of taxpayer identifying number with respect to disclosure of accepted offers-in-compromise. The proposal would prohibit the disclosure of the taxpayer identification number as part of the publicly available summaries of accepted offers in compromise.

Compliance by contractors with confidentiality safeguards. The proposal would require that a State or Federal agency conduct on-site reviews of all of its contractors receiving Federal returns and return information every three years. This review is intended to cover secure storage, restricting access, computer security, and other safeguards deemed appropriate by the Secretary. Under the proposal, the State or Federal agency would be required to submit a report of its findings to the IRS and certify annually that all contractors are in compliance with the requirements to safeguard the confidentiality of Federal returns and return information.

Higher standards for requests for and consents to disclosure. The proposal would render invalid a consent that does not designate a recipient or is not dated at the time of execution. The person submitting the consent to the IRS would be required to verify under penalties of perjury that the form was complete and dated at the time it was signed by the taxpayer. Inspection or disclosure of a return or return information pursuant to an invalid consent would be unauthorized under section 6103. Thus, a person making such unauthorized disclosure or inspection could be liable for civil damages under section 7431, and criminal penalties under section 7213 or 7213A for willful unauthorized disclosure or inspection.

Civil damages for unauthorized inspection or disclosure. The proposal would require the IRS to notify a taxpayer at the point of proposed administrative action as to disciplinary or adverse action against an employee arising from the unauthorized inspection or disclosure of the taxpayer's return or return information.

Expanded disclosure in emergency circumstances. The proposal would permit disclosure to local law enforcement authorities emergency situations including suicide threats.

Disclosure of taxpayer identity for tax refund purposes.—On April 15, 2002, about 1.7 million people who did not file their 1998 income tax return who lose more than $2.3 billion in tax refunds. When the IRS is unable to find a taxpayer due a refund, present law provides that it may use "the press or other media" to notify the taxpayer of the refund. The IRS believes the current statutory framework in Section 6103(m) does not permit disclosure via the Internet. The proposal would allow the IRS to use any means of "mass communicating," including the Internet to notify a taxpayer of an undelivered refund.

Disclosure to State officials of proposed actions related to section 501(c) organizations. The proposal provides that upon written request by an appropriate State officer, the Secretary may disclose: (1) a notice of proposed refusal to recognize an organization as a section 501(c)(3) organization; (2) a notice of proposed revocation of tax-exemption of a section 501(c)(3) organization; (3) the issuance of a proposed deficiency of tax imposed under section 507, chapter 41, or chapter 42; (4) the names, addresses, and taxpayer identification numbers of organizations that have applied for recognition as section 501(c)(3) organizations; and (5) returns and return information of organizations with respect to which information has been disclosed under (1) through (4) above. Disclosure or inspection is permitted for the purpose of, and only to the extent necessary in, the administration of State laws regulating section 501(c)(3) organizations, such as laws regulating tax-exempt status, charitable trusts, charitable solicitation, and fraud.

Treatment of public records. The proposal clarifies that public record data (e.g., press releases re criminal cases) does not retain 6103 protections in the files of the IRS.

Investigative disclosures. The proposal permits the IRS Criminal Investigation agents to identify themselves, organizational affiliation, and criminal nature of investigation when contacting third parties in writing or in person.

TIN matching. The proposal permits taxpayer identification number (TIN) verification by persons required to provide the information to the IRS (limited to whether information matches) to permit early error resolution and enhance compliance. Under present law, over 30 million information returns are received by the IRS from payors that contain missing or incorrect name and TIN information. However, the IRS is only permitted to disclose the error to the payor at the point at which the payment is subject to backup withholding.

Form 8300 disclosures. The proposal ensures that the Form 8300 (for reporting transactions in excess of $10,000) can be disclosed to law enforcement in the same manner as financial reporting documents required under the Bank Secrecy Act (under Title 31).

V. SIMPLIFICATION THROUGH ELIMINATION OF INOPERATIVE PROVISIONS

1. Adjustments in tax tables so that inflation will not result in tax increases. Paragraph (7) of section 1(f) is amended to read as follows: "(7) Special rule for certain brackets—In prescribing tables under paragraph (1) which apply to taxable years beginning in a calendar year after 1994, the cost-of-living adjustment used in making adjustments to the dollar amounts at which the 36 percent bracket begins or at which the 39.6 rate bracket begins shall be determined under paragraph (3) by substituting '1993' for '1992'."

2. Reduced capital gain rates for qualified 5-year gain. Paragraph (2) of section 1(h) is amended by striking "In the case of taxable years beginning after December 31, 2000, the" and inserting "The".

3. Credit for producing fuel from nonconventional source. Section 29 is amended by striking subsection (e).

4. Earned income credit. Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and by striking "(A) In General. In the case of taxable years beginning after 1995:".

5. General business credits. Subsection (d) of section 38 is amended by striking paragraph (3).

6. Carryback and carryforward of unused credits. Section 39 is amended by striking subsection (d).

7. Adjustments based on adjusted current earnings. Clause (ii) of section 56(g)(4)(F) is amended by striking "In the case of any taxable year beginning after December 31, 1992, clause" and inserting "Clause".

8. Items of tax preference; Depletion. Paragraph (1) of section 57(a) is amended by striking "Effective with respect to taxable years beginning after December 31, 1992, this" and inserting "This".

9. Intangible drilling costs. Clause (i) of section 57(a)(E) is amended by striking "In the case of any taxable year beginning after December 31, 1992, this" and inserting "This". Clause (ii) of section 57(a)(2)(E) is amended by striking "(30 percent in the case of taxable years beginning in 1993".

10. Annuities; certain proceeds of endowment and life insurance contracts. Paragraph (4) of section 72(c) is amended by striking "under the contract" and all that follows and inserting" under the contract." Paragraph (3) of section 72(g) is amended by striking "January 1, 1954, or".

11. Accident and health plans. Section 105(f) is amended by striking "or (d)".

12. Flexible spending arrangements. Section 106(c)(1) is amended by striking "Effective on and after January 1, 1997, gross" and inserting "Gross".

13. Certain combat zone compensation of members of the Armed Forces. Subsection (c) of section 112 is amended by striking "(after June 24, 1950)" in paragraph (2), and striking "such zone," and all that follows in paragraph (3) and inserting "such zone."

14. Principal residence. Section 121(b)(3) is amended by striking subparagraph (B).

15. Certain reduced uniformed services retirement pay. Section 112(b)(1) is amended by striking "after December 31, 1965,".

16. Great plains conservation program. Section 126(a) is amended by striking paragraph (6).

17. Mortgage revenue bonds—Federal disaster area modifications. Eliminate special qualified mortgage bond rules or residences located in Federal disaster areas. (utility expired January 1, 1999).

18. Interim authority for governors regarding allocation of private activity bond volume limits. Eliminate temporary gubernatorial authority to allocate the volume limit.

19. Treble damage payments under the antitrust law. Section 162(g) is amended by striking the last sentence.

20. State legislators' travel expenses away from home. Paragraph (4) of section 162(h) is amended by striking "For taxable years beginning after December 31, 1980, this" and inserting "This".

21. Interest. Section 163 is amended by striking paragraph (6) of subsection (d) and paragraph (5) of subsection (h). Section 56(b)(1)(C) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii) respectively.

22. Charitable, etc., contributions and gifts. Section 170 is amended by striking subsection (k).

23. Amortizable bond premium. Subparagraph (B) of section 171(b)(1) is amended to read as follows:

"(B)(i) in the case of a bond described in subsection (a)(2), with reference to the amount payable on maturity or earlier call date, and

"(ii) in the case of a bond described in subsection (a)(1), with reference to the amount payable on maturity (or if it results in a smaller amortizable bond premium attributable to the period to earlier call date, with reference to the amount payable on earlier call date), and"

24. Net operating loss carrybacks and carryovers. Section 172 is amended by striking subparagraph (D) of subsection (b)(1), subsection (g), and subparagraph (F) of the paragraph (h)(2).

25. Research and experimental expenditures. Subparagraph (A) of section 174(a)(2) is amended to read as follows: "(A) Without consent.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this subsection for his first taxable year for which expenditures described in paragraph (1) are paid or incurred."

26. Amortization of certain research and experimental expenditures. Paragraph (2) of section 174(b)(2) is amended by striking "beginning after December 31, 1953".

27. Soil and water conservation expenditures. Paragraph (1) of section 175(d) is amended to read as follows: "(1) Without consent.—A taxpayer may, without the consent of the Secretary, adopt the method provided in this section for his first taxable year for which expenditures described in subsection (a) are paid or incurred."

28. Activities not engaged in for profit. Section 183(e)(1) is amended by striking the last sentence.

29. Dividends received on certain preferred stock; and Dividends paid on certain preferred stock of public utilities. Sections 244 and 247 are repealed. Paragraph (5) of section 172(d) is amended to read as follows:

"(5) Computation of deduction for dividends received. The deductions allowed by section 243 and 245 shall be computed without regard to section 246(b) (relating to limitation on aggregate amount of deductions)."

Paragraph (1) of section 243(c) is amended to read as follows:

"(1) IN GENERAL.—In the case of any dividend received from a 20-percent owned corporation, subsection (a)(1) shall be applied by substituting '80 percent' for '70 percent'."

Section 243(d) is amended by striking paragraph (4).

Section 246 is amended—

(i) by striking ", 244," in subsection (a)(1),

(ii) by striking "sections 243(a)(1), and 244(a)," the first place it appears in subsection (b)(1) and inserting "section 243(a)(1)," and by striking "244(a)," the second place it appears therein, and

(iii) by striking in subsection (c)(1).

Section 246A is amended by striking "244" in subsections (a) and (e).

Sections 277(a), 301(e), 469(e)(4), 512(a)(3)(A), subparagraphs (A), (C), and (D) of section 805(a)(4), 805(b)(5), 812(e)(2)(A), 832(b)(5), 833(b)(3)(E), 1059(b)(2)(B), and 1244(c)(2)(C) are each amended by striking ", 244," each place it appears.

Section 805(a)(4)(B) is amended by striking ", 244(a)," each place it appears.

Section 810(c)(2) is amended by striking "244 (relating to dividends on certain preferred stock of public utilities),".

30. Organization expenses. Section 248(c) is amended by striking "beginning after December 31, 1953," and by striking the last sentence.

31. Bond repurchase premium. Section 249(b)(1) is amended by striking ", in the case of bonds or other evidences of indebtedness issued after February 28, 1913,".

32. Amount of gain where loss previously disallowed. Section 267(d) is amended by striking "(or by reason of section 24(b) of the Internal Revenue Code of 1939)" in paragraph (1), by striking "after December 31, 1953," in paragraph (2), by striking the second sentence, and by striking "or by reason of section 118 of the Internal Revenue Code of 1939" in the last sentence.

33. Acquisitions made to evade or avoid income tax. Paragraphs (1) and (2) of section 269 are each amended by striking "or acquired on or after October 8, 1940,".

34. Interest on indebtedness incurred by corporations to acquire stock or assets of another corporation. Section 279 is amended—(A) by striking "after December 31, 1967," in subsection (a)(2), (B) by striking "after October 9, 1969," in subsections (b), (C) by striking "after October 9, 1969, and", and (D) by striking subsection (i) and redesignating subsection (j) as subsection (i).

35. Special rules relating to corporate preference items. Paragraph (4) of section 291(a)

is amended by striking "In the case of taxable years beginning after December 31, 1984, section" and inserting "Section".

36. Qualifications for tax credit employee stock ownership plan. Section 409 is amended by striking subsections (a), (g), and (p).

37. Funding standards. Section 412(m)(4) is amended by striking "the applicable percentage" in subparagraph (A) and by inserting "25 percent", and by striking subparagraph (C).

38. Retiree health accounts. Section 420 is amended by striking subsections (b)(4) and (c)(2)(B).

39. Employee stock purchase plans. Section 423(a) is amended by striking "after December 31, 1963,".

40. Limitation on deductions for certain farming. Section 464 is amended by striking "any farming syndicate (as defined in subsection (c))" in subsections (a) and (b) and inserting "any taxpayer to whom subsection (f) applies", and by striking subsections (c) and (g).

41. Deductions limited to amount at risk. Paragraph (3) of section 465(c)(3) is amended by striking "In the case of taxable years beginning after December 31, 1978, this" and inserting "This". Paragraph (2) of section 465(e)(2)(A) is amended by striking "beginning after December 31, 1978".

42. Nuclear decommissioning costs. Section 468A(e)(2) is amended by striking "at the rate set forth in subparagraph (B)" in subparagraph (A) and inserting "at a rate of 20 percent", and by striking subparagraph (B).

43. Passive activity losses and credits limited. Section 469 is amended by striking subsection (m). Subsection (b) of section 58 is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

44. Adjustments required by changes in method of accounting. Section 481(b)(3) is amended by striking subparagraph (C).

45. Exemption from tax on corporations, certain trusts, etc. Section 501 is amended by striking subsection (p).

46. Requirements for exemption. Section 503(a)(1) is amended to read as follows: "(1) General rule.—An organization described in paragraph (17) or (18) of section 501(a) or described in section 401(a) and referred to in section 4975(g)(2) or (3) shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction." Paragraph (2) of section 503(a) is amended by striking "described in section 501(c)(17) or (18) or paragraph (a)(1)(B)" and inserting "described in paragraph (1)". Subsection (c) of section 503 is amended by striking "described in section 501(c)(17) or (18) or subsection (a)(1)(B)" and inserting "described in subsection (a)(1)".

47. Amounts received by surviving annuitant under joint and survivor annuity contract. Subparagraph (A) of section 691(d)(1) is amended by striking "after December 31, 1953, and".

48. Income taxes of members of Armed Forces on death. Section 692(a)(1) is amended by striking "after June 24, 1950".

49. Insurance company taxable income. Section 832(e)(1) is amended by striking "of taxable years beginning after December 31, 1966," Section 832(e)(6) is amended by striking "In the case of any taxable year beginning after December 31, 1970, the" and by inserting "The".

50. Tax on nonresident alien individuals. Subparagraph (B) of section 871(a)(1) is amended to read as follows: "(B) gains described in section 631(b) or (c),".

51. Property on which lessee has made improvements. Section 1019 is amended by striking the last sentence.

52. Involuntary conversion. Section 1033 is amended by striking subsection (j).

53. Property acquired during affiliation. Section 1051 is repealed.

54. Holding period of property. Paragraphs (5) of section 1223 is amended by striking "(or under so much of section 1052(c) as refers to section 113(a)(23) of the Internal Revenue Code of 1939)". Paragraph (7) of section 1223 is amended by striking the last sentence. Paragraph (9) of section 1223 is repealed.

55. Property used in the trade or business and involuntary conversions. Paragraph (2) of section 1231(c) is amended by striking "beginning after December 31, 1981".

56. Sale or exchange of patents. Section 1235 is amended by striking subsection (c) and redesignating subsections (d) and (e) as (c) and (d) respectively.

57. Dealers in securities. Subsection (b) of section 1236 is amended by striking "after November 19, 1951,".

58. Sale of patents. Subsection (a) of section 1249 is amended by striking "after December 31, 1962,".

59. Gain from disposition of farm land. Subparagraph (a) of section 1252 is amended by striking "after December 31, 1969,".

60. Treatment of amounts received on retirement or sale or exchange of debt instruments. Subsection (c) of section 1271 is amended by striking paragraph (1).

61. Amount and method of adjustment. Section 1314 is amended by striking subsection (d).

62. Election; revocation; termination. Clause (iii) of section 1362(d)(3) is amended by striking "unless" and all that follows and inserting "unless the corporation was an S corporation for such taxable year."

63. Old-age, survivors, and disability insurance. Subsection (a) of section 1401 is amended by striking "the following percent" and all that follows and inserting "12.4 percent of the amount of the self-employment income for such taxable year."

64. Hospital insurance. Subsection (b) of section 1401 is amended by striking "the following percent" and all that follows and inserting "2.9 percent of the amount of the self-employment income for such taxable year."

65. Ministers, members of religious orders, and Christian Science practitioners. Paragraph (3) of section 1402(e) is amended by striking "whichever of the following dates is later: (A)" and by striking "; or (B)" and all that follows and by inserting a period.

66. Withholding of tax on nonresident aliens. The first sentence of subsection (b) of section 1441 and the first sentence of paragraph (5) of section 1441(c) are each amended by striking the "gains subject to tax" and all that follows through "October 4, 1966" and inserting "and gains subject to tax under section 871(a)(1)(D)"

67. Affiliated group defined. Subparagraph (A) of section 1504(a)(3) is amended by striking "for a taxable year which includes any period after December 31, 1984" in clause (i) and by striking "in a taxable year beginning after December 31, 1984" in clause (ii).

68. Disallowance of, the benefits of the graduated corporate rates and accumulated earnings credit. Subsection (a) of section 1551 is amended—

(1) by striking paragraph (1) and designating paragraphs (2) and (3) as (1) and (2) respectively, and

(2) by striking "(2) or (3)" and inserting "(1) or (2)".

Subsection (b) of section 1551 is amended by striking "or (2)".

69. Definition of wages. Section 3121(b) is amended by striking paragraph (17).

70. Credits against tax. Section 3302(f) is amended by striking paragraphs (4)(B) and (5)(D).

71. Domestic service employment taxes. Section 3510(b) is amended by striking paragraph (4).

72. Tax on fuel used in commercial transportation on inland waterways. Section 4042(b)(2)(A) is amended to read as follows: "(A) The Inland Waterways Trust Fund financing rate is 20 cents per gallon."

73. Transportation by air. Section 4261(e) is amended by striking paragraphs (1)(C) and (5).

74. Taxes on failure to distribute income. Section 4942 is amended—

(1) by striking subsection (f)(2)(D),

(2) by striking "For all taxable years beginning on or after January 1, 1975, subject" and inserting "Subject" in subsection (g)(2)(A),

(3) by striking subsection (g)(4), and

(4) by striking "after December 31, 1969, and" in subsection (i)(2).

75. Taxes on taxable expenditures. Section 4945(f) is amended by striking "(excluding therefrom any preceding taxable year which begins before January 1, 1970)".

76. Returns. Subsection (a) of section 6039D is amended by striking "beginning after December 31, 1984,"

77. Information returns. Subsection (c) of section 6060 is amended by striking "year" and all that follows and inserting "year.".

78. Abatements. Section 6404(f) is amended by striking paragraph (3).

79. Failure by corporation to pay estimated income tax. Clause (i) of section 6655(g)(4)(A) is amended by striking "(or the corresponding provisions of prior law)".

80. Retirement. Section 7447(i)(3)(B)(ii) is amended by striking "at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter", and inserting "at 3 percent per annum".

81. Annuities to surviving spouses and dependent children of judges. Paragraph (2) of section 7448(a) is amended by striking "or under section 1106 of the Internal Revenue Code of 1939".

Subsection (g) of section 7448 is amended by striking "or other than pursuant to section 106 of the Internal Revenue Code of 1939".

Subsection (j)(1)(B) and (j)(2) of section 7448 are each amended by striking "at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter" and inserting "at 3 percent per annum".

82. Merchant Marine capital construction funds. Paragraph (4) of section 7518(g) is amended by striking "any nonqualified withdrawal" and all that follows through "shall be determined" and inserting "any nonqualified withdrawal shall be determined".

83. Valuation tables. Paragraph (3) of section 7520(c) is amended by striking "not later than December 31, 1989, the" and inserting "The".

84. Administration and collection of taxes in possessions. Section 7561 is amended by striking paragraph (4).

85. Definition of employee. Section 7701(a)(20) is amended by striking "chapter 21" and all that follows and inserting "chapter 21.".

Effective Date.—

General Rule.—Except as otherwise provided in this part, the amendments made by this part shall take effect on the date of enactment of this Act.

Savings Provision.—If

(1) any provision amended or repealed by this part applied to—

(a) any transaction occurring before the date of the enactment of this Act,

(b) any property acquired before such date of enactment, or

(c) any item of income, loss, deduction, or credit taken into account before such date of enactment, and

(2) the treatment of such transaction, property, or item under such provision would (without regard to the amendments made by this part) affect the liability for tax for periods ending after such date of enactment, nothing in the amendments made by this part shall be construed to affect the treatment of such transaction, property, or item for purposes of determining liability for tax for periods ending after such date of enactment.

By Mr. BREAUX (for himself, Mr. CHAFEE, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. CLINTON, Mr. MILLER, and Mr. GRAHAM of Florida):

S. 883. A bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program; to the Committee on Finance.

Mr. BREAUX. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transitional Medical Assistance Improvement Act of 2003".

SEC. 2. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) of the Social Security Act (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting ", at the option of a State," after "and which";

(B) in paragraph (2)(A), by inserting "Subject to subparagraph (C):" after "(A) NOTICES.—";

(C) in paragraph (2)(B), by inserting "Subject to subparagraph (C):" after "(B) REPORTING REQUIREMENTS.—";

(D) by adding at the end the following new subparagraph:

"(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement."; and

(E) in paragraph (3)(A)(iii), by inserting "the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if" after "6-month period if".

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 of such Act (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

"(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

"(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

"(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.".

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: "A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.".

(c) ELIMINATION OF SUNSET FOR TMA.—

(1) Subsection (g) of section 1925 of such Act (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) of such Act (42 U.S.C. 1396a(e)(1)) is amended by striking "(A) Notwithstanding" and all that follows through "During such period, for" in subparagraph (B) and inserting "For".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by subsections (a)(2)(A) and (c)(1), is amended by inserting after subsection (f) the following:

"(g) ADDITIONAL PROVISIONS.—

"(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

"(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

"(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.".

(e) COORDINATION OF WORK.—Section 1925(g) of such Act (42 U.S.C. 1396r–6(g)), as added by subsection (d), is amended by adding at the end the following new paragraph:

"(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.".

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 of such Act (42 U.S.C. 1396r–6) is further amended by adding at the end the following:

"(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may meet (but is not required to meet) the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(2) CONFORMING AMENDMENTS.—Section 1925 of such Act (42 U.S.C. 1396r–6) is further amended, in subsections (a)(1) and (b)(1), by inserting ", but subject to subsection (h)," after "Notwithstanding any other provision of this title," each place it appears.

(g) REQUIREMENT OF NOTICE FOR ALL FAMILIES LOSING TANF.—Subsection (a)(2) of section 1925 of such Act (42 U.S.C. 1396r–6) is amended by adding at the end the following flush sentences:

"Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a 1-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance. Such notice shall further be supplemented by information on how to apply for child health assistance under the State children's health insurance program under title XXI and how to apply for medical assistance under this title.".

(h) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) of such Act (42 U.S.C. 1396a(a)(55)) is amended by inserting "and under section 1931" after "(a)(10)(A)(ii)(IX)".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2002.

(2) NOTICE.—The amendment made by subsection (g) shall take effect 6 months after the date of enactment of this Act.

(3) DELAY PERMITTED FOR STATE PLAN AMENDMENT.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Ms. LANDRIEU (for herself, Mr. NELSON of Nebraska, Mr. SHELBY, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. JOHNSON, Mr. BUNNING, and Mr. REID):

S. 884. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Rental-Purchase Agreement Act of 2003".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the rental-purchase industry provides a service that meets and satisfies the demands of many consumers;

(2) each year, approximately 2,300,000 United States households enter into rental-purchase transactions, and over a 5-year period, approximately 4,900,000 United States households will do so;

(3) competition among the various firms engaged in the extension of rental-purchase transactions would be strengthened by informed use of rental-purchase transactions; and

(4) the informed use of rental-purchase transactions results from an awareness of the cost thereof by consumers.

(b) PURPOSES.—The purposes of this Act are to assure the availability of rental-purchase transactions; and to assure simple, meaningful, and consistent disclosure of rental-purchase terms so that consumers will be able to more readily compare the available rental-purchase terms and avoid uninformed use of rental-purchase transactions, and to protect consumers against unfair rental-purchase practices.

SEC. 3. CONSUMER CREDIT PROTECTION ACT.

The Consumer Credit Protection Act (15 U.S.C. 1601 *et seq.*) is amended by adding at the end the following new title:

"TITLE X—RENTAL-PURCHASE TRANSACTIONS

"Sec. 1001. Short title; definitions.
"Sec. 1002. Exempted transactions.
"Sec. 1003. General disclosure requirements.
"Sec. 1004. Rental-purchase disclosures.
"Sec. 1005. Other agreement provisions.
"Sec. 1006. Right to acquire ownership.
"Sec. 1007. Prohibited provisions.
"Sec. 1008. Statement of accounts.
"Sec. 1009. Renegotiations and extensions.
"Sec. 1010. Point-of-rental disclosures.
"Sec. 1011. Rental-purchase advertising.
"Sec. 1012. Civil liability.
"Sec. 1013. Additional grounds for civil liability.
"Sec. 1014. Liability of assignees.
"Sec. 1015. Regulations.
"Sec. 1016. Enforcement.
"Sec. 1017. Criminal liability for willful and knowing violation.
"Sec. 1018. Relation to other laws.
"Sec. 1019. Effect on Government agencies.
"Sec. 1020. Compliance date.

"SEC. 1001. SHORT TITLE; DEFINITIONS.

"(a) SHORT TITLE.—This title may be cited as the 'Rental-Purchase Protections Act'.

"(b) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

"(1) ADVERTISEMENT.—The term 'advertisement' means a commercial message in any medium that promotes, directly or indirectly, a rental-purchase agreement, but does not include price tags, window signs, or other in-store merchandising aids.

"(2) AGRICULTURAL PURPOSE.—The term 'agricultural purpose' includes—

"(A) the production, harvest, exhibition, marketing, transformation, processing, or manufacture of agricultural products by a natural person who cultivates plants or propagates or nurtures agricultural products; and

"(B) the acquisition of farmlands, real property with a farm residence, or personal property and services used primarily in farming.

"(3) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(4) CASH PRICE.—The term 'cash price' means the price at which a merchant, in the ordinary course of business, offers to sell for cash the property that is the subject of the rental-purchase transaction.

"(5) CONSUMER.—The term 'consumer' means a natural person who is offered or enters into a rental-purchase agreement.

"(6) DATE OF CONSUMMATION.—The term 'date of consummation' means the date on which a consumer becomes contractually obligated under a rental-purchase agreement.

"(7) INITIAL PAYMENT.—The term 'initial payment' means the amount to be paid before or at the time of consummation of the agreement, or the time of delivery of the property covered by the agreement if delivery occurs after consummation, including—

"(A) the rental payment;

"(B) service, processing, or administrative charges;

"(C) any delivery fee;

"(D) refundable security deposit;

"(E) taxes;

"(F) mandatory fees or charges; and

"(G) any optional fees or charges agreed to by the consumer.

"(8) MERCHANT.—The term 'merchant' means a person who provides the use of property through a rental-purchase agreement in the ordinary course of business and to whom the initial payment by the consumer under the agreement is payable.

"(9) PAYMENT SCHEDULE.—The term 'payment schedule' means the amount and timing of the periodic payments and the total number of all periodic payments that the consumer will make if the consumer acquires ownership of the property by making all periodic payments.

"(10) PERIODIC PAYMENT.—The term 'periodic payment' means the total payment that a consumer will make for a specific rental period after the initial payment, including the rental payment, taxes, mandatory fees or charges, and any optional fees or charges agreed to by the consumer.

"(11) PROPERTY.—The term 'property' means property that is not real property under the laws of the State in which the property is located when it is made available under a rental-purchase agreement.

"(12) RENTAL PAYMENT.—The term 'rental payment' means rent required to be paid by a consumer for the possession and use of property for a specific rental period, but does not include taxes or any fees or charges.

"(13) RENTAL PERIOD.—The term 'rental period' means a week, month, or other specific period of time, during which the consumer has a right to possess and use property that is the subject of a rental-purchase agreement after paying the rental payment and any applicable taxes for such period.

"(14) RENTAL-PURCHASE AGREEMENT.—

"(A) IN GENERAL.—The term 'rental-purchase agreement' means a contract in the form of a bailment or lease for the use of property by a consumer for an initial period of 4 months or less, that is renewable with each payment by the consumer, and that permits but does not obligate the consumer to become the owner of the property.

"(B) EXCLUSIONS.—The term 'rental-purchase agreement' does not include—

"(i) a credit sale (as defined in section 103(g) of the Truth in Lending Act);

"(ii) a consumer lease (as defined in section 181(1) of the Truth in Lending Act); or

"(iii) a transaction giving rise to a debt incurred in connection with the business of lending money or a thing of value.

"(15) RENTAL-PURCHASE COST.—

"(A) IN GENERAL.—For purposes of sections 1010 and 1011, the term 'rental-purchase cost' means the sum of all rental payments and mandatory fees or charges imposed by the merchant as a condition of entering into a rental-purchase agreement or acquiring ownership of property under a rental-purchase agreement, including—

"(i) any service, processing, or administrative charge;

"(ii) any fee for an investigation or credit report; and

"(iii) any charge for delivery required by the merchant.

"(B) EXCLUDED ITEMS.—The following fees or charges shall not be taken into account in determining the rental-purchase cost with respect to a rental-purchase transaction:

"(i) Fees and charges prescribed by law, which actually are or will be paid to public officials or government entities, such as sales tax.

"(ii) Fees and charges for optional products and services offered in connection with a rental-purchase agreement.

"(16) STATE.—The term 'State' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

"(17) TOTAL COST.—The term 'total cost' means the sum of the initial payment and all periodic payments in the payment schedule to be paid by the consumer to acquire ownership of the property that is the subject of the rental-purchase agreement.

"SEC. 1002. EXEMPTED TRANSACTIONS.

"This title does not apply to rental-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with agencies or instrumentalities of the Federal Government or a State or political subdivision thereof.

"SEC. 1003. GENERAL DISCLOSURE REQUIREMENTS.

"(a) RECIPIENT OF DISCLOSURE.—A merchant shall disclose to any person who will be a signatory to a rental-purchase agreement the information required by sections 1004 and 1005.

"(b) TIMING OF DISCLOSURE.—The disclosures required under sections 1004 and 1005 shall be made before the consummation of the rental-purchase agreement, and clearly and conspicuously in writing as part of the rental-purchase agreement to be signed by the consumer.

"(c) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term 'clearly and conspicuously' means that information required to be disclosed to the consumer shall be worded plainly and simply, and appear in a type size, prominence, and location as to be readily noticeable, readable, and comprehensible to an ordinary consumer.

"SEC. 1004. RENTAL-PURCHASE DISCLOSURES.

"(a) IN GENERAL.—For each rental-purchase agreement, the merchant shall disclose to the consumer, to the extent applicable—

"(1) the date of the consummation of the rental-purchase transaction and the identities of the merchant and the consumer;

"(2) a brief description of the rental property, which shall be sufficient to identify the property to the consumer, including an identification or serial number, if applicable, and a statement indicating whether the property is new or used;

"(3) a description of any fee, charge, or penalty, in addition to the periodic payment, that the consumer may be required to pay under the agreement, which shall be separately identified by type and amount;

"(4) a clear and conspicuous statement that the transaction is a rental-purchase agreement and that the consumer will not obtain ownership of the property until the consumer has paid the total dollar amount necessary to acquire ownership;

"(5) the amount of any initial payment, which includes the first periodic payment, and the total amount of any fees, taxes, or other charges, required to be paid by the consumer;

"(6) the amount of the cash price of the property that is the subject of the rental-purchase agreement, and, if the agreement involves the rental of 2 or more items as a set (as may be defined by the Board in regulation) a statement of the aggregate cash price of all items shall satisfy this requirement;

"(7) the amount and timing of periodic payments, and the total number of periodic payments necessary to acquire ownership of the property under the rental-purchase agreement;

"(8) the total cost, using that term, and a brief description, such as 'This is the amount that you will pay the merchant if you make all periodic payments to acquire ownership of the property.';

"(9) a statement of the right of the consumer to terminate the agreement without paying any fee or charge not previously due under the agreement by voluntarily surrendering or returning the property in good repair upon expiration of any lease term; and

"(10) substantially the following statement: '**OTHER IMPORTANT TERMS**: See your rental-purchase agreement for additional important information on early termination procedures, purchase option rights, responsibilities for loss, damage, or destruction of the property, warranties, maintenance responsibilities, and other charges or penalties you may incur.'.

"(b) FORM OF DISCLOSURE.—The disclosures required by paragraphs (4) through (10) of subsection (a) shall—

"(1) be segregated from other information at the beginning of the rental-purchase agreement;

"(2) contain only directly related information; and

"(3) be identified in boldface, upper-case letters as follows: '**IMPORTANT RENTAL-PURCHASE DISCLOSURES**'.

"(c) DISCLOSURE REQUIREMENTS RELATING TO INSURANCE PREMIUMS AND LIABILITY WAIVERS.—

"(1) IN GENERAL.—A merchant shall clearly and conspicuously disclose in writing to the consumer before the consummation of a rental-purchase agreement that the purchase of leased property insurance or liability waiver coverage is not required as a condition for entering into the rental-purchase agreement.

"(2) AFFIRMATIVE WRITTEN REQUEST AFTER COST DISCLOSURE.—A merchant may provide insurance or liability waiver coverage, directly or indirectly, in connection with a rental-purchase transaction only if—

"(A) the merchant clearly and conspicuously discloses to the consumer the cost of each component of such coverage before the consummation of the rental-purchase agreement; and

"(B) the consumer signs an affirmative written request for such coverage after receiving the disclosures required under paragraph (1) and subparagraph (A) of this paragraph.

"(d) ACCURACY OF DISCLOSURE.—

"(1) IN GENERAL.—The disclosures required to be made under subsection (a) shall be accurate as of the date on which the disclosures are made, based on the information available to the merchant.

"(2) INFORMATION SUBSEQUENTLY RENDERED INACCURATE.—If information required to be disclosed under subsection (a) is subsequently rendered inaccurate as a result of any agreement between the merchant and the consumer subsequent to the delivery of the required disclosures, the resulting inaccuracy shall not constitute a violation of this title.

"SEC. 1005. OTHER AGREEMENT PROVISIONS.

"(a) IN GENERAL.—Each rental-purchase agreement shall—

"(1) provide a statement specifying whether the merchant or the consumer is responsible for loss, theft, damage, or destruction of the property;

"(2) provide a statement specifying whether the merchant or the consumer is responsible for maintaining or servicing the property, together with a brief description of the responsibility;

"(3) provide that the consumer may terminate the agreement without paying any charges not previously due under the agreement by voluntarily surrendering or returning the property that is the subject of the agreement upon expiration of any rental period;

"(4) contain a provision for reinstatement of the agreement, which at a minimum—

"(A) permits a consumer who fails to make a timely rental payment to reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of all past due rental payments and any other charges then due under the agreement and a payment for the next rental period within 7 business days after failing to make a timely rental payment if the consumer pays monthly, or within 3 business days after failing to make a timely rental payment if the consumer pays more frequently than monthly;

"(B) if the consumer returns or voluntarily surrenders the property covered by the agreement, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 60 days after the date of the return or surrender of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period;

"(C) if the consumer has paid 50 percent or more of the total cost necessary to acquire ownership and returns or voluntarily surrenders the property, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 120 days after the date of the return of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period; and

"(D) permits the consumer, upon reinstatement of the agreement, to receive the same property, if available, that was the subject of the rental-purchase agreement, or if the same property is not available, a substitute item of comparable quality and condition, except that the Board may, by regulation or order, exempt any independent small business (as defined by regulation of the Board) from the requirement of providing the same or comparable product during the extended reinstatement period provided in subparagraph (C), if the Board determines, taking into account such standards as the Board determines appropriate, that the reinstatement right provided in subparagraph (C) would provide excessive hardship for the independent small business;

"(5) provide a statement specifying the terms under which the consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement either by payment of the total cost to acquire ownership, as provided in section 1006, or by exercise of any early purchase option provided in the rental-purchase agreement;

"(6) provide a statement disclosing that if any part of a manufacturer's express warranty covers the property at the time the consumer acquires ownership of the property, the warranty will be transferred to the consumer if allowed by the terms of the warranty; and

"(7) provide, to the extent applicable, a description of any grace period for making any periodic payment, the amount of any security deposit, if any, to be paid by the consumer upon initiation of the rental-purchase agreement, and the terms for refund of such security deposit to the consumer upon return, surrender or purchase of the property.

"(b) REPOSSESSION DURING REINSTATEMENT PERIOD.—Subsection (a)(4) shall not be construed so as to prevent a merchant from attempting to repossess property during the reinstatement period pursuant to subsection (a)(4)(A), but such a repossession does not affect the right of the consumer to reinstatement under subsection (a)(4).

"SEC. 1006. RIGHT TO ACQUIRE OWNERSHIP.

"(a) IN GENERAL.—The consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement, and the rental-purchase agreement shall terminate, upon compliance by the consumer with the requirements of subsection (b) or any early payment option provided in the rental purchase agreement, and upon payment of any past due payments and fees, as permitted by regulation of the Board.

"(b) PAYMENT OF TOTAL COST.—The consumer shall acquire ownership of the rental property upon payment of the total cost of the rental-purchase agreement, as defined in section 1001(17), and as disclosed to the consumer in the rental-purchase agreement pursuant to section 1004(a).

"(c) ADDITIONAL FEES PROHIBITED.—A merchant shall not require the consumer to pay, as a condition for acquiring ownership of the property that is the subject of the rental-purchase agreement, any fee or charge in addition to, or in excess of, the regular periodic payments required by subsection (b), or any early purchase option amount provided in the rental-purchase agreement, as applicable. A requirement that the consumer pay an unpaid late charge or other fee or charge which the merchant has previously billed to the consumer shall not constitute an additional fee or charge for purposes of this subsection.

"(d) TRANSFER OF OWNERSHIP RIGHTS.—Upon payment by the consumer of all payments necessary to acquire ownership under subsection (b) or any early purchase option amount provided in the rental-purchase agreement, as applicable, the merchant shall—

"(1) deliver, or mail to the last known address of the consumer, such documents or other instruments which the Board has determined, by regulation, are necessary to acknowledge full ownership by the consumer of the property acquired pursuant to the rental-purchase agreement; and

"(2) transfer to the consumer the unexpired portion of any warranties provided by the manufacturer, distributor, or seller of the property, which shall apply as if the consumer were the original purchaser of the property, except where such transfer is prohibited by the terms of the warranty.

"SEC. 1007. PROHIBITED PROVISIONS.

"A rental-purchase agreement may not contain—

"(1) a confession of judgment;

"(2) a negotiable instrument;

"(3) a security interest or any other claim of a property interest in any goods, except those goods, the use of which is provided by the merchant pursuant to the agreement;

"(4) a wage assignment;

"(5) a provision requiring the waiver of any legal claim or remedy created by this title or other provision of Federal or State law;

"(6) a provision requiring the consumer, in the event that the property subject to the rental-purchase agreement is lost, stolen, damaged, or destroyed, to pay an amount in excess of the least of—

"(A) the fair market value of the property, as determined by regulation of the Board;

"(B) any early purchase option amount provided in the rental-purchase agreement; or

"(C) the actual cost of repair, as appropriate;

"(7) a provision authorizing the merchant, or a person acting on behalf of the merchant, to enter the dwelling of the consumer or other premises without obtaining the consent of the consumer, or to commit any breach of the peace in connection with the repossession of the rental property or the collection of any obligation or alleged obligation of the consumer arising out of the rental-purchase agreement;

"(8) a provision requiring the purchase of insurance or liability damage waiver to cover the property that is the subject of the rental-purchase agreement, except as permitted by regulation of the Board; or

"(9) a provision requiring the consumer to pay more than 1 late fee or charge for an unpaid or delinquent periodic payment, regardless of the period in which the payment remains unpaid or delinquent, or to pay a late fee or charge for any periodic payment because a previously assessed late fee has not been paid in full.

"SEC. 1008. STATEMENT OF ACCOUNTS.

"Upon request of a consumer, a merchant shall provide a statement of the account of the consumer. If a consumer requests a statement for an individual account more than 4 times in any 12-month period, the merchant may charge a reasonable fee for the additional statements requested in excess of 4 times during that 12-month period.

"SEC. 1009. RENEGOTIATIONS AND EXTENSIONS.

"(a) RENEGOTIATIONS.—For purposes of this section, a 'renegotiation' occurs when a rental-purchase agreement is satisfied and replaced by a new agreement undertaken by the same consumer. A renegotiation requires new disclosures under this title, except as provided in subsection (c).

"(b) EXTENSIONS.—For purposes of this section, an 'extension' is an agreement by the consumer and the merchant to continue an existing rental-purchase agreement beyond the original end of the payment schedule, but does not include a continuation that is the result of a renegotiation.

"(c) EXCEPTIONS.—New disclosures under this title are not required for the following, even if they meet the definition of a renegotiation or an extension under this section:

"(1) A reduction in payments.

"(2) A deferment of 1 or more payments.

"(3) The extension of a rental-purchase agreement.

"(4) The substitution of property with property that has a substantially equivalent or greater economic value, provided that the rental-purchase cost does not increase.

"(5) The deletion of property in a multiple-item agreement.

"(6) A change in the rental period, provided that the rental-purchase cost does not increase.

"(7) An agreement resulting from a court proceeding.

"(8) Any other event described in regulations prescribed by the Board.

"SEC. 1010. POINT-OF-RENTAL DISCLOSURES.

"(a) IN GENERAL.—For any item of property or set of items displayed or offered for rental-purchase, the merchant shall display on or next to the item or set of items a card, tag, or label that clearly and conspicuously discloses—

"(1) a brief description of the property;

"(2) whether the property is new or used;

"(3) the cash price of the property;

"(4) the amount of each rental payment;

"(5) the total number of rental payments necessary to acquire ownership of the property; and

"(6) the rental-purchase cost.

"(b) FORM OF DISCLOSURE.—

"(1) IN GENERAL.—A merchant may make the disclosures required by subsection (a) in the form of a list or catalog which is readily available to the consumer at the point of rental if the merchandise is not displayed in the showroom of the merchant, or if displaying a card, tag, or label would be impractical due to the size of the merchandise.

"(2) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term 'clearly and conspicuously' means that information required to be disclosed to the consumer shall appear in a type size, prominence, and location as to be noticeable, readable, and comprehensible to an ordinary consumer.

"SEC. 1011. RENTAL-PURCHASE ADVERTISING.

"(a) IN GENERAL.—If an advertisement for a rental-purchase transaction refers to or states the amount of any payment for any specific item or set of items, the merchant making the advertisement shall also clearly and conspicuously state in the advertisement for the item or set of items advertised—

"(1) that the transaction advertised is a rental-purchase agreement;

"(2) the amount, timing, and total number of rental payments necessary to acquire ownership under the rental-purchase agreement;

"(3) the amount of the rental-purchase cost;

"(4) that to acquire ownership of the property, the consumer must pay the rental-purchase cost plus applicable taxes; and

"(5) whether the stated payment amount and advertised rental-purchase cost is for new or used property.

"(b) PROHIBITION.—An advertisement for a rental-purchase agreement shall not state or imply that a specific item or set of items is available at specific amounts or terms, unless the merchant usually and customarily offers, or will offer, the item or set of items at the stated amounts or terms.

"(c) CLEARLY AND CONSPICUOUSLY.—

"(1) IN GENERAL.—For purposes of this section, the term 'clearly and conspicuously' means that required disclosures shall be presented in a type, size, shade, contrast, prominence, location, and manner, as applicable to different media for advertising, so as to be readily noticeable and comprehensible to the ordinary consumer.

"(2) REGULATORY GUIDANCE.—The Board shall prescribe regulations on principles and factors to meet the clear and conspicuous standard, as appropriate to print, video, audio, and computerized advertising, reflecting the principles and factors typically applied in each medium by the Federal Trade Commission.

"(3) LIMITATION.—Nothing contrary to, inconsistent with, or in mitigation of, the disclosures required by this section shall be used in any advertisement in any medium, and no audio, video, or print technique shall be used that is likely to obscure or detract significantly from the communication of the required disclosures.

“SEC. 1012. CIVIL LIABILITY.

“(a) In General.—Except as otherwise provided in section 1013, any merchant who fails to comply with any requirement of this title with respect to any consumer is liable to such consumer as provided for leases in section 130. For purposes of this section, the term ‘creditor’ as used in section 130 shall include a ‘merchant’, as defined in section 1001.

“(b) Jurisdiction of Courts; Limitation on Actions.—

“(1) In general.—Notwithstanding section 130(e), any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date on which the last payment was made by the consumer under the rental-purchase agreement.

“(2) Recoupment or set-off.—This subsection shall not bar a consumer from asserting a violation of this title in an action to collect an obligation arising from a rental-purchase agreement, which was brought after the end of the 1-year period described in paragraph (1) as a matter of defense by recoupment or set-off in such action, except as otherwise provided by State law.

“SEC. 1013. ADDITIONAL GROUNDS FOR CIVIL LIABILITY.

“(a) Individual Cases With Actual Damages.—Any merchant who fails to comply with any requirement imposed under section 1010 or 1011 with respect to any consumer who suffers actual damage from the violation shall be liable to such consumer as provided in section 130.

“(b) Pattern or Practice of Violations.—If a merchant engages in a pattern or practice of violating any requirement imposed under section 1010 or 1011, the Federal Trade Commission or an appropriate State attorney general, in accordance with section 1016, may initiate an action to enforce sanctions against the merchant, including—

“(1) an order to cease and desist from such practices; and

“(2) a civil money penalty of such amount as the court may impose, based on such factors as the court may determine to be appropriate.

“SEC. 1014. LIABILITY OF ASSIGNEES.

“(a) Assignees Included.—For purposes of section 1013 and this section, the term ‘merchant’ includes an assignee of a merchant.

“(b) Liabilities of Assignees.—

“(1) Apparent violation.—An action under section 1012 or 1013 for a violation of this title may be brought against an assignee only if the violation is apparent on the face of the rental-purchase agreement to which it relates.

“(2) Apparent violation defined.—For purposes of this subsection, a violation that is apparent on the face of a rental-purchase agreement includes, but is not limited to, a disclosure that can be determined to be incomplete or inaccurate from the face of the agreement.

“(3) Involuntary assignment.—An assignee has no liability under this section in a case in which the assignment is involuntary.

“(4) Rule of construction.—No provision of this section shall be construed as limiting or altering the liability under section 1012 or 1013 of a merchant assigning a rental-purchase agreement.

“(b) Proof of Disclosure.—In an action by or against an assignee, the consumer's written acknowledgment of receipt of a disclosure, made as part of the rental-purchase agreement, shall be conclusive proof that the disclosure was made, if the assignee had no knowledge that the disclosure had not been made when the assignee acquired the rental-purchase agreement to which it relates.

“SEC. 1015. REGULATIONS.

“(a) In General.—The Board shall prescribe regulations, as necessary to carry out this title, to prevent its circumvention, and to facilitate compliance with its requirements.

“(b) Model Disclosure Forms.—

“(1) Board authority.—The Board may publish model disclosure forms and clauses for common rental-purchase agreements to facilitate compliance with the disclosure requirements of this title and to aid the consumer in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.

“(2) Content.—In devising forms described in paragraph (1), the Board shall consider the use by merchants of data processing or similar automated equipment.

“(3) Use not mandatory.—Nothing in this title may be construed to require a merchant to use any model form or clause published by the Board under this section.

“(4) Determination of compliance.—A merchant shall be deemed to be in compliance with the requirement to provide disclosure under section 1003(a) if the merchant—

“(A) uses any appropriate model form or clause published by the Board under this section; or

“(B) uses any such model form or clause, and changes it by deleting any information which is not required by this title or rearranging the format, if in making such deletion or rearranging the format, the merchant does not affect the substance, clarity, or meaningful sequence of the disclosure.

“(c) Effective Date of Regulations.—

“(1) In general.—Any regulation prescribed by the Board, or any amendment or interpretation thereof, shall not be effective before the October 1 that follows the date of publication of the regulation in final form by at least 6 months.

“(2) Authority to modify.—The Board may, at its discretion—

“(A) lengthen the period of time described in paragraph (1) to permit merchants to adjust to accommodate new requirements; or

“(B) shorten that period of time, if the Board makes a specific finding that such action is necessary to comply with the findings of a court or to prevent unfair or deceptive practices.

“(3) Voluntary compliance.—Notwithstanding paragraph (1) or (2), a merchant may comply with any newly prescribed disclosure requirement prior to its effective date.

“SEC. 1016. ENFORCEMENT.

“(a) Federal Enforcement.—Compliance with this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements of this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional test under the Federal Trade Commission Act.

“(b) State Enforcement.—

“(1) In general.—An action to enforce the requirements imposed by this title may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction.

“(2) Prior written notice.—

“(A) In general.—The State attorney general shall provide prior written notice of any civil action described in paragraph (1) to the Federal Trade Commission, and shall provide the Commission with a copy of the complaint.

“(B) Emergency action.—If prior notice required by this paragraph is not feasible, the State attorney general shall provide notice to the Commission immediately upon instituting the action.

“(3) FTC intervention.—The Commission may—

“(A) intervene in an action described in paragraph (1);

“(B) upon intervening—

“(i) remove the action to the appropriate United States district court, if it was not originally brought there; and

“(ii) be heard on all matters arising in the action; and

“(C) file a petition for appeal.

“SEC. 1017. CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION.

“Whoever willfully and knowingly gives false or inaccurate information, or fails to provide information which that person is required to disclose under the provisions of this title or any regulation issued under this title shall be subject to the penalty provisions as provided in section 112.

“SEC. 1018. RELATION TO OTHER LAWS.

“(a) Relation to State Law.—

“(1) No effect on consistent State laws.—Except as otherwise provided in subsection (b), this title does not annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any State relating to rental-purchase agreements, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

“(2) Determination of inconsistency.—Upon its own motion or upon the request of an interested party, which is submitted in accordance with procedures prescribed by regulation of the Board, the Board shall determine whether any such inconsistency exists. If the Board determines that a term or provision of a State law is inconsistent with a provision of this title, merchants located in that State shall not be required to comply with that term or provision, and shall incur no liability under the law of that State for failure to follow such term or provision, notwithstanding that such determination is subsequently amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

“(3) Greater protection under State law.—Except as provided in subsection (b), for purposes of this section, a term or provision of a State law is not inconsistent with the provisions of this title if the term or provision affords greater protection and benefit to the consumer than the protection and benefit provided under this title, as determined by the Board, on its own motion or upon the petition of any interested party.

“(b) State Laws Relating to Characterization of Transaction.—Notwithstanding subsection (a), this title shall supersede any State law, to the extent that such law—

“(1) regulates a rental-purchase agreement as a security interest, credit sale, retail installment sale, conditional sale, or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit; or

"(2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate.

"(c) RELATION TO FEDERAL TRADE COMMISSION ACT.—No provision of this title shall be construed as limiting, superseding, or otherwise affecting the applicability of the Federal Trade Commission Act to any merchant or rental-purchase transaction.

"SEC. 1019. EFFECT ON GOVERNMENT AGENCIES.

"No civil liability or criminal penalty under this title may be imposed on the United States or any of its departments or agencies, any State or political subdivision thereof, or any agency of a State or political subdivision thereof.

"SEC. 1020. COMPLIANCE DATE.

"Compliance with this title shall not be required until 6 months after the date of enactment of this title. In any case, a merchant may comply with this title at any time after such date of enactment.".

By Mr. KYL (for himself and Mr. CORNYN):

S. 887. A bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgments, settlements, or agreements that operate as a tax; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today to introduce the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003, ISCRAA. This legislation will restore to the States billions of dollars in revenue due to them from a massive lawsuit recently conducted on their behalf—the tobacco-Related Medicaid expenses litigation. ISCRAA amends an existing provision of the Federal tax code in order to enforce basic, universally accepted fiduciary standards governing the award of attorneys fees. By applying these standards to the attorneys who represented the states in the tobacco settlement, ISCRAA reasonably can be expected to restore to the states income with a present value of approximately $9 billion. I have included at the end of my statement a chart detailing how much each state can expect to recover.

ISCRAA's tax formula is borrowed from the 1996 Tax Act's Intermediate Sanctions Tax, IST, which applies a two-step excise tax to any excessive or unreasonable compensation that the managers of a trust pay to themselves from the assets of the trust. The IST framework encourages the trustee to restore the excessive portion of any fee to the trust—when he does so, the IST's punitive taxes do not apply.

ISCRAA extends the IST to another type of trust relationship: that between a lawyer and his client. ISCRAA applies the IST tax formula to any unreasonable or excessive income that a lawyer collects from litigation resulting in a judgment or settlement in excess of $100 million. To avoid IST taxes, an attorney must restore the excessive portion of the fee to the client.

As my colleague Senator CORNYN will explain today, the ethical and legal abuses that resulted from the 1998 State tobacco settlement make the need for this legislation manifest. Senator CORNYN also will discuss the law of attorneys' fiduciary obligations, which establishes that a fee award is the property of the client—and that any unethical fee must be restored to the client, regardless of how the fee award is structured.

I will discuss today how ISCRAA will affect massive litigations generally. In order to gauge the reasonableness of a lawyer's fee award, ISCRAA adopts and codifies a liberal version of the lodestar-multiplier system. As I will later explain in greater detail, ISCRAA allows fee multipliers of up to 500 percent of reasonable hourly rates. This limit is as generous as the most liberal limits adopted by state courts, and considerably more generous than the limits that federal courts have applied in $100 million cases. ISCRAA's fee formula guarantees that attorneys' fiduciary obligations will be respected, while providing plaintiff's lawyers with ample incentive to provide high-quality legal representation in these types of cases.

Federal supervision of fee awards resulting from $100 million litigations is appropriate for several reasons. First, because of their sheer size, these types of lawsuits inevitably operate as a tax on the consuming public. Few defendants actually can afford to pay such judgments with cash on hand. Instead, the affected industries simply will raise the prices that they charge to their customers.

This is exactly what has happened in the State Medicaid tobacco settlement—according to the leading proponents of that litigation. The first State attorney general to file suit against the tobacco companies has admitted that "what always happens in these cases is the industry passes the costs to the consumer." Other commentators agree that this has occurred in the tobacco litigation. As one law-review article notes, "the [tobacco] settlement * * * is a tax because it's a set of payments made by tobacco companies that depend on how many packs they sell; in short, it looks like a tax and quacks like a tax."

Because of the way that these massive judgments typically are satisfied, it is particularly important to ensure that attorneys are paid in proportion to the services that they provided—rather than solely on the basis of the size of the recovery. Again, the State tobacco settlement highlights the nature of the problem. As two of the leading academic commentators have noted, it is "very troubl[ing]" that under that agreement, "a group of private citizens [are] getting paid a percentage of a tax increase they helped pass." The sheer size of the tobacco settlement—and the fact that attorneys fees were based on this size, rather than on the attorneys' actual efforts—has given the fee awards an uncanny resemblance to the medieval practice of tax farming. In all but name, the government has licensed a group of private individuals to collect a tax from the consuming public.

I would emphasize at this point that ISCRAA is not an attack on the State tobacco lawsuits. The bill does not pass judgment on the merits or the appropriateness of this type of litigation. ISCRAA simply is designed to ensure that when such lawsuits are brought on the public's behalf, the public receive its fair share of the proceeds. If a State chooses to seek compensatory revenue from industry for past harms, then the resulting tax on the public—minus the reasonable value of the legal services actually provided—must go to the State treasury.

There are several reasons why $100 million is an appropriate threshold for applying ISCRAA's fee formula. First, the courts themselves have indicated that fee agreements based primarily on the size of the recovery tend to become unreasonable when judgements reach this size. As one court has stated, "in much smaller cases, a fee award of 33 percent does not present the danger of providing the plaintiff's counsel with the windfall that would accompany a 'megafund' settlement of $100 million or upwards. But it is quite different when the figures hit the really big time." Or as the Third Circuit notes, "courts have generally decreased the percentage awarded [for attorneys fees] as the amount recovered increases, and $100 million seems to be the informal marker of a 'very large' settlement."

The logic of avoiding judgment-based awards in these very large cases is straightforward. As one court explains, "it is not 150 times more difficult to prepare, try, and settle a $150 million case than it is to try a $1 million case, but the application of a percentage comparable to that in a smaller case may yield an award 150 times greater." Thus, according to another court, "there is considerable merit" to disallowing standard percentage awards as the "size of the [recovery] fund increases. In many instances the increase [in the recovery] is merely a factor of the size of the class and has no direct relationship to the efforts of counsel."

It also bears mention that because of its $100 million threshold, ISCRAA applies to a fairly limited universe of cases. As courts have remarked, "there are few so-called 'megafund' cases with settlements over $100 million." In 2001, the U.S. Court of Appeals for the Third Circuit attempted to catalogue all common-fund cases in federal court that resulted in recoveries greater than $100 million. Though such litigations have been more frequent in recent years, the Third Circuit identified only 22 such cases since 1985. See in re Cendant Corp. PRIDES Litig., 243 F.3d 722, 737 (3d Cir. 2001).

ISCRAA is somewhat broader than the criteria that Cendant Corp. employed to collect cases. ISCRAA is not limited to common-fund cases—it also applies to judgments won on behalf of tax-exempt entities or even single individuals. ISCRAA also applies to cases brought in State court, and it aggregates identical claims that are brought against common defendants in separate actions, in order to prevent evasion of its limits through the subdivision of actions. Nevertheless, ISCRAA's scope remains fairly narrow. An academic specialist who is familiar with developments in this field has reviewed the bill and concluded that because of its "relatively high threshold," ISCRAA probably would apply only to about 15–20 litigations per year. I will include a copy of this professor's letter to me in the CONGRESSIONAL RECORD.

Finally, a $100 million threshold also is appropriate because it limits ISCRAA's reach to litigations that are a natural subject of congress's authority to regulate interstate commerce. It is well-established that "Congress' commerce authority includes the power to regulate . . . those [economic] activities that substantially affect interstate commerce." United States v. Morrison, 529 U.S. 598, 609 (2000). See also *United States* v. *Lopez*, 514 U.S. 549 (1995). Both the executive and the legislative branches previously have identified $100 million as guideline for determining whether a matter has a significant impact on interstate commerce. See, e.g. Executive Order 12866; Congressional Review Act, 5 U.S.C. §804(2); Unfunded Mandates Act, 2 U.S.C. §1532(a). Because it is limited to litigations of this size, ISCRAA is consistent with congress's power and obligation to protect the flow of commerce between states.

Another point that I would like to emphasize today is that ISCRAA is not an anti-plaintiffs' lawyer bill. It is not stingy toward trial attorneys. ISCRAA is carefully designed to protect fiduciary interests while providing plaintiffs' lawyers with ample incentives to provide high-quality legal representation in large litigations. ISCRAA's fee formula is as generous as the limits set by the most liberal State courts that engage in meaningful review of attorneys fees, and is considerably more generous than the Federal courts' practices in $100 million cases. Moreover, the multiplier criteria that ISCRAA employs universally are recognized as legitimate prerequisites for a contingency fee—even by trial lawyers' professional associations.

Federal courts primarily rely on two systems for calculating attorneys fees in cases, such as class actions, in which they are required to set "reasonable fees:" the percentage method and the lodestar-multiplier method. The percentage method, as its name implies, calculates fees as a percentage of the total recovery. The lodestar system, by contrast, requires a court to first calculate a fee based on the number of hours that the lawyer worked multiplied by prevailing hourly rates, the "lodestar". The court then multiplies this lodestar fee again in order to reward the attorney for the risk of nonpayment of fees that he assumed and for any exceptional services that he provided.

Over the last thirty years, courts have moved back and forth between these two systems. Only a few courts make lodestar-multipliers the exclusive means of awarding attorneys fees. But as one academic commentator has noted, "lodestar, or hours-based methods, have been adopted in every [federal judicial] circuit."

And more importantly, in large-recovery cases, there has been very little difference between lodestar and percentage systems. This is because even when courts apply a percentage to calculate fees, and as judgements become very large, courts typically also calculate a reasonable lodestar in order to determine what constitutes a reasonable percentage. Thus, again, as the Third Circuit notes, "courts have generally decreased the percentage awarded as the amount recovered increases, and $100 million seems to be the informal marker of a 'very large' settlement."

Courts have been wary of awarding fees based on percentages alone. As one State supreme court explains: "to begin the assessment by arbitrarily picking a percentage amount without any reliance on a cognizable structure invites decisions that are nonobjective and inconsistent. What constitutes a reasonable percentage may differ from one judge to another depending on each judge's predilections, background, and geographical location in the state."

Thus "courts that employ the percentage approach appear to be motivated in part by a lodestar dynamic. Because courts are reluctant to give fee awards totally incommensurate with the efforts of the attorneys, percentage awards generally decrease as the amount of the recovery increases."

One result of the cross-use of the lodestar and percentage systems is that even when courts use the percentage system, those awards overwhelmingly tend to reflect a reasonable lodestar multiplier. Therefore, even percentage-based cases tend to provide evidence of the range of multipliers that the courts consider to be reasonable.

In 2001, the Third Circuit "set forth a chart of fee awards given in Federal courts since 1985 in class actions in which the settlement fund exceeded $100 million and in which the percentage of recovery method was used." Cendant Corp. The court identified 17 such cases. In almost every case, the Third Circuit could calculate the multiplier that was used, and "the lodestar multiplier in those cases never exceeded 2.99." And in the direct lodestar-multiplier cases that court identified, the multiplier ranged from 1.2 to 3.25.

Other courts, surveying smaller cases than the $100 million recoveries examined in Cendant Corp., have identified larger multipliers. One Federal district court has "observe[d] that in virtually every case where the court notes a lodestar but awards fees based upon a percentage, the lodestar multiplier converted from this percentage is in the range of 1 to 4." Another Federal district court has found that "the range of lodestar multipliers in large and complicated class actions runs from a low of 2.26 to a high of 4.5."

By contrast, some courts have declared that they would allow only lower multipliers. One Federal court has stated that "only in the most exceptional circumstances would this court award a multiplier of 3 or greater. . . . this court believes that lodestars enhanced by multipliers less than 3 should adequately compensate even the most talented counsel." And the Seventh Circuit has suggested that "it may be that a doubling of the lodestar would provide a sensible ceiling."

On the other hand, the Florida Supreme Court—which is generally regarded as one of the more plaintiff-friendly courts in the United States—has announced that: "we set the maximum multiplier available in this common-fund category of cases at 5. . . . [A] multiplier which increases fees to five times the accepted hourly rate is sufficient to alleviate the contingency risk factor involved and attract high level counsel to common fund cases while producing a fee that remains within the bounds of reasonableness. We emphasize that 5 is a maximum multiplier."

ISCRAA adopts this more liberal standard. It allows fees as high as 500 percent of reasonable hourly rates. ISCRAA awards multipliers based on two criteria: it allows up to 300 percent to be added onto the amount of reasonable hourly fees if a case that involved a substantial risk of nonrecovery of fees, and allows an additional 100 percent add-on if the attorney provided exceptional services that improved the plaintiff's recovery.

The criteria that ISCRAA employs universally are recognized as necessary prerequisites to the legitimacy of a contingency fee. "Courts in general have insisted that a contingent fee be truly contingent. The typically elevated fee reflecting the risk to the lawyer of receiving no fee will be permitted only if the representation indeed involves a significant degree of risk." Charles W. Wolfram, Modern Legal Ethics § 9.4, at 532 (1986). The risk requirement has been recognized ever since contingency fees first were allowed in the United States. The American Bar Association even noted at that time that "a contract for a contingent fee, where sanctioned by law, should be reasonable under all the circumstances of the case, including the risk and uncertainty of the compensation." ABA Canons of Professional Ethics, Canon 13 (1908). Indeed, even the professional associations of plaintiffs' attorneys have, at times, acknowledged that contingent fees should be based on an actual contingency. In a guide to its members, the Association of Trial Lawyers of America has "recommend[ed]" that attorneys "exercise sound judgment in using a percentage in the contingent fee contract that is commensurate with the risk, cost and effort required." ATLA, Keys to the Courthouse: Quick Facts on the Contingency Fee System 13 (1994).

The criteria that ISCRAA employs are universally accepted—and the limits that it sets should be universally acceptable. ISCRAA is not intended to alter the considered standards of any jurisdiction. Rather, it is intended to enforce those standards—and to correct the occasional extreme outlier. Because ISCRAA incorporates a fee formula that is substantially more liberal than the usual practices of the federal courts in $100 million cases, we can be confident that high-quality legal representation will remain available to plaintiffs in these large litigations. See, e.g. in re Sumitomo Copper Litig., 74 F. Supp. 2d 393, S.D.N.Y. 1999, RICO and Commodities Exchange Act case resulting in $116 million recovery; attorneys reviewed millions of pages of documents located throughout the world, many requiring translation from Japanese; Federal district court awards multiplier of 250 percent for total fee of $32 million.

Another issue that I will address today is the argument—occasionally raised in opposition to proposals to limit attorneys fees—that such restrictions violate attorneys' rights to freedom of contract.

The first principle to keep in mind when questions of attorneys fees are considered is that "a fiduciary relationship exists as a matter of law between attorney and client." (Illinois Supreme Court.) As one academic commentator has noted: "[I]t is uncontroverted today that a lawyer is a fiduciary for, and therefore has a duty to deal fairly with, the client. . . . Lawyers are fiduciaries because retention of an attorney to exercise 'professional judgment' on the client's behalf necessarily involves reposing trust and confidence in the attorney. Exercising professional judgment requires that the lawyer advance the client's interests as the client would define them if the client were well-informed."

The lawyer's status as fiduciary places limits on his dealings with his client—including with regard to his fee. "An attorney's freedom to contract with a client is subject to the constraints of ethical considerations." New Jersey Supreme Court. "In setting fees, lawyers are fiduciaries who owe their clients greater duties than are owed under the general law of contracts." Massachusetts Appeals Court. "As a result of lawyers' special role in the legal system, contracts between lawyer and client receive special scrutiny. . . . While freedom of contract is the guiding principle underlying contract law, contractual freedom is muted in the lawyer-client and lawyer-lawyer contexts." Joseph M. Perillo, law professor.

The unique status of attorney fee contracts has led courts to reject analogies between such agreements and other business or service contracts. Perhaps the fullest exposition is provided by the Arizona Supreme Court: "We realize that business contracts may be enforced between those in equal bargaining capacities, even though they turn out to be unfair, inequitable or harsh. However, a fee agreement between lawyer and client is not an ordinary business contract. The profession has both an obligation of public service and duties to clients which transcend ordinary business relationships and prohibit the lawyer from taking advantage of the client. Thus, in fixing and collecting fees the profession must remember that it is a branch of the administration of justice and not a mere money getting trade.' ABA Canons of Professional Ethics, Canon 12."

The same principle has been identified by the Florida Supreme Court: There is but little analogy between the elements that control the determination of a lawyer's fee and those which determine the compensation of skilled craftsmen in other fields. Lawyers are officers of the court. The court is an instrument of society for the administration of justice. Justice should be administered economically, efficiently, and expeditiously. The attorney's fee is, therefore, a very important factor in the administration of justice, and if it is not determined with proper relation to that fact it results in a species of social malpractice that undermines the confidence of the public in the bench and bar. It does more than that. It brings the court into disrepute and destroys its power to perform adequately the function of its creation."

In order to protect the lawyer's public role and to enforce his fiduciary obligations, the courts read a reasonableness requirement into every attorney fee contract. "[T]he requirement that a fee be reasonable in amount overrides the terms of the contract, so that an 'unreasonable' fee cannot be recovered, even if agreed to by the client." 'G. Hazard, Jr. & W. Hodes, The Law of Lawyering 1. 5:205 Fee Litigation and Arbitration 120 (1998 Supp.).

As one court has stated, "[A]n attorney is only entitled to fees which are fair and just and which adequately compensate him for his services. This is true no matter what fee is specified in the contract, because an attorney, as a fiduciary, cannot bind his client to pay a greater compensation for his services than the attorney would have the right to demand if no contract had been made. Therefore, as a matter of public policy, reasonableness is an implied term in every contract for attorney's fees."

Finally, when assessing whether a fee is reasonable, courts ask whether the fee is proportional to the services that were actually provided. "Fees must be reasonably proportional to the services rendered and the situation presented." (Arizona Supreme Court.) "If an attorney's fee is grossly disproportionate to the services rendered and is charged to a client who lacks full information about all of the relevant circumstances, the fee is 'clearly excessive' . . . even though the client consented to such fee." West Virginia Supreme Court.

Because attorneys are fiduciaries, they simply do not have complete freedom of contract in negotiating their fees. An attorney's dealings with his client always must reflect that the client comes to him in a position of trust—and therefore, the attorney's fee always must be reasonable. ISCRAA will help ensure that this important obligation is respected.

Another subject that I would like to address today is ISCRAA's effective date. ISCRAA applies to attorney fee payments received after June 1, 2002. This effective date is appropriate under the circumstances of the State tobacco settlement for several reasons: first, Congress routinely enacts major tax legislation with effective dates that look back much further than does ISCRAA. The Supreme Court has "repeatedly upheld [such moderately] retroactive tax legislation against a due process challenge." United States v. Carlton, 512 U.S. 26, 30–31, 1994; see id. at 33, upholding tax whose "actual retroactive effect . . . extended for a period only slightly greater than one year".

Second, ISCRAA is not even truly retroactive. ISCRAA does not change the substantive law governing attorneys fee awards. Rather, it simply enforces established, pre-existing fiduciary standards that already bind every attorney in every state. The Model Rules of Professional Conduct, at Rule 1.5(a), contain a clear, direct command that "a lawyer's fee shall be reasonable." Similarly, the Model Code of Professional Responsibility, at DR 2–106, directs that an attorney "shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee." The Model Code further explains that an attorneys fee is "clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee." Finally, as academic commentators point out, in addition to the model rules, "all State rules of professional conduct prohibit attorneys from charging excessive fees."

As I described earlier, to enforce fiduciary standards, ISCRAA codifies and applies a very generous version of the fee multiplier system, allowing attorneys fees as high as 500 percent of reasonable hourly rates. This is considerably more generous than what Federal courts typically allow in large-judgment cases. No attorney can be heard to complain that he is subjected to a law that is more generous than his existing fiduciary obligations.

Further, none of the tobacco-settlement attorneys can reasonably maintain that they have a vested right to see their fiduciary duties to the states go unenforced. Nevertheless, in order to be fair to all parties, ISCRAA's excise taxes are applied only to fees that were paid after June 1, 2002. By this date, all of the tobacco lawyers twice had received notice from George W. Bush that he intended to enact legislation to enforce their fiduciary obligations. In February 2000, then-candidate Bush promised that he would "extend[] the 'excess benefits' provision of the tax code to private lawyers who contract with states and municipalities," with "the reasonableness of the fees * * * [to] be determined by the standard judicial 'lodestar' method." And as early as February 2001, the current Administration announced that it anticipated providing "additional public health resources for the States from the President's proposal to extend fiduciary responsibilities to the representatives of States in tobacco lawsuits." See A Blueprint for New Beginnings: A Responsible Budget for America's Priorities 80, Office of Management and Budget, February 28, 2001.

Under ISCRAA, all of the attorneys who participated in the State tobacco settlement still will be very liberally compensated. Because ISCRAA does not apply to the first three-and-a-half years of fee payments under the settlement, it exempts the first two-and-a-half billion dollars that these lawyers received. Every one of the tobacco lawyers will have more than enough money left to pay for the yachts, luxury cars, and vacation homes that were purchased with the tobacco proceeds. ISCRAA might simply be described as the one-yacht-per-lawyer rule.

But most importantly, because ISCRAA applies to the last year's worth of tobacco fee payments, and to all future payments, it will return a substantial amount of funds to the States—money that already should belong to the States under any reasonable interpretation of fiduciary standards. It is critical that these funds be restored in this time of widespread fiscal crisis. Today a large number of the States face massive budget deficits that threaten their ability to provide health care to the indigent, to fully fund public education, and to guarantee adequate and effective law enforcement. When such needs risk going unmet, fee abuses that cost the States billions of dollars simply can no longer be ignored. The States must receive their fair share of the tobacco settlement proceeds—funds that are badly needed to support basic public services.

Under the terms of the November 1998 Master Settlement Agreement, MSA, between the States and tobacco companies, $500 million in cigarette taxes is set aside every year to pay the attorneys who chose to have their fees awarded in arbitration. Because extraordinarily high fees were awarded by the arbitrators—estimated to total $15 billion—the $500-million-a-year income stream, which is not adjusted for inflation, may have to be paid in perpetuity. In addition to this annuity, the MSA also sets aside an additional $1.25 billion in cigarette taxes to compensate those lawyers who choose to forego arbitration and negotiate their fees directly with the tobacco companies.

The present value of the $500-million-a-year fee stream—discounting all future payments for the time value of money—has been conservatively estimated at just over $8 billion. Current and future payments from the $1.25 billion fee fund are less certain, since the grants made from that fund and their disbursement schedule have been kept obscure from the public. Because ISCRAA's effective date is June 1, 2002, ISCRAA will probably recoup for the States an additional $1 billion above the present value of future $500 million-a-year payments. ISCRAA does not affect the first three-and-a-half years of fees paid under the MSA. Because these payments almost certainly are adequate to pay all reasonable fees incurred in the litigation, ISCRAA would restore to the States virtually all fees paid after its effective date. Thus the net present value of the sums that ISCRAA would provide to the States can conservatively be estimated at $9 billion.

By restoring these excess fee payments to the states' MSA escrow account and returning them to the States on a per capita basis, ISCRAA guarantees every State a very substantial recovery. Based on the estimates that I have described, even our Nation's smallest State, Wyoming, would recoup at least $15 million in tobacco fee payments, and other small States, such as North Dakota, would receive approximately $20 million. On the other hand, our nation's largest State, California, can expect to recoup at least $1 billion. Other large States would also see generous returns: Florida, $511 million; Illinois, $397 million; Michigan, $318 million; New York, $607 million; Ohio, $363 million; and Texas, $667 million.

Here is how much each State can expect to recover:

Alabama	$142,220,272
Alaska	20,046,569
Arizona	164,079,935
Arkansas	85,496,543
California	1,083,230,642
Colorado	137,556,275
Connecticut	108,911,511
Delaware	25,059,883
District of Columbia	18,294,706
Florida	511,123,686
Georgia	261,806,474
Hawaii	38,745,502
Idaho	41,381,203
Illinois	397,174,614
Indiana	194,456,664
Iowa	93,585,167
Kansas	85,976,825
Kentucky	129,257,603
Louisiana	142,919,876
Maine	40,772,615
Maryland	169,384,021
Massachusetts	203,046,997
Michigan	317,835,940
Minnesota	157,327,166
Mississippi	90,973,451
Missouri	178,937,382
Montana	28,852,605
Nebraska	54,726,966
Nevada	63,905,164
New Hampshire	39,520,996
New Jersey	269,094,724
New Mexico	58,173,915
New York	606,875,689
North Carolina	257,420,675
North Dakota	20,537,847
Ohio	363,078,559
Oklahoma	110,353,478
Oregon	109,417,889
Pennsylvania	392,753,669
Rhode Island	33,525,716
South Carolina	128,305,961
South Dakota	24,140,253
Tennessee	181,945,847
Texas	666,850,647
Utah	71,417,756
Vermont	19,470,563
Virginia	226,374,115
Washington	188,496,659
West Virginia	57,831,660
Wisconsin	171,532,756
Wyoming	15,791,372

I ask unanimous consent that the text of the bill and the following four articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003" (ISCRAA).

SEC. 2. EXCISE TAXES ON EXCESS FEE TRANSACTIONS OF CERTAIN ATTORNEYS.

(a) IN GENERAL.—Subchapter D of chapter 42 of the Internal Revenue Code of 1986 (relating to failure by certain charitable organizations to meet certain qualification requirements) is amended by adding at the end the following new section:

"SEC. 4959. TAXES ON EXCESS FEE TRANSACTIONS.

"(a) INITIAL TAXES.—There is hereby imposed on the collecting attorney in each excess fee transaction a tax equal to 5 percent of the excess fee. The tax imposed by this paragraph shall be paid by any collecting attorney referred to in subsection (f)(1) with respect to such transaction.

"(b) Additional Tax on the Collecting Attorney.—In any case in which a tax is imposed by subsection (a) on an excess fee transaction and the excess fee involved in such transaction is not corrected within the taxable period, there is hereby imposed a tax equal to 200 percent of the excess fee involved. The tax imposed by this paragraph shall be paid by any collecting attorney referred to in subsection (f)(1) with respect to such transaction.

"(c) Excess Fee Transaction; Excess Fee.—For purposes of this section—

"(1) Excess fee transaction.—

"(A) In general.—The term 'excess fee transaction' means any transaction in which a fee is provided by an applicable plaintiff (including payments resulting from litigation on behalf of an applicable plaintiff determined on an hourly or percentage basis, whether such fee is paid from the applicable plaintiff's recovery, pursuant to a separately negotiated agreement, or in any other manner), directly or indirectly, to or for the use of any collecting attorney with respect to such applicable plaintiff if the amount of the fee provided exceeds the value of the services received in exchange therefor or subsection (g)(1) applies.

"(B) Determination of value.—For purposes of subparagraph (A), in determining whether the amount of the fee provided exceeds the value of the services received in exchange therefor, the value of the services shall be the sum of—

"(i) the reasonable expenses incurred by the collecting attorney in the course of the representation of the applicable plaintiff, and

"(ii) a reasonable fee based on—

"(I) the number of hours of non-duplicative, professional quality legal work provided by the collecting attorney of material value to the outcome of the representation of the applicable plaintiff, taking into account the factors described in subparagraphs (B) and (D) of subsection (h)(2),

"(II) reasonable hourly rates for the individuals performing such work based on hourly rates charged by other attorneys for the rendition of comparable services, including rates charged by adversary defense counsel in the representation, taking into account the factors described in subparagraphs (A), (C), (E), and (G) of subsection (h)(2), and

"(III) to the extent such items are not taken into account in establishing the reasonable hourly rates under subclause (II), an appropriate adjustment rate determined in accordance with subparagraph (C) to compensate the collecting attorney for periods of substantial risk of non-payment of fees and for skillful or innovative services which increase the amount of the applicable plaintiff's recovery.

"(C) Adjustment rate.—

"(i) In general.—For purposes of this paragraph, an appropriate adjustment rate is a percentage of the reasonable hourly rate under subparagraph (B)(ii)(II) which is added to the amount of such rate and which is not more than the sum of one risk percentage and one skill percentage described in clauses (ii) and (iii), respectively.

"(ii) Risk percentage.—For purposes of this subparagraph, the term 'risk percentage' means a percentage rate that is proportional to the collecting attorney's risk of nonrecovery of fees and which is—

"(I) in the case of a collecting attorney who assumed a substantial risk of nonpayment of fees, not more than 100 percent,

"(II) in the case of a collecting attorney who assumed a substantial risk of nonpayment of fees and devoted more than 8,000 hours of legal work (as described in subparagraph (B)(ii)(I)) and more than 2 years to the case before resolution of all claims, not more than 200 percent, or

"(III) in the case of a collecting attorney who assumed a substantial risk of nonpayment of fees and devoted more than 15,000 hours of legal work (as described in subparagraph (B)(ii)(I)) and more than 4 years to the case before resolution of all claims, not more than 300 percent.

"(iii) Skill percentage.—For purposes of this subparagraph, the term 'skill percentage' means, in the case of a collecting attorney who has demonstrated exceptionally skillful or innovative legal service which generated a recovery for the applicable plaintiff substantially greater than the typical recovery in similar cases, a percentage rate that is proportional to the increase in the applicable plaintiff's recovery and that is not more than 100 percent.

"(iv) Limitation.—An appropriate adjustment rate shall not increase the collecting attorney's fee above an amount that is proportional to the applicable plaintiff's recovery.

"(D) Court approval of fees.—Fee payments approved by any court shall be presumed to not be in excess of the value of the services received in exchange therefor if the court approving the fee—

"(i) did not approve an adjustment rate greater than that determined to be appropriate under subparagraph (C) in a case where such fee included an adjustment rate, and

"(ii) obtained and relied upon a report of a legal auditing firm with respect to such fee in accordance with the procedures in subsection (h).

"(2) Excess fee.—The term 'excess fee' means the excess referred to in paragraph (1)(A).

"(d) Joint and Several Liability.—For purposes of this section, if more than 1 person is liable for any tax imposed by subsection (a), all such persons shall be jointly and severally liable for such tax.

"(e) Applicable Plaintiff.—For purposes of this section, the term 'applicable plaintiff' means any person represented by a collecting attorney with respect to a claim described in subsection (f)(1).

"(f) Other Definitions and Rules.—For purposes of this section—

"(1) Collecting attorney.—The term 'collecting attorney' means any person engaged in the practice of law who represents—

"(A) any governmental entity, including any State, municipality, or political subdivision of a State, or any person acting on such entity's behalf, including pursuant to Federal or State Qui Tam statutes, in a claim for recoupment of payments made or to be made by such entity to or on behalf of any natural person by reason, directly or indirectly, of a breach of duty that causes damage to such natural person,

"(B) any organization described in paragraph (3) or (4) of section 501(c) and exempt from tax under section 501(a), in a claim for damages based on a breach of duty, whether civil or criminal, causing damage to such organization,

"(C) any natural person seeking to recover damages in a claim based on breaches of duty, whether civil or criminal, causing damage to such natural person, or

"(D) any assignee or other holder of claims described in subparagraph (A), (B), or (C), when 1 or more of such claims, whether or not joined in 1 action, involve the same or a coordinated group of plaintiff's attorneys or similarly situated defendants, arise out of the same transaction or set of facts or involve substantially similar liability issues, and result in settlements or judgments aggregating at least $100,000,000.

"(2) Taxable period.—The term 'taxable period' means, with respect to any excess fee transaction, the period beginning with the date on which the transaction occurs and ending 90 days after the earliest of—

"(A) the date of the mailing of a notice of deficiency under section 6212 with respect to the tax imposed by subsection (a), or

"(B) the date on which the tax imposed by subsection (a) is assessed.

"(3) Correction.—

"(A) General rule.—Any excess fee transaction is corrected by undoing the excess fee to the extent possible and taking any additional measures necessary to place the applicable plaintiff in a financial position not worse than that in which such plaintiff would be if the collecting attorney were dealing under the highest fiduciary standards.

"(B) Payment of excess fees.—

"(i) In general.—Except as provided in clause (ii), a collecting attorney corrects an excess fee transaction by paying any excess fees plus interest to the applicable plaintiff.

"(ii) Certain settlements.—In the case of excess fees arising from or related to that certain Master Settlement Agreement of November 23, 1998, and other, concluded Settlement Agreements based on State health care expenditures pursuant to title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including lawsuits involving the States of Florida, Minnesota, Mississippi, and Texas, the collecting attorney corrects an excess fee transaction by paying any excess fees plus interest to the 50 States in proportion to each State's share of the United States population.

"(C) No waiver of fee.—No collecting attorney may avoid imposition of any tax imposed by this section by transferring any portion of the excess fee or refusing to accept any portion of the excess fee.

"(g) Disclosure Requirements.—

"(1) Treatment as excess fee.—Any fee provided after the date of the enactment of this subsection by an applicable plaintiff (including payments resulting from litigation on behalf of an applicable plaintiff determined on an hourly or percentage basis, whether such fee is paid from the applicable plaintiff's recovery, pursuant to a separately negotiated agreement, or in any other manner), directly or indirectly, to or for the use of any collecting attorney with respect to such applicable plaintiff shall be deemed to be an excess fee provided in an excess fee transaction unless the disclosure requirements described in paragraph (2) are met.

"(2) Contents of statement.—The disclosure requirements of this paragraph are met for any taxable year in which a collecting attorney receives any fees with respect to a claim described in subsection (f)(1), if such collecting attorney—

"(A) includes in the return of tax for such taxable year a statement including the information described in subsection (c)(1) with respect to such claim, and

"(B) provides a statement including the information described in subsection (c)(1) to the applicable plaintiff prior to the deadline (including extensions) for filing such return.

"(h) Legal Auditing Firm.—

"(1) In general.—In any case before a Federal district court or a State court in which the court approves fees paid to a collecting attorney, the court shall seek bids from legal auditing firms with a specialty in reviewing attorney billings and select 1 such legal auditing firm to review the billing records submitted by the collecting attorney, under the same standards the firm would use if it were hired by a private party to review legal bills submitted to the party, for the reasonableness of such attorney's billing patterns and practices. The court shall require the collecting attorney to submit billing records, cost records, and any other information sought by such firm in its review.

"(2) Review by legal auditing firm.—In reviewing the billing records and work performed by the collecting attorney, the legal auditing firm shall address all relevant matters, including—

"(A) the hourly rates of the collecting attorney compared with the prevailing market rates for the services rendered by the collecting attorney,

"(B) the number of hours worked by the collecting attorney on the case compared with other cases that the collecting attorney worked on during the same period,

"(C) whether the collecting attorney performed tasks that could have been performed by attorneys with lower billing rates,

"(D) whether the collecting attorney used appropriate billing methodology, including keeping contemporaneous time records and using appropriate billing time increments,

"(E) whether particular tasks were staffed appropriately,

"(F) whether the costs and expenses submitted by the collecting attorney were reasonable,

"(G) whether the collecting attorney exercised billing judgment, and

"(H) any other matters normally addressed by the legal auditing firm when reviewing attorney billings for private clients.

"(3) Filing of report; response; burden of proof.—The court shall set a date for the filing of the report of the legal auditing firm, and allow the collecting attorney or any applicable plaintiff to respond to the report within a reasonable time period. The report shall be presumed correct unless rebutted by the collecting attorney or any applicable plaintiff by clear and convincing evidence.

"(4) Fee for legal auditing firm.—The fee for the report of the legal auditing firm shall be paid from the collecting attorney's fee award, the applicable plaintiff's recovery, or both in a manner determined by the court.

"(i) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations to prevent avoidance of the purposes of this section and regulations requiring recordkeeping and information reporting.".

(b) Conforming and Clerical Amendments.—

(1) Subsections (a), (b), and (c) of section 4963 of the Internal Revenue Code of 1986 are each amended by inserting "4959," after "4958,".

(2) Subsection (e) of section 6213 of such Code is amended by inserting "4959 (relating to excess fee transactions)," before "4971".

(3) Paragraphs (2) and (3) of section 7422(g) of such Code are each amended by inserting "4959," after "4958,".

(4) The heading for subchapter D of chapter 42 of such Code is amended to read as follows:

"Subchapter D—Failure by Certain Charitable Organizations and Persons to Meet Certain Qualification Requirements and Fiduciary Standards.".

(5) The table of subchapters for chapter 42 of such Code is amended by striking the item relating to subchapter D and inserting the following:

"Subchapter D. Failure by certain charitable organizations and persons to meet certain qualification requirements and fiduciary standards.".

(6) The table of sections for subchapter D of chapter 42 of such Code is amended by adding at the end the following new item:

"Sec. 4959. Taxes on excess fee transactions.".

(c) Effective Date.—The amendments made by this section shall apply to excess fees paid on or after June 1, 2002.

SEC. 3. DECLARATORY JUDGMENTS RELATING TO EXCISE TAXES ON EXCESS FEE TRANSACTIONS OF CERTAIN ATTORNEYS.

(a) In General.—Subchapter B of chapter 76 of the Internal Revenue Code of 1986 (relating to judicial proceedings) is amended by redesignating section 7437 as section 7438 and by inserting after section 7436 the following new section:

"SEC. 7437. DECLARATORY JUDGMENTS RELATING TO TAX ON EXCESS FEE TRANSACTIONS.

"(a) In General.—In a case of actual controversy involving—

"(1) a determination by the Secretary or the collecting attorney with respect to the imposition of the excise tax on excess fee transactions on such collecting attorney under section 4959, or

"(2) a failure by the Secretary or the collecting attorney to make such a determination,

upon the filing of an appropriate pleading by an applicable plaintiff, the Tax Court may make a declaration with respect to such determination or failure. Any such declaration shall have the force and effect of a decision of the Tax Court and shall be reviewable as such.

"(b) Deferential Review.—If a collecting attorney's fee has been approved by a court in accordance with section 4959(c)(1)(D) or by the Secretary pursuant to section 4959, the Tax Court shall review the fee only for an abuse of discretion.

"(c) Legal Auditing Firm.—In any petition for a declaration referred to in subsection (a):

"(1) No previous report.—If a report by a legal auditing firm that meets the requirements of section 4959(h) has not been previously produced and relied on by another court, the Tax Court shall hire such a legal auditing firm and rely on its report pursuant to the procedures in section 4959(h).

"(2) Second report.—

"(A) In general.—If a report by a legal auditing firm has been approved by a court in accordance with section 4959, the Tax Court shall hire a second legal auditing firm upon the request of the petitioner.

"(B) Fee for report.—The Tax Court may direct the petitioner to pay the fee for any report of a legal auditing firm provided pursuant to subparagraph (A).

"(d) Time for Bringing Action.—No proceeding may be initiated under this section by any person until 90 days after such person first notifies the Secretary of the excess fee transaction with respect to which the proceeding relates.

"(e) Definitions.—For purposes of this section, any term used in this section and also in section 4959 shall have the meaning given such term by section 4959.".

(b) Clerical Amendment.—The table of sections for subchapter B of chapter 76 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 7437 and by inserting the following new items:

"Sec. 7437. Declaratory judgments relating to tax on excess fee transactions.

"Sec. 7438. Cross references.".

(c) Effective Date.—The amendments made by this section shall apply to actions after the date of the enactment of this Act.

[From the Connecticut Law Review, Summer, 2001]

A Most Dangerous Indiscretion: the Legal, Economic, and Political Legacy of the Governments' Tobacco Litigation

(By Margaret A. Little)

In 1997 and 1998, the tobacco companies settled with four states who were approaching trial under agreements valued at around $40 billion. This was followed in late 1998 by a Master Settlement Agreement ("MSA") wherein forty-six states entered into a massive $206 billion settlement agreement with the tobacco companies. In addition, the tobacco companies agreed to contribute $1.5 billion to an anti-smoking "education and advertising campaign" and $250 million "for a foundation dedicated to reducing teen smoking." These agreements which total $246 billion are reported to represent the largest privately negotiated redistribution of wealth in world history. MSA further obligates the tobacco companies to pay the private practice attorneys hired by the settling states what has been variously estimated at $8 to $10 billion in net present value. Each state's legislature must pass a "Qualifying Statute" to be eligible for the "damage" payments. The agreement could not be fully implemented until courts in eighty percent of the states "in number and aggregate damages" has approved the settlement. The most significant difference between the settlement with the states and the 1997 federal settlement is that the MSA confers no protections on the tobacco companies from suits by smokers.

[From the Economist, February 13, 1999]

Knights in Golden Armour

For Americans, lawyers seem to embody extremes of both heroism and greed, sometimes at the same time. A film currently playing to packed cinemas across the country, "A Civil Action", tells the true story of one crusading lawyer (played by John Travolta) who bankrupted himself trying to sue two big companies which had polluted a small town's drinking water. But when they win, even lawyer-heroes expect to be well paid. The small group of contingency-fee lawyers who helped state governments bring the tobacco industry to heel are about to collect fees so colossal that they dwarf even the excesses of Wall Street investment bankers in the mad, bad 1980s.

Tobacco remains a bonanza for lawyers in all kinds of ways. On February 10th, a Californian jury awarded $51.5m in damages against Philip Morris to a woman with inoperable lung cancer. The award, by far the largest in a smoking-related lawsuit, was a brusque reminder that, despite last year's settlement with the states, tobacco companies remain vulnerable to suits brought by individuals; and that as long as smokers want compensation, lawyers will reap fortunes.

The legal profession is still trying to digest the implications of the staggering $8.1 billion a three-man arbitration panel awarded in December to lawyers for the work they did in helping Florida, Mississippi and Texas win a settlement from the tobacco industry for health-care costs. Over the next six months, the panel is expected to use the same criteria to set fees for the lawyers who represented dozens of other states in the negotiations which led to a national settlement last November. If they do, 250-450 lucky lawyers could collect between $20 billion and $25 billion in fees.

"These amounts are grotesque and absurd," says Lester Brickman, a law professor at New York's Cardozo School of Law. "Most of this money should have gone to the states." Mr Brickman, an expert on legal fees, predicts that the flood of cash going to a small group of trial lawyers will finance a wave of mass litigation against other industries, including alcohol and fast food, on similar public-health grounds. This approach is already being pursued by big-city mayors against gun manufacturers and distributors with the help of some of the same law firms which represented the states in their suits against the tobacco companies.

The lawyers involved in the tobacco suits insist that the awards are fair, reflecting the risk they ran by taking on the tobacco firms when no one, including the state attorneys-general, thought they had much chance of winning. The lawyers worked without pay, and as part of the settlement have now agreed to submit to arbitration rather than insist on a share of the money the states will receive, which is what the contracts they signed with many state governments would have given them. "The fees are huge," admits Philip Anderson, the president of the American Bar Association. "But these lawyers were able to do something that governments have never been able to achieve on their own—assemble enough evidence to bring the tobacco industry to account. And the fees were agreed by sophisticated parties on both sides."

Too much sophistication, in fact, may be the problem. Unusually, neither plaintiffs nor defendants in these cases seem to have had much interest in limiting the lawyers' fees. Officially, these fees are being paid by the tobacco firms, which spares the state attorneys-general the politically embarrassing task of having to pay the lawyers huge amounts of money out of their state's share of the settlement. The lawyers agreed to arbitration because they knew that state politicians could never have honoured their contingency contracts, which would themselves have become the subject of prolonged litigation. Most judges would have reduced the amounts the lawyers would get.

In any case, the arbitration is a mere fig-leaf. The money going tot he lawyers was clearly part of the overall amount that the tobacco companies were willing to pay to settle the case. Whatever the lawyers get, the states do not.

The reaction of the tobacco companies has also been suspiciously muted. Brown & Williamson, one of the firms, called the fee award "obscene", but the other companies said little. One reason may be that they do not really care about the size of the total fee award. Their deal with the states caps the amount they must pay all the states' lawyers of $500m a year. This will be divided by the lawyers according to their proportions of the overall fee award. Tobacco companies will also shell out another $1.25 billion over the next five years to pay off those lawyers who do not want to wait years to receive all their money. So the companies' exposure is limited, no matter what the lawyers get.

In effect, the lawyers are becoming joint business partners with the states and the tobacco companies in leaving a tax on smokers. The overall settlement has been widely misreported as giving the states $206 billion. But this is only the amount that they will receive in the first 25 years. The settlement actually runs in perpetuity, turning the tobacco firms into permanent tax-collection agencies for the states. The firms have already raised prices by about 50 cents a pack to pay for the settlement. The $500m they will be handing over to the lawyers annually will also be paid for by smokers.

If the total fee award to lawyers reaches $25 billion, these annual payments will continue for the next 50 years. If the outstanding fees are inflation-adjusted, as the arbitrators decided they should be in Florida, Mississippi and Texas, the payments to the lawyers and their heirs could go on for ever, because the $500m annual cap will not be inflation-adjusted. The tobacco firms are threatening to challenge the inflation-adjustment provision in the courts because they say it is not part of the national settlement agreement.

But inflation-adjusted or not, today's smokers—70% of whom earn less than $40,000 a year—will be paying the lawyers as well as the states, via the tobacco companies, for the rest of their (abbreviated) lives. Tobacco companies' bottom-lines will barely be affected. This is why tobacco shares rose after the settlement with the states was announced in November and barely reacted when the first gigantic fee awards to lawyers were made in December.

How the arbitrator came up with such a huge figure is something of a mystery. The awards range from 20-35% of what the three states will receive. But this is far more than the 8% fee agreed last May by the lawyers in Minnesota, the only state actually to take its tobacco case all the way to trial.

[From the Dallas Morning News, March 7, 2003]

MORALES, FRIEND INDICTED IN TEXAS TOBACCO CASE—FORMER AG HAS DENIED WRONGDOING; FEDERAL CHARGES INCLUDE TAX EVASION

(By George Kuempel)

AUSTIN.—Former Texas Attorney General Dan Morales and a lawyer friend were indicted on federal charges Thursday, accused of trying to defraud the state of hundreds of millions in legal fees from its suit against the tobacco industry.

Mr. Morales, a Democrat who lost a bid for governor last year, also was charged with illegally converting campaign funds to personal use, filing bogus income tax information and falsifying a bank loan application.

He and Marc Murr of Houston, who also was indicted, are expected to surrender to the FBI on Friday. They previously have denied wrongdoing.

U.S. Attorney Johnny Sutton called it "a case of an elected official charged with abusing the public trust."

"This indictment alleges he violated that trust by backdating contracts, forging government records and converting campaign contributions to personal use," Mr. Sutton said at the federal courthouse.

The 12-count indictment issued by a federal grand jury stemmed from a long-running investigation into payment of legal fees from the state's $17.3 billion settlement with tobacco companies when Mr. Morales was attorney general in 1998.

It's a case that has been at the center of a political wrangling for several years between Mr. Morales and Republicans. And it comes just weeks after his brother, San Antonio musician Michael Morales, pleaded guilty to attempting to extort $280,000 from Democrat Tony Sanchez during the campaign against Gov. Rick Perry.

Dan Morales, now a private lawyer in Austin, is accused of fraudulently trying to secure millions of dollars in fees for Mr. Murr for work on the tobacco case that he did not do by backdating contracts and forging government documents.

The indictments of Dan Morales and Marc Murr are another chapter in Texas' landmark $17.3 billion settlement with tobacco companies that has included twists, turns and reversals.

Initial debate: Gov. George W. Bush and state Attorney General John Cornyn, both Republicans, complained about $3.3 billion paid to five attorneys for their work on the 1998 settlement. Added intrigue: Mr. Morales said his friend Marc Murr of Houston was also among the state's tobacco lawyers and was due about $500 million. Mr. Morales had publicly hired the five private attorneys and disclosed their contracts; the deal with Mr. Murr was initially secret.

The Murr deal: Mr. Morales said Mr. Murr was hired to be a watchdog over the other lawyers and to advise him during the litigation. The other lawyers initially said that they had never heard of Mr. Murr, and later said he did little or no work on the case.

The initial inquiries: Mr. Cornyn, who succeeded Mr. Morales as attorney general in 1999, began investigating the Murr contract. Federal investigators started their inquiry into the deals and the documents.

The Murr money: In December 1998, Mr. Murr went before a national arbitration panel and was awarded $1 million over 30 years from tobacco companies. Unbeknownst to the other tobacco lawyers, Mr. Morales and Mr. Murr also formed a state arbitration panel in September 1998 that gave Mr. Murr $260 million—an award he contended was binding. He cited a Jan. 31, 1997, contract with the state as evidence.

Cornyn objects: In May 1999, Mr. Cornyn said that the Jan. 31, 1997, contract between Mr. Morales and Mr. Murr was a fake and did not exist when it supposedly was signed.

Sudden reversal: In U.S. District Court, Mr. Murr's attorney dropped the $260 million claim on May 6, 1999. Mr. Murr's attorney also told the court that at least one of the contracts signed by his client and Mr. Morales was backdated by as much as a year. Mr. Morales had denied any manipulation of the contract. He said the investigations are spawned by partisan political attacks.

Mr. Morales is reported to have hired Mr. Murr without the knowledge of the team of five high-profile trial lawyers he contracted to represent the state in its lawsuit against the big tobacco companies.

At one time, Mr. Murr stood to receive $520 million as his share of the $3.3 billion in fees awarded to the lawyers in the case.

His share was later reduced to $1 million, but he gave up his claim to the money when allegations arose that he had done no work on the case.

According to the indictment, Mr. Morales and Mr. Murr "fabricated an outside counsel agreement, backdated to January 31, 1997, which purportedly required the State to pay a reasonable fee to Defendant Murr's corporation."

As part of the "scheme," the two men fabricated another outside counsel agreement, backdated to Oct. 17, 1996, which assigned 3 percent of the state's recovery to Mr. Murr's corporation.

"Defendant Morales directed a state employee to type and then backdate the bogus agreement. Three percent of the state's recovery was estimated to be $520 million," according to the indictment.

In May 1999, two forensic experts hired by The Dallas Morning News said that the Morales-Murr contract shows evidence of "severe document manipulation."

The private lawyers who handled the tobacco case were John Quinn and John Eddie Williams of Houston, Walter Umphrey and Wayne Reaud of Beaumont, and Harold Nix of Daingerfield. They have defended their actions in the case.

Mr. Morales surprised some when he announced plans in 1995 to sue several big tobacco companies to help recover the state's cost of treating patients suffering from tobacco-related illnesses.

But questions were raised about the fees by Republicans, including John Cornyn, who became attorney general in 1999 after Mr. Morales decided not to run again.

Mr. Cornyn began a state investigation, and Andy Taylor, a former assistant attorney general who headed that said of Mr. Morales: "He's toast.

"We looked at the computer hard drives and could tell to the second when the backdating on the contracts occurred."

Mr. Taylor, a Houston lawyer, said prosecutors have informed him that he will be called as a witness in the case. He said delays in the indictment probably were because of the lack of a permanent U.S. attorney for months before Mr. Sutton's appointment and confirmation.

Mr. Morales had slammed the inquiry as politically motivated. "There's not one shred of evidence or a single document to support these lurid accusations," he said in 1999.

Micheal Ramsey, an attorney for Mr. Murr, said Thursday of the charges, "My initial take is that it's unfair."

Both men are accused of conspiracy and mail fraud, which can carry a penalty of up to five years in prison and a $250,000 fine.

The indictment also charges that Mr. Morales used $400,000 in campaign donations to buy a $775,000 house in Travis County and he is accused of understating by $400,000 his liabilities in applying for a $600,000 loan in 1999.

Making a false application on a loan application is a charge punishable by up to 30 years in prison and a $1 million fine.

According to the indictments, Mr. Morales defrauded the state, the Texas Ethics Commission, his contributors and others from 1997 and 1999 by converting political donations to personal use.

He is charged in another court with making false statements on his 1998 federal income tax return.

The indictment alleges that in his joint return filed with his wife, Mr. Morales listed their taxable income as $39,734 when he knew full well that "their joint taxable income was substantially in excess" of that amount.

THE CHARGES

Charges against former Attorney General Dan Morales include accusations that he:

Fraudulently tried to funnel $260 million in legal fees from the state tobacco case to a friend, who also was indicted.

Illegally converted nearly $400,000 in campaign contributions to his personal use.

Made false statements to get a $600,000 mortgage for his Travis County house.

Filed a false tax return that understated his taxable income for 1998.

[From the Wall Street Journal, March 10, 2003]

FAUST IN TEXAS II

The indictment of former Texas Attorney General Dan Morales lifts the lid ever so slightly over one of the mysteriously ignored scandals of the 1990s. We mean the national tobacco settlement that turned into a $500 million-a-year tax for the benefit of private tort lawyers.

That's the amount the tobacco companies agreed to pay in "fees" to private attorneys appointed by the state politicos on contingency. Four years later, an itinerant panel of three "arbitrators" is still moving from state to state to decide how this revenue stream, roughly a present value of $8 billion, will be divvied up.

Texas was crucial to starting the landslide toward a national settlement, and Mr. Morales selected the five lawyers who handled the state's case and would eventually receive an astounding $3.3 billion in fees. How these five were picked, though no part of last week's indictment, is an untold story in itself. Houston lawyer Joe Jamail, who waved off a chance to participate, told a grand jury Mr. Morales had demanded a $1 million gratuity to be named to the case.

Never mind. A million bucks would soon appear a hilariously trivial sum compared to the monumental fees the tobacco lawyers would receive. Seeing the sums that were up for grabs after the settlement was reached, Mr. Morales produced out of the blue a friend, lawyer Marc Murr, whom he claimed was entitled to $520 million. Mr. Morales even turned up a document, never seen before, testifying to a fee agreement.

The five private lawyers were apoplectic, insisting Mr. Murr had done little work and implying the contract was a forgery. Mr. Morales quickly retreated. He did not seek a third term as attorney general.

The Murr episode had not been forgotten, however, and last week the U.S. Attorney's office in Austin brought charges against Mr. Morales for making false statements and concealing documents in an effort to enrich his friend. Mr. Murr was also indicted.

Hallelujah. We can only hope this proves a sideshow to the main event. Mr. Jamail's allegations about how Mr. Morales picked the other five attorneys reportedly have been seconded by two other witnesses before a grand jury. Virtually overlooked has been the role of lawyer Walter Umphrey, one of the biggest beneficiaries of the tobacco settlement, in naming the supposedly "independent" chairman of the national arbitration panel that is still awarding millions of dollars in fees.

A shameful episode, the tobacco settlement essentially enacted a national sales tax outside any legislature and awarded a big chunk of the proceeds to private campaign contributors of the attorneys general who brought the suit. So vast have been the rewards, in publicity and money, that the AGs have now turned themselves into full-time buccaneers-in-arms of the private tort bar, preying on one industry after another in search of more such triumphs.

Belated accountability is better than none. We just hope prosecutors and grand juries won't stop with the Murr case.

Mr. CORNYN. Mr. President, I am pleased to join my colleague, Senator Kyl, to introduce today this landmark legislation to clean up our civil justice system. This legislation would enact a badly needed reform to the way in which attorneys are paid in some of the Nation's largest cases. It is designed to address some of the worst abuses of our civil justice system that I have witnessed in my nearly thirty years in the legal profession as a lawyer in private practice, as a state trial and appellate judge, and as state attorney general.

This legislation, the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003, ISCRAA, will combat the gross abuse of attorney contingent fee agreements, abuses which we have been witnessing at an increasing rate in recent years. The legislation will enforce attorneys' fiduciary duties to their clients in a small but important category of cases—those resulting in judgments greater than $100 million.

Contingent fee agreements can have an important role to play in our civil justice system. Sometimes, when people are injured but cannot afford to hire lawyers out of their own pockets, attorneys will accept the case with the expectation that, if their clients prevail, the attorney will be paid for his or her services out of the judgment or settlement that the attorney is able to secure for the client. Such agreements between attorneys and their clients are called contingent fee agreements, because the attorney's fee is contingent on the client obtaining a money judgment or settlement. Contingent fee agreements, properly understood and utilized, reward attorneys for their work in obtaining monetary recovery for their clients, and the risk that they take that, despite their hard work and best efforts, they are unable to obtain any recovery for the client at all.

Contingent fees can thus help ensure that plaintiffs with legitimate claims have the opportunity to obtain justice from our courts through the assistance of counsel. But contingent fees also present serious ethical problems for our legal system—particularly in cases in which the dollar amounts at stake are extraordinary, and result in a contingent fee award that overwhelmingly exceeds the relatively light or even negligible effort and risk actually undertaken by the attorneys.

Under the time-tested traditions of our legal system, clients hire attorneys with the understanding and expectation that the attorney is ethically, legally, and morally obliged to represent their best interests, and that the attorney will use his or her legal skills in order to produce the best possible result—not for the attorney, but for the client.

Thus, as my colleague has noted, contingent fee agreements are no ordinary agreements between consumers and businesses. It is a bedrock principle and well-established tenet of our Anglo-American system of justice that attorneys are not ordinary businessmen who can engage in hard bargaining with their customers, as courts have made clear on countless occasions. Rather, attorneys are officers of the court who bear a fiduciary duty to their clients. As fiduciaries, attorneys occupy a position of trust in their dealings with their clients, a trust which attorneys may not lawfully abuse.

One obligation that flows from this status as a fiduciary is the attorney's obligation not to charge an unreasonable or excessive fee. This obligation is a fundamental part of an attorney's ethical duties, universally recognized in the ethics rules of all 50 States. Courts have made clear, time and time again, that every attorney fee contract automatically and necessarily includes the requirement that the fee be a reasonable one, a fundamental and basic duty of all attorneys, and one that no provision of such agreements may abrogate.

ISCRAA affirms and reinforces the longstanding substantive law of attorneys' fiduciary duties, by providing a special mechanism to enforce those duties in a particularly high risk category of cases—a category that the courts themselves have singled out as posing special risks of unethical, windfall fees. Courts have noted that allowing standard contingency fee agreements in cases involving judgments of $100 million or more have a distinct tendency of grossly overcompensating attorneys for their actual services rendered.

ISCRAA prevents attorneys from evading their obligation to charge a reasonable fee in extraordinarily large recovery cases, by effectively limiting awards to a generous multiple of reasonable hourly fees. State courts, Federal courts, and even trial lawyers themselves have all recognized that a reasonable fee must be proportional to the attorney's actual efforts. ISCRAA codifies and enforces this principle, while continuing to guarantee lawyers ample and generous compensation for their efforts—using fee multipliers that are as generous as the most liberal limits adopted by state courts, and which are considerably more generous than the limits set by federal courts in $100 million cases.

This legislation thus promises to clean up our civil justice system and to repudiate the grossest abuses of our legal system. Make no mistake: Although all attorneys are supposed to uphold a strict ethical code, under which they are strictly forbidden from charging their clients unreasonable or excessive attorney fees, the temptation to abuse contingent fee agreements is a strong one, and even more so when the dollar amounts are truly extraordinary—such as in the $100 million cases that would be covered by this legislation. And make no mistake: the victim of such attorney fee abuse, and the beneficiary of this legislation, is not the defendant who pays the judgment—after all, the defendant pays the same total amount whether the money goes to the attorney or to the client. Rather, the real victim of this abuse, and the real beneficiary of this legislation, is the injured client, whose money is being taken away from the lawyer through an abusive contingent fee arrangement.

As my colleague has also noted, ISCRAA is unquestionably an appropriate exercise of Congress's power to regulate and protect interstate commerce, considering the large size of the litigations to which it applies. $100 million is a standard threshold used by the federal government to determine whether an economic transaction significantly affects interstate commerce.

But the most important reason for federal intervention in this area I have not yet mentioned, and I would like to take a moment to discuss it here: the gross abuses that we have already witnessed in large litigation fee awards. Recent experience amply demonstrates that, if the Federal Government does not act to prevent unethical and grossly abusive fee awards in massive, nationwide lawsuits, no one will. Moreover, recent experience further demonstrates that unreasonable fee payments in such suits threaten not just the attorneys' fiduciary obligations; they also place at risk the integrity of our governmental institutions. The unwholesome incentives created by windfall, unethical fee awards in large-scale litigations have induced some public officials to abandon their civic obligations.

The textbook example of the types of abuses that make ISCRAA necessary is the attorney fee arrangement awarded in the State lawsuits to recover tobacco-related Medicaid expenses. Individual law firms that represented the States in that litigation have been given hundreds of millions and sometimes even billions of dollars in fees. To date, approximately $15 billion in fees has been awarded to the tobacco settlement lawyers, to be paid out in $500-million-a-year increments. Attorneys representing just three of the States—Mississippi, Texas, and Florida—were awarded $8.2 billion in fees. In many cases, such fees were paid to attorneys who filed duplicate, copycat lawsuits at a time when settlement negotiations had already begun and the risk that the states would not recover any money was negligible. Yet these lawyers nevertheless received massive contingency fees, for suits that involved no real contingency. And for most of the tobacco settlement lawyers, the size of the fee awards bears no reasonable relation to the actual effort expended or risk involved.

There is widespread agreement that the fees awarded in the tobacco settlement are excessive and unreasonable. Perhaps the most damning indictments come from those who took the plaintiffs' side in this litigation—including from plaintiff lawyers themselves. For example, Michael Ciresi, a pioneer in the tobacco litigation who represented the state of Minnesota in its lawsuit, and who is no doubt familiar with what these lawsuits actually require, has said that the Texas, Florida, and Mississippi lawyers' fee awards "are far in excess of these lawyers' contribution to any of the state results." Similarly, former Food and Drug Administration Commissioner David Kessler, another leader in the fight against tobacco, has said that the states' private lawyers "did a real service, but I think the fee is outrageous. All the legal fees are out of control." Washington, D.C. lawyer and tobacco-industry opponent John Coale has denounced the fee awards as "beyond human comprehension" and stated that "the work does not justify them." Even the Association of American Trial Lawyers, the nation's premier representative of the plaintiffs bar, has condemned attorney fees requested in the state tobacco settlement. The President of ATLA has noted: "Common sense suggests that a one billion dollar fee is excessive and unreasonable and certainly should invite the scrutiny, of the courts. ATLA generally refrains from expressing an institutional opinion regarding a particular fee in a particular case, but we have a strong negative reaction to reports that at least one attorney on behalf of the plaintiffs in the Florida case is seeking a fee in excess of one billion dollars."

This letter, written in 1997, only concerned one of the Florida lawyers' request for attorney fees. Ultimately, Florida's private counsel was awarded a total of $3.4 billion in fees. These statements demonstrate beyond all doubt that there is real abuse going on here, and that the victim of this abuse is the client, the plaintiff—and not the defendant.

Perhaps the best gloss on the tobacco fee awards is that provided by Professor Lester Brickman, a professor of law at Cardozo Law School and noted authority on legal ethics and attorney fees. Professor Brickman has stated:

"Under the rules of legal ethics, promulgated partly as a justification for the legal profession's self-governance, fees cannot be 'clearly excessive.' Indeed, that standard has now been superseded in most States by an even more rigorous standard: fees have to be 'reasonable.' Are these fees, which in many cases amount to effective hourly rates of return of tens of thousands—and even hundreds of thousands—of dollars an hour, reasonable? I think to ask the question is to answer it."

The attorney fees awarded in the state tobacco settlement are simply indefensible. And the process by which the fees were awarded partly explains how they came to be so. Outside counsel fees were determined by a private arbitration panel established by the Master Settlement Agreement, MSA, that resolved 46 of the states' litigation. Four other states had settled their suits earlier. Their lawyers, however, also were paid out of the accounts created by the MSA. Amazingly, the settlement agreement explicitly immunized all fee awards from judicial review. Even more amazingly, one of the three arbitrators who made the awards had a clear conflict of interest: he was the father of a South Carolina lawyer whose law firm has received the largest fee awards of all, believed to amount to over $2 billion. Another one of the arbitrators had no background in fee arbitrations or any related matter, and simply ignored the law in order to make outrageous awards, using the salaries of sports stars and entertainers as a basis of measure. Revealingly, the third arbitrator, a retired Federal judge appointed by President Carter, dissented from the key fee decisions.

As incredible as the MSA fee awards and the arbitration procedures may seem, even more dubious is the process by which many of the law firms that participated in this lucrative litigation were selected in the first place to represent the states.

In my home State of Texas, trial lawyers have accused the then-state attorney general of demanding $1 million in campaign contributions in exchange for their being hired to represent the state in the tobacco litigation. One prominent lawyer—a former president of the Texas Trial Lawyers Association—has since said that the attorney general's solicitation was so blatant that "I knew th[at] instant . . . that I could not be involved in the matter." He even later wondered if the meeting had been a "sting operation." Another lawyer simply characterized his encounter with the attorney general as a bribery solicitation.

This former Texas attorney general was recently indicted on Federal charges of attempting to fraudulently divert $260 million in tobacco-settlement legal fees to one of his personal friends. He had given a sworn affidavit that this lawyer had served as Texas' "primary adviser" in its tobacco lawsuit—despite the apparent fact that the lawyer had attended no court hearings, depositions, or strategy meetings, wrote no memos or legal briefs about the case, and apparently never even spoke to any of the other attorneys. The attorney general even went so far as to forge and fraudulently backdate documents in order to win his friend a share of the tobacco settlement fee.

As for the five law firms that actually did represent Texas in the tobacco litigation, they filed relatively late lawsuits that were based on other lawyers' work—and yet, despite the minimal energy expended on those suits, were awarded $3.3 billion in attorney fees. This award amounts to compensation that, even assuming that the attorneys worked all day every day during the entire period of the litigation, remains well in excess of $100,000 an hour. As one newspaper editorial has noted, for the amount of money that these lawyers were awarded, Texas could hire 10,000 additional teachers or policemen for ten years. Instead, four of these firms gave the attorney general $150,000 in campaign contributions in recent years.

Texas' experience is not an isolated example. In other states as well, lawyers' participation in the tobacco litigation appears to have been the product of political favoritism—and to have resulted in unfathomable fees that bear no reasonable relation to the services provided. For example: New Jersey: The private in-state lawyers who represented this state in the tobacco litigation have admitted that they had no mass-tort litigation experience and played no role in the state settlement talks. They have also admitted that all the key work in the state's lawsuit was done by out-of-state firms—the in-state firms' principal work was drafting pro hac vice motions to have these outside lawyers admitted in New Jersey courts. Any work that the New Jersey lawyers did was submitted to the outside lawyers, who made all of the substantive arguments. Result: these in-state lawyers were awarded $350 million in the MSA fee arbitration. Connections: the New Jersey lawyers were an inside group of past presidents of the New Jersey trial lawyers' association. The State refused to even consider hiring a nonprofit firm to conduct the New Jersey lawsuit.

Pennsylvania: Settlement talks had already begun, the states' tobacco litigation was being resolved, and all of the legal theories already had been developed long before the Pennsylvania state suit was filed. Result: Pennsylvania's private lawyers were awarded $50 million in the MSA arbitration—equivalent to 1000 percent of a reasonable hourly rate. As one expert has noted, "there's not $50 million of work in there." Connections: the two law firms that the state Attorney General selected to conduct the litigation were among his top campaign contributors. The firms were awarded no-bid contracts. As one Pennsylvania commentator has noted, "obviously, it was a political kind of thing."

Maryland: Billionaire tort lawyer Peter Angelos demanded a one billion dollar fee for his work on that State's case, even though, according to the State Senate President, the State legislature had retroactively "changed centuries of precedent to ensure [Angelos] a win in the case." Angelos ultimately received an accelerated $150 million payment for this no-risk lawsuit.

Louisiana: The private law firms that represented the State in the tobacco litigation were awarded $575 million. The MSA arbitration panel actually increased this award on the ground that the State government—the lawyers' supposed client—was opposed to suing tobacco companies. The Louisiana fee award amounts to almost $7,000 an hour, based on the lawyers' estimate that they worked a total 85,000 hours. Moreover, this estimate is unverifiable, because the state's private lawyers kept no billing records—as the attorney general explained, "I wasn't that big on hourly or written reports." The dissenting member of the arbitration panel simply noted that the Louisiana fee award "shocks the conscience" The single biggest beneficiary of this largesse—receiving $115 million in attorney fees—was a law firm based in Lake Charles, the hometown of the state's attorney general. This firm and the next largest fee recipient had donated over $42,000 to the attorney general's political campaigns. Together, all of the firms that represented Louisiana gave more than $100,000 to the attorney general in the years before they were selected to participate in the state's tobacco team.

Ohio: The lawyers representing this State received fees estimated to exceed $50,000 per hour, despite the fact that, according to independent observers, "all of the legal issues were resolved long before these Ohio lawyers stepped up to the plate." The state's outside counsel had donated $26,000 in campaign contributions to the State attorney general prior to their appointment to the state's tobacco team. After the attorney general chose one private lawyer to serve as the state's "lead special counsel," that lawyer hired one of the attorney general's top aides for an undisclosed sum in order to—in the lawyer's own words—"help me get acquainted with a technique called PowerPoint." When told that "there were many people in Ohio capable of doing a PowerPoint presentation," the state's outside counsel responded that this particular attorney general's aide "was the only one I knew of."

Massachusetts: According to other tobacco plaintiffs' lawyers, Massachusetts's suit piggybacked on the work of other lawyers and was not pivotal to the outcome of the tobacco litigation. Result: $775 million was awarded to the Massachusetts lawyers in the MSA arbitration.

New York: When this State's then-attorney general hired private counsel to represent the State in its tobacco lawsuit, tobacco companies already had paid $15 billion to Florida and Mississippi for identical claims and a national settlement agreement already was under discussion. As one local anti-tobacco leader has noted, "these were copycat lawsuits, there wasn't all that much work to do." The firms' primary job was to collect New York-specific data in order to calculate damages. Ultimately, the New York firms represented the State for just 13 months. And they received a fee award of $625 million. This amounts to at least $14.000 an hour, for a lawsuit that by all accounts involved no risk. The dissenting member of the arbitration panel has denounced the award as "an astronomical sum unrelated to, the attorneys', efforts or achievements." The New York firms had contributed more than $250,000 to New York politicians and their campaign organizations in the years preceding their selection - and another $200,000 after the State settlement.

Wisconsin: The Wisconsin lawyers' tobacco litigation work has been described as chiefly consisting of media and public relations efforts on their own behalf. Their billing records included time spent selecting office space and buying furniture. One lawyer effectively billed $3,000 to the State for reading an article in a Madison newspaper. The lawyers also billed the State for limousine rides around the state, trips on private jets, and stays at luxury hotels. Result: $75 million was awarded to the Wisconsin lawyers. Based on the law firms' records of the total number of hours they devoted to the case—including work by paralegals—this fee amounts to $3,000 per hour.

Missouri: A State supreme court justice in Missouri resigned his post in order to join one of the private law firms expected to receive a portion of the MSA arbitrators' fee award. Ultimately, the firms representing the State spent just 5 months on the state's lawsuit. They received a fee award of $111 million. One State leader has described the award as "the biggest rip-off in the 180-year history of the state." The law firms receiving these fees had donated more than $500,000 to State politicians and parties in the years leading up to their selection as the State's outside counsel.

These examples are too numerous to dismiss. In State after State; the temptations created by the massive, windfall fees awarded in the Medicaid tobacco settlement corrupted not only lawyers involved, but the government as well. The fee awards poisoned everything that they touched. No one who examines these events closely—who surveys the obscene fee awards, and the political cronyism that determined who benefited—can disagree that this must never be allowed to happen again.

As a final point, I would like to address a question that has been raised with regard to remedy. Some have argued that nothing can be done to correct the excesses of the tobacco settlement fee awards—even with regard to fees that are still being or have yet to be paid. On several occasions, State judges who were called upon to approve their State's tobacco settlement have also, on their own initiative, inquired into the apparent unreasonableness of the fees awarded. In each case, both the plaintiffs' lawyers—and in some cases, even State officials—have challenged the State courts' authority to act. They have argued that these courts lack jurisdiction to review a national settlement, and that excessive fees cannot be restored to the State. One state's attorney general implicated in these events has argued that it is a "misconception" that the tobacco settlement "attorneys' fees are coming out of the public's pocket. That is not the case. They [sic] defendants have agreed to pay these fees."

Because of the way that the MSA fee payments are structured, no lawyer's award comes out of any one particular, identifiable State's recovery. Instead, all of the lawyers are being paid from one of two separate accounts, each of which is funded by the tobacco companies.

It is a mistake, however, to contend that, because the MSA fee payments are made directly from defendants to plaintiffs' lawyers—without ever formally or actually passing through the plaintiffs' hands—they are immunized against ethical scrutiny or correction. It is well and long established in our law that fee awards originate as the property of the client regardless of how the fee agreements are structured. The courts have been very clear on this point. As they have stated: "The allowance of attorney fees in a judgment gives the attorneys no interest and ownership in the judgment to the extent of the amount of the fee allowed, but the judgment in its entirety is the property of the client. The award for fees is for the client, not the attorney."

"[A]ttorneys' fee provisions exist for the benefit of parties and not the attorneys. . . . Several jurisdictions have noted that the real party in interest with regard to fees is the client and not the attorney."

"A judgment for costs is a judgment in favor of the party, and not of his attorney, and the money represented by the costs is the property of the party."

"[T]he award of attorney fees [is] made not to the attorneys but to the litigant who was personally liable to the attorneys. This is also the view in other states when the courts award attorney fees."

"An award of attorney's fees belongs to the client and not the attorney."

Indeed, an award of attorney fees is generally taxable as income to the client. In a recent case, the U.S. Court of Appeals for the Ninth Circuit noted that a plaintiff's obligation to compensate the law firm that represented him "was satisfied by [the defendant]. The payment was therefore to [the client]. The discharge by a third person of an obligation to him is equivalent to receipt by the person taxed." The Ninth Circuit emphasized that the fact "[t]hat [the client] never laid hands on the money paid to the lawyers does not obliterate their constructive receipt." In other words, the fee award belongs to the client, regardless of how the award is made.

The rule that fee awards belong to the client is strongly supported by important policy considerations. It is necessary because any other rule would be an invitation to collusion and self-dealing between plaintiffs' lawyers and defendants. Again, the courts have been very clear on this point. As the Third Circuit has noted: "[A] defendant is interested only in disposing of the total claims asserted against it, and the allocation between the [plaintiff's] payment and the attorneys' fees is of little or no interest to the defense. Moreover, the divergence in class members' and class counsel's financial incentives creates the danger that the lawyers might urge a class settlement at a low figure or on a less-than-optimal basis in exchange for red-carpet treatment for fees."

The Second Circuit has made the same point, noting: "Defendants, once the settlement amount has been agreed to, have little interest in how it is distributed and thus no incentive to oppose the [attorneys] fee. Indeed, the same dynamic creates incentives for collusion—the temptation for lawyers to agree to a less than optimal settlement in exchange for [generous fees]."

The Ninth Circuit has also addressed the question of "whether a class member has standing to appeal class counsel's attorney fee and cost award when that award is payable by the defendant independently, and not out of the class settlement." The court concluded that "[e]ven if class counsel's attorney fees are not to be paid from the class settlement . . . , the aggregate amount of the attorney fees and the class settlement payments may be viewed as "a constructive common fund." The court reasoned that "[i]f . . . class counsel agreed to accept excessive fees and costs to the detriment of class plaintiffs, then class counsel breached their fiduciary duty to the class. If that were the case, any excessive award could be considered property of the class plaintiffs, and any injury they suffered could be at least partially redressed by allocating to them a portion of that award."

As several commentators have noted, the policy considerations underpinning the rule that fee awards belong to the client apply with full force to the State tobacco settlement. Indeed, that settlement could serve as a textbook example for why this rule exists. As Professor Brickman has noted: "To the tobacco companies, dollars are dollars, whether paid to States or paid to lawyers. So the real amount on the bargaining table was not the $246 billion that the states settled for, but a larger sum, including the amount to be paid to the attorneys. . . . Stated simply, because dollars are fungible, the fees are coming out of the settlements."

Even foreign commentators have noted that the State tobacco settlement's "arbitration is a mere figleaf. The money going to the lawyers was clearly part of the overall amount that the tobacco companies were willing to pay to settle the case. Whatever the lawyers get, the states do not."

And this point has not been lost upon members of Congress. Representative CHRIS COX, R-CA, has testified on the matter: "It is specious to argue that, billions of dollars, in fees are not being diverted out of funds available for public health and taxpayers. The tobacco industry is willing to pay a certain sum to get rid of these cases. That sum is the total cost of the payment to the plaintiffs and their lawyers. It is a matter of indifference to the industry how that sum is divided—75 percent for the plaintiffs and 25 percent for their lawyers, or vice versa. That means that every penny paid to the plaintiffs' lawyers—whether it is technically "in" the settlement or not—is money that the industry could have paid to the state or the private plaintiffs. Excessive attorneys' fees in this case will not be a victimless crime."

These authorities and their reasoning should be more than sufficient to permanently dispel the notion that an attorney fee agreement can be structured so as to evade the ethical obligation to charge only a reasonable fee. The defenders of the MSA fee payments are simply misleading the public and this distinguished body when they assert that a particular lawyer's award under the settlement does not come out of a particular state's recovery. That fee comes out of all of the State's recoveries. All excessive or unreasonable fees should be restored to all 50 of the States.

Senator KYL has already presented estimates of the monetary recovery each State can expect if ISCRAA is enacted. I would simply point out here that, according to those estimates, Texas has been charged excessive and unreasonable attorney fees in the amount of $667 million, and therefore would recover those funds if this legislation is adopted.

ISCRAA's return of unethical tobacco-settlement fee awards to the states is manifestly proper in light of the fact that all fee awards are the property of the client, and the attorney is entitled only to a reasonable fee. No attorney is above these ethical rules and obligations. They cannot be waived or ignored. And in light of our experience with the State tobacco settlement fee awards, and their effect on our public officials, these ethical duties must be carried out and enforced strictly and fully.

Our Federal and State courts generally do a good job of protecting consumers and enforcing the rights of all Americans. But there are problems in our courts that require attention and significant reform. Class action abuse not only threatens the integrity and the perception of rationality in our nation's courts, it also strongly hinders economic and job growth. Tort reform is badly needed to rescue many industries, especially our health care industry, from abuses of our legal system. The judicial confirmation process at the federal level has become bitter, severe and destructive, and that broken process poses a serious threat to judicial independence and the quality and efficiency of our courts. And abusive attorney fee arrangements make a mockery of our civil justice system, all while enriching a small band of unscrupulous litigators at the expense of the real victims, their clients.

To enforce the longstanding fiduciary duty of all attorneys to charge only a reasonable fee, in a class of cases that poses heightened risks of abuse and special significance to the national economy, I urge that this Senate consider expediently, and approve quickly, this important measure, the Intermediate Sanctions Compensatory Revenue Adjustment Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 118—SUPPORTING THE GOALS OF THE JAPANESE AMERICAN, GERMAN AMERICAN, AND ITALIAN AMERICAN COMMUNITIES IN RECOGNIZING A NATIONAL DAY OF REMEMBRANCE TO INCREASE PUBLIC AWARENESS OF THE EVENTS SURROUNDING THE RESTRICTION, EXCLUSION, AND INTERNMENT OF INDIVIDUALS AND FAMILIES DURING WORLD WAR II

Mrs. BOXER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 118

Whereas, on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the West coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them as enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, "An American Promise";

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, which established the Commission on Wartime Relocation and Internment of Civilians (the "Commission") to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled "Personal Justice Denied";

Whereas the Commission concluded that the promulgation of Executive Order 9066 was not justified by military necessity and that the decision to issue the order was shaped by "race prejudice, war hysteria, and a failure of political leadership";

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for "fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry";

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a "great day for America";

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is "to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood";

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, and which resulted in a report containing detailed information on the types of violations that occurred and lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that such an event never happens again; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of justice and civil liberties during times of uncertainty and emergency: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical significance of February 19, 1942, the date President Roosevelt signed Executive Order 9066, which restricted the freedom of Japanese Americans, German Americans, Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and

(2) supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the restrictions endured by the people in those communities as a result of Executive Order 9066.

Mrs. BOXER. Mr. President, today I am submitting a resolution to support the goals of the Japanese American, German American and Italian American communities in recognizing a "National Day of Remembrance." This resolution will increase public awareness of the events surrounding the restriction, exclusion and internment of individuals and families during World War II.

On February 11, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which authorized the incarceration of over 120,000 Americans of Japanese, Italian and German ancestry. Not until 34 years later—on February 19, 1976—was E.O. 9066 formally rescinded by President Gerald Ford.

Since then, Congress and Presidents Carter, Reagan, and Clinton have recognized the "fundamental violation of the basic civil liberties and constitutional rights" of individuals detained and interned under E.O. 9066. The Commission on Wartime Relocation and Internment of Civilians established by Congress under President Carter concluded that the decision to issue E.O. 9066 was shaped by "race prejudice, war hysteria, and a failure of political leadership."

In the last half century, organizations, families and individuals all over the country have observed a day of remembrance on February 19 to educate others of the distinct experiences of Japanese, Italian, and German Americans during World War II. Congressional recognition of this "National Day of Remembrance" would assist in promoting dialogue and education of Americans on this very important event in our history.

We need to recognize and support the efforts to raise awareness of the experiences of interned Americans. I urge my colleagues to support this resolution.

SENATE RESOLUTION 119—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. BAUCUS, Mr. BINGAMAN, Mr. DOMENICI, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 119

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 48 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $800 worth of merchandise;

Whereas a Canadian traveling in the United States is given no exemption for trips of less than 24 hours;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance equivalent to, in Canadian currency—

(1) $50 worth of merchandise, if the trip is over 24 hours but not over 48 hours;

(2) $200 worth of merchandise, if the trip is over 48 hours but not more than 7 days; and

(3) $750 worth of merchandise, if the trip is for over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should continue discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels.

Ms. COLLINS. Mr. President, I am pleased today to introduce a resolution seeking parity among the United States, Canada, and Mexico with respect to the personal exemption allowance for merchandise purchased abroad by returning residents. I am especially pleased to be joined today by Senators BAUCUS, BINGAMAN, DOMENICI, and CLINTON as original cosponsors.

For Maine citizens living near the U.S./Canadian border, moving freely and frequently between the two countries is a way of life. Cross-border business and family relationships abound. The difference in personal exemption allowances, however, puts Maine businesses near the Canadian border at a considerable disadvantage in relation to their Canadian counterparts.

A United States citizen traveling to Canada for fewer than 24 hours is exempt from paying duties on the equivalent of $200 worth of Canadian merchandise. For trips over 48 hours, the exemption increases to $800 worth of merchandise. This means that a Mainer living in a border community has the option to shop in both the United States and in Canada, seeking the best price and products. Under U.S. laws, Canadian stores are able to serve both Canadian and American customers, and, because of the high exemption level, Americans are able to bring home from Canada a significant amount of merchandise duty free.

Unfortunately, these advantages are a one way street. A Canadian citizen is given no dutyfree personal exemption allowance for trips under 24 hours. Canadian Customs is instructed to begin collecting duties and taxes on merchandise as long at it can collect three Canadian dollars. Canadian duty and sales tax rates range from seven to fifteen percent depending on the policies of the Canadian province; Nova Scotia, New Brunswick, and Newfoundland enforce a 15 percent Harmonized Sales Tax, HST on all imports. Assessing a 15 percent combined duty and tax rate, Canadian Customs begins to collect the duty and tax on the equivalent of only approximately $14 worth of U.S. goods. Compare this to the $200 limit given to U.S. citizens.

This means that a Canadian shopping for the day in Fort Kent, Madawaska, or Calais can bring home only $14 worth of merchandise before a 15 percent duty is imposed. The exemption limit rises to a mere $50 for trips between 24 and 48 hours. Restrictions such as these are a significant deterrent to Canadians who would otherwise shop in Maine communities.

In August of 2002, I brought two top Treasury officials to Maine to meet with our affected border communities to hear their concerns about this problem. In the meeting held in Calais, small business owners such as Louis Bernardini, owner of the Boston Shoe Store, and Bill Francis, owner of Knock on Wood gift shop, explained that Canada's duty barriers cost their businesses thousands of dollars in estimated revenue on an annual basis. These losses are compounded by other challenges facing their and other small businesses—an economic recession, the weakness of the Canadian dollar, and additional restrictions on border security following September 11.

This discrepancy in personal exemption allowances gives an enormous competitive advantage to the Canadian and Mexican retailers in border communities. It gives the retailers of our neighbors to the north and the south access to the cross-border shoppers while, in effect, denying that same opportunity for American retailers. This is not fair nor free trade.

In June 2002, I wrote to the Bush administration requesting that it raise the issue with its Canadian counterparts as soon as possible. Former Treasury Secretary O'Neil responded to my request and wrote to John Manley, the Canadian Minister of Finance and Deputy Prime Minister, asking him to adopt "a more trade-friendly and less administratively burdensome system of personal duty allowances."

I had the opportunity to meet personally with John Manley this week regarding border issues. During this meeting, I told him that Canada's restrictive personal exemption policies threaten the economies of its neighboring communities. I was encouraged by Minister Manley's understanding of my concerns and acknowledgment that this issue needs to be resolved.

Currently, Treasury officials are actively negotiating with Canada to try to resolve the problem. The resolution I am introducing today expresses the Sense that the Secretary of the Treasury and the United States Trade Representative should continue discussions with officials of the Governments of Canada and Mexico to achieve parity with respect to the personal exemption allowance structure. Passage of this amendment will send a clear message to these governments that the duty disparity unfairly disadvantages American businesses and must be corrected. I urge my colleagues to support its swift passage.

SENATE RESOLUTION 120—COMMEMORATING THE 25th ANNIVERSARY OF VIETNAM VETERANS OF AMERICA

Mr. JEFFORDS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 120

Whereas the year 2003 marks the 25th anniversary of the founding of Vietnam Veterans of America;

Whereas the history of Vietnam Veterans of America is a story of the United States' gradual recognition of the tremendous sacrifices of its Vietnam-era veterans and their families;

Whereas Vietnam Veterans of America is dedicated to advocating on behalf of its members;

Whereas Vietnam Veterans of America raises public and member awareness of critical issues affecting Vietnam-era veterans and their families;

Whereas the local grassroots efforts of Vietnam Veterans of America chapters, such as Chapter One in Rutland, Vermont, which was founded 23 years ago in April of 1980, have greatly contributed to the quality of the lives of veterans in our Nation's communities;

Whereas Vietnam Veterans of America promotes its principles through volunteerism, professional advocacy, and claims work; and

Whereas the future of Vietnam Veterans of America will rely not only on its past accomplishments, but also on the future accomplishments of its members, and these will ensure that Vietnam Veterans of America remains a leader among veterans advocacy organizations: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 25th anniversary of the founding of Vietnam Veterans of America, and commends it for its efforts in the advancement of veterans rights, which set the standard for all other veterans organizations around the country;

(2) asks all Americans to join in the celebration of the 25th anniversary of Vietnam Veterans of America, and its 25 years of advocacy on behalf of Vietnam veterans; and

(3) encourages Vietnam Veterans of America to continue to represent and promote its goals in the veterans' community and on Capitol Hill, and to continue to keep its national membership—consisting of 45,000 members and 600 chapters—strong.

Mr. JEFFORDS. Mr. President, I rise today with great pride and enthusiasm to submit a Senate resolution commemorating the 25th Anniversary of the founding of the Vietnam Veterans of America. The resolution also points out that April marks the 23rd Anniversary of the founding of Vietnam Veterans of America's first local chapter in my hometown of Rutland, VT.

The VVA is a Congressionally chartered national veterans service organization exclusively dedicated to Vietnam-era veterans and their families. In the late 1970s, America had come through its longest and most divisive war. Many of the millions of veterans who served during that period felt that the veteran community and the Federal Government failed to address their specific concerns.

In January 1978, Bobby Muller and a small band of Vietnam veterans came to Washington, DC to create an advocacy organization to push for Federal action to address the needs of this unique veteran population. The VVA, initially known as the Vietnam Veterans Coalition and then the Council of Vietnam Veterans, went to work focusing first on the dissemination of government information and coordination of relations between the Federal Government and veterans.

In time, it became clear that, like many other organizations, this one could not survive simply by making a good case for its initiatives—it needed to build a strong membership base in order to wield political power. By the summer of 1979, the new Vietnam Veterans of America began to focus on building its membership.

While the growth of the organization was slow initially, a breakthrough came following resolution of the American Hostage Crisis in Iran in January 1981. While watching the jubilant homecoming given the American hostages, many Vietnam veterans were poignantly reminded of the hostile reception they faced upon their return home. Vietnam veterans began to clamor for action in the form of programs that would place the latest generation of wartime veterans on the same footing as veterans from previous wars.

The strength of the organization grew with the increase in membership. The public also became more willing to deal with the neglected veterans issues unique to the Vietnam War. An important manifestation of this increased public awareness was the opening of the Vietnam Veterans Memorial in November 1982. The activities around the Memorial rekindled a sense of camaraderie among the veterans and the feeling of a shared experience too significance to ignore.

Since then, the VVA has broadened the scope of services it provides to its membership, including the founding of the Vietnam Veterans of America Legal Services that provides assistance to veterans seeking benefits and services from the Federal Government. An example of the critical information dissemination function of the VVA is the publication of information on the manifestations of Post-Traumatic Stress Disorder and Agent Orange illnesses, as well treatment and compensation available to veterans.

The legislative accomplishments of the VVA through its high-profile presence on Capitol Hill have been impressive. Organizations like Vietnam-era Veterans in Congress have served the overall membership well by supporting the pragmatic agenda of the VVA and championing its founding principle that "Never again will one generation of veterans abandon another."

Today, the VVA has a national membership of 45,000 in more than 600 chapters. VVA state councils in 43 states coordinate the activities and programs of its national organization, ensuring that grassroots input to Congress continues to ensure that the Federal Government meets its obligations to its Vietnam veterans.

This resolution expresses the Senate's gratitude to the Vietnam Veterans of America for its strong advocacy on behalf of its members and wishes it continued success in the years to come.

SENATE CONCURRENT RESOLUTION 35—HONORING THE 129 SAILORS AND CIVILIANS LOST ABOARD THE U.S.S. THRESHER ON APRIL 10, 1963, AND URGING THE SECRETARY OF THE ARMY TO ERECT A MEMORIAL TO THIS TRAGEDY IN ARLINGTON NATIONAL CEMETERY

Mr. SUNUNU (for himself, Mr. GREGG, Ms. SNOWE, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Veterans' Affairs:

S. CON. RES. 35

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of military and civilian personnel in the naval submarine service, and in the protection of the Nation;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963; and

Whereas the crew of the U.S.S. Thresher demonstrated the "last full measure of devotion" in service to this Nation, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963; and

(2) urges the Secretary of the Army to erect a memorial in Arlington National Cemetery, to be paid for with private funds, honoring the crew of the U.S.S. Thresher, and to all United States submariners who have lost their lives in the line of duty.

Mr. SUNUNU. Mr. President, last week, the U.S. Senate unanimously passed S. Res. 102, a resolution I introduced that pays tribute to the 129 officers, sailors and civilians who tragically lost their lives aboard the nuclear submarine, U.S.S. *Thresher*.

Today, on the 40th anniversary of the loss of the *Thresher*, I once again join with Senators GREGG, SNOWE and COLLINS to introduce legislation which calls on the Secretary of the Army to erect a memorial at Arlington National Cemetery to honor the crew who were lost on the *Thresher* as well as other nuclear submariners lost at sea. Companion legislation is being introduced in the House of Representatives by Congressman JEB BRADLEY.

As I stated last week, the U.S.S. *Thresher* was built at the Portsmouth Naval Shipyard and commissioned in August of 1961 as the lead vessel in a new class of nuclear-powered attack submarines. After putting to sea, she was subjected to more than a year of tests along the eastern coast of the United States. In late 1962, the *Thresher* returned to New England for an overhaul where she remained until the spring of 1963.

On April 9, 1963, the *Thresher* departed the Portsmouth Naval Shipyard to conduct deep-diving exercises some 200 miles off the coast of New England. In the morning hours of April 10, 1963, after reaching her assigned depth, the U.S.S. *Thresher*, signaled her companion surface ship, the U.S.S. *Skylark*, that it was experiencing difficulties. Shortly thereafter, the crew of the *Skylark* realized that something had gone wrong as they heard the sound of the *Thresher* breaking apart.

The inquiry following the loss of the *Thresher* identified the probable cause of the accident as a failure in the piping which led to a subsequent loss of power and ultimately an inability to blow the ballast tanks which would have allowed the *Thresher* to rise. As a result of the inquiry, the Navy initiated key changes aimed at ensuring the safety of future submarines, and by extension, their crews. The safety of today's modern submarine fleet is a direct result of the lessons learned following the loss of the *Thresher*.

Those who have served aboard America's submarine fleet over the years have genuine appreciation and gratitude for the sacrifice made by the crew of the *Thresher*. While modern submariners admire and respect these heroes, their sacrifice is largely unknown to many Americans. That is why I believe a memorial on the hallowed ground of Arlington National Cemetery to the crew of the U.S.S. *Thresher* will allow the memory of these 129 brave individuals to be given the honor and respect they are due. In addition to paying tribute to the *Thresher*, the memorial would honor all nuclear submariners who have lost their lives at sea.

Mr. President, I am aware that there are space constraints at Arlington. However, the memorial we are calling for would encompass a limited area—approximately the size of two burial plots. This would allow for enough space to pay proper respect to these American heroes. The legislation we are introducing today urges the Army to locate and allocate such space.

I encourage my colleagues to join Senators GREGG, SNOWE, COLLINS and me in honoring these individuals by supporting this measure, and I ask for its speedy consideration by the Senate.

Thank you, Mr. President.

Mr. President, I ask unanimous consent that an editorial from the April 6th edition of Dover, New Hampshire's Foster's Sunday Citizen titled "Build a Memorial to the Thresher" be included in the RECORD at the conclusion of my remarks.

BUILD A MEMORIAL TO HONOR THRESHER

As the most powerful military force ever to navigate the seas, the invincibility of today's United States Navy is the sum of myriad successes and tragic failures throughout its history.

The Portsmouth Naval Shipyard has played as big a part—if not bigger—in the Navy's evolution as any other entity. The yard and the residents of our region can be proud of contributions made here over more than two centuries to the evolution of our national defense at sea.

That is why it is important for us to preserve the memory of the USS Thresher and her crew, all of whom perished on April 10, 1963, in the deep ocean.

The preservation of that memory was the reason why people gathered at the shipyard on Saturday. They wanted to remember the boat and her crew—96 sailors, 16 officers and 17 employees of the shipyard.

Besides the New Hampshire and Maine congressional delegations, many in attendance were relatives of those who perished and whose sacrifice resulted in monumental changes to the way submarines after 1963 were constructed for the U.S. Navy.

As a result, it is entirely appropriate for the delegation to call for the construction of a memorial to the USS Thresher and her crew at Arlington National Cemetery. Given the magnitude of the Thresher's contributions to submarine safety during the past 40 years, it is difficult not to support such a project.

As a result of their sacrifice, the SubSafe program was created. Regulations on hull integrity and pressure-related components for submarines were strengthened. The sinking of the Thresher has resulted in the lives of countless submariners being saved because of safety improvement to the vessels they worked on.

Since the Thresher, not one submarine has been lost under similar circumstances.

The USS Thresher was the harbinger of the awesome attack submarines we have today to protect our shores and interests abroad. The debt we owe to the crew and civilians who accepted—on our nation's behalf—the hazards of living and working under water cannot be repaid.

Building a memorial to preserve their memory and contributions is the best we are able to do.

AMENDMENTS SUBMITTED AND PROPOSED

SA 529. Mr. HATCH (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. DURBIN, Mr GREGG, Mr. BINGAMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. ROCKFELLER, Mr. SANTORUM, Mr. LEAHY, Mr. KERRY, Mr. LUGAR, Mr. CORZINE, Mr. LEVIN, Mr. TALENT, Ms. LANDRIEU, Mr. SPECTER, and Mr. DASCHLE) proposed an amendment to the bill H.R. 1584, to implement effective measures to stop trade in conflict diamonds, and for other purposes.

SA 530. Mr. MCCONNELL (for Mr. CHAMBLISS) proposed an amendment to the bill S. 783, to expedite the granting of posthumous citizenship to members of the United States Armed Forces.

TEXT OF AMENDMENTS

SA 529. Mr. HATCH (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. FEINGOLD, Ms. SNOWE, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. LEAHY, Mr. KERRY, Mr. LUGAR, Mr. CORZINE, Mr. LEVIN, Mr. TALENT, Ms. LANDRIEU, Mr. SPECTER, and Mr. DASCHLE)) proposed an amendment to the bill H.R. 1584, to implement effective measures to stop trade in conflict diamonds, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by

the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is "controlled through the Kimberley Process Certification Scheme" if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term "exporting authority" means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term "importing authority" means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term "Kimberley Process Certificate" means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term "Kimberley Process Certification Scheme" means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled "Kimberley Process Certification Scheme" referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term "Participant" means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term "person" means an individual or entity.

(9) ROUGH DIAMOND.—The term "rough diamond" means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term "United States", when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.—

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee shall be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberly Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

SA 530. Mr. MCCONNELL (for Mr. CHAMBLISS) proposed an amendment to the bill S. 783, to expedite the granting of posthumous citizenship to members of the United States Armed Forces; as follows:

On page 2, strike lines 1 through 7, and insert the following:

"(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

"(1) IN GENERAL.—A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of that person—

"(A) upon locating the next-of-kin, and if so requested by the next-of-kin, by the Secretary of Defense or the Secretary's designee with the Bureau of Citizenship and Immigration Services in the Department of Homeland Security immediately upon the death of that person; or

"(B) by the next-of-kin.

"(2) APPROVAL.—The Director of the Bureau of Citizenship and Immigration Services shall approve a request for posthumous citizenship filed by the next-of-kin in accordance with paragraph (1)(B) if—

"(A) the request is filed not later than 2 years after—

"(i) the date of enactment of this section; or

"(ii) the date of the person's death;

whichever date is later;

"(B) the request is accompanied by a duly authenticated certificate from the executive department under which the person served which states that the person satisfied the requirements of paragraphs (1) and (2) of subsection (b); and

"(C) the Director finds that the person satisfied the requirement of subsection (b)(3)."; and

On page 2, after line 22, insert the following:

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 10, 2003, at 10:15 a.m., in open and possibly closed session, to receive testimony on the military implications of NATO enlargement and on post-conflict Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 10, 2003, at 10 a.m., to conduct a hearing on "Recent Developments in Hedge Funds."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday April 10, 2003, at 10 a.m., on FAA Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Thursday, April 10 at 10 a.m. to consider comprehensive energy legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on during the session of the Senate, on Thursday April 10, 2003, at 9:30 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 10, 2003 to hold a Business Meeting (to pass out nominations) after the first rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 10, 2003 at 9:30 a.m. to consider the nomination of Peter Eide to be General Counsel for the Federal Labor Relations Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 10, 2003 at 11 a.m. for a hearing entitled "Prosecuting Iraqi War Crimes: A Consideration of the Different Forum Options."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Putting the Teaching of American History and Civics Back in the Classroom during the session of the Senate on Thursday, April 10, 2003 at 9 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 10, 2003, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to mark up pending committee legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 10, 2003, for a markup on the nominations of Bruce E. Kasold to be Judge, U.S. Court of Appeals for Veterans Claims, and John W. Nicholson to be Under Secretary for Memorial Affairs, Department of Veterans Affairs. The meeting will take place in the Senate Reception Room in the Capitol after the first rollcall vote after noon on April 10, 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. FRIST. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 562 of the Dirksen Senate Office Building, Thursday, April 10, 2003, from 10:30 a.m. to 1 p.m.

Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Thursday, April 10 at 9:30 a.m. to examine the designation of critical habitat under the Endangered Species Act.

The hearing will be conducted in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on April 10, 2003, at 2:30 p.m. on brain mapping.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 127, and all the nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

DEPARTMENT OF STATE

Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Roland W. Bullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as United States Representative of the Organization for the Prohibition of Chemical Weapons.

John W. Snow, of Virginia, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

MISSISSIPPI RIVER COMMISSION

Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years.

Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of two years.

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2006.

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2007.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN355 Foreign Service nominations (187) beginning Louise Brandt Bigott, and ending Kathleen Hatch Allegrone, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 25, 2003.

NOMINATIONS DISCHARGED

Mr. McCONNELL. In executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations: Delores Etter, Daniel Hastings, Jo Anne Vasquez, Barry Barish, Douglas Randall, Karen Johnson.

I further ask unanimous consent that the nomination of Karen Johnson be placed on the calendar. Further, I ask unanimous consent that the Senate proceed immediately to the remaining nominations, the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, further that the President then be notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL SCIENCE FOUNDATION

Barry C. Barish, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Delores N. Etter, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Daniel E. Hastings, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for term expiring May 10, 2008.

Douglas D. Randall, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jo Anne Vasquez, of Arizona, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 196

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the minority leader, the Senate proceed to the consideration of Calendar No. 60, S. 196, the digital technology bill; further that there be one hour of debate equally divided between Senator ALLEN and the ranking member or their designees; in addition, that of the time under the majority control, Senator McCAIN be allotted 5 minutes; that the only amendments in order be the committee-reported amendments and one technical amendment offered by Senator ALLEN; that at the expiration or yielding back of time, the amendments be adopted, the bill, as amended, be read a third time, and the Senate proceed to a vote on passage of the bill, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFESPAN RESPITE CARE ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 538.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 538) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 538) was read the third time and passed, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lifespan Respite Care Act of 2003".

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—LIFESPAN RESPITE CARE

"SEC. 2901. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) an estimated 26,000,000 individuals in the United States care each year for 1 or more adult family members or friends who are chronically ill, disabled, or terminally ill;

"(2) an estimated 18,000,000 children in the United States have chronic physical, developmental, behavioral, or emotional conditions that demand caregiver monitoring, management, supervision, or treatment beyond that required of children generally;

"(3) nearly 4,000,000 individuals in the United States of all ages who have mental retardation or another developmental disability live with their families;

"(4) almost 25 percent of the Nation's elders experience multiple chronic disabling conditions that make it necessary to rely on others for help in meeting their daily needs;

"(5) every year, approximately 600,000 Americans die at home and many of these individuals rely on extensive family caregiving before their death;

"(6) of all individuals in the United States needing assistance in daily living, 42 percent are under age 65;

"(7) there are insufficient resources to replace family caregivers with paid workers;

"(8) if services provided by family caregivers had to be replaced with paid services, it would cost approximately $200,000,000,000 annually;

"(9) the family caregiver role is personally rewarding but can result in substantial emotional, physical, and financial hardship;

"(10) approximately 75 percent of family caregivers are women;

"(11) family caregivers often do not know where to find information about available respite care or how to access it;

"(12) available respite care programs are insufficient to meet the need and are directed at primarily lower income populations and family caregivers of the elderly, leaving large numbers of family caregivers without adequate support; and

"(13) the limited number of available respite care programs find it difficult to recruit appropriately trained respite workers.

"(b) PURPOSES.—The purposes of this title are—

"(1) to encourage States to establish State and local lifespan respite care programs;

"(2) to improve and coordinate the dissemination of respite care information and resources to family caregivers;

"(3) to provide, supplement, or improve respite care services to family caregivers;

"(4) to promote innovative, flexible, and comprehensive approaches to—

"(A) the delivery of respite care;

"(B) respite care worker and volunteer recruitment and training programs; and

"(C) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;

"(5) to support evaluative research to identify effective respite care services that alleviate, reduce, or minimize any negative consequences of caregiving; and

"(6) to promote the dissemination of results, findings, and information from programs and research projects relating to respite care delivery, family caregiver strain, respite care worker and volunteer recruitment and training, and training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services.

"SEC. 2902. DEFINITIONS.

"In this title:

"(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State agency;

"(B) any other public entity that is capable of operating on a statewide basis;

"(C) a private, nonprofit organization that is capable of operating on a statewide basis;

"(D) a political subdivision of a State that has a population of not less than 3,000,000 individuals; or

"(E) any recognized State respite coordinating agency that has—

"(i) a demonstrated ability to work with other State and community-based agencies;

"(ii) an understanding of respite care and family caregiver issues; and

"(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

"(2) ADULT WITH A SPECIAL NEED.—The term 'adult with a special need' means a person 18 years of age or older who requires care or supervision to—

"(A) meet the person's basic needs; or

"(B) prevent physical self-injury or injury to others.

"(3) CHILD WITH A SPECIAL NEED.—The term 'child with a special need' means a person less than 18 years of age who requires care or supervision beyond that required of children generally to—

"(A) meet the child's basic needs; or

"(B) prevent physical self-injury or injury to others.

"(4) FAMILY CAREGIVER.—The term 'family caregiver' means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

"(5) RESPITE CARE.—The term 'respite care' means planned or emergency care provided to a child or adult with a special need in order to provide temporary relief to the family caregiver of that child or adult.

"(6) LIFESPAN RESPITE CARE.—The term 'lifespan respite care' means a coordinated system of accessible, community-based respite care services for family caregivers of children or adults with special needs.

"SEC. 2903. LIFESPAN RESPITE CARE GRANTS AND COOPERATIVE AGREEMENTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand and enhance respite care services to family caregivers;

"(2) to improve the statewide dissemination and coordination of respite care; and

"(3) to provide, supplement, or improve access and quality of respite care services to family caregivers, thereby reducing family caregiver strain.

"(b) AUTHORIZATION.—Subject to subsection (f), the Secretary is authorized to award grants or cooperative agreements to eligible recipients who submit an application pursuant to subsection (d).

"(c) FEDERAL LIFESPAN APPROACH.—In carrying out this section, the Secretary shall work in cooperation with the National Family Caregiver Support Program Officer of the Administration on Aging, and respite care program officers in the Administration for Children and Families, the Administration on Developmental Disabilities, the Maternal and Child Health Bureau of the Health Resources and Services Administration, and the Substance Abuse and Mental Health Services Administration, to ensure coordination of respite care services for family caregivers of children and adults with special needs.

"(d) APPLICATION.—

"(1) SUBMISSION.—Each eligible recipient desiring to receive a grant or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under this section shall include—

"(A) a description of the applicant's—

"(i) understanding of respite care and family caregiver issues;

"(ii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients; and

"(iii) collaboration with other State and community-based public, nonprofit, or private agencies;

"(B) with respect to the population of family caregivers to whom respite care information or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

"(i) the population of family caregivers;

"(ii) the extent and nature of the respite care needs of that population;

"(iii) existing respite care services for that population, including numbers of family caregivers being served and extent of unmet need;

"(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

"(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

"(vi) a plan for collaboration and coordination of the proposed respite care activities with other related services or programs offered by public or private, nonprofit entities, including area agencies on aging;

"(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

"(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

"(ix) respite care services available to family caregivers in the applicant's State or locality, including unmet needs and how the applicant's plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of children and adults with special needs;

"(x) the criteria used to identify family caregivers eligible for respite care services;

"(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure that respite care workers and volunteers are appropriately screened and possess the necessary skills to care for the needs of the care recipient in the absence of the family caregiver; and

"(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results; and

"(C) assurances that, where appropriate, the applicant shall have a system for maintaining the confidentiality of care recipient and family caregiver records.

"(e) REVIEW OF APPLICATIONS.—

"(1) ESTABLISHMENT OF REVIEW PANEL.—The Secretary shall establish a panel to review applications submitted under this section.

"(2) MEETINGS.—The panel shall meet as often as may be necessary to facilitate the expeditious review of applications.

"(3) FUNCTION OF PANEL.—The panel shall—

"(A) review and evaluate each application submitted under this section; and

"(B) make recommendations to the Secretary concerning whether the application should be approved.

"(f) AWARDING OF GRANTS OR COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements from among the applications approved by the panel under subsection (e)(3).

"(2) PRIORITY.—When awarding grants or cooperative agreements under this subsection, the Secretary shall give priority to applicants that show the greatest likelihood of implementing or enhancing lifespan respite care statewide.

"(g) USE OF GRANT OR COOPERATIVE AGREEMENT FUNDS.—

"(1) IN GENERAL.—

"(A) MANDATORY USES OF FUNDS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section shall use the funds for, unless such a program is in existence—

"(i) the development of lifespan respite care at the State and local levels; and

"(ii) an evaluation of the effectiveness of such care.

"(B) DISCRETIONARY USES OF FUNDS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds for—

"(i) respite care services for family caregivers of children and adults with special needs;

"(ii) respite care worker and volunteer training programs; or

"(iii) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services.

"(C) EVALUATION.—If an eligible recipient uses funds awarded under this section for an activity described in subparagraph (B), the eligible recipient shall use funds for an evaluation of the effectiveness of the activity.

"(2) SUBCONTRACTS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds to subcontract with a public or nonprofit agency to carry out the activities described in paragraph (1).

"(h) TERM OF GRANTS OR COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

"(2) RENEWAL.—The Secretary may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

"(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $90,500,000 for fiscal year 2004; and

"(2) such sums as are necessary for fiscal years 2005 through 2008.

"SEC. 2904. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

"(a) ESTABLISHMENT.—From funds appropriated under subsection (c), the Secretary shall award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the 'center').

"(b) PURPOSES OF THE CENTER.—The center shall—

"(1) maintain a national database on lifespan respite care;

"(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

"(3) provide information, referral, and educational programs to the public on lifespan respite care.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2004 through 2008.".

GRANTING POSTHUMOUS CITIZENSHIP TO MEMBERS OF THE U.S. ARMED FORCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 783 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 783) to expedite the granting of posthumous citizenship to members of the United States Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate agree to the Chambliss amendment that is at the desk, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The amendment (No. 530) was agreed to, as follows:

(Purpose: To permit the Secretary of Defense or the next-of-kin to file for posthumous citizenship to noncitizens who died while in active duty service in the Armed Forces)

On page 2, strike lines 1 through 7, and insert the following:

"(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

"(1) IN GENERAL.—A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of that person—

"(A) upon locating the next-of-kin, and if so requested by the next-of-kin, by the Secretary of Defense or the Secretary's designee with the Bureau of Citizenship and Immigration Services in the Department of Homeland Security immediately upon the death of that person; or

"(B) by the next-of-kin.

"(2) APPROVAL.—The Director of the Bureau of Citizenship and Immigration Services shall approve a request for posthumous citizenship filed by the next-of-kin in accordance with paragraph (1)(B) if—

"(A) the request is filed not later than 2 years after—

"(i) the date of enactment of this section; or

"(ii) the date of the person's death;

whichever date is later;

"(B) the request is accompanied by a duly authenticated certificate from the executive department under which the person served which states that the person satisfied the requirements of paragraphs (1) and (2) of subsection (b); and

"(C) the Director finds that the person satisfied the requirement of subsection (b)(3)."; and

On page 2, after line 22, insert the following:

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

The bill (S. 783), as amended, was read the third time and passed, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTING OF POSTHUMOUS CITIZENSHIP TO MEMBERS OF THE ARMED FORCES.

(a) REQUESTS AND DOCUMENTATION FOR POSTHUMOUS CITIZENSHIP.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

"(1) IN GENERAL.—A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of that person—

"(A) upon locating the next-of-kin, and if so requested by the next-of-kin, by the Secretary of Defense or the Secretary's designee with the Bureau of Citizenship and Immigration Services in the Department of Homeland Security immediately upon the death of that person; or

"(B) by the next-of-kin.

"(2) APPROVAL.—The Director of the Bureau of Citizenship and Immigration Services shall approve a request for posthumous citizenship filed by the next-of-kin in accordance with paragraph (1)(B) if—

"(A) the request is filed not later than 2 years after—

"(i) the date of enactment of this section; or

"(ii) the date of the person's death;

whichever date is later;

"(B) the request is accompanied by a duly authenticated certificate from the executive department under which the person served which states that the person satisfied the requirements of paragraphs (1) and (2) of subsection (b); and

"(C) the Director finds that the person satisfied the requirement of subsection (b)(3)."; and

(2) by striking subsection (d) and inserting the following:

"(d) DOCUMENTATION OF POSTHUMOUS CITIZENSHIP.—If the Director of the Bureau of Citizenship and Immigration Services approves the request referred to in subsection (c), the Director shall send to the next-of-kin of the person who is granted citizenship, a suitable document which states that the United States considers the person to have been a citizen of the United States at the time of the person's death.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 329A(a) of the Immigration and Nationality Act (8 U.S.C. 1440–1(a)) is amended by striking "the Attorney General" each place that term appears and inserting "the Secretary of Homeland Security".

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

AMENDING THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 870, introduced earlier today by Senators HARKIN and COCHRAN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 870) to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today I join my colleague from Mississippi, the Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, in support of this bill that would keep fresh fruits and vegetables going to over 100 schools throughout the Nation.

We hear a great deal about the importance of teaching our children good nutrition as well as about the epidemic of obesity and poor eating habits among American children. But for all the talk and concern, we do far too little about it.

Last year, I worked with my colleagues to take concrete steps to address these issues. Concerned about the fact that many children today have only minimal experiences with fresh fruits and vegetables, we created a pilot project that provides fresh fruits and vegetables to schools in Iowa, Indiana, Michigan, Ohio, and to schools on an Indian reservation at Zuni, NM.

Despite the fact that we know there are many positive benefits associated with the consumption of fresh fruits and vegetables, we still fail to do nearly enough to encourage their consumption through our Federal nutrition programs. We must do more to encourage their purchase in our schools and to promote their consumption on an individual level.

The reports that we are getting back from schools about this program are absolutely tremendous. Just last week my staff had a conference call with school administrators, parents, and students at Zuni, NM. They are almost ecstatic in their praise of the program. The children were excited to be able to try foods that they had never had a chance to eat before. Parents report that their kids are coming home to them and asking them to buy the same fruits and vegetables for the home that they eat at school. And school administrators report healthier diets, fewer discipline problems, and buy-in from the entire school community. Even the janitors love the program.

Dieticians and school officials in Iowa tell me that, because of the fruit and vegetable pilot, their work is more fulfilling now than ever before.

This is a program that we need to expand so that all schools are able to participate. As the Senate moves forward with the reauthorization of our child nutrition programs this year, I'll be looking at ways that we can do this and at ways that we can encourage healthier lifestyles for all of our children.

In the meantime, the bill that I am introducing today allows us to extend the current fruit and vegetable pilot for an additional year. Because of the short timeframe that we had to actually set up the fruit and vegetable pilot, many of the schools were not able to begin their participation in the program as quickly as they had hoped. As a result, many schools will have funds remaining at the end of the school year. They have told me, as has the Department of Agriculture, that they would like to use their carryover funds for an additional year. This bill simply extends the authorization of the Department of Agriculture to continue the program for another year.

This does not provide any new money. It simply allows the schools to carryover current funds into the 2003 school year. The Congressional Budget Office has indicated that there is no cost associated with this.

As evidenced by the concurrence of Senator COCHRAN, this is a non-partisan, non-controversial bill, and I urge my colleagues to work with me to see that this program is extended before its current authorization runs out on June 30 of this year.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The bill (S. 870) was read the third time and passed, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRUIT AND VEGETABLE PILOT PROGRAM.

Section 18(g)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(4)) is amended by inserting before the period at the end the following: ", to remain available until the close of the school year beginning July 2003".

DESIGNATING THE JIM RICHARDSON POST OFFICE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 1505 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1505) to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1505) was read the third time and passed.

REMOVAL OF INJUNCTION OF TREATIES—TREATY DOCUMENT NO. 108–4

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 10, 2003, by the President of the United States:

Protocols of the North Atlantic Treaty of 1949, on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, Treaty Document No. 108-4.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith Protocols to the North Atlantic Treaty of 1949 on the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty. I request the advice and consent of the Senate to the ratification of these documents. I also transmit for the information of the Senate a report submitted to me by the Secretary of State regarding this matter.

The end of communism and the consolidation freedom and democracy in Central and Eastern Europe have been among the great developments of human history. NATO played a vital role in defending freedom and promoting this peaceful change for over 50 years. I am pleased that, with the advice and consent of the Senate, these new democracies can soon join us as members of this great Alliance.

As the threats to the Alliance have changed, NATO itself has adapted to face them. At the Prague Summit in November 2002, I joined the leaders of NATO not only in inviting these nations to join us as members, but also in calling for a transformation of NATO's military capabilities and structures to meet the threats of the 21st century. NATO is proceeding with that agenda. Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are already making real contributions to the common security of the NATO Allies, including the United States, and I ask the Senate to join me in advancing the cause of freedom and strengthening NATO by providing its prompt advice and consent to these Protocols of Accession. My Administration stands ready to assist you as best we can in your deliberations.

GEORGE BUSH.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, appoints the Senator from Texas, Mrs. HUTCHISON, to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Nevada, Mr. REID.

ORDERS FOR FRIDAY, APRIL 11, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate complete its business today, it stand in adjournment until 9:30 a.m., Friday, April 11. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 10 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or their designees.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I direct this to the distinguished assistant majority leader. We are aware, and we are confident, that the majority understands that tomorrow afternoon we hope to begin our April work period.

I am sure my distinguished colleague has been visited numerous times today about people making airplanes reservations, and all kinds of different things that they have to do. We understand that everything is being done to expedite the budget, and the supplemental appropriations bill, which at least the supplemental is a must-do before we leave. We hope everyone will keep in mind the schedules we are trying to make. We will be happy on our side to work as quickly as we can.

We have a few problems that are very obvious. We have 10 hours set aside on the budget resolution when it comes back. While it would be possible to yield back some of that time, there is no way that all of it will be yielded back.

The supplemental appropriations bill is something that some Members will have to take a look at before agreeing to a time limit or final vote on it. So we have a lot to do.

I am personally disappointed that we are not going to be able to move some of those items tonight, but I understand, having been in the same position as my friend from Kentucky, that we do not always have control over what goes on.

On this side, we will be happy to cooperate any way we can, but these are very important issues and we can only give up so many rights. We have to be very careful what rights we give up, I guess is what I should say.

I repeat for the third time, we will cooperate tomorrow in any way we can short of giving up what we believe are principled matters on these two important issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. McCONNELL. It is certainly our hope and desire to finish both the supplemental appropriations and the budget conference tomorrow. That is the goal we are all working toward.

PROGRAM

Mr. McCONNELL. For the information of all Senators, the Senate will be in a period for morning business tomorrow until 10 a.m. The Senate could begin consideration of any of the conference reports that may be available. The Senate may also consider the digital technology bill, S. 196. Rollcall votes are expected and a late night is expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Friday, April 11, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 10, 2003:

FEDERAL MARITIME COMMISSION

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007, VICE DELMOND J. H. WON, TERM EXPIRED.

EXPORT-IMPORT BANK OF THE UNITED STATES

APRIL H. FOLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007, VICE DAN HERMAN RENBERG, TERM EXPIRED.

LEGAL SERVICES CORPORATION

DAVID HALL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE JOHN T. BRODERICK, JR., TERM EXPIRED.

DEPARTMENT OF JUSTICE

PETER D. KEISLER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

DEPARTMENT OF THE TREASURY

ROBERT STANLEY NICHOLS, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MICHELE A. DAVIS.

DEPARTMENT OF HOMELAND SECURITY

C. STEWART VERDERY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES J. LOVELACE JR., 0304

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

EDWARD A. HEVENER, 2600
KEVIN M. KEPLER, 8212
ZEB S. REGAN JR., 0139

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 2003:

DEPARTMENT OF THE INTERIOR

ROSS OWEN SWIMMER, OF OKLAHOMA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF STATE

LINO GUTIERREZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

ROLAND W. BULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

JOHN W. SNOW, OF VIRGINIA, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

MISSISSIPPI RIVER COMMISSION

RICKY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS.

REAR ADM. NICHOLAS AUGUSTUS PRAHL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

HERBERT GUENTHER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM TWO YEARS.

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

MALCOLM B. BOWEKATY, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

RICHARD NARCIA, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

ROBERT BOLDREY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL SCIENCE FOUNDATION

BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

DELORES M. ETTER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

DANIEL E. HASTINGS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

JO ANNE VASQUEZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION.

FOREIGN SERVICE NOMINATIONS BEGINNING LOUISE BRANDT BIGOTT AND ENDING KATHLEEN HATCH ALLEGRONE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2003.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. TIAHRT. Mr. Speaker, on Tuesday, April 1, I was unavoidably detained and missed rollcall vote No. 97.

Rollcall vote 97 was on passage of H. Con. Res. 109, legislation calling on all Americans to honor the men and women of the U.S. armed forces and their families, and encouraging them to display the Blue Star Banner or the Gold Star. It also called on the media to recognize the importance and symbolism of the Blue Star Banner.

Had I been present, I would have voted "yes" on this bill.

I ask that my statement appear at the appropriate section in the CONGRESSIONAL RECORD.

A PROCLAMATION RECOGNIZING CHRISTOPHER E. ALVERSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. NEY. Mr. Speaker, whereas, Christopher E. Alverson has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Christopher E. Alverson has shared his time and talent with the community in which he resides; and

Whereas, Christopher E. Alverson has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Christopher E. Alverson must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 342, the residents of Fredericktown, and the entire 18th Congressional District in congratulating Christopher E. Alverson as he receives the Eagle Scout Award.

RECOGNIZING THE WORK OF THE AIR LAND EMERGENCY RESOURCE TEAM "COLUMBIA" SHUTTLE DISASTER CREW

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to commend 158 men of the International ALERT Academy who selflessly spent 11 days in San Augustine County, Texas, helping with recovery efforts following the disastrous crash of the space shuttle *Columbia*. From February 2–12, 2003, these men served our country and the families of the crew at their own expense, searching through the dense forests and briars of that region. Through their thoroughness, hard work, and willing attitudes these men brought encouragement to the leadership of the incident command structure, and every fellow worker involved.

Andrew Allison, Adam Anders, Ryan Anders, Donald Anderson, Oliver Araiza, Scott Avedisian, Jeremiah Baarbe, Michael Baird, Timothy Baldridge, Marv Behr, Matthew Berryman, Christopher Bourne, Jesse Brumbaugh, Tom Burch, Daniel Caciola, Kevin Cahill, Brian Cahil, Cody Carnett, Jonathan Carstensen, Craig Cato, Jonathan Chiew, Jonathan Chu, Bryce Chun, Mel Cohen, Marc Cohen, Jesse Conklin.

Andrew Conway, Shaun Cowhard, Timothy Crist, Steven Curry, Steve Dankers, Daniel Davies, Kurt Dean, Jonathan DeHaan, Michael DeMaio, John Davolt, Paul Ellis, Jeremy Enquist, Stephen Falkenstine, Brandon Fitch, Gabriel Garriga, Richard Geiger, Andrew George, Joel George, Carter Gibson III, Joshua Grimes, Jonathan Gunter, Nicholas Harris, Nathan Hasme, Jonathan Hasty, Mark Hasty, Terrel Hendrich.

Robert Heren, David Herring, William Hicks, Charles Hitchcock, Justin Horsman, Logan Howell, Jeff Huggins, John Hurst, Earl Jantz, Dick Jarrell, David Jodrey, Jeremy Johnson, Connor Jones, Kevin Jones, Lorin Kaney, Stephen Keating, Matthew Kinkade, Carl Kinz, Seth Kiser, Jonathan Knight, David Kress, Stephen Lacy, Jim Lampman, Kuan-Hui Lee, Emmanuel Lenau, Benjamin Longwell.

Jason Luksa, Mark MacLurg, Jonathan Mahoney, Greg Mandreger, Timothy Martin-Vegue, James Mayers, Stephen McKerracher, James Meek, Peter Melton, Steven Menzel, Jay Miller, Jeremy Minter, Merritt Mitchell, Russell Moulton, Zachariah Munger, Michael Muscanero, Adam Nunez, Joshua Oathout, Kyle O'Donnell, John O'Donnell, William Orr, Samuel Ortiz, Christopher Overby, John Owen, Micah Parrish, Stephen Parrish, Marc Payant.

David Pennywell, Jonathan Popowich, Michael Potter, Stephen Powers, Aaron Prentice, Jonathan Radford, Simon Rawson, Justin Reyes, Vladimir Robles, Josiah Savage, Clifford Scott, Scott Shetler, Doug Simmons, David Sisson, Phillip Smith, Benjamin Snyder, Tryg Solberg, Samuel Spear, Michael Spillman, James Spriggs, Stephen Stiller, Andrew Strain, John-David Sullivan.

Nathanael Swanson, Adam Switzer, Randy Switzer, Joel Talley, Shawn Tallman, John Tanner, Joshua Tanner, Justin Tanner, Andrew Thompson, Brett Thompson, Daryn Thompson, David Thornton, Robert Thurston, Abraham Timler, Roy Turner, Joshua Uecker, Nathan Walker,

Samuel Walker, Patrick Walsh, Joshua Watkins, Bruce West, Joseph West, Robert Wheeler, III, Mark Whitehead, Amadi Williams, Spencer Wolf, Jay Wright, Brian Yoder, Philip Yoder, and Mark Zeller.

TRIBUTE TO MATTHEW J. RYAN, A LEGACY OF PUBLIC SERVICE, COMPASSION, AND STATESMANSHIP

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor the memory of Speaker Matthew J. Ryan, a 21-term member of the Pennsylvania House of Representatives and second longest-serving Speaker in state history. Few Commonwealth leaders have matched the record of public service attained by Speaker Matthew J. Ryan. As one of Pennsylvania's finest public servants, he truly left this world a better place.

Speaker Ryan, a former First Lieutenant in the U.S. Marine Corps, was an attorney by profession. He was elected Speaker for the first time in 1981. Throughout his distinguished tenure, Speaker Ryan was known and lauded by his colleagues from both sides of the aisle for the nonpartisan, fair manner in which he presided. Those of us who had the privilege to work with him on behalf of our mutual constituency knew him to be a man of great passion, compassion, and principle who worked with skill and determination for the best interests of the Commonwealth of Pennsylvania and the Nation. I looked to him for guidance on many occasions and could always rely on him for good solid advice on issues affecting our mutual constituencies.

Speaker Ryan would readily tell the House freshmen that the qualities of an outstanding legislator are "skill at listening and understanding, respecting others' strengths and accepting their limitations, commitment and courage, and learning the art of compromise."

He did not seek public service for fame or glory, he sought simply to help people. In an era of cynicism towards those in public life, Speaker Ryan reminded us of why we serve. His legacy will endure not only in the principles he stood for and the improvements he brought to his beloved Pennsylvania, but also his wonderful family, his wife, Judge Patricia Jenkins and children. They, too, carry Matt Ryan's commitment to public service and community.

Speaker Ryan will long be remembered in the halls of the Pennsylvania House of Representatives. It is a better institution because of his service and leadership. More importantly, he was an effective public servant and improved the lives of thousands of families in his state and beloved Delaware County.

Mr. Speaker, our region has lost a great leader, and I have lost a good friend. Matt Ryan exemplified the spirit of service that has made this country great. It is proper to remember and honor a man of such worth and character with great respect for what he stood for.

RECOGNIZING NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in recognition of National Former Prisoner of War Recognition Day.

Our country's former prisoners of war are national heroes. Their service placed them in harm's way, causing their capture and imprisonment. They have suffered and sacrificed a great deal to ensure our freedom and national security.

These courageous Americans who suffered through often horrific and demeaning conditions in wars, including Vietnam, the Persian Gulf War and now Operation Iraqi Freedom, have my greatest appreciation and respect. I also extend my gratitude to family members of former POWs who stood by and supported their loved ones during such excruciatingly difficult times.

Today's recognition of former POWs is particularly appropriate in light of the recent rescue of Pfc. Jessica Lynch. Pfc. Lynch was captured on March 23, along with 11 other U.S. soldiers from the 507th Maintenance Company. On April 2, in a dramatic military operation, she was rescued from a hospital in Iraq, and just two days ago was reunited with her family.

The heroism of Jessica Lynch and those who served our country before her signifies the high price of liberty.

As we recognize the former POWs that served our nation, I also want to offer my thoughts and sympathies to the family members of those who lost a loved one or have a loved one who is missing in action from the ongoing war in Iraq as well as past military conflicts.

On behalf of the people of the 4th Congressional District of New York, thank you to all former POWs for your brave service to America. To those who are still being held, we all pray for your safe rescue and that you come home soon.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, today we are considering the largest supplemental appropriations bill ever brought before the U.S. Congress—a bill totaling $77.9 billion. We live in extraordinary times, Mr. Speaker, so it is no surprise that we are considering a bill requesting an extraordinary amount of supplemental spending. What is extraordinary, however, is that in light of the war on terrorism, the war in Iraq, and the simultaneous obstacles we face in ensuring the security of our citizens here at home, this supplemental bill includes only $4.2 billion for homeland security.

Mr. Speaker, our first responders are already under great pressure ensuring the safety of our citizens and I am sure we would all applaud them for their hard work and effort. But our applause is not enough. Our applause does not help them effectively protect our nation. Our applause does not help our first responders become any more prepared for a chemical or biological attack than they, and our nation, already are. Further exacerbating the problem for our first responders is the fact that many men and women who are now overseas either in Iraq, or in support of the military action in Iraq, are reservists or members of the National Guard who are police officers and firefighters when not on active duty. As a result, many of our local police and fire departments are experiencing shortages in the personnel they have available.

We must provide more funding for these men and women. For that reason, I opposed the Rule for the debate on the supplemental spending bill. This rule prohibits Mr. OBEY from allowing his important amendment that would increase funding by $2.5 billion for Homeland Security programs. Programs that are critical to our nation's security. The Obey amendment would provide critically needed funds for military facilities, nuclear security facilities, port and infrastructure security, and much-needed funds in the amount of $1.2 billion for state and local first responders. It is a shame that Mr. OBEY is not allowed to offer his amendment, but it is an even bigger shame that this bill shortchanges our needs for security here at home.

That being said, I do believe this is an important bill. I believe that it provides the critical resources to support our men and women currently fighting in the field. Just as we must support our first responders, so too must we support the men and women courageously fighting overseas right now, and we must do so by providing additional funding that will help them conduct their missions. I am hopeful that these funds for those currently in harm's way will help bring a speedier resolution to the operations in which they are participating, and will help contribute to their safety and the speed with which they are able to return to their loved ones back here in the United States.

Mr. Speaker, I know that my thoughts, and the thoughts of my colleagues are, and should be, with the soldiers fighting overseas. But as we continue to keep them in our thoughts, we must not neglect the security of our nation at home. I hope that Members will work across party lines to provide more funding for our security at home as this bill returns from the conference committee. After all, don't we want to provide the best security possible for our soldiers when they return home? I, for one, certainly do. And I believe my colleagues should as well.

BOULDER CITY FIRE DEPARTMENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PORTER. Mr. Speaker, I rise today to congratulate the Boulder City Fire Department for obtaining a Class 2 Insurance Service Offices (ISO) rating. The ISO Class 2 rating is obtained by less than one percent of the fire departments in the county and is made possible by the dedication and skill of Boulder City Fire Chief Dean Molburg and the firemen of Boulder City.

As a former Mayor of Boulder City, and its current Congressman, I am proud that Boulder City has been recognized for its excellent fire coverage. The courage and commitment to public service shown every day by Boulder City firefighters is an example for all of us. They, and all Nevada first responders, have my thanks and full support.

RECOGNIZING ASHWAUBENON VILLAGE PRESIDENT TED PAMPERIN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. GREEN of Wisconsin. Mr. Speaker, today before this House I'd like to recognize and honor Ashwaubenon Village President Ted Pamperin, whose exceptional leadership and commitment to the citizens of Brown County have strengthened our local communities, and set a superb example for our future leaders.

Ted's dedicated service began in 1971, when he was elected Ashwaubenon town supervisor. Since that time, Ted has held a wide range of offices, and served on virtually every committee and board in Ashwaubenon.

As a friend and colleague, I am sad to see Ted leave. However, I know his constituents are very grateful for the tremendous contributions he has made to our area throughout his tenure. Ashwaubenon is a strong community with an exceptional work force, a proud history, and a wholesome tradition. There's no question Ted has kept Ashwaubenon on that path, and greatly enhanced the quality of life for folks all across Brown County.

Mr. Speaker, it is an honor and pleasure to recognize today the extraordinary service of Ashwaubenon Village President Ted Pamperin. On behalf of my constituents, we say thank you, and we wish him all the best in his future endeavors.

IN MEMORY OF INGERBORG CARTIER HENRY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mrs. CHRISTENSEN. Mr. Speaker, a blessed woman from my district in the U.S.

Virgin Islands, whose worth was far above rubies left this temporary earthly residence and went home.

I rise today to speak of Mrs. Ingerborg, "beautiful daughter", Agatha—"the good, the kind", Cartier Henry, who was above all else a mother, to her nine wonderful children who have learned from her to dedicate their lives to caring and serving. She also "mothered" everyone who grew up in Gallows Bay, in the Seventh Day Adventist Church, her grands, great-grands and countless others.

Ingerborg Cartier Henry was born to Eugenie Phaire Cartier and Valdemar Cartier on February 6, 1911 on the island of St. Croix. She was educated under both the Danish and American public school systems.

She joined the Seventh-day Adventist Church in 1929, when she was baptized by Pastor C. G. van Putten. On December 21, 1932, she married Irvin Henry. To this union, nine children were born.

Mrs. Henry was an excellent cook, pastry maker and baker. Some people still talk about her black bread. She loved to entertain, camp, and travel. In the early hours of the morning of March 28, 2003, she quietly passed to her rest in her home in Gallows Bay where she resided for 61 years.

Mrs. Henry, Miss Inger, Mother Henry, Cousin Inger, Auntie Borg, Borgie, Mother will be greatly missed. We will always cherish her memory. Her husband, her children and all of us call her blessed. May she rest in eternal peace.

HONORING JACK ECKERD ON HIS 90TH BIRTHDAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Jack Eckerd, a man who has dedicated his life to public service as he celebrates his 90th birthday.

Jack Eckerd's life is a testament to what one can achieve with hard work, dedication, and perseverance.

After flying air cargo flights for the U.S. Army Air Corps during World War II, Mr. Eckerd opened a now well known chain of drug stores in the Tampa Bay area. These stores, named after their founder, were the first self-service drugstores in Florida. Many of the concepts he instituted at his stores, such as senior citizen discounts and two-for-one photo processing, have become standard practice in drugstores across the country.

Jack Eckerd's story is more than that of veteran, successful businessman, and devoted husband to his wife, Ruth. Mr. Eckerd quickly became involved in his community after founding Eckerd drugstores. He contributed his time, talents and money to help organizations such as the YMCA, United Way, and Morton Plant Hospital in my congressional district in Clearwater, Florida. He also founded, in 1968, Eckerd Youth Alternatives, an organization dedicated to finding innovative solutions to help troubled youths. Eckerd Youth Alternatives, which he considers his proudest accomplishment, today is one of the nation's leading and most respected programs for troubled young people.

Jack Eckerd ran for the U.S. Senate in 1974 and later co-chaired former Florida Governor Ruben Askew's study on management and efficiency, which found more than $100 million in state budget waste. President Gerald Ford appointed Mr. Eckerd to head the General Services Administration from 1975 to 1977. President Ford, commenting on Mr. Eckerd's tenure, said "Jack ran GSA cleaner than a hound's tooth." He later was appointed by then Governor and now Senator BOB GRAHAM—the man who defeated him in his Senate race-as chairman of the board of Prison Rehabilitative Industries, a state program to provide jobs and skills to inmates and to make such institutions self-supporting. Since his retirement in 1996, Jack Eckerd has remained involved in his community.

Mr. Eckerd's financial generosity is legendary. He and his family have given millions of dollars through the years to improve education, promote the arts, and encourage the health and well-being of our fellow citizens. Jack Eckerd has received many awards for his public service and philanthropy over the years. The greatest honor he can receive, however, is to know that he has had a profoundly positive impact on those whose lives he has touched.

Mr. Speaker, I am proud to thank Jack Eckerd for his life's work and congratulate him as he celebrates his 90th birthday on May 16. I wish him and his family many years of continued health and happiness.

CONCERNING THE OUTBREAK OF SEVERE ACUTE RESPIRATORY SYNDROME (SARS) IN TAIWAN

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. ISSA. Mr. Speaker, I rise today to express my concern about the outbreak of Severe Acute Respiratory Syndrome (SARS) in Taiwan. Despite the World Health Organization's categorization of the disease as "a worldwide health threat," it has refused to help Taiwan during this time of need.

What the WHO has failed to realize is that "worldwide health threats" do not remain neatly behind political borders. Taiwan may not yet be a member of the WHO or a recognized independent state by some countries, but that does not make SARS any less of a threat to the Taiwanese people.

This crisis underlines the need for Taiwan to be granted observer status in the WHO, much like their status in the World Trade Organization. Global health risks must be addressed wherever they may occur and regardless of the political environments surrounding them. We should not expose the Taiwanese people to unnecessary health risks simply because their status in some intergovernmental organizations is uncertain.

I urge my colleagues to remain outspoken in their support of Taiwan's bid to gain observer status in the WHO so that dangerous diseases like SARS may be battled wherever they occur.

THE LEGACY OF DAVID BLOOM

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BONILLA. Mr. Speaker, I rise to recognize the legacy of NBC's David Bloom. All across America as people mourn the loss of life among our men and women in uniform, we also mourn the loss of David. Over the years he touched so many lives with his dramatic, cutting-edge reporting.

Prior to my time in the U.S. Congress I spent 15 years in the broadcast news business. Today my wife continues in that field. The two of us watch television news reporters with a special eye. David was in a league of his own. He always brought a flair, an insight, an extra dimension to his stories that made you feel the impact. There were times it felt like you had been on a roller coaster after watching his reports. And you always felt better informed.

David always set the standard for covering breaking news whether it was the Clinton scandal or the current war. Just when you thought it was impossible to break new ground in broadcast news, David would do it. His Bloommobile rides through Iraq put Americans on the edge of their seats each night. No other reports on television compared to his. Viewers were better served because they got to feel the peril of our troops and the ruggedness they experienced. I remember discussing his reports at the dinner table with family and friends. All agreed his work was the best and couldn't wait to see his next report. David was a rare talent.

David's now in a different place. I'm sure he's trying to figure out a way to get a satellite signal set up so he can send us another report. We wish he had a way to reach us. It would be the most incredible moment ever on television. Appropriately, it would carry his name.

TRIBUTE TO MR. MURRAY SISSELMAN: "MISTER EDUCATION" IN MIAMI-DADE COUNTY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MEEK of Florida. Mr. Speaker, on Tuesday, March 11, 2003, our country lost a true giant in the profession of teaching our children.

Murray Sisselman was a man of great intellect, poise and determination. As President of the United Teachers of Dade for over a quarter century, he was an innovator who played a key role in the operations and policies of the nation's fourth largest school system, helping our schools adapt to a changing workplace, a changing economy, and an influx of immigrants from Cuba, Haiti, Nicaragua and dozens of other countries.

A native New Yorker, Murray Sisselman came to Miami in December, 1949. He attended the University of Miami for his undergraduate studies, and continued his graduate studies at NOVA University, where he received a Master of Science Degree as an Educational Specialist.

Like many great leaders of large organizations, Murray Sisselman started out at the bottom and worked his way to the top. He began his career as a classroom teacher, where he honed his appreciation for the importance of teachers who are well trained and highly motivated. He was a great believer in continuing education so that teachers could improve their skills and keep up with changes in their subjects and methods, and he championed many innovative programs in this area.

As President of UTD, Murray Sisselman never lost sight of the principles that guided his leadership:

Providing a world-class education to every child, regardless of economic circumstances.

Defending and enhancing the rights, opportunities and classroom conditions for each individual member through collective bargaining.

Because of Murray Sisselman's lifelong work, the United Teachers of Dade has been able to forge coalitions with parents, businesses and organized labor to the advantage of students and the betterment of public education and our entire community.

Mr. Speaker, I know that all my colleagues will join me when I say that our hearts go out to his wife, Ludmila; his children David, Jagger and Helen; and his grandchildren Sarah and Lina.

Murray Sisselman was an education pioneer, and we celebrate his life. He set a standard of service and a commitment to education that will endure in our community for decades to come, and we are better off for his efforts.

SUPPORTING RACIAL DIVERSITY

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. JEFFERSON. Mr. Speaker, I submit the following Brief for the RECORD.

[No. 02-241]

IN THE SUPREME COURT
OF THE UNITED STATES

BARBARA GRUTTER,
Petitioner,
LEE BOLLINGER, *et al.*,
Respondents.

On Writ Of Certiorari To The
United States Court of Appeals
For the Sixth Circuit

BRIEF OF THE HARVARD BLACK LAW STUDENTS ASSOCIATION, STANFORD BLACK LAW STUDENTS ASSOCIATION AND YALE BLACK LAW STUDENTS ASSOCIATION AS *AMICI CURIAE* SUPPORTING RESPONDENTS

INTEREST OF *AMICI CURIAE*

The Black Law Students Associations of Harvard Law School ("Harvard"), Stanford Law School ("Stanford") and Yale Law School ("Yale") (collectively, "the BLSAs") submit this brief as *amici curiae* in support of Respondents, urging this Court to affirm the Sixth Circuit's ruling that the University of Michigan Law School ("Michigan") has a compelling interest in promoting racial diversity in its student body, and that Michigan's admissions policy is narrowly tailored to serve that interest. The BLSAs are chapters of the National Black Law Students Association, a nonprofit student organization with over 200 chapters and 6,000 members that is dedicated to promoting the academic and professional goals of black law students. The BLSAs' members hail from many different ideological, political, religious, national, ethnic and socio-economic backgrounds. Major activities of the BLSAs include projects relating to law school admissions, alumni affairs, professional recruitment, community service and academic support, often in partnership with other student organizations and their respective law school administrations. The alumni of the BLSAs rank among the most distinguished graduates of their institutions, and are currently serving as respected litigators, judges, law professors, legislative officials and principals of major corporations and non-profit organizations. These graduates have been pioneers in integrating the legal profession, and have helped the bar and the bench become more responsive to the needs of a society that is rapidly growing more diverse.

The current membership of the BLSAs includes students who are beneficiaries of law school policies that take race into account as one factor among many in admissions decisions. Like all of their classmates, the students who make up the BLSAs have received a broader, more intellectually stimulating education because they have had the opportunity to study and socialize in academic environments that are enriched by racial diversity. The BLSAs have an interest in this case because they are committed to maintaining racial diversity in legal education and in the legal profession.

SUMMARY OF ARGUMENT

Racial diversity in a student body improves the quality of legal education. Such diversity is especially critical for "elite" law schools, such as Harvard, Michigan, Stanford and Yale. These law schools share a broadly defined public mission to train graduates for leadership and service, and to instill within them zeal to confront enduring dilemmas in American law and society. Recent social science studies have documented in detail how diversity broadens the scope of campus discourse and teaches lessons in tolerance and cooperation. Diversity also helps shatter lingering stereotypes regarding supposed ideological uniformity within racial groups. As current students at elite law schools, the BLSAs' members are uniquely positioned to explain some of the significant educational advantages attributable to the racially inclusive environments found at their institutions. These students have participated in and learned from campus discourse and debates that are not likely to occur in racially homogenous academic settings.

Racial diversity is similarly vital to the credibility and legitimacy of the legal profession. Although full integration of the profession remains a distant goal, elite law schools have been uniquely instrumental in preparing minority students—and especially black students—for leadership positions in the bar and on the bench. Without the ability to consider race in admissions decisions, these schools will fall short of fulfilling their unique public missions.

Race-neutral alternatives are not effective substitutes for race-conscious admissions policies. If elite law schools are not allowed to consider race as one factor in admissions, the representation of black students at elite law schools will drastically diminish. Moreover, as demonstrated in California and Texas, and as shown in empirical studies, the alternative programs that have been touted as promising replacements for race-conscious admissions policies do not produce the racial diversity that is necessary for elite law schools to train future American leaders.

ARGUMENT

I. RACIAL DIVERSITY IS NECESSARY FOR ELITE LAW SCHOOLS TO FULFILL THEIR PUBLIC MISSION OF TRAINING STUDENTS FOR LEADERSHIP POSITIONS AND INTEGRATING THE LEGAL PROFESSION

This Court's equal protection jurisprudence, from *Regents of University of California* v. *Bakke*, 438 U.S. 265 (1978), through *Adarand Constructors, Inc.* v. *Peña*, 515 U.S. 200 (1995), makes clear that the use of racial classifications must serve a "compelling governmental interest," and that race-conscious policies used to achieve this end will pass muster under the strict scrutiny standard only if they are "narrowly tailored." *Adarand*, 515 U.S. at 202. The BLSAs emphasize the compelling interest of Michigan (and the nation) in the educational benefits of law school admissions policies that take race into account. As law students at Harvard, Stanford and Yale, the current members of the BLSAs have a unique perspective on these benefits, for they have witnessed firsthand the positive effects of a racially diverse student body.

Since the late 1960s and early 1970s, most elite law schools—Harvard, Stanford and Yale in particular—have demonstrated a robust commitment to ensuring that their student bodies are racially diverse. The mission of these elite law schools is to train students not simply to become practicing attorneys, but more broadly to tackle persistent social problems, to advocate reform of the justice systems in the United States and abroad, to expand the intellectual frontiers of legal scholarship and to protect the rights and liberties of the nation's most defenseless individuals. In other words, these institutions have staked out a bold public mission, and have defined one of their goals as providing visionary leadership for the legal profession and the nation. Moreover, these law schools have been remarkably successful in catapulting their graduates into prominent positions in private practice, public service, business and academia. As the nation becomes increasingly diverse, these schools will be unable to realize their public missions without a student body that resembles the larger multiracial society they seek to serve.

A. Racial Diversity in Legal Education Prepares Students at Elite Law Schools To Meet the Challenges of Our Multiracial Democracy

1. Racial Diversity Enhances the Quality of Legal Education by Improving Academic Interactions

Over half a century ago, in a decision that struck down racial exclusion in admissions policies at the University of Texas Law School ("Texas"), this Court recognized that "although the law is a highly learned profession, * * * it is an intensely practical one.

The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned." *Sweatt* v. *Painter*, 339 U.S. 629, 634 (1950). The differences between the Texas admissions policy in 1950, which this Court considered in *Sweatt*, and the admissions policies at Michigan before the Court today are fundamental and dispositive. Texas sought to deny the petitioner in *Sweatt*, as well as each of the white law students it admitted, any opportunity to study law in an environment that promoted mutual respect and learning across racial lines. In contrast, the purpose of Michigan's admissions policies (and the similar policies at many other elite law schools) is to enhance the educational experience of all students by enrolling sufficient numbers of minority students to facilitate the sorts of interracial interactions that help produce lawyers capable of leadership in a multiracial society. Before the 1950s, this Court and our profession played a shameful role in maintaining a segregated America. Nothing in the Constitution requires a return to that era, and nothing in the Constitution prohibits Michigan's effort to fulfill its public mission by training lawyers in a racially diverse academic environment.

Today, virtually all law schools have recognized that enrolling significant numbers of minority students improves the quality of legal education. Although the advantages of racially integrated academic settings have often been praised in qualitative, abstract terms, recent social science studies have provided empirical confirmation that racial diversity on campus does in fact produce tangible educational benefits. Racial diversity fosters an intellectually challenging environment and encourages discussions that are attuned to contemporary legal, social and political issues. Such diversity also instills in students core democratic values such as cooperation, tolerance and affinity for reasoned deliberation.

For example, a recent survey of law students at Harvard and Michigan documented how racial diversity enhances the intellectual and educational experiences of students. *See* Gary Orfield & Dean Whitla, *Diversity Challenged: Evidence on the Impact of Affirmative Action* 143–74 (2001). In the Orfield and Whitla study, 68 percent of Harvard students and 73 percent of Michigan students responded that racial diversity in the classroom enhanced their "think[ing] about problems and solutions in class." *Id.* at 156. Further, nearly two-thirds of all respondents to the Orfield and Whitla survey reported that diversity enhanced the quality of *most* of their law school classes. *See id.* at 160. Over half of the students surveyed at both schools responded that even racial controversies on campus yielded positive educational outcomes, because such events encouraged them to rethink their values. *See id.* at 162–63. Overall, 89 percent of Harvard students and 91 percent of Michigan students surveyed indicated that racial diversity in their student body represented a positive aspect of their educational experiences. *See id.* at 160. In sum, this study demonstrates empirically that a racially diverse student body enhances the training of future leaders of a multiracial society by preparing them to work together, to debate one another and even to disagree with each other respectfully.

Additional social science studies overwhelmingly support the conclusions reached in the Orfield and Whitla study and further establish that racial diversity in higher education provides distinct and measurable benefits to students. For example, William G. Bowen and Derek Bok, former presidents of Princeton University and Harvard University, respectively, have produced an exhaustive study of more than 45,000 students of all races who entered academically selective universities from 1976 to 1989. That study demonstrates, through a wealth of empirical evidence, that diversity in the classroom improves the quality of learning for all students. See Bowen & Bok, supra; see also David L. Chambers et al., *Michigan's Minority Graduates in Practice: The River Runs Through Law School*, 25 Law & Soc. Inquiry 395 (2000).

The integration of law school classrooms is especially critical because issues of race continue to be inextricably linked to so many aspects of the legal system and civil society. See generally Elizabeth A. Anderson, *Integration, Affirmative Action, and Strict Scrutiny*, 77 N.Y U. L. Rev. 1195 (2002). Law school students and graduates are called upon to address enduring American dilemmas such as disparate administration of criminal justice, unequal access to health care and educational resources, and discrimination in employment. There can be no understanding of such issues without a nuanced appreciation of the persistent, though sometimes subtle, influence of race in American life.

2. Racial Diversity in Legal Education Helps to Dispel Pernicious Stereotyping

As Justice O'Connor has explained in the similar context of the influence of gender: "[I]n certain cases a person's gender and resulting life experience will be relevant to his or her view[s]" because "like race, gender matters." *JEB* v. *Alabama ex. rel. TB*, 511 U.S. 127, 148–49 (1994) (O'Connor, J., concurring). Although life experiences shaped by race affect the views and outlooks of minorities, the common influence of race has never produced a single, monolithic mindset within racial groups because individuals respond to life experiences in varying ways.

Race-conscious admissions policies further the broad, public mission of elite law schools by creating academic environments in which it is patently apparent that racial minorities possess a multitude of differing views, beliefs and experiences. Law schools that admit a racially diverse mix of students encourage, at least implicitly, academic and social interactions that expose the fallacy of racial stereotyping, forcing students to examine subconscious prejudices and to shed narrow-minded preconceptions. Detractors of race-conscious admissions policies often insinuate that such policies wrongly use race as a proxy for a particular viewpoint. *See, e.g.*, Brief for United States as *Amicus Curiae* at 20. To the contrary, such policies actually help to destroy the myth that individuals should be presumed to share common perspectives on any given subject simply because they belong to a certain racial group. The staggering intellectual diversity that exists within minority groups is in fact highlighted in racially diverse academic settings. *See* Harry T Edwards, *Race and the Judiciary*, 20 Yale L. & Pol'y Rev. 325, 329 (2002) (rejecting the suggestion that race can be viewed as a proxy for ideology and noting the broad range of ideological perspectives held by black legal scholars).

Properly understood, then, racial diversity in law school admissions is premised on an understanding made explicit by this Court: "If our society is to continue to progress as a multiracial democracy, it must recognize that the automatic invocation of race stereotypes retards that progress and causes continued hurt and injury." *Edmonsville* v. *Leesville Concrete Co.*, 500 U.S. 614, 630–31 (1991). Racially mixed academic settings help to dispel the misconception that racial identity necessarily implies a uniform set of thoughts, attitudes and beliefs.

3. The Benefits of Racial Diversity Have Been Witnessed First-Hand by the Current Membership of the BLSAs

The current membership of the BLSAs has directly witnessed the ways in which a diverse academic environment creates a broader and richer understanding of the law, and can speak with conviction born from experience concerning the concrete advantages of racial diversity at their respective law schools. Race is relevant to at least three categories of legal questions. First, race is at the heart of many of this Court's most significant decisions, from *Dred Scott* v. *Sandford*, 60 U.S. 393 (1856), to *Brown* v. *Board of Education*, 347 U.S. 483 (1954). Second, race often lurks prominently in the subtext of a legal question even when it is not directly implicated in the dispositive issues. Analysis of capital punishment, for example, often proceeds in light of racial disparities in sentencing. Third, the issue of race often emerges unexpectedly, coloring consideration of legal issues that would appear on first glance to be wholly self-contained. This Court's recent review of the constitutionality of school vouchers, for example, may have centered on First Amendment Establishment Clause concerns, but necessarily required a recognition of how racial minorities who reside in inner cities are affected by such programs. *See Zelman* v. *Simmons-Harris*, 122 S. Ct. 2460, 2480 (2002) (Thomas, J., concurring) (noting decision's impact on educational opportunities for underprivileged minority children).

Often, the BLSAs' members provide unique perspectives that dramatically transform the tenor of classroom discussions. Notably, Professors Orfield and Whitla found that law schools introduce many students to significant interracial contact for the first time. *See* Orfield & Whitla, *supra*, at 156 (noting that 50 percent of white Harvard and Michigan students surveyed reported "very little" to "no" interracial contact prior to attending law school; only six percent of black and two percent of Latino students had similar responses). However, black law students are not admitted to elite law schools simply to enhance the education of white law students by reminding them of the continuing effect of race on the lives of black Americans. Black law students themselves receive a better legal education when they are immersed in a diverse student body. That was the premise of this Court's holding in *Sweatt* v. *Painter*. Black students also benefit from the wide range of views held by students of all races and are prompted to reexamine their own preconceived notions. Further, learning in a racially mixed setting prepares the BLSAs' current members to enter the legal profession, where 50 years after *Sweatt* it continues to be true that "most of the lawyers, witnesses, jurors, judges and other officials with whom [they] will inevitably be dealing" are likely to be white. *Sweatt*, 339 U.S. at 634.

B. Black Graduates Are Fulfilling the Public Mission of Elite Law Schools

It is axiomatic that racial diversity in legal education furthers the integration of the legal profession. Just as diversity in law school student bodies undoubtedly improves the nature and quality of learning, greater racial inclusiveness in the bar and on the bench provides dramatic benefits. Considered individually or together, these beneficial effects amount to a compelling governmental interest justifying race-conscious law school admissions policies. The advantages of greater diversity in the legal profession are considered here with an eye toward black graduates of elite law schools, and with respect to three particular areas of the profession: the judiciary, corporate law firms and public interest work.

As discussed above, elite law schools such as Harvard, Michigan, Stanford and Yale have identified the preparation of students to assume leadership positions in America and to solve enduring social problems as core components of their missions. Because these schools provide exceptional legal training and other critical resources such as access to prestigious alumni, they have functioned—and will continue to function—as gateways to prominent positions within the legal profession. *See* Samuel Issacharoff, *Can Affirmative Action Be Defended?*, 59 Ohio St. L.J. 669, 684 (1998) (noting that elite public and private law schools "train a disproportionate share of the future political leadership of the state and nation"). Consider, for example, that each member of this Court holds a law degree from an elite law school: Harvard (4), Stanford (2), Columbia, Northwestern and Yale. The black graduates of elite law schools have leveraged the intellectual training and academic credentials they have received, along with relationships built with professors and alumni, to achieve remarkable success in the law, electoral politics and other venues that were until recently virtually closed to racial minorities in America. Moreover, these graduates have demonstrated a remarkable dedication to serving the public interest.

It is manifest, however, that the legal profession remains far from integrated. *See* Elizabeth Chambliss, *Miles to Go 2000: Progress of Minorities in the Legal Profession vi* (2002) ("Minorities in general continue to face significant obstacles to 'full and equal' participation in the profession * * *.") Further progress toward racial inclusiveness is threatened if the elite law schools do not continue to train significant numbers of racial minorities. If the legal profession regresses toward racial homogeneity, public confidence in the justice system will suffer. *See* Mark Hansen, *And Still Miles to Go*, 85 A.B.A. J. 68, 68 (1999) ("The makeup of the legal profession is one of the factors people look to in forming their perceptions of whether the justice system will treat them fairly * * *.").

1. The Judiciary

Although the bench is far from fully integrated, even the limited strides toward inclusiveness to date have improved the judiciary's ability to grapple with difficult legal questions. *See* Edwards, *supra*, at 329 ("[R]acial diversity on the bench can enhance judicial decision making by broadening the variety of voices and perspectives in the deliberative process."); *see also* Sandra Day O'Connor, *Thurgood Marshall: The Influence of a Raconteur*, 44 Stan. L. Rev. 1217, 1217 (1992) ("Justice Marshall imparted not only his legal acumen but also his life experiences, constantly pushing and prodding [his colleagues] to respond not only to the persuasiveness of legal argument but also to the power of moral truth."). Recognizing that racial diversity on the bench improves the quality of judging does not require the acceptance of "some mythical black perspective," but rather the plain understanding that "life experiences have some bearing on how [judges] confront various problems." Edwards, *supra*, at 329.

Significantly, black graduates from elite law schools have helped to integrate the judiciary, including the Supreme Court. For example, eight out of the 17 black judges currently sitting on the federal circuit courts graduated from an elite law school. *See* Federal Judges Biographical Database, at http://air.fjc.gov/newweb/jnetweb.nsf/fjc bio. Of the 80 black federal district court judges currently sitting, over one-third attended an elite law school. *See id*. At least 30 black judges have graduated from Harvard alone. *See* Bowen & Bok, *supra*, at 284.

The presence of black judges on the bench promotes public confidence in the judicial system. Trust in that system's fairness is integral to the public's willingness to rely on the courts for resolution of civil disputes and oversight of criminal proceedings. *Cf*. Sandra Day O'Connor, *The Effects of Gender in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Task Force*, 67 S. Cal. L. Rev. 745, 760 (1994) ("When people perceive bias in a legal system, whether they suffer from it or not, they lose respect for that system, as well as for the law.").

The racial composition of the judiciary represents a significant factor in the public's estimation of whether judges will dispense justice fairly. *See* Sherrilyn A. Ifill, *Racial Diversity on The Bench: Beyond Role Models and Public Confidence*, 57 Wash. & Lee L. Rev. 405, 408–09 (2000) (explaining that a diverse bench promotes fairness in the judicial system). Further, numerous studies have demonstrated that a dearth of minority judges on the bench encourages the view that the judiciary is systemically biased against minority litigants and defendants. For instance, a 1999 study revealed a perception among many citizens, including 68 percent of blacks, that the judicial system treats blacks unfavorably as compared to whites. *See* David B. Rattman & Alan J. Tomkins, *Public Trust and Confidence in the Courts: What Public Opinion Surveys Mean to Judges*, Ct. Rev., 4 (1999). Notably, 43 percent of whites and 42 percent of Hispanics surveyed agreed that blacks are treated less favorably than whites in the courts. *See id.*

2. Corporate Law Firms

Corporate law firms provide representation in court and advice regarding business decisions for the world's largest and most influential business entities. The racial integration of corporate law firms helps demonstrate that after centuries of racial discrimination in the workplace, employment opportunities in the private sector are now being made available to individuals of all races. Further, a racially inclusive workforce is necessary for law firms and the corporations they counsel to respond creatively to the challenges of a multiracial society.

Graduates of elite law schools disproportionately fill positions in corporate law firms. Black lawyers who seek employment at these firms often find that a degree from an elite law school is a critical credential that is necessary to "'counteract the lingering but nevertheless powerful effects of the pervasive myth of black intellectual inferiority." David B. Wilkins, *Rollin' On the River: Race, Elite Schools, and the Equality Paradox*, 25 Law & Soc. Inquiry 527, 533 (2000). A survey conducted by Professor Wilkins in 1995 indicated that in New York City and Washington, DC alone, "more than 50% of all black associates hired graduated from either Harvard or the top schools [Columbia, NYU, or Georgetown] in the local market," compared with a "corresponding number for whites [of] 40.4% in New York and 23.2% in Washington, DC" *Id*. at 534. The numbers are even more striking for black partners. In 1993, 77 percent of black partners were elite law school graduates, and 47 percent were Harvard or Yale graduates. *See id*. at 534–35.

3. Public Service

Graduating lawyers "who will see the law as a call to service" is a fundamental component of the public missions of elite law schools. *Stanford Handbook*, *supra*, at 1. Black graduates and other minority alumni of these schools have fulfilled this goal by serving in public interest and legal services positions, committing significant resources to pro bono work and representing underserved communities—all at rates exceeding those of their white counterparts.

Minority lawyers—black lawyers in particular—have consistently been more likely than white lawyers to take jobs with public interest and governmental organizations, and to surpass their white colleagues in pro bono hours worked yearly. A recent study of black Harvard graduates found that nine percent of them took jobs with public interest or legal services organizations upon graduation. *See Harvard Black Alumni Report*, *supra*, at 34–35. This rate well exceeded the national average and was three times greater than the average for Harvard graduates generally. *See id*. A similar survey of Michigan alumni found that the percentage of minority lawyers employed in legal services or public interest jobs exceeded the number of white graduates similarly employed in each of the three decades covered in the survey. *See* Chambers, *supra*, at 427. Black law school graduates are also more likely than their non-black colleagues to assist traditionally underserved communities; for example, the Michigan survey found that black alumni were much more likely than white alumni to serve low- and middle-income clients. *See id*. at 435; *see also* Elizabeth Chambliss, *Organizational Determinants of Law Firm Integration*, 46 Am. U. L. Rev. 669, 731 (1997).

Finally, minority graduates of elite law schools have maintained a steadfast commitment to providing pro bono services. Black Harvard graduates average 90 hours per year of pro bono legal representation. *See Harvard Black Alumni Report*, *supra*, at 47. Similarly, minority Michigan alumni in private practice average 75 hours of pro bono representation, compared to 51 hours for white Michigan alumni, *see* Chambers, supra, at 456, and about 24 hours on average across the country, *see* Deborah L. Rhode, *The Constitution of Equal Citizenship for a Good Society: Access to Justice*, 69 Fordham L. Rev. 1785, 1810 (2001).

4. Progress Toward Full Integration of the Legal Profession Must Continue

Despite the incipient racial progress in the legal profession, the lack of true diversity remains appalling. For example, although blacks and Latinos make up 25 percent of the country, combined Black and Latino representation among lawyers was only 7 percent in 1998. *See* Chambliss, *Miles to Go 2000*, *supra*, at v. Further, minority representation is particularly lacking in senior legal positions throughout the profession. *See id*. at *vi* (concluding that "[m]inority representation in upper-level jobs remains miniscule, especially in the for-profit sector."). For example, "Minorities make up less than 3% of the partners in the nation's 250 largest law firms." Wilkins, *Rollin' On the River*, *supra*, at 539.

It is imperative that elite law schools continue to train and graduate significant numbers of minority attorneys. When these graduates serve as judges, they signal to the public that the justice system is unbiased and impartial, and that the courts value racial inclusiveness. When these graduates reach prominent positions in private practice or public institutions, they demonstrate that persistent barriers to equal opportunity are continuing to crumble. The legal profession's tentative steps toward integration cannot grow into significant strides if elite law schools no longer take race into account in admissions decisions.

II. ALTERNATIVE RACE-NEUTRAL ADMISSIONS POLICIES CRITICALLY DIMINISH THE NUMBER OF BLACK STUDENTS AT ELITE LAW SCHOOLS AND ARE NOT EFFECTIVE SUBSTITUTES FOR CURRENT RACE-CONSCIOUS ADMISSIONS POLICIES

As discussed above, elite law schools fulfill their public missions by providing racially diverse academic environments and training attorneys to improve the legal profession and serve the public. These law schools cannot continue to realize their missions if they are not able to consider race as one factor in admissions decisions. The leading approaches that have been touted as viable raceneutral alternatives to current law school admissions policies that take race into account are not in fact effective, workable or desirable with respect to elite law schools. Abandoning race-conscious admissions at elite law schools would lead to a catastrophic reversal of the incremental progress toward greater racial inclusiveness that these schools have made. For black students, a shift to a color-blind or race-neutral admissions system would lead to admissions results that are tantamount to "the inexorable zero." *Cf. Johnson* v. *Transp. Agency*, 480 U.S. 616, 656–57 (1987) (O'Connor, J., concurring) (quoting *International Bhd. of Teamsters* v. *United States*, 431 U.S. 324, 342 n.23 (1977)) (discussing prima facie evidence of discrimination under Title VII). The race-neutral alternatives discussed below are demonstrably inferior to race-conscious policies in achieving racial diversity because they cannot ensure that black students will be represented in meaningful numbers at most, if not all, of the elite law schools. Consequently, such alternatives would also exclude black students from access to gateways to some of the most prestigious positions in the legal profession. Accordingly, the benefits. gained from employing race-conscious admissions policies are distinct from, and greater than, those provided by race-neutral alternatives.

A. "Percentage Plans" Are Not Viable Alternatives to Race-Conscious Admissions Policies

So-called "percentage plans" were created in the late 1990s for use in undergraduate admission programs at state universities. *See* Catherine L. Horn & Stella M. Flores, *Percent Plans in College Admissions: A Comparative Analysis of Three States' Experiences* 19–23 (2003) (discussing race-neutral percentage admissions plans used in college admissions in California, Texas and Florida). These plans grant automatic admission to state universities to students graduating within a certain top percentage of their public high school classes. *See id.* Critics of race-conscious admissions policies have touted these plans as effective alternatives, even in the graduate admissions context. *See, e.g.*, Brief for United States as *Amicus Curiae* at 13–18; Brief for the State of Florida as *Amicus Curiae* at 8–10. However, at least two significant impediments prevent percentage plans from assuring meaningful racial inclusiveness in the student bodies of elite law schools. See Horn & Flores, *supra*, at 41–51, 58–59 (relying on data from state agencies, the federal National Center for Education Statistics, the U.S. Census, institutional and state documents, and interviews to conclude that the race-neutral percentage admissions plans used in California, Texas and Florida are inadequate alternatives to race-conscious admissions plans).

First, percentage plans were designed specifically for college admissions. They are functionally incompatible with graduate school admissions, which must necessarily take into account demonstrated interest and experience in applicable fields of study, not simply generalized academic achievement. Second, even assuming *arguendo* that percentage plans could somehow work in the graduate school context, such plans certainly would not be effective with respect to admissions to elite law schools. Percentage plans rely on admission of a fixed portion of students at a limited number of pre-determined "feeder" schools. *See, e.g.*, Danielle Holley & Delia Spencer, *The Texas Ten Percent Plan*, 34 Harv. C.R.–C.L. L. Rev. 245, 277 (2000) (considering the recruiting policies of Texas state universities and noting the limited number of schools from which the universities have admitted students under the plan). In contrast, elite law schools recruit applicants from hundreds of colleges over a large geographical area, and the number of undergraduate applicants vastly exceeds the number of students that are accepted by these schools. See Jack Greenberg, *Affirmative Action in Higher Education: Confronting the Condition and Theory*, 43 B.C. L. Rev. 521, 540 (2002) (explaining the practical ineffectiveness of percentage plans).

Even if elite law schools were able to overcome such overwhelming implementation problems, it is unclear how percentage plans would work to maintain current levels of racial diversity at those schools for an additional reason. Percentage plans' ability to bring meaningful numbers of minority high school graduates to competitive universities has, perversely, depended on the existence of segregated secondary school systems. *See* Marta Tienda, *College Admissions Policies and the Education Pipeline: Implications for Medical and Health Professions, in The Right Thing To Do, the Smart Thing To Do: Enhancing Diversity in Health Professions* 117, 129 (Brian D. Smedley et al. eds., 2001). Undergraduate institutions whose student bodies are composed primarily of black. or minority students do not exist in sufficient numbers to enable such a policy to maintain current levels of minority representation at competitive law schools.

B. Admissions Policies That Focus on Socio-Economic Disadvantage Are Not Effective Alternatives to Race-Conscious Admissions Policies

Other critics have suggested that consideration of socio-economic status should replace that of race in the admissions calculus. *See, e.g.*, Richard D. Kahlenberg, *The Remedy: Class, Race, and Affirmative Action* (1996); William J. Wilson, *The Truly Disadvantaged* (1987); Richard H. Fallon, Jr., *Affirmative Action Based on Economic Disadvantage*, 43 U.C.L.A. L. Rev. 1913 (1996). An enhanced focus on socio-economic status, however, would not represent an effective substitute for elite law schools' current race-conscious admissions policies for at least two reasons. First, although blacks are disproportionately poor, whites drastically outnumber blacks at the lowest income levels, and are more likely than blacks to possess the test scores that qualify them for admission to academically selective institutions of higher education. *See* Bowen & Bok, *supra*, at 51; Wightman, *supra*, at 39–45; *see also* Jerome Karabel, *No Alternative: The Effects of Color-blind Admissions in California, in Chilling Admissions: The Affirmative Action Crisis and the Search for Alternatives* 33, 37–38 (1998) (explaining that consideration of applicants' socio-economic status would produce minimal racial diversity).

Second, admissions policies that look to socioeconomic class place greater emphasis on income than wealth because income is a more readily quantifiable metric. *See* Deborah C. Malamud, *Class-Based Affirmative Action: Lessons and Caveats*, 74 Tex. L. Rev. 1847, 1850 (1996) (cautioning that the economic status of traditionally disadvantaged groups, such as blacks, is likely to be overstated under mainstream common approaches to economic inequality). Notably, however, the disparity in wealth between blacks and whites is even more pronounced than the income gap. On average, although black workers earn 60 percent of what their white counterparts earn, black workers' net worth is just nine percent of white workers' net worth. *See* Kelvin M. Pollard & William P O'Hare, *America's Racial and Ethnic Minorities, in Population Bulletin*, Sept. 1999, at tbl. 6, *available at* http://www. prb.org/Content/NavigationMenu/PRB/AboutPRB/Population Bulletin2/Americas Racial and Ethnic Minorities.htm (estimating that the median black family possesses a net worth of $4,400 as compared with $45,700 for the median white family); *see also* Bowen & Bok, *supra*, at 48. Accordingly, because socio-economic status considerations are conducted in a way that fails to focus on economic disparities that are particular to blacks, such a race-neutral alternative does not appear to rival the consideration of race. Although socio-economic status may be a valid consideration in the law school admissions context, concentrating on that factor without taking into account race as well is unlikely to produce a student body that is racially diverse. *See, e.g.*, Thomas J. Kane, *Misconceptions in the Debate Over Affirmative Action in College Admissions, in Chilling Admissions: The Affirmative Action Crisis and the Search for Alternatives 24* (1998) (arguing that socio-economic status is a poor substitute for race in selective admissions programs).

C. Elite Law Schools That Have Abandoned Race-Conscious Admissions Policies Have Not Been Able To Maintain Meaningful Racial Diversity

The experience of law schools that have stopped relying on race-conscious admissions policies strongly suggests that meaningful levels of minority admissions or enrollment at elite law schools cannot be maintained in the absence of such policies. For example, in the wake of California's Proposition 209, which in 1996 barred the consideration of race in state university admissions decisions, the number of black students admitted to University of California ("UC") law schools has significantly decreased. *See* United States Commission on Civil Rights, *Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education* (2002), at http://www.usccr.gov/pubs/percent2/ch2.htm (hereinafter *Challenge*). In 1996–1997, the last admissions cycle before Proposition 209 was implemented, 7.2 percent of admitted students at all UC law schools were black.

See id. In the three subsequent years, blacks were admitted at an average rate of less than 3 percent. *See id.* A similar decline in black representation has occurred at the University of Texas Law School in the wake of the Fifth Circuit's decision in *Hopwood* v. *Texas*, 78 F.3d 932 (5th Cir. 1996), *cert. denied*, 518 U.S. 1033 (1996), despite that law school's consideration of socio-economic factors in the admissions process. *See Challenge, supra* (noting that after restrictions on race-conscious admissions decisions were imposed pursuant to *Hopwood* in 1997-1998, black enrollment fell from 6.4 percent to 4.7 percent, and that by 2000-2001, black enrollment had fallen to 2.3 percent of the class).

Finally, Petitioner, like many critics of race-conscious law school admissions policies, envisions an admissions program with an increased emphasis on GPAs and LSAT scores. *See* Brief for Petitioner at 39-40. Whether these metrics measure objective merit and whether they should constitute the primary considerations for admissions officers is certainly questionable. The BLSAs note that a trend towards increased reliance on GPAs and LSAT scores for admissions decisions would have a far greater impact on black representation in legal education than a mere reallocation of black students among law schools. That is, were law school admissions to be based on GPAs and LSAT scores alone, substantial numbers of black students would not have access to a legal education, and only a handful would have access to a legal education at the elite law schools.

Professor Linda Wightman has analyzed how minority admission rates would be affected if law schools relied exclusively on GPAs and LSAT scores, or "numbers-only" admission criteria. *See* Linda F. Wightman, *The Consequences of Race-Blindness: Revisiting Prediction Models With Current Law School Data*, forthcoming in 53 J. Legal Educ. (2003); Wightman, *The Threat to Diversity, supra* at 22 tbl.5. Such an admissions regime would greatly reduce the number of black students admitted to any law school. In 2000-2001, approximately 50 percent of black law school applicants were admitted to at least one law school. *See* Wightman, *The Consequences of Race-Blindness, supra*, at 11. If an admissions process relying strictly on GPAs and LSATs were instituted, this figure would not have been higher than 43 percent and might have fallen as low as 31 percent. *See id.*

The reduction in the number of black students admitted to the most competitive law schools would be even more devastating. Prof. Wightman's research reveals that at the most selective schools, the percentage of black admitted applicants would plunge from 6.7 percent to 1.2 percent of admitted students. *See id.* at 18. Such a result would, in effect, return racial diversity in legal education to a level unseen since the era prior to the civil rights movement, when "barely 1 percent of all law students in America were black * * * and virtually no black students were enrolled in [any] * * * predominantly white law school." Bowen and Bok, *supra*, at 5. Not only would such a trend toward racial homogeneity prevent elite law schools from fulfilling their public missions and deprive the legal profession of leadership that is responsive to the needs of an increasingly multiracial society, but the number of black law students at elite law schools under the numbers-only admission model would approach "the inexorable zero."

CONCLUSION

The Sixth Circuit opinion upholding the use of race-conscious admissions policies at the University of Michigan Law School should be affirmed.

Respectfully submitted,

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CHERYL MILLS.
HON. WILLIAM J. JEFFERSON,
U.S. House of Representatives.

Dated: February 18, 2003.

61ST REUNION OF DOOLITTLE RAIDERS

HON. GEORGE MILLER

OF CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, we rise today to invite our colleagues to join us in honoring the Jimmy Doolittle Raiders on the 61st Anniversary of their remarkable bombing raid during World War II.

After Japan's surprise attack on Pearl Harbor, a series of sudden assaults against several Pacific Islands, and a devastating invasion of mainland China, the Japanese appeared invincible. In a mission cloaked in secrecy, Lt. Col. Jimmy Doolittle was selected as the leader based on his prowess as a military pilot and skills as a titleholder in civilian air races. Doolittle had the right stuff—inspiring leadership skills, flamed by a successful track record of pushing military and civilian aircraft to their operational limits.

On April 18, 1942, fifteen B–25s lifted off the deck of the aircraft carrier USS *Hornet* and headed for Japan. The challenge was to launch sixteen Army Air Corps B–25 bombers, designed for takeoffs from long land-based runways, from a perilously short 250-foot takeoff area on the deck of a U.S. Navy carrier, and then fly 450 miles to Japan. The plan was to fly at treetop level to evade radar detection, then bomb seven targets selected as the enemy's primary war-making industrial sites, before heading to safe landing sites in China.

However, to preserve the element of surprise, the B–25s were launched 700 miles out to sea, a decision that did add to the surprise but also limited the effectiveness of the raid. One plane managed to land near Vladivostok, Russia, where its crew was interred for 14 months before escaping through Iran. In one of the other crews, two men drowned and one died on bailout. Eight Raiders were captured by Japanese forces and, became POWs for the duration of the war. Of these, three were executed and one died of malnutrition. The other four were released after three and a half years as POWs. Other Raiders bailed out over China and were assisted by the Chinese. While the raid did not succeed at destroying the selected targets, some of the crews dropped their bombs in Japanese territory. But more importantly, the raid has been recognized as a major turning point for the United States, boosting its morale and leading to an American offensive and the battle of Midway, which ultimately led to victory in the Pacific. Of the 80 original Raiders, 73 survived the raid, 19 of whom are still alive and celebrating today.

The 61st Reunion of the Doolittle Raiders will be held from April 15 to April 19 in our California congressional districts, in Fairfield, Vacaville, and Travis Air Force Base. The event will jumpstart the fundraising phase of the Jimmy Doolittle Air and Space Museum Foundation—a $50 million project that honors the history of flight, military air power in the defense of our nation, and the future of space technology.

We know that the Members of the House of Representatives join us in honoring all the Doolittle Raiders for their service, their courage and their sacrifice.

FAIR PAY ACT WITH FEMALE CUSTODIANS TO PRESS PAY EQUITY TO COMMEMORATE EQUAL PAY DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Ms. NORTON. Mr. Speaker, today I and other members of the House and Senate introduced two bills—the Fair Pay Act and the Paycheck Fairness Act—at a press conference with a female custodial employee, who successfully sued the Architect of the Capitol for wage discrimination. An excerpt of the press conference follows.

Norton's Fair Pay Act, introduced in the Senate by Senator Tom Harkin (D-IA), addresses sex segregation "where work is paid according to gender and not the job to be performed," she said, "the major cause of the pay gap today." The Fair Pay Act addresses wages that often are lower in female dominated occupations, such as nursing, teaching and social work, and would allow suits under Title VII of the Civil Rights Act of 1964 for jobs with the same skill, effort and responsibility, as comparable male jobs, even if the jobs are not the same in content. Norton, who was the chair of the Equal Employment Opportunity Commission during the Carter Administration, was the first woman to head the agency.

Norton also became an original co-sponsor of the Paycheck Fairness Act, which seeks to update the Equal Pay Act (EPA) allowing suits for equal pay for equal work. "At a minimum," Norton said: "Pat Harris and 48 other female custodians, who work right here in the Capitol should be the last word on the continued importance of the EPA and the urgent need to update it. If female custodians can be paid $1.00 an hour less than their male counterparts right under the nose of the Congress, it is surely time to reexamine the 40 year old Equal Pay Act."

Norton said that the female custodians' case also demonstrates why the Fair Pay Act is necessary "as a 21st century amendment to the EPA." The Congresswoman, who from the inception of the suit, worked closely with the female custodians, their union, AFSCME local 626 officials, and their lawyers, pressed the Architect to settle the suit. She said that settlement discussions were "endlessly protracted by the Architect's claim that the laborers did different work. The female custodians' case actually was a classic equal pay case, but settlement would have occurred earlier if the Fair Pay Act had already been law." Last year, Norton was invited to join the female custodians at the Ford Building when they received the checks they won as a result of the settlement. She said that the women showed exemplary courage in stepping forward to become the first to sue under the Congressional Accountability Act, which holds Congress accountable for the laws it applies to others.

KATIE GEARLDS—INDIANA MISS BASKETBALL

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to commend Katie Gearlds, Indiana Miss Basketball 2003, from Beech Grove, IN.

A senior at Beech Grove High School, Katie Gearlds has already had a phenomenal basketball career as a team member of the Beech Grove Hornets Girls Basketball team. Not only has she been named Indiana Miss Basketball 2003, she also led her team to win the Indiana State Girls Basketball Championship, scoring a 3A title-record of 33 points.

She was named MVP of the McDonalds All-American game, Nike All-American, Parade Magazine All-American, and Gatorade Player of the Year in Indiana.

Katie finished the season with 2,521 points, placing her fourth in State career scoring in Indiana.

As a student at Beech Grove High School, Katie has also had an outstanding academic career with a grade point average of 3.8.

Katie will continue her basketball career with a 4–year scholarship at Purdue University where she plans to major in Pharmacy.

I ask the House of Representatives to join me in saluting this extraordinary young lady in her myriad achievements.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I am proud to introduce H.R. 1683, the 'Veterans' Compensation Cost-of-Living Adjustment Act of 2003. Veterans' Affairs Committee Ranking Member LANE EVANS, as well as the Chairman and Ranking Member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD, respectively, join me as original cosponsors of the bill. H.R. 1683 would provide a cost-of-living adjustment to veterans' benefits, effective December 1, 2003.

The VA Committee periodically reviews the service-connected disability compensation and dependency and indemnity compensation (DIC) programs to ensure that the benefits provide reasonable and adequate compensation for disabled veterans and their families. Based on this review, Congress acts annually to provide a cost-of-living adjustment in compensation and DIC benefits.

Mr. Speaker, Congress has provided increases in these rates for every fiscal year since 1976. The Administration's fiscal year 2004 budget submission, as well as the House Budget Resolution, includes funding for an increase that is currently estimated to be 2.0 percent.

I urge my colleagues to support this bill.

RECOGNITION OF THE COMMUNITY OF KUNA, IDAHO

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. OTTER. Mr. Speaker, I rise today to recognize Master Sergeant Samuel Johnston and the proud community of Kuna, Idaho. Sergeant Johnston is serving in the Iraq War as a member of the Idaho National Guard. He was deployed to Kuwait in January—leaving his 60-acre farm unattended. Last week his neighbors in Kuna finished spring planting on the Johnston farm.

Francis Murphey organized the volunteer group consisting of Dick Deutsche, Alan White, Leonard Flynn, Darrell Lee Robertson, Dave Reynolds, Jack Noble, John McPherson, Lavar K. and Layne Thornton, and Ed, Gayle and Roger Hodges.

I bring to the attention of the House these residents of Kuna, Idaho as they exemplify the American spirit of cooperation and patriotism by providing for Sergeant Johnston and his family—while he, in turn, serves and protects our country.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. ROGERS of Alabama. Mr. Speaker, during rollcall vote Nos. 109, 110, and 111 on April 7, 2003, I was unavoidably detained. Had I been present, I would have voted "yea."

UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. LARSON. Mr. Speaker, I rise today in celebration of women's basketball and to pay tribute to the University of Connecticut women's basketball team.

The Huskies have won 76 of their last 77 games including a record breaking 70 wins in a row on their way to winning their second national title on April 8, 2003. They are the first women's basketball team ever to win the national championship without a senior on the team. They achieved this distinction by defeating outstanding teams from Texas and Tennessee in the Final Four.

Geno Auriemma, Chris Dailey, their assistants, Lew Perkins, and the entire UConn program are to be commended for their continued pursuit of excellence both on and off the basketball court. They are a credit to women's sports and college athletics in general.

Coach Auriemma paid a great tribute to Pat Summitt and the Tennessee team, citing that UConn beat the best women's basketball program in the country. Though his Huskies were victorious, the real winner was women's athletics.

With all the talk about changing Title IX, this Final Four bears testimony on the wisdom of that policy. Texas, Duke, Tennessee, and Connecticut brought women's basketball to another level. For purists who follow sports, its reminiscent of baseball in the 1950s and 60s. There is a purity about the women's game that is unique and endearing and transcends gender.

For the University of Connecticut team, the first ever group of all underclassmen to win the national title, what a lasting tribute to your dedication, stamina, spirit, and will to win.

They say that teams are an extension of their coach. Clearly the UConn women's program is personified in Coach Auriemma and in their leader Diana Taurasi. The Supremes had Diana Ross, the British had Princess Diana. Connecticut has "D," Diana Taurasi, simply the best women's basketball player in the country.

While Diana Taurasi at times carried this team on her back, the championship could not have been won without a team effort. Ann Strother will be remembered for shaking off a tough tournament to play her best game in the biggest game. The flawless ball handling and clutch three pointers by Maria Conlon freed Taurasi to focus on shooting and driving to the basket. The solid inside play of Jessica Moore, Barbara Turner, and Willnett Crockett kept the offense balanced and the defense off guard. And who will forget Ashley Battle's steal of the ball to seal the victory. Not to be overlooked are the contributions throughout the year of Morgan Valley, Ashley Valley, Stacey Marron, and Nicole Wolff.

I only hope Geno and Kathy, Chris Dailey, and all the coaches get to relax and enjoy the moment, because the expectation for a three-peat has already started.

Lastly, this great game with great teams was played out by young women on a national stage in what will go down as a tournament for the ages, and will inspire countless dreams of girls and boys who aspire to excel in sports and seize the moment.

I am further delighted to collect my dinner wager from Harold Ford, Jr. of Tennessee, a future President of the United States. I will enjoy every morsel of this meal as I brag on the Huskies, Diana Taurasi, the Big East, and another future President, Joe Lieberman.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to the University of

Connecticut's fourth women's basketball national championship and celebrating the game of women's basketball and the continued success of women's athletics.

HONORING THE CITY OF MILLEDGEVILLE

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MARSHALL. Mr. Speaker, I rise to pay tribute to the City of Milledgeville, Georgia, on the occasion of this historic city's year-long bicentennial celebration.

Situated just west of the Oconee River on what was then the edge of Georgia's frontier, Milledgeville was founded in 1803 after a long search by a Georgia legislature-commissioned expedition to find a new capital city. The city was named for John Milledge, who at the time was a popular Georgia governor. Within a year of its founding, the city was declared the official seat of Georgia's state government, becoming the only city outside Washington, D.C. designed specifically to be a capital city. As the capital, Milledgeville was a key location for many historic events in Georgia's history, including the 1861 signing of the Ordinance of Secession at the Old Capitol and a stopping place in 1864 for General Sherman, who slept in the Governor's Mansion as he passed through on his infamous March to the Sea. In 1868, Georgia moved its state capitol to Atlanta, but Milledgeville continued to prosper and grow, becoming home to a thriving university and new businesses while still keeping an eye on its antebellum past. Last year, the city welcomed more than 60,000 visitors to see such attractions as the Old State Capitol, the Governor's Mansion and a number of other old homes that showcase the city's true Southern style.

Mr. Speaker, I am proud to represent this fine community of individuals who, over the years, have worked hard to build their city into what it is today. This year, the city is welcoming visitors from across the nation to join in celebrating their first 200 years of history. Part of this celebration will include the dedication of Georgia's Antebellum Capitol Museum, an old-fashioned independence day celebration, a black-tie bicentennial ball and monthly lectures highlighting the people and places that have helped make Milledgeville truly unique.

Mr. Speaker, I am confident that my colleagues in the U.S. House of Representatives will join me in congratulating the City of Milledgeville for its 200 years.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BECERRA. Mr. Speaker, on Monday, April 7, 2003, I was unable to cast my floor vote on rollcall Nos. 109, 110, and 111. The votes I missed include rollcall vote 109 on Suspending the Rules and Passing H.R. 1055, the Dr. Roswell N. Beck Post Office Building Designation Act; rollcall vote 110 on Suspending the Rules and Agreeing to H. Res. 127, as Amended, Expressing the Sense of Congress that a month should be designated as "Financial Literacy for Youth Month," and rollcall vote 111 on Suspending the Rules and Passing, as Amended H.R. 1368, the Norman Shumway Post Office Building Designation Act.

Had I been present for the votes, I would have voted "aye" on rollcall votes 109, 110, and 111.

A TRIBUTE TO DANIEL COELHO FOR 50 YEARS OF HELPING AMERICANS WITH FINANCIAL SECURITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate Daniel S. Coelho, a good friend and mentor of mine, as he celebrates his 50th year as a leader in the financial security industry. As he celebrates this milestone, he can take pride in having helping thousands of families to ensure their financial future and start productive new businesses.

Many of my colleagues know that I began my professional life as an independent insurance agent, specializing in whole life insurance. It was during those early years that I came to know Daniel Coelho, who was my general agent with Penn Mutual Life and helped me learn the trade and how important these policies can be for American families.

Americans today have an entire universe of options to invest in their future, from Individual Retirement Accounts to 401k savings. But before any of these were established, whole life insurance was the most important way for American families to plan for their future. Millions of families ensured that their spouses and children would have financial security, while at the same time laying a foundation for their own retirement. And millions of entrepreneurs have used these policies as the only way to get capital to start the small businesses that are the bedrock of our economy.

Dan Coelho has spent 5 decades in this industry, establishing a record of business ethics and policy leadership that has earned the trust of thousands of families who have counted on him and his firm to lay their financial future. His advice and support has helped entrepreneurs create thousands of small businesses—many of which are now large and successful firms.

A California native born to immigrant parents, Dan graduated from University of California, Berkeley in 1950 after capping his college career by being elected student body president. He went to work for Bechtel Corporation in Arkansas, where he met his future wife, Jenny Johnson.

After service in the Korean conflict, Dan entered his life insurance career with the Penn Mutual Life General Agency in San Francisco, and was appointed General Agent in Detroit in 1957. After that agency was given the company's President's Award, he was offered the Los Angeles agency in 1962. Over the next 23 years, the Los Angeles agency grew into one of the nation's largest, and was renamed Resources Financial. It now offers a full range of investment and estate planning and business services for small and large companies.

Daniel Coelho has become known to many of my colleagues as a Core Group Member for the Association for Advanced Life Underwriters, which seeks to protect these basic investments for Americans. There is no doubt that some in government have had their eye on these pools of individual financial security as potential sources for taxation, and investors should thank Dan Coelho and his fellows for watching over their interests in Washington and state capitals.

Mr. Speaker, thousands of families owe their financial peace of mind to Daniel S. Coelho and the company he has led for the past 50 years. Please join me in congratulating him for those years of success and service, and wish him and Jenny well in their future endeavors.

INTRODUCTION OF THE DNA DATABASE ENHANCEMENT ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the DNA Database Enhancement Act—legislation that will expand and improve the use of DNA analysis in criminal investigations.

As a former federal prosecutor, I recognize what a powerful tool the use of DNA profiles has become in solving crimes. In 1998, the FBI created a system of DNA profile indexes, the Combined DNA Index System (CODIS), to allow participating forensic laboratories to compare DNA profiles with the goal of matching case evidence to other previously unrelated cases or to persons already convicted of specific crimes. This database contains about 1.3 million DNA samples and has yielded more than 6,000 matches in criminal investigations.

Previously, federal law required that a state collect for analysis DNA samples from persons convicted of a felony of a sexual nature. However, the collection of samples from other felons is currently dependent entirely upon state law. The DNA Database Enhancement Act would broaden this collection requirement to include all individuals convicted of violent felonies.

In order to facilitate crime solving and information sharing among local and state law enforcement agencies, my bill would also expand CODIS by permitting states to upload collected DNA samples to the national database. In Virginia, law enforcement is authorized to collect DNA samples from suspects being charged with violent crimes and other felonies. This has yielded tremendous results, with forensic officials making their 1,000th "cold hit" last year by matching a rape suspect to a 2001 sexual assault case.

Finally, this legislation will increase the effectiveness of DNA databases in crime solving by ensuring that law enforcement can compare DNA samples with CODIS. While most states already run comparisons on collected samples, some states have restrictions on how and when samples can be compared. This bill will increase the effectiveness of DNA databases in crime solving by removing restrictions that impede the comparison of DNA samples against established DNA databases. Where DNA is given voluntarily or obtained by law enforcement in a lawful manner, law enforcement should be able to compare those samples with CODIS.

Recently, the Department of Justice announced a proposal to spend more than $1 billion over the next five years on DNA analysis in criminal cases. This plan, originally introduced in the Administration's 2004 budget proposal, involves a significant expansion of the FBI's DNA database. The FBI has also announced plans to request authorization to obtain pre-conviction DNA samples from states that currently collect such samples, such as Virginia, Louisiana, and Texas. These joint proposals would dramatically improve the ability to match samples recovered at crime scenes.

With similar goals in mind, my legislation, the DNA Database Enhancement Act, will make important changes to ensure that law enforcement can fully utilize the powerful tool of DNA analysis in solving crimes.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BERRY. Mr. Speaker, I rise today to recognize those men and women who have served our country in battle and have been taken prisoner. Today is National Former Prisoner of War Recognition Day. It is right that we pause to honor the sacrifice of veterans like these.

However, Mr. Speaker, we must do more than honor these men and women with words. Talk is cheap. I rise to talk about the Budget that this house passed on March 21. The budget that this House passed hurt veterans by proposing long term cuts to essential health care programs. I was proud to vote against this budget. However, it is important the public fully understand why this budget is so bad for our nation's veterans.

The Budget calls for $28.3 billion dollars to be cut from veterans health care and other spending on veterans benefits over the next 10 years. This is a disgrace. Why is this body going to cut this money? In order to pay for a $1.35 trillion tax cut for the wealthiest Americans that doesn't create jobs or stimulate the economy.

So, that means that this Administration and the leadership of the House of Representatives has made a choice. They would rather have tax cuts for the wealthiest Americans than veterans benefits. Period. No other explanation is plausible. It is almost impossible for me to believe that as the veterans population rises and ages, that this House would eliminate benefits.

Mr. Speaker, we have men and women on the field of battle in Iraq, fighting to make others free. Should we not honor their sacrifice by keeping our promises to those that have already served? Should we not eliminate these cuts in VA spending? The wealthy need a tax cut less than veterans need the health care they were promised. If our society has sunk to the point where we are choosing to dishonor service in order to make the rich richer, then we surely are not the great nation we once were.

Mr. Speaker, we should honor those who have served, those who were POWs, and those that gave the ultimate sacrifice.

INTRODUCTION OF THE CYBERMOLESTERS ENFORCEMENT ACT OF 2003

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SIMMONS. Mr. Speaker, I rise before you today to introduce my "Cybermolesters Enforcement Act of 2003," a bill that would bring today's high-tech child molesters to justice.

While the Internet has revolutionized communication and business, it unfortunately provides a tool for child molesters, and loopholes in the current law allow some of these predators to escape without any real consequences. And although it is already a federal crime to cross state lines to sexually molest a minor, in recent years the number of people using the Internet to violate this law has skyrocketed. I call these individuals "cybermolesters."

Cybermolesters are not easy to identify. They typically are well educated; middle-class citizens who have no previous criminal record and, as a result, tend to escape with little or no jail time. For example, convicted child pornographers receive ten-year mandatory sentences, but those who use the Internet to meet children and commit criminal sexual acts can receive no jail time at all. This double standard gives lighter sentences to a special set of privileged criminals. My bill would end this double standard by imposing a five-year mandatory minimum sentence for cybermolesters.

My bill also provides law enforcement with two important tools to combat those who prey on our nation's children. First, it would allow law enforcement to obtain a federal wiretap on those suspected of committing certain child sexual exploitation offenses, such as transmitting computer-generated child pornography, enticing a minor to travel for sexual activity, and transporting a minor for sexual activity. Second, it would classify child pornography as "contraband," which would enable law enforcement to seize it based upon probable cause and to destroy it automatically after its use, as evidence was no longer needed. This measure has the support of the FBI's "Innocent Images" Program, which is on the front lines of the battle against on-line pedophiles.

Mr. Speaker, two weeks ago the passage of H.R. 1104 was a clear demonstration of our united support in improving the safety and welfare of our children. We cannot allow our law enforcement to lose step with an ever-evolving electronic society. We cannot allow these sexual predators to get away with the criminal acts they are committing against innocent children. We cannot allow one of our greatest advancements to become a tool for our biggest degenerates. The Cybermolester Enforcement Act will ensure that these "cyberpredators" are suitably punished and America's children are properly protected.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the Americans who are currently serving our country, and those who have served so gallantly in the past. Particularly during this time of war, America's heroes of the past, as well as the present, must be honored and remembered. As such, I join Congressman HOYER and Congressman SKELTON to recognize today as National Former Prisoner of War Recognition Day.

These soldiers, captured while fighting for freedom and the future of America, faced imprisonment with their fates unknown. These brave men and women looked their enemy in the face, persevered with honor, courage, and faith in their country—and survived. Many, however, were not so fortunate.

The ordeal of being a prisoner of war does not end once rescued from behind enemy lines. The physical, emotional, and spiritual toll of internment can take years, even a lifetime, to rebuild and overcome.

As former prisoners of war, you have gone beyond the call of your duty. You put your life, your blood, your soul on the line. This is a sacrifice most of us will never be able to comprehend. That burden, that sacrifice, that unfettered dedication to our country will forever make you national heroes.

We owe an inexpressible debt of gratitude to you, our former POWs, and to your families, whose prayers for a safe return were answered.

Today we honor you for your bravery, strength, and sacrifice. And tomorrow we will not forget.

TRIBUTE TO AMERICA'S REAL HEROES AS OFFERED BY ALABAMA STATE AUDITOR BETH CHAPMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BONNER. Mr. Speaker, a few weeks ago, a childhood friend, Beth Killough Chapman, who now serves my home state of Alabama with distinction as our State Auditor, made a speech at a "Stand up for America Rally" in the city of Pelham, a suburb of Birmingham.

Beth's remarks, although certainly unintended at the time, captured the views of many of us in this country and sparked an emotional response from literally thousands of people in all 50 states, including many of the men and women who proudly wear the uniform of our military in defense of this great country.

Unlike so many of the speeches we hear in this city, Beth Chapman's remarks were not made with a particular slant that was either pro-Democrat or pro-Republican. Instead, Beth's comments were simply "pro-American," and after reading her words, it was obvious to me that the speech was made straight from the heart.

Mr. Speaker, in these uncertain times when so many people have questions about where we are going, what we are doing and who can we trust, I found Beth Chapman's words inspirational and comforting. I ask that her speech be entered into the CONGRESSIONAL RECORD in its entirety, in hopes that even more people can be encouraged to stop and think about the true price of liberty and who is making the real sacrifices to preserve what is so dear to us all:

> I'm here tonight because men and women of the United States military have given their lives for my freedom. I am not here tonight because Sheryl Crowe, Rosie O'Donnell, Jane Fonda, Martin Sheen, the Dixie Chicks, Barbra Streisand, the Beastie Boys, George Clooney or Phil Donahue, sacrificed their lives for me.
>
> If my memory serves me correctly, it was not movie stars or musicians, but the United States Military who fought on the shores of Iwo Jima, the jungles of Vietnam, and the beaches of Normandy.
>
> Tonight, I say we should support the President of the United States and the U.S. military and tell the liberal, tree-hugging, hippy, Birkenstock wearing, tie-dyed liberals to go make their movies and music and whine somewhere else.
>
> After all, if they lived in Iraq, they wouldn't be allowed the freedom of speech they're being given here today—ironically, they would be put to death at the hands of Sadam Hussein or Osama Bin Laden.
>
> I want to know how the very people who are against war because of the loss of life, can possibly be the same people who are for abortion?
>
> They are the same people who are for animal rights but against the rights of the unborn.
>
> The movie stars say they want to go to Iraq and serve as human shields for the Iraqis, I say let them buy a one-way ticket and go.
>
> No one likes war, I hate war. But the one thing I hate more is the fact that this country has been forced into war—innocent people have lost their lives—and there but for the grace of God, it could have been my brother, my husband, or even worse my own son.
>
> On December 7, 1941, there are no records of movie stars treading the blazing waters of Pearl Harbor.
>
> On September 11, 2001; there are no photos of movie stars standing as human shields against the debris and falling bodies descending from the World Trade Center. There were only policemen and firemen—underpaid civil servants who gave their all with nothing expected in return.
>
> When the USS *Cole* was bombed, there were no movie stars guarding the ship—where were the human shields then?
>
> If America's movie stars want to be human shields, let them shield the gang-ridden streets of Los Angeles, or New York City, let them shield the lives of the children of North Birmingham whose mothers lay them down to sleep on the floor each night to shelter them from stray bullets.
>
> If they want to be human shields, I say let them shield the men and women of honesty and integrity who epitomize courage and embody the spirit of freedom by wearing the proud uniforms of the United States Military. Those are the people who have earned and deserve shielding.
>
> Throughout the course of history, this country has remained free, not because of movie stars and liberal activists but because of brave men and women who hated war too—but lay down their lives so that we all may live in freedom. After all—What greater love hath no man, that he lay down his life for his friend," but in this case a country.
>
> We should give our military honor and acknowledgement and not let their lives be in vain. If you want to see true human shields, walk through Arlington Cemetery. There lie human shields, heroes, and the BRAVE Americans who didn't get on television and talk about being human shields, they were human shields.
>
> I thank God tonight for freedom—those who bought and paid for it with their lives in the past—those who will protect it in the present and defend it in the future.
>
> America has remained silent too long. God-fearing people have remained silent too long.
>
> We must lift our voices united in a humble prayer to God for guidance and the strength and courage to sustain us throughout whatever the future may hold.
>
> After the tragic events of Sept. 11th, my then eleven-year-old son said terrorism is a war against us and them and if you're not one of us, then you're one of them.
>
> So in closing tonight, let *us* be of one accord, let *us* stand proud, and let *us* be the human shields of prayer, encouragement and support for the President, our troops and their families and our country.
>
> May God bless America, the land of the free, the home of the brave and the greatest country on the face of this earth!

HONORING RUTH GRIFFIN

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to the Honorable Ruth Griffin upon receiving the first annual 2003 Lifetime of Service Award from City Year New Hampshire.

This award is given in recognition of New Hampshire citizens who have committed themselves to making a difference in their neighborhood, city, and state. Ruth's thirty years of public service are a testament to her love of New Hampshire and her desire to make it an even better place to live.

Ruth claims her greatest joy in life is service to others, and she remains committed to this adage by participating in numerous community service events and programs, along with performing her civic duties as an elected official. It is clear she has lived up to this motto through her work with the Portsmouth Housing Authority Commission and the Portsmouth Board of Education. She extended her service beyond the Seacoast to all of New Hampshire by serving as a State Representative and State Senator, and she currently serves as an Executive Councilor. She is also a long-standing supporter of law enforcement, as evidenced by her lifetime membership in the 100 Club of New Hampshire and her past tenure on the Portsmouth Police Commission. Ruth gives one hundred percent of her time and efforts to bettering the lives of those less fortunate. She is a role model for the concepts of citizenship, teamwork, and appreciation of difference, the ideals on which City Year is based.

Ruth is a shining example of what good citizenship is all about. She has raised the bar for those who want to be public servants. I am proud to represent such an outstanding citizen and community leader in the United States House of Representatives.

TRANSITIONAL HOUSING FOR VICTIMS OF ABUSE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing a bipartisan bill that would establish a program for transitional housing assistance for victims of domestic violence and sexual assault. Passage of this legislation is long overdue, as thousands of women and their children continue to suffer at the hands of their abusers simply because they have no where else to go.

I am proud to be joined in this effort by my colleague from the other body, Senator PATRICK LEAHY, who is introducing identical legislation today. I would also like to commend the 25 bipartisan cosponsors who have joined me in seeking relief and assistance for abused women and children. No time is more appropriate than the present to introduce a bill that seeks to help those who have suffered violence in their personal lives and in their homes.

Senator LEAHY and I recognize and understand the complex issues facing women and their children who want nothing more than a safe and secure home. Transitional housing is often the link between emergency housing and a victim's ability to become self-sufficient. This bill opens the doors to new opportunities for survivors because, in addition to a roof and a bed, transitional housing programs also offer supportive services, such as counseling, job training, access to education, and child care. These tools are critical to allowing women to get back on their feet and to be able to support their children in a home that is free from violence.

This bill would authorize $30 million for each fiscal year from 2004 through 2008. The program would be added to the Violence Against Women Act and would be funded through the

Violence Against Women Office in the Department of Justice. With 50% of homeless women on the streets because of domestic violence, it is critical that we address the unique needs of this large and vulnerable population. The Violence Against Women Office has the unique understanding and ability to help these women and children.

It is now essential that we not only pass this legislation but also appropriate $30 million for transitional housing assistance and provide this critically needed safety net for women seeking to escape abuse. The women and children of this country deserve nothing less.

HONORING THE LIFE AND ACHIEVEMENTS OF DONNELL D. ETZWILER, M.D.

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. RAMSTAD. Mr. Speaker, I rise today to urge my colleagues to join me in honoring the life and achievements of Donnell D. Etzwiler, M.D.

My home state of Minnesota lost a true hero for people with diabetes on April 6 when Dr. Etzwiler passed away, but his legacy lives on. Dr. Etzwiler touched countless lives with his commitment to improving the quality of care for Americans with diabetes.

A graduate of Yale University School of Medicine, Dr. Etzwiler served for four decades as a pediatrician specializing in diabetes care at the Park Nicollet Clinic in Minneapolis. He is perhaps best known as the founder of the International Diabetes Center (IDC) in Minnesota, where he served as President and Chief Medical Officer until 1996. The mission of the IDC is to ensure every person with diabetes or even at risk of developing diabetes receives the best possible care.

Throughout Dr. Etzwiler's three decades of leadership, the IDC delivered on that promise. The IDC has trained over 20,000 health professionals, including hundreds from countries such as Brazil, Mexico, Japan, Poland and Russia. Because of his dedication to the children he cared for, the IDC organized and hosted the First International Symposium on Diabetes Camps in 1974. This important group helped establish standards and accreditation for diabetes camp programs.

In 1976 and 1977, Dr. Etzwiler served as President of the American Diabetes Association. Later, he spent over twelve years as a Principal Investigator for the Diabetes Control and Complications Trial at the National Institutes of Health. This groundbreaking study demonstrated that keeping blood glucose levels as close to normal as possible in people with diabetes slows the onset and progression of complications like eye, kidney and nerve disease.

Dr. Etzwiler's commitment to improving diabetes care transcended national boundaries. He served as Chairman of the Diabetes Collaborating Centers for the World Health Organization. The Russian government officially recognized his work by awarding Dr. Etzwiler a Peace Award for co-founding and co-directing the International Diabetes Programme in Russia.

Most recently, Dr. Etzwiler received the National Institute of Health Policy's Health Care Leadership Award for his outstanding record of service.

As if all these landmark accomplishments were not enough to occupy his time, Dr. Etzwiler was also heavily involved in professional medical associations, serving in many leadership positions. He was a member of the Institute of Medicine. He received over 30 honors and awards from professional and civic organizations. He was a professor of medicine for over 40 years and published over 200 articles and abstracts about diabetes care.

Dr. Etzwiler's commitment and compassion has literally saved and improved the lives of countless people across the globe, especially children with diabetes. Mr. Speaker, on behalf of the millions of Americans with diabetes and their friends and family, I urge my colleagues to join me in honoring the life and legacy of Dr. Donnell D. Etzwiler.

HONORING THE WOODIS FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Woodis family of Montrose, Colorado for their willingness to dedicate their time and energy to benefit the disabled. The Woodis family is raising a puppy to be a companion dog for a person with a physical disability, and today I would like to pay tribute to their efforts before this body of Congress and this nation.

Sons Jeff and Ethan Woodis have raised pigs for their 4-H club, so when the club required a community service project, they turned to Canine Companions, an organization founded in 1975 to provide dogs trained to help disabled people achieve greater independence. Airlie, a female Black Labrador retriever, came to Montrose to live with the Woodis family and to learn thirty basic commands to help her prepare for life as a companion dog. After the initial training, Airlie will go to California for six months of advanced training before graduation. Then, the Woodis family will hand Airlie's leash to her new owner. Raising Airlie has been a community-wide effort, with help coming from numerous local organizations and businesses.

Mr. Speaker, it is a great privilege to recognize the Woodis family for their contributions to the quality of life of disabled Americans. By helping to raise and train Airlie, the Woodis family is helping to provide increased independence and freedom, as well as a loving companion, for a disabled American. I thank them for their efforts.

HONORING MASTER SGT. ROBERT J. DOWDY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise to honor an American hero, Robert Dowdy, who lost his life during the conflict with Iraq. Master Sgt. Robert J. Dowdy, 38, was a native of Cleveland and a member of the 507th Maintenance Company of Fort Bliss, Texas.

First Sergeant Robert Dowdy was a loving son and devoted husband. A passionate distance runner, Robert placed second in a 10-kilometer run in el Paso, Texas, 2 years ago and contended in a 20-kilometer foot race over a mountain there in 1999.

Robert Dowdy had been in the Army for 18 years and was 2 years from retirement. His older sibling, Jack Dowdy expressed on his brother's behalf that Robert Dowdy had been looking forward to retirement to spend more time with his wife and 14-year-old daughter.

On behalf of the people of the 11th Congressional District and the United States Congress, I extend my heartfelt sympathy.

TRIBUTE TO MARY LU AFT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding service of Mary Lu Aft, a friend and distinguished constituent, who has enriched the lives of countless individuals in the Cincinnati area. On April 25, 2003, Mary Lu will complete an unprecedented fifth and final term as Chair of the Board of Trustees of the Friends of the Public Library.

Friends of the Public Library is an organization that raises funds for materials, programs and services that support the Public Library of Cincinnati and Hamilton County. The Public Library system has a circulation of 12.8 million books, videos and other materials, and is the fourth busiest library system in the country.

Mary Lu is an invaluable part of the Cincinnati community. Since 1998, she has served as Chair of the Board of Trustees of the Friends of the Public Library, and, since 1989, has also served as its Chair of Book Sales. Over the years, Mary Lu has been integral to the success of "Friends." During her service, she oversaw and coordinated used book, warehouse, and branch sales, which have raised over $1.6 million for the Public Library programs and purchases. Mary Lu also planned and coordinated the recycling of over 3 million books, which were donated to "Friends" or retired from the Library's circulation. Her leadership and hard work have made the Public Library of Cincinnati and Hamilton County a national model for such initiatives, and, of course, have been a tremendous benefit to those in the Cincinnati area.

Mary Lu also has been active with a number of other good causes and organizations. Since 1981, she has served as a consultant to the

American Red Cross, and she continues to give her time and energy to the United Way of America. Among her other activities, Mary Lu is the Co-Chair of the 2003 International Conference of Volunteer Administrators.

Mary Lu's success has not gone unnoticed. She received the Great Rivers Girl Scout Council Woman of Distinction award in 2000 and the Cincinnati Enquirer's Woman of the Year award in 1999.

Mr. Speaker, I hope my colleagues will join me in recognizing Mary Lu's many accomplishments as she steps down as Chair of the Board of Trustees of Friends of the Public Library on April 25, 2003. I know Mary Lu will continue to make a difference in our community and Nation. All of us in Southwestern Ohio wish her the very best in her future endeavors.

TRIBUTE TO MILLIE BEALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Millie Beall of Steamboat Springs, Colorado for her extraordinary service to her community. Millie has long been recognized as a leader in Steamboat Springs, and today I would like to acknowledge her accomplishments before this body of Congress and this nation.

Millie moved to Steamboat Springs in 1971 for the ski season and never left. Since then she has served on the Steamboat Springs School Board for eight years, including four as its president, and another eight years as a member of the Routt County Education Foundation. Among many other activities, Millie has been involved with the El Pomar Youth in Community Service program, the Community Committee for the Arts, and the Yampa Valley Community Foundation, and the Northwest Colorado Philanthropy Days. She currently serves as the executive director of Routt County United Way and works to raise funds for a wide variety of projects. Spending most of her career in community service, Millie has received numerous awards, most recently receiving recognition from the Steamboat Ski and Resort Corporation.

Mr. Speaker, it is a great privilege to recognize Millie Beall for her outstanding commitment to her community. Millie holds a key leadership role in Steamboat Springs, and her community is immeasurably better off because of her efforts. I wish Millie the best in all of her future endeavors.

A TRIBUTE TO COL. DAVID PERKINS OF NEW HAMPSHIRE

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. BASS. Mr. Speaker, I rise today to pay tribute to one of the many brave U.S. soldiers selflessly participating in Operation Iraqi Freedom. Col. David Perkins of Keene, New Hampshire, a community I represent in Congress, is the commander of the 2nd Brigade Combat Team of the 3rd Infantry Division. Col. Perkins led what has been referred to as the opening maneuver of the amazingly swift push of coalition forces into Baghdad.

On March 31, 2003, in a feint designed to draw the Iraqi Republican Guard away from Musayyib, where the division was to cross the Euphrates River, Col. Perkins focused attention on a bridge at Hindiyah, 50 miles south of Baghdad. The Granite Stater was reportedly "unfazed by Iraqi soldiers shooting at him" from the other side of the river as he told his men the bridge was not worth taking.

Col. Perkins then led a contingent of his men to the town's abandoned Baath party headquarters, where they destroyed a large weapons cache. In an historic event, just 4 days later, Col. Perkins' combat team and other brigades rolled through the streets of Baghdad.

Let the record show that I am enormously proud that a soldier from my District has played such a heroic and vital role in what will ultimately be the liberation of the people of Iraq from the brutal regime of Saddam Hussein. The world will be a much safer place because of the efforts of Col. Perkins and other fine men and women who risk their own lives on our behalf.

HONORING PRIVATE BRANDON ULYSSES SLOAN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mrs. JONES of Ohio. I rise to honor an American hero, Brandon Ulysses Sloan, who lost his life during the conflict with Iraq. Private Brandon Ulysses Sloan was a native of Cleveland and a member of the 507th Maintenance Company of the United States Army. He was born on October 7, 1983, in Cleveland, Ohio to the union of Tandy U. and Kimberly T. Sloan.

Brandon Sloan exhibited a unique blend of personality and strength. A loving child, Brandon always played and enjoyed spending time with other children. Brandon later became a big brother to his sister Brittany, with whom he shared a close friendship.

Brandon began his education in the East Cleveland School District, and remained in the district until the family moved to Euclid, Ohio. While in the East Cleveland Schools, he developed a love for basketball and continued in various athletic pursuits.

During the formative years, the family enjoyed many happy times together. Brandon in particular enjoyed playing basketball and developed a knack for making good friends.

In 1996, the family moved to Oakwood Village, Ohio in the Bedford School District. There, Brandon became a Bedford "Bearcat", participating in high school football as a defensive lineman.

Brandon confessed a hope in Christ during his high school years and was baptized at The Historic Greater Friendship Baptist Church.

Later he decided to pursue a military career. He joined the United States Army to serve his country. After having served one year, Brandon gave his life for his country.

Precious memories are cherished by his father, Rev. Tandy U. Sloan; mother, Kimberly T. Sloan; sister, Brittney; two grandmothers, Dr. R. Pippen (James) and Luberta Sloan. He also had a host of uncles, aunts and cousins. His friends are numerous but to name a few: Stephon, Romel, Cleo and Eddie (U.S. Marine Corps), all who mourn his loss.

On behalf of the people of the 11th Congressional District and the United States Congress. I extend my heartfelt sympathy.

IN HONOR OF EDWARD H. HUNDERT, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Edward H. Hundert, M.D., President of Case Western University, as he is recognized by the American Heart Association for his unwavering dedication and exceptional achievement within the Cleveland medical community—most notably, for his significant role in launching the Cleveland Clinic Lerner College of Medicine of Case Western Reserve University.

In 1982, Dr. Hundert earned his medical degree from Harvard Medical School. From 1984 through 1997, Dr. Hundert served on the faculty of Harvard Medical School. He held positions in the departments of psychiatry and medical ethics, and also served as Associate Dean of student affairs. Dr. Hundert's groundbreaking research in the area of medical education helped define professionalism and ethics in medicine on a national level. Moreover, for six consecutive years Harvard Medical School graduates voted Dr. Hundert as the "Faculty Member Who Did the Most for His Class."

In 1997, Dr. Hundert relocated to the University of Rochester as professor of psychiatry and medical humanities, and served as Associate Dean, then Dean of the University. Dr. Hundert has served as President of Case Western Reserve University for the past year. During this time, Dr. Hundert's leadership, expertise and exceptional interpersonal abilities has created a new sense of partnership, possibility and energy within the Cleveland medical community, which is clearly reflected through the partnership between the world-renown Cleveland Clinic and the newly created Cleveland Clinic Lerner College of Case Western Reserve University.

Mr. Speaker and Colleagues, please join me in honor and recognition of Edward H. Hundert, M.D., President of Case Western University, whose vision, vast experience and outstanding leadership have elevated the status of medical research, education and ethics within the Cleveland community and beyond—reinforcing the image of Cleveland as the core of medical innovation, advancement and discovery for individuals within our community, across the nation, and around the world.

HONORING THE BONFILS BLOOD CENTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize an organization that has been dedicated to providing lifesaving care to the citizens of Colorado for sixty years. Bonfils Blood Center operates several community donor centers statewide, including one in Pueblo, Colorado. I would like to take this opportunity to thank the employees and donors of Bonfils Blood Center before this body of Congress and this nation.

Since 1943, Bonfils has been an integral part of the health care system in Colorado, and now serves more than ninety health care facilities across the state. When the centers first opened, Bonfils annually collected 1,600 units of blood; today the center collects nearly 200,000 units each year. Pueblo's Bonfils Center opened in 1990 and consistently supplies about ten percent of the blood collected each year in Colorado. In addition to their blood supply services, Bonfils also operates the Colorado Marrow Donor Program and Laboratories at Bonfils. This vital public service is possible only with the help of innumerable donors and local organizations, the community support Bonfils relies on to continue its long record of success.

Mr. Speaker, it is a great privilege to recognize the Bonfils Blood Center and its employees for their dedication to health care in Colorado. Hospitals and patients all over Colorado rely on Bonfils for a safe and adequate blood supply, a service Bonfils has effectively delivered for six decades. It is my distinct pleasure to honor that record of success today.

RENEWABLE ENERGY IN AMERICA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. PORTER. Mr. Speaker, I rise today to address the importance of renewable energy in America. America's energy consumption is at an all time high and rising. In order to address the imbalance between consumption and domestic production, one part of the solution is to continue the advances in research and development of renewable energy resources.

In my home state of Nevada, the sun shines more than 300 days out of the year. We are also blessed with an abundant amount of other renewable energy sources such as geothermal, wind and biomass. Nevada is a perfect laboratory for renewable energy research.

We also can boast that we have one of the top research centers in the country for renewable energy. Since the 1970's, The Desert Research Institute or DRI has been actively researching ways to put renewable resources to better use, especially for commercial use. In the past, DRI has conducted solar energy research by developing a facility where it was completely cooled and heated by solar energy.

At the present time, DRI scientists and engineers are developing a solar and wind powered system that produces hydrogen for a fuel cell with excess renewable energy so that continuous power can be provided for off-grid sites. These fuel cells also potentially would power hydrogen fuel cell cars. This technology is a cornerstone in President Bush's national energy plan.

Because the research being conducted in Nevada, it will not only have an impact in my home state, but will also impact all Americans in the long term from having a more secure and environmentally sustainable mix of energy sources.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TOWNS. Mr. Speaker, I rise in support of S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003. I'd like to recognize Chairman DAVIS, Ranking Member WAXMAN and Representatives MCHUGH and DAVIS for their fine work on this issue.

I am a cosponsor of H.R. 735, the House companion. This is an important bill that deserves the support of the entire House. If we fail to act, the Postal Service has warned that it will be forced to raise rates as early as this fall. This is something the public can not afford.

If the Postal Service continues to pay into the Civil Service Retirement System under the current rate structure, the Postal Service will overfund the system by about $71 billion by the time its pension obligations expire in 2071. This bill gives the Postal Service credit for its excess assets and thus, reduces the amount of money that it needs to pay into the fund. This will have no effect on current or future retirees' pension benefits. In fact, the bill is strongly supported by the National Association of Letter Carriers and the business community.

The savings realized from the bill will allow the postal service to make needed upgrades to improve service. Additionally, the Postmaster has also promised to keep rates steady through 2006.

This bill is a complete slam dunk. It is good for the public, the letter carriers, and the mailing industry. I urge its passage.

IN HONOR OF ERIC J. TOPOL, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Eric J. Topol, M.D.—Chief Academic Officer of the Cleveland Clinic Foundation, Chairman of the Department of Cardiovascular Medicine at the Cleveland Clinic Foundation and Provost and Professor of Medicine at the Cleveland Clinic Lerner College of Medicine of Case Western Reserve University—as he is recognized by the American Heart Association for his leadership, achievement and vision that has placed Cleveland at the national and international summit of hope, possibility and success within the realm of cardiovascular treatment and research.

In collaboration with Dr. Edward H. Hundert and other medical visionaries, Dr. Topol helped shape the Cleveland Clinic Lerner College of Medicine of CWRU. This center of advancement, research and education in medicine promises to reflect the crowning achievements, breakthroughs and medical miracles that hold the cardiology program at the Cleveland Clinic Foundation as the nation's premier heart center. The Cleveland Clinic Lerner College of Medicine promises to delve into critical research and groundbreaking treatment programs without losing the humanity and sensitivity critical to successful patient care.

Since graduating from the University of Rochester School of Medicine in 1979, Dr. Topol's life's work has focused on the prevention, detection, treatment and research of cardiovascular disease. Dr. Topol's collaborative cardiology research, work, and remarkable achievements in cardiovascular medicine has improved the state of cardiac care for countless individuals of all ages, and has steadily raised the Cleveland community to the highest levels of technological and medical advancement—in the eyes of the nation, in the eyes of the world, and within every being whose heart needs mending.

Mr. Speaker and Colleagues, please join me in honor and recognition of Eric J. Topol, M.D., whose leadership, foresight, and total commitment for the advancement of medicine has helped Cleveland earn international acclaim as the leading center of heart research and treatment—offering hope and healing for heart patients here in Cleveland, and around the globe.

TRIBUTE TO SARAH PEACOCK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a young student from my district, Sarah Peacock from Montrose, Colorado. A fifth grader at Oak Grove elementary school, Sarah is making a big difference for children around the world with her quilting skills, and today I would like to honor her accomplishments before this body of Congress and this nation.

Instead of asking for presents for her tenth birthday, Sarah asked for quilting supplies. With those supplies she has made six blankets for Project Linus, a volunteer organization that provides blankets to children who are either seriously ill or who are emotionally traumatized. Sarah's blankets are among the more than 400,000 security blankets Project Linus has shipped around the world since 1995. Sarah heard about the project from a teacher at her elementary school who was teaching her kindergarten class about quilting and with that introduction, Sarah took to the craft immediately. Along the way, her blankets have earned grand champion honors at the Montrose County Fair and fourth place at the Colorado State Fair.

Mr. Speaker, Sarah Peacock is clearly a determined and gifted young woman. Even at such a young age, her volunteer efforts are reaching children around the world, and it is my great honor to recognize her hard work before this body of Congress and this nation today. Sarah has great things ahead of her, and I wish her every success in the future.

WE SHOULD MAKE OUR REMARKS WITH CARE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KIRK. Mr. Speaker, with regard to the remarks of our colleague, Ms. CUBIN, today, I want to express my lack of support for their tone and substance. In this temple of democracy, we should make our arguments with care and concern for the feelings of all Americans.

TRIBUTE TO PRIVATE JESSICA LYNCH ON NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to America's heroes on National Former Prisoner of War Recognition Day.

The holiday is all the more poignant this year. This year the world celebrated the rescue of POW Private Jessica Lynch from an Iraqi hospital. This brave West Virginia woman fought capture as she watched her comrades die next to her. West Virginians are especially proud of the rescue of one of our own and proud of the troops, including some of West Virginia's own National Guard, who went in to save her. We are particularly grateful of West Virginia Air National Guard Major Harry Morgan Freeman Jr. of Chapmanville who helped deliver the SEALs to the hospital where Lynch was held and then flew the group to safety. This was a truly remarkable moment for West Virginia's service men and women.

We may never know all the details of the ordeal Private Lynch endured while held in Iraqi captivity. Like so many POWs before her, not only are the physical wounds to heal but mental and spiritual. As Americans, it is our duty to welcome back these heroes who fought for our freedom. We must give all of our returned POWs the support they require and deserve and share with them our pride in their sacrifice to the Nation. We give thanks to God for the return of our POWs and ask Him to watch over our soldiers and our Nation.

TRIBUTE TO DR. LYUSHUN SHEN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. WEXLER. Mr. Speaker, for the past several years, Dr. Lyushun Shen has served as Deputy Representative of the Taipei Economic and Cultural Representative Office ("TECRO") here in Washington. TECRO is Taiwan's unofficial embassy in the United States and works to strengthen the already strong ties between the United States and Taiwan. Dr. Shen has been an important diplomat in TECRO's ongoing mission, and he has been a prominent participant in the ongoing dialogue between the United States Congress and the Taiwanese government.

This is Dr. Shen's third posting in Washington, and, although he has developed a strong network of friends in Washington, the Taiwanese government has decided to name him as Director General of TECRO's office in Geneva, Switzerland. In his new position, Dr. Shen will work to enhance Taiwan's position with the many international organizations based there including the World Health Organization, which still does not count this vibrant democracy as a member, despite the strong endorsement of Congress.

Mr. Speaker, those of us who have come to know Dr. Shen will miss our discussions with him and his passion commitment to U.S.-Taiwan relations. While we regret he will be leaving Washington shortly, we know that he will do an excellent job in Geneva, and we wish him continued success in the years ahead.

TRIBUTE TO BRIAN BALDWIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the strength and courage of Brian Baldwin of Grand Junction, Colorado. Brian is a former rodeo champion who is now fighting a rare form of cancer, and today I would like to salute his determination to fight this disease and the strength of his will in this battle.

Brian started his career as a Little Britches Rodeo Champion in Delta, Colorado, becoming the world rodeo champion in 1994. He was diagnosed with cancer last October and since then has endured surgeries, chemotherapy, radiation treatments and physical therapy. Brian, like the champion he is, has remained positive through it all with the help of family and friends. In an effort to pay for his treatment, Brian's friends and family are hosting the Brian Baldwin Benefit Rodeo and Auction in Grand Junction.

Mr. Speaker, it is a great privilege to honor Brian Baldwin and to wish him and his family the best through this difficult struggle. The support Brian has received from friends in the rodeo community and throughout the area is a testament to the respect Brian himself inspires. Brian's is indeed an inspirational story. He is truly a lucky man and certainly has the good wishes and prayers of many people in Colorado and around the country. I add my own good wishes to Brian as he continues in his fight against cancer.

LAWRENCE CENTRAL HIGH SCHOOL—WE THE PEOPLE COMPETITION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Ms. CARSON of Indiana. Mr. Speaker, I rise to commend Lawrence Central High School, Indianapolis, IN, on winning first place at the Indiana We the People: The Citizen and the Constitution state competition. Lawrence Central High School will travel to Washington, D.C. to represent the State of Indiana in the national civics competition this month.

I would like to congratulate Drew Horvath and his Competitive Government Law class students: Laura Bacallao, Loren Bondurant, Daniel Booth, Brian Boyer, Brad Cobb, Annalise Corman, Dana Courier, Kate Dobson, Sean Eagan, Kathryne Feary, Sarah Gilliland, Angela Hurd, Matt Kite, Ellen Kizik, Anna Krauter, Cassie Lomas, Regan Long, Emily Nave, Jennifer Ramage, Emily Rhodes, Lindy Rider, Ella Seet, Ilya Shulkin, Tina Spears, Joanna Stafford, Kim Tisdale, Rachel Townsend, and Audrey Veneck.

I applaud Principal Caroline Hanna and the educators of Lawrence Central High School who have developed an enriched educational program which challenges students and encourages academic achievement.

The We the People: The Citizen and the Constitution program is the most extensive educational program in the country, developed specifically to educate young people about the Constitution and the Bill of Rights. More than 1,200 students travel from across the United States to compete in the national competition held in Washington, D.C.

The national competition is modeled after hearings in the United States Congress, consisting of oral presentations by high school students before a panel of audit judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

Congratulations to Lawrence Central High School! I wish you good luck at the national competition.

TRIBUTE TO CLINTON FAIR ON THE OCCASION OF HIS INDUCTION INTO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. STUPAK. Mr. Speaker, I rise today to celebrate the live and achievements of Clinton Fair, who will be honored posthumously for his service to the cause of American working men and women with induction into the Upper Peninsula Labor Hall of Fame at a ceremony in Marquette, Michigan on April 26, 2003.

Clinton Fair earned degrees from Eastern Michigan University and the University of Wisconsin before taking his first job as a schoolteacher in St. Ignace, Michigan in 1931. He taught there and in Dearborn, Michigan before and after World War II. During that war, he served for five years with distinction in the U.S. Navy, leaving service as a lieutenant commander.

After the war, Clinton Fair began his career in organized labor as a delegate to the local branch of the American Federation of Teachers in association with the Detroit unit of the American Federation of Labor.

In 1947, he began working as assistant to John Reid, secretary of the Michigan Federation of Labor, and was soon named director of the Michigan Labor League's political action committee. In that capacity, he worked on the successful 1948 gubernatorial campaign of G. Mennen "Soapy" Williams.

After the election, Clinton served on Governor Williams's staff until 1951, when he returned to the Michigan Federation of Labor as its legislative director. In 1953, he became education director for Region 7 of the Allied Industrial Workers. From there, he rose to the national labor scene and became secretary of the American Federation of Teachers.

Over the next twenty years, Clinton Fair contributed his considerable skills to his labor brethren in many capacities, including work on the Social Security task force of the national AFL–CIO in Washington, D.C., a stint as legislative representative for the California State AFL–CIO, and a final term at the AFL–CIO national office before retiring in 1975.

Coming full circle, he moved back to St. Ignace in retirement, but for Clinton Fair, retirement was not an entirely accurate description. He continued his work on behalf of labor, handling special assignments for the Michigan and national AFL–CIO offices.

He also branched out into community service, and was elected to the Mackinac County Board of Commissioners, serving in the capacity until 1980. His death in 1982 was a severe loss to his family, his community, his colleagues and the friends he made over a lifetime of hard work and dedication to bettering the lives of working Americans.

Mr. Speaker, I ask you and my House colleagues to join me in acknowledging Clinton Fair's lifetime of contributions to organized labor and his community, and in celebrating the accomplishments that have earned him the distinction of becoming an honored member of the Upper Peninsula Labor Hall of Fame.

EDUCATION SECRETARY RODERICK PAIGE HAS LOST CREDIBILITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Ms. SCHAKOWSKY. Mr. Speaker, Education Secretary Roderick Paige has lost credibility. Following his deeply troubling comments in Baptist Press proclaiming the importance of teaching Christian values in public schools, it is evident that Secretary Paige cannot be an unbiased advocate for all public school students.

I am not concerned with Secretary Paige's personal religious beliefs. Many of us were raised in religious traditions and with faith-based values that have led many of us to serve in this body—the desire to help out those in need, to care for our neighbors, and to be good members of the global community.

Secretary Paige's views, however, are offensive because they reflect on how he will undertake his Constitutional responsibility: to provide the best educational opportunities for all students in the United States. Our nation was built on the idea of separation of church and state. Article I of our great Constitution requires that there be no established religion. This was not an afterthought by the Founding Fathers—it was clearly and forcefully stated at the very outset. By expressing his preference for parochial education and criticizing public schools for not teaching religious values, Secretary Paige violated that founding principle.

Secretary Paige has forcefully described his preference for schools that have "a strong appreciation for the values of the Christian community." He has described Christian schools and universities as having a "strong value system" that is "not the case in a public school where there are so many different kids with different kinds of values." How then can the parents of children in public schools—which educate 90 percent of all children in our country—believe that Secretary Paige's bias against public education will not be reflected in his policies? How can they be assured that he will not direct funds and resources to the parochial schools to which he would prefer to send his children and away from the public schools that educate the vast majority of American children?

Clearly, Secretary Paige is refusing to embrace the diversity reflected in our public schools. In a nation that is increasingly diverse, equating good values with Christian values is disrespectful to all non-Christian believers and to all non-believers. Personal faith must never be allowed to dictate government policy.

Through his statements, Secretary Paige has shown that he cannot be relied upon to fulfill his responsibilities. He should resign voluntarily. If not, President Bush should demand his resignation.

TRIBUTE TO FRANK CEDRONE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to an icon of the Pueblo, Colorado community, Frank Cedrone. Frank, an accomplished pianist, died recently at the age of seventy-three and as his family and friends mourn his loss, I think it is appropriate that we remember Frank for his many contributions throughout his life.

Frank was half of a renowned piano team with Victoria Markowski, whom he met at the Boston Conservatory of Music. After a successful debut at New York's Carnegie Hall and numerous tours, the couple joined then-Southern Colorado State College in Pueblo as artists-in-residence. Frank taught at the College, gave private piano lessons, led workshops, published articles, and continued his touring schedule. He served as executive director of the Pueblo Symphony for five years and was past president of the Colorado State Music Teachers Association. He retired from USC in 1999, and released a CD album the next year.

Mr. Speaker, it is with profound sadness that we honor the life and memory of Frank Cedrone. He was the recipient of numerous honors and awards, but will be remembered most for the generous way in which he shared his talents throughout his life. As family and friends mourn his passing, I would like to recognize the wonderful life Frank lived and the enjoyment his music brought to people throughout Colorado.

IN HONOR OF THE OHIO PUBLIC INTEREST RESEARCH GROUP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Ohio Public Interest Research Group (PIRG), as they celebrate thirty years with PIRG's across the nation of unwavering crusades to reclaim and purify our nation's air, land and waterways.

Like the PIRG in Ohio, these environmental groups are comprised of empowered citizens whose courageous chorus calling for a clean environment has resounded along our rivers, lakes, shores, and wetlands; their voices echo through our valleys, across our meadows and atop our mountains; and their voices rise as the day dawns, clear and bright.

For three decades, this progressive group of individuals has understood the power of collective focus, and these soldiers for our environment know that their struggle to eradicate practices and processes that destroy our environment will determine our ultimate survival as individuals, and as our world as we know it.

Mr. Speaker and Colleagues, please join me in honor and celebration of every member of the Ohio PIRG, as they celebrate thirty years of empowerment, education, awareness, action and achievement on behalf of a cleaner and safer environment, and on behalf of their vision of a world where flora, fauna and all humanity come one step closer to strike that significant balance between the advancement of humankind and the preservation of our natural environment. Moreover, their work, lends to the vital notion that a handful of concerned citizens can restore a river and heal America's heartland—one speech, one letter, one meeting, and one law at a time. "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has."—Margaret Mead.

MOTION TO INSTRUCT CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL ACT, 2003

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in strong support of the Obey motion to instruct Conferees.

Eighteen months ago terrorists used American aircraft to attack this Nation. As a consequence of those attacks, this Congress decided that aviation security should be paid for by the Federal Government because aviation security is national security.

Now is the time for us to re-enforce that commitment by reimbursing the airlines for security fees that they have already paid and by providing unemployment aid to hundreds of thousands of the industry's workers nationwide.

Aid to the Airlines in this Supplemental is necessary to stem the tremendous costs of September 11th that are continuing to be imposed on the airlines and their hard-working employees, and the even greater costs and revenue losses that are likely as the war with Iraq continues.

No other industry since 9/11 has taken on special "security" fees as the airline industry has.

With forecasts of 70,000 layoffs occurring due to the war in Iraq, and the likelihood of further airline bankruptcies, it is crucial that we address this emerging crisis in which airline workers have suffered unprecedented job loss and economic uncertainty. Without a strong and vibrant airline network, we will not be able to rebuild this nation so that the men and women in our military who left their jobs in the airline industry have jobs to come home to.

To not include funding for the airlines in this bill will do nothing but assure massive layoffs and furloughs.

The airlines lost $5 billion in the first Gulf War, and they will likely lose at least $10 to $12 billion in this current war.

National security is the responsibility of the entire nation, and as we engage in what will be a lengthy war with Iraq, disproportionate costs should not be imposed on an industry that happened to be the means of a terrorist attack.

I urge my colleagues to address the ongoing plight of the aviation industry during this time of war by supporting this motion to instruct.

MOTION TO INSTRUCT CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL ACT, 2003

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mrs. CHRISTENSEN. Madam Speaker, I rise in support of the Obey motion to instruct conferees to recede to the Senate amendment to the Emergency Supplemental bill, which would provide 26 weeks of additional temporary extended unemployment compensation for displaced airline related workers.

Mr. Speaker, I support our decision to provide assistance to the airline industry which is already a casualty of the War on Terrorism. Aviation workers fully understand the need to protect their country and workplace from future attacks. Over 150,000 aviation workers have already lost their jobs, and many of those who remain have been forced to take significant pay and benefit cuts to keep their companies afloat.

If we don't act immediately to provide emergency relief, the airlines are predicting another 70,000 job losses and even deeper cuts due to the war in Iraq. Many will no longer have the ability to pay basic living expenses. If we do nothing, workers will be forced to bear the expense of the war.

However, as we protect the airlines we must protect their workers as well. The Murray amendment in the Senate bill would assist those aviation workers who will lose their jobs by providing extended unemployment benefits, help for laid-off families to cover health care costs and job retraining assistance. To my dismay and regret, Congress after the terrorist attacks of September 11th, provided initial relief to airlines, while turning its back on relief for the workers themselves. We have the opportunity today to take another course and assist aviation workers who will likely be disproportionately affected by a war.

I urge my colleagues to support the Obey motion to instruct.

SENATE—*Friday, April 11, 2003*

The Senate met at 9:30 a.m. and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Douglas John Waite, CDR, CHC, USN, who is Deputy Chaplain of the U.S. Coast Guard.

PRAYER

The guest Chaplain offered the following prayer:

Our God, thank You for being with us today and every day. Please draw near to us here now in the United States Senate as our Senators labor to accomplish tasks that will benefit Your people the world over.

Lord, You have placed each and every Senator in their positions for this time in our Nation's and the world's history. Impress upon them altogether how You have handpicked them for the affairs at hand. May they seek Your guidance and direction in every discussion, deliberation and vote. Grant them the light of Your presence that leads nearer to the kingdom You are building.

Thank You for all those who have gone before us. May we in this generation continue to pass on the legacy of exceptional leadership our country's ancestors left to us. We ask these things boldly in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable NORM COLEMAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC., April 11, 2003.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable NORM COLEMAN, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. COLEMAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time equally divided between the Senator from Texas and the Democratic leader or their designees.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, one of the things we kicked around late yesterday was whether or not on this side we would agree to allow Deborah Cook to be voted on prior to Jeffrey Sutton. The answer is yes. I have spoken to the necessary parties—the majority leader, Senator LEAHY—and we would be agreeable to have Cook be voted on at the time previously scheduled for Sutton. We would agree to do Sutton the following week under the same terms and conditions we had for him. That will be the Monday and Tuesday we get back. I have also spoken with Senator HARKIN, who has concerns about Sutton and wanted considerable time to speak on that. He also agreed. That offer is out there if the majority wants to accept it.

I also announce we have scheduled today at 10:30 the conference on the supplemental, so Members should know we are finally going to go to conference on that and hopefully complete that some time today.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, on behalf of the leader, Senator FRIST, I announce the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate may begin consideration of the budget resolution conference report which passed the House early this morning. In addition to the budget conference report, the Senate will complete action on the supplemental appropriations conference report when it becomes available, and the Senate may consider S. 196, the digital technology bill.

The majority leader wishes me to say we have a lot of work to get done prior to adjourning for the Easter recess. I inform my colleagues, therefore, that votes are possible throughout the day and Senators should make plans to be here into the evening.

Mr. REID. Mr. President, I apologize to the Senator from Texas; I did not know she was acting as the majority leader and I would not have sought recognition. I apologize to the Senator from Texas.

Mrs. HUTCHISON. I thank the Senator. I understood that.

Mr. President, it is my intention to give a very brief tribute and then ask Senator HAGEL to manage the time on our side. I see Senator LINCOLN is here and I am sure she will manage time for the Democrats for our daily tribute to the troops.

HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, as I have said before, every day our troops have been in the field the Senate has opened with a tribute to them. We have had Members from both sides, from many States, talk about their own Members and colleagues. We have talked about different groups in the field. I begin today giving a tribute to a group of Navy reservists from Texas who are making history in Operation Iraqi Freedom.

The unit is the Strike Fighter Squadron that hails from the Joint Reserve base at Fort Worth. As we speak, the members of this outstanding unit are flying jet fighters in combat against Saddam Hussein's evil regime. They are best known by their nickname the "Hunters."

When President Bush ordered the Hunters to active duty last October, this distinguished squadron joined the crew of the aircraft carrier USS *Theodore Roosevelt* for duty in the Persian Gulf—the first time since the Korean War that an entire Naval Air Reserve squadron has deployed aboard an aircraft carrier.

Since then, the Hunters have exceeded all of the Navy's requirements. The 12 Hornets that comprise the squadron have flown 1,500 sorties over Iraq. The air crews have made more than 500 landings aboard the *Theodore Roosevelt* at night and nearly twice that number during the day.

But it takes more than just remarkable statistics to truly tell how well

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Hunters are serving our Nation. You can hear the pride in their voices. One crew member described the personal sacrifices his comrades were making when he said, "Some of us are taking pay cuts of $50,000 to $100,000 per year to be out here and make this happen. We're happy to be a part of this ship and this air wing, and we're ready to do our job." Many of the pilots left their jobs as civilian airline pilots to fight for our country.

These brave Naval reservists also are facing what many feel is the worst part of a deployment: being away from family. That means missing birthdays, anniversaries, and other important family obligations that are gone forever. Yet they are undaunted. One proud member said, "We're leaving our jobs and our families behind until this mobilization is done. Several members of the squadron are also geographic bachelors who don't live in Fort Worth, which means that they'll still be away from their loved ones after we've come back to base."

The feeling among members of the squadron is that each volunteered to serve in the operation they describe as "America's Big Stick." One officer pointed out, "If our country needs us, we're going to step up, because this job is about something that's bigger than all of us."

Mr. President, with volunteers like the Hunters, this operation and the future of our national security is in good hands. We owe them and their families a debt we never can repay.

I yield to the Senator from Nebraska.

Mr. HAGEL. Mr. President, the world has been watching images from Iraq, of the Iraqi people celebrating the end of a brutal tyranny, and of the American soldiers who have given the Iraqi people hope for a new beginning.

Over the past 3 weeks, the men and women of America's Armed Forces have shown a degree of precision and professionalism unprecedented in military history. Their commitment to their country builds on the expectations, traditions and character of those who have gone before them. It builds on the traditions of over two centuries of American courage and sense of honor, built by people such as DAN INOUYE, Bob Dole, CHARLIE RANGEL, JOHN MCCAIN and millions of other American veterans.

The end of Saddam's regime does not end our commitment in Iraq. It is only the beginning. America's soldiers will continue to face great risks in Iraq. Lives will continue to be lost.

Restoring order, peace-keeping, and rebuilding in Iraq are the tasks ahead, and our men and women in uniform will be asked to risk their lives to meet these challenges, as they have in bringing an end to Saddam Hussien's tyranny.

Among the many brave men and women who have sacrificed in Iraq, I would like to acknowledge the contributions and sacrifices of those men and women in uniform from my State of Nebraska.

Thousands of Nebraskans are on active duty in the Army, Navy, Air Force, Marines and Coast Guard. Their stories are the stories of America's courage, achievement, and sacrifice in Iraq.

On Monday, Army LTC Mike Presnell phoned his mother in Grand Island, NE. He placed the call on a reporter's phone from the gold-plated bathroom in one of Saddam Hussien's Baghdad palaces, now under coalition control.

Colonel Presnell told his mother about his historic experience and how proud he was of his colleagues.

Nearly 60 years after the first American landed at Omaha Beach, a courageous Omahan landed the first coalition aircraft at Baghdad International Airport.

Piloting an Apache helicopter disabled by enemy gunfire unable to radio for help, CWO 4 Greg Inman, of Omaha, NE, touched down shortly after U.S. forces staked claim to the airport. Warrant Officer Inman's landing was the standard for the courageous service that we have come to expect from our forces in Iraq.

CPT Travis Ford, a 30-year-old Marine from Ogallala, NE, lost his life in service to his country. Captain Ford was killed on April 4 when his Cobra helicopter crashed during combat operations near Ali Aziziyal, Iraq. He leaves behind a wife and 2-year-old daughter. He was, in the words of his father-in-law, a "Marine's Marine."

I spoke to his mother and wife yesterday. His mother, Josie Ford said, "Senator, Travis did something very important for his country. I'm proud of him." Mrs. Ford, we're all proud of him.

Our military men and women are the Nation's quiet heroes, for there is no glory in war.

Behind headlines and beyond breaking news, there is the human struggle and the human tragedy. Lives are risked and lost.

The experience of war reinforces the desire for peace. General Douglas MacArthur once said:

> The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war.

Our sacrifices in Iraq, we pray, will make a better and more secure life for the people of America, Iraq and the world.

For their service, bravery and sacrifice, in this noble cause of defending freedom and making a better world, I ask my colleagues to join me in recognizing—in honoring—the men and women of the United States Armed Forces. They have always been America's quiet heroes. Upon their sacrifice and courage we are inspired to build a more noble and just world.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I thank all my colleagues on both sides of the aisle for coming down and being a part of what we have to do here in the Senate. It is incredibly important that we pay tribute to our troops. We see much progress over recent days in the conflict in Iraq, in our efforts to topple a totalitarian regime that has been incredibly harsh on its people. The progress we have seen is incredible, and it is due to the unbelievable professionalism and training of the service men and women in the Armed Forces of the United States. They have done an incredible job. They have had the best technology. We have had the best individuals, professionally trained, out there making an enormous difference.

I think all you have to do is look at what we have done in Baghdad on the Iraqi regime's strategic sites, where we have tried so diligently and our forces have been so successful in minimizing what has happened to the civilians in Iraq. We have also seen the joy on the faces of the Iraqi people as they have seen the liberation from a regime that has been so daunting to them.

I come from a rural State. It is most important, certainly when you live out in the rural areas, to have good neighbors because you depend on your neighbors for a lot, whether you need to borrow a cup of sugar or you need someone to help you bring your crops in from the field or, more importantly, the way we depend on our neighbors to help us as a community in raising our families, making sure we are safe.

We are in a global community now. Our actions in Iraq that will follow—and in neighboring countries—in rebuilding not only Iraq but certainly the alliances we have with other countries, are going to be so important. These are our neighbors in the global community.

I think we are all anxious to see other nations join, those that may not have been there during the war, in making sure those alliances will be made and that we will have a concerted effort globally in rebuilding Iraq and the total of the Middle East because we all understand how important it is in the global community for us to have good neighbors. There is no doubt the Iraqi people, with the assistance of the U.N., the United States, and other alliances and neighbors, can build a very strong democracy which will be a guidepost as well as a good example for others.

I, too, want to reach out to our soldiers, our men and women in the armed services. One of the most important thoughts I have heard from some of our service men and women is for us here in the States and at home to reach out to their families. We have an incredible opportunity, as Senator HUTCHISON has said, to recognize those missed birthdays—they have missed births altogether—important dates, and other events. Let's make sure in our communities we reach out to those families; that we lift them up in our prayers and reach out in ways in which we can be helpful. I think one of the greatest ways we can honor the men and women who are serving us in the Armed Forces is to reach out to their families and make sure we are supportive.

I know we have a medical unit out in Jonesboro, AR, that is headed now to Washington to finish up training in Walter Reed. They will be shipped out shortly after that to Kuwait. We are seeing new families who are obviously having their loved ones shipped out. We want to make sure we continue the process of supporting them.

As we look to that rebuilding, we know the reconstruction in Iraq is going to be challenging. But because of the professionalism, because of the technical aspects of the Armed Forces of the United States, the rebuilding will be not nearly as challenging as that of past wars because we have been able to determine where we wanted to make the biggest impact and target that without disturbing, as much as was possible, the overall community in Iraq, particularly civilians.

We pay tribute once again to the troops, to our service men and women. We are very proud of their professionalism, their technical capabilities. We lift up their families once again as a body in prayer for all of them.

I now yield to the Senator from Montana, Mr. BAUCUS.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to take a minute to honor the contributions of Montanans serving overseas. There are thousands of Montanans in harm's way. Today I would like to mention a few.

Army SGT Charles Horgan is a soldier with the Army's 1st Battalion, 30th Infantry Scout Platoon of Fort Benning, GA. Many of you undoubtedly heard the stories of battle outside of the Iraqi city of An Nasiriyah. Sergeant Horgan was a Humvee gunner in the lead scout unit. His vehicle encountered a group of Iraqis in Bedouin robes running the other direction.

A wire-guided missile struck the bridge, blowing him from his gunning position. Shrapnel from the rocket tore open his leg and foot and wounded the driver, SSG. Jamie Villafane. For the next 10 minutes, their unit was ,engulfed in a shootout with enemy troops. Charles Horgan, part of his right heel blown off, crawled to safety. Horgan is currently recovering at Walter Reed.

It is not known if Horgan will ever walk again unaided. He is 21 years old from Helena, MT, and a graduate of Helena High—my alma mater. He is an aspiring artist who loves drawing. I wish him the best as he recovers, and I take my hat off to him.

I talked to him on the phone the night before last. I have talked to his parents a couple of times. He will be on his way home to Montana very shortly. He is a terrific young man.

Navy E3 Phillip Lance Stewart, 20, a 2001 graduate of Great Falls High in Great Falls, MT, is a firefighter aboard the USS *Abraham Lincoln* in the Persian Gulf.

Lance, the son of Chuck and Gail Stewart and grandson of Delphine Murphy, all of Great Falls, told his family in a short phone call recently that the letters and boxes from family and friends is what keeps all of them going.

He also really misses his brothers and sister—and that is a lot to miss because Lance has six brothers and sisters, including a twin brother.

Lance's family has decorated his house with big yellow ribbons and can hardly wait until Lance is home again, safe and sound.

Army PFC Sedar Steinert, 19, a former North Middle School and Skyline Alternative School student from Great Falls, MT, was deployed to Iraq with the 2nd Armored Cavalry Regiment, with headquarters at Fort Polk, LA.

Sedar's unit is providing artillery and scout support on the road to Baghdad. We all hope for his safe return.

SP Ryan Richard Carpenter was born in Dillon, MT. His family currently resides in Belgrade and Dillon, MT. His parents are Richard and Julie Carpenter. Specialist Carpenter joined the Army Reserve in 1997 and met his wife in 2001. His wife is also in the Army Reserve, the couple met while serving an Army Reserve drill weekend that was focused on night vision goggle training.

During the drill weekend the couple's squad's call name for the training exercise was Ammo 3. That is what they called it: Ammo 3. From that chance encounter, the couple soon realized that they signed up for the Army Reserve in the same month of the same year, but met by chance roughly 4 years later. The couple was married later that year

Specialist Carpenter was called up to active duty on February 7, 2003, and is serving with the 811th Ammunition Ordnance Company based out of West Virginia. The unit has been stationed at Camp New York since arriving in Kuwait and will soon be going into Iraq to provide ammunition support for the 101st Airborne. Specialist Carpenter was able to contact his wife from Kuwait and let her know that he had arrived safely and was in good health.

During the conversation, Specialist Carpenter explained to his wife that he was assigned night vision goggles for use while driving his HumVee, and every time he picks them up, he thinks of the weekend he met her, both doing such training. Hearing this, his wife smiled and tenderly cried over the telephone, "Ammo 3!" The couple then reminisced about the weekend they met and then came to a joint resolution: It was the United States Army that brought them together, and it was the only entity that could temporarily separate them.

Specialist Carpenter is deeply loved and missed by his wife, family and friends, and they pray for his safe and expedient return.

PFC Jeremiah Coyne of Dillon, MT, went to boot camp during the summer between his junior and senior year of high school. He entered the National Guard after graduation. Not content simply to serve as a guardsman, he went to Active Duty and is now serving proudly in the gulf region. We pray for his safety.

PFC Adam Eversole recently celebrated his 22nd birthday in Kuwait, where he was deployed on March 15 as an ambulance nurse. After losing his mother, this caring, religious young man enlisted, following in the footsteps of his father who served and was wounded in Vietnam.

After receiving the news that he was headed for Kuwait, he wrote his Grandmother, "Let's remember, I have Jesus with me always, and He will look over me and keep me safe. When I get back, I hope to come and see you and visit Montana." It will be a grateful Montana that greets him.

Marine CPL Patrick O'Connell is serving in the Unit Fox 25, attached to the Second Tank Battalion in Iraq. He is a committed public servant who has already been of great service to our State, both as a community lifeguard and as a wildland firefighter. He courageously helped battle the devastating wildfires of 2000. Now he has extended that generosity of character to serve our entire Nation, and he deserves the gratitude of us all.

Brock Patera of the Army's 40th Transportation Company will undergo review on April 15 to become a Sergeant in the U.S. Army. He is busy earning that rank in the desert. He spends long, difficult, dangerous hours behind the wheel of a Humvee. His platoon has been sleeping on the ground and unable to receive mail, but like so many countless others around him, he remains committed to the task at hand. We wish him luck in his coming review and a safe return to his wife Cassandra and his 15-month-old son Devin, who miss him dearly.

John Falconer of the 7th Marines Motor T surprised his parents on the morning of April 1 with a phone call from the front lines.

The phone call was made on a cell phone borrowed from CNN correspondent Martin Savage. Savage is imbedded with John's unit. John had repaired the fuel pump on Savage's Humvee, and the phone call was offered in thanks. This was the first time his parents had heard the sound of their son's voice in almost a month. When asked what he needed the most, John told his mother, "a mattress." He told his mother that because he slept on the ground, the dirt was so embedded in his pores it would never come out. In the face of hardship, John has remained strong and committed to the task before him. He is in our prayers, and we all hope for his safe return.

Mr. President, this is not a complete list of folks from Montana serving our Nation. There are many, many more. I do not plan to return to the Senate floor every day to give stories, but I do plan to return frequently with more stories. I believe that the job our troops are doing is a dangerous one and that they are upholding the freedom we, as a nation, hold so dear. We honor them and wish then continued success and a safe return.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, last Saturday I visited Fort Campbell, which is on the line between Kentucky and Tennessee. It is the home of the famous 101st Airborne Division. It is also the home of a couple of Army Special Forces units we don't hear so much about. Almost all of them are in Iraq today. Some have been there for a long time.

What was nice about Saturday was the Secretary of the Army was there and held and attended a luncheon in honor of the families. Awards were given to members of the families of the service men and women who were there and those who support our troops at home.

I heard a great many stories, as you might imagine, about bravery, dedication, and professionalism. One was a story about a major whose unit was advancing on a mosque when a crowd of Iraqis thought there was about to be some damage done to the cleric. The major had the presence of mind to order all of the men and women in his unit to go down on one knee and point their guns to the ground. It signaled to the Iraqis that they were there to help them, not to hurt them.

But one of the most interesting stories that came out of the 101st Airborne Division in Fort Campbell is one I would like to report this morning to the Members of the Senate. It is about a special group of Tennesseans who embody the qualities that make our Nation exceptional. You may have seen the piece on the news about them on CBS News last week. They exemplify why our State is called the Volunteer State. It is our nickname. More importantly, their story reminds us of the meaning of family.

These men belong to a Tennessee Army National Guard artillery unit from Chattanooga. The Secretary of the Army reminded me that more than half of our National Guard men and women and reservists have been deployed in one way or another since 9/11. They are a big part of what we are doing today. We have one integrated army, as he says.

But these men whom I am talking about are part of an Army National Guard artillery unit from Chattanooga that is training at Fort Campbell. Like many units, they may be deployed any day.

While I have endless gratitude for all of the men and women who are serving, this unit is special. There are seven fathers and sons in this unit; that is, two generations of seven families who are willing and ready to fight for the United States.

They are SSG Rick Mullins and his son SP Jeff Mullins; 1SG Cody Mosier and his son SP Tim Mosier; SSG Jasper Ellis and his son SSG Mike Ellis; MAJ Paul Ballinger and his son PFC Ryan Ballinger; SGT James Kittle and his son SP Jeb Kittle; SSG Roy Ware and his son, SP Jeff Ware; SFC Jimmer Bolden and his son, SP Corey Bolden.

SP Jeb Kittle got out of the Army last summer but signed on recently with the Reserve battalion to serve with his father, James. In an interview, Specialist Kittle said it would be a once-in-a-lifetime experience to go into battle with his father beside him. He said, "Everyone feels confident that we can complete the mission and bring everybody back alive." That is what we pray for every day, that the conflict is swift and the troops will come home safely.

SSG Jasper Ellis and his son, Mike, said they hope for the best; that they go in and come back together. And while none of these father-son guardsmen are assigned to fight side by side, SSG Rick Mullins said no matter what, he and his son will take care of each other. He recalled, with tears in his eyes, when he told his wife that he would give his life before anything would happen to their son.

To hear the love and respect these men have for each other is inspiring and reminds us that we are all in this together. It reminds us of the respect we have for the men and women of our Armed Forces. That seven fathers and sons from one National Guard unit in Chattanooga would be training together at Fort Campbell to defend our country in case they are deployed is something of which I am very proud. I wanted to call the attention of the Senate to it today for my home State of Tennessee.

Mr. CORZINE. Mr: President, today I rise to pay tribute to the brave men and women from New Jersey, and from throughout the United States, serving our Nation overseas.

Mr. President, words cannot adequately express the debt of gratitude that Americans throughout our country feel for the sacrifices made by the brave men and women serving in the Middle East, and by their families. Many of these families are anxiously awaiting the return of loved ones from overseas, while others are grieving the loss of loved ones who have made the ultimate sacrifice for their country.

At this moment, several thousand News Jerseyans are deployed in Iraq and the surrounding region to participate in Operation Iraqi Freedom. They deserve our support and our prayers. The people of my State are honored by their service.

New Jersey, like many other States, has unfortunately experienced the grim realities of war. On march 29, Cpl Michael Edward Curtin became the first New Jersey resident killed in battle in Iraq. Earlier, Sgt James Riley, another New Jerseyan, was captured by Iraqi forces in an ambush near Nasiriyah.

Mr. President, Cpl. Michael Curtin was only 23 when he was killed in a suicide bombing at a checkpoint in Iraq. His parents, Michael and Joan, had to endure the most terrible loss any parent can imagine: the death of a child—their son. They should take comfort, along with his brother, Daniel, and his three sisters, Katherine, Jennifer and Stephanie, that all of New Jersey mourns with them. The family is proud of Michael and knows he did not die in vain.

Mr. President, Michael Curtin graduated from Howell High School in 1998, where he was a standout on the football team. He then worked at the Petro-Packaging Company in Cranford before joining the Army. He was posted with the Army's 1st Brigade, 3rd Infantry Division, where he was part of the spearhead that led the invasion in Iraq. Although I did not know him personally, from those who did, he was an impressive and courageous young man—committed to his family, committed to his country.

Mr. President, along with Senator LAUTENBERG, I joined Michael's family, friends and community this morning to attend his memorial. It was a sad and moving experience. I saw a family deep in mourning. A community deep in mourning. And it was hard not to be overwhelmed by the terrible loss they have endured. The love they have for Michael.

At the same time, through all the sadness and the tears, there also was a certain sense of pride. A well-deserved sense of pride. Because as tragic as their loss is and forever will be, it was a loss that was not in vain. It was a loss fought on behalf of an ideal. It was a loss that reflected Cpl Curtin's commitment to his community. And his sacrifice on behalf of his country.

That commitment represented the best of America. And his family and friends should know that all Americans share in their grief and honor them for their sacrifice, as well.

Mr. President, while the family and friends of the late Cpl Curtin remain in mourning, the family and friends of Sgt James Riley also are suffering, though not without hope.

Mr. President, Athol Riley describes Sgt Riley, his son, as practical-minded, strong and stubborn. And we pray that these traits will fortify him during his captivity in Iraq. James was with the 507th Maintenance Company where he repaired tanks and serviced Patriot missile batteries for the Army. His unit was ambushed near the Euphrates River and he, along with four other soldiers, were taken captive. I know I speak for all of New Jerseyans when I express our deepest hope for his swift and safe return to New Jersey. We pray for his safe return.

Mr. President, Sgt Riley was born in New Zealand and moved to Pennsauken, a town in South Jersey when he was ten years old. He joined the military immediately after high school and has spent the last thirteen years serving his country. Sgt Riley is a man of many talents. He is known as a science fiction buff and has taught himself to play the guitar. We all hope and pray that he will return to his family very soon.

Mr. President, Cpl Michael Curtin and Sgt James Riley are just two of the outstanding individuals serving in our armed services who have made tremendous sacrifices and paid a tremendous price for their country. All of our troops, and all of their families, deserve the thanks of our entire Nation. I know I join all New Jerseyans in praying for our warriors' continued safety, and for a swift, decisive and successful end to the war.

Mr. GREGG. Mr. President, I rise today to express my thanks, and the thanks of all the citizens of New Hampshire, to the amazing men and women of our United States Armed Forces, and to our coalition partners. We all are very impressed with the incredible success of our military effort in Iraq, especially the professionalism, discipline, and expertise of our soldiers, sailors, airmen, and marines.

George Washington said, "Discipline is the soul of any army. It makes small numbers formidable." And truly, our relatively small force has been very, very formidable. In about twenty days, they advanced some five hundred miles, while engaged in combat, and have taken Baghdad. They have fought with great skill and have acted professionally throughout, and they have accomplished this feat, with just slightly over a hundred deaths—that is an extraordinary act of military expertise.

Our reserve forces, the American citizen soldiers, have been major contributors in this effort. Patriots from New Hampshire have served our Nation with honor and distinction from Bunker Hill, to Afghanistan—and now they continue to carry on that tradition, serving in support of our nation's war on terrorism and in support of the coalition's Operation Iraqi Freedom.

While New Hampshire is a small state, over 1,000 members of our Reserves and National Guard have been called to active duty. Those called include: 290 Air National Guardsmen from the 157th Air Refueling Wing; the 260th Air Traffic Control Squadron; the 157th Security Group; and 39 Army National Guardsmen from the 1st Battery of the 172nd Field Artillery; the 114th Public Affairs Detachment; and 526 Army Reservists from the 94th Military Police Company; the 368th Engineer Battalion; the 362nd Public Affairs Detachment; and 167 Marine Reservists from B Company, 1st Battery, 25th Marines; and 13 Navy Reservists from the 4th Marine Division 125th Battery; the Amphibious Construction Battalion 2, Detachment 101; the CINC US Atlantic Fleet, Mobile Ashore Support Group; and the Submarine Support Facility, HQ Detachment 101.

They have left their homes and are serving as military police, engineers, air traffic controllers, pilots, public affairs specialists, and in other specialties, both within the United States, and abroad, in Southwest Asia, Cuba, Kosova, and the Middle East. I especially want to thank our citizen soldiers, their families, their employers—each in their own way, is making a sacrifice for our nation.

We can take tremendous pride in what our military has done, and especially in what our soldiers, marines and special forces have done on the ground, and in the fact that the results have turned out extremely positive. We have freed a people who have been oppressed by an extremely criminal regime that has killed literally tens of thousands of Iraqi people over the years. We are now seeing the people of Iraq suddenly freed, and their reaction to that freedom is so positive, and genuine. They are realizing that finally Saddam Hussein is not going to rule them any longer.

So, many are justifiably excited that we have had success up to this point—but there is still a long way to go in this war. There are many pockets of resistance still to be addressed. But as we move forward toward Tikrit and other parts of Iraq, I would expect that Saddam Hussein's evil regime will continue to collapse. Hopefully we are looking at better days for the Iraqi people.

Abraham Lincoln said, "Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it." Now, 143 years later, another president, George Bush, has also clearly seen our nation's duty—and he has demonstrated the courage to pursue it to a just end.

We are a nation which goes into an event like this for good purposes. I believe the world will see that we have delivered a country into freedom—and provided their people an opportunity for a better life. We can take pride in that as a nation.

Mr. FEINGOLD. Mr. President, I rise today to offer my sincere thanks to the men and women of the U.S. Armed Forces and their families.

Last October, I voted against the resolution authorizing the use of force in Iraq and believe it was right that in recent months the country debated the wisdom of using military action against Iraq at this time. But the military action that is now underway unites us as we focus on our ongoing support for our troops. I am confident in their abilities, and I hope for their safe and quick return to their families. Even more so now that this action has begun, my thoughts, and the thoughts of all Americans, are with our service men and women, and with their families.

The dedicated men and women of our military spend time away from their homes and families in different parts of the country and the world, and are placed into harm's way in order to protect the American people and our way of life. We owe a huge debt of gratitude to all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their selfless service.

These brave individuals have volunteered to place themselves into harm's way on our behalf. Too many of them have made the ultimate sacrifice on the battlefields of Iraq. Many others have been injured. Some have been taken prisoner by our adversaries, while others remain unaccounted for.

We honor the memory of those who have given their lives and pray for their families, we wish a speedy recovery to the injured, call for the prompt and safe release of those taken prisoner, and call for an accurate accounting for those listed as missing.

Each person serving in our military has his or her own story and reasons for enlisting. All of them are brave, dedicated men and women who have made tremendous personal sacrifices on our behalf.

Young men and women who at this time last year were looking forward to their senior proms and high school graduations are now half way across the world protecting our country.

Parents who a year ago worried if their children would make their curfews now fear for their safety in a far off land.

Our thoughts are with these brave young men and women as we see and hear reports of their acts of heroism and patriotism.

One such brave young man is Petty Officer Third Class Scott Wickland of Spooner, WI. This 20-year-old sailor, who is serving aboard the USS *Constellation* in the Persian Gulf, was an integral part of the April 1 rescue of two Navy pilots whose plane ended up in the water after a suspected malfunction while taxiing on *Constellation's* flight deck. It was Petty Officer Wickland's job to be lowered into the water from a rescue helicopter and to swim out to the pilots and make sure they were brought aboard the helicopter and then returned to the carrier. All three returned to the *Constellation* safely.

This story is all the more poignant because Petty Officer Wickland's uncle, his mother Mary's 20-year-old brother, drowned just a year before Scott was born. This accident affected Mary Wickland deeply, and she named her son Scott Daniel in memory of her brother, Daniel Osborne. She also saw to it that all of her children learned how to swim. More than two decades later, Petty Officer Wickland used his swimming skills to save two lives.

Petty Officer Wickland and his fellow military personnel represent the best among us, and serve as examples of the dedication to others to which all of us should aspire.

MAJ Kevin G. Nave, a former resident of Port Washington, WI, was another example of the best whom America has to offer. Major Nave, who was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA, was tragically killed on March 26 in a vehicle accident in Iraq. He leaves behind a wife, two young children, and many other grieving family members and friends.

Major Nave and his family lived in Port Washington for about 3 years prior to his transfer to Camp Pendleton last year. While in Wisconsin, Major Nave served as an inspector instructor with Fox Company, 2nd Battalion of the 24th Marine Combat Infantry unit. In addition, he served his local community as an adviser to the Southeast Wisconsin Young Marines, a coordinator for the Marine Corps Toys for Tots program, a member of the Milwaukee Armed Services Committee, and as a Marine community outreach coordinator for area schools. Friends say that he loved his family, being a marine, and his Harley-Davidson motorcycle. He organized the first local Armed Forces Week Harley Ride last year, and he and his fellow service men and women will be honored following this year's event.

I extend my deepest sympathy to the Nave family and to their friends in Port Washington and elsewhere.

I also extend my best wishes for a speedy recovery to those who have been injured while serving in the Persian Gulf.

LT Terence W. Bacon of Allenton, WI, was one of the members of the 101st Airborne Division's 1st Brigade injured at Camp Pennsylvania, Kuwait, on March 22. He is currently recovering from the wounds he sustained in this incident.

SP Patrick McDermott, who was called to active duty as a member of the Madison-based 1st Battalion of the 147th Aviation HHSc of the Army National Guard, was wounded in the Persian Gulf and is currently recovering.

Marine Cpl Bret Woolhether from Fond du Lac, WI, suffered shrapnel wounds in fighting near Nasiriyah on March 27. Despite his injuries, Corporal Woolhether is eager to return to duty.

The servicemen about whom I have spoken today are just a few examples of the many Wisconsinites and hundreds of thousands of Americans who serve our country in the Armed Forces.

The war in Iraq and the fight against terrorism are turning upside down the lives of Active-Duty, National Guard, and Reserve personnel and their families. These men and women seek to do their duty to our country and honor commitments to their families, and, in the case of the National Guard and Reserves, to their employers. As of April 9, more than 221,000 National Guard and Reserve personnel were serving on active duty, and many more can be expected to be called upon in the future.

Some Wisconsinites are facing the latest in a series of multiple activations and deployments for family members. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

We owe it to our military personnel and their families to do everything we can to support them in this difficult time. I will continue to work to ensure that our troops and their families have the resources that they need, both to combat our adversaries and to provide for their families, during this tumultuous time and when they return home.

We hope for a quick and decisive victory for our troops, and look forward to the day when we can welcome them home into the embrace of a grateful Nation.

Mr. NICKLES. Mr. President, over the past few days we have seen dramatic proof that the brutal regime of Saddam Hussein is nearing its end. Like many Americans, I have been thrilled and heartened by the dramatic images of United States troops helping Iraqi citizens tear down statues and paintings of this brutal tyrant. For the first time in their lives, many Iraqis are tasting freedom, and it is beautiful. I am proud of our military and America's commitment to make the people of the Middle East more free.

While our fighting men and women will surely face more difficult days ahead, the end of this war is in sight, and I rise to honor four men who made the ultimate sacrifice one can make for their country. One of them was a native Oklahoman, and three were adopted Oklahomans by virtue of their service at Fort Sill in Lawton. I consider each of them heroes.

LCpl Thomas Alan Blair was Oklahoma's first known casualty in Operation Iraqi Freedom. This 24-year-old Broken Arrow native was killed on March 23 in a fierce battle near Nasiriyah when an enemy rocket propelled grenade hit his amphibious assault vehicle.

Tommy graduated from Broken Arrow High School in 1997, but had decided long before then that he would be a marine. He chose his career nearly a decade ago when he watched his older brother, SSgt Al Blair, graduate from boot camp. In a way, he followed in his brothers's footsteps, but his family will tell you that he would have been a marine no matter what. "He truly wanted to help people," said his brother.

SFC Randall S. Rehn, 36, was a veteran of the first gulf war. His wife and baby daughter expected him to come home to Lawton in August. In his last known contact with his family, Rehn expressed his desire to come home quickly and his hope that "this is the last time I'm leaving my family for so long." Friends testify that Randy's greatest passions in life were people, family, and friends.

Randall Rehn died April 3 amid fierce fighting for control of what is now Baghdad International Airport. He is survived by his wife Raelynn and daughter Megan, of Lawton, as well as his family in Colorado.

Two fellow members of his Multiple Launch Rocket System of C Battery, 3rd Battalion, 13th Field Infantry Regiment from Fort Sill died in the same fight: SGT Todd Robbins and SP Donald Oaks.

One of eight brothers and sisters, Todd Robbins, 33, served in the Navy for the first gulf war before joining the Army. He leaves behind a wife at Fort Sill and a 13-year-old son. "He always wanted to be in the Army," said his father Dale Robbins. "He lived, ate, and slept the Army. He loved it."

Donald Oaks would have turned 21 on April 26. He was a bright young man who was good at math and computers. Also, he enjoyed playing baseball and fishing with his dad. He joined the Army to get money for a college education after his service. His mother Laurie Oaks said, "He was my best friend and was always my hero. He still is." He was engaged to be married.

Tragically, the deaths of SGT Robbins and SP Oaks were said to be a result of friendly fire in the form of coalition bombs. While our military always works to prevent such accidents, they always occur during war fighting.

The fact that their deaths were accidental in no way diminishes their sacrifice. They gave their lives to protect us, our freedoms, and to make people they had never met, half-way around the world, free in their own country.

As reports from Iraq begin to tell the story of Iraqis enjoying their long-awaited freedom, it is important that we remember men like these who paid for that freedom with their blood.

Before our troops so bravely put their lives on the line, there was no such freedom in Iraq. Iraqi citizens were subject to the cruel and brutal whims of a mad dictator. They lived every moment in the oppressive grip of a regime whose power knew no limits. They lived in fear with rape, torture, and murder always in their minds.

Because LCpl Blair, SFC Rehn, SGT Robbins, and SP Oaks were willing to lay down their lives for freedom, many citizens of Iraq are awaking to a new day, and the world is now a safer place.

As we watch the final days of Saddam Hussein's evil regime unfold, let us never forget that the freedom we enjoy every day in America is bought at a price.

LCpl Blair, SFC Rehn, SGT Robbins, and SP Oaks did not die in vain. They died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with them and their families today and with the troops who are still fighting to liberate Iraq.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, it is with great sadness, but greater pride, that I rise today to recognize a true warrior and Colorado native who gave of the ultimate sacrifice. SFC Randall Rehn, of Niwot, CO, served with honor and distinction.

Sergeant Rehn was killed during one of the most significant events of this war. His vehicle was destroyed during the fight to take Saddam International Airport. It is because of sacrifices such as Sergeant Rehn's, a tyrant and his oppressive regime will be defeated.

While I grieve for the loss of Sergeant Rehn, my pride and respect abound. I know that Colorado, as Gov. Bill Owens said, "has gained a hero." My prayers go out to the family of this fallen hero and hope they know this country honors Sergeant Rehn's sacrifice and recognizes their loss.

Mr. President, I wish to salute a fallen soldier of the great State of Colorado. Capt. Russell Rippetoe gave the greatest sacrifice in the service of his country and for the freedom of his fellow Americans.

Captain Rippetoe joined an Army ROTC unit while he attended Metro State College in Denver. He entered the Army's elite Ranger unit and served in Afghanistan before being deployed to Iraq. Captain Rippetoe continued his family's proud tradition of serving his country. His father retired as a lieutenant colonel.

I think his family said it best when they said, "Russell loved this nation and America has lost a true American hero." I want to echo that sentiment by saying that Colorado has lost a warrior, a great citizen, and a son.

Mr. President, I also stand today to acknowledge a true hero. Colorado said farewell to one of its own. Marine Cpl Randall Rosacker was laid to rest, as he requested, in a Colorado veterans graveyard with full military honors.

Corporal Rosacker served this great Nation proudly in Afghanistan and gave the ultimate sacrifice in the war with Iraq. He was killed in a firefight early in the war, but paved the way to future success on the battlefield. His service to the country will always be remembered and appreciated.

Corporal Rosacker was born in Alamosa and still has strong Colorado roots with grandparents and great-grandparents still residing in Colorado. My prayers go out to the family of this fallen hero and hope they know this country honors Corporal Rosacker's sacrifice and recognizes their loss. Today I ask the Senate to recognize this great American as Colorado has.

And I ask we recognize one of the heroes of the war in Iraq. LCpl Thomas Slocum of Thornton, CO, was killed in action while defending the principles of freedom and justice against a brutal dictator's regime.

Corporal Slocum's unit was ambushed by a group of Iraqis who cowardly indicated they were surrendering and then opened fire. He was a brave and patriotic son of Colorado. He will be remembered by all as "proud to be a marine." He believed in what he was doing over there.

Though any loss of life is tragic, we as Americans can hold our heads high because of the sacrifices of our servicemen such as Thomas Slocum. My prayers go out to the family of this fallen hero and hope they know this country honors Corporal Slocum's sacrifice and recognizes their loss.

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to SP James Kiehl, who gave his life for his country as part of Operation Iraqi Freedom, and to express my deepest sympathy to his family. SP Kiehl was part of the 507th Ordnance Maintenance Company, which was ambushed in southern Iraq. While we still don't know for sure what happened that day, U.S. forces later recovered his body during an operation in which they rescued another member of James's company, PFC Jessica Lynch. My prayers are with James's father in Comfort, TX and James's wife, Jill, Des Moines, IA. Since James left their home in Texas to go to war, Jill has been staying with her parents in Iowa where she is expecting their first child. I can only imagine how difficult this time must be for her. Although their child will never meet James, the child can take comfort knowing that SP Kiehl died a hero and a patriot.

James Kiehl will be missed by a great many people who were a part of his life. I know I join all Iowans in expressing my support for Jill in her time of loss. Just as she will keep James's memory alive, it is our duty to recognize and remember James's sacrifice. In fact, I understand that James Kiehl spoke to his father about his military service saying that he did not want to raise his son in a world of terrorism; and so his service has helped to make us all safer. We must not forget those who have paid the immeasurably high price in the name of freedom. Liberty-loving Americans like James Kiehl deserve our unending gratitudes.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the parliamentary status of the Senate as we speak?

The PRESIDING OFFICER. The Senate has no business pending.

Mr. REID. We hate to admit that is the way it is. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. REID. Mr. President, we have had in our cloakroom numerous phone calls. I have spoken to a number of Senators. We have military funerals going on around the country people wish to attend. We have two Senators now in attendance at a military funeral. We need to move on with the business of the Senate. We are here, ready to go.

The reason I say this is that throughout the day I will get inquiries from Senators about why can't we move along more quickly. We are going to ask that our member of the Budget Committee go forward with his statement on the budget. If there is no one here from the other side, that would be unfair. But I hope we can get to this soon because if we use all 10 hours on the budget alone, we are not going to finish until approximately 10:15 tonight—I am sorry, 8:15 tonight. There will be a lot of concern about that.

We still have the supplemental. We are going to conference at 10:30. We have a lot of work to do. I am disappointed that we are not on the budget now. Senator CONRAD is ready to go. As I have said two times already in my brief discussion, we are having a lot of inquiries about people wanting to go home for the work period that we have scheduled.

We hope everybody understands that 10 minutes this morning is 10 minutes lost this afternoon. Airplanes need to be made.

Mr. WARNER. Mr. President, I inquire of the distinguished leader, on our side, we are quite anxious to act on the nomination of MG Steven Blum to become the National Guard Commander. All 50 States are involved. The Armed Services Committee unanimously voted him out yesterday.

Mr. REID. We will be happy to look at that. Maybe if we get on the budget—if it is cleared—we can get off the budget for a short time and clear that. I think we need to get the time running on the budget.

Mr. WARNER. I thank the assistant leader. He represents so many guardsmen who are now fighting valiantly. I thank the Senator.

Mr. REID. Some of whom, from Nevada, have been killed in combat in the war in Iraq.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

FISCAL YEAR 2004 BUDGET—CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H. Con. Res 95, the concurrent budget resolution for fiscal year 2004.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the budget resolution conference report.

The assistant legislative clerk read as follows:

> The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res 95), establishing the Congressional budget for the United States Government for fiscal year 2004, and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

Mr. REID. Mr. President, I ask the Budget Committee chairman if he will yield for a question.

Mr. NICKLES. Certainly.

Mr. REID. As I said a few minutes ago, on our side there is real angst as to when we might finish this budget conference report. We have 5 hours on our side. At this stage, we have the intention of using most all of that time. I am wondering, from your perspective, how much of your time are you going to use? It is important for people who are bouncing around the country.

Mr. NICKLES. Did the Senator say they have the intention of yielding most of their time?

Mr. REID. Using the time.

Mr. NICKLES. I am happy to work with my colleagues to find a mutually agreed upon time for debate and for final passage. We have up to 10 hours, as my colleague knows. That would have us voting at 8 o'clock tonight. I hope we can reduce that. I will work with colleagues on both sides to make it mutually agreeable.

Mr. REID. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, for the information of our colleagues, I urge our colleagues to stay in town today on this particular Friday before an April Easter recess. We have a vote on the Senate budget conference report, which we are now debating. We have a vote on the urgent DOD request, the war supplemental. That will be voted on today. I expect we will also have a vote on debt limit extension. Maybe that can be done by voice, maybe not. I urge colleagues to be here today.

Those are the three very important issues to be resolved today. We will try to work with all of our colleagues to expedite consideration of all three measures, and I will be happy to accommodate and yield time and work with people. We need to pass all three bills. I look forward to working with all involved Senators to come to the conclusion of all three bills.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I may direct a question to the chairman, we are willing to work in any way possible to get the budget passed and the supplemental passed.

I think the Senator should be forewarned that I doubt very seriously if there will be a debt extension passed today. We spoke at some length a week ago with the majority leader. We will be happy to work with the leader on a freestanding bill. We need a day on that, but that doesn't mean 30 minutes or an hour. We have a number of people who have indicated to us that they want to offer amendments on the budget extension.

The majority leader is quoted in the press as saying he thinks we can do the supplemental and the budget resolution, but he doesn't think we can do the debt limit. I want the chairman to know we agree with the majority leader.

Mr. NICKLES. Mr. President, I appreciate the comments of my colleague and friend from Nevada. I will bump that up to a higher level between the majority leader, minority leader, and my friends. It was my understanding it needs to be done this week before we left. I have not consulted with Treasury—the Secretary of the Treasury in the last week or so. It was my understanding it really needed to pass before the April break. Maybe that is not the case. It may be my friend from Nevada and others have done their tax returns and paid such enormous taxes that we are in great shape. There is usually an April bump in revenues. That is my main concern. We don't like being in the situation where we are borrowing funds from civil service retirements and so on, which has happened in the past, and may be happening now. I will be happy to bump that up to the majority and minority leaders. It was my understanding it needed to be done prior to our leaving for this break.

Mr. REID. Mr. President, very briefly, if I may, I think every time a debt limit extension has come before the Congress, I have voted for it. I believe we have debts and we should pay them. I will likely vote for this one. But there are some people who don't think as I do and they want some time to talk on this.

The majority leader has the commitment of Senator DASCHLE and myself and Senator CONRAD that we will work with them to get the debt limit extension passed. We need a little bit of time to do that.

Just on a personal note, I have been checking my banking on line every morning to see if my return is back. I am expecting that money to come back soon. It has been 4 weeks now and it is not here. I am a little disappointed.

Mr. NICKLES. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, as we begin the debate on the budget for fiscal year 2004, I will make a couple of comments. One, I compliment my colleague, Chairman NUSSLE, in the House. It has been a pleasure to work with him.

Passing a budget is never easy. I have been critical in the past, such as when last year we did not get a budget passed, but I have a better appreciation for how difficult it is. Particularly when we have a great big number of 51 on our side, it is not an easy job. So I compliment Chairman NUSSLE and thank him for his work and cooperation.

We had many hours working together trying to formulate a budget that would pass both the House and the Senate. It is a great deal easier said than done. We have come forward with a budget this year that accomplishes a lot of major objectives. We balance the budget. We balance the budget in 9 years, not 10. When we brought it before the Senate, it was balanced in 10 years, in 2013. Now we balance it by the year 2012.

It is a budget that allows and encourages growing the economy. The economy has not been growing. Frankly, we will never balance the budget if the economy is not growing. This budget allows and provides for a growth package.

This is a budget that will help us win the war on terrorism. We fully fund the President's request for national defense and homeland defense.

It includes the war supplemental that Congress is going to pass tonight. The Senate passed it a week ago, and we will end up passing it as well today. It fully funds homeland security and the President's request.

It also is a budget that allows us to modernize Medicare. We did not get that done last Congress. We should have, but we did not. Almost everybody says they are in favor of it, but because we did not have a budget, we did not have protection on the floor. We did not even have markup in the committee. We did spend some time on it on the floor, but we were not successful. This is a bill that says we will spend up to $400 billion not just to provide a drug benefit but also to strengthen and improve Medicare, not just for the current beneficiaries but for future generations as well.

It is a budget that maintains spending discipline. It grows domestic nondefense discretionary, but barely—about 2.3 percent over 2003 levels before the supplemental. We limit spending with enforceable caps for the next 2 years.

Budgets are not easy. They are not pretty. The process is difficult. It is long. It is tedious. It is tough. It is not the easiest committee of which to be a member. I thank all members of the Budget Committee who helped us build this budget.

When we convened early this year, we had seven Budget Committee hearings. The President submitted his budget on February 3. We passed a large appropriations bill, the 2003 appropriations bill, on February 13. These were appropriations from the previous year. We did not get a budget last year, and we did not get appropriations last year.

Why did we not get the appropriations bills done? Because the House and the Senate were arguing what the appropriate level would be. There was never a budget, so this was not an agreement on how much we should spend. And because we did not have the agreement, we could not manage. It just did not work. And the Congress did not work. Last year was a very frustrating year, largely because we did not have a budget. In February of this year, we ended up passing last year's appropriations bill. Eleven of the thirteen bills passed in February. On March 7, CBO submitted the reestimate of the President's budget, and then on March 12 and 13, the Senate Budget Committee marked up the President's budget. We had 2 days of markup. We had 32 amendments considered, 23 rollcall votes, and we passed it out of the committee on March 13.

Then we had the longest consideration of the budget maybe in Senate history. I will have to look back, but we had 7 days of debate on the floor. The Budget Act provides for 50 hours, but we had 50 hours plus many more hours because we had a very extended number of rollcall votes. We had 81 amendments considered on the floor. Fifty-one were decided by rollcall votes, and 31 by voice votes which adds up to 82, including final passage.

We have had a challenging conference. We had a very challenging conference, after both the House and Senate passed a bill, because we had differing expectations of what could pass, particularly as it related to the growth package. The House wanted, and they passed, a growth package of $726 billion. The Senate passed a package of $350 billion. The Senate could not pass more than $350 billion, it looks like, and the House would not accept $350 billion. It is kind of hard to have reconciliation in a conference agreement if there are irreconcilable differences.

What did we do? Well, we were a little innovative and we came up with giving different instructions to the House and the Senate, certainly legitimate in parliamentary procedure. It has not been done before, so we gave an instruction to the House. The House has an instruction of $550 billion on the growth package. The Senate has an instruction of $350 billion on the growth package. The difference is to be decided by the conference. I think I know where the votes are. I will tell my friends and colleagues, I know Chairman GRASSLEY very well. I expect that I will be a conferee, and we do not expect to bring a bill out of conference unless it will pass the House and the Senate. We want it to become law. We do not want to make political statements. We want to help the economy grow. That is our objective.

So hopefully we will have a budget and a growth package. I think it is more important to have a budget than even having a growth package. I think we have to have fiscal discipline. The budget amounts to $2.2 trillion. The growth package is somewhere between $350 billion and $550 billion over 10 years. Over 10 years, we are going to spend about $30 trillion. I think we have to have some management of that $30 trillion in the next 10 years.

If we did not pass a budget last year and we do not pass a budget this year, then we have really no budget. The former Director of the Congressional Budget Office said the budget process is dead. I called him and told him: I beg to differ with you, but if we were not successful in passing a budget this year, it would be dead. If we had 2 consecutive years and Congress did not pass a budget, then certainly it would be dead, for all practical purposes. There would be no budget enforcement. There would be no pay-go. There would be no rules against spending on extraneous measures. This budget has enforcement.

I will mention a couple of other things. We have inherited a very difficult thing. A lot of people are going to come to the floor today and they are going to decry how large these deficits are and say: Woe is me, how come we have all of these deficits? It is because of the tax cuts.

That is not actually factual. The fact is we have large deficits because revenues have declined dramatically—not because of tax cuts but because of the economy. Revenues fell 2 years ago, 1.7 percent. Last year, they fell 7 percent. Combined, that is about a 9-percent reduction in revenues in the last 2 years. Simultaneously, spending went up 12 percent; revenues went down 9 percent. Spending went up 12.2 percent, and we went from a surplus of $129 billion to a deficit of $159 billion in 1 year.

What caused that? A soft economy, a stock market collapsing. People will later say that is because of President Bush's policies. That is not correct. The NASDAQ fell 50 percent between March of 2000 and December of 2000, so the market started collapsing under President Clinton. I want to make sure people know where this collapse came from. Revenues started falling like a rock because the stock market started collapsing. Maybe the stock market had irrational exuberance going up, but it fell dramatically and that cut off revenues. A lot less capital gains, less personal income tax, and revenues declined to the Federal Government.

Also, we had something called a terrorist attack on the United States on September 11 in the year 2001. That has cost this economy and it has brought a lot of outlays to the Federal Government—outlays to respond to terrorism, outlays to protect us against terrorism, outlays to rebuild both New York and Washington, DC. As a result, outlays have gone up and expenses to the economy have been dramatic. It is hard to calculate how significant it has been.

So we have the confluence of several things. We already had a stock market declining dramatically, we had a soft economy, then we had September 11 on top of that, which has made revenues go down and expenditures go up.

What can we do? We have to show fiscal discipline. We have done that in this budget. Despite attempts by many to increase spending by over $1 trillion, we held the line on nondefense spending. It will only grow by a couple of percentage points. That is compared to spending that has been growing at dramatic increases in past years. The year before last, it was 12 percent alone in discretionary spending. When I talk about spending, sometimes we talk about discretionary and sometimes we talk about entitlements, but discretionary spending, the amount of money we control, had been increasing at enormous levels. We contained that growth. In nondefense, as I mentioned, spending growth has been limited to a couple of percentage points.

We do a couple other things. We reinstill discipline. We have caps on discretionary spending. We have enactment of changes. If you want to call something emergency, you have to have 60 votes. We prohibit advance funding which was done more often than it should have been, advance funding where you not only appropriate for the next fiscal year but maybe for the next couple of years. We prohibit that.

Let me mention a few more. Spending growth in 2004 will be 4 percent. Defense spending in 2004 is 2.4 percent in budget authority. The last 5 years it has been 7.6 percent; nondefense spending growth in 2004, 2.9 percent. The average was 7.9 percent. In defense, I mentioned we fully fund the President's request to fight the war on Iraq. We have included the war supplemental. We fully fund homeland security. That is an increase of 18.4 percent in 2004. We have a $3 billion increase over the President's request in 2000 for the Department of Education. Those are programs such as IDA, title I, No Child Left Behind. Veterans health care is the largest increase ever, 14.7 percent. I have mentioned Medicare and our efforts there. We also have a pay-go point of order, to limit mandatory increases or revenue decreases in excess of those provided in the budget.

We did something else, and I want to make sure my colleague from North Dakota listens to this because we can work together on this. The House—to their credit, I would say—proposed hundreds of billions of dollars in savings in entitlements. The President did not propose those; we did not propose those. I had to think maybe we need to be looking at entitlements. We did not get that done in this budget when we had the opportunity. We did not do it. And I did not call for it to be done because I didn't think Congress was ready. I want Congress to get ready. I want the authorizing committees to start doing oversight.

We require in this resolution the House and the Senate authorizing committees to submit findings to the Budget Committee identifying instances of waste and fraud and abuse in programs within their jurisdictions. There are a lot. We have not had extensive oversight on a lot of programs in years, for whatever reason. Blame me, blame all of us; we need to do more. We are requesting and actually directing each of the committees to give us identified areas where they think we can make savings. Those need to be submitted by the authorizing committees by September 2 of 2003, and we will use those in the Budget Committee to develop future budget resolutions. We do not want to dictate to the authorizing committees, but we want to work with the authorizing committees to get real results, real savings, real oversight.

It bothers me a lot when we find out we have actually hundreds of billions of dollars estimated to be lost in errors or waste—in some programs it is 20 or 30 percent.

Regarding the earned-income tax credit program, I believe CBO did a study, and it was something like an error rate of close to 30 percent. That is not acceptable. We need to make sure Government is more efficient and more effective.

I look forward to the debate on this resolution. I hope our colleagues consider it vitally important to pass a budget. We will be grossly irresponsible if we do not. It is easy to throw stones and sticks and say I don't like this so we will just vote no. But, conversely, we have to govern. We considered alternatives, and they did not pass. I urge our colleagues to consider this budget. I urge Members to vote for final passage some time later this afternoon.

Mr. President, I ask unanimous consent that quorum calls be charged equally from now on during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is, I believe, the worst budget this Chamber has considered perhaps in its history. It is radical, reckless, dangerous, and extreme. At a time of record budget deficits, it proposes to cut revenues by over $1.3 trillion and increase spending by over $1.1 trillion, driving us deeper into deficits and debt.

It explodes deficits when we are at war, the cost of which is unknown, and right on the eve of the retirement of the baby boom generation which will dramatically increase the cost of Social Security and Medicare.

Make no mistake, the cost of the massive tax cuts in this budget explode at the very time the cost to the Government of the baby boom generation's retirement explodes. There can only be one result, and that is to drive this country off the cliff into deficits and debt on a scale and magnitude never seen in this country's history. That is not just irresponsible, it is wildly irresponsible.

This budget is not a document that represents a conservative approach to governance. It is radical and it is extreme. It says deficits do not matter, that taking virtually every penny of the Social Security trust fund surpluses to fund tax cuts for the wealthiest among us, is the priority for this Nation.

This budget flunks every test of fiscal responsibility and basic fairness. This budget proposes taking trillions of dollars raised from the payroll taxes of middle-class Americans, generated to support Social Security, and uses them to fund an income tax cut overwhelmingly for the benefit of the most wealthy among us.

The President's proposal, which this budget resolution seeks to support, would give a $90,000 tax reduction to those earning over $1 million a year and funds it by taking the payroll tax money of middle-class Americans to pay for it. To the extent it is not paid for by that mechanism, it borrows the money and charges the cost to future generations. That is class warfare of an extreme nature. It takes from the many to give to the few.

The proponents of this budget claim it contains a growth package. It does not. It contains a radical expansion of deficits and debt that can only undermine our long-term economic strength and security. Oh, yes, it will give a momentary and modest lift to the economy. But like the drug addict who gets a momentary high, it will be inexorably followed by the lows brought on by the deadweight of deficits and debt.

The best economists in America tell us that this budget proposal hurts long-term economic growth and threatens our economic security because it is all financed by borrowed money. It is a borrow-and-spend philosophy that doubles our gross national debt over the next decade, right before the baby boom generation retires. This is the time we should be paying down debt or prepaying the liability we all know is to come. Instead, this budget says: Forget about what we know is happening and what is about to happen; let's live for the moment and not worry about the future.

As bad as this budget is—and it is bad—the process that brought it here is even worse. I believe it represents an attack on the Constitution itself. Our Founding Fathers intended the Senate to be the place where a determined minority could slow down and perhaps even stop measures that the minority believed could damage our country. So the Senate adopted the right to unlimited debate and the ability to offer unfettered amendments. The budget process used in this conference report has never been done before and fundamentally denies Senators those basic rights. The process, called reconciliation, which restricts Senators' rights to debate and amend, has been twisted like a pretzel into something unrecognizable from what was intended.

Reconciliation was meant to provide a fast-track process to reduce deficits, and now it is being used to explode them. Understand that this budget says both bodies, under the reconciliation provisions, are instructed to cut taxes by $550 billion. If anybody believes this is a measure to cut taxes by $350 billion under reconciliation, that person is profoundly misled. The instruction says clearly: Cut taxes by $550 billion under these fast-track procedures that mean Senators are denied the basic protection of unlimited debate and amendment.

In the next breath, the Senate is told to forget that instruction because there will be a supermajority point of order in the Senate if it is followed. But in the conference committee, the higher tax cut can be adopted and come back to the Senate and be passed on a simple majority vote under special time limits and with restrictions on amendments that deny every Senator their most basic rights..

All this was made possible by a procedure never considered or debated in either body. This scheme was concocted in the conference committee without a single member of the minority present—not one. We were locked out. So four members of the Senate majority, with two members of the House majority, have constructed a procedure, never contemplated in either Chamber, which allows the special restrictions and limitations of reconciliation to apply to a tax cut that never passed this Chamber.

This stands the plain meaning of reconciliation on its head. No true reconciliation between the House and the Senate has ever occurred. There was no true meeting of the minds. So they conjured up a new point of order in the conference committee as a figleaf to hide their failure.

Colleagues should understand the extreme nature of what is being done. If a conference committee can add new provisions never debated or contemplated in either Chamber, and do so without the minority, where does it end? Could an abusive minority of the majority, in a conference committee, decide that a supermajority point of order would apply to an individual Senator's right to offer an amendment? Could just a handful of Senators and House Members in a conference committee create a supermajority point of order against amendments on a particular subject? What is to prevent a minority of the majority in a conference committee from fundamentally altering the rights of individual Senators?

This way lies chaos and a descent into unconstitutional government. Mark my words, the Senate will live to regret this day. Unintended consequences, we have seen in the past, flow from very little things.

In 1975, a tax cut of $6 million was used as precedent for using the reconciliation process that was designed for deficit reduction. It was used as a pretext to allow tax cuts of over $1 trillion, tax cuts that have pushed us now into deep deficit and growing debt.

This is what has been agreed to in the conference committee. The reporting has been almost uniformly wrong.

They say the tax cut permitted is $550 billion. That is not true. The tax cut in this budget resolution is $1.3 trillion, and that does not count the associated interest costs. It is only one part of the tax cut which is $550 billion. That is the so-called reconciled amount. Those are the amounts that will move under special protection, that will restrict Senators' right to amend, restrict Senators' right to unlimited debate, fundamentally restrict the determined minority's ability to stop what they believe will damage this country in a fundamental way.

I hope anybody voting on this understands. If you vote for this budget resolution, you are voting for $1.3 trillion of tax cuts, of which $550 billion is reconciled, moving under special protection that fundamentally restricts the Senators' basic rights to amend and debate.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. If you count in the additional interest costs which would have to be incurred to do this tax cut because of the borrowing that would be necessary to fill the deficit gap created by the loss of revenues from the tax cut, what would the cost of this tax cut be?

It seems to me eminently reasonable that one also ought to factor in the interest costs associated because you have to borrow money in order to do the tax cut. Am I correct that we would have to borrow money in order to do the tax cut?

Mr. CONRAD. The Senator is on to something very important. Really, this understates the cost of the tax cut. The tax cut that is in this resolution, $1.3 trillion, has an additional cost, the associated interest cost, because this is all borrowed money. That would be another about $300 billion.

So the total cost goes to $1.6 trillion—truly stunning when we are already at record budget deficits, when we are at war, the cost of which no one knows, and when we are on the eve of the retirement of the baby boom generation. So there can only be one result; that is, to dramatically explode deficits and debt.

Mr. SARBANES. May I ask the Senator one more question about his chart before he puts it down?

Mr. CONRAD. Yes. I would be pleased to yield.

Mr. SARBANES. There is all this focus about this $550 billion figure being the amount of the tax cut. But as I understand it, the $550 billion figure is only part of the tax cut that is in the budget resolution. This is the part that would proceed under the special procedures, the so-called reconciliation, which prevents extended debate in order to address the issue. The budget resolution provides $550 billion there, but it also provides an additional $725 billion in additional tax cuts. Now, they would have to go through the regular procedure, but, nevertheless, that is $1.3 trillion. And then you add the interest, and you are talking about $1.6 trillion tax cuts, at a time when we are in budget deficit.

Mr. CONRAD. RECORD budget deficit.

Mr. SARBANES. I understand. In fact, I understand that the budget deficit for this year is now projected to be twice as much as it has ever been before—an absolute record budget deficit.

Mr. CONRAD. Yes. We now estimate the budget deficit, under this budget resolution, will be between $500 and $600 billion for this year alone on a $2.2 trillion budget. Some have said these deficits are small. There is nothing small about them. They are massive. They are record. They are the biggest we have ever had in dollar amount.

If we look back to 2 years ago when we were told that we could expect—instead of deficits—nearly $6 trillion of surpluses, we now know, if we adopt what is before us, instead of $5.6 trillion of surpluses—if we adopt the budget resolution before us—we will have over $2 trillion of deficits over that same period.

Mr. SARBANES. Will the Senator yield for a question on that chart?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. In January of 2001, when this administration first came in, we were projecting out, over the 10-year time period, a surplus of $5.6 trillion. At the time, President Bush, and his Republican supporters, said: Well, we are going to run this huge surplus. We should do a tax cut because we don't want to be taking taxes just to build up a surplus.

Well, a lot of people said: Don't be so sure about that. Let's not rush into it. Why don't we pay down the debt some more? We are finally doing that.

No, no, they wanted to do this big tax cut because we had a projected surplus. Well, they did their tax cut. They rammed that through here.

Now we are projecting big deficits, and they want to do another big tax cut, even though they are projecting big deficits.

Whatever the fiscal situation is—big surpluses or big deficits—it makes no difference; they are bound and determined to do tax cuts for very wealthy people.

As I understand it, analysis of the President's tax proposal shows that almost 50 percent of the benefits of that tax cut go to the top 1 percent of the population. Almost 75 percent of it goes to the top 5 percent of the population.

So there is this absolutely zealous drive for big tax cuts for very wealthy people regardless of the Nation's fiscal situation and regardless of the fact that this proposal is going to drive us deeper into deficit and deeper into debt. Isn't that the situation?

Mr. CONRAD. It is the situation. And what is most stunning about it is that it is all done at the worst possible time: at a time we are at war, the cost of which none of us can know; and also on the eve of the retirement of the baby boom generation, a cost we do know because the number of people eligible for Social Security and Medicare are going to double.

And I believe this proposal is very clear. If this is adopted, this will head us in the direction of massive cuts in Medicare, in Social Security, and most of the rest of Government as we know it.

I think it is absolutely foreordained, if this is adopted, you will see proposals that will be cloaked in the soft language of reform which will hide deep cuts in Social Security, in Medicare, and all other parts of Government. You can really have no other outcome because you have record budget deficits now; and what this proposal is, is to cut taxes by $1.3 trillion, not counting the interest cost, to increase spending by $1.1 trillion over the so-called baseline, including the interest cost. What you are left with, then, is even deeper deficits, right on the brink of the retirement of the baby boom generation which starts in 2008, which we all know what it will lead to. And I will show, as we go through this presentation, where that leads.

Mr. SARBANES. Will the Senator yield for a further point?

The Senator made reference to the context in which we find ourselves. I am frank to tell you, I think this is a reckless budget resolution. I think the President's budget proposal was reckless. I think this resolution is reckless. As the very able Senator from North Dakota has pointed out, we are in a war, and we have not only the war costs but the reconstruction costs. We are about to do a supplemental of about $80 billion, most of it devoted to that purpose. And there is no one who contends that is anything other than the initial downpayment on the cost.

But, furthermore, we still have the worldwide battle against al-Qaida and international terrorism. We have to confront the challenge of providing for homeland security. We have other threats around the world, to mention but one, North Korea.

No prudent person would give away their fiscal ability to deal with those situations the way this budget resolution does. It is extraordinary what this budget resolution is doing.

I ask my friend from North Dakota, isn't this an abject failure to reserve fiscal strength to deal with these pressing problems which we know are right there in front of us?

Mr. NICKLES. Mr. President, just a parliamentary inquiry: I would like to remind my colleagues the rules of the Senate are to address the Chair, ask questions through the Chair, not to have colloquies between two Senators.

Mr. CONRAD. I would be happy to answer my colleague by saying this: This process and this budget, to me, is totally disconnected from reality. In fact, I have never seen a greater disconnect with reality than is represented by this budget. Here we are, with record budget deficits, approaching $500 to $600 billion this year, and what we do is increase spending under this resolution, cut the revenue, plunging the country deeper into deficits, when we are at war, the cost of which we do not know, and when we are on the eve of the retirement of the baby boom generation.

Let me just say, this fiscal turnaround that we have seen—when people ask us, well, where did the money go? Here is where it went. Over the period in question, 36 percent went to the tax cuts—both those already passed and those proposed.

The second biggest reason for the disappearance of the surplus is the additional spending caused by the attack on the country and the war; that is, the increased defense spending and the increased homeland security spending.

The third biggest reason is that revenue is coming in below expectation, apart from the tax cut; that is, the tax cut is the biggest single reason. The third biggest reason—close to the second—is that revenue is coming in below what was anticipated.

And the smallest reason, over the 10-year period, is the economic downturn at 9 percent.

The result of all this is that the budget before us—after many of the Members of this body pledged not to take Social Security for other purposes—this is the total amount of Social Security surplus over this period: $2.7 trillion.

This budget takes $2,698,000,000,000 from the Social Security trust fund surpluses and uses it for other purposes, uses it to fund the tax cut, uses it to pay for other things. This budget has deficits. Some have said they are small and short term. Here is what they are. They are not small, and they are not short term. This year we now anticipate a deficit on an operating basis of $558 billion, by far the biggest we have ever had. You see throughout the rest of the decade, we never get below $300 billion in deficits. Again, that is not counting Social Security, not taking Social Security and using it to pay for other things.

Mr. SARBANES. Will the Senator from North Dakota yield for a question about one of his charts?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. I would like to go back to the previous chart. As I understand it, because of the tax cut and also because we are constrained to do these programs for the war and for homeland security, over this 10-year period we are going to be using $2.7 trillion from the Social Security trust fund to cover those costs; is that correct?

Mr. CONRAD. That is correct.

Mr. SARBANES. As I understand it, if we didn't do that, that $2.7 trillion would be in the Social Security trust fund to help us take care of the extra stress on the system that will come from the retirement of the baby boomers, this upsurge in people taking retirement, so that one needs to understand if you didn't do the tax cut or if you constrained some of these other programs, you wouldn't then be drawing down the Social Security trust fund and, therefore, it would be in a better position to address the extra stress that will come when the baby boom generation retires. Is that the connection one should be making here?

Mr. CONRAD. Let me just say, the Senator has put his finger on what to me is so stunningly irresponsible about this budget. If this money was not being taken and used for other purposes, the surplus money, it could then be used in one of two ways. It could be used to pay down debt that would better prepare us for what is to come, or it could be used, some portion of it, to prepay the liability of what we know is to come. That is what other countries are doing. Other countries, recognizing the same demographic time bomb, are taking the surpluses being generated now in their trust funds and are investing them or they are prepaying the liability.

Instead of paying down debt or prepaying liability, we are using the money for tax cuts and for other expenditures of government that leave us less capable to deal with what is to come.

That is a profound mistake, and we will live to regret it. And we will then face a circumstance in which we will be asked to make even more draconian reductions in the benefits of those programs, or drastic tax increases.

Let me say, the President told us 2 years ago his budget would pay down a record amount of national debt. He said:

> We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever.

He said then:

> Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

I believe the President was absolutely right in saying that. But look at what is happening. There is no record paydown of debt. There is no paydown of debt. Instead the gross debt of the United States is exploding. From $6.7 trillion in 2003, instead of being virtually paid off, which he said would occur by 2008, we are nearly doubling the national debt just in this 10-year period. So the national debt would be $12 trillion at the end of 2013 if this budget is adopted, the plan that it contains.

The President this year told us:

> This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents and other generations.

In this very budget, what we see contained is a call for the biggest increase in the debt limit in the history of the country. They are asking for a $984 billion increase in the debt limit as part of this proposal. That is the biggest increase in the national debt in the history of America.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. This budget conference report is seeking an increase in the debt limit of just under $1 trillion; is that correct?

Mr. CONRAD. Yes, $984 billion. The previous record increase was under the previous President Bush, November of 1990, when they got a $915 billion increase in the debt limit. As you know, the House has different rules than the Senate. We will not conclude action on the debt limit here probably until sometime later. But that is what this budget resolution contemplates, an increase in the debt limit now of $984 billion, nearly a $1 trillion increase in the debt.

Mr. SARBANES. If the Senator will yield further, until when is this additional $1 trillion increase in the debt limit supposed to last? Will they not come back at any point, or are they going to come back again and again seeking increases?

Mr. CONRAD. Under this budget proposal, they will probably have to come back as early as next year——

Mr. SARBANES. Oh, my.

Mr. CONRAD. Late next year and ask for even more expansion of debt because this budget resolution is one constructed on deficits and debt. It is a testimony to deficits and debt. It can only get worse.

It is interesting, the effect on the rest of the budget. For example, the interest costs, we were told 2 years ago the interest costs to the Federal Government over this next decade would be $622 billion. Instead, because of the failed fiscal plan, the interest costs alone will be $2.3 trillion. That is an increase in interest costs of $1.7 trillion. Obviously, we have to pay it because we have borrowed it, and we owe it. But those are dollars that can't buy a single tank. They can't buy a single weapons system. They can't buy a single airplane. They can't educate a child. They can't house the homeless. They can't do any of the other things the Federal Government has responsibility for. They can't pay down debt. Those are dollars that are just used to service the debt we are running up.

Mr. SARBANES. Would the Senator yield on that point?

Mr. CONRAD. I am happy to.

Mr. NICKLES. I remind my colleagues, they need to ask questions through the Chair, and they need to ask questions and answer questions.

Mr. SARBANES. Mr. President, I would like to put a question to the Senator from North Dakota.

Mr. CONRAD. I am happy to yield.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota.

Mr. SARBANES. Mr. President, when this administration came into office, it was my recollection that the Federal budget was running a surplus. Therefore, there was not only no increase in Federal interest costs, but we were, in fact, year to year, reducing Federal interest costs and had done so for 2 or 3 years prior to President Bush coming into office; is that correct?

Mr. CONRAD. The Senator is correct. We had actually been in the happy circumstance of not only running a balanced budget, but running a surplus. In fact, we had stopped the practice of taking Social Security trust fund surpluses to fund other functions of Government. It was critically important that we do that because we are getting close to the retirement of the baby boom generation.

Some of our colleagues say to us that, you know, deficits don't really matter anymore. What a profoundly wrong notion that is. Obviously, deficits matter. When the Federal Government is compelled to borrow money, that puts us into competition with others who want to borrow money, that drives up the cost of interest rates, and that slows the economy. That is why when I reviewed this budget, it is not an economic growth budget, it is a budget that will hurt long-term economic growth because of the deadweight of these deficits and debt. That is not just my opinion.

I will get to the point in the presentation where we talk about others who are economists who have been hired by the White House, by the CBO, to tell us the implications of what is being done; and what they have concluded is that this will hurt economic growth because it is all being financed by borrowed money.

What does that mean? When the Federal Government borrows money, we are in competition with the private sector, and that reduces the pool of societal savings. That is a dissavings. When you reduce the pool of societal savings, that reduces the amount of money available for investment and that hurts long-term economic growth.

It is not just this Senator who says that. Interestingly enough, the CBO is headed by a man chosen by our colleagues on the other side, who came directly from the White House. He has done seven long-term models looking at the effect of this budget. In four of the seven, he said deficits would be even worse as a result of this budget proposal. In three he found it would be better, but only on the assumption that Americans, over the next decade, would work harder in preparation for the massive tax increases that will inevitably flow from the adoption of this kind of a budget.

I hope people understand where this is all headed because it is as clear as it can be. Nobody can vote today and say they didn't know. Nobody can vote today and not have their record reviewed and have people look back and say these people led us down a path of deficits and debt that fundamentally weakened the country.

This is a chart from the President's own budget document. This comes from his analytical perspectives, page 43. This is his long-term outlook. We never escape from deficit under the President's plan—never—according to his own estimates. In fact, we are in the sweet spot now. You can see that the deficits here are the smallest they are going to be. Yet these are record deficits. It may look like a small amount of red, but it is the most red we have ever experienced, and it is going to get worse. Under the President's own analysis of his plan, it gets worse because the cost of the tax cuts explode at the very time the cost of the Government explodes because of the retirement of the baby boom generation.

Mr. SARBANES. Will the Senator yield for a question on that chart?

Mr. CONRAD. Yes.

Mr. SARBANES. As I understand it, this chart shows the deficit as a percentage of the gross domestic product and it is almost 14 percent at this point out here; is that correct?

Mr. CONRAD. That is correct. If this were in dollar terms, I could not put it on a chart. The sea of red ink that would follow would not fit on any chart that I am allowed to use on the Senate floor.

Mr. SARBANES. The European Union, when they made the economic agreement with respect to all the European Union countries, set as a requirement that the deficit that a country was running could not be greater than 3 percent of GDP; and countries had to go through a rigorous effort to get below the 3 percent of GDP figure as a deficit.

Yet what the President has given us, and what is reflected in this budget resolution as a first significant step in that direction, is a policy that is going to put the deficit as a percentage of GDP in the double figures. It will well exceed 10 percent.

Mr. CONRAD. What is interesting is that, right now, we would not be eligible to join the European Union because our deficit is in excess of what is required for a member state to join the European Union. We would be disqualified. We are headed for a circumstance in which we would not be qualified for decades to come.

The fundamental reason is contained on this chart, I say to my colleague. This, to me, is the single most important thing to understand. This chart shows the Social Security surplus, Social Security trust fund, the green bar. The blue bar is the Medicare trust fund. The red bar is the cost of the proposed and already-enacted tax cuts. What one can see is that right now we are running big surpluses in the Medicare and Social Security trust funds. In fact, the tax cuts right now, in this part of the time period, are less than the trust fund surpluses.

Look what happens when the baby boomers start to retire and those trust funds go cash negative. It is at the very time that the cost of the President's tax cuts explode. What does that do? That leads us into deep deficits and debt.

I don't want anybody to conclude from this that this Senator doesn't favor some tax cuts because I do. I think they are necessary right now to stimulate the economy, give lift to the economy. But we have to balance the need for short-term additional stimulus both by way of spending and tax cuts, with the long-term need to return to fiscal balance and to prepare for retirement of the baby boom generation.

What is being done here does neither because only 5 percent of the cost of the President's proposed tax cuts in the stimulus package are effective this year, when we need the stimulus, when the economy is weak. Ninety-five percent of the cost is in future years, when it is only going to explode deficits and debt. It will lead to a weakened economic position and will fundamentally alter this country's ability to meet its obligations.

Mr. SARBANES. I am struck in looking at that chart by the extent to which the cost of these tax cuts explodes, as the Senator says, in future years.

For instance, take the year 2023, this is all deficit. But all of this part of that deficit is from the explosion of the tax cut. The balance is from what happens in the trust funds for Medicare and Social Security. But this chart so clearly demonstrates that these tax cuts that are being talked about have built into them a tremendous expanded cost in future years.

It is extraordinarily dramatic because all of that is exploding tax cuts. We are being set on a path that is dooming us to large deficits and large debt.

Mr. CONRAD. Mr. President, I say to my colleague, what this means is not just numbers on a page, not just deficits, whether people care about deficits or not, they matter a lot to the functioning of the economy. They matter a lot to the ability of the United States to keep its obligations.

The implication of all this is much more direct. This is going to compel at a future time, according to the former Congressional Budget Office Director, massive cuts in benefits of Social Security and Medicare, massive tax increases, and massive debt. That can be the only outcome because none of this adds up in any serious way.

For those who say deficits do not matter, Chairman Greenspan of the Federal Reserve believes deficits matter. This is what he said in testimony before the Banking Committee, where my colleague is the ranking member:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

It is not just the view of the Chairman of the Federal Reserve, but the Committee for Economic Development, which is made up of some of the most prominent business leaders in the country, has looked at these budget proposals, and this is what their conclusion is:

No. 1, current budget projections seriously understate the problem;

No. 2, while slower economic growth has caused much of the immediate deterioration in the deficit, the deficits in later years reflect our tax-and-spending choices;

No. 3, deficits do matter;

And No. 4, the aging of our population compounds the problem.

The other day in the New York Times, some of our most able former colleagues and former members of administrations, both Republican and Democrat, put out this op-ed. This is former Senator Kerrey, former Senator Nunn, both Democrats, former Senator Rudman, a prominent Republican, Pete Peterson who was in the Cabinet of a Republican administration, Robert Rubin, former Secretary of the Treasury, and Paul Volcker, the distinguished former head of the Federal Reserve.

They asked the question:

> Will Congress stand up for fiscal responsibility?

They said in this article:

> Tax cuts are the primary focus of this year's budget debate. To speed enactment, Congress is planning to use a special fast-track procedure called reconciliation. While determining the size of the tax cut to be given fast-track protection in the budget is sometimes dismissed as a procedural matter, it is not. Whatever its size, a tax cut that receives this protection is almost certain to be enacted in later tax legislation. Given the rapidly deteriorating long-term fiscal outlook, neither proposal—

Neither the House nor the Senate proposal—

> is fiscally responsible. It is illogical to begin turning back toward balanced budgets by enacting a tax cut that will only make the long-term outlook worse.
>
> Furthermore, the proposed tax cuts are not useful for short-term fiscal stimulus, since only a small portion would take effect this year. Nor would they spur long-term economic growth. In fact, tax cuts financed by perpetual deficits will eventually slow the economy.

When our friends say this is a growth package, it is not a growth package. This is a package that undermines long-term growth. We have six of our most distinguished colleagues, former Senators and former members of the Cabinet, on a bipartisan basis telling us that is the case.

We do not have to just look to the Chairman of the Federal Reserve or former Cabinet members or former Senators; we can look at the people who have been hired by the White House to tell them the effect of their policies. This is what they said.

They showed that the policy being proposed will give a short-term bump, but after 2004, we will get less economic growth than if we did nothing. We would be better off to do nothing than to adopt this policy because it explodes deficits and debt. The deadweight of those deficits and debt will hurt long-term economic growth.

We have another distinguished economist, the head of Economy.com, who did this analysis of two competing proposals, what the Democrats proposed and what the President proposed. This is their conclusion.

The Democratic plan will give almost twice as much economic growth in 2003 and 2004 and not do the long-term harm of the President's proposal because we do not explode the deficits and debt in the way the President's plan and the budget plan before us does.

If we just want to look at reality, since we pursued this course, since we have gone to this notion of borrow and spend, here is what has happened. We have lost 2.6 million jobs.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. CONRAD. I will be happy to yield.

Mr. SARBANES. My understanding is that the unemployment rate in the course of this administration has gone from 4 percent to almost 6 percent, and that the number of long-term unemployed, people out of work for more than 26 weeks, is now at almost 2 million people. Consumer confidence in the latest survey is at a 10-year low. So we are facing serious economic challenges.

Of course, the Senator suggested, as did the quote from our former colleagues, that you could do some effort to boost the economy this year and next year to try to bring us out of this situation, but the President's proposal does very little of that.

What the President's proposal does is put into place these exploding tax cuts out into future years that will significantly boost the deficit and the debt problem, rather than addressing the immediate challenge we have of trying to give a boost to the economy now. So not only does this budget proposal commit the Nation to a serious long-term fiscal problem, but it fails to do what needs to be done in the short term, in terms of trying to restore jobs and economic growth. I ask my colleague, is that not correct?

Mr. CONRAD. I believe that is correct. I say to the Presiding Officer in response to my colleague, I really do not know what could be more clear. We do not need to just look at economists' projections. We can look at our own history.

We had this attempt in the 1980s to pursue the economic policy that is now being attempted. It did not end happily. It exploded the deficits and debt of the country. It quadrupled the national debt.

Then in the nineties, we took a different approach, the approach of balancing budgets, of investment in technology, of bringing down Federal spending, of raising revenue to balance budgets. What it kicked off was the longest economic expansion in our Nation's history. We turned deficits into surpluses, and we had the lowest unemployment rate in 30 years, the lowest inflation rate in 30 years, and the strongest period of business investment in our Nation's history.

That is a real-world example of two competing views of how to strengthen the economy. Now we are going back to the failed policy of the eighties and doing it at the worst possible time.

Then there was time, before the baby boomers started to retire. Now there is no time. The mistakes that are made now will be paid for by increased debt, by reduced benefits, by increased taxes. That is where we are headed.

And I would quote again our most distinguished colleagues warning us:

> Congress cannot simply conclude that deficits do not matter. Over the long-term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments.

That is the argument I have been making this morning.

> They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an unsupportable tax burden for the next generation.

I guess we are in this mode now where we live for the moment. I guess we do not worry or care about what we do now, how it affects the future. But we ought to. The lessons are clear. The warning signs are there.

Every Senator is going to be responsible for their vote. Every Senator can be held accountable in the future for what they did to either strengthen this country or to weaken it. Every Senator is going to have a very clear choice in a few hours: Do they support a budget that plunges us deeper into deficits and debt, or do they say it is time to pull back?

This is the economic record on job creation of administrations going back to President Eisenhower. Every one of them created jobs. This is the first one to lose private sector jobs in 50 years. If we look to public opinion, the American people are saying:

> On the home front, Americans strongly agreed with the past week's Senate action to slash the President's proposed tax cut. Two in three respondents—Republicans, Democrats and independents alike—favored the Senate plan to reduce Bush's $726 billion tax cut by more than half to help pay for the war, shore up Social Security and reduce the deficit.

That is two-thirds of the American people sending us a message. I do not think we should do budgets based on polling, but I do think we ought to do it based on common sense, and common sense ought to tell us that exploding deficits and debt when we are at war, exploding deficits and debt when the baby boom generation is about to retire, exploding deficits and debt when we know it will harm long-term economic growth, is truly a fool's errand, and we will live to rue the day we made shortsighted decisions.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield whatever time he may consume to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the very able Senator from North Dakota, the former chairman of the Senate Budget Committee and now ranking member, for an extraordinarily perceptive opening statement with respect to this budget resolution.

The Senator from North Dakota has taken a long-term view of where the American economy is going and the challenges we face. He has assumed that role repeatedly, and I think it is extremely important that we not simply live for the moment and that someone point out the direction in which we are going and what the consequences will be.

The vote we are about to cast has consequences. It has consequences for today, tomorrow, and many years into the future. Members of the Senate need to fully appreciate the import of this decision.

I will speak a few minutes about equities in this budget resolution. What needs to be understood is that the whole driving thrust of this budget resolution is to put in place a large tax cut which, under the President's proposal, will go overwhelmingly to people at the very top of our income and wealth scale in this country.

The drive to do that is carried so far that my colleagues on the other side of the aisle are prepared to twist the procedures of this institution like a pretzel in order to push through their large tax cuts because they are encountering considerable resistance to them by people who are stopping and looking at them and saying this is not the responsible thing to do. Indeed, it is a reckless thing to do.

One of my colleagues looking at what they are trying to do said: It never occurred to me, I never thought I would see the day when they would be using these kinds of gimmicks in order to push their agenda.

This is no proper process. This is simply a twisting of process in order to try to get to this tax cut result.

Let's look at what the tax cut does and its implications. The budget, of course, sets all our national priorities. We make fundamental decisions within the budget: How much support we will provide for particular programs, what we will do on the tax side. Of course, the aggregate amount of the budget can have a profound effect upon our overall economy, not only this year but extending well into the future. The Senator from North Dakota very carefully and lucidly spelled out those large budget consequences, as is, of course, the responsibility of the leader on the Budget Committee to do.

We know the fiscal situation has deteriorated drastically since this administration took office. In January of 2001, when President Bush took office, the Congressional Budget Office was projecting a budget surplus over 10 years of $5.6 trillion. The President pointed to that surplus as a rationale for doing the 2001 tax cuts. Now, over that same period, the Congressional Budget Office is projecting a $2.1 trillion deficit, assuming that the President's tax proposals are adopted. This is a swing of $7.7 trillion in our fiscal position, a swing from a projected surplus of $5.6 trillion to a projected deficit of $2.1 trillion.

Yet facing this, the whole focus of this budget resolution has been whether to create room within it for another very large tax cut which the President is seeking. This is not going to be a growth package. In fact, there is hardly any stimulus in the President's proposal for this year or next year. Instead, this budget is going to drive us deeper into the deficit and debt hole. It is going to leave us with deficits projected out into the indefinite future. We are really mortgaging away our economic future. This is very bad macroeconomic policy.

In addition, within this budget our urgent national priorities are not being adequately addressed. There is not enough for homeland defense. We have a pressing health care problem in this country with regard to both the uninsured and prescription drug benefits for our senior citizens. We have an affordable housing crisis in which millions of working families cannot afford even a modest apartment in many high-cost cities. The mayors across the country are saying they are getting inadequate support to meet their responsibilities. Our first responders also have very large demands placed upon them. And instead of providing fully for education to give meaning to the Leave No Child Behind educational policy, we are focused on a tax cut proposal seeking to make sure no millionaire is left behind.

It must be understood that if you do these large tax cuts that benefit primarily wealthy people, you will not be able to support a number of programs which people all across the country are crying out for, and you will be boosting the deficit in a completely unreasonable fashion. There is no magic formula; it is all a question of balance. My own view is that a more sensible balance would be not to do these large tax cuts, and instead to strengthen some of these programs, and then to use the balance—most of the money—

to hold down the deficit and not boost the debt and not commit the Nation down that path.

Let me talk about one other issue of fairness and equity. I want to note that in almost every previous instance when the Nation went to war, not only did we not cut taxes, we raised taxes in order to help pay for the war and meet its costs. There is a conference committee meeting at this very moment on the supplemental appropriations bill. We expect it to be somewhere in the vicinity of $80 billion, most of that directed to the Department of Defense for the costs of the war and some for reconstruction. It is obvious to everyone this is but a downpayment. No one is asserting this is anywhere near meeting what the full costs will be. So we know there is more to come.

That raises the question of whether this is the appropriate time to commit away significant resources for a tax cut to benefit wealthy Americans. As I said, analysis indicates that almost half of the benefits of the President's proposal would go to the top 1 percent, almost three-quarters to the top 5 percent. Is this the fair and equitable thing to do at the very time when the Nation is being rallied, as it should be, to support our men and women in the Armed Forces?

This is the time when we are talking about sacrifice, and it is appropriate we should be talking about sacrifice at a time like this because one cannot follow the events taking place now in Iraq without a deep appreciation of the sacrifice our fighting men and women are making and the risks they are taking every minute.

Let me ask this question: What sacrifice are those who are most favored in our society in terms of their economic position making at this critical juncture in our Nation's history? Not only are they not making a sacrifice, but indeed they are getting a very large tax cut which will place our economy in a more difficult position as we move into the future. What a sad commentary that these excessive tax cuts, which will contribute to deficits, which will build up the debt and the burden of paying the interest on that debt and, indeed, paying down that debt, will fall upon the fighting men and women when they return home and undertake their economic activities moving out into the future.

They are now being called upon to make a double sacrifice, the sacrifice of serving in the Middle East and the sacrifice when they return home of helping to pay off this debt that has arisen in large part because of these enormous tax cuts that are being given to those at the very top of our income scale. Where is the fairness and the equity in this approach?

The Nation faces serious challenges. We have our men and women at this very moment in danger abroad. It is a time for all to sacrifice. What sacrifice here at home will the beneficiaries of the tax cut be making? This is such a sharp contrast with previous occasions when the Nation has gone into war. In most instances, not only did we not give a tax cut, recognizing we had to pay for the war, we, in fact, increased taxes in order to meet that burden.

At the beginning of World War II when Winston Churchill became Prime Minister, he told his nation, "I have nothing to offer but blood, toil, tears and sweat." Our young men and women positioned in the Middle East are called upon to sacrifice even as we debate this budget resolution. There will be sweat, there will be tears, there will be toil, and there will be blood on their part. What sacrifice will be made by those who are the most well off in our society under this budget resolution? None whatsoever. In fact, not only are they making no sacrifice, but they are programmed to reap benefits, extensive benefits, at a time when the Nation is facing critical challenges. Should not those most advantaged be making their own sacrifice instead of seeking to reap a large economic benefit?

I urge the defeat of this budget resolution. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to go back to the editorial, the opinion piece that was in the New York Times written by three of our former colleagues: Senator Kerrey, Senator Nunn, Senator Rudman—Senator Rudman, a Republican who was on the Budget Committee. Senator Nunn and Senator Kerrey took great interest in budget affairs here in the Senate. Also, Pete Peterson, the former Secretary of Commerce, Republican; former Secretary of the Treasury Robert Rubin; and the former head of the Federal Reserve, Mr. Volcker; warning us that what we are about to do here is not fiscally responsible.

They said in this article—and I want to read an extended version of this for my colleagues because I think it is critically important it be in the RECORD before we vote. They said:

> The fiscal outlook is much worse than official projections indicate. These projections assume that the tax cuts enacted in 2001 will expire at the end of 2010. They also assume that discretionary spending, the part of the budget that pays for national defense, domestic security, education and transportation, will shrink continuously as a share of the economy. Neither of these assumptions is realistic.
>
> Moreover, the official projections do not include the costs of war and reconstruction in Iraq. And they ignore the inevitable need to reform the alternative minimum tax, which is not indexed for inflation and will apply to some 40 million households within 10 years—up from two million today.

Let me just say with respect to the alternative minimum tax, boy, have a lot of people got a surprise coming. They think they are going to get a tax cut under this plan. But there is this little thing nobody talks about called the alternative minimum tax that only applies to 2 million taxpayers today. By the end of this period of the budget, it is going to apply to 40 million taxpayers. It costs $600 billion to fix. Not a dime of it is in this budget.

> Under more realistic assumptions—

They go on to say in their opinion piece—

> the deficit projections are cause for alarm. A recent study by Goldman Sachs includes this forecast: if the president's proposed new tax cuts are enacted, a Medicare prescription drug benefit is approved, [which he has also proposed], the A.M.T. is adjusted and appropriations grow modestly, the deficits over the next 10 years will total $4.2 trillion—

That is double the amount I have been talking about in my assessment of this budget this morning—twice as much as what I have been warning my colleagues about—

> even if the Social Security surplus is included.

It will be $4.2 trillion of deficits. In other words, if the Social Security trust funds are used to pay for other things, the deficit will be $4.2 trillion.

> If [the Social Security trust fund] is not included, the deficit would be $6.7 trillion.

That is just over the next decade.

> Under these circumstances the ratio of publicly held debt to gross domestic product climbs within 10 years to near 50 percent, from 33 percent just two years ago.
>
> And all of this happens before the fiscal going gets tough. Looming at the end of the decade is a demographic transformation that threatens to swamp the budget and the economy with unfunded benefit promises, like Social Security and Medicare, of roughly $25 trillion in present value. Our children and grandchildren already face unthinkable payroll tax burdens that could go as high as 33 percent to pay for these promised benefits.

They conclude:

> It is neither fiscally nor morally responsible to give ourselves tax cuts and leave future generations with an even higher tax burden.
>
> And yet tax cuts are the primary focus of this year's budget debate.

Mr. President, in just a few hours we will vote on this budget. This will be a time of choice. This won't be a decision just for this year. This will put in place revenue hemorrhages and increased spending that will put us on a never ending escalator, going in just one direction—straight down into deeper deficits, in deeper debt, right on the brink of the retirement of the baby boom generation. It will only escalate those trends, leaving us in a totally unsustainable position.

The tax cut that we are voting on is not what has been advertised. $350 billion in the Senate—oh, no. The tax cut in this plan, in this budget resolution that is before us, is $1.3 trillion: $550 billion reconciled to the Finance Committee, $725 billion provided elsewhere in the resolution—a tax cut of $1.3 trillion, with an additional interest cost of some $300 billion, for a total reduction in revenue of $1.6 trillion just over the next decade, when we are already in record budget deficits.

This is a proposal that borders on the preposterous. It borders on the absurd. I sometimes come to work thinking the Senate of the United States has become like Disneyland: It is all illusion here. It is totally detached from reality. It has all become the politics of sound bite. Substance has absolutely fallen by the wayside, and there is no serious concern where all this leads. But it is inevitable. This leads to massive deficits and debt that can only undermine the strength and security of this economy, that can only endanger the economic lives of the American people.

This is profoundly wrong, and I urge my colleagues to think—to think, to pause. I know there is a rush to judgment here. We are on a Friday afternoon right before a 2-week break. Members want to leave.

But what is going to be decided here has profound consequences for the future of our Nation; a $1.3 trillion tax cut—not paid for, not offset by spending reductions, but paid for by borrowed money and by looting the trust funds of Social Security and Medicare. That is what is about to happen here.

Virtually every economist has told us, when you take tax cuts like this and, instead of paying for them with spending reductions, you borrow the money, you weaken the economic vitality of this Nation. You take money out of the societal savings, the pool of societal savings, thereby reducing the money that is available for investment, thereby weakening the economic strength of our Nation.

That is exactly what our former distinguished colleagues are telling us. I repeat their concluding paragraph:

> Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments [such as the terrorist threat on this country].

"Terrorist threat on this country"—that is not part of their op-ed. I add that because we all now know the devastation that something unanticipated can cause to this country.

> If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation.

Now, I know, in politics, we often live for the next election and there is not too great a concern for the future. But, colleagues, I urge you to think carefully about the decision that is about to be made because it will have profound consequences for this Nation. I believe it will weaken our country, not strengthen it. I believe it will damage long-term economic growth, not improve it.

Does that mean that on this side we are against any tax reduction? No. I would actually support more tax reduction in this year than the President proposes in order to give lift to the economy at a time of serious weakness. But, over the 10-year period, we simply cannot afford $1.3 trillion out of the revenue stream, when we are already in record deficit, and when we face the retirement of the baby boom generation, and we are at war, the cost of which is unknown.

I know the other side must believe it has the votes to pass this budget. We have had no role in it. We were locked out of the conference committee. Oh, we were invited to the first meeting, and never invited back. So this is a budget that was constructed in a conference committee that excluded the minority.

That is not the way the business of Congress is supposed to be done. There was not one member of the minority present when this scheme was hatched to come out here with a budget reconciliation number that suggests there is a different number in the Senate than in the House. In fact, both committees have been given an instruction of $550 billion for the reconciliation provision. But then, in a sleight of hand, the Finance Committee is told, there will be a supermajority point of order if you carry out the instruction you have been given.

Never been done before. Never been done before.

And when the package comes back from the conference committee, even though there never was a reconciliation, never was a working out or a meeting of the minds between the House and the Senate, the higher House number will still enjoy privileged protection on this floor.

That is a total perversion of the reconciliation process. And, my colleagues, it may benefit you today, it may hurt you tomorrow, because what goes around comes around. And the real victim is fiscal responsibility. The real victims are going to be those who are asked to pick up the tab for what we are going to be spending; the real victims are going to be those who have to shoulder the burdens that we all know are coming. And we are telling them: We are taking our money while the getting is good, and we are sticking you with the tab.

I guess that is the message that is going to come from this Senate today. I find it profoundly disappointing that is the way, apparently, the votes will fall, that it is OK to run up the tab, forget about the future, stick it to the kids. That is what this vote will be about.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. I just note, the kids they are sticking it to are the ones who are fighting now in the Middle East. They are out there making a sacrifice now, and they are going to come home and be called upon to make a further sacrifice in order to carry this deficit and this increased debt.

And why are we having the deficit and the increased debt? In order to give a large, excessive tax break to very wealthy people. Where is the equity in that or the fairness in that? None whatever. None whatever.

But when you connect it all together, that is exactly what is happening. In order to give these large, excessive tax cuts, we are going to run these deficits and debt. And the burden on these young men and women who are there fighting, will be greatly increased, and they will have to pay it off over the rest of their lifetimes when they come home, having made that sacrifice.

Where is the sacrifice, in this budget resolution, on the part of those most advantaged in our society? Where is their sacrifice at this critical juncture in our Nation's history?

Not only is there no sacrifice, but they are reaping excessive benefits. This budget resolution ought to be defeated.

I thank the Senator for yielding.

Mr. CONRAD. I say, Mr. President, in response to my colleague, I believe this budget really is a triumph of ideology. And it is a sad—a sad—commentary on this body that we pass something that is this disconnected from reality.

At some point we are going to have to join together to try to dig out of this mess because this is going to damage the country in a profound way. I just hope that at some point reason returns.

This is not a conservative document. There is nothing conservative about this. This is radical and reckless and dangerous, and it should be defeated. We should go back, and we should restrain spending, and we ought to restrain our appetite for tax cuts. We ought to have the courage to stand up and tell the American people what we all know is true: That when this Nation is already facing record budget deficits, and we are at war—the cost of which we cannot know—and on the brink of the retirement of the baby boom generation, we simply cannot do everything they would like us to do.

We cannot have every spending program that they would like. We cannot have every tax cut that they would like and be responsible to the future. The result will be a weakened America, not a growth package. There may be a little bit more growth in the short term—not as much as if we had a more robust stimulus package—but, over time, the deadweight of those deficits and debt, because all of this is being borrowed—is all borrowed money—the deadweight of those deficits and debt suppresses economic growth, weakens our economy, reduces investment.

If you do not have investment, you cannot grow. You cannot have investment unless there are savings that are available to invest. When the Federal Government runs deficits, that reduces the pool of societal savings that are available to invest.

This is an economic package that simply cannot stand scrutiny.

I am happy to yield.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, as this presentation draws to a close, I ask unanimous consent to print in the RECORD a column by David Broder from March 23 entitled "Cutbacks To Our Children."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 2003]

CUTBACKS TO OUR CHILDREN

(By David S. Broder)

Under the shadow of war with Iraq, the House and the Senate last week fought a series of skirmishes over the federal budget for next year. One big, overriding question was at stake: Would President Bush and the Republican majorities in Congress step up to the costs of battle, of homeland defense and of national obligations at home, or would they pass the costs on to future generations?

The answer, sadly, is that youngsters yet to be born will see their choices limited and their prospects blighted by the decision of today's politicians to press ahead with an unaffordable tax cut even while the costs of war and reconstruction make earlier spending estimates wildly unrealistic.

The possible doubling of the national debt in the next decade will drive up interest costs that must be paid every year—billions of dollars that will not be available for Social Security, Medicare or any of the myriad responsibilities of the government here and abroad.

But the squeeze is not all prospective. Some dangerous economies are being forced this year—cutbacks that will have long-term damaging consequences for American society.

This was brought home to me from an unexpected source in a group interview last week with six state attorneys general—four Democrats and two Republicans—who were in Washington for a professional conference. Their theme was one I had heard before, not just from social workers, academics and supposed bleeding-heart liberals but from police chiefs, prosecutors and other hard-nosed denizens of the criminal justice system.

It is the irrefutable evidence that the most effective anti-crime strategies—and the least expensive—are early childhood education, after-school programs and serious mentoring of youngsters who otherwise are almost certainly fated to be dropouts, delinquents and, yes, prison inmates.

Larry Long, the South Dakota attorney general and a 30-year career prosecutor, put it this way: "I can tell you that by the time kids of 12 or 14 are brought into the juvenile justice system, they are lost. All I can do is warehouse them—at huge expense. The sooner and faster we reach kids, the better the chance of their being saved."

Long and his counterparts from Colorado, Delaware, Maine, Montana and New Mexico described what they are doing to reach vulnerable youngsters—especially those being raised by single mothers still in their teens—and to help those parents stabilize lives often blighted by drugs or other addictions. But they also confirmed that many of their initiatives are on the chopping block, as states struggle with declining revenue and runaway health care costs for the elderly.

"These are proven programs that work," said Montana Attorney General Mike McGrath, "but our budget crisis is so severe we may not be able to meet the federal matching requirement"—the dollars a state must put up to qualify for a grant from Washington.

That is why they express such dismay at what they are hearing out of the Washington budget proceedings. The briefing paper that all the state law enforcement officials were given by the advocacy group Fight Crime: Invest in Kids spelled out some of the cuts included in the Bush budget.

Funds for the 21st Century Community Learning Centers after-school program would be cut from $1 billion to $600 million. The memo to the attorneys general says that cutback would take a half-million children each year out of those-centers, even though unsupervised youngsters make the hours from 3 p.m. to 6 p.m. the peak time for serious and violent juvenile crime.

The Bush budget increases Head Start funding by $148 million, just about enough to keep pace with inflation, but the program now serves only six out of 10 preschoolers who are eligible. Several other early childhood block grants and programs are ticketed for reduction or elimination.

The picture is similar for other Justice Department an Education Department programs aimed at preventing juvenile delinquency.

"This is so shortsighted," said Maine Attorney General Steven Rowe. "For $300 billion, one-fifth the [10-year] cost of the new tax cut, we could fully fund all of these programs" for the next decade.

That kind of investment would not only save lives, the attorneys general said. It would save money. "We are spending $75,000 a year every time we incarcerate someone under 18," said Delaware Attorney General Jane Brady. "We have to jail them, educate them, counsel them and try to rehabilitate them. It would be so much better to help them while they are young."

It's another example of the long-term costs will incur today's budget decisions.

Mr. SARBANES. I want to quote a couple of paragraphs from the column:

Under the shadow of war with Iraq, the House and the Senate last week fought a series of skirmishes over the federal budget for next year. One big, overriding question was at stake: Would President Bush and the Republican majorities in Congress step up to the costs of battle, of homeland defense and of national obligations at home, or would they pass the costs on to future generations?

The answer, sadly, is that youngsters yet to be born will see their choices limited and their prospects blighted by the decision of today's politicians to press ahead with an unaffordable tax cut even while the costs of war and reconstruction make earlier spending estimates wildly unrealistic.

The possible doubling of the national debt in the next decade will drive up interest costs that must be paid every year—billions of dollars that will not be available for Social Security, Medicare or any of the myriad responsibilities of the government here and abroad.

But the squeeze is not all prospective. Some dangerous economies are being forced this year—cutbacks that will have long-term damaging consequences for American society.

He then cites conversations he had with a number of attorneys general of the States, pointing out that cutting back on programs for young people will have disastrous consequences.

Once again, that is the connection that has to be made to giving these large tax cuts. I listened to my colleague from North Dakota as he talked about the procedure. I put a question to him. It strikes me as all a charade, is it not? As I understand it, we are going to pass a budget resolution that is going to have a tax cut figure in it. The Finance Committee in the Senate will be told they cannot reach that tax figure. They have to have the lower tax figure, as I understand it. But then when they go to conference to reconcile their tax figure with the higher House tax figure, let's say they settle at the higher tax figure, the House tax figure, the full amount, then they can bring it back to the Senate and that is protected under the special reconciliation procedures. Is that how it will work?

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I would say to the Presiding Officer, in response to my colleague, it is truly a perverted result we have here. Aside from the substance of this budget, which I find appalling, the procedure is even worse. The procedure that was designed to provide a fast-track procedure to reduce deficits has now been seized upon to expand deficits. If that isn't standing history on its head, I don't know what is.

What they have done here is, they couldn't get a vote out of this Chamber to have a tax cut bigger than $350 billion. So what they did is, they went into a secret meeting in a room with the minority locked out, and they conjured up a scheme that says both committees are given an instruction, the tax committees, to cut taxes under these special fast-track procedures by $550 billion and another $725 billion on top of that outside of the fast-track procedures.

And with respect to those that are given the special protection, the $550 billion, the Senate Finance Committee is told, oh, wait a minute, there will be a supermajority point of order if you report anything more than $350 billion. But don't worry about that because when it goes to a conference committee between the House and the Senate, you can come back with the bigger number and still enjoy the protections, the special provisions of reconciliation that take away a Senator's fundamental right to debate and amend. That is what is happening here.

I say to my colleagues, we will rue the day this procedure is adopted. It has never been done before—never. What is going to happen here is going to fundamentally alter the Senate. The Senate was designed by the Founding Fathers to be different than the House of Representatives. It was designed to let a determined minority slow things down, to reconsider. But when it comes to reconciliation, forget it, because we have become just an extension of the House of Representatives. It will render the Finance Committee of the Senate irrelevant. All the Members of the Finance Committee should be aware of that. They are going to be irrelevant to this discussion because what is going to matter is what comes out of a conference with three or four people from both Chambers. They will come back here with whatever they decide. It will be an up-or-down vote, and a simple majority will pass it. And the fundamental role of the Senate is altered and diminished, and the strength of our Founding Fathers, the constitutional structure they created to protect this Nation, weakened. This is big stuff that is about to happen here. This is history-making stuff that is about to happen here. It is a dark day for this Chamber and for this country, in this Senator's view.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. While the Senator is waiting, I would like to show my colleagues what we have faced, what we were told would be the surpluses over the next decade. The Congressional Budget Office made their estimates 2 years ago, when they gave us a range of outcomes they said we could expect over the next decade. This is what they told us 2 years ago. They said this gray area were the possible outcomes, from least favorable to most favorable. They adopted as a prediction the midline. That is what they told us we were going to have $5.6 trillion of surpluses over the next decade.

I showed this chart repeatedly back in 2001, when we were considering the tax cuts, and warned my colleagues that we should not count on any 10-year projection. Some of my colleagues said: You are being way too conservative. We won't have the midpoint of this range of possible outcomes; we will have much more than that because the tax cuts will produce more revenue.

That is the same song we are hearing now. They said: No, we won't have $5.6 trillion in surpluses; it will be much more than that because the tax cuts will kick off additional economic activity and that will bring us even more revenue.

Well, let's go back to a reality check and see what happened. This red line is what has happened. It is below the bottom of the projections that were made just 2 years ago. That is where we really are. We are not at the midpoint. We are not at the low point of the range of projections. We are below the bottom. All those who said if you just cut taxes, you get more money, that is dream world stuff. It didn't work. It didn't come close to working. They were wrong. They weren't just a little bit wrong, they were totally wrong. The result is deep deficits and debt that will burden this society for decades to come. That is the fact.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to give a little different vantage point on some of these issues, and then maybe other colleagues will wish to speak.

I have heard kind of a continual part of the debate offered by our colleagues in opposition to this resolution that this is a terrible budget resolution. They say it is bad, worse, evil, preposterous, and absurd.

Wait a minute. At least we have a budget. Frankly, budgets are not easy. How much money are we going to spend, and how much are we going to tax? You always have a lot of people who want to spend more, maybe tax less, maybe tax more. I have heard a lot of comments that maybe we should be taxing a lot more. In the budget resolution, we assume the tax cuts we passed in 2001 would be continued in years 2011, 2012, and 2013. They would sunset at the end of 2010. I guess my colleague on the other side would like to have those tax cuts made tax increases in the years 2011, 2012, and 2013. That is about half of the tax cut that is in this bill. We need to do that. We need to address those tax cuts sometime between now and 2010. I doubt it is going to happen this year. If it does—I guess a bill could be offered and, if it is, it is debatable. I doubt that will be part of the tax bill that will be proposed under the reconciliation procedure.

In the President's proposed reconciliation growth package, he would like to have that happen quickly so we can get the economy moving. The economy is not moving very quickly. Some people presupposed that they knew exactly what was going to be in the tax bill. We tell the Finance Committee to cut up to $350 billion in the Senate. The House is $550 billion. We go to conference.

Most people count votes. I count votes around here. I think I know where the votes are going to be. I know Chairman GRASSLEY pretty well. I doubt we will come back from conference with something we cannot pass in the Senate. We will make that decision probably 5 weeks from now, not today. I hope we do things to grow the economy. The economy is going down. It needs help. I will mention to our colleagues that our colleagues had a stimulus or growth package. Theirs was almost all spending; 75 percent was spending, with very little tax relief. I guess their idea of a growth package is to grow government.

Our idea is, wait a minute, let's contain the growth of Government and have some incentive to grow the economy. Historically, in the tax arena—I happened to be elected in 1980, so I go back to that point. In 1980, the Federal Government took in $517 billion, and the maximum personal tax rate per individual was 70 percent. Ronald Reagan was elected President, and 8 years later the maximum tax rate was 28 percent. If you listen to the dialog we just had, you would think revenues would have fallen. We reduced tax rates from 70 percent to 28 percent. That happened over the first several years of the Reagan administration.

In 1990, total revenues to the Federal Government almost doubled, from $517 billion to over a trillion dollars. So we cut tax rates dramatically. But guess what. Revenues went up. Then I looked back a little closer. Well, President Bush increased the rate from 28 percent to 31 percent in 1990. When President Clinton was elected in 1992, he raised the rate from 31 percent to 39.6 percent. I have heard discussion about all these "massive" tax cuts for the wealthy and benefits to the wealthy. So far, the wealthy, the higher income tax brackets, are reduced a great big 1 percentage point, from 39.6 to 38.6. That is all that happened. Evidently, they say that is the reason we have this enormous deficit, which is absurd.

What do we do on the lower income? We took lower income rates that were 15 percent and made those 10 percent and made that retroactive. Then we passed a $500 per child tax credit. That is law. Now it is $600. So we have done a lot of things for lower income, to make them basically not pay Federal income tax, some of which was retroactive, or pay a lot lower rate.

I keep hearing all this class warfare and that these deficits are caused by the tax cut, and some people don't like tax cuts and they want to have tax increases, I guess, in the outyears. But I don't think that will help the economy. Some of us want to help the economy.

I looked back and, historically, we have done some things in this body, with bipartisan support, that helped the economy. We reduced capital gains rates in 1997 over the objection of the Clinton administration. They eventually signed the bill. We reduced the rate from 28 to 27 percent and it helped create and foment a lot of growth.

If you look at total growth in revenues in the last several years, in 1998, 1999, and 2000, revenues exploded to the

Federal Government—I think in part because we cut capital gains rates. So we can cut rates on occasion and it will help the economy. I am absolutely convinced that it had a great deal of economic stimulus when we cut the rates in 1997 and revenues exploded to the Federal Government. Unfortunately, in the last couple of years, revenues have declined a lot, mostly because the stock market has declined a lot.

So people talk about, wait a minute, we expected $5.6 trillion surpluses over the next 10 years. That was estimated by CBO. They were way wrong because the stock market had already started crashing. NASDAQ, which was exploding in the late nineties, declined by 50 percent between March of 2000 and December of 2000. CBO missed it. They didn't know what that would mean as far as projections. CBO did not forecast the terrorist attack on 9/11 and the disastrous impact that had on the economy and what that has caused in outlays.

I wanted to make a couple of those points. We need to grow the economy and we have a stimulus package that I believe will pass the Senate—and probably a comparable figure will pass the conference. It is a little bit more than our colleagues on the Democrat side wanted, except it is mostly on the tax side, not the spending side.

The other criticism is, wait a minute, this budget is so terrible. Well, at least it is a budget. It is critically important that we pass it. Last year, we didn't even have a budget on the floor of the Senate. One passed through the Budget Committee; my compliments to the chairman for that, but we didn't have a chance to even vote on the floor of the Senate. I think people can be pretty critical, but I think we need to be a little more reserved. It is important that we pass a budget.

I urge our colleagues to be mindful, if we do not pass a budget, one example would be: One could come up on a bill next week, and the bill might be a small authorization bill. Someone can offer an amendment to it and say: Let's spend $1 trillion on a new program, maybe it is prescription drugs or some other type of program that sounds really good. Let's spend hundreds of millions of dollars on education. Sounds good. Let's spend hundreds of millions of dollars—we could do all those things, and if we do not pass this budget today, there would be no 60-vote point of order. Spending would be running rampant. We would be totally out of control. We would have no caps on appropriated caps and no limit on the $2.2 trillion we are spending today, and there is no limit on the demand for Federal spending. It could get out of hand very easily. The only limitation we would have would be the potential threat of a Presidential veto.

We need to govern better than that, and we need to show some discipline. If we remember those 51 votes when we passed the budget resolution, there were countless amendments, almost all of which on the Democrat side were: Let's grow spending; let's increase spending. Deficits are not caused just on the revenue side, they are caused by spending more than we take in.

I wanted to make those points in response to our friends and colleagues on the other side.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we can debate economic theory for a long time. What is not open to debate is what has factually occurred. Let's go back. Two years ago, we were told this was the range of outcomes looking forward in terms of the budget surplus. The Congressional Budget Office and the President's Office of Management and Budget said they adopted the midpoint of this range. We are going to have $5.6 trillion of surpluses. Our friends on the other side said: Oh, no, it is going to be better than that because we are going to cut taxes; it is going to lead to bigger surpluses; it is not going to be the midpoint of the range of possible outcomes, it is going to be even better than that.

That was fantasy world stuff. We tried their approach. It failed. It did not even come close, not even hailing distance of what happened. Here is what happened. We wound up below the bottom of the range of projected outcomes with deficits and debt as far as the eye can see.

What is the answer of the other side? Let's do it again. Let's try it again. Let's dig the hole deeper. Let's run up more deficits, add more debt, and that will strengthen the country. Does anybody honestly believe that more deficits and more debt are going to strengthen the country when we are on the eve of the retirement of the baby boom generation that is going to explode the cost to the Federal Government, and these folks come forward with tax cuts that explode at the very same time when we are already in record deficit? I tell you, is there no common sense left?

Here is what our Congressional Budget Office, headed by their appointee, straight from the Council of Economic Advisers of the President of the United States, tells us if we adopt this proposal. He has done seven different models. He used their dynamic scoring, the idea that we are going to get more money if we cut the taxes. What did he find? In four of the cases, the deficits are even bigger. In three of the seven, the deficits are somewhat smaller, although all of them massive.

What does he say:

> CBO estimates show lower deficits relative to so-called static scoring only by assuming large tax increases beginning in 2014.

Hello, is anybody listening? He is saying, all those who said the problem is they are not using dynamic scoring, they are not showing the positive effects of the tax cuts, if we just do that, we will see the deficits are not going to be so bad. So we turned it over to their guy, straight from the President's Council of Economic Advisers, and he comes back and says to us: Oh, no, the deficits are not going to be smaller, they are going to be bigger because of the deadweight of deficits and debt. You cannot take on all this borrowing and strengthen the country. You weaken the country.

Then he looked at three other possibilities. He ran three other models. Do you know what he said: Yes, the deficits could be somewhat smaller than would otherwise be the case, but that is on the theory that people are going to work harder over the next decade in preparation for the massive tax increases to come.

Let me repeat that: The only way the deficits are smaller than so-called static scoring is if you assume the American people are going to work harder in anticipation of the massive tax increases to come to deal with these deficits that are exploding out of control.

If anybody can seriously come out here and justify this proposal and these budgets, come on out, let's debate it. I do not see them. Where are they? Come on out here; let's debate. Let's debate what the effect of this budget is, $1.3 trillion of tax cuts on top of an initial $1.1 trillion of spending when we are already in record deficit on the eve of the retirement of the baby boomers, we are at war, a cost of which we do not know.

There is only one possible outcome: More deficits, more debt in a way that is totally unsustainable, and that will lead to massive cuts in Social Security and Medicare and all the rest of Government. That is what is coming next.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending budget resolution. I was very much impressed with the comment by the distinguished Senator from North Dakota who really questioned if anybody is listening. I think the answer to that question is generally no. The positions in this Chamber are really frozen. We are looking at a 50–50 vote to be broken by the Vice President, and, realistically, we are going through the motions of a debate.

Then the Senator from North Dakota says: Let's have a debate. We have been having a debate today. We have debates lots of days, but most of the time we talk right by each other. The proliferation of charts adds more confusion than clarity. I do not know that there are very many viewers on C-SPAN2 who even flick on their sets with the monotony of the kind of debates which we have in the Senate; which I would say is a blame attached universally on all sides and to all Members.

The one factor I think is most important is that we get a budget just to get a budget. We have a lot of argument about tax increase, no tax increase, what is the amount of the tax increase. An arrangement has been worked out really to sort of save face with all parties involved here so we could come to some terms and move on.

Last year, we did not have a budget. When the Democrats were in control of this Chamber, there was no budget resolution offered on the floor of the Senate, and I do not say that in a partisan way. I think too often there is debate and there are arguments which are partisan Democrats versus Republicans bickering, much to the dissatisfaction of the American people. But not having a budget resolution was very detrimental to the whole appropriations process where we could not curtail spending and have a discipline. For those who may be listening on C-SPAN2 or for a few people in the galleries, there are no Senators on the floor to listen, 60 votes are required to increase spending beyond the budget allocation if there is a budget.

Sixty votes are hard to come by, but if only 51 votes, or a majority of those present, are required, then spending goes up.

I visited Israel earlier this year, and the Palestinian Authority has a new finance minister. I was delighted to learn that the Palestinian Authority has a budget. I exchanged views with him that the Palestinian Authority had something the Senate did not have. The Senate did not have a budget. It was not reported out last year by the Budget Committee. It is vital we have a budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I would like to correct the record with respect to one thing the Senator from Pennsylvania said, I think inadvertently. The Budget Committee did report a budget last year. It did not come to the floor, but the Budget Committee did report a budget. The determination was made not to bring it to the floor. That determination was made because the Senate had a 10-year budget, the House had a 5-year budget. The Senate had used the more conservative OMB estimates. The House had used the more liberal OMB estimates.

It was very clear there would not be a reconciliation between the two.

I will be happy to yield in a moment. The Senator, the ranking member of the Budget Committee, and I determined that we would bring a 2-year budget to the Senate. We did that. That required 60 votes to pass because it was not a product of the committee. We got 59 votes for that 2-year budget in the Senate; it required 60 votes.

The further facts are that we had all Democrats voting for it, we had 8 Republicans voting for it, including the ranking member of the Budget Committee, the ranking member of the Appropriations Committee, and others, but because we did not have 60 votes, it did not prevail.

It should also be known that the Appropriations Committee, on a unanimous vote, adopted the spending recommendation contained in the budget resolution passed in the committee. They adopted it on a unanimous vote.

Because of differences in the House, there was no final conclusion on most of the appropriations bills. They were held over to this year. And interestingly enough, the conclusion was a total that was within $2 billion of what we had proposed from the Budget Committee. So there was almost no difference—on over $700 billion of spending—almost no difference between what we proposed and what was ultimately passed in the early part of this year.

I am happy to yield.

Mr. SPECTER. Mr. President, when the Senator from North Dakota says there was "almost no difference," $2 billion, I respectfully disagree with him that that means "almost no difference." Regrettably, around the Senate Chamber, and the House Chamber, we think $2 billion does not amount to very much.

The question I have for the Senator from North Dakota is in a context where the 2-year budget was turned down and there had been a 1-year budget prepared by the committee, as articulated by the Senator from North Dakota who was the chairman last year and who specifies differences between the House and the Senate where there were different assumptions made and many differences; that is what a conference is about. If the Senate had passed a budget, having failed on a 2-year budget, and had gone back and brought to the floor a 1-year budget with differences, that is what a conference is about.

Why didn't the distinguished Senator from North Dakota, then-chairman of the Budget Committee, proceed to get a budget, take it to the House, and have a conference so we could have a budget?

Mr. CONRAD. I didn't make that determination. That was made in a higher pay grade than mine.

The budget we had done in the committee was a 10-year budget, and the budget in the House was a 5-year budget. We had used the more conservative CBO assumptions, and they used the Office of Management and Budget assumptions. We went to a 2-year budget because we thought that had the best prospects of securing the votes necessary to actually have a budget blueprint in the Chamber. We did get 59 votes. We did get a unanimous consent agreement from the appropriators to stick to that number.

For other reasons there was disagreement with House appropriators outside of the budget with respect to priorities.

I say to my colleague, no question, we would be better off to have a budget. That is a fundamental responsibility. It did not happen last year for lots of reasons. I have tried to enumerate some of those.

I personally am committed to the budget process. I think it is critically important. I agree with the Senator with respect to that observation.

Mr. SPECTER. Mr. President, my followup question is, Would the Senator from North Dakota identify who made the decision? The distinguished Senator from South Dakota is on the floor now. Was the decision made by Senator DASCHLE, the majority leader?

Mr. CONRAD. The decision, it is fair to say, was a collective decision and probably was the wisest course given the circumstances we faced at the time.

We could ask the 41 who voted against the 2-year budget: Why did they fail to vote for what was a bipartisan budget proposal right here on the floor of the Senate that would have provided the budget blueprint? They had the chance: 59 Members voted for it, for a budget outline; 41 did not. The question ought to be directed to the 41 who voted no.

Mr. SPECTER. If I may proceed to question one step further. I think the Senator from North Dakota talked about apples and oranges. This body does not have to go to a 2-year budget, if it does not choose to, to produce the 60 votes when the customary practice is a 1-year budget.

I don't recollect with precision, but my instinct is that I supported the 2-year budget. I have supported votes to try to get this to conference to be resolved.

When the Senator from North Dakota says probably it was a wise decision, there is a lot of disagreement about that. I believe it is the duty of the majority party to bring a budget to the floor. I admire an effort to bring the 2-year budget. I think we ought to have a 2-year budget so we can spend more time on oversight, a subject sorely neglected. If that does not succeed, it does not take 59 votes to bring a 1-year budget to the floor. That is the duty of the party that controls the Senate.

When you talk about a majority of the appropriators agreeing to stick to the budget, or unanimous among the appropriators, that does not mean a whole lot because that does not bind the Senate to the figure.

I note the presence of the distinguished Senator from South Dakota on the floor. Might I inquire if the Senator from South Dakota would care to respond as to why we did not have a budget?

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota has the floor.

Mr. CONRAD. The Senator from North Dakota reclaims my time, and I say to the Senator from Pennsylvania, the Senator from Pennsylvania voted no. We had a 2-year budget. The Senator said he supported a 2-year budget; he voted no. The Senator had a chance last year to vote for a 2-year budget. He voted no; 59 Senators voted for it. We had an opportunity.

Mr. CRAPO. Will the Senator yield?

Mr. CONRAD. I will not yield until I finish. The Senator had an opportunity. Every Senator had an opportunity. And it is not the typical order to have a 1-year budget in the Senate. We deal with 5-year or 10-year budgets, not 1-year budgets.

Last year, in an attempt to achieve a budget on a bipartisan basis, we brought a 2-year budget to the floor. It was rejected; 59 Senators voted aye. It was a bipartisan vote; 41 voted no. They had their chance to have a budget, and they decided not to.

The PRESIDING OFFICER. The Democratic leader has sought recognition and is recognized.

Mr. DASCHLE. Mr. President, I appreciate this colloquy.

The distinguished Senator from North Dakota did everything within his power to reach the bipartisan consensus required to achieve a budget last year. I give him great credit for the efforts he made, in so many ways, to reach across the aisle, to find that bipartisan consensus throughout the year.

Unfortunately, we had very little response or help.

When we came to the conclusion, finally, that perhaps the best thing to do would be to move a 2-year budget resolution, as he correctly noted, we did get a bipartisan consensus on that but not enough to reach the 60 votes. Unfortunately, had the Senator from Pennsylvania chosen to support that resolution, we would have had the necessary 60 votes and hopefully worked out the remaining differences with our House colleagues in spite of the chasm that existed between their proposal and ours.

I appreciate very much the clarification made by the Senator from North Dakota. I again thank him for his efforts and the contribution he has made to this debate.

I also thank him for his earlier presentation to the Senate. My only regret is that more people could not have had the opportunity to see it. I think it is very instructive. I am inclined, almost, to go through the charts once again just because they are so good and they have such a compelling message, but I will leave that to our distinguished manager on budget matters. I appreciate very much the presentation he has made.

Mr. President, I come to the floor with sadness and with great regret at the position the Senate finds itself in today. I don't know that we have a clear indication whether the votes are there for this resolution. I hope we do not. But I assume our Republican friends would not come to the floor if they didn't have the votes.

I am troubled by this resolution for a number of reasons. First, I am troubled by the obsession with tax cuts that appears to be so much a part of the motivation behind the construction of this resolution, an obsession with tax cuts that led the majority leader of the House a couple of days ago—I guess it was last week—to say:

> In the face of war, nothing is more important than cutting taxes.

I have thought about that quote on so many occasions:

> In the face of war, nothing is more important than cutting taxes.

I assume by that he meant nothing in terms of the commitment we make to our military, nothing in terms of the commitment we make to homeland security, nothing in terms of the commitment we make to education, to the needs of people at every level.

So it is troubling to me, first, that this obsession with tax cuts articulated so succinctly by the House majority leader could be so much a part of this resolution. This obsession with tax cuts, as noted by the distinguished Senator from North Dakota, will cause us to experience deficits and accumulated debt unprecedented in this country. We are told, as a result of this resolution, we will see unified deficits exceeding $300 billion. We anticipate under this resolution there will be a $1.95 trillion increase in the accumulated debt for the period 2002 through 2011.

We began, 2 years ago in the 107th Congress, with a projected surplus of $5.6 trillion. We will now experience accumulated deficits of $1.95 trillion, leading us to a $7.6 trillion swing in our fiscal circumstances in just 24 months. That, too, is unprecedented.

As the distinguished Senator from North Dakota noted, the ranking member of the Budget Committee, close to 40 percent of that swing is attributed to the tax cuts previously enacted or incorporated within this resolution. I don't know the degree to which we can calculate a direct connection between higher interest rates and the demise in our economy as a result of the fiscal problems we are likely to face if we adopt this resolution. But the deficits and the debt anticipated and actually outlined in this resolution present unprecedented and extraordinarily complex—in some ways, unimaginable—fiscal challenges as we look to the future over the next decade or so.

I suppose some would argue that the tax cuts of this magnitude could generate an economic recovery that could bring about an improvement in both the deficit and debt projections and the economy. We will hear that argument, I am sure, throughout the day.

But in a letter that addressed the President's economic stimulus package, 450 economists have said this package will not generate economic activity and will probably cause a loss of jobs. The CBO has actually reported that it is possible we could see a net decline in economic growth of just under 1 percent if the President's economic proposal, as it has been presented, goes into law.

There is no economic stimulus involved here. The CBO says it. Most of the major mainstream economists say it. Therefore, we can't be motivated by any expectation that economic stimulus somehow drives the need for these tax cuts.

On Wednesday, in the New York Times, there was an article coauthored by five public servants who, between them, helped pull our country out of four severe recessions in the last 30 years: former Secretary Robert Rubin, former Commerce Secretary Peter Peterson, former Senators Warren Rudman and Bob Kerrey, and former Chairman of the Federal Reserve Paul Volcker. This is what they had to say about the economic stimulus and the tax cuts incorporated in this particular resolution:

> Given the rapidly deteriorating long-term fiscal outlook, neither proposal is fiscally responsible. It is illogical to begin the journey back towards balanced budgets by enacting a tax cut that will only make the long-term outlook worse. Furthermore, the proposed tax cuts are not useful for short term fiscal stimulus, since only a small portion would take effect this year. Nor would they spur long-term economic growth. In fact, tax cuts financed by perpetual deficits will eventually slow the economy. . . .
>
> They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation.

You can't be any more unequivocal, any more clear than that. Our best, most experienced minds in the country urge us, advise us, plead with us: Do not make this choice. Five percent of the tax cuts incorporated in the reconciliation package that we anticipate will be before us in a few weeks—5 percent of the total tax cuts assumed in this resolution will be realized this year: $61 billion, less than 1 half of 1 percent of our GDP.

Yet what do the economists tell us? The economists tell us: First, if you are going to have an economic stimulus package, do it now. Make it immediate. Make it broad based. Make sure it is fiscally responsible.

On those three counts, the tax cut legislation anticipated within this resolution all fail. So that leaves me with a third concern. The third concern is what it does to our national investment.

This resolution assumes a $168 billion cut in domestic investments over the course of the next 10 years. That means there will be cuts in homeland security, cuts in education, cuts in law enforcement, cuts in health care for veterans, cuts in infrastructure—cuts in all of those specific needs that make this country stronger.

I am troubled by that. I am troubled by the realization that, in part, I believe supporters of this resolution wish to reduce the flow of Federal funds to these investments for ideological rather than economic or fiscal purposes.

So, Mr. President, this is a very difficult day for our country, a day when we will commit to deficits unlike we have ever seen before, a day when, as a result of those deficits, we are likely to see economic circumstances get worse, not better, a day when, by the admission of those who support this resolution, we can anticipate dramatic cuts in the investments in those areas for which there is great need.

We have talked at length on the floor over the course of the last several months about homeland security and how badly our first responders need help and the importance of addressing the needs of the States as they confront their own immense fiscal challenges.

We have talked about the need for providing additional funding for the No Child Left Behind Act, how critical it is that we find a way to bridge the shortfall between the expectations and the unfunded mandates incorporated within that bill, and the reality that funding for these programs does not just materialize unless we appropriate it.

Serious problems with regard to law enforcement: As crime goes up, our investments in law enforcement, under this resolution, go down.

Problems in Medicaid for the States: The shortfall has never been greater. And the health concerns that nursing homes and hospitals are experiencing, all through rural America in particular, are commensurate with the shortfall that we find in this resolution.

So we can do better. While there are those who continue to talk about the budgets of last year, I think our focus now must be on the budget before us. And I think the first test legislation must pass before we support it ought to be: Do no harm. There is a lot of harm done in this resolution, and that is regrettable.

I hope our colleagues will think very carefully prior to the time they cast their vote. I will be casting a vote in opposition to the resolution. I urge my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there has now been an opportunity to obtain the vote referenced by the Senator from North Dakota, and it was not a resolution for a 2-year budget at all. It was an amendment made by Senator FEINGOLD which would set caps for 2 years. But that is not a 2-year budget resolution.

The idea of a 2-year budget resolution has been discussed widely in this body for many years and has been advocated by the distinguished Senator from New Mexico, Mr. DOMENICI, who chaired the Budget Committee for many years. It is a proposal that I have long supported.

I, frankly, did not remember any resolution for a 2-year budget coming to the floor when it was mentioned by the Senator from North Dakota. But if it had come to the floor, if there had been a resolution for 2 years, I would have supported it because of my longstanding sense that the Congress does an inadequate job of oversight, finding out what is happening in the executive branch, because we spend so much time on the budget and then on the appropriations process.

As chairman of the Subcommittee on Labor, Health and Human Services, and Education, it occupies months of time. So if it can be done in 2 years, then it would be a big savings.

But I recall very well when the Feingold amendment was offered. And there was a major effort by appropriators, significantly, to adopt it, which would set a cap. I refused to back that because I thought it was inappropriate to have a way out for the Budget Committee, which had not established a budget.

The budget law was passed in 1974, and for 27 years, this body has had a budget—until last year. And if the Budget Committee could avoid or evade its responsibility in coming up with a budget, and then have a simple cure by having an amendment offered which would set a cap, what motivation would there be for a budget?

To set a cap is not to have a budget resolution. A cap simply means what the total expenditure will be. It does not mean what the budget will allocate for various categories of expenditures.

We spend a protracted period of time in establishing a budget, and we have many votes. In the last, during what we called a vote-a-rama, we voted dozens of times on specific amendments. So you do not have a budget resolution when you establish a cap.

I ask unanimous consent that the RECORD Vote Analysis be printed in the Record—this is compiled by the staff of the Republican Policy Committee—and that a similar document be printed in the RECORD, provided to me by the Senator from North Dakota, which repeats that the Feingold amendment establishes discretionary spending caps for fiscal year 2003 and fiscal year 2004, which is the same 2-year period.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the 107th Congress, 2d Session, June 20, 2002]

SENATE RECORD VOTE ANALYSIS—VOTE NO. 159

DEFENSE AUTHORIZATION/BUDGET ENFORCEMENT, HIGHER SPENDING

Subject: National Defense Authorization Act for Fiscal Year 2003 . . . S. 2514. Feingold motion to waive the Budget Act for the consideration of the Feingold amendment No. 3915, as amendment.

Action: Motion Rejected, 59–40.

Synopsis: As reported, S. 2514, the National Defense Authorization Act for fiscal year (FY) 2003, will authorize a total of $393.278 billion in new budget authority for national defense programs (last year's bill provided $343.284 billion). The Administration requested $396,396 billion, including $3.5 billion pay for a shift to accrual accounting for civilian employee health and retirement benefits; this bill will not make that shift. The bill was reported on largely party lines due to a cut in the Administration's request for funding for missile defense programs. Democrats favored the cuts and Republicans opposed them.

The Feingold amendment, as amended, would modify and extend various budget enforcement mechanisms. It would extend the statutory discretionary spending cap points of order through 2007, but would set caps for only the next 2 years. It would cap discretionary spending budget authority for FY 2003 at $768.1 billion and for FY 2005 at $784.4 billion (the cap for FY 2002 was $710 billion); for FY 2003, separate spending caps (a firewall) would apply to defense and non-defense spending. The "pay-go" point of order on revenues and mandatory spending would be extended through 2007 (the pay-go point of order requires any decrease in revenue or increase in mandatory spending to be offset with either a corresponding increase in revenue or decrease in mandatory spending; it takes a three-fifths majority (60) vote to waive this point of order). The pay-go point of order would expire at the end of the year following a year in which an on-budget surplus was reported. $25.4 billion in advance appropriations would be permitted in FY 2003. The current bar on delayed obligations would not be extended.

Senator GRAMM raised a point of order that the Feingold amendment violated section 306 of the Budget Act. Senator FEINGOLD then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

Note. A three-fifths majority (60) vote is required to waive the Budget Act. After the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

Those favoring the motion to waive contended:

Argument 1

This amendment would extend expiring budgetary restraints. Those restraints, which apply to both mandatory and discretionary spending, are urgently needed. Most of the provisions of this amendment are noncontroversial. However, some Senators have objected to a few of its provisions. The main objection they have raised is that the amendment would supposedly allow too much discretionary spending. They have suggested that if we had adopted a budget resolution as a free-standing measure we could have avoided this supposed problem. In response, we concede that a budget resolution has not been adopted by the full Senate this year, but the Budget Committee did pass such a resolution. It set spending at a level that was just $9 billion higher than the President requested. Both the Budget Committee's resolution and the President's proposed budget increased discretionary spending significantly over last year's level of $710 billion in order to increase defense spending by $45 billion and homeland defense by $4.5 billion. When one takes those numbers out, one finds that the spending cap proposed in the Budget Committee will increase non-defense spending by less than 1 percent this year. Further, we think that in many respects it is just a more honest version of the President's budget, because the largest differences are that it will not assume spending cuts in particular areas requested by the President because everyone knows Congress is going to fund those areas. Overall, non-defense discretionary spending will rise less than 1 percent under the Committee's budget. This amendment would take the discretionary limits in the Committee's budget for 2 years. We believe that those limits are very frugal. Our colleagues' only other substantive objections to this amendment are that it would allow an increase in advance funding and would not retain current restrictions on delayed obligations. Neither of those objections give sufficient reason to vote against this amendment. The proposed increase for advance appropriations is marginal, and the delayed obligation restrictions would not be renewed by this amendment solely because they are so complex they are never applied. The final argument against this amendment is that it should not be offered to the defense authorization bill. We disagree. This bill sets a limit on the amount that can be appropriated for defense; the defense appropriations bill is the largest spending bill considered each year. Considering an amendment regarding total Federal spending on this authorization bill therefore makes sense. The point of order that has been raised is that this amendment is not germane. This point of order should be waived.

Argument 2

Congress has been spending discretionary funds like drunken sailors the last few years, but the fact remains that the biggest threat to our Nation's long-term solvency is entitlement, not discretionary, spending. Yes, this amendment would allow $9 billion more in discretionary funds to be spent than the President requested, but we are more than willing to accept that increase in our $2 trillion budget if it means we are able to retain the pay-go point of order. If we do not retain that point of order, we will soon be faced with massive increases in entitlement spending, primarily on health care, that will need only simple majority votes to pass. Further, we note that once we put back in place that binding point of order, the President would still have his veto power to strike down any bill that he thought spent too much. We urge colleagues to be realistic. If we do not reinstate the pay-go rule, we will net end up $9 billion deeper in debt, but hundreds of billions of dollars deeper in debt. The trade-off is very acceptable.

Those opposing the motion to waive contended:

The Democrats, who are in the majority, have utterly failed in their responsibility to bring up and pass a budget resolution this year. Because of that failure, budget enforcement mechanisms that are expiring will not be renewed. When we consider spending bills in the coming weeks, we will be doing so without any budget blueprint to restrain spending and without rules to keep spending in check. Given this dismal situation, many Members may be tempted to vote for the Feingold amendment under the principle that some restraints will be better than nothing. However, it would be a mistake if they were to do so. This amendment would reinstate spending restraints only after substantially increasing the amount of money that could be spent. First, for next year, it would increase spending by $9 billion more than the President requested. Second, it would increase to $25 billion—a new record level—the amount of "advance appropriations" that could be passed. A third problem is that it would not renew a ban on a particular type of budget gimmick—deferred obligations—that was passed in the 106th Congress.

All of these matters could have been resolved if they had been dealt with appropriately on a budget resolution. We could have offered amendments and had debate on a wide variety of ideas instead of debating little bits and pieces on unrelated bills. Our Democratic colleagues have created a terrible mess, but they are still trying to push through budget enforcement procedures that would allow them to spend more money. We are not going to go along with these efforts. We encourage them to bring a budget to the floor; it is not too late. All Senators would have their rights to debate and offer amendments protected, and the resolution would be considered under the normal procedures that would ensure it would pass (or be rejected) by a time certain. If they were to follow that course, a bipartisan result would be likely. If they continue with this path, though, they are not going to get anywhere. The President has made clear that, unlike last year, he is not going to accept any increases in spending over his request. Spending has been going through the roof; it is time to draw a line against further increases. Therefore, we oppose the motion to waive the Budget Act for the consideration of this amendment.

YEAS (59)

Democrats
(51 or 100%)

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords[1]
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

Republicans
(8 or 17%)

Chafee, L.
Collins
Domenici
Gregg
McCain
Shelby
Snowe
Stevens

NAYS (40)

Democrats
(0 or 0%)

Republicans
(40 or 83%)

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
DeWine
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Smith (OR)
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING (1)

Democrats
(0)

Republicans
(1)

Helms[2]

[1] Official Business.
[2] Necessarily Absent.

Mr. SPECTER. And I conclude, Mr. President, by asking the Senator from North Dakota if establishing caps for 2 years amounts to a budget resolution for 2 years.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I suppose reasonable people could differ on what constitutes a budget for 2 years. The amendment that was offered last year was an attempt to adopt the budget that had been formed in the Budget Committee.

And what that amendment provided—and I have it before me now and the Senator is correct—was caps on spending.

It provided, for fiscal 2003, an overall amount for discretionary spending of $764,722,000,000. For the highway category, it provided $28.9 billion in outlays. For the mass transit category, it provided $1.445 billion. For the conservation spending category, it provided $1.922 billion.

It provided the framework—perhaps that is the best way to say it—of the budget that we had constructed in the committee. It was an attempt to give the appropriators the budget framework to go forward so they could do their work.

That is what the attempt was. I think it is fair to say it was not a full budget resolution. I would say that to my colleague. A full budget resolution is not a 2-year document. What the Budget Committee does with the full budget resolution is either a 5-year or a 10-year allocation of resources, both for taxing and spending. But it became evident we did not have the votes for that.

So what we tried to do was put in place this framework of a budget for 2 years, with caps set for 2 years, with the categories specified for the 2 years; but, more than that, to also provide an extension of pay-as-you-go provisions to include the budget enforcement mechanisms that were otherwise going to lapse and to provide the other elements that were important for the consideration of the individual decisions that the appropriators have to make.

I note my colleague from Massachusetts is here. He has asked for time. I yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Very briefly, Mr. President, I frankly expected more from the Senator from North Dakota. When he says, and I read his words, adopt a budget formulated in the Budget Committee, there was nothing in the Feingold amendment about a budget formulated in the Budget Committee. When the Senator from North Dakota recites a long list of categories and then says they provide a framework, there were no categories in the Feingold amendment. There was no framework there. When the Senator from North Dakota says it was not a full budget resolution, he really ought to say there was no budget resolution at all because that is the fact.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I tried to be as frank and forthcoming as I could be. When the Senator says there were no categorizations, there were. I would be happy to enter it into the RECORD. It is not true to say there were not. There were.

You had the discretionary spending amount and the other elements that I described for the highway category, for the discretionary category. I don't know what the Senator is looking at.

Mr. SPECTER. Will the Senator yield for a question?

Mr. CONRAD. Let me finish the thought and then I will be happy to yield.

Maybe we are looking at different things, but I offered an amendment to the Feingold amendment providing for these categories, providing for the discretionary amount, providing for these other categories. That appears in the RECORD as an amendment numbered 3916 to amendment No. 3915.

That is what I am discussing here.

I do yield 15 minutes to the Senator from Massachusetts. I am sorry. Would the Senator from Massachusetts withhold. The Senator from Pennsylvania wanted to ask a question. I am happy to yield to him.

Mr. SPECTER. I discussed this informally with the Senator from North Dakota, and he handed me a vote, which I read from, which was the Feingold amendment which established caps for 2 years. The Conrad amendment had nothing to do with what the Senator from North Dakota handed me. But these will be in the RECORD, and people who read the RECORD can come to a conclusion themselves. I think there is absolutely no doubt not only that this is not a full budget resolution but that it is no budget resolution at all.

I yield the floor.

Mr. CONRAD. Mr. President, perhaps it does no good to prolong this. But this was the chance we had to put in place the spending limits for last year and this. It was our chance to establish what a budget resolution does. A budget resolution outlines what are the resources available, and it was our best chance to put in place that structure, to have the Appropriations Committee know what was available to them. That vote was held.

I am happy to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The acting minority leader has the floor.

Mr. CONRAD. I have yielded to the Senator from Massachusetts for 15 minutes.

The PRESIDING OFFICER. Has the Senator from Pennsylvania sought recognition?

Mr. SPECTER. Mr. President, when the Senator from North Dakota said the amendment put in limits, he is correct. The Feingold amendment did seem to put in limits. When he says that is what a budget resolution does, he is correct also. A budget resolution does put in limits. But a budget resolution does much, much more. A budget resolution specifies categories. It is an elaborate document that specifies categories of expenditures, and that was not in the Feingold amendment.

Mr. CONRAD. Mr. President, the Senator is correct on that. I have no interest in saying it is something it was not. The Senator is correct on that. But I would say to the Senator, this was our best chance to put in place a budget framework to give the Appropriations Committee an indication of what was available to them to spend and not to spend more than that and to put in place the pay-as-you-go restrictions and to put in place the other budget enforcement mechanisms so that the functioning of the Congress could go forward.

I understand the Senator, for whatever reason, decided to oppose that. I just say to him, that was our best chance of putting in place the framework for a budget. It didn't happen. All of us can take responsibility. I will take my share of responsibility. I regret very much that the budget that I took out of the committee didn't come to the floor and we didn't have a chance to conclude action on it. I was pleased that we were able to get bipartisan agreement, at least with respect to that budget framework. I wish it would have passed. I think that would have been a good thing. But it did not.

I yield 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the budget that passed the Senate 2 weeks ago was not a good one. The budget which returned from conference today is much, much worse. It provides for far larger tax cuts—totaling more than a trillion dollars. It provides less resources to meet our urgent domestic needs in education, in health care, and in homeland security. It relies on an unprecedented parliamentary gimmick in a desperate attempt to force a bigger tax cut through a reluctant Senate. The Republican leaders who controlled this conference had a single goal—more and deeper tax cuts primarily benefitting the wealthiest taxpayers. This budget clearly shows that they are willing to sacrifice the well being of the American people and make a mockery of the budget process to achieve their goal. We should have the courage to reject it, and enact a responsible budget in its stead.

The conference report nullifies nearly all of the improvements which were made to the budget on the Senate floor. A majority of Senators reduced the size of the overall tax cut. The Republicans in conference raised it back up by $400 billion, from $857 billion to $1.23 trillion. A majority of Senators reduced the amount of tax cuts which could be fast-tracked under the reconciliation process to $350 billion. The Republicans in Congress are attempting to substantially increase that number through a parliamentary gimmick. On the floor, a majority of Senators voted repeatedly to provide additional resources for our top domestic priorities. The Republicans in conference eliminated most of those gains, reducing domestic spending this year by $7 billion. Less for education. Less for health care. Less for homeland security. A majority of Senators should now defeat this irresponsible conference report.

The manner in which the conference report deals with the size of the tax cut is particularly disturbing. It has been designed to maximize the amount of new tax breaks which can be fast-tracked through the Senate. The $350 billion limit on the amount the Finance Committee can report out under reconciliation is a sham. Under this budget resolution, when the tax bill returns from conference, it can provide for up to $550 billion in new tax breaks and still be protected by reconciliation. That is outrageous. Only 2 weeks ago, a bipartisan majority of Senators said $350 billion would be the limit. It was all the Nation could afford. In just 2 weeks, the number has grown by $200 billion. Why? Because the Republican leadership is desperately trying to save the President's ill-advised elimination of the tax on dividend income. That is not a tax cut to help working families and stimulate the economy. That is a tax boondoggle for the wealthy few. Half of all the tax benefits from the elimination or reduction of the dividend tax would go to the richest 1 percent of taxpayers, and 80 percent of the benefits would go to the wealthiest 10 percent of taxpayers. It is unaffordable. It is grossly unfair. No one can claim with a straight face that this is a moderate budget.

The impact on education is devastating. The Republican conferees cut $20 billion in education and training resources over the decade from the Senate passed budget. They stripped the Murray amendment which would have increased funding to make real the promise of No Child Left Behind. They stripped the Kennedy-Dodd-Collins amendment which would have increased the Pell grants of 4.8 million students struggling to pay higher tuition costs. To my constituents in Massachusetts this will mean a loss of $24 million in Pell aid. The Republican leaders who dictated this conference report ignored the education concerns of a bipartisan majority of Senators. And that same bipartisan majority should now reject this shameful budget.

The budget resolution before us actually reduces funding for the No Child Left Behind Act school reform and cuts over half a million children from after school programs. How can President Bush abandon his unequivocal promise of full funding for the school reforms required by the No Child Left Behind Act? That legislation was signed into law with great fanfare by the President just a year ago. But when the klieg lights go out and the bunting comes down and the cameras leave, the money isn't there. The Republican budget provides $8.9 billion less than we promised America's children. Six million children are being left behind.

On the floor of the Senate, we added an additional $40 billion to help the uninsured obtain health coverage. This was an expenditure which even the White House supported. But not the Republican conferees. They deleted it so there would be $40 billion more to finance their reckless tax cut scheme. Helping families get health care is obviously not a priority for them.

This budget has far less funding than is necessary to provide a meaningful prescription drug benefit for all seniors. It follows the administration's grossly unfair plan requiring the elderly to give up their family doctors and go into HMOs in order to obtain any real assistance with the cost of their drugs. Yet Republicans defeated amendments to increase the amount of money available for the prescription benefit and to make the benefit available to all seniors, not just those in HMOs. As a result, many seniors will continue to go without the medication they need every day to stay well.

The budget also contains the administration's plan to convert much of Medicaid into a block grant, reducing the long-term funding which is available to provide health care for the needy. The Republican block grant program would leave many innocent victims in its wake—sick and needy children and their parents, the disabled, and low-income workers and elderly. States are, in fact, being given a financial incentive to cut back coverage for those in need.

The administration plan would even abolish the highly successful CHIP program, which is providing five million children with a healthy start in life. CHIP would be rolled into the block grant, with no guarantee that all of these children would continue to receive health care coverage.

Budgets are the way a nation sets its priorities, and the priorities in this Republican budget are profoundly wrong for America. It fails to address the real problems of real families. It appears to have been drafted in a sound-proofed room so that the voices of working men and women, students and senior citizens could not be heard.

In the 2 years since President Bush took office, the well-being of American families has declined at an alarming rate. Ask most Americans how their lives have changed since President Bush took office, and they will tell you: declining job security; disappearing retirement savings; plummeting school budgets; rising college tuition; skyrocketing health care and prescription drug costs; Federal budget deficits threatening the future of Social Security and Medicare.

With the economy stagnating and continuing threats from terrorists, these are not normal times. Our responsibility in Congress is to pass a budget that meets the challenges of our time. Instead of more tax breaks for the wealthy, we should be concentrating on our national security and our economic security.

Surely, when our troops come home from Iraq, we want them to come home to a strong economy, with jobs that let them care for their families and save for a secure retirement. We want them to come home to better schools for their children, not schools facing drastic budget cuts, fewer teachers, and crowded classrooms. We want them to be able to afford health insurance, and know that their families will receive the quality health care they need.

This budget fails all these tests. It rejects the steps needed to restore the economy, and instead embraces ideologically rigid policies that have not worked and will not work. In 2001, President Bush pushed a $1.3 trillion tax cut through Congress that disproportionately benefits the wealthiest taxpayers. Now, at his urging, this Republican budget calls for an additional $1.3 trillion in tax cuts, even more heavily slanted toward the rich. That is not the solution to the problems facing America's families. That is a strategy that will only add to their problems.

Huge numbers of working men and women have lost their job security. As layoffs mount, they live in fear of being the next to be let go. There are 2½ million fewer private sector jobs in America today than there were just 2 years ago. Those looking for a job are finding it increasingly difficult to obtain one. The number of long-term unemployed workers has increased by nearly 200 percent since President Bush took office.

Health insurance is becoming less and less affordable for millions of workers and their families. Over two million more Americans are without health insurance today than there were 2 years ago. One in ten small businesses which offered their employees health insurance in 2000 no longer do. The average cost of health insurance is rising at double digit rates—up by 11 percent in 2001 and another 12.7 percent in 2002—nearly four times the rate of inflation. The health care squeeze on working families is getting tighter and tighter.

The cost of higher education is rising beyond the reach of more and more families. The gap between the cost of college tuition and the tuition assistance provided by the Federal Government has grown by $1,900 in the first 2 years of the Bush administration. As a result, the number of worthy students being denied the chance to go to college is growing each year.

For millions of families, their retirement savings have seriously eroded in the last 2 years. The value of savings in 401(k) plans and other defined contribution plans has declined by $473 billion in the last 2 years. Many middle-aged workers who thought their retirements were secure are suddenly being forced to consider staying in the workforce longer and reducing their standard of living in retirement.

These are the realities American families face today. It is no surprise that consumer confidence has dropped more than fifty percent since President Bush took office.

To all these problems, the Bush administration has one answer—more and more tax cuts predominately benefitting the wealthiest taxpayers.

In this current situation, the most irresponsible action Congress could take would be to accept the proposal of the Bush administration to enact major new permanent tax cuts. Yet, that is what this budget resolution does. The combined cost of the President's plan to exempt dividend income from taxation, accelerate the tax cuts for the upper income brackets, and make the 2001 tax cuts permanent would be over $1.3 trillion in the next 10 years. The conference report provides full funding for this plan. It will lead to an immense increase in the deficit which would trigger an additional $300 billion in interest costs on the larger national debt. We cannot afford the loss of an additional $1.6 trillion from the Treasury. Temporary tax cuts to stimulate the economy are affordable, but the President's large, permanent tax breaks are not. If the Republican plan is adopted, the Federal Government will not have the resources to meet urgent domestic needs in education, in health care, and in homeland security. The Republican plan will raid the Social Security Trust Fund for $2.6 trillion over the decade, threatening the benefits of future retirees.

If Congress accepts the Republican budget resolution, the on-budget deficit will be nearly $4 trillion by 2013. More than three-quarters of that amount is directly attributable to the Bush tax cuts enacted in 2001 and the additional cuts proposed in 2003.

The impact these new tax cut proposals will have is clear from this budget. When the President says "no" to obviously-needed spending on urgent domestic priorities such as education and health care, he says the war on terrorism requires us all to tighten our belts. The burden of these sacrifices falls mainly on low and middle income individuals and families. Yet the President refuses to ask the wealthiest taxpayers to share the burden. In the midst of his repeated calls on others to sacrifice, he is advocating over $1.3 trillion in new tax breaks primarily for those with the highest incomes. Such a policy is wrong and unfair.

Under the President's "economic growth" package, households with annual income over $1 million would receive an average tax cut of nearly $90,000 each year. In contrast, households in the middle of the income spectrum would receive an average of less than $300 a year in tax benefits. Exempting dividend income from taxation will take $400 billion out of the Treasury over the next 10 years. Half of that enormous amount—$200 billion—will go directly into the pockets of the richest 1 percent of taxpayers. The White House apparently sees no need for the wealthiest taxpayers to share in the national sacrifice. It cannot be wartime for middle America but still peacetime for the rich.

Despite the enormous amount spent on tax cuts, this budget resolution still does not provide the kind of stimulus that is needed to get the economy moving, nor does it provide help to those who are hurting the most. Under the Republican plan, less than $40 billion of the $1.3 trillion in new tax cuts will go into the economy this year when a stimulus is needed—less than $40 billion. There is no extension of unemployment compensation benefits to help the long-term unemployed.

There is no aid to States and local communities which are struggling with an increased demand for the health care and human services they provide, at the same time their revenues have sharply declined. This budget will not help to bring an early end to economic stagnation.

A recent analysis of the President's proposal to eliminate the income tax on corporate dividends determined that it is one of the least effective forms of stimulus, generating less than a dime of stimulus for every dollar of Federal revenue lost. This is further proof that the Republican tax cut plan is not about stimulating a stagnant economy, it is about further enriching the already wealthy.

The Nation cannot afford the tax breaks in this Republican budget. The President's tax cut proposals must be scaled back substantially to a far more affordable level.

Which of these choices will make the American community stronger and better able to face the challenges of the future? The decision to pass more and more tax cuts for the richest among us is a decision to ignore America's greatest needs. Now is the time for Congress to bring our policies back into line with our national values. Rejecting this conference report would be a good start.

Unfortunately, most Congressional Republicans have made their choice. For them, bigger tax cuts have a higher priority than educating kids, providing a secure retirement for seniors, and making health care available and affordable to more Americans.

The priorities clearly revealed in this Republican budget are not the priorities of the American people. Their voices have been shut out of the room where the real decisions are being made. If Congress does not change this budget, the American people will change Congress next year.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that the vote on the adoption of the pending budget conference report occur at 4 p.m. today, with the time until then divided equally for debate.

The PRESIDING OFFICER. Is there objection? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am constrained to object. We hope to have agreement in the very near future, but apparently somebody needs to be contacted who has not yet been contacted. I say to my colleagues, I apologize. I thought we had agreement, but I am just informed we need to wait another few minutes before we can reach agreement.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I wish to speak on the conference report. I think it is important we put into perspective the debate we are having today. You heard a lot of talk, if you listened to this debate, about the potential danger of tax relief at a time like this in our economy. You heard a lot of talk about skyrocketing deficits and what is the responsibility or the cause of those deficits, and the circumstances around which this budget has been brought to the floor.

I wish to step back a bit and look at my personal experience in Congress as an example of what it is we are really looking at, what the perspective is with regard to this debate.

I ran for Congress in 1993. At that time, we had massive deficits, in the neighborhood of $200 billion, $300 billion, $400 billion, $500 billion, and had been having those deficits for years. I ran on a balanced budget platform. I argued for a lot of other issues, but one of the main issues I talked about was the need to balance our Federal budget. I got elected, got here to Washington, and have been involved in a debate over a budget each year since I served in Congress. Now I am in my 11th year.

In each year, what happens is, whoever is the leadership in Congress proposes a budget. The budget can be a 5-year budget, which is what we used to have, or a 10-year budget, such as the one before us. The important point to note about all these budgets is the year that counts, particularly with regard to spending, is the first year of the budget.

Yes, we are here talking about a 10-year budget, but next year we will be back in front of the Congress with a new budget, and the first year of that new budget will not necessarily be the same year, the same as the second year of this year's budget. In other words, we do not just adopt this 10-year budget and then go on from there and live with the budget constraints contained in each of those 10 years. We do a new budget every year. So what really counts is the first year of the budget. It is important for people listening to this debate to understand that dynamic in order to understand what is really being said by those who are arguing about what should be the policy of this budget.

It is true that with regard to tax relief, once tax relief is adopted, it is permanent until a Congress changes it, and it plays out for a period of years. But it is the spending side of the budget that gets changed, especially the discretionary spending side of the budget that gets changed and redone by Congress every year. You have to look very carefully at the spending proposal. What happens, frankly, is that those who want to see more Federal spending, those who want to see our economy basically nationalized, with the Federal Government controlling ever-increasing aspects of the economy and spending ever-increasing dollars, frontload the spending into that first year of the budget. Then they have very prudent spending patterns in the second through the tenth year of the budget or the second through the fifth year of the budget, knowing they can come back next year with a new first year and change the whole spending dynamic.

The debate we are in right now is just another aspect of the traditional debate we have been having in Washington for the last couple of decades between those who do not want to see tax relief and those who want to see tax relief, and between those who want to see the Federal spending increase versus those who want to hold spending down.

We have heard a lot of talk, as I have said, about budgets and deficits. There has been a lot of accusation made about who caused the deficit that we face. President Bush, as you know, when he first became President proposed major tax relief which this Congress adopted. It was adopted for a 10-year timespan and will expire at the end of 10 years from the day it was adopted in 2001, if it is not continued.

That tax relief has provided needed relief to the American people. That tax relief is today being attacked on this floor as a cause of the budget deficits when, in reality, I think most Americans are very well aware we have had dramatic increases in spending required by the attack on 9/11 by terrorists against our Nation and the significant increases in spending on homeland security, by the war in Iraq, and the increased spending for our national security that has been driven by the need to make sure we have the strongest military we can to protect and preserve our Nation against terrorists and rogue nations overseas.

We have seen spending increases in other categories that have been far beyond the growth of the economy. In the categories discussed by Senators on this floor today—education, health care, the environment—spending has gone through the roof for very good reasons: the defense of the war on terrorism, the defense of our homelands, the defense of our Nation. Nevertheless, spending has skyrocketed at the same time the economy has collapsed. So we see revenue going down at a time when spending is going up. That is what is causing these deficits. It was not President Bush's tax relief.

We can argue about whether giving tax relief is going to actually in a dynamic economy strengthen revenues or reduce revenues, and I would like to talk about that a little bit in a minute. The fact is, wherever one comes down on that debate, the true core of the causes of the deficits we are dealing with right now was not the tax relief; it was the increases in spending and the collapse of the economy we have seen not only in the United States but across this globe.

There has been a lot of talk about the fact we really have an obsession with tax cuts. There is definitely a strong commitment on the part of many of us to obtain tax relief because we believe strongly that it is through proper management of the tax collection side of our budget that we will provide the economic stimulus to our Nation that is needed. But if there is an obsession on the one side for tax relief, then it must also be said there is an obsession on the other side with spending.

Those very Senators who stand on the floor and talk about the fact we cannot support increased tax relief, we cannot have more tax relief, are the very same ones who when we debated this budget in the Senate they proposed over 80 amendments. There were over 80 amendments that we dealt with. If we tally up the increased spending that was proposed in the bevy of amendments when we considered this budget, it was almost an additional trillion dollars of spending that was proposed.

This budget is a lean budget, but it is one that meets the needs of this Nation in the critical areas that we must address. Again, we are having that age-old battle between whether we should keep taxes low and, in fact, even reduce them further or whether we should keep taxes high and stop tax cuts from being made and allow previous tax relief to expire and thereby let taxes go up so we can sustain higher levels of Federal spending in the budget. That is what this debate is about.

If we do nothing, if we let the current law stay as it is and have no tax relief and have no additional spending, we will still see deficits in the neighborhood of $200 billion in the budget year 2004 we are working on. So, again, I think it is important to set the parameters.

If we look at the proposals of the one side who are now objecting to the President's tax relief, they also have a stimulus package. Their stimulus package, however, does not contain so much tax relief. It contains mostly spending, on the theory, apparently, that we can spend ourselves into prosperity by having the Federal Government put a massive focus on spending to strengthen our economy.

We simply disagree with that. Notably, the spending in this stimulus package is frontloaded. Recall what I talked about with regard to how these budgets work. It is the first year of the budget that we really have to focus on on the spending side, and the frontloaded spending in the alternative stimulus package that is proposed results in a deficit, if it were to be adopted, that is even higher than the deficit that is contained with the President's tax relief proposal in this budget. According to the analysis, the deficit would be $382 billion, but it would not be because of tax relief. It would be because of spending. That is the key difference, again, in the debate we are having today.

There has been some discussion about the fact that we did not get a budget last year, and why we did not get a budget. The Senator from North Dakota asked some of us who voted against what he calls a 2-year budget that was proposed last year, why we voted against it. Well, I will tell my colleagues, it was the same old debate. That proposal, though it was not actually a full-blown budget, was one which extended the caps and it extended the point of order for the budget points of order that we need as protection in this budget and had some increased spending in some categories. The spending proposals were, once again, too high. They were far beyond what the President had proposed in his budget that was focused on building a path back toward balance.

The reason we voted against it was because we did not believe in the spending levels they had proposed. With regard to those important budget protections, the extended caps on the budget and the budget points of order and the like, we did later on adopt those and extend them into April of this year. It is those spending caps and budget points of order that this budget now proposes to put back into place.

There has also been some talk about whether the manner in which this budget is being brought forth with the reconciliation instructions, being different between the House and the Senate, is proper. Frankly, I have looked at it. As I see it, it is very straightforward. The reconciliation instructions provide for $550 billion of tax relief over the next 10 years. With regard to that proposed tax relief, it is very clear that with the current support in opposition to that proposal, the Senate cannot pass that kind of tax relief. So it is proposed in this budget reconciliation that the Senate committee cannot exceed $350 billion, as the Senate committee puts together the tax package contemplated by this budget, and the House committee cannot exceed the $550 billion. The reconciliation between those two numbers will occur when the tax committee in the House and the tax committee in the Senate write the actual detailed tax language and they seek, if those bills are passed, to conference those bills.

It is a very normal and standard approach, in my opinion, of bringing together the differences between the House and the Senate, letting that debate be resolved at a time when the House and the Senate have put the details to the tax packages.

As has been said many times, what we are adopting today is a budget. It creates a number for tax relief. It does not say what kind of tax relief will occur. There are proposals and I am going to talk about those proposals, but the budget that we are talking about allows the House and the Senate tax committees to write their own proposals. We do not know what they are likely to adopt—well, let me say we think we know what they are likely to focus on, but we do not know the details of how they will adopt it.

I will talk about the tax relief argument for a minute. It has been said again today, multiple times, that we are talking about tax relief for the wealthy. As I said, I have served in Congress now for over 10 years, and during each of those 10 years—the 6 years I served in the House and going on 5 years I have now served in the Senate—we have had debates over tax relief. We have had tax relief proposals of all different kinds, everything from proposals to reduce the income tax rates to proposals to eliminate the marriage tax penalty, to proposals for child tax credits, and so forth. Every single time that a proposal for tax relief has been made, since I have served in this Congress, it has been attacked as tax relief for the wealthy. Even the proposal to eliminate the marriage tax penalty was attacked as tax cuts for the wealthy.

Why? Because that is something that seems to work when people do not look at the details behind what kinds of tax relief are being proposed.

Well, what kind of tax relief is being proposed by the President? First, he is proposing that we accelerate the tax cuts that were put into place in 2001. That includes expansion of the 10-percent bracket, hardly a tax cut on the wealthy; acceleration of the 2006 rate schedule; acceleration of the 15-percent bracket; and an increase in the standard deduction for married filing jointly, hardly tax cuts for the wealthy; acceleration of the child credit increase, hardly tax relief for the wealthy; an increase in the AMT exemption amount. There is one where people from all different categories could get caught up in it but particularly I hear about this one from small business owners. I certainly hope all small business owners in America and others are not considered to be wealthy simply because they own their own business.

It also includes an increase in the expensing options for small businesses and other businesses, all businesses.

Mr. President, I have just been notified I can now make a unanimous consent request, and I will do so.

Mr. REID. Mr. President, if I could direct a question through the Chair to my friend, who is acting majority leader.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Nevada.

Mr. REID. Could I have some indication how much longer the Senator from Idaho is going to talk? We may not be able to make the 4 time.

Mr. CRAPO. Maybe 5 minutes.

Mr. REID. We have four speakers, and if the time is equally divided between now and 4, I am not sure we have enough time for all of our speakers.

Mr. CRAPO. I do not expect to go more than another 5 minutes.

Mr. REID. I am wondering if the majority is going to use all of their time, if we decide to vote at 4, which will be beyond 15 minutes. Does the Senator think he would have authority to allow us to have another hour of that time and the majority have what remains?

Mr. CRAPO. I am not authorized to make that agreement at this point. Should I forego making the unanimous consent request?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. The point I was making is that the first thing the President was talking about doing was accelerating the tax relief that was implemented in 2001, tax relief which was attacked then for being a tax cut on the wealthy but certainly was not so.

The other thing the President has proposed is to make all of that tax relief permanent. That would be making the elimination of the marriage tax penalty permanent, making the elimination of the estate tax permanent, making the increase in the expansion of the 10-percent bracket and the other tax relief provided for all taxpayers in America permanent. These proposals benefit every taxpayer in America. On a percentage basis, they favor those in the lower income brackets far more than those in the upper income brackets.

The bottom line is, whether you use percentages or numbers, people can play with the numbers and say this is a tax cut for wealthy or middle income or whatever, but on a percentage basis these tax relief proposals benefit those in the lower income tax brackets more than any other bracket.

In order to facilitate our effort to conclude this debate at the 4 p.m. time, I will forego the remainder of my comments.

I conclude by pointing out this is another angle on the traditional debate we have virtually every year between those who want to see spending maintained and increased and those who want to see the Federal budget controlled and implement tax relief. The American people can see through these arguments. The American people understand the value and stimulus tax relief can provide to the economy of this Nation at a time when our economy dramatically needs the right kind of fiscal policy to be adopted by this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the budget before the Senate, like the President's budget which it reflects, represents the wrong priorities: Too many ill-advised cuts in too many critical area to help pay for a tax cut which is too large, too inequitable, and which will worsen our fiscal situation without providing our economy the jump-start it needs.

The budget resolution that passed the Senate, while irresponsible, was a small improvement over the one reported from the committee. The Senate managed to make an irresponsible budget resolution slightly less irresponsible. The huge tax cuts the President proposed, a majority of which would go to upper income folks and which most economists agree would provide our economy with almost no jump-start that it so desperately needs, were scaled back some. But the conference report before the Senate today pushes us right back to where we started.

Notwithstanding our current record deficits, a war in Iraq and its expected aftermath, the full cost of which is not yet known, and a baby boom generation that will soon retire in record numbers, the conference report contains tax cuts that total about $1.3 trillion over the next 10 years and, with the expected interest costs added in, $1.6 trillion.

As recently as January of 2001, the Office of Management and Budget projected a 10-year surplus of $5.6 trillion. Now we are back into a huge deficit hole and will be there for the foreseeable future. In fact, this conference report projects total deficits of $1.4 trillion over the next 10 years, including record deficits of over $300 billion this year and next.

The right type of small tax cuts could stimulate the economy by being effective in the short term and going to working families and small businesses who will spend the money now, instead of mainly going to the wealthiest among us who do not need tax cuts. Tax cuts that drastically worsen our long-term fiscal situation, that will not help out in the short term, and that would require cuts to many other priorities are not what our economy needs and not what our people are asking us to adopt.

How much money is going to whom in 2003? The President's tax cut proposal gives about half of the tax cuts to the wealthiest 5 percent of American taxpayers. People can try to put a different gloss on numbers, but there are two bottom lines: One bottom line is this proposal puts us deeper into a deficit ditch and pays for tax cuts mainly going to upper income folks by borrowing; the other bottom line is that the 2003 tax cut proposal of the President gives the wealthiest 5 percent about 50 percent of the money involved in these tax cuts.

Simple equity, as well as an economic stimulus, suggests if we are going to have tax cuts, they should be broad based, providing, for instance, every working family of four with an immediate tax cut of $1,200. That would be an economic stimulus. That would be equitable. That is not what is before the Senate.

There are a number of other things we ought to do in talking about equity and economic stimulus. We ought to extend unemployment benefits for those whose benefits have expired and were not previously extended. We ought to provide short-term incentives for businesses to invest immediately. We ought to provide some assistance to our struggling states for education, homeland security, Medicaid, and highway and other infrastructure improvements. Those measures would be better for our economy today, our fiscal situation in future years, and the many other challenges that lie ahead. They would also address today's problems today without passing the costs on to future generations. One symbol of those future generations are the men and women who now are putting their lives on the line for us in the war in Iraq. It seems to me unthinkable that when we welcome them home—hopefully with the parades and the welcome and the hugs they deserve—we would also tell them: By the way, the war you are fighting is going to be paid for by you and your kids, not by us; we are going to borrow money, not to pay for this war; we are going to borrow this money to pay for a tax cut that mainly goes to the wealthiest among us.

This approach in this budget is wrong on three counts. Number one, we should not be cutting taxes. We ought to be paying for the war now. Number two, if we are going to borrow money, if we have to borrow money for the war, we obviously should borrow it for the war, not for a tax cut. Finally, if there are going to be tax cuts, the tax cuts ought to go not only to those who need the tax cuts the most but those who will spend the money now, giving our economy the jump-start it needs.

We need a lift in this economy, not one that will kick in years down the road or will further explode the deficit, but a fiscally responsible lift that will kick in now. The job loss numbers released a week ago by the Labor Department reinforce the need for a stimulus plan that will create jobs now, in 2003, when we need it.

The proposed tax cuts are not only sharply slanted toward the wealthiest among us, they would do virtually nothing to assist our financially strapped States. As a matter of fact, the tax cuts as proposed may harm them. Just the proposed dividend tax provision alone would actually strip my home State of Michigan of over $100 million in revenue in 2004. And economists, including multiple Nobel Prize winners, agree the tax cut will not provide the boost that this economy needs.

I was also very disappointed to see the conference report excluded an amendment that I offered and that was adopted by the Senate in the budget resolution which we adopted.

Mr. REID. Mr. President, I ask my friend to yield. I am rising for a unanimous consent request so Members have an idea when this will be concluded.

Mr. President, I have been in discussion with the majority, and I ask unanimous consent the vote on adoption of the pending budget conference report occur 2 hours from this time, and that Senator LEVIN be allowed to complete his statement on our side, and Senator DURBIN would have 15 minutes, Senator GRAHAM of Florida 15 minutes, Senator FEINSTEIN 10 minutes, Senator BIDEN 10 minutes, and Senator BYRD 30 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I also need some time to wrap up, I say to my colleague, in maybe 10 minutes. Maybe we can work these all down in a way that fits within the time constraints.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I think it is totally appropriate.

The PRESIDING OFFICER. Is there objection to an additional 10 minutes being allocated to the Senator from North Dakota?

Mr. REID. We need to make sure we have enough time for the majority. If we do 2 hours, they would be limited, instead of 30 minutes, to 20 minutes. The only reason I say that is Senator NICKLES, when he started today, said they would not need a lot of time. I know 110 minutes compared to 20 minutes is not very much.

Mr. CRAPO. I am authorized to agree to 90 minutes for the Democrats and 30 minutes for the Republicans. But I am not authorized to reduce that 30 minutes at this point, so I would have to object.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If I could modify my request, I will try to pare down the time here. Let's make it 95 minutes here and 35 minutes on the other side.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object. I just had a chance to visit for a moment with the Senator from Nevada. I would like to be able to speak for 20 minutes between now and the time the vote occurs.

Mr. REID. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Michigan has 3 minutes remaining.

Mr. LEVIN. The amendment to which I referred, which was adopted by the Senate, was aimed at closing down certain abusive tax haven loopholes. We would have taken the money which we would receive by closing down these abuses and applied half of it to the deficit, the other half going to education in areas where we are cutting education.

It is unconscionable to me that corporations, too many of them, have renounced their United States citizenship and opened phony offices in Bermuda from which they can then pretend that their businesses operate, keep doing their business here in the United States, using our police departments, our fire departments, our schools, and all of our other services—inverting, as it is called—getting the benefits of citizenship here but avoiding paying taxes.

People ask, how come revenues are going down? There are a lot of reasons why revenues are going down. One of them is the tax cuts which were adopted here which were proposed by President Bush. Obviously, a slowing economy has had an effect, too. But one of the other reasons we lost revenues is that we have too many corporations that are avoiding paying their fair share of taxes through a very large number of tax avoidance schemes.

We have seen some of these tax shelters. We have seen some of these special-purpose entities used by Enron and others. We have seen a whole host of ways folks can avoid paying their fair share of taxes. It seems to me, in the middle of a war, the most unconscionable one of all is those corporations that renounce their citizenship and open up a fake office somewhere else in order to avoid paying taxes which they should be paying, and at the same time using our roads, our schools, our banks, our patent laws, our law enforcement, our fair trade laws, our workforce, and not contributing their fair share to pay for those benefits. It was really unfortunate that the conferees decided to strip this budget resolution of language that was aimed at closing down that particular loophole.

This budget emphasizes the wrong priorities. It burrows us deeper into the deficit ditch. It continues our reliance on the Social Security surplus. And it fails to provide the stimulus which is needed to improve our sputtering economy. It rises to a new level of irresponsibility and it should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to respond to something my colleague from Idaho indicated during his remarks when he stated that marriage penalty relief has been attacked as a tax cut for the wealthy. I know of no example of that. I do know that on our side, Democrats moved to accelerate that relief in 2001, but virtually every Republican voted against it.

I would be happy to have that vote printed in the RECORD at this time, so people can check the record and determine whether or not that allegation has merit or not. I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Record Vote 112, May 17, 2001]

RECONCILIATION (TAX CUT), (MARRIAGE PENALTY)

H.R. 1836—Amendment No. 654: "Economic Growth and Tax Relief Reconciliation Act of 2001".

Conrad-Kennedy-Johnson amendment which accelerates the elimination of the marriage penalty in the standard deduction and the 15 percent tax bracket to fully eliminate the penalty in 2002; offsets by delaying the reduction of the top two tax brackets from 2009 to 2010; and provides a trigger mechanism to protect the Medicare HI trust fund, requiring the Treasury Secretary to adjust the marginal tax rate reductions in any fiscal year in which the rate cuts would result in an on-budget surplus smaller than the Medicare HI trust fund surplus.

Amendment Rejected.

YEAS (44)

Democrats (42 or 84%): Akaka, Bayh, Biden, Bingaman, Boxer, Byrd, Cantwell, Carnahan, Clinton, Conrad, Corzine, Daschle, Dayton, Dodd, Dorgan, Durbin, Edwards, Feingold, Feinstein, Graham, Harkin, Hollings, Inouye, Johnson, Kennedy, Kerry, Kohl, Landrieu, Leahy, Levin, Lieberman, Mikulski, Murray, Nelson (FL), Reed, Reid, Rockefeller, Sarbanes, Schumer, Stabenow, Wellstone, Wyden.

Republicans (2 or 4%): Chafee, L., McCain.

NAYS (56)

Democrats, (8 or 16%): Baucus, Breaux, Carper, Cleland, Lincoln, Miller, Nelson (NE), Torricelli.

Republicans (48 or 95%): Allard, Allen, Bennett, Bond, Brownback, Bunning, Burns, Campbell, Cochran, Collins, Craig, Crapo, DeWine, Domenici, Ensign, Enzi, Fitzgerald, Frist, Gramm, Grassley, Gregg, Hagel, Hatch, Helms, Hutchinson, Hutchison, Inhofe, Jeffords, Kyl, Lott, Lugar, McConnell, Murkowski, Nickles, Roberts, Santorum, Sessions, Shelby, Smith (NH), Smith (OR), Snowe, Specter, Stevens, Thomas, Thompson, Thurmond, Voinovich, Warner.

NOT VOTING (0)

Democrats (0).

Republicans (0).

Mr. CRAPO. Will the Senator from North Dakota yield?

Mr. CONRAD. I am happy to yield.

Mr. CRAPO. I believe what I said was that, as I had been here over 10 years, we debated that proposal several times and every time it has been debated it has been attacked as a tax cut for the wealthy. I can tell you from my own personal experience, that is the case. In fact, today it is part of the proposal being talked about and it is being attacked as a tax cut for the wealthy.

Mr. CONRAD. I say to my colleague, as I indicated, we on this side moved to accelerate that relief in 2001. In fact, I offered the amendment.

Mr. CRAPO. We will take a look at that and see why the vote was different.

Mr. CONRAD. All but two on your side voted against it.

Is the Senator seeking time?

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DURBIN. Mr. President, I reduced the time I requested because I know I have colleagues on the floor seeking recognition and we want to wrap this up in a timely way.

Let me say to those following this debate, one, the greatest Illinoisan of all times once said:

> A speech the world will little note nor long remember.

I think the same can be said of this debate. The United States will little note nor long remember this debate on the Senate floor. But it will remember what happened today when we see the outcome. The outcome is going to be devastating for the economy of the United States for years to come.

The reason is, of course, America is preoccupied, as it should be, with the war in Iraq. We are so proud of the achievements of the men and women in uniform. We have watched every single day the wonderful unfolding of the change in Iraq, offering a new opportunity. I think the reason we are focused and so positive about the military accomplishment is we know the men and women involved in that decision showed both courage and vision.

Sadly, when it comes to the economy of the United States, the other party and the administration in the White House show political calculation and myopia. Instead of dealing with the real economic challenges of America in a sensible, fair, and evenhanded way, we have a Republican budget resolution which will be devastating. It will be devastating in creating the largest deficits in the history of the United States of America.

What happened to this Grand Old Party, this party of fiscal conservatism? Today, we find it is the party of record deficits and record debt. A party which once said, we don't want to leave a legacy to our children of debt, is in fact creating that debt with this budget resolution.

There are some things you can argue are beyond the control of the White House or anyone in Congress. One of those things is the cost of this war and the war on terrorism. I will gladly concede that those are things which could not be calculated 2 or 3 years ago and cannot be calculated today in terms of their cost. But the real problem with this budget resolution is this President's fixation with creating massive tax cuts for the wealthiest people in America. It is the age-old Republican answer to every single problem: When in doubt, cut taxes for wealthy people.

This is done in the belief that if the wealthiest people in America just had a little more money to spend, things would get so much better. We tried this. A little over 2 years ago, the President came in with the first round of his tax cuts for the wealthy, and he said: Just watch what happens.

We watched. The economy continues to plummet. We continue to lose jobs. In fact, if you look at the Bush record since the President took office: 2.5 million fewer private sector jobs under this President; long-term unemployment up 184 percent; over 2 million more Americans without health insurance; 1 in 10 small businesses has dropped health insurance for their workers; the average cost of health insurance rises by double digits; the gap between tuition and Federal student aid has grown $1,900 more under President Bush, retirement savings have been decimated, consumer confidence dropped by 51 percent, and the Bush budgets have turned a projected $5.6 trillion Federal surplus into a $2 trillion deficit.

How can one President in 2 years and 3 months have dealt such body blows to the American economy? He did it with the wrong policies, a policy of tax cuts for the wealthy that failed in the first round and will fail again. This budget resolution enshrines those tax cuts and says to our children and future generations: Get prepared to pay off this debt because we have to give tax breaks to wealthy people today.

My friend from Idaho says: Oh, that's just class warfare. I am reminded we were recently visited by Warren Buffett, one of the most wealthy men in America. He said: If this is class warfare, I have something to report: My class is winning.

It certainly is, because if you look at the President's overall tax cuts, and the amount of money that average taxpayers can expect, look at these numbers: $265 for the typical taxpayer in tax relief; and yet for people with over $1 million, $88,873 on an annual basis.

Think about that for a moment. We are saying to the average taxpayer: We are going to give you a modest bicycle and some roller skates. We are saying, for the millionaires: You need a luxury car.

That is the idea of fairness and justice when it comes to the Republican side of the aisle.

Well, it has been absolutely devastating. When you take a look at it in terms of the Bush tax plan, nearly 50 percent of American taxpayers will receive less than $100. They just get the roller skates. The people who are millionaires end up with the luxury limos.

Is that what America is all about, particularly in time of war, when we have children from average, middle-income working families risking their lives for this Nation? Is this the best we can do? To offer a tax cut to the wealthiest people in this country? To say at this time of uncertainty about the cost of the war, and what we will need as a nation, that the best we can come up with is a plan from the White House to give tax breaks to the wealthiest people?

Take a look at this budget conference report and I will tell you what you will find. The Republican approach shortcuts education dramatically. The President passed No Child Left Behind. He said: We are going to help our schools move forward.

We need $9 billion, Mr. President, next year. Your budget provides $400 million—not nearly enough. While school districts face bankruptcy, States are deep in deficit, this administration cannot find the money for education. But it can find the money for tax cuts for wealthy people.

I will tell you, the No. 1 issue I find among families and businesses in Illinois—the No. 1 issue—is not this whole question of tax cuts; it is the cost of health insurance. This administration, in this budget, has done absolutely nothing to deal with the most serious problem that businesses and families face today—nothing. It is better, they believe, to give a tax cut to wealthy people than to deal with real issues that families and businesses face every single day.

You want to deal with tax cuts? Let me tell you one that I find overwhelmingly popular in my town meetings. The Senator from New York has suggested it, Mr. SCHUMER: a $12,000 deduction each year for college education expenses. Think about working families whose kids get into good schools and face tuition that they never would have dreamed of and debt that they couldn't imagine. Imagine if we could give them tax assistance, give them tax help: $12,000 deductibility.

But, no, the Republicans say that isn't the way to invigorate America. That isn't the vision of the future. Their vision is to make sure the wealthiest among us have more money to spend.

I don't get it. It is classic Republicanism, but it is a classic failure—a failure which over 2 years and 3 months has driven the American economy into the rut.

In my State, we have lost tens of thousands of manufacturing jobs, faced record unemployment rates, and this administration believes the way out of it is to provide tax cuts for the wealthiest people.

I salute the Senator from North Dakota. His leadership on this has been extraordinary. He and the Congressman from South Carolina, JOHN SPRATT, have spoken out in honest terms about what we face as a nation. Some of the things the Senator said during the course of the debate are not necessarily politically popular, but they are courageous and they show vision. That is what our military forces are doing in Iraq. That is what we should do here, nothing less. Instead, we are dealing with political calculation and kind of shortsightedness that we will pay for for many generations.

I will vote a resounding no on this budget resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Illinois.

Does the Senator from Florida seek time?

Mr. GRAHAM of Florida. Yes.

Mr. CONRAD. Mr. President, I yield 12 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. I thank the Senator.

Mr. President, the real priorities of the President and those who wrote this budget can be seen by comparing two numbers: The tax cuts authorized in this resolution total $1.3 trillion over the next 10 years. Over the same 10 years, the Federal budget will run deficits totaling $1.4 trillion.

The priority of those supporting this resolution is crystal clear: tax cuts today, in exchange for an even higher mountain of debt that will be paid by our children and grandchildren.

So strong is the lust for tax cuts, the conference committee on the budget has gone so far as to develop an unprecedented gimmick by which the Senate and the House of Representatives will consider a portion of these tax cuts later in the year.

Under normal procedures, a conference report is to be a consolidated single resolution of all of its issues. We are presented with what is called a conference report, which has a dramatic difference between tax cut allowances in the House—$550 billion, over 10 years—and tax cuts allowed in the Senate—$350 billion.

The goal of the majority is to give the appearance of limiting tax cuts to the Senate-passed limit of $350 billion, while paving the way for fast-track tax cuts of $550 billion.

During the debate on the Senate's budget resolution a couple of weeks ago, I voted against any tax cut in the budget. Why? Because, in my judgment, they do not reflect our Nation's priorities.

This budget should seek to reduce the national debt. It should seek to strengthen and reform Social Security. It should seek sufficient funds to modernize the Medicare Program and add a meaningful prescription drug benefit. It should provide funds for programs the Federal Government has committed itself to which are so critical in the lives of our children.

This budget includes no adequate money for these priorities. It is laser like in its focus on tax cuts. The tax cuts allowed by this budget are not only irresponsible, they are misdirected. Although their advocates claim their purpose is to create jobs and stimulate economic growth, these tax cuts will not do the job. That is especially true of the proposed tax cut on stock dividends.

To truly stimulate the economy, any tax cuts should be targeted so they boost demand for consumer goods and services. Most economists agree that this is best achieved by directing the tax cuts to low- and middle-income families and small businesses.

I personally would prefer a short-term reduction in the payroll tax, paid for by general revenue, holding the Social Security and Medicare trust funds whole.

The tax cuts contemplated by this resolution are directed at upper income families who are the least likely to boost their purchases of goods and services.

We had a debate a few moments ago as to whether this was class warfare. That is in the eyes of the beholder. But one thing that it clearly is: It is intergenerational warfare.

It is warfare against children, with cuts in education, the failure to fund the No Child Left Behind Act, which we passed 2 years ago, cuts in childcare, cuts in women's, infant's, and children's health care.

The irony of this intergenerational warfare against children is that they will end up paying, during their adulthood, the cost of the deficits which we are adding today.

It is also intergenerational warfare against older Americans. Some would argue that this budget includes $400 billion for a Medicare prescription drug benefit. They know full well that $400 billion is inadequate to provide an affordable, comprehensive, universal prescription drug benefit for America's seniors.

Why do we know this? Last year, 52 Senators voted for a plan, which I had offered, to provide to Medicare beneficiaries real drug benefits, with no gimmicks, no gaps, no hidden "gotchas."

With inflation and the change in demographics of the older population, such a benefit would now cost $619 billion over 10 years.

Limiting a prescription drug benefit to $400 billion means that 89 percent—

89 percent—of Medicare beneficiaries, those who have elected to stay in the fee-for-service Medicare Program, will go without prescription drug coverage, unless they either have very low incomes or very high drug costs.

The only way to provide a drug benefit within this budget's framework is to limit the benefit to a relatively small number of Medicare beneficiaries.

If they should happen to live in an area that offers health maintenance organization coverage—and millions of our seniors do not—Medicare beneficiaries will have no choice but to move into managed care plans because there is no other way that they will be able to access the lifesaving prescription drugs they need. It is wrong to force seniors to make this choice. It is irresponsible to approve a budget that ignores vital priorities such as modernizing the Medicare Program, securing Social Security's future, reducing the national debt, while promoting massive tax cuts for the wealthiest of Americans.

I urge my colleagues to take responsibility for our actions, to pay for our obligations now—not to pass a budget that promotes unaffordable tax cuts, tax cuts with consequences that will be felt now, particularly by children and older Americans, tax cuts with costs that will be passed on to future generations to pay.

Therefore, I shall vote no on this budget resolution and hope that we might have an opportunity later in the year to reconsider this misguided proposal.

I ask unanimous consent that an item which appeared in the New York Times of April 9, titled, "No New Tax Cuts," which was authored by former Senators Bob Kerrey, Sam Nunn, and Warren Rudman, as well as Peter Peterson and Robert E. Rubin, and Paul A. Volcker be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 9, 2003]

NO NEW TAX CUTS

(By Bob Kerrey, Sam Nunn, Peter G. Peterson, Robert E. Rubin, Warren B. Rudman and Paul A. Volcker)

With a war in Iraq and looming post-war costs, growing pressures for a prescription drug benefit, increased expenses for domestic security and a ballooning budget deficit, Congress must exercise restraint on both revenues and spending to prevent fiscal policy from spiraling out of control. The consensus in favor of long-term budget balance must be re-established. This issue is now directly before Congress as it debates the federal budget.

The fiscal outlook is much worse than official projections indicate. These projections assume that the tax cuts enacted in 2001 will expire at the end of 2010. They also assume that discretionary spending, the part of the budget that pays for national defense, domestic security, education and transportation, will shrink continuously as a share of the economy. Neither of these assumptions is realistic.

Moreover, the official projections do not include the costs of war and reconstruction in Iraq. And they ignore the inevitable need to reform the alternative minimum tax, which is not indexed for inflation and will apply to some 40 million households within 10 years—up from two million today.

Under more realistic assumptions, the deficit projections are cause for alarm. A recent study by Goldman Sachs includes this forecast: if the president's proposed new tax cuts are enacted, a Medicare prescription drug benefit is approved, the A.M.T. is adjusted and appropriations grow modestly, the deficits over the next 10 years will total $4.2 trillion—even if the Social Security surplus is included. If it is not included, the deficit would be $6.7 trillion. Under these circumstances, the ratio of publicly held debt to gross domestic product climbs within 10 years to nearly 50 percent, from 33 percent just two years ago.

And all of this happens before the fiscal going gets tough. Looming at the end of the decade is a demographic transformation that threatens to swamp the budget and the economy with unfunded benefit promises, like Social Security and Medicare, of roughly $25 trillion in present value. Our children and grandchildren already face unthinkable payroll tax burdens that could go as high as 33 percent to pay for these promised benefits. It is neither fiscally nor morally responsible to give ourselves tax cuts and leave future generations with an even higher tax burden.

And yet tax cuts are the primary focus of this year's budget debate. To speed enactment of tax cuts, Congress is planning to use a special fast-tract procedure called "reconciliation" in the budget resolution. While determining the size of the tax cut to be given fast-track protection in the budget is sometimes dismissed as a procedural matter, it is not: whatever its size, a tax cut that receives this protection is almost certain to be enacted in the later tax legislation. Members of Congress should not therefore approach the budget decision with the idea that a tax cut given such status now can be easily scaled back later.

The president has proposed a cut of $726 billion, which the House has already approved. The Senate has reduced the cut to $350 billion.

Given the rapidly deteriorating long-term fiscal outlook, neither proposal is fiscally responsible. It is illogical to begin the journey back toward balanced budgets by enacting a tax cut that will only make the long-term outlook worse. Furthermore, the proposed tax cuts are not useful for short-term fiscal stimulus, since only a small portion would take effect this year. Nor would they spur long-term economic growth. In fact, tax cuts financed by perpetual deficits will eventually slow the economy.

The tax cuts now before Congress do not pay for themselves. No plausible array of matching spending cuts or offsetting revenue increases has been, or will be, proposed to close the gap resulting from a large new tax cut.

We believe that there should be no new tax cuts beyond those that are likely to provide immediate fiscal stimulus, and that avoid growing revenue loss over time. If, however, Congress decides it must approve a tax cut, it should pass the Senate's. While a $350 billion tax cut does not fit our definition of fiscal responsibility, it comes closer than a tax cut of $726 billion. Moreover, Congress should reestablish the pay-as-you-go rule in which tax cuts and entitlement expansions must be offset. The discipline of this rule greatly contributed to the elimination of budget deficits in the 1990's and is clearly needed again.

Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be other otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation.

The PRESIDING OFFICER. Who yields time? The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, how much time would the Senator from Florida like?

Mr. NELSON of Florida. The good ranking member of our committee was going to allocate 10 minutes to me.

Mr. GRAHAM of Florida. Taking the position of the ranking member of the Budget Committee, I shall allocate 10 minutes to my colleague.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. NELSON of Florida. For that to come from the senior colleague of my State, who not only can I call friend but also my senior Senator, my mentor, I am very grateful. I find that as in most of the cases, his and my ideas are very similar, as he has just expressed so about this budget.

I want to start my remarks by telling a story. In 1978, I came to the House of Representatives and became a freshman member of the Budget Committee. Twenty-two years later, I come to the Senate, and I am a freshman Senator put on the Budget Committee.

In the second term I had in the House, we had a newly elected President, President Reagan. I felt that the President, having won a significant victory, was owed a certain deference with regard to his tax policy. On a very close vote, I was one of the handful of votes that allowed President Reagan to pass his budget in 1981, and his tax cut.

In a couple of months, I realized that I had made a mistake. I took to the floor of the House of Representatives and stated that I had made a mistake because what we had done was to cut the tax revenues so much so that the revenues were plummeting at the same time we were increasing expenditures of Government. Prior to the Reagan administration we were still running deficits, but it was about a $20 billion deficit, annual deficit—that is, $20 billion more that the Government was spending than it had coming in tax revenue—but if you look on a chart, what happened after that was the expenditures were going up and the revenues were coming down. And the annual amount of borrowing that the Government had to do was all the greater, swelling the national debt, causing a huge expenditure for the Federal Government of annual interest on the additional amounts that we were borrowing each year. It was taking us into the economic ditch. We were in fiscal chaos. I will never forget one of my dear friends in the House, who shall remain nameless but who was one of the preeminent economic spokespeople of the time for the trickle-down, supply-side economics theory, stated—and I found it revealing—We do not worship at the altar of the balanced budget anymore.

Well, that was certainly true because in the decade of the 1980s, the annual deficit swelled to around $250 billion a year. The national debt doubled and tripled, and that big tax cut I said was a mistake in 1981 had to be undone—not once, not twice, but three times over the course of the decade of the 1980s—ultimately, into the 1990s. Then sounder fiscal minds prevailed. The budget was ultimately balanced to the point at which almost nirvana was achieved in the late 1990s and the year 2000. And lo and behold, here we were in a surplus.

Had we been fiscally conservative—let me repeat that statement—had we been fiscally conservative, we could have been good stewards of those surpluses, and we could have provided for the additional spending that clearly we were going to have to do, particularly in the defense of the country, even though we didn't know at the time that September 11 would happen. And we had the very real probability that we could pay off the national debt over the course of 10 or 12 years.

I tell that story because that is a personal story I have lived. It is a story of personal experience that I come to this Senate Chamber today to tell as to why I voted against this budget resolution when it came through the House and why I am going to vote against it today. Because it is not sound fiscal policy; it is not conservative fiscal philosophy. It is exactly the opposite. It is reckless fiscal policy when you drive revenues down, increasing expenditures, particularly in time of war and the kinds of occupational expenses that we are going to have to be expending, that we are already expending in Afghanistan, that we have been expending in Bosnia for 7 years, and how many years are we going to have to expend it in Iraq, which I support.

It brings us back to this mindless fiscal policy driving us into the economic ditch.

I say to the ranking member of the committee, I am just getting wound up. I know you have lots of others to talk.

I am just getting into my message, but you get the drift of my message. I know you want to allocate time to other folks. I will sum up.

I have always tried to conduct myself in public office looking to what is the workable solution, what is the commonsense solution. Most folks want Government to work, and they want their elected representatives to perform so that Government will perform and function well.

When you adopt fiscal policy such as this, driving the annual deficit higher and higher, when there is no prospect in the future anytime soon of bringing it into fiscal balance and getting close to a balanced budget. That just doesn't comport to common sense. You can do all of the legislative sleight of hand and fiscal "now-you-see-it-now-you-don't," as has been done by this budget resolution, but that doesn't get away from the hard economic fiscal reality that we are going in the opposite direction.

Do I support tax cuts? Of course I do. In the first year, I voted for a version that went as high as $1.2 trillion over a 10-year period. What we passed was supposedly $1.35 trillion. But the reason I didn't vote for that was that we knew that wasn't accurate; that it was going to be closer to $2 trillion in tax cuts over 10 years.

Would I like to have those tax cuts? Of course, but every decision we make here has to be balanced as to how is it going to perform in the functioning of the economy. What you want is an economy that hums. You want an economy that functions, that is a robust economy.

We are going in the opposite direction, where we fall off revenues so much at the time of expenses going so high that it causes the markets to get shaky because people do not have confidence in the markets.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Mr. President, I yield an additional few minutes to the Senator.

Mr. NELSON of Florida. Mr. President, I will not take the time because so many others have such beautiful ways of expressing themselves and they want to speak and I want to hear. I will conclude by saying I love this Senate, and I love these Senators. I love the Senators on this side of the aisle, and I love the Senators on that side of the aisle.

The only disappointment I have had is when this place gets too partisan so it cannot work out a solution, and when this place gets too ideologically rigid so that you cannot find a consensus in the commonsense middle ground, and that is what is happening to us in this budget debate.

Someday we will learn because we will have to make Government function in the way that the people all across America want it to function.

I would venture that every single Member of Congress, on both sides of the aisle and both sides of the Capitol, can agree on one thing: We need to get the economy moving again.

Every priority that we speak about up here—whether it is health care, retirement security, national defense, battling terrorism or even cutting taxes—every one of our priorities is easier to achieve when the economy is booming.

The fundamental disagreement is on how we get the economy going again.

When talking about the economy, I tend to trust economists. But these tax cuts that are the centerpiece of the administration's economic growth package, don't have a lot of fans among the Nation's economists. In fact, 450 economists, including 10 Nobel laureates, oppose his tax cuts because they won't create jobs or stimulate the economy. Meantime, the President was able to find just 13 who support his "stimulus" plan.

And still, here we are, ignoring not only the better judgment of experts, but ignoring a majority of Senators who were able to agree on a smaller tax cut package. Only 2 weeks ago, this body agreed to reduce the reconciled tax cut package from $726 billion to $350 billion. Yet, in 2 short weeks, the administration and the majority party have found a way to game the system of reconciliation to ram through a higher tax cut number against the collective will of the Senate and the budget process.

Over the years the budget process has endured many changes, but always with the intention of creating procedures that allowed Congress to be fiscally responsible as we plan for 10 years of spending priorities. The games that were played with the system this year have completely undermined the purpose of our budget process. As a result, we are in grave danger of plunging the country off a cliff into massive deficits and debt—threatening the education of our children, the financial security of our seniors, and the strength of the Nation.

Given all the uncertainty we face, this tax cut we're forcing through is irresponsible. If the economy doesn't improve, or if peacekeeping in Iraq takes longer than expected, or if we face another conflict or terrorist act, we're going to have to find a way to pay for it. Fiscal responsibility cannot be predicated on a hope that all goes right, it requires planning to ensure financial stability should anything go wrong.

This is no way to budget. We are not planning for the rainy days ahead. We're hoping that the economy gets going again. We're hoping that America doesn't have to defend itself again. We're hoping that homeland security costs don't mount or that more terrorists don't strike.

Meantime, unemployment is growing, there are more uninsured Americans, we're about to have more veterans, our schools are not receiving the funds they need, the baby boomers are retiring, and we're cutting taxes?

Sooner or later, we are going to have to pay for all of this or, more likely, our children will.

If any of these worst-case scenarios occur, we will have to raise taxes or we will have to cut programs such as Medicare and Social Security or we will have to keep up deficit spending.

No matter what, future generations are going to be forced to pay for the sacrifices we have refused to make.

Our budget process and sound fiscal policy have become the latest casualties of political expedience. This is not the time for a tax cut, and certainly not one this large.

Mr. CONRAD. Mr. President, I thank the Senator from Florida, Mr. NELSON. He is a very valuable member of the Budget Committee. He has been steadfast and resolute on fiscal responsibility. As he has made clear, he does not believe this budget represents that. The truth is, it does not. This is a budget that is going to explode the deficits and debt of the United States at a time of already record deficits. It takes $1.3 trillion away in revenue and increases expenditures by $1.1 trillion. There can only be one result, and that is more red ink, more deficits, more debt, and a threatening of the economic security of the Nation.

How much time does my colleague from North Dakota need?

Mr. DORGAN. About 15 minutes.

Mr. CONRAD. I yield 15 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 15 minutes.

Mr. DORGAN. Mr. President, I recall an article by David Broder some while ago. He is one of the thoughtful columnists in the Washington Post. I think perhaps he is considered the dean of thinkers in Washington, DC, who write regular columns. He said in the first sentence:

> I am going to commit class warfare—not because I want to, but because that is the only way I can describe what is happening.

Let me not act as a volunteer to commit class warfare, but I will say some things that others who are in a habit of doing so will describe as class warfare. We have proposals to cut taxes before us. We have plans offered by those who support this budget that will say to those who make $1 million in income in this country that we want to give you an $80,000-a-year tax cut. That is what they are proposing if you are lucky enough to receive $1 million in annual income. And if you are, God bless you. I am sure you work hard for it. But if you are lucky enough to be in that category, the majority party plan says we think you should have an $80,000-a-year tax cut. If we say that, is that class warfare? Is that what it is called?

It seems to me it is logical for us to ask a question. When you are deep in debt, should you be talking about giving the most affluent in this country another tax cut? They got a very large tax cut 2 years ago. Should you talk about another one that will go largely to the most affluent in the country? I don't think so.

Let me go to the specifics. Everybody speaks in generalities. We use a lot of charts and we talk about the numbers on the charts. But we seldom go right to the resolution itself. We have a budget resolution before the Senate. It comes from a conference between the House and the Senate, which our side was not part of because the conference was not bipartisan. It was a conference of the Republicans in the House and in the Senate, deciding together what kind of a budget they wanted to bring to the House and Senate from that conference.

Let me describe what they brought to the floor of the Senate. Here is what they propose. Ask yourself: Is this Republican economics, is this conservative values, or a conservative doctrine? It is not a part of a conservative doctrine with which I am familiar.

On page 5, they say: (4) Deficits (on budget).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

> Fiscal year 2003: $512 billion.
> Fiscal year 2004: $558 billion.
> Fiscal year 2005, $487 billion.

If I keep going to fiscal year 2013, there are very large budget deficits year after year after year.

Does anybody care about that around here? Is there anyone who calls themselves a conservative who is willing to stand up and say this matters? No. The only thing you hear is the chanting from the other side that says you know what this is, this is a growth plan.

Let me be the first to admit this is the financial fertilizer that promotes growth. The problem is it promotes growth in deficits and debt and nothing else. Even the nonpartisan Congressional Budget Office reviewed this nonsense and said this is not a growth plan. This isn't going to promote growth in the economy. Don't take it from me because I belong to a political party. Take it from the nonpartisan Congressional Budget Office. They say it is not a growth plan. Take it from 10 Nobel laureate economists. They say this is not a growth plan.

My colleague from Florida just described a bipartisan op-ed piece in the New York Times. Former Senators Kerrey and Nunn; former Senator Rudman; former Treasury Secretary Rubin; former Chairman of the Federal Reserve, Paul Volcker; former Commerce Secretary, Peter Peterson—Republicans and Democrats alike—say this is not a growth plan. This is a serious problem for this country. We have people on the conservative side telling America let's spend money we do not have, often on things we don't need, and let's have the kids fighting the war come back and be saddled with the debt. This is fundamentally irresponsible.

It is not a surprise then I am not going to vote for the conference report. This does not make sense.

On page 5, for fiscal year 2003, they propose with this budget a $512 billion debt. Do you know what they will say? "How on earth can you say that? We are not proposing $512 billion in debt." What they do is take the Social Security trust funds for that year and reduce this and say: Our debt is only in the $300 billion range. You can do that if you want to loot the Social Security trust fund and use those revenues for a purpose for which it is not intended. I guess you can do that, but how many people are you fooling in this country? What does the word "trust" mean? Is "trust" a forgotten word in this town, in this Chamber?

They are the ones who say in the budget on which we will be voting that they want $512 billion in debt for fiscal year 2003 and $558 billion in 2004, and on and on. In fact, what they are also saying on page 6 is very interesting. I would just love for one of them to stand up and say: Sign me up for this, count me in, I am a big cheerleader; in fact, bring some pom-poms to the floor. We believe we ought to double the national debt from $6 trillion to $12 trillion. Sign us up. In fact, put on some sweaters. Put the letters on the sweaters: We are for higher debt; we are for doubling the debt; we are for giving tax cuts mostly going to upper-income people to increase Federal indebtedness.

I would just like somebody to stand up and be honest about that. Just tell us that is what you are for. Instead, we get this nonsense: We are for a growth plan. Growth of what? The only thing you are growing is debt. Deny that. Then take a look at your resolution. Stand up with pages 5 and 6 and deny it. Do I hear anybody denying it? I guess not. I guess they understand page 5 and 6 is what they wrote because this was not a bipartisan conference. Democrats were not involved in writing this. It is what they wrote, page 5 and 6, let's double the Federal debt and decide it does not matter. I just do not understand this thinking.

This is a remarkable country. In the McCullough book about John Adams, he writes about how John Adams used to write back to Abigail when he was posted in Europe as they were forming this new country of ours. He would plaintively ask Abigail in his letters: Where is the leadership going to come from? Where will the leadership be to help create this new country of ours? Who will be the leaders?

Then he would say: There is really only us. There is just me, George Washington, Thomas Jefferson, Ben Franklin, Madison, Mason—just us, he would say. It turns out, with two centuries of hindsight, it was some of the greatest human talent ever assembled, and they created a remarkably strong democracy.

It is important from time to time to ask the same question John Adams asked: Where is the leadership? Where is the leadership going to come from? Who will stand up and say: Let me lead; let me make tough choices? Regrettably, we do not see many leaders say that. My colleague, Senator CONRAD, is one of those leaders. There are precious few others.

Some of my colleagues who have stood up and fought valiantly to say this budget resolution will hurt this country, it will move this country deep in to debt, are willing to assume some leadership in saying that, but there are not enough in the Senate who want to say: Let me assume some leadership. There is not enough here. I regret that.

This country is not going to move ahead by leaving some behind. In this plan, they say, we must increase defense spending, we must increase homeland defense spending, we must cut taxes deeply, and we will shrink all other domestic discretionary spending to pay for it. That is not a plan.

What we are seeing in Iraq today is something quite remarkable, something that makes all of us enormously proud, first of all, of what our soldiers have done to liberate the Iraqi people. But then it bothers us a lot to see this looting all over the country of Iraq. That is what happens when you do not have civil order in a country, when there is no civil authority and no government.

Government means essential functions. It means law enforcement. It means building schools and educating children. It means roads, providing for the common defense—that is what government is. So when people talk about let's just give very large tax cuts and we will just decide to shut everything else down, I say, yes, let's cut some spending, let's tighten our belts in the right way. But let's not decide in this country to provide a budget resolution to America that on page 5 and page 6 says at this moment in America when we are at war—the war in Iraq and the war against terrorism—when we have an economy that is sluggish, when we have so many difficulties, let's embark on an irresponsible fiscal policy that doubles the Federal debt and has budget deficits every year as far as the eye can see.

As John Adams would ask: Where is the leadership? Where is the leadership to move this country responsibly toward the future of economic opportunity and growth and hope?

When this war is over and the young men and women, sons and daughters of America, come home to their loved ones—and we hope and pray that is soon—we have to get about the business of taking care of business at home. We have an economy that is a mess. Those who make investments in our country, those who work for a living, those who build businesses—all of them want to be American people who are confident about the future because our economy is all about confidence. If they are confident, then they do the activities that manifest that confidence. They take a trip, buy a car, buy a home, make a purchase, and the economy expands and new jobs are created. If they are not confident, they do exactly the opposite.

This budget document takes us toward deep Federal debt, and deeper Federal deficits year by year. This is not a document that is responsible. This is not a document that is a growth document. This is a document that takes America backward, not forward. None of us here would come to the Chamber of the Senate and say, Let's have higher income taxes. But at the very least we ought to decide we should not have very large tax cuts at a time when we are doubling the Federal debt, at a time when we are at war in Iraq and at war against terrorism.

The easiest lifting in American politics is by those who shuffle around saying: I am for tax cuts; it does not matter what the consequences are, I am for tax cuts. The consequences are, of course, to say let's do now what we want to do and have our kids pay for it. Let's have America's children bear the burden of the responsibility of this mistake. I think that is a horrible mistake. I wish very much I could come to the floor to support this budget. My colleague, Senator CONRAD, made a persuasive argument earlier today. He used a great deal of charts.

Let me use two of them. I mentioned what is on page 5 and 6. Here is the chart on debt. That is where it is headed, from $6 trillion to $12 trillion. That is not my number, that is on page 6 of the budget resolution. That is not my number, that is what the Republicans are proposing. I do not mean that just because they are proposing this, I am saying this is irresponsible. It would not matter to me who proposed it. If my side was proposing it, I would say it is irresponsible. It is a fiscal policy that does not add up, and everybody in this room knows it.

There is debt every single year, unless you loot the Social Security trust fund. We can make a chart that is a little better than this if one takes the Social Security money and misuses it. But we keep the Social Security trust fund in a trust fund, where the word "trust" means something to everybody.

This is what we have for 10 years. One can paint a barn with this red ink. Red ink is all we see. It is not a growth plan. The only thing that grows in this plan is debt and deficits, and that is why I am going to vote no.

I appreciate the time my colleague has offered me to describe my strong feelings about what this budget will do to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I yield 12 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to address an aspect of the budget resolution that we are debating today. I am going to focus on one of the Finance Committee's tasks that is included in the resolution. I am referring to growth package and reconciliation instruction to the Finance Committee. I would first like to put all of this into context. After that, I will describe an agreement with Senators SNOWE and VOINOVICH.

When I was thinking about the budget, Former Senator Barry Goldwater's words came to mind. Among legislators, you will find purveyors of perfection and those who practice the art of compromise. Reflecting on Senator Goldwater's words, I came up with a new version of Senator Goldwater's famous statement. With a little bit of poetic license, here is the version that I think sums up where we are:

> Let me remind you that extremism in tax policy at the expense of no budget resolution is a vice. Moderation in tax policy in pursuit of a budget resolution is a virtue. Fiscal conservatism is a virtue. No budget equals no spending ceilings and that equals a vice against taxpayers.

Our economy has not recovered as we had hoped. Too many factories are shut or running below capacity. Too many workers are looking for work and need jobs to provide for their families. Stock prices have remained well below the "bubble" prices of the late 1990's. Americans wonder when their 401(k) accounts will bounce back.

To me, there is a clearly demonstrated need for bold fiscal policy to give our economy a "kick start." President Bush took the initiative and the responsibility. The President put forward a bold plan that focused on consumer demand and lagging investment. Let me be clear. I am with the President and supported his proposals in committee and on the floor.

Keep in mind, press reports indicated administration officials pursued ever larger resources for the growth package. Last fall, the figure seemed to be $150 billion. In early winter, the Wall Street Journal reported one day the figure had gone up to $300 billion. Finally, when the President announced his plan the figure had grown to almost $700 billion. In fact, Joint Tax scored the plan at $726 billion.

I supported the President's number at each step and support it today. Unfortunately, there is not now a majority of Senators in support of the President's figure. Based on countless conversations I have had that majority is not going to materialize over the next few weeks. As much as I wish it were no so, that is the political reality.

The reality is that the Republican caucus is split. Most of the Senate Republican caucus supports the President's number. My moderate friends, such as Senators SNOWE and VOINOVICH, think the President's number is too large. Our Democratic colleagues who want to be constructive legislators, such as Senators BAUCUS, BREAUX, BEN NELSON and others, share our Republican moderates' view. Unfortunately, there are many on the other side who appear to view this exercise solely from the political objective of destroying part of the President's agenda. They seem less concerned about addressing the needs of the people.

My moderate friends base their views on concerns about future deficits. Those are sincere concerns. Likewise, I do not like the prospect of deficits. My difference is that fiscal discipline needs to come from the spending side as well. I do want to differentiate these moderates who are deficit hawks from those that claim the title of deficit hawk and seem to be advancing political objectives.

I would ask a question of those hard line opponents of the President's growth package who claim to be deficit hawks. How often have they offered to restrain spending? Did they offer any fiscally responsible spending restraints during the budget debate? I think we know the answer on that one.

We all need to focus on getting spending under control. Unfortunately, the reality is that a majority of the Senate wants to focus only on the tax relief side. That is where we find ourselves. We only see restraint on the revenue side of the ledger.

There is a more fundamental issue at stake. Republicans have a responsibility to govern. Aside from 135 days in 2001, Republicans have not had control over both the Congress and the administration for almost half a century. The American people gave us the authority to govern in the last election and we owe it to them to produce. Senators SNOWE and VOINOVICH understand this.

Senators FRIST and NICKLES also understand this responsibility. I want Iowans to know I understand it as well. The people are tired of the partisan games and want us to govern. That is one of the reasons why I have said, as the growth package emerged, I want a bipartisan product. Senators BAUCUS and BREAUX have told me they want to help me get a bipartisan growth package. They, along with other Democrats, made a down payment on this pledge with their support of the Senate budget resolution. I will work with them and like-minded Democrats in the bipartisan tradition of the finance Committee.

In this context, the governing comes down to a couple of pieces of the peoples' business. One, producing a budget and, two, advancing an economic growth package. We cannot go through the chaos of last year when, under Democratic control, we did not have a budget. Chairman NICKLES has made it his priority to restore the order that comes with the fiscal blueprint of a budget resolution.

A few moments ago, I discussed the importance of the second item, the growth package. That is my job, hopefully with my friend and colleague, Senator BAUCUS, to get a bipartisan economic growth package out of the Finance Committee, out of the Senate, out of conference, and on its way to the President.

So, the reality is these two items, the budget and the growth package, will not happen unless a majority of the Senate support the effort. Last night, a majority of the Senate did not support the budget resolution that passed the House early this morning. In order to get the necessary support, we made an agreement with Senators SNOWE and VOINOVICH. Let me be clear, without this agreement, the budget resolution conference report would not pass the Senate today. There would be no budget and no growth package without our agreement. That is why the leadership supports my efforts.

The agreement is simple. It relates to the revenue number for the growth package. I agreed that I would not return from the conference on the growth package with a number greater than $350 billion in revenue reductions. This means that, at the end of the day, the tax cut side of the growth package will not exceed $350 billion over the period of the reconciliation instruction.

Now, some on the other side will characterize this agreement as a "defeat for the President." Those who say it is a defeat for the President may reveal their objective. It appears that they view this important responsibility solely from a political angle. I would say the same thing about my Republican friends who use that same characterization.

This is not about the President. It is not about the House. It is not about the Senate. It is about doing our job. It is about doing the people's business. As a matter of fact, if you review where the growth package started, at about $150 billion, you could say the ball has been moved substantially. Why is that? Common sense will tell folks on both sides of the aisle are a lot more concerned about the economy now than they were when we started. The reality is that we have the resources to do a very good growth package.

We have the tools to cut taxes that burden workers. We have the tools to cut taxes that burden small business. We have the tools to make investment decisions more attractive. That is where my focus will be—on workers, small business, and investors. I hope that my colleagues will join me and focus on doing the people's business. They can start by supporting the budget resolution conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I compliment my friend and colleague, the chairman of the Finance Committee, for his leadership, for his courage, for his service on both the Finance Committee and on the Budget Committee. He full well realizes we need both a budget and a growth package, and he has helped us and enabled us to do that. I also thank my colleagues from Ohio and Maine as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, while I welcome what I have just heard the Senator from Iowa say, no one should be under any illusion that there will only be $350 billion in tax cuts provided for in the budget resolution. This budget resolution provides for $1.3 trillion of tax cuts. Focusing on the reconciled tax cuts is only half of the story. It is a very important part of the story because those are the provisions that have special protection. There is a whole other part of the tax cut package part of this budget resolution that gets little reported. We are still left with well over $1 trillion of tax cuts.

People keep asserting it is a growth package. This is the work of the people who determine the effect of various packages, the very people who are under contract to the White House, the people who are under contract at the Congressional Budget Office who have looked at the President's plan. This is what they say:

> Initially the plan would stimulate aggregate demand significantly by raising disposable income, boosting equity values and reducing the cost of capital. However, the tax cut also reduces national saving directly while offering little new, permanent incentive for either private saving or labor supply. Therefore, unless it is paid for with a reduction in Federal outlays, the plan will raise equilibrium real interest rates, "crowd out" private-sector investment, and eventually undermine potential GDP.

Not a growth package, it is a package that hurts economic growth. That is the hard reality.

The fundamental reason for it is revealed in the President's own budget that shows his long-term outlook with respect to budget deficits if his budget plans are adopted. This is from his budget document. It shows we never get out of deficit. It shows the deficits explode because the baby boom generation retires and the cost of his tax cut package explodes.

The result is a heavy load of deficit and debt that burdens this economy and prevents the kind of economic growth for which we had all hoped.

The Senator from Montana is seeking time. I yield 15 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, so often Members of Congress, the President of the United States, and members of the press refer to an event as "historic." The vote we are about to take on the budget resolution is one of those events. If this resolution passes, then April 11, 2003 will be included in the history books as the day the Senate relinquished part of its Constitutional purpose and power.

On March 31, a little over a week ago, I attended the funeral service of the late Senator Daniel Patrick Moynihan. I had the privilege of serving in the Senate with Senator Moynihan. He was a visionary, a leader, a teacher, and a statesman.

Senator Moynihan reminded us to pay attention to our history. And he protected the historical purpose of the institutions of our nation's government—the executive branch, the judicial branch, and especially the legislative branch.

Article 1, Section 3 of the Constitution designates the Senate as our Nation's deliberative body. As such, Senators are the only elected officials in our Federal Government with the power to impeach, approve treaties, and have 6 year terms.

In Federalist paper No. 63, the Founders explained that 6 year terms were important because the Senate would serve "as the cool and deliberate sense of the community." The Framers believed this was important to prevent the Federal Government from making hasty decisions about matters that are central to the future of our country.

Let me quote directly from Federalist 63:

> . . . so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.

In short, our Founding Fathers saw the Senate's obligation to deliberate the important issues of our time:

> until reason, justice, and truth can regain their authority over the public mind.

I believe we are at such a critical juncture.

Several Senate rules facilitate the Founders intent. First, Senators generally are allowed to offer amendments to any bill brought before the Senate. This is not generally the case in the House of Representatives.

In order to limit debate and reduce amendments, either all 100 Senators must agree to the limitations or the promoters of the legislation must file a motion to close debate and get 60 votes for that motion. That means that a simple majority is simply not good enough. The magnitude of our decisions requires a larger number of the Members of this body—60—to agree that it is the right thing to do for our country.

These Constitutional protections are fundamental to ensuring that the Senate maintains the role envisioned by our Founding Fathers. We must be very cautious when diminishing these protections in any way.

The enactment of the Budget Act of 1974 is one of the very few instances when the Senate has cut back on these protections. This was done with another important goal in mind—reducing deficits.

Let me take a minute to touch on the budget and budget reconciliation protection process.

When Congress passed the Congressional Budget and Impoundment Control Act of 1974, the purpose of the legislation was to help Congress control its budget.

Among other things, the Budget Act allows Congress to enact a budget blueprint each year. That blueprint, contained in what we call a budget resolution, is considered under special rules and must be passed by April 15th of each year.

One of these rules is that, instead of requiring 60 votes for approval, the resolution requires only 51. After a limited amount of time for debate, the Senate moves to a final vote.

The Budget Act set up a streamlined process—reconciliation—to make it easier for the Senate to pass legislation pursuant to the directives of the budget resolution.

Those provisions such as cutting spending or increasing taxes, are critical to reducing deficits.

Thus we agreed to significantly diminish the right of Senators to debate and amend measures brought to the Senate floor when done as part of the budget resolution and reconciliation. We agreed to give up these rights for a very important goal—that of deficit reduction.

Things changed, though, in 1996. In 1996, the Senate parliamentarian ruled that the budget resolution's streamlined reconciliation protection could also be used to pass tax cuts, that is, provisions that increase deficits.

The budget resolution can now include instructions to the Finance Committee to report tax cuts that can be passed in subsequent legislation with only 51 votes in the Senate. That ruling turned the Budget Act on its head. Unfortunately, today's parliamentary maneuver goes even further: it turns Senate procedure on its head.

The instructions in this budget resolution regarding the tax cut establish new precedents that will expand the power of the House and the leadership of the Senate at the expense of Senators. The precedents will diminish the power of any individual Senator, the Senate's committees, and whichever party happens to be in the minority at any given time. This new budget resolution scheme runs counter to intention and rules governing Congress since Congress first convened in 1789.

The tax cut instructions direct the Finance Committee to pass a bill with a maximum of $550 billion in tax cuts. However, if the Finance Committee passes a bill greater than $350 billion, then the bill will not be permitted to pass the Senate unless it garners 60 votes of support instead of 51. This is accomplished through a new point of order that will apply during Senate consideration of the Finance Committee bill.

So, for example, if the Finance Committee passes a tax cut bill costing $450 billion, any Senator could raise a point of order on the Senate floor. The point would be sustained by the chair, unless 60 Senators voted to waive the point of order.

The point of order, however, is not applicable in conference under this resolution. Accordingly, a conference report that comes back above $350 but no more than $550 would need only 51 votes. No known points of order would lie against it—a dramatic change from current Senate practice.

At this point, I might say the architect of all these provisions which were designed to maintain Senate procedure and to maintain control of the deficit in a meaningful way is now seated on the floor, Senator ROBERT BYRD from West Virginia. I pay great respect to the Senator from West Virginia, who I am sure right now is lamenting a lot of new procedures that this body is about to adopt.

Under the Byrd Rule, the Senate could not exceed the instructions to the Finance Committee unless there were 60 votes to waive the objection.

But there is a significant difference. The Byrd Rule applies to both Senate consideration of the tax bill and Senate consideration of the conference report. But there is a big twist. The new point of order will apply only to Senate floor consideration of the Finance Committee tax cut legislation. It won't touch the conference report.

Now, you may ask, why doesn't the Byrd Rule still apply to the conference report? I believe that the Chair would rule that it does apply. This was confirmed in a letter sent from the Parliamentarian to Senator DASCHLE on April 9, 2003, which stated in part:

> During Senate consideration, the conference report on this measure [the tax cut bill] would be subject to the level of the reconciliation instruction given to the Finance Committee. If that conference report exceeded the instruction to the Finance Committee, the Byrd Rule would be available to remove provisions from that report sufficient to bring the measure into compliance with the reconciliation instruction to the Finance Committee.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, April 9, 2003.
Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to you in response to your question about the consideration in the Senate of a revenue reconciliation bill pursuant to H. Con. Res. 95, the budget resolution currently in conference, if the conferees on that budget resolution give different revenue reconciliation instructions to the Senate and the House.

The Senate during its consideration of a Senate measure would be bound by the reconciliation instruction given to the Finance Committee. As you know, the Senate must pass a House originated revenue measure, and therefore the Senate must consider a suitable House revenue measure as a vehicle to be passed and sent to conference. The Senate could consider as a reconciliation bill a House passed measure which complied with the higher reconciliation instruction given to the House Ways and Means Committee. During Senate consideration the conference report on this measure would be subject to the level of the reconciliation instruction given to the Senate Finance Committee. If that conference report exceeded the instruction to the Finance Committee, the Byrd Rule would be available to remove provisions from that report sufficient to bring the measure into compliance with the reconciliation instruction to the Finance Committee, subject to subsequent House action.

Sincerely yours,

ALAN FRUMIN,
Parliamentarian.

Mr. BAUCUS. That is what the Senate Parliamentarian wrote in a letter to Senator DASCHLE 2 days ago.

The operative question is, What is the instruction given to the Finance Committee? I suggest there are two possibilities: $550 billion and $350 billion. The case for the $550 billion is technical. Section 201(b) of the bill before us states:

> The Senate Finance Committee shall report a reconciliation bill not later than May 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than [$550 billion].

The case for $350 billion—that is what is the instruction given to the Finance Committee—is substantive. The instruction to the Senate Finance Committee is conditional. The very next section of the budget resolution, Section 202(a), provides:

> It shall not be in order for the Senate to consider a bill reported pursuant to section 201, or an amendment thereto, which would cause the total revenue reduction to exceed [$350 billion] . . .

Taken together, the instruction to the Senate Finance Committee regarding reconciliation is $350 billion. I believe if you were to ask 100 Senators what the size of the tax cut is going to be in the Finance Committee-reported bill, they will tell you, it will be $350 billion—not more. Everyone in this Senate, this body, knows that is what is going to be reported.

The budget resolution says it is not in order to consider a tax bill greater than $350 billion. If the Chair rules that the instruction to the Finance Committee is for $550 billion, then I believe that approval of this resolution would eviscerate a significant part of the Byrd rule.

The Senate will have created a mechanism to, at a minimum, eliminate the effect of the Byrd rule provision in consideration of conference reports.

Under this ruling, there would be no basis for stopping further erosion of the Byrd rule. The drafters could eliminate the use of the Byrd rule provision by setting a very high instruction number to the committee, and setting points of order at lower amounts at whatever steps along the way were necessary to command the votes sufficient to pass a bill.

For example, the budget resolution could instruct the Finance Committee to report a bill costing $1 trillion. The resolution could then set a point of order applicable to the Finance Committee bill at $200 billion, set a point of order applicable to Senate floor consideration at $300 billion, and set a point of order applicable to the conference report at $400 billion. The Byrd rule would then be inapplicable provided the cost of the tax cut bill was not more than $1 trillion, an artifice. That is exactly what is going on here in this budget resolution.

That result is absurd, and I believe this interpretation renders portions of the Budget Act moot or ineffective. If these actions go forward, this ruling will come back to haunt the Senate. It may enhance the Senate's ability to pass bigger tax cuts. It may enhance the Senate's ability to pass larger spending increases. It may do both. But it will not help the Senate reduce the deficit, which was the purpose of the reconciliation provisions.

I urge every Member of this body to fully examine the effects this ruling will have on the Senate and on our Nation. It is irresponsible to go forward with this plan, and I cannot support the procedural scheme cooked up in this budget. I urge my colleagues to look at the long run, not the immediate short run, and vote against this resolution.

In addition to my earlier comments expressing my disappointment and serious concern regarding the procedures adopted with respect to this budget, I would like to also speak against certain funding provisions included in this budget conference report. I'm especially concerned by the insufficient level of highway funding and by Title III.

Highway funding is one of the most effective ways to create jobs and send needed assistance to the States—in my State of Montana and across the nation. It is unacceptable to cut transportation funding at this time when states are facing record deficits and unbalanced budgets. In addition to highway funding levels being set too low in the budget resolution, the reserve fund provisions won't allow us to increase the highway program unless we raise taxes.

In order to build on the success of TEA 21 and pass a TEA 21 reauthorization bill, we must ensure that our budget resolution can accommodate higher levels of spending for highways and transit. These higher levels of spending will enable the successor to TEA 21 to become law.

Increasing funds into the Highway Trust Fund is the sole responsibility of the Senate Finance Committee. Senator GRASSLEY and I have been working very hard to find ways to grow the highway and transits programs, without raising taxes.

I can't emphasize enough how the single principal feature of any new highway reauthorization bill has to be its increased funding for the program, something that will help Montana and help our country. The blueprint that the budget resolution sets for our fiscal year 2004 budget fails when it comes to transportation funding.

I am also troubled by provisions that were included in Title III of the budget resolution. Similar to the deceptive procedures that are being used to rush this budget to a final vote, Title III includes misleading findings in order to justify possible future cuts to programs that are essential for working Americans. Title III includes findings on waste, fraud, and abuse in Federal programs and instructions for the tax-writing committees to examine these programs for savings.

Many of the programs included in Title III involve aid to low income Americans. Included in this group are millions of veterans and members of our current armed forces. Title III includes findings addressing the earned income tax credit (EITC). EITC works to reduce the tax burden on low income Americans, while giving a powerful incentive to work. I am concerned by a section of Title III that would crack down on erroneous payments of the earned income tax credit, stating that the OMB has found that $8 billion a year is paid erroneously for EITC claimants.

I have no tolerance for people who commit fraud and steal benefits paid for with the tax dollars of hard working Americans. However, I believe the OMB findings are largely due to errors, not fraud. And I believe that the complexity of the tax credit and complex living situations are responsible for the high error rate. Publication 596, the instructions and forms for the EITC, are 54 pages long. The number of pages explaining the EITC is longer than those describing the alternative minimum tax. Many of the claims paid "erroneously"—according to the study on 1999 tax returns—are not paid fraudulently. Often a payment made in "error" is simply made to a mother living in the same house as her grandmother—who should have claimed the credit—and is consequently marked as paid in "error."

Senator NICKLES argued earlier today that we have never addressed these issues before. With all due respect for my good friend from Oklahoma, we have worked in a very bipartisan way over the last several years to address the issue of EITC noncompliance. In 1997, we passed a provision allowing the IRS to access the Federal Case Registry to determine if a child is qualifying. This registry is still a work in progress. We also established kid-link, which as of today, only affects children aged four and up.

In 2001, Senator GRASSLEY and I worked together to include significant provisions in the bipartisan tax cut that were aimed at reducing error. These changes include the AGI tiebreaker provision and giving the IRS math error authority to prevent deadbeat dads from claiming the EITC.

It should be noted that almost none of these changes were in place when the study Senator NICKLES refers to was done on 1999 returns.

President Reagan hailed the expansion of the EITC in 1986 as "the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress." It has been estimated that nearly 4.8 million people, including 2.6 million children, are lifted out of poverty every year because of the earned income tax credit.

In 1999, then Presidential candidate, Governor Bush, told reporters "I don't think they ought to balance their budget on the backs of the poor." Mr. President, I hope we take these words to heart when we consider this budget.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I salute the Senator from Montana, the ranking member of the Finance Committee, the former chairman of the Finance Committee, for, with great specificity, pointing out the extraordinary danger of what is being proposed here.

In order to accomplish a short-term goal, we are endangering the ability of this body to responsibly manage the budget of this Nation. I believe this is a dark day for the Senate. I believe we will live to regret the day this was adopted.

It is a sham. It will create enormous problems in the future. Whoever is in the minority—whoever is in the minority—is going to face a dramatic diminution of the power and the ability to influence outcomes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I take issue with our colleagues. I regret the decision they made. But that is not the way this resolution reads. It may have been the way we were looking at having it a couple days ago, but because of some changes that were made, this resolution reconciles both committees to $550 billion, both Houses to $550 billion.

It also has additional language that says the Senate will be limited to $350 billion, both out of committee and on the floor. The chairman of the Finance Committee said he would not report, he would not sign a conference report that was greater than $350 billion. You can take the word of the chairman of the Finance Committee. If he says it is not going to be more than $350 billion, it is not going to be more than $350 billion.

But to say we are starting something different, if the resolution was drafted correctly and it said $550 billion for both Houses, it did have limitations on the Senate. We have the right to put limitations. We put instructions to various bodies, either the House and/or the Senate, and various committees. That is what a Senate resolution does.

I just want to make sure people understand both the commitment our colleague from Iowa made and also that the resolution—and it was not done haphazardly. It was not done with malice or trying to distort the budget process. We were trying to pass a budget in both the House and the Senate. That is what we are going to do. We are going to have a budget.

We did not have a budget last year. We are going to have a budget this year. We are going to have a budget that will have caps on discretionary spending and points of order against entitlements. It will be able to keep people from offering entitlements on any little bill that comes down that costs billions of dollars and acting as if it did not cost anything. We are going to have budget enforcement. We are going to have fiscal discipline. We are going to have a reconciliation package that will be reported out of the Senate Finance Committee on the floor of the Senate, and I believe out of the conference report, at $350 billion.

I will also say, I heard my colleagues say: Well, there is really $1.2 trillion. Mr. President, $600 billion and some of that is for the last 3 years of the reconciliation period—the years 2011, 2012, and 2013. That will be to extend present law. If we do not extend present law, you are going to have people who are paying 10 percent, who will be paying 15 percent. You are going to have people who are paying 25 percent who will have to go back up to 28 percent. You will have an increase or reinstatement of the marriage penalty. You will have people who were receiving a $1,000 tax credit per child who will only get a $500 tax credit per child.

I just mention these. Everybody keeps talking about these fabulous tax cuts for the wealthy. The highest income tax bracket has been reduced a great big 1 percent. It has gone from 39.6 percent to 38.6 percent. Hopefully, eventually it will be at 35 percent. How high is 35 percent? I might remind my colleagues, in 1990, the maximum rate was 31 percent. So even after all of these enormous personal income tax cuts proposed by President Bush, the rate is going to be 35 percent, which is still about 13 percent—or maybe higher than that—well, the old rate was 31 percent. So you are still about 15 percent higher than it was under President Clinton.

I just mention, with all these rate reductions—I have been in the Senate not nearly as long as Senator BYRD, but when I came to the Senate, the maximum personal income tax rate was 70 percent. In my first 8 years in the Senate, it was reduced to 28 percent—a pretty significant reduction.

Incidentally, Federal revenues in that 10-year period of time, between 1980 and 1990, doubled. So even though we reduced personal income tax rates dramatically, total revenues to the Federal Government rose dramatically—doubled—in that timeframe. So it can happen.

We reduced capital gains rates in 1997 from 28 percent to 20 percent, and revenues rose, and rose dramatically, because we cut tax rates.

President Bush is now proposing additional tax cuts to stimulate the economy. The chairman of the Finance Committee said the reconciliation package would be $350 billion. Colleagues on the other side offered tax bills and spending bills—mostly spending—that was $140 billion. I guess that was OK but this is not OK.

We are looking at an economy that is $11 trillion per year. We are looking at total revenues to the Federal Government over this same period of time of $28 trillion. We are trying to move the economy by having a slight reduction of $350 billion. The House would say $550 billion. That is hard to do. Some of us think it should be more, but we also know we have to count votes. We also know we have to pass a budget. That is our objective, to pass a budget and to get the biggest growth package we can. That has been my objective for a long time. I think it would be very foolhardy to say: Well, we can only get half a growth package; therefore, we will not have a budget. I think that would be a mistake.

We need to have a budget. We need to have a growth package.

I just tell my colleagues as well that there are still opportunities to do additional tax cuts outside of reconciliation. I encourage that. I was very close to recommending we not have reconciliation and just do a tax cut, period, the old-fashioned way, without the expedited procedure, Senator BYRD, because I believe we can pass one. I think we should pass one. It would be amendable and debatable. We could do it, and we would help the economy. I hope we will, in addition to what we do on reconciliation. I don't think you can stimulate the economy as big as this economy is. I don't think you can do enough with $350 billion. I agree with our President. It may well be we will have to do some inside of reconciliation, and we will have to do some outside of reconciliation. Fine. I would imagine the House can pass a tax bill, and I hope and look forward to taking it up in the Senate. Yes, there will be unlimited debate and unlimited amendments. Fine. Let's take it up. Let's vote. Let's find out, do we really want to grow the economy.

I hope our colleague, the ranking member of the Finance Committee, will work with the chairman to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, he may get a budget resolution, but there is no fiscal discipline here. Let's not mislead anybody. This is a prescription for record budget deficits, for red ink as far as the eye can see, for the explosion of deficits and debt. This may be a budget resolution, but it is not a prescription for fiscal discipline.

People can make all the deals they want. We are going to vote on a budget resolution. This budget resolution authorizes $1.3 trillion in tax cuts. That is what is provided for here. And they can do this fandango dance that they instruct on one hand the Finance Committee to do $550 billion of tax cuts, then turn around and make a supermajority point of order against any actual product of that committee over $350 billion, and the chairman of the committee can come out and commit not to bring back from conference committee anything more than 350. I have respect for the chairman of the committee. When he gives his word, I believe it. I commend him for it. But let's not be under any illusion that that restricts what is happening to $350 billion of tax cuts. It does not.

What is in this budget we are going to vote on is $1.3 trillion of tax cuts when we already have record budget deficits, and it also increases spending by $1.1 trillion. Guess what? You are going to have deficits as far as the eye can see. And they are not small deficits; they are huge deficits. And they are going to mushroom when the baby boom generation retires.

Is the Senator from West Virginia seeking time?

Mr. BYRD. Yes.

Mr. CONRAD. How much time would the Senator like?

Mr. BYRD. Twenty minutes.

Mr. CONRAD. I am happy to yield 20 minutes to the Senator from West Virginia, ranking member of the Appropriations Committee, and also an extraordinarily valuable member of the Budget Committee.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota, the former chairman of the Budget Committee in the Senate on which I serve. I thank him for the time. I may not use the 20 minutes. I will yield back to him whatever I do not use.

I also thank the distinguished Democratic whip for his courtesies and his characteristic accommodating mood.

With the final passage of the fiscal year 2004 budget resolution, I expect that many in Congress will congratulate themselves for a job well done. I expect a whole flurry of press releases to emanate from Washington about who is or is not a friend of the taxpayer, and who is or is not a friend of the President.

Those characterizations underscore just how ridiculous this budget debate has become.

The economy is floundering. Economists are warning that it could begin to contract in the months ahead, raising the risk of a disastrous double-dip recession. The airline, manufacturing, and tourism sectors are already in outright recession.

More than 2 million jobs have been lost nationwide since January 2001, and 3.5 million workers are drawing unemployment benefits.

During that same time frame, the Dow Jones Industrial Average—a symbol of the retirement holdings of millions of Americans—has declined by a disastrous 23 percent.

Budget deficit projections are soaring, with some private-sector projections for the current fiscal year topping $400 billion. Yes, $400 billion. That is $400 for every minute since Jesus Christ was born.

The trade deficit remains disturbingly high, with the economy losing tens of billions of dollars every month in growth to other nations. We often hear the other distinguished Senator from North Dakota speaking on this subject, Mr. DORGAN, about the trade deficit. His pleas fall on deaf ears.

The dreaded twin deficits plaguing the U.S. economy have raised alarms around the globe, with the world's economic leaders pleading with this Administration to reverse its policies and trim its deficits.

Now the Senate is on the verge of passing a budget to authorize over $1 trillion in new tax cuts while we are in a war. It would be funny if it were not so serious: over $1 trillion in new tax cuts. How long would it take you to count to a trillion dollars at the rate of $1 per second—1, 2, 3, 4, 5, at the rate of $1 per second—how long would it take you to count to $1 trillion? Anybody want to guess? Thirty-two thousand years. So here we are on the verge of passing this budget to authorize over $1 trillion in new tax cuts before the American people can even begin to come to grips with just how badly our fiscal position has deteriorated. This budget deliberately obscures from the American public the mounting levels of deficits and debt we are accumulating. Have we no shame? This budget resolution is a sham. The spending and deficit numbers it contains are phony. I doubt there is a Member of this body who believes the assumptions that are included in this budget.

We haven't even figured out yet how we are going to pay for the war. Ask Secretary Rumsfeld what the cost of the war is going to be? He will say that is not knowable; these things are not knowable. Well, we haven't even figured out yet how we are going to pay for the war, a war that began 3 weeks ago that this administration has been eyeing since it took office 2 years ago.

The budget is in deficit. Under this so-called balanced plan, the national debt will almost double in just 10 years, reaching $12 trillion by 2013. That is trillion dollars, trillion with a capital "T." We are borrowing hundreds of billions of dollars and exhausting the Social Security surpluses just to finance the current operations of Government.

I pity those three little great-granddaughters I have, and other Senators should weep alike. If you don't have granddaughters or great-granddaughters now, if the Lord blesses you, you will have them.

The Congress will soon pass a roughly $80 billion supplemental, but those funds are just a downpayment on the war—just a downpayment, a small one at that—on the war, and post-war reconstruction there is likely to cost hundreds of billions of dollars.

This budget resolution includes only $75 billion for the war in Iraq and pretends that not budgeting for this effort will not have long-term consequences for our troops and humanitarian relief efforts.

The economy is faltering, the budget is deteriorating, and all this administration says is tax cuts will save us. Well, I have been in Congress for over 50 years. I have been in politics almost 60 years. The easiest votes that I ever had to cast were votes to cut taxes. The administration says tax cuts will save us. They append their hopes to ideological rhetoric. Meanwhile, the poor, beleaguered, hard-pressed, downtrodden American taxpayer gets stuck with bigger and bigger debt and more and more interest costs.

The Congress has struggled for weeks about whether to endorse the President's tax cut proposal. For a while, there appeared to be a glimmer of hope on the horizon. A number of Senators, despite immense pressures from the White House, despite immense pressures from their party leadership, voted their conscience. Tax cuts were trimmed so funds could be set aside to pay for the war, pay for the deficit reduction, and pay for the other priority needs of the Nation.

What's more, the Senate sought to create parity between emergency designations for homeland security and defense spending. That was my amendment.

This budget resolution effectively erases those decisions—wipes them out—and replaces them with a lot of nonsense that has already been rejected by this Senate.

We haven't the funds to pay for a war, and the administration knows that. They didn't even budget one thin dime in the budget for the war. We haven't the funds to pay for a war, let alone a massive new tax cut. Our only option is to go deeper and deeper into debt. How deep we are going to go is anybody's guess, but one thing is sure: Mr. President, your children, my children, my grandchildren, my great grandchildren, your grandchildren, your great grandchildren, and theirs—those people looking at the Senate Chamber today through those electronic eyes—your grandchildren, their children, and their children's children will still be paying the tab many years hence.

We hear the cry for stimulus through tax cuts. I say bunk. Economic stimulus is a code word for covering your political backside—if you know what the code word "backside" is for. Economic stimulus is the code word for covering your political backside. The economy of this Nation has been mismanaged by those who put protecting their political base ahead of enacting sound economic policy. If all we had to do was to pass massive tax cuts every time the economy began to stumble, if it were just that simple, we would have done away with recessions in the last century.

President Ronald Reagan had the common sense to recognize the consequences of long-term deficits and the courage to repeal portions of his own 1981 tax cut. President George Herbert Walker Bush likewise recognized the dangers of long-term deficits and signed legislation to increase taxes in 1990. But this administration refuses to recognize how badly its economic policies are failing. This administration can only stubbornly argue for more of the same—more tax cuts.

It was unwise, unfair tax cuts that helped to push the budget into deficit in the first place. The much touted stimulus to the economy did not happen. The only thing these tax cuts will stimulate is campaign contributions from fat cats.

The budget process is supposed to provide this Congress with a roadmap that will guide us toward reasonable spending and tax policy. But under this budget resolution, the war and postwar reconstruction will not be paid for, deficits and debts will continue to pile up, and the American taxpayer won't even know that the Nation has veered off the cliff, off the road, until the economy is on its back—spinning its wheels deep inside the deficit ditch.

In the New York Times on Wednesday, Sam Nunn, Warren Rudman, Bob Kerrey, Peter Peterson, Robert Rubin, Paul Volcker—Republicans and Democrats, moderates and conservatives, former Federal Reserve and Treasury officials, and former Members of the Senate—all joined together to warn us not to do exactly what we are about to do. They urged us not to rely on unrealistic budget assumptions, not to ignore the deteriorating long-term fiscal outlook, and not to enact these fiscally irresponsible proposals.

This budget makes promises to the American people that we know we cannot keep. This budget piles years of interest and debt payments on the public and then tries to obscure them with the promise of economic stimulus. I oppose that kind of manipulation. I oppose not being forthright with the American people. I oppose this budget resolution.

I yield back to the distinguished manager of the bill on this side of the aisle whatever time I did not use.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the very distinguished senior Senator from West Virginia. As I indicated, he is a very valuable member of the Budget Committee and the ranking member of the Appropriations Committee. He has said very clearly what this budget before us represents: a plunge off the cliff into unending deficits and debt—at the worst possible time.

Here we are at war, the cost of which we cannot know, right on the brink of the retirement of the baby boom generation. We are already in record budget deficits. The Senator said the budget deficit, as some private forecasters indicate, will be over $400 billion this year. That doesn't count the $160 billion they are going to take out of the Social Security trust fund.

On a true operating basis, we are going to have a deficit this year of more than $600 billion. Is anybody listening? And it doesn't end this year. We don't see the deficit on an operating basis, if this budget is adopted, ever getting below $300 billion to $400 billion a year. This is the sweet spot—the time the trust funds are throwing off big cash surpluses. When the baby boomers retire, we will go into cash deficits. Then the cost of the President's tax cuts truly explode, driving us off the cliff into deficits, and deficits that are totally unsustainable.

I note the Senator from New Jersey is seeking time. He is also an extraordinarily valuable member of the Senate Budget Committee. He is somebody whose expertise in financial matters has been demonstrated in the private sector and public sector. Very few have been as successful as he has been in the private sector, and he was successful in understanding how the economy works. How much time does the Senator seek?

Mr. CORZINE. I would like 10 minutes. I might go a few minutes beyond that.

Mr. CONRAD. I will be happy to yield 10 minutes to the Senator from New Jersey.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Fifty-two minutes.

Mr. CONRAD. I will be happy to yield 10 minutes to the Senator from New Jersey and any additional time he requires.

Mr. CORZINE. I appreciate it very much.

Mr. BYRD. Mr. President, before the distinguished Senator yields to the very distinguished Senator from New Jersey, will he allow me to thank him, the Senator from North Dakota, for the leadership he continues to provide to the Senate in these budget matters. I thank him for his kind words. Future generations will not rise up to call us blessed.

Mr. CONRAD. I thank the Senator. I yield now to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I appreciate the time from the Senator from North Dakota. I say to both my colleagues, they are laying out for the American people the nature of a budget resolution that really does undermine our future. Before the Senator from West Virginia leaves, I heard one of the most direct analogies about what we are doing dollar for dollar and that it would take 32,000 years to count the deficit if we went to a $1 trillion deficit. We are actually creating a $1.6 trillion deficit, which I think is 50,000 years. It is very hard for any of us to understand the dimensions of the fiscal irresponsibility we are taking on here.

I compliment the Senator in trying to put this debate in terms which people can picture in reality.

Mr. BYRD. Mr. President, I thank the able Senator.

Mr. CORZINE. Mr. President, I add my strong opposition to this conference report on the budget resolution before us today from a whole host of perspectives. I am certainly no expert on procedural rules, but I have heard a description of an approach to the debates we have had about the budget. It is hard to accept if this is the process by which we want to bring discipline to our budgetary process.

The area I do understand clearly is fiscal matters, and this budget resolution, in my view, is fiscally irresponsible to the extreme. Maybe more important than the accounting issue is it risks enormous harm to our economy in the short term and in the long term. It poses a clear danger to the future of Social Security and Medicare, and it threatens our ability to provide for critical priorities, such as homeland defense and education for our children.

This budget calls for a tax cut of $1.3 trillion over the next 10 years. When we add in the extra interest costs—that is using the assumptions we use now of low interest rates—which are required to pay for that cut, the real cut is $1.6 trillion. It raises the obvious question: Where is the money coming from? It is a question one has to ask when doing budgets: Do we have $1.6 trillion to fund these cuts without raiding the Social Security trust fund or undercutting consensus-driven priorities for the American people?

A few years ago, we had the resources and the ability to evaluate whether we wanted to have tax cuts. We had a $5.6 trillion projected surplus. That surplus was built on sound fiscal policies, ones that accompanied an extremely strong economy for many years. It is hard to understand why we needed to change policies since the economy was doing very well and it had probably the greatest run in the 20th century. But we felt there was a need to tinker with this $5.6 trillion surplus.

Guess what. It has disappeared, and we have added $1.6 trillion—that 50,000 years the Senator from West Virginia talked about if you count $1 a minute. We do not have the extra dimes, nickles, and dollars—a blank checkbook—to fund these tax cuts or increase any of the spending we might want for homeland security, national defense, making sure we invest in our future so that when our men and women come home from the war, they will have an economy that works for their children and their future.

By the way, we are looking at those deficits before these tax cuts, and this proposal in the budget resolution undermines that baseline. So the huge tax cuts proposed in this resolution are going to be relying on payroll taxes that are supposed to be dedicated to Social Security and Medicare. Then they will be financed by putting the remainder on our national credit card.

Who is going to get those credit card charges? It is hundreds of billions of dollars that come with the additional interest we will be paying in the years ahead. As we have heard, it is not this generation, it is the next generation—our children and our children's children. We are laying the burden right out on their shoulders.

I find it completely irresponsible. You certainly would not do that in your own life. That would border on immorality at a family level. This generation, or at least the most fortunate members of this generation, in my view, have no right to transfer the benefits of America for which we all worked so hard and so many have fought for and given their lives for at the expense of future generations.

I do not get it. Just this morning I was at a funeral for a heroic young man in the State of New Jersey who lost his life in Iraq. He made the ultimate sacrifice so we would have a positive future and to protect America. We are doing just the opposite in economic security with respect to this budget.

Beyond the raw, in my view, inappropriateness of this intergenerational transfer of wealth, it is also terrible economic policy. That is why we have had—one of the few times in history—10 Nobel Prize economists—hardly 10 economists can agree on anything—and 500 others signing up to say this does not provide short-term stimulus and really does undermine our long-term credibility, our long-term fiscal health.

It is very simple what it is going to do. It actually creates antigrowth policies in the sense we are going to create deficits, and as the economy takes off, interest rates will rise and there will be this crowding out—which has gone on off and on when we have run these big budget deficits over time—and undermining of private sector initiatives, and that will depress future economic growth. There are many models that verify this and many people making those arguments. We heard that in the group the Senator from West Virginia talked about in the article on Wednesday—a Republican, a Democrat, conservative, liberal. This is not a policy that is in the mainstream of economic thought, of business thought about how we are going to grow the economy over time.

Unfortunately, these negative effects of heavy fiscal deficits are going to last for decades. We have this baby boomer situation where we are going from 40 million 65 and older to 80 million, give or take a couple million on both sides of those numbers, and they are going to raise the cost of Social Security and Medicare in future years.

If we are going to maintain those programs, we have an incredible car crash coming with regard to our fiscal conditions, even before these tax cuts.

It is not as if we do not have a need to do something about the economy now. I could go through the employment situation. We have lost 460-some-odd thousand jobs in the last 2 months. I check these weekly unemployment numbers, and they are startling. We have people out of work, working part time, dropping out of the labor force. It is not a pretty picture. We need stimulus now. We are having serious shortfalls in the ability for the economy to produce those jobs, and I do not see anyone saying that in the near term this package of proposed tax cuts is going to have much, if any, impact on creating jobs.

It might be talked about in some kind of long-term context. At least there is a legitimate debate about whether that works. I actually think the mainstream comes out and says that does not even work in the long run, but there can be an argument about it. In the short run, it is almost universal it has little, if any, impact.

We have lost 460,000 jobs in this economy in the last 2 months. President Bush could very well end up being the first President in 50 years to preside over a decline in the total number of private sector jobs in the economy. I do not see this in the self-interest of the President and the administration with regard to good economic stimulus programs.

There are plenty of problems we can talk about. Business investment has declined in all but one quarter in the period of time we have been here. The stock market has obviously plummeted. We are now using only about 75 percent of our Nation's productive capacity. We can go on and on. There are just a series of problems.

So we have a continuing sense of lack of direction about dealing with the economic circumstance we have, and just at a time when what we are doing is pushing more of the same policies that we have been following for the last 2 ½ years. At least in the world I come from, when something is not working, you admit it, you change it, you move on; you do something else.

All we are doing is changing the level of the red ink we have already put on the paper, and we are going to have greater red ink. It is going to hurt this country's economic well-being in the years ahead.

Like my colleagues, I hope we will stand back, evaluate this budget resolution, think about that $1.3 trillion that is going to put us deeper in debt—$1.6 billion if we count the interest—and say no to this budget resolution because it undermines the health of the American economy, it does not improve it.

I think we are going to be looked at in the history books as a Congress that has really put us into the tipping point of fiscal red ink for as far as the eye can see, for generations to come, and I think it is just wrong that we are funding it out of Social Security, funding it out of payroll taxes. It is an intergenerational transfer, to future generations, of the obligations. I think historians will say we are not doing what it is our responsibility to do, which is to bring fiscal sanity and responsibility to the American budget.

This is a system that depends on the rising tide lifting all boats. This budget, and particularly the tax cuts that are implied in it, do anything but lift all boats. They are targeted at a very narrow group. I hope my colleagues will stand up and say no to this budget and do the right thing. I really do hope we can reconsider this and move forward.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield such time as he may consume to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the chairman of the Budget Committee for yielding me some time. I also want to thank him and let him know how much I appreciate the yeoman work he is doing in regard to this budget.

I am a member of the Budget Committee. I had an opportunity to serve with him during the deliberations in the committee, and at the very start the chairman of the Budget Committee, Senator NICKLES, said: We are going to work in a bipartisan way. We are going to work with the President, we are going to work with the House of Representatives, we are going to work with the Members of the Senate. But his most important priority is to get a budget passed.

I think he had it right because the most important thing we can do in this Senate is to pass a budget. Now, it may not be a perfect budget that I would envision or the chairman would envision or somebody in the House or the President would envision, but we need to have a blueprint that will lay out the plan for this Senate and how we are going to handle those valuable tax dollars that get sent to Washington, DC.

People refer to the sham in this budget. The sham is when we do not pass the budget. The big failure in the last Congress was that we did not pass a budget. There was an attempt to try to pass appropriations bills and spending bills through the process, but they did not have a blueprint to follow. We did not have a budget. Well, we are working hard to get a budget passed now so we will have a blueprint.

I was struck by the comments that Senator GRASSLEY, the chairman of the Finance Committee, made when he said, I do not recall an amendment that was ever put forward by those who oppose the President's tax cut plan that suggested we ought to cut spending.

There were some Republican amendments, particularly the traditional one offered by Senator McCAIN, where he goes after porkbarrel spending that was actually working to cut spending, but I do not recall any others.

Then I got to thinking about when we started this process this year, we came back in, we got sworn in, and the first two weeks we are working on an appropriations bill in an omnibus bill. There were 11 appropriations bills we did not get passed in the last session because we did not have a budget, we did not have a blueprint.

While that omnibus bill was going through, there were some $50 billion in amendments that were offered by that group of individuals who are opposing the President's plan. So we move on further and then we bring up the budget resolution itself, and if we look at the number of amendments from those who oppose the budget and oppose the President's plan, there was $1.6 trillion at the desk to be acted on. It ended up being about $950 billion, all spending increases, all increasing the deficit, all increasing the total debt. I am speaking of the 40 amendments we ended up acting on, on the last day when we had our voting marathon.

Then we had the supplemental bill that came up and now is in the conference committee this week that we have been working on, and here we have $12.3 billion in new spending that was put in the supplemental that was supposed to take care of just emergency spending. Many who are opposing this budget today, who oppose the President's plan, the amendments they offered increased spending. They did not cut spending, but they added to the deficit, and they did not have to comply with the budget rules because it was an emergency supplemental.

When we have an emergency supplemental, that means that the budget rules do not apply. So we have Members of this body who cannot wait to have an opportunity to have an emergency supplemental bill come through because amendments or legislation that fall under the budget guidelines that we should pass with every Congress every year, that gives them a chance to get out from under those rules because they increase spending.

The only time we hear from many of the individuals who are opposing this budget, opposing the President's plan, and who speak about how important it is to eliminate deficit spending is when we are talking about tax cuts.

I think we need to have tax cuts. I think we need to have something to stimulate the economy. How are we going to stimulate the economy? I do not think we do it by increased spending. We started our spending binge as early as 2002.

If we look back at what has been happening to the gross domestic product, it has been growing, probably peaked out somewhere around 2001, 2002—our spending binge started about 2000 actually, and all the agencies that want to increase spending always wanted to talk about how much they were spending as a percentage of gross domestic product because gross domestic product measured all the goods and services that happen in our economy. There has been phenomenal growth. So it made their budgets look relatively small in relation to the total economy of this country.

The taxpayers in this country are paying a burden that is among the highest it has ever been in the history of the country as a percentage of gross domestic product, especially since World War II. That tells me we have to do something to stimulate the economy. The only solution is to cut taxes. Increased spending will not do it. Doing nothing is not acceptable. We need to cut taxes.

I strongly support any effort we have to cut taxes. I don't think our tax cut package is big enough, considering how big our gross domestic product is. It really needs to be more to stimulate the economy.

Finally, we need to get this bill passed. The longer we delay getting it passed, the more it tends to delay our efforts. We need to get our money to take care of the needs of our men and women in the military.

I was as disappointed as anyone about the increased spending driven because of September 11, and increased spending as a result of trying to maintain peace in the world in the Iraq crisis. It is a need we had to face. As a businessman, I realize sometimes you have to incur debt to take care of immediate problems in the business. You always had a plan to pay off the debt. There is a plan in this budget to pay off this debt. That is not easy to come up with.

The chairman of the Budget Committee worked hard to have a plan laid out to meet what the President was wanting to see as far as tax cuts to meet the increased needs, and then to have a plan out there to eliminate deficit spending within 10 years. I compliment the chairman. He is doing a great job. I support the budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I take issue with my colleague on this question of spending. This chart demonstrates the long-term relationship between spending and outlays going back to 1981. This is the outlay line, the spending of the Federal Government. It was over 23 percent of gross domestic product in 1982 and has been brought down steadily. When Democrats were in control in 1993, we put in place a 5-year plan. Look what it did to spending.

I hear the allegation that Democrats are the spenders. Let's look at the historical record. When Democrats had control in 1993, this is the trajectory we put spending on—down as a percentage of our gross domestic product, which economists say is the right way to measure spending over time because you are taking out the effects of inflation. We did increase revenues because we faced massive deficits. These deficits during this period were huge as a percentage of gross domestic product.

So we cut spending; we raised revenue; we balanced budgets; we turned deficits into surpluses; we stopped raiding Social Security trust funds. We kicked off the longest period of economic growth in our Nation's history. We had the lowest unemployment in 30 years, the lowest inflation in 30 years, the strongest business investment in history. That is our record. We are proud of it.

When the talk is about spending, let's look at the comparison. This chart looks at, from 1981 going forward, the difference in the Democratic alternative and the Republican budget before the Senate. Here is the difference. They are at 19 percent of gross domestic product, and we are at 19.3. We are both dramatically down from the peak of 23.5 percent in 1982. We have demonstrated spending restraint. This increase in spending that occurred was totally bipartisan. The increase in spending that occurred was for defense and homeland security almost exclusively. We participated in that spending increase together. We all agreed we ought to increase defense and we ought to increase homeland security.

I hope my colleagues, when we talk about the record around here, will reflect on the whole record, and Democrats, despite what we hear all the time, were disciplined in spending, reduced spending when we were in a position to control it, reduced it for 5 years in a row as a percentage of gross domestic product, and balanced the budget.

I give them high marks for getting a budget resolution. But what is in this budget resolution deserves low marks. It is red ink as far as the eye can see, with absolutely no concern for balancing budgets, ever.

Our friend on the other side said this has a plan to pay off the debt. There is no plan to pay off the debt. If this budget is adopted, it doubles the debt. He is talking about a plan to pay off the debt; there is no plan to pay off the debt. This exploded the debt. If they want to get partisan about fiscal accomplishments here they are: The deficits of the Reagan administration, the Bush administration, the Clinton administration, and now this Bush administration. The only time we have been out of deficit, the only time was when the Democrats were in charge and we actually not only got out of deficit, we stopped the raid on the Social Security trust fund. That is a fact.

And the deficits this President proposes are deep and long lasting and could not be timed in a worst way. Here we are on the eve of the retirement of the baby boom generation that will absolutely explode the deficits, and the President's tax cuts will explode in costs at the same time, putting us into a sea of red ink.

How much time does the Senator from Delaware seek?

Mr. BIDEN. Up to 15 minutes.

Mr. CONRAD. I yield 15 minutes to the Senator from Delaware.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Delaware.

Mr. BIDEN. Mr. President, the country is truly well served by having the Senator from North Dakota as ranking member. I don't know anyone who knows more about facts relating to our budget this year, last year, or in the last decade than the Senator from North Dakota. I am not being solicitous.

A good friend of ours from the State that was much closer to North Dakota than Delaware—from Wyoming, Senator Simpson—used to say in the Senate repeatedly, in his colloquial way: You know, everyone is entitled to their own opinion but not entitled to their own facts.

It seems as though some in the Senate think they are entitled to their own facts.

I will repeat some things that have been said here. They are so consequential I don't know how they cannot be repeated because they have not seemed to have broken through the ether, not here necessarily, but even in the country. To state the obvious, these are very serious times, just as they were at the dawn of the atomic age when Einstein observed "that everything had changed except our way of thinking." We face mortal threats to our Nation from terrorists from rogue nations, expanding international commitments, a looming and gigantic democratic transition—a fancy word for saying there is going to be a bulge in the retirement-age people, myself included, and part of this baby boom generation—and our thinking must now change, not just about how we secure our safety in this dangerous new world but how we maintain our economic security, as well.

And we are here today with yet another budget resolution that calls for more than $1 trillion in new taxes.

One definition of insanity is trying the same thing over and over again and expecting a different result. This budget meets that definition.

Thanks to the people of Delaware, I have been here now for three decades and I have shared this floor with many of my colleagues—well, not that many, actually—who are still here today. How many of my colleagues came to this Chamber back in the 1980s and talked about the need to balance the Federal budget? It was a fervor at the time.

The President of the United States of America, and many on this floor, the most ardent supporters of this outrageous budget deficit, were insisting on—and I remind everybody—a constitutional amendment to balance the budget. Does everybody remember that? A constitutional amendment to balance the budget.

When some of us voted for an exception to that amendment for war, our Republican friends, by and large, overwhelmingly our conservative Republican friends, voted it down and said that is a loophole we cannot sustain.

The President, this President of the United States, indicated that. When we said that when there are exceptional economic circumstances requiring us to deficit-spend as an exception to the constitutional amendment, our Republican friends said no, no, we want to enshrine it in the Constitution of the United States of America. I think the leader of the Budget Committee was probably for a constitutional amendment—without exceptions, we tried to put in.

Now what are we doing? Here we are. Back in the 1980s we were told that Government needs to run more like a business and like a family; that business and families are under the danger of extending beyond their means and they should stop.

I know it is kind of trite to say it, but I guess we are modeling this after Enron businesses, instead of what we used to know as businesses back in the 1980s.

It took some time, but we eventually took that sound advice and we did balance the budget. As the old political saw goes, "I have the scars on my back to prove it." It took discipline. It took some hard choices that made my constituents angry and my most ardent supporters angry—because we cut their programs.

Here we are again. But this time the Nation is at war—in case someone on this floor hasn't noticed. We are at war. We face ballooning deficits, far larger than anyone could have imagined, especially, I might add, in the wake of our jubilation just 2 years ago about a projected $5.6 trillion surplus over 10 years.

This year alone, counting the costs of the war, our deficit, if we pass this budget, will reach, in the unified budget, which means counting the surplus in Social Security, a $350 billion deficit. If you take out Social Security like we all promised you we would do, and don't count the surplus in Social Security, it is a $587 billion deficit this year.

In the face of this $587 billion deficit, or what everybody likes to talk about now, the unified budget, which takes the Social Security surplus and spends it, the $350 billion deficit that this budget resolution calls for in the face of this more than a third of a trillion dollar deficit, for 1 year we are adding another $1.3 trillion tax cut.

In my 30 years in the Senate I can honestly say, from my perspective, I cannot recall a more reckless or irresponsible proposal to come before this Senate.

Where are the deficit hawks now? Where are those who were demanding for decades that we balance the budget; those who said we couldn't sustain our economy in the face of massive deficits? Where are those who were telling me we cannot let our children and grandchildren foot the bill for our excesses? Where are they now? Where have all—not the flowers—where have all the balanced budgeters gone? What happened to them? They all died and were reincarnated as kings. All my conservative Republican friends—where are they? Where have they gone?

Instead of a careful, conservative approach to our finances, instead of caution and a sense of responsibility in these dangerous times, this budget throws caution to the wind and simply dumps the bill for our choices today on our children and our grandchildren.

A lot of people around this place, since I got here—it is a dangerous habit we tend to—and I hope I don't do it—question one another's motives, not just their judgment. I am not questioning the motive of my Republican colleagues here. I believe that, notwithstanding that the rich benefit the most from this—I don't think that is their purpose. It is a result of what they do. I think their purpose is they truly believe somehow, if they go along with this budget, somehow it will cause the economy to grow so significantly that everybody is going to be all right. We are going to be able to pay for everything and balance the budget.

They even went so far—I will do this in a separate speech since I don't have time—they even went so far as to get someone from the President's Council of Economic Advisers and place him, hire him with the Congressional Budget Office to make a case that this could be done.

As I understand it from my Ph.D. economist on my staff, he ran, I don't know how many—two, three, five, a half dozen econometric models, a fancy term for seeing how this would work out under dynamic scoring, and still could not come up with a balanced budget. Even the Republicans can't, through this new voodoo, come up with a balanced budget—not this year but long term.

We are now in a position where we ask, when we are fully engaged on the ground in Iraq in a war that is not truly over and will not be over until the reconstruction and nationbuilding the President rightly calls for is accomplished, where are they now? Where are my deficit hawk friends now when the $75 billion the President has requested is just the first downpayment on the war?

Let me be clear about the numbers at the outset, before we find ourselves under the weight of deficits that will begin to crush us, before we have to have our old "cut the deficit" conversation again, because I promise you it is coming up. We are going to have our "we have to cut the deficit" conversation when reality finally sinks in, unfortunately probably too late.

In the face of all the new, massive domestic and international commitments that are staring us in the face, this resolution calls for a $1.3 trillion tax cut. The additional interest charges we will pay on the increased national debt as a consequence of the tax cut and the budget deficit will total over $1.5 trillion. It will bring the amount up to $1.5 trillion, the cost of the tax cut; over $1.5 trillion in dollars that will not be available to meet the new commitments we face.

These funds will not be available, to take one example close to home, to give the Adjutant General of the Delaware National Guard, General Vavala, the medivac helicopters he needs or the civil support he needs in case of biological or chemical attacks.

Sadly, there are countless more examples of tax cuts shortchanging vital programs such as the hundreds of thousands of eligible veterans still waiting 6 months to enroll in a health care system, not to mention 400,000 claims by disabled vets that are still backlogged, not to mention no money for the COPS Program, or underfunding nearly $10 billion in the President's own No Child Left Behind education law, signed just last year and heralding the President as the President of Education.

Forget about Social Security. Virtually all of these tax cuts are borrowed straight from the Social Security system on the very threshold of the time when that system will need not just the borrowed surpluses, but even hundreds of billions of dollars more to meet the commitments to a retiring generation of baby boomers.

Let's be clear now at the outset what we are about to do and the choices we are about to make. I remember clearly those conversations with many of my colleagues. You can be sure as I am standing here today we will be having them again soon.

Mark Twain said a lot of things, but one of the things he said is very appropriate today, in my view. He once said:

> History doesn't repeat itself, but it does rhyme.

Boy, am I hearing a rhyme here today. It does rhyme. It rhymes with all the nonsense of the supply-siders of the 1980s. It rhymes. It rhymes: massive tax cuts and deficits as far as the eye can see. They rhyme.

Mr. President, at its core, a nation's budget reflects its basic values. More than any speech, more than any campaign promise, our budget reveals who we are, what we believe in, what we think is important, what we think is not. It reveals our real values, our real priorities.

I do not say this as a criticism, but my value system and that of the Senator from Oklahoma are fundamentally different. My value system and the value system of my friends who are supporting this massive deficit are very different. And that is legitimate. I am in no way casting an aspersion but stating the obvious.

Budgets reflect our values. In these historic times, in my view, our budget policy should reflect two of our most fundamental American values. The first is facing up to our responsibility.

I love all my friends, Democrats and Republicans, who talk about that we have to have more individual responsibility in this Nation. I just ask the average person listening to this debate: Tell me how responsible you think we are being individually. It means putting together a responsible budget that makes hard but necessary choices, just like they are making in their families right now, as I speak. It means doing what is right. And by that I am not saying my Republican friends are doing what is wrong. They mean well, but I think it is wrong.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 more minutes.

Mr. CONRAD. Mr. President, I say to my colleague, I do not have that additional amount of time. I will give him an additional 2 minutes.

Mr. BIDEN. I will take the additional few minutes.

It means doing what is right, and not handing the bill for our actions to our children and grandchildren.

By returning us to the failed policies of massive deficits this budget does exactly that. It hands it to the generation of young men and women who are fighting in Iraq.

The second value is fairness—a sense that we are all in this together.

In a democratic society like ours, under threats like those we face today, that means having a shared sense that paying our fair share of the bill is not just a partisan buzz phrase, it is not just window dressing, it is who we are, it is what we are about. It is what this budget should be about, fairness and responsibility.

No one's definition of fairness is a tax cut that gives a taxpayer in the middle income bracket about $250, while those with incomes over $1 million get a cut of over $90,000.

No one's definition of fairness is a tax cut that gives almost half of all taxpayers a cut of less than $100, while the top one percent of taxpayers get a cut of over $24,000.

Take a look at the income bracket of the men and women who are fighting now in Iraq—the young people who will be handed the bill for the future deficits in this budget. They will be getting less than $100 in tax cuts.

Is there anyone here who will argue that is fair, Mr. President?

In my view, as far as reflecting our values, this budget fails.

It is written as if we faced no new threats to our physical and economic security and it ignores the—small "d"—democratic standard of fairness that we are fighting for.

I remember when the President was running for office, when he was still facing a primary challenge from Steve Forbes and his flat tax, then Governor Bush proposed cutting taxes. The problem back then, as he saw it, was that we were piling up budget surpluses and we were paying off—yes, paying off—the national debt.

So what did he say? He said it would be better to cut taxes, above every other possible use of those resources.

He did not say we should use those resources to fix Social Security, for example, or to restore the integrity of Medicare, or beef up and reorganize the military, or build up homeland defense to meet the new threats we face, or paying for his own priorities such as a missile defense system.

At that time, at the end of the second Clinton administration, the Federal budget was in surplus. We had actually paid down over $150 billion of the national debt, and we were on schedule to eliminate the national debt altogether by 2010.

Think about that. In 7 years, we were going to completely eliminate the national debt.

If there was any question about what the government could do if it balanced the budget and ran a surplus—if there was any question why surpluses are better than deficits—it was answered on the morning of September 11.

That morning we learned the nature of the new threats we might face. We realized what it would cost to defend the Nation against them. It wasn't long before we saw the price tag for rebuilding Afghanistan.

And now we are winding down a war in Iraq that the budget doesn't fully account for, not to mention the price tag for nationbuilding which—from the looks of news reports of massive looting this morning—will be substantial.

In his first year in office the President promised that he could cut taxes, pay off the national debt, add new funds for education, launch a missile defense system, and—he insisted—take care of any emergency that might come along.

A lot of us were skeptical. We thought the tax cuts were too big, that the surpluses were overestimated, that the future was too uncertain. But unfortunately it was a vote we lost. He got what he asked for: a tax cut totaling $1.7 trillion, counting interest, over the next decade.

We have seen the results of that mistake—the results are right there in the hundreds of billions of dollars of red ink we are spilling every year.

Simple common sense tells us we must not make the same mistake again.

In ordinary times, these proposals would be bad tax policy, and bad budget policy. In these times, they are irresponsible, a failure to confront the challenges we face.

In the face of threats to our security, we are offered weaker Federal finances, with deficits as far as the eye can see.

In the face of a weak economy, we are offered a tax cut program that is a windfall for a few instead of jobs for the many who need them. In the face of a demographic wave that will overwhelm our Social Security system, we are told to borrow the system's reserves.

Let me conclude by suggesting that at a time when our Nation is challenged as never before, we are offered a budget policy that was devised to win a party primary 3 years ago.

Finally, we must be concerned—in these times above all others—about the question of fairness. When we are putting the lives of our men and women in uniform on the line, when we face security threats here at home, in the Middle East, and in Korea, when deficits are once again imbedded in our budget, we have to pull our Nation together.

It does make a difference how we pay for these goals. It is important that America believes we are in this war all together. We cannot send the bill for this to our children and our grandchildren—returning from this war—by returning to another era of deficits. And they are young men and women in their teens and early twenties.

We cannot—in these times above all other times—cut taxes for a small fraction of Americans while we face the unknown costs of reconstructing Iraq and maintaining our security.

Right now, I think the best thing we can do is forego any tax cuts that are not paid for and that are not part of a short-term stimulus package, and forego spending increases, as well, unless they are for homeland security and national defense because anything else—anything else we do, in my view—is just wrongheaded.

In terms of the fairness of this, I will conclude by saying, if one's definition of fairness in a tax cut is to give taxpayers in middle income about $250 this year—with this tax cut—while those with incomes over $1 million get $90,000, and those in the top 1 percent—meaning people making over $317,000 a year—get $24,000 a year, and the kid coming home—with the average pay being paid for a kid who is fighting over there in Iraq now—their tax cut will be $100 on average, give me a break about how this is fair—beyond being wrongheaded and counterproductive economic policy.

I thank my colleague for the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues—I appreciate the comments that have been made by many of our colleagues—I think we are close to wrapping this up. I inform people it is our expectation we will be voting probably no later than 5:30. So if colleagues are off Capitol Hill, at least they can have that in mind. The rollcall vote will probably be starting maybe at 5:20, 5:25, 5:30. So I just want to make that notification.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman and want to echo that for Members on our side. We are very close now to being able to go to the final vote.

How much time remains on our side, Mr. President?

The PRESIDING OFFICER. Fifteen and a half minutes remains.

Mr. CONRAD. Fifteen and a half minutes.

Could I yield 10 minutes to the Senator from New Jersey?

Mr. LAUTENBERG. I would appreciate that. And I will make sure that I do not run longer than that.

Mr. CONRAD. I appreciate very much the Senator from New Jersey, who is the former ranking member of the Budget Committee, and, of course, has a history of extraordinary success in the private sector as well as tremendous contributions in the public sector.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my good friend and colleague from North Dakota. I think perhaps my tenure as ranking member was the last time we had a balanced budget. But that is intended to be a joke, and I hope the Parliamentarian so notes it.

Mr. President, the conference report to the fiscal year 2004 budget resolution is a curiosity at best. This piece of legislation, if it is adopted, will likely become as notorious, perhaps, as the Smoot-Hawley Tariff Act of 1930.

When President Bush assumed office in January of 2001, he inherited a 10-year surplus forecast, according to the nonpartisan Congressional Budget Office, of $5.6 trillion.

Now, if this budget resolution is adopted, instead of a surplus, we are going to wind up with close to a $2.0 trillion deficit, according to CBO.

A Republican President and a Republican Congress are presiding over a 10-year $7.6 trillion reversal of economic fortune. And they are going to blame it on the recession that began in March of 2001, and they are going to blame it on 9/11, and they are going to blame it on the war against terrorism, the war in Afghanistan, and the war in Iraq.

No, no, no. The single biggest contributor—and everybody should listen carefully and look at the numbers to confirm this—the single biggest contributor to that deficit is the 2001 tax cut, which the President wants to make even bigger, even longer.

The administration and its allies in Congress will say that tax cuts are necessary to "grow" the economy. The only things growing in our economy are the number of people without jobs, the budget deficits, publicly held debt, and interest payments on that debt.

There is an old saying: When you're in a hole, quit digging. And that is what we ought to do.

One would think that much would be obvious to the administration and its Republican friends in Congress. Hundreds of prominent economists—literally hundreds—including 11 Nobel prize winners, have come out against these tax cuts.

It sounds like plain, old common sense to me. But the administration and those who control Congress seem immune to that kind of common sense—the kind of common sense that ordinary working families and business leaders from the smallest to the biggest companies use every day: spend less than what you take in.

I will tell you why the administration and the Republicans in Congress seem to be immune to common sense: It is the triumph of a political ideology over good fiscal management. Our Government, paradoxically, is now in the control of people who hate Government.

The tax cuts are not really meant to stimulate the economy; they are deliberately intended to reward well-heeled friends and create a budget crisis that forces us to cut important programs and permits them to turn the jobs of hard-working, loyal Government employees over to private sector contractors who claim they can do things at a cheaper price.

There's a problem with this scheme. People who depend on the programs will get hurt and on the job front, we just converted a huge baggage screening operation at airports across the country, with 28,000 employees, to the Federal Government because the private sector was handling it so poorly.

Republicans have a name for this "deliberate deficit" strategy. They call it "Starving the beast." Don't take my word for it. Listen to the words of two influential Republicans, economist Milton Friedman and activist Grover Norquist.

On January 15, the Wall Street Journal ran an op-ed piece written by Milton Friedman, entitled, "What Every American Wants." Part of what he wrote reads as follows:

> . . . how can we ever cut government down to size? I believe there is one and only one way: the way parents control spendthrift children, cutting their allowance. For government that means cutting taxes.

That's Milton Friedman's interpretation of Congress: spendthrift children.

He went on to say:

> . . . Resulting deficits will be an effective—I would go so far as to say, the only effective—restraint on the spending propensities of the executive branch and the legislature.

He concluded by saying:

> . . . a major tax cut will be a step toward the smaller government that I believe most citizens of the U.S. want.

The last part is a pretty breathtaking statement for someone who has never been elected to any public office. But more important, the op-ed piece reveals the utterly cynical strategy of deliberately creating deficits "as far as the eye can see" until the public becomes sufficiently alarmed to demand some responsibility out of its elected officials.

I also mentioned Grover Norquist who heads Americans for Tax Reform. On May 21, 2001, Mr. Norquist appeared on National Public Radio's "Morning Edition" and said:

> I simply want to reduce it [government] to the size where I can drag it into the bathroom and drown it in the bathtub.

Interestingly, Mr. Norquist, who is another person who has never been elected to any public office, denied making such a statement in a more recent interview with Bill Moyers. But, as the saying goes: You can look it up. I have the transcript.

> I simply want to reduce it [government] to the size where I can drag it into the bathroom and drown it in the bathtub.

So, according to Messrs. Friedman and Norquist, elected officials are nothing more than spendthrift children and government—Social Security and Medicare, environmental protection and Pell Grants, national parks and the Coast Guard, veterans' benefits and disaster relief, the SEC and the FBI and all other hard-working, loyal Federal employees—are all things that should be drowned in the bathtub.

If this budget resolution is adopted, unified deficits will reach record levels in 2003 and 2004 of $347 billion and $350 billion, respectively, and will total more than $1.7 trillion through 2013.

Excluding Social Security, deficits will reach $558 billion in 2004—that is the coming year—and will exceed $400 billion in every year through 2008, and will total more than $4.5 trillion by 2013.

When the government runs deficits long enough, then Congress has to raise the debt ceiling. That is what happens. If we spend too much or, in this instance, cut revenues too deeply, the government has to go ahead and borrow money to meet its needs.

The majority doesn't have the courage and probably doesn't have the votes to bring up free-standing legislation to increase the debt limit. So they resorted to a ploy: Under House Rule XXVII, adoption of the conference report before us will result in the House being "deemed" to have passed a joint resolution increasing the statutory limit on the public debt.

This conference report states that the conferees anticipate that the debt ceiling will be raised from $6.4 trillion to nearly $7 trillion, an increase of $984 billion. That is the single biggest increase in the debt limit in history, surpassing the $915 billion increase the first Bush administration needed in 1990.

The debt ceiling was under $6 trillion when this administration took over, and we were actually moving away from it because we were running budget surpluses. If we adopt the administration's budget blueprint today, the debt ceiling will have to be doubled to $12 trillion by 2013. That is an extra $6 trillion in debt.

The amounts are staggering. It is hard to put them into a format that everybody can understand, but I'll try: this extra $6 trillion amounts to $21,429 worth of debt for every man, woman, and child in America.

This is what is happening while we are at war and with the baby boom generation on the verge of retirement. It would be impossible to mangle things so badly by accident. It can only be done by design.

The triumph of ideology may bring joy to those currently in power; the ideologues in control may think that their "starve the beast" strategy will make our country stronger. But the problem with ideologues is that they shape reality to fit their ideology. It should be the other way around.

To paraphrase Ronald Reagan, "the trouble with our conservative friends isn't that they are ignorant, it's just that they know so much that isn't so."

Destroying the Government will not stimulate the economy. It will cripple it. Starving the beast will not strengthen our Nation. It will weaken it, immeasurably and perhaps permanently.

I urge my colleagues to vote against this budget resolution conference report that is as cynical as it is reckless.

I yield the floor.

MENTAL HEALTH PARITY ASSUMPTION

Mr. DOMENICI. Mr. President, I compliment my friend from Oklahoma and the Chairman of the Senate Budget Committee on a job well done. He has skillfully navigated a difficult course to produce the budget conference report before us today. Congratulations.

I would like to raise the issue of mental health parity as the Senate debates the FY 2004 Budget Resolution Conference Report.

It is my understanding the conference report before us assumes the revenue impact of enacting a mental health parity law by using the Congressional Budget Office score for S. 543 from the 107th Congress of $5.4 billion over 10 years. However, I want to make sure that this is indeed the case because the assumption I just mentioned is not specifically referenced in the conference report. Rather, the overall revenue number is such that it assumes Congress will pass mental health parity legislation.

Mr. NICKLES. I understand the concern of the distinguished senior Senator from New Mexico about mental health parity, and I would concur with my colleague's assessment. The conference report does assume the revenue impact of enacting mental health parity legislation.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and explanation of this important matter.

Mrs. MURRAY. Mr. President, I rise today to express serious concerns about the budget resolution conference report. This is a 10 year blueprint for disaster that ignores the real priorities of working families. It eliminates all of the gains we made in the Senate that addresses the real fiscal challenges we face, while setting the Nation on a course of fiscal irresponsibility. This budget's contents and consequences will hurt the health of our nation.

The budget agreement before us, which I want to point out was filed late last night, takes us back to the failed economic policies of the 1980s that resulted in a tripling of the national debt. It also builds on the failed economic record of this administration.

Since the President took office in 2001, we have lost 2.6 million private sector jobs. Many of these jobs were in the high tech and manufacturing industries so important to Washington State, which is one of the reasons our State has one of the highest unemployment rates in the Nation. The number of people unemployed for 6 months or longer has tripled. Real business investment has fallen. And finally, the $5.6 trillion 10 year surplus that this administration inherited has been converted to a $2 trillion deficit in a little over 2 years.

America's finances are deep in a hole, but rather than reaching for a ladder, this budget proposes a bigger shovel. Rather than trying to reverse the downward spiral, this budget drags us deeper and deeper into debt.

The agreement is also deceptive and uses parliamentary tricks to achieve a $550 million tax cut for the few. It also calls for hundreds of billions more in tax cuts to make permanent the failed 2001 tax cut. After 2 years, we are still waiting for the "economic stimulus" that was promised from that tax cut.

Despite the claims of my Republican colleagues, these new tax cuts will provide little relief to working families and will have little, if any, economic stimulus. We need a real economic stimulus plan now. We need to invest in the American workers and businesses now, not 5 years from now. The only way to get this economy going is to invest in economic development and growth, not in ineffective tax cuts targeted to the most affluent.

This budget agreement not only fails our families, it will leave millions of children behind. When the President signed the No Child Left Behind Act, he made two promises: First, schools would be held accountable for their progress. And, second, schools would be given the resources to meet these new requirements.

These two always went together—otherwise schools can't make real progress. But the Republican leadership in Congress and the President have broken their promise to our children by not providing the necessary resources.

I was proud that the Senate accepted my budget amendment to increase funding for No Child Left Behind by $2 billion. But the House conferees have stripped out even that modest increase in education.

Congress still has an obligation to fund the new requirements that we imposed on local schools. This commitment means we must provide $9 billion to fully fund the No Child Left Behind Act. Unfortunately, this budget agreement will reduce funding for education over the 10 years. It holds domestic spending on education to roughly half the rate of inflation over 10 years. That means that each year our commitment to education will be less than the rate of inflation. This is the wrong direction. In order to strengthen our economy, we need to invest in tomorrow's workforce by investing in education.

This budget agreement also falls short in supporting our transportation infrastructure. We know that transportation problems plague our biggest cities and isolate our rural communities. In my home State of Washington, our inadequate transportation network is hindering our economy, our productivity and our quality of life.

When we make sound investments in our transportation infrastructure, we create good jobs today, and we build the foundation for our future economic growth. Making our transportation systems more efficient, more productive and safer, we will pay real dividends for our economy and our communities.

This agreement provides little hope to seniors for a comprehensive, affordable Medicare prescription drug benefit. This agreement will allow for the block granting of Medicaid and the elimination of the entitlement. It offers no long term increase in the Federal match for Medicaid. In my home State of Washington, Medicaid could be faced with a $2 billion shortfall. This will mean cuts in programs for the uninsured and massive reductions in nursing home reimbursement. I fear this could lead to hospitals and nursing homes being closed, and that more doctors could refuse to see new Medicare and Medicaid patients.

There are many of us in the Senate who have worked hard to strengthen public health and increase our investment in biomedical research. This is a commitment in prevention and long term savings in health care. We have seen the results of doubling NIH and the impact this is having on conquering diseases such as cancer, MS, Parkinson's and diabetes. Yet this agreement leaves little hope that we can maintain this investment.

I would have to echo the comments of Senator CONRAD. This budget is reckless, extreme and backwards. Perhaps the saddest conclusion is that this budget fails to invest in our families and our communities.

I urge my colleagues to oppose this dangerous course and work today to strengthen our economy and invest in real economic development.

Mr. DODD. Mr. President, I rise today in strong opposition to the budget resolution which my colleagues and I will be voting on this afternoon.

First of all, I take serious exception to what has gone on here with respect to this year's budget resolution process. In all my years in Congress I have never seen anything quite like it.

The budget resolution we are voting on today is different than the resolution passed by the House early this morning. This resolution creates an unprecedented "point of order" which ties the hands of the Senate by creating competing procedural paths between the House and the Senate for approving the size and nature of these proposed tax cuts.

This is like a business keeping two sets of books. That is shady practice for a business and it is awful policy for this Nation's economy.

But, more importantly, I believe that no matter how you look at this budget resolution it is extraordinarily fiscally irresponsible and will lock our Nation into years of record deficits and a skyrocketing national debt.

I believe this resolution is profoundly unfair—providing hundreds of billions in tax cuts for the most affluent Americans who need them least, while slashing critical services from the American families who need them most.

I believe that this resolution will be fundamentally ineffective in addressing the major challenges our Nation currently faces.

I was in this Chamber in the early 1980s, when we debated the utility of enormous tax breaks benefitting mostly the wealthiest Americans and richest corporations. I was in this Chamber the last time we heard arguments about how passing large tax breaks and accepting huge deficits now will lead us to economic prosperity down the line.

And I was here to witness what those breaks and deficits wrought on the American people: greater unemployment, lower growth, more homelessness, more poverty.

For many of us, this budget resolution is—to quote Yogi Berra—"deja vu all over again."

President Reagan was a remarkable man, who filled America with a sense of pride and optimism, at a time in our history when such feelings were sorely lacking. But that doesn't mean his fiscal policies were good for America. They were reckless policies that led us down the wrong path.

I was one of a handful of Senators who voted against the Reagan tax cuts in 1981 and 1982. And history shows that the budget policies of the early 1980s were enormously destructive to the fiscal health of our Nation—the shameful legacy of which lasts to this very day.

Our Nation's Federal budget deficit rose from $74 billion in 1980, to $221 billion in 1986, and peaked at nearly $300 billion in 1992.

In 1980, our national debt stood at $712 billion. By 1990 it had reached $2.4 trillion.

Well, "here we go again."

Here we are, once again, voting on an extraordinarily reckless budget, based on disproven and discredited economic theories.

The philosopher George Santayana once said, "Those who fail to remember the past are condemned to repeat it."

Our collective failure to remember the past, will be, in my view, far worse this time around than the first time we made these mistakes in the 1980s.

This budget resolution locks in the largest deficits in our Nation's history. This year alone, the budget deficit could reach as high as $600 billion. That's more than twice as high as the highest annual deficit ever recorded in American history.

According to the Republicans' own analyses, if these tax cuts are enacted, the deficits over the next 10 years will total as much as $6.7 trillion.

If these tax cuts are enacted, our national debt, which currently stands at a whopping $6.4 trillion—thanks, again, to the budget policies of the 1980s—will rise as high as $12 trillion.

Frankly, I am shocked that we are about to pass a bill that is almost universally recognized as an enormous fiscal mistake.

Even many of the Republican's own hand-picked economic officials concede that the Bush economic package will likely do little to spur growth, and could well stifle it.

This is profoundly unfair—tax cuts for the wealthiest Americans while all others are making enormous sacrifices—including some in Iraq who are right now prepared to make the ultimate sacrifice.

During past Congresses and past administrations, the American people have always been called upon to share the burden that is brought about from conflict.

They have done so by buying government bonds and by even paying higher taxes if necessary to support our troops in times of war. Americans made these sacrifices with a sense of pride because they recognized it as their responsibility.

What past administrations and Congresses did not do was consider tax cuts for the wealthiest Americans while their troops were in battle, which is what this administration and the majority in Congress are doing.

I believe we missed an enormous opportunity here. I believe that we had an historic obligation and an historic opportunity to set our fiscal house in order this year.

We had an opportunity to take enormous steps toward fiscal responsibility, a balanced budget, and economic prosperity. Instead, the agreement that we are voting on today will bring about record-high deficits and will significantly shortchange families across America.

As I said, this resolution is irresponsible, unfair, and ineffective.

It is highly irresponsible in the middle of a war, and in the midst of a severe economic downturn, to have a budget reconciliation bill with more than $1.2 trillion in tax cuts as its centerpiece.

The other centerpiece of this budget resolution is, of course, cutting crucial funding for our national priorities—including homeland security, education, and health care.

And for what? To pay for a tax cut for the wealthy.

While offering tax breaks of up to $90,000 for the most affluent among us, this resolution cuts more than $7 billion over 10 years in services for America's veterans.

As tens of thousands of our young men and women return from the Persian Gulf, we will reward them with cuts to their health care benefits, their education grants, and their opportunities to get ahead.

While assuring the richest of the rich will receive an unprecedented financial windfall this year and over the next 10 years, we are severely shortchanging our children's education—underfunding Title 1 by $5.8 billion, falling short of funding for the "No Child Left Behind Act" by roughly $8 billion, and slashing $400 million from after-school programs, which will force nearly 600,000 children out on the street after school.

While making certain the bank accounts of the wealthiest Americans are secure, this budget fails to provide the funding necessary to make certain our homeland is secure.

Money has been slashed for the FIRE grants program—which helps fire departments nationwide obtain the equipment and training they will need to effectively respond to new threats.

And cuts have also been made to the COPS program and other programs critical to our defense against terrorism.

We must attack head-on the argument that says that this tax cut is essential to our economic recovery. Just saying it is, does not make it so. Contrary to the belief of some on the other side of the aisle, deficits do matter. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments—because more and more of the budget will be used to pay past debts, not to put into productive investments.

They exert upward pressure on interest rates, which will mean higher rates for mortgages, new cars, business loans, and education loans—which serve as a de-facto tax on our hardest-working families. They raise interest payments on the national debt. And they reduce our fiscal flexibility to deal with the unexpected.

If we do not take action now to bring these growing deficits under control, those who endorse this document, in so doing, help to create the first generation of Americans less well off than their predecessors.

The prosperity we had in the 1990s did not just come about from one day to the next. It came about through wise and tough decisions from the private and public sector. It took decisions to put an end to smoke and mirror accounting and budget gimmicks. It took tough decisions geared toward fiscal discipline and long term prosperity.

Just 2 years ago, when President Bush first came into office, the Congressional Budget Office projected a surplus of $5.6 trillion over 10 years. And now we are projecting record deficits of up to $6.7 trillion over 10 years. That's a $12.3 billion decline in our Nation's budgetary health and economic prospects.

This administration and the majority of this Congress are digging an enormous hole for our national economy. Their solution is more shovels and more digging. This does not strike me to be the wisest or most responsible course of action to take.

I strongly oppose this budget resolution and urge my colleagues to vote against it.

Mr. HARKIN. Mr. President, our nation is at an economic crossroads. This budget resolution conference report is an important document, setting out a course of policy for the coming decade. I oppose this resolution. I believe it takes us dangerously in the wrong direction as a country.

We face a demographic shift as the baby boomers retire. We need to provide for the costs of Social Security and Medicare in the coming decades. I believe the elderly deserve a decent prescription drug benefit. We must provide a quality education for our children in an ever more competitive world where a large part of our advantage is the skills of our workforce.

Prior to the 2001 tax bill, we were on a path to eliminate publicly held debt and to meet those needs. Now, the President is again proposing tax cuts of a similar size despite the fact that the surpluses predicted in 2001 have totally disappeared. Those projected surpluses have been replaced by record deficits. We may have historic deficits near $400 billion this year and next.

The ranking member of the Budget Committee explained earlier today on the floor that the largest single factor in turning surpluses to deficits has been that 2001 tax cut. That tax cut, which I opposed, is more responsible for deficits in the long term than the downturn of the economy, and more responsible than the new spending on defense and homeland security that was made necessary by the attacks of 9–11.

The President's new proposed tax cuts are largely provided for in this budget resolution—over $1 trillion worth. If made permanent, their cost to the Treasury will be larger than the entire projected shortfall in both Social Security and Medicare over the coming 75 years.

The proposal before the Senate is radical. So-called supply-side economics, manifested in the 1981 tax cut, brought us huge deficits in the 1980s. Unemployment skyrocketed from 7.4 percent to 10.8 percent in just 15 months. Supply-siders tried again in 2001, and we have lost 2 million jobs. Now we are being asked to bet the farm for the third try. The economists who are so sure that this third bet will work are the same ones who predicted economic destruction when we passed measures to balance the budget in 1993, which led to strong economic growth.

The budget resolution will produce $1.7 trillion in new Federal Government debt. That debt will compete with the private sector for funds, driving up interest rates. And it puts a break on economic growth, especially harming the housing, auto and agriculture sectors.

The Congressional Budget Office has concluded that the President's plan—which is very similar to this resolution—would actually reduce economic growth by almost 1 percent. The CBO, now under a just-departed member of the President's Council of Economic Advisors, did an analysis of the budget proposal under so called dynamic scoring. The supplysiders say that economic analysis will show how much good the budget will do. What did it show? More debt.

I believe that a short term economic growth package could be very helpful. We could make temporary tax relief available to working families immediately and provide financial assistance to states facing fiscal crisis. That would be stimulative. But the budget resolution proposes that only 5 percent of the tax cuts will be available this year. The proposal assumes that a huge share of the tax cuts will go to the very wealthy, those making $300,000, $500,000, and far more than a million dollars a year. There is nothing stimulative about such a proposal.

We need a budget that is balanced, that takes the approach that we need to reduce the debt to take care of the baby boomers and provide for a decent drug benefit for the elderly. Clearly, the $400 billion proposed for prescription drugs and other medical reforms is far too low for that purpose. The total drug cost of the elderly in the coming 10 years is estimated to be $1.8 trillion. While we should not cover all of that cost, far less than a quarter is not enough.

We need a budget that provides for more for the education of our children. This budget calls for education spending that is $4 billion less than the Senate measure for the coming year and $20 billion below that level over the coming 10 years. No Child Left Behind is not adequately funded. IDEA, a program Congress promised to provide 40 percent of the funds for decades ago is still grossly underfunded, meaning higher property taxes in almost every school district in the country.

Mrs. FEINSTEIN. Mr. President, I rise to state my opposition to the fiscal year 2004 budget conference report.

At a time when the United States is engaged in a war and will shortly begin a massive reconstruction effort whose costs are still unknown, at a time of growing deficits and rising debt, and at a time of increasing entitlement spending and increasing interest payments to service that debt, it is highly irresponsible for Congress to engage in such unprecedented maneuvering and gamesmanship to try to force through an overlarge, unstimulative, and unnecessary tax cut.

The parliamentary maneuvering is unprecedented. A conference report is supposed to reconcile differences between the two bodies, but this conference report sets up a mechanism by which two different figures for a tax cut can be considered. It is a clear effort to make an end run around the Senate rules and procedures by advocates of large and irresponsible tax cuts to avoid a vote they know that they simply can't win. It makes no sense, and I urge my colleagues to vote against this conference report.

When President Bush assumed office in January 2001, the Congressional Budget Office projected a budget surplus of $5.6 trillion for fiscal years 2002 through 2011. But under this budget resolution, there will be a deficit of $1.95 trillion. That is a $7.6 trillion turnaround in 2 years.

For fiscal years 2003 and 2004 alone, deficits will reach $347 billion and $385 billion respectively if this budget resolution is adopted, and this does not include the cost of the war or the reconstruction of Iraq.

This conference report provides for tax cuts of $1.3 trillion over the period 2003–2013. With interest the full cost of this tax cut is $1.6 trillion. And in an unprecedented move, the amounts of the tax cut that are reconciled are different in the House and Senate. The reconciliation instructions to both the Senate Finance and House Ways and Means Committee say that tax cuts up to $550 billion over 11 years can be reported.

A special rule prohibits consideration in the Senate of the reconciliation bill that costs more than $350 billion, but it allows the Senate to consider a reconciliation conference report that costs up to $550 billion. This would establish a precedent that could be used in the future to play all kinds of games with the budget resolution. It is a bad solution to an impasse and should be rejected.

There is also an urgent need to fund many priorities which are not dealt with in this budget, and those needs are not likely to disappear over the next decade. Those priorities include, among others: The war in Iraq and the subsequent reconstruction of Iraq, including a 90 billion supplemental appropriations conference report coming to this body shortly; the President's No Child Left Behind education initiative; homeland security; a full prescription drug benefit in Medicare.

Many priorities that are important to Californians are either cut or eliminated altogether, most notably funding for the State Criminal Alien Assistance Program. If that program is eliminated, the burden of processing and incarcerating criminal aliens will fall entirely on thinly-stretched State law enforcement budgets.

When faced with the choice between supporting a bad budget and no budget at all, I must choose the latter.

I support a budget which faces our fiscal needs head-on, even when an economic downturn forces us to make tough choices, and which resists the temptation to further increase the debt burden on future generations of taxpayers. This is not that budget. I urge my colleagues to vote against the budget conference report.

Mrs. BOXER. Mr. President, the budget that passed the Senate was bad. This budget is worse. Though the budget is supposed to set priorities, this budget does not reflect America's priorities.

Overall, for domestic needs, this budget cuts $6.9 billion from what was passed by the Senate. That means less for education, less for health care, less for homeland security. It means $4 billion less next year for education than what passed the Senate—and $20 billion less over the next 10 years.

This budget begins by failing our kids. It provides $8.9 billion less than what was promised in the No Child Left Behind Act, which was signed into law with great fanfare just 1 year ago. That would leave millions of kids behind, and in the program to help States educate disadvantaged children, it would leave more than 600,000 California kids behind. This budget also cuts after-school programs by 40 percent—kicking 570,000 kids nationally and over 81,000 kids in California out of their after-school programs.

This budget fails our young people struggling with rising college tuition. Conferrees stripped out the Senate provision to increase Pell grants for 4.8 million students nationwide and for almost 600,000 students in California. That means a loss of $165 million in Pell grant aid for California students.

On health care, this budget fails to address national needs. This budget stripped out the Senate provision adding $38 billion to help the uninsured get health care. On prescription drugs, this budget accepts the President's plan to force seniors into HMOs in order for them to get help to pay for needed medicines. It cuts $100 million over 10 years in Medicaid—putting at risk health care for sick and needy children, their parents, the disabled, low-income workers, and the elderly.

On homeland security, this budget leaves us less secure. This budget stripped out the Senate provision providing an additional $2 billion over the next 2 years for port security. This budget cuts support to State and local law enforcement by over $1 billion, including eliminating all funding to hire more police officers and put more police in the schools and eliminating funding for the local law enforcement block grant program. It provides no increase in funding for first responders—those on the front lines of a possible terrorist attack.

Incredibly, this budget eliminated the Senate provision that set aside almost $400 billion to strengthen Social Security.

For highways, this budget is nearly $25 billion less over the next 6 years than the Senate bill. For transit, it is over $7 billion less over the next 6 years. These cuts will make it difficult to pass a transportation bill—a key to economic growth and alleviating the traffic problems in California.

On the tax cut, the budget does too much for the wealthy when more targeted tax cuts with broad benefits would bring dramatically more positive results. This budget increases the overall tax cut to $1.3 trillion over 10 years. The reconciliation tax cut was increased from $350 billion to $550 billion. This was done in order to pass a tax cut that provides 80 percent of the benefits to the richest 10 percent of Americans—and a dividend tax cut that gives 49 percent of the benefits to the richest 1 percent of Americans.

I support tax cuts. I support tax cuts that help working people and target growth. I support Senator SCHUMER's effort to make up to $12,000 per year in college tuition costs tax deductible and create a $1,500 tax credit to help college graduates pay off their student loans. I support increasing the child tax credit and providing a $2,000 tax deduction to help people pay for health insurance. I also support lowering the tax for 1 year on the transfer of capital from abroad for companies willing to invest the savings in jobs at home. And I support increasing the expensing deduction for small businesses. But we can do all of that in a fiscally responsible manner. That is not this budget.

This budget favors the wealthy, turns our priorities upside down, and returns us to the days of exploding deficits and debt. I will vote against it.

Mr. FEINGOLD. Mr. President, I will vote against this budget resolution. The Senator from North Dakota has stated that this may be the worst budget this body has ever considered. It is hard to dispute that statement.

The tax and spending policies outlined in this resolution are reckless. There is no other word for it. Over the 11 years covered by this document, from FY 2003 through FY 2013, the budget resolution produces annual deficits that by themselves would cause concern in any one year. In total, their effect is far worse. The additional debt run up over the 11 years covered by this budget resolution is an absolutely astounding $4.5 trillion.

That is simply an astounding number, $4.5 trillion in debt created just by this document.

According to Budget Committee staff, the budget resolution policies will produce a $2.4 trillion deterioration in the budget outlook for 2003 through 2013 relative to the Congressional Budget Office March 2003 baseline projections. Most of that comes from the $1.3 trillion in tax cuts provided for by this resolution.

Let me quickly add that the true cost of the tax cuts is even higher because we are just charging their cost on the government credit card. If you include the interest costs that arise because we don't pay for these tax cuts but borrow it by running up more debt, then the true cost is $1.6 trillion.

Who will pay for all of this? As the Nobel Prize winning economist Milton Friedman famously said, "there is no free lunch." Someone will be stuck with the credit card tab this budget runs up.

The answer is that our children and grandchildren will have to pay for all of this. The tax cuts and spending increases we pass today will be paid for by our children and grandchildren. That is precisely the tradeoff this budget makes. Tax cuts and increased spending for us, and our kids will have to pay the bill.

The budget policy advanced by this resolution is not sustainable. The $4.5 trillion in new debt produced by the policies outlined in this budget does not include the long term costs of the Iraq war or the cost of postwar occupation and reconstruction. It does not include the cost of addressing one of the most significant problems in the tax code, the expanding impact of the alternative minimum tax. And it makes fundamentally unrealistic assumptions about the spending accounted for in the discretionary accounts, the part of the budget where we find spending for defense, education, transportation, and other critical programs.

In a column that ran in the New York Times earlier this week, several distinguished members of the nonpartisan Concord Coalition offered some telling comments about the future we face under the deficits produced by this budget. This is what they said:

> Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation.

The Concord Coalition is right. This budget resolution is a prescription for fiscal disaster. The tax cut and spending policies it provides are grossly irresponsible. The budget enforcement rules included in the resolution are no better. Instead of extending the budget rules that have helped impose some fiscal restraint on Congress and the White House since 1990, this resolution rips a $1.5 trillion loophole in them for this year, and opens the door for unlimited fiscal mischief in future years.

It will be extremely difficult to recover from this budget resolution. As we have seen, our economy is resilient, but the damage done by this resolution will be with us for many years. The deficits resulting from the budget policies in this resolution extend as far as we can project. We can only hope that Congress will show more restraint than it has in the recent past, and forego the opportunity provided by this resolution to engage in a binge of fiscal self-indulgence.

Mr. REED. Mr. President, in 2001, at the President's urging, Congress passed the Economic Growth and Tax Relief Reconciliation Act, which provided $1.35 trillion in tax cuts over 10 years. While I have consistently voted to reduce the tax burden of working families, I voted against the President's tax cut because it left too few resources for debt reduction and came at the expense of reforming Medicare and Social Security, providing a prescription drug benefit, and supporting critical investments like education, the environment, and national defense. A year later, the economic evidence indicates that the President's 2001 tax breaks have had little positive effect on the economy.

The economy continues to be in a slump and, now, we are in the midst of considering another large round of tax cuts that would help wealthy Americans. These tax cuts would also come at a time of record budget deficits and would break from the longstanding congressional practice of not passing tax cuts in times of war.

The Republican budget resolution calls for $1.3 trillion in additional tax cuts over the next 11 years. In an unprecedented move, the House and Senate Republicans are including two reconciliation tax numbers—rather than one so they can use the reconciliation procedure to pass a bigger $550 billion tax cut. These tax cuts will add to long-term deficits and further impede economic growth.

Last week, the newly released labor market data confirmed again that there is a crisis facing America's working families. Mr. President, 108,000 more jobs were lost in March, including 68,000 in the private sector. There are 2.6 million fewer private payroll jobs than there were when the recession began.

Nationally, the number of long-term unemployed rose to 1.8 million in March, far higher than the 660,000 long-term unemployed in January 2001. There were 445,000 new unemployment insurance claims filed last week, up from 407,000 the prior week.

The economy is in as much trouble as it was in the early 1990s, if not worse. The latest study by the Joint Economic Committee shows that during the last 4 months that private sector job loss in the current recession is now larger and more serious than the private sector job loss in the 1990 recession.

With so many Americans out of work for far too long, the persistence of job losses and the clear signs of no economic recovery anytime soon, the need to pass another extension of unemployment insurance benefits is overwhelming. These benefits are set to expire on May 31, and the last time the extension was passed, it did not even include assistance to approximately one million workers who had exhausted all of their unemployment benefits and still found no work. Yet the budget conference report fails to provide for further extensions to help victims of this recession who are struggling to take care of their families and struggling to find work.

Furthermore, just yesterday the IMF, in its annual report, projected that the world economy would grow 3.2 percent this year, down from its previous projections. It expects the U.S. economy to grow 2.2 percent this year and 3.6 percent next year. Commenting on the current administration's economic plans, IMF research director Kenneth Rogoff said, "Suppose for a moment we were talking about a developing country that had a gaping trade deficit year after year as far as the eye can see, a budget ink spinning from black into red, open-ended security costs and an exchange rate that has been inflated by capital inflows. With all that I think it's fair to say we'd be pretty concerned. The U.S. isn't a developing country, but nonetheless, for the global economy, the tax cut . . . on top of ongoing security expenditures seems awkwardly timed." This comes from the IMF that was supportive of President Bush's first round of tax cuts.

With all this negative data and with no upturn in the economy in sight, this budget resolution also makes too many cuts to vital programs and services to pay for the administration's oversized tax cuts. The conference agreement endorses a majority of the tax cuts that were in the President's proposal at the expense of domestic investments that are integral to the recovery of the economy and the welfare of our citizens.

As columnist Bob Herbert observed in the New York Times last week, "With the eyes of most Americans focused on the war, the Bush administration and its allies in Congress are getting close to agreeing on a set of budget policies that will take an awful toll on the poor, the young, the elderly, the disabled and others in need of assistance and support from their government. . . . It mugs the poor and the helpless while giving unstintingly to the rich." The Senate budget includes a reduction of approximately $168 billion in funding for domestic discretionary programs in fiscal year 2004. Approximately two-fifths of this funding consists of grants in aid to State and local governments. These cuts will worsen the already severe budget crises that States are facing.

This is a restrictive funding level for domestic discretionary spending, given the continued needs in the homeland security area, the underfunding of the education reforms in the No Child Left Behind Act, need for aid to the States, and the severe structural burdens facing Medicare and Social Security.

The administration and the majority need to stop pushing economic plans that reward the wealthiest Americans and abandon fiscal responsibility. Instead, they need to support real economic stimulus that would provide immediate one-time tax relief for working families, extend unemployment benefits and provide desperately needed fiscal relief to the States.

Lastly, this conference report includes a gross misuse of the reconciliation process which was intended to facilitate deficit reduction not deficit increases. Due to the majority's obsession with supersized tax cuts, they have devised a heretofore, unheralded mechanism, to subvert the Senate's right to amend legislation. Indeed, while many of my colleagues can say that while the Senate can enact only $350 tax cut, the sad truth is that this contrivance paves the way for a tax cut that is much larger than many of my colleagues on both sides of the aisle are willing to support.

The budget before us is lamentable, and I only hope that those who support it today will reassess their positions in the weeks ahead.

Mr. HOLLINGS. Mr. President, this is not a conference report, because we never conferred. This is not a concurrent resolution, because we never concurred. To stimulate the economy, the Republicans doubled the debt from $6 trillion to $12 trillion, which will wreck the economy.

This budget is a fraud.

Ms. SNOWE. Madam President, I rise in support of this conference agreement on the fiscal year 2004 budget.

Before I begin, I first want to commend the President for his leadership in initiating the debate on the necessity of stimulating our economy. From the beginning, I have shared his belief that we need to take steps in the short-term to strengthen our economic outlook, and the conference report before us provides us the opportunity to do just that.

I thank our majority leader for his unflagging perseverance in seeing this budget through to a final passage of this conference report. He has shown incredible patience, understanding of the various issues and viewpoints, and he has been willing to work tirelessly to ensure a budget resolution around which we can coalesce.

And in that same light, I want to commend my friend and colleague, Chairman NICKLES, for his Herculean efforts in forging and producing this budget. As I have said in the past, as a former member of the committee I know what goes into this process and Chairman NICKLES has tried to move Heaven and Earth to avoid the colossal failure we had last year under Democrat control when we failed to pass a budget for the first time. And I did not want to see a repeat performance; that would have been exactly the wrong message and completely counter to the interests of our Nation at a time when we are experiencing a troubled economy and when we are at war in Iraq.

The bottom line is, the budget is critical, because it imposes structure and discipline and defines the priorities in Federal expenditures. That should be a fundamental responsibility of Congress, and it was a regrettable lapse of leadership last year that we failed to pass such a resolution. So I want to thank Chairman NICKLES for his commitment to getting this done.

I also want to thank Senator GRASSLEY for his willingness to listen and to work toward a resolution of the concerns I have raised along with Senator VOINOVICH about the size of the tax cut package. It is because of their dedicated efforts—and let me say that Senator VOINOVICH has been steadfast in holding to his deeply held principles—that we have reached the compromise I will now discuss. In fact, it would be entirely accurate to say that without Senator GRASSLEY, we wouldn't have a budget.

I will be voting today for the budget resolution conference report we have before us because the resolution—in concert with commitments I have secured from Finance Committee Chairman GRASSLEY and from Majority Leader FRIST—and I ask unanimous consent that the letter from the majority leader detailing that commitment be placed in the RECORD—will both ensure that we impose on Federal spending the discipline of a budget blueprint, and that tax cuts will be limited to $350 billion through the Senate Finance Committee and floor consideration of any growth package, including any final conference report.

These are the two critical goals I have been working to achieve for the past 6 weeks of this budget debate—and I will ask unanimous consent that a copy of the letter I signed with Senators VOINOVICH, BREAUX, and BAUCUS calling for a limited tax cut of $350 billion as part of reconciliation be printed in the record. I am pleased that, with the assurances I have been given from Senator GRASSLEY and Senator FRIST both men of their word—my goals have been fulfilled.

One of the functions of our letter was to prompt a bipartisan budget resolution, and today that is what we have before us. Senator GRASSLEY has said very eloquently that the people want us to govern—that is our obligation, and I think by coming to this compromise agreement we have fulfilled that responsibility when it comes to the budget.

With the commitment we received, the budget provides funds for a strong, reasonably sized economic stimulus package that can create jobs and opportunities in the short term. At the same time, this agreement will assure that this tax package will be limited to $350 billion—an amount we believe is the right size to achieve this growth without ballooning budget deficits. Let it be remembered that Senator DASCHLE was proposing $112 billion and many in this Chamber wanted nothing at all, so $350 billion is a significant victory.

I want to be clear about what this budget does. The budget agreement provides instructions for both the Senate and the House of Representatives to write growth packages not to exceed $550 billion, and the Senate is further instructed that no tax package under budget reconciliation rules may be more than $350 billion.

To guarantee our position, I have secured language and commitments that neither the tax reconciliation bill reported by the Senate Finance Committee nor the tax bill voted out of the Senate may be more than $350 billion unless additional tax cuts are specifically offset or paid for. And, importantly, Senator GRASSLEY, the Finance Committee chairman, who will also chair the conference committee on the tax reconciliation bill, has provided his personal commitment that Senate conferees will not support reporting of a bill with tax cuts greater than $350 billion, unless additional tax cuts are specifically offset or paid for.

Once again, just as I trusted the word of the majority leader as we agreed to address extraneous special interest provisions in homeland security legislation last fall, so I trust the good word of Chairman GRASSLEY and Majority Leader FRIST. Moreover, this agreement provides written confirmation that the Senate will at no point consider the House-passed legislation, except when it is necessary to be sent to conference, and provides the protections we have sought to ensure a responsibly sized tax package.

I feel strongly about my commitment to a lower tax cut, and this agreement reflects the principles on which I have held firm throughout consideration of the budget.

As I said, from the start I have shared the President's belief that economic stimulus is demanded by the wavering conditions of our economy, which was already on shaky ground before the horrific attacks of September 11. We've lost 2.3 million jobs since the recession began in March 2001—nearly half a million in the past 2 months alone. And comparing today's employment situation with the one prevailing after the 1990–1991 recession—which was followed by a "jobless recovery"—Charles McMillion, chief economist of MGB Information Services in Washington, recently told the Financial Times, "The current jobless recovery has now lasted longer and is far worse" than the aftermath of the 90–91 downturn.

Just this week, the Business Roundtable released results of a survey of CEOs on the economy that revealed a more pessimistic outlook for the economy than just 6 months ago. For example, CEOs were very concerned about employment growth and weak consumer demand. According to the survey, CEOs, on average, expect GDP growth to be only around 2.2 percent over the next 6 months.

We can't afford another "jobless recovery" like we had just over a decade ago—or, worse, a "double-dip" recession. At the same time, with the demands of our action in Iraq, with the need to fund pressing domestic issues such as the necessity for prescription drug coverage for seniors and for strengthening Social Security and Medicare, and with the deficits we have already seen in a dramatic turnabout from 4 years of surpluses—we also cannot allow ourselves to be drawn into another downward spiral of perpetual deficits.

This is a matter of principle, and one upon which I have stood since I first came to Congress—that a cycle of deficits must not be allowed to continue. If we act wisely, I believe we can provide significant tax relief to help taxpayers and business to get the economy moving, while also achieving fiscal discipline.

This budget is a responsible, well-balanced approach to stimulate our economy in the short term, and to protect our economy from the effects of unnecessary deficits in the long term. As we continue to confront global uncertainties that have cast a shadow over a domestic economy already on shaky ground even before September 11, I believe an immediate growth package is absolutely essential to help create both consumer demand and new jobs. As we move to the next phase in this process, I look forward to working with Chairman GRASSLEY and my colleagues on the Finance Committee to craft such a plan.

We must work to maintain a carefully calibrated plan that will produce short-term benefits for our economy, without jeopardizing long-term fiscal responsibility and economic growth. By capping the size at $350 billion, I believe we can do so without risking the types of deficits that could come from deficit-financing of long-term tax cuts.

At the same time, we will also pass a budget, which I believe is critical because it imposes structure and discipline on Congress, and defines the priorities in Federal expenditures. This is a fundamental responsibility of the Congress, and I am pleased we will be successful in passing a budget this year.

So I believe we should have a growth package in this budget. At the same time, given these unprecedented times and the confluence of circumstances by which they are defined—the economic uncertainties, the war in Iraq, new projections of higher budget deficits, the domestic fiscal challenges that lurk on the horizon with Social Security and Medicare, our responsibility to carefully evaluate the impact of any tax reductions and spending increases in this budget is that much greater.

That is the context in which we must shape a budget—indeed our projected deficits are at historic levels. What is required in this budget resolution is a careful calibration if we are to produce short-term benefit for our economy without jeopardizing long-term fiscal responsibility and economic growth. And let there be no mistake, just as the need for short-term economic stimulus is compelling, so, too, is the need to return to balanced budgets and indeed surpluses as soon as possible.

What it all comes back to is setting priorities. That is what we talked about all those years we were fighting for balanced budgets. We are here to draw lines and make distinctions so as not to exacerbate our economic situation and thereby lead to even greater problems down the road.

A look at the administration's budget shows substantial out-year deficits, even if productivity growth turns out to be higher than expected. If growth is just "average" we still face unsustainable budget deficits. This year, given the slow economy and the war costs, our deficits could be near 4 percent of GNP.

Recently, the Social Security and Medicare Board of Trustees reported that between 2010 and 2030, the costs of these programs will increase rapidly, with annual costs exceeding dedicated tax revenues beginning a dozen years before this 'baby boom' wave is over. And the trustees estimate Medicare will become insolvent 4 years earlier than predicted just last year. Importantly, these estimates do not include the addition of a necessary prescription drug benefit.

The bottom line is, we cannot diminish our ability to strengthen Social Security and Medicare. We were looking to the window of opportunity presented by a return to surpluses to prepare for these future challenges. But as we have seen over the past 18 months, projections of surpluses or deficits can change dramatically, and that opportunity has evaporated. Given the uncertainties we are facing today, given the challenges we face tomorrow—we must exercise caution now so that we do not exacerbate long-term deficits in the years to come, and threaten our ability to address America's long-term priorities in the future.

Once again, the President was right to offer a growth plan. But, we cannot ignore the impact of all of the challenges we face—the cost of war, higher defense spending, the retirement of baby boomers, higher health care spending, and homeland security.

This agreement gives us the chance to unite behind a consensus figure. A figure that is "right-sized", a figure that strikes the right balance and one that will allow us to stimulate the economy in the short-term. It represents the most effective and responsible way to stimulate the economy, while advancing a growth package that can achieve the strongest bipartisan support.

If we are to restore balance to the Federal budget, we must exercise fiscal discipline. This budget provides an important step in that direction and I urge my colleagues on both sides of the aisle to join me in supporting this conference agreement.

I ask unanimous consent that the letters that I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 10, 2003.

Hon. CHARLES GRASSLEY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This will be a further clarification to the letter I sent to you earlier today.

It once again confirms my conversation with you and Senator Baucus concerning the consideration of a possible revenue reconciliation bill.

Should the Congress adopt a conference report for the FY 2004 Concurrent Resolution on the Budget, and should that conference report include reconciliation instructions to your Committee to report changes in laws to achieve tax reductions of no more than $350 billion, your Committee will not be bypassed, it will be responsible for reporting that reconciliation bill, and that bill will be the vehicle brought to the Senate floor for consideration.

After the Senate reconciliation bill has been advanced to third reading, you or I will move to the consideration of the House a bill, solely for the purpose of amending it with the Senate measure. I will prevent any effort including any unanimous consent requests to move to the House bill except for this purpose.

This is the historic and correct procedure for consideration of such legislation in the Senate. Further, both as a member of the Committee and as Leader, I look forward to working with you to comply with any reconciliation instructions to your Committee.

Sincerly yours,

BILL FRIST, M.D.,
Majority Leader.

U.S. SENATE,
Washington, DC, March 13, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER DASCHLE: With the international challenges our nation faces, including a possible military engagement with Iraq, continuing tension on the Korean Peninsula, and the ongoing war on terrorism, coupled with sluggish economic growth, we believe it is critical a budget resolution for Fiscal Year 2004 (FY2004) be enacted this year. We are committed to working in a bipartisan manner to this end.

We believe that our nation would benefit from an economic growth package that would effectively and immediately create jobs and encourage investment. We appreciate President Bush's leadership in identifying this need and beginning this important debate with his economic growth proposal.

Given these international uncertainties and debt and deficit projections, we believe that any growth package that is enacted through reconciliation this year must be limited to $350 billion deficit financing over 10 years and any tax cuts beyond this level must be offset. All signatories to this letter are committed to defeating floor amendments that would reduce or increase this $350 billion amount.

We look forward to working with you on a bipartisan budget.

Sincerely,

JOHN BREAUX.
MAX BAUCUS.
OLYMPIA SNOWE.
GEORGE V. VOINOVICH.

Mr. JEFFORDS. Mr. President, I had hoped to be here today to say that the Congress is enacting a blueprint for spending that would improve education, invest in our transportation and water infrastructure, and deal prudently with our ever-increasing projections of budget deficits. Unfortunately, this budget will accomplish none of these goals, and may in fact put this country in dire fiscal straits just as the baby boom generation places new and unprecedented demands on our Social Security and Medicare systems.

Let me begin by saying that I oppose the tax cuts authorized by this budget conference agreement. To call this a conference "agreement" is a misnomer; there has been no agreement. In the House, the tax cut allowed under the reconciliation procedure will be $550 billion; in the Senate, $350 billion. If the conferees on the tax bill ultimately agree to a cut larger than the Senate figure, the vote we take on that conference report will be a vote on tax cuts never approved by the Finance Committee or the full Senate.

Perhaps more importantly, this is not the right time for a tax cut. When we passed the 2001 tax cut, we were facing a 10-year budget surplus of $5.6 trillion. It made sense to return some of that projected surplus in the form of a tax cut. But things have changed, and changed dramatically. Unless there are dramatic cuts in spending—which no one realistically expects—we are facing deficits as far as the eye can see. On top of that, we face the unknown costs of the war in Iraq and its aftermath. It is irresponsible to cut taxes under these circumstances.

Perhaps some sort of tax cut could be justified if it stimulated the economy or if it furthered important national interests like education or health care. But the tax cuts being contemplated in this budget will go overwhelmingly to those at the top of the economic ladder—those who are least in need of help. These tax cuts will mean bigger deficits and a higher national debt. The costs for this folly will be borne for years by our children and grandchildren. And areas of national need will get short shrift.

Our Nation's transportation needs get short shrift in this budget.

As ranking member of the Environment and Public Works Committee, I am very disappointed by the treatment afforded to our Nation's roads, bridges, and transit systems in the conference report.

Just over a week ago, 79 Senators recognized the importance of our Nation's infrastructure and the vast need for investment by supporting a bipartisan amendment to increase surface transportation spending.

What has come back from conference is a dramatic cut in funding from the levels put forward by the Senate. We agreed in this body to highway program contract authority for reauthorization of $255 billion. The conferees set the level at $231 billion. While presented as a simple "split-the-difference" compromise with the House, the conference inserted provisions that will in fact reduce funding to levels only marginally greater than those authorized for TEA–21 and would barely cover inflation during the next six years.

Our highway program expires this year. Traffic congestion is a growing problem and freight needs are expanding rapidly. The States want us to review the program on time. The strength of the Nation's economy and literally hundreds of thousands of jobs are at stake.

I foresee great difficulty in enacting a transportation reauthorization bill with the numbers proposed in this budget resolution.

Our environmental programs get short shrift in this budget.

I am most disappointed that conferees refused to agree to the additional $3 billion in funding for the Nation's water infrastructure approved by the Senate. As I said during debate on the Senate floor, the estimates of the current funding gap in the areas of water and wastewater infrastructure are enormous. Accounting for inflation, overall funding for environmental programs will be $770 million below fiscal year 2003 levels. Real cuts in programs that keep our water, land, and air clean will have to be made.

Finally, education gets short shrift in this budget.

Earlier this year, the President emphasized that education and homeland security are integral to having a secure nation with a well-educated and training workforce that would grow and strengthen our economy.

At a time in our history when we are all focused on homeland security, it must be noted that education should be considered the centerpiece of our homeland security efforts. The best security for a nation is to ensure that every individual has the opportunity to receive a high-quality education, from prekindergarten to elementary and secondary education, to special education, to technical and higher education, and beyond.

The budget resolution before us severely underfunds key education programs. The Title One program, which is the heart of the Federal effort in elementary and secondary education, is $6 billion below the level authorized under the No Child Left Behind Act. The resolution also fails to provide for any increase in the Pell grant maximum award.

By authorizing large tax cuts in the budget conference report, we are severely damaging our education delivery system. This Nation has overwhelming needs in education, healthcare, and infrastructure. The tax cuts in this resolution should have gone to meet these needs.

Mr. President, a budget is a statement of priorities. As is clear from my statements, I will vote against this budget because I believe this budget's priorities are dangerously misguided.

Mr. FRIST. Mr. President, let me first congratulate Senator NICKLES. This is the chairman's first budget resolution, and I particularly thank him and his staff for all their hard work these last nearly 7 weeks to bring us to this point today.

It has not been easy, but the committee has met its schedule and completed the budget resolution ahead of the statutory deadline of April 15.

I understand this is the second fastest budget resolution conference agreement ever considered. Senators might be reminded that the last time we adopted a budget resolution in the Senate was almost 2 years ago on May 8, 2001, under the chairmanship of Senator PETE DOMENICI, at a time when the Senate was 50-50.

The Senate, for the first time in the 27 years of the Budget Act, did not adopt a budget resolution last year, did not even consider one here on the Senate floor. And I truly believe that our failure to complete 11 appropriations bills for fiscal year 2003 until just 8 weeks ago, was a direct result of not adopting a budget last year.

So having a budget resolution that we can vote on today, is not only important for how it will allow the legislative calendar to move forward in a more orderly manner, it is also important to the institution. The congressional budget process now is back in operation and that is important not only for today but for the future of how business is conducted particularly in this chamber.

Without a budget, chaos would rein in the legislative calendar.

Without a budget, there would be no fiscal discipline on our return from the upcoming recess.

Without a budget, we would have no enforcement provisions to control mandatory or discretionary spending. It would be open season on spending increases.

Without a budget, interestingly to my colleagues who are opposed to even the modest tax cuts assumed in this resolution, there would be no restrictions on any tax cuts, just as there would be no limit on any spending increases without a budget in place.

But more importantly, the fiscal blueprint before today, is the correct blueprint to provide for economic growth and job creation.

It is going to be absolutely critical that once we return from the upcoming recess that we focus quickly on adopting a tax reconciliation bill that will stimulate investment, increase demand; and begin to create needed jobs.

Equally as important this budget will provide for increased spending where it is needed to provide for homeland security and national defense.

And nondomestic spending will not decline but actually increase over 3.6 percent next year. A rate of growth consistent with the average American family's pay check growth. Government spending should grow no faster than families' income growth.

Mr. President, this is not, as the minority leader suggested, a difficult day. This is a good day to adopt a budget, the first one in over 2 years.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time remains on our side?

The PRESIDING OFFICER. Six minutes five seconds.

Mr. CONRAD. Mr. President, we anticipate now that the vote will start at 5:20. We want to alert our colleagues to that. Let me just wrap up, if I may. And then would the chairman like to conclude this debate?

Mr. NICKLES. Thank you.

Mr. CONRAD. All right. Mr. President, let's all understand what we are voting on. This is not a tax cut of $350 billion. There is a tax cut contained in this budget resolution for $1.3 trillion. There may be some side deals that have been arranged to reduce the reconciled amount of that tax cut, but the budget resolution before us provides $1.3 trillion in tax cuts. This is at a time of record budget deficits. We have the biggest budget deficits we have ever had.

The budget deficit for this year will be between $500 and $600 billion, not counting Social Security. If we treat Social Security the way it was intended and we don't take it and use it for other things, the operating deficit is between $500 and $600 billion this year.

This is advertised as a growth package, something that will grow the economy. In our analysis, nothing could be further from the truth. The deadweight of these deficits and debt will burden the economy for years. It threatens the economic security of our country.

This is the analysis of the people who were hired by the White House and the Congressional Budget Office to do the economic analysis. This is what they say:

> Initially the plan would stimulate demand by raising disposable income, boosting equity values, and reducing the cost of capital. However, the tax cut also reduces national saving while offering little new permanent incentives for either private saving or labor supply. Therefore, unless it is paid for with a reduction in Federal outlays, the plan will raise real interest rates, crowd out private sector investment, and eventually undermine potential gross domestic product.

In other words, this plan hurts the economy. It doesn't help it. It hurts it. That is the analysis of the people who are paid to do it by the White House themselves.

The White House's own budget document reveals the long-term circumstance we face: Exploding deficits as a result of exploding costs to the Federal Government from the retirement of the baby boom generation, coupled with exploding costs of the tax cut that is proposed and contained in this budget. The result: we never get out of deficit, ever, at least until the year 2050, according to the President's analysis. The deficits just get deeper and deeper and deeper, threatening the economic security of the country.

I close with this piece that appeared in the New York Times op-ed page on

Wednesday. This is a piece done by six of our most distinguished colleagues: three former Senators—two Democrats, one Republican—two members of President's Cabinet in the past—one Republican, one Democrat—and Paul Volcker, former head of the Federal Reserve. I don't know his political affiliation.

They are warning us of the direction we are going. They conclude by saying this:

> Congress cannot simply conclude that deficits don't matter. Over the long term, deficits matter a great deal. They lower future economic growth by reducing the level of national savings that can be devoted to productive investments. They raise interest rates higher than they would be otherwise. They raise interest payments on the national debt. They reduce the fiscal flexibility to deal with unexpected developments. If we forget these economic consequences, we risk creating an insupportable tax burden for the next generation.

That is what is at stake here.

Are we really going to pass a budget that contains authorization for another $1.3 trillion in tax cuts, when we are already in record budget deficits, when we are in a war, the cost of which we do not know, and we are on the brink of retirement of the baby boom generation, which is going to explode the cost to the Federal Government?

Mr. President, anybody who votes for this budget is voting to increase the deficits by $2.4 trillion. It is precisely the wrong thing at this time. It is precisely the wrong thing. I urge my colleagues to vote no.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are going to be voting momentarily. I have a lot of colleagues who say they want to catch planes, and a lot of the debate has cycled around once or twice. It has been a pleasure to work with Senator CONRAD. I am not totally surprised that he will not vote for the budget resolution—maybe a little disappointed.

I hope we return to the days of having bipartisan budget resolutions. There will be some Democrats who will vote for this. I hope there are several. When we passed this budget 3 or 4 weeks ago in the Senate, there were several Democrats who voted for it. I hope we will get several to vote for it today.

I have heard a lot of complaint about it, most of which is excessive tax cuts. I beg to differ. We have tax revenues over the next 10 years of about $28 trillion, and the reconciled portion of this tax cut, at maximum, would be $550 billion. but probably more like $350 billion. That is a small percentage. Some colleagues say: Wait a minute, there are more; in the outyears, there is $600 billion, and that is basically continuing present law. If you don't do that, you are going to have massive tax increases in 2011, 2012, and 2013. A lot of those tax increases will be on low-income people, raising their rate from 10 percent to 15 percent, reinstating the marriage penalty, or it would be eliminating the $1,000 tax credit per child. I don't want to do that. I don't know that we are going to do it this year. We don't have to do it this year. We should do something to stimulate the economy. We have a small stimulus package—$350 billion for the Senate.

So I hope our colleagues will support this package.

I will make one comment about deficits. Are deficits too high? You bet. Some people say—and I have heard this a lot—they were caused by excessive tax cuts in 2001. But I disagree with that. There are two equations: how much revenue you are taking in, and also how much money you are spending. We have been spending a lot of money because of national defense needs, because of homeland security and, frankly, Congress got in the habit of spending a lot of money during the later years in the Clinton administration when we had a lot of growth revenue. We had spending compounding at double-digit levels—12, 13, 14 percent. We cannot continue doing that.

This budget has fiscal discipline. It does say that the discretionary amounts, compared to last year prior to the supplemental, will grow at about 2.5 percent. We have caps on entitlements, points of order against growing entitlements, and we say that entitlement changes in Medicare should be limited to $400 billion after a bill is reported out of the Finance Committee. We didn't put that in reconciliation. We want Medicare, and we want a prescription drug bill, and we think we can get it as a result of this bill.

Last year, we had no budget. When we had no budget, we didn't get appropriation bills done. We didn't pass 11 of 13 appropriations bills last year because the House and Senate didn't have numbers with which they concurred. We didn't get a prescription drug bill. We didn't function or manage.

I urge my colleagues, let's not be totally focused just on the size of the growth package—and a lot of people have different opinions, such as it is not large enough, it is too big; some want zero, some want $350 billion, some want more, and some may want more than that. Let's also keep in mind that that is a tax figure over 10 years, and it is a very small percentage compared to what we are spending per year, which is $2.2 trillion.

This budget is the only game in town if you want to have any control over the growth of that total expenditure. We didn't pass the budget last year. If we don't pass one this year, the whole budget process is dead. I urge my colleagues, let's be fiscally responsible. This is the only game in town. For people to say, wait a minute, this is too high—the only thing they are talking about being too high is on the tax side. That doesn't count the trillions of dollars they were trying to add on spending.

I urge my colleagues to be responsible. Let's work together and pass a budget that can pass. This can pass. Let's reinstate some discipline that we didn't have last year. I urge my colleagues to support this budget.

I yield back the remainder of my time and I ask for the yeas and nays on the conference report.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham (FL)
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

The VICE PRESIDENT. On this question, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes yes, and the conference report is agreed to.

Mr. NICKLES. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I thank all of our colleagues. This has been a challenging process. I especially thank Senator CONRAD. We have had a good debate, a challenging process, needless to say, but we now have a budget. I thank all of my colleagues for their support in making that happen.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we welcome the Vice President to the Chamber. We congratulate you on the success of our forces half a world away in Iraq. We deeply appreciate that success.

We have concluded action now on the budget resolution. This has been an item of significant debate in the Chamber, and disagreement, but we respect the outcome. Everyone had a chance to express their view. Everyone hopes this works out for the best for our country.

I conclude by thanking the chairman of the committee, who worked very hard in difficult circumstances to produce a budget resolution. We congratulate him on his success. We also thank his excellent staff, who were terrific to work with. Although we had, obviously, disagreements on the two sides, the tone of this debate has been excellent.

I also thank all of my colleagues who expressed themselves, who participated in this debate and made their feelings known.

I conclude by thanking my own staff, my staff director, Mary Naylor, Jim Horney, Sue Nelson, my counsel, Lisa Konwinski, and all of the other staff members who worked long and hard as we considered this resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. A brief announcement now for the benefit of our colleagues. The supplemental is currently being discussed, debated, amended, worked on very hard as it has been over the last several days, and will likely go into tonight. We expect to pass that supplemental by unanimous consent later tonight, and thus the vote we just took will be the last vote prior to the recess. The next vote will be on Tuesday, April 29. I will notify Members of the exact time on Tuesday, the 29th.

Again, there will be no further rollcall votes between now and the recess.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to congratulate the distinguished chairman of the Budget Committee. Frankly, no matter how difficult, we did produce a budget resolution. Obviously, it is less than unanimous in terms of the likes and dislikes for this proposal, but I submit it is far better for the Senate and for the people of this country that we have a budget resolution than we not have one at all.

Obviously, there will be opportunities to differ during the year, and there are provisions that will be difficult to maintain and to enforce. The truth is, we do know when we do not have a budget resolution, regardless of how contentious it is, we are inviting chaos. We are inviting a delay in almost every one of the processes that are ordinary and normal to this case without a resolution. There are plenty of Senators who do not agree with that. That is why the vote is 50/50. That is exactly what voting is for. Someone wins; someone loses. In this instance, the Vice President did what is provided for in our Constitution, provided the one-vote majority, and now we have a budget resolution.

I am hopeful that the implementation of that budget resolution, contrary to what has been said this evening by the other side, will be good for this country. I am confident that it will be better for this country than not to have one. Of that, I am positive.

Could there be a better one? Maybe, but there cannot be a better one and get votes in the Senate to have that as a budget resolution. If we could, we would have. This is the best we can do.

I compliment Senator NICKLES, the new chairman, and all who worked with him. Obviously, the decorum, the demeanor, in getting this done requires more than a chairman. It requires a ranking member and the ranking member deserves our accolades.

In addition, I guarantee there are plenty of staff hours and toil and work on both sides of the aisle that went into this resolution. I commend each and every one of the staff who worked so hard to get us to this point.

Last but not least, I commend the majority leader for his dedicated and diligent work in helping the chairman get us to where we are today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I thank my colleague, Senator DOMENICI. Personally, my admiration for him has gone up dramatically, recognizing that he was either chairman or ranking member for 22 years of the Budget Committee, and every year he was chairman, he was able to get a budget passed. It is not an easy process. I also thank him because he has given me some excellent staff and they have been a great asset. Hazen Marshall is the chief of staff who put together a great team, many of whom were former employees of my very good friend.

Senator DOMENICI, who is now chairman of the Energy and Natural Resources Committee, is doing a fabulous job. This year we will have an energy bill and it will be passed out of the Energy and Natural Resources Committee. When marking it up, it had a lot of amendments. We had a lot of amendments on the budget package in committee and on the floor, and I am sure we will in the energy bill, but I am sure we will have an energy bill to contribute to our country's energy security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EASTER

Mr. BYRD. Mr. President, the Senate will soon recess. Members will travel. Many will go home, meet with constituents, visit with friends, and attend Rotary Club lunches, Veterans of Foreign Wars rallies, and other important civic events. Some members will travel overseas, visiting U.S. troops and military facilities around the world in order to get a first-hand look at conditions and morale, or meeting with U.S. embassy personnel for detailed assessments of world events. After the contentious debates and harried schedules of past weeks on Capitol Hill, some Members may just relax and enjoy the beauty of spring. Spring, ah spring.

Spring is such a gentle season. The air is soft, the earth is moist, the new leaves and blades of grass are tender, not like the superheated air of summer that parches the earth, toughening leaves and drying lawns into crispy, crunchy deserts. Even the colors of springtime are gentle, all soft purples, buttery yellows and pale pinks of lilac, daffodil, and hyacinth. Only later, in the summer sun, come the vibrant oranges, deep reds, and gaudy color mixes of sun- and heat-loving flowers like marigolds, zinnia, and geranium.

In this most gentle of seasons, the contrast between the beauty outdoors and the images saturating the airwaves is difficult to reconcile. Images of war waged in distant cities in a distant land, of gunfire, bombs, of ambushes, of sudden death and the loss and anguish of families both here and there, do not seem to match the mood of springtime, with its message of birth and life and growth. But the holiday that Christians celebrate this season contains all of these paradoxes. Easter is tragedy and loss, capture and death, as well as rebirth and new life, life everlasting.

The story of Easter is monumental. It is theater for the ages, unmatched by Sophocles, Euripides, or Shakespeare, because it is true. Easter is the history of one man, his life and death highlighted in the annals of history as few individuals are. Though full of miracles beyond wonder and betrayal beyond believing, the story of Jesus of Nazareth ends on a stirring note of hope. His death, the price of life everlasting for mankind, offers solace and hope to the families who have lost sons and daughters, husbands and wives, during Operation Iraqi Freedom. Indeed, the Easter story offers comfort to all of us.

When you have lived as long as I have, and when you have been as blessed as I to have and have had many good friends over the years, you must also live with the loss of those friends and loved ones. Not a day passes but that the untimely loss of my grandson Michael does not make my heart ache. It was 21 years ago this coming Monday. Recently, my colleague and good friend, the former Senator Daniel Patrick Moynihan, passed away at the age of 76. I miss him. There is where he sat—there. At that desk at the end of the back row. That is where he sat, I miss him. I miss my faithful and loving little dog Billy, who died last year. All things in this life must pass. But their memories warm my heart and their friendship is etched in the laugh lines on my face. My belief in the Creator and in his promise of life everlasting in his presence gives me support and comfort.

Though nothing can bring back the hour
Of splendour in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind:
In the primal sympathy
Which having been must ever be;
In the soothing thoughts that spring
Out of human suffering;
In the faith that looks through death,
In years that bring the philosophic mind.

The poet William Wordsworth wrote that, in his ode, "Intimation of Immortality."

This coming Sunday is Palm Sunday, marking the triumphal entry into Jerusalem by Jesus, our blessed Lord. It is a joyous day, but shadowed now by the foreknowledge of what is to come on Maundy Thursday, Good Friday and Holy Saturday—dark, sad days relieved by the miracle of Easter Sunday. On Easter Sunday, our spirits are lifted by the wondrous news of the resurrection and the ascension. Those are uplifting words: resurrection and ascension, rebirth and, for Jesus, a homecoming to sit at the right hand of the Father, His Father. My Father. Your Father.

On Easter Sunday, surrounded by fresh spring flowers, pretty Easter dresses and baskets of brightly colored Easter eggs, we again see Spring in its best light. We see it in the light of renewal and hope. We see it in the amazing story of Private Jessica Lynch of Palestine, WV. The State of West Virginia, and the entire nation, rejoices in her safe recovery. Her homecoming will be a day to remember forever. My thanks, and the Nation's thanks, go out to the brave and honorable Iraqi nationals who risked so much to bring her aid and the daring service personnel who rescued her.

Mr. President, a poem that I memorized long, long years ago reminds us all of how we are touched by the presence of others:

A Persian fable says:

One day a wanderer found a piece of clay,
So redolent of perfume
Its odor scented all the room.
"What are thou?" was the quick demand;
"Art thou some gem of Samarcand?
Or spikenard rare in rich disguise,
Or other costly merchandise?"
"Nay, I am but a piece of clay,"
"Then whence this wondrous sweetness, pray?"
"Friend, if the secret I disclose,
I have been dwelling with the rose."
Sweet parable! And will not those
Who love to dwell with Sharon's rose,
Distill sweet odors all around,
Though low and mean themselves be found?
Dear Lord, abide with us, that we
May draw our perfume fresh from thee.

Mr. President, the rose that has perfumed this humble piece of clay is my wife Erma. In 49 more days, God willing, we will celebrate 66 years of marriage. It has not all been a level voyage. There have been ups and downs, as there will be in every marriage, but they have been good years, filled with many Easter mornings.

And now, as I look forward to watching my great-grandchildren hunt for their Easter eggs in the green grass, I am grateful for the opportunity to see so many generations grow up. My sense of hope for the future is redoubled, as it is each Easter time.

It must have been at Easter time when William Jennings Bryan penned those words from "The Prince of Peace:".

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will he leave neglected in the earth the soul of man, made in the image of his Creator?
>
> If he stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the son of men when the frosts of winter come?
>
> If matter, mute and inanimate, tho changed by the forces of nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to his tenement of clay?
>
> No. I am sure that He who, notwithstanding his apparent prodigality, created nothing without a purpose, and wasted not a single atom in all his creation, has made provision for a future life in which man's universal longing for immortality will find its realization.

I am as sure that we live again as I am sure that we live today.

So my sense of hope for the future is redoubled, as it is each Easter time. That is the beauty of Easter, because that typifies the glorious promise which is ours and which the Saviour gave to us. That question, which was asked in the Book of Job: "If a man die, shall he live again?" is answered—answered—by Easter.

I recall, in the Book of John, Jesus came to the grave of Lazarus and said: "Lazarus, come forth." And Lazarus came forth, still wrapped in his grave clothes. And Jesus said: "Loose him, and let him go."

So in the midst of war there is life. In the midst of uncertainty there is faith. After each winter, there is spring.

Mr. President, I wish you and all of our colleagues a glorious Easter. May we ponder upon its meaning, and upon its reason, and upon its promise for us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBA'S CRACKDOWN ON HUMAN RIGHTS ACTIVISTS

Mr. DODD. Mr. President, it had been my intent earlier in the week to come and share with my colleagues some thoughts on the recent crackdown on human rights activists in Cuba. I was unable to do it, so before we adjourn for the Easter Passover recess, I want to take a few minutes to express my thoughts on the recent events in Cuba, and to express in the strongest terms possible my sense of outrage over what has happened.

Cuban President Fidel Castro recently initiated severe and repressive measures in an attempt to silence pro-democracy activists on the island nation of Cuba. I rise to denounce in the strongest possible terms those actions. The arrests and show trials of these individuals are well beyond acceptable norms of governance today, and they call into question the very legitimacy of the Cuban state. It speaks volumes about that state's legitimacy when its citizens are denied an opportunity to dialog with the Government authorities about the future of their nation, its political institutions, and its practices.

Over the last 40 years, there have been ebbs and flows with respect to the extent of political space granted to human rights activists and independent journalists by Cuban authorities. Last year, in the runup to the visit of former President Jimmy Carter to Havana, there was a perceptible loosening of restrictions on civil society activities. And the Cuban people exhibited a genuine interest in and motivation toward making the most of this newly found political space. When President Carter was in Havana, he was permitted to address the Cuban people, live and uncensored, on Cuban national television. At that time, he rightfully acknowledged the ongoing democratic grassroots activities on the island symbolized by the so-called Varela Project, headed by Oswaldo Paya. This important grassroots organization has already gathered more than 20,000 signatures on petitions in support of democratic reforms.

Thanks to President Jimmy Carter, the activities of Mr. Paya are now known not only to the international community but to the Cuban people as well.

Representatives of the Varela Project presented a petition with over 11,000 signatures to the Cuban National Assembly, calling on the Assembly to act on some vital democratic issues, including free speech and free press, economic liberalization, and the release of political prisoners. While I understand that the National Assembly has responded to the Varela petitioners, it has done so in a narrowly, legalistic manner that misses the larger political issues that deserve serious consideration by Cuban authorities.

It speaks volumes that thousands of ordinary Cubans have been willing to publicly petition their government seeking change. I for one had hoped that the Cuban people's expressed desire for democratic initiatives would prompt further liberalization of the Nation of Cuba. In fact, if the Castro government abided by its own constitution, this might very well be the case.

Instead, over the past several weeks, my colleagues, my fellow Americans, and the global community have witnessed the Castro government's abrupt and repressive retaliation against Cuban grassroots democracy activists, independent journalists, economists, and other dissidents. On trumped up charges of allegedly "working with a foreign power to undermine the government," the Castro government is attempting to undermine the will of its own people, in my view, and about 75 Cuban dissidents have now been arrested and convicted.

Opposition political party leader Hector Palacios has already received 25 years in prison, and his wife, Gisela Delgado was also convicted. Civil rights advocate Oscar Elias Biscet is expected to be sentenced this week. Economist Martha Beatriz Roque, who has been consistently critical of President Castro's handling of the Cuban economy—and rightfully so, I might add—which happens to be in dire straits, received 20 years in prison for merely doing that. Three others met the same fate, including dissident independent journalist Raul Rivero, independent magazine editor Ricardo Gonzales, and economist Oscar Espinosa Chepe. Indeed, up to this point, there have been 57 convictions, with sentences ranging from 6 to 28 years.

And, I must say that after examining these tragic cases, it comes as no surprise that although Mr. Paya has not yet been arrested, 42 of the 74 people arrested in these crackdowns are participants in the Varela Project.

Even more troubling is that these trials have been and are continuing to be conducted in a Havana courtroom closed to international diplomats and foreign journalists. I strongly believe that this atmosphere of authoritarianism is indicative not only of the lack of substantial evidence against these individuals, but these trials' lack of domestic and international legitimacy.

For many years, I have strongly supported United States engagement of Cuba. I have worked to dismantle the myriad of restrictions on American interaction with that nation, including those on trade and travel. Once again, let me state for the record my belief that our 40-year long isolationist policy towards Cuba has played, unfortunately, a major role I believe in keeping the government of Fidel Castro in power. It has allowed the Castro regime to blame U.S. policies for the lack of food and medicine in Cuba and has created a siege mentality which has allowed repression to flourish under the guise of national sovereignty. For those reasons I continue to believe that U.S. policy needs to change to some degree.

However, my support for United States engagement of Cuba should not be mistaken for support of the Castro Government or for the reprehensible tactics it resorts to in order to suppress popular dissent with its policies

It is a curious thing, indeed, that prior to these recent actions by Cuban authorities, there was growing support in the Congress and in the Cuban American community in particular for more engagement with Cuba. It leads me to speculate whether President Castro's recent persecution of prodemocracy and human rights activists is not designed to chill efforts in the United States to engage more actively with the island.

I call upon the Castro Government to take immediate steps for the release of its political prisoners, to stop the persecution of Cuban dissidents, and to show respect for and abide by the Cuban Constitution and the will of the Cuban people. Fidel Castro has always said that the Cuban Revolution liberated the Cuban people from tyranny and oppression. The events of the last few weeks would indicate just the opposite. Many of the actions that the Castro regime has taken in recent months, particularly against democratic activists and independent journalists make it crystal clear that tyranny is still the order of the day in Havana under Fidel Castro. It is time for Cuban authorities to drastically reverse course and allow the Cuban people to have a voice in their governance. Then and only then will the Cuban people be truly liberated from tyranny.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECRETARY OF EDUCATION ROD PAIGE

Mr. SESSIONS. Mr. President, we recently heard a wonderful address by Senator BYRD when he talked about Easter and expressed his views about it. He did so as a believer. This is a great and wonderful free country, and we are able to express our views.

I wish to take a few moments to comment on some of the attacks from the left on a comment recently made by Secretary of Education Rod Paige.

Secretary Paige is a great educator, a great man. I am so impressed with him. When he took over the Houston County school system in Texas, only 37 percent of the students were passing the basic Texas test. In 5 years, by bringing on discipline, accountability, a rigorous testing program, not accepting failing schools and being intolerant of them, and being intolerant of educators who were not performing, he doubled the number of students passing that test. As he told me, in the fourth or fifth year, he got a little extra money, but basically he achieved those results without extra money in the Texas State school system.

I believe he is a tremendous man. He loves those children. He loves the children more than he does the bureaucrats and the educators. He wants to know if they are learning, and he cares about them. He cares about their values. He cares about whether or not they are becoming better children, not just smarter children.

The complaints arose from a story published in the Washington Post which misquoted the Secretary. This is what the quote was in the Washington Post, quoting Secretary Paige:

> All things equal, I would prefer to have a child in a school that has a strong appreciation for the values of the Christian community, where a child is taught to have a strong faith.

First of all, a lot of Americans believe that. Lots of Americans believe that. I submit a majority of Americans believe that. But, this is what a tape recording of his question-and-answer interview demonstrates that he actually said:

Question:

> One final question, Mr. Secretary. We're hearing a lot in Christian colleges and universities about Christian world view education. Do you have any comment on that? What do you think about that?

Answer:

> No, I have not heard enough about that to formulate a view. So I'll probably need to pass on that one.

But they did not let him get away with that. You know how they press.

Question:

> Given the choice between private and Christian or private and public universities, who do you think has the best deal?

Secretary Paige answered:

> That's a judgment, too, that would vary because each of them have real strong points and some of them have some vulnerabilities, but you know, all things being equal, I'd prefer to have a child in a school where there's a strong appreciation for values, the kinds of values that I think are associated with the Christian communities so that this child can be brought up in an environment that teaches them to have strong faith and to understand that there is a force in their lives.

So the Secretary of Education basically was saying he would like to have a child in a school where there is a strong appreciation for values, and those values are sometimes associated with the Christian communities. So that brought the left up in arms.

That is what we are too often reduced to in this country, that one is not able to express those kinds of ideas. So we are at the point now where we question whether or not the words, "In God We Trust," should be on the wall of this Chamber. There they are, several inches high, right over the main door to this Chamber.

Are we going to rip that down? Take down the Ten Commandments that are in the Supreme Court building? Have no prayer at football games at graduation? That pretty well has been taken care of. I remember when former President Jimmy Carter's Attorney General, the wonderful Griffin Bell, was asked about litmus tests for judges, and he responded without hesitation. He had left office at that point or he probably would have caused a controversy. He said: I tell you we ought to have a litmus test. Nobody should be a Federal judge who does not believe in prayer at football games.

We cannot say "under God" in the pledge now according to the Ninth Circuit Court of Appeals. They struck down the Pledge of Allegiance. They are not happy with the Boy Scouts because they teach values and they believe in disciplining personal behavior. We certainly cannot do those things in school, the left says.

So what we are asking for, it seems to me, or at least the hard left is, elimination of any reference to moral or spiritual values in public life in this country, and I do not think that is how we were founded.

Secretary Paige has dedicated his entire career to promoting children and promoting diversity, making sure that all children of all ethnic groups and all faiths have access to the best possible education. Yes, he is a man of faith. He is a man of conviction. He is a man of character. Those are good reasons for him to be the Secretary of Education. Do we want someone who is not?

Secretary Paige talks about preferring a school that has a strong sense of values; not that he is requiring or thinks all children should go to Christian schools. He never said that. He uses Christianity as an example of those values because that is his background, because he has made it very clear he believes the same could be said of other religions.

I agree with what the Secretary said, and I think that those who would attack him for talking about the state of American education are doing a tremendous disservice to our children.

Let's face it, this is part of a regular, organized attack on faith more than it is a complaint about Dr. Paige. It is close to requiring a religious test for public service, prohibited by our traditions in law. It is saying that your religion must be secular; people of faith need not apply. If you have any religious beliefs, keep them to yourself, do not let them guide you, for heaven's sake, in anything that you might do.

Unfortunately, there is a group in this country, small but very vocal, who are offended by any expression of faith in public life. I think we have drifted out of sync, we have drifted away from what we are about. I do not think it is healthy.

Religion is woven into the fabric of our great Nation. Faith has always guided our leaders. I think most Americans were taught, as I was taught, not to make fun of someone else's religion, to respect their faith. It did not have to be the same as yours. Ronald Reagan called America "a shining city on a hill."

We are a nation that believes so deeply in our values we confidently promote those values around the world.

Reagan understood the role of religion in fulfilling our mission. Here is what he believed about God in schools:

> The Declaration of Independence mentions the Supreme Being no less than four times. "In God We Trust" is engraved on our coinage—

And I will note, on that wall right there.

> The Supreme Court opens its proceedings with a religious invocation—

Hear ye, hear ye, hear ye. God bless this Honorable Court and save these United States.

> And the Members of Congress open their sessions with a prayer.

We have a prayer every time this door opens.

> I just happen to believe the schoolchildren of the United States are entitled to the same privileges as Supreme Court Justices and Congressmen.

I think we have gone too far. Thomas Jefferson, whom we know to be the architect of that great Virginia Statute for Religious Freedom, and who is considered to be a great bulwark of the separation of church and state, said:

> I consider the doctrines of Jesus as delivered to contain the outlines of the sublimest system of morality that has ever been taught.

He would not make Secretary of State today if he were to say that. People can have different views. Public officials can express their own views. President Reagan said:

> Without God there is no virtue because there is no prompting of the conscience; without God, there is a coarsening of the society; without God democracy will not and cannot long endure. If we ever forget that we are One Nation Under God, then we will be a Nation gone under.

If one wants to see a nation that has a virtueless government, all they have to do is look at Iraq for the last 25 years. Certainly, Saddam Hussein was not a religious person of any kind, Muslim or any other faith. To see such a nation gone under and to see a revival, one had to just turn on the television on Wednesday morning to see the exhilaration of the Iraqis dancing on Saddam Hussein's statue.

I thought about that poem: My name is Ozymandius, king of kings. Look on my face and beware, and now it has fallen in the desert and nobody has seen it in a thousand years.

For decades, these helpless citizens have lived under a government without, more or less, virtues or values. The only thing that was valued by the government was the power and privilege of the Saddam Hussein regime. Their own might was their God.

The Iraqi people, on the other hand, have been liberated by a group of nations, led by our Nation, a government that was motivated by values—liberty, justice, democracy, morality, fairness, equality. Those are the sorts of values I think Secretary Paige was talking about. Right and wrong. Right and wrong does not come from the self-interest of whatever dictator happens to be in power. Right and wrong comes from the Creator.

At our core, we are, and remain a people who believe that each life has sacredness, and that is why our military would not leave one life or not rest with one POW still in prison or even without a body recovered because we believe life is sacred. As the Declaration says, we are a people endowed by our Creator with certain inalienable rights. Thus, right and wrong for believers never changes. And millions of Americans, many of them Christians, Muslims, and Jews, take their guidance on questions of right and wrong out of their core faith in a creating God.

Before those on the secular left attack people for expressing their religious beliefs or their desires to instill values and moral and religious values in their children, I would urge them to take a step back and think about the millions of people of faith in this country. We strike the right balance in America, I believe. Religion is okay, we think. It is good. It is to be encouraged, not diminished, but we respect people of other faiths. We do not demean them.

People can come here from Muslim nations and live happily and safely, and if any of them are harmed we defend them; we prosecute those who harm them. We will not accept that. It is our heritage.

The complaints on Secretary Paige should be turned down. It is time to reacquaint ourselves with the principles of our Founders. They got it right. Every person was free to be faithful or to be secular, to follow their own creed. Government should never bring force to bear, our Founders said, on the mind of man. Never establish a church by the government.

But the Constitution does provide free exercise. The Constitution simply says about religious faith: Congress—us—shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

Secretary Paige was not out stirring this issue up. He had to be asked repeatedly before he even got into the subject. It was not on his mind. He was asked and he gave his personal view. He said: I think. He did not say "everybody else did" or "You must believe." He said: I think we should have an appreciation for values, the kinds of values often associated with the Christian community.

What is wrong with that? Have we gone that far down the road to denying the right of our American citizens to freely exercise and comment on their faith? I hope not.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

NOMINATION OF JEFFREY SUTTON

Mr. HARKIN. Mr. President, we are wrapping up prior to going on a 2-week break from the Congress. We have the supplemental appropriations bill yet to do, so we are wrapping up this evening, late on Friday night. Congress will be gone for 2 weeks.

Something happens when we come back. Something very important and something very meaningful happens when we come back. I will talk about that for a few moments.

Mr. President, what is going to happen when we come back, there will be at some point soon after we get back from our break, a vote up or down on the Senate floor on whether or not the Senate will advise and consent to approving President Bush's nominee, Mr. Jeffrey Sutton, to be a judge on the Sixth Circuit Court of Appeals.

I will speak for a while tonight about Jeffrey Sutton, but when we come back I will have a lot more to say. I don't think too many people have focused on this. There has been a lot of talk about Mr. Estrada and now there is talk about Judge Owen from Texas but not too much has been said about Mr. Sutton. I will lay out the case and lay out for my fellow Senators and for the public at large what is at stake in this nomination.

First, for the record, Mr. Sutton is a 42-year-old lawyer, currently a partner at Jones, Day, Reavis and Pogue in the Columbus, OH, office. He is an adjunct professor of law at Ohio State University College of Law. He served as State Solicitor of Ohio from 1995 to 1998. He is a former law clerk to Justice Powell and Justice Scalia and Justice Thomas Meskill of the Second Circuit Court of Appeals. He has been nominated by President Bush to be a member of the Sixth Circuit Court of Appeals.

At the outset, Jeffrey Sutton has a great résumé. He hails from Ohio State Law School, is a former solicitor for the State of Ohio, and he has argued cases before the U.S. Supreme Court. Quite frankly, he has won many of them. So he has a great résumé. Quite frankly, my arguments will not be about whether he is qualified. That is not the point.

I will state at the outset in terms of legal qualifications and background that Mr. Sutton is qualified to sit on a bench. However, I don't believe that is all we have to look at.

I had the opportunity to meet with Mr. Sutton for about an hour and a half in my office. He was kind enough to come to my office. We sat there and discussed an issue of great importance to me and to him. We had a great conversation. I found him to be personable. I found him to be highly intelligent, very bright. He is definitely an accomplished attorney. Frankly, I enjoyed my conversation with him for an hour and a half.

However, I take very seriously our responsibility to advise and consent on lifetime judicial nominees. These are not positions to rubberstamp or just to lightly say that simply because someone is qualified they should be on the court. I have done a careful review of Mr. Sutton's advocacy inside and outside the courtroom.

What I come to, I am not convinced Jeffrey Sutton would be able to put aside his own personal agenda and be a fair and balanced judge. Especially for me, I cannot support putting someone on a Federal circuit court who has worked, worked assiduously, worked intelligently, to undermine the Americans with Disabilities Act.

As many here know, my brother, Frank, now deceased, was deaf. Through his eyes and through his life, my family and I saw firsthand what discrimination against persons with disabilities looks like. It was not something abstract. It was real. It was personal. It was up close. I often said if I could ever be in a position to do something about the kind of discrimination that my brother and so many others had faced, I would do it. Through the generosity of the voters of Iowa, I was in that position. In both the House and later in the Senate, I spent my time working to develop legislation to bring out of the shadows of discrimination, of institutionalization, people with disabilities, bring them out of the shadows and bring into the sunshine of civil rights laws in this country.

The day before the Americans with Disabilities Act was signed by the first President Bush, the day before it was signed, if you were a person of color in this country, say, you were an African American, and you went down the street and answered an ad for a job for which you were qualified, and you walked in there and your prospective employer looked at you and said, I'm not hiring Black people, get out of here. You could have walked out that door, walked down the street, and walked right into the courthouse because we passed a Civil Rights Act in 1964 that outlaws, bans that kind of discrimination, based upon race.

If, however, on that same day a person in a wheelchair, qualified for that job, had rolled that wheelchair down there and the prospective employer looked at you and said, Get out of here; I don't hire cripples, and you rolled that wheelchair down to the courthouse door, the doors were locked. They were open if you were a person of color and you had been discriminated against. But, if you were a person with a disability, the courthouse door was locked because there was no law that banned discrimination based upon disability.

The next day President Bush signed it into law and you, Mr. President, or anybody else who might have a disability, took their place alongside those who had been brought into our civil rights laws in America.

We did not pass that bill overnight. We didn't just all of a sudden decide we were going to pass a civil rights bill for people with disabilities, and pass it. We spent years. I am going to have more to say about this when we come back after the break, but we spent years on this, holding hearings and hearings, in forums all over the United States; a Presidential task force appointed by a Republican President, having hearings all over the United States. There were years of drafting, debating, trying to hone it down to make sure we had it right. With bipartisan support it passed overwhelmingly in the Senate. It passed overwhelmingly in the House of Representatives with bipartisan support.

I will never forget that grand day when President Bush signed that into law on the White House lawn. At that time it was the biggest gathering ever in White House history for the signing of legislation.

Justin Dart was there. Justin Dart was right there on the platform. Justin Dart, the hero of the disability rights movement in America, now also sadly deceased. Justin Dart sitting up there, and President Bush talking about Justin Dart leading this great movement to bring people with disabilities under our civil rights laws.

Here is what President Bush said that morning:

> The Civil Rights Act of '64 took a bold step towards righting that wrong—the wrong of discrimination against people of color—but the stark fact remained that people with disabilities were still victim of segregation and discrimination, and this was intolerable. Today's legislation brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of happiness.

Justin Dart was there that day. Before he died, Justin Dart wrote this letter:

> I feel certain that the great majority of 54 million Americans with disabilities, and millions more of their family members, join me in urging President Bush to reconsider his nomination of Jeffrey Sutton as a Federal judge.

I won't read the whole letter. I ask unanimous consent Justin Dart's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY JUSTIN DART, ADA WATCH PRESS CONFERENCE, MAY 19, 2001, WASHINGTON, DC

I feel certain that the great majority of fifty four million Americans with disabilities, and millions more their family members, join me in urging President Bush to reconsider his nomination of Jeffrey Sutton as federal judge.

The Americans with Disabilities Act is the world's first comprehensive civil rights law for people with disabilities. Barbara Bush has described it as the finest accomplishment of her husband's administration.

Abraham Lincoln led this nation to war and died to establish the authority of our federal government to protect the rights of our citizens no matter what the state of their residence.

It is very difficult to understand how President George W. Bush could send to the Federal Court a man who challenges the "across the board" constitutionality of a great civil rights law written in the tradition of Abraham Lincoln and signed by his father, George Bush Sr.

I am deeply concerned for the future of American democracy. I am deeply concerned for the civil rights not only of Americans with disabilities, but of all Americans. I am deeply concerned not only for the principle of federal civil rights, but also for the economic prosperity of our nation. As more and more Americans triumph over death to live with disabilities, it becomes absolutely imperative that they be empowered to get off of the welfare rolls and onto the tax rolls.

At the last count more than seventy percent of employable Americans with disabilities were unemployed. Millions more were underemployed. In 1990 President Bush Sr. estimated the resulting burden to the nation to be 200 billion dollars annually, and growing.

Finally I love the American Dream. I am passionately serious about the pledge: "one nation, under God, indivisible with liberty and justice for all."

Mr. President, you have pledged to support the ADA. You have pledged to support one nation with liberty and justice for all. You must send people to the court who support those pledges.

Mr. HARKIN. We in Congress met, these many years, overwhelming evidence that discrimination in this country against people with disabilities was rampant, unchecked, building up year after year. It was not just in the private sector but in the public sector. State governments and the Federal Government discriminated against people with disabilities. It was pervasive in our society. We took care, when we passed that bill, to make sure we had the findings and the constitutional basis to pass muster in the United States Supreme Court.

The signing sealed the work of a monumental bipartisan effort that sought to right decades of wrong. It took the tireless work of Democrats and Republicans alike. As I said, it passed the Senate 91 to 6. The House passed it 402 to 20. Then-Attorney General Thornburgh was a strong supporter. The Chamber of Commerce was on our side, the business community, the States, President Bush, all stood together. Why did we all stand together on the ADA? Because it was the right thing to do. Justice demanded it.

July 26, 1990—President Bush said a lot of good things that day as he signed this bill. As I said, I will never forget it.

I was proud of this because it represented the hard work of a lot of people and it broke down these old barriers of exclusion and intolerance and injustice toward people with disabilities. Now after all the work we did, all the findings, all the hearings, all the documentation we compiled, all that President Bush said, Mr. Sutton—guess what he said. He said it wasn't needed. He said the ADA was not needed.

Why did he say it was not needed? Why, because the States were doing the job. This was a State responsibility and Congress did not have the findings that States had been discriminating. As I told Jeffrey Sutton when he sat in my office that day, I said, "How could you say that?" I said, "Did you read all the documentation? Did you read all the findings that we had?" Twenty-five years of studies going clear back to 1965 and beyond; 1974. There were 17 formal hearings by congressional committees, markup by 5 separate committees. There were 63 public forums across the country by congressionally established task forces. There was oral and written testimony by the Attorney General of the United States, Governors, States' attorneys general and State legislators. There were over 300 examples of discrimination by State governments in that record.

Yet before the Supreme Court of the United States, Mr. Sutton said it wasn't needed. That is Garrett v. Alabama. I'll have more to say about Pat Garrett, too. But he said it just wasn't needed.

Regarding the Americans With Disabilities Act, I see them chipping away at a law that symbolizes the inclusion of all Americans in our society. For the past few years, Jeffrey Sutton has held the hammer and the chisel.

In my mind it is not about whether he is qualified to be a Federal judge, or whether he is a nice guy. As I said, I happen to have enjoyed my conversation with him. Frankly, I know who the six Senators were who voted against the ADA in the Senate. I hope to enjoy my conversations with them, too. I just disagreed with them and so did 91 other Senators disagree with them. But that doesn't mean the six who voted against it are bad people. I, frankly, enjoy the friendship of those six people.

That is not the point. The point is whether or not someone should be on the circuit court who holds that same kind of opinion. His qualifications—to me, a judge's qualifications are half of the equation. In other words, I think they have to meet the test of are they qualified. I think the other half of our responsibility is to determine whether or not that person can be a fair and balanced judge who understands the role of Congress in correcting ancient wrongs and helping to make our society more fair and more just. Frankly, in his writings and in his statements, and even in my conversation with him in my office, Mr. Sutton seems to have a unique view of our role here that somehow when it comes to civil rights laws, especially the Americans with Disabilities Act, that we have a very narrow area in which we can operate; the rest must be left to the States.

As I said, you read his writings. I was in the Supreme Court. I sat there in the front row the day he argued the Garrett case, sat right next to Bob Dole. And when I heard him stand up and say the ADA was not needed, I said: Wait a minute. When I heard him talk about how we had not really established the record, that we had not really had the findings of State discrimination, I said: How could he possibly say that? Only someone who did not know what we did could ever say that.

And that is what I talked to him about in my office. How could he say such a thing, when we had all this? Well, he said, yes, OK, he appreciated that, but I never got to the bottom of it with him.

Anyway, his arguments before the Supreme Court articulated that States can do a better job of it than we can, and Congress did not find enough evidence. We found the evidence. It is there. It is in the record. It is compiled.

Mr. Sutton has said a lot of times: Well, I was only representing my client, and I am duty bound as a lawyer to do the best I can for my client. And he was representing the State of Alabama. Well, OK, I can accept that. But here is what Mr. Sutton said on National Public Radio on October 11, 2000.

Now, a lawyer's responsibility to fully represent his or her client does not spill over into talking on National Public Radio. That is his personal opinion. And here is what he said:

> Disability discrimination, in a constitutional sense, is really difficult to show.

That is what Mr. Sutton said on National Public Radio.

I am going to talk more about this when we come back after the break, about the extensive record that we found of constitutionally based discrimination against people with disabilities—discrimination that was pervasive in our society, the institutionalization of people, the blatant discrimination in jobs, in transportation, in public places against people with disabilities. And yet he said it is difficult to show.

Well, we showed it. But evidently that was not enough for Mr. Sutton because he has his own narrow view, his own personal view of what the limits of Congress are in addressing these wrongs.

People with disabilities, as I said, locked away in institutions for years; people with mental disabilities subjected to involuntary sterilization because, in the words of the late Justice Holmes: "Three generations of imbeciles are enough." Persons with severe hearing loss, like my brother Frank, labeled deaf and dumb. They sent my brother away to a school, segregated him away from his friends, from his family, from his community, to go to the Iowa State School, as they said in those days, for the deaf and dumb. What does that do to people, simply because they are deaf, being called dumb? For too many years, those who were blind were forced to sell pencils on a street corner to earn a living.

When the day is done, and we all go home, Jeffrey Sutton—no matter how likable he is, no matter how good his qualifications are—has an extreme, limited view of our congressional role to legislate in this important area. From his arguments before the Supreme Court, he seems to believe that each State does its job to protect the constitutional rights of persons with disabilities as the State sees fit.

After what I saw and heard with my own ears, and during the crafting of the ADA over all those years and all those hearings, I cannot fathom anyone reaching that conclusion.

Pat Garrett—I will have more to say about the Garrett case—Pat Garrett, from Alabama, working in a job for the State, came down with breast cancer. She had to go have an operation. She had chemotherapy. She recovered. She went back to work. She was told by one of her fellow coworkers that her boss didn't like sick people. Her boss fired her.

So she brought a case under the Americans with Disabilities Act. She won. She won her case in the lower court. Then the State of Alabama hired Jeffrey Sutton to argue its case before the Supreme Court, and the Supreme Court found for Alabama by a 5-to-4 decision.

It seems to me that according to Jeffrey Sutton, that if Pat Garrett does not like the fact that the State of Alabama did not have a law that protected her rights as a disabled person, why, she can move to Nevada, maybe move to Minnesota, maybe move to Iowa. That is her right, that she can just move out of the State, maybe find some other place to live, where a State does have laws against discrimination against people with disabilities in their State institutions.

But is that what we have become in our country, a patchwork quilt? That is what we found in all these hearings on the ADA, a patchwork. Yes, some States were good; some States had none—a patchwork quilt.

I do not believe that your civil rights ought to depend on your address. Your civil rights, under the Constitution of the United States, ought to depend on whether you are in this country and you are a citizen of the United States, not whether you live in Minnesota, Iowa, Nevada, or Alabama.

States rights—I don't know which seat the occupant of the chair from Minnesota holds, but it was that great Senator from Minnesota who, back in 1948, took on his own party—my party—the Democratic Party, in that great speech he gave at the convention and said: It is time to come out of the shadow of States rights and into the sunshine of civil rights. And that is when the Dixiecrat, Senator Strom Thurmond, left the party, because of what Hubert Humphrey said.

But Hubert Humphrey was right, it was time to come out of that shadow of States rights and recognize that civil rights inures to all of us as citizens of the United States and not just because I happen to live in one State or another.

But Jeffrey Sutton does not believe that; down deep inside he does not. And I say that only because of what he has said and what he has written, not just because of his representation of a client, but what he has said outside the courtroom.

All the lawyer code and duty talk does not tell the whole story. He has written articles, participated in radio talk shows, panel discussions, expressing his personal views, not his clients', but his own personal views. That kind of publicity is not required by his role as a lawyer advocating on behalf of his clients.

So based on his advocacy, based upon his own words, I am not convinced that a person with a disability, walking into Jeffrey Sutton's courtroom, can expect a fair shake from Mr. Sutton.

Again, as I said, I find him a likable individual, obviously very intelligent. But he means to undo with his position all we have done here to make sure that people with disabilities have their civil rights.

There are over 400 disability rights and civil rights groups in the United States opposing this nomination to the Sixth Circuit. I am hard pressed to know of any disability group that supports Mr. Sutton.

Again, this is nothing personal. People with disabilities understand how tenuous their hold on their civil rights is today. The Supreme Court has chipped away a little bit here, a little bit there on the Americans with Disabilities Act. There are still those in our country who believe we should not have had that law. Mr. Sutton, obviously, is one of those. He says it wasn't needed.

People with disabilities live every day wondering whether or not they will be treated fairly based not upon their disability but on their abilities: Will I be able to get a good education? Will I be able to be treated fairly and equitably in terms of employment? Will I be able to find some reasonable accommodation so I can do a job? Will I go into a place of business and be ignored because I look different, maybe I act differently?

That is what people with disabilities live with every day. They know their hold on this is tenuous. I can understand very deeply the concern that people with disabilities all over America have about this individual, the deep concern they have, because they see in Mr. Sutton the personification of all of the people in their lives who made life harder for them, people who had a view that was narrow, who said that somehow our National Government cannot do anything to secure their civil rights, they only have to look to the State.

I will have more to say about Mr. Sutton. I will close with this. On that National Public Radio broadcast I talked about, he also said:

> I think it is a positive attribute of this system of divided government that when 51 different sovereigns, 51 different legislatures tackle a difficult social problem, they all arrive at different approaches. And the ultimate idea and really transcendent purpose of federalism is to have them compete for the best solution.

That is his personal view. He was not representing anyone. This is Jeffrey Sutton talking:

> I think it is a positive attribute of this system of divided government that when 51 different sovereigns, 51 different legislatures tackle a difficult social problem, they all arrive at different approaches. And the ultimate idea and really transcendent purpose of federalism is to have it compete for the best solution.

What happens when a State wins in these competitions? Do they get a prize? What happens to the people who are in the losing States? Are they just unlucky? What about Pat Garrett? Obviously, Alabama was not competing to have the best antidisability discrimination laws in the country.

I would be the first to say that one of the great things about our system of government is, it does allow for experimentation in different States. It allows different States to approach problems differently. Out of that we do get not a top-down, one-size-fits-all type of government. That is one of the beauties of our system. But when it comes to fundamental issues of fairness and justice and equity, when it comes to the basic, fundamental issues of civil rights, I say again, your civil rights as an American citizen should not depend on your address. It should not depend upon the shadow of States rights. It should depend upon the sunshine of being a U.S. citizen and having the Federal Government make sure that our civil rights are protected no matter where we are.

Again, if we want to have competition among States on education and transportation and all kinds of different things, that is fine. But on fundamental, basic civil rights, one law, one Constitution, one Bill of Rights that covers us all.

Mr. Sutton is going to be before us. He is not now, but I understand he will be as soon as we come back. I wanted to start the debate. Quite frankly, I don't think Mr. Sutton has received the kind of attention and the kind of discourse and debate in this body that a circuit judge of his stature deserves, at least one who has this background and one who by his statements invites this kind of controversy.

We have approved circuit court judges around here almost on voice vote, 98 to nothing, 96 to nothing. I have joined in that. The people were not only qualified, but they didn't raise these kinds of troubling questions about how they will deal with fundamental civil rights laws. But Jeffrey Sutton does. He raises those issues. He has done it on his own.

I will have more to say about his statements when we come back. I am hopeful—not in a vindictive sense or anything like that—that this Senate will disapprove of putting Mr. Sutton on the court, thereby sending a very loud and strong message to people with disabilities all over this country that we passed the Americans with Disabilities Act with our eyes wide open; that we knew what we were doing; that we assembled the data. We had all of the evidence we needed. We compiled the record, and we want to keep it as the law of the land—as the civil rights law of the United States.

It would be a powerful message because I can tell you this. If Jeffrey Sutton ascends to the Sixth Circuit Court of Appeals, Americans with disabilities all over this country will see the hands of the clock turning backward—back, back to the days of discrimination, back to those days when they were afraid to enter that door, or to demand their rights as an American citizen, as a human being. I believe it is going to cause people with disabilities to wonder whose side we are on.

Whose side are we really on? I hope we are on the side of civil rights.

Mr. HATCH. Mr. President, I would like to respond to the comments made by my good friend from Iowa, Senator HARKIN.

I was also a cosponsor of the Americans with Disabilities Act, and I believe very much in that legislation and its goals. It is one of the most important pieces of legislation that I have worked on during my tenure in the Senate. I can certainly understand my distinguished colleague's concerns about the limitations that the Supreme Court placed on the Act in their decision in Garrett. However, I do not believe for one minute that Mr. Sutton's representation of the State of Alabama is in any way indicative of an agenda, personal or otherwise, against Americans with disabilities.

Even the People for the American Way has conceded, "No one has seriously contended that Sutton is personally biased against people with disabilities." Furthermore, Mr. Sutton's opposing counsel in the Garrett case, former Clinton administration Solicitor Seth P. Waxman, has written to me in support of Mr. Sutton. He stated:

> I know that some have questioned whether the position Mr. Sutton advocated . . . in the Garrett case reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely within the finest traditions of the adversary system.

When Mr. Sutton was young, he regularly helped out at his father's school for children with cerebral palsy. As Ohio State Solicitor, he represented Cheryl Fisher, a blind woman who was refused admission to medical school. Ms. Fisher wrote of Mr. Sutton, "I recall with much pride just how committed Jeff was to my cause. He cared and listened and wanted badly to win for me. It was then I realized just how fortunate I was to have a lawyer of Mr. Sutton's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."

In National Coalition of Students with Disabilities v. Taft, Mr. Sutton successfully argued that Ohio universities were violating the federal motor-voter law by failing to provide disabled students with voter registration materials. Benson A. Wolman, former Director of the ACLU for Ohio and currently a member of its National Advisory Council, who recruited Mr. Sutton to work on the case, wrote:

> [Mr. Sutton's] commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

Mr. Sutton also serves on the Board of the Equal Justice Foundation, a public interest organization that provides pro bono legal services to the disadvantaged. During his tenure on the board, the Foundation has sued three Ohio cities to force them to build curb cuts to make their sidewalks wheelchair accessible, sued an amusement park company that banned disabled individuals from their rides, represented a mentally disabled woman in an eviction proceeding against her landlord who tried to evict her based on her disability, and represented a girl with tubercular sclerosis in a case alleging that the school was not properly handling her individual education plan.

I have received other letters from those who work in the disabled community who support Mr. Sutton. Francis Beytagh, Legal Director of the National Center for Law and the Handicapped, wrote:

> I believe Jeff Sutton would make an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly . . . I do not regard him as a predictable ideologue . . . I recommend and support his confirmation without reservation.

James Leonard, co-director of the University of Alabama's Disability Law Institute, writes:

> In my opinion, Jeffery Sutton is well-qualified to sit on the Sixth Circuit Court and should be confirmed . . . I also see no "agenda" on Mr. Sutton's part to target disabled citizens . . . Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in Garrett, neither would I assume from his role in the Fisher case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interests.

Beverly Long, Immediate Past President of the World Federation of Mental Health and former Commissioner of President Carter's Commission on Mental Health writes:

> I have followed news reports of the intense lobbying against Mr. Sutton by various people who advocate on behalf of the disabled. This effort is unfortunate and, I am convinced, misguided. I have no doubt that Mr. Sutton would be an outstanding circuit court judge and would rule fairly in all cases, including those involving persons with disabilities.

In addition, my good friend from Iowa mentioned that he sat next to Senator Robert Dole at the Garrett arguments. Senator Dole, who has always been a great champion of disability rights, has of course joined the chorus of those who have written in support of Mr. Sutton.

There is simply no evidence to suggest that Mr. Sutton took the Garrett case due to any personal agenda. It is a well-established principle in the legal profession that lawyers should not be held responsible for the positions of their clients. The ABA Model Rules of

Professional Conduct state, "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities." Lawyers from across the country have written suggesting that it is not appropriate to attribute a client's views to the attorney, and it is certainly not appropriate in Mr. Sutton's case specifically.

My distinguished colleagues' own constituent and good friend Bonnie Campbell is included in those lawyers. She wrote, "I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients. It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge."

In the Garrett case, Mr. Sutton was advocating for his client, the State of Alabama. Just as accused murderers are entitled to representation under the laws of this country, so are state governments. Mr. Sutton has represented them both. We cannot attribute the position of the State of Alabama to Mr. Sutton, and we should not disparage him for fulfilling his ethical duty of zealous advocacy to his client. If the Supreme Court chose to accept the arguments he put forth on behalf of his client, we must respect its decision. While some of us who worked so hard on that legislation understandably may be disappointed, that disappointment should not be directed at Mr. Sutton. The principle of judicial review is well-established; Mr. Sutton ethically and honorably was fulfilling his role as an advocate. He has no personal agenda against Americans with disabilities. I have no doubt that if confirmed, Mr. Sutton will give any disabled American that comes before him a trial that is fair, impartial, and consistent with all our notions of justice.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MORNING BUSINESS

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. AKAKA. Madam President, I rise to join my colleagues in honoring the memory of our dear friend and colleague, Senator Daniel Patrick Moynihan. Millie and I extend our deepest condolences and prayers to his wife Elizabeth and the Moynihan family.

History will remember Daniel Patrick Moynihan as one of the most prescient American voices on public policy and international relations issues for the second half of the 20th Century. As a professor, author, adviser to four Presidents, Ambassador to India, and Ambassador to the United Nations, he had a rich and distinguished career, and a tremendous impact on our Nation's public policy and foreign relations, prior to his election to the Senate.

In the Senate, Pat Moynihan's illustrious service to his country and to his constituents in New York for four terms in the world's greatest deliberative body gave greater truth to that appellation. Many of my colleagues have spoken of Senator Moynihan's intellect, the encyclopedic width and breadth of his knowledge on an incredible range of public policy issues—history, architecture, culture, and philosophy, to name a few. He used the power of his intellect, along with great wit and dogged persistence, to fashion a record of accomplishments in the Senate that stands as a testament to his commitment to the preservation of the family and the welfare of children and the poor, his staunch and principled opposition to communism and totalitarianism, his dedication to civil rights, the Constitution, and the rules and traditions of the Senate, and his passion for historic preservation and architectural distinction.

As chairman and ranking member of several Senate committees, and frequently, as a clarion on the Senate floor, Pat Moynihan helped shape transportation policy, international trade, intelligence matters, foreign policy, and economic and fiscal affairs that strengthened our Nation and our communities. For his myriad achievements, I don't think Senator Moynihan has received the credit he deserves for his role in shaping and shepherding through the Senate President Clinton's deficit reduction and economic plan in 1993. I remember that in the midst of all the responsibilities and pressures he faced as chairman of the Finance Committee, he responded to my request to discuss a few tax issues of particular importance to Hawaii by inviting me to his office for a cordial and illuminating discussion on an array of subjects. Pat Moynihan was always generous with his time and his wisdom. He served his country and the people of New York with elan, style, and grace. He will always be remembered as the gentleman from New York.

We mourn for his passing from this life, but we and future generations will continue to find inspiration, guidance, and courage in the splendid legacy of public service bequeathed the Nation by this brilliant statesman and patriot.

Ms. SNOWE. Madam President, I rise today to pay tribute to Senator Daniel Patrick Moynihan—whose words, thoughts, and deeds will forever reverberate throughout this Chamber and, indeed, throughout our country. I also extend my most heartfelt sympathies to his wife Liz and Senator Moynihan's entire family. We share in their profound sense of loss.

I was privileged to serve with Senator Moynihan from 1995, when I first arrived in the Senate, to his retirement in 2001. He was one of those truly legendary figures on the political landscape, but it was a reputation built not on procedural savvy or the brokering of power, but rather on the crafting and expression of ideas. It was the process of transforming intellectual thought into action—and not simply the process of politics—that will always remain the hallmark of Senator Moynihan's entire, exceptional life.

His was a life not wanting for opportunities to contribute. The curriculum vitae of Daniel Patrick Moynihan reads more as a biography of a man driven to synthesize the world of academics with the realm of politics in order to make a difference—and he did to wherever he served, whether at the Labor Department or at Harvard or as U.S. Ambassador to the United Nations or in the Senate. Perhaps most impressive of all, no man or woman is requested to serve four different Presidents—of both parties, no less—unless they possess and exhibit only the most extraordinary qualities that engender the kind of trust a President must have in an advisor and confidant.

It could certainly never be said that Senator Moynihan equivocated on an opinion for fear of controversy. If he spoke—or wrote, which he did often and well—you always knew it was a viewpoint born of a careful study of history and a keen eye on contemporary society. He believed that society could be influenced to change itself for the better through its leaders—indeed, that those in a position to leave such a mark are obliged to do so.

Daniel Patrick Moynihan was a Democrat, but he was less about party and more about policies that would build a better country for all Americans—regardless of whatever political stamp such initiatives might bear. As Jonathan Alter so pointedly observed in his column in tribute to Senator Moynihan, he "consistently frustrated the foolishly consistent."

In my own experience, I was privileged to work with him across the party aisle on a number of issues important to our region of the country, and also to men and women across the Nation. We worked together to try to strengthen and improve welfare reform in 1996, to enhance treatment under the National Breast and Cervical Cancer

Early Detection Program for uninsured women, to bolster our Nation's transportation system, and to encourage private sector investment in bringing more advance Internet access to the people of rural America.

We also joined forces on numerous occasions to ensure that the Low-Income Home Energy Assistance Program was funded at levels sufficient to help those families in the cold and in need. And, together, we fought to ensure the Northeast States that were devastated by the historic ice storm of 1998 received the Federal assistance they required, and deserved.

Throughout his tenure, regardless of whether one agreed or disagreed on an individual issue, it could always be said that Senator Moynihan was a thoughtful, gentlemanly force for good. He had an influence on countless social policy initiatives over his tenure, offered his views for strengthening and protecting Social Security, and fought tirelessly on behalf of causes a diverse as public transportation and teaching hospitals.

Above all, he was never superficial, and he had the ability to see—and foresee—what others could not. Indeed, how fitting that a man of ideas would serve a nation founded on ideas. Senator Moynihan stood at the intersection of intellect, insight, and integrity, and in so doing left a lasting and positive impact on the people of the State of New York and the United States of America.

George Bernard Shaw said that "Life is no brief candle to me—it is like a splendid torch which I have hold of for the moment and I want it to burn as brightly as possible before handing it over to the next generation." That is the credo by which Daniel Patrick Moynihan lived his life, and we are the beneficiaries of his extraordinary spirit.

IN HONOR OF RUTH BURNETT OF FAIRBANKS

Mr. STEVENS. Madam President, I rise today to bring to the Senate's attention the dedicated service of one of my employees and great friends, Ruth Burnett. Ruth runs my Fairbanks office and has been a fixture with her husband, Wally, in the Fairbanks community for almost 50 years. All of her children have worked in my Washington office at one time or another, but currently Ruth is the only Burnett on my staff.

April 19 is Ruth's birthday and one which commemorates a year that she will be happy to have behind her—as Queen Elizabeth once remarked, "an annum horribulous." Last fall, Ruth was diagnosed with ovarian cancer, underwent surgery, and immediately began an aggressive treatment of chemotherapy. By her birthday next week she will have completed her chemotherapy protocol and will begin rebuilding her strength. Her son Shane and daughters Pam and Suzy will join Wally and Ruth in Fairbanks to celebrate her birthday.

I could go on about Ruth's courage, her ever-optimistic outlook on life, her faith, and her boundless energy, but I think an article written by her 10-year-old granddaughter Emily Combs captures Ruth quite well. Catherine and I and my entire staff who work with Ruth on a daily basis send her our warmest wishes for a happy birthday and the beginning of a great new year.

I know the Senate joins me in wishing Ruth and her family well on the occasion of her birthday and in wishing her a speedy recovery.

I ask unanimous consent to print a short story by Emily Combs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INCREDIBLE JUMP

(By Emily Combs, September 19, 2002)

We looked ahead as we were peddling away when we saw a pretty steep mound of dirt. Surprisingly my grandma yelled excitedly, "Let's jump it!" I wanted to shout "no," but no one can change grandma's mind once it's set. My grandma Ruth is amazing! She is sixty-eight years old, has brown hair, goes to church every Sunday and works for U.S. Senator Ted Stevens.

Apart from being a great athlete, my grandma looks fantastic. Her eyes are a brilliant blue, and have a sparkle to them when something exciting is going to happen. My grandma's hair is a walnut brown. Shed stands about five feet seven inches tall.

In addition, going to church is one of the biggest parts in my grandma's life. She goes to church every Sunday and is an elder at the church. Whenever they need help with a sermon, she's always willing to help as much as possible. She helps collect the offerings, and when I am in Alaska, I help her.

After my grandma was mayor of Fairbanks, she became an assistant for U.S. Senator Ted Stevens. She runs his office in Fairbanks. She helps people in the community contact the government or Senator Stevens. If a person needs help concerning a problem with the government, my grandma will help them.

My grandma and I saw the jump coming closer. We were on the jump, then crash! I went off crooked into some bushes, but my grandma was still going straight. That does not surprise me because my grandma is so incredible. My grandma Ruth is very beautiful and never misses a day of church or work. I wish everyone had a great grandma.

WELCOMING OUR NEW DEPUTY SERGEANT AT ARMS

Mr. FRIST. Madam President, I rise today to welcome and introduce to my colleague, J. Keith Kennedy, as our new Deputy Sergeant at Arms. Keith is a true professional in every sense of the word, and a great choice to serve as Deputy Sergeant at Arms.

Keith first came to the Senate in 1972 as a legislative assistant to Senator Mark Hatfield. In 1977, Keith was tapped by Senator Hatfield to serve as a professional staff member on the Senate Select Committee on Indian Affairs. In 1979, he joined the staff of the Senate Committee on Appropriations, quickly rising to become staff director, and served with the committee for a remarkable tenure of 16 years.

In accepting the position of Deputy Sergeant at Arms, Keith has fulfilled his desire to return to public service, and we all will benefit greatly from his talent and commitment to this institution. He joins an already outstanding team in the Office of the Sergeant at Arms. In this first week alone, Keith has hit the ground running, and I know he will continue to accomplish great things.

To Keith and his fine family, please accept my heartfelt congratulations, and I look forward to working with you in the weeks and months to come. Thank you for your dedication to the Senate.

TRIBUTE TO MAURA LASATER

Mr. REID. Madam President, I would like to recognize Maura Lasater, the Cherry Blossom Princess selected to represent the State of Nevada in this year's National Cherry Blossom Festival in Washington, DC.

Maura has long been a part of the Greater Nevada community. As a friend and admirer of her family, I have watched Maura grow up to become a truly wonderful and vibrant young lady. She takes initiative to improve her community and, with her knowhow, energy and common sense, she leaves a lasting impression on those around her. Her poise is particularly notable for such a young person. She is a bright light and joy to be around. I am so proud of her many achievements and know that her future is full of promise and possibilities.

Maura comes from a family with deep Nevada roots and a strong commitment to public service. Her mother, Jan Jones, was the successful and legendary mayor of Las Vegas for 8 years. Maura worked with her mother on her campaigns for Mayor, and now she continues her service to Nevada working for Congresswoman SHELLEY BERKLEY. Like her mom, Maura is a smart, focused, and spirited woman. She is a tremendous asset to Congresswoman BERKLEY's office as demonstrated by the extensive work she does directly with Nevadans. We in Nevada are lucky to have such a gifted and dedicated individual working on our behalf, and I am pleased to honor her as the Cherry Blossom Princess from Nevada in 2003.

CELEBRATING THE ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1968

Mr. SARBANES. Madam President, I rise today to join with my fellow Marylanders and all Americans in celebrating the 35th anniversary of the

Civil Rights Act of 1968. On April 11, 1968, President Lyndon Johnson signed this historic act, one of several landmark pieces of legislation that helped ensure equal treatment for people of all races, and helped bring to life the original founding principles of our Nation.

In 1964, President Johnson signed the Civil Rights Act of 1964, which made segregation in public facilities and discrimination in employment illegal. This remarkable piece of legislation was followed up 4 years later with the Civil Rights Act of 1968, which contained the Fair Housing Act that prohibited discrimination in the sale, rental, and financing of housing.

This law helps to ensure that people of all races have opportunities to live where they choose. The housing pattern in the early 1960s was one of almost complete segregation. In 1967, 80 percent of all nonwhites living in metropolitan areas lived in the central city, while up to one-third of all new factories and stores were locating outside of the central city areas. Equal access to housing was seen not only as a basic right by legislators and advocates, but it was also seen as key to increased employment opportunities. In order for people of all racial groups to advance economically, they needed access to jobs, and housing near those jobs was being denied to African Americans and others in this country.

Unfortunately, 35 years after its passage, the Fair Housing Act is still needed because discrimination in housing continues. Too many minorities, disabled people, and families are unable to live where they choose because of discrimination. Each year, thousands of people turn to the Department for Housing and Urban Development and agencies around the country because they have been denied decent and safe housing based purely on their race, ethnicity, disability or familial status. As we celebrate the anniversary of the Fair Housing Act, an act that promised that we as a nation would work to ensure that all people had equal access to areas of opportunity, we must do more to act on that promise and make it a reality. The Fair Housing Act must be better enforced, so that people around the country understand that we take the act and its protections seriously.

I also want to remind people that, even after achieving the American dream of homeownership, we must remain vigilant. Each year, many homeowners, particularly minority homeowners, are stripped of the wealth and equity they have accumulated in their homes over many years by the unscrupulous practices of predatory lending. The Federal Government took a small step to guard against this abuse when it passed the Home Owners and Equity Protection Act in 1994. However, we need to do more, and I intend to press legislation to move this part of the civil rights agenda forward.

While we continue to make progress to ensure that people of all races are treated equally, we should also honor those great civil rights leaders who gave us their vision of equality. President Johnson signed the Civil Rights Act of 1968 just a week after Martin Luther King, Jr., was assassinated at a hotel in Memphis, TN, affirming that despite this Nation's great loss, the legacy of Dr. King would live on. We must continue to recognize and honor the remarkable achievements and the ultimate sacrifice of Dr. King.

In order to remember and preserve Dr. King's legacy, the Martin Luther King, Jr., Memorial Project Foundation is in the process of planning and building a memorial on The Mall to Dr. King. The process has been ongoing for several years, and I have recently offered legislation that would extend the legislative authority for the memorial by an additional 3 years. This legislation would give the foundation the extra time that it needs to complete this important project. Visitors will be able to come to the memorial from every part of this country, and indeed the world, to be inspired anew by Dr. King's words and deeds and the extraordinary story of his life.

The civil rights movement inspired by Dr. King and others changed the lives of all Americans for the better. However, we can do more to live up to the expectations that he and others set for our Nation. In celebrating the anniversary of the Civil Rights Act of 1968, we are reminded of how far we have come, and how far we have yet to go.

LEGISLATIVE HISTORY OF TITLE IX OF THE SARBANES-OXLEY ACT OF 2002

Mr. BIDEN. Madam President, I rise today to offer the following section-by-section analysis of Title IX of the "Sarbanes-Oxley Act of 2002," P.L. 107-204, of which I was the primary author along with my good friend from Utah, Senator HATCH. Title IX was derived from S. 2717, the "White-Collar Crime Penalty Enhancement Act of 2002," which I introduced with Senator HATCH on July 10, 2002. That same day, Senator HATCH and I offered the text of S. 2717 as a floor amendment to the Public Company Accounting Reform and Investment Protection Act of 2002, S. 2673. Our amendment was unanimously adopted by the Senate on July 10, 2002, by a 96–0 vote. S. 2673 was overwhelmingly approved, as amended with the inclusion of S. 2717, on July 15, 2002, by a vote of 97–0. S. 2673 then went to a House-Senate conference. The Biden-Hatch amendment was retained in the final conference report as Title IX, and in substantially identical form to that in S. 2673. The conference report, the Sarbanes-Oxley Act, H.R. 3763, was passed by the Senate on July 25, 2002, by a 99–0 vote. The President signed the Sarbanes-Oxley Act into law on July 30, 2002.

As I mentioned, Title IX of the Sarbanes-Oxley Act, entitled the "White-Collar Crime Penalty Enhancement Act of 2002," closely mirrors the original S. 2717. In order to provide guidance in the legal interpretation of these provisions, I have compiled the following analysis and discussion, which are intended to augment, and not supplant, the legislative history and explanatory statements that accompanied passage of H.R. 3763. This legislative history is intended also to supplement my remarks at the time of the Sarbanes-Oxley Act's final passage. See S7426–S7425 (July 26, 2002). I ask unanimous consent that this section-by-section analysis be included in the CONGRESSIONAL RECORD as part of the official legislative history of these provisions.

The content of Title IX was developed partly in response to a series of white-collar crime hearings I held in my capacity as Chairman of the Senate Judiciary Subcommittee on Crime and Drugs. Through those hearings, the subcommittee heard from a wide range of witnesses with expertise in both corporate law and white-collar crime—including current and former high-ranking officials from the United States Securities and Exchange Commission (SEC), the United States Departments of Justice and Treasury, and the Federal Reserve; business and law professors; corporate practitioners; as well as victims of corporate fraud.

The first hearing, held on June 19, 2002, focused on the disparity in sentences between white-collar offenses, including pension fraud, and federal "street crimes" like car theft. Specifically, the hearing explored four broad areas: it focused on the human consequences of white-collar crimes; defined and quantified the problem, including an evaluation of the use of the criminal sanction against white-collar criminals and the severity of penalties typically imposed; explored the reasons that might explain the lighter sentences that white-collar offenders often receive; and discussed recent amendments to the federal sentencing guidelines that purport to address the historic, disparate treatment of economic crimes. The first-panel witnesses included Charles Prestwood, a retiree who lost his retirement savings in the bankruptcy of the Enron Corporation; Janice Farmer, a retiree who similarly lost her retirement savings in the Enron bankruptcy; and Howard Deputy, a former employee of the Metachem Company in Delaware who was at risk of losing a portion of his pension in Metachem's bankruptcy. The second-panel witnesses included James B. Comey, United States Attorney for the Southern District of New York; Glen B. Gainer, Chairman of the Board of Directors of the National

White Collar Crime Center and West Virginia State Auditor; Bradley Skolnik, Chief of the Enforcement Section of the North American Securities Administrators Association and Securities Commissioner for the State of Indiana; Frank O. Bowman, Associate Law Professor at the University of Indiana School of Law; and Paul Rosenzweig, Senior Legal Research Fellow at the Heritage Foundation.

The second hearing, held on July 10, 2002, also addressed the adequacy of criminal penalties for white-collar crimes and evaluated the use of the criminal sanction to deter wrongdoing and encourage corporate responsibility. We were particularly interested in learning whether the current federal criminal law, as opposed to civil enforcement mechanisms, was sufficient to address the range of corporate scandals that were then unfolding. Specifically, the hearing addressed the issue through the lense of the recent accounting scandals—exploring the pattern of corporate irresponsibility and the cultural and economic conditions that made the scandals possible; the impact of the scandals on investor confidence and economic health; and the need for investor protection and antifraud legislation which includes stiffened criminal penalties. The first-panel witnesses included Michael Chertoff, Assistant Attorney General for the Criminal Division at the United States Department of Justice; and William W. Mercer, United States Attorney for the District of Montana and head of the United States Attorneys' White-Collar Crime Working Group. The second-panel witnesses included John C. Coffee, Jr., Adolf A. Berle Professor of Law at Columbia University School of Law; Thomas Donaldson, Mark O. Winkelman Professor at the Wharton School of Business at the University of Pennsylvania; Charles M. Elson, Edgar S. Woolard, Jr. Chair at the Center for Corporate Governance at the University of Delaware; George Terwilliger, former Deputy Attorney General at the United States Department of Justice; and Tom Devine, Legal Director at the Government Accountability Project.

The third hearing, held on July 24, 2002, continued the discussion initiated in the earlier hearings and featured three former, high-ranking officials in the Executive Branch who commented on a host of suggested reforms—including S. 2717 which, by that time, had been amended to the Senate precursor to the Sarbanes-Oxley Act (the Public Company Accounting Reform and Investment Protection Act of 2002, S. 2673). The witnesses included G. William Miller, former Secretary of the Treasury under President Carter and former Chairman of the Federal Reserve Board; Roderick Hills, former Chairman of the Securities and Exchange Commission under President Ford; and James Doty, former General Counsel to the Securities and Exchange Commission and head of the corporate and securities practice at Baker Botts LLP.

On a final note, the legislation was introduced and subsequently enacted against the backdrop of the Sentencing Commission's ongoing efforts in the area of economic crime. We are aware of the "Economic Crime Package," which was approved by the Commission in April 2001 and went into effect in November 2001. These amendments to the federal sentencing guidelines consolidated the guidelines for theft, property destruction, and fraud offenses; revised the definition of "loss," which largely informs the range of sentencing available for an offense; increased penalties for offenses involving moderate and high-dollar losses and reduced penalties on some lower-level offenses; and revised the loss table for tax offenses to provide for higher penalty levels for offenses involving moderate and high tax losses. Title IX was developed and enacted with full awareness of these new amendments to the guidelines.

I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS AND DISCUSSION OF THE "WHITE-COLLAR CRIME PENALTY ENHANCEMENTS ACT OF 2002" (TITLE IX OF H.R. 3763)

Section 901. Short Title

This section designates this title of the Act as the "White-Collar Crime Penalty Enhancement Act of 2002."

Section 902. Attempts and Conspiracies To Commit Criminal Fraud Offenses

This section adds a new provision to the United States Code (18 U.S.C. §1349), which indicates that any person who attempts or conspires to commit a fraud offense under Chapter 63 of Title 18 (in other words, 18 U.S.C. §§1341-1348) shall face the same penalties as those provided for in the predicate, or underlying, offense that was the object of the attempt or the conspiracy. (While 18 U.S.C. §2 currently provides for the same penalties for aiding and abetting offenses as the predicate crimes, prosecution under that section requires the government to prove some affirmative act by the defendant. In contrast, prosecution under Section 902 requires no affirmative act, but only an agreement to commit a future crime, as is the case with 18 U.S.C. §371.)

During hearings by the Judiciary Subcommittee on Crime and Drugs on the "penalty gap" between white-collar offenses and other federal crimes, we observed that defendants charged with conspiracy pursuant to 18 U.S.C. §371 were afforded a potential windfall in terms of their sentence, vis-a-vis their co-defendants who were convicted of the actual offenses. That windfall resulted because the charge of conspiracy under Section 371 only subjects a convicted individual to a maximum imprisonment term of 5 years. In contrast, certain fraud offenses in Chapter 63 carry maximum penalties of up to 30 years imprisonment, e.g., 18 U.S.C. §1344 (imposing up to 30 years imprisonment for bank fraud). In the case of a particularly egregious bank fraud case, then, one co-defendant could receive a 30-year sentence while an equally culpable co-conspirator would receive only a 5-year sentence.

Congress responded by creating a new Section 1349 for defendants who attempt or conspire to commit a financial fraud under Chapter 63 of Title 18. The Justice Department may now elect to charge a fraud conspirator under this new section, rather than pursuant to 18 U.S.C. §371, thereby preserving the same maximum penalties. In enacting this new section, we harmonize the penalties for financial fraud conspiracy with those of narcotics offenses. See 21 U.S.C. §846 ("[a]ny person who attempts or conspires to commit any [narcotics] offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.")

Section 903. Criminal Penalties for Mail and Wire Fraud

This section increases the potential maximum term of imprisonment available upon conviction for mail fraud (18 U.S.C. §1341) or wire fraud (18 U.S.C. §1343) from 5 years to 20 years. Fraud affecting financial institutions in both Sections 1341 and 1343 of Title 18 is unaffected by this section, so the potential maximum term of imprisonment for this offense remains 30 years.

By raising the criminal penalties for Sections 1341 and 1343, we intended to harmonize the penalties for mail and wire fraud with the penalties for other serious financial crimes. See, e.g., 18 U.S.C. §1348 (25-year maximum penalty for securities fraud); 18 U.S.C. §1956(a)(3)(A) (20-year maximum penalty for money laundering); 18 U.S.C. 1962 (20-year maximum penalty for racketeering). In addition, we intended to ensure that the penalty structure for these offenses was sufficiently stiff to provide a real deterrent effect. As support for that aim, the Subcommittee on Crime and Drugs heard testimony from several witnesses who insisted that (1) these federal penalties should be toughened; and (2) in order to deter misconduct, offenders should be subject to some amount of actual incarceration.

For example, the Honorable James B. Comey, Jr., the United States Attorney for the Southern District of New York, observed that "[w]hite collar criminals have broken serious laws, done grave harm to real people . . . [and] should be subject to the same serious treatment that we accord all serious crimes: substantial periods of incarceration. While we have made significant progress on some issues in recent years, especially in improving the applicable sentencing guidelines, we believe that current federal penalties for white collar offenses should be toughened." Testimony of Comey before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 2. He continued: "[E]nforcement can be undermined when criminals perceive the risk of incarceration as minimal and view fines and probation merely as a cost of doing their criminal business. We believe that if it is unmistakable that the automatic consequence for one who commits a significant white collar offense is prison, then many will be deterred. . . . [White collar criminals] commit their crimes not in a fit of passion, but with cold, careful calculation. Accordingly, they are the most rational offenders and are more likely than most to weigh the risks of possible courses of action against the anticipated rewards of criminal behavior." Testimony of Comey before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 4.

The Honorable Michael Chertoff, Assistant Attorney General for the Criminal Division at the United States Department of Justice, echoed this sentiment: "We believe that strong enforcement and tough penalties are especially important in the context of white collar crimes, because business criminals act with calculation rather than in a fit of anger or compulsion. Because white collar criminals act more rationally than most other criminals, they can more easily be deterred. In our experience, one thing is crystal clear: businessmen and women want to avoid jail at any cost. If their calculus includes a reasonable likelihood that they will be caught, and if caught, a reasonable likelihood that they will go to jail rather than get probation, home detention, or some other alternative to incarceration,' they will be much less willing to roll the dice and commit a fraud." Testimony of Chertoff before the Senate Judiciary Subcommittee on Crime and Drugs, July 10, 2002, p. 3; see also Testimony of G. William Miller, former Secretary of the Treasury and former Chairman of the Federal Reserve Board, before the Senate Judiciary Subcommittee on Crime and Drugs, July 24, 2002, p. 3-4 ("[T]he greed that drives the recent rash of alleged corporate wrongdoing is fostered by the criminal's belief that the rewards are great and the possibility of more than nominal punishment is low. For the corporate wrongdoer the deterrent is only likely to be effective if there is a high likelihood of detection and a high probability of serious punishment. The most powerful deterrent is the threat of jail time. The prospect of substantial monetary penalties also can affect behavior."); Testimony of Bradley Skolnik, Securities Commissioner of the State of Indiana and Chairman of the Enforcement Division of the North American Securities Administrators Association, before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 2, 3 ("Investor education is an effective crime prevention tool but the strongest deterrent to crime, I believe is criminal prosecution and prison time. . . . [F]rom my perspective as a state securities regulator, white-collar criminals who commit securities fraud deserve prison time just like thieves, muggers and murderers. . . . Someone steals your car, they go to prison; some con artist steals the money your parents needed for retirement, they get fined. That's just not right.") "Jail time performs two functions," Chertoff explained. "It holds white collar criminals accountable for their past misdeeds, and it prevents future misbehavior by those executives who might toy with the idea of beating the system." Testimony of Chertoff before the Senate Judiciary Subcommittee on Crime and Drugs, July 10, 2002, p. 5.

Section 904. Criminal Penalties for Violations of the Employee Retirement Income Security Act of 1974

This section increases the maximum criminal penalties for a willful violation of the reporting and disclosure provisions of the Employee Retirement Income Security Act (ERISA), Title I, subtitle B, part 1, or any regulation or order issued thereunder. Section 904 increases the maximum fine for an individual defendant convicted under 29 U.S.C. §1131 from $5,000 to $100,000, and the maximum term of imprisonment from 1 year to 10 years. The increased maximum term of imprisonment converts the offense from a misdemeanor to a felony. In addition, this section increases the maximum fine for a convicted organizational defendant from $100,000 to $500,000.

ERISA imposes on pension managers a number of reporting and disclosure requirements regarding the administration of their pension plans. Among other things, ERISA requires the administrator of a pension plan to notify the United States Department of Labor and the plan's participants and beneficiaries of any material modifications in the terms of the pension plan. It also creates a fiduciary relationship between the pension managers and the pension plan beneficiaries. Criminal penalties apply for violations of Part 1 of ERISA, 29 U.S.C. §1131, which is designed, among other things, to do the following: (1) require the disclosure of significant information about employee benefit plans and all transactions engaged in by those who control the plans; (2) provide specific data to plan participants and beneficiaries about the rights and benefits to which they are entitled and the circumstances that may result in a loss of those rights and benefits; and (3) set forth the responsibilities and proscriptions applicable to persons occupying a fiduciary relationship to employee benefit plans. 29 U.S.C. §§1021–1031.

Hearings by the Judiciary Subcommittee on Crime and Drugs included a discussion of the penalty scheme under ERISA. Section 1131 of ERISA only made it a criminal misdemeanor "willfully" to violate Part 1 of ERISA, 29 U.S.C. §1131, even though the potential harm flowing from an ERISA violation could be enormous. A criminal violation of Part 1 of ERISA could occur, for example, where a corporation's pension administrator learns of information relating to the company's financial health which, if not disclosed, could result in a loss of the employees' rights and benefits under the corporation's pension. (A recent study by the Congressional Research Service of the Enron Corporation collapse concluded that one criminal provision which might be implicated is Section 1131 of ERISA. See CRS Report for Congress, "Possible Criminal Provisions Which May Be Implicated in the Events Surrounding the Collapse of the Enron Corporation," RS21177 (March 25, 2002)). In enacting Section 904, Congress concluded that the disproportionately low ERISA penalty constituted one of the "penalty gaps" between white-collar offenses and other federal crimes. For example, a defendant convicted of interstate auto theft is subject to up to 10 years in prison, regardless of the value of the stolen automobile. 18 U.S.C. §2312. In contrast, a defendant who violates ERISA—but no other federal fraud statute—was only subject to a maximum penalty of 1 year in prison, regardless of the value of the loss to an employee's pension.

While a defendant who violates the criminal provisions of ERISA may also violate another federal felony statute with higher penalties, that will not always be the case. Accordingly, the intention of this provision is to provide federal prosecutors with an appropriate felony charge to combat willful criminal conduct which devastates employees' pension holdings. The United States Sentencing Commission recognized that there are instances when an ERISA criminal violation occurs in the absence of any other federal criminal offense. The United States Sentencing Guideline provision for the ERISA criminal violation is USSG §2E5.3, entitled "False Statements and Concealment of Facts in Relation to Documents Required by the Employee Retirement Income Security Act." The background notes to §2E5.3 provide that "this section covers the falsification of documents or records relating to a benefit plan covered by ERISA." The background note to §2E5.3 recognizes that while ERISA violations "sometimes occur in connection" with other federal offenses, they do not always thus occur. The base offense level under §2E5.3 for a "stand-alone" ERISA violation, absent any other violation, is only 6.

If the ERISA criminal offense is accompanied by another criminal violation, however, the guidelines direct the application of USSG §2B1.1, which addresses fraud, theft and other white-collar offenses (which has a base offense level of 6, but may increase to a level of 32 depending on the monetary value of the loss). Thus, under prior law, if a defendant violated both ERISA and the mail fraud statute, §2B1.1 would apply—not §2E5.3—and the defendant's sentence would be calculated with the loss calculations of the guidelines, and apply the higher felony maximum penalties of the mail fraud statute.

In contrast, if the defendant were only convicted of an ERISA criminal violation, the sentencing court would be limited by the statutory cap in 29 U.S.C. §1131 and the base offense level cap of §2E5.3. Accordingly, given the relative potential for devastating economic loss to pensioners who are victims of an ERISA criminal violation, it is entirely appropriate for Congress to close the "penalty gap" between ERISA and other federal statutes used to combat securities fraud. Pursuant to Section 905 of the Sarbanes-Oxley Act, Congress expects the Sentencing Commission to examine §2E5.3 of the Sentencing Guidelines and make any appropriate modifications given the enactment of Section 904.

Section 905. Amendment to Sentencing Guidelines Relating to Certain White-Collar Offenses

This section directs the United States Sentencing Commission, within 180 days of enactment of the Sarbanes-Oxley Act, to review and, as appropriate, to amend the applicable sentencing guidelines and related policy statements. Section 905(b) directs the Commission, among other things, to ensure that the guidelines and policy statements reflect the seriousness of the offenses and the statutory increases in penalties set forth in the Act, the growing incidence of such fraud offenses, and the need to modify the guidelines and policy statements to deter, prevent, and punish such offenses.

In passing the Sarbanes-Oxley Act, and the criminal and sentencing provisions in particular, Congress was aware of ongoing efforts by the Sentencing Commission to consolidate certain economic crimes, as achieved through the "Economic Crime Package," and to study the effects of that consolidation. Recognizing, however, that the length of an offender's sentence is determined both by the operation of the sentencing guidelines and by the strength of the underlying statute, cf. Testimony of Paul Rosenzweig, Senior Legal Research Fellow at the Heritage Foundation, before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p.6 (noting that disparities in penalties are principally the product of actions of Congress, i.e., the criminal statutes passed by Congress), we amended the federal criminal code to increase penalties significantly for certain offenses (as discussed above). Our expectation is that, similarly, the federal sentencing guidelines will be reviewed and, where appropriate, modified accordingly.

Although the Commission has recently considered the severity of sentences for these economic crimes, we believe that further study is warranted—as did several of the witnesses who testified before the Subcommittee on Crime and Drugs. This is particularly so, given the new and increased penalties for white-collar offenses established by Title IX. For instance, the Honorable Glen B. Gainer, III, State Auditor of the State of West Virginia and Chairman of the National White Collar Crime Center, a non-profit organization that provides support services to state and local law enforcement agencies and other organizations involved in the prevention, investigation and prosecution of economic crimes, noted: "In terms of sentence length, research conducted in the early 90's clearly demonstrates the disparity between [white-collar and so-called 'street' crime offenders. Those incarcerated for losses in excess of $100,000 or more as a result of the savings and loan scandals received an average of 36.4 months in prison. During the same time period, those nonviolent federal offenders who committed burglary got 55.6 months, car theft received 38 months, and first-time drug dealing averaged 65 months. While some of this disparity may have been corrected by revisions to the federal sentencing policy for economic crimes, disparate sentencing can still be seen between 'white-collar' cases involving substantial monetary loss, and other crimes with similar financial impact." Testimony of Gainer before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 4.

Another witness, also using data that preceded adoption of the "Economic Crime Package," cited statistics that similarly demonstrated a disparity in sentencing between traditional white-collar and other crimes: "[D]efendants convicted of larceny, embezzlement, fraud, and counterfeiting who were sentenced to federal prison received average (mean) sentences of 15.6 months, 9.9 months, 18 months, and 17 months respectively. By contrast, robbery defendants received 110.6 months, drug defendants 75.3 months, and firearms offenders 64.1 months. Even the average immigration sentence was 27.8 months, ten months longer than the average fraud penalty. Moreover, federal economic crime defendants receive sentences of probation at dramatically higher rates than virtually any other class of defendant. More than one-half of all larceny defendants and one-third of all fraud defendants receive probation." Testimony of Frank O. Bowman, Associate Law Professor at the University of Indiana School of Law, before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 2. Similarly, Rosenzweig observed: "An overwhelming percentage of those who were sentenced for traditional crimes received sentences requiring terms of imprisonment. For example, 94.2 percent of those convicted of drug trafficking were sentenced to prison. 97 percent of those convicted for robbery were imprisoned, as were 93 percent of those convicted of arson, and 97.4 percent of those convicted of murder. By contrast only 53.5 percent of those convicted of fraud and 48.1 percent of those convicted of embezzlement were sentenced to prison." Testimony of Rosenzweig before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 4.

While there was not a consensus regarding the reasons for, or desirability of, such a penalty disparity between similarly egregious infractions, many of the witnesses suggested that its existence worked to undermine the integrity of the criminal justice system. For example, Chairman Gainer concluded: "The conclusion we can safely draw from this body of information is that white-collar criminals, particularly those involved in large, complex frauds that impact hundreds, if not thousands of victims, do not receive punishment that is proportionate to the harm that they cause." Testimony of Gainer before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 5.

Finally, in its efforts to comply with the terms of this title, we hope that the Sentencing Commission will take the opportunity to review and advise Congress on a disturbing development cited by the two witnesses from the Justice Department, Assistant Attorney General Chertoff and United States Attorney Comey—namely, an over-willingness in some jurisdictions to depart downward from the mandated sentencing guideline range for certain white-collar offenses. Justifying the need to increase penalties for certain white collar offenses, Chertoff explained: "Not only are the maximum statutory penalties for fraud and other white collar-type offenses substantially less than those for violent offenders or drug cases, but it appears that judges in some jurisdictions are overly willing to depart downward from the mandated federal sentencing guideline range to sentence such offenders to minimal (if any) jail time, home detention, or even probation." Testimony of Chertoff before the Senate Judiciary Subcommittee on Crime and Drugs, July 10, 2002, p. 5.

Comey's comments mirrored this concern: "[I]n some districts, non-substantial assistance downward departures are anything but infrequent (9,286 non-substantial assistance downward departures were made in 2000). . . . While available analyses do not detail the bases of these departures in white collar cases, a number of district judges appear to believe that white collar defendants should not be incarcerated in order to facilitate payment of restitution and fines. Of course, this is at odds with the view that incarceration can deter such crime in the first instance. . . . [F]or a variety of reasons, federal judges are hesitant to incarcerate white collar defendants. If past is prologue, even though the economic crime amendments of 2001 increased penalties for these crimes, departures will be used to undercut the purposes of the new provisions." Testimony of Comey before the Senate Judiciary Subcommittee on Crime and Drugs, June 19, 2002, p. 17.

By citing this and other testimony, we underscore Congress' belief that a "penalty gap" has existed between white-collar offenses and other offenses. Congress in particular is concerned about base offense levels which may be too low. The increased sentences, while meant to punish the most egregious offenders more severely, are also intended to raise sentences at the lower end of the sentencing guidelines. While Congress acknowledges that the Sentencing Commission's recent amendments are a step in the right direction, the Commission is again directed to consider closely the testimony adduced at the hearings by the Judiciary Subcommittee on Crime and Drugs respecting the ongoing "penalty gap" between white-collar and other offenses. To the extent that the "penalty gap" existed, in part, by virtue of higher sentences for narcotics offenses, for example, Congress responded by increasing sentences for certain white-collar offenses. Accordingly, we ask the Commission to consider the issues raised herein; determine if adjustments are warranted in light of the enhanced penalty provisions contained in this title; and make recommendations accordingly.

Section 906. Corporate Responsibility for Financial Reports

Summary. This section adds a new provision to the United States Code (18 U.S.C. §1350), which requires the chief executive officer and chief financial officer (or their equivalent) of an issuer, foreign or domestic, to certify the accuracy of periodic financial statements filed by the issuer with the Securities and Exchange Commission under 15 U.S.C. §§78m(a) or 78o(d). (An "issuer" is defined, under Section 2(a)(7) of the Act, to mean an entity whose securities are registered under Section 12 of the Securities and Exchange Act of 1934 or that is required to file reports under Section 15(d) of that Act.) The chief executive and financial officers must certify that the periodic financial statement complies with certain specified requirements of the Securities and Exchange Act and that it "fairly presents, in all material respects, the financial condition and results of operations of the issuer." Pursuant to Section 1350(c)(1), anyone who makes such a certification "knowing" that the report accompanying the certifying statement does not meet the statutory requirements would, upon conviction, face up to $1 million in fines, up to 10 years in prison, or both. Pursuant to Section 1350(c)(2), anyone who "willfully" certifies compliance "knowing" that the periodic report accompanying the statement does not comport with the requirements of 18 U.S.C. §1350 would face up to $5 million in fines, up to 20 years in prison, or both.

Financial Reports. The backdrop to Section 906 is the long-standing requirement under Section 13(a) and Section 15(d) of the Securities and Exchange Act (15 U.S.C. §§78m(a) or 78o(d)) that publicly-traded companies file reports with the SEC regarding the financial well-being of the corporation. See 15 U.S.C. §78m(a) ("Every issuer of a security . . . shall file with the Commission . . . such information and documents . . . as the Commission shall require to keep reasonably current the information and documents required to be included in or filed with an application or registration statement [and] such annual reports . . . as the Commission may prescribe.") Pursuant to this provision, the SEC requires publicly-traded companies to file numerous reports (e.g., Forms 10–K, 20–F, 40–F, 10–Q, 8–K, 6–K), all intended to provide both the Commission and the investing public with information regarding the financial condition of the corporation. Willful failure to file these periodic reports, or the making of materially false statements therein, constitutes a felony. See 15 U.S.C. §78ff ("Any person who willfully violates any provision of this chapter . . . or any person who willfully and knowingly makes . . . [any] false or misleading [statement] with respect to any material fact, shall upon conviction be fined not more than $1,000,000, or imprisoned not more than 10 years, or both[.]") (We note that, in contrast to the "willful" standard we apply in Section 906, courts have ascribed a different meaning to "willful" violations of the 1934 Act, e.g., *United States* v. *Dixon*, 536 F.2d 1388 (2d Cir. 1976) (determining that an act is done "willfully" if it is done intentionally and deliberately and not the result of innocent mistake, negligence or inadvertence; a specific intent to disregard or disobey is not required). As explained more fully below, Congress uses "willful" in Section 906 to create a specific intent crime, not the general intent crime which courts have sometimes used in interpreting the penalty provisions of the 1934 Act.) While defendants have been prosecuted under 15 U.S.C. §§78m and 78ff for filing false financial reports with the SEC, see, e.g., *United States* v. *Colasurdo*, 453 F.2d 585 (2d Cir. 1971), cert. denied. 406 U.S. 917 (1972), the law has never required a company's top corporate official to certify to the accuracy of the company's financial reports. Section 906 closes this loophole by imposing this responsibility upon the CEO and CFO (or their equivalents) of all publicly-traded corporations. Significantly, it does not mandate any additional reporting requirements, but only applies to those companies who are independently required, by Sections 13(a) and 15(d) of the Securities and Exchange Act of 1934, to certify the accuracy of those reports. As noted above, the law has always required that those reports be materially accurate.

Executive Certification. The notion of requiring an organization's primary or senior executive to certify a statement submitted to the government, on threat of possible criminal liability, is hardly novel. For example, Section 911(a)(1) of the National Defense Authorization Act for Fiscal Year 1986 requires a senior executive of a defense contractor to certify, to the best of his or her "knowledge and belief," that all costs included in a proposal for settlement of indirect costs are allowable under the cost principles of the Federal Acquisition Regulation and its supplements. 10 U.S.C. §2324(h); 48 C.F.R. §52.242-4. Like Section 906 of the Sarbanes-Oxley Act, the regulation implementing the certification requirement contained in Section 911(a)(1) mandates that the certificate be executed by a company's senior executives, who face potential criminal liability if the representations contained in the certification are shown to be inaccurate. See 10 U.S.C. §2324(i).

Such a certification of accuracy is especially important in the securities context, since the robustness of financial markets and the success of national securities regulation are based on the full disclosure of a company's financial state. During the summer of 2002, as daily reports of alleged CEO criminal wrongdoing filled the news, congressional testimony from finance experts touted the critical need to impose responsibility upon top corporate officials in ensuring accuracy in financial reports. For example, Federal Reserve Chairman Alan Greenspan testified before the Senate Committee on Banking, Housing and Urban Affairs on July 16, 2002, the day after the Senate passed S. 2673. Much of his testimony focused on (1) the need for top corporate officials to report accurately the financial health of their companies; and (2) the need for criminal penalties for those who knowingly fail to do so. Chairman Greenspan said the following: "A CEO must . . . bear the responsibility to accurately report the resulting condition of the corporation to shareholders and potential investors. Unless such responsibilities are enforced with very stiff penalties for noncompliance, as many now recommend, our accounting systems and other elements of corporate governance will function in a less than optimum manner. . . . Already existing statutes, of course, prohibit corporate fraud and misrepresentation. But even a small increase in the likelihood of large, possibly criminal penalties for egregious behavior of CEOs can have profoundly important effects on all aspects of corporate governance because the fulcrum of governance is the chief executive officer . . . . And I don't wish to make a generalized statement, but I suspect that if the CEO issue [i.e., accurate reporting of the financial health of a company] were fully and completely resolved—which it never will be, because we're dealing with human beings—I think all the rest of the problems will just disappear . . . . [I]f you do not get the CEO changing in the way that particular position functions, a goodly part of the work of the Senate is not going to be very effective . . . . [W]hat you can do is to try to create an environment and a legal structure which very significantly penalizes malfeasance."

Likewise, several witnesses before the Judiciary Subcommittee on Crime and Drugs echoed the testimony of Chairman Greenspan, suggesting that the best way to protect investors from fraud is to require corporate executives at publicly-traded companies to disclose detailed information about their companies' financial health. For example, Professor Thomas Donaldson, Mark O. Winkelman Professor at the Wharton School of Business at the University of Pennsylvania, commented: "The importance of accurate information in fueling efficient economic activity is well substantiated. Rational choice demands accurate information. When companies fail to provide investors with accurate information, investors make worse decisions and markets, in turn, become less efficient." Testimony of Donaldson before the Senate Judiciary Subcommittee on Crime and Drugs, July 10, 2002, p. 4. Relatedly, he noted: "Crony capitalism and the lack of transparency were rightly implicated in the Asian melt down of 1997-1998. Without transparency and reliable numbers about the economic health of Asian companies, investors were stymied from responding rationally to the crisis. They were unable to dump their investments in poorer companies and hold their investments in better companies because they simply couldn't trust the numbers. In the ensuing crisis, they dumped everything with pernicious consequences. Today, we appear to be experiencing a transparency discount in the American equity markets. Investors pay less because they believe that they know less." See id. at 2; see also Testimony of Devine before the Senate Judiciary Subcommittee on Crime and Drugs, July 10, 2002, p. 2 ("Two long-accepted truths are that secrecy is the breeding ground for corruption, and sunlight is the best disinfectant.")

Thus, Section 906 simply seeks to facilitate full disclosure and ensure the accuracy of financial reports by requiring corporate executives' personal stamp of approval. As Secretary Miller stated plainly but poignantly, "[i]f the CEO is required to certify the reports he will be hard pressed later to say he thought the CFO had everything in apple pie shape. So the certificate becomes the hook that establishes accountability." Testimony of Miller before the Senate Judiciary Subcommittee on Crime and Drugs, July 24, 2002, p. 5.

State of Mind Requirement for Criminal Liability. Section 906 provides for a two-tiered penalty scheme for corporate officials who certify financial statements which they know to be false. It should be kept in mind that both penalties only apply to corporate executives who certify statements "knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section."

While it is common for drafters of legislation to use the mens rea terms "knowing" and "willful" interchangeably, there are some criminal statutes which distinguish between them. See, e.g., 18 U.S.C. §35 (knowingly conveying false information triggers civil liability, while willfully conveying false information is a felony). When these two mens rea requirements are used in setting forth graduated penalties for the same predicate conduct, courts construe "knowing" to embody a general intent standard and "willful" to embody a specific intent standard. As such, knowing conduct is distinct from, and less intentional than, willful conduct. See *Bryan* v. *United States*, 524 U.S. 184, 193 (1998) (noting that "more is required" for a finding of "willful" misconduct; "[t]he jury must find that the defendant acted with an evil-meaning mind, that is to say, that he acted with knowledge that his conduct was unlawful").

"Knowing." Section 906 establishes 18 U.S.C. §1350(c)(1), making it a 10-year felony for a corporate official to certify financial statements "knowing" that they contain false or misleading information. As explained above, "knowing" as used here is meant to embody a general intent standard. It refers to knowledge of the facts constituting the offense, as distinguished from knowledge of the law. See *Bryan*, 524 U.S. at 192 (quoting Justice Jackson). In other words, to certify financial statements "knowing" them to be false simply means to certify the financial statements intentionally, voluntarily and with an awareness of their duplicity, rather than by mistake or accident. Knowledge of the law is not required, nor is a willful and intentional desire to evade the law's requirements. Stated differently, Section 1350(c)(1) imposes criminal liability for corporate officials who certify a financial statement "knowing" that it fails to "fairly present, in all material respect, the financial condition and the operations of the issuer." It is not required that the corporate official intended to violate the statute (or even knew of the statute's certification requirements). Rather, the government must only prove that the corporate officer knew that the financial statements were materially misleading or inaccurate.

That is not to say, however, that certifying executives can evade liability by avoiding acquiring knowledge. We agree with the sentiments of Secretary Miller, who noted that "[t]he certifying officer should be judged upon whether he has been diligent, exercised due care, established procedures for verification, made adequate investigations, and provided appropriate supervision." Testimony of Miller before the Senate Judiciary Subcommittee on Crime and Drugs, July 24, 2002, p. 5. It is our intent that courts impose a duty on these individuals to be reasonably informed of the material facts necessary to prepare financial information for submission to the SEC and for dissemination to the public. This position is consistent with well-established law that conscious avoidance, or a deliberate attempt to avoid knowledge of the crime, will not be a defense to the criminal penalties contained in a statute. See, e.g., *United States* v. *de Francisco-Lopez*, 939 F.2d 1405, 1409 (10th Cir. 1991) ("'[T]he act of avoidance of knowledge of particular facts may itself circumstantially show that the avoidance was motivated by sufficient guilty knowledge to satisfy the . . . 'knowing' element of the crime.'"); *United States* v. *Hanlon*, 548 F.2d 1096, 1101 (2d Cir. 1977) ("It is settled law that a finding of guilty knowledge may not be avoided by a showing that the defendant closed his eyes to what was going on about him; 'see no evil' is not a maxim in which the criminal defendant should take any comfort."); *United States* v. *Jewel*, 532 F.2d 697 (9th Cir.) (en banc) ("To act 'knowingly,' therefore, is not necessarily to act only with positive knowledge, but also to act with an awareness of the high probability of the existence of the fact in question."), cert. denied, 426 U.S. 951 (1976); see also *Leary* v. *United States*, 395 U.S. 6, 46 n. 93 (1969).

On the other hand, the standard articulated here is not tantamount to negligence or recklessness. We simply note the well-established proposition that conscious avoidance of certain facts should not provide immunity from prosecution; in contrast, if lower-level corporate officials conspire to hide the true financial health of the company from the CEO for whatever reasons, the CEO will not be held liable if he or she did not know these facts. We expect that this would be a rare event, however, given the requirement that a CEO be aware of the contents of their company's financial reports filed with the SEC. See, e.g., *Howard* v. *Everix Systems, Inc.*, 228 F.3d 1057, 1062 (9th Cir. 2000) ("Key corporate officials should not be allowed to make important false financial statements knowingly or recklessly, yet still shield themselves from liability in the preparation of those statements. Otherwise, the securities laws would be significantly weakened, because corporate officers could stay out of loop such that . . . only the SEC could bring suit against them in an individual capacity for their misrepresentations.") Nor does Congress intend Section 906 to be a so-called "public welfare law" which would create strict liability. See, e.g., *United States* v. *Dee*, 912 F.2d 741 (4th Cir. 1990) (holding that one who possesses hazardous wastes will be presumed to be aware of federal regulations governing such wastes, notwithstanding law's inclusion of a knowledge mens rea requirement).

"Willful." Section 906 also creates a new 20-year felony provision, 18 U.S.C. §1350(c)(2), which applies to corporate officials who "willfully" certify financial statements which they know to be false. "Willfully" here is meant to denote a specific intent standard. When used in the criminal context, a "willful" act is generally one undertaken with a bad purpose, or with knowledge that the prohibited conduct is unlawful. See *Bryan*, 524 U.S. at 191–92. Under Section 906, certifying financial statements which the CEO knows are false is not enough to be "willful." Rather, the act also must be done with an evil intent to evade the law. That evil intent is an intent to disobey or disregard the law, rather than an intent to do wrong in some more general sense. A corporate executive who certifies financial statements which he knows to be false is not guilty under this section unless, in addition to knowing what he was doing, he voluntarily and intentionally engaged in conduct that he knew was prohibited. See *Ratzlaf* v. *United States*, 510 U.S. 135, 142 (1994) (describing a "'willful' actor as one who violates 'a known legal duty'"); *Cheek* v. *United States*, 498 U.S. 192, 201 (1991) (establishing that "the standard for the statutory willfulness requirement is the 'voluntary, intentional violation of a known legal duty'").

Section 1350(c)(2)'s construction is consistent with prior judicial interpretations of the word "willful." As the Supreme Court has observed, "the word 'willfully' is sometimes said to be 'a word of many meanings' whose construction is often dependent on the context in which it appears." *Bryan*, 524 U.S. at 191. "Willfully" may mean either a requirement of general intent or specific intent. Recognizing that ignorance of the law typically is no defense to a criminal charge, Congress here intended to require a more particularized showing of knowledge in order to access the tougher criminal penalties under §1350(c)(2)—i.e., knowledge of the specific law or rule that a defendant's conduct is alleged to violate. In passing this section, Congress relied on the Court's determination in cases like *Ratzlaf*, 510 U.S. 135, and *Cheek*, 498 U.S. 192.

In these cases, the Court interpreted the term "willfully" in two different statutes, one dealing with structuring transactions and the other dealing with tax evasion, as requiring a finding of specific intent. *Ratzlaf*, 510 U.S. at 141; *Cheek*, 498 U.S. at 200. Part of the Court's reasoning was that the complex nature of these laws justified an inference that Congress intended "willfully" to be a specific intent requirement so that those who were ignorant of the law, but exercised reasonable care, would not be subjected to the same punishment as bad actors with an evil intent. *Ratzlaf*, 510 U.S. at 144–46; *Cheek*, 498 U.S. at 200, 205. Stated differently, Congress made violations of these statutes "specific intent crime[s] because, without knowledge of the . . . requirement, a would-be violator cannot be expected to recognize the illegality of his otherwise innocent act." *United States* v. *Eisenstein*, 731 F.2d 1540, 1543 (11th Cir. 1984). Like the anti-structuring and tax evasion provisions at issue in *Ratzlaf* and *Cheek*, securities laws are complex, which is why Section 906 incorporates different penalties for "knowing" violations committed with general intent and "willful" violations characterized by a specific intent to violate the law. In effect, for the heightened penalties triggered by "willful" violations, Section 906 carves out a limited and rebuttable exception to the traditional rule that "ignorance of the law is no excuse." See *Bryan*, 524 U.S. at 196.

Finally, for purposes of clarity, we should mention that we are aware that the term "willfully" is invoked and interpreted differently in the context of civil administrative disciplinary proceedings instituted by the SEC under federal securities laws. For example, under Sections 15(b)(4) and 15(b)(6) of the Securities Exchange Act of 1934, the SEC may discipline a registered broker-dealer in securities or anyone associated or participating with the broker-dealer if it finds in such proceedings that the respondent has "willfully" violated or "willfully" aided and abetted the violation by any person of any provision of certain securities laws or rules. While, as we have noted, the meaning of "willfully" depends on statutory context, in the SEC administrative disciplinary context, it has been held to mean "no more than the person charged with the duty knows what he is doing." *Hughes* v. *Securities and Exchange Commission*, 174 F.2d 969, 977 (D.C. Cir. 1949); see also *Seaman* v. *Securities and Exchange Commission*, 603 F.2d 1126, 1135 (5th Cir. 1979), aff'd on other grounds, 450 U.S. 91 (1981); *Arthur Lipper Corp.* v. *Securities and Exchange Commission*, 547 F.2d 171, 180 (2d Cir. 1976), cert. denied, 430 U.S. 1009; *Stead* v. *Securities and Exchange Commission*, 444 F.2d 713, 714–15 (10th Cir. 1971), cert. denied, 404 U.S. 1059. See also the discussion of willfulness in *Wonsover* v. *Securities and Exchange Commission*, 205 F.3d 408, 413 (D.C. Cir. 2000). The court reiterated its "traditional formulation of willfulness" for purposes of Section 15(b) of the Exchange Act. Citing its prior holding in *Gerhard & Otis, Inc.* v. *Securities and Exchange Commission*, 348 F.2d 798 (D.C. Cir. 1965), the Court noted that "willfully" in that provision "means intentionally committing the act which constitutes the violation," not that "the actor [must] also be aware that he is violating [the law]." *Tager* v. *Securities and Exchange Commission*, 344 F.2d 5, 8 (2d Cir. 1965); *Edward J. Mawood & Co.* v. *Securities and Exchange Commission*, 591 F.2d 588, 595–96 (10th Cir. 1979) (same). Needless to say, for purposes of Section 906, we do not adopt the "general intent" interpretation of "willful."

Expert Advice. Some defendants charged in white-collar cases have attempted to avert criminal liability by claiming reliance on expert advice. See, e.g., *Ratzlaf*, 510 U.S. at 142 n.10 ("'[S]pecific intent to commit the crimes' . . . might be negated by, e.g., proof that defendant relied in good faith on advice of counsel."); *Eisenstein*, 731 F.2d at 1543–44 (same). To the extent that it exists, the so-called "reliance on expert" defense is held to apply only when the defendant can demonstrate that he fully disclosed all relevant facts to his accountant or attorney and that he relied in good faith on the expert's advice. See *United States* v. *Johnson*, 730 F.2d 683, 686 (11th Cir.), cert. denied, 469 U.S. 867 (1984); *United States* v. *McLennan*, 563 F.2d 943, 946 (9th Cir. 1977), cert. denied, 435 U.S. 969 (1978) (noting that "[a]dvice of counsel is no defense unless the defendant gave his attorney all of the facts, and unless counsel specifically advised the course of conduct taken by the defendant"). It is not Congress' intent to disrupt this line of authority. We presume that, where it is a reliance on expert advice that is truly at issue, see *Johnson*, 730 F.2d at 686–87 (discounting defendants' defense where reliance on expert advice was irrelevant to the real claims at issue), the same standard articulated in the above-cited and other authority would apply to the criminal provisions contained in this title.

Finally, the duty imposed by the Section 906 certification requirement is not intended to end once a financial statement and accompanying certification are submitted. Upon discovery that a statement contains an error, immediate correction and disclosure of the correction should be required.

Interplay With Section 302 of S. 2673: Scope of Certification Requirement. At the time I offered the Biden-Hatch Amendment to S. 2673, that bill already had a provision (now codified at Section 302), which is similar to Section 906, with three significant exceptions. First, the provision does not apply to the chairperson of a company's board of directors (my original legislation and subsequent amendment to S. 2673 applied the certification requirement to chief executive officers, chief financial officers, and board chairpersons). Second, it contains no criminal enforcement provisions. Third, the scope of corporate filing activity subject to the requirements of Section 302 is far narrower, as I explain below.

Section 302 provides that the SEC must require, for each company filing periodic reports under Section 13(a) or 15(d) of the Exchange Act, that the principal executive officer and the principal financial officer, or persons performing equivalent functions, make certain certifications in each annual or quarterly report filed with or submitted to the SEC. Section 302, by its terms, only applies to annual and quarterly reports and, accordingly, its scope is so cabined. Section 906, on the other hand and quite intentionally, includes no such limitation of its scope. It is intended to apply to any financial statement filed by a publicly-traded company, upon which the investing public will rely to gauge the financial health of the company. So, Section 906 applies to annual and quarterly reports (e.g., Forms 10–K, 20–F, 40–F, 10–Q) but, unlike Section 302 certifications, is also intended to apply to so-called "current" reports like Forms 8–K and 6–K (foreign issuer submissions), as well as submissions of Form 11–K by employee benefit plans. The above list is merely illustrative, not exhaustive, and Congress intends the SEC to issue guidance on any additional reports which are subject to Section 906.

We are aware of the SEC's historic position that the term "periodic reports" describes Forms 10–Q, 10–K, 10–QSB, 10–KSB, 40–F and 20–F, which are required to be filed at specified intervals in time, and not Forms 8–K and 6–K, which are only required to be filed upon the occurrence of specified events. We in no way intend to import the more expansive scope of Section 906 into broader securities regulation; the wider view of "periodic report" is for purposes of implementing this specific certification requirement only.

Note that Section 906 does not require certification that the financial statements are in accordance with generally accepted accounting principles (GAAP). That omission is intentional in that the certification is designed to ensure an overall accuracy and completeness that is broader than financial reporting requirements under generally accepted accounting principles. In so doing, for purposes of this section, Congress effectively establishes possible liability where statements may be GAAP-compliant but materially misleading. See *States* v. *Simon*, 425 F.2d 796, 808 (2d Cir. 1969) (finding that accountants can be criminally liable for preparing financial statements that are GAAP-compliant but materially misleading).

Certification Form. We do not intend to prescribe the precise form or format of certification (e.g., whether the certification should appear on the signature page or among the exhibits or appendices to the report) or method of submission to the appropriate regulators. On these questions, Congress properly defers to the expert judgment of experienced officials at the SEC, who we trust will fully consider the liability implications of these administrative options. What is important is that the ultimate form reflect the substantive requirements of the Sarbanes-Oxley Act—including a recognition that, as the text of the statute and the foregoing explanation should make clear, certification under Section 302 applies to a subset of the certifications required by Section 906. Nevertheless, I have encouraged the SEC and the Justice Department to develop a single form which could be used for certifications under both Sections 302 and 906. Section 906 certification establishes a "floor" of minimum certification requirements, while Section 302 cites some additional factors. Accordingly, any company properly certifying under Section 302 will also satisfy the requirements of Section 906. Thus, it may be possible for the SEC to develop a unitary certification for the sake of administrative ease. However, for companies that need only certify under Section 906, a separate certification satisfying the somewhat lesser requirements of Section 906 may be appropriate.

Penalties for Failure to File Section 906 Certification. Some observers have asked whether failure to file a certification pursuant to 18 U.S.C. §1350(a)—as opposed to certifying a false financial report as accurate in violation of 18 U.S.C. §1350(c)—triggers criminal liability. It does. Pursuant to Section 3(b) of the Sarbanes-Oxley Act, "a violation by any person of this Act . . . shall be treated for all purposes in the same manner as a violation of the Securities Exchange Act of 1934 . . . and any such person shall be subject to the same penalties, and to the same extent, as for a violation of that Act or such rules and regulations." As noted above, the criminal provisions of the Securities Exchange Act of 1934 (15 U.S.C. §78ff) include a 10-year felony for "willful" violations. Accordingly, willful failure to file a certification pursuant to Section 1350(a) of Title 18 triggers the criminal provisions of 15 U.S.C. §78ff. (As noted above, courts have interpreted "willful" violations of the 1934 Act to require only general intent to commit the crime.) Significantly, the U.S. Department of Justice concurs with this analysis. See Letter from Assistant Attorney General Daniel J. Bryant to the Honorable Joseph R. Biden, Jr., December 26, 2002 ("[A]s you have suggested, the Department may utilize Section 78ff's criminal penalties to prosecute executives who violate the Sarbanes-Oxley Act by willfully failing to file Section 906's required certification."). Of course, in addition to this penalty scheme, failure to file the required Section 1350(a) certification may also result in an economic penalty, since Wall Street analysts and investors would surely take note of the failure and punish offending companies by shifting their investment dollars to compliant companies. This potential economic penalty should in no way mitigate application of the criminal penalty.

ARMENIAN GENOCIDE

Mr. LEVIN. Madam President, I rise today in commemoration of the Armenian genocide. As the 88th anniversary of this horrific event approaches, I would like to take a few moments to pay tribute to the men, women and children who were murdered or displaced in the 20th century's first systematic attempt to extinguish an entire people.

On April 24, 1915, the Turkish Ottoman government initiated a campaign to expel 1.75 million ethnic Armenians from its borders. Turkish authorities operated under the baseless claim that its Armenian community would be disloyal in a time of war since they were neither Turks nor Muslims. On April 24, government leaders rounded up 300 Armenian leaders, writers, thinkers and professionals in what was then Constantinople for their deportation or, for many, their deaths. In nearby areas, 5,000 of the poorest Armenians were killed in their homes or on the streets. Over the course of the subsequent 2 years, between 500,000 and 1 million Armenians were killed and 750,000 were forced to leave their homes.

Henry Morgenthau, who served as U.S. Ambassador to the Ottoman Empire remarked, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Records of eyewitness accounts allow us to gain an incomplete yet painful understanding of the atrocities the Armenian people faced. An American missionary wrote, " . . . All tell the same story and bear the same scars: their men were all killed on the first days [sic] march from their cities, after which the women and girls were constantly robbed of their money, bedding, clothing and beaten, criminally abused and abducted along the way."

Another account by an Armenian and corroborated by a German missionary said, "We all had to take refuge in the cellar for fear of our orphanage catching fire. It was heartrending to hear the cries of the people and children who were being burned to death in their houses. The soldiers took great delight in hearing them, and when people who were out in the street during the bombardment fell dead, the soldiers merely laughed at them. . . . "

I wish we could say that such events are in the past and that history will never again have not been learned and millions of other people and races have suffered at the hands of malicious leaders who have acted upon their messages of hate and intolerance.

Each year during my tenure in the Senate, I have spoken out about the Armenian genocide. I believe the highest tribute we can pay to the victims of any genocide is by acknowledging the horrors they faced and reaffirming our commitment to fight against such heinous acts in the future. It is important that we take the time to remember and honor the victims, and pay respect to the survivors, especially as that generation passes on.

I know my Senate colleagues join me in celebrating the continued vitality of the Armenian culture, and in honoring and remembering the victims of the Armenian genocide.

REGIME TARGETS INDEPENDENT MEDIA IN BELARUS

Mr. CAMPBELL. Madam President, recently I introduced S. 700, the Belarus Democracy Act, a bipartisan inititive aimed at supporting democratic forces in the Republic of Belarus. As co-chairman of the Commission on Security and Cooperation in Europe, I want to report to my colleagues on the pressures faced by independent media in that country. The Committee to Protect Journalists (CPJ) has just released their annual report documentating the dangers journalists face around the world, including Belarus.

In May of 2002, CPJ named Belarus one of the 10 worst places in the world to be a journalist due to the worsening repression under Europe's most authoritarian regime. Throughout the year the situation of the country's independent media deteriorated as Belarusian leader Aleksander Lukashenka mounted a comprehensive assault on all independent and opposition press.

While criminal libel laws had been on the books since 1999, they were not used by the Government until 2002. The law stipulates that public insults or libel against the President may be punished by up to 4 years in prison, 2 years in a labor camp, or by large fine. Articles in the criminal code which prohibit slaundering and insulting the

President or government officials are also used to stifle press freedom. The criminal code provides for a maximum penalty of 5 years' imprisonment for such offenses.

Journalists critical of the fall 2001 presidential elections were targeted. Mikola Markevich and Pavel Mazheyka of Pahonya and Viktar Ivashkevich of of Rabochy were sentenced to corrective labor for 'libeling" the President in pre-election articles. On March 4, a district court in Belarus commuted Milola Markevich's sentence from time in a corrective labor facility to "corrective labor at home." On March 21, a district court released Pavel Mazheyka on parole. Under Belarus law, prisoners may be released on parole after serving half term their.

Other charges were leveled later in the year against a woman who distributed anti-Lukashenka flyers, an opposition politician for libeling the President in a published statement, and a Belarusskaya Delovaya Gazeta reporter for criticizing the Prosecutor General of Belarus. A former lawyer for the mother of disappeared cameraman Dmitry Zavadsky received a 1½ year prison sentence suspended for 2 years for libeling the Prosecutor General.

Last August the independent newspaper Nasha Svaboda was fined 100 million Belarusian rubles for civil libel of the chairman of the State Control Committee. The paper closed when it could not pay the fine. There are other forms of pressure and harassment as well.

The CPJ report notes the financial discrimination faced by nonstate media, including pressure from government officials on potential advertisers not to buy space in publications that criticize Lukashenka and his regime. Government officials also regularly encourage companies to pull advertising and threaten them with audits should they fail to do so, according to CPJ.

When the Belasrusian Government increased newspaper delivery rates, only nongovernmental papers had to pay. When the Minsk City Council of Deputies levied 5 percent tax on newspapers, government papers were again exempt. Such tactics caused such indepdents as the Belaruskaya Maladzyozhnaya, Rabochy, Den and Tydnyovik Mahilyouski to go under.

According to the State Department's recently released County Reports on Human Rights Practices "the regime continued to use its near-monopolies on newsprint production, newspaper printing and distribution, and national television and radio broadcasts to restrict dissemination of opposition viewpoints."

Mr. President, I urge my colleagues to support S. 700, the Belarus Democracy Act, in support of those brave individuals in Belarus, including representatives of independent media, who speak out in defense of human rights and democracy in a nation which enjoys neither.

THE SECURITY OF AMERICAN AGRICULTURE

Mr. AKAKA. Madam President, I rise today to discuss the threat of bioterrorist attacks on American agriculture.

Agroterrorism is a real and continuing concern. When Homeland Security Secretary Tom Ridge last month raised the threat advisory level to high, he launched Operation Liberty Shield to increase security and readiness in the United States. One part of Operation Liberty Shield involved taking additional steps to guarantee our food security. The government started to inspect imported food more carefully. The U.S. Department of Agriculture, USDA, alerted the food and agricultural community to give greater care in monitoring feedlots, stockyards, processing plants, import and storage areas.

An ongoing outbreak of avian influenza in the Netherlands is an example of the type of crisis we might face, and the coordination that may be needed, if a terrorist launched an attack on our agriculture. More than 9 million of the estimated 100 million chickens in the Netherlands were slaughtered to prevent the disease spreading since the outbreak began in late February. Some 800 farms in the eastern Netherlands were affected. Dutch exports of fowl and poultry products were stopped. The cost so far to farmers and the government is an estimated $108 million.

The Dutch Government took a number of strong steps to contain the disease. The Dutch Army was called up to help. Some 100 troops joined more than 400 police and customs officers to enforce a quarantine around the epicenter of the outbreak and to keep the disease from spreading to nearby Germany and Belgium. A ban on movements of live chickens and eggs within the country was imposed in early April. This led to some inconvenience to consumers since the supply of eggs in grocery stores was limited.

A coordinated attack by terrorists on some of our leading chicken producing states, for example, Georgia, Arkansas, Alabama and North Carolina, with an impact equivalent to the natural outbreak in the Netherlands would have serious consequences.

Egg and chicken production in the United States is a $20 billion plus a year industry. Another $10 billion is spent on processing and getting the chicken and eggs to market. We export more than a billion dollars of chicken products a year. Some 30,000 farm families are involved in raising chickens. Three hundred thousand people work in processing and transporting chickens for market.

On any given day there are some 1.5 billion chickens sitting in chicken coops in the United States. Over a hundred million birds might have to be slaughtered. If there was a ban on shipment of chickens and eggs, not only would chicken producers suffer, so would related industries. The trucking industry, food processing industry, food retailers, and those involved in exporting chicken products abroad would all feel the impact. Billions of dollars in losses could result. The impact on farm families and employment could be substantial.

Of course, my concern about agroterrorism is not limited to the poultry industry. Agriculture and related industries, such as food processing, manufacturing, and transportation, account for approximately 13 percent of the U.S. gross domestic product and nearly 17 percent of domestic employment. The deliberate and coordinated spread of livestock or crop diseases could have a devastating effect on our nation.

USDA is the lead authority in responding to agricultural emergencies. It has taken several steps to improve our ability to counter a terrorist attack upon our nation's agriculture. USDA has created a homeland defense council and increased border inspection and research activities. USDA's overall activities, and actions in support of Operation Liberty, are commendable. But we need to do more to prepare ourselves.

Responding to an agroterrorist attack will require coordinated efforts by the USDA, and other federal agencies. The Federal Emergency Management Agency, FEMA, the Department of Homeland Security, DHS, the Environmental Protection Agency, EPA, and the Departments of Health and Human Services, HHS, Defense, Transportation, and Justice will all have a role to play. In addition, these agencies must coordinate with states, localities and farmers and ranchers.

In February, I introduced the Agriculture Security Assistance Act, S. 427, and the Agriculture Security Preparedness Act, S. 430. The purpose of this legislation is to encourage additional and improved coordination and preparedness on the federal, state, regional, and local level.

The Agriculture Security Assistance Act, S. 427, will assist States and communities preparing for and responding to threats to the Nation's agriculture. My bill aims to improve our detection and response capabilities so they are rapid and swift enough to contain the spread of a disease. S. 427 directs USDA to work with each State to develop and implement response plans. The legislation establishes grant programs for communities and States to incorporate modeling and geographic information systems into planning and response activities. This funding also will help animal health professionals participate in community emergency planning activities and assist farmers and ranchers in strengthening the biosecurity measures on their own property.

The Agriculture Security Preparedness Act, S. 430, will enhance agricultural biosecurity by strengthening interagency and international coordination. The Act will establish senior level liaisons in DHS and HHS to coordinate with USDA on agricultural disease emergency management and response. This bill will task DHS and USDA to work with the Department of Transportation to address one of the largest risk factors in controlling the spread of a plant or animal disease: the movement of animals, plants, and people between and around farms.

Although our ability to respond to an agroterrorism attack is improving, there is still much more that could and should be done. The bills I have introduced will take the necessary steps to further enhance the actions already taken to improve agricultural security in the United States. I look forward to the Senate's support for these important bills.

THE MOBILIZED RESERVE SAVINGS ACCOUNT ACT AND THE DEPLOYED SERVICE MEMBERS FINANCIAL SECURITY AND EDUCATION ACT OF 2003

Mr. NELSON of Nebraska. Madam President, we are all very proud of the outstanding service of our military personnel during a series of significant military operations. Our soldiers, sailors, airmen, and marines, both Active and Reserve, have responded admirably to our Nation's call to service. These brave military personnel have demonstrated superb service by their participation in Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom. Since the 1991 Persian Gulf war, our personnel have served in a number of other contingency operations, including operations in Kosovo, Bosnia, Southwest Asia, and Haiti.

For the most part, our service men and women serve without complaint. However, we know that continuous deployments create hardships for them, their families, and for employers of members of the Guard and Reserve who have been ordered to active duty. There is no way to remove all of the hardships that go with extended and dangerous military service, but we can make sure that they are adequately compensated when they do endure these hardships.

The Personnel Subcommittee of the Armed Services Committee recently held two hearings that included testimony about our Guard and Reserve Troops. We learned:

Although income loss data for current operations is not available, data for past military operations show that about a third of mobilized Guard and Reserve personnel have some income loss, a third have no change, and a third actually report an income increase. GAO reported that a DoD survey conducted in 2000 revealed that "the average total income change for all members (including losses and gains) was almost $1700 in losses." Certain groups, such as self-employed reservists and medical professionals in private practice, reported greater income loss than the average estimated for all reservists.

Reserve component members who have been mobilized are eligible for the same pay and benefits, health care, and family support as their Active component counterparts, although some of them face challenges in understanding and accessing their benefits. All of the services have programs in place to help the members and their families to obtain their benefits.

Despite the isolated news reports about income loss, Reserve component leaders indicate that their service members are not complaining about income loss and that they are happy about being called up to do what they signed up to do.

It is very important that we not create an income disparity whereby a mobilized Reserve component member would be paid more than his or her Active component counterpart of the same grade and experience performing the same duties.

About a third of Reserve component members are involved in some sort of educational program. Some have reported difficulties in maintaining their educational status; loss of academic credits, scholarships and grants; and loss of tuition and other fees paid when they were ordered to active duty. Although many colleges and universities are providing relief, not all are.

We also know that our Active component service members have been stretched with these frequent and lengthy deployments. Granted, they are in a little different circumstance because they volunteered for full-time military service, but these deployments are wearing on them and their families just as much as the mobilization affects Reserve component members and their families.

With this in mind, I recently introduced two bills, the Deployed Service Members Financial Security and Education Act of 2003 and the Mobilized Reserve Savings Account Act.

Deployed Service Members Financial Security and Education Act of 2003 is designed to compensate both Active and Reserve military personnel for frequent and lengthy deployments. It will authorize a new special pay of $1,000 per month for:

Active and Reserve component military personnel who are deployed for 191 or more consecutive days;

Active and Reserve component military personnel who are deployed for 401 or more days out of a rolling 730 day period; and

Reserve component military personnel who are mobilized for a second time within a year of being released from and earlier call-up.

This bill will also amend the Soldiers and Sailors Civil Relief Act to protect the educational status and tuition payments of service members ordered to active duty and it will limit interest rates on their student loans while on active duty.

The Mobilized Reserve Savings Account Act will authorize a pretax savings plan for Guard and Reserve members that they can use to supplement their military income when they are ordered to active duty. This will serve as an incentive for those who know that their income on active duty will be less than their normal income.

These bills are relatively modest proposals that will assist our service men and women who are asked to spend the most time away from their homes and families. It is the least we can do.

I would like to end my remarks by also, once again, thanking all the members of our armed services and their families for the sacrifices made to defend this nation. Your efforts have not gone unappreciated by the folks back home.

I ask that the proposal be printed in the RECORD. The proposal follows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSAL

A new special pay of $1000 per month for lengthy or numerous deployments for:

Active and Reserve Component members who are deployed for 191 or more consecutive days,

Active and Reserve Component members who are deployed for 401 or more days out of a rolling 730 period, or

Reserve Component members who are mobilized for a second time within a year of being released from active duty.

Amend the Soldiers and Sailors Civil Relief Act to protect the educational status and tuition payments and limit the interest rate on student loans of service members called to active duty.

Authorize a new 401(k) type plan where members of Reserve Components can invest pre-tax dollars that can be withdrawn to supplement military income when member is mobilized or completes his or her military career.

THE PROTECT ACT, S. 151

Mr. BAUCUS. Madam President, although I voted in favor of the conference report on S. 151, I must register my profound concern with certain provisions that were added to the conference report that have nothing to do with protecting children.

I am referring to title IV of the conference report that mandates sweeping changes to the Nation's sentencing laws and guidelines. These provisions stem from an amendment added to the bill in the House, and later modified under unusual circumstances in the conference committee.

These provisions will drastically impact the discretion and independence of Federal judges and the judiciary to impose just sentences not just for child and sex abuse crimes, but for all crimes. These provisions will alter the sentencing laws of the United States, with little or no public debate or hearing on the issue, and with little or no research or study on whether too many Federal judges are in fact abusing their discretion or improperly granting departures from mandatory minimum sentences.

As my colleague from Massachusetts pointed out, if the majority on the conference committee had limited these changes to the serious crimes of sex abuse of children and child pornography, there would be little or no objection to these provisions. But they didn't. They allowed the de novo appellate review and other provisions to stand, provisions which will restrict the ability and discretion of Federal judges to grant downward departures for all offenses.

Unfortunately, as the majority is well aware, the child abduction notification provisions and virtual child pornography provisions of S. 151 are too important to delay any longer than necessary. I cannot vote against those provisions—we must do everything we can to strengthen the hand of State, Federal, and local law enforcement, as well as prosecutors, to protect our children from sexual predators.

It is just unfortunate that this must-pass legislation was taken advantage of to move sweeping reforms of the larger U.S. criminal justice system, reforms the Senate did not debate and on which no hearings were held. I hope we will be able to revisit this matter in the near future.

Mr. BINGAMAN. Mr. President, yesterday I joined my colleagues in voting for S. 151, the PROTECT Act, legislation that is intended to help reduce the incidence of child abduction in our country. The bill passed unanimously on a vote of 98 to 0. I voted for this bill because I believe it contains many important and needed provisions, but I did so with reservations about a couple of different sections of the bill that, in my view, deserved further deliberation.

Before I discuss these reservations, let me start by discussing the most important provisions in this bill. First, this legislation establishes a national AMBER alert system, which includes the establishment of an AMBER alert coordinator within the Department of Justice to assist states with their AMBER alert plans, and which will help to eliminate gaps in the network through better regional coordination among plans. I was pleased to be a cosponsor of the stand-alone version of this bill in both the 107th and 108th Congresses. My home State of New Mexico already has an Amber alert plan, which was recently codified by our State legislature, and I am hopeful that this new Federal legislation will allow my State to receive funding under the new grant programs created by this bill.

Second, the bill includes the so-called "Code Adam Act," which would require Federal buildings to establish procedures to locate a child that is missing in the building. The original Code Adam—one of the country's largest child safety programs—was created by Wal-Mart in 1994 and is now used in more than 36,000 stores nationwide. It is also supported by the National Center for Missing and Exploited Children

Third, in spite of the many extraneous provisions added by the House, the bill includes much of the original PROTECT Act, which passed the Senate unanimously last year. These provisions provide needed tools to prosecutors to help them deal with the problem of child pornography in a way that should pass constitutional muster. Congress first addressed this issue in the 1996 Child Pornography Protection Act, but a significant portion of that law was struck down by the Supreme Court last year. I am pleased with the work of the Senate Judiciary Committee in working through the issues raised by the Supreme Court in a thoughtful and bipartisan way, and I am hopeful that this new measure will help ensure that child pornographers are held accountable for their actions.

I would like to say a few words now about my reservations in voting for this bill. Title IV of the bill makes significant new changes to Federal sentencing procedures in the name of reform. While many of these changes may turn out to be beneficial, at no point in the legislative history of this bill was there an opportunity for critical questions to be raised and answered about these new sentencing reforms. Title IV was added in conference as an amendment with little opportunity for the minority to even read the amendment or engage in a thoughtful debate. Further, several of my colleagues on the Judiciary Committee have noted their objections to what they view as a misrepresentation of the amendment in conference. I do not believe this is the way in which we should do business, and I am disappointed that there was not an opportunity for my colleagues to debate their legitimate concerns further.

In particular, Senator LEAHY raised concerns that this amendment could potentially undermine the Federal sentencing system and prevent judges from imposing just and responsible sentences. As justification, Senator LEAHY cites remarks by Chief Justice Rehnquist on the nearly identical Feeney amendment, which was added to the bill on the House floor. In those remarks, the Chief Justice said, "This legislation, if enacted, would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences."

Whether one agrees with the sentencing reform provisions in this bill or not, the very fact that the Chief Justice of the United States Supreme Court has voiced concerns about it leads me to believe that more time was needed for both the Senate and the House to consider the scope and potential impact of this legislation.

Finally, I would like to comment on another piece of the PROTECT Act, which was added as an amendment in conference by Senator BIDEN. The Illicit Drug Anti-Proliferation Act, previously known as the RAVE Act, modifies the current so-called "crack house" statute to make clear that anyone who knowingly or intentionally uses his or her property, or allows another person to use his or her property, for the purpose of distributing, manufacturing, or using illegal drugs will be held accountable. The provision also allows for civil suits against violators.

I have received many calls and letters from people in my State who have raised legitimate concerns about this legislation. While I fully support efforts to ensure that our youth do not fall victim to drugs, and while I understand that Senator BIDEN modified his bill slightly from the previous Congress to address concerns that were raised, I would have preferred that this legislation be allowed to go through the normal legislative process. This would have allowed a public airing of the many concerns that I have heard, and would have provided an opportunity for the Senate Judiciary Committee to address those concerns, as necessary.

I hope very much that during the remainder of this Congress we can revisit both these new provisions related to sentencing and the RAVE Act.

NOMINATION OF ROSS SWIMMER

Mr. DORGAN. Madam President, I necessarily missed last evening's vote on the nomination of Ross Swimmer to be the Special Trustee for American Indians because of a family obligation. However, had I been present, I would have opposed this nominee, as I did when his nomination was considered by the Committee on Indian Affairs, on which I serve. I would like to take a few moments to explain why I do not support this nomination.

Ordinarily, I believe the President has the right to choose who will serve in his administration. The position of Special Trustee for American Indians is unique, however. Congress created the position of Special Trustee in 1994 in large part because of the historical failure of the Department of the Interior to live up to the Federal Government's trust responsibility to Native Americans. The Special Trustee was and is intended to be an advocate on behalf of tribes and individual Native Americans to ensure that those trust duties are met. In my view, Native Americans deserve someone in this position in whom they can have confidence. Regrettably, Mr. Swimmer is not that person.

Many tribal leaders from my State have shared with me their very deep concern that Mr. Swimmer would not be an independent voice and advocate on behalf of Native Americans within the Department of the Interior. In fact, under previous administrations and in recent months, he has been an integral part of the Department of the Interior team that has sought to implement trust management reforms without the full support of and consultation with the Native Americans whose assets they manage. To many of my Native American constituents, this is akin to allowing the fox to guard the henhouse.

Nevertheless, Mr. Swimmer has now been confirmed by a majority of the Senate to serve as Special Trustee for American Indians, and I wish him success in that position. He has made a commitment to me and others to consult with tribes in a timely and meaningful way, and I will certainly be working with Mr. Swimmer to ensure that is the case.

WAR CRIMINALS

Mr. KYL. Madam President, I rise in support of the goal of this nonbinding resolution, which is to promote bringing Saddam Hussein and his war criminals to justice.

In reading the language of the resolution, I note that it does not preclude the United States itself from detaining or from prosecuting Iraq war offenders of any nationality before a United States military tribunal or some other American-arranged forum.

It also does not preclude a new Iraqi government from prosecuting these criminals in an Iraqi tribunal if it is deemed that this is feasible and likely to result in substantial justice. The resolution also does not in any way mandate constitution of an international tribunal, something which the United States should oppose, as it would preclude the death penalty.

With this understanding, I support the resolution.

TRIBUTE TO MAJOR GENERAL A. BOWEN BALLARD

Mr. SESSIONS. Madam President, I take this opportunity to recognize the retirement of a friend and outstanding Air Force Officer, Major General A. Bowen Ballard. Major General Ballard's superior and exceptionally distinguished Air Force career warrants comment as the Air Force says thank you and goodbye to one of its best.

Major General Ballard has served this Nation and the United States Air Force for more than 37 years. His service has been marked by increasingly demanding command and staff positions, culminating as the Mobilization Assistant to the Commander, Air University, Maxwell AFB, AL.

Throughout his military service, Major General Ballard has served with distinction and honor. It is my privilege to recognize his many significant contributions and to commend him for his outstanding service. A son of Alabama, Major General Ballard grew up in Montgomery and attended elementary and junior high school in Cloverdale. After graduating from Lanier High School, he enlisted in the Alabama Air National Guard as an intelligence specialist, while at the same time he attended the University of Alabama earning a degree in business and finance.

In 1966, he was commissioned and resumed his service in Air Force Intelligence. Major General Ballard attended the Air Intelligence School at Lowry Air Force Base, CO, and from 1967 until 1974, he filled various intelligence positions with the 187th Tactical Reconnaissance Group, Alabama Air National Guard.

Leaving the Alabama Air National Guard and joining the Air Force Reserve in 1974, Major General Ballard was assigned to the Air Force Intelligence Service at Fort Belvoir, VA, where he played a key role in transitioning Air Force Special Operation Forces from the Tactical Air Command to the Military Airlift Command and participated with Air Force Special Operation Forces on an international basis. Major General Ballard was involved with the North Atlantic Treaty Organization and the United States European Command for many years.

During his assignment as the Mobilization Assistant to the Chief of Staff, Intelligence, Headquarters United States Air Force, Major General Ballard was recalled to active duty in a key position of leadership to manage the planning, directing, and establishing of policies and procedures for all USAF intelligence activities.

As the Mobilization Assistant to the Director of the National Security Agency/Chief, Central Security Services, Fort George G. Meade, MD, Major General Ballard's guidance and direction was critical in identifying and resolving critical issues affecting the Air Force during one of the most turbulent and demanding times in our history.

Major General Ballard frequently met with the senior military leadership, to include the Secretary of Defense, Secretary of the Air Force, the Chief of Staff of the Air Force, and members of the Senate and Congress, effectively presenting crucial positions involving specific operational intelligence and professional military education issues. He achieved unparalleled success in charting the strategic direction and employment concepts as the Chairman of the Assistant Secretary of Defense's Command, Control, Communication and Intelligence Steering Council. Major General Ballard represented commanders of the Air University and Air Force Space Command on numerous panels, boards, and work groups, including personally leading the development of creative and innovative improvements to the Joint Reserve Intelligence Program. Major General Ballard was directly responsible for identifying, developing and implementing a significantly new direction for Reserve Intelligence roles and missions in space operations. Under his untiring leadership, the Air Force Space Command Reserve Intelligence Program transformed into a vital partner in on-orbit space collection intelligence assessments.

As the Mobilization Assistant to the Commander, Air University, he assisted the commander with significant improvements to Air University schools in curricula and coursework, joint programs, faculty management, computer technology, and communications systems. As a result of his efforts, all graduates of Air Command and Staff College and Air War College now receive masters degrees in military science. Major General Ballard's leadership skills were constantly in high demand. For the Joint Chiefs, he developed the Joint Chiefs of Staff/Department of Defense Strategic Plan, providing unprecedented joint contingency support to operations in both Operation Noble Anvil and Operation Allied Force. For the combatant commanders, he applied his focus on language and distributed joint reserve component intelligence operations and implemented a flexible solution which paid significant dividends in the military theater of operations and in the global war on terrorism. Major General Ballard also established the foundation for joint cryptology reserve component support to the European and Pacific Command. The formulation and justification of cryptolgic reserve support elements blossomed into greatly improved reserve component support in intelligence operations ensuring a significant reserve augmentation force well into the 21st century. Major General Ballard has demonstrated time and time again superior performance, planning, coordinating, directing, and managing of Air Force operational intelligence programs, and Air Force Reserve intelligence mission augmentation activities. Major General Ballard's work with the Air University Integrated Program Review process resulted in significant increases in Individual Mobilization Augmentee positions to meet critical Air University mission needs. As a direct result, Air Reserve forces made significant and long-lasting contributions to successful

Air University mission operations. From determining the effective and efficient use of Reserve Force personnel in war and during peacetime, to redefining roles, missions, force structure, training, morale, finance, recruiting, and retention, Major General Ballard always led from the front.

We wish to extend congratulations to Major General Ballard on the occasion of his retirement. We are honored to recognize his many accomplishments and ask that our colleagues in the United States House of Representatives join in recognizing his very worthy achievements.

NUCLEAR EARTH PENETRATOR WEAPONS: THE MYTH AND DANGER

Mr. AKAKA. Madam President, I rise today to discuss the myth and dangers posed by the nuclear earth penetrating weapons proposed by the Bush administration.

The administration suggests that new nuclear weapons could be needed to destroy a growing number of hard and deeply buried targets, HDBT. The Intelligence Community has estimated that there are over 10,000 potential HDBTs worldwide. Many of these are near the surface, serve tactical roles, and can be attacked with conventional weapons. But some hundreds of these targets have stronger concrete reenforcement, or are buried at great depths, or are in tunnels. They play a strategic role, protecting senior leaders, command and control centers, or stored weapons of mass destruction. Of particular concern are the very hardened or deeply buried HDBTs located in so-called rogue nations

To attack the most deeply buried structures, the administration would like to have a nuclear weapon that could destroy a bunker some 300 meters, or about 1,000 feet, underground without causing substantial "collateral damage." The administration is proposing to explore two new nuclear weapons for attacking this category of targets. The first is the so-called Robust Nuclear Earth Penetrator, or RNEP for short. The second is a new class of low-yield nuclear warheads.

These two initiatives are often confused in the press or thought to be different versions of a mini-nuke bunker-busting nuclear weapon. The two candidates being considered by the administration for modification into a RNEP, the B61 and B83 bombs, have been in the U.S. arsenal for a number of years. They are not, however, low-yield weapons. In fact, they have yields in the tens of kilotons to megaton range.

Due to congressional concerns, the fiscal year 2003 Defense authorization bill required the Department of Defense to deliver to the Armed Services Committees of both Chambers a report on the need for an RNEP before funds could be spent on the program. On March 19, 2003, the administration delivered the report. After a 30-day waiting period, the administration has said it will begin to study whether the B61 or B83 bombs can be modified into a RNEP. The administration plans to spend some $15 million on this work in fiscal year 2004, and the study could cost as much as $46 million.

As for low-yield nuclear weapons, these are nuclear weapons with an explosive yield of less than 5 kilotons. Ten years ago, Congress placed a prohibition on "research and development" that could lead to the production of a new low-yield nuclear weapon in the fiscal year 1994 Defense Authorization Act. In the early 1990s, advocates of low-yield weapons claimed that precision strikes with such weapons could be used to attack weapons of mass destruction in third-world states that had acquired them. Congress was concerned that the development of such weapons would send the wrong message about the U.S. commitment to nonproliferation. In addition, there were fears that if such weapons were developed, the firewall between nuclear and conventional weapons would be removed.

The administration now seeks to remove the prohibition on research on low-yield weapons research. The administration's Nuclear Posture Review calls for exploring new nuclear weapons "concepts" to be able to attack HDBTs with reduced collateral damage. According to the administration, the congressional restriction on research on low-yield nuclear weapons "impedes this effort."

Ignoring the policy implications of making a nuclear weapon an acceptable tool to be used like a conventional weapon, there is still the critical question of whether such a weapon could destroy a deeply buried target without massive collateral damage. Could a weapon burrow so deep that its nuclear explosion could be safely contained within the Earth? The short answer to this question is no.

To be a bunker buster, the weapon design must protect the warhead and associated electronics while it tunnels into the ground. This severely limits the missile to smaller impact velocities, which, in turn, severely limits how far down it can go. In fact, limits on material strengths make 50 feet about the maximum depth to which a missile could penetrate into dry rocky soil while maintaining its integrity until the warhead detonates.

The radioactive fallout from a nuclear weapon detonated at a maximum depth of 50 feet could not be contained. Even a low-yield nuclear weapon of 0.1 kiloton, according to Princeton physicist Robert Nelson, must penetrate about 230 feet underground for the explosion to be fully contained. Based on the experience of U.S. underground tests at the Nevada Test Site, a 5-kiloton explosive has to be buried at least 650 feet to be fully contained. A 100-kiloton explosive must be at least 1,300 feet deep.

To comprehend what would happen if a nuclear bunker-busting weapon were used, consider the damage that would result from the use of a "low-yield" 1-kiloton warhead. Such a weapon would be one-thirteenth the size of the atomic bomb dropped over Hiroshima, and of a size that may be pursued if the congressional prohibition on research on low-yield weapons is removed. At the maximum depth possible of 20 to 50 feet, a 1-kiloton warhead would eject more than 1 million cubic feet of radioactive debris from a crater bigger than a football field. If such low-yield weapon were used to attack a HDBT in or near a city, it could devastate the area. There would be major collateral damage because the ejected radioactive debris would create a lethal gamma-radiation field over a large area.

For the shock of a nuclear explosion to reach a hardened target at 1,000 feet, a much larger warhead would be required, like the B61 and B83 bombs being considered for the RNEP. But the B61 and B83 bombs would dig a much larger crater and create a substantially larger amount of radioactive debris, causing that much more radioactive fallout and devastation.

I also am concerned about the logistical problems of using nuclear weapons in a combat setting. Destroying bunkers requires knowing exactly where they are and delivering a weapon with precision and accuracy. During Operation Enduring Freedom, American Special Forces were used as spotters on the ground near the targets to provide the intelligence necessary to strike suspected al-Qaida command bunkers and weapon depots. Our Special Forces would be in great danger if on-the-ground spotting were required for nuclear bunker busters.

As we have seen in our efforts to target Saddam Hussein, his bunker complexes are often located inside Baghdad. Leaders of other "rogue states" can be expected to construct their command and control centers inside their capital cities too. The potential for collateral damage to our troops and the public our forces are liberating are obvious.

Another consideration is battlefield assessment. Some bomb damage assessment can be done from the air, but if a closer look is needed, how soon could troops be sent in to determine if the strike was successful? The answer depends on the importance we place on the safety and health of our forces. If we use the underground Nevada Test Site as one real-world example, it will be a very long time. If battle planners need assessment more quickly, or we need to recover evidence of what was contained in a bunker, then American soldiers and marines will be put at risk.

This is not a theoretical consideration. We are discussing DNA testing of bodies found in Iraq to determine if they are in fact Saddam Hussein, his sons, or his closest associates. Had the administration used a nuclear weapon to destroy Saddam Hussein's command bunker, this task would be infinitely more difficult, and more dangerous.

I appreciate the challenge that deeply hardened bunkers pose. I am not convinced that RNEP or low-yield nuclear weapons are the answer. Indeed, the Pentagon already has a number of conventional weapons capable of destroying hardened targets buried at 50 feet, or putting them out of action by blocking entrances and exits. Moreover, ADM James Ellis, Commander-in-Chief of U.S. STRATCOM, recently told Congress that he plans to emphasize conventional options in STRATCOM's new global strike mission in order to reduce U.S. reliance on nuclear weapons. Research and development have improved the precision, penetrating capability, and explosive power of conventional weapons dramatically over the last decade. Further research and development on conventional weapons to attack buried and hardened targets are underway.

Sometimes, the simplest solution is the correct one. We do not need a nuclear weapon to destroy a tunnel entrance or a mineshaft. The same research in material science and precision guidance that will allow a missile to aim and protect the warhead to penetrate farther should be applied to conventional bunker busters. Conventional bunker busters could meet the challenge of threatening the several hundred most hardened and deep targets in question. Conventional bunker busters would not place civilian populations or our forces at undue risk and harm, and would keep the barrier between nuclear and conventional weapons high and wide.

Finally, we must keep in mind the serious international implications of the administration's pursuit of new nuclear weapons designs. Russian nuclear weapons designers have advocated new generations of more usable nuclear weapons. If the United States starts down this path, Russia will be encouraged to do the same. If Russia begins, maybe China will too. A new arms race in supposedly low-yield and "usable" nuclear weapons will result. If NATO forces move farther east, Russia may deploy such weapons opposite NATO forces. China may view them as usable in crisis with Taiwan. We should stop this new tactical nuclear arms race before it starts. We should not develop the RNEP. We should keep the prohibition on research on the low-yield nuclear weapons.

JIM CLAYTON

Mr. ALEXANDER. Madam President, I rise today to pay tribute to an outstanding Tennessean, James L. Clayton, better known as Jim.

Jim Clayton is the son of a sharecropper and was raised in West Tennessee. This impressive Tennessean has lived the American dream of Horatio Alger. From his most humble beginnings, he has gone on to become one of the wealthiest men in the United States. Mr. Clayton is the entrepreneur behind Clayton Homes, Inc., a $1.2 billion manufactured-housing company, which is one of Tennessee's great economic treasures.

Last week, Warren Buffett, the widely respected head of Berkshire Hathaway, recognized what we in Tennessee have long known about the quality of Clayton Homes by offering $1.7 billion for the purchase of Clayton Homes' manufactured-home empire.

Mr. Clayton has served as chairman of the board of Clayton Homes, Inc., since he founded the original Clayton auto sales companies in 1956. In 1966, he expanded and branched out into manufactured housing and sold his automobile dealerships in 1981. The Clayton Homes corporate headquarters is located in the county of my hometown, Blount County, TN. Clayton Homes employs 2,500 Tennesseans who work in its sales centers and factories in excellent jobs. Thousands more Tennesseans are employed in good jobs as a result, direct and indirect, of Clayton Homes. And I am pleased to say that as a result of the negotiations, Berkshire Hathaway has agreed to leave Clayton Homes and its employees in Tennessee.

I want to say a few words about Jim Clayton, who is a good and long-time friend. Mr. Clayton received his college degree from the University of Tennessee in 1957 and his law degree from the University Of Tennessee College Of Law in 1964. He has received several honorary doctoral degrees and numerous business awards, including many Wall Street Transcript Gold Awards, Silver Awards, and a Bronze Award as the top chief executive in the manufactured-housing industry. Forbes, the business magazine, has named Clayton Homes, Inc., one of its 200 Best-Managed Companies at least nine times. Clayton Homes has received the Platinum Award for being one of the top companies in the United States. Just this year, Worth magazine recognized Jim Clayton as one of Tennessee's wealthiest residents. Mr. Clayton's amazing story from sharecroppers' son to America's business elite can be found in his fascinating autobiography, First a Dream.

Mr. President, not only is Jim Clayton outstanding in the business arena, he is also an outstanding member of the Knoxville, TN community. He has made generous contributions to many charitable causes, including $3.25 million for construction of the Knoxville Museum of Art; $1 million for the University of Tennessee College of Law for its Center for Entrepreneurial Law; $1 million to start the Clayton Birthing Center at Baptist Hospital; and many grants to K-12 educational programs, most of which were given anonymously.

Mr. Clayton also generously donates his time to various committees and community organizations that work to improve Knoxville and its surrounding communities.

I know Mr. Clayton and count him as a friend. Despite his great wealth and success, I know him to be a warm and humble person. But my colleagues need not take the word of one of Mr. Clayton's friends. Many other Tennesseans have told me over many years of how helpful, kind, and approachable Mr. Clayton is, what a perfect gentleman he is. Mr. President, compliments do not get much better than that.

Mr. President, this brief statement cannot capture all the strengths of Jim Clayton and his manifold good works for his employees, his customers, his community, and his State. I did want to bring to my colleagues' attention the accomplishments and legacy of Jim Clayton, and I am honored to recognize his contributions to Tennessee and America as a whole.

NATURALIZATION AND FAMILY PROTECTION FOR MILITARY MEMBERS ACT OF 2003

Mr. BROWNBACK. Mr. President, I am pleased to rise today to add another voice of support for the Naturalization and Family Protection for Military Members Act of 2003.

Earlier today, the President visited Bethesda Naval Hospital with his wife Laura and spent time with some of the courageous men and women who have been wounded while fighting both to secure the safety and freedom of all Americans, as well as on behalf of a people starving for access to our ideals of liberty and justice for all. After this visit, he was visibly moved by the bravery and patriotism he witnessed, and he noted a special moment for him. I'd like to quote his comments from the press conference now:

"I think the thing that stood out the most to me was seeing two wounded soldiers swear in as citizens of the United States. One man from Mexico, one man from the Philippines. People who had gone overseas. People who had risked their lives for peace and security and freedom. They wore the uniform of the United States military. And Laura and I got to see them sworn in as citizens. It was a very profound moment. We were both honored to have witnesses this.

"You know, we got an amazing country where so powerful, the values we believe, that people would be willing to risk their own life and become a citizen after being wounded. It's an amazing moment. Really proud of it."

The President's words speak to exactly why this legislation is so important—and so worthwhile. These men and women are willing to risk their own lives on our behalf, even though they are not yet citizens of this country. It is why I once again strongly encourage the Senate to lend its support to this bill.

ADDITIONAL STATEMENTS

RECOGNIZING CONNIE KRUEGER

• Mr. JOHNSON. Madam President, Ralph Waldo Emerson once put into words what many know about the art of education, but many of us sometimes fail to realize: "The secret of education is respecting the pupil."

I rise today to recognize an exceptional teacher whom we are fortunate to have in South Dakota, who has never forgotten this maxim. Indeed, she has chosen to live by it. Connie Krueger of Rapid City, SD was recently recognized for her commitment to education and to her students by the South Dakota Council of Teachers of English when she was named the 2003 Language Arts Teacher of the Year. I want to take a moment today to recognize Connie for this highly deserved honor, and to commend her lifelong dedication to learning and young people.

I consider myself especially lucky to have known Connie before she formally became an educator, when we both roamed the halls of Vermillion High School as fellow students. Even as a teenager, it was evident that Connie had a passion for life and learning that was almost contagious. Connie and I were two of the many students influenced by another great teacher, Mrs. Donna Gross. Connie credits Mrs. Gross as being a large part of the reason for her decision to enter the field of education, and I know that Mrs. Gross is very proud of what Connie has done for students and education in South Dakota.

One of Connie's many contributions to education in South Dakota is her participation in, and advocacy for, the Dakota Writing Project. Funded by the National Writing Project, the Dakota Writing Project is a collaborative university and school staff development program to improve the teaching and learning of writing in South Dakota classrooms. Connie has been instrumental in the growth and development of the project, which gives teachers the opportunity to learn from other teachers, while also demonstrating the cross-disciplinary importance of writing. Through her work with the project, Connie not only empowers her colleagues, but also provides educational benefits to all the lives that her colleagues touch.

At the heart of everything that she does is the interest in her students. On her nomination form for the award, Connie wrote that she "will honestly answer any question my students ask, although I reserve the right to not answer if the question makes me uncomfortable. I've yet to use that veto." It is this kind of respect and openness with her students, coupled with her love for the subject matter, that has made he such an exceptional educator.

Her love of education, and of English, is also evident in the professions that her own children, Mike and Heidi, have chosen. Mike aspires to be a teacher, and Heidi is completing her doctorate in linguistics at the University of Chicago. I know Mike and Heidi are very proud of the prestigious honor bestowed upon their mother, and the hard work and dedication she has shown them over the years.

In a recent article highlighting her award, Connie stated that her goal for this year has been, "Be joyful." Well, thanks to Connie, much joy, knowledge, and inspiration has been shared with students and educators across South Dakota.

I consider myself one of the many lucky South Dakotans whose lives have been touched by Connie, and I thank her for her hard work, her dedication, and for sharing her passion for life and learning with all of us. Our State is truly blessed by her extraordinary talent and commitment to educational excellence.•

MYRTLE BEACH'S CAROLINA FOREST HIGH SCHOOL TO COMPETE IN WE THE PEOPLE COMPETITION

• Mr. HOLLINGS. Madam President, I want to recognize the students of Carolina Forest High School in Myrtle Beach, SC, who will be visiting Washington in late April to compete in the national finals of the "We The People: The Citizen and the Constitution" program. Right now the students are conducting research and preparing for the contest, which will test their knowledge of the Constitution and the Bill of Rights against 1,200 students from across the country. They have earned the trip by showing they were the best of the best in my State, all the more remarkable considering the school graduated its first class just 3 years ago.

Obviously, I hope my fellow South Carolinians win it all, but, whatever happens, we are all winners from this contest. When young people, on their own, want to understand the fundamental principles and values of our democracy, they are more likely to vote. They are more likely to participate in political life. They are more likely to take serious the civic duties that this Nation needs of our citizens. I wish these young South Carolinians the best of luck and thank them for their efforts.•

RECOGNIZING THE STUDENTS FROM WEST WARWICK HIGH SCHOOL

• Mr. REED. Madam President, today I rise in the special recognition of the students of West Warwick Senior High School for representing the State of Rhode Island in the national competition for the "We the People: The Citizen and the Constitution" program. This year's national competition will take place on April 26 to 28, 2003.

The "We the People" program and competition are administered by the Center for Civic Education. The program is an extensive one, developed to educate students about the Constitution and the Bill of Rights. The competition is modeled after hearings in Congress and consists of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

Our current global situation has increased the importance of initiatives which help young people to understand the fundamental ideals and principles of our government. We cannot take these ideals and principles for granted. Instead, we must hold them as standards in our endeavor to preserve and realize the promise of our constitutional democracy. It is of vital importance for future generations to understand the convictions that bind us together as a nation.

I believe that these students from West Warwick deserve added recognition. Not only is this their second consecutive State championship, this year's State competition took place just 2 weeks after the tragic fire in West Warwick that injured and took the lives of almost 290 family, friends, and neighbors of these young adults. In spite of their hometown's mourning, these students were able to continue their diligent preparation for the statewide "We the People" competition, and win. The West Warwick High School students will be joining 1,200 others from across the United States.

On behalf of all Rhode Islanders, I would like to congratulate the following students: Carly Alvernaz, Linzy Alvernaz, Jennifer Bartley, Stacy Costa, Sara Dalton, Ryan Desrochers, Megan Dougherty, Jillian Drummond, Elizabeth Duggan, Katheryn Flynn, Ashley Iasimone, Thomas Kelly, Paris Legault, Paul Piacitelli, Daniel Politelli, Lisa Powers, Ali Shihadeh, Nicholas St. Germain, Christen Varin, Russell Venditto, and Meaghan Whitford. In addition, I would like to acknowledge their teacher Marc Leblanc, the Rhode Island State coordinator, Michael Trofi, and the district coordinator, Henry Cote, for their dedication to this program over the years. I wish the students from West Warwick High School the best of luck at the "We the People" national finals.•

COMMUNITY HERO

• Mr. SMITH. Madam President, I rise to salute a World War II veteran from my home State of Oregon. Today, I want to recognize the life and contributions of Hazel Ying Lee, a courageous woman who died tragically in the line of duty.

Hazel Ying Lee was born in Portland, OR in 1912. At the tender age of 19, Ms. Lee piloted her first flight. The same year, she earned her commercial pilot's license at a time when fewer than 1 percent of American pilots were women.

When she was 20 years old, Ms. Lee traveled to China to contribute to the war effort. At the time, women were not allowed to join the Chinese air Force, so Ms. Lee worked to open a school in Canton during that time and worked for an information group.

In 1938, Ms. Lee returned to the United States just prior to the Japanese invasion of China. Because of her previous flight training, Ms. Lee was able to enter the Women's Flying Training Detachment, WFTD, and trained to fly a range of military planes. Ms. Lee was one of 112 proud women graduates from the fourth WFTD. Upon her completion of the program in 1943, Ms. Lee joined the Women Airforce Service Pilots, WASP, an elite group that made invaluable contributions to the war effort.

Ms. Lee was assigned to the Air Transport Command's 3rd Ferrying Squadron at Romulus Army Air Base in Michigan. From this post, it was her duty to transport aircraft to military positions from the factories around the United States. These women were responsible for the transportation of over 70 different kinds of aircraft, all critically needed for the war.

While at Romulus Army Air Base, Ms. Lee attended Officer Candidate School in preparation to become a commissioned officer. Upon the completion of that training, Ms. Lee was one of a very select group of women qualified to fly all the Army's single engine fighter aircraft.

In November of 1944, Ms. Lee went to the Bell aircraft factory at Niagara Falls, NY, to pick up a new fighter plane to be flown to Great Falls, MT. Bad weather complicated her trip and caused delays in landing in Montana. Ms. Lee was cleared to land by the control tower while another plane was descending to land on the same runway. As both planes lowered to the darkened landing strip, the control tower radioed for them to pull up. Due to a radio malfunction, the two aircraft collided and crashed onto the runway. Ms. Lee sustained severe burns and trauma in the resulting fire. Heroic efforts were made to save her, but, sadly, Hazel Ying Lee died of her injuries on November 25, 1944.

Ms. Lee made a selfless commitment to her country in a time of great peril, ultimately giving her life to her duty. It is with humble respect and praise that I offer my recognition today to Hazel Ying Lee, in hopes she will always be remembered for her bravery.•

RYAN QUARLES

• Mr. BUNNING. Madam President, I rise today to honor and pay tribute to Mr. Ryan Quarles from Scott County, who was chosen as one of the 10 national winners of the U.S. Department of Agriculture Risk Management Agency's sponsored writing contest for Future Farmers of America members.

Mr. Quarles was chosen from 140 entries from across the Nation. Contestants were required to write a 1,000-word essay on "Risk Management For Setting Your Supervised Agricultural Experience Program." Mr. Quarles has shown a commitment to excellence deserving of such a distinguished honor. Mr. Quarles' essay is a shining example of what you can achieve if you work hard and pursue your goals. His example should be followed by students across Kentucky.

This young man has demonstrated his amazing comprehension of risk management principles and application of various risk management tools and strategies in his essays. I am proud of this young man's dedication to Kentucky agriculture, the Future Farmers of America, and his goals for educational excellence. The citizens from Scott County are fortunate to call Ryan Quarles one of their own. I also want to congratulate his advisor, along with his peers, faculty, administrators, and family for their support and sacrifices they've made to help him meet this achievement and make his dreams a reality.•

JOHN HENDRICKS

• Mr. BUNNING. Madam President, I rise today to honor and pay tribute to Mr. John Hendricks from Clark County, who was chosen as one of the 10 national winners of the U.S. Department of Agriculture Risk Management Agency's sponsored writing contest for Future Farmers of America members.

Mr. Hendricks was chosen from 140 entries from across the Nation. Contestants were required to write a 1,000-word essay on "Risk Management For Setting Your Supervised Agricultural Experience Program." Mr. Hendricks has shown a commitment to excellence deserving of such a distinguished honor. Mr. Hendrick's essay is a shinning example of what you can achieve if you work hard and pursue your goals. His example should be followed by students across Kentucky.

This young man has demonstrated his amazing comprehension of risk management principles and application of various risk management tools and strategies in his essays. I am proud of this young man's dedication to Kentucky agriculture, the Future Farmers of America, and his goals for educational excellence. The citizens from Clark County are fortunate to call John Hendricks one of their own. I also want to congratulate his advisor, along with his peers, faculty, administrators, and family for their support and sacrifices they've made to help him meet this achievement and make his dreams a reality.•

HOOTIE JOHNSON

• Mr. HOLLINGS. Madam President, I have known Hootie Johnson for the past 50 years and yes, there is no one more well thought of, more popular, more respected in South Carolina.

A star football hero in college, he came on as a natural leader in the banking business. He is one with this so-called vision, leading the way to integration, opportunity and, yes, as head of Augusta National having women play the course. I have read extreme nonsense from every angle critical of Hootie and withheld public comment because I knew coming from the State it would lack a certain amount of credibility. Now, Sally Jenkins in this morning's Washington Post has responded for me in her column "Hootie and the Blowhard". I ask that it be printed in the RECORD.

The article follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 2003]

BURK IS WAY OFF COURSE

(By Sally Jenkins)

AUGUSTA, GA.—Dorein Vanderzahm poked her umbrella into the red clay Georgia field and announced, definitively, "Fire ants." If you stooped down and examined the dirt, there they were, swarming over the crabgrass acre where Martha Burk will hold her protest against Augusta National, ready to blister ankles. "I think they may come as an additional surprise to her," Vanderzahm said. Burk is liable to be surprised by many things here, given her reliance on old southern caricatures, the redneck sheriff with the star-shaped badge, the mush-mouthed Bubba, and the southern magnolia who swings her umbrella soft as a hanging fern. That's why Burk's campaign against Augusta National's all-male membership has been greeted with fire-ant hostility by many here, and why even the women of Augusta find it ultimately weak, and wrong: because it's based on stereotype and mischaracterization.

If you're a white male of a certain age and luckless enough to speak with a twang, then apparently you must be a tobacco-spitting good old boy, no matter what your actual record. For months now, Burk has done her best to make Hootie Johnson, the honey-voiced president of Augusta National, out to be a sexist hick or worse. What's more, some of the media has shamelessly perpetuated the image, most notably the New York Times, which has relentlessly excoriated him while until recently giving Johnson's notable career as a civil rights activist and women's advocate short shrift.

The truth about Johnson, a banker from South Carolina, is that he's a longtime progressive who has fought long and hard to integrate South Carolina's schools, banks, businesses and politics, and launched the careers of scores of women and minorities. He has also fought to remove the Confederate flag from the statehouse. He is nobody's chauvinist, or bigot, or good old boy. And yet when a Ku Klux Klan crank applied for a permit to protest at Augusta, Burk actually said, and got away with it, "Augusta National should not be shocked by the KKK's endorsement. They have behaved in a manner that attracts this type of support."

This smearing of southern white men has eroded any inclination to listen to Burk around here, and it's a kind of discourse that would be considered universally despicable if it was turned on women or minorities. People have been taking roundhouse swings at privileged white men for a long time; that's nothing new. But Burk is not just fire-breathing; she is inaccurate. Burk seems not to have done any homework on who Hootie is, what he has done or what The Masters is—she actually suggested they move the tournament to a different course. She is so wrong about so many things it's tough to take her seriously on anything about which she might be right.

The fact is that Johnson defies category, and for that matter so does Dorein Vanderzahm. Vanderzahm doesn't agree with Burk—"not a bit," she said.

Vanderzahm was born and raised in Augusta—she knows about the fire ants because she used to cut through the field—and it would be convenient for Burk if Vanderzahm was a downtrodden southern housewife or a mindless belle, but she's not. She's a physician, who disagrees with Burk on principle, and because she finds the whole campaign silly. "I think she has an overblown sense of importance," Vanderzahm says.

Burk also has portrayed local law enforcement as heavies, a bunch of Bull Connors doing the bidding of rich men, because they won't allow her to protest in front of the main entrance to the club. They cite safety and traffic reasons—reasons perfectly legitimate to anyone who has ever tried to negotiate the choked intersection. Deputy sheriff Johnny Whittle sat in his black-and-white squad car, parked under an old tree in the field of crabgrass where Burk will protest. He will be in charge of keeping the peace at Burk's protest. A heavy badge was pinned on his uniform pocket, and his shirt collar was buttoned tight, above which loomed a face that was more John Wayne than John Wayne's. "Oh, we're used to it," he said. "We've been stereotyped our whole lives. Everybody says watch out for the Georgia police, but we try to get out of locking people up."

Whittle expects nine groups of protestors to show up Saturday, including the Burk flotilla, the Rainbow/PUSH Coalition, the New Black Panther Party, a hilarious anti-Burkist faction called People Against Stupid Protests, and the lone self-described KKK member, whom Whittle simply refers to as "that person, for lack of a better word." Whittle adds, "None of us agree with him, but we have to protect him." Not that Whittle agrees with Burk, either.

"They don't let me in that club," Whittle said. "Are they discriminating against me, too? To be honest, I don't want to go in there and set down where they smoke those stinking cigars. It just seems like there's a lot of better things to be done in the cause for women."

Burk filed suit complaining that by being relegated to the field, she will miss her audience. She lost the suit. Actually, the field is centrally located across the street from the course; anyone going to the tournament, or for that matter making a run to Eckerd, can't miss it. Thursday, even before she arrived and on a day when play was cancelled, people rolled down car windows as they passed the field, and shouted, "Say no to Martha!" Kiosks sold "I Support Hootie" buttons, as well as golf balls that said, "Drive Burk Out" and T-shirts that said "The Burk Stops Here." What Burk should worry about is not whether the audience will miss her, but whether she has lost her audience altogether.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:31 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 380. An act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

H.R. 273. An act to provide for the eradication and control of nutria in Maryland and Louisiana.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:59 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1770. An act to provide benefits an other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes.

ENROLLED BILLS SIGNED

The 6:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 151. An act to prevent child abduction and sexual exploitation of children, and for other purposes.

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

H.R. 1584. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 8:05 p.m., a message from the House of Representatives, delivered by Mr. Rota, one of its clerks, announced that the House has passed the following joint resolution:

H. J. Res. 51. A joint resolution increasing the statutory limit on the public debt.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 11, 2003, she had presented to the President of the United States the following enrolled bill:

S. 380. A act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 108. A resolution designating the week of April 21 through April 27, 2003, as "National Cowboy Poetry Week".

S. Res. 111. A resolution designating April 30, 2003, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

FINANCIAL REPORTS

The following Federal Campaign Contribution Reports were submitted by Mr. Lugar for the Committee on Foreign Relations:

Joseph LeBaron, to be Ambassador to the Islamic Republic of Mauritania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joseph Evan LeBaron.

Post: Mauritania.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Elinor R. LeBaron, none.
3. Children and Spouses: Petra Drake LeBaron, none.
4. Parents: Carlos S. LeBaron, deceased; Truellen LeBaron McCracken, deceased. (Step) Parents: Lawrence McCracken, none.
5. Grandparents: Edgar M. LeBaron, deceased; Zenobia H. LeBaron, deceased; Hyrum J. Davis, deceased; Berta B. Davis, deceased.
6. Brothers and Spouses: C. Stephen LeBaron, less than $100, 2001, Republican National Committee; Marjorie L. LeBaron (spouse), none; Daniel McCracken, none; Cindy McCracken (spouse), none.
7. Sisters and Spouses: Joyce I. LeBaron, none; Veida Wissler, none; Steve Wissler (spouse), none; Elma M. Witty, none; Ben Witty (spouse), none; Phyllis McCracken, none.

Reno L. Harnish, to be Ambassador to the Republic of Azerbaijan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Reno L. Harnish, III.

Post: U.S. Embassy Baku.

Contributions, Amount, Date, and Donee:

1. Self: Reno L. Harnish, III, none.
2. Spouse: Leslie A. Harnish, none.
3. Children and Spouses: Brook E. Harnish, none; Reno L. Harnish, IV, none.
4. Parents: Reno L. Harnish, Jr., none; Kathryn B. Harnish, none.
5. Grandparents: Reno L. Harnish, Sr., deceased; Martha Harnish, deceased; Phillip Wendel, deceased; Martha Wendel, deceased.
6. Brothers and Spouses: Christopher Harnish, none; Karen Harnish, none.
7. Sisters and Spouses: Karen M. Harnish, none; Heidi Cascio, none; Nick Cascio, none.

Heather M. Hodges, to be Ambassador to Moldova.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in the report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Aiden and Frances Hodges, deceased.
5. Grandparents: Joseph and Effy Hodges, deceased; Herman and Susana Ruppelt, deceased.
6. Brothers and Spouses: Allan J. Hodges, none.
7. Sisters and Spouses: N/A.

Gregory W. Engle, to be Ambassador to the Togolese Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gregory William Engle.

Post: U.S. Ambassador to Togo.

Contributions, Amount, Date, and Donee:

1. Self, 0.
2. Spouse, 0.
3. Children and Spouses: Jessica Renee Engle, 0; Ryan Travis Engle, 0.
4. Parents: George W. Engle (deceased), 0; Norma W.S. Engle, 0.
5. Grandparents: Laun C. & Bertha Smith (deceased), 0; Grover & Ruth Engle (deceased), 0.
6. Brothers and Spouses: Charles S. Engle and Bridget Engle, 0.
7. Sisters and Spouses: Deborah L. Shank and Bill Tatum (separated), 0.

Eric S. Edelman, to be Ambassador to the Republic of Turkey.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Eric Steven Edleman.

Post: Turkey.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Patricia D. Edelman, $25.00, Nov. 2001, Gary Pash, Dem. Candidate for Stafford Co. Supervisor.
3. Children and Spouses: Alexander, Stephanie, Terence, Robert, none.
4. Parents: Milton and Frederica Edelman, none.
5. Grandparents: Abraham and Molly Edelman (deceased); Abraham and Cecile Aubry (deceased), none.
6. Brothers and Spouse: Marc Edelman and Luanne Fisi, $5,500.00, 1998, Jeff Harrison, City Council. (Luanne), $500.00, 1998, Pat Hallisey Mayoral Election-League City. (Marc), $500.00, 1998, Pat Hallisey Mayoral Election-League City; $1,500.00, 2000, Nick Lampson, Congress; $500.00, 2000, Thomas Cones, City Council; $500.00, 2001, Thomas Cones, City Council; $500.00, 2001, Ken Clark, County Commissioner.
7. Sisters and Spouses: Alexandra Edelman, none.

Wayne E. Neill, to be Ambassador to the Republic of Benin.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Wayne Edward Neill, II.

Post: Ambassador to Benin.

Contributions, Amounts, Date, and Donee:

1. Self: Wayne Edward Neill, II, 0.
2. Spouse: Doris Orlovic Neill, 0.
3. Children and Spouses: Veronica Faith Neill, Stephanie Julia Neill, Wayne Edward Neill, III, 0.
4. Parents: Wayne Edward Neill I, Valda Darlene Neill, 0.
5. Grandparents: Anna Borgas, John Borgas, decease, 0; Clarence Neill, deceased, Zola Neill, deceased, 0.
6. Brothers and Spouses: Donald Floyd Neill, Gregory Arthur Neill, deceased, 0; Ronald Roy Neill, deceased, 0.
7. Sisters and Spouses: Renee Rachelle Neill, 0.

Stephen D. Mull, to be Ambassador to the Republic of Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Stephen D. Mull.

Post: Lithuania.

Contributions, Amounts, Date, and Donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: 0.
4. Parents: 0.
5. Grandparents: 0.
6. Brothers and Spouses: 0.
7. Sisters and Spouses: 0.

Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ralph Frank.

Post: Croatia.

Contributions, Amount, Date, and Donee:

1. Self, 0.
2. Spouse, 0.
3. Children and Spouses: Erik C. Frank, 0; Katy Frank, 0.
4. Parents: Jean C. Frank, deceased; Lloyd I. Frank, deceased.
5. Grandparents, deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

William M. Bellamy, to be Ambassador to the Republic of Kenya.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: William Markley Bellamy.

Post: Ambassador to Kenya.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Pamela Sterne Bellamy, none.
3. Children and Spouses: Emma Chase Bellamy (17), none; William E.K. Bellamy (11), none.
4. Parents: William Webster Bellamy, none; Nelle Grimes Bellamy, none.
5. Grandparents: Joseph M. Bellamy, deceased; Opal S. Bellamy, deceased; Clyde Grimes, deceased; Florence S. Grimes, deceased.
6. Brothers and Spouses: Edward W. Bellamy (unmarried): None.

7. Sisters and Spouses: Elizabeth A. Bellamy (unmarried): None.

Helen R. Meagher La Lime, to be Ambassador to the Republic of Mozambique.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Helen Meagher La Lime.

Post: Ambassador to Mozambique.

Contributions, Amount, Date, and Donee:

1. Self: Helen La Lime, none.

2. Spouse: Robert La Lime, none.

3. Children and Spouses: Matthew La Lime, 13 yrs old, none; Adriana La Lime, 10 yrs old, none.

4. Parents: Mother: Teresa Meagher, none; Father: Ray Meagher, none–2002; none–2001; $20–2000, National Republic Committee; $20–2000, Peter London for Dade County Commissioner; none–1999; $20–1998, Florida National Republican Committee.

5. Grandparents: Deceased many years ago. Father's side: Edward Meagher, none; Teresa Meagher, none. Mother's side: Dean Leeming, none; Christina Bunsen Perez, none.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Rita Meagher, single, none; Elizabeth Meagher, single, none.

Pamela J.H. Slutz, to be Ambassador to Mongolia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Pamela J.H. Slutz.

Post: Ambassador to Mongolia.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, $400, 2000, Republican Natl. Comm.

3. Children and Spouses: Daniel & Tammy Dutch, none; Shawn Deutch, $20, 2000, Green Party Natl. Comm.

4. Parents: Robert & Rose Slutz, $250, 2/18/99, Patsy Kurth: $220, 6/21/00, Patsy Kurth; $500, 1/01/02, Indian R., FL Demo. Comm.; $50, 2/12/02, Emily's List; $100, 3/17/02, Janet Reno; $100, 5/03/02, Janet Reno; $250, 5/30/02, James Tso; $50, 6/09/02, Paul Wellstone; $200, 10/1/02, Demo. Senate Camp. Comm.; $250, 10/4/02, James Tso.

5. Grandparents: Robert and Ethel Slutz, deceased; Rudolph and Elsie Vierling deceased.

6. Brothers and Spouses; Chris & Avery Brighton, none; Robert & Maya Slutz, none.

7. Sisters and Spouses: Marjorie & Robert Davis, $35, 1998, Repub. Natl. Comm.; $20, 1999, Republ. Natl. Comm.; $35, 2000, Republ. Natl. Comm.; $35, 2001, Republ. Natl. Comm.; $35, 2002, Republ. Natl. Comm.

Stephen M. Young, to be ambassador to the Kyrgyz Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Stephen Markley Young.

Post: Kyrgystan.

Contributions, Amount, Date, and Donee:

1. Self: Stephen M. Young, none.

2. Spouse: Barbara A. Finamore, none.

3. Children and Spouses: Michael N. Young (single), none; Rebecca A. Young (single), none; Patrick S. Young (single), none.

4. Parents: Mason J. Young Jr. (father), $20.00, Republican Nat. Cmte, 04/01; $35.00, Conservative Caucus, 10/01; $25.00, Judicial Watch, 07/02. Helen Bullard Young (mother), none.

5. Grandparents: Brig. Gen. Mason J. Young (deceased), none; Mary Wheeler Young (deceased), none; Dr. James North Evans (deceased), none; Helen Wall Evans (deceased), none.

6. Brothers and Spouses: Mason J. Young III (brother), $50.00, Kay B. Hutchison Senate, 10/98; $50.00, Republican Nat. Cmte, 1998; $50.00, Republican Nat. Cmte, 1999; $50.00, Rep. Nat. Senate Cmte, 10/98; $50.00, Rep. Nat. Senate Cmte, 10/00; $100.00, Orin Hatch Prez. Exp. Cmte, 10/99; $100.00, George Bush Prez. Campaign, 2000; $100.00, George Allen Senate, 10/02; $35.00, Katherine Harris House, 07/02. Carolyn Lane Young (spouse), none.

7. Sisters and Spouses: Joanne W. Young (sister), $500.00, Baker/Hostetler PAC, 11/99; $1000.00, McCain INC., 02/00; $1000.00, Republican Nat. Cmte, 10/00; $500.00, Baker/Hostetler PAC, 12/00; $250.00, "The Wish List", 03/02. Bruce E. Foreman (spouse), none.

NOMINATIONS DISCHARGED AND CONFIRMED

On request by Mr. Sununu and by unanimous consent, it was

Ordered, That the following nominations be discharged from the Committee on Health, Education, Labor, and Pensions and be considered en bloc:

LEGAL SERVICES CORPORATION

Florentino Subia, of Texas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004, vice Edna Fairbanks-Williams, term expired.

Frank B. Strickland, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004, vice John N. Erlenborn, term expired.

Michael McKay, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004, vice Nancy Hardin Rogers, term expired.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005, vice F. William McCalpin, term expired.

Herbert S. Garten, of Maryland, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005, vice Douglas S. Eakley, term expired.

Thomas R. Meites, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004, vice LaVeeda Morgan Battle, term expired.

On further request by Mr. Sununu and by unanimous consent, it was

Ordered, That the nominations confirmed en bloc; that the motion to reconsider en bloc be laid on the table; that the President be immediately notified of the confirmation of these nominations; and that the Senate return to legislative session.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. Reed, Mr. Frist, Mr. Kennedy, Mr. Enzi, Mr. Jeffords, Mr. Alexander, Mr. Edwards, Mr. DeWine, Mrs. Clinton, Ms. Collins, Mr. Cochran, Mr. Smith, Mr. Dodd, and Mr. Schumer):

S. 888. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mrs. Clinton, and Mr. Lautenberg):

S. 889. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Ms. Collins, and Mr. Kennedy):

S. 890. A bill to amend the Individuals with Disabilities Education Act to provide grants to State educational agencies to establish high cost funds from which local educational agencies are paid a percentage of the costs of providing a free appropriate public education to high need children and other high costs associated with educating children with disabilities, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 891. A bill to provide substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

By Mr. JOHNSON:

S. 892. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. Kerry, Mr. Ensign, Ms. Mikulski, Mr. Smith, Mrs. Murray, Mr. Hatch, Mr. Lieberman, Mr. Brownback, Mr. Corzine, and Mrs. Clinton):

S. 893. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. Allen, Mr. Burns, Mr. Corzine, Mr. Enzi, Mr. Miller, Mr. Roberts, and Mr. Thomas):

S. 894. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES (for himself and Mrs. Lincoln):

S. 895. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 896. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 897. A bill to amend the Immigration and Nationality Act to change the requirements for naturalization through service in the Armed Forces of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 898. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mr. BAYH):

S. 899. A bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 900. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself, Mr. ENZI, and Mr. COCHRAN):

S. 901. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 902. A bill to declare, under the authority of Congress under Article I, section 8, of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century; to the Committee on Armed Services.

By Ms. LANDRIEU:

S. 903. A bill to amend the Internal Revenue Code of 1986 to allow employers in renewal communities to qualify for the renewal community employment credit by employing residents of certain other renewal communities; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 904. A bill to amend the Federal Deposit Insurance Act to clarify the scope of provisions relating to applicable rates of interest and other charge limitations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. HATCH, Mr. CONRAD, Mr. KENNEDY, Ms. STABENOW, Mr. BREAUX, Mrs. MURRAY, Mr. DAYTON, Mr. LEAHY, Mr. SCHUMER, and Mr. BURNS):

S. 905. A bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit; to the Committee on Finance.

By Ms. STABENOW:

S. 906. A bill to provide for the certification of programs to provide uninsured employees of small business access to health coverage, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 907. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. DORGAN, Mr. SANTORUM, and Mr. CONRAD):

S. 908. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

By Ms. SNOWE:

S. 909. A bill to provide State and local governments with flexibility in using funds made available for homeland security activities; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. CARPER, and Mr. LAUTENBERG):

S. 910. A bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself and Mr. CORZINE):

S. 911. A bill to amend the Internal Revenue Code of 1986 to provide a rebate of up to $765 to individuals for payroll taxes paid in 2001, to provide employers with an income tax credit of up to $765 for payroll taxes paid during the payroll tax holiday period, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 912. A bill to establish the Oil Region National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 913. A bill to amend the Federal Deposit Insurance Act to provide for the return of excess amounts in Federal deposit insurance funds to financial institutions for use in their communities, with such distributions allocated according to the historical basis of contributions made to the funds by such institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mr. BREAUX, and Mr. HATCH):

S. 914. A bill to amend the Internal Revenue Code of 1986 to apply look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. LEVIN, Mr. WARNER, and Mr. BINGAMAN):

S. 915. A bill to authorize appropriations for fiscal years 2004, 2005, 2006, 2007, and 2008 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum use of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 916. A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 917. A bill to amend title 23, United States Code, to require the use of a certain minimum amount of funds for winter motorized access trails; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. REID, Mr. HAGEL, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. DODD, Mr. KOHL, and Mr. JEFFORDS):

S. 918. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

By Mr. BURNS (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. CRAIG, Mr. BAUCUS, Mr. COLEMAN, and Mr. JOHNSON):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 920. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. LEAHY, Ms. MIKULSKI, Mr. SARBANES, and Mr. SCHUMER):

S. 921. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. McCAIN, Mr. SCHUMER, Mrs. BOXER, Mr. LEAHY, and Mr. HAGEL):

S. 922. A bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mrs. CLINTON, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. DODD, Mr. LEVIN, Mrs. MURRAY, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, and Mr. SCHUMER):

S. 923. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced regular unemployment compensation, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 924. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S.J. Res. 12. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry located at 31 South Greene Street in Baltimore, Maryland, as the official national museum of dentistry in the United States; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 121. A resolution honoring the life of Washington Post columnist and Atlantic

Monthly editor Michael Kelly, and expressing the deepest condolences of the Senate to his family on his death; considered and agreed to.

By Mr. DASCHLE (for himself, Mr. HAGEL, Mr. JOHNSON, Mr. FRIST, Mr. KERRY, Mr. STEVENS, Mr. GRASSLEY, Mr. BOND, Mr. MCCAIN, Mr. REID, and Mr. ROCKEFELLER):

S. Con. Res. 36. A concurrent resolution expressing the sense of the Congress regarding the Blue Star Service Banner and the Gold Star; considered and agreed to.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Con. Res. 37. A concurrent resolution expressing support for the celebration of Patriot's Day and honoring the Nation's first patriots; considered and agreed to.

By Mr. FRIST:

S. Con. Res. 38. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 160

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 183

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 183, a bill to address Securities and Exchange Commission authority to impose civil money penalties in administrative proceedings for violations of securities laws, and for other purposes.

S. 196

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 196

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 196, supra.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 384

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 491

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Alaska (Mr. STEVENS), the Senator from North Dakota (Mr. DORGAN), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 573

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 573, a bill to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 595

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Kentucky (Mr. BUNNING) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 606

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 695

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 695, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of

Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 703

At the request of Mr. HAGEL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 703, a bill to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

S. 750

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 761

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 761, a bill to exclude certain land from the John H. Chafee Coastal Barrier Resources System.

S. 764

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 767

At the request of Mr. SMITH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 774

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 780

At the request of Mr. LOTT, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 803

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 803, a bill to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces reserves for contributions to savings accounts which may be used when the members are called to active duty.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 818

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 838

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 838, a bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program.

S. 852

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 863

At the request of Mr. EDWARDS, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 863, a bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs.

S. 874

At the request of Mr. TALENT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. RES. 62

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 62, a resolution calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

S. RES. 111

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 111, a resolution designating April 30, 2003, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

S. RES. 118

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 118, a resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, Mr. ENZI, Mr. JEFFORDS, Mr. ALEXANDER, Mr. EDWARDS, Mr. DEWINE, Mrs. CLINTON, Ms. COLLINS Mr. COCHRAN, Mr. SMITH, Mr. DODD, and Mr. SCHUMER):

S. 888. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I rise to introduce legislation reauthorizing the Museum and Library Services Act. I am joined in this effort by Senator REED, Senator FRIST, Senator KENNEDY, Senator ENZI, and several other colleagues of mine. Libraries and museums serve as important cultural institutions in communities throughout our Nation, and this legislation will provide them with continued Federal support through innovative grant programs administered by the Institute of Museum and Library Services.

Specifically, this bill authorizes $250 million for libraries and $41.5 million for museums in 2004, and such sums as necessary in 2005 through 2009. In addition, it authorizes a doubling of the minimum state allotment under the Grants to State Library Agencies Program, up to $680,000. That provision, coupled with the expected increase in appropriations for 2004, will greatly benefit New Hampshire's libraries.

The bill contains a number of other important provisions. Recognizing the important of school libraries, it requires that the Institute's library activities be coordinated with the school library provisions of the No Child Left Behind Act. My bill also prohibits projects determined to be obscene from receiving Federal funds, requires the Institute to conduct analyses of the need for museum and library services and the effectiveness of funded projects in meeting those needs, consolidates the library and museum advisory boards into one entity, and prohibits funds appropriate under the Act's authority from being used for library or museum construction.

Furthermore, this bill increases the indemnity limits in the Arts and Artifacts Indemnity Act, thereby facilitating the international exchange and display of works of art, books, rare documents and other published materials, artifacts, and films and other audiovisual media. This will ensure that people throughout the world are exposed to American culture and that our own citizens will have richer educational opportunities available as well.

I want to thank Senator REED for his leadership on this issue, as well as Senator FRIST, Senator KENNEDY, and Senator ENZI, particularly. Together we have crafted a bipartisan bill that will serve our museums and libraries well in the coming years. I expect to move this bill through the HELP Committee soon, and look forward to its speedy passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.
Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National children's museum.
Sec. 503. Conforming amendment.
Sec. 504. Technical corrections.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.";

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

"(3) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is—

"(A) not reviewed by any other court that has authority to review such judgment; or

"(B) not reviewable by any other court.

"(4) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."; and

(5) by adding at the end the following:

"(6) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.

"(7) OBSCENE.—The term 'obscene' means, with respect to a project, that—

"(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

"(B) such project depicts or describes sexual conduct in a patently offensive way; and

"(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.".

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.".

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: "Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)."; and

(2) by adding at the end the following:

"(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.

"(g) APPLICATION PROCEDURES.—

"(1) IN GENERAL.—In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

"(2) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

"(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

"(A) IN GENERAL.—The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

"(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.

"(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.".

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

"SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established within the Institute a board to be known as the 'National Museum and Library Services Board'.

"(b) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

"(A) The Director.

"(B) The Deputy Director for the Office of Library Services.

"(C) The Deputy Director for the Office of Museum Services.

"(D) The Chairman of the National Commission on Libraries and Information Science.

"(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

"(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

"(2) SPECIAL QUALIFICATIONS.—

"(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

"(i) 5 shall be professional librarians or information specialists, of whom—

"(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

"(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

"(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

"(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

"(i) 5 shall be museum professionals who are or have been affiliated with—

"(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

"(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

"(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

"(c) TERMS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

"(2) INITIAL BOARD APPOINTMENTS.—

"(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

"(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

"(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

"(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

"(2) NATIONAL AWARDS.—The Museum and Library Services Board shall advise the Director in making awards under section 209.

"(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

"(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

"(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

"(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.".

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

"SEC. 209. AWARDS.

"The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

"SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

"From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

"(1) shall be conducted in ongoing consultation with—

"(A) State library administrative agencies;

"(B) State, regional, and national library and museum organizations; and

"(C) other relevant agencies and organizations;

"(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

"(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

"(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

"SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.

"No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.".

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

"(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

"(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

"(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.".

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—There are authorized to be appropriated to carry out this subtitle $250,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009."; and

(2) in subsection (c), by striking "3 percent" and inserting "3.5 percent".

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

"(3) Minimum allotments.—

"(A) In general.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) Ratable reductions.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

"(C) Exception.—

"(i) In general.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

"(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

"(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

"(ii) Insufficient funds to award alternative minimum.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

"(D) Special rule.—

"(i) In general.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) Award basis.—The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) Administrative costs.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.".

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking "not later than April 1, 1997." and inserting "once every 5 years, as determined by the Director."; and

(2) in subsection (f)—

(A) by striking "this Act" each place such term appears and inserting "this subtitle";

(B) in paragraph (1)—

(i) by striking "section 213(2)(A) or (B)" and inserting "section 213(1)(A) or (B)"; and

(ii) by striking "1934," and all that follows through "Act, may" and inserting "1934 (47 U.S.C. 254(h)(6)) may"; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "section:" and inserting "subsection:"; and

(ii) in subparagraph (D), by striking "given" and inserting "applicable to".

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

"(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

"(3) providing electronic and other linkages among and between all types of libraries;

"(4) developing public and private partnerships with other agencies and community-based organizations;

"(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

"(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved."; and

(2) in subsection (b), by striking "between the two purposes described in paragraphs (1) and (2) of such subsection," and inserting "among such purposes,".

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking "education and training" and inserting "education, recruitment, and training".

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

"(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

"(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

"(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

"(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

"(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.".

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: "Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.".

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) In General.—The Director, after considering available policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

"(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

"(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

"(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

"(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

"(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

"(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

"(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

"(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

"(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

"(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

"(b) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

"(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

"(c) REVIEW AND EVALUATION.—

"(1) IN GENERAL.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

"(2) APPLICATIONS FOR TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

"(B) INDIVIDUAL MUSEUMS.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

"(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).".

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176) is amended—

(1) in subsection (a), by striking "$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002." and inserting "$41,500,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009."; and

(2) by redesignating such section as section 275 of such Act.

SEC. 306. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating sections 271, 272, and 273 as sections 272, 273, and 274, respectively; and

(2) by inserting after the subtitle heading the following:

"SEC. 271. SHORT TITLE.

"This subtitle may be cited as the 'Museum Services Act'.".

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking "accept, hold, administer, and utilize gifts, bequests, and devises of property," and inserting "solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,".

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(2) by striking the fourth sentence and inserting the following: "A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission"; and

(3) in the fifth sentence, by striking "five years, except that" and all that follows through the period and inserting "five years, except that—

"(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

"(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$5,000,000,000" and inserting "$8,000,000,000";

(2) in subsection (c), by striking "$500,000,000" and inserting "$600,000,000"; and

(3) in subsection (d)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by striking paragraph (7) and inserting the following:

"(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

"(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.".

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) DESIGNATION.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the "National Children's Museum".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking "section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)" and inserting "section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))".

SEC. 504. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking "property of services" and inserting "property or services".

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking "and" at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking "cooperative agreements, with," and inserting "cooperative agreements with,".

SEC. 505. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20

U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 203, 204, and 305 of this Act shall take effect on October 1, 2003.

Mr. REED. Mr. President, today I rise to join Senators GREGG, KENNEDY, FRIST, and others in introducing the Museum and Library Services Act.

This legislation, which extends the authorization of museum and library services through fiscal year 2009 and makes several important improvements to current law, is a compromise based on S. 238, bipartisan legislation I introduced with Senators KENNEDY, COCHRAN, COLLINS, SNOWE, and others in January.

Like S. 238, this bill ensures that library activities are coordinated with the school library program I authored, which is now part of the No child Left Behind Act of 2001. It also doubles the minimum State allotment under the Library Program, which will enable smaller States such as Rhode Island to benefit and implement the valuable services and programs that larger States have been able to put in place. It includes an increase in the indemnity limits under the Arts and Artifacts Indemnity Act to ensure continued support for American museums as they facilitate international cultural exchanges through touring exhibitions here in the U.S. and loans of American art around the world.

The bill also updates the uses of funds for library and museum programs and increases the authorization under the Library services and Technology Act, LSTA, from $150 million to $250 million and the Museum Services Act from $28.7 million to $41.5 million. We should meet these funding levels in the appropriations process due to the strong bipartisan nature of the bill we are introducing today. I personally believe that our libraries and museums should be more robustly funded, particularly as these institutions play increasingly important roles in our lives. Indeed, the bipartisan bill that Senator KENNEDY and I put forward earlier this year included even higher funding levels. But, in an effort to move this bill forward, I have agreed to support this compromise.

I urge my colleagues to cosponsor this important legislation and work for its swift passage.

By Mr. CORZINE (for himself, Mrs. CLINTON, and Mr. LAUTENBERG):

S. 889. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

Mr. CORZINE. Madam President, I rise today to introduce the Terrorist Victim Citizenship Relief Act, a bill that would provide citizenship relief to many families adversely affected by the attacks of September 11, 2001.

In the time since that tragic day, I have met with several of the families of the victims of the terrorist attacks to discuss a variety of measures in the wake of that national calamity. They have been dealing with a personal anguish that many of us can only imagine. In my view, Congress must do more to help the families of the victims of September 11, and the Terrorist Victim Citizenship Relief Act should be a part of that effort.

When American citizens, foreign nationals, and immigrants perished in the cowardly terrorist acts of September 11, the immigration status of hundreds of families was thrown into turmoil. The attacks were on American soil on a major American institution and directed at the United States. Yet American citizens were not the only victims. Hundreds of temporary workers and immigrants died shoulder-to-shoulder with thousands of Americans. Their deaths should be acknowledged and their families should be honored.

My legislation would bestow honorary citizenship on legal immigrants and non-immigrants who died in the disaster. This would honor their spirit and their tremendous sacrifice. Perhaps more important, the bill would offer citizenship to surviving spouses and children, subject to a background investigation by the Federal Bureau of Investigation. In the spirit of fairness and unity, it is appropriate and responsible to offer the privilege of citizenship to families who lost so much because of this attack on the United States.

About 3,000 people lost their lives when four planes crashed on that fateful September morning. Nationals from some 86 countries perished in the attack, including visitors, non-immigrant workers, and legal permanent residents.

America was not the only country that suffered losses. There was good reason the complex was called the World Trade Center. In the September 11 attacks, 86 countries including England, Germany, Mexico, Colombia, Japan, Canada, Australia, the Philippines, Ireland, South Africa, and Pakistan suffered tragic losses. And there were many more.

In New Jersey, there are dozens of poignant stories of immigrant families who experienced tragic losses in the World Trade Center disaster. These innocent people have lost husbands and wives, sons and daughters, sisters and brothers. Their families have been fractured and their livelihoods jeopardized.

Immigrant families have been forced to grapple with a bureaucratic nightmare, wading through the myriad of programs available to the families of victims in an effort to keep their heads above water. They are often disheartened to learn that, although their loved ones died in the same attack, non-citizens are ineligible for many of the programs designed to assist the surviving families of victims.

Concerns about immigration status have only added to the tremendous burden immigrant families are already confronting. Take the example of one New Jersey woman who came to my office seeking assistance. Her immigration status was directly dependent on the non-immigrant worker status of her husband who died in the attack. Both of her children were born in the United States. They are full citizens and are enrolled in American schools.

She wants to continue to raise her children in the United States. However, under the antiterrorism legislation that was passed in the last Congress, this mother of two is technically deportable right now. My legislation would grant her citizenship immediately, helping her to avoid the burden of removing her children from the only country they have ever truly known, while they are still grappling with the loss of their father. Granting her citizenship is the right thing to do.

This woman's story is but one of many. My office has received numerous inquiries from immigrant families concerned that their immigration status has been undermined by the death of a loved one. Many families were in the process of preparing the necessary paperwork to apply for a change in status, only to have their potential sponsor die alongside thousands of others in the World Trade Center attack. This legislation would ensure that those families would be allowed to become American citizens and avoid undue paperwork and heartache.

When perpetrating their horrific crime, the terrorists did not distinguish between immigrants and American citizens or between undocumented workers and legal permanent residents. They were attacking the United States, and, in the process, killed thousands, citizens and non-citizens alike. In death, citizenship was irrelevant.

The thousands who died did not know it when they went to work, but they were at the front lines in the next American war. Their deaths are a tragedy that every civilized human being wishes could be reversed. Unfortunately, we cannot turn back the clock. However, we can acknowledge the tremendous loss of hundreds of immigrant families by allowing them to take on the full rights and responsibilities of American citizenship.

I urge my colleagues to support this important legislation, and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Victim Citizenship Relief Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) On September 11, 2001, the United States suffered a series of attacks which led to the deaths of thousands of people.

(2) Hundreds of foreign nationals perished in the attacks on the American institutions on American soil.

(3) At that time, the Immigration and Naturalization Service was processing applications for adjustment in immigration status for immigrants who perished in the attacks.

(4) The immigrant or nonimmigrant status of many immigrant families depends on the sponsorship of those who perished.

(5) The former Immigration and Naturalization Service publicly stated that it would not take action against foreign nationals whose immigration status is in jeopardy as a direct result of the attack.

(6) The Commissioner of the former Immigration and Naturalization Service James Ziglar stated that "the Immigration and Naturalization Service will exercise its discretion toward families of victims during this time of mourning and readjustment".

(7) Only Congress has the authority to change immigration law to address unanticipated omissions in existing law to account for the unique circumstances surrounding the events of September 11, 2001.

SEC. 3. DECEASED ALIEN VICTIMS OF TERRORIST ATTACKS DEEMED TO BE UNITED STATES CITIZENS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), and except as provided in section 5, each alien who died as a result of a September 11, 2001, terrorist attack against the United States, shall, as of that date, be considered to be an honorary citizen of the United States if the alien held lawful status under the immigration laws of the United States as of that date.

SEC. 4. CITIZENSHIP ACCORDED TO ALIEN SPOUSES AND CHILDREN OF CERTAIN VICTIMS OF TERRORIST ATTACKS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), and except as provided in section 5, an alien spouse or child of an individual who was lawfully present in the United States and who died as a result of a September 11, 2001, terrorist attack against the United States shall be entitled to naturalization as a citizen of the United States upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act (8 U.S.C. 1448), without regard to the current status of the alien spouse or child under the immigration laws of the United States, if the spouse or child applies to the Secretary of Homeland Security for naturalization not later than 2 years after the date of enactment of this Act. The Secretary of Homeland Security shall record the date of naturalization of any person granted naturalization under this section as being September 10, 2001.

SEC. 5. EXCEPTIONS.

Notwithstanding any other provision of this Act, an alien may not be naturalized as a citizen of the United States, or afforded honorary citizenship, under this Act if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act, or deportable under paragraph (2) or (4) of section 237(a) of that Act, including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States; or

(2) a member of the family of a person described in paragraph (1).

By Mrs. MURRAY (for herself, Mrs. COLLINS, and Mr. KENNEDY):

S. 890. A bill to amend the individuals with Disabilities Education Act to provide grants to State educational agencies to establish high cost funds from which local educational agencies are paid a percentage of the costs of providing a free appropriate public education to high need children and other high costs associated with educating children with disabilities, and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I am pleased today to introduce the Supporting Success for High Need Students Act, and I thank Senator COLLINS and Senator KENNEDY for joining me in offering this legislation. In recent years, I have come to this floor many times to talk about special education, often in the context of the need to fully fund the Individuals with Disabilities Act, or IDEA as it is often known.

Mandatory full funding of IDEA is an important issue that should have been settled many years ago. The Federal Government should be meeting the commitment it made over 25 years ago to fund 40 percent of the excess cost of special education. Two years ago, this body finally recognized that reality and passed an amendment to the Elementary and Secondary Education Act that would have fulfilled that promise for students, schools, districts and States struggling to make up where we fall short. I was disappointed that the President made it clear that he did not support funding this long-standing mandate, and that the House voted not to accept the Senate amendment. At that time I voiced my commitment to continuing to fight to provide the full funding that is long overdue, and I will continue that fight. Unfortunately though, there is a small minority of students whose educational needs will not be adequately supported even when IDEA is fully funded.

High-need students, whose disabilities may make education an extremely expensive endeavor, must nonetheless have the services and supports they need to receive a full, appropriate public education. Children who are severely autistic or have severe developmental disabilities, for example, may need special facilities, equipment, educational tools, medical services, professional individualized attention and other resources in order to get the education they need to succeed. These needs often far exceed those of most students with disabilities, and so do their costs. The National Center for Education Statistics estimates that the average per pupil expenditure to educate a child in the United States was $7,156 in the 2000–01 academic year. The cost of educating a high-needs student can far exceed that. Costs occasionally exceed $150,000 per year—more than 20 times the average—to provide students with disabilities the education they need. However, no price is too high to fulfill the civil rights of America's children.

With so many Americans out of work, and State and local budgets squeezed to the brink of disaster, these costs can be a prohibitive burden for school districts to shoulder. Small, rural school districts or districts near specialized medical facilities—which are often in our major cities, but can be in unexpected locations such as near a major military base—are most heavily impacted by these costs. But in the right combination of circumstances, such as a family with quadruplets who are all severely developmentally delayed, any district can feel the pinch of the costs incurred from educating these high-need children.

I know that educators, administrators and elected officials at every level want to do the right thing. They are trying to give students with disabilities the best education they can. But too often, they simply lack the resources to do so, or they find themselves faced with a no-win situation—choosing between implementing an after school program for the entire district or funding one high-need student's Individualized Education Plan. The losers in this equation are the students—with or without disabilities—their parents, and our society as a whole. The resulting tensions do a grave disservice to our communities.

The bill I am introducing today—the Supporting Success for High Need Students Act of 2003—is a carefully crafted bill that would address this problem. This legislation adds funding to IDEA targeted specifically for high-need students. It authorizes $750 million in fiscal year 2004 for grants to be administered by the States. This funding would be allocated to the States using the same formula that apportions funding for IDEA part B. If a high-need student's education costs more than four times the average per pupil expenditure, the school district would be able to apply for a grant to offset those costs. I believe that we should preserve incentives for school districts to manage those costs, so my bill would allow districts to recover three-quarters of the costs above that 400 percent threshold to educate high-needs students. Districts could not be reimbursed with these funds for any legal costs incurred through due process proceedings, or costs that should be reimbursed by Medicaid. The funds would only cover education and related services included in an appropriately formulated Individualized Education Plan.

To illustrate, let's assume that four times the average per pupil expenditure is $25,000. If a school district were serving a student whose education cost $45,000 a year, that district could recoup about $15,000 from the State grant. If a district were serving a student whose education cost $225,000, that district could recoup about $150,000. This bill would not make up all the additional costs of educating high-need students, but it would give struggling districts a much-needed lifeline by making them a lot more manageable.

It has often been noted that the moral test of a society is how it cares for its weakest members. It is the government's appropriate role and duty to protect the basic human dignity of all its citizens to ensure that even the neediest among us have a fair opportunity to realize their dreams and potential. That is why we passed the special education law over 25 years ago, and that is why we should pass the Supporting Success for High Need Students Act his year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Success for High Need Students Act of 2003".

SEC. 2. HIGH COST FUND FOR LOCAL EDUCATIONAL AGENCIES.

Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) is amended by adding at the end the following:

"SEC. 620. HIGH COST FUND FOR LOCAL EDUCATIONAL AGENCIES.

"(a) DEFINITIONS.—In this section:

"(1) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(2) HIGH NEED CHILD.—The term 'high need child' means a child with a disability for whom a free appropriate public education in a fiscal year costs more than 4 times the average per-pupil expenditure for such fiscal year.

"(b) AUTHORIZATION OF GRANT PROGRAM AND ALLOTMENT.—

"(1) RESERVATION.—From funds appropriated under subsection (h), the Secretary shall reserve—

"(A) not more than 1 percent to assist the outlying areas in providing a free appropriate public education to children with disabilities in such areas for whom a free appropriate public education costs more than 4 times the national average per-pupil expenditure or 4 times the average per-pupil expenditure in the outlying area; and

"(B) 1.226 percent to assist the Secretary of the Interior in providing a free appropriate public education to children with disabilities on reservations who are enrolled in schools for Indian children operated or funded by the Secretary of the Interior for whom a free appropriate public education costs more than 4 times the national average per-pupil expenditure or 4 times the average per-pupil expenditure in such schools.

"(2) GRANT PROGRAM.—From funds appropriated under subsection (h), and not reserved under paragraph (1), the Secretary shall award grants to State educational agencies, from allotments under paragraph (3), to enable the State educational agencies to establish high cost funds, as described in subsection (c), from which local educational agencies shall receive disbursements to pay a percentage of the costs of providing a free appropriate public education to high need children and other high costs, as described in subsection (c)(3), associated with educating children with disabilities.

"(3) ALLOTMENT.—From funds appropriated under subsection (h) for a fiscal year, and not reserved under paragraph (1), the Secretary shall allot to each State an amount that bears the same ratio to such funds as the amount the State received under section 611 for the fiscal year bears to the total amount received by all States under that section for the fiscal year.

"(c) HIGH COST FUND.—

"(1) IN GENERAL.—Each State educational agency that receives a grant under subsection (b) shall—

"(A) use the grant funds to establish a high cost fund; and

"(B) make disbursements from the high cost fund to local educational agencies in accordance with this subsection.

"(2) REQUIRED DISBURSEMENTS FROM THE FUND.—

"(A) IN GENERAL.—Each State educational agency that receives a grant under subsection (b) shall make disbursements from the fund established under paragraph (1) to local educational agencies to pay the percentage described in subparagraph (C) of the costs of providing a free appropriate public education to high need children.

"(B) APPLICATION.—

"(i) IN GENERAL.—A local educational agency that desires a disbursement under this paragraph shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

"(ii) CONTENTS.—An application submitted pursuant to clause (i) shall contain the following:

"(I) A figure that reflects the costs of providing a free appropriate public education to each high need child served by the local educational agency in a fiscal year for whom such agency desires a disbursement under this section.

"(II) The IEP for each high need child served by the local educational agency for whom such agency desires a disbursement under this section.

"(III) Assurances that grant funds provided under this section shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(C) DISBURSEMENTS.—

"(i) IN GENERAL.—Subject to subparagraph (D), a State educational agency shall make a disbursement to a local educational agency that submits an application under subparagraph (B) in an amount that is equal to 75 percent of the costs that are in excess of 4 times the average per-pupil expenditure in either the Nation or the State where the child resides (calculated from whichever average per-pupil expenditure is lower) associated with educating each high need child served by such local educational agency in a fiscal year for whom such agency desires a disbursement.

"(ii) APPROPRIATE COSTS.—The costs associated with educating a high need child under clause (i) are only those costs associated with providing special education and related services to such child that are identified in such child's appropriately developed IEP.

"(D) DISALLOWANCE OF CERTAIN PAYMENTS.—A State educational agency may disallow payment of certain costs included in the figure submitted by a local educational agency under subparagraph (B)(ii)(I) if such costs are determined by the State educational agency to be inappropriate or unnecessary excess costs associated with providing a free appropriate public education to a high need child.

"(E) LEGAL FEES.—The costs associated with providing a free appropriate public education to a high need child shall not include legal fees, court costs, or other costs associated with a cause of action brought on behalf of such child to ensure a free appropriate public education for such child.

"(3) PERMISSIBLE DISBURSEMENTS FROM REMAINING FUNDS.—A State educational agency may make disbursements to local educational agencies from any funds that are remaining in the high cost fund after making the required disbursements under paragraph (2) for a fiscal year for the following purposes:

"(A) To pay the costs associated with serving children with disabilities who moved into the areas served by such local educational agencies after commencement of the school year to assist the local educational agencies in providing a free appropriate public education for such children in such year.

"(B) To compensate local educational agencies that expend over a threshold amount determined by the State educational agency on costs associated with providing a free appropriate public education to all children with disabilities served by such agencies.

"(4) LIMITATION ON ADMINISTRATIVE COSTS.—A State educational agency may use not more than 2 percent of the funds received under this section for the administrative costs of carrying out such agency's responsibilities under this section.

"(d) ASSURANCE OF A FREE APPROPRIATE PUBLIC EDUCATION.—Nothing in this section shall be construed—

"(1) to limit or condition the right of a child with a disability who is assisted under this part to receive a free appropriate public education pursuant to section 612(a)(1) in a least restrictive environment pursuant to section 612(a)(5); and

"(2) to authorize a State educational agency or local educational agency to indicate a limit on what is expected to be spent on the education of a child with a disability.

"(e) EVALUATION AND REPORT.—The Secretary shall—

"(1) evaluate the effectiveness of the high cost funds established pursuant to this section; and

"(2) submit a report to the appropriate committees of Congress on such evaluation.

"(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for providing a free appropriate public education for children with disabilities.

"(g) MEDICAID SERVICES NOT AFFECTED.—Grant funds provided under this section shall not be used to pay costs that otherwise would be reimbursable as medical assistance for a child with a disability under the State medicaid program under title XIX of the Social Security Act.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000,000 for fiscal year 2004 and such sums as may be necessary for each succeeding fiscal year.".

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSIGN, Ms. MIKULSKI, Mr. SMITH, Mrs. MURRAY, Mr. HATCH, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. CORZINE, and Mrs. CLINTON):

S. 893. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, today I am pleased to join concerned colleagues, both Republicans and Democrats, as well as concerned citizens, including Christians, Jews, Muslims, and Sikhs among many other faiths. We come together in support of a simple proposition. America is distinguished internationally as a land of religious freedom. It should be a place where people should not be forced to choose between keeping their faith and keeping their job. That is why I am joining with Senators KERRY, ENSIGN, MIKULSKI, SMITH, MURRAY, HATCH, LIEBERMAN, BROWNBACK, and CORZINE in introducing the bipartisan Workplace Religious Freedom Act.

This legislation provides a much needed, balanced approach to reconciling the needs of people of faith in the workplace. It recognizes that work and religion can be reconciled without undue hardship. Americans continue to be a religious people, many with a deep personal faith commitment. With this commitment comes personal religious standards which govern personal activity. For example, some Americans don't work on Saturdays, while others don't work on Sundays. Not because they're lazy or frivolous, but because their faith convictions call for a Sabbath day, requiring a day to be set aside as holy.

Similarly, some Americans need to wear a skullcap to work, or a head covering, or a turban. As a Nation whose great strength rests in diversity, surely we can protect such diverse yet simple and unobtrusive expressions of personal faith. Surely we're generous enough, and respecting enough as a Nation, to support others in genuine expressions of their faith. I am particularly anxious for the religious minorities, for the Muslims and the Jews and the others who are very small in number but great in conviction. In our increasingly diverse society, many remain among us who still hold to ancient, heartfelt principles governed by a deep personal belief. I submit to you they deserve the decency of respect which includes our protection in preserving their peaceful religious expressions. This is a core principle which cannot be compromised, because it speaks to the essence of who we are as a people committed to preserving freedom. Religious freedom is best protected and maintained by respecting the diversity of religious traditions, especially minority religions. The tragedy of September 11, 2001 has reminded us that religious pluralism is one the great strengths of this country and an example to much of the world.

In this land of religious freedom, one would hope that employers would spontaneously accommodate the religious needs of their employees whenever reasonable. That is, after all, what we do whenever possible here in Congress. For example, we don't conduct votes or hearings on certain holidays so that Members and staff can observe their religious holy days. While most private employers also extend this simple but important decency to their workers, some unfortunately do not.

Historically, Title VII of the Civil Rights Act of 1964 was meant to address conflicts between religion and work. On its face it requires employers to "reasonably accommodate" the religious needs of their employees as long as this does not impose an "undue hardship" on the employer. The problem is that our Federal courts have essentially read these lines out of the law by ruling that any hardship is an undue hardship. This is not right, nor does it hold with the spirit of this great Nation which was founded as a refuge for religious freedom. Thus, a Maryland trucking company can try to force a devout Christian truck driver to take a Sunday shift. A local sheriff's department in Nevada can tell a Seventh Day Adventist that she must work a Saturday shift if she wants to continue working for them.

The Workplace Religious Freedom Act will re-establish the principle that employers must reasonably accommodate the religious needs of employees such as these. This legislation is carefully crafted and strikes an appropriate balance between religious accommodation, while ensuring that an undue burden is not forced upon American employers. It is flexible and case-oriented on an individual basis. Thus, a smaller business with less resources and personnel would not be asked to accommodate religious employees in exactly the same fashion as would a large manufacturing concern.

I am proud of the fact that this is a bipartisan effort. I am proud that this legislation is supported by such a broad spectrum of groups ranging from the Christian Legal Society, the Union of Orthodox Jewish Congregations, the Southern Baptist Convention, the National Council of Churches, the North American Council for Muslim Women, the Sikh Resource Taskforce, the Seventh Day Adventist Church, the American Jewish Committee and many others.

America is a great Nation because we honor not only the freedom of conscience—but also the freedom to exercise one's religion according to the dictates of that religious conscience. This liberty, known as the "first freedom," is worthy of our continued vigilance. It should be supported from all quarters through religious accommodation in both the public and private sectors. This fundamental freedom is protected here in this legislation which re-establishes an appropriate balance between the demands of work and the principles of faith.

Mr. KERRY. Madam President, I am extremely pleased to join with my colleague Senator SANTORUM today to introduce the Workplace Religious Freedom Act of 2003. Senators ENSIGN, MIKULSKI, SMITH, MURRAY, HATCH, LIEBERMAN, BROWNBACK, and CORZINE have all joined us as original cosponsors of this important legislation.

The Workplace Religious Freedom Act would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore the weight to the religious accommodation provision that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard accounts from around the country about employers who will not make reasonable accommodations for employees to observe the Sabbath and other holy days, or for employees to wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer absent undue hardship to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

Even after September 11, 2001, with a heightened sense of religious sensitivity among the American people, securing greater protections for the religious needs of employees is a major issue. In October 2001, the U.S. Supreme Court refused to hear an appeal from a Muslim woman who was pressured by her employer to stop wearing her head scarf. We must come together now to pass this bipartisan legislation.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the Americans with Disabilities Act and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th Amendment rights.

This bill is endorsed by a wide range of organizations including the Agudath Israel of America, American Jewish Committee, American Jewish Congress, Americans for Democratic Action, Anti-Defamation League, Baptist Joint Committee on Public Affairs, Bible Sabbath Association, B'nai B'rith International, Central Conference of American Rabbis, Christian Legal Society, Church of Scientology International, Council on Religious Freedom, Family Research Council, General Board of Church and Society, The United Methodist Church, General Conference of Seventh-day Adventists, Guru Gobind Singh Foundation, Hadassah—WZOA, Institute on Religion and Public Policy, The Interfaith Alliance, International Association of Jewish Lawyers and Jurists, International Commission on Freedom of Conscience, International Fellowship of Christians and Jews, Islamic Supreme Council of America, Jewish Council for Public Affairs, Jewish Policy Center, NA'AMAT USA, National Association of Evangelicals, National Conference for Community and Justice, National Council of the Churches of Christ in the U.S.A., National Council of Jewish Women, National Jewish Democratic Council, National Sikh Center, North American Council for Muslim Women, Presbyterian Church (USA), Rabbinical Council of America, Republican Jewish Coalition, Sikh Council on Religion and Education, Sikh Mediawatch and Resource Task Force, Southern Baptist Convention Ethics and Religious Liberty Commission, Traditional Values Coalition, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations, United Church of Christ Office for Church in Society, and United Synagogue of Conservative Judaism.

I want to thank Senator SANTORUM for joining me to lead this effort. I look forward to working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.

By Mr. NICKLES (for himself and Mrs. LINCOLN):

S. 895. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Finance.

Mr. NICKLES. Mr. President, I rise today to introduce legislation to clarify the tax rules governing the depreciation of wireless telecommunications equipment. I am joined by my distinguished colleague from Arkansas, Mrs. LINCOLN.

Our current depreciation system, the Modified Accelerated Cost Recovery System, MACRS, was last reformed in 1986. At that time, the wireless telecommunications industry was in its infancy. Therefore, wireless telecommunications equipment, which is primarily computer-based technology, was not assigned to a specific asset class.

The IRS has provided only limited guidance with respect to the depreciation of wireless telecommunications equipment. In 1998, the IRS issued Technical Advice Memorandum, TAM, 98-25-03, which asserted that the classes of assets used to provide wireless telecommunications services are comparable to wireline telecommunications assets and, thus, should be assigned to wireline asset classes. The TAM concluded that mobile switching centers should be classified in the same asset class with computer-based telephone central office switching equipment, 5-year property. However, the TAM failed to take a clear position with regard to the classification of cell site equipment, so there is no practical guidance for IRS revenue agents or taxpayers to follow.

Over the past decade, the IRS and wireless telecommunications companies have expended significant resources in audits and settlement disputes involving the depreciation of wireless telecommunications equipment. This has resulted in ad hoc, inconsistent, and costly case-by-case determinations of the appropriate class life for this equipment. It has created the current situation in which similarly situated companies are being treated differently, with some being required to depreciate their wireless telecommunications equipment over 5 years, and others over 10 years or longer.

I believe Congress should act to clarify the depreciation rules for wireless telecommunications equipment to provide certainty to the IRS and the taxpayer, thereby putting an end to the costly dispute settlement process; to ensure a level playing field for taxpayers; and to provide fair tax-treatment of wireless telecommunications equipment. Given the nature of this equipment and the rapid technological advances in the wireless industry, I believe the most appropriate classification for wireless telecommunications equipment is as "qualified technological equipment" with a 5-year depreciable life.

The bill I am introducing with my colleague from Arkansas would make this important clarification to the tax laws. I look forward to working with my colleagues to enact my legislation that will provide more rational tax-treatment of wireless telecommunications equipment. By so doing, we will take an incremental step toward modernizing the Tax Code's outdated depreciation rules.

By Mrs. HUTCHISON (for herself and Mr. BAYH):

S. 899. A bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce legislation today that will increase Medicare reimbursement to hospitals. While we corrected in the omnibus appropriations bill the reimbursement issue for physicians and rural hospitals, nothing was done to assist teaching hospitals or give hospitals a full inflationary update. Texas hospitals alone are facing a loss of $53 million in 2003 due to Medicare reimbursement cuts.

Hospital admissions have risen from 31 million patients in 1990 to 33 million in 2000, and the number of days in the hospital is rising as well. Increased admissions, rising liability premiums, and the cost of advanced technology have forced hospitals to cut back on services. The cost of a pint of blood increased 31 percent in 2001, an additional $920 million burden to hospitals. Such costs are continuing to rise, yet Medicare reimbursements to hospitals are not keeping pace with inflation and their margins are slowly shrinking. Fifty-eight percent of hospitals are losing money on the Medicare patients they treat.

This legislation, the American Hospital Preservation Act, restores the market basket update and the reimbursement for indirect medical education, IME, payments to teaching hospitals. The market basket update is an inflationary adjustment to account for the rising costs of goods and services, and the IME payments give teaching hospitals an additional Medicare reimbursement due to their higher costs of inpatient care. Both of these factors were cut by the Balanced Budget Act of 1997. Restoring the cuts means $289 million to Texas hospitals and $6 billion nationwide over the next five years. Major teaching hospitals are experiencing their lowest profit margin since the late '90s, 2.4 percent. Patients, especially those who are seriously ill, rely on teaching hospitals, which make up 78 percent of all trauma centers and 80 percent of all burn beds. Although only 23 percent of all hospitals are teaching hospitals, they deliver over two-thirds of charity care.

Emergency rooms are increasingly used as a primary care clinic because patients cannot find a physician who accepts Medicare, and they are treating more individuals who are uninsured. In 2000, hospitals provided $21.6 billion in uncompensated care.

Lower reimbursement rates coupled with bioterrorism risks and a workforce shortage make our hospitals a time bomb waiting to go off. Our hospitals are always open and must accept anyone who walks through their doors. It is our responsibility to ensure they have adequate resources from the Federal Government.

I look forward to working with my colleagues to pass the American Hospital Preservation Act.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Hospital Preservation Act of 2003".

SEC. 2. RESTORING FULL MARKET BASKET UPDATE FOR INPATIENT PPS HOSPITALS.

(a) In General.—Section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XVIII), by striking "and" at the end; and

(2) by striking subclause (XIX) and inserting the following new subclauses:

"(XIX) for fiscal year 2004, the market basket percentage increase plus 0.55 percentage points for hospitals in all areas; and

"(XX) for fiscal year 2005 and each subsequent fiscal year, the market basket percentage increase for hospitals in all areas.".

(b) Protecting Full Market Basket Update for Fiscal Years 2004 and Thereafter.—Such section, as amended by subsection (a), is further amended by inserting after subclause (XX) the following:

"Notwithstanding any other provision of law, the 'applicable percentage increase' for any fiscal year after fiscal year 2005 may not be a percentage that is less than the market basket percentage increase for such year.".

SEC. 2. FREEZING INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT PERCENTAGE AT 6.5 PERCENT.

(a) In General.—Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (VI), by striking "and" at the end; and

(2) by striking subclause (VII) and inserting the following new subclauses:

"(VII) during fiscal year 2003, "c" is equal to 1.35.

"(VIII) during fiscal year 2004, "c" is equal to 1.85; and

"(IX) on or after October 1, 2004, 'c' is equal to 1.6.".

(b) Conforming Amendment Relating to Determination of Standardized Amount.—Section 1886(d)(2)(C)(i) of such Act (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking "1999 or" and inserting "1999,"; and

(2) by inserting ", or the American Hospital Preservation Act of 2003" after "2000".

By Mr. BURNS:

S. 900. A bill convey the Lower Yellowstone Irrigation Project, the savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that helps a large number of family farmers on the border of Montana and North Dakota. The Lower Yellowstone Irrigation Projects Title Transfer moves ownership of these irrigation projects from Federal control to local control. Both the Bureau of Reclamation and those relying on the projects for their livelihood agree there is little value in having the Federal Government retain ownership.

I introduced this legislation in the last Congress, and continue to believe it helps us to achieve the long term goals of Montana irrigators, and the mission of the Bureau of Reclamation. In the past I asked John W. Keys III, commissioner of the Bureau of Reclamation, his position on title transfers of irrigation projects like the Lower Yellowstone, where local irrigation districts have successfully managed the Federal properties, and where the Bureau has encouraged the transfer of title to the Districts. His response to me was very encouraging. He stated this type of title transfer "makes sense and is an opportunity to move facilities from Federal ownership to more appropriate control." During our discussion Commissioner Keys promised to work with me and the Irrigation District to make this a reality, and I look forward to it.

The history of these projects dates to the early 1900's with the original Lower Yellowstone project being built by the Bureau of Reclamation between 1906 and 1910. The Savage Unit was added in 1947–48. The end result was the creation of fertile, irrigated land to help spur economic development in the area. To this day, agriculture is the number one industry in the area.

The local impact of the projects is measurable in numbers, but the greatest impacts can only be seen by visiting the area. About 500 family farms rely on these projects for economic subsistence, and the entire area relies on them to create stability in the local economy. In an area that has seen booms and busts in oil, gas, and other commodities, these irrigated lands continued producing and offering a foundation for the businesses in the area.

As we all know, the agricultural economy is not as strong as we'd like to it to be, but these irrigated lands offer a reasonable return over time and are the foundation for strong communities based upon the ideals that have made this country successful The 500 families impacted are hard working, honest producers, and I can think of no better people to manage their own irrigation projects.

Every day, we see an example of where the Federal Government is taking on a new task. We can debate the merits of those efforts on an individual basis, but I think we can all agree that while the government gets involved in new projects, there are many that we can safely pass on to State or local control. The Lower Yellowstone Projects are a prime example of such an opportunity, and I ask my colleagues to join me in seeing this legislation passed as quickly as possible.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Yellowstone Reclamation Projects Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Diversion works.—The term "Diversion Works" means the land in the N½NW¼ of Sec. 36, T.18N., R.56E. P. M., Montana, and the diversion dam structure, canal headworks structure, and the first section of the main canal, all contained therein.

(2) Intake irrigation district.—The term "Intake Irrigation District" means the irrigation district by that name that is organized under the laws of the State of Montana and operates the Intake Project.

(3) INTAKE PROJECT.—The term "Intake Project" means the Federal irrigation feature operated by the Intake Irrigation District and authorized under the Act of August 11, 1939 (chapter 717; 53 Stat. 1418).

(4) IRRIGATION DISTRICTS.—The term "irrigation districts" means—

(A) the Intake Irrigation District;

(B) the Lower Yellowstone Irrigation District No. 1;

(C) the Lower Yellowstone Irrigation District No. 2; and

(D) the Savage Irrigation District.

(5) LOWER YELLOWSTONE IRRIGATION DISTRICT NO. 1.—The term "Lower Yellowstone Irrigation District No. 1" means the irrigation district by that name that is organized under the laws of the State of Montana and operates the part of the Lower Yellowstone Irrigation Project located in the State of Montana.

(6) LOWER YELLOWSTONE IRRIGATION DISTRICT NO. 2.—The term "Lower Yellowstone Irrigation District No. 2" means the irrigation district by that name that is organized under the laws of the State of North Dakota and operates the part of the Lower Yellowstone Irrigation Project located in the State of North Dakota.

(7) LOWER YELLOWSTONE IRRIGATION PROJECT.—The term "Lower Yellowstone Irrigation Project" means the Federal irrigation feature operated by Lower Yellowstone Irrigation District No. 1 and Lower Yellowstone Irrigation District No. 2 and authorized by the Act of June 17, 1902 (chapter 1093; 32 Stat. 388).

(8) MEMORANDUM OF UNDERSTANDING.—The term "Memorandum of Understanding" means the memorandum of understanding dated November 16, 1999, and any subsequent replacements or amendments between the Districts and the Montana Area Office, Great Plains Region, Bureau of Reclamation, for the purpose of defining certain principles by which the title to the projects will be transferred from the United States to the districts.

(9) PICK-SLOAN MISSOURI BASIN PROGRAM.—The term "Pick-Sloan Missouri Basin Program" means the comprehensive Federal program for multipurpose benefits within the Missouri River Basin, including irrigation authorized by section 9 of the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (chapter 665; 58 Stat. 891).

(10) PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER.—The term "Pick-Sloan Missouri Basin Program Project Use Power" means power available for establishing and maintaining the irrigation developments of the Pick-Sloan Missouri Basin Program.

(11) PROJECTS.—The term "Projects" means—

(A) the Lower Yellowstone Irrigation Project;

(B) the Intake Irrigation Project; and

(C) the Savage Unit.

(12) SAVAGE IRRIGATION DISTRICT.—The term "Savage Irrigation District" means the irrigation district by that name that is organized under the laws of the State of Montana and operates the Savage Unit.

(13) SAVAGE UNIT.—The term "Savage Unit" means the Savage Unit of the Pick-Sloan Missouri Basin Program, a Federal irrigation development authorized by the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (chapter 665; 58 Stat. 891).

(14) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF PROJECTS.

(a) CONVEYANCES.—

(1) GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey works, facilities, and lands of the Projects to the Irrigation Districts in accordance with all applicable laws and pursuant to the terms of the Memorandum of Understanding. The conveyance shall take place in two stages, the first stage to include all conveyances under this Act except Diversion Works and the second stage to convey the Diversion Works.

(2) LANDS.—

(A) GENERAL.—All lands, easements, and rights-of-way the United States possesses that are to be conveyed by the Secretary to the respective irrigation districts shall be conveyed by quitclaim deed. Conveyance of such lands, easements, and rights-of-way is subject to permits, licenses, leases, rights-of-use, or right-of-way of record outstanding in third parties on, over, or across such lands, easements, and rights-of-way.

(B) MINERAL RIGHTS.—Conveyance of all lands herein described shall be subject to a reservation by the United States reserving all minerals of a nature whatsoever, excluding sand and gravel, and subject to oil, gas, and other mineral rights heretofore reserved of record by or in favor of third parties.

(3) WATER RIGHTS.—The Secretary shall transfer to the respective Irrigation Districts in accordance with and subject to the law of the State of Montana, all natural flow, wastewater, seepage, return flow, domestic water, stock water, and groundwater rights held in part or wholly in the name of the United States that are used to serve the lands within the Irrigation Districts.

(4) COSTS.—

(A) RECLAMATION WITHDRAWN LANDS.—The Irrigation Districts shall purchase Reclamation withdrawn lands as identified in the Memorandum of Understanding for their value in providing operation and maintenance benefits to the Irrigation Districts.

(B) SAVAGE UNIT REPAYMENT OBLIGATIONS.—

(i) SAVAGE IRRIGATION DISTRICT.—As a condition of transfer, the Secretary shall receive an amount from the Savage Irrigation District equal to the present value of the remaining water supply repayment obligation of $60.480 that shall be treated as full payment under Contract Number Ilr-1525, as amended and as extended by Contract No. 9-07-60-WO770.

(ii) PICK-SLOAN MISSOURI BASIN PROGRAM CONSTRUCTION OBLIGATION.—As a condition of transfer, the Secretary shall accept $94.727 as payment from the Pick-Sloan Missouri Basin Program (Eastern Division) power customers under the terms specified in this section, as consideration for the conveyance under this subsection. This payment shall be out of the receipts from the sale of power from the Pick-Sloan Missouri Basin Program (Eastern Division) collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2003. This payment shall be treated as full and complete payment by the power customers of the construction aid-to-irrigation associated with the facilities of the Savage Unit.

(b) REVOCATION OF RECLAMATION WITHDRAWALS AND ORDERS.—

(1) The Reclamation withdrawal established by Public Land Order 4711 dated October 6, 1969, for the Lower Yellowstone Irrigation Project in lots 1 and 2, section 3, T.23N., R. 59 E., is hereby revoked in its entirety.

(2) The Secretarial Order of March 22, 1906, which was issued for irrigation works on lots 3 and 4 section 2, T. 23N., R. 59E., and Secretarial Order of August 8, 1905, which was issued for irrigation works in section 2, T. 17 N., R. 56 E. and section 6, T. 17 N., R. 57 E., are hereby revoked in their entirety.

(3) The Secretarial Order of August 24, 1903, and July 27, 1908, which were issued in connection with the Lower Yellowstone Irrigation Project, are revoked insofar as they affect the following lands:

(A) Lot 9 of Sec. 2 and lot 2 of Sec. 30, T.18N., R.57E.; lot 3 of Sec. 4, T.19N., R.58E.; lots 2 and 3 and 6 and 7 of Sec. 12, T.21N, R.58E.; SW¼NW¼ of Sec. 26, T.22N., R58E; lots 1 and 4 and 7 and NW¼SW¼ of Sec. 20, T.22N., R.59E.; SE¼NE¼ of Sec. 13, T.23N., R.59E.; and lot 2 of Sec. 18, T.24N., R.60E.; all in the Principal Meridian, Montana.

(B) Lot 8 of Sec. 2 and lot 1 and lot 2 and lot 3 and NE¼NE¼ of Sec. 10 and lot 2 of Sec. 11 and lot 6 of Sec. 18 and lot 3 of Sec. 35, T.151N., R.104W.; and lot 7 of Sec. 28, T.152N., R.104W.; all in the Fifth Principal Meridian, North Dakota.

SEC. 4. REPORT.

If the conveyance under this Act has not occurred within 2 years after the date of the enactment of this Act for the first stage conveyances as provided in section 3, and 5 years after the date of the enactment of this Act for the second stage conveyances as provided in section 3, the Secretary shall provide a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Resources of the Senate on the status of the transfer and anticipated completion date.

SEC. 5. RECREATION MANAGEMENT.

As a condition of the Conveyance of lands under section 3, the Secretary shall require that Lower Yellowstone Irrigation District No. 1 and Lower Yellowstone Irrigation District No. 2 convey a perpetual conservation easement to the State of Montana, at no cost to the State, for the purposes of protecting, preserving, and enhancing the conservation values and permitting recreation on Federal lands in part to be conveyed under this Act. Lower Yellowstone Irrigation District No 1, Lower Yellowstone Irrigation District No. 2, and the State of Montana have mutually agreed upon such conservation easement.

SEC. 6. PROJECT PUMPING POWER.

The Secretary shall sustain the irrigation developments established by the Lower Yellowstone and Intake Projects and the Savage Unit as components of the irrigation plan under the Pick-Sloan Missouri River Basin Program and shall continue to provide the Irrigation Districts with Pick-Sloan Missouri River Basin Project Use power at the Irrigation Districts' pumping plants, except that the rate shall be at the preference power rate and there shall be no ability-to-pay adjustment.

SEC. 7. YELLOWSTONE RIVER FISHERIES PROTECTION.

(a) GENERAL.—The Secretary, prior to the transfer of title of the Diversion Works and in cooperation with the Irrigation Districts, shall provide fish protection devices to prevent juvenile and adult fish from entering the Main Canal of the Lower Yellowstone Irrigation Project and allow bottom dwelling fish species to migrate above the Project's Intake Diversion Dam.

(b) PARTICIPATION.—The Secretary and the Irrigation District shall work cooperatively in planning, engineering, and constructing the fish protection devices.

(c) CONSTRUCTION SCHEDULE.—Construction of Fish Protection Devices shall be completed within 2 years after the date of enactment of this Act.

(d) MONITORING.—The Secretary, acting through the Commissioner of the Bureau of Reclamation and the Director of the United States Fish and Wildlife Service, prior to the transfer of title of the Diversion Works, shall establish and conduct a monitoring plan to measure the effectiveness of the devices for a period of 2 years after construction is completed.

(e) MODIFICATIONS.—The Commissioner of the Bureau of Reclamation, prior to the transfer of title of the Diversion Works, shall be responsible to modify the devices as necessary to ensure proper functioning. All modifications shall be completed within 3 years after the devices were initially constructed.

(f) COSTS.—Costs incurred in planning, engineering, constructing, monitoring, and modifying all fish protection devices shall be deemed nonreimbursable.

(g) OPERATION, MAINTENANCE, AND REPLACEMENTS RESPONSIBILITY.—Following completion of monitoring and modifications required under this section, the Irrigation Districts shall operate, maintain, and replace the fisheries protection devices in a manner to ensure proper functioning.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 8. RELATIONSHIP WITH OTHER LAWS AND FUTURE BENEFITS.

Upon conveyance of the projects under this Act, the Irrigation Districts shall not be subject to the Reclamation laws or entitled to receive any Reclamation benefits under those laws except as provided in section 6.

SEC. 9. LIABILITY.

Effective on the date of conveyance of a project under this Act, the United States shall not be liable under any State or Federal law for damages of any kind arising out of any act, omission, or occurrence relating to the projects, except for damages caused by acts of negligence committed by the United Stated or by its employees, agents, or contractors prior to the date of this conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code, popularly known as the Federal Tort Act.

SEC. 10. COMPLIANCE WITH LAWS.

As a condition of the Conveyances under section 3, the Secretary shall by no later than the date on which the conveyances occur complete appropriate analyses of the transfer in compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable laws.

By Mr. GREGG (for himself, Mr. ENZI, and Mr. COCHRAN):

S. 901. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I rise to introduce, along with my colleagues Senator ENZI and Senator COCHRAN, the Higher Education Technical Amendments Act of 2003. This legislation makes several technical and non-controversial changes to the Higher Education Act, HEA, and is designed to expand access to higher education, provide relief from burdensome legal requirements, improve the financial aid process, and bring greater clarity to the law.

My bill provides for the re-enactment of two provisions in the HEA that expired at the end of the last fiscal year, and which are of great importance to students, their families, and schools. These provide schools having low student loan default rates with exemptions from the requirement that loan proceeds be disbursed in multiple installments, and the requirement that the disbursement of loan proceeds to first-time undergraduate borrowers be delayed for 30 days after classes start. Thousands of institutions of higher education across America have traditionally counted on these exemptions to save them time and money in the disbursement of their limited financial aid resources. These provisions should also serve as an incentive for schools to keep their default rates low. At a time when both student and institutional budgets are being squeezed, we should do what we can to provide them with relief.

Furthermore, this legislation provides for greater access to federal financial aid for those students participating in distance education programs. Specifically, it provides a waiver to the rule that a school having a 50 percent or more of its students or 50 percent or more of its courses in distance education is ineligible for the Title IV student aid programs. Schools eligible for the waiver must already be participating in the programs and must have low cohort default rates.

This bill will also clarify that the HEA provision that limits the aid eligibility of a student convicted of one or more drug offenses applies only to those offenses that occur while the student is in school and receiving aid. Thus, students who may have had drug problems in the past but who want to turn their lives around through postsecondary education will be able to do so.

The bill makes a number of other beneficial changes to the HEA. Most notably, it: Helps protect home-schooled students by making it clear that institutions of higher education will not lose their institutional eligibility for Federal financial aid by admitting home-schooled students; clarifies the Federal policy on the return of financial aid funds when students withdraw, to better protect students' grant aid; removes barriers to students seeking forbearance from lenders on student loan payments, by eliminating the requirement that new agreements between lenders and borrowers be in writing; instead, the bill allows a lender to accept a request for forbearance over the telephone, as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated; makes clear that under the Thurgood Marshall Legal Educational Opportunity Program, the U.S. Department of Education can provide scholarship aid to low-income and minority students to prepare for and attend law school; eases requirements for Hispanic-Serving Institutions, HSIs, by allowing them to apply for federal HSI grants without waiting two years between applications; corrects a drafting error in current law that mistakenly bars students attending certain nonprofit schools of veterinary medicine from eligibility for the Federal Family Education Loan Program; requires the GAO to conduct a study on how institutions of higher education report teacher pass rates on state certification exams; allows financial aid administrators to use "professional judgment" to adjust a student's financial need in cases where the student is a ward of the court; and expands the use of technology to provide voter registration material directly to students in a timely manner.

The Higher Education Technical Amendments of 2003 will provide important benefits to our Nation's postsecondary students. I urge my colleagues to support this legislation.

By Ms. LANDRIEU:

S. 902. A bill to declare, under the authority of Congress under Article I, section 8, of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, article I, section 8, clauses 12 and 13 are the source of Congress' power regarding the Army and the Navy. Interestingly, while clause 12 of the Constitution gives Congress the power to raise and support armies, clause 13 requires Congress to provide and maintain a navy. Thus, while we have discretionary authority with regard to the establishment of an army, the Constitution presumes that we will always have and maintain a navy.

Despite this constitutional duty, our current surface fleet is smaller than our fleet in 1917, the year before we entered World War I. What is worse, the future looks even more bleak. At current build rates, we will sink below a 200 ship navy. In fact, we are building ships at rates unseen since 1932—the height of the great depression.

I submit that this policy is unsustainable. The U.S. Navy is not only a great pillar of American military might, it is an important tool in our diplomacy. American ships conduct about 175 international exercises every year. Yet, in recent years we have had to scale back participation, and in some cases, cancel exercises because the ships were simply not available.

These joint exercises improve our ability to coordinate activity with our allies. They allow us to instill American notions of professionalism and service into the navies all around the world, and they give us important intelligence on emerging naval capabilities.

Additionally, the Navy serves as a powerful deterrent in situations short of war. How many situations have we used our Navy as a symbol of American resolve. The firepower and strength represented by a carrier battle group has been important in the Taiwan Straights, in the Sea of Japan and in the Persian Gulf. There is no reason to believe that it will become any less so in future years.

The Quadrennial Defense Review puts the requirements for the number of ships in the Navy at 360. Naval strategists warn that we are already proportioning risk. In other words, we are already deciding what seas we will leave underprotected, so as to ensure that we will have enough ships to cover flash points.

The legislation I am offering today is a simple statement of policy. It states that it is the policy of the United States to return to a Navy of at least 375 ships. This should include 15 carrier battle groups and 15 amphibious ready groups. Yet, even this number is a dramatic decrease from our high point of a 600 ship navy. However, it is an achievable goal, if Congress begins to appropriate resources to the Navy shipbuilding account at reasonable levels.

The bill is based on another policy statement we adopted into law in 1999—the National Missile Defense Act. That law provided guidance to our authorization and appropriations process. It also provide guidance to the President's budget. It has been successful in ensuring that the last two administrations have budgeted sufficient resources to keep our national missile defense program on track. This statement of policy is more important still. It is not a statement about a future technology, it is a statement about a military capability that this country dare not abandon.

I trust that the Senate shares my commitment to the future of our fleet. While it may come at real expense, I know my colleagues share the view that it is an expense worth making. I look forward to working with my colleagues to ensure that this bill is adopted.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Naval Force Structure Policy Act of 2003".

SEC. 2. NATIONAL NAVAL FORCE STRUCTURE POLICY.

It is the policy of the United States to rebuild as soon as possible the size of the fleet of the United States Navy to no fewer than 375 vessels in active service, to include 15 aircraft carrier battle groups and 15 amphibious ready groups, in order to ensure peace through strength for the United States throughout the 21st century.

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewal Community Employment Credit Improvement Act".

SEC. 2. RENEWAL COMMUNITY EMPLOYERS MAY QUALIFY FOR EMPLOYMENT CREDIT BY EMPLOYING RESIDENTS OF CERTAIN OTHER RENEWAL COMMUNITIES.

(a) IN GENERAL.—Section 1400H(b)(2) of the Internal Revenue Code of 1986 (relating to modification) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) subsection (d)(1)(B) thereof shall be applied by substituting 'such renewal community, an adjacent renewal community within the same State as such renewal community, or a renewal community within such State which is within 5 miles of any border of such renewal community' for 'such empowerment zone'.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 101(a) of the Community Renewal Tax Relief Act of 2000.

By Ms. LANDRIEU:

S. 903. A bill to amend the Internal Revenue Code of 1986 to allow employers in renewal communities to qualify for the renewal community employment credit by employing residents of certain other renewal communities; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, the Renewal Community Program has been a tremendous success in promoting economic growth in my home State of Louisiana. It has boosted local economies and cut unemployment in areas that need it most. The Department of Housing and Urban Development designated 40 urban and rural areas around the country as renewal communities, under the Community Renewal Tax Relief Act of 2000.

Renewal communities can take advantage of wage tax credits, tax deductions, capital gains tax exclusions, and bond financing to stimulate job growth, promote economic development, and create affordable housing. This assistance goes to areas with poverty rates of at least 20 percent, and unemployment rates that are one-and-a-half times the national level. Households in renewal communities have incomes that are 80 percent below the median income of households in their local jurisdictions.

One of the most beneficial business incentives under the program is the wage tax credit an employer can receive for hiring and retaining residents of renewal communities. Businesses can receive up to a $1,500 Federal tax credit for every newly hired or existing employee who lives and works in the Renewal Community.

Louisiana has four renewal communities. One is in New Orleans and the remaining three cover a large portion of the Central and Northern parts of the State. These three renewal communities have common borders. This is a tremendous benefit for Louisiana, but it also creates some problems. Under the rules of the program a business in one renewal community cannot receive the wage tax credit if they hire someone who lives outside that renewal community, even if that person lives in the renewal community right next door.

A good example of what I am talking about is in the northern part of the State. The Ouachita Renewal Community which covers the City of Monroe in Ouachita Parish is surrounded by a number of parishes that fall into the North Louisiana Renewal Community—Morehouse Parish to the north, Richland Parish to the east, Caldwell Parish to the south, and Lincoln Parish to the west. The borders of these two renewal communities are literally two or three miles apart. Monroe is the economic hub of that part of my State. People from Morehouse, Caldwell, and Richland Parishes will naturally look for work there. But under current law, a company in Monroe cannot get a wage tax credit for hiring someone who lives in the renewal community right next door.

The situation in Louisiana is fairly unique. I am not certain whether Congress really anticipated that one State would receive more than one renewal community designation or that those renewal communities would be so close together. I certainly understand the desire to promote economic development in specific areas. That can work if renewal communities are far apart. But when they are so close together as they are around Ouachita Parish, or a little further south in the middle of my State, where the Central Louisiana Renewal Community borders the North Louisiana Renewal Community, then we need to make the program more flexible. A person living in Franklin Parish near the border with Catahoula Parish does not necessarily know that both parishes lie in two different renewal communities. If the closest job is in Catahoula Parish, that is where a Franklin Parish resident is going to go. The problem is that a business in Catahoula Parish would not receive the tax break for hiring the worker from Franklin Parish—only a few miles away.

We need to add some common sense flexibility to the Renewal Community program. Today I am introducing legislation that will allow the employers in one renewal community to hire employees from an adjacent or nearby renewal community and still receive the wage tax credits granted under the Act. This legislation essentially treats renewal communities that are within five miles of each other as one. This bill will make a small change in the Renewal Community program, but it will make a big difference to the people of my state.

This legislation will make a very important program more successful for Louisiana and other states like it. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. HATCH, Mr. CONRAD, Mr. KENNEDY, Ms. STABENOW, Mr. BREAUX, Mrs. MURRAY, Mr. DAYTON, Mr. LEAHY, Mr. SCHUMER, and Mr. BURNS):

S. 905. A bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Broadband Internet Access Act of 2003. Last year, this bill had broad bipartisan support with 65 cosponsors. Its companion legislation in the House of Representatives had 227 cosponsors. If the Senate considers an appropriately targeted and sized economic growth package, which includes investment incentives for businesses, this legislation should be a priority for inclusion in that legislation as it will help jump start a struggling sector of the economy.

The convergence of computing and communications has fundamentally and forever changed the way America lives and works. Individuals, businesses, schools, libraries, hospitals, and many others, reap the benefits of advanced networked communications exponentially each year. However, where just a decade ago access to low bandwidth telephone facilities met our communications needs, today many people, businesses and other organizations require the ability to transmit and receive large amounts of data quickly—as part of electronic commerce, distance learning, telemedicine, and even for mere access to many web sites. This need will only continue to grow. In the near future, access to broadband services will be as critical as having a telephone.

Over the last several years, companies have built networks that meet today's broadband need as fast as they can. Even with the recent downturn in the telecommunications industry, technology companies continue to roll out the current generation of broadband facilities in urban and suburban areas. They continue to tear up streets to install fiber optics, convert cable TV facilities to broadband telecom applications and develop innovative new DSL technologies. As the economy improves, these companies will greatly expand the rate of deployment of these and other technologies for urban and suburban consumers providing them access to the cutting-edge technologies and services.

Other areas of this country are not as fortunate. In rural and inner city areas access to even the current generation of broadband communications is limited. Investment continues to lag behind wealthier urban and suburban communities. This imbalance has only been exacerbated due to the telecommunications industry's recent financial troubles. In fact, only a limited number of broadband providers exist outside the prosperous areas of big cities and suburban areas nationwide. A few positive signs are occurring though. Small rural telecommunications companies are slowly expanding into providing these services. They are limited in their ability to provide these services because of the expense of installing the infrastructure. This is because in many cases rural areas are more expensive to serve, terrain is difficult and populations are widely dispersed. Importantly, many of our current broadband technologies cannot serve people who live more than eighteen thousand feet from a phone company's central office—which is the case for most rural Americans. In inner cities, companies may believe that lower household income levels will not support a market for their services, so they choose not to invest in these communities. This is a classic situation of market failure that we must address.

The implications for the country if we allow this broadband disparity to continue are alarming. People and businesses in well served communications and computing regions, often located in prosperous urban and suburban communities, will be able to build upon the inherent advantages of a networked economy. People and businesses in other areas, often in rural areas as in inner cities, including many areas in my State of West Virginia, would continue to be at an economic and educational disadvantage.

We have seen how savvy businesses have crushed their competitors who failed to take advantage of technological innovations, businesses in infrastructure-rich areas that already have an advantage, ultimately could crush competitors in infrastructure-poor areas. This is equally true for rural and inner city students, workers trying to gain new skills, and regular individuals who want to participate in the information-based New Economy compete against their non-rural peers. The result could be devastating for Americans who live in rural areas or in our inner cities: job loss, tax revenue loss, brain drain, and business failure concentrated in their communities.

Denying Americans who live in rural areas and inner cities a chance to participate in our information-based global economy is also bad for the national economy. Businesses will be forced to locate their operations and hire their employees in urban locations that have adequate broadband infrastructure, rather than in rural or inner city locations that are otherwise more efficient due to the location of their customers or suppliers, a stable or better workforce, and cheaper production environments. It is not an understatement to say that the deployment of technology could fundamentally transform the future of rural and inner city America.

We have to make a decision on whether or not rural and inner city communities are going to have the same opportunities as their wealthier urban and suburban counterparts. I, along with many of my colleagues, believe they should and must. The Broadband Internet Access Act of 2003 would address this disparity.

The Act would give companies the incentive to build current generation broadband facilities in rural areas by using a very targeted tax credit. It would offer any company that invests in broadband facilities in rural or inner city areas a tax credit equal to ten percent of their investments over the next 5 years. This tax credit will help fight the growing disparity in technology that I just described. The credit is also restricted to investments needed for high-speed broadband telecommunications services. This means that only powerful broadband services are covered. Companies cannot claim that inferior services qualify for the credit. Only facilities that can download data at a rate of speed of 1.0 megabytes per second, and upload data at 180 kilobytes per second qualify. These speeds will allow the broadest possible number of technologies to be eligible for the credit.

In addition, the bill provides a 20 percent tax credit for companies that invest in next generation broadband services. These powerful new services that can deliver data capacities of 22 megabytes per second download and 5 megabytes per second upload will be the infrastructure the economy requires as the digital economy expands. We need to reward the companies who have the foresight to invest in these next generation broadband services—they will benefit the whole country. These limited credits will provide the market the ability to affordably and profitably serve rural and inner city communities.

The Broadband Internet Access Act of 2003 is part of the solution to the critically important digital divide problem. Rural Americans and Americans living in inner cities must have the chance to participate in the technological revolution that shows no signs of abating. Without access to broadband services they will not have this chance. I hope that the Members of this body will support this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

“SEC. 48A. BROADBAND INTERNET ACCESS CREDIT.

‘‘(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

‘‘(1) the current generation broadband credit, plus

‘‘(2) the next generation broadband credit.

‘‘(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

‘‘(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

‘‘(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

‘‘(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

‘‘(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

‘‘(A) current generation broadband services are provided through such equipment to qualified subscribers, or

‘‘(B) next generation broadband services are provided through such equipment to qualified subscribers.

‘‘(2) LIMITATION.—

‘‘(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

‘‘(i) the original use of which commences with the taxpayer, and

‘‘(ii) which is placed in service,

after December 31, 2002.

‘‘(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

‘‘(i) is originally placed in service after December 31, 2002, by any person, and

‘‘(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

‘‘(d) SPECIAL ALLOCATION RULES.—

‘‘(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

‘‘(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

‘‘(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

‘‘(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

‘‘(A) the numerator of which is the sum of—

‘‘(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

‘‘(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

‘‘(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

‘‘(e) DEFINITIONS.—For purposes of this section—

‘‘(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

‘‘(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

‘‘(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

‘‘(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

‘‘(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

‘‘(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 5,000,000 bits per second from the subscriber (or its equivalent as so measured).

‘‘(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means any person who purchases broadband services which are delivered to the permanent place of business of such person.

‘‘(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

‘‘(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

‘‘(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

‘‘(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment any—

‘‘(A) cable operator,

‘‘(B) commercial mobile service carrier,

‘‘(C) open video system operator,

‘‘(D) satellite carrier,

‘‘(E) telecommunications carrier, or

‘‘(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

‘‘(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

‘‘(A) such a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

‘‘(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

‘‘(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

‘‘(D) such services have been purchased by 1 or more such subscribers, and

‘‘(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

‘‘(13) QUALIFIED EQUIPMENT.—

‘‘(A) IN GENERAL.—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

‘‘(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

‘‘(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

‘‘(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

‘‘(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier, "(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(14) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred after December 31, 2002, and before January 1, 2008.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

"(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

"(A) with respect to the provision of current generation broadband services—

"(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) any residential subscriber.

"(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means any individual who purchases broadband services which are delivered to such individual's dwelling.

"(17) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

"(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(21) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

"(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include any commercial mobile service carrier.

"(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

"(A) an empowerment zone or enterprise community designated under section 1391,

"(B) the District of Columbia Enterprise Zone established under section 1400,

"(C) a renewal community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.".

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to the amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the broadband Internet access credit."

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from the sale of property subject to a lease described in section 48A(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48 the following:

"Sec. 48A. Broadband internet access credit.".

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17) and (24) of section 48A(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48A—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) AUTHORITY TO DISREGARD FALSE SUBMISSIONS.—In addition to imposing any other applicable penalties, the Secretary of the Treasury shall have the discretion to disregard any form described in subparagraph (A)(i) on which a provider knowingly submitted false information.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48A of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48A of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48A of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48A of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002.

By Ms. STABENOW:

S. 906. A bill to provide for the certification of programs to provide uninsured employees of small business access to health coverage, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Madam President, today I rise to introduce the Health Care Access for Small Businesses Act of 2003.

Last month, thousands of Americans participated in a week-long discussion about covering the uninsured. The sheer breadth of the groups that participated in the unprecedented effort demonstrates the urgency of this issue. Labor unions were united with business groups, doctors with nurses, and charity health care providers with for-profit hospitals and insurance companies. They all came together to call on Congress to find a way to provide health coverage for uninsured Americans.

I was glad to see awareness being raised about who the uninsured are and what it means to be without health coverage in America. There is a great misconception that uninsured Americans are largely unemployed or on Welfare. That is simply not the case. More than 80 percent of uninsured Americans are part of working families, and almost half work for small businesses. If we can help small businesses cover their employees, we will have made great progress in covering the uninsured.

The bill I am introducing today is aimed at making coverage more affordable for employees of small businesses through what is called a "three-share" program. The three-share model is an innovative community-based idea that has been working across the U.S. from California to Arkansas to North Carolina; and of course in Michigan.

The name three-share stems from the program's payment structure. Premiums are shared between the employer who pays 30 percent, the employee who pays 30 percent and the community which covers the remaining 40 percent of the cost.

In a three share model, a non-profit or local government entity serves as the manager of the plan. They design a benefit package by negotiating directly with providers or contracting through an insurance company. Then, they recruit small businesses that have not offered insurance coverage to their employees for the past year. The average cost for coverage is about $1,800 per year, much lower than the national average for commercial insurance, which on average costs $3,500 for a single person and $8,500 for a family. Of the $1,800, the employer and employee would each pay approximately $540 and the community would pay about $720.

Different three share plans have received funds for the community portion from various places. In Michigan, most of the money has come from Medicaid funds. A plan in California uses money from the tobacco settlement while a plan in Arkansas raises funds through church events and other community initiatives.

Unfortunately, despite the nuances that distinguish three share plans from one another, they all share a common challenge: they all lack a stable and sustainable funding source for the community share.

If passed, my bill would help alleviate that problem by offering a refundable tax credit to small businesses who participate in three share plans. Businesses would pay their own share plus the community share up front and receive the community share back through a refundable tax credit.

My bill would also encourage the development of more three share plans by providing seed money through the Community Access Program at the Health Resources Services Administration.

This bill would maintain the current employer-based system and leverage every $1 of public money with $2 of private funds. It would not impose any new funding mandates on state or local governments nor would it create new bureaucracy. It is an innovative community-based approach that could work throughout the country if funding is available.

Insuring more working families will also take the pressure off state Medicaid budgets. Adequate care for those presently uninsured will also help slash the billions we wind up spending on uncompensated care.

Finally, I believe providing health care for these families fulfills a moral commitment. No one in America who gets up in the morning and goes to work should go to sleep at night fearful that an illness or injury in the family could wipe out everything they have worked for.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

There being no objeciton, the material was ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Access for Small Businesses Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) For most of the past 16 years, the number of Americans without health insurance has been on the rise, reaching more than 41,000,000 in 2002.

(2) People without health insurance are less likely to get preventive care and often delay or forgo needed care. They are therefore more likely than those with health insurance to be hospitalized for conditions that could have been avoided.

(3) Not only are the health and financial circumstances of uninsured Americans adversely affected by the lack of health insurance, their care is ultimately being paid for in the least efficient manner: after they get sick.

(4) People who were uninsured during any part of 2001 received $99,000,000,000 in care, of which $34,500,000,000 was not paid for either out of pocket or by a private or public insurance source. Federal, State, and local governments covered 85 percent of such uncompensated care, amounting to $30,000,000,000.

(5) Private health insurance enrollees also help pay for uncompensated care through higher premiums.

(6) Covering more Americans will not only contribute to better overall health, it will lower the amount of health care costs assumed by taxpayers, businesses, and consumers.

(7) Helping small businesses gain access to affordable health care benefits is essential to insuring more Americans.

(8) Eighty-two percent of uninsured people are part of working families.

(9) More than ½ of small businesses with less than 50 employees do not offer their employees health insurance.

(10) Innovative community-based solutions have developed and should serve as a model for insuring more Americans.

SEC. 3. THREE-SHARE PROGRAMS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

"TITLE XXII—PROVIDING FOR THE UNINSURED

"SEC. 2201. THREE-SHARE PROGRAMS.

"(a) CERTIFICATION.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator, shall promulgate regulations for the certification of three-share programs for purposes of section 36 of the Internal Revenue Code.

"(2) THREE-SHARE PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—The Administrator shall require, for purposes of a certification under regulations under paragraph (1) that each three-share program shall—

"(i) be either a non-profit or local governmental entity;

"(ii) define a region in which such program will provide services;

"(iii) have the capacity to carry out administrative functions of managing health plans, including monthly billings, verification/enrollment of eligible employers and employees, maintenance of membership rosters, development of member materials (such as handbooks and identification cards), customer service, and claims processing; and

"(iv) have community involvement, as determined by the Administrator.

"(B) PAYMENT.—To obtain the certification described in paragraph (1), a three-share program shall pay the costs of services provided under subparagraph (A)(ii) by charging a monthly premium for each covered individual to be divided as follows:

"(i) Not more than thirty percent of such fee shall be paid by a qualified employee desiring coverage under the three-share program.

"(ii) At least seventy percent of such fee shall be paid by the qualified employer of such a qualified employee.

"(3) COVERAGE.—

"(A) IN GENERAL.—To obtain the certification described in paragraph (1) a 3-share program shall provide at least the following benefits:

"(i) Physicians services.

"(ii) In-patient hospital services.

"(iii) Out-patient services.

"(iv) Emergency room visits.

"(v) Emergency ambulance services.

"(vi) Diagnostic lab fees and x-rays.

"(vii) Prescription drug benefits.

"(B) LIMITATION.—Nothing in subparagraph (A) shall be construed to require that a three-share program provide coverage for services performed outside the region described in paragraph (2)(A)(i).

"(C) PREEXISTING CONDITIONS.—A program described in subparagraph (A) shall not be eligible for certification under paragraph (1) if any individual can be excluded from coverage under such program because of a preexisting health condition.

"(b) STARTUP GRANTS FOR THREE-SHARE PROGRAMS.—

"(1) ESTABLISHMENT.—The Administrator may award startup grants to eligible entities to establish three-share programs for certification under subsection (a).

"(2) THREE-SHARE PROGRAM PLAN.—Each entity desiring a grant under this subsection shall develop a plan for the establishment and operation of a three-share program that meets the requirements of paragraphs (2) and (3) of subsection (a).

"(3) APPLICATION.—Each entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner and containing such information as the Administrator may require, including—

"(A) the three-share program plan described in paragraph (2); and

"(B) an assurance that the eligible entity will—

"(i) determine a benefit package;

"(ii) recruit businesses and employees for the three-share program;

"(iii) build and manage a network of health providers or contract with an existing network or licensed insurance provider; and

"(iv) manage all administrative needs.

"(4) NUMBER OF GRANTS.—An eligible entity may receive only 1 grant under this subsection for each three-share program and may not receive a grant for such program under both this subsection and subsection (c).

"(c) GRANTS FOR EXISTING THREE-SHARE PROGRAMS TO MEET CERTIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—The Administrator may award grants to three-share programs that are operating on the date of enactment of this section, to assist such programs in meeting the certification requirements of subsection (a).

"(2) NUMBER OF GRANTS.—An eligible entity may receive only 1 grant under this subsection for a three-share program and may not receive a grant for such program under both this subsection and subsection (b).

"(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(d) RISK POOL GRANTS.—

"(1) IN GENERAL.—The Administrator may award grants to eligible entities administering certified three-share programs to enhance the risk pools of such programs.

"(2) NUMBER OF GRANTS.—An eligible entity administering a three-share program described in paragraph (1) may receive only 1 grant under this subsection for such three-share program.

"(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(e) APPLICATION OF STATE LAWS.—Nothing in this Act shall be construed to preempt State law.

"(f) DISTRESSED BUSINESS FORMULA.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator of the Health Resources and Services Administration shall develop a formula to determine which businesses qualify as distressed businesses for purposes of this Act.

"(2) EFFECT ON INSURANCE MARKET.—Granting eligibility to a distressed business using the formula under paragraph (1) shall not interfere with the insurance market. Any business found to have reduced benefits to qualify. as a distressed business under the formula under paragraph (1) shall not be eligible for any three-share program certified pursuant to this section.

"(g) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means—

"(A) a qualified employee; or

"(B) a child under the age of 23 or a spouse of such qualified employee who—

"(i) lacks access to health care coverage through their employment or employer;

"(ii) lacks access to health coverage through a family member;

"(iii) is not eligible for coverage under the medicare program under title XVIII or the medicaid program under title XIX; and

"(iv) does not qualify for benefits under the State Children's Health Insurance Program under title XXI.

"(3) DISTRESSED BUSINESS.—The term 'distressed business' means a business that—

"(A) in light of economic hardship and rising health care premiums may be forced to discontinue or scale back its health care coverage; and

"(B) qualifies as a distressed business according to the formula under subsection (f).

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that meets the requirements of subsection (a)(2)(A).

"(5) FULL TIME.—The term 'full time', for purposes of employment, means regularly working at least 35 hours per week.

"(6) QUALIFIED EMPLOYEE.—The term 'qualified employee' means any individual employed by a qualified employer who meets certain criteria including—

"(A) working full time;

"(B) lacking access to health coverage through a family member or common law partner;

"(C) not being eligible for coverage under the medicare program under title XVIII or the medicaid program under title XIX; and

"(D) agreeing that the share of fees described in subsection (a)(2)(B)(i) shall be paid in the form of payroll deductions from the wages of such individual.

"(7) QUALIFIED EMPLOYER.—The term 'qualified employer' means an employer as defined in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) who—

"(A) is a small business concern as defined in section 3(a) of the Small Business Act (15 U.S.C. 632);

"(B) is located in the region described in subsection (a)(2)(A)(i); and

"(C) has not contributed to the health care benefits of its employees for at least 12 months consecutively or currently provides insurance but is classified as a distressed business.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2004 and such sums as may be necessary for each subsequent fiscal year.".

SEC. 4. REFUNDABLE CREDIT FOR PORTION OF EMPLOYER COSTS OF THREE-SHARE PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. EMPLOYER COSTS OF THREE-SHARE PROGRAM.

"(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to 40 percent of the costs of a three-share program resulting from the participation of the taxpayer in such program during the taxable year.

"(b) ELIGIBLE EMPLOYER.—For purposes of this section, the term 'eligible employer' means any employer which pays or incurs at least 70 percent of the costs of a three-share program resulting from the participation of the taxpayer in such program during the taxable year.

"(c) THREE-SHARE PROGRAM.—For purposes of this section, the term 'three-share program' means an employee health care coverage program approved for participation by an eligible employer pursuant to title XXII of the Social Security Act.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to costs of a three-share program taken into account under subsection (a).

"(e) Advanced Refundability.—The Secretary shall provide for the advanced refundability of the credit allowed under this section to be made in quarterly payments to taxpayers providing such information as the Secretary requires in order to make a proper determination of such payments.

"(f) Regulations.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Employer costs of three-share program.

"Sec. 37. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

HEALTH CARE ACCESS FOR SMALL BUSINESSES ACT OF 2003

Creating affordable health insurance for small businesses is key to reducing the number of uninsured Americans. Dozens of communities around the country, using seed money from a federal grant program called the Community Access Program (CAP), have developed and implemented a unique way to make health coverage affordable to small businesses through "three-share" programs.

THREE-SHARE PROGRAMS

A three-share program is a community-based health plan that is paid for jointly by the employer, employee and the community.

Under a typical three-share model, a community-based entity, either a non-profit or local government does the following:

1. Works with local health care providers or an insurance entity to develop a benefit package;
2. Signs up small businesses in the community that do not offer health insurance to their employees; and
3. Takes responsibility for administering the program.

An enrolled small business and their employees each pay 30 percent of the monthly premium while the community pays the remaining 40 percent.

thousands of Americans who previously went without health insurance are now covered through three-share programs. Unfortunately, entities managing these programs are struggling to secure a steady revenue source for the community share of the costs.

THE HEALTH INSURANCE ACCESS FOR SMALL BUSINESSES ACT OF 2003

The Health Insurance Access for Small Businesses Act of 2003 encourages the development of more three-share programs by increasing seed money for non-profits or local governments interested in creating a program in their community. The bill provides sustainable funding for the community share if the costs through a refundable tax credit for small businesses.

Expand seed funding for three-share through Community Access Program (CAP)—CAP is a grant program designed to help communities expand coverage to the uninsured that has helped many non-profits and local governments start three-share programs. Funding is authorized to increase by $50 million for FY04.

Refundable tax credit for the community portion—This bill will establish a steady revenue stream for the third share through a refundable tax credit to the employer. The employee would pay 30 percent of the premium through payroll deductions. The employer would pay their 30 percent of the premium plus the 40 percent that is the community share. The 40 percent would be returned to the business through a refundable tax credit.

SPECIFICS

Target group: Small businesses not currently offering health coverage to employees or distressed small businesses, as defined by the Small Business Act, that are in jeopardy of dropping health coverage because of rising premiums and economic hardship.

Employer Eligibility:

Located within a community defined by the administering entity

Has not offered or contributed to health care benefits of employees for previous 12 consecutive months

Qualifies as a "distressed business" under HRSA regulations.

Employee Eligibility:

Works full time (a minimum of 35 hours);

Lacks access to health coverage through employer;

Lacks access to health coverage through a family member or common law partner;

Is not eligible for Medicaid or Medicare;

Agrees to payroll deductions.

Family Eligibility:

Spouse of participating employee not covered through their employer or any public insurance program;

Dependent of participating employee under the age of 23 not eligible for SCHIP.

Shared Premiums: Average benefit is estimated to be $540 per year for an employee, $540 for employer and $720 will be refunded through the tax credit to the employer.

Employer pays 30 percent of annual cost;

Employee pays 30 percent of annual cost;

Refundable tax credit to employer for 40 percent of the total annual cost.

Minimum Benefits: All benefit packages must include the following:

Physicians services;

In-patient hospital services;

Out-patient services;

Emergency room visits;

Emergency ambulance services;

Diagnostic lab and x-rays;

Prescription drug benefits.

Note.—People may not be excluded because of pre-existing conditions. Coverage for services performed outside designated regional area not required.

By Mr. SPECTER:

S. 907. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Madam President, I rise to speak about the subject of taxation from a little different perspective, a legislative proposal which, if adopted, would add very considerably to productivity in America, and that is a proposal for a flat tax. In the fall of 1994, Richard Armey of the House of Representatives introduced a flat tax. I studied it, then in the spring of 1995, I introduced a flat tax for the Senate. That was the first one introduced. I have introduced it in successive years.

I usually pick April 15, because April 15 is tax filing day. But this year we are going to be in recess for the spring break. I had thought today would be the last day we would be in session. That is open to debate at this point. I just came from a conference of the Appropriations Committee, and there are a great many unresolved issues. I posed the question to my colleagues on the Appropriations Committee: What time do we vote on Sunday?

Some of my colleagues may be listening on C–SPAN2, and that will give them a jolt: What time do we vote on Sunday? Or we might not vote as early as Sunday. We might pick a time on Monday.

I got the attention of the clerks, too, by talking about something important: When are we going to finish the business of the Senate? The distinguished Parliamentarian is nodding his head in chagrin as to what is happening here.

Some suggestions have been floated around the Appropriations Committee of a way to solve this impasse between the House and the Senate on appropriations, the impasse between the House and the Senate on the budget, and that is a constitutional amendment for a unicameral legislature. That would be a shocker. For anybody watching C–SPAN2, that means one chamber. Then the question would come up: Which chamber will it be?

Nobody is going to go to a unicameral legislature, and I do not know when we are going to conclude the business of the Senate. I may be offering this flat tax legislation on the wrong day. Perhaps I ought to wait, because we may still be here on April 15, which would be next Tuesday.

In all seriousness, we have the most extraordinarily complex system for filing taxes ever devised. In the midst of an overwhelming bureaucracy and a regulatory system in Washington, DC, nothing compares to the Federal tax code.

The Federal tax code has grown from 744,000 words in 1955 to 6.9 million words and 17,000 pages at the present time. A study showed that more than 13 hours are consumed by the average American—rather, more than 13 hours are consumed on average—there is no such thing as an average American—on average by taxpayers in filling out the principal Form 1040. And if one goes to the various schedules, it can be another 5½ hours or 7½ hours.

I just finished filling out my tax return, and it is inordinately complicated. It is insufficient to be a Philadelphia lawyer to understand the Federal tax code, and then the State taxes, and then city taxes, the wage tax, the property tax, and the real estate tax. It is a nightmare.

It is possible to change all of that by going to a flat tax, and then the tax return would be on a postcard. The wonders of television. People can see the postcard. It will take about 15 minutes to fill out a postcard, which would identify the individual, specify the total compensation, specify the allowance, the number of dependents, and in the course of 15 minutes it would be finished.

This tax would be calculated on a flat rate of 20 percent. It would be very beneficial to people at all levels of the income strata except for those who engage in tax shelters. The average American today, or in the middle income, a family of four, which does not itemize deductions, pays taxes on all income over $19,850. Under this flat tax, there would be a personal exemption of $27,500 for a family of four, and taxes would be paid only over that amount.

After having just criticized charts, my staff has brought me a chart which they prepared. I certainly would not want to omit the showing of this chart. The writing is too small for reading on C-SPAN2, but it specifies the identity of the person, the total compensation, the personal allowance, and it can be filled out in the course of 15 minutes.

A superior depiction, in my opinion, is the postcard. People can deal more easily with postcards than they can with charts.

I have provided for two deductions which I am maintaining, deductions on interest and charitable contributions. It may be that ultimately we will have a totally flat tax, which would reduce another percent down to 19 percent. I have included interest on home mortgages because it is so prevalent, and I believe Americans might be very surprised not to be able to deduct their interest on home mortgages. That interest on home mortgages has been a great stimulus for housing construction and also a great encouragement for people to own their own homes. That is very important as a societal matter.

I have also retained the deduction on charitable contributions, which remains very important. That was reinforced by the Senate earlier this week by providing an increase in charitable contributions deductibility looking toward faith-based initiatives.

What I would like to do most emphatically would be to get the debate started. This body, the House, and the Treasury Department have never seriously considered a flat tax. It ought to be seriously considered. Whether it would be accepted or not would be the outcome of the debate. The flat tax proposal which I am bringing to you today, which is modeled after the outline by Professor Hall and Professor Rabushka of Stanford University, has been very carefully thought through. It is a neutral tax scheme. An analysis of people at various income levels shows that it is universally beneficial for all except those who engage in tax shelters and pay no tax at all.

The greatest benefit would be the savings to the American people of some 5.8 billion hours a year and some $194 billion in preparation expenses. I have actually seen estimates on the cost of tax compliance as high as $800 billion. Again, these estimates are such that nobody really knows, but as lawyers say in litigation, the pain and suffering that goes with filing these returns, or the cruel and unusual punishment involved in making these computations and the study involved, it would be a great relief to the American people. It would be win, win, win. There would be great savings in time. There would be savings in individual taxes, and there would be a tremendous stimulus to the economy so that so many corporations and businesses would no longer have to have a special office, which is the practice in many places, for the tax collector who comes in to conduct the audit on a yearly basis.

To reiterate, in less than one week, American taxpayers face another Federal income tax deadline. The date of April 15 stabs fear, anxiety, and unease into the hearts of millions of Americans. Every year during "tax season," millions of Americans spend their evenings poring over page after page of IRS instructions, going through their records looking for information, and struggling to find and fill out all the appropriate forms on their Federal tax returns. Americans are intimidated by the sheer number of different tax forms and their instructions, many of which they may be unsure whether they need to file. Given the approximately 325 possible forms, not to mention the instructions that accompany, simply trying to determine which form to file can in itself be a daunting and overwhelming task. According to the Tax Foundation, American taxpayers, including businesses, spend more than 5.8 billion hours and $194 billion each year in complying with tax laws. That works out to more than $2,400 per U.S. household. Much of this time is spent burrowing through IRS laws and regulations which fill 17,000 pages and have grown from 744,000 words in 1955 to over 6.9 million words in 2000. By contrast, the Pledge of Allegiance has only 31 words, the Gettysburg Address has 267 words, the Declaration of Independence has about 1,300 words, and the Bible has only about 1,773,000 words.

The majority of taxpayers still face filing tax forms that are far too complicated and take far too long to complete. According to the estimated preparation time listed on the forms by the IRS, the 2002 Form 1040 is estimated to take 13 hours and 10 minutes to complete. Moreover this does not include the estimated time to complete the accompanying schedules, such as Schedule A, for itemized deductions, which carries an estimated preparation time of 5 hours, 37 minutes, or Schedule D, for reporting capital gains and losses, shows an estimated preparation time of 7 hours, 35 minutes. Moreover, this complexity is getting worse each year. Just from 1998 to 2002 the estimated time to prepare Form 1040 jumped 96 minutes.

It is no wonder that well over half of all taxpayers, 56 percent according to a recent survey now hire an outside professional to prepare their tax returns for them. However, the fact that only 29 percent of individuals itemize their deductions shows that a significant percentage of our taxpaying population believes that the tax system is too complex for them to deal with. We all understand that paying taxes will never be something we enjoy, but neither should it be cruel and unusual punishment. Further, the pace of change to the Internal Revenue Code is brisk—Congress made about 9,500 Tax Code changes in the past 12 years. And we are far from being finished. Year after year, we continue to ask the same question—is there not a better way?

My flat tax legislation would make filing a tax return a manageable chore, not a seemingly endless nightmare, for most taxpayers. My flat tax legislation will fundamentally revise the present Tax Code, with its myriad rates, deductions, and instructions. This legislation would institute a simple, flat 20 percent tax rate for all individuals and businesses. This proposal is not cast in stone but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness, and economic growth.

My flat tax plan would eliminate the kinds of frustrations I have outlined above for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations, and instructions and delete most of the 6.9 million words in the Internal Revenue Code. Instead of billions of hours of non-productive time spent in compliance with, or avoidance of, the tax code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity or for more time with their families instead of poring over tax tables, schedules, and regulations.

My flat tax proposal is dramatic, but so are its advantages: a taxation system that is simple, fair and designed to maximize prosperity for all Americans. A summary of the key advantages are:

A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans up to 5.8 billion hours they currently spend every year in tax compliance.

The flat tax would eliminate the lion's share of IRS rules, regulations and requirements, which have grown from 744,000 words in 1955 to 6.9 million words and 17,000 pages currently. It would also allow us to slash the mammoth IRS bureaucracy of 117,000 employees.

Economists estimate a growth of over $2 trillion in national wealth over 7 years, representing an increase of approximately $7,500 in personal wealth for every man, woman, and child in America. This growth would also lead to the creation of 6 million new jobs.

Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Americans would be able to save up to $194 billion they currently spend every year in tax compliance.

As tax loopholes are eliminated and the tax code is simplified, there will be far less opportunity for tax avoidance and fraud, which now amounts to over $120 billion in uncollected revenue annually.

Simplification of the tax code will allow us to save significantly on the $7 billion annual budget currently allocated to the Internal Revenue Service.

The most dramatic way to show what the flat tax is to consider that the income tax form for the flat tax is printed on a postcard—it will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This postcard will take 15 minutes to fill out.

At my town hall meetings across Pennsylvania, the public support for fundamental tax reform is overwhelming. I would point out that in those speeches that I never leave home without two key documents: 1, my copy of the Constitution; and, 2, a copy of my 10-line flat tax postcard. I soon realized that I needed more than just one copy of my flat tax postcard. Many people wanted their own postcard so that they could see what life in a flat tax world would be like, where tax returns only take 15 minutes to fill out and individual taxpayers are no longer burdened with double taxation on their dividends, interest, capital gains and estates.

This is a win-win situation for America because it lowers the tax burden on the taxpayers in the lower brackets. For example in the 2002 tax year, the standard deduction is $4,700 for a single taxpayer, $6,900 for a head of household and $7,850 for a married couple filing jointly, while the personal exemption for individuals and dependents is $3,000. Thus, under the current tax code, a family of four which does not itemize deductions would pay taxes on all income over $19,850—these are personal exemptions of $12,000 and a standard deduction of $7,850. By contrast, under my flat tax bill, that same family would receive a personal exemption of $27,500, and would pay tax on only income over that amount.

The tax loopholes enable write-offs to save some $393 billion a year. What is eliminated under the flat tax are the loopholes, the deductions in this complicated code which can be deciphered, interpreted, and found really only by the $500-an-hour lawyers. That money is lost to the taxpayers. $120 billion would be saved by the elimination of fraud because of the simplicity of the tax code, the taxpayer being able to find out exactly what he or she owes.

This bill is modeled after legislation organized and written by two very distinguished professors of law at Stanford University, Professor Hall and Professor Rabushka. Their model was first introduced in the Congress in the fall of 1994 by Majority Leader Richard Armey. I introduced the flat tax bill—the first one in the Senate—on March 2, 1995, S. 488. On October 27, 1995, I introduced a Sense of the Senate, resolution calling on my colleagues to expedite Congressional adoption of a flat tax. The Resolution, which was introduced as an amendment to pending legislation, was not adopted. I reintroduced this legislation in the 105th Congress with slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances. I re-introduced the bill two Congresses ago on April 15, 1999—income tax day—in a bill denominated as S. 822. More recently, I introduced my flat tax legislation as an amendment to S. 1429, the Tax Reconciliation bill. The amendment was not adopted.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our Nation's Tax Code and the policies which underlie it. I began the study of the complexities of the Tax Code over 40 years ago as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the Villanova Law Review, "Pension and Profit Sharing Plans: Coverage and Operations for Closely Held Corporations and Professional Associations," 7 Villanova L. Rev. 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some. Einstein himself is quoted as saying "the hardest thing in the world to understand is the income tax."

The Hall-Rabushka model envisioned a flat tax with no deductions whatever. After considerable reflection, I decided to include in the legislation limited deductions for home mortgage interest for up to $100,000 in borrowing and charitable contributions up to $2,500. While these modifications undercut the pure principle of the flat tax by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With only those two deductions maintained, passage of a modified flat tax will be difficult, but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19-percent rate, is based on a well-documented model founded on reliable governmental statistics. My legislation raises that rate from 19 percent to 20 percent to accommodate retaining limited home mortgage interest and charitable deductions.

This proposal taxes business revenues fully at their source so that there is no personal taxation on interest, dividends, capital gains, gifts or estates. Restructured in this way, the Tax Code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and raising the standard of living for all Americans.

The key advantages of this flat tax plan are threefold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic growth in all sectors of the economy as more money flows into investments and savings accounts.

Professors Hall and Rabushka have projected that within 7 years of enactment, this type of a flat tax would produce a 6-percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a $7,500 increase in the personal income of all Americans. No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth and prosperity. My flat tax legislation will afford Americans such a tax system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Flat Tax Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; amendment of 1986 Code.
Sec. 2. Flat tax on individual taxable earned income and business taxable income.
Sec. 3. Repeal of estate and gift taxes.
Sec. 4. Additional repeals.
Sec. 5. Effective dates.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

"Subchapter A—Determination of Tax Liability

"Part I. Tax on individuals.
"Part II. Tax on business activities.

"PART I—TAX ON INDIVIDUALS

"Sec. 1. Tax imposed.
"Sec. 2. Standard deduction.
"Sec. 3. Deduction for cash charitable contributions.
"Sec. 4. Deduction for home acquisition indebtedness.
"Sec. 5. Definitions and special rules.

"SECTION 1. TAX IMPOSED.

"(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

"(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of—

"(1) the earned income received or accrued during the taxable year, over

"(2) the sum of—

"(A) the standard deduction,

"(B) the deduction for cash charitable contributions, and

"(C) the deduction for home acquisition indebtedness,

for such taxable year.

"(c) EARNED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

"(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"SEC. 2. STANDARD DEDUCTION.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

"(1) the basic standard deduction, plus

"(2) the additional standard deduction.

"(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

"(1) $17,500 in the case of—

"(A) a joint return, and

"(B) a surviving spouse (as defined in section 5(a)),

"(2) $15,000 in the case of a head of household (as defined in section 5(b)), and

"(3) $10,000 in the case of an individual—

"(A) who is not married and who is not a surviving spouse or head of household, or

"(B) who is a married individual filing a separate return.

"(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is $5,000 for each dependent (as defined in section 5(d))—

"(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

"(2) who is a child of the taxpayer and who—

"(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

"(B) is a student who has not attained the age of 24 at the close of such calendar year.

"(d) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, each dollar amount contained in subsections (b) and (c) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment for the calendar year in which the taxable year begins.

"(2) COST-OF-LIVING ADJUSTMENT.—For purposes of paragraph (1), the cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(A) the CPI for the preceding calendar year, exceeds

"(B) the CPI for calendar year 2003.

"(3) CPI FOR ANY CALENDAR YEAR.—For purposes of paragraph (2), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.

"(4) CONSUMER PRICE INDEX.—For purposes of paragraph (3), the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor. For purposes of the preceding sentence, the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1986 shall be used.

"(5) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed $2,500 ($1,250, in the case of a married individual filing a separate return), payment of which is made within the taxable year.

"(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section, the term 'charitable contribution' means a contribution or gift of cash or its equivalent to or for the use of the following:

"(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

"(2) A corporation, trust, or community chest, fund, or foundation—

"(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States,

"(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals,

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

"(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

"(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions, and

"(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

"(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term 'charitable contribution' also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

"(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

"(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

"(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

"(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

"(i) The amount of cash contributed.

"(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

"(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term 'intangible religious benefit' means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

"(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

"(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

"(ii) the due date (including extensions) for filing such return.

"(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

"(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

"(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

"(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

"(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 5(d), or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

"(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

"(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

shall be treated as amounts paid for the use of the organization.

"(2) LIMITATIONS.—

"(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

"(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

"(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (H) of section 5(d)(1).

"(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

"(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

"(f) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—For disallowance of deductions for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

"(g) TREATMENT OF CERTAIN AMOUNTS PAID TO OR FOR THE BENEFIT OF INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if—

"(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

"(i) which is described in subsection (d)(1)(B), and

"(ii) which is an institution of higher education (as defined in section 3304(f)), and

"(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

"(h) OTHER CROSS REFERENCES.—

"(1) For treatment of certain organizations providing child care, see section 501(k).

"(2) For charitable contributions of partners, see section 702.

"(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

"(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

"(5) For treatment of gifts of money accepted by the Attorney General for credit to the 'Commissary Funds, Federal Prisons' as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

"(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

"SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

"(b) QUALIFIED RESIDENCE INTEREST DEFINED.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

"(c) ACQUISITION INDEBTEDNESS.—

"(1) IN GENERAL.—The term 'acquisition indebtedness' means any indebtedness which—

"(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

"(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(2) $100,000 LIMITATION.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed $100,000 ($50,000 in the case of a married individual filing a separate return).

"(d) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.—

"(1) IN GENERAL.—In the case of any pre-October 13, 1987, indebtedness—

"(A) such indebtedness shall be treated as acquisition indebtedness, and

"(B) the limitation of subsection (c)(2) shall not apply.

“(2) REDUCTION IN $100,000 LIMITATION.—The limitation of subsection (c)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

“(3) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—The term ‘pre-October 13, 1987, indebtedness’ means—

“(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

“(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

“(4) LIMITATION ON PERIOD OF REFINANCING.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

“(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

“(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

“(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFIED RESIDENCE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the term ‘qualified residence’ means the principal residence of the taxpayer.

“(B) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If a married couple does not file a joint return for the taxable year—

“(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

“(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

“(C) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—In the case of any pre-October 13, 1987, indebtedness, the term ‘qualified residence’ has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

“(2) SPECIAL RULE FOR COOPERATIVE HOUSING CORPORATIONS.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

“(3) UNENFORCEABLE SECURITY INTERESTS.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local homestead or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

“(4) SPECIAL RULES FOR ESTATES AND TRUSTS.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

“SEC. 5. DEFINITIONS AND SPECIAL RULES.

“(a) DEFINITION OF SURVIVING SPOUSE.—

“(1) IN GENERAL.—For purposes of this part, the term ‘surviving spouse’ means a taxpayer—

“(A) whose spouse died during either of the taxpayer’s 2 taxable years immediately preceding the taxable year, and

“(B) who maintains as the taxpayer’s home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

“(i) who (within the meaning of subsection (d)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

“(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

“(A) if the taxpayer has remarried at any time before the close of the taxable year, or

“(B) unless, for the taxpayer’s taxable year during which the taxpayer’s spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

“(3) SPECIAL RULE WHERE DECEASED SPOUSE WAS IN MISSING STATUS.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

“(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

“(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

“(b) DEFINITION OF HEAD OF HOUSEHOLD.—

“(1) IN GENERAL.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual’s taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

“(A) maintains as such individual’s home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, of—

“(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer’s taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 2 (or would be so entitled but for subparagraph (B) or (D) of subsection (d)(5)), or

“(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

“(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) DETERMINATION OF STATUS.—For purposes of this subsection—

“(A) a legally adopted child of a person shall be considered a child of such person by blood,

“(B) an individual who is legally separated from such individual’s spouse under a decree of divorce or of separate maintenance shall not be considered as married,

“(C) a taxpayer shall be considered as not married at the close of such taxpayer’s taxable year if at any time during the taxable year such taxpayer’s spouse is a nonresident alien, and

“(D) a taxpayer shall be considered as married at the close of such taxpayer’s taxable year if such taxpayer’s spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

“(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

“(A) if at any time during the taxable year the taxpayer is a nonresident alien, or

“(B) by reason of an individual who would not be a dependent for the taxable year but for—

“(i) subparagraph (I) of subsection (d)(1), or

“(ii) paragraph (3) of subsection (d).

“(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

“(d) DEPENDENT DEFINED.—

“(1) GENERAL DEFINITION.—For purposes of this part, the term ‘dependent’ means any of the following individuals over one-half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under paragraph (3) or (5) as received from the taxpayer):

“(A) A son or daughter of the taxpayer, or a descendant of either.

“(B) A stepson or stepdaughter of the taxpayer.

“(C) A brother, sister, stepbrother, or stepsister of the taxpayer.

“(D) The father or mother of the taxpayer, or an ancestor of either.

“(E) A stepfather or stepmother of the taxpayer.

“(F) A son or daughter of a brother or sister of the taxpayer.

“(G) A brother or sister of the father or mother of the taxpayer.

“(H) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

“(I) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(2) RULES RELATING TO GENERAL DEFINITION.—For purposes of this section—

"(A) BROTHER; SISTER.—The terms 'brother' and 'sister' include a brother or sister by the halfblood.

"(B) CHILD.—In determining whether any of the relationships specified in paragraph (1) or subparagraph (A) of this paragraph exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of paragraph (1)(I) with respect to such individual), shall be treated as a child of such individual by blood.

"(C) CITIZENSHIP.—The term 'dependent' does not include any individual who is not a citizen or national of the United States unless such individual is a resident of the United States or of a country contiguous to the United States. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer legally adopted by such taxpayer, if, for the taxable year of the taxpayer, the child has as such child's principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen or national of the United States.

"(D) ALIMONY, ETC.—A payment to a wife which is alimony or separate maintenance shall not be treated as a payment by the wife's husband for the support of any dependent.

"(E) UNLAWFUL ARRANGEMENTS.—An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

"(3) MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support,

"(B) over one-half of such support was received from persons each of whom, but for the fact that such person did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

"(C) the taxpayer contributed over 10 percent of such support, and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1), in the case of any individual who is—

"(A) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this subsection), and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(5) SUPPORT TEST IN CASE OF CHILD OF DIVORCED PARENTS, ETC.—

"(A) CUSTODIAL PARENT GETS EXEMPTION.—Except as otherwise provided in this paragraph, if—

"(i) a child receives over one-half of such child's support during the calendar year from such child's parents—

"(I) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(II) who are separated under a written separation agreement, or

"(III) who live apart at all times during the last 6 months of the calendar year, and

"(ii) such child is in the custody of 1 or both of such child's parents for more than one-half of the calendar year,

such child shall be treated, for purposes of paragraph (1), as receiving over one-half of such child's support during the calendar year from the parent having custody for a greater portion of the calendar year (hereafter in this paragraph referred to as the 'custodial parent').

"(B) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—A child of parents described in subparagraph (A) shall be treated as having received over one-half of such child's support during a calendar year from the noncustodial parent if—

"(i) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(ii) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this paragraph, the term 'noncustodial parent' means the parent who is not the custodial parent.

"(C) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This paragraph shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provisions of paragraph (3).

"(D) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

"(i) IN GENERAL.—A child of parents described in subparagraph (A) shall be treated as having received over one-half such child's support during a calendar year from the noncustodial parent if—

"(I) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 2 for such child, and

"(II) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this clause, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(ii) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this subparagraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(I) which is executed before January 1, 1985,

"(II) which on such date contains the provision described in clause (i)(I), and

"(III) which is not modified on or after such date in a modification which expressly provides that this subparagraph shall not apply to such decree or agreement.

"(E) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this paragraph, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"PART II—TAX ON BUSINESS ACTIVITIES

"Sec. 11. Tax imposed on business activities.

"SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

"(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

"(c) BUSINESS TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

"(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

"(d) DEDUCTIONS.—

"(1) IN GENERAL.—The deductions specified in this subsection are—

"(A) the cost of business inputs for the business activity,

"(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

"(C) the cost of personal and real property used in such activity.

"(2) BUSINESS INPUTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), the term 'cost of business inputs' means—

"(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

"(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

"(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

"(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

"(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

"(I) influencing legislation,

"(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

"(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

"(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

"(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

"(I) clause (i)(I) shall not apply, and

"(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

"(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

"(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities carried on by such organization.

"(iii) Application to Dues of Tax-Exempt Organizations.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

"(iv) Influencing Legislation.—For purposes of this subparagraph—

"(I) In General.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

"(II) Legislation.—The term 'legislation' has the meaning given that term in section 4911(e)(2).

"(v) Other Special Rules.—

"(I) Exception for Certain Taxpayers.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(II) De Minimis Exception.—

"(aa) In General.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

"(bb) In-House Expenditures.—For purposes of provision (aa), the term 'in-house expenditures' means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

"(III) Expenses Incurred in Connection with Lobbying and Political Activities.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

"(vi) Covered Executive Branch Official.—For purposes of this subparagraph, the term 'covered executive branch official' means—

"(I) the President,

"(II) the Vice President,

"(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

"(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the President as having Cabinet level status, and any immediate deputy of such an individual.

"(vii) Special Rule for Indian Tribal Governments.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

"(viii) Cross Reference.—

"For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

"(e) Carryover of Excess Deductions.—

"(1) In General.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) such excess, plus

"(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

"(2) 3-Month Treasury Rate.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less."

(b) Conforming Repeals and Redesignations.—

(1) Repeals.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(R) Subchapter W (relating to District of Columbia Enterprise Zone).

(2) Redesignations.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

SEC. 3. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

SEC. 4. ADDITIONAL REPEALS.

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

SEC. 5. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act apply to taxable years beginning after December 31, 2003.

(b) Repeal of Estate and Gift Taxes.—The repeal made by section 3 applies to estates of decedents dying, and transfers made, after December 31, 2003.

(c) Technical and Conforming Changes.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

By Ms. COLLINS (for herself, Mr. Dorgan, Mr. Santorum, and Mr. Conrad):

S. 908. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I am introducing legislation today that would create a United States Consensus Council. Designed to facilitate a consensus building process on important national issues, the U.S. Consensus Council is modeled upon similar entities that have operated successfully in several States. The council would be a nonprofit, private entity that would serve both the legislative and executive branches of government. Its role would be to build agreements among stakeholders on public policy issues where there are diverse and conflicting views and bring these agreements back to Congress or other decision-makers for action.

A good example of such a consensus council is the Montana Consensus Council. Established in 1994, this council has helped to facilities agreements on a range of contentious public issues.

The Council, for example, facilitated development of a plan for the cleanup of hazardous waste sites that was overwhelmingly approved by the State legislature. It also helped mediate a dispute between recreationists and ranchers over water rights and, with the input of key stakeholders, an agreement was successfully reached.

The North Dakota Consensus Council, created in 1990, has helped build agreements on numerous local and State issues, including facilitating a five year effort to develop a strategic plan for the future of North Dakota and an economic development strategy to implement that plan.

The U.S. Consensus Council Act was introduced in the last Congress by Senator DORGAN and cosponsored by a bipartisan group of Senators. The Committee on Governmental Affairs favorably reported the bill last fall, but the full Senate did not have an opportunity to act on it before adjournment. I am pleased that Senator DORGAN, along with Senators SANTORUM and CONRAD, have joined me in reintroducing the legislation today.

The legislation would establish the U.S. Consensus Council as an independent nonprofit corporation under the District of Columbia Nonprofit Corporation Act. The Council would not be an agency or instrumentality of the United States. The Council's role would be to design and conduct processes that bring together key stakeholders and build agreements on complex public policy issues. The resulting recommendations would be advisory, subject to the normal legislative or regulatory processes.

The Council's powers would be vested in a 12-member part-time Board of Directors. Each of the leaders of the majority and minority in the House of Representatives and the Senate would appoint two board members, and the President would appoint four members. Members of the Board cannot be Federal officers or employees.

A President, selected by the Board, would be the chief executive officer of the Council.

Mr. DORGAN. Madam President, today I am pleased to join my colleague, Senator COLLINS, in introducing legislation that would create the United States Consensus Council. This council would be a nonprofit, quasi-governmental entity. Its role would be to build agreements among stakeholders on legislative issues where there are diverse and conflicting views and bring these agreements back to Congress or other decisionmakers for action.

We all talk about the benefit of working across party lines to develop consensus on a variety of policy issues. This bill would help to institutionalize this goal and provide ongoing support to Congress by bringing stakeholders to the table to resolve a wide range of difficult national issues.

The North Dakota Consensus Council in my home State serves as a model for this national proposal. In North Dakota, the Consensus Council has helped to find common ground on the use of grasslands in the western part of the State, the structure of judgeships across the State, and flood mitigation efforts in the Red River Valley. By bringing together all of the interested parties, the North Dakota Consensus Council was able to find solutions to problems that had previously seemed insurmountable. Washington, DC, is ripe with opportunity for the same kind of consensus building and mediation. We can not only build on the experience of consensus building in North Dakota, but similar successes in Montana, Florida, Oregon, and many other States.

The United States Consensus Council would bring people together and then help to develop recommendations. These recommendations would be advisory and would not circumvent any of the normal legislative requirements or processes. The board of directors would be appointed by the President and the bipartisan congressional leadership. The council would remain neutral on substantive policy matters.

The council would focus on issues that are contentious or deadlocked, or they could be emerging issues where mediation could help to prevent later polarization.

The council's role will be to design and conduct processes that lead to common ground on effective public policy for a particular issue. The council could be called upon to convene key stakeholders in face-to-face meetings over time to build agreements on complex issues.

I have long been a supporter of building consensus and finding ways to reach compromise. I believe that this legislation could help the Congress and the administration to find that middle ground. There are so many important issues that get deadlocked in Washington, and this approach will help to break that logjam. I look forward to working with my colleagues on both sides of the aisle to move this bill through the process.

By Ms. SNOWE:

S. 909. A bill to provide State and local governments with flexibility in using funds made available for homeland security activities; to the Committee on Environment and Public Works.

Ms. SNOWE. Madam President, I rise today to introduce legislation that will provide State and local governments the flexibility they need for preparedness activities associated with the planning, procurement and training for homeland security and counter terrorism activities.

Quite simply, this legislation would permit State and local governments to use up to twenty percent of any funds provided for the procurement of new equipment to train first responders in the use of that equipment and secondly, allow State level Emergency Management personnel to conduct activities such as FEMA related strategic planning on behalf of smaller communities that may not otherwise have the resources to adequately perform that planning.

I became acutely aware of this need when I visited the Maine Emergency Management Agency and learned that, although they had been provided the funds to purchase new chemical and biological protection equipment, they had not received any funds to train personnel to use that equipment.

As we are all aware, homeland security needs at the State level vary widely. From State to State, there are varying degrees of risk, varying percentages of full-time versus volunteer responders, and different areas of strengths and weaknesses in the responder community. Any successful Federal program that seeks to improve response capability must therefore have flexible rules for implementation.

For example, in fiscal years 2000 through 2002, FEMA funded states for terrorism preparedness activities. The State of Maine received $246,000 annually for these activities and the funds were administered through the Emergency Management Performance Grant. Those funds were based on a strategic plan submitted by each State that outlined its most urgent needs, and the steps to be taken to meet those needs. If planning was the need, the State could put an emphasis on planning. If training or exercise was the need, they could stress that.

While there was no set quota for how much money had to go to local communities, States were required to track performance measures that showed how local communities were benefitting because in rural States such as Maine, it is often more efficient and cost-effective for States to sponsor programs for the benefit of local officials, rather than providing funds to communities that may not have the organizational infrastructure to plan and execute programs.

States were given wide authority to reimburse communities for time and equipment costs, purchase training materials, and contract for services—whatever was necessary to accomplish the ultimate goal of improved preparedness for responders. These dollars could also support basic emergency management activities, such as incident command training, emergency planning or exercise design, which supported the communities' overall all-hazard preparedness as well as their capability to react to a terrorist incident.

By contrast, let's go back and look at FEMA's FY2002 Supplemental Budget and the Office of Domestic Preparedness' funding for emergency response equipment for it was during this cycle that the previous flexibility began to be restricted. First, while the FEMA FY2002 Supplemental Budget supported emergency operations planning, Citizen Corps, Community Emergency Response Teams, CERT, and emergency operations center assessment and improvement, 75 percent of the funding for planning and for Citizen Corps and CERT efforts was required to be passed through to local communities, even if the capacity to administer those funds was generally lacking and the communities would have been better served by programs brought to them by the state.

In addition, planning dollars could not be spent on exercises to test plans, or training to support those plans. Funds for Citizen Corps and CERT programs, which are voluntary efforts, could not be used for any other preparedness purpose, even if no communities came forward desiring to participate in those programs. It is likely that Maine will return a portion of these funds because the local need for them does not exist. Furthermore, emergency operations center assessment funds could only be spent on assessment, even if a current assessment of facilities was in place.

The Office of Domestic Preparedness' funding for the procurement of equipment has been equally restrictive. The lion's share is of course for equipment, and only equipment that provides protection, detection, decontamination and communications could be procured.

Beyond the fact that it took two rounds of funding to build a critical mass of resources such that equipment purchases could begin in earnest, much of this equipment is highly technical in nature, and requires extensive training to operate safely and properly. However, of the funds provided for that equipment, none could be used for training. While there were some exercise funds, they were specifically targeted to weapons of mass destruction. With the FY2003 allocation, some funding has been allocated for training, which is a positive step but, again, it comes with very strict limits and dollars allocated for exercise cannot be used for training, or vice versa.

In the emergency management world, planning comes first, then training, then exercise.

If you need a plan, you can't substitute an exercise and get the same result. If you need an exercise, you can't substitute training. Even within the training and exercise grants, there are restrictions that make it extremely difficult for full-time departments, for example, to free up employee time to take needed training or participate in exercises. And with the focus on homeland security, the need for flexibility to improve basic response capability has also been overlooked. In communities that do not have the resources to create special response forces for every hazard—and that includes all towns in Maine—it is imperative to be able to build a base of planning and training for all hazards, on which one can build the capability to respond to a terrorist incident.

Our strategy in Maine has been to build a regional response capability. In some areas we could build that capability around existing response capacity, and in others we have had to build capability from the ground up.

For example, the Portland and South Portland fire departments have formed a regional response team and are undertaking training required to stand up a fully qualified hazardous materials response team. This entails 80 hours of training for each individual. But, I'm told the City of Portland is in the process of cutting 20 fire positions and some police officers because of budget constraints at the local level, as they are facing additional security requirements around the city. This makes it very difficult to free up responders for the required training, especially as there are no budget dollars for overtime, and no Federal grant currently available will reimburse training costs to include overtime.

In other parts of the State, private paper companies have stepped up and volunteered their already-trained hazardous materials teams to respond off site. During the anthrax scare in the fall of 2001, these teams responded to any and all "suspicious package" calls, at a cost of $2,000 per hour to field a team of 22 people.

These companies have responded out of patriotism and a sense of civic responsibility, and despite challenging economic times in the paper industry. These teams are now faced with maintaining the full "level A" capability and further facing more than 20 hours of additional training to be fully WMD compliant. No grant monies currently available allow reimbursement for their response or for their training time.

In Maine, we have by necessity been flexible in our approach to each region, looking at the different needs in planning, training, exercise and equipment procurement. However, it is becoming increasingly difficult to practice flexibility when the Federal programs that provide the resources to build capability are becoming more and more rigid.

The events of September 11, 2001 and the subsequent anthrax attacks have brought our Nation to heightened level of awareness. Nowhere is this more evident than in Maine's hospitals, upon which we rely to respond quickly and effectively in the event of any disaster affecting our residents' health.

While hospitals have always had disaster plans in place, recent events have dramatically changed the definition of "disaster". Since September 11, 2001, hospitals have stepped up their readiness efforts to be better prepared in responding not only to conventional disasters, but also to the more concrete threat of previously unimaginable terrorist attacks using chemical, biological or radiologic agents that could lead to large-scale emergencies with mass casualties.

Hospitals have to change their mindset on established norms and standard ways of operating to embrace a broader spectrum of roles and responsibilities. The relationship between traditional first responders and the non-traditional role of hospitals in community-wide first response overall is moving closer, emphasizing the need for collaboration and compatibility.

No one doubts that in the event of a weapons of mass destruction event, hospitals are likely to see large numbers of potentially contaminated patients seeking treatment. The reality is that hospital emergency department staff and hospital providers in general are truly the new "first responders." Hospitals are critical elements of the community response system and if they are not prepared and protected, there will be serious gaps in the system that could cause it to break down completely.

One of the largest barriers to optimal emergency preparedness is staff education and training. To date, hospitals have had to absorb all these costs, as the limited funding assistance available to hospitals has not been permitted to be spent on education and training. The full costs of providing training is daunting, particularly in these lean economic times of declining reimbursement to hospitals.

The costs of the courses and/or instructors' fees pale in comparison to the staff time that must be paid to attend any given course. Staff time must essentially be paid twice—first to pay the staff person's on-duty time to attend the course or drill, and once again to pay another staff person's time to replace the worker being trained. The cost of staff time is significant, and even finding staff to replace the one attending training is especially costly due to the nursing shortage in hospitals. Consider the following facts: The vacancy rate for hospital staff nurses in Maine has been 8–9 percent. The average hourly rate for registered nurses in Maine is $21.67, and rising. Any staff training must be done on a large scale so that trained staff are available 24 hours a day, 7 days a week.

As just one example of training needed, Maine recognizes that hospitals need to be prepared to manage contaminated patients who come to their facility. The Maine Emergency Management Agency is working to provide hospitals with the necessary equipment, but the training necessary to competently use that equipment is extensive and currently underfunded.

According to Federal Occupational Safety and Health Administration regulations, staff must be trained to the hazardous material "operations" level in order to safely use the equipment. Meeting Federal Government standards for that level of training requires at least two full days of initial training, with refresher courses required annually. Conservatively speaking, if 35 Maine hospitals train 25 nurses to that level, the approximate cost of nursing staff time alone for the initial course would be $606,760. And remember, because six to eight staff members are required to man the decontamination line, the nursing costs are just the beginning.

The same staffing costs apply to sending staff to local and regional emergency drills and training sessions—which are absolutely critical components of Maine's disaster readiness. It is simply not possible for hospitals to absorb all of these costs, given the declining reimbursements. Hospital operating margins in Maine declined from an average of 2.3 percent in 2001 to 1.7 percent in 2002 and about one third of all Maine hospitals experienced zero or negative operating margins in 2002.

Yet, our hospitals continue their efforts to provide the best possible patient care while simultaneously increasing their level of emergency preparedness. Federal assistance with training funding would provide excellent support for hospitals, as they work to respond to any crisis and protect their staff so they can perform the critical functions of caring for the citizens of Maine in any crisis.

These are but a few examples of the burdens being experienced by State, local and private industry responders as they struggle to prepare themselves and the citizenry to prevent and respond to terrorist attacks and other crises. This legislation will provide some of the flexibility emergency management personnel require to be truly prepared. I urge my colleagues to support this much needed legislation.

By Mr. AKAKA (for himself, Mr. CARPER, and Mr. LAUTENBERG):

S. 910. A bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security; to the Committee on Governmental Affairs.

Mr. AKAKA. Madam President, I rise today to introduce legislation to preserve important non-homeland security missions in the Department of Homeland Security. I am pleased to be joined by the Senator from Delaware, Senator CARPER, and the Senator from New Jersey, Senator LAUTENBERG, in this effort to guarantee the fulfillment of non-homeland security functions Americans rely on daily.

Many of these non-homeland security functions are especially important to the State of Hawaii. The Coast Guard provides essential search and rescue, fisheries enforcement, and protection of our coastline. The Animal and Plant Health Inspection Service protects the State's fragile ecosystem from invasive species. The Federal Emergency Management Agency assists municipalities in reducing the destructive effects of natural disasters, such as floods, hurricanes, and tidal waves.

To preserve these vital functions, the "Non-Homeland Security Mission Performance Act of 2003" would require the Department of Homeland Security to identify and report to Congress on the resources, personnel, and capabilities used to perform non-homeland security functions, as well as the management strategy needed to carry out these missions.

The measure would require the Department to include information on the performance of these functions in its annual performance report. Our legislation also calls for a General Accounting Office, GAO, evaluation of the performance of essential non-homeland security missions.

The establishment of the Department of Homeland Security created additional management challenges and has fueled growing concerns that the performance of core, non-homeland security functions will slip through the cracks. Just last week, the GAO testified before the House Committee on Transportation and Infrastructure that the Coast Guard has experienced a substantial decline in the amount of time spent on core missions. Moreover, GAO found that the Coast Guard lacks the resources to reverse this trend. Coast Guard Commandant Thomas H. Collins is quoted as saying that his agency has more business than it has resources and is challenged like never before to do all that America wants it to do.

These same concerns extend to the entire Department of Homeland Security. The Department of Homeland Security's Bureau of Citizenship and Immigration services provides asylum for refugees and helps immigrants become American citizens. The Customs Service protects and monitors foreign trade so essential for a healthy American economy. And the Secret Service protects and monitors against identity theft, counterfeiting, and other financial crimes.

In fact, the General Accounting Office has added the transformation of and implementation of the Department to the GAO High Risk list, partially as the result of existing management challenges to fulfill non-homeland security missions.

The cost of creating a Department of Homeland Security should not come at the expense of these essential missions. Agencies should strike the proper balance between new homeland security responsibilities and their critical non-homeland security missions. Enhancing traditional missions also enhances domestic security which depends on sound management strategies that ensure adequate resources and personnel.

I urge my colleagues to support the "Non-Homeland Security Mission Performance Act of 2003." Our bill takes important steps to ensure that Americans will not see a decline in non-homeland security services as a result of the creation of the Department of Homeland Security.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Non-Homeland Security Mission Performance Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Federal agencies included in the Department of Homeland Security perform important non-homeland security functions on which all United States citizens rely, such as the protection of fisheries and agriculture, communication and transportation infrastructures, and medical supplies.

(2) Federal agencies included in the Department shall ensure the continuation of non-homeland security functions as new homeland security responsibilities are adopted.

(3) A strategy to address non-homeland security functions is needed to meet the daily needs of Americans and to preserve the security of the Nation.

(4) Non-homeland security functions are complementary to homeland security functions and often share personnel, resources, and assets. It is appropriate for each Under Secretary of the Department of Homeland Security to ensure that non-homeland security functions are performed.

(5) Agencies in the Department of Homeland Security perform essential non-homeland security functions Americans rely on everyday, including the following:

(A). The United States Coast Guard has vital non-homeland security functions, including search and rescue, fisheries enforcement, law enforcement, marine safety, and aids to navigation.

(B) The Department of Homeland Security Bureau of Citizenship and Immigration Services provides important immigration and citizenship services and benefits including processing and approving requests for citizenship, adjudicating asylum for refugees, and immigration benefits, such as refugee and intercountry adoptions.

(C) The Federal Emergency Management Agency (FEMA) assists local communities to prepare for and respond to floods, hurricanes, earthquakes, fires, tornadoes, and other natural disasters. The Federal Emergency Management Agency supplements State and local responses to natural disasters and the mitigation of damage, and prevention of disasters, such as earthquakes.

(D) The Animal and Plant Health Inspection Service and the Animal Research Service develop strategies to prevent and control foreign or emerging animal and plant disease epidemics vital to farmers, the economy, and the protection of the environment.

(E) The Secret Service is charged with safeguarding payment and financial systems by protecting against counterfeiting, identity theft, credit card fraud, cell phone fraud, computer and telecommunications fraud, money laundering, and other financial crimes.

(F) The United States Customs Service protects our free trade essential for a healthy economy by working to lower the cost of trade compliance, providing guidance on the conduct of legal trade, and monitoring imports to ensure compliance with public health and safety laws. Customs protects intellectual property and combats money laundering, child pornography, and drug trafficking.

(b) PURPOSES.—The purposes of this Act are to—

(1) ensure the continuation of non-homeland security functions of Federal agencies; and

(2) ensure that Federal agencies develop sound management strategies and allocate sufficient funding to carry out non-homeland security functions.

SEC. 3. NON-HOMELAND SECURITY FUNCTIONS PERFORMANCE.

(a) IN GENERAL.—For each entity in the Department of Homeland Security that performs non-homeland security functions, the Under Secretary with responsibility for that entity, in conjunction with the head of that entity, shall submit a report on the performance of the entity and all the functions of that entity, with a particular emphasis on examining the continuing level of performance of non-homeland security functions to—

(1) the Secretary of Homeland Security;

(2) the Committee on Governmental Affairs of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Government Reform of the House of Representatives;

(5) the Select Committee on Homeland Security of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(b) CONTENTS.—The report referred to under subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees carrying out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, used to carry out those functions;

(2) contain information relating to the roles, responsibilities, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish non-homeland security functions without any diminishment;

(3) contain information relating to whether any changes are required to the roles, responsibilities, functions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish non-homeland security functions without diminishment; and

(4) contain the strategy the Department will use for the performance of non-homeland security functions and homeland security functions.

(c) SUBMISSION OF REPORTS.—During the 5-year period following the date of the transfer of an entity that performs non-homeland security functions to the Department of Homeland Security or the date of the establishment of an entity that performs non-homeland security functions within the Department of Homeland Security, the Under Secretary with responsibility for that entity shall submit an annual report described under subsection (a).

(d) ANNUAL EVALUATIONS.—

(1) IN GENERAL.—The Comptroller General of the United States shall monitor and evaluate the implementation of this section.

(2) REPORTS.—Not later than 60 days after the date of enactment of this Act and every year during the succeeding 5-year period, the Comptroller General of the United States shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives containing—

(A) an evaluation of the implementation progress reports submitted under this section;

(B) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department of Homeland Security is meeting the non-homeland security functions of the Department; and

(C) any recommendations for legislation or administrative action the Comptroller General of the United States considers appropriate.

(e) PERFORMANCE REPORTS.—In performance reports submitted under section 1116 of title 31, United States Code, the Department of Homeland Security shall—

(1) clarify homeland security and non-homeland security function performance; and

(2) fully describe and evaluate the performance of homeland and non-homeland security functions and goals to Congress.

By Ms. LANDRIEU (for herself and Mr. CORZINE):

S. 911. A bill to amend the Internal Revenue Code of 1986 to provide a rebate of up to $765 to individuals for payroll taxes paid in 2001, to provide employers with an income tax credit of up to $765 for payroll taxes paid during the payroll tax holiday period, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, we are living in difficult economic times. Too many people are out of work and the economy is not growing enough to put them back to work permanently. The March unemployment rate was 5.8 percent and it has been holding around this mark for about a year. More bad news came just last week when the number of jobless claims soared to 445,000 for the week ending March 29. That is the highest number of weekly claims for unemployment benefits in almost a year.

While unemployment has been rising, other economic indicators are dropping. New orders for manufactured goods in February decreased $4.9 billion or 1.5 percent; shipments also fell 1.5 percent, the largest decrease since February of last year.

These cold, hard numbers cannot measure the unease and uncertainty many Americans feel today. The Conference Board Consumer Confidence Index fell 2 more points in March after a 3 point drop in February. When your neighbor is out of work and cannot find a job, you worry that you might be next. So you hold off on buying that new washing machine, the new car you need to get to work, or you put that dream vacation on hold. Americans have experienced losses in their pensions and 401(k) plans. When you combine all of this with the uncertainty surrounding the war against terrorism and the war with Iraq, you create a great drag on the economy.

I think all of my colleagues agree that the economy is not where we want it to be right now. We agree that it needs a booster shot. We have partisan disagreement over specifics and the size of the stimulus. But if we put aside our partisan differences, I believe we can come up with a bipartisan solution to help the economy in the short term.

We can accomplish this if we agree on a few, narrow principles for an economic stimulus plan. First, we should aim toward providing an immediate boost to the economy. We do not need tax cuts that will only begin to help several years downs the road. The economy needs help today. Second, the urgent need for the boost today means that the economic stimulus plan must be simple and easy to administer so that full effects can be felt right away. Third, I believe that a stimulus plan must be fiscally responsible. While the economy needs a boost today, that boost should not come at the expense of our ability to meet our needs tomorrow. And finally, the stimulus package must be equitable. It must be fair. It should touch all Americans, not just a select few.

Today, along with my colleague Senator CORZINE, I am introducing one idea for economic stimulus that meets all of these principles. We propose that all working Americans receive tax relief equivalent to the amount of payroll taxes paid on the first $10,000 of earnings—a total of $765. The rebate would be made in two installments. The first would come within 2 months of passage of the bill and the second would come by December 1st of this year. Employers would also receive an equivalent tax credit for their employees.

This plan meets the principles I have outlined. It is a short-term plan that will put spending money in the hands of working Americans. It will be simple to administer—rebate checks were a part of the tax cut we passed in 2001. The plan is fiscally responsible: the rebate checks will be paid out of general revenues and not from the Social Security trust fund. Finally, this plan is fair. Every working American will benefit.

Mr. President, I hope the Congress will act quickly to revive our economy. Today, Senator CORZINE and I are putting one idea forward. My colleagues have a variety of other ideas that they will put forward. The Senate should look at each and put together a final package that is simple, immediate, fair, and fiscally responsible.

Mr. CORZINE. Mr. President, I am proud to join with Senator LANDRIEU in introducing the Wage Tax Cut Act, legislation that would provide an immediate boost to America's economy by providing wage tax relief to all working Americans and to businesses.

In short, this proposal would give all working Americans a wage tax break of up to $765, equivalent to the payroll taxes they have paid on the first $10,000 of their earnings in the year 2001. Working couples would receive tax relief of up to $1,530. This is a 1-year proposal in which all payments and tax credits would come out of the General Treasury. The Social Security and Medicare trust funds would not be affected in any way.

Every working American and business-owner would benefit from our proposal. This $765 tax cut would help American families make ends meet and stimulate the economy. It would pay for 5 week's worth of groceries for a family of four; more than 2 months of child care; 3½ months of utility bills; and 7 months of gasoline.

The act would provide business-owners—small and large—a tax credit for up to $765 on the wages of each of their employees. The tax credit for businessowners would put more money in the hands of employers to spur investment in new people, plant, and equipment. By reducing payroll taxes, which amount to a tax on labor, we would encourage more employers to hire new personnel, and to keep those they now have.

That is why the Business Roundtable, which represents 150 of the country's largest corporations with over 10 million employees, has endorsed the concept of payroll-based tax relief that we are proposing today.

This is a simple, fair, and affordable economic stimulus plan that will get money in the hands of consumers and businesses that will be immediately reinvested in our economy.

Unlike the President's proposed tax plan, the Wage Tax Cut Act would provide immediate help to the economy, without being fiscally irresponsible. At $180 billion, its cost is only about 15 percent of the $1.3 trillion in tax cuts included in the conference report on the budget resolution.

At this important time in our Nation's history, when thousands of young men and women are bravely serving their country, we need to ensure that the America to which they return is vibrant and strong. This proposal would help create the jobs they need, and the prosperity they deserve.

In December 2001, when Senator BILL FRIST supported—in fact his own Web site articulated—the stimulative impact that payroll tax relief could have. It quoted the senator as saying:

> A payroll tax holiday is truly a stimulative, temporary tax cut that would be welcome news for most Americans, especially during the holiday season. As economic growth stagnates and unemployment numbers increase, putting additional money in consumers' pockets will provide a much needed economic boost.

Senator FRIST continued:

> The key is for Congress to respond and pass a stimulus bill now, and I believe that this proposal could provide us with a bipartisan solution.

Senator FRIST was right on the mark about the need, and stimulative impact, of payroll tax relief then. It is my hope that Majority Leader FRIST, and the rest of my colleagues, today will stand behind those words and support this proposal to help reinvigorate our economy.

By Mr. SMITH (for himself, Mr. BREAUX, and Mr. HATCH):

S. 914. A bill to amend the Internal Revenue Code of 1986 to apply look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Finance.

Mr. SMITH. Mr. President I rise today to introduce legislation to simplify an unnecessarily complex portion of the tax code that serves as an impediment to U.S. businesses attempting to compete in foreign markets. I am proud to be joined in this effort by my friends and colleagues Sens. BREAUX and HATCH. The Foreign Tax Credit, FTC, was designed to ensure that U.S. corporations were not subject to double taxation on foreign income. A number of limitations were placed on these credits in order to guard against attempts to reduce U.S. taxes on income earned here. Consequently, income earned abroad is sorted into separate "baskets" based on how the income is earned, also known as "look-through" treatment.

Unfortunately, income from certain corporate joint ventures has not always been afforded look-through treatment. In the past, income from a 10/50 company, a U.S. firm has substantial ownership, at least 10 percent but not a controlling interest 50 percent, was subject to different tax treatment. In 1997, Congress attempted to address disparity with legislation affording look-through treatment for dividends paid by 10/50 companies. However, the bill included vague transition rules that were complex and expensive for U.S. companies.

Our bill would resolve these transition issues by restoring parity in the tax treatment of joint-venture income to other income earned overseas by U.S. companies. Everyone, from the Joint Committee on Taxation in the 2001 simplification study to the Clinton Administration in its budget documents, has called for simplification in this area.

Legal and political realities in foreign markets often necessitate the use of corporate joint ventures with local firms. U.S. international tax rules should not penalize companies with overly complicated and costly limitations purely because they choose or are forced to do business in a certain form. The 10/50 transition rules didn't allow the full use of foreign tax credits, thus over-taxing income generated from these business ventures. We need to eliminate the last vestiges of the 10/50 regime in order to level the international playing field for U.S. companies.

I ask that all my colleagues consider and support this important legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) IN GENERAL.—Paragraph (4) of section 904(d) of the Internal Revenue Code of 1986 (relating to separate application of section with respect to certain categories of income) is amended to read as follows:

"(4) LOOK-THRU APPLIES TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income in a separate category in proportion to the ratio of—

"(i) the portion of earnings and profits attributable to income in such category, to

"(ii) the total amount of earnings and profits.

"(B) SPECIAL RULES.—For purposes of this paragraph—

"(i) IN GENERAL.—Rules similar to the rules of paragraph (3)(F) shall apply.

"(ii) EARNINGS AND PROFITS.—

"(I) IN GENERAL.—The rules of section 316 shall apply.

"(II) REGULATIONS.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer's acquisition of the stock to which the distributions relate.

"(iii) DIVIDENDS NOT ALLOCABLE TO SEPARATE CATEGORY.—The portion of any dividend from a noncontrolled section 902 corporation which is not treated as income in a separate category under subparagraph (A) shall be treated as a dividend to which subparagraph (A) does not apply.

"(iv) LOOK-THRU WITH RESPECT TO CARRYFORWARDS OF CREDIT.—Rules similar to the rules of subparagraph (A) also shall apply to any carryforward under subsection (c) from a taxable year beginning before January 1, 2003, of tax allocable to a dividend from a noncontrolled section 902 corporation with respect to the taxpayer.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1) of the Internal Revenue Code of 1986, as in effect both before and after the amendments made by section 1105 of the Taxpayer Relief Act of 1997, is hereby repealed.

(2) Section 904(d)(2)(C)(iii) of such Code, as so in effect, is amended by striking subclause (II) and by redesignating subclause (III) as subclause (II).

(3) The last sentence of section 904(d)(2)(D) of such Code, as so in effect, is amended to read as follows: "Such term does not include any financial services income.".

(4) Section 904(d)(2)(E) of such Code is amended—

(A) by inserting "or (4)" after "paragraph (3)" in clause (i), and

(B) by striking clauses (ii) and (iv) and by redesignating clause (iii) as clause (ii).

(5) Section 904(d)(3)(F) of such Code is amended by striking "(D), or (E)" and inserting "or (D)".

(6) Section 864(d)(5)(A)(i) of such Code is amended by striking "(C)(iii)(III)" and inserting "(C)(iii)(II)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ALEXANDER (for himself, Mr. LEVIN, Mr. WARNER, and Mr. BINGAMAN):

S. 915. A bill to authorize appropriations of fiscal years 2004, 2005, 2006, 2007, and 2008 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum use of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy and Science Research Investment Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Office of Science of the Department of Energy is the largest Federal sponsor of civilian research in the physical sciences and plays a major role in supporting interdisciplinary research that contributes to other scientific fields, including the life sciences, mathematics, computer science, engineering, and the environmental sciences;

(2)(A) Department of Energy laboratories have scientific capabilities that are unmatched in typical academic or industrial institutions;

(B) scientific teams of the laboratories are capable of developing integrated approaches to grand scientific challenges that are often beyond the reach of individual experimenters; and

(C) the Human Genome Project exemplifies that capability;

(3) the facilities at the Department of Energy laboratories are invaluable to scientists across disciplines, including those from academia, industry, and government;

(4)(A) for more than half a century, science research has had an extraordinary impact on the economy, national security, medicine, energy, life sciences, and the environment; and

(B) in the economic arena, studies show that about half of all United States post-World War II economic growth is a direct result of technological innovation stemming from scientific research;

(5) the Office of Science programs, in constant dollars, have been flat funded for more than a decade, placing the scientific leadership of the United States in jeopardy and limiting the generation of ideas that will enhance the security of the United States and drive future economic growth;

(6)(A) because the cost of conducting research increases at a faster rate than the Consumer Price Index, flat funding for the Office of Science has led to a decline in the number of grants awarded, students trained, and scientists supported; and

(B) flat and erratic funding has also led to an underuse of the facilities that the United States has invested hundreds of millions of dollars to construct; and

(7) higher funding levels for the Office of Science will provide more opportunities to support graduate students in research at universities in the fields of mathematics, engineering, and the physical sciences, helping to alleviate an increasing over-reliance on foreign talent in these fields.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENCE PROGRAMS.

(a) PROGRAM DIRECTION.—The Secretary of Energy, acting through the Office of Science, shall—

(1) conduct a comprehensive program of fundamental research, including research on chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and advanced scientific computing;

(2) maintain, upgrade, and expand the scientific user facilities maintained by the Office of Science and ensure that the facilities are an integral part of the departmental mission for exploring the frontiers of fundamental science;

(3) maintain a leading-edge research capability in the energy-related aspects of nanoscience and nanotechnology, advanced scientific computing and genome research;

(4) ensure that the fundamental science programs of the Department of Energy, as appropriate, help inform the applied research and development programs of the Department; and

(5) ensure that Department of Energy research programs support sufficient numbers of graduate students to maintain the pipeline of scientists and engineers that is critical for the future vitality of Federal laboratories and overall United States science leadership.

(b) AUTHORITIES OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) for fiscal year 2004, $3,785,000,000;

(2) for fiscal year 2005, $4,153,000,000;

(3) for fiscal year 2006, $4,586,000,000;

(4) for fiscal year 2007, $5,000,000,000; and

(5) for fiscal year 2008, $5,400,000,000.

Mr. LEVIN. Madam President, today I am pleased to introduce, with Senators ALEXANDER, BINGAMAN, and WARNER, legislation that would authorize increased funding for the Department of Energy's, DOE, Office of Science. For two decades, funding for the Office of Science has remained stagnant while the cost of conducting cutting-edge research has continued to rise. Inadequate funding levels for the Office of Science, one of our Nation's leading sources of funding for research in the physical sciences, threatens our Nation's leadership in all sciences and thus also our economic well-being and our security. In the past fifty years, roughly one-half of the Nation's economic growth has been derived from investments in science and technology.

The DOE's Office of Science portfolio is extensive. It is the chief sponsor of major research and user facilities benefitting researchers in the life sciences, physics, chemistry, environmental sciences, mathematics, computer science, and engineering. Among these disciplines, the Office of Science possesses primary responsibility for research in fusion energy physics, nuclear physics, and high energy physics. Taken together, this research supports the DOE's responsibilities for energy security and defense.

While much of this work is conducted by scientists and researchers at our world-class national labs, university-based research is greatly enhanced by DOE Office of Science funds. Over one-fifth of its budget is directed to university research, with 49 States receiving funding. This funding plays a central role in supporting significant, long-term, peer-reviewed basic research. Such on-campus research helps attract motivated students to the physical sciences. By stimulating the curiosity of talented students, and giving them a chance to engage in quality scientific work, the Office of Science expands our knowledge base while training the next generation of scientists and engineers.

The University of Rochester's Laboratory for Laser Energetics shows the value that is posed by DOE's efforts to support on campus research be it through the DOE's Office of Science or other DOE programs. Since its founding in 1970, this lab has helped produce 161 Ph.D.'s. Currently 57 students are pursuing their doctorates while working at this facility. Additionally, the lab employs dozens of undergraduates and helps bring high school students to the facility each summer. By supporting nearly 2,000 researchers at more than 250 universities and institutions in cutting edge research areas such as physics, nanotechnology, materials, genomics, and superconductivity, the Office of Science is able to help draw students to the sciences.

It is the creation of the next generation of scientists that will fuel our nation's economic development and staff our nation's critical DOE facilities. According to the DOE Inspector General the "Department has been unable to recruit and retain critical scientific and technical staff in a manner sufficient to meet identified mission requirements. . . . [I]f this trend continues, the Department could face a shortage of nearly 40 percent in these classifications within five years."

If we do not increase funding for the DOE's Office of Science: maintenance backlogs will increase even further at major DOE facilities, major construction initiatives will lapse and even fewer research grants will be funded. As a result, our Nation's leadership in overall science and technology will be threatened since the physical sciences provide much of the core knowledge and instrumentation that fuel advances in many other critical fields of knowledge.

Increasing funds for the DOE's Office of Science will support research in exciting fields such as: nanotechnology, high energy physics, genomics and supercomputing. By investing in the Office of Science, we can help scientists and engineers as they expand our knowledge of the universe and inform our interactions with it.

By Mr. BENNETT:

S. 916. A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Madam President, I rise today to introduce the "National Mormon Pioneer Heritage Area Act of 2003."

The story behind and about the Mormon pioneers' 1,400 mile trek from Illinois to the Great Salt Lake Valley is one of the most compelling and captivating in our Nation's history. This legislation would designate as a National Heritage Area an area that spans some 250 miles along Highway 89 and encompasses outstanding examples of historical, cultural, and natural resources that demonstrate the colonization of the western United States, and the experience and influence of the Mormon pioneers in furthering that colonization.

The landscape, architecture, artisan skills, and events along Highway 89 convey in a very real way the legacy of the Mormon pioneers' achievements. The community of Panquitch for example, has an annual Quilt Day celebration to commemorate the sacrifice and fortitude of its pioneers whose efforts saved the community from starvation in 1864. The celebration is in remembrance of the Quilt Walk, a walk in which a group of men from Panquitch used quilts to form a path that would bear their weight across the snow. This quilt walk enabled these men to cross over the mountains to procure food for their community, which was facing starvation as it experienced its first winter in Utah.

Another example of the tenacity of pioneers can be seen today at the Hole-in-the-Rock. Here, in 1880, a group of 250 people, 80 wagons, and 1,000 head of cattle came upon the Colorado River Gorge. Finding no pathways down to the river, the pioneers decided to use a narrow crevice leading down to the bottom of the gorge. To make the crevice big enough to accommodate wagons, the pioneers spent six weeks enlarging the crevice by hand, using hammers, chisels, and blasting powder. They then attached large ropes to the wagons as they began their descent down the steep incline. It is because of such tenacity and innovation on the part of pioneers that the western United States was shaped the way it was and much of that has contributed to the way of life and landscape still found in the West today.

The National Mormon Pioneer Heritage Area will serve as a special recognition of the people and places that have contributed greatly to our nation's development. It will allow for the conservation of historical and cultural resources, the establishment of interpretive exhibits, will increase public awareness of the surviving skills and crafts of those living along Highway 89, and specifically allows for the preservation of historic buildings. In light of the benefits associated with preserving the rich heritage of the founding of many of the communities along Highway 89, my legislation has broad support from Sanpete, Sevier, Piute, Garfield, and Kane counties and is a locally based, locally supported undertaking.

I believe this legislation will provide an exciting platform from which a significant part of our Nation's history can be highlighted. The Senate passed this legislation last year as part of a larger national heritage area package. While the overall package was not considered by the other body before the last Congress adjourned, I look forward to working with my colleagues in the Senate and the administration to pass this legislation during this session.

By Ms. MURKOWSKI:

S. 917. A bill to amend title 23, United States Code, to require the use of a certain minimum amount of funds for winter motorized access trails; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Madam President, I rise to introduce a bill with great significance for snowmachine and snowmobile advocates both in Alaska and nationwide.

As many of my colleagues know, the use of snowmobiles is growing as a form of recreation. There are an estimated 1.64 million snowmobiles currently in use. In my State of Alaska, and in other northern States, travel by snowmobile goes beyond recreation. In many areas it is a regular form of transportation when snow prevents people from traveling any other way. Snowmobiles are used regularly to visit neighbors, to hunt for a family's food supply, to carry people who are sick or injured to a place they can receive care. In many parts of Alaska, snowmobiles are as common as cars.

Unfortunately, there is no existing program to provide for the proper marking of snowmobile trails, to maintain trails, or even to encourage safe use of these machines. The bill I am introducing today is intended to correct that situation.

First, my bill directs the Secretary of Transportation to establish a snowmobile education program. Second, the bill directs the Secretary, working with the snowmobile industry and others, to estimate the amount of fuel tax attributable to snowmobile use in each State, and provides that at least the same dollar amount be dedicated to the acquisition, design, planning, construction and maintenance of snowmobile trails.

At present, 30 percent of the Recreational Trails program funding is reserved for motorized uses, which may be combined with money for other uses, to establish multiple-use trails and associated facilities. However, although a portion of this funding comes from the tax paid for fuel used in snowmobiles, there is no guarantee that any of that money actually is used to benefit snowmobile activities.

My bill takes nothing away from any other part of the Recreational Trails program—it simply ensures that each State spends on snowmobiles what is collected from snowmobiles. That is simple fairness.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WINTER MOTORIZED ACCESS TRAILS.

Section 206 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(3) SNOWMACHINE.—The term 'snow machine' means a motorized off-road vehicle intended to operate on snow, and which is propelled by means of a revolving track or tracks."; and

(2) in subsection (d), by adding at the end the following:

"(5) WINTER MOTORIZED ACCESS TRAILS.—

"(A) USE OF FUNDS.—

"(i) DETERMINATION BY THE SECRETARY.—The Secretary shall annually estimate revenues to the Highway Trust Fund derived from fuel purchased in each State for use in snowmachines, using information submitted by—

"(I) the Department of Commerce;

"(II) the Department of the Treasury;

"(III) the International Snowmobile Manufacturers Association; and

"(IV) any other appropriate sources.

"(ii) USE OF FUNDS.—

"(I) IN GENERAL.—Of amounts made available to a State for motorized access under the recreational trails program, not less than the amount that is equal to the revenues derived from fuel purchased for use in the State by snowmachines, as estimated by the Secretary under clause (i), shall be used for activities that enhance winter motorized recreational trails, including—

"(aa) trails on Bureau of Land Management or National Forest land where such uses are not prohibited by law; and

"(bb) trails designed for diverse uses in other seasons.

"(II) ACTIVITIES.—A State may use funds under subclause (I) to—

"(aa) locate, survey, and map winter motorized-use or multiple-use trails;

"(bb) document or secure public rights-of-way for trails;

"(cc) reroute trails where necessary;

"(dd) design and construct new trail routes;

"(ee) link existing trail systems;

"(ff) build trailhead facilities;

"(gg) improve trails for safe travel and multiple uses;

"(hh) establish safety caches of first aid and emergency gear;

"(ii) sign and mark trails;

"(jj) purchase trail building and grooming equipment; and

"(kk) mobilize trail volunteers as maintenance crews, safety patrols, and trail ambassadors.

"(B) PUBLIC INFORMATION CAMPAIGNS.—

"(i) IN GENERAL.—Of the sums available to the Secretary for the administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee, $50,000 shall be used for each fiscal year for public information campaigns educating the public about, and encouraging, the safe use of snowmachines.

"(ii) CONTENT.—In designing the content of public information campaigns under clause (i), the Secretary shall consult with—

"(I) representatives of snowmachine manufacturers and users; and

"(II) the Advertising Council.".

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. REID, Mr. HAGEL, Mr. JOHNSON, Mr. LIEBERMAN, Mr. SARBANES, Mr. DODD, Mr. KOHL, and Mr. JEFFORDS):

S. 918. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, the tragic events of September 11, 2001, and the ongoing military action in Iraq have changed the way that our country thinks about defense policy, including about how we protect our citizens here at home.

For that reason, it is vitally important that we fully implement section 1403 of Public Law 107-314, the Bob Stump National Authorization Act for Fiscal Year 2003, which requires the Secretary of Defense to establish an additional 23 Weapons of Mass Destruction Civil Support Teams, WMD-CSTs, and that at least one team be located in each State and territory of the United States.

WMD-CSTs are made up of 22 full-time National Guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, chemical, biological, or other threats in support of local first responders. There are currently 32 full-time and 23 part-time WMD-CSTs across the country.

Chemical, biological, and other threats present new challenges to our military and to local responders. The WMD-CSTs play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks, and the terror alerts issued by the Department of Homeland Security, emphasize the need to have full-time WMD-CSTs in each State.

As the events of September 11 so clearly and tragically demonstrated, local first responders are on the front lines of combating terrorism and responding to other large-scale incidents. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time WMD-CSTs as soon as possible. Establishing these additional full-time teams will improve the overall capability of Wisconsin and the other 18 States and 4 territories with part-time teams to prepare for and respond to potential threats to the future.

In light of the tragic events of September 11, the ongoing threat of terrorist activities, and the military action in Iraq, the presence of at least one WMD-CST in each State is all the more imperative.

The provisions included in last year's Defense authorization bill represent an important step forward in the effort to establish WMD-CSTs in each State and territory. My bill would build on this progress by including a deadline by which these teams have to be established and providing the resources necessary to staff, equip, train, and operate these teams.

The legislation that I introduce today, the Weapons of Mass Destruction Civil Support Team Implementation Act of 2003, would require the Secretary of Defense to fully implement section 1403 by September 30, 2004. The costs associated with setting up these new teams would be paid for by an across-the-board cut to the fiscal year 2004 procurement account.

I am pleased to be joined in this effort by the Senator from Vermont, Mr. LEAHY, the Senator from Nevada, Mr. REID, the Senator from Nebraska, Mr. HAGEL, the Senator from South Dakota, Mr. JOHNSON, the Senator from Connecticut, Mr. LIEBERMAN, the Senator from Maryland, Mr. SARBANES, the Senator from Connecticut, Mr. DODD, the Senior Senator from Wisconsin, Mr. KOHL, and the Senator from Vermont, Mr. JEFFORDS.

The terrorist attacks and the subsequent mobilization of tens of thousands of National Guardsmen and reservists, and the activation of hundreds of thousands of guardsmen and reservists for the military campaign in Iraq, also underscore the need to provide adequate resources for and to ensure full-time manning of the National Guard. As we move to establish at least one 22-member WMD-CST in each State, we should also allocate the necessary resources to ensure adequate National Guard personnel end-strengths to provide for full-time manning and for the additional personnel necessary for these new teams.

For that reason, our bill would also authorize an additional 506 full-time National Guard positions to man these new teams.

Given the important role that the men and women of the National Guard play in our ongoing missions at home and abroad, we should ensure that the establishment of these important teams does not put at risk full-time manning in other vital areas of the National Guard's mission.

It is important that the additional WMD-CSTs are established as soon as possible.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weapons of Mass Destruction Civil Support Teams Implementation Act of 2003".

SEC. 2. FULL IMPLEMENTATION OF REQUIREMENTS FOR ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) DEADLINE FOR FULL IMPLEMENTATION.—The Secretary of Defense shall fully implement the requirements regarding the establishment and number of Weapons of Mass Destruction Civil Support Teams under section 1403(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2676; 10 U.S.C. 12310 note) not later than September 30, 2004.

(b) PERSONNEL.—In order to meet the requirement in subsection (a), the authorized end strengths for members of the National Guard serving on full-time National Guard duty as of September 30, 2004, shall be increased over the number of such members otherwise authorized by law by the number of such members as follows:

(1) For the Army National Guard of the United States, 414 members of the National Guard.

(2) For the Air National Guard of the United States, 92 members of the National Guard.

(c) FUNDING.—(1) From the aggregate amount authorized to be appropriated for procurement for the Armed Forces by title I of the National Defense Authorization Act for Fiscal Year 2004, there shall be available (and may be transferred to other authorizations of appropriations, as appropriate) such sums as the Secretary considers appropriate to meet the requirement in subsection (a) in accordance with this section.

(2) The Secretary shall allocate among the accounts for procurement for the Armed Forces for fiscal year 2004 the reduction in amounts available for such procurement under title I of that Act by reason of the availability of funds under paragraph (1) to meet the requirement in subsection (a).

By Mr. BURNS (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. CRAIG, Mr. BAUCUS, Mr. COLEMAN, and Mr. JOHNSON):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER, Mr. President, I am proud today to join a bipartisan and geographically diverse group of Senators to introduce the Railroad Competition Act of 2003. When enacted, the Railroad Competition Act will benefit rail shippers, retail shoppers, and, I believe, the railroad industry itself, by promoting real competition in the nation's freight rail transportation sector.

I am especially proud to be working on this issue alongside two of my colleagues, Senators DORGAN and BURNS, with whom I have shared this effort for many years. This is an issue I have been dealing with since my first days as Governor of West Virginia. I cosponsored similar bipartisan legislation during my first year as a United States Senator. Including today's introduction, I have sponsored legislation in six different Congresses going back to 1985 to try to instill competition in the freight rail market to invigorate an industry that is essential to the commerce of this Nation. This is the fourth straight Congress in which Senators BURNS and DORGAN have joined me to fight for fairness for shippers in our states and throughout the country.

I frequently say that I have worked on this for my entire Senate career, and with little discernible success. Still, I am not dissuaded from pursuing this legislation again because I know our cause is right. What this bill does is really very simple. We seek nothing more than a freight rail industry governed by the principles of capitalism—competition, service, fair prices, and the ability of sophisticated actors to conduct arms-length negotiations for these things. We also seek a return—not to the regulated industry that predates the Staggers Act—but to the competitive freight rail industry envisioned by the Congress that passed it.

If we are successful in this effort, it will mean a newly level playing field for shippers and railroads. It will mean goods being picked up on time and being delivered on time. It will mean products traveling short distances will not be priced per mile at a price that is almost usuriously higher than products traveling great distances. Shippers moving small amounts of product will not be unduly disadvantaged by railroads who answer to no person or governmental entity. What this bill will not do, is re-regulate the railroads.

The Railroad Competition Act will do the following: clarify that the STB shall promote effective competition among rail carriers, helping to maintain both reasonable freight rail rates and consistent and efficient rail service; create a system of "final offer" arbitration for matters before the STB; authorize the STB to remove so-called "paper barriers" in place for ten years or more that prevent short-line and regional railroads from providing improved service to shippers; remove the requirement for shippers to demonstrate "Anti-Competitive Conduct" on the part of railroads—retains statutory authority for STB to act in the "public interest"; cap filing fees for STB rate cases at the level of Federal district courts, reducing filing fee from approximately $65,000; require railroads to quote rates to their customers; call for a Department of Transportation, DOT, study of rail competition; allow States to petition the STB for declarations of "areas of inadequate rail competition;" and creates applicable remedies; create position of Rail Customer Advocate at U.S. Department of Agriculture (USDA).

Perhaps the most striking aspect of the freight rail industry that the authors of the Staggers Act sought to create, and to which we hope to give new life with this bill, is really fairly mundane. Upon enactment of this legislation, shippers weighing their transportation options will be able to get railroads to do the most basic thing that occurs in business relationships—quote a price for the service requested. In other words, railroads will tell shippers how much it is going to cost to move a certain amount of product from Point A to Point B. Hardly remarkable, hardly earth-shattering, but that very simple, everyday aspect of business negotiations is so rare in the freight rail sector today that it is hardly ever seen.

How can this be? How can railroads get away with not telling their customers how much they are going to be charged for a service? Railroads can carry out this bizarre practice, as well as other amazingly anti-competitive business practices, because they are one of the last unfettered monopolies in our economy. The Staggers Act only partially deregulated our freight rail industry, and provided for a government entity to protect competition for shippers. That authority fell then to the now-defunct Interstate Commerce Commission, ICC, and the power should now be exercised by the Surface Transportation Board, STB. The ICC did not do a very good job of protecting competition, and the STB has fairly consistently chosen not to.

This has resulted in a freight rail market in which customers have no power. In real-world terms, this means that electricity produced from coal, and virtually everything you buy in the store—food, medicines, paper products, plastics, and anything made from any number of basic chemical products—is more expensive than it should be because railroads abuse their monopoly power to keep rail rates artificially high.

In fact, even back in the bad, old days of the ICC-regulated rail sector, many railroads enjoyed "natural" monopolies over portions of their network. In most cases, this fact could usually be balanced by the number of railroads providing service. In the twenty-three years since Congress passed the Staggers Act, however, the previous number of Class I freight railroads—more than 40—has dwindled down to an all-powerful few. This has expanded a handful of scattered "natural" monopolies to basically four regional monopolies—two in the eastern United States, and two in the West (with the smallest of the Class I railroads operating its small network of track along the Mississippi). There is no balance in the system; there is only the railroad industry charging its take-it-or-leave-it prices and providing woefully bad service.

I would conclude by saying to my colleagues that this legislation has laudable goals, but it is not revolutionary. We have seen how competition in other industries has strengthened the players willing and able to compete. It is not the reactionary, re-regulatory vehicle the freight rail industry will try to tell you it is. It is nothing more and nothing less than an attempt to implement fairness where it has been lacking. The viability of so many of our industries—the railroads included—depends on this legislation becoming law.

Mr. DORGAN. Madam President, I rise today to speak about a bill, the Railroad Competition Act of 2003, which, along with Senators BURNS, ROCKEFELLER, CRAIG, BAUCUS, COLEMAN, and JOHNSON, I hope will introduce a bit of competition and better service in our railroad industry. The truth is that our rail system is completely broken; deregulation has only led to a system dominated by regional monopolies and both shippers and consumers are paying the price.

Since the supposed deregulation of the rail industry in 1980, the number of major Class I railroads has been allowed to decline from approximately 42 to only 4 major U.S. railroads today. Four mega-railroads overwhelmingly dominate railroad traffic, generating 95 percent of the gross ton-miles and 94 percent of the revenues, controlling 90 percent of all U.S. coal movement; 70 percent of all grain movement and 88 percent of all originated chemical movement. This drastic level of consolidation has left rail customers with only two major carriers operating in the East and two in the West, and has far exceeded the industry's need to minimize unit operating costs.

But consolidation has not happened in a vacuum. Over the years, regulators have systematically adopted policies that so narrowly interpret the procompetitive provisions of the 1980 statute that railroads are essentially protected from ever having to compete with each other. As a consequence rail users have no power to choose among carriers either in terminal areas where switching infrastructure makes such choices feasible, nor can rail users even get a rate quoted to them over a "bottleneck" segment of the monopoly system.

The negative results of this approach have been astonishing in North Dakota. It costs $2,600 to move one rail car of wheat to Minneapolis, approximately 400 miles. Yet for a similar 400 mile move between Minneapolis and Chicago, it costs only $918 to deliver that car. Not only is that totally unfair to the captive farmer, but in the long run it is unsustainable.

It is actually $500 per car cheaper to ship a carload of corn from Iowa to the PNW, through North Dakota, than it is if that carload were to originate in North Dakota. The farmer in Iowa pays $2,900, while the farmer in North Dakota is charged $3,400.

The same pattern is true with shipments going to the Gulf of Mexico. Minot, ND is 1,732 miles from the gulf whereas the distance to the gulf from Herman, MN is 1,430 miles, a difference of only 332 miles. But when it comes to paying the shipping costs the farmer in Minot pays $1,630 more per car because Minot is just isolated enough that it cannot take advantage of trucks and barges the way Herman, MN, can meaning the price of being captive is $1,600 per carload from central North Dakota.

Another example is Hastings, NE. Hastings is 1,700 miles from the Pacific Northwest, PNW, grain markets in Portland, OR. But, if an elevator from Hastings wants to ship a carload of wheat to the PNW they will pay $4,316. Meanwhile, Minot, ND, is 1,300 miles from Portland, 450 miles closer than Hastings, NE, yet the farmer in Minot will have to pay $4,442 to ship the same carload of wheat to the PNW, a surcharge of $126 for a shipment that is shorter by 400 miles.

How has this happened? Since the deregulation of the railroad industry, it has been the responsibility of the Interstate Commerce Commission, later renamed, the Surface Transportation Board, to make sure that the pro-competitive intent of the law was being upheld. It is the STBs charge to protect captive shippers through "regulated competition."

In 1999 the GAO reported on how complicated it is for a shipper to get rate relief under the "regulated competition" approach at the STB. The GAO found that this process takes up to 500 days to decide, and costs hundreds of thousands of dollars. That is hardly a rate relief process, but it is the only relief shippers have under the law.

According to the North Dakota Public Service Commission "while the Staggers Rail Act uses a revenue-to-variable cost ratio of 180 percent as a benchmark for reasonableness, North Dakota's rail rates on wheat often generate ratios of 270 to 400 percent. On an annual basis, North Dakota's farmers and grain shippers pay $50 to $100 million in excess freight rates [each year]."

The Railroad Competition Act of 2003 will seek to improve things by reaffirming the strong role the STB should play in protecting shippers by: clarifying national rail policy; requiring railroads to quote a rate of any given segment; facilitating terminal access and the ability to transfer goods among railroads in terminal areas; removing paper barriers to competition; capping filing fees; creating a Rail Customer Advocacy Office in the Department of Agriculture; designating Areas of Inadequate Rail Competition; and by making the rate relief process cheaper, faster and easier through a streamlined arbitration process.

All Americans, whether they are farmers who need to ship their crops to market, businesses shipping factory goods, or consumers that buy the finished product, deserve to have a rail transportation system with prices that are fair. It is time for Congress to stand up for farmers, businesses, and consumers by making it very clear that the STB has to be a more aggressive defender of competition and reasonable rates.

By Mr. HATCH:

S. 920. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, it is my pleasure to introduce today the Federal Judgeship Act of 2003. This bill will alleviate some of the strain on the vastly overburdened Federal courts by creating a total of 57 new judgeships: Eleven new circuit judgeships and 46 new district judgeships. It also converts five existing temporary judgeships to permanent positions. In addition, the bill confers Article III status on the judgeships authorized for the Northern Mariana Islands and the Virgin Islands.

The Judicial Conference of the United States endorses the provisions in this bill. I hope that my colleagues will join me in supporting it.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. LEAHY, Ms. MIKULSKI, Mr. SARBANES, and Mr. SCHUMER):

S. 921. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the "State and Local Reservist First Responders Assistance Act of 2003." My bill would reimburse State and local governments for the additional costs they incur when their first responders who also serve in the National Guard or the Reserves are called to active duty for 6 or more months.

I am pleased to have as original cosponsors of my bill Senators CLINTON, CORZINE, DASCHLE, LEAHY, MIKULSKI, SARBANES, and SCHUMER.

The 1.2 million men and women who serve in the Guard and the Reserves are a crucial component of our military. They account for just 8.3 percent of the Defense budget but give us the capability, if necessary, or nearly doubling our Armed Forces personnel.

Not surprisingly, many police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel serve in the Guard and the Reserves. More and more of these men and women are being called to active duty for longer and longer tours, especially now because of the war with Iraq.

It's critical that we bolster our military capabilities here and abroad. But we must not do it at the expense of our safety and security at home.

Increasingly, I am hearing from State and local officials who are concerned about the toll that Guard and Reserve call-ups are taking on emergency preparedness.

It can be a major problem in smaller towns where just a few call-ups can decimate a local fire or police department. The Town of Ridgewood, for instance, had a patrolman called up who also headed the EMS, emergency medical services. It is costing the town $200,000 to replace him.

Because of the recession that began in March 2001 and the effects of 9-11, State and local governments are financially strapped. We shouldn't leave them "holding the bag" when their first responders get called to active duty for months at a time.

My bill would establish a grant program to be administered by the U.S. Department of Homeland Security, DHS. State and local units of government could apply for grants to cover the unanticipated costs associated with replacing a first responder called to active duty for 6 months or more.

Reimbursable costs could include the salary and benefits associated with hiring a temporary replacement or the overtime paid to other emergency personnel who "fill in" for the first responder called to active duty.

If a jurisdiction does not pay its reservist and uses the savings to hire a temporary replacement or pay others overtime, those "costs" would not be reimbursable. Only net additional costs would be reimbursable.

My bill will help communities in my home State of New Jersey and across the country maintain their ability to respond to terrorist attacks, natural disasters, and other emergencies.

A logical question to ask regarding my bill is, "How much does it cost?" The candid answer is, "I don't know."

The bill authorizes the appropriation of "such sums as may be necessary."

The stipulation in the bill that the first responders must be called to active duty for 6 or more consecutive months is meant to keep the costs of the bill under control and to ensure that the grant program is administratively feasible.

I have tried, so far unsuccessfully, to get a handle on how many first responders have been called to active duty, and for how long. It appears that no one is really keeping track.

The anecdotal evidence of the need for my bill, however, is overwhelming.

According to the Department of Defense, there are a total of 221,186 Reservists and National Guardsmen and women on active duty right now. Many of them, obviously, are first responders.

According to the Police Executive Research Forum, PERF, 452 of 1002 law enforcement agencies and departments across the country surveyed so far have lost personnel to call-ups.

The Democratic Leadership Council, DLC, has determined that 27 of the 44 police departments it has surveyed are experiencing personnel shortfalls caused, in part, by military call-ups.

Of the remaining 17 departments, 15 are in danger of being hurt by call-ups.

According to the DLC, "About 5 percent of the officers in these departments are reservists or members of the National Guard—and many are already being called up for service in the wars against terrorism, Afghanistan, and Iraq. On average, the activation of only 30 percent of these reserves would cause a personnel shortage in these departments."

The DLC report, entitled "Cop Crunch" and previewed in the March/April issue of Blueprint, lists the following ten jurisdictions as most vulnerable to military call-ups: 1. Fresno, which has about 100 reservists who make up 14.4 percent of the force; 2. Virginia Beach, which has 90 reservists who make up 12.1 percent of the force; 3. Milwaukee, which has 110 reservists who make up 8.2 percent of the force; 4. Miami, which has 86 reservists who make up 8.0 percent of the force; 5. Memphis, which has 143 reservists who make up 7.5 percent of the force; 6. San Antonio, which has 151 reservists who make up 7.4 percent of the force; 7. Los Angeles, which has 650 reservists who make up 7.3 percent of the force; 8. Oklahoma City, which has 70 reservists who make up 6.8 percent of the force; 9. Wichita, which has 41 reservists who make up 6.7 percent of the force; and 10. New Orleans, which has 109 reservists who make up 6.7 percent of the force.

The DLC report also highlighted Baltimore's police department. The City has lost the equivalent of an entire police district, 150 officers, to active duty call-ups.

So, the need for my bill is obvious. State and local governments desperately need our help. We shouldn't put our own communities, our own citizens, at risk to win the war with Iraq.

By Mr. REID (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, Mr. LEAHY, and Mr. HAGEL):

S. 922. A bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes; to the Committee on the Judiciary.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

Mr. REID. Mr. President, I rise today for myself, Senator KENNEDY, Senator DURBIN, Senator BROWNBACK, Senator COLEMAN, Senator MCCAIN, Senator SCHUMER, Senator BOXER, Senator LEAHY, and Senator HAGEL to introduce this bill, the Naturalization and Family Protection for Military Members Act of 2003, which will expedite the naturalization process for noncitizen soldiers serving in active duty and in the select reserves and enact safeguards to protect noncitizen immediate relatives of American soldiers who are killed in action.

More than 48,900 noncitizens are currently serving in the United States military and hundreds are serving from the State of Nevada. They place their lives on the line for our country every day. In recognition and appreciation of their service, they deserve a naturalization process that does not unnecessarily delay the grant of citizenship or impose other restraints because they are stationed in another country.

These noncitizen soldiers love America so much they are willing to make great sacrifices to protect us and promote our values and even defend the Constitution—although they do not fully enjoy its protections. They deserve better treatment than they currently receive. Like many Americans, I was moved by the story of Corporal Jose Angel Garibay, who came to the United States from Mexico at the age of two months in the arms of a stranger because the trip was too rough for his mother to carry him through the hills near Tijuana herself. At the age of 11 he announced to his brother that he planned to join the United States military. Although a noncitizen, he believed anything was possible in this land of opportunity and hoped to become a police officer. The proudest day for the Garibay family was the day Jose joined the Marines. Sadly, on March 23, at the young age of 21, he died near Nasirivah, Iraq. Who can say that Corporal Garibay, citizen or not, is any less of a hero? Our noncitizen soldiers deserve a system that does not drop current applications or disallow eligible applications for legal permanent residency by their immediate relatives.

This Act will provide necessary relief to current noncitizens serving in active duty and the ready reserves within the United States military by setting forth an expedited process of naturalization. This Act will also provide protections for noncitizen spouses, unmarried children, and parents of citizen and noncitizen soldiers who are killed as a result of their service to file or preserve their application for lawful permanent residence.

I rise today in support of action that will recognize and honor current noncitizen soldiers in the United States armed forces and will honor the legacy of all of our soldiers who have been killed in action by providing fair and sympathetic treatment of their immediate relatives seeking legal permanent residency.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naturalization and Family Protection for Military Members Act of 2003".

SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years" and inserting "2 years".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the

Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking "honorable. The" and inserting "honorable (the"; and

(ii) by striking "discharge." and inserting "discharge); and"; and

(B) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."; and

(2) in section 329(b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.".

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. .1439(b)(3)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 3. NATURALIZATION BENEFITS FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE.

Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting "as a member of the Selected Reserve of the Ready Reserve or" after "has served honorably".

SEC. 4. EXTENSION OF POSTHUMOUS BENEFITS TO SURVIVING SPOUSES, CHILDREN, AND PARENTS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—

(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(C) EXCEPTION.—Notwithstanding section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), for purposes of this paragraph, a citizen described in subparagraph (A) does not have to be 21 years of age for a parent to benefit under this paragraph.

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), any alien who was the spouse, child, or parent of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(B), may have such application adjudicated as if such death had not occurred.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(c) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) TREATMENT AS IMMEDIATE RELATIVES.—

(A) IN GENERAL.—A spouse or child of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien, shall be considered (if the spouse or child has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(B) PETITIONS.—An alien spouse or child described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(2) SELF-PETITIONS.—Any spouse or child of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant may file a petition for such classification under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) with the Secretary of Homeland Security, but only if the spouse or child files a petition within 2 years after such date. Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

(3) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(d) PARENTS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) SELF-PETITIONS.—Any parent of an alien described in paragraph (2) may file a petition for classification under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)). Such parent shall be eligible for deferred action, advance parole, and work authorization.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(e) ADJUSTMENT OF STATUS.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), an alien physically present in the United States who is the beneficiary of a petition under paragraph (1), (2)(B), or (3)(B) of subsection (a), paragraph (1)(B) or (2) of subsection (c), or subsection (d)(1) of this section, may apply to the Secretary of Homeland Security for adjustment of status to that of an alien lawfully admitted for permanent residence.

(f) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in paragraphs (4), (6), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(g) BENEFITS TO SURVIVORS; TECHNICAL AMENDMENT.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1) is amended—

(1) by striking subsection (e); and

(2) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

(h) TECHNICAL AND CONFORMING AMENDMENTS.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) is amended—

(1) by inserting ", child, or parent" after "surviving spouse";

(2) by inserting ", parent, or child" after "whose citizen spouse"; and

(3) by striking "who was living" and inserting "who, in the case of a surviving spouse, was living".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

Mr. KENNEDY. Mr. President, today, my colleagues and I are introducing legislation to recognize the enormous contributions of immigrants in the military. The Naturalization and Family Protection for Military Members Act of 2003 will enable immigrant men and women of our Armed Forces to obtain easier access to naturalization, and it will establish immigration protections for their families if they are killed in action.

In all our wars throughout our history, immigrants have fought side by side and have given their lives to defend America's freedom and ideals. One out of every five recipients of the Congressional Medal of Honor, the highest honor our Nation bestows on our war heroes, have been immigrants. Their bravery is unequivocal proof that immigrants are as dedicated as any other Americans to defend our country.

Today, 37,000 men and women have the status of permanent residents, who are not yet citizens, but are serving in the Army, Navy, Marine, Air Force, and Coast Guard. Another 20,000 permanent residents are serving in the Reserves and the National Guard. Since the war in Iraq began two and a half weeks ago, eight of the dead, two of the missing, and two prisoners of war are immigrants to the United States. Only four were naturalized U.S. citizens.

Granting these men and women posthumous citizenship is the right thing to do, but we must do more. This bill gives members of the armed services who are already lawful permanent residents, easier access to naturalization. It gives certain immigration benefits to their immediate family members in the event of their death. It would amend immigration laws: to allow lawful permanent resident military personnel to naturalize after serving 2 years in the military. They can participate in naturalization interviews and oath ceremonies abroad at U.S. embassies, consulates, and overseas military installations. Naturalization fees would be waived.

Recruiting needs are immediate in wartime and readiness is essential. As the war in Iraq goes on and our commitment to ending global terrorism continues, more and more of these brave men and women are being called to active duty. Many of them are members of the Selected Reserve—Reserve and National Guard members subject to recall to active duty during a war or other national emergency. Many reservists have already been activated, and many more expect to be called up at a moment's notice to defend our country and assist in the war effort. They too deserve special recognition for their bravery and sacrifice. Our bill does just that. Lawful permanent residents who are members of the Selected Reserve will have naturalization benefits similar to those conferred on members of the regular forces on duty. They will have expedited naturalization during times of war or hostile military operations.

Finally, our bill will protect the immigration status of immediate family members who were dependent upon their citizen or noncitizen's relative, if the relative was honorably serving in the military and was killed as a result of the service. We know the tragic losses endured by these families for the sacrifices their sons and daughters have made. It is unfair that they should have to lose their immigration status as well.

Our legislation will amend the immigration laws to ensure that grieving immediate family members are given the opportunity to legalize their immigration status and not be threatened with deportation. Specifically, these family members—noncitizen spouses, children, parents of citizens and parents of noncitizens serving in the military who are killed as a result of their service—will be able to file or preserve their application for lawful permanent residence.

The Naturalization and Family Protection for Military Members Act is a tribute to the sacrifices that these future Americans are already making now for their adopted country. They deserve this important benefit, and we urge the Senate to approve it.

Mr. DURBIN. Mr. President, the American people are united in support of our service members, many of whom are serving today in Iraq, Afghanistan, and elsewhere abroad. We have the finest Armed Forces in the world, and we have asked them to bear a heavy burden. The Senate has justly expressed our support for the troops, but we have an obligation to do more than just pass resolutions. We have to back up our words with actions.

That is why I recently introduced an amendment, which the Senate unanimously approved, to raise combat pay and increase family support for our service members. That is why I joined several of my distinguished colleagues today in introducing a bill that would help immigrant soldiers and their families. The Naturalization and Family Protection for Military Members Act of 2003 would expedite naturalization for legal permanent residents in the military and preserve the rights of noncitizen family members of deceased service members.

There are over 37,000 legal permanent residents on active duty and over 20,000 on reserve duty. These brave men and women have willingly put themselves in harm's way to defend our country. They are living proof that immigration is good for our country.

On the battlefield, there is no distinction between American citizens and noncitizens—everyone is an American service member sworn to defend our Nation. We owe a debt of gratitude to all service members, whether citizen or noncitizen, who have put their lives on the line to keep us all safe and free.

But legal resident service members, who have voluntarily taken on a burden that many Americans will never know, face unnecessary hurdles on the path to citizenship. Even more tragically, if, God forbid, they are killed in combat, the law can prevent their immediate family members from naturalizing. This is a cruel and unjust manner in which to treat the families of legal immigrants who gave their lives for our country.

The sacrifices of these immigrant service members are a poignant reminder that too often our immigration law treats immigrants callously and unfairly, ignoring the tremendous contributions that they make to American society. While preserving the integrity of our naturalization process, we should do everything we can to correct legal technicalities that make it difficult for immigrant soldiers to become citizens and prevent their surviving family member from naturalizing.

It is important to note that this bill would not in any way compromise the naturalization process or national security. It would not automatically confer citizenship. Service members and their families would still be required to petition for naturalization, at which time they would be subjected to a full background check.

For legal permanent residents in military service, the bill would reduce the required period of military service to apply for naturalization during peacetime from 3 years to 2 years. The bill would also allow them to naturalize overseas, and waive the filing fee for their naturalization applications. For service members who are posted overseas for long periods and are struggling to make ends meet, these provisions are vitally important.

Currently, immediate family members of service members who are killed in the line of duty lose their right to file for citizenship. It is wrong and unjust to penalize people because their spouse, parent, or child made the ultimate sacrifice for our country. The bill would preserve the rights to petition for citizenship of noncitizen spouses, unmarried children, and parents of citizen soldiers who are killed as a result of such service.

Passing this bill is the least that we can do to honor and support the brave immigrant men and women who are serving our country during these dangerous times. I urge the Senate to approve it.

Mr. BROWNBACK. Mr. President, I am pleased to join Senator KENNEDY today in introducing legislation to honor the contributions of immigrants who have shown their dedication both to this country and to creating a better future for themselves by joining the military. The Naturalization and Family Protection for Military Members Act of 2003 will do two important things: it will offer easier access to naturalization for immigrant men and women of our Armed Forces, and it will establish immigration protections for their families if they are killed in action.

In this time of war, it is especially important to recognize those who are fighting as we speak to preserve our freedom and our way of life. This is particularly true for those immigrants who have too often given their lives to defend our principles. In fact, after just 2½ weeks of our current conflict, of the 71 U.S. service members killed, seven missing and seven captured, eight of those killed, two of the missing, and two of the captured are immigrants. Most important, only four of the immigrants were U.S. citizens when the war began.

There are more than 30,000 noncitizens on active duty in the U.S. military—approximately 2 percent of the total U.S. forces. In the Reserves and the National guard are another 20,000 noncitizens. These immigrants have proven a dedication to our country by joining the military or the Reserves or National Guard, a dedication which should be recognized and rewarded.

The bill we are introducing will do that. First, it provides easier access to naturalization to members of the armed service who are already lawful permanent residents. Currently, being a member of the armed service allows a permanent legal resident to reduce their wait time for naturalization from 5 years to 3 years—our legislation would reduce the time to only 2 years. It would also ease this process by allowing naturalization interviews and oath ceremonies abroad at U.S. embassies, consulates, and overseas military installations, and by waiving naturalization fees.

In addition, the bill provides for the immediate families of immigrant service personnel killed in action by either giving them the opportunity to legalize their immigration status or by allowing them to proceed with their own applications for naturalization as if the death had not happened. By protecting their immigration status, this element provides critical acknowledgment of the sacrifices that the families of our military members make as well.

Finally, the bill also remembers those courageous men and women who ensure that in times of war or hostility, our country is ready and our recruiting needs are met. While we have seen success in Iraq in recent days, this war is not yet over—in fact, we have truly only reached the beginning of the end, not the end. As such, we must keep in mind that more and more Reserve and National Guard units are being called to active duty. Therefore, we have not forgotten the bravery of those who have immigrated and filled our ranks. Our legislation says that naturalization benefits similar to those conferred on members of the regular forces on duty will also apply to lawful permanent residents who are members of the Reserves or National Guard. In other words, they will have expedited naturalization during times of war or hostile military operations.

This Nation has long reserved the Congressional Medal of Honor for those select war heroes of unsurpassed courage. It is our highest honor and our greatest praise—and one out of every five recipients of this honor have been immigrants. This accounting of the bravery and spirit of the immigrants in our Armed Forces speaks to the fact that they are as dedicated and as willing to sacrifice on our Nation's behalf.

The Naturalization and Family Protection for Military Members Act is an important piece of legislation that both honors and rewards immigrants to this Nation. They are already legal permanent residents—this simply ensures that they have the opportunity to truly become a part of this country through citizenship. I urge the Senate to give its full consideration to this bill and to lend its support.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mrs. CLINTON, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. DODD, Mr. LEVIN, Mrs. MURRAY, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, and Mr. SCHUMER):

S. 923. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced regular unemployment compensation, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. The economy continues to falter. Hundreds of thousands of hard-working men and women have lost their jobs, and consumer confidence is the lowest in 9 years. Americans are suffering. College graduates can't find jobs. Americans who have worked all their lives are out of work. Their unemployment benefits are running out. They are losing their savings, and watching their 401(k) plans plummet. They are being forced to take desperate measures—selling their homes, moving back in with their parents, or cashing in their retirement savings.

Our first domestic priority should be to get America back to work. Democrats have a plan to do just that. The Senate Democratic proposal for economic growth will create more than 1 million jobs next year, three times as many as President Bush's plan. It will provide fiscal relief to states to avoid further lay-offs and make vital investments in the economy to achieve growth.

But out-of-work Americans also need help and they need it now. The Economic Security Act I am introducing today will extend temporary Federal unemployment benefits for 6 months past the May expiration date. It will provide additional weeks of benefits as in past recessions and provide extended benefits to the more than 1 million Americans who have run out of benefits but still cannot find work. It will also give states the option to use Federal funds to extend coverage to part-time workers and low-wage workers. This bill will help more than 4 million workers, including 150,000 in Massachusetts.

The unemployment rate remains high at 5.8 percent, with 8.4 million Americans out of work, and those numbers don't include discouraged workers, who have dropped out of the labor force, or those working part-time because they can't find a full-time job. When these workers are included, the true unemployment rate is 10.4 percent.

Over the last two months, the economy has lost nearly half a million jobs. More than 330,000 jobs have been lost in Massachusetts, including 20,000 in Boston and 23,000 in Worcester. Such severe, persistent loss of jobs 2 years after the beginning of a recession is unheard of since the Great Depression.

Richard Wilcox of Canton, MA has taken to standing on a street corner holding up a sign that says "I need a job . . . 36 years experience: Insurance/Management." Thirty-six years of experience, and he has had only two interviews after a year of sending out hundreds of resumes.

Mr. Wilcox is not alone. The crisis in our labor market has continued to worsen under the current administration's watch. Two and a half million more Americans have lost their jobs since the Bush administration took office, and the number of long-term unemployed has nearly tripled.

The economy is still not showing clear signs of recovery, and the number of unemployed continues to grow. The administration's own budget predicts an average of 5.7 percent unemployment for this year. The Congressional Budget Office estimates that it will be 5.9 percent.

In this bleak condition, unemployed workers deserve to be able to count on a further extension of benefits when the current one expires at the end of May. In the last recession, we enacted an extension of benefits five times with overwhelming bipartisan support. Now as then, out-of-work Americans need our help.

In the last recession we also made sure that workers who ran out of Federal benefits but still could not find work were not left in the cold. Today, one in five unemployed workers has been out of work for more than 6 months. One million of these long-term unemployed are without jobs and without any safety net. With three unemployed workers vying for every job, workers across the county are losing hope.

The current unemployment insurance system clearly needs to be modernized to cover today's workers. Two glaring defects stand out. In 1975, 75 percent of unemployed workers were eligible for unemployment benefits, compared to only half of such workers last year. Many of the unemployed who fail to receive benefits are part-time and low-wage workers. Only eight States provide benefits to unemployed residents seeking part-time work on the same basis as the benefits they provide to full-time workers. In addition, in all but a handful of States, low-wage workers are ineligible for benefits because their most recent earnings are not counted. Part-time and low-wage workers pay into the system, and they should be able to rely on it while searching for a new job.

We must pass another extension of unemployment benefits before the current one expires at the end of May. We must not allow a repeat of last year, when Democrats asked eight times for an extension and eight times were told no. Ultimately, we were able to work on a bipartisan basis to provide benefits for out-of-work Americans, and I hope we can do so again this time. I look forward to working with my colleagues to see that Americans here at home who've been hit by these troubled economic times receive the support they need and deserve.

Mr. SARBANES. Mr. President, I rise today in support of The Unemployment Benefits Extension Act of which I am a proud cosponsor. The purpose of this bill is to extend the Temporary Extended Unemployment Compensation, TEUC, program, for an additional 6 months through the end of November. Currently, extended unemeployment insurance benefits are scheduled to expire at the end of May. Beginning June first, individuals whose regular unemployment benefits expire will no longer be eligible for extended benefits.

Extending the existing unemployment insurance benefits program for an additional 6 months is estimated to provide assistance to between 2 to 2.5 million working Americans who have lost their jobs through no fault of their own. This legislation also provides an additional 13 weeks of benefits to unemployed workers who have already exhausted their extended benefits prior to enactment and remain unable to find work. The bill also provides tempory Federal funding, through July 2004, for States to implement alternative base periods, which count a worker's most recent wages when determining eligibility, and to allow displaced part-income workers to seek part-time employment while receiving unemployment insurance workers. Improving the unemployment insurance system for part-time workers is important. A recent op-ed in the Baltimore Sun makes the point that:

> The old rationale for excluding part-time workers from unemployment insurance eligibility was that part-time workers were not working to support their families. But this is not true today.

I am convinced that we are going to still be in very difficult shape when the current extension of unemployment insurance benefits expires at the end of May. There is little chance that the labor market will significantly improve for unemployed workers between now and then. There is growing evidence that the labor market is still in fact deteriorating. The Federal Open Markets Committee's most recent statement on interest rates concluded that, "recent labor market indicators have proven disappointing."

That is an understatement. Last month the economy lost 108,000 jobs in addition to losing 357,000 jobs in February. There are 1.8 million workers who have been out of work for more than 26 weeks and are looking for work but cannot find a job. The unemployment rate at 5.8 percent is higher today than when extended benefits were first enacted in March, 2002. Over 3.48 million Americans are currently drawing unemployment benefits. We have lost 2.6 million private sector jobs since President Bush took office. No President in over 50 years has failed to create jobs during a 4-year term in office, let alone lose jobs during an administration. But it would take private sector job creation of over 100,000 per month, every month, for the next 2 years, in order for the economy to dig out of the jobs deficit created during this administration.

Yet instead of abandoning the economic policies which have failed, the administration continues to pursue the same fundamental policy—large tax cuts which primarily benefit the wealthiest Americans. The administration, whose budget contained nothing to further extend the unemployment benefits program, remains out of touch with today's economic realities. Over 8.5 million Americans are unemployed and looking for work but cannot find a job because there are no jobs to be had. In situations like this the Congress has always provided extended unemployment benefits. In the last recession these benefits were provided for 29 months. During the recession before that, they lasted for 33 months. In both of those recessions extended benefits were discontinued only after a pronounced strengthening in the labor market.

Today these benefits are set to expire after only 15 months, well before the labor market has improved. If this happens it will mark not only a departure from prudent fiscal policy that has been implemented in a bipartisan fashion in the past but will also harm economic growth and hurt millions of Americans. Extended unemployment insurance benefits, already enacted by the Congress, have assisted 4.7 million workers and provided $12 billion of stimulus into the economy. Federal Reserve Chairman Greenspan has testified that, "extended unemployment insurance provided a timely boost to disposable income."

This legislation also allows for all Americans who qualify to receive an additional 13 weeks of benefits. This would include the 1 million workers who have already exhausted their extended benefits. These workers need help. They want to find work but cannot find a job because there are simply no jobs to be had.

I know that some of my colleagues oppose providing extended benefits for more than 13 weeks to anyone. I have a differing viewpoint. I point out that at this stage of the last recession, a minimum of 20 weeks of additional Federal benefits were provided for all Americans in every State. In the previous recession and jobless recovery extended unemployment insurance benefits lasted for 29 months and for much of that time provided benefits for 26 to 33 weeks. In this recession and jobless recovery, benefits are scheduled to expire only after 15 months and have provided only 13 weeks of extended benefits to the vast majority of Americans.

Under normal circumstances with a growing labor market there is a case to be made that providing too long of a duration of unemployment insurance benefits would be harmful. However, in times when the labor market is weak and the job base is shrinking, the situation is very different. Even Fed Chairman Greenspan acknowledged this in testimony before the Joint Economic Committee, stating: "in periods like this [a shrinking labor market], that the economic restraints on the unemployment insurance system almost surely ought to be eased." Unfortunately, many are forecasting continued weaknesses in the labor market.

Today's Washington Post reports that the International Monetary Fund is forecasting economic growth of only 2.2 percent for the United States in 2003, which the IMF's chief economist, Kenneth Rogoff noted is "not yet enough to make a meaningful dent in unemployment." The article goes on to state that: "the jobless rate stood last month at 5.8 percent, and the IMF projected that it will average 6.2 percent this year." Considering the weak labor market that we face today and the troubling forecasts for the remainder of the year, it appears to me that we most certainly are in such a period as described by Chairman Greenspan and that the restraints on the unemployment insurance system ought to be eased. This legislation accomplishes this goal in a fiscally responsible manner with an estimated cost of $16 billion, which is below the unemployment insurance trust funds current surplus of $20 billion.

Last year this issue was not properly dealt with, and as a result millions of Americans suffered through the holiday season believing that their benefits were going to expire. Yet when Congress reconvened, extended benefits were retroactively restored, 11 days after they had expired. Let's not put these people through this again. I urge my colleagues to support this legislation and to work expeditiously and prudently to enact it before the current program expires, less than 8 weeks from today.

By Ms. MURKOWSKI:

S. 924. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I come to the floor today to speak about a small community in the southwestern part of my State of Alaska.

Newtok, a Village with about 300 Yupik Alaska Native residents, is located in the Yukon-Kuskokwim Delta near the Ninglick River. Erosion from the Ninglick is slowly threatening Newtok, and the Village will be under water in less than a decade and the Village airstrip in less time. Once the Village airstrip—Newtok's only connection with the outside world—is flooded, the Village will not be able to survive.

The Village is surrounded by land owned by the Federal Government in the Yukon Delta Wildlife Refuge. In 1997 the Newtok Native Corporation attempted to exchange land on higher ground with the Fish and Wildlife Service, administratively, but these negotiations failed. Therefore, action by Congress is required to ensure the future of Newtok and its residents.

Today I am introducing legislation to begin the process of moving Newtok to a location that is not threatened by erosion or flooding. The Newtok Native Corporation has identified a 10,943 acre tract of land on Nelson Island for the location of the new Village. Newtok Native Corporation is willing to accept this land in the Yukon Delta Wildlife Refuge from the Fish and Wildlife Service in exchange for a 996 acre piece of land on Baird Inlet Island and another 11,105 acre plot northeast of the present location of Newtok.

The Fish and Wildlife Service desires the Newtok owned land for ecological reasons and Newtok needs the Federal land because of its geology that keeps it safe from erosion. Both parties win in this exchange; the Federal Government improves the Yukon Delta Wildlife Refuge for the benefit of the American people, and villagers of Newtok have the opportunity to move to a safe location and see that their culture and community endure.

Newtok needs to be moved before it is too late, and my bill is an important first step in the process of protecting this community.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that:

(1) The continued existence of the village of Newtok, Alaska is threatened by the eroding banks of the Ninglick River.

(2) A relocation of the village will become necessary for the health and safety of the residents of Newtok within the next 8 years.

(3) Lands previously conveyed to the Newtok Native Corporation contain habitat of high value for waterfowl.

(4) An opportunity exists for an exchange of lands between the Newtok Native Corporation and the Yukon Delta National Wildlife Refuge that would address the relocation needs of the village while enhancing the quality of waterfowl habitat within the boundaries of the Refuge.

(5) An exchange of lands between Newtok and the United States on an other than equal value basis pursuant to the terms of this Act is in the public interest.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "ANCSA" means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act of 1980 (16 USC 410hh-3233, 43 USC 1602 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface) designated as "Proposed Village Site" upon a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States of America and its assigns;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on said map; and

(8) "Secretary" means the Secretary of the Interior.

SEC. 3. LANDS TO BE EXCHANGED.

(a) LANDS EXCHANGED TO THE UNITED STATES.—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok. The reconveyance of lands by Newtok to the United States and the prioritized, relinquished selections shall be 1.1 times the number of acres conveyed to Newtok under this Act. The number of acres reconveyed to the United States and the prioritized, relinquished selections shall be charged to the entitlement of Newtok.

(b) LANDS EXCHANGED TO NEWTOK.—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estate of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey the Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act. At the time of survey the charge against Newtok's entitlement for acres conveyed or irrevocable priorities relinquished by Newtok may be adjusted to conform to the standard of 1.1 acres relinquished by Newtok for each one acre received.

SEC. 4. CONVEYANCE.

(a) TIMING.—The Secretary shall issue interim conveyances pursuant to subsection 3(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 3(a).

(b) RELATIONSHIP TO ANCSA.—Lands conveyed to Newtok under this Act shall be deemed to have been conveyed under the provisions of ANCSA, except that the provisions of 14(c) of ANCSA shall not apply to these lands, and to the extent that section 22(g) of ANCSA would otherwise be applicable to these lands, the provisions of 22(g) of ANCSA shall also not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be deemed to be included as a portion of the Yukon National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) Effect on Entitlement.—Nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) Effect on Newtok Lands.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those public lands as guaranteed under ANILCA section 811 (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with ANILCA section 803 (16 U.S.C. 3113).

(e) Adjustment to Calista Corporation ANCSA Entitlement for Relinquished Newtok Selections.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in-lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 3(a) of this Act. This additional entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage.

(f) Adjustment to Exchange.—If requested by Newtok, the Secretary is authorized to consider and make adjustments to the original exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.

By Mr. SARBANES (for himself and Ms. Mikulski):

S.J. Res. 12. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry located at 31 South Greene Street in Baltimore, Maryland, as the official national museum of dentistry in the United States; to the Committee on Rules and Administration.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senator Mikulski, to recognize the Dr. Samuel D. Harris National Museum of Dentistry, in Baltimore, as the official national museum of dentistry in the United States.

The principal purpose of this legislation is to help educate the public about the critical importance of oral health to the overall health of all Americans. Three years ago, United States Surgeon General David Satcher issued a comprehensive report entitled "Oral Health in America," which identified the problem of dental and oral disease as a "silent epidemic" facing the country. The report found that tooth decay is the most common chronic childhood disease, which often interferes with vital functions such as eating, swallowing, and speech. Children around the country miss an estimated 51 million hours of school each year due to dental illness. Despite Federal law mandating that children eligible for Medicaid be given access to dental services, fewer than one in five of these children actually receive dental care. In addition, close to one in four Americans between the ages of 65 and 74 were found to suffer from periodontal disease, and over 8,000 men and women die from oral and pharyngeal cancers each year.

The report called for the development of a National Oral Health Plan, and recommended that actions be taken to "change perceptions regarding oral health and disease so that oral health becomes an accepted component of general health." By designating an official national museum and learning center dedicated to dentistry, this legislation takes an important step toward the achievement of this goal.

The Dr. Samuel D. Harris National museum of Dentistry is the largest and most comprehensive museum of dentistry in this country, and, indeed, the world. An affiliate of the Smithsonian Institution, the Museum sits on the grounds of the Baltimore College of Dental Surgery, founded in 1840 as the world's first dental college. Many of the museum's permanent exhibits come directly from the College's vast historical collections. Housed in a building that served as the University of Maryland Dental Department from 1904 to 1929, the Museum is located directly adjacent to historic Davidge Hall, the Western Hemisphere's oldest medical building in continuous use.

In 1992, a retired pediatric dentist, Dr. Samuel D. Harris of Detroit, contributed $1 million of his personal funds toward the development of the Museum. He has since made further considerable gifts to the Museum's endowment, reaffirming his belief that education is the hallmark of preventive oral care. The Museum's name honors both his generosity and his mission.

With over 7,000 square feet of exhibit space, the Museum showcases the people, objects, and events that created and defined the dental profession, including one of George Washington's famed ivory dentures. The Museum's vast archives also act as an important resource for research and serious academic study of dentistry's past, with a unique collection of historical dental journals and other one-of-a-kind documents. Included in these collections are the first known dental degree and dental license.

While its informative presentation of dentistry's history constitutes an important part of the Museum's exhibitions, its mission extends much further, with the ultimate goal of educating the public about the critical importance of oral health. The Museum's interactive exhibits make it particularly effective in this regard, and over 26,000 students have benefited from the Museum's vigorous educational programs since its opening in 1996.

By designating the Samuel D. Harris National Museum of Dentistry as the official national museum of dentistry, we will not only recognize the critical role that dentists and oral health professionals have played in the history of our Nation's health care system, but enhance awareness and understanding of the importance of dentistry to public health.

The Samuel D. Harris National Museum of Dentistry has been endorsed by the American Dental Association, the American Association of Dental Schools, Oral Health America, the Pierre Fauchard Academy, the American College of Dentists, the International College of Dentists, and the American Academy of the History of Dentistry. I ask unanimous consent that the text of a letter from the American Dental Association in support of this legislation be printed in the Record.

I urge my colleagues to support this legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Dental Association
Washington, DC, March 12, 2003.

Hon. Paul Sarbanes,
U.S. Senate, Washington, DC.

Dear Senator Sarbanes: On behalf of the 147,000 members of the American Dental Association, we write to express our strong support for your resolution to recognize the Dr. Samuel D. Harris National Museum of Dentistry, located in Baltimore, Maryland, as the official national museum of dentistry in the United States.

As the most comprehensive dental museum in the world, it is a national and international resource whose primary mission is to educate people, especially children, about the history of dentistry and the importance of good oral hygiene. The museum uses state-of-the-art, interactive exhibitions and expert presentations to deliver the message that oral health is important to achieve overall health. Currently, the museum is displaying an exhibit entitled, "The Future is Now! African Americans in Dentistry."

The museum is affiliated with the University of Maryland at Baltimore, home of the world's first dental school, founded in 1840. it contains hundreds of interesting and significant dental artifacts, not the least of which is George Washington's dentures. It also serves as a national center of learning with an extensive library from which scholars may study the evolution of dental treatment and learn of the numerous accomplishments of the dental profession over the years.

The museum is endorsed by the American Dental Association, National Dental Association, American Dental Education Association, American College of Dentists, International College of Dentists, and the American Academy of the History of Dentistry among others.

Thank you for recognizing the museum, which is truly a national treasure.

Sincerely,

T. Howard Jones, D.M.D.,

President.
JAMES B. BRAMSON, D.D.S.,
Executive Director.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 121—HONORING THE LIFE OF WASHINGTON POST COLUMNIST AND ATLANTIC MONTHLY EDITOR MICHAEL KELLY, AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas the Senate has learned with sadness of the death of columnist and editor Michael Kelly;

Whereas Michael Kelly, a native of Washington, D.C., greatly distinguished himself as a newspaper reporter, political columnist, writer, and magazine editor;

Whereas Michael Kelly was embedded with the Third Infantry Division of the United States Army in Iraq to record history from the perspective of the soldiers on the field of battle;

Whereas Michael Kelly distinguished himself early in his career as a reporter for the Cincinnati Post, Baltimore Sun, New York Times, and the New Yorker;

Whereas Michael Kelly served as editor of the National Journal and New Republic;

Whereas Michael Kelly was most recently a columnist for the Washington Post and the editor of the Atlantic Monthly, which under his stewardship was awarded three National Magazine Awards last year;

Whereas Michael Kelly's political columns represent a major contribution to American political discourse;

Whereas Michael Kelly's reporting during the Persian Gulf War of 1991 was published as a book entitled "Martyr's Day";

Whereas Michael Kelly was a devoted husband to his wife, Madelyn, a proud father to his sons, Tom and Jack, and a dutiful son to his parents, Thomas and Marguerite Kelly; and

Whereas Michael Kelly's wit, acumen, intellect, patriotism, and passion will be forever remembered by his friends, colleagues, and the countless strangers whose lives he touched with his powerful writings: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career and memorable writings of Michael Kelly;

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to direct an enrolled copy of this resolution to the family of Michael Kelly.

SENATE CONCURRENT RESOLUTION 36—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE BLUE STAR SERVICE BANNER AND THE GOLD STAR

Mr. DASCHLE (for himself, Mr. HAGEL, Mr. JOHNSON, Mr. FRIST, Mr. KERRY, Mr. STEVENS, Mr. GRASSLEY, Mr. BOND, Mr. MCCAIN, Mr. REID, and Mr. ROCKEFELLER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

Whereas the Blue Star Service Banner was patented and designed in 1917, during the height of the First World War, by Army Captain Robert L. Queissner of the 5th Ohio Infantry, who had two sons serving on the front lines;

Whereas the banner quickly became the symbol for a family member serving the Nation and families began proudly displaying these banners in their front windows during the First World War;

Whereas each Blue Star on the banner represents a family member serving in the Armed Services and symbolizes hope and pride;

Whereas beginning in 1918, the Blue Star would signify the living, and a smaller Gold Star would be placed on top of the Blue Star, forming a blue border, if the family member was killed or died while on active duty, to symbolize his or her sacrifice for the cause of freedom;

Whereas the placement of a Gold Star on top of a Blue Star recognizes that those who served together and came home, as well as their families, will always remember the sacrifice of those who died and honor their families;

Whereas the banners were displayed widely during the Second World War;

Whereas many of the banners displayed during the First and Second World Wars were hand-made by the mothers of those serving in the Armed Forces;

Whereas the legacy of the banner continued during the Korean, Vietnam, and Persian Gulf Wars and other periods of conflict, as well as in times of peace;

Whereas the Blue Star Service Banner is the official banner authorized by law to be displayed in honor of a family member serving the United States, while the Gold Star may be displayed in honor of a family member who has made the ultimate sacrifice for the Nation;

Whereas for over 85 years, families have proudly displayed the Blue Star Service Banner showing service men and women the honor and pride that is taken in their sacrifices for freedom;

Whereas the banner may be displayed by members of the immediate family of a loved one serving in the Armed Forces, including active duty service in a unit of the National Guard, Merchant Marine, or the Reserves;

Whereas the banner may be flown by families with a service member stationed either domestically or overseas;

Whereas the display of the banner in the front window of a home shows a family's pride in their loved one and is a reminder that preserving America's freedom demands great sacrifice; and

Whereas this reminder is especially timely during the current conflict with Iraq and the war on terrorism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls on all Americans to honor the men and women of the United States Armed Forces and their families;

(2) honors the men and women of the United States Armed Forces and their families;

(3) encourages these families to proudly display the Blue Star Service Banner or, if their loved one has made the ultimate sacrifice, the Gold Star; and

(4) calls on the media to recognize the importance of the Blue Star Service Banner and its symbolism of the devotion and service of the men and women of the United States Armed Forces.

SEC. 2. The authority on which this resolution rests is the authority of Congress to make all laws which shall be necessary and proper as provided in Article I, section 8 of the United States Constitution.

SENATE CONCURRENT RESOLUTION 37—EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOT'S DAY AND HONORING THE NATION'S FIRST PATRIOTS

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 37

Whereas on the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them;

Whereas after leaving Charlestown on his way to Lexington, Paul Revere alerted the inhabitants of villages and towns along his route, stopping in Medford (formerly Mystic) at the home of Isaac Hall, the captain of the Medford Minutemen during the Revolutionary War, before continuing on through Arlington (formerly Menotomy) and arriving in Lexington around midnight;

Whereas William Dawes and a third rider, Dr. Samuel Prescott joined Paul Revere on his mission and they proceeded together on horseback to Lincoln;

Whereas while en route they encountered a British patrol that arrested Paul Revere, but William Dawes and Samuel Prescott managed to escape and continued on to Concord where weapons and supplies were hidden;

Whereas the midnight ride of Paul Revere was brilliantly and forever commemorated by the great American poet Henry Wadsworth Longfellow in his 1861 poem "Paul Revere's Ride";

Whereas the actions taken by Paul Revere, William Dawes, and Samuel Prescott afforded the Minutemen time to assemble to confront the advancing British troops and were heralded as one of the first great acts of patriotism of our Nation;

Whereas 38 Lexington Minutemen boldly stood before 600–800 British troops who had gathered at Lexington Green;

Whereas Captain Parker of the Lexington Minutemen commanded his men, "Don't fire unless you are fired on; but if they want a war, let it begin here.";

Whereas when the British continued onto Concord, a battle ensued at the Old North Bridge, where Minutemen from every Middlesex village and town routed the British and forced them into retreat back to Boston;

Whereas Ralph Waldo Emerson immortalized this moment in American history as where "the embattled farmers stood and fired the shot heard 'round the world.";

Whereas the United States has recognized the historic significance of the Nation's original patriots with the creation in 1959 of the Minute Man National Historical Park, located in Concord, Lincoln, and Lexington, Massachusetts, to preserve and protect the numerous significant historic sites, structures, properties, and landscapes associated with the opening battles of the American Revolution, and to help visitors understand and interpret the colonial struggle for their rights and freedoms; and

Whereas the heroic acts of April 19, 1775, are celebrated in Massachusetts and Maine every year as part of Patriot's Day with a reenactment of Paul Revere's famous ride, battle reenactments, educational programs, parades, and civic activities, and remembered by Americans across the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses support for the celebration of Patriot's Day;

(2) recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the earliest days of the Battle for Independence in April 1775; and

(3) honors those first patriots who lost their lives in defense of liberty and freedom.

SENATE CONCURRENT RESOLUTION 38—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 11, 2003, or Saturday, April 12, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 28, 2003, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House adjourns on any legislative day from Saturday, April 12, 2003, through Friday, April 18, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, April 29, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED & PROPOSED

SA 531. Mr. SUNUNU (for Mr. HATCH) proposed an amendment to the resolution S. Res. 117, recognizing the 100th anniversary of the founding of the Laborers' International Union of North America, and congratulating members and officers of the Laborers' International Union of North America for the union's many achievements.

TEXT OF AMENDMENTS

SA 531. Mr. SUNUNU (for Mr. HATCH) proposed an amendment to the resolution S. Res. 117, recognizing the 100th anniversary of the founding of the Laborers' International Union of North America, and congratulating members and officers of the Laborers' International Union of North America for the union's many achievements; as follows:

Strike all after the resolving clause and insert the following: "That the Senate—

"(1) recognizes the founding and establishment of labor organizations, which have made a tremendous contribution to the structural development and building of the United States, and to the well-being of countless workers;

"(2) congratulates labor organizations for their many achievements and the strength of their membership; and

"(3) expects that labor organizations will continue their dedicated work and will have an even greater impact in the 21st century and beyond, and will enhance the standard of living and work environment for laborers and other workers in generations to come.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Friday, April 11, 2003, at 10 a.m., in Dirksen Room 226.

I. Nominations: J. Leon Holmes to be U.S. District Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims; Cecilia M. Altonaga to be United States District Judge for the Southern District of Florida; and Patricia Head Minaldi to be United States District Judge for the Western District of Louisiana

II. Bills: S. 274—Class Action Fairness Act of 2003; S. 731—Secure Authentication Feature and Enhanced Identification Defense Act of 2003 ("SAFE ID ACT"); S. Res. 108—Designating April 21 through 27, 2003, as "National Cowboy Poetry Week" [BURNS, HATCH, REID, BROWNBACK]; S. Res. 111—Designating April 30, 2003 as "Diá de los Niños: Celebrating Young Americans" [HATCH]; and S.J. Res. 8—A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month [BROWNBACK, BIDEN, DEWINE, SCHUMER].

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent for fellow Julianne Carter to have the privilege of the floor for the duration of this debate and when we come back for debate on Jeffrey Sutton.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate immediately proceed to H.R. 1770, which is being held at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1770) to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Madam President, I rise today in strong support of the Smallpox Compensation Act of 2003.

I applaud the leadership of Senator JUDD GREGG, the distinguished Chairman of the Health, Education, Labor, and Pensions Committee. He has done a tremendous benefit for the Nation through this critical legislation when there is such great need to improve our public health preparedness.

I commend Senator EDWARD KENNEDY for his efforts to achieve bipartisan consensus on the smallpox legislation we are considering today. I also thank all of the members of the Senate Health, Education, Labor, and Pensions Committee, and for the work of Representatives BILLY TAUZIN and JOHN DINGELL for their efforts to develop and pass this legislation.

Finally, the President of the United States deserves great credit for working to ensure that America is prepared against the threat of bioterrorism, and that the Nation's healthcare workers, first responders, and their families are protected from adverse affects that may result from smallpox vaccinations. Without President Bush's commitment, we could not have reached this critical agreement.

We know the grave danger that a smallpox attack poses. Smallpox is one of the deadliest diseases known to man. Health' experts, the Federal Government, and State and local health entities continue to address the smallpox threat, including the development of a long-term immunization plan.

The administration has taken great steps to meet this threat by setting forth an immunization plan for our Nation's healthcare workers and first responders.

However, too many healthcare workers have been deterred from receiving the smallpox vaccine—in part because of uncertainties about what would happen, and how they would provide for themselves, if they suffered a serious adverse reaction to the vaccine.

This legislation helps to respond to that fear. It makes clear that adequate compensation will be available if an individual becomes ill or dies as a result of receiving the smallpox vaccine.

Passing this legislation will help strengthen President Bush's plan to vaccinate healthcare workers, public health officials and first responders—a vaccination strategy that is vital to our national security.

This legislation is part of a long-term strategy. We must continue to work to ensure appropriate liability and compensation measures for future countermeasures, as well as strong communications, surveillance, capacity-building and research efforts to strengthen our overall public health infrastructure to respond to emerging public health threats.

Indeed, this is not purely a public health issue; it is also an issue of national security. We must ensure that an adequate number of healthcare workers and first responders are vaccinated in order to protect the American people should smallpox be used as an offensive weapon. Dr. Anthony Fauci of the National Institutes of Health, NIH, has noted, in fact, that we would have perhaps only 2–3 days to vaccinate exposed individuals and prevent death in the event of an outbreak. This task would be nearly impossible without having an adequate number of individuals vaccinated prior to an outbreak.

While the risk of a smallpox attack is not necessarily high, the risk is real. And the results could be devastating. They would surely be even more devastating without having enough people vaccinated before an outbreak. So we need to act here, and we need to act quickly.

In addition, we also must act in the coming weeks to pass the President's Project Bioshield Act of 2003 and legislation to improve our overall vaccine liability system. These are also critical longer term steps in rebuilding our defenses against infectious disease outbreaks, whether naturally-occurring or as a result of the offensive use of weapons of mass destruction.

Again, I commend the President, Chairman GREGG, Senator KENNEDY, and all of my colleagues, who have worked to craft this bipartisan legislation. I am very pleased to support this legislation.

Mr. GREGG. Madam President, with a mortality rate of over 30 percent, smallpox was one of the world's most feared diseases until a collaborative global vaccination program eradicated the disease in the 1970s. Smallpox no longer occurs naturally, and today can only be found in laboratories in the United States and Russia. Or so we believe. With the fall of the Soviet Union, some in the intelligence community are concerned that samples of the virus may have found its way to other countries, including Iraq. This is of grave concern to our Nation and the entire global community. Highly contagious and easily dispersed in the air, smallpox virus can be a deadly weapon in terrorist hands.

Congress and the administration have responded to this potential threat by authorizing the purchase of approximately 300 million doses of smallpox vaccine, enough for every man, woman, and child in America. Equally important, the administration developed a plan to respond in the event of an outbreak of the disease. Since the administration launched its smallpox vaccination plan on January 24, 2003, over 30,000 health care workers have been inoculated. To adequately prepare our Nation for the possibility of such an attack, however, more health care providers must be immunized. Additionally, it is critical that we begin vaccinating other emergency personnel, such as law enforcement officers, firefighters, and paramedics.

However, confusion as to the threat posed by the smallpox virus and concerns about the safety and potential side-effects of the vaccine, as well as the availability of compensation for any vaccine-related injuries, have impeded the program's progress. Although severe adverse reactions to the smallpox vaccine are very rare, we must ensure that health care and emergency workers who suffer such reactions receive appropriate medical care and compensation. Moreover, since the smallpox vaccine is made up of a live virus, we must also provide protection to any family members, patients, and others who are accidentally infected by these inoculated workers.

That is why I introduced the Smallpox Emergency Personnel Protection Act of 2003 (S. 313), which I chair. The bill before us reflects the bipartisan agreement that was reached after many weeks of hard work and long discussions with Republicans, Democrats, and the White House on this legislation.

The Smallpox Emergency Personnel Protection Act would create a "no fault" system to compensate vaccinated health care and emergency workers injured by the smallpox vaccine and other smallpox countermeasures, including any persons who accidentally contract smallpox from the vaccine. All persons experiencing any adverse events from the smallpox vaccine would be reimbursed for all reasonable necessary medical expenses and be compensated for lost wages.

In the rare event of death, the victim's family would receive a $262,100 lump-sum benefit payment. If there are any surviving children, then the family would have the option of receiving either the lump-sum or a $50,000 annual death benefit payment until the children become 18 years of age.

Those who become permanently and totally disabled as a result of the vaccine could receive up to $50,000 annually in lost wages. Those who are temporarily disabled could receive up to $50,000 annually in lost wages, up to a lifetime total of $262,100. No such lifetime limit would apply in the case of permanent and total disability.

While those harmed by the smallpox vaccine retain the right to sue the federal government for negligence, all vaccine related claims must first go through the compensation program. Finally, the legislation includes some clarifications of section 304 of the Homeland Security Act, to ensure that providers, such as hospitals, doctors, nurses, and public healthcare workers, are protected from personal liability in the administration of the smallpox vaccine and in caring for infected persons.

The Smallpox Emergency Personnel Protection Act is an important element of our national smallpox vaccination program that will help ensure its timely implementation. I do hope that the Secretary of Health and Human Services will carry out the smallpox vaccination program in a manner that appropriately monitors and evaluates newly proposed technologies, devices, and other elements of the program, in order to assure the safest route of administration. To this end, I anticipate that the Secretary will review periodically for possible inclusion under the program new and modified technologies, tasks, and procedures that may reduce the risks and increase the safety of the program and its administration. I understand that the Secretary will continue to engage in dialogue with the affected parties and to ensure the safe and effective administration of the smallpox vaccine.

Our Nation's healthcare and emergency workers will be on the front line in responding to any smallpox attack. Now, more than ever, we need to provide peace of mind and security to healthcare and emergency workers who volunteer to be vaccinated. This compensation package will give these workers the confidence they need to proceed with vaccinations. It is imperative that Congress pass the Smallpox Emergency Personnel Protection Act as swiftly as possible, so that we can ensure that our healthcare and emergency workers and their families are protected and that this country is prepared to respond in the event of an attack.

Mr. KENNEDY. Madam President, America faces a crisis because of our lack of preparedness for a bioterrorist attack. For months, we've worked to develop a fair, reasonable package to end this crisis. Today, we can finally say that we have an agreement, and I commend Senator GREGG, Senator FRIST, Senator MIKULSKI and all our colleagues on the Health Committee for all they've done.

I also thank the many representatives of nurses and other health providers, police officers and fire fighters for working with all of us to create a fair compensation program. We have come a long way and we're grateful for their intense commitment to this urgent challenge.

Smallpox is one of the cruelest, most contagious, and deadliest diseases ever known. Modern medicine has eradicated this disease in nature, but unfortunately it has been preserved as a weapon of war. The former Soviet Union weaponized the deadly virus—and control over these dangerous biological materials is often weak. Other nations probably have stocks of the virus—and none of us can be sure that the virus won't find its way into the hands of a terrorist.

If we remain unprepared, an attack with smallpox could kill vast numbers of Americans. Smallpox is deadlier than tanks or bombs. It is more lethal than machine guns or rocket-propelled grenades. It threatens the security of every American. We can and must protect our country against the use of smallpox as a weapon.

Vaccination provides almost complete protection against the disease—but the protection can come at a high price in some cases. For an unfortunate few, it can cause serious side effects such as encephalitis, blindness or severe infections. Recent deaths after the vaccination of civilian and military personnel have raised concern that the vaccine may cause heart attacks. The number of people who experience these devastating effects is small, so the cost of meeting their needs will not be great. But the failure to meet their needs can be devastating for them, and devastating for the overall preparedness effort.

At long last, after many negotiations, we can now say that the nation's first responders will have an effective compensation program. They deserve it and our nation's security demands it.

The agreement we have reached ensures that those who participate in the vaccination program will receive fair compensation if they suffer side effects from the vaccine. The compensation package is significantly more generous than the original proposal. Workers who are permanently and totally disabled will receive two thirds of their lost wages—three quarters if they have dependents—up to $50,000 a year, with no lifetime cap on those benefits. Workers who are temporarily or partially disabled will receive the same benefit, but with a lifetime cap of $262,100—the same cap as for firefighters and police officers. The children of anyone who dies as a result of vaccination will be eligible for the same benefits as those with permanent and total disability until they reach 18 years of age.

The intent of the bill is that these benefits should be exempt from taxation, as in other worker compensation programs, including the Public Safety Officers Benefit program. The intent is also that these benefits be indexed for inflation.

The benefits in this plan will go further than in the original plan in improving the health of those who are injured. Instead of limiting benefits to medical services and items needed only for immediate treatment of injury, the plan covers a wider range of medical needs including rehabilitative care and palliative care.

Our agreement also takes the important step of extending eligibility for compensation to all workers called upon to receive the vaccine. There are no deadlines to coerce persons into signing up for the program.

Thanks to the effective work of Senator MIKULSKI, the bill now includes strong provisions to make sure that the public has adequate information about the risks of vaccination, the voluntary nature of the program, and the availability of potential benefits and compensation. the bill also ensures voluntary screening for potential participants to identify health conditions that could put them at risk. Medical follow-ups will evaluate adverse health effects, and effective screening and counselling will reduce them.

So far, the vaccination plan is faltering. Only a small fraction of those who we rely on to protect us—the men and women in our hospitals and fire departments and police departments—have been willing to have smallpox vaccinations. They know the risks, and they worry that if they are injured or killed by the vaccine, they and their families will not be compensated adequately.

That is why it is so important to guarantee help for persons no longer able to work as a result of reactions to the smallpox vaccine, and to guarantee that their children have financial security as well.

Under certain circumstances, those who have been vaccinated can spread the virus used in the vaccine to others and cause them to become ill. Recently, concerns about the safety of the vaccine were raised by two heart attack deaths among the 31,000 civilians who have been vaccinated, and one heart attack death among the 300,000 military personnel who have been vaccinated. Five other civilians suffered heart attacks that were not fatal. No one knows whether the heart attacks were the result of the vaccine—but they have added new concern about the vaccination.

This agreement is a major step forward. We still have far more to do to be fully prepared for bioterrorist attacks, but this agreement is a major step forward against what could well be the worst of all terrorist attacks, and I urge the Senate to approve it.

Mr. SUNUNU. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1770) was read the third time and passed.

Mr. SUNUNU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. SUNUNU. Madam President, as in executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations and that the Senate then proceed to their consideration: Thomas Meites, PN 479; Herbert Garten, PN 478; Florentino Subia, PN 75; Frank Strickland, PN 76; Robert Dieter, PN 79; and Michael McKay, PN 77.

I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified of the Senate's action, and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

LEGAL SERVICES CORPORATION

Thomas R. Meites, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Herbert S. Garten, of Maryland, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Florentino Subia, of Texas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Frank B. Strickland, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corportion for a term expiring July 13, 2005.

Michael McKay, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

EXECUTIVE CALENDAR

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate consider the following nominations on today's executive calendar: Calendar Nos. 131, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155 and 156.

I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

VETERANS AFFAIRS

John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

ARMY

The following named officer for appointment as the Chief of the National Guard Bureau, and for appointment to the grade indicated under title 10, U.S.C., section 10502:

To be lieutenant general

Maj. Gen. H. Steven Blum, 9926

DEPARTMENT OF STATE

Joseph LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Reno L. Harnish, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Heather M. Hodges, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Gregory W. Engle, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Eric S. Edelman, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Wayne E. Neill, of Nevada, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Stephen D. Mull, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Ralph Frank, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

William M. Bellamy, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Helen R. Meagher La Lime, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Pamela J. H. Slutz, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Stephen M. Young, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2004.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2005.

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2005.

Marie Sophia Aguirre, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Marie Sophia Aguirre, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006.

Barbara McConnell Barrett, of Arizona, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Barbara McConnell Barrett, of Arizona, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006.

Charles William Evers III, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Charles William Evers III, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AMERICAN 5-CENT COIN DESIGN CONTINUITY ACT OF 2003

Mr. SUNUNU. Madam President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 258 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 258) to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Madam President, I rise today in support of H.R. 258, the Five Cent Coin Design Continuity Act. This legislation will allow the U.S. Mint to move forward with a nickel redesign to commemorate the bicentennial of the Louisiana Purchase and the Lewis and Clark Expedition. The bill will also allow the Mint to observe Thomas Jefferson's 260th birthday and honor his many contributions to the founding of our great Nation. I would like to commend Senators ALLEN and JOHNSON for their support and commitment to this outstanding effort to honor our history.

Thomas Jefferson's visionary decision to make the Louisiana Purchase opened the North American continent to the expansion of the frontier. Lewis and Clark's adventurous spirit provided the example for many brave pioneers to follow as they explored and settled west of the Mississippi. Thomas Jefferson's foresight and the courage of the members of the Lewis and Clark expedition presaged a legendary time in our Nation's history that emboldened the American spirit.

This period in history truly merits commemoration on our nickel coin. It is important to celebrate these accomplishments and recognize the achievements of individuals who have had such an impact on our Nation's history. I am pleased that the Banking Committee and the Senate could move expeditiously to pass this legislation and I thank Senators ALLEN and JOHNSON for their support.

Mr. SUNUNU. Madam President, I ask unanimous consent that the bill be read a third time and passed, that the motion to reconsider be laid upon the table and that any statements pertaining to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 258) was read the third time and passed.

SUPPORT FOR CELEBRATION OF PATRIOT'S DAY

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to consideration of S. Con. Res. 37 which was introduced earlier today by Senators KENNEDY and KERRY.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 37) expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SUNUNU. Madam President, I ask consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this measure be printed in the RECORD at the appropriate place, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 37) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 37

Whereas on the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them;

Whereas after leaving Charlestown on his way to Lexington, Paul Revere alerted the inhabitants of villages and towns along his route, stopping in Medford (formerly Mystic) at the home of Isaac Hall, the captain of the Medford Minutemen during the Revolutionary War, before continuing on through Arlington (formerly Menotomy) and arriving in Lexington around midnight;

Whereas William Dawes and a third rider, Dr. Samuel Prescott joined Paul Revere on his mission and they proceeded together on horseback to Lincoln;

Whereas while en route they encountered a British patrol that arrested Paul Revere, but William Dawes and Samuel Prescott managed to escape and continued on to Concord where weapons and supplies were hidden;

Whereas the midnight ride of Paul Revere was brilliantly and forever commemorated by the great American poet Henry Wadsworth Longfellow in his 1861 poem "Paul Revere's Ride";

Whereas the actions taken by Paul Revere, William Dawes, and Samuel Prescott afforded the Minutemen time to assemble to confront the advancing British troops and were heralded as one of the first great acts of patriotism of our Nation;

Whereas 38 Lexington Minutemen boldly stood before 600–800 British troops who had gathered at Lexington Green;

Whereas Captain Parker of the Lexington Minutemen commanded his men, "Don't fire unless you are fired on; but if they want a war, let it begin here.";

Whereas when the British continued onto Concord, a battle ensued at the Old North Bridge, where Minutemen from every Middlesex village and town routed the British and forced them into retreat back to Boston;

Whereas Ralph Waldo Emerson immortalized this moment in American history as where "the embattled farmers stood and fired the shot heard 'round the world.";

Whereas the United States has recognized the historic significance of the Nation's original patriots with the creation in 1959 of the Minute Man National Historical Park, located in Concord, Lincoln, and Lexington, Massachusetts, to preserve and protect the numerous significant historic sites, structures, properties, and landscapes associated with the opening battles of the American Revolution, and to help visitors understand and interpret the colonial struggle for their rights and freedoms; and

Whereas the heroic acts of April 19, 1775, are celebrated in Massachusetts and Maine every year as part of Patriot's Day with a reenactment of Paul Revere's famous ride, battle reenactments, educational programs, parades, and civic activities, and remembered by Americans across the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses support for the celebration of Patriot's Day;

(2) recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the earliest days of the Battle for Independence in April 1775; and

(3) honors those first patriots who. lost their lives in defense of liberty and freedom.

* * *

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. SUNUNU. Madam President, I ask unanimous consent that when the Senate receives from the House the conference report to accompany H.R. 1559, the emergency war supplemental, and with the concurrence of the two leaders, the conference report be agreed to and the motion to reconsider be laid upon the table.

Mr. REID. Madam President, it is my understanding that even if this is agreed upon, even absent this consent agreement, no rollcall vote on passage of the conference report would have been requested and the report would have been agreed to by voice vote; is that true?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. SUNUNU. That is my understanding.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLLOQUY BETWEEN SENATOR SMITH AND CHAIRMAN STEVENS ON ARMY PROCUREMENT OF THE CHITOSAN HEMORRHAGE CONTROL DRESSING

Mr. SMITH. Madam President, I would like to call my colleagues' attention to a revolutionary development in hemorrhage control which is expected to save lives of American soldiers now lost due to uncontrolled bleeding on the battlefield.

According to military physicians, 90 percent of soldiers killed in war die before they reach a medical facility, most often of blood loss. Wounds to the extremities are considered the main preventable cause of death in military action.

Using Army funds added by Congress over the past few years to spur medical technology to help our soldiers, researchers at the Oregon Medical Laser Center at Providence St. Vincent Medical Center in Portland have developed a hemorrhage control dressing made principally of chitosan and vinegar. Chitosan is an inexpensive material found in the exoskeleton of shrimp.

Last fall the FDA cleared the external use of this dressing. The approval was expedited at the request of the Commander of the Army's Medical Research and Materiel Command, who wrote to the FDA, and I quote:

> This dressing will significantly improve the ability of medics to control hemorrhage from extremity wounds. As a result of independent efficacy studies done at the United States Army Institute of Surgical Research, we feel that the Hemcon chitosan bandage is critical in our efforts to the control of severe external hemorrhage in the combat environment.

Subsequent to FDA clearance, this bandage was incorporated into military medical doctrine. According to the newest draft tactical combat care doctrine, ". . . every combatant should carry both a tourniquet and a hemostatic dressing as part of his personal gear loadout, and should be trained in their use."

The dressing is now being manufactured by an Oregon company, HemCon, under contract to the Army. I believe the Army should make a major commitment of funds to speed these bandages to our troops. I inquire of the Chairman if there is sufficient flexibility in this bill for the Army to purchase this dressing.

Mr. STEVENS. I thank my colleague for his inquiry and would respond that we have provided billions of dollars to the Army, with knowledge that there are uncertainties remaining in our action in Iraq. Certainly I would encourage the Army to place purchase of these bandages among their highest priorities, given the indications I have seen of the lives to be saved.

Mr. SMITH. I thank my distinguished colleague, who continually shows his dedication to the men and women of our armed forces. Equipping each of our soldiers in Iraq with this bandage would be a very positive step we can take to save lives. Even if, as we all hope, the main military thrust of our forces in Iraq is successfully concluded in the near future, it is likely that threats from isolated but armed Iraqi paramilitary forces will remain in the months ahead. I would encourage the Army to procure these bandages as quickly as possible to meet the military's own goal of providing one to each soldier.

* * *

HONORING MICHAEL KELLY

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 121, which was submitted earlier today by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) honoring the life of Washington Post columnist and Atlantic Monthly editor Michael Kelly in expressing deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, Michael Kelly died nearly a week ago while covering the U.S. Army's Third Infantry Division's march to liberate Baghdad. It is difficult for me to believe that he was only 46 years old. Michael Kelly's contributions to American journalism and American politics were not the contributions of a young man but those of a witty, political observer whose love of his country and delight in the pastime of American politics was as boundless as the American dream itself. Michael Kelly, so deeply committed to preserving freedom and liberty, should be in Baghdad right now relishing in the awakening of the Iraqi people to their new lease on life, liberty, and freedom from fear.

I did not fully realize the extent of his contribution to the American political discourse until I opened the Washington Post yesterday and noticed that his Wednesday column was dark. At that moment, I realized how gaping a void Michael Kelly's death has left in the pages of newspapers throughout the country, and in the hearts and minds of his countless readers.

He was in life, and will remain in death, an icon for all who shared his interest and obvious passion for the theatre of American politics. His bemused commentary and good-natured derision from the balcony of our political arena—and his delight in watching political virtuosi and vaudevillians march across the stage—place him in my book among the great political commentators of our time.

Although I did not know Michael Kelly, his writings reminded me of the satisfaction and glory that accompanies fighting for just causes and deeply held beliefs, however unpopular they may be in certain circles. His life and work stand as reminders of why partisanship—even bitter partisanship—can be often an immensely positive contribution to American politics. Like that of my former colleague and friend, the late Daniel Patrick Moynihan, Michael Kelly's style of partisanship made an eloquent and thoughtful contribution to the important debates about the future of our country.

Michael Kelly's style—witty, acerbic, curmudgeonly, and independent—invited obvious comparisons to another famous American journalist: H.L. Mencken. Like Mencken, Kelly relished the opportunity to fire rhetorical grapeshot across the bow of his political adversaries. His refusal to mute his criticism of liberal politicians while he was serving as the editor of the left-leaning New Republic is reminiscent of Mencken's long-running feud with President Roosevelt. There is also a superficial connection, too, as Kelly spent an early part of his career as a reporter for the Baltimore Sun, a newspaper made famous under the stewardship of its iconic reporter and editor.

More substantively, Michael Kelly, like Mencken, was much more than a newspaperman. He was a man of letters, and a powerful political voice. Kelly's most recent endeavors stand as testament to his immense intellect and lasting impact. His tenure as editor of The Atlantic Monthly has resulted in dramatic success for that venerable magazine. And for whatever informal polling is worth, I can attest that members of my staff routinely compete for copies of The Atlantic when they arrive in my office mailroad each month.

He left the comfort of his editor's desk recently to join the U.S. Army's Third Infantry Division as an embedded journalist. Having doggedly defended the moral and security justifications for disarming Saddam Hussein's brutal regime, Michael Kelly risked his life to bear witness to the liberation of the Iraqi people.

Michael Kelly was an eloquent advocate of the moral arguments for regime change in Iraq. Regarding the liberation of the Iraqi people, Kelly wrote in February:

> There are 24 million of them, and they have been living (those who have not been slaughtered or forced into exile) for decades under one of the cruelest and bloodiest tyrannies on earth. It must be assumed that, being human, they would prefer to be rescued from a hell where more than a million lives have been sacrificed to the dreams of a megalomaniac, where rape is a sanctioned instrument of state policy, and where the removal of the tongue is the prescribed punishment for uttering an offense against the Great Leader.
>
> These people could be liberated from this horror—relatively easily and quickly. There is every reason to think that a U.S. invasion would swiftly vanquish the few elite units that can be counted on to defend the detested Saddam Hussein; and that the victory would come at the cost of a few—likely hundreds, not thousands—Iraqi and American lives. There is risk; and if things go terribly wrong it is a risk that could result in terrible suffering. But that is an equation that is present in any just war, and in this case any rational expectation has to consider the probable cost to humanity to be low and the probable benefit to be tremendous. To choose perpetuation of tyranny over rescue from tyranny, where rescue may be achieved, is immoral.

His predictions have proven accurate, and it is a heartbreaking tragedy that he did not survive the march to Baghdad, where he would have witnessed a new birth of freedom in a land strangled for so long by tyranny and oppression.

Michael Kelly is survived by his wife, Madelyn, his young sons Tom and Jack—whose endeavors he recorded lovingly and amusingly in his columns—and his parents, Thomas and Marguerite Kelly. My prayers and deepest condolences go out to them for their loss.

So today I ask my colleagues to join me in paying tribute to Michael Kelly's life and recognizing his lasting contribution to the twin worlds of American journalism and American politics. I hope my colleagues will support this resolution

Mr. SUNUNU. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 121

Whereas the Senate has learned with sadness of the death of columnist and editor Michael Kelly;

Whereas Michael Kelly, a native of Washington, D.C., greatly distinguished himself as a newspaper reporter, political columnist, writer, and magazine editor;

Whereas Michael Kelly was embedded with the Third Infantry Division of the United States Army in Iraq to record history from the perspective of the soldiers on the field of battle;

Whereas Michael Kelly distinguished himself early in his career as a reporter for the Cincinnati Post, Baltimore Sun, New York Times, and the New Yorker;

Whereas Michael Kelly served as editor of the National Journal and New Republic;

Whereas Michael Kelly was most recently a columnist for the Washington Post and the editor of the Atlantic Monthly, which under his stewardship was awarded three National Magazine Awards last year;

Whereas Michael Kelly's political columns represent a major contribution to American political discourse;

Whereas Michael Kelly's reporting during the Persian Gulf War of 1991 was published as a book entitled "Martyr's Day";

Whereas Michael Kelly was a devoted husband to his wife, Madelyn, a proud father to his sons, Tom and Jack, and a dutiful son to his parents, Thomas and Marguerite Kelly; and

Whereas Michael Kelly's wit, acumen, intellect, patriotism, and passion will be forever remembered by his friends, colleagues, and the countless strangers whose lives he touched with his powerful writings: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career and memorable writings of Michael Kelly;

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to direct an enrolled copy of this resolution to the family of Michael Kelly.

THE CALENDAR

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following resolutions en bloc: Calendar No. 73, S.J. Res. 8; Calendar No. 74, S. Res. 108; Calendar No. 75, S. Res. 111.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SUNUNU. I ask unanimous consent that the joint resolution be read a third time and passed, the resolutions be agreed to, and that the preambles be agreed to, and that the motions to reconsider be laid on the table en bloc, and that any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S.J. Res. 8) was read the third time and passed.

The resolutions (S. Res. 108 and S. Res. 111) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S.J. RES. 8

Whereas, on average, another person is sexually assaulted in the United States every two minutes;

Whereas the Department of Justice reports that 248,000 people in the United States were sexually assaulted in 2001;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas children and young adults are most at risk, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas less than 40 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas the rate of sexual assaults has decreased by half in the last decade;

Whereas, because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas sexual assault victims suffer emotional scars long after the physical scars have healed; and

Whereas free, confidential help is available to all victims of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist victims of sexual assault: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage both the prevention of sexual assault and the prosecution of its perpetrators;

(B) it is appropriate to salute the more than 20,000,000 victims who have survived sexual assault in the United States and the efforts of victims, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its victims, and encouraging the increased prosecution and punishment of its perpetrators; and

(D) police, forensic workers, and prosecutors should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

S. RES. 108

Whereas throughout American history, cowboy poets have played a large part in framing the landscape of the American West through written and oral poetry;

Whereas the endurance of these tales and poems demonstrates that cowboy poetry is still a living art;

Whereas recognizing the contributions of these poets dates as far back as cowboys themselves; and

Whereas it is necessary to recognize the importance of cowboy poetry for future generations: Now therefore be it

Resolved, That the Senate—

(1) designates that week of April 21 through April 27, 2003, as "National Cowboy Poetry Week"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to celebrate the week with the appropriate ceremonies, activities, and programs.

S. RES. 111

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas 1 in 4 Americans is projected to be of Hispanic descent by the year 2050, and there are, in 2003, approximately 12.3 million Hispanic children in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2003, as "Día de los Niños: Celebrating Young Americans"; and

(2) requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including—

(A) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) activities that are positive, uplifting, and that help children express their hopes and dreams;

(C) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(D) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) activities that provide opportunities for families within a community to get acquainted; and

(F) activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

S. RES. 111

Mr. HATCH. Mr. President, nations throughout the world, especially within Latin America, celebrate Día De los Niños on the 30th of April, in recognition and celebration of their country's future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día De los Niños in their homes.

The designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on our future, articulate our dreams and aspirations, and find comfort and security in the support of our family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies and activities.

I thank my colleagues for supporting America's youth by supporting this resolution designating April 30, 2003, Día De los Niños: Celebrating Young Americans.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

Mr. SUNUNU. I ask unanimous consent the Senate immediately proceed to the consideration of Calendar No. 68, S. Res. 117.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 117) recognizing the 100th anniversary of the founding of the Laborers' International Union of North America, and congratulating members and officers of the Laborers' International Union of North America for the union's many achievements.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SUNUNU. I ask unanimous consent the Hatch amendment to the resolution be agreed to, the motion to reconsider be laid upon the table; that the resolution as amended be agreed to and the motion to reconsider be laid upon the table; that the preamble be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 531) was agreed to, as follows:

(Purpose: To honor and commend the contributions of all labor organizations within the United States)

Strike all after the resolving clause and insert the following: "That the Senate—

"(1) recognizes the founding and establishment of labor organizations, which have made a tremendous contribution to the structural development and building of the United States, and to the well-being of countless workers;

"(2) congratulates labor organizations for their many achievements and the strength of their membership; and

"(3) expects that labor organizations will continue their dedicated work and will have an even greater impact in the 21st century and beyond, and will enhance the standard of living and work environment for laborers and other workers in generations to come.".

The resolution (S. Res. 117), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

(The bill will be printed in a future edition of the RECORD.)

EXPRESSING THE SENSE OF CONGRESS REGARDING THE BLUE STAR SERVICE BANNER AND THE GOLD STAR

Mr. SUNUNU. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 36, submitted earlier today by Senators DASCHLE, FRIST, HAGEL, JOHNSON, and STEVENS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) expressing the sense of the Congress regarding the blue star service banner and the gold star.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, today I join with my colleague, Senator HAGEL, to urge adoption of a Senate concurrent resolution on behalf of our troops and their families. Specifically, the resolution encourages families of military personnel to display the Blue Star Service Banner, a tradition dating back to World War I. The Blue Star Service Banner indicates that a loved one is serving our country in the active duty military, and honors their devotion and sacrifice.

The Blue Star Service Banner has its origins in World War I, when mothers of soldiers often sewed blue stars onto white flags by hand, in order to express their love, pride, and concern for their sons serving abroad. The practice was widespread throughout the two World Wars, coming to serve not only as a symbol of pride but also as a reminder to our Nation's citizens of their call to support the war effort. The flying flag urged civilians to remember their commitment to ration gas and food, to buy war bonds, or to work in the factories producing much-needed materials, all in support of the brave men who were placing their lives on the line in defense of our country.

Today, as a new generation of brave men and women faces grave personal risk on the front lines of Operation Iraqi Freedom and Operation Enduring Freedom, let us renew this time-honored tradition and again hoist flags in support of our troops. Let the families of these men and women display their love, pride, and concern for their loved ones, who have made such tremendous commitments to our country. And let these flags remind American citizens of the ways we can support our troops' efforts abroad: by expressing our gratitude, by making personal sacrifices through donations or volunteer efforts, and by continuing to demonstrate liberty and democracy to the world through vigorous debate and civic participation in the institutions that make our country great.

Our Nation's active-duty military now consists of more than a million men and women, supported by even more families and households, and I introduce this bill today out of respect and solidarity with them all. In particular, I would like to pay tribute to my colleague from South Dakota, Senator TIM JOHNSON, who is Congress' only "Blue Star Parent." As you might imagine, given our relationship, I am particularly well acquainted with this family and their son, Brooks, a sergeant in the Army's 101st Airborne Division, now engaged in Operation Iraqi Freedom. Thank you, Barbara and TIM JOHNSON, and thank you, Brooks, for your contribution to our nation's security.

As images of the conflict in Iraq fill up our television screens and newspapers, many Americans feel helpless and distant, and we long for a way to support our troops. The Blue Star Service Banner allows military families to demonstrate their support, their pride, and their concern for the young men and women who serve our nation with such dedication. I urge you to support the passage of this important resolution and to join with me in calling upon the military families among your constituents to fly the Blue Star flag high and proudly.

Mr. SUNUNU. I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, the motions to reconsider be laid on the table en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 36) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 36

Whereas the Blue Star Service Banner was patented and designed in 1917, during the height of the First World War, by Army Captain Robert L. Queissner of the 5th Ohio Infantry, who had two sons serving on the front lines;

Whereas the banner quickly became the symbol for a family member serving the Nation and families began proudly displaying these banners in their front windows during the First World War;

Whereas each Blue Star on the banner represents a family member serving in the Armed Services and symbolizes hope and pride;

Whereas beginning in 1918, the Blue Star would signify the living, and a smaller Gold Star would be placed on top of the Blue Star, forming a blue border, if the family member was killed or died while on active duty, to symbolize his or her sacrifice for the cause of freedom;

Whereas the placement of a Gold Star on top of a Blue Star recognizes that those who served together and came home, as well as their families, will always remember the sacrifice of those who died and honor their families;

Whereas the banners were displayed widely during the Second World War;

Whereas many of the banners displayed during the First and Second World Wars were hand-made by the mothers of those serving in the Armed Forces;

Whereas the legacy of the banner continued during the Korean, Vietnam, and Persian Gulf Wars and other periods of conflict, as well as in times of peace;

Whereas the Blue Star Service Banner is the official banner authorized by law to be displayed in honor of a family member serving the United States, while the Gold Star may be displayed in honor of a family member who has made the ultimate sacrifice for the Nation;

Whereas for over 85 years, families have proudly displayed the Blue Star Service Banner showing service men and women the honor and pride that is taken in their sacrifices for freedom;

Whereas the banner may be displayed by members of the immediate family of a loved one serving in the Armed Forces, including active duty service in a unit of the National Guard, Merchant Marine, or the Reserves;

Whereas the banner may be flown by families with a service member stationed either domestically or overseas;

Whereas the display of the banner in the front window of a home shows a family's pride in their loved one and is a reminder that preserving America's freedom demands great sacrifice; and

Whereas this reminder is especially timely during the current conflict with Iraq and the war on terrorism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls on all Americans to honor the men and women of the United States Armed Forces and their families;

(2) honors the men and women of the United States Armed Forces and their families;

(3) encourages these families to proudly display the Blue Star Service Banner or, if their loved one has made the ultimate sacrifice, the Gold Star; and

(4) calls on the media to recognize the importance of the Blue Star Service Banner and its symbolism of the devotion and service of the men and women of the United States Armed Forces.

SEC. 2. The authority on which this resolution rests is the authority of Congress to make all laws which shall be necessary and proper as provided in Article I, section 8 of the United States Constitution.

EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE BLUE STAR FLAG AND THE GOLD STAR

Mr. SUNUNU. Madam President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res. 109 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 109) expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SUNUNU. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 109) was agreed to.

The preamble was agreed to.

BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 65, S. 763.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 763) to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SUNUNU. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 763) was read the third time and passed, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, shall be known and designated as the "Birch Bayh Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Birch Bayh Federal Building and United States Courthouse.

TED WEISS FEDERAL BUILDING

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 66, H.R. 145.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 145) to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Madam President, I rise today to express my overwhelming support for H.R. 145, a bill to designate the Federal Building located at 29 Broadway in New York City as the "Ted Weiss Federal Building." The building currently houses the offices of the U.S. Environmental Protection Agency Region 2, as well as some Internal Revenue Service offices and some Federal Bureau of Investigation offices.

Ted Weiss was born in Gava, Hungary, on September 17, 1927. At the age of 11, to escape persecution by the Nazi regime, Ted Weiss and his family took passage on one of the last passenger ships to leave Hamburg, Germany in 1938. The Weiss family settled in the United States, and in 1946, Ted Weiss graduated from Hoffman High School in South Amboy, NJ. Upon his graduation, Ted Weiss joined the United States Army. After one year in the Army, Ted Weiss enrolled at Syracuse University, where he earned a bachelor's degree in 1951 and a law degree in 1952.

Ted Weiss became a naturalized United States citizen and was admitted to the practice of law in 1953. From 1955 to 1959, Ted Weiss served as an Assistant District Attorney for New York City. He also served on the New York City Council from 1962 to 1977. In 1976, Congressman Weiss was elected to the U.S. House of Representatives to serve in the 95th Congress, and each of the seven succeeding Congresses.

As the ranking member of the Senate Environment and Public Works Committee, I am very pleased to lend my full support for this legislation. Ted Weiss was a valued member of the House of Representatives and a good friend to many. For many years, Ted and I worked together as co-chairs of the Congressional Arts Caucus. Ted was tireless in his support for the arts and recognized the value of making the arts accessible to all Americans. The naming of the Federal Building at 29 Broadway is a fitting tribute to a man who dedicated his life to public service and the betterment of our nation. Ted Weiss was an American hero, and he is dearly missed here in the halls of Congress.

Mr. SUNUNU. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 145) was read the third time and passed.

CARL T. CURTIS NATIONAL PARK SERVICE MIDWEST REGIONAL HEADQUARTERS BUILDING

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 70, S. 703.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 703) to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Madam President, I rise today to pay tribute to the late Nebraska U.S. Senator Carl T. Curtis. Curtis represented Nebraska in Congress for 40 years, longer than any other Nebraskan. He began at an early age. A well-known anecdote depicts Curtis as a young boy near Minden, NE, delivering speeches to the animals on his family's farm, in the absence of more engaging company. Not that he always found it here in Congress.

Curtis's life was always about hard work, common sense, and accomplishment. He began his career by obtaining a law degree by "reading the law" on his own and passing the bar. In Nebraska politics, he was known as a giant-killer, defeating two incumbent Governors, one former Governor, one Governor-to-be, and two former House Members. He is the only elected official in Nebraska State history to win statewide office while losing both Omaha and Lincoln. Curtis remained determined and victorious in the Senate when, in 1975, he waged a successful battle against Senator Jacob Javits, R-NY, for the chairmanship of the Senate Republican conference. As the new chairman of the Republican conference, he changed its role to be that of a research body, providing Republican Senators with relevant information on emerging national issues. The function of the current Senate Republican conference began under Curtis's leadership.

During his 16 years in the House and 24 years in the Senate, Curtis served on the Finance, Agriculture, Rules, and Space Committees. He helped establish a blueprint for flood control and irrigation along the Missouri River. He worked tirelessly to enact the energy tax bill and the Tax Reform Act of 1976. Throughout his life, Curtis was an advocate for small business, agriculture producers, and social security reform. He was a selfless public servant who respected and lived traditional American values.

Outside of the Halls of Congress, Curtis actively supported his fellow Republicans. One of his political highlights came when he was asked by the late Arizona U.S. Senator, Barry Goldwater, to serve as his floor manager at the 1964 Republican National Convention in San Francisco. With Curtis's help, Goldwater won the GOP Presidential nomination that year.

After Curtis finished his distinguished tenure in Congress in 1979, he went back to practicing law in Nebraska, while continuing to be an active voice in politics and an adviser to many Republican candidates and officials. He also filled his time writing his book, "Forty Years Against the Tide," which highlighted his opposition to the welfare state. After Curtis retired, he spent many happy days in Nebraska with friends, family and his wife Mildred.

Curtis had a full political career, but the cornerstone of his life was his family and friends. His first wife, Lois Wylie-Atwater, championed him throughout his political career, along with their two adopted children. After Lois's death, Curtis found companionship in Mildred Genier Baker. They married in 1972. Curtis's journey came to an end on January 24, 2000, but his remarkable legacy lives on. Senator Curtis was a friend and political mentor to many of us. We will always appreciate his willingness to help each of us, his courtesies, his friendship and his integrity. Naming the new Park Service building in Omaha after Senator Carl T. Curtis is an appropriate tribute to a legendary public servant and leader.

Mr. SUNUNU. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 703) was read the third time and passed, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CARL T. CURTIS NATIONAL PARK SERVICE MIDWEST REGIONAL HEADQUARTERS BUILDING.

The regional headquarters building for the National Park Service under construction in Omaha, Nebraska, shall be known and designated as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the regional headquarters building referred to in section 1 shall be deemed to be a reference to the Carl T. Curtis National Park Service Midwest Regional Headquarters Building.

ORDER FOR COMMITTEES TO FILE

Mr. SUNUNU. Madam President, I ask unanimous consent that notwithstanding the recess or adjournment, committees be authorized to report legislative and executive matters on April 24, 2003, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING APPOINTMENTS

Mr. SUNUNU. Madam President, I ask unanimous consent that notwithstanding any adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. SUNUNU. Madam President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, or Senator WARNER be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 38, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 38) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SUNUNU. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 38) was agreed to.

The concurrent resolution reads as follows:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 11, 2003, or Saturday, April 12, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 28, 2003, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Saturday, April 12, 2003, through Friday, April 18, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, April 29, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR MONDAY, APRIL 28, 2003

Mr. SUNUNU. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 38, until 12:00 noon, Monday, April 28.

I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 1 p.m., with the time equally divided between the two leaders or their designees; provided that at 1 p.m. the Senate proceed to executive session to consider the nomination of Jeffrey Sutton to be a Circuit Judge for the Sixth Circuit as stipulated under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SUNUNU. Madam President, for the information of all Senators, when the Senate reconvenes on Monday, April 28, the Senate will be in a period of morning business until 1 p.m.

Following morning business, the Senate will begin consideration of the nomination of Jeffrey Sutton. There will be no rollcall votes on Monday. The next rollcall vote will occur on Tuesday, April 29, at approximately 12 noon.

On behalf of the majority leader, I thank my colleagues for their hard work and cooperation over the past few weeks. We have completed action on the budget resolution, the war supplemental, the CARE act, the PROTECT Act, and a host of other important pieces of legislation, including a number of measures to assist our men and women in the Armed Forces. I wish all my colleagues a safe and restful Easter recess.

ORDER FOR ADJOURNMENT

Mr. SUNUNU. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 38 following the remarks of Senator BYRD for up to 30 minutes. I further ask that if the House has not acted upon S. Con. Res. 38, then the Senate reconvene at 12 noon, Monday, April 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER.. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CONSTITUTIONAL EMERGENCY RESPONSE FUND

Mr. BYRD. Madam President, tonight the Senate will consider the supplemental appropriations conference report to begin to fund the war in Iraq. For many hours today, members of the House and Senate Appropriations Committees worked to complete action on the legislation, and I am pleased to report that we are nearing a final package.

Despite the progress today, however, I remain concerned about the path on which this conference report places the Congress.

For decades, Presidential administrations have sought to wrap their fingers around the purse strings, push away the Congress, and ignore the Constitution—this Constitution which I hold in my hand. It does not matter what administration it is. It does not matter the political party of the President. What matters is nothing more than raw power. That executive branch is always out there seeking to expand its power. Twenty-four hours every day, the administration is somewhere on the globe reaching, seeking to grasp more power. When Congress is out on recess, when Congress is at home, when the men and women of the Congress are sleeping, the executive branch is there. At some point on the compass, on the high seas, in the tundra of the far north, in the tropics, it is always, always awake, always there. What matters is nothing more than raw power. Congress has it. The executive branch wants it. And the executive branch will use virtually any excuse to get it.

It was not long ago that I joined with the late Senator from New York, Daniel Moynihan, the Republican Senator from Oregon, Mark Hatfield, the Democratic Senator from Michigan, CARL LEVIN, and two Members of the House of Representatives, Congressman David Skaggs of Colorado and Congressman HENRY WAXMAN of California, to challenge the line-item veto. Every President in the 20th century, save for William H. Taft, sought some form of line-item veto. Foolishly, on March 23, 1995, the United States Senate passed by a vote of 69 to 29 the Line-Item Veto Act, giving the Office of the President—or seeking to give the Office of the President—the power to pick and choose which items in appropriations bills to fund and which to ignore. With the line-item veto, a President had the power to threaten and to intimidate Members of Congress, the people's directly elected representatives. It gave to one man the power to change unilaterally a bill that was the product of the give and take, the debate and compromise between and among 535 men and women who were directly elected by the people to represent them in Congress.

Fortunately, 5 years ago this June, the United States Supreme Court had the wisdom to see the danger of this approach. The Justices on that High Court ruled 6 to 3 to overturn the Line-Item Veto Act. God save the United States. We do not say it in this body, "God save the King." There is no monarchist party in the Senate, or there should not be. We say, "God save the United States."

So the Justices, as I say, ruled that Congress did not have the authority to delegate away its constitutionally granted power of the purse. We just cannot do it. We might want to foolishly, but Congress cannot do that. It cannot delegate away its constitutional power over the purse. Thank God for the Supreme Court of the United States.

The Court understood precisely what was at stake, even though some here did not. The absolute bedrock of the people's continued freedom from tyranny and excesses of all types of authority is the power of the purse. That is it. Cicero said: There is no fortress so strong that money cannot take it.

James Madison summed up in a very few words the significance of this power in protecting the people's rights and the people's liberties.

In Federalist No. 58, he wrote—now get this:

> This power over the purse, may in fact be regarded as the most compleat and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

Let me read that again, from the Federalist No. 58. Madison wrote:

> This power over the purse, may in fact be regarded as the most compleat and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

Every Senator should have to sleep with those words of Madison under his pillow at night. Not every Member would need to do that but some would. All too often Senators stand up at that desk and put their hand on the Holy

Bible and swear before God and man that they will support and defend the Constitution of the United States against all enemies, foreign and domestic, and they turn right around and seek to give away the power over the purse which constitutionally vests in this branch—seek to give it away to a President.

Why, the President is just a hired hand. He will be around here for a little while and then he will have to go away, have to go back home. The same for Senators; we are hired hands. We will not be here forever. We have to have a new contract every 6 years to stay and continue to serve.

It is this essential tool, the power of the purse, control of the purse by the people's representatives in Congress, and that tool lies at the very foundation of our Nation's liberties, our Nation's freedoms. Take away Congress's power over the purse and the people's liberties cannot be assured. It is that fundamental.

The power over the purse, it is the fulcrum of the people's leverage. It is that power over the purse that caused Englishmen centuries ago to shed their blood, to wrest from tyrannical monarchs that power over the purse and place that power in the hands of the representatives of the people, in the House of Commons in England.

Too many of us forget our roots. Too often we forget our roots. The roots of the Constitution go back not just to 1787 but a thousand years to the Magna Carta in 1215 and beyond.

As enshrined in the Constitution, the power over the purse is one of the chief protectors of all of our cherished freedoms: The freedom of the press, the freedom to assemble, freedom of religion, all of these are freedoms. And that power over the purse vested in this body and the other body of the Congress is a precious power.

This control of the purse is one of the most effective bulwarks ever constructed to repel a despot, control a tyrant, shackle the hands of an overreaching chief executive. Chip away at this fundamental barrier and one chips away at the very cornerstone of the people's liberties. Incredibly, Members of Congress in this day seem to be intent all too much on doing just exactly that, steadily chipping away at the power of the purse and at the other constitutional powers and prerogatives of the people's representatives in Congress.

Since that June day nearly 5 years ago when the High Court struck down the Line Item Veto Act, administrations have sought ways around the High Court ruling. So I say that executive branch is always there, always reaching, always probing, always seeking to get around that constitutional power of the purse. They have sought to chip away at this Constitution. They have sought to control the crucial power of appropriating. That concerted executive branch effort has continued right to this hour in this supplemental request.

I am always amazed, seemingly more so than ever in recent times, that the judicial branch will always stand for the judicial branch. It will always act to protect itself. The executive branch will always act to protect itself and it seeks, as I say, for more and more power. But it is the legislative branch—the branch that is closest to the people, the branch that is first mentioned in the Constitution, the first article of the Constitution, the very first sentence of the Constitution—that more and more so in recent years is willing to give away its prerogatives, to yield to the executive branch.

Ours is a government of three equal branches. We have no king in this country. Our forebears fought a war to break away from the king, King George, III. Those signers of the Declaration of Independence put in jeopardy their lives, their fortunes, their sacred honor, to be independent of the king. They could have been arrested, hauled away, put on ships, sent across the Atlantic to England and hanged for what they did in signing that Declaration of Independence. They put their lives on the line when they did that.

I have to wonder, when Members of the legislative branch will be so obsequious to a President. We see it when we have a Democratic President, many Members on my side of the aisle will be obsequious. They are willing to hand over to that President the line item veto. I see it when a Republican President is in the White House so many on that side of the aisle are so obsequious to the President, as though he brought them here, as though they were elected by a President.

The President is a hired hand, just as I am. Why should we be so obsequious to a President? He is no king. Our forefathers fought a war, as I say. Nathan Hale gave his life for his country.

I often talk to these pages. I get a new lease on life just talking with these young people and breathing the fresh air of their vigor, their vision, and their enthusiasm. I say to them: Who is Nathan Hale? I tell them the story of Nathan Hale, if they have not heard it. We do not have history books today like we had when I went to school. I studied Muzzy. It was not a book filled with pictures. There were very few pictures, but it was crammed with text. And there for Muzzy did I get my hero from the patriots of the Revolutionary period, from those who wrote the Constitution, who wrote the Bill of Rights, who wrote the Declaration of Independence, Benjamin Franklin, James Madison, and Nathan Hale.

Nathan Hale answered the call of George Washington to go behind the enemy lines and bring back drawings of the British gun emplacements. And on the night before he was to return to the American lines, Nathan Hale was arrested as a spy. The next morning, he stood before a crude gallows, a wood coffin within sight, knowing that his body would soon lie and grow cold in that wood coffin. He was asked by the British commander, a Commander Cunningham, if he had anything to say. There with his hands clasped behind him, he said:

> I only regret that I have but one life to lose for my country.

What a lesson we can all draw from that man who gave his only life. Did he die to give a President the power of the purse? We did not have a constitution at that point. But I cannot believe that he would have died to give a President the power of the purse. He died because he was fighting for independence, to make this Nation a separate nation from that nation which was ruled by a king.

Just a few weeks ago, after months of stiff-arming Congress's request for information regarding the cost of military action in Iraq, the President finally provided the details of the first installment payment totaling $74.7 billion. Of that amount for the Department of Defense, the President sought $62 billion. But the President wanted the Secretary of Defense to pick and choose how to spend more than $59.8 billion of that money. Congress was asked to provide this funding in an account labeled the Defense Emergency Response Fund. Around here, this fund is nicknamed DERF. I can think of another explanation for DERF: The Dangerous Erosion of the Right to Fund. No, it was not flexibility that the President sought; it was control; it was power.

The President's supplemental sought another $1.4 billion for the Department of Defense to allow the Secretary of Defense to allocate funds to pay nations that have provided support for the global role on terrorism. And again, the Secretary of Defense would decide where, how, when to invest those dollars—not the Congress. Nowhere in the Constitution is the Secretary of Defense given the power of the purse. Nowhere is the Secretary of Defense even mentioned—because there was not any Secretary of Defense when that Constitution was written.

Again, however, it was not flexibility that the President sought; it was power. Time after time in line after line, this administration sought unprecedented authority to spend the people's money—your money—you, the people out there looking at this Chamber through those electronic eyes; your money. How it wanted, where it wanted, when it wanted, why it wanted.

The cry went out: Give us flexibility. That was the cry of the administration when it sent up this supplemental appropriations bill. Give us flexibility.

But it was not really flexibility that the administration wanted; it was power—power, power over the purse, power over the Congress.

Wisely, the House and Senate Appropriations Committees limited this power grab in this supplemental request. Despite the best efforts of the administration, the conference report holds to almost all of the committee's limitations and presentations. But it took a vote of the conference this morning to give protection to the prerogatives of this Congress.

With that vote—and the prerogatives of the Congress, I say, are the prerogatives of the people; that is what we are really talking about, the people—with that vote, the House and Senate conferees approved a 5-day notification on how the Secretary of Defense and the President may choose to spend $15 billion in the Defense Emergency Response Fund. Five days' notification is not too great a burden for the administration to meet, and you would not have thought the administration would have resisted that with every ounce of its strength.

I read in the newspaper something to the effect that the President was on the floor, the Vice President visited offices around this Hill, and the Secretary of Defense was on the phone urging Members to stand by the administration. The administration resisted this bipartisan effort to require this short notification, but the conferees acted to protect the people against a would-be power grab by the administration. If there is an imminent danger facing the Nation today, the Commander in Chief does not need to wait to respond. He will not have to say that he cannot stop an attack against America simply because he has to tell Congress first. He has the inherent constitutional right to counter any imminent direct threat facing the United States. A 5-day notification requirement on the DERF does not tie the President's hands at all, but it does help to protect the people's liberties against an overreaching executive.

Despite the good work by the conferees to limit the so-called flexibility, I fear that this conference report is nothing more than a first step down a slow road to oblivion for Congress. Because of this President's insatiable desire—and especially this administration, I say, after having watched for 50 years one administration after another, Republican and Democrat—because of this administration's insatiable desire to control the power of the purse, what we are witnessing in this DERF is a unique and creative strategy to circumvent the people's directly elected representatives.

What will be next? Which department will seek its own emergency response fund with no strings, no questions, no examination? Why not just hand each department in this administration a huge check at the start of each fiscal year and say: Here you go, boys. Have a good time. Send us a postcard.

Put a sign on the Capitol dome: Going out of business.

I hope this will be the last time Congress feels the need to accommodate an emergency response fund that contains so few strings, so few protections for the people. After all, it is their money. I have heard that many times, "It's their money." Well, now I say it, yes, it is their money.

Since this war began I have stated my strong support for the men and women engaged in military action and for their families. I have pledged every resource necessary to speed their victory and their safe return home. I will keep that pledge and vote for this conference report.

But I have also sworn an oath to protect and defend this Constitution. I will not stand by quietly while we demolish this document that has served us well for more than 200 years as the foundation of this Republic.

The bill that we are talking about is only the downpayment on this war. Remember that—only the downpayment on this war. We have asked the administration time and again, and the administration's representatives who came to the Hill: What will be the cost? What will be the cost?

Secretary Rumsfeld said the cost is not knowable. So in the President's budget that he sent to the Hill there was not one thin dime for the war.

This bill is only the downpayment on this war and on the occupation and reconstruction of Iraq. This conference report is only a fraction of the cost. As this body writes the checks for the rest of the war and the reconstruction, the Senate should defend vigorously the power of the purse and ensure that the system of checks and balances is preserved.

Madam President, I personally want to thank the Senator who presides over the Senate at this late hour, the hour of 9 o'clock p.m. lacking 1 minute. Here she presides, the junior Senator from Alaska, LISA MURKOWSKI. I apologize to her for keeping her waiting. I apologize to all the staff, the floor staff, Republicans and Democrats, tonight. And I certainly want to express every good wish for them, to wish them happiness and safety—safety in a dangerous world and at a dangerous time.

I hope that we will all keep in mind the true meaning of Easter as we depart for the holidays. Let us depart, as we shall, hoping that we have served our country to the best of our ability, knowing as we do that even that is not good enough for this country, this land.

I would like to depart this evening in the spirit of the poet Henry Van Dyke, who wrote that marvelous poem "America For Me."

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study Rome,
But when it comes to living, there is no place like home.
I like the German fir-woods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly West Virginia woodland where Nature has her way.
I know that Europe's wonderful, yet something seems to lack!
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Madam President, I thank you and I thank all Senators.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 2003

The PRESIDING OFFICER. The Senate stands adjourned.

Thereupon, the Senate, at 9:03 p.m. adjourned until Monday, April 28, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 11, 2003:

THE JUDICIARY

CARLOS T. BEA, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CHARLES E. WIGGINS, RETIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005, VICE LOUISE L. STEVENSON, TERM EXPIRED.

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007, VICE ALAN G. LOWY, TERM EXPIRED.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008, VICE ELIZABETH GRIFFITH, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANNY K. GARDNER, 1795

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KIRKLAND H. DONALD, 3953

CONFIRMATIONS

Executive nominations confirmed by the Senate April 11, 2003:

VETERANS AFFAIRS

JOHN W. NICHOLSON, OF VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

DEPARTMENT OF STATE

JOSEPH LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

RENO L. HARNISH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

GREGORY W. ENGLE, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

ERIC S. EDELMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

WAYNE E. NEILL, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

RALPH FRANK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

WILLIAM M. BELLAMY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

HELEN R. MEAGHER LA LIME, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

PAMELA J. H. SLUTZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

STEPHEN M. YOUNG, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

HAROLD C. PACHIOS, OF MAINE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

MARIE SOPHIA AGUIRRE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

MARIE SOPHIA AGUIRRE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

CHARLES WILLIAM EVERS III, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

CHARLES WILLIAM EVERS III, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

LEGAL SERVICES CORPORATION

FLORENTINO SUBIA, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

FRANK B. STRICKLAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

MICHAEL MCKAY, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

HERBERT S. GARTEN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

THOMAS R. MEITES, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 10502:

To be lieutenant general

MAJ. GEN. H. STEVEN BLUM

HOUSE OF REPRESENTATIVES—*Friday, April 11, 2003*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DREIER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 11, 2003.

I hereby appoint the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, a new day of promise has dawned. Bless the important work of Congress which they need to finish before spring recess. May its laws and resolutions make this Nation stronger and its future brighter, especially for the next generation. May the seeds planted today be our contentment and the promise of new life flourish beyond our imagining.

We pray also for the future of Iraq. Put an end to the killing and civil strife. May Your divine Providence guide the cooperation of many diverse peoples to create a new day of freedom built upon truth and justice for all the Iraqi people.

Lord, fulfill in our own day the future vision of the prophet Jeremiah. The man of tears once stood in the rubble of the city he loved and cried aloud for future generations to hear: "The days are coming, says the Lord, when I will make a new covenant with my people. I will place my law within them and write it upon their hearts. No longer will they need to teach their friends and kinsmen how to know the Lord. I will forgive their evil doing and remember their sin no more."

May the renewal of this covenant as celebrated in Passover and Easter bring a new understanding and purpose as America prays for the Iraqi people and peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. STENHOLM) come forward and lead the House in the Pledge of Allegiance.

Mr. STENHOLM led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office."

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 538. an Act to amend the Public Health service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.
>
> S. 783. An act to expedite the granting of posthumous citizenship to members of the United States Armed Forces.
>
> S. 870. An act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151) "An Act to amend title 18, United States Code, with respect to the sexual exploitation of children".

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the Senator from Texas (Mrs. HUTCHISON) to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Nevada (Mr. REID).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minutes on each side.

COMMEMORATION AND REMEMBRANCE OF THE ARMENIAN GENOCIDE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, I rise to announce the introduction of H. Res. 193, legislation that enjoys the support of over 64 bipartisan original cosponsors and commemorates the 15th anniversary of the United States implementation of the Genocide Convention.

The month of April marks the commemoration of one of the saddest chapters in world history, the Armenian genocide. We join with Armenian Americans across the Nation to mourn the loss of so many innocent lives. This important human rights legislation will put Members of Congress on record as recognizing the Armenian genocide. Silence either out of indifference or as the result of political pressure only serves to encourage others who would again use ethnic cleansing as a tool of government.

As the anniversary of the horrific genocide in Armenia approaches, I wish the people of Armenia success in their effort to bring about the lasting peace and prosperity that they deserve, and I ask for Members' support in commemorating the Armenian genocide by cosponsoring this important legislation.

HONORING ROWAN COUNTY, NORTH CAROLINA ON ITS 250TH ANNIVERSARY

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, I rise today to honor the residents of Rowan County, North Carolina, part of which is located in my congressional district, as they celebrate the 250th anniversary of the founding of their county. Rowan County was founded in 1753, more than 20 years before the American Revolution. Today Rowan County has around 135,000 residents and is a thriving part of North Carolina's Piedmont. Salisbury, the county seat, is known as the hometown of the Food Lion grocery store chain, Cheerwine soft drinks and my new colleague in the Senate, Senator ELIZABETH DOLE. I always look forward to visiting Rowan County and was planning to ride in their parade this afternoon had the House schedule allowed that to happen.

I wish all the best to the Rowan County residents as they gather this weekend to celebrate the Rowan 250 Fest, with the theme of "History's Crossroads"—looking back at Rowan County's rich history and looking forward to a bright future.

PARALYZED VETERANS OF AMERICA AWARENESS WEEK

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, since its founding in 1946, members of the Paralyzed Veterans of America have visited public forums ranging from the halls of Congress to high schools and scout troops to relate their personal experiences and raise the public's awareness of their cause. In sum, the PVA's efforts ever remind us human suffering is the horror of war and no one more intensely experienced this horror more than our citizen-soldiers who uniquely endure its pains. Thus we, who are free because of these brave citizen-soldiers' sacrifices, must do everything in our power to alleviate and accommodate the pain they bore, and bear, for us.

Mr. Speaker, members of the PVA like my constituent Michael Harris have been grievously wounded during their armed service for our country, yet still they nobly continue their altruistic service to our country. They are a source of pride and inspiration to our entire Nation. Let us, therefore, join with my home State of Michigan and the PVA and commemorate the week of April 13–19 as Paralyzed Veterans of America Awareness Week. They deserve much more but certainly no less.

HONORING HARDIN SIMMONS UNIVERSITY WOMEN'S BASKETBALL TEAM

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise today to honor the Hardin Simmons University women's basketball team from Abilene, Texas, who have achieved an incredible record including their first undefeated regular season in school history, a fifth straight American Southwest Conference tournament title, and a strong finish in the NCAA Division III tournament. The university community knew this team had a winning chemistry when the Cowgirls won all 24 of their regular season games and their fifth straight ASC tournament title which earned them a spot in the coveted NCAA Division III basketball championship and a number-one ranking in the Nation of the Women's Basketball Coaches Association.

None of these victories could have been achieved without the incredible teamwork that these 15 young women have demonstrated. One player in particular, Kendra Anderson, has been named the Division III national player of the year, the American Southwest Conference most valuable player for the third straight year, the tournament most valuable player for the fourth straight year and the first-team all-American and all-South Region for the third year. Coach Briggs brings out the best from her players, sharpens their strengths and improves their weaknesses.

Mr. Speaker, I am proud to recognize my constituents from Hardin Simmons University.

THE FACTS ON ETHANOL

(Mr. OSBORNE asked and was given permission to address the House for 1 minute.)

Mr. OSBORNE. Mr. Speaker, during last night's debate, there was a great deal said about renewable fuels and particularly about ethanol. Much of this was uninformed and inaccurate. I think some of it was due to the fact that it was based on old research.

One of the comments that was made was that ethanol is not energy efficient, that it takes a lot more energy to produce than what it actually yields. Actually for every Btu of fossil fuel used, ethanol yields 1.4 Btus of energy. Gasoline for every Btu of energy used yields .8 Btu. MTBE yields about .7 Btu. It is the most energy efficient fuel that we have going at the present time.

Also, ethanol reduces farm payments by $5.9 billion over 10 years and it adds $51 billion to the farm economy. It reduces the trade deficit by $34 billion over 10 years which certainly helps the economy as well, and in 2002 removed 4 million tons of carbon dioxide from the air.

MARKING ANNIVERSARY OF SINKING OF THE "SULTANA", AMERICA'S GREATEST MARITIME DISASTER

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, during our Easter recess, we will pass the anniversary of a tragic historic event in America. We are all familiar with the sinking of the *Titanic* and its loss of 1,522 lives. In fact the greatest American maritime disaster, April 27, 1865, was the sinking of the *Sultana* in a photograph here shown loaded with former POWs on the Mississippi River. One of the boilers on the *Sultana* blew, it sank and lost probably 1,800 mostly Union soldiers that had been released from prisoner of war camps deep in the South.

This tragedy was combined with illegality. This ship was supposed to hold less than 400 people. It was overloaded in violation of law. It pushed out of the Mississippi River at 2 a.m., a boiler blew, it caught on fire as shown in this drawing, and experienced tremendous winds shortly thereafter. Here we can see the thing flips around and the fire pushes people off the other end of the boat. These men were all emaciated former POWs. It was with great, great loss of life. There are two books on the subject, "Disaster on the Mississippi" and "The *Sultana* Tragedy."

Its anniversary was April 27, 1865.

HONORING SERGEANT GEORGE E. BUGGS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor the life of Sergeant George E. Buggs. This young man grew up in the South Carolina town of Barnwell. After graduating from his local high school in 1990, he decided to become part of something larger than himself by joining the U.S. Army to defend our Nation.

On Saturday, the Pentagon announced that Sergeant Buggs made the ultimate sacrifice for his country during Operation Iraqi Freedom. His body was discovered during the rescue of Private Jessica Lynch along with eight other fallen Americans. We do not yet know if Sergeant Buggs was killed in an ambush or later suffered torture. Yet we do know that Sergeant Buggs did not die in vain. He gave his life so that we could remain safe from Saddam Hussein's weapons of mass destruction and so that the citizens of Iraq could be free from oppression.

Our prayers go out to the family and friends of Sergeant Buggs, especially his 12-year-old son, and we ask for God to bless our troops still fighting to protect our freedom.

ON YESTERDAY'S COMMENTS BY THE DEMOCRATIC LEADER

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, the comments yesterday from the Democratic Party's leader in the House should not surprise us. In case Members missed it, she said about Operation Iraqi Freedom, "We could probably have brought down that statue for a lot less."

It seems that the Democrats' political philosophy has been reduced to a collection of publicity gimmicks. Why should we expect their Washington leader to understand the deeper meaning of Operation Iraqi Freedom? The American people seem to understand what the Democratic leader apparently does not. This was not about a statue. To trivialize the suffering of our troops and the joyous liberation of our friends, the Iraqi people, is a sickening offense.

Politicians in Washington can have a tendency to be cynical, I suppose, but I would have thought the joy in the faces of the men and the women and the children of Iraq as they trampled on the image of their tormentor would cut through the most pessimistic cynic.

Mr. Speaker, the minority leader's comments were shocking and truly appalling.

ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on the legislative day of Thursday, April 10, 2003, amendment No. 17 printed in House Report 108–69 by the gentleman from Oregon (Mr. WU) had been disposed of.

It is now in order to consider amendment No. 18 printed in House Report 108–69.

AMENDMENT NO. 18 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 18 offered by Mrs. CAPPS:
> Strike section 30220.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

I understand that Chairman POMBO has agreed to accept this amendment. I want to express my gratitude for his support. I will be brief and submit my full statement for the RECORD, but I do want to explain the purpose of this amendment to the House. This amendment would strike the bill's language requiring the Secretary of the Interior to inventory the oil and gas resources of the entire Outer Continental Shelf, including those areas now off-limits to new drilling. This would undermine current protections for sensitive coastal areas. President George H.W. Bush initiated, and President Clinton extended, moratorium protections for these coastal waters. And, of course, Congress has had a moratorium on new drilling in these areas for 20 years.

This section of H.R. 6 pushes to open these fragile coastal waters to the possibility of new drilling. There is widespread bipartisan support both nationally and locally against new drilling in these areas. Those of us who represent vibrant coastal communities like the gentleman from Florida (Mr. MILLER) and the gentleman from Florida (Mr. DAVIS), cosponsors of my amendment, know that our coastlines are too economically viable to risk more drilling. I want to thank my colleagues from Florida who have worked for years in a bipartisan manner on this issue. The gentleman from Florida (Mr. GOSS), the gentleman from Florida (Mr. YOUNG), and other members of the Florida delegation have been extremely helpful with this amendment.

Finally, I would like to thank the gentleman from California (Mr. POMBO) for his support of this bipartisan amendment and the gentleman from California (Mr. DREIER) for helping get my amendment made in order.

Mr. Chairman, I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I am offering this bipartisan amendment, with Mr. MILLER and Mr. DAVIS of Florida, to strike Section 30220 from the bill.

This section contains provisions that would seriously undermine current protections for sensitive coastal areas.

Section 30220 would circumvent the longstanding, bipartisan moratoria on new oil and gas drilling in particular areas of the Outer Continental Shelf.

In 1990, President George H.W. Bush signed an executive moratorium ending new drilling off the entire U.S. West Coast, East Coast, Southwestern Florida, and Alaska's Bristol Bay.

This action was met with acclaim by the coastal communities it encompassed and, indeed, all of America.

In 1998, President Clinton extended President Bush's executive memorandum protections to 2012.

And, of course, Congress has had a moratorium on new drilling in these areas for twenty years. President George W. Bush endorsed the Congressional moratoria in his FY04 budget.

State officials—including Florida Governor Jeb Bush, California Governor Gray Davis and former New Jersey Governor Christine Whitman—have endorsed the moratoria.

The bill, however, lays the groundwork to reverse this broad bipartisan consensus by promoting activities—including exploratory drilling and seismic studies—in the OCS, including the areas that have been off limits to new oil and gas drilling for years.

Supporters of Section 30220 argue that it only calls for taking inventories and studying available resources on the OCS.

But I must ask . . . what is the purpose of this provision if not to open up the OCS areas to new oil and gas drilling in the future?

What is it we would do with this taxpayer funded "information gathering," if not use it to pursue new drilling?

In fact, the bill requires the Secretary of Interior to make, and I quote, "recommendations . . . that would lead to additional OCS leasing and development . . .".

Mr. Chairman, we already know that large reserves of oil and gas are located in federal waters of the central and western Gulf of Mexico, which are currently open to oil and gas leasing.

According to the Department of the Interior's Minerals Management Service, this area contains between 60 and 80 percent of the nation's economically recoverable oil and gas available in the entire OCS off the United States.

So, the protection of sensitive coastal areas through the longstanding moratoria still leaves the vast majority of the nation's oil and gas located on the OCS available to industry.

Section 30220 would also examine how laws, regulations, or programs might "restrict or impede" development of resources identified in the study.

In addition to determining how the OCS moratoria protections constrain development, this bill would erode the legitimate rights of coastal states and local governments to have a say in offshore and onshore development as embodied in the Coastal Zone Management Act (CZMA).

The CZMA is a critically important law that allows the state to weigh in on projects that may affect the state's coastal zone. Oil drilling is just such an activity.

The CZMA is the very law that the State of California recently used to halt the development of 36 undeveloped leases off my district in Central California.

California's right under CZMA to review the development plans was upheld in Federal court last year.

This affirmation of CZMA's importance led to the Bush Administration's recent decision to stop pursuing the development of the 36 leases and to instead pursue a negotiated termination of the leases.

Section 30220 would weaken a state's right under CZMA.

This section also disregards the adverse economic impacts proposed oil and gas activities would have on coastal states and local coastal communities and it fails to consider the effect of these activities on the environment and living marine resources.

Moratoria areas should not be compromised by controversial seismic surveys and other invasive technologies, like exploratory drilling.

These technologies are inappropriate within moratoria waters and would undermine the longstanding congressional oversight of these areas.

For example, high-decibel geophysical activities using sharp seismic pulses have been shown to damage fish stocks and to interfere with marine mammals.

Under the OCS Lands Act, existing uses of the sea and seabed and oil and gas development are required to be balanced. Unfortunately, the bill before us does not meet that goal.

Mr. Chairman, despite the overwhelming support of the moratorium on new oil and gas drilling in the OCS, H.R. 6 pushes to open fragile coastal waters with the provisions in Section 30220.

Coastal communities have spoken repeatedly—in strong bipartisan voices—to protect their state's sensitive coastal resources and productive coastal economies.

These coastal areas are just too economically valuable to risk more oil drilling.

It only takes one accident or spill to devastate the local marine environment and economy.

Finally, the House of Representatives has voted twice in recent years to stop new drilling in the waters off Florida and California.

Last year, 67 Republicans and 184 Democrats voted for my amendment to the Interior Appropriations bill to end new drilling off Central California.

The House spoke in a strong, clear voice against the development of those 36 leases.

In that vote, the House demonstrated its commitment to protecting our vital coastal communities.

A vote for the Capps-Miller-Davis amendment to H.R. 6 is a vote for the same principle—a vote to protect environmentally and economically valuable coastal areas from new drilling.

Mr. Chairman, we need to reject these attempts to weaken existing protections for our coastal waters and communities.

By adopting this amendment, we continue to preserve America's most treasured coastal areas and we honor and support the protections afforded to the Outer Continental Shelf and our coastal communities through the longstanding moratoria.

I urge support for the Capps-Miller-Davis amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from California seek the time in opposition?

Mr. POMBO. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 10 minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume. While I will not oppose the amendment by the gentlewoman from California this morning, I do think that there were some valuable provisions in the underlying language that are going to be struck out, and I think at some point we are going to have to work this out between all of us as to exactly how we go about inventorying and updating our process that we are going to use. I do realize that some of the language that was in the underlying provisions caused a lot of concern. I agree with my colleague from California that this is an issue that we need to work on further, but at this time I have agreed that we will strip these provisions out of the underlying bill. I think that this is a helpful amendment at this time in order for us to move forward with a balanced energy policy for the future.

Mr. DAVIS of Florida. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Florida.

Mr. DAVIS of Florida. I thank the gentleman for yielding, and I thank him for expressing his attention and his cooperation and good faith on this. There are legitimate concerns that the gentleman has referred to about the prerogative of Congress to direct the inventory to proceed with the nonmoratorium areas. That may have been the point he was making. My question to the gentleman is, It is not his intention to encourage as part of the conference committee process the reinsertion of the inventory language with respect to the moratoria areas, is it?

Mr. POMBO. Reclaiming my time, no, we have no intention whatsoever of doing that.

Mr. DAVIS of Florida. I thank the gentleman.

Mr. POMBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank the gentleman for yielding. I, too, will not object, Mr. Chairman; but let me hopefully make some points that are critical as we go forward not only in this conference committee to construct a comprehensive energy policy for our country but to continue the work of the Committee on Resources in developing the 5-year leasing plans of our government and the ability of the coastal States to work with the Federal Government and the consultation process that is required under those 5-year plans.

I want to remind my friends who may not have been here back when, in the early days of the Reagan administration, his own Interior Secretary appeared before the Committee on Resources on the 5-year plan and explained the question of moratorium to the committee. What that Interior Secretary did, Mr. Chairman, was to define for us a process by which the Interior Department divided areas of potential coastal development and/or protection in several categories.

On the one hand, there were categories of areas that were highly environmentally sensitive and very low in potential hydrocarbon content or potential. On the other hand, there were areas of very high hydrocarbon potential and very low environmental sensitivity, in other words, areas that could easily produce oil and gas for America in ways that had very little consequences or concerns for damage to the environment. That was a pretty logical way of dividing the universe of areas off the coast of the United States that might be subject to production.

He went on to say that what we have tried to do as an Interior Department is to recommend for moratoria, no activity, those areas of low hydrocarbon potential and high-environmental concern and to recommend instead for production and development those areas of low environmental consequence concerns and high hydrocarbon potential for the country. We accepted that logical analysis, only to find out that there were a number of areas that had been listed for moratorium, for no activity whatsoever, that were in fact high hydrocarbon areas and very low in environmental consequence potential.

So we asked him, what is the deal here? You told us you had a pretty logical way of figuring this out. Yet you have set down for moratorium areas that really should be over here in this category. Why did you do that? His answer was, "Politics." His answer was politics, that I do not want to get in the face of the politics of the State of California in that case because they do not want to drill those areas; and, therefore, we are just going to list them as moratorium areas.

Politics was making the decision. We saw some politics on the floor last night when it came to ANWR and the fight over whether or not we ought to produce the high potential of a small area, tiny little area, less than one-tenth of 1 percent of that vast area of the Arctic National Wildlife Refuge, high in hydrocarbon potential. We had a fight over that last night. In the conference work last year with the Senate, JOHN BREAUX asked the question that was enormously, I thought, profound. As we were debating with Senators who were saying no to the question of any kind of production, he said, if we reduce the area down to 1 acre, would you still oppose, and they said absolutely. One acre was too much. He said, Well, if you won't let the people who live in ANWR produce their own private property, wouldn't you let them at least have a two-acre footprint to get a pipeline to get their own product out to market? And they said no. He even suggested building a pipeline like the St. Louis arch, way up in the air, way down where they would not have any footprint, would they at least let them do that. No, no. It was like some kind of a religious shrine instead of a logical argument. That is the problem with the way in which much of the process of the discussions over what can and what cannot be developed for our Nation's good has gone. Politics intervenes all the time.

And so we offered in the Committee on Resources a simple proposition: Let us at least inventory. Let us at least know. If you want to put areas off-limits, for political reasons, other than logical reasons, we at least ought to know what we are giving up for America, what kind of vulnerabilities we are creating for our country because we will not produce in areas we could produce in. We at least ought to know. We ought to have a right to know as a people what we have and what we do not have in this country in terms of resources. And so that is why this language was written in the Committee on Resources. But lo and behold we are met with an argument that we should not know, we should not inventory, we should not even look, we should not even think about the question of whether or not we made wise decisions.

And so this amendment comes. We are going to accept it; we are not going to have a fight over it. But where is the symmetry? Where is the symmetry here? If we had areas under development that had environmental concern for you, would you not want to inventory those environmental concerns? I would. I want to know just how well those 100 wells are producing in Mandalay National Wildlife Reserve in Louisiana. I would want to know if there is any consequences to those natural resources that we have to protect against harm. I would want to know everything I could know about that. And if you offered an amendment to say we need a national inventory to find out what those wildlife reserves look like and resources look like, I would support that. I think it is a good idea. We ought to know. We ought to make wise decisions about conservation protection and development in America.

But how do you make wise decisions if you close both eyes and you shut both ears? You will not listen, you will not look, you will not learn. You do not want to know. I think you make unwise decisions when you do that. In a country, a free country like ours where we prize free speech and information, an information society where knowledge is power, where we make good decisions because we know more, not less, this is a strange amendment.

And so, Mr. Chairman, I will not object, because my chairman of Resources has asked us not to object and to accept this amendment, but as we go forward with 5-year leasing plans in the future, I am going to continue to press this question upon all of you. What have you got to hide? What are you afraid to know? Why do you want to act in the dark? Why would you rather make decisions without the facts instead of making decisions with the facts? And if you would rather make decisions in the dark, do you not see that one day we are going to all be in the dark? We are going to be without power. We are going to have parts of this country that suffer the way California did one day. Do you not think that at least we ought to know what is coming and we ought to make wise decisions?

I thought the gentleman from California (Mr. POMBO) was very statesmanlike last night when he talked about ANWR and he talked about his own trips there. I have been there, too, as the gentleman knows. It is a fascinating place. It ought to be protected in whatever we do there. That was a very statesmanlike statement, knowing, seeing, understanding and then making wise decisions. That is the way we ought to proceed, not sticking our head in the sand and refusing to know the facts.

So we will accept this amendment, but I want to put everybody on notice that I am not through with this debate. I think we need to continue talking in the 5-year plans of this country about what we know and what we do not know and what we ought to know and what we do not know in terms of all resources development of this country.

Mrs. CAPPS. Mr. Chairman, I would point out that those of us speaking for this amendment represent a bicoastal, bipartisan consensus on its behalf.

Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank my colleague from California for yielding me this time and I do want to associate myself with the chairman of the Committee on Energy and Commerce because I also believe we need an inventory. However, I am a cosponsor of this amendment for two different reasons. One in particular was addressed in a letter that was sent to the leadership of this body and to the body of the Senate. It has been signed by the Governor of the State of Florida, both United States Senators, and all but one of the members of the Florida delegation.

One of the issues that has not been discussed on the floor this morning, Mr. Chairman, though, is a concern that is shared by the United States military. With the closure of Vieques in Puerto Rico, the United States has been heavily dependent on the 724-square mile testing range at Eglin Air Force Base. It is a complex of land with quite a bit of testing ranges. Also, though, there are 86,500 square miles of water ranges off the coast of Florida that stretches from the panhandle all the way down to the Florida Keys. Drilling in the eastern Gulf of Mexico will generate frequent civilian supply flights as well as create additional maritime traffic in the area. This will in turn prevent much of this airspace from being used for live fire tests of new weapons systems as well as limit the U.S. Navy from conducting carrier battle group flight operations. This long-term mission will be undermined and military training exercises will be hindered if petroleum companies were allowed to explore the area. Now more than ever is absolutely the worst time to hamstring our United States military.

Mr. Chairman, I appreciate the gentleman from California (Mr. POMBO) agreeing to accept this amendment and again I would say that I do support the energy bill, including drilling in ANWR. However, I have for the State of Florida and the other coastal areas a unique interest in this particular amendment.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol, Washington, DC

Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, U.S. Capitol, Washington, DC.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER HASTERT, SENATE MAJORITY LEADER FRIST, SENATE MINORITY LEADER DASCHLE AND HOUSE MINORITY LEADER PELOSI: We are writing to express our strong concerns regarding provisions being considered in the House and Senate omnibus energy legislation that may ease the moratorium on drilling off the eastern Gulf of Mexico. The provisions in the current versions of the Energy bill allow companies to participate in "exploratory drilling" and "seismic measurements".

Several references in these bills may undermine the moratorium banning new leasing off the coast of Florida. You may recall, last year, an agreement was reached between the White House and the State of Florida, buying back offshore drilling leases within the Destin Dome, just a few miles off the coast of Florida.

The majority of Floridians oppose drilling in the Gulf of Mexico because of the threat to the tourism industry, which is vital to the state's economy. If an accident were to occur, causing an oil spill to wash ashore on Florida's beaches, the damage would be devastating and would cripple the state. It would only take ONE spill to ruin our economy for years, putting yet another tough burden on the tourism industry.

This threat is not limited to the tourism industry. Since the closing of the ranges in Vieques, Puerto Rico, the Gulf of Mexico is home to a number of training ranges for the United States military. If petroleum companies were allowed to begin to explore and inventory the area, potential impediments to our military training exercises would be created. Now is not the time to be hamstringing our military interests.

There has been a strong effort by many in Congress in the last few years to stop new drilling off the coast of Florida. We urge you once again to protect Florida's coastline by ensuring these provisions are not included in any omnibus energy legislation.

We appreciate your consideration to this matter.

Sincerely,

Jeff Miller; Jim Davis; Jeb Bush; Bob Graham; Bill Nelson; Ric Keller; Robert Wexler; Porter Goss; Kendrick Meek; Mike Bilirakis; Dave Weldon; Katherine Harris; Ander Crenshaw; Allen Boyd; Ginny Brown-Waite; Cliff Stearns; Peter Duetsch; E. Clay Shaw, Jr., Lincoln Diaz-Balart; Mario Diaz-Balart; Adam Putnam; Mark Foley; Corrine Brown; Alcee Hastings; Tom Feeney; Bill Young; Ileana Ros-Lehtinen.

Mrs. CAPPS. Mr. Chairman, it is my pleasure to yield 4½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentlewoman for yielding me this time. I want to start by responding to some of the legitimate points that were raised by the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce. In particular, the one point he said that I most strongly disagree with, the gentleman from Louisiana made the point that this is about knowing things we do not know; that the purpose of the inventory language is to find out things we do not know about the level of supply that exists in the shores right off the coast of Florida or California or others. I respectfully disagree.

We know the level of supplies out there. These areas have all been previously inventoried. There is no doubt as to the supply, or in the case of the waters right off the coast of Florida, I would say the lack of supply. And so this is not about fear of the unknown. What this is about is whether to proceed with predrilling activity. This is about whether to proceed with going out into the Gulf of Mexico and other parts of the country and moving the dirt around and taking all the steps that would be taken towards proceeding with drilling.

I think because it is the will of the House not to proceed with drilling in violation of the moratorium, there is a much-appreciated consensus today in support of the amendment. What it is fair to say is not known is what happens if the drilling proceeds in these areas close to coasts like Florida, my home, and the level of risk as far as environmental impact in Pensacola, the home of the gentleman from Florida (Mr. MILLER), or the Tampa Bay area, my home.

This is a risk that we as Floridians do not choose to accept. If it is characterized as politics, and I hope politics is not infesting this energy bill, but if it is characterized as politics, what it really is about is the fact that a single oil spill off the coast of Florida or many of these coasts would be incredibly destructive not just to the precious environment that attracts us to Florida and keeps us in Florida but to our economy. It would be a threat to the entire coastline of Florida, because news and the facts of a spill on the coast of Florida would be a tragedy for the entire coast of Florida, both the west and east coast.

The gentleman from Louisiana referred to the history. I think it is important to bring up the history. In 1982, long before I got to Congress, the Congress started with putting the moratorium in place we are discussing today. It is very important to point out that never in the history of the Congress since 1982 have we proceeded to inventory, to do predrilling activity in moratorium areas. It is a wise decision today not to reverse that course. This moratorium that we are talking about has been in place in part because of an executive order that in 1982 was put into place. This moratorium has continued through Democratic and Republican administrations. There is no reason not to honor that today.

Let me also mention a little bit more about the eastern Gulf of Mexico. The eastern Gulf of Mexico, we do know the facts about supply. The supply that has been previously inventoried is very minimal in relation to the central and western parts of the gulf where I think the chairman has and will continue to understandably support drilling. The supply in those areas approaches almost 20 billion barrels of oil in the central gulf, 12 billion barrels of oil in the western gulf, 1 billion in the eastern gulf. We know the supply in the eastern Gulf of Mexico is very minimal; and we further know that the risk to Florida's beaches, which are enjoyed not just by Floridians but by people all over the United States and all over the world, is significant and there is a small supply of oil involved. It is very credible for the chairman to talk about what the facts are and those are the facts.

I would like to close by simply asking the gentleman from Louisiana a question. My question to the gentleman which was the same question I directed to the chairman of the Committee on Resources is, Mr. Chairman, as I understand your statement earlier, it is not your intention in the conference committee to support the reinsertion of the language that is being removed today by this amendment?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Louisiana.

Mr. TAUZIN. It is not my intention to recommend the reinsertion of this language, no. I will say again, though, it is my intention to continue this debate with you on every 5-year plan, leasing plan, every discussion we have at Interior about how and what we know and do not know about resource development of this country, just as it is to help you find out everything we can about our environmental resources.

Mr. DAVIS of Florida. I just want to close by pledging to the chairman my support to continue the drilling in the central and western part of the gulf where there is ample supply and apparently a different standard about environmental degradation with respect to that coastline.

Mr. TAUZIN. I just want to make the point, my State contributes 25 percent of the oil and 25 percent of most of the gas that this country uses. We do it with some consequence. We benefit in the economy, but it also affects our lives dramatically. I am just telling you, there is a limit to the willingness of anyone like the people of my State to continue doing it for the country when others refuse. Just understand that, please.

Mrs. CAPPS. Mr. Chairman, I include for the RECORD a letter from 67 of our colleagues in the House of Representatives with a strong statement opposing the language in the underlying bill and in support of this amendment.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2003.

Hon. WILLIAM FRIST,
U.S. Senate, Majority Leader, U.S. Capitol, Washington, DC.

Hon. THOMAS DASCHLE,
U.S. Senate, Minority Leader, U.S. Capitol, Washington, DC.

Hon. J. DENNIS HASTERT,
House of Representatives, Speaker, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
House of Representatives, Minority Leader, U.S. Capitol, Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST, SENATE MINORITY LEADER DASCHLE, SPEAKER HASTERT, AND HOUSE MINORITY LEADER PELOSI: We are writing to express our strong concerns regarding Outer Continental Shelf (OCS) provisions contained in energy legislation currently pending before the House and Senate.

These bills contain several provisions that would seriously undermine the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the OCS that have been included in every annual Interior Appropriations bill since 1982. The legislative moratorium language has always prohibited the use of federal funds for offshore leasing, pre-leasing, and other oil and gas drilling-related activities in moratoria areas, enhancing protection of these areas from offshore oil and gas development. These moratoria areas include northern, central and southern California, the North Atlantic, the Mid-Atlantic and South Atlantic planning areas, Washington and Oregon, and the eastern Gulf of Mexico.

As you know, in 1990 President George H. W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. Moreover, the provisions contained in the energy bill drafts contradict the moratorium contained in the President's Fiscal Year 2004 budget to enable continued protection of the OCS. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

Tourism is a major industry for coastal states and a staple of their coastal economies. The money spent by tourists pay the bills and put food on the table for the people living in these communities. Offshore oil and gas drilling directly threatens this economic engine and the people of these communities know it. That is why the House has voted twice in recent years to stop new drilling in the waters off Florida and California.

Rep. Lois Capps, Rep. Jeff Miller, Rep. Frank Pallone Jr., Rep. Anna Eshoo, Rep. Mike Thompson, Rep. Carolyn McCarthy, Rep. Jane Harman, Rep. Corrine Brown, Rep. Jim Davis, Rep. Frank A. LoBiondo, Rep. Peter Stark, Rep. Robert Wexler, Rep. Zoe Lofgren, Rep. Adam B. Schiff, Rep. Maurice Hinchey, Rep. Earl Blumenauer.

Rep. Peter Deutsch, Rep. Barney Frank, Rep. George Miller, Rep. Lynn Woolsey, Rep. Tom Lantos, Rep. Ed Markey, Rep. Ellen Tauscher, Rep. Susan Davis, Rep. William Delahunt, Rep. Grace F. Napolitano, Rep. Maxine Waters, Rep. Howard L. Berman, Rep. Rosa DeLauro, Rep. Eliot L. Engel, Rep. Alcee L. Hastings, Rep. Peter DeFazio, Rep. Brad Sherman, Rep. Sam Farr, Rep. Loretta Sanchez, Rep. Barbara Lee.

Rep. Mike Honda, Rep. Hilda L. Solis, Rep. Luis Gutierrez, Rep. Tom Allen, Rep. Bill Pascrell, Jr., Rep. Juanita Millender-McDonald, Rep. Chris Van Hollen, Rep. Jim McDermott, Rep. Rush Holt, Rep. Mike Bilirakis, Rep. Raul M. Grijalva, Rep. Randy "Duke" Cunningham, Rep. Henry A. Waxman, Rep. Ed Case, Rep. Bob Etheridge, Rep. Brad Miller, Rep. Xavier Becerra, Rep. David Wu, Rep. John Larson, Rep. Chris Smith.

Rep. Bart Stupak, Rep. Lucille Roybal-Allard, Rep. Bob Filner, Rep. Adam Smith, Rep. Linda T. Sánchez, Rep. Brian Baird, Rep. Jerrold Nadler, Rep. Robert T. Matsui, Rep. Jim McGovern, Rep. Diana E. Watson, Rep. Stephen Lynch.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KIND), my colleague from the Committee on Resources.

Mr. KIND. Mr. Chairman, I thank the gentlewoman for yielding me this time. I am the ranking member on the Subcommittee on Energy that has jurisdiction over this provision. I rise in support of the amendment. With all due respect to our friend, the chairman of the Committee on Energy and Commerce, we on this side also believe in accumulating information and free speech and making informed decisions, but we also believe in the democratic process; and it has been clearly stated in a bipartisan fashion that the will of the people in these areas do not want leasing off their shore.

Referencing former Interior Secretary Watt for being the savior for the moratoriums a while back is a little revisionist history. It was mainly because of his zeal and his aggressiveness to increase leasing potential off the coasts of California and down in Florida that led to a political backlash, a bipartisan backlash which led to the moratoriums. So what we are doing is basically respecting the process and the will of our democracy, because people in these States have determined that they do not want to see the drilling offshore. So why would we then use their tax dollars to do a study for the same drilling that has already been prohibited? I commend my friend for this amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

In closing, I thank again the cosponsors of this amendment, the gentleman from Florida (Mr. MILLER) and the gentleman from Florida (Mr. DAVIS). I thank the chair of the Committee on Resources for the support.

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 19 printed in House Report 108-69.

AMENDMENT NO. 19 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KIND:

In division C, strike title II.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as ranking member of the Subcommittee on Energy of the Committee on Resources, we have put in a lot of time and a lot of energy in trying to produce a bipartisan piece of legislation. However, today I must rise and strongly object to one of the titles that is being offered in the base bill, title II. My amendment would strike title II, the oil and gas title, which would open the door to more drilling with fewer safeguards and less public input while granting giveaways to profitable companies that will cost taxpayers hundreds of millions of dollars over the next 10 years. It is a little surreal that in light of the budget resolution that passed yesterday, Mr. Chairman, that calls for an increase in the debt ceiling by $984 billion in the next fiscal year and an increase in the debt ceiling to $12 trillion over the next 10 years, we have a title in this energy bill which is not offset, it is not paid for and which will cost the American taxpayer hundreds of millions of dollars by creating some false economic incentives to do more drilling on public lands.

Today, Mr. Chairman, we still have brave U.S. troops fighting in Iraq, in part because of the strategic importance that region has, due to our addiction to their oil. The question before us then today is, what are we going to do about it? The answer is not that we can produce our way out of that dependence. We only possess 2 percent of the world's oil reserves. Yet this bill tries to create the illusion under title II that we can produce our way out. Even if we pass this bill today, we will remain hooked on Middle East oil for two reasons: OPEC skillfully keeps the price low to maintain our addiction, and we lack the political will today to do what is necessary to reduce our dependence on oil.

In the last thousand years, Mr. Chairman, we have had a half a degree increase in the world temperature. Today most of the scientists project that over the next 100 years, we will see a 2-degree increase in the world temperature, along with the consequences that it will bring, primarily due to the burning of fossil fuels. The rest of the world gets this. Why can we not? The solution I believe is self-evident. We need to change our energy paradigm. I believe we can do it within the context of economic growth by emphasizing more conservation practices, as well as the technologies of the 21st century, alternative and renewable fuels, wind, solar, geothermal, biofuels and the energy source of the 21st century, hydrogen power. We just lack the political will to do it.

My amendment strikes title II because it is based, I believe, on two false premises, that we can produce our way out of our dependence on foreign oil and that we should do it at taxpayers' expense and at our environment's expense. A great deal of attention during this debate has been devoted to drilling in the Arctic National Wildlife Refuge. I also oppose that. Why would we take a Monet off the wall and burn it for short-term heating needs? Yet that is what is being proposed in this whole debate to open up the Arctic National Wildlife Refuge. But there are other sections of title II that, standing alone, make this a bad bill, such as the royalties-in-kind provision that is contained in it, granting broad authority to the Secretary of the Department of the Interior for permitting alternative energy-related uses on the Outer Continental Shelf without specifying the types of places to be avoided; and reimbursing oil and gas companies for doing the environmental impact studies that are required under law.

Mr. Chairman, one of the most egregious sections of this bill is what is being called royalty relief for some of our Nation's largest oil companies. This provision waives Federal royalty collections on huge amounts of publicly owned lands. Simply put, title II will put hundreds of millions of dollars of taxpayer money into the already deep pockets of many of our oil companies. Who are some of these beneficiaries?

Mr. Chairman, this is the recent Forbes magazine list of the Fortune 500 companies. Coming in at number three, Exxon Mobil with $183 billion of annual revenues and over $1.5 billion in profits last year alone. Chevron Texaco, $92 billion in annual revenues, over $1 billion in profits. These are some of the companies that will be receiving this windfall and subsidy payments from the American taxpayer when we are currently running unprecedented budget deficits and jeopardizing our children's future.

Amazingly, during the 2000 Presidential campaign, one of the candidates stood up and adamantly opposed royalty relief. He stated, and I quote, "Giving major oil companies a huge tax break is not the right thing to do." Interestingly, though, this was not Vice President Al Gore. This was then-candidate George W. Bush. If it is good enough to stand on policy in order to convince the people to elect you, it should be good policy then when you are elected to pursue it and to see it enforced. Unfortunately, that is not what is being done with this energy bill.

I know those who support this provision will say that we need to continue to encourage the development of domestic oil and gas resources from our public lands so our Nation can become more energy independent. I agree. But we do not need to create more generous subsidies to get them to do so. I submit that these companies would continue to develop these sources without being subsidized because it is in their economic interest to do so. A couple of years ago when this was being proposed, it was being sold because of the low oil prices in order to get them to do it. Now we have high oil prices, and it is being sold to do it because of the high prices. I am beginning to wonder whether there is any economic rationale at all, or whether this is merely taking care of friends in this energy bill.

Another problem with the royalty holiday proposal is that the royalties the Federal Government does not collect will starve the Land and Water Conservation Fund of critical financial resources. The Land and Water Conservation Fund provides special protection for some of our most precious habitats and national parks. It has been doing it for nearly 40 years. Title II would significantly diminish funding for these conservation measures on our public lands for water resources, wildlife and fish habitat, scenic landscapes. That is why a number of sporting and fishing groups such as the National Rifle Association, Trout Unlimited, the Izaak Walton League have opposed similar types of provisions in the past.

Mr. Chairman, title II in this energy bill really does beg the question. Where are our priorities? We have historically high budget deficits today and a budget resolution that passed last night that will raise the national debt ceiling to $12 trillion over the next 10 years. Yet we are going to offer these royalty-in-kind and royalty relief provisions, giving some of the most profitable companies in our Nation hundreds of millions of dollars of windfall subsidies at the taxpayers' expense on the public lands. I think we can do better. I would encourage my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Who seeks time in opposition to the amendment?

Mr. POMBO. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for 10 minutes.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in strong opposition today to the Kind amendment. This amendment will do nothing to enhance our national energy security. In fact, it will just preserve the insecurity that we are going through today. The gentleman from Wisconsin is correct, these are unsettling and dangerous times. We are at war in the Middle East and many of the oil-producing nations in the world are either openly hostile toward the United States or are undergoing political turmoil. This turmoil has driven oil prices up, and meanwhile at home we are suffering a natural gas supply crisis. This winter natural gas prices reached the highest levels in history. These prices hurt American consumers, especially the elderly and the poor; and they hurt the economy.

The gentleman from Wisconsin's amendment would allow unreasonable delays to continue by allowing the bureaucracy to continue its inefficient, ineffective methods of permitting. This title helps limit the time that can be involved so that we can get energy online faster, while at the same time providing environmentally healthy gas production. This is a good title in the bill.

In the oil and gas title of the energy bill, we hold Federal agencies accountable for their leasing and permitting processes. The amendment does nothing to cut bureaucratic red tape on supplies that we already have, and it does nothing to keep energy flowing to America. In the oil and gas title, we also provide royalty relief for marginal wells on Federal lands so that these wells will not be shut in permanently when prices are prohibitively low. A marginal well is one that has almost reached the end of its productive life. Marginal wells can contain, say, 70 percent of the oil that was originally in the formation when the life of the well is depleted. It is very expensive to develop these marginal wells because you have to use tertiary production procedures. It is more expensive to produce marginal wells than it is large wells.

And so these wells would be closed in permanently, forever, leaving 70 percent of the oil in there if we did not grant these incentives to marginal well lessees. Individually, marginal wells produce very little but collectively they produce one-third of our oil supply, of our gas supply, and almost as much oil as we import from Saudi Arabia. Critics of responsible oil and gas development are always saying that production of these wells is of no particular significance, but that is absolutely wrong. Also, the poster that he was using that said that the people who benefit from these oil and gas relief measures are the major oil companies, that is simply not the case. In reality, marginal wells are so prohibitively expensive that without these incentives the majors do not produce marginal wells. They sell the marginal leases to mom-and-pop organizations. Practically every single producer in my State is an independent producer. It is that way across the country. We are not talking about billions of dollars to Exxon, Texaco, Mobil and so on. We are talking about mom-and-pop operations that keep the oil, 33 percent, flowing to this country from marginal wells.

This oil and gas title addresses the critical problems that are causing our supply crisis, but the gentleman from Wisconsin chooses to ignore reality and pretend that at some point this problem will just go away, that renewables and conservation will take care of it. Mr. Chairman, that is simply not the case. I ask my colleagues to defeat the Kind amendment.

Mr. KIND. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Kind amendment and in opposition to H.R. 6. We need an energy policy that takes us forwards, not backwards. The Republican bill is not an energy policy. It does little to reduce America's dependence on oil, it weakens consumer and environmental protections, and it fails to include renewable alternative energy sources and robs the American people and the Treasury of oil and gas royalties.

The Kind amendment strikes the damaging oil and gas development programs which are heavily subsidized by the taxpayer. In particular, I support a provision that strikes section 30201, which I submitted as a separate, standalone amendment. Regrettably it was not put in order. The royalty-in-kind program, which requires the government to market and sell through an agent its percentage of oil and gas, is an anti-taxpayer, pro-industry provision that is a bad deal for taxpayers and a generous gift to the oil and gas industry. In an era of increasing budget deficits, we cannot afford to give away publicly owned resources to the oil and gas industry. Yet this section gives the Secretary of the Interior permanent ability to barter our oil and gas royalties instead of collecting cash that can go for programs in education and health care and to reduce our deficit.

Most of the world, even the former Soviet Union, is moving toward a free market system. Yet with this program in this bill, we are moving to a government-controlled system. In this system, the GAO report is so startling, it says there is no oversight, it will cost us money, and it says in this, the government relies on the oil companies to tell them what the worth of their oil is coming from government-owned, taxpayer-owned land. They can set the price. So it is not surprising the industry supports this so much. It gives them free rein.

Mr. Chairman, I include for the RECORD an editorial from the USA Today and the GAO report documenting the cost to the taxpayer for this program.

[From USA Today, Apr. 6, 2001]

More Public Drilling? Let's Collect Bills First

Bush administration plans to drill for oil and gas on public lands will fuel environmental debate for months. But a related issue is being overlooked. Energy companies are cheating the public on the oil they pump now.

Why give them new resources until they pay up?

So far the administration hasn't addressed the issue, but by doing so it could burnish its quickly blackening image as a poor steward of public resources.

USA TODAY disclosed Thursday an administration draft recommendation to open millions of acres of public land for drilling. That would add to existing drilling on federal, state and Indian-owned land that accounts for more than one-third of the USA's oil and gas operations.

By assorted estimates, the industry has shorted the government on oil-royalty payments alone by about $100 million a year, through a variety of price-fixing and record-fiddling games. That's almost 10% of the government's $1.1 billion annual collections.

What has made this possible is a system that allowed industry to decide on its own what it would pay the government for the oil it pumped.

Imagine going to a filling station and being allowed to bring your own pump and gauge to figure what you've purchased—and how much it's worth. That's essentially how the industry has been allowed to account for oil and gas taken from public land.

In case after case, sworn evidence shows companies falsifying prices, using phony bills of sale and deliberately misclassifying high-quality oil as low quality in order to pay less.

After years of denials, stonewalling and evasion, more than a dozen companies have agreed in recent months to settlements totalling nearly a half-billion dollars in suits brought by whistle blowers and government attorneys. Thus they avoided defending themselves against daunting evidence of persistently cheating the public. Shell Oil alone is paying $110 million.

In one case that did go to trial, an Alabama jury recently ordered Exxon Mobil to pay $87.7 million in overdue royalties on oil taken from state property. The jury added a whopping $3.42 billion in punitive damages.

Still more claims are pending in other state courts. And similar questions are being raised about gas taken from public property.

A new oil-royalty system adopted last summer is designed to force the industry's payments to reflect more closely true market prices. It is expected to boost revenues by $70 million a year or more.

But now the industry is trying to force the government to accept payment in oil instead of cash. Its proposal would put extra costs on the taxpayer totaling more than $300 million a year, according to government estimates.

There's good reason to think the industry will get its way. Oil and gas groups and individuals gave $9 million to the Bush campaign and the Republican National Committee for the 2000 campaign, more than $20 million to GOP causes generally. Another $6 million went to Democrats.

Additional drilling on public land may be useful to meet the country's long-term energy needs. But if the nation's mineral patrimony is to be sold off, the Bush administration and Congress need to make sure it's for full price: without private discounts for politicians' patrons in the oil business.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, a "no" vote on this amendment is a "yes" vote for energy security and the families of America. Mr. Chairman, high natural gas prices are hurting consumers and businesses all over America. As Members know, natural gas is increasingly becoming the fuel of choice for both home heating and for electricity generation. This winter, natural gas prices reached their highest levels of all time. High natural gas prices are hurting working families. They are hardest on the poor in this country. Natural gas prices are also hurting our manufacturing companies, our chemical manufacturers, and our fertilizer makers. Our farmers are closing businesses. One single manufacturer in my district said that the high natural gas prices which he could not pass on cost him $10 million this year. How could he keep his doors open? Family farms are also suffering. As we well know, natural gas is a very important component in the creation of fertilizer.

The reason we are facing these high natural gas prices, Mr. Chairman, is very simple. It is very simple. It is not rocket science. Supply is not keeping up with demand. We can talk about conservation and efficiencies. I am for that. But there is a space between where we are today and where we can go. We have ample supplies of natural gas in reserves in the United States. The vast majority of the future of gas supplies will come from Federal lands, including the offshore around the United States. This amendment if enacted ignores the natural gas supply demand that we have. I urge my colleagues to vote "no" on this amendment.

Mr. POMBO. Mr. Chairman, I yield 3½ minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank the gentleman for yielding me this time.

Mr. Chairman, this un-Kind amendment is typical of the reaction we get from the other side when we try to produce a comprehensive, balanced energy bill for America. We are asked to include efficiency titles and conservation titles and renewable fuel titles and alternative fuel titles and we do.

□ 1100

Then we have one title to help maintain pro-production in this country, the vital fuels, the hydrocarbon fuels, the oil, the gas. It is critical to keep electric plants working to keep this economy going, to keep people warm in the winter and cool in the summer, and we get an amendment like this to strike that part of the bill, to totally unbalance it, so it does not have the pro-production features that a balanced energy policy ought to have.

The President, in asking us to pass this bill, did a study of the Nation's needs in natural gas alone. He predicted we needed 1,600 new major electric plants in this country to supply this country with energy, and most of those plants were going to be natural gas plants because it is the environmental fuel of choice in America to produce electricity.

Where is that gas going to come from? Do my colleagues think it comes from the sky? Do they think it comes out of the wall? I mean, they did a survey in California. Believe it or not, a huge percentage of people in California, when asked where electricity comes from, they said, the wall; and when asked who put it there, they said, the contractor put it there. They had no idea that there was somebody out there drilling an oil well, producing gas, putting it in a pipeline, putting in an electric power plant to make electricity for American families.

This amendment would shut the pipeline down. This amendment would say, let us not put any more gas in the pipeline to fuel those power plants. This amendment would shut off the incentive program that Bill Clinton signed into law, the royalty relief program that Bill Clinton executed during his time in office, the program that Bill Clinton put in that was predicted, if it worked, to produce $400 to $500 million for the United States Treasury.

Do my colleagues know what it produced? It is now predicted to produce $7 billion in new royalties that would never have been obtained, but for the deep-water drilling that occurred because Bill Clinton had the wisdom to sign the act we passed in Congress on deep-water drilling.

This bill contains a similar incentive for deep-well drilling in the shallow fields, and the only place in America that most of my colleagues will allow us to drill is the offshore of Louisiana, Texas and Alabama. This bill is likely to produce enough natural gas to double the production of natural gas that the whole OCS produces in America.

This amendment would shut it down. This amendment would say, let us not produce any more natural gas for America from these exotic fields below 20,000 feet. That would never get produced without this incentive, and even Bill Clinton understood that and signed a bill and executed it into law. And the $7 billion that produces, by the way, includes $1 billion that goes into the Land and Water Conservation Fund that goes into historic preservation in this country, money that would not be available for these environmental causes but for the deep-water drilling program that Bill Clinton signed into law. This bill extends further into authorization and extends into the deep drilling of the shallow fields.

If we think natural gas and oil only powers power plants, think again. The liquids that come from these fuels, the propylenes, the ethylenes, the chemical building blocks that build most of the products we in our kitchen, shut them down, shut down American kitchens as well, shut down the entire chemical processes. That is what the un-Kind amendment does. We need to defeat it.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

I rise in opposition to what I believe is probably the most extreme amendment that we will face in this entire energy bill. We set off to produce a balanced energy policy for this country. We included alternative energy, wind, solar, fuel cells, but as part of it, we also had to address today's needs which are oil and gas.

This amendment strips out everything that we put into this bill to deal with the needs of today. So I believe it is extremely important for our future that we vote against this particular amendment.

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Wisconsin, RON KIND, the Ranking Member on the Subcommittee on Energy and Mineral Resources.

There is no reason, no reason whatsoever, for Congress to be mandating OCS royalty relief.

The fact of the matter is that Secretary Norton apparently already has discretionary authority to grant royalty relief and is in fact promulgating regulations on this matter.

There is simply no need for this Committee to now mandate, and perhaps hamstring, Secretary Norton on the matter of granting royalty holidays.

The issue of Royalty-in-Kind deserves some attention. This stuff comes right out of the pages of the Communist Manifesto.

It is being proposed that we socialize the Federal oil and gas royalty process. That companies would send Federal bureaucrats the actual oil and gas, rather than cash payments, to meet their royalty obligations.

Then, these Federal bureaucrats would be expected to market the oil and gas, to compete with Exxon and Royal Dutch Shell, in order for the taxpayers to actually recoup the royalty proceeds. Incredible. Simply incredible.

Both of these provisions are drains on the Treasury and are simply not needed to enhance America's energy security.

And to top it off, to top it off, provisions of the bill which Mr. KIND is seeking to strike would have the taxpayer foot part of the bill for oil and gas companies to comply with NEPA.

The taxpayer is actually being called upon the pay these companies for their privilege to drill on Federal lands. At a time of soaring gasoline prices.

Suffice it to say, these provisions have no redeeming value to our energy security and should be stricken from H.R. 6.

I urge all Members to support the Kind amendment.

Mr. PETRI. Mr. Chairman, I rise this evening in support of the Kind amendment to H.R. 6, the Energy Policy Act of 2003.

This amendment will strike title II of Division C of this bill. This title addresses various aspects of oil and gas production from Federal lease lands, both onshore and offshore. It reportedly seeks to provide greater incentives and royalty relief to oil and gas producers to encourage exploration and development in these areas.

However, these incentives are far too generous. They are not in the public interest. They will not provide for a secure energy future.

Because of this, I urge my colleagues to support the Kind amendment.

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KIND. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. KIND) will be postponed.

It is now in order to consider Amendment No. 20 printed in House Report 108-69.

AMENDMENT NO. 20 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. RAHALL: In division C, strike title VII.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed to the amendment each will control 10 minutes of this debate.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike from the bill provisions which would give rise to a monopoly controlling Federal coal leases, primarily in Wyoming's Powder River Basin. These provisions are anti-competitive, anticonsumer and against the interest of the majority of coal miners in this country.

It is important to understand that the Federal Government owns one-third of the Nation's coal, mostly in the Western States, with a high concentration in Wyoming's Powder River Basin. This coal is made available for production under a competitive leasing program. The taxpayers receive a return in the form of bids made to secure the leases and in the form of a production royalty.

Provisions of H.R. 6 would change all of this. These provisions would allow coal producers with Federal leases to seize unlimited additional Federal coal lands without competitive bidding and be relieved of paying royalties owed to the American taxpayer under certain circumstances.

Just imagine that these producers would be in the driver's seat. They could gobble up unlimited acreage of publicly owned coal lands without competition.

The net effect of these provisions would be the creation of a Federal coal-producing monopoly in the Powder River Basin, with ramifications to electricity consumers throughout the West and Midwest and to the detriment of coal producers and coal laborers in the Appalachian and Midwestern States, and the American taxpayer, the American taxpayer, the owners of the lands, would be robbed of their share of the bonus bids and royalty payments.

This map displays in red the States which lose under these provisions. These are States which either consume Powder River Basin coal or have coal producers which compete against this coal.

As United Mine Workers of America President Cecil Roberts recently wrote: "The bill constitutes a serious threat to coal miner jobs and coal community families. If enacted, the bill would provide a huge windfall to a few, while shifting significant costs and risks to the American public."

As it stands, electric utility companies have filed with the Surface Transportation Board, already, several cases challenging the reasonableness of coal rates involving Powder River Basin coal. These utility companies already filing suit, among them Northern State Power, Public Service Company of Colorado, West Texas Utility Company, Texas Municipal Power Agency and Wisconsin Power and Light, these utilities are alleging that the delivered price of Powder River Basin coal is already unreasonable.

The Federal coal leasing provisions of H.R. 6 would add insult to injury.

I would add that these are not by any means the only utility companies which purchase Powder River Basin coal. Whether it is the Arizona Public Service Company, the Cajun Electric Power Co-op, Detroit Edison, Nebraska Public Power, Oklahoma Gas and Electric, or Public Service Company of Colorado, the consumers of all these utilities stand to lose with the creation of a monopoly in their supplier of coal to these utilities.

It is absurd in the name of national energy security to artificially inflate the cost of delivered power to electric utility consumers. The Federal coal-leasing provisions also represent a direct assault against coal producers in

States which compete with the Powder River Basin coal for electric utility markets. I make no bones about it, yes, that includes my home State of West Virginia. It also includes States such as Pennsylvania, Kentucky and Tennessee. Coal producers in Ohio, Indiana and Illinois would be harmed as well.

This amendment transcends partisan politics. Members representing States which either consume or compete against Powder River Basin coal all stand to lose if the provisions in question stay in this legislation.

I urge my colleagues to look at this map and determine how this provision adversely affects their consumers, and I urge the adoption of my amendment to strike.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Who seeks time in opposition?

Mrs. CUBIN. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 10 minutes.

Mrs. CUBIN. Mr. Chairman, I yield myself such time as I may consume.

I am sorry that the color of the State of Wyoming was not in bright yellow on the chart that the gentleman from West Virginia (Mr. RAHALL) just showed the body. It should be in bright yellow because the Powder River Basin produces so much coal that all of those States that use cheap Wyoming coal have a lot of light in their lives because of that.

Despite what my colleagues have heard from the sponsor about this amendment, the coal-leasing provisions are not about giving breaks to coal companies or creating monopolies that control Federal coal leases. In fact, the amendment creates an atmosphere that guarantees monopolies will exist in the coal industry.

He has not given an explanation of exactly the way the situation is. The current law artificially raises the cost of bidding on Federal coal leases to the point that only the largest corporations in the world can afford to mine them, and what the energy bill does is, right now, when he says that there is no competition on these leases, he is actually misrepresenting, well he is representing his perspective, but I would aver that it is wrong.

What happens is, people bid on the leases, and then if they cannot develop those leases, what he would have us do, because of financial costs, what he would have us do is not be able to ever develop those leases. So it would be leaving coal still in the ground. When prices are low on the world market, it is not cost-productive to produce those huge amounts of coal, so delays are necessary to produce the coal when the demand is high.

That is exactly what the amendment does. The current law gives coal operators the option of either shutting down their operation or dumping coal at bargain-basement prices onto markets that are shared with all the other producers in the East, including West Virginia, and what happens when the coal companies have to dump this cheap coal is, the Federal Government gets fewer revenues, the State governments get fewer revenues.

I just want to refer to the lawsuits that the gentleman from West Virginia (Mr. RAHALL) was discussing. The lawsuits that the gentleman brought forward are against the railroads. They are not against the coal companies. They are against the railroads because the railroads, some say, are charging monopolistic prices to transport the coal.

As a matter of fact, coal in the Powder River Basin on the spot market is selling at $6 a ton; the Appalachian areas are selling for $27 to $35 a ton. Historically, northern and central Appalachia spot prices sell about $20 to $30 per ton higher than Powder River Basin coal.

The bill before us is in no way, and will in no way, encourage monopolies, and most importantly of all, it will help America's small coal operators. It will help coal miners.

I am very worried about miners' jobs. We have a huge mining population that mine in my State. I am very worried about that. I am doing everything I can to protect their jobs. This will protect their jobs because they will be able to produce all the coal, and it will not be left.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentlewoman from Wyoming and her assertion that the lawsuits that I mentioned in my opening comments are filed against the rail companies, I do not dispute that; that is true. They are filed over already high rates concerning coal coming out of the Powder River Basin. So this anticompetitive provision in this legislation would only further add to the high cost of coal coming out of that area and, therefore, yield even further lawsuits.

Mr. Chairman, on March 17 Mountaineer Coal in Mingo County in my district began laying off 460 people. These workers are among hundreds of others in southern West Virginia and eastern Kentucky to have gone out of work in the past year and a half. Meanwhile, the once hustling former B&O Railroad coal lines in part of my State are now recreational trails. The track has been pulled up.

Over the years, we have suffered as we have lost critical electric utility markets to Federal coal production in the Powder River Basin of Wyoming to the detriment of our employment base and regional economies.

The provisions in H.R. 6 that I seek to strike would provide that Powder River Basin coal production with an artificially created, additional competitive edge to the additional detriment of our employment base and our regional economies.

I say to my colleagues from coal-producing regions in the Midwest and in Appalachia, we once had a saying in the coal fields from which I held, Which side are you on? Which side are you on?

I stand for the coal miner and our coal communities, and today, this effort of mine is all about fighting for the heart and soul of Appalachia. To fiscal conservatives in this body, Democrat and Republican alike, I appeal to my colleagues on this amendment. Is it reasonable to make public resources available without benefit of competition and to not require a proper return for their disposition? Is this a proper stewardship of public lands in this country? I think not.

□ 1115

That is also why I am seeking to strike these provisions from H.R. 6.

And to those of my colleagues who represent electric utilities which buy Powder River Basin coal, I appeal to you as well. Stand for your consumers against potential monopolistic pricing practices. And to those of you who may not care one iota about coal, I appeal to you for a sense of fairness. There is no justifiable reason why the Federal Government, which owns over one-third of the coal in this country, should be deployed in an anti-competitive fashion against industries, workers and consumers. This is not the American way.

I urge the support of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. CUBIN. Mr. Chairman, I recognize myself for 10 seconds.

Mr. Chairman, I neglected to say in my opening comments that, by the way, the royalties are paid on this coal even though it is not produced. So the royalties are paid in advance to the Federal Government and to the State governments under this proposal that is in the bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the gentlewoman from Wyoming for yielding me this time, and I rise in opposition to the Rahall amendment.

Despite what my colleagues have heard from the sponsor of this amendment, the coal leasing provisions in the underlying bill are not about giving breaks to western coal companies and they are not about creating monopolies and controlling Federal coal leases. The underlying bill is about modernizing and improving current law to allow the Federal Government and the

Federal coal lessees on Federal ground the ability to protect the environment and to optimize the recovery of Federal coal, coal which they have already paid for with fair market value.

This amendment will delete the provisions that will prevent the wasting, the wasting of America's most abundant and reliable energy resource; and it will delete provisions that maximize Federal and State revenues in the form of royalties and taxes.

Now, a recent letter sent by the amendment's sponsor mistakenly attempts to tie this bill, with the coal leasing provisions, to the electric utility cases filed before the Surface Transportation Board. Those cases involve the railroad transportation costs and have absolutely nothing to do with coal production. There is no relationship between the coal producers and the railroad rates as represented in that letter.

The current law gives coal operators only two options, and that is to shut down mining operations after they have reached an arbitrary time limit or surface area, or the alternative of dumping coal at bargain basement prices, as we have heard from the gentlewoman from Wyoming previously. Current policies artificially raise the cost of bidding on Federal coal leases so high that only the largest, best capitalized corporations in the world can afford to mine the abundant coal resources.

The Rahall amendment encourages monopolies; it does not prevent them. The current law forces coal producers to leave Federal coal in the ground forever by not allowing them to buy the coal located just across the line of the lease. If this amendment passes, this coal will never be mined and America will lose this important energy resource.

Mr. Chairman, the Federal coal leases are located on Federal lands that have been designated for coal production and have passed stringent environmental tests regarding the suitability of coal for production. The Surface Mining Act that the gentleman from West Virginia wrote in 1977 ensures the environmental integrity of these coal operations is met. However, this is not really an environmental issue; it is one of maximizing the public's interest in coal resources on public land. It is simply a matter of giving the Federal Government the same flexibility that private lessors have to maximize their return on investment while ensuring a strong energy future for America.

Who will pay the price if the Rahall amendment passes? Millions of Americans across the Southwest who pay nearly double the electricity rate will pay the price. Small coal operators, America's coal miners, and America's energy losers will all be denied America's largest domestic energy source. The Federal Treasury will be denied revenues, and they will be denied royalties and taxes from them.

No one wins with the Rahall amendment. I urge a "no" vote on the amendment.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), the ranking member on our Subcommittee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank my friend, the ranking member on the Committee on Resources, for yielding me this time; and I rise in strong support of his amendment here today.

Mr. Chairman, I believe this is a necessary step in order to restore the competitive bidding process in the coal industry. I mean, that is what our free economy is all about, after all. I think the provisions that have been included in this energy bill are a serious rollback in that competitive process. But no one has to sit here today and listen to the ranking member on the Committee on Resources or the ranking member on the Subcommittee on Energy and Mineral Resources to believe what we are saying. A few outside organizations have weighed in on this very important issue, not the least of which is the Western Organization of Resource Councils.

Mr. Chairman, this is not an antimining group or an anti-development group or a group that fights for further development on our public lands for mining purposes. They have been supportive of that. But they are also supportive of what the gentleman from West Virginia (Mr. RAHALL) is trying to accomplish today.

In a letter in regards to this issue, they state, and I quote, "The Coal Leasing Amendments Act of 2003," that the gentleman from West Virginia (Mr. RAHALL) here would like to strike with this amendment, "would grant unjustified gifts to the western coal industry at the expense of the U.S. Treasury and diligent development of the people's coal resource. This title would eliminate existing statutory protections that require timely development and limit speculative purchase and holding of Federal coal leases, promote competitive bidding for Federal coal leases, and provide a fair return to the U.S. Treasury for the Federal coal they are taking."

They also state this is a bad deal for the States who are virtually all under severe financial difficulties today. They go on to state that "since half of all bonus bids and royalties actually go to the States, any reductions in the Federal coal production, the royalties or bonus bid payments, will adversely have an effect on these coal-producing States."

Finally, Mr. Chairman, the President of the United Mine Workers of America, Mr. Cecil Roberts, has weighed in in support of this amendment in opposition to the title in the energy bill. And let me just quote the concluding paragraph in which he wrote, "In closing, this title is nothing more than a wish list for a few selected coal companies. By eliminating competition for Federal coal leases, consolidating more Federal coal resources in the hands of a few select companies, and allowing leases to be held indefinitely without production, it constitutes a serious threat to coal miner jobs and coal community families."

I think, Mr. Chairman, that says it all. I encourage my colleagues to support the Rahall amendment.

Mr. Chairman, I submit for the RECORD the letter from the United Mine Workers of America.

UNITED MINE WORKERS OF AMERICA,
Fairfax, VA, March 18, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.
Hon. NICK J. RAHALL,
Ranking Member, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR SIRS: As President of the United Mine Workers of America, I am writing to notify you of the UMWA's opposition to H.R. 794, the Coal Leasing Amendment Act of 2003. H.R. 794 would adversely revise or eliminate long standing federal coal leasing policies that were designed to encourage competition and new investment in coal mines on federal lands and ensure that the federal government on behalf of the American taxpayer maximizes its return from this resource.

In particular, H.R. 794, would enable coal companies to consolidate even larger amounts of public lands into a few active mining operations without competing for additional acreage by repealing the 160 acre lease modification limitation. The bill would also allow large coal companies to hold federal leases for indefinite periods of time without the benefit of production by giving the Secretary of the Interior the authority to forgive the payment of "advance royalties," payments made when mines close down for extended periods of time. In addition, H.R. 794 would also prevent the Bureau of Land Management from requiring coal lessees to post a surety bond, a bond that guarantees payment of coal company's bonus bid for a coal lease, thereby transferring the risk of nonpayment to the American taxpayer and putting at risk millions of dollars due in deferred bonus payments.

In closing, H.R. 794 is nothing more than a wish list for a few selected coal companies. By eliminating competition for federal coal leases, consolidating more federal coal resources into the hands of a select few companies, and allowing leases to be held indefinitely without production, H.R. 794 constitutes a serious threat to coal miner jobs and coal community families. If enacted, H.R. 794 would provide a huge windfall to a few while shifting significant costs and risks to the American public. H.R. 794 should be rejected.

Sincerely,

CECIL E. ROBERTS,
International President.

Mrs. CUBIN. Mr. Chairman, may I inquire how much time is remaining on both sides.

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentlewoman from

Wyoming (Mrs. CUBIN) has 3½ minutes remaining, and the gentleman from West Virginia (Mr. RAHALL) has 1 minute remaining.

Mrs. CUBIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in opposition to the Rahall amendment.

Few people realize how significant coal is in the everyday lives of Americans. Only a small portion of the population appreciates that nearly one-third of the United States' primary energy production is from coal. In addition, domestically produced coal is the most affordable and reliable electricity generation source.

The reason why this is so significant is that an estimated 60 percent of GDP, gross domestic product, is due to enterprises that use electricity as their front-end energy. Without coal, our economy would be about as robust as the Iraqi regime is today.

Credible studies project the United States will need 54 percent more power by 2025, and that power has to come from somewhere. Most experts agree the growth is most likely to come from coal and natural gas that is located on Federal lands. Mr. Chairman, the coal provisions we are discussing here today will help facilitate and expedite this necessary increase in coal production.

For example, by adjusting the existing 160-acre life-of-lease modifications, we will be moving away from regulations that waste coal reserves and which confine the use of modern mining technology and toward a more rational coal policy. In addition, the 40-year mine-out requirement causes premature closure and results in bypassing nearby coal reserves. This bill gives the Secretary the needed discretion to allow the consolidation of leased coal reserves.

There has been some discussion about fair competition and pricing, and the suggestion has been that somehow we have higher priced coal out of the West. The problem that the people who are mining coal in the East have is that we have abundant supplies that are relatively easy to produce and are being produced at a much lower cost to consumers. So consumers today are the people who are benefiting. The American families are the people who are benefiting from this low-cost coal that this amendment would undermine.

This amendment, if passed, would cause significant increases in electricity for most Americans, or many Americans. So, Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. RAHALL. Mr. Chairman, do I reserve the right to close?

The CHAIRMAN pro tempore. The gentlewoman in opposition has the right to close.

Mrs. CUBIN. Mr. Chairman, I reserve the right to close.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

In conclusion, let me wrap up the debate on this amendment by saying that it is a pro-mining amendment. It is a pro-consumer amendment. It is a pro-fairness-for-American-taxpayer amendment.

The coal that is mined in the Powder River Basin for the most part is Federal coal. This is coal that has as the owner of the deed on that land all the American taxpayers. They have a right to get a fair return for the disposition of their resources. We have, as public policymakers, the obligation to ensure that the American taxpayer gets a fair return and that this coal that is mined on Federal coal leases in the Powder River Basin is leased on a competitive basis. That helps the consumer, and that helps all of America.

Those of us in the east and other States, where of course the majority of the coal that is mined is on private lands, this amendment ensures that that production will continue in a very fair and environmentally sound manner. It ensures that there is an equal balance in the distribution of our coal supplies across this country; and it means that the American taxpayer, in the long run, is the beneficiary of my amendment to strike this anti-competitive provision.

Mrs. CUBIN. Mr. Chairman, I yield myself the balance of my time.

This amendment is not about monopolies. This amendment is about a Member promoting his own district, and that is a very admirable thing to do. But what we have to do as Members of this body is protect our resources and not waste a precious resource. We have to protect the workers, and we have to protect the Federal Treasury and the State treasuries.

Current law forces coal operators to either shut down their operation or abandon coal in place. We cannot waste the resource. It is too precious. We cannot have miners out of jobs because they have to shut down the operation.

Powder River Basin coal sells for about $6 a ton. The lawsuits that the gentleman spoke to are about rate cases of utilities. Coal is sold in contracts. It is not regulated by the Surface Transportation Board, and that is what those lawsuits were about.

These royalties are paid in advance. The Federal Treasury will lose no money. Please defeat the Rahall amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

It is now in order to consider amendment No. 21 printed in House Report 108–69.

AMENDMENT NO. 21 OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 21 offered by Mr. CANTOR: Strike Section 42011.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Virginia (Mr. CANTOR) and a Member opposed each will control 5 minutes of this debate.

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I strongly support the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from West Virginia (Mr. RAHALL) will be recognized in opposition to the amendment.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CANTOR).

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Mr. CANTOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment which strikes section 42011, which would allow the prepayment of premium liability for coal industry health benefits.

It is my belief that this language made good sense and will ultimately improve the financial viability of the Coal Act funds and help ensure health care benefits for coal workers and their dependents. However, there are colleagues of mine in this House who differ with this opinion. In the interest of allowing the energy bill to move forward to passage, I ask that the House support this amendment striking this language.

Mr. Chairman, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise in support of this amendment and would like to express my sincere appreciation for the importance of coal industry health care benefits. I would like to remind my colleagues that while my own State of West Virginia has roughly 15,000 retirees and dependents in the combined benefit fund, the overall plan covers nearly 50,000 retirees with total benefits paid out last year of over $368 million.

The viability of this health care program is extremely important to those of us in the body who represent the countless hard-working men and women in coal country who have helped provide this country's energy needs for so many years.

In addition, I would like to express my gratitude and support for recognizing the significance of clean coal tax provisions that are going to be placed back into the bill. These incentives will allow the coal industry to invest in cleaner coal technology, and ensure the country continues to have affordable and reliable energy for our homes, hospitals, schools and factories.

I support this amendment because this makes a bold statement to our coal miners that we support them not only while they are working with their health benefits, but in their retired years.

Mr. CANTOR. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Virginia (Mr. CANTOR) and would like to enter into several colloquies with Members.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, the State of Virginia recently enacted a law to delay our utilities from joining a regional transmission organization until July 2004. There is great concern in my State that the benefit that our consumers enjoy, low-price electricity, will not stay in our State if our utilities join an RTO. We have had discussions about the possibility of placing an amendment here in the bill which would resolve this problem. Unfortunately, we have not been able to accomplish that. At this time, I would ask the chairman if he can assist me.

Mr. TAUZIN. Mr. Chairman, it has come to our attention that the gentleman has very serious concerns that residents of the State of Virginia may not benefit from certain provisions in the electricity title of H.R. 6, and it is for that reason we have this colloquy; and I want to give the gentleman certain assurances today.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman.

There is concern among those in my State that the savings clause language in the Native Load provision of the bill, section 16023, will not give our consumers the protection of that provision as we transition to an RTO.

Mr. TAUZIN. Mr. Chairman, I recognize and acknowledge that we will need to work further on the specific language in the savings clause of the Native Load provisions to address the gentleman's concerns.

The exemption of this bill may have unintended consequences in States and regions of the country which are transitioning to RTOs and ISOs. I intend to continue to work on that language to ensure that any load-serving entity that wishes to avail itself of the statutory provision is able to do so.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN).

I would like to further elaborate on a colloquy with the Chairman of the Energy and Commerce Committee to clarify the intent of the Commerce Committee with regards to addressing the concerns of the Virginia delegation about a unique situation in our state regarding native-load protection.

Under FERC's proposed standard market design rulemaking, state authority to protect so-called native-load customers—buyers of electricity who have been guaranteed reliable supplies of power at fixed prices—could be supplanted. This proposal deeply concerned Virginia's State Corporation Commission (SCC), Virginia's regulatory agency which has oversight over the state's utility industry. The SCC was not assured that under this proposal my state would be subject to spiraling costs. As you may know, my constituents pay some of the lowest electric rates in the nation.

Because of the SCC's concerns, the Virginia General Assembly recently passed legislation to delay full implementation of FERC's proposed language to allow the state to examine the full consequences of restructuring. Virginia is the only state to have passed such legislation, putting it in a unique position with regard to the protection of native loads. Many Virginians could end up paying more for electricity if one of my utilities joins an RTO because the transfer of control of transmission lines may threaten the state's ability to assure reliable service at the stable and reasonable rates many customers are currently enjoying. If the power to protect transmission lines is lost, consumers will no longer be protected from escalating rates. The SCC and the General Assembly have acted to protect native-loads, but if their actions are ignored by FERC, Virginia's electricity prices could sour, and service could become unreliable.

When the Energy and Air Quality Subcommittee approved the Energy Bill several weeks ago, Congressman NORWOOD included language to protect state-regulated markets that favor native-load customers. However, Congressman BARTON included a savings clause that would exempt certain RTOs from the underlying Norwood provision. Given the unique situation that my state is in, if utilities in Virginia were to join one of these exempted RTOs, I am concerned about the protection of their native-loads.

In light of the fact that language protecting native-load preferences in my state has not been included in the Energy Bill, I would like to have the assurances of both the Chairman of the Full Committee and the Subcommittee that they will work with me as this bill moves to conference and in conference to address the unique situation and concern of the Commonwealth of Virginia in protecting native-loads. It is my understanding that Chairman TAUZIN and Chairman BARTON intend to work with me to include language in the bill that will protect native-load preferences in my state that will help ensure that Virginia gets the full benefit of the native-load preferences in the underlying bill.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE), and would now enter into a colloquy with the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I am delighted that we are making such progress on this energy bill.

Mr. Chairman, as part of the legislative activity that preceded the introduction on H.R. 6, the Committee of Energy and Commerce reported legislation which authorized $200 million per year for 9 years for clean coal projects at new and existing plants. The legislation was based, in part, on H.R. 1213, legislation that I introduced with my colleague and our friend the gentleman from Virginia (Mr. BOUCHER).

The Clean Coal Power Initiative, contained in both the Committee on Energy and Commerce bill and H.R. 6, is a vital and necessary part of the effort to provide cleaner and more efficient electricity from coal-fired power plants. However, this initiative must be complemented by tax incentives that will encourage the successful completion and operation of clean coal projects.

As was noted during the preceding colloquy yesterday by the gentleman from California (Mr. THOMAS) and the gentleman from Kentucky (Mr. LEWIS), H.R. 6 does not contain such tax incentives. I would ask the chairman whether he would lend his support to the adoption of such incentives in conference with the Senate.

Mr. TAUZIN. First, let me acknowledge the great work of the gentleman and others like the gentlewoman from West Virginia (Mrs. CAPITO) for their support and the enactment into this bill of the Clean Coal Power Initiative that is contained in the underlying bill.

However, I believe, as the gentleman does, that the vital role of coal in our Nation's future will continue to grow and expand. At this juncture it is not possible to predict the precise tax measures that will be adopted by the full Senate. I certainly favor enactment of tax incentives for clean coal to complement the work we have done in our title on the clean coal technology programs.

The gentleman can be sure that I will work with the gentleman and with our colleagues on the Committee on Ways and Means as this matter is considered in conference with the Senate.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment that originally was to be offered by the distinguished chairman of the Committee on Ways and Means now being offered by the author of the relevant provision in the legislation, the gentleman from Virginia (Mr. CANTOR).

In light of the fact that I had filed the very same amendment with the Committee on Rules, which is now being considered, despite all of the rhetoric we heard previously, we are back to the main amendment, which is the amendment involving health care for our retired coal miners.

In light of the fact that I was going to offer that same amendment on behalf of some 50,000 retired coal miners and their widows, I do want to thank the gentleman from California (Mr. THOMAS), who was originally supposed to offer this amendment. I thank the gentleman from Virginia (Mr. CANTOR) for offering this amendment, and the Committee on Rules for making it in order.

I would like to thank the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for allowing the amendment to be made in order. I thank the gentleman from Pennsylvania (Mr. MURTHA) on my side of the aisle and several members from the coal-producing States that have retired coal miners in their districts. I certainly have some of the largest numbers in my congressional district.

I thank all of these gentlemen for making this amendment in order. I thank the gentleman from California (Mr. THOMAS) again, because he has personally discussed this amendment with me and realized the adverse effect the original provision would have had on our Nation's coal miners.

Indeed, the legislation as originally presented to this body before this amendment would have allowed certain coal companies to be relieved of their contractual obligations to fully fund health care for their former employees. Rather than pay the annual health care premiums based on the current cost of coverage under the original language, the provisions would allow these companies to prefund their ability at what they determine are their obligations and then walk away without any further responsibility.

As the old adage goes, that would have been like the fox guarding the henhouse. Obviously, these companies are not going to ante up the true cost of providing long-term health care when they get to determine how much they pay. So it was more than fair that this provision come out of this legislation.

This, after all, is a commitment that our Federal Government has made to our Nation's retired coal miners and their widows, which goes back to the days of President Truman and when John L. Lewis was the president of the United Mine Workers of America. It is a promise that our Federal Government has made to retired coal miners, which has been reaffirmed by administration after administration, regardless of party, in the ensuing years.

That is what we are doing in this legislation, making sure that the Energy Policy Act of 2003 does not rob, or have the possible potential to rob, these 50,000 retired coal miners and their widows of the health care coverage they deserve.

I thank the gentleman for offering this amendment, and urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from Virginia (Mr. CANTOR).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 22 printed in House Report 108-69.

AMENDMENT NO. 22 OFFERED BY MR. REYNOLDS

Mr. REYNOLDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. REYNOLDS:

At the end of the bill add the following:

DIVISION—MISCELLANEOUS PROVISIONS

SEC. 01. ENCOURAGING PROHIBITION OF OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds that—

(1) the water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario;

(2) the environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling;

(3) in accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State;

(4) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas;

(5) the States of Indiana, Minnesota, and Ohio do not have such a prohibition; and

(6) the Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF PROHIBITIONS ON OFF-SHORE DRILLING.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from New York (Mr. REYNOLDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, along with the gentleman from Michigan (Mr. ROGERS), I am offering an amendment that was passed overwhelmingly by this body 2 years ago.

The 94,000 square miles of the Great Lakes system constitutes some of this Nation's most precious resources. Lake Superior, Michigan, Huron, Erie and Ontario are the largest system of fresh water on the face of the Earth, and comprise one-fifth of the world's entire drinking supply.

For the 30 million people residing in the region and the millions more who visit its shores each and every year, the Great Lakes are also a recreational playground, an enormous fishery and wildlife breeding ground, a vital transportation link, and an important resource for agriculture and business, making untold contributions to our Nation's economy and our way of life.

Most of all, the Great Lakes are binational treasures and a vital natural resource. To protect the natural resources of the five Great Lakes, and with them, 20 percent of the world's drinking water, most in the region agree that oil and gas drilling should not be allowed within the Great Lakes. In fact, several States have enacted statutory prohibitions on offshore drilling in the Great Lakes.

In respecting the provisions of the Submerged Lands Act, which gives each State that borders the Great Lakes authority over between the State's coastline and the boundary of Canada or another State, this amendment expresses a sense of Congress for continued support for the ban on drilling.

Mr. Chairman, I believe the States and Canadian provinces are the wisest stewards of the Great Lakes resources, ensuring their effective use and sound conservation. As such, actions to protect the Great Lakes work best when all of the States and provinces work together.

At this time, not all States and provinces have equivalent nondrilling policies. Through this amendment, the States and provinces will be advised of this Congress' support for efforts that protect the world's largest fresh water supply by encouraging them to prohibit offshore drilling.

Mr. Chairman, I urge Members to support the State's right to protect the Great Lakes.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentleman from California (Mr. POMBO) is recognized for 5 minutes.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not oppose the amendment. I believe this is a matter of States' rights. I believe the Great Lakes States have the ability to determine this on their own. I will tell Members, we have no desire to go after their gas and oil. However, we would like to run a pipe to the Great Lakes to take their water for California.

Mr. Chairman, I would like at this time to pay special tribute to the staff that worked so hard on this bill over the past several months and, in fact, the past several years to bring it to fruition. We shortly will vote on the amendments that are still pending, and then we will move on to final passage. I wanted to especially thank them for the hard work that they have put into it.

I would also like to wish a happy birthday to Dan Kish, one of the head staffers who has worked so hard on this bill for so many years.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. This is the final amendment which has been authorized by the Committee on Rules for consideration on the comprehensive energy package, and so, with the adoption of this amendment, which we will support as it is, by the way, the same amendment that was adopted on the House floor that was offered by the gentleman from Michigan (Mr. ROGERS) last year on a 345–85 vote, we will accept this amendment.

But I wanted to join in, first of all, thanking my friends and colleagues, the chairman of the Committee on Resources, the chairman of the Committee on Ways and Means, the chairman of the Committee on Science, as well as the chairmen and members of the Committee on Transportation and Infrastructure, Committee on the Judiciary, Committee on Agriculture, and Committee on Financial Services, all of whom worked with us in a cooperative fashion, so many committees, to develop a comprehensive energy policy for our country.

And as the gentleman from California (Mr. POMBO) indicated, there is an awful lot of staff, too many to name because we would miss someone, and I do not want to do that, but so many staffers who spent so many late hours. Members cannot imagine the hours these staffers have put in.

□ 1145

I do not know if they are appreciated enough by the people of this country. These young people who could do much better in the outside world and earn greater salaries, but they come because of their love of this work and love of this institution and who devote so many hours in helping us do the right thing and in a way that is accurate and, again, advances the cause of our great Nation. To all the staffers I want to say a big broad thank you, Mr. Chairman, for the great help they give to all the Members of Congress as we try to do this work.

We will shortly adopt this amendment, and then we will go back into the full House; and it is my understanding that the minority will offer a motion to recommit which we will oppose and we hope the House will reject that motion to recommit, and we will move on to pass, I believe, the most important energy bill in the past 50 years, the most comprehensive and far-reaching statement of American energy policy that will advance not only national security but begin the process of rebuilding this incredible American economy. So to the gentleman from California (Mr. POMBO) and everyone, again, I thank them so much for their cooperation. Mr. Chairman, for all of the chairmen who sat in that chair during these long and arduous hours, I thank them and their staffs and everyone who has participated.

Mr. POMBO. Mr. Chairman, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the gentleman from New York (Mr. REYNOLDS) for working with me on this important issue to the Great Lakes. Twenty percent of the world's freshwater is to be found there. And what we have found in this important debate on energy and where we are going in America and getting to conservation and getting away from foreign dependence is science tells us there are places that we should be drilling for oil and natural gas to become less dependent. This is not one of them. What we see here is Mr. Chris and we will find it on Lake Erie. This is a tugboat with an attitude; 550 wells on the water, on the freshwater today on the Canadian side of Lake Erie. They are looking to do 40 more. Science tells us this: we should not be on the Great Lakes poking a hole in the bottom to get oil or natural gas. Not the way to do it.

We are standing here today to tell our good friends, the Canadians, to straighten up their act. Neighbors do not do this to each other. This is not a healthy way, an environmentally friendly way, a sensible way, a logical way to extract those resources. There is a way that they can do it that does not jeopardize 20 percent of the world's fresh drinking water.

Today I stand with my friend from New York to say please to our friends from Canada to do the right thing, to stand up for the future of this country and the future of the environmental safety of those Great Lakes. We are blessed with those Great Lakes in the Midwest, and I would hope that we could stand together today and send a very clear message to our Canadian friends to cease and desist and take Mr. Chris and send him back to the docks.

And to the gentleman from California (Mr. POMBO), who wants to stick a straw and slurp up those Great Lakes, I will say to him that I will challenge him every day. If he wants to have some of that Great Lakes water, he has got to live in Michigan in February.

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentleman from New York (Mr. REYNOLDS) has 1 minute remaining. The gentleman from California (Mr. POMBO) has 1½ minutes remaining.

Mr. REYNOLDS. Mr. Chairman, I urge adoption of this amendment and I yield the balance of my time to the gentleman from Texas (Mr. BARTON), the Chair of the Subcommittee on Energy and a vital link to seeing the success of this bill today.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Obviously, I rise in support of this Reynolds amendment, but I am really standing to just say in closing in the overall energy debate this is the most comprehensive energy legislation that has been on the floor of the House, I would argue, in the last 30 or 40 years. It is not an energy bill for Republicans or an energy bill for Democrats. It is an energy bill for all Americans. We have a broad-based bill. We do something to try to help coal, to try to help oil and natural gas, to try to help nuclear, to try to help renewable, to try to help electricity. We are for biomass and natural gas and will be for sassafras if it helps provide the energy resources for this great Nation.

We have the lowest-cost energy resource base in the world, and we have it because we believe in free markets and individuals working together in an entrepreneurial fashion to provide the goods and services in the energy sector that help makes us the most powerful and greatest Nation in the world. I hope that we would vote for this bill in a bipartisan fashion when it comes to final passage.

I want to thank the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, who has done just an absolutely outstanding job; and if we had the Chamber full of people, I would ask that we all stand and give him a round of applause. This is a good bill for America.

Mr. Chairman, as the Chairman of the Energy and Commerce Subcommittee of Energy and Air Quality, the subcommittee of primary jurisdiction of H.R. 6, I recognize and acknowledge we will need to work further on some of the specifics in the bill.

Next, I want to clarify section 16023, the "native load" section. We will want to clarify that the term "equivalent transmission rights" should be read to include "firm, financial, and tradable transmission rights", as that is our intent. I also acknowledge that the native load provisions may have unintended consequences in the region covered the Midwest Independent System Operator, and I want to continue to work to improve the savings clause so that does not undo the development of markets in that region to date.

I note that we may need to clear up the electricity title (Title VI) of Division A. Among the technical changes needed may be inaccurate references to the Electric Reliability Council of Texas (ERCOT) and ERCOT utilities, as described in the Federal Power Act.

Finally, I have not completed work with Members on a potential addition to Division E regarding Clean Coal. I will want to discuss with Members of the conference committee a potential provision on Clean Coal General Programs. This Congress has a great opportunity to expand the clean coal title to further promote and deploy new technologies that allow coal to be used as a power source for dramatically lower emissions.

The CHAIRMAN pro tempore. The gentleman from California still has 1½ minutes remaining in this debate.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

I had had one additional request for time, but I will conclude by thanking my fellow chairman who worked so hard on this legislation, the ranking members who worked in a cooperative manner to bring this bill to the floor.

We have labored for many years to produce a balanced energy policy for this country, and I believe that this bill represents that. It is not everything I wanted. It is not everything that the gentleman from Louisiana (Mr. TAUZIN) wanted, nor is it everything that the ranking members wanted; but I do believe that it is a good compromise. It is a balanced approach; a balanced energy policy for the future. I urge my colleagues to support our energy policy for the future on the final passage.

Ms. KILPATRICK. Mr. Chairman, it is imperative that we impose a permanent ban on offshore oil and gas drilling in the Great Lakes. While considering the Energy Policy Act, the Leadership had an opportunity to make a substantive change and instead chose to accept a watered-down substitute. The amendment that I co-authored with Representatives Stupak and LaTourette would have made permanent the ban on Great Lakes off-shore oil and gas drilling which is currently effective only through 2005.

Michigan has no greater natural resource than the Great Lakes. 95% of all the fresh water in this country and 20% of the freshwater in the world comes out of the Great Lakes and its connecting waterways; we cannot afford to put that resource at risk.

Drilling poses direct threats to the safety and well being of our citizens. Drilling under the Great Lakes is a venture that has serious implications for the overall health and use of the lake by its communities. Drinking water could be contaminated and oil could wash up onto our shores. Hydrogen sulfide, a lethal poisonous gas known to be present in the oil and gas reserves under Lake Michigan, could be released into the air and water.

Pollution from oil and gas production not only threatens public health, but also degrades habitat and surface water. Ninety percent of the approximately 200 fish species in the Great Lakes depend directly on wetlands for some part of their life cycle. Impacts from an oil leak to highly productive valuable wetlands would be severe because so many different species rely on them.

The Reynolds amendment is weak and shifts responsibility from Congress back to the States. I am disappoint that instead of enacting legislation that is proactive in preventing unnecessary environmental damage and fiscal burden, the leadership has chose legislation that is purely ornamental.

Mr. OBERSTAR. Mr. Chairman, I support the amendment offered by my colleagues, the gentleman from New York (Mr. REYNOLDS) and the gentleman from Michigan (Mr. ROGERS). This important "Sense of the Congress" amendment reaffirms the commitment of Congress in opposition to off-shore drilling in the Great Lakes.

The Great Lakes are a national and international treasure, serving both as the Nation's largest fresh water resource and one of the largest systems of fresh water on Earth—containing nearly 20 percent of the world's supply. Formed by the melting and retreat of mile-thick glaciers 10 to 12 thousand years ago, the Great Lakes contain 5,500 cubic miles of water and cover 94,000 square miles. In fact, if the six quadrillion gallons of water in the Lakes were poured over the continental United States, the entire landmass of the lower 48 states would be covered to a depth of nearly 10 feet.

The Great Lakes Basin is also of critical importance to the economy of two nations. The Basin is home to more than one-tenth of the U.S. population and one-quarter of the Canadian population. One of the world's largest concentrations of economic capacity is located in the Basin—some one-fifth of U.S. industrial jobs and one-quarter of Canadian agricultural production.

As a lifetime resident of the Great lakes community, I am keenly aware of the importance of the Great lakes to the surrounding region and the need to protect this vital resource for current and future generations. This great natural treasure deserves long-term protection from shortsighted exploitation.

I support the amendment offered by my colleagues that encourages the States surrounding the Great lakes to either enact a ban on, or to continue to prohibit, off-shore drilling in the Great Lakes for oil and gas deposits.

Off-shore drilling poses a serious environmental and economic risk to the Great lakes community. A large-scale spill, fire, or gas leak could despoil miles of beaches and fragile wetlands, pollute the ecosystem, and render the water unfit for drinking. It has been said that a single quart of oil can foul two million gallons of drinking water; imagine the potential impact of a massive oil or gas leak on a waterbody that currently provides drinking water to more than 10 million people. For a waterbody that takes more than 200 years to completely renew itself, such environmental risks are simply unacceptable.

In addition, most scientific estimates show that extracting all of the oil and gas reserves under the Great Lakes would have little or no impact on the nation's energy supplies or prices.

Mr. Chairman, this is not the first time Congress has spoken on the issue of oil and gas drilling under the Great Lakes. In 2001, and again earlier this year, Congress passed, and the president signed a prohibition on Federal or State permits or leases for new oil and gas drilling activities in or under the Great Lakes. This amendment takes the next step to encourage those States bordering the Lakes to either continue to prohibit this practice, or to enact similar provisions to protect the Great Lakes from further environmental degradation.

On March 27, 2003, I, together with 18 Democratic colleagues on the Transportation and Infrastructure Committee, introduced H.R. 1491, the Securing Transportation Energy Efficiency for Tomorrow Act of 2003. That bill included a provision almost identical to the Reynolds/Rogers amendment.

I urge my colleagues to support this amendment.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of an amendment expressing the sense of Congress encouraging the prohibition of offshore oil and gas drilling in the Great Lakes. I applaud my colleagues from New York and Michigan for offering such language as part of H.R. 6, a comprehensive energy package.

Over the years, an overwhelming majority of Northwest Ohio boaters, water-skiers, and Lake Erie Islands area residents have consistently expressed their opposition to drilling for oil and gas in the Great Lakes by citing potential risks to land, water, and their communities. I too, am opposed to this practice as Ohio families frequent Lake Erie year-round. I should also point out that a number of Ohio state and federal officials agree.

Last session of Congress, I supported an amendment to the Fiscal Year 2002 Energy and Water Development Appropriations measure that would ban drilling for gas and oil under the Great Lakes for two years while the U.S. Army Corps of Engineers study potential environmental impacts. Just last February, with the vote on the Fiscal Year 2003 Omnibus Appropriations bill, the ban was extended through 2005.

Mr. Chairman, protecting and restoring the Great Lakes remains vital to our region's economy, environment, and human health. I ask my colleagues to join me in supporting this amendment.

Mr. KILDEE. Mr. Chairman, while I vote in favor of the Reynolds/Rogers Amendment today in support of a continued prohibition on Great Lakes offshore oil and gas drilling, I strongly believe that an outright ban on these activities is necessary.

I am concerned that the Rules Committee would not allow into order a stronger amendment protecting our Great Lakes to be voted on by the House. Last year, I joined 2264 of my colleagues in supporting an amendment to the Energy and Water Development Appropriations Act that would have banned any U.S. Army Corps of Engineers funds from being used to process or approve permits for drilling in or under the Great Lakes. This is the kind of positive action that is needed to ensure these treasures remain safe for future generations.

While I support the Reynolds/Rogers Amendment to the Energy Policy Act of 2003, I believe much stronger action needs to be taken to protect the Great Lakes.

Mr. POMBO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. REYNOLDS).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 16 by the gentlewoman from Illinois (Ms. SCHAKOWSKY), amendment No. 19 by the gentleman from Wisconsin (Mr. KIND), and amendment No. 20 by the gentleman from West Virginia (Mr. RAHALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 16 OFFERED BY MS. SCHAKOWSKY

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. SCHAKOWSKY:

In division B, at the end of title II, insert the following new section:

SEC. 22003. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud, and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

An insufficient number has arisen.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. KIND

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 251, not voting 12, as follows:

[Roll No. 142]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—251

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—12

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Reyes
Towns
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1214

Messrs. OSBORNE, BOEHNER, NUSSLE, BONILLA, SCOTT of Georgia, and SAM JOHNSON of Texas, and Ms. GINNY BROWN-WAITE of Florida changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of the votes in this series will be conducted as 5-minute votes.

AMENDMENT NO. 20 OFFERED BY MR. RAHALL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 20 offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 14, as follows:

[Roll No. 143]

AYES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Linder
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

NOT VOTING—14

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Radanovich
Reyes
Shuster
Towns
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised they have 2 minutes remaining in which to cast their votes.

☐ 1224

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHUSTER. Mr. Chairman, on rollcall No. 143 I was inadvertently detained. Had I been present, I would have voted "no."

Mr. MOORE. Mr. Chairman, we must reduce our nation's dependence on foreign oil. And while I believe our nation needs a comprehensive energy policy as a matter of national security, we also have an obligation to ensure that this need is met in a manner that does not jeopardize our financial security. This bill takes a balanced approach to meeting our nation's energy security needs. But, it fails to pay for any of these proposals, which have a cost of $18.8 billion.

H.R. 6 contains numerous provisions that I have supported in the past and will continue to support in the future under fiscally responsible circumstances. In fact, H.R. 6 includes a provision based upon a bill that I introduced during the last three Congresses that would extend the section 29 tax credit for the production of unconventional fuels such as coalbed methane. My version of this legislation [H.R. 1331] was modified and included in the Ways and Means portion of H.R. 6. I have worked for months to ensure H.R. 1331's inclusion in a comprehensive energy measure. And, while I would like to be able to vote for this provision, I cannot in good conscience support final passage of a bill that includes $18.8 billion in tax expenditures that are not offset with comparable spending reductions. This is fiscally irresponsible. Such action threatens to spend money from both the Social Security and Medicare Trust funds on which the seniors in my district rely.

Further, as a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. This bill includes tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for, and I would support if these incentives were paid for and handled in a fiscally responsible manner. As well, H.R. 6 contains tax incentives for domestic production from marginal wells that I have supported in the past that would increase our national energy supply. As a co-chair of the Biofuels Fuels Caucus, I also support the renewable fuels standard which I have promoted to decrease our dependency on foreign oil, help U.S. farmers and protect the environment.

I cannot, however, support provisions in this legislation that do nothing to safeguard electricity consumers from unscrupulous utility companies that abuse market power and manipulate electricity prices. Rather than holding these electricity companies accountable, this bill would weaken consumer protections regarding electricity. I also find it impossible to support provisions that would protect former U.S. corporations that moved offshore to tax havens in order to avoid U.S. income taxes. This legislation continues tax benefits to companies that have already moved offshore.

I also support many aspects of Representative JOHN DINGELL'S electricity title substitute, and would have supported it had it been an amendment. As a substitute to the title rather than an amendment, however, it strikes many useful and important provisions in the electricity title without providing any alternate.

Last night, the House considered the conference report on the budget resolution which increases deficits and debt and passes these pressures onto future generations. Instead of developing a sound fiscal strategy to face the challenges that will come with the increased risks from terrorism and the impending retirement of the baby boom generation, the budget will result in over $3 trillion in additional debt that creates a long-term "debt-tax" for working American families.

If Congress adopts this new policy of borrow and spend it not only endangers the Medicare and Social Security surpluses, it places us back on the road to deficit spending. We must not travel down this road again.

It is time we made some tough choices. This Congress made a commitment to the American people that we would not vote to spend one single penny of the Medicare and Social Security Trust Funds. We must honor that commitment. Spending restraint, fiscal responsibility, and honoring our commitments do not come about by good intentions, but by resolute actions.

Today, I reluctantly vote against this energy package because it fails to provide any offsets to pay for its provisions. This is a particularly difficult vote for me because this bill contains a proposal I authored, as well as many other good provisions.

In an effort to honor our commitments to ensure financial responsibility, I will adhere to the levels in the budget resolution enacted by a majority of this Congress. I will oppose any efforts that reduce revenues without offsets.

The expenditures contained in H.R. 6 are not accounted for in the budget resolution and, despite the sound energy policy this bill promotes, it busts the budget and threatens the Social Security and Medicare Trust funds. I urge my colleagues to honor their commitment to preserve this country's integrity; I urge my colleagues to either find a way to pay for these tax cuts or to vote no on H.R. 6.

Mr. WICKER. Mr. Chairman, I rise to specifically support section 16023 of H.R. 6, which clarifies state and federal jurisdiction over the regulation of electricity.

When Congress enacted the Federal Power Act in 1935, it limited federal regulatory authority over electricity in section 201(a) of that Act to "the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce." It further stated in that section that "Federal regulation . . . [shall] extend only to those matters which are not subject to regulation by the States."

Bundled retail sales of electric service, including the transmission component of such service, is a matter that was subject to regulation by the states in 1935 (and well before), and is still a matter regulated by many states today. Yet despite the clear language of the statute, and the clearly established fact of state regulation, the Federal Energy Regulatory Commission (FERC) is proposing under its "standard market design" (SMD) proposal to regulate the transmission component of bundled retail sales of electricity in place of the states.

One can only assume that FERC's apparent legal theory for proposing such action is that section 206 of the Federal Power Act requires it to remedy any "unduly discriminatory or preferential" practice "affecting [a] rate, charge, or classification" subject to the jurisdiction of the Commission. After decades of states granting to local utility customers a "native load" priority that allows these customers to use utility resources before other customers, thereby ensuring low-cost and reliable service, the FERC in its SMD proposal now finds such a priority unduly discriminatory. This sudden and stunning change of policy by the FERC is a serious threat to retail customers in places that have opted not to risk restructuring of their electric service like my home state of Mississippi.

Section 16023 clarifies that native load priority is not an unduly discriminatory practice, and therefore that the FERC does not have a basis for reaching into the jurisdiction of the states over bundled retail sales and their components. The intent of Congress to strongly differentiate areas of regulatory jurisdiction between states and the FERC is clear and unambiguous. Congress has provided explicit direction to FERC that it should stay out of bundled retail sales and bundled retail transmission service. I hope FERC will get this message and go back to the drawing board with its SMD proposal.

Mr. STARK. Mr. Chairman, I rise in opposition to this blatantly flawed energy bill. This bill isn't sound policy. It isn't forward thinking. It is a flat-out giveaway to the big energy companies. It puts industry profits ahead of the interests of consumers and the environment.

It's no secret that the President and Republicans have held closed, backroom meetings with their friends in the big oil and gas industry. The result is no surprise. They've crafted an energy policy that promotes fossil fuel consumption above all else. Now, they say they want to free us from dependence on foreign oil. But, oil dependence is exactly what this bill promotes.

Consider the consequences. This bill grants tax cuts to the most polluting industries while providing a pittance for renewable resources, clean technologies and energy efficiency. Solar, wind and geothermal power take a back seat to oil drilling in pristine wilderness areas and off our coasts. This bill will turn the coastal plain of Arctic National Wildlife Refuge into an oil field. It will lift the ban on drilling off California's Coast. I strongly oppose these efforts!

At the same time, Republicans won't raise fuel efficiency standards for gas guzzling SUVs. But, they will cut the royalties the big oil companies have to pay to the American people for drilling on our lands. Republicans will even allow these polluting industries to get out from under paying their share of taxes by moving into tax havens overseas.

Now, for those energy market profiteers, the Republicans leave the door wide open for unfair competition and price manipulation. Clearly, Republicans don't want consumers and small public utilities to pay a fair price for their power. They want to allow the Enrons of the world to skim huge profits while wreaking havoc on the electricity market. Well, we know how well that policy worked in California.

For their final act of irresponsibility, the Republicans want to exempt the cancer causing fuel additive MTBE from product liability protections. MTBE has caused wide spread groundwater contamination and remains a significant public health risk. Yet, if this bill passes, polluters will get off scot-free while the taxpayers get stuck with the high cost of clean up.

I urge my colleagues to take a stand for consumers and the environment and vote no on this bill. It is time Republicans put a long-term, sustainable energy policy ahead of pandering to their short sighted special interests.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this legislation.

I am glad we have had the opportunity to debate these issues—for the second time in nearly as many years—and I am glad that legislation I've initiated is being considered as part of this bill.

We all know that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy. To lessen this dependence and to protect our environment, we must pass a bill that helps us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

Unfortunately, this bill doesn't provide that balance.

I am pleased with most of what was included in the Science Committee part of this bill, and I commend Chairman BOEHLERT for his bipartisan approach.

In particular, I'm pleased that the Science Committee bill included generous authorization levels for renewable energy and energy efficiency R&D. As Co-chair of the Renewable Energy and Energy Efficiency Caucus, this funding is very important to me.

I am also pleased that this bill includes the Clean Green School Bus Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

H.R. 6 also includes provisions from my bill, the Distributed Power Hybrid Energy Act, which would direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

The bill also includes the Federal Laboratory Educational Partners Act of 2003, a bill I introduced with my colleague Representative BEAUPREZ that would permit the National Renewable Energy Laboratory and other Department of Energy laboratories to use revenue from their inventions to support science education activities.

Unfortunately, though, this bill—like the one we debated two years ago—is very reminiscent of that old Western movie—"The Good, the Bad, and the Ugly." And, regrettably, some of the worst provisions are in the part of the bill developed by the Resources Committee—which is why I voted against them in that Committee.

Worst of all, of course, is the provision that would open to drilling the coastal plain of the Arctic National Wildlife Refuge.

On that question, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds. The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems."

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels. But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

But the idea of opening the refuge is only one example of misplaced priorities or flawed policies concerning energy.

I tried to improve the Resources Committee's provisions with two amendments—one dealing with the biomass provisions and the other with something just as important as energy—water.

I am a supporter of biomass, and I think the biomass provision is one of the better parts of the Resources Committee's work. But I think it should be more tightly focused—and that is what my amendment would have done.

That part of the bill authorizes cash grants to people who own or operate biomass plants, and says they can use the money to buy material removed from the forests in order to reduce the risk of forest fires. My amendment would have narrowed that by providing that the grants could only be used to buy material taken from the areas of highest priority—the so-called "wildland-urban interface," or as we say in Colorado, the "red zones." These are the parts of the forests that are nearest to communities, the places where people's lives and property are most at risk. That means they should have the very highest priority for thinning out brush and little trees, so that smaller fires are less likely to become big, runaway fires. In Colorado alone, the "red zones" cover some 6 million acres—and there are millions of acres more in other states. There is lots of thinning work to be done in those areas—and lots of material that may be useful for biomass. So, my amendment would not have been an obstacle to biomass development. But it would focus the program where it ought to be focused.

And, to make things clear, my amendment used a definition of the term "wildland-urban interface" that was essentially the same as the one that was in H.R. 5319, Chairman MCINNIS's bill, as reported by the Resources Committee last year.

One of the reasons I supported that bill was because of the priority it put on thinning projects in these "red zone" areas. I thought the House should follow that example by adopting my amendment, and regret that the Rules Committee did not allow it to be offered.

My second amendment dealt with water. In Colorado, we are blessed with rich mineral resources—we have lots of coal, oil, and gas. but in Colorado, and in the other states in the arid west, water is scarce and very precious. So, as we work to develop our energy resources, it is vital that we make sure that we protect our water. And this is just what this amendment would have done.

The amendment would have required people who develop federal oil or gas—including coalbed methane—to do what is necessary to make sure their activities do not harm water resources. The amendment said that if oil or gas drilling damages a water source by contaminating it, by reducing it, or by interrupting it—the energy developer would have to provide replacement water.

Sometimes water that is produced in connection with oil or gas drilling is injected back into the ground. The amendment said that has to be done in a way that will not reduce the quality of any aquifer. It also said that if that water is not reinjected, it has to be dealt with in ways that comply with all Federal and State requirements.

And, because water is so important, it said that developers need to make protecting water part of their plans from the very beginning. It would have done that by requiring applications for oil or gas leases to include details of the way the developer will protect water quality and quantity and also protect the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states. When the amendment was considered in the Committee, it was suggested that it might interfere with State laws relating to water. That was not my intent, and I am confident that the amendment I offered in the committee would not have had that effect. However, to remove any doubt, I modified the amendment to specifically say that it would not affect any state's authority over water or affect any interstate compact related to water.

We do need to develop our energy resources—especially relatively clean-burning ones like natural gas and coalbed methane. But we need to do it in the right way, with balance. And that's what this amendment was all about. Again, I regret that the Rules Committee did not permit the House to consider it.

Without my amendments, and without other amendments that were rejected by the Committee, the Resources Committee's part of this bill puts too much emphasis on unnecessary subsidies to industry and not enough on anything else.

In conclusion, Mr. Chairman, we need a plan in place to increase our energy security. Thirteen percent of the twenty million barrels of oil we consume each day comes from the Persian Gulf. In fact, fully 30 percent of the world's oil supply comes from this same volatile and politically unstable region of the world. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. For every step it takes to move us away from our oil/carbon-based economy, it takes two in the opposite direction. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today.

In much the same way that America set about unlocking the secrets of the atom with the "Manhattan Project" or placing a man on the moon with the Apollo program, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

But this bill would merely continue our addiction to finite and politically unstable energy resources. For that reason, Mr. Chairman, I cannot support it.

Mr. BLUMENAUER. Mr. Chairman, the Energy Policy Act of 2003 (H.R. 6) falls terribly short in preparing the United States for the future in terms of fiscal responsibility, environmental stewardship, and meeting our nation's energy needs. The bill mortgages our environmental future in order to meet short term energy challenges.

This bill is a missed opportunity. Any national energy policy for the 21st century should take steps to reduce our dependence on outdated and polluting sources of energy such as oil, gas, and coal. The United States has less than 3 percent of the recoverable supply of the world's oil, much of which is under ecologically important areas of land. We are currently at war with the part of the world that contains 65 percent of the earth's oil reserves: the Middle East. Yet this bill keeps us dependent on oil.

My Republican colleagues claim that American technology and innovation will enable us to meet our energy needs. American innovation and creativity should enable us to rely on renewable sources of energy such as wind, solar, and geothermal. Yet this bill continues the status quo.

The bill provides over $18 billion in tax breaks and royalty relief to oil, electric utilities and nuclear power. The oil and gas industry alone receive 55 percent of the tax breaks in this bill. During a time of war and a struggling economy, Congress should be exercising fiscal discipline. Yet this bill provides cost-of-doing business funding to mature industries.

It is important to note that the oil, gas, coal and offshore drilling industries that receive most of the benefits of this bill have also hand picked people in the administration and agencies to oversee them. Much of the energy development allowed in this bill will take place on lands now regulated by former corporate energy lobbyists.

For example, the Department of the Interior oversees over 30 percent of the total domestic energy production in the United States. Steven Griles, second in command at the Department of the Interior, is a former energy lobbyist. While he was in the private sector he represented the National Mining Association, the American Gas Association, Arch Coal, Chevron and Shell oil companies.

I cannot support an energy bill that reduces environmental protections and allows development in the Arctic National Wildlife Refuge. A few years ago I visited the Arctic and witnessed its fragile beauty. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

A rational national energy policy must place conservation and efficiency at the forefront. Merely ending the fuel efficiency loophole for SUV and light trucks will save more oil than the Arctic Refuge will produce. Our energy habit accounts for 25 percent of the world's consumption—the United States simply cannot produce enough energy to meet its demand. We would do better to use the 10 years it would take to get the oil from the coastal plain of Alaska to improve the energy efficiency of our transportation system, homes and factories, and to increase our renewable energy production.

It is significant to note what this bill does not do. It does not address global climate change, even though the United States is responsible for 25 percent of the world's greenhouse gases. The bill does not increase fuel efficiency for cars, which consume a tenth of the annual global oil production. The bill does nothing to protect consumers from market manipulation such as what we saw from Enron. In fact, the bill repeals important consumer protection laws that have been in place for decades.

Without any of these provisions, I believe this bill is a missed opportunity for the American people.

Mr. STENHOLM. Mr. Chairman, the time is long overdue for Congress to enact a balanced energy policy that ensures reliable and affordable energy for all Americans. Our nation's citizens deserve a comprehensive energy plan that ensures the short-term availability of the energy supplies they need, while addressing long-term goals of increasing our use of renewable and clean sources of energy.

The performance of the energy market of the last several years, with its wide price swings on both the producer and consumer sides, simply illustrates the need for America to take responsibility of our energy future. Congress needs to consider measures to help restore market stability with domestic crude oil and natural gas prices, maintaining a level where domestic producers can compete in a global market and help reduce our dependency on foreign sources of oil.

At the same time, Congress needs to ensure consumer protection measures to guarantee price stability and fuel availability when the demand is high. I truly believe that we can achieve equilibrium in the energy sector, thus creating a situation where prices are not so low that producers are put out of business but also not so high that they hurt consumers and threaten the economy.

America can no longer sustain a situation where this nation imports almost 60 percent of its oil from foreign sources—putting our economic and national security at risk.

I have been a long time supporter of domestic energy production in all arenas including: oil, natural gas, hydro-electric, wind, solar, geothermal, biomass and the many others. I am certainly glad to see that H.R. 6, "The Energy Policy Act of 2003", includes provisions to insure further domestic production of these resources.

However, these production incentives come at a cost and must be accounted for. It is entirely unacceptable to simply write off the cost of this bill and add it to the current deficit that America is facing. In fact, we are already expecting a $361 billion deficit this year, even prior to considering the costs of this bill, the Iraq war, prescription drugs, new tax curt or any other expenses being debated currently. This is a remarkable contrast from the $250 billion surplus that last occurred in fiscal year 2000.

I cannot understand how my colleagues on the other side of the aisle continue their efforts to expedite tax cuts and not address Americas' financial health. The cost of this war could be well over $100 billion, yet we continue to promote over $1.5 trillion in tax cuts over the next decade.

And this week the spending continues. This energy bill comes at a cost of $18.7 billion dollars and includes no provision to offset these costs. I have long championed for: Increased access to capital for domestic oil and gas production; more research in alternative fuels such as nuclear energy; advanced clean coal technology; a sound commitment to renewable energy, including a renewable fuels standards; and improved energy efficiency and environmental standards.

As Ranking Member on the House Agriculture Committee, I was especially pleased to see the Renewable Fuels Standard increasing the required use of ethanol, made from corn, as a fuel additive by gasoline refineries to 5 billion gallons by 2015.

There is no doubt I am glad to see these provisions in H.R. 6, but I am very disappointed that my colleagues on the other side made no attempts to offset some of the costs of this bill. This energy bill continues down the path of more deficit spending and makes no realistic attempt to justify this spending.

America deserves a balanced and forward looking energy policy and therefore I intend to vote for this bill despite my reservations about its cost. It is my sincere hope that Congress will ultimately be responsible and pay for provisions included in the Energy Policy Act of 2003 without burdening our children and grandchildren with continued deficit spending.

Mr. OSE. Mr. Chairman, I regretfully rise to oppose this bill today.

When President Bush introduced the National Energy Policy in 2001, I applauded the plan. The President laid out a comprehensive, balanced policy to address our nation's energy needs. I supported the President's energy policy and voted for the House version, H.R. 4, in the 107th Congress.

The bill we have before us today includes much of the beneficial programs embedded in H.R. 4. However, it also includes an ethanol mandate that I am adamantly opposed to. This provision is bad public policy. It is bad for consumers, bad for air quality, and bad for the environment.

Last year, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, held a hearing to review the concept of an ethanol mandate. One of our expert witnesses predicted that the ethanol mandate would cause reformulated gasoline to raise almost 10 cents per gallon.

On Tuesday, the Energy Information Agency (EIA) predicted that, by the time ethanol is fully integrated in California, the price increase for reformulated gas would be 9 cents per gallon. California has already seen huge price increases this year as refiners attempt to shift from MTBE to ethanol.

For a State like California, or New York, or Connecticut, which uses a large amount of reformulated gasoline, this will represent an income shift of hundreds of millions of dollars from our citizen's pockets to those in ethanol-producing States. Furthermore, when the EPA implements its new 8-hour ozone rule, 155 new counties will have to use reformulated gasoline. I hope my colleagues who represent these counties know that the ethanol mandate will increase their constituents gas prices.

Ethanol will also make it tougher to meet our air quality standards. While the supporters of ethanol love to tell us that ethanol reduces carbon monoxide, they fail to tell us that ethanol use results in higher volatile organic compounds, which contribute to ozone. In fact, ethanol has to get a waiver from the Clean Air Act to be used in the summertime because of its ozone forming qualities.

Ethanol proponents also claim that ethanol will reduce our demand for foreign oil. But a 2002 study published by the Encyclopedia of Physical Sciences and Technology concluded that it takes more energy to produce a gallon of ethanol than that gallon yields. Furthermore, an ethanol mandate that subsidizes corn production will have adverse effects on water quality, as farmers use more and more fertilizer to produce their crops.

No wonder ethanol proponents slipped into the Bill liability protection for ethanol producers. If we find that ethanol does indeed harm our water supply—like we found with MTBE—ethanol manufacturers will get a free ride.

I offered an amendment at the Rules committee—along with my colleague ELLIOT ENGEL—to improve the ethanol mandate. My amendment would have allowed a credit against the ethanol mandate for any refiner that produces clean burning gasoline.

This is the direction our nation's fuel policy should take. Instead of mandating inputs into gasoline, we should set high environmental standards and let oil refiners and automakers meet those standards. California today can produce the cleanest burning gasoline in the nation without ethanol.

The bottom line is that an ethanol mandate will increase our gasoline prices and harm our air and water quality. And therefore, I cannot vote for this bill.

Mr. FILNER. Mr. Chairman, I rise today to oppose this Energy bill. Rather than emphasizing conservation and renewable energy sources, this bill focuses on destroying our natural resources and using fossil fuels to meet our energy needs.

Supporters of this bill claim it is a consumer friendly bill that increases Americans' access to cheaper energy. Admittedly, there are a few positive aspects of the bill. For example, there are incentives to use cellulosic biomass ethanol. This not only makes gasoline cleaner, but it also creates jobs and other uses for crops such as sugar cane. There are also a few incentives to use renewable fuels such as wind and solar energy.

Unfortunately, the rest of the provisions in this bill show its true colors. It provides monetary incentives for big oil and gas companies that are nearly twice as much as those that are available for conservation and the use of alternative fuels. These measures do not reduce our dependence on foreign oil. Further, by giving big companies incentives to burn fossil fuels it puts our air quality at risk—our tax dollars are funding the polluting of our air. It doesn't stop with our air. It also puts our water at risk by weakening protections of rivers, coastal areas, and drinking water. As if that wasn't enough, this bill opens the Arctic National Wildlife Refuge to gas and oil drilling, destroying one of our last great natural resources.

The final blow is that it weakens consumer protections against companies like Enron from manipulating the energy market. As a Congressman from California, where we suffered through blackouts and sky-high electricity bills because of electricity market abuse, this is unacceptable. This bill rips the blanket of protection off consumers, leaving them with no tools to fend off corporate abuses.

This is not the best way to reduce our dependence on foreign oil; this is not the best use of technology and this is not the best way to protect our health and environment. That is why I cannot support this bill and I urge my colleagues to vote against this bill.

Mr. DELAY. Mr. Chairman, I rise in support of the Energy Policy Act of 2003 and congratulate the leaders of all the Committees involved for reporting a comprehensive, balanced energy plan.

This legislation will begin to free our nation from its dependence on foreign sources of energy, a vital priority for America's national security. The more energy we produce within our borders, the more we know we can rely on, no matter what international circumstances arise. The bill also contains provisions to allow lower-income Americans to pay their energy bills. This is a real benefit to real people, right now.

Finally, the increased production of oil in the United States will help lower America's gas prices, which now are too heavily impacted by the actions of other nations. It has been more than a decade since our nation had a comprehensive energy plan, and quiet frankly, if it were up to the Democrat leadership, we still wouldn't have one.

Instead of engaging the debate with an alternative proposal, they complain. They complain about specific measures and complain about our governing philosophy, yet they refuse to offer their own.

Take ANWR. The estimated daily production from ANWR would exceed the current daily production of any individual state. As our economy grows, even as Americans conserve more energy, our consumption of it will rise. The larger an economy becomes, the more energy it will require. This is common sense. ANWR represents an opportunity to produce billions and billions of barrels of oil. The ANWR provisions in this legislation permit development of only 2,000 acres out of a designated area the size of Delaware!

The bill answers environmental concerns. Recovery projects under this legislation will either respect the health of local fish and wildlife, or they will be shut down.

The facts, then, are clear. Recovering oil from ANWR will help the national economy. It will reduce our dependence on foreign oil, thus improving our national security. It will preserve local fish and wildlife populations and respect the surrounding environment. And in response to these facts, the other side just says "NO". No constructive criticism. No alternative proposals. Just obstruction and obstinacy.

The American people deserve an energy policy, and the Republican Congress has an obligation to give them one. They can lecture. We will lead.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having resumed the chair, Mr. CULBERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, pursuant to House Resolution 189, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DINGELL. Most vigorously opposed, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dingell moves to recommit the bill H.R. 6 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Strike title III of Division A and insert the following:

TITLE III—HYDROELECTRIC ENERGY

SEC. 13001. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

"(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

"(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

"(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting "(a)" before the first sentence; and

(2) adding at the end the following:

"(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

"(A) will be no less effective than the fishway initially prescribed by the Secretary, and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production, as compared to the fishway initially prescribed by the Secretary.

"(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

SEC. 13002. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

□ 1230

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes in support of his motion to recommit.

Mr. DINGELL. Mr. Speaker, the motion to recommit directly addresses major concerns, and that is destruction of fish, wildlife resources and the denial of the ability of this Nation, through its system of hydro licensing and relicensing to protect those fish and wildlife resources and the precious outdoor values that this Nation feels important.

The motion includes reforms contained in the bill which I would have offered or, rather, the amendment which I would have offered with the gentleman from New York (Mr. BOEHLERT) of the Committee on Science. It is necessary to protect the egregious wrongs committed against fish, wildlife and the environment by the outrageous provisions of H.R. 6.

As I pointed out yesterday, all sportsmen, conservationists, hunters, fishermen organizations and all environmentalists support this language.

The amendment which we would have offered was not made available to the House because it was not permitted by the Committee on Rules, and the voices of the conservationists of this country were stilled by that outrageous action.

I want to remind my colleagues of exactly what this legislation does, and I refer to the bill, H.R. 6. It confers superparty status on license applicants by allowing them to propose alternatives to resource protection conditions, giving them special procedural rights that are not granted to other legitimate stakeholders like States, tribes, sportsmen or ordinary citizens.

It dilutes environmental protections included in current law and will overturn over 100 years of fish and wildlife protections which we have given with regard to the rivers and streams of this Nation.

It creates an entirely new and costly subsidy program for a mature industry that does not need, nor does it deserve, the support of taxpayers at a time of enormous deficits. Needless to say, the language we have before us lies in stark contrast to the hydroelectric provisions that were contained in last year's energy bill.

Last year, our work was not only bipartisan in character, but it was supported by the industry as well as the groups that now oppose the provisions of the legislation. Indeed, of all of those who supported the hydroelectric title last year, only one group remains satisfied today, the utilities. A quick reading of the bill explains why.

The bill before us gives the hydropower industry unprecedented advantage during the licensing process at the expense of protections for fish, wildlife and natural resources. The bill before us would do enormous damage to fish passage requirements of current law. It would deny the need for fishways and would afford no ability by sportsmen groups or conservationists or the Indian tribes to insist that such be included in dams so as to facilitate the upward or the downward passage of fish in our great rivers.

This imperils the ability of fish to reach spawning grounds and subjects them to the hideous cruelties of having to pass through hydroelectric turbines to carry out their natural functions.

The bill is strongly opposed by, as I have said, almost all conservation, sportsmen and environmental groups. I will have a list of those people who oppose and the organizations who oppose available to discuss with any Member who so desires.

The compromise we offer today is identical to the language which the House passed in the last Congress and which my good friend, the distinguished chairman of the committee, joined me in supporting and which involved a compromise not just between the two parties here in the Congress but also a compromise between industry and conservationists.

The motion and the amendment which we have before us protects natural resources, fish and wildlife. The bill does not. The motion allows the license applicant or any other party to a licensing proceeding to propose an alternative to the conditions set by the resource agencies so that the fullest possible discussion of methods for protection of fish and wildlife values in our rivers and waters may be achieved.

I note that the language that we offer in the motion to recommit is exactly the same which I agreed on with my good friend, the gentleman from Louisiana (Mr. TAUZIN). I would note that he described this legislation with me as a bipartisan consensus provision that carefully balances energy and environmental priorities to achieve a significant breakthrough in licensing reform.

I urge my colleagues, in the interest of protecting our natural resources, to vote for the legislation, and let us make this a better bill in the interests of all of us and in the interests of future generations.

Mr. Speaker, I yield back the balance of my time, and I pay my respects to the chairman.

Mr. TAUZIN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, let me first thank my friend, the gentleman from Michigan (Mr. DINGELL), and the members of the Committee on Energy and Commerce in particular for the cooperative spirit and civility in which we have passed out of committee and onto the floor this immensely important bill for our Nation's future. And I thank the gentleman from Michigan (Mr. DINGELL) in every way for those courtesies.

Let me, on the other hand, greatly oppose this motion to recommit. There are three great ironies here. Let me first set the stage for my colleagues.

The amendment that the gentleman from Michigan (Mr. DINGELL) offers in the motion to recommit is, in fact, the position the House took last year. It was agreed to as a condition, as part of the package of a bill that the gentleman from Michigan (Mr. DINGELL) agreed to support last year, and we were pleased to get his support for it.

On the other hand, the Democratic Senate passed a hydro provision, and guess what, the provision in our House bill today is nearly identical to the Senate-passed hydro provisions of last year under a Democratic-controlled system. It is nearly identical to the hydro provisions passed out of the Senate committee this week, and it is a much better version of the hydro provisions that we contain in this bill that would get stripped by the Dingell motion to recommit.

Let me tell my colleagues why. Let me tell my colleagues the ironies here.

The irony, number one, hydropower is the number one renewable fuel in America. It provides more renewable clean energy than wind, solar, all other renewables combined. One would think we would want to encourage relicensing of hydro plants. It is the cleanest, the safest, most renewable energy in America. Our bill's hydro provisions helps to relicense and continue hydropower in America.

The other great irony of this bill, of the motion to recommit offered by the gentleman from Michigan (Mr. DINGELL) is that while everything the gentleman from Michigan (Mr. DINGELL) will set forth in his motion to recommit some very arbitrary standards, under which the Secretary has to do this relicensing, he actually provides such a limited list of alternatives to the Secretary that if anyone comes up with a better way of protecting fish, that would be illegal.

The greatest irony is that this amendment in the nature of a substitute is offered for fish, and it cuts off alternative designs that would better protect fish and it leads to bureaucrats in the Department to make decisions about what rules to apply on a case-by-case basis when it comes to conditions on the license.

This is not a good hydro provision. The hydro provision the gentleman from Michigan (Mr. DINGELL) offers this House will cripple the relicensing provisions of the bill. It will hurt hydropower. It will make it more difficult for us to have the number one, cleanest renewable fuel in America, and we ought not to adopt that kind of a policy in a good bill.

Let me tell my colleagues the greatest irony. The greatest irony, while I do not have the gentleman from Michigan's (Mr. DINGELL) support on this bill, I have the support of the Alliance of Automobile Manufacturers, the American Farm Bureau, the American Petroleum Institute, the National Mining Association, the Domestic Petroleum Council, the Edison Electric Institute, Large Public Power Council, the National Farmers Union, the Teamsters Union, the Association of American Railroads, the National Gas Vehicle Coalition, the Solar Energy Industries Association, the Renewable Fuels Association, the National Corn Growers Association, the U.S. Chamber of Commerce and on and on and on.

This bill is great for America. This motion to recommit would cripple an important part of renewable, clean energy, and we need to defeat it.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I might point out that this is also supported by the National Hydropower Association.

The title on hydro relicensing that is in the bill that is before us does not waive anything of the Endangered Species Act. It does not waive any part of the Safe Water Drinking Act. It does not waive any environmental law that is currently on the books.

What it does do, if a person has an application to relicense a hydro project in this country, and if a Federal agency proposes what is called a mandatory condition to that relicensing, we allow under our bill the applicant to offer an alternative to that mandatory condition; and if that alternative is as effective in protecting the environment and is more cost-effective or energy-efficient, then the agency has to accept the alternative. That is the principal difference between this bill and the bill that we adopted in the last Congress that the gentleman from Michigan (Mr. DINGELL) has in his motion to recommit.

I would urge my colleagues to support the bill. The bill was introduced as a stand-alone hydro relicensing bill with several Democrats as cosponsors, and when we had votes on this in subcommittee and full committee, a fair number of Democrats crossed over to oppose the gentleman from Michigan's (Mr. DINGELL) bill and support what is in our bill.

So let us vote in a bipartisan fashion to oppose the motion to recommit.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for his comments.

Let us vote this motion to recommit down and let us give America its first good shot in the economic arm. Let us get this country rolling again with national security and economic growth.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DINGELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 171, noes 250, not voting 13, as follows:

[Roll No. 144]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—250

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette

Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blumenauer
Combest
Fattah
Gephardt
Houghton
Kaptur
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1300

Mr. TANNER changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 13, as follows:

[Roll No. 145]

AYES—247

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frelinghuysen
Gonzalez
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Blumenauer
Bono
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1307

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BONO. Mr. Speaker, on rollcall No. 145 I was inadvertanly detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 6, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CLEAN DIAMOND TRADE ACT

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is "controlled through the Kimberley Process Certification Scheme" if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term "exporting authority" means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term "importing authority" means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term "Kimberley Process Certificate" means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term "Kimberley Process Certification Scheme' means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled "Kimberley Process Certification Scheme" referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term "Participant" means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term "person" means an individual or entity.

(9) ROUGH DIAMOND.—The term "rough diamond" means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term "United States", when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.—

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee shall be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberly Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, first of all, I am extraordinarily pleased that I found the gentleman from Texas (Mr. DELAY).

Mr. Leader, I would appreciate and I know all Members would: We were here late last night. We have been working hard. I know the conference committee has been working very hard.

If the gentleman would bring us up to date for what he sees as the balance of the day and the balance of the week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me, and I also appreciate being found.

As the gentleman and Members know, a very important conference committee is meeting on the war supplemental. Very intensive discussions are going on. We anticipate, hopefully anticipate that the conference can be wrapped up later on this evening, but there is absolutely no way that we can assure the Members that we can vote on that bill today. We will have no more votes this afternoon, and anticipate coming back to consider the war supplemental tomorrow at noon.

Mr. HOYER. Mr. Leader, it is my understanding there has not been an agreement yet, but if there were an agreement and, from our perspective, if the gentleman from Wisconsin (Mr.

OBEY) and our conferees believe that the conference report was something that they could sign off on, it is my understanding that it is possible, if there were agreement, that we would not have to have a vote tomorrow on that piece of legislation; is that correct?

Mr. DELAY. If the gentleman would continue to yield, it would be beneficial to all Members if we could come to some agreement on the bill. I know that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) have worked very, very hard to protect the interests of the House and this institution, and they are remaining firm. And we should congratulate the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) for the work they have done.

If it works to the satisfaction of those two Members and this body, it would be very preferable to work out some sort of agreement that we could voice the vote; but I must warn Members that it does not guarantee that there will not be a vote.

Mr. HOYER. Reclaiming my time, I would reiterate and share the view of the majority leader, but at this point in time, we do not know and cannot guarantee Members that there will not be a vote tomorrow.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say that I think it is fair to say that there have been virtually no political differences between either side of the aisle on this side of the Capitol; and I think it is fair to say that the House conferees are virtually unanimous in their view about what has to happen in order for us to get out of here.

I do not know yet whether we are going to get the full cooperation that we are going to need from the other side of the Capitol, but it is certainly our intent on both sides that we come out of here as one. It would be very good for the House if we had a bill that had 100 percent support. We could go home with a feeling of unity, and I know that both sides are going to try to accomplish that.

Mr. HOYER. Reclaiming my time, I want to echo the comments of the majority leader. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) have worked diligently not only on the substance of what is in the supplemental, but also in upholding the position of the House as it relates to the balance of power between the executive department and the legislative department as set forth in the Constitution of the United States.

As a matter of fact, when we started our consideration of the supplemental, the first thing the gentleman from Florida (Mr. YOUNG) did was to read article I and appropriate provisions of the Constitution. I think all of us in this body can be appreciative of the fact that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) have taken the position that I think is appropriate for our institution, as well as for our country, and I share the majority leader's view.

We appreciate their efforts.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate and agree with the gentleman's remarks. I want to tell Members that, as they know, at this point in time in the session it is very difficult to communicate with Members, so I urge Members to stay in touch with their offices because we will be giving all Members updates on an hourly to 2-hour basis as to what is going on with the conference committee and what the future may hold for another session tomorrow.

Mr. HOYER. Mr. Leader, am I correct it would be our hope collectively, both sides of the aisle, to be able to give definitive information to the Members at least by 5 p.m. as to what they might expect for tomorrow?

Mr. DELAY. Mr. Speaker, if the gentleman would continue to yield, I would hope we can give it sooner than that. In talking to the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG), we should have some sort of sense as to what direction the conference will be going in the next hour or two.

Mr. HOYER. Mr. Leader, in the event there is a vote tomorrow, would I be correct in assuming we would give to Members a minimum of an hour's notice and no vote will be held before noon tomorrow? Is that your thought at this point in time?

☐ 1315

Mr. DELAY. Of course. And we would like to give them even more notice than that, but at least an hour before we would actually ring the bells and go back into session would we give Members notice.

Mr. HOYER. Mr. Speaker, I am not sure what I am being told, but the gentleman indicated that he may give us, and may be contemplating, more notice than 1 hour. I am not sure what that has to do with the committee, but in any event Members will have a minimum of 1 hour's notice before they would be called back to vote on any legislation tomorrow?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. I thank the gentleman for that. Let me ask the gentleman another question that I was asked by another Member. Am I correct that the only votes, if we have votes tomorrow, would be on the supplemental?

Mr. DELAY. Correct. The only votes we would have, if required, would be on the rules leading up to the supplemental and on the supplemental.

Mr. HOYER. So there may be two votes tomorrow if they were required?

Mr. DELAY. If the gentleman would yield, it could be three. A same-day rule, a rule for the conference report, and the conference report.

Mr. HOYER. Reclaiming my time, in other words, Members should understand that, although we are saying there may be votes tomorrow or there may not be, but there may be multiple votes tomorrow; so it would be more than one vote required. I thank the gentleman.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK (during consideration of H. Res. 187), from the Committee on Rules, submitted a privileged report (Rept. No. 108–75) on the resolution (H. Res. 197) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING UNIVERSITY OF CONNECTICUT HUSKIES

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the resolution, (H. Res. 187) congratulating the University of Connecticut Huskies for winning the 2003 National Collegiate Athletic Association Division I women's basketball championship, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 187

Whereas the University of Connecticut Huskies women's basketball team won its third National Collegiate Athletic Association championship in 4 years by defeating the University of Tennessee by the score of 73–68;

Whereas, after losing 4 All-American players to graduation, the Huskies were still able to finish the 2002-2003 season with a nearly perfect 37–1 record, becoming only the 3rd NCAA Division I women's basketball team to repeat as national champions;

Whereas Diana Taurasi was chosen as the consensus national women's Player of the Year and named the Final Four Most Outstanding Player;

Whereas the University of Connecticut Huskies set an NCAA Division I women's record by winning 70 games in a row;

Whereas University of Connecticut Huskies head coach Geno Auriemma was named NCAA Division I women's basketball Coach of the Year, won his 501st game and 4th National Championship;

Whereas the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the University of Connecticut Huskies' championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the House of Representatives commends the University of Connecticut Huskies women's basketball team for winning the 2003 National Collegiate Athletic Association Division I women's basketball championship and for completing the 2002-2003 season with a 37–1 record.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. SIMMONS) is recognized for 1 hour.

Mr. SIMMONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Connecticut (Ms. DELAURO), pending which I yield myself such time as I may consume.

Mr. Speaker, I rise today and to join all of my Connecticut colleagues to honor the 2003 NCAA Women's Basketball Champion, the University of Connecticut Huskies. This resolution congressionally recognizes a group of young women who have excelled both on and off the court. Connecticut is incredibly proud of them.

This is the University of Connecticut's second consecutive basketball championship, only the third time an NCAA women's basketball team has ever repeated as national champions.

Led by the NCAA Player of the Year, Diana Taurasi, the Huskies capped a 37 and 1 season by beating the University of Tennessee Tuesday tonight, 73 to 68. All of the State of Connecticut watched with pride as the Huskies claimed their place as the repeat national champions.

The University of Connecticut was founded in 1881 and has a rich history of providing educational and athletic opportunities to undergraduates of diverse interests, abilities, and backgrounds. It is with great joy, Mr. Speaker, that as a former teaching assistant at the University of Connecticut I take the floor today to say way to go, Huskies.

I wanted to congratulate Diana Taurasi, Maria Conlon, Ann Strother, Jessica Moore, and Barbara Turner. But do not forget the other players on the team who contributed so much to the success and overall efforts of the team: Ashley Battle, Willnet Crocket, Stacey Marron, Nicole Wolff, Ashley Valley, and Morgan Valley. And a special "way to go" goes to Head coach Geno Auriemma, associate head coach Chris Dailey, Tonya Cardoza, and Jamelle Elliot, athletic director Lew Perkins, and the parents of all of the members of this national championship team. And finally to my friend, UCONN president Philip Austin, and his administration for fielding such a fine team of scholar-athletes.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Connecticut (Mr. SIMMONS), my colleague from the Connecticut delegation, for introducing this resolution honoring the Huskies for their fourth NCAA women's basketball championship and their third and fourth seasons. An extraordinary group of young women.

This year's victory is especially inspirational because the Huskies overcame incredible odds this year, to repeat with only one starting player returning from last year's championship team. They are the first women's basketball team in history to win a national championship without a single senior on the roster and only the third to win back-to-back championships. With this title victory against the mighty Tennessee Vols, and I might just say to my colleague from Tennessee that we honor today these young women for their competitive spirit and their heart, our Huskies are certain to be remembered as one of the greatest basketball teams in sports history.

The people of Connecticut are tremendously proud of their Huskies, who have set an example for all us with their teamwork and with their standard for perfection. Though this victory was a team effort, as the gentleman from Connecticut (Mr. SIMMONS) has said, and he listed the names of all of the members of the team, I just want to make particular mention of guards Maria Conlon, who is from Derby, Connecticut, and I represent Derby, Connecticut. It is in the third congressional district. And Diana Taurasi, a fellow daughter of Italian immigrants who scored 28 points on her way to being named the Final Four Most Outstanding Player and Consensus National Player of the year. Diana was nothing less than dominating. She scored the third-most points in Division I tournament history, the fourth most-ever in the Final Four, and tied for the second most-ever in a title game. She did this all with an aching back, one good ankle, and a heart whose size is only matched by that of the Huskies' dreams and their determination.

The game of women's basketball has changed since the days when women in my generation played it on only a half court, and I did that for 4 years at the Academy of Our Lady of Mercy Laurelton Hall in Milford, Connecticut. I am sure that in the days when my mother played, and she did, and my mother is 89 years old, but she played in the leagues when they had them in New Haven, Connecticut, women's leagues all those years ago, but no one dreamed at that time that women would one day play before a national audience of millions. The game may have changed, but the need to get young girls involved in sports has not.

Without question, the Huskies have illustrated for us that the results of Congress's commitment and my colleagues' commitment through title IX, that when given the resources, women are just as talented and as exciting to watch as any men's team that is out there. Women now constitute 40 percent of college athletes compared to the 15 percent 30 years ago before title IX became law. As evidenced by the trailblazing UCONN Huskies, the values that women learn from sports participation, leadership, teamwork, discipline, pride and accomplishment are irreplaceable. Today's athletic successes help us to increase our participation in tomorrow's workforce, like the number of business management and ownership positions. In fact, 80 percent of female managers of Fortune 500 companies have a sports background. There may be a future Fortune 500 executive on the Huskies right now.

Either way, one cannot deny that participation in athletics has given women many of the tools they need for success. Because of their hard work, absolute determination, and a commitment to teamwork on and off the court, these talented young women will be remembered as we debate title IX and its impact on the women in this country. They will be the image in our minds of women reaching for their dreams and succeeding.

The UCONN Huskies have set a new standard of excellence that teams in the future will strive to match. They achieved perfection, and they have inspired all of us.

Mr. Speaker, I congratulate the Huskies on their championship win and on their incredible season. They have once again earned our recognition and respect. Let's go, Huskies.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield 5 minutes to the gentleman from the second district of Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SIMMONS) for yielding me this time.

I will not take the full 5 minutes, but I do rise in the spirit of good sportsmanship that we see exhibited in our wonderful system of collegiate athletics on almost a daily basis to offer credit where credit is due and congratulate the great women's basketball team at the University of Connecticut on their victory over my own hometown Lady Vols.

I have had the privilege on two occasions of being Pat Summit's honorary assistant coach, and my collegiate coaching record is two and zero, I am proud to say, because Coach Summit has been certainly one of the most outstanding coaches in the history of basketball, having led her teams to six national championships. But certainly our number one rival in women's basketball has been the great teams and program that Coach Geno Auriemma has established and built at the University of Connecticut. And those University of Connecticut women certainly showed in every way that not only were they talented athletes but they were wonderful young women as well and outstanding examples for young people all over this Nation.

□ 1330

Unfortunately, I do wish that I was on the other side of this resolution and that I was offering it, and that my friend the gentleman from Connecticut (Mr. SIMMONS) was up congratulating me. I do now, unfortunately, owe him some Tennessee country ham and some honey, that I will bring following the recess.

Mr. Speaker, I will simply end by saying once again, congratulations to a really outstanding team and also by saying, wait until next year.

Mr. SIMMONS. Mr. Speaker, I want to thank the gentleman for his remarks and to extend our commendations to his team. It was a tough game, it was a tight game, it was an exciting game. I had promised that if we came up short I would give him an evening's supply of our fine Mystic Pizza from Mystic, Connecticut. Fortunately I do not have to do that. But I look forward to getting some of that fine Tennessee ham.

Mr. DUNCAN. Mr. Speaker, if the gentleman will yield further, I did say some good things about Pat Summitt; and I do want to say that I am really very, very proud of my Lady Vols, because coming in second in the entire Nation is really a great, great accomplishment. I wish we were number one, but number two is not bad at all, and I am very, very proud of my hometown Lady Vols.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just say to my colleague from Tennessee, who has an office across from mine in the Rayburn Building, that our staffs had a wager, and they have been gracious in making sure that we were the recipients of the goodness of the State of Tennessee and the district.

As I said in my comments, it is wonderful and marvelous to watch these young women, whether they are the Huskies or the Lady Vols, just play their hearts out. I think it is a tremendous tribute to them and to what they do in terms of their leadership of our country, now and for the future. We are proud of the Lady Vols as well, and I thank my colleague.

Mr. SIMMONS. Mr. Speaker, I yield 10 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I appreciate the opportunity to speak on this.

Mr. Speaker, I rise today to pay tribute to the outstanding accomplishments of the University of Connecticut women's basketball team, who defeated the University of Tennessee Volunteers 73 to 68 to win the NCAA tournament on April 8, 2030.

These young women demonstrated throughout their season an ability to focus, to maintain effort even when losing, to work as a team and to hone their individual skills that was truly inspiring, month after month.

That much said, the Lady Vols did a fantastic job as well, and Connecticut admires and respects their skill and ability each year.

I would note that without title IX, none of these young women would have had the opportunity to develop into world class athletes.

I would like to offer, as well, special congratulations to head coach Geno Auriemma, who won his second consecutive national title. After losing four senior starters last year, junior Diana Taurasi took control of the team and led them to victory, scoring 28 points herself.

Mr. Speaker, these extraordinary young women do not need me to tell them they are champions or that their accomplishments are appreciated. This year was supposed to be a year of rebuilding, but the Huskies were not going to rest on their laurels. Over the past years, they have only lost one game.

Mr. Speaker, I rise today to point out that the outstanding achievements of this team offer a fine example to our Nation's young people. We can rise to incredible heights if we are able to combine individual excellence of skill and dedication with the communication and overarching commitment to shared goals that the small word "teamwork" denotes.

I applaud the UCONN Huskies for their remarkable achievements, both on and off the court, individually and as a team. We are proud of each one of you, and of our UCONN Huskies.

Ms. DELAURO. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank my dear friend and colleague for yielding me time.

Mr. Speaker, I am amazed that I learn something every time I come to this floor. I have always known of the gentlewoman's great tenacity and ability to put on a full court press, but I had never known that she was a basketball player before, and clearly am astonished to learn that her mom was a basketball player as well, although certainly she was in the center of her life and a point guard in the women's movement in Connecticut.

I am honored, as well, to be joined by my colleagues from Connecticut, and want to especially thank the gentleman from Connecticut (Mr. SIMMONS) for organizing this. The University of Connecticut at Storrs is in the heart of the Second Congressional District. I thank, of course, the gentlewoman from Connecticut (Mrs. JOHNSON) for joining us as well.

The University of Connecticut's women's basketball team is special to the State of Connecticut. They are virtually embraced by all of our citizens, and there has been a love affair in the State of Connecticut with this team. As most of you and everyone knows, throughout the Northeast the winters can get pretty severe, and this was no exception. But the Huskies, both the men's and women's teams, bring extraordinary delight into people's homes all across the State of Connecticut.

We, day in and day out, have the best fans anywhere in the United States, as witnessed by sellout after sellout after sellout of our games, and it is because of the extraordinary program that has been put together at the University of Connecticut.

So, along with the gentleman from Connecticut (Mr. SIMMONS), the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from Connecticut (Ms. DELAURO), I want to give the tribute that rightfully belongs to Geno Auriemma and his entire coaching staff, Lew Perkins, and President Austin for the outstanding job they have done at the University of Connecticut.

I would also like to point out that this was a special final four, and, as both the gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Connecticut (Mrs. JOHNSON) have pointed out, underscored by the importance of those that are thinking about changing title IX. So, in many respects, though the University of Connecticut Huskies walked off the court victorious, the real winners were women's athletics and its importance.

I say that because I think that there is a unique purity about this game and those that watch athletic competition. I liken it to baseball in the 1950s and 1960s. For sports enthusiasts and purists who watched the women's final four and got to see Duke and Tennessee and Connecticut and Texas, and then the final game between Connecticut and Tennessee, you saw athleticism, sportsmanship, camaraderie and gamesmanship at its very best, something certainly that we all can be proud of and something that I know, having two girls and a son at home, that by watching that kind of play are inspired and get to dream the big dreams that the Lady Vols and the University of Connecticut Huskies have dreamt.

For UCONN it was a tremendous victory. I sincerely hope that Geno and Kathy and their family get to really live this moment, because for the coach and for Chris Dailey and all of the assistant coaches, a three-peat is already expected of them.

Their accomplishments are legendary. They set a national record for consecutive victories this year by winning 70 games in a row, they won 76 of 77 games on their way to their second national championship, and they beat every ranked team along the way. As was pointed out, this was done for the first time by a team of all underclassmen.

In Connecticut we like to say that the Supremes had Diana Ross, certainly the British had Princess Diana, but in Connecticut, we have D. Diana Taurasi, simply the best basketball player in the country. Throughout this past week people from West Virginia have been coming up to me and talking about how she reminds them of Jerry West; and people from Indiana have been coming up and saying how she reminds them of Larry Byrd. And we had Sue Byrd last year, who was not a bad player either; but Diana Taurasi is in a class of her own.

They say a team is an extension of its coach, and certainly this team is the personification of Geno Auriemma, of his spirit, his style, his manner of coaching. He does so with class. Geno Auriemma won his 500th game against the University of Texas and his 501st against Tennessee, and his remarks on beating Tennessee were a tribute to Pat Summitt and the Lady Vols, saying that they had beat the best women's basketball program in the country, and Tennessee arguably was playing the best basketball of any team in the tournament at that point. Of course, Pat Summitt's credits are legendary as well.

This is a rivalry that has been established and will continue for some time to come, but it is one, I think, that again highlights the importance of making sure that people all across this country get to see women's athletics played out on a national stage with all the excitement, drama and athleticism that this competition has brought to the country.

I would also point out that what makes us so proud of our Huskies is that, as extraordinary as they are on the court, they are equally extraordinary off the court, not only academically, in the classroom, but as ambassadors.

I would be remiss if I did not mention the outstanding success of the Big East throughout this tournament. Our colleagues from New York, of course, are very proud of the Syracuse team that went on to win the national championship; and our men's team, again going to the Sweet 16, and also being joined by three other teams, and, of course, the eventual winner, Syracuse.

I know New York and the gentleman from New York (Mr. MEEKS), if he is still within earshot and is listening, is proud of the great job that St. John's did in winning the NIT; and I know that the gentleman from Pennsylvania (Mr. MURTHA) was somewhat chagrined that Pitt did not make it all the way. But nonetheless, nonetheless, it was a stellar achievement on the part of the Big East. Geno Auriemma, again, pointed that out.

So I am very proud to stand with my colleagues here today and pay tribute to the University of Connecticut and their outstanding women's basketball team. They are a credit to their families, to their university, to our great State of Connecticut and to the entire Nation.

Mr. SIMMONS. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. WAMP), a gentleman who is himself a great basketball player and distinguishes himself on the court in congressional play.

Mr. WAMP. Mr. Speaker, certainly I thank the authors of this resolution for coming to the floor today, just a few hours after there was significant rancor and division, to a point of unity here, to recognize the best in college athletics.

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There is no doubt that Geno and Diana and the entire UConn team deserve the national championship, one of the greatest games I think in the history of women's basketball, certainly the two most prominent programs in the land. And as a basketball player myself, and I appreciate the compliment, but great is a relative term, and the older I get, the better I used to be. That is the way most of us are.

The best lessons I have learned in my life were in the game of basketball. Sports are very important at every level. Also, I am the chairman of the Congressional Fitness Caucus, and it is important that we promote physical activity and to see the example of these female college athletes, the heart that they have, the dignity that their coach displayed, in victory and, a long time ago, in defeat. It has been a long time since the UConn Lady Huskies have not had a good year. It is really incredible.

I just have to tell my colleagues, I am a Lady Vols fan, rooted for them, so proud of our program. But I tell my colleagues, this was a very special team and a very special year for a great bunch of ladies. And to see Geno, I watched every minute of the game and watched Geno's comments, and for him to even hail the proud Italian heritage that we saw demonstrated in the heart and soul, just the hustle, the determination.

Of course, Tennessee played their hearts out as well: Karen, the Jacksons, incredible female athletes.

This game of women's basketball is one of the fastest moving sports climbs in the history of this country. There is excitement filling up the greatest domes in the country with sports fans and enthusiasts of all shapes and sizes and ages. It is just really good that women's sports are doing so well. And boy, the apex I think of the competition was the University of Connecticut's victory for the national championship.

So I applaud my colleagues. In a time of unity today on the House floor, we can come and praise this dedication. It is just wonderful that physical exercise and athletic competition can bring out the best in people, both physically and mentally, because I think that there is a tremendous respect between Pat Summitt and Geno and the greatest coaches in the land in female sports. It is great for women's basketball that these two teams made it all the way to that final game. I do not know what the ratings were, but they had to be high; and I know many of my colleagues were glued to the television that night as they knew the two most successful programs in women's basketball had made it to the final game of the national championship. They played their hearts out, and my hat is off to the Connecticut Huskies. They deserved to win, they deserve to be champions, and they are true champions with dignity. They have the respect of every person, I think, in this country.

So this brings out the best in America where two good teams compete and the best team won. So congratulations, Connecticut. We will see you next year.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for his comments, for his sportsmanship, and for his encouragement of physical fitness among those of us who serve here in Congress. He is a terrific leader in that regard.

Seeing no further speakers on my side, I would ask my colleague if she would like to close.

Ms. DELAURO. Mr. Speaker, I thank my colleague, and I do have someone else who would like to speak, another colleague. I just want to say to my colleague from Connecticut (Mr. LARSON) I had no idea that he aspired to sports commentary. We have talked about Maryland and Missouri and Texas, but we have to deal with California as well.

But the long and the short of it, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman from Connecticut for yielding, and I congratulate her and the gentleman from Connecticut (Mr. SIMMONS) for hosting this resolution for congratulations for UConn.

I rise to celebrate the coaches and the rest of the team. But I rise in support of Barbara Turner. Barbara Turner is my constituent. She attended East Technical High School in the 11th Congressional District of Ohio, which is Cleveland. I watched her play basketball in high school. My son Mervyn graduated at the same time she did; he is a basketball player as well, and I wish I could say their school was doing as good as UConn. I cannot. But I am so pleased to join with all of my colleagues in celebrating UConn.

I want to just close with two things. Is it not wonderful to see how well we are doing with this program as a result of the strong support of title IX? It is time for us to stand up and continue to support a successful program. It is time for us to stand up and continue to support another successful program in colleges and universities: affirmative action. I would just ask my colleagues across this country to think about how great those programs are.

Finally, I invite my colleagues to Cleveland, Ohio, in 2007 for the women's NCAA finals. I am the Chair of that event. Come on to Cleveland, and we will celebrate another victory.

Mr. SIMMONS. Mr. Speaker, we have no further speakers, if the gentlewoman wishes to close; and then I will close.

Ms. DELAURO. Mr. Speaker, I will take my colleague up on the trip to Cleveland.

Mr. Speaker, I am reluctant to do this, but my colleague from Connecticut (Mr. LARSON) has asked for a minute, so I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman for yielding me this time. I would feel remiss, with the gentleman from Tennessee (Mr. WAMP) taking most of the time here, that I did not get an opportunity to mention that the gentleman from Tennessee (Mr. FORD) had also been involved in a wager, far more dramatic, I might point out, I say to the gentleman from Connecticut (Mr. SIMMONS), than the paultry ham that you were able to get. The gentleman from Tennessee (Mr. FORD) had committed that the Tennessee delegation, working through the gentleman from Tennessee (Mr. WAMP), was going to get us a new wing at the University of Connecticut; and we want to greatly thank him for that as well.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Connecticut.

Mr. SIMMONS. That is not ham. That would be what?

Mr. LARSON of Connecticut. Pork.

Ms. DELAURO. Mr. Speaker, we have a rally going here. I yield 1 minute to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we just wanted, from the State of Washington, from the University of Washington Huskies, to congratulate the Connecticut Huskies on this tremendous achievement. I just want to tell my colleagues, it is a particular personal satisfaction to see women's basketball so successful nationally.

My dad was the athletic director for the Seattle public schools in the 1970s when we were starting to break these barriers to fight the sort of coaches of the boys' team to get them to share the gym. This was a very controversial effort to get some of these old codgers to see the light to share the gym, and it is really satisfying to see this tremendous satisfaction. I hope we can work together to make sure that our title IX continues to protect the wonderful growth of women's athletics. Congratulations.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

I think it is absolutely clear that we do have to work together and we will work together to make sure that we preserve title IX.

In closing, I want to thank the gentleman from Connecticut (Mr. SIMMONS) for bringing this resolution to the floor. We all wholeheartedly congratulate the number one NCAA women's team in the country, the UConn Huskies.

Mr. Speaker, I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield myself the remaining time.

In closing, I would like to say that my colleague, the gentleman from Connecticut (Mr. SHAYS), was unavailable for this colloquy and to speak to this resolution because he is chairing a committee at this time; but I suspect he will submit comments for the RECORD.

I would also like to point out that one of the things that I have always admired about the UConn Huskies as a basketball team was the fact that when we look at their jerseys, and I have a T-shirt in front of me that commemorates their great victory this year, but when you look at their jerseys as they play, you will not see the players' names on the jerseys. You will only see the name of UConn, University of Connecticut. I think that that is important because what it shows is that in spite of the tremendous talent of the members of this team and the tremendous talent of all of the members of this team, they play as a team, not as individuals. And even somebody like Diana Taurasi, who is so talented, so gifted, who plays such a marvelous game of basketball, but she plays as part of the team, and the team does so well for those reasons.

Mr. SHAYS. Mr. Speaker, my constituents and all of Connecticut congratulate the University of Connecticut Lady Huskies for winning the 2003 NCAA Women's Basketball Championship.

Last year, I stood on this same floor to congratulate the 2002 championship squad, which I felt was the greatest team in the history of women's college basketball. That 39–0 team never trailed in the second half all season. During the NCAA tournament, they won their six games by an average margin of 27 points.

Going into this season, the Lady Huskies had lost four All-American players to graduation. Without their senior leadership, many questioned whether the team would be able to win a third national championship in just 4 years.

But UConn women's basketball has always been a program rich in tradition and a desire to excel. Quite simply, they would not be denied.

Led by junior Diana Taurasi, the national women's player of the year, a pair of freshmen sensations, Barbara Turner and Ann Strother, and the unyielding dedication of teammates Maria Conlon, Jessica Moore, Ashley Battle, Nicole Wolff, Morgan and Ashley Valley, Wilnett Crockett and Stacey Marron, the UConn Lady Huskies again finished the season as the finest team in the land.

I also want to commend the hard work of Geno Auriemma, the NCAA Coach of the Year, who along with his coaching staff put together another unbelievable team. With the championship victory, Coach Auriemma won his 501st game and fourth national championship.

Mr. Speaker, this team's speed, precision shooting, and hustle have all contributed to its success. But what strikes me the most about the Lady Huskies is their ability to rise to any occasion.

In the semifinal game, UConn was down 50–41 with 12 minutes left against the University of Texas Longhorns. All game long Texas had stunned the Lady Huskies with its strong rebounding and intense defense. But the Lady Huskies settled down and received a spark off the bench from Wilnett Crockett. In two of the greatest final minutes of women's Final Four history, the Lady Huskies found a way to win. They hit key shots and shut down the Longhorns on their way to a hard-fought 71–69 victory and a ticket to the national championship game.

By the time the Lady Huskies met the Lady Vols of Tennessee in the title game, they could taste victory. Against the most successful women's basketball program in NCAA history, UConn never trailed throughout the game. The result was a 73–68 victory!

I want to congratulate these young women for being such extraordinary role models for Americans of all ages.

These UConn Lady Huskies continue to be the team by which all others are measured. They were really a joy to watch, and I congratulate them on their tremendous achievement.

Mr. SIMMONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 187.

The SPEAKER pro tempore (Mr. BURGESS). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. BURR. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 1770) to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mrs. CAPPS. Mr. Speaker, reserving the right to object, the emergency supplemental appropriations bill which the Congress should pass shortly was going to include a smallpox vaccination compensation program. Now it is being presented for unanimous consent.

For many months I have worked closely with the community of first responders. Many of them are nurses. I commend the leadership of the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), who have worked with many other Members of this body to make this program, this compensation program as good as possible. And when we beat a bad bill, which was on the suspension calendar a few days ago as we did, then it gives us an opportunity to improve the program as it was presented. That is what has been attempted to do. Great efforts have been expended and have resulted in marked improvements on the woefully inadequate proposal that the administration initially put forward.

I salute again my colleagues who have worked hard from within this body to represent the needs of our first responders as they anticipate and step forward to become a part of the shield against bioterrorist attack.

The administration, however, was difficult in this area. I am not convinced that this end product which is before us today really will inspire enough confidence in nurses to make the vaccine program work. However, again, I reiterate that there are improvements in the initial bill that were put forward.

But the process back and forth from the White House to the House of Representatives was very much in the arena of parsimonious, as the progress that was made came in bits and pieces. It felt to the community of first responders as if they were being nickeled and dimed. And now, with the product that we have, the nursing community, many of the people who will be the first responders, many of them tell me that the safety net provided in the bill before us today still has large holes in it. And it is told to us that the administration has refused to go any further than what is in this bill.

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Now, time will tell us if this proposal succeeds, and the proof is actually not right here in this body but out in the community, in our homeland security efforts, in our communities where firefighters, police officers, EMTs, nurses will be asked to roll up their sleeves to become heroes on behalf of us all.

If they feel confidence that the government will stand behind them with a good compensation package, they will be more inspired to do this. I wish I could be more confident. However, again I remark that there has been progress made.

For example, I myself was recently asked by the Capitol physician to be a first responder here in the Congress. For that reason, I have been asked to get a smallpox vaccination myself; and I am presently consulting with my doctor, as I should do, and with other medical experts about the advisability of this.

But if I do take this vaccine and something goes wrong, I know that my family and my dependents will be taken care of because I am covered by the Federal Employees Compensation Act.

Under the bill that we will pass today under unanimous consent, a nurse in Santa Barbara, a firefighter in any community across this country who takes a vaccine to serve his or her country, may not have that same confidence. So this goes beyond the consideration of a particular vaccine; it really gets down to how we value our first responders and what we are asking them to do on behalf of their country.

Many have said that on 9/11 we crossed through a threshold in this country, and life has been different ever since. We now face the prospect lurking every single day, the possibility of a terrorist attack.

One of the real threats that we face as a nation to which we desire to protect ourselves is the threat of a bioterrorist attack. We saw that as the anthrax situation came upon us.

Who are the first responders who are called upon to answer the call in the event of such an attack? These are those who work and live among us, ordinary citizens asked now by their government, by their President, to take on extraordinary responsibility.

For many, life goes on as normal. They take the vaccine and nothing will happen. But for a few, and a very few, a drastic reaction could happen. There is a risk to this act of patriotism that we are asking our fellow citizens to take on.

I want us to be, with every measure within us, standing behind them; so that for that handful of people who have life permanently altered for themselves and are never able to be the breadwinner for their family, as they have been in the past, because they stepped forward on behalf of their country, I want them to have the full measure of protection such as I have as a Federal employee.

Reluctantly, I look at the package before us: parsimonious, in my regard. I will withdraw my reservation, but I will do so reluctantly, because I want this process to be better.

Mr. Speaker, I will withdraw my reservation of objection with the hope that our administration, our leaders, will continue to work to give the assurance that screening, that education be available for every first responder to avoid the risks, as many of them as we can.

We can work to make this package even better.

Mr. BURR. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from North Carolina.

Mr. BURR. Mr. Speaker, I thank the gentlewoman for yielding to me.

This process has been enhanced by the gentlewoman from California (Mrs. CAPPS) and her expertise and her passion on this particular issue.

There is no doubt that this initiative is one that is needed for first responders, regardless of the community that they come from, because without identifying specifically where the threat may be, we have to make sure that we prepare 100 percent of our first responders and health care workers.

Mr. Speaker, the unanimous consent request before us today for the Smallpox Emergency Personnel Protection Act of 2003, a bill critical to our public health security and to our national security against the potential devastating threat of a terrorist release of the deadly smallpox virus, this bill is based on H.R. 1463, which I introduced in the Committee on Energy and Commerce, but it contains refinements, refinements that have been agreed to on a bipartisan basis with the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentlewoman from California (Mrs. CAPPS), the gentleman from California (Mr. WAXMAN), and the gentleman from Louisiana (Chairman TAUZIN).

It has also been the subject of bipartisan negotiations with Senator GREGG, Senator KENNEDY; and yes, the administration. I applaud the leadership of all parties in this matter. I have stated before, we need to get this done as soon as possible to improve homeland security, to make sure that we are covered in case something happens.

In January of this year, HHS Secretary Tommy Thompson called on health professionals and emergency responders across the Nation to volunteer to receive the smallpox vaccination in order to join the smallpox emergency response team. The goal is to ensure that our country is better prepared to deal with any outbreak of this deadly disease caused by terrorists or rogue regimes, such as Iraq, by having in place thousands and potentially millions of first responders who could help treat others with smallpox or vaccinate the public without the fear of infection.

This legislation, which has been requested by the administration, as the gentlewoman pointed out, is a top personal priority of the President and does a number of important things. Let me point those out, if I may.

First, it provides coverage for reasonable and necessary medical expenses incurred by individuals who are vaccinated and suffer adverse effects, to the extent that such expenses are not picked up by the individual's primary health insurer.

Second, the bill provides a lost-employment-income benefit if an individual misses more than 5 days of work due to an adverse effect from the vaccine. Under this benefit, an individual can receive up to 75 percent of his monthly salary and up to $50,000 a year in supplemental wages.

For partial disabilities, the amount of Federal benefits would be capped at the maximum amount of the death benefit amount payable under the Public Safety Officers Benefits Program, or PSOB, an existing Federal program that currently provides $262,000 in a lump sum to public safety officers who are killed or totally disabled in the line of work.

Third, the act provides a PSOB-equivalent death benefit for health care workers and first responders in the unlikely and regrettable cases where there may be a fatal adverse reaction to the smallpox inoculation.

Because of the rare, but potentially severe, adverse side effects uniquely associated with this particular vaccine, a compensation program such as this one is essential if we are to properly incentivize these volunteers, these public safety heroes, to roll up their sleeves and to take the shot at potential risk to themselves and to their spouses and dependents whom their death or injury could leave behind.

While some might say our compensation program is too generous and others might say that it is not enough in some cases, I think we have struck a good balance, given the uniqueness and the urgency of the national security situation we face today with respect to the potential threat of smallpox.

Finally, this legislation provides sensible, noncontroversial technical amendments to last year's homeland security bill to better provide liability protection to hospitals, doctors, nurses, and public health officials at the State and local levels whom we are asking to participate in this important national initiative.

Again, without this protection, the program is unlikely to be successful. That hurts all of us. This bill has been intensely negotiated, and it is a bipartisan consensus product that is needed for our national security now.

Mr. Speaker, let me say, seldom do we produce a perfect product, but we try our best. Because I believe we have tried our best in this case, I would urge unanimous consent for passage of this measure to be accepted.

Mrs. CAPPS. Continuing to reserve my right to object, Mr. Speaker, I agree with the gentleman from North Carolina that progress has been made since the original presentation that the administration put forth before the House of Representatives.

I would stand before the Members as a Member of Congress, but also as a first responder covered with the full protection of the Federal Government; and look forward to an opportunity, now it will be in the future, perhaps, when I can go among other first responders in our Nation with the full assurance that their protection and their compensation is as great as my own.

This compensation package is only as good as the confidence that it inspires within our first responder community, these folks we ask to be heroes. So I make the request to my colleague, the gentleman from North Carolina (Mr. BURR), and to my colleagues in Congress that we must monitor this program as this piece of legislation is unanimously passed here in this body.

We should keep track of it. If it does not work in its present form, we should make the commitment that we will revisit this.

Again, this is a program that is only as good as it will be resulting in the goals that the administration has set before the Nation in terms of its bioterrorist protection.

Mr. DINGELL. Mr. Speaker, I support this smallpox vaccine compensation program. The nurses and first responders recognize that this framework is, unfortunately, the best we can get from this Administration. And even though this compensation program may not be sufficient to build the necessary confidence in those we are asking to receive this risky vaccine, it is better than nothing. We need to begin protecting those we are asking to protect us.

Of course, it remains in the Administration's hands to determine whether this program will ultimately work. Will the Administration devote the necessary resources to do a proper job of education and screening? Will the Administration work with those directly affected as it implements the program? Will the Administration take necessary steps to assure any inured party that the money to protect their families will be there?

Given that Democrats have been seeking a viable and effective screening and compensation program for months, and given that any concessions from the Administration have been grudging at best, I am not optimistic. But because of the importance of the program, I will continue to fight on behalf of the nurses and other first responders to see that the Administration does not let it fail.

Mrs. CAPPS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smallpox Emergency Personnel Protection Act of 2003".

SEC. 2. SMALLPOX EMERGENCY PERSONNEL PROTECTION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following part:

"PART C—SMALLPOX EMERGENCY PERSONNEL PROTECTION

"SEC. 261. GENERAL PROVISIONS.

"(a) DEFINITIONS.—For purposes of this part:

"(1) COVERED COUNTERMEASURE.—The term 'covered countermeasure' means a covered countermeasure as specified in a Declaration made pursuant to section 224(p).

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

"(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public safety personnel, or support personnel for such occupational specialities;

"(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services smallpox emergency response plan (as defined in paragraph (7)) approved by the Secretary;

"(C) who has volunteered and been selected to be a member of a smallpox emergency response plan described in subparagraph (B) prior to the time at which the Secretary publicly announces that an active case of smallpox has been identified either within or outside of the United States; and

"(D) to whom a smallpox vaccine is administered pursuant to such approved plan during the effective period of the Declaration (including the portion of such period before the enactment of this part).

"(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined, pursuant to the procedures established under section 262, to have been sustained by an individual as the direct result of—

"(A) administration to the individual of a covered countermeasure during the effective period of the Declaration; or

"(B) accidental vaccinia inoculation of the individual in circumstances in which—

"(i) the vaccinia is contracted during the effective period of the Declaration or within 30 days after the end of such period;

"(ii) smallpox vaccine has not been administered to the individual; and

"(iii) the individual has been in contact with an individual who is (or who was accidentally inoculated by) a covered individual.

"(4) DECLARATION.—The term 'Declaration' means the Declaration Regarding Administration of Smallpox Countermeasures issued by the Secretary on January 24, 2003, and published in the Federal Register on January 28, 2003.

"(5) EFFECTIVE PERIOD OF THE DECLARATION.—The term 'effective period of the Declaration' means the effective period specified in the Declaration, unless extended by the Secretary.

"(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is (as determined in accordance with section 262)—

"(A) a covered individual who sustains a covered injury in the manner described in paragraph (3)(A); or

"(B) an individual who sustains a covered injury in the manner described in paragraph (3)(B).

"(7) SMALLPOX EMERGENCY RESPONSE PLAN.—The term 'smallpox emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a possible smallpox-related emergency during the period prior to the identification of an active case of smallpox either within or outside the United States.

"(b) VOLUNTARY PROGRAM.—The Secretary shall ensure that a State, local, or Department of Health and Human Services plan to vaccinate individuals that is approved by the Secretary establishes procedures to ensure, consistent with the Declaration and any applicable guidelines of the Centers for Disease Control and Prevention, that—

"(1) potential participants are educated with respect to contraindications, the voluntary nature of the program, and the availability of potential benefits and compensation under this part;

"(2) there is voluntary screening provided to potential participants that can identify health conditions relevant to contraindications; and

"(3) there is appropriate post-inoculation medical surveillance that includes an evaluation of adverse health effects that may reasonably appear to be due to such vaccine and prompt referral of, or the provision of appropriate information to, any individual requiring health care as a result of such adverse health event.

"SEC. 262. DETERMINATION OF ELIGIBILITY AND BENEFITS.

"(a) IN GENERAL.—The Secretary shall establish procedures for determining, as applicable with respect to an individual—

"(1) whether the individual is an eligible individual;

"(2) whether an eligible individual has sustained a covered injury or injuries for which medical benefits or compensation may be available under sections 264 and 265, and the amount of such benefits or compensation; and

"(3) whether the covered injury or injuries of an eligible individual caused the individual's death for purposes of benefits under section 266.

"(b) COVERED INDIVIDUALS.—The Secretary may accept a certification, by a Federal, State, or local government entity or private health care entity participating in the administration of covered countermeasures under the Declaration, that an individual is a covered individual.

"(c) CRITERIA FOR REIMBURSEMENT.—

"(1) INJURIES SPECIFIED IN INJURY TABLE.—In any case where an injury or other adverse effect specified in the injury table established under section 263 as a known effect of a vaccine manifests in an individual within the time period specified in such table, such injury or other effect shall be presumed to have resulted from administration of such vaccine.

"(2) OTHER DETERMINATIONS.—In making determinations other than those described in paragraph (1) as to the causation or severity of an injury, the Secretary shall employ a preponderance of the evidence standard and take into consideration all relevant medical and scientific evidence presented for consideration, and may obtain and consider the views of qualified medical experts.

"(d) DEADLINE FOR FILING REQUEST.—The Secretary shall not consider any request for a benefit under this part with respect to an individual, unless—

"(1) in the case of a request based on the administration of the vaccine to the individual, the individual files with the Secretary an initial request for benefits or compensation under this part not later than one year after the date of administration of the vaccine; or

"(2) in the case of a request based on accidental vaccinia inoculation, the individual files with the Secretary an initial request for benefits or compensation under this part not later than two years after the date of the first symptom or manifestation of onset of the adverse effect.

"(e) STRUCTURED SETTLEMENTS AT SECRETARY'S OPTION.—In any case in which there is a reasonable likelihood that compensation or payment under section 264, 265, or 266(b) will be required for a period in excess of one year from the date an individual is determined eligible for such compensation or payment, the Secretary shall have the discretion to make a lump-sum payment, purchase an annuity or medical insurance policy, or execute an appropriate structured settlement agreement, provided that such payment, annuity, policy, or agreement is actuarially determined to have a value equal to the present value of the projected total amount of benefits or compensation that the individual is eligible to receive under such section or sections.

"(f) REVIEW OF DETERMINATION.—

"(1) SECRETARY'S REVIEW AUTHORITY.—The Secretary may review a determination under this section at any time on the Secretary's own motion or on application, and may affirm, vacate, or modify such determination in any manner the Secretary deems appropriate. The Secretary shall develop a process by which an individual may file a request for reconsideration of any determination made by the Secretary under this section.

"(2) JUDICIAL AND ADMINISTRATIVE REVIEW.—No court of the United States, or of any State, District, territory or possession thereof, shall have subject matter jurisdiction to review, whether by mandamus or otherwise, any action by the Secretary under this section. No officer or employee of the United States shall review any action by the Secretary under this section (unless the President specifically directs otherwise).

"SEC. 263. SMALLPOX VACCINE INJURY TABLE.

"(a) SMALLPOX VACCINE INJURY TABLE.—

"(1) ESTABLISHMENT REQUIRED.—The Secretary shall establish by interim final regulation a table identifying adverse effects (including injuries, disabilities, illnesses, conditions, and deaths) that shall be presumed to result from the administration of (or exposure to) a smallpox vaccine, and the time period in which the first symptom or manifestation of onset of each such adverse effect must manifest in order for such presumption to apply.

"(2) AMENDMENTS.—The Secretary may by regulation amend the table established under paragraph (1). An amendment to the table takes effect on the date of the promulgation of the final rule that makes the amendment, and applies to all requests for benefits or compensation under this part that are filed on or after such date or are pending as of such date. In addition, the amendment applies retroactively to an individual who was not with respect to the injury involved an eligible individual under the table as in effect before the amendment but who with respect to such injury is an eligible individual under the table as amended. With respect to a request for benefits or compensation under this part by an individual who becomes an eligible individual as described in the preceding sentence, the Secretary may not provide such benefits or compensation unless the request (or amendment to a request, as applicable) is filed before the expiration of one year after the effective date of the amendment to the table in the case of an individual to whom the vaccine was administered and before the expiration of two years after such effective date in the case of a request based on accidental vaccinia inoculation.

"SEC. 264. MEDICAL BENEFITS.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall make payment or reimbursement for medical items and services as reasonable and necessary to treat a covered injury of an eligible individual, including the services, appliances, and supplies prescribed or recommended by a qualified physician, which the Secretary considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of monthly compensation.

"(b) BENEFITS SECONDARY TO OTHER COVERAGE.—Payment or reimbursement for services or benefits under subsection (a) shall be secondary to any obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer) under any other provision of law or contractual agreement, to pay for or provide such services or benefits.

"SEC. 265. COMPENSATION FOR LOST EMPLOYMENT INCOME.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall provide compensation to an eligible individual for loss of employment income (based on such income at the time of injury) incurred as a result of a covered injury, at the rate specified in subsection (b).

"(b) AMOUNT OF COMPENSATION.—

"(1) IN GENERAL.—Compensation under subsection (a) shall be at the rate of 66 2/3 percent of the relevant pay period (weekly, monthly, or otherwise), except as provided in paragraph (2).

"(2) AUGMENTED COMPENSATION FOR DEPENDENTS.—If an eligible individual has one or more dependents, the basic compensation for loss of employment income as described in paragraph (1) shall be augmented at the rate of 8 1/3 percent.

"(3) CONSIDERATION OF OTHER PROGRAMS.—

"(A) IN GENERAL.—The Secretary may consider the provisions of sections 8114, 8115, and 8146a of title 5, United States Code, and any implementing regulations, in determining the amount of payment under subsection (a) and the circumstances under which such payments are reasonable and necessary.

"(B) MINORS.—With respect to an eligible individual who is a minor, the Secretary may consider the provisions of section 8113 of title 5, United States Code, and any implementing regulations, in determining the amount of payment under subsection (a) and the circumstances under which such payments are reasonable and necessary.

"(4) TREATMENT OF SELF-EMPLOYMENT INCOME.—For purposes of this section, the term 'employment income' includes income from self-employment.

"(c) LIMITATIONS.—

"(1) BENEFITS SECONDARY TO OTHER COVERAGE.—

"(A) IN GENERAL.—Any compensation under subsection (a) shall be secondary to the obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), under any other law or contractual agreement, to pay compensation for loss of employment income or to provide disability or retirement benefits.

"(B) RELATION TO OTHER OBLIGATIONS.—Compensation under subsection (a) shall not be made to an eligible individual to the extent that the total of amounts paid to the individual under such subsection and under the other obligations referred to in subparagraph (A) is an amount that exceeds the rate specified in subsection (b)(1). If under any such other obligation a lump-sum payment is made, such payment shall, for purposes of this paragraph, be deemed to be received over multiple years rather than received in a single year. The Secretary may, in the discretion of the Secretary, determine how to apportion such payment over multiple years.

"(2) NO BENEFITS IN CASE OF DEATH.—No payment shall be made under subsection (a) in compensation for loss of employment income subsequent to the receipt, by the survivor or survivors of an eligible individual, of benefits under section 266 for death.

"(3) LIMIT ON TOTAL BENEFITS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—

"(i) total compensation paid to an individual under subsection (a) shall not exceed $50,000 for any year; and

"(ii) the lifetime total of such compensation for the individual may not exceed an amount equal to the amount authorized to be paid under section 266.

"(B) PERMANENT AND TOTAL DISABILITY.—The limitation under subparagraph (A)(ii) does not apply in the case of an eligible individual who is determined to have a covered injury or injuries meeting the definition of disability in section 216(i) of the Social Security Act (42 U.S.C. 416(i)).

"(4) WAITING PERIOD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible individual shall not be provided compensation under this section for the first 5 work days of loss of employment income.

"(B) EXCEPTION.—Subparagraph (A) does not apply if the period of loss of employment income of an eligible individual is 10 or more work days.

"(5) TERMINATION OF BENEFITS.—No payment shall be made under subsection (a) in compensation for loss of employment income once the eligible individual involves reaches the age of 65.

"(d) BENEFIT IN ADDITION TO MEDICAL BENEFITS.—A benefit under subsection (a) shall be in addition to any amounts received by an eligible individual under section 264.

"SEC. 266. PAYMENT FOR DEATH.

"(a) DEATH BENEFIT.—

"(1) IN GENERAL.—The Secretary shall pay, in the case of an eligible individual whose death is determined to have resulted from a covered injury or injuries, a death benefit in the amount determined under paragraph (2) to the survivor or survivors in the same manner as death benefits are paid pursuant to the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) with respect to an eligible deceased (except that in the case of an eligible individual who is a minor with no living parent, the legal guardian shall be considered the survivor in the place of the parent).

"(2) BENEFIT AMOUNT.—

"(A) IN GENERAL.—The amount of the death benefit under paragraph (1) in a fiscal year shall equal the amount of the comparable benefit calculated under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) in such fiscal year, without regard to any reduction attributable to a limitation on appropriations, but subject to subparagraph (B).

"(B) REDUCTION FOR PAYMENTS FOR LOST EMPLOYMENT INCOME.—The amount of the benefit as determined under subparagraph (A) shall be reduced by the total amount of any benefits paid under section 265 with respect to lost employment income.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—No benefit is payable under paragraph (1) with respect to the death of an eligible individual if—

"(i) a disability benefit is paid with respect to such individual under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

"(ii) a death benefit is paid or payable with respect to such individual under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

"(B) EXCEPTION IN THE CASE OF A LIMITATION ON APPROPRIATIONS FOR DISABILITY BENEFITS UNDER PSOB.—In the event that disability benefits available to an eligible individual under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) are reduced because of a limitation on appropriations, and such reduction would affect the amount that would be payable under subparagraph (A) without regard to this subparagraph, benefits shall be available under paragraph (1) to the extent necessary to ensure that the survivor or survivors of such individual receives a total amount equal to the amount described in paragraph (2).

"(b) ELECTION IN CASE OF DEPENDENTS.—

"(1) IN GENERAL.—In the case of an eligible individual whose death is determined to have resulted from a covered injury or injuries, if the individual had one or more dependents under the age of 18, the legal guardian of the dependents may, in lieu of the death benefit under subsection (a), elect to receive on behalf of the aggregate of such dependents payments in accordance with this subsection. An election under the preceding sentence is effective in lieu of a request under subsection (a) by an individual who is not the legal guardian of such dependents.

"(2) AMOUNT OF PAYMENTS.—Payments under paragraph (1) with respect to an eligible individual described in such paragraph shall be made as if such individual were an eligible individual to whom compensation would be paid under subsection (a) of section 265, with the rate augmented in accordance with subsection (b)(2) of such section and with such individual considered to be an eligible individual described in subsection (c)(3)(B) of such section.

"(3) LIMITATIONS.—

"(A) AGE OF DEPENDENTS.—No payments may be made under paragraph (1) once the youngest of the dependents involved reaches the age of 18.

"(B) BENEFITS SECONDARY TO OTHER COVERAGE.—

"(i) IN GENERAL.—Any payment under paragraph (1) shall be secondary to the obligation of the United States or any third party (including any State or local governmental entity, private insurance carrier, or employer), under any other law or contractual agreement, to pay compensation for loss of employment income or to provide disability benefits, retirement benefits, life insurance benefits on behalf of dependents under the age of 18, or death benefits.

"(ii) RELATION TO OTHER OBLIGATIONS.—Payments under paragraph (1) shall not be made to with respect to an eligible individual to the extent that the total of amounts paid with respect to the individual under such paragraph and under the other obligations referred to in clause (i) is an amount that exceeds the rate of payment that applies under paragraph (2). If under any such other obligation a lump-sum payment is made, such payment shall, for purposes of this subparagraph, be deemed to be received over multiple years rather than received in a single year. The Secretary may, in the discretion of the Secretary, determine how to apportion such payment over multiple years.

"(c) BENEFIT IN ADDITION TO MEDICAL BENEFITS.—A benefit under subsection (a) or (b) shall be in addition to any amounts received by an eligible individual under section 264.

"SEC. 267. ADMINISTRATION.

"(a) ADMINISTRATION BY AGREEMENT WITH OTHER AGENCY OR AGENCIES.—The Secretary may administer any or all of the provisions of this part through Memorandum of Agreement with the head of any appropriate Federal agency.

"(b) REGULATIONS.—The head of the agency administering this part or provisions thereof (including any agency head administering such Act or provisions through a Memorandum of Agreement under subsection (a)) may promulgate such implementing regulations as may be found necessary and appropriate. Initial implementing regulations may be interim final regulations.

"SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007, to remain available until expended, including administrative costs and costs of provision and payment of benefits. The Secretary's payment of any benefit under section 264, 265, or 266 shall be subject to the availability of appropriations under this section.

"SEC. 269. RELATIONSHIP TO OTHER LAWS.

"Except as explicitly provided herein, nothing in this part shall be construed to override or limit any rights an individual may have to seek compensation, benefits, or redress under any other provision of Federal or State law.".

SEC. 3. AMENDMENTS TO PROVISION REGARDING TORT LIABILITY FOR ADMINISTRATION OF SMALLPOX COUNTERMEASURES.

(a) Amendment to Accidental Vaccinia Inoculation Provision.—Section 224(p)(2)(C)(ii)(II) of such Act (42 U.S.C. 233(p)(2)(C)(ii)(II)) is amended by striking "resides or has resided with" and inserting "has resided with, or has had contact with,".

(b) Deeming Acts and Omissions to be Within Scope of Employment.—Section 224(p)(2) of such Act (42 U.S.C. 233(p)(2)) is amended by adding at the end the following new subparagraph:

"(D) Acts and omissions deemed to be within scope of employment.—

"(i) In general.—In the case of a claim arising out of alleged transmission of vaccinia from an individual described in clause (ii), acts or omissions by such individual shall be deemed to have been taken within the scope of such individual's office or employment for purposes of—

"(I) subsection (a); and

"(II) section 1346(b) and chapter 171 of title 28, United States Code.

"(ii) Individuals to whom deeming applies.—An individual is described by this clause if—

"(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

"(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i).".

(c) Exhaustion; Exclusivity; Offset.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

"(3) Exhaustion; exclusivity; offset.—

"(A) Exhaustion.—

"(i) In general.—A person may not bring a claim under this subsection unless such person has exhausted such remedies as are available under part C of this title, except that if the Secretary fails to make a final determination on a request for benefits or compensation filed in accordance with the requirements of such part within 240 days after such request was filed, the individual may seek any remedy that may be available under this section.

"(ii) Tolling of statute of limitations.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a request for benefits or compensation under part C of this title.

"(iii) Construction.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

"(B) Exclusivity.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

"(C) Offset.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.".

(d) Requirement To Cooperate With United States.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking "Defendant" and inserting "Covered person".

(e) Amendment to Definition of Covered Countermeasure.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

"(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and".

(f) Amendment to Definition of Covered Person.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking "includes any person" and inserting "means a person";

(2) in clause (ii)—

(A) by striking "auspices" and inserting "auspices—";

(B) by redesignating "such countermeasure" and all that follows as clause (I) and indenting accordingly; and

(C) by adding at the end the following:

"(II) a determination was made as to whether, or under what circumstances, an individual should receive a covered countermeasure;

"(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

"(IV) an evaluation was made of whether the administration of a countermeasure was effective;";

(3) in clause (iii) by striking "or";

(4) by striking clause (iv) and inserting the following:

"(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

"(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

"(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

"(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

"(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

"(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

"(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II).".

(g) Amendment to Definition of Qualified Person.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating "is authorized to" and all that follows as clause (i) and indenting accordingly;

(2) by striking "individual who" and inserting "individual who—"; and

(3) by striking the period and inserting "; or

"(ii) is otherwise authorized by the Secretary to administer such countermeasure.".

(h) Definition of "Arising out of Administration of a Covered Countermeasure".—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

"(D) Arising out of administration of a covered countermeasure.—The term 'arising out of administration of a covered countermeasure', when used with respect to a claim or liability, includes a claim or liability arising out of—

"(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

"(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

"(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

"(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B).".

(i) Technical Correction.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking "paragraph (8)(A)" and inserting "paragraph (7)(A)".

(j) Effective Date.—This section shall take effect as of November 25, 2002.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1770, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Burgess). Under the Speaker's announced policy of January 7, the Chair will recognize Members for special order speeches without prejudice to the resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING AND COMMENDING HARDIN-SIMMONS UNIVERSITY'S 2003 WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Stenholm) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I rise today to honor and commend the Hardin-Simmons University 2003 women's basketball team from Abilene, Texas, who have achieved an incredible record, including their first undefeated regular season in school history, a fifth straight American Southwest Conference Tournament title, and a fifth consecutive "Sweet 16" appearance in the NCAA Division 3 Tournament.

Our Cowgirls exhibited incredible determination and drive as they worked to set a new benchmark for their university. Their school, community, and district stand behind them and join in celebrating their accomplishments.

□ 1415

When the basketball games first began the season, the university and the surrounding community knew this team had a winning chemistry. The Cowgirls won all 24 of their regular season games, a milestone in school history. Games at Maybee Complex were some of the largest attended events the Cowgirls had ever seen, and soon Hardin Simmons University led the division in home attendance. With great talent and wide support, the Cowgirls attained their first number one ranking in the nation since becoming an NCAA member.

But the Cowgirls did not stop there. They soon played some of the most competitive teams in the American Southwest conference and triumphantly won their fifth straight AFC tournament title. And their win made them one of only two undefeated teams in the Nation, earning them a spot in the coveted NCAA Division III basketball tournament and a number one ranking in the Nation by the ESPN USA Today Women's Basketball Coaches Association.

The Cowgirls fought a tough battle at the NCAA championships. In the end, however, they were unable to win the title. But as Vince Lombardi once said, "The spirit, the will to win and the will to excel are the things that endure. These qualities are so much more important than the events that occur." Trophy or not, they have already won the most important prize, the pride, the joy, and the honor of representing their university and community for all of America to see. To me and those I represent, you, the Cowgirls, are already the biggest winners of all.

None of these victories could have been achieved without the incredible team work that these 15 young women have demonstrated. From Abilene and San Angelo, Brady, and Stephenville, and all over the district, these women came from all areas, and through their hard work and efforts they became more than just teammates. They became life-long friends. Their names will be remembered with pride at their school and within our communities: Sarah Allen, Kendra Anderson, KraTaura Buckner, Diane Cox, Sara Dickey, Lauren Harris, Hannah Jones, Veronica Jones, Erika Keese, Diana Martinez, Leigh Ann Neal, Keila Remmele, Laura Ricci, and Terri Robinson. We will remember your victories in our hearts and our memories.

The team as a whole has an incredible spirit, but one player in particular has achieved notable recognition for her abilities on the team and for women's basketball at large. Kendra Anderson has been named the Division III National Player of the Year by the Women's Basketball Coaches Association. She has been the American Southwest Conference's most valuable player for the third straight year, the conference tournament most valuable player for the fourth straight year, and the first team All American and All South Region for the third year. She was also a WBCA All Star Challenge participant with 17 Division I All Stars. She scored an average of 20.1 points and 10 rebounds per game this season alone. Kendra has forever raised the bar of excellence to a new standard for her friends and teammates to follow.

We all know that a basketball team can have all the best players in the world, but without direction and guidance, strong leadership and vision, the team cannot develop and grow. That guiding force was first-year head coach, Shanna Briggs. Miss Briggs brought out the best in her players, sharpened their strengths and improved their weaknesses. The Hardin Simmons women's basketball program will continue in future years to prosper under her leadership and the dedication of its players.

Mr. Speaker, I am proud to give the recognition today to the 2003 Hardin Simmons University Cowgirls, the hard work that the players and coaches have done to make this team the champions they are. They have learned, as Grace Lichenstein once said, that "your opponent in the end is never really the player on the other side of the net or the swimmer in the next lane or the team on the other side of the field or even the bar you must high jump. Your opponent is yourself, your negative internal voices, your levels of determination."

The 2003 Cowgirls are examples and role models for athletes everywhere and proof of the powerful and resilient nature of women's sports. Hardin Simmons University's 2003 Cowgirls, congratulation on a great year.

HONORING AMERICAN SOLDIERS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, Daniel Webster said, "God grants liberty only to those who love it and are always ready to guard and defend it."

What you see here is a banner that was displayed and then signed by thousands of my constituents 2 weeks ago at a "support the troops" rally in Rochester, Minnesota. Now, I know rallies like this have been conducted all over the United States, but this particular banner is on its way with me to Germany and will be displayed to the brave Americans who are in the hospitals at Ramstein Air Force Base, and then hopefully it will make it from there down to the gulf so that the soldiers who are serving there can see this banner and know that people in Southeastern Minnesota as well as people all over the United States support them.

No nation has given more in the defense of liberty than we Americans. From Valley Forge to Gettysburg, from Normandy to this very day, we have demonstrated what President Kennedy meant when he said that, "we will pay any price, we will bear any burden, we will meet any hardship, support any friend, oppose any foe, and shoulder any burden to keep the lamp of liberty burning brightly throughout the world."

We have all been heartened by the stories coming out of Iraq. Many of us have read of the rescue of PFC Jessica Lynch as recounted by Central Command briefer Major General Gene Renuart. According to General Renuart, a Special Ops soldier called to Private Lynch as he entered the room saying, Jessica Lynch, we are United States soldiers. We are here to protect you and take you home.

As he walked over and took off his helmet, she looked up to him and said, I am an American soldier too.

But not as many of us have heard the story of the recovery of the remains of the soldiers believed to have been soldiers killed there. And I quote, "At the same time," Renuart recounted, "the team was led to a burial site where, in fact, they did find a number of bodies that they believed could be Americans missing in action. They did not have shovels in order to dig up those graves so they dug them up with their hands. And they wanted to do it very rapidly so they could race the sun and be off the site before the sun came up; a great testament to the will and desire of coalition forces to bring their own home."

They did dig them up with their hands and raced the sun.

On a cold and windy Sunday afternoon just 2 weeks ago, the people of Southern Minnesota gathered to send a simple message. We sang songs, heard speeches, read letters, and most of us got a little misty eyed as proud parents held pictures of their sons and daughters wearing the uniforms of each branch of our military. Our purpose was simple. We wanted to say thank you for their service; and, second, we wanted them to know that we stand with them wherever they may be serving. All took their places in that long line, that long gray line that has never failed us.

The images of the Iraqi citizens cheering our Armed Forces make us happy and proud, but somehow not surprised. Once the Commander in Chief gave the order to liberate Iraq, most of us knew that the result and those images were inevitable. On behalf of all who have attended rallies, and especially those who signed this banner, let me say first that we mourn with those families who have borne the heaviest price of this battle.

No politician can adequately salve wounds that will never completely heal. The best that we can say is that we will never forget. To all those, who, like PFC Lynch, are "American soldiers too," and to all our sailors, airmen and Marines, we say thank you. And we stand with you. May God continue to bless and protect our Nation and all who defend her.

HONORING THE LIVES OF FREDA JONES AND OFFICER CLARK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a week ago last Saturday I visited with the family of a young woman who may not have been known in our community in Houston, Texas, maybe a few weeks ago. Just a young mother with two wonderful children, one a 3-month-old daughter and one a 10-year-old son, hard working, trying to provide for them. Her life became intimately intertwined with our departed and dear friend, Officer Clark.

For just about 10 days ago, Houston Police Officer Clark lost his life in a heroic attempt to save Freda Jones's life in a horrible and brutal robbery in our community.

Just this past week we buried Officer Clark, and I paid tribute to him, although I was not able to attend his going-home service because of business here in Washington. But through my office we shared with his wonderful family how much we appreciated his bravery and his service, how much we appreciated his love for his community, the fact that he was a consummate police officer.

Now, within 24 hours we will bury Freda Jones, who, listening to her family both Saturday and Sunday at a prayer vigil for her, I have come to understand her as a wonderful young woman, someone who simply wanted to provide for her family in working in the job she was working, innocently opening the office of a check cashing office by herself, taking up the responsibilities of another employee because that employee had been injured in a car accident. She was always a willing person, as we understand. She was a person who loved her family. She was, likewise, a person who brought the family together. She was certainly like your neighbor.

And so I would like to say to the Jones family, all of her brothers and sisters, her mother and father, her mother and father lost another child to brutality or brutal act of murder just a few years ago. And now they lost a cherished daughter to a brutal robbery, an unnecessary, callous act of murder.

And all of the perpetrators should be brought to justice because they took the life of a young woman who simply wanted to raise her children to make a decent living in this Nation.

So I think it is appropriate that as we honor so many heroes, we are so grateful for the young men and women who serve us in the United States military.

I had the opportunity to visit some of our injured soldiers at Bethesda Hospital this morning. We are grateful for them. We pray for their families. We pray for the families of MIAs. We pray for the families of the POWs. We pray for the families of those who lost their lives. And every day in America there are heroes as well. Because Freda Jones lost her life by trying to fend off these robbers by calling the police. And I imagine in the act of calling the police, her life was taken. And then Officer Clark who responded, or was responding, had his life taken.

What a terrible testimony to the freedom of America. But we will keep pressing forward honoring heroes, local heroes like Freda Jones and Officer Clark. And to the Houston community, I offer my deepest sympathy to the family that will mourn tomorrow as she will be laid to rest. I say to you that you have at least had a wonderful time in her life and as well the wonderful memories; and, yes, you have her two beautiful children and this wonderful extended family.

I hope that you, the Jones family and the Clark family, will find strength in each other. You are forever bonded together. And I hope you will know that the Houston community, the 18th Congressional District appreciates so much that you lived, but also that your life tragically was sacrificed but it will not ever be forgotten. We will remember, and we will work together to fight against the brutal and criminal acts that sick minds think they can perpetrate on our communities without paying the price.

We hope justice will be rendered. But most of all, Freda Jones, we hope that you will have a peaceful going-home service, recognizing that the community loved you and will continue to show its love to your family and to your children.

□ 1430

MURDER OF CUBAN FREEDOM SEEKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today once again to talk about one of the last hostile regimes on the planet, an island 90 miles to the south of my home State of Florida, Cuba.

For well over 40-plus years, Fidel Castro has time and time again shown his reprehensible disregard for the safety and welfare of his own people. His tyrannical regime has forced countless innocent people to risk their lives to seek the shores of the United States. What is worse, these people go to the furtherest of extremes, even placing other countrymen at risk in order to seek freedom.

On April 2, in another one of the countless stories of Cubans trying to seek refuge, a group of three men attempted to take over a ferry ship and force it to go to the United States. Though I am in no way supportive of hijacking or putting others at risk, it is clear from our history with this oppressive Nation that its people will do almost anything for just a taste of freedom.

The men were prosecuted on Tuesday, those three men, in summary trials for very grave acts of terrorism and given only a few days to appeal their sentences. This pathetic excuse for a judicial system never gave these men a chance. I must report to this body that, earlier today, these three men were executed.

Mr. Speaker, these actions were not that of terrorists but those of people seeking freedom. It is clear that these men never intended to harm anyone. All they wanted was a chance at what millions of Cubans have been thirsting for since Fidel Castro took control and took power, and that is freedom, a right we in this country enjoy and a right we are fighting for today in Iraq. Though these acts should have been punished, the penalty was extreme, barbarous, even by the most strict of standards.

I have fought on this floor against terrorism all my life, and I will not accept it in any form, but this execution today was clearly a message to the Cuban people that freedom is not an option.

To those colleagues of mine who have suggested over the past year-and-a-half that we open trade and opportunity with Fidel Castro, they need to look at this material and see that this man executed three people today. Would these same Members offer a peaceful resolution to Saddam Hussein who I consider equally heinous as Fidel Castro? Would they suggest going to do trade with Saddam? Let us look at what Fidel Castro is all about, and let us recognize what danger he puts his own people in.

We must continue what we do by upholding the sanctions and further limiting U.S. government involvement with this rogue Nation. The people of Cuba deserve a democracy. Their leader is a tyrant, a dictator and now, based on this evidence, a murderer. Many of us have known that. My colleagues, the gentleman from Florida

(Mr. LINCOLN DIAZ-BALART), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), have all been telling this body about the horrors of the oppression, of the silencing of people merely trying to get a democracy in place in that Nation.

Mr. Speaker, if anyone must be put in front of a firing squad it is Mr. Castro himself for these despicable acts.

So I ask and urge my colleagues to be as outraged as we are in Florida. This was murder of three citizens. This was murder, a trial of 3 days, an appeal of 24 hours and a firing squad a day later.

This is the Nation we want to do business with? This is the Nation we want to trade with? This is a person my colleagues want to ship goods and medicine to? Prop up his regime? I think not.

HONORING WEST POINT CLASSMATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I take this 5 minutes to talk about an historical trend in this country that ties together those who have come before us in the past and those who are serving today, and I speak about the long gray line and those individuals who have served at West Point.

Many of us know that West Point celebrated its 200th anniversary last year, 200th anniversary of creating leaders of character to serve in our Nation and that commitment by this country to have a professional military institution that helps train leaders of character to lead our young men and women into battle but also understands how to deal with the current civil military operations that are occurring is a great credit to this country and one that we need to remember.

Many of us know the great names of Lee and Grant and Eisenhower and Patton, MacArthur, those who have gone there before, but I want to brag, if I may, about my classmates, graduates of the class of 1980 who are serving so admirably currently now in Iraq. They probably would not like me to be doing this, but I take this opportunity as a Member of Congress to speak in pride about my classmates.

I brought down my graduation yearbook, and although many of my colleagues cannot see it, I turn to a page and a familiar picture for those of us who have been following the briefings. We have a young Vince Brooks, first captain of the class of 1980. Yes, it is the same Vince Brooks who is giving the briefings over in Qatar on a daily basis talking about our command.

The line of my classmates is long and very grand in their services, and I want to recognize them all here.

Lieutenant Colonel (promotable) John Agoglia, J5 Plans CENTCOM; Colonel (promotable) Chuck Anderson, Chief of Staff, 32nd Army Air and Missile Defense Command. I mentioned Brigadier General Vince Brooks, Deputy for Operations and Coalition spokesman. Colonel Dave Brown, G3 section, V Corp, Iraq; Lieutenant Colonel Curt Cheeseman, J5 Plans, CENTCOM; Colonel Perry Clawson, Commander of the 1186th Transportation Terminal Brigade; John Davis, who is in the CENTCOM area of operation; Pat Donahue; Lieutenant Colonel Bruce Dow, HQ, Stateside; Lieutenant Colonel Bill Duffy, Commander, Task Force 513 Military Intelligence.

I want to pause here to say that many of my classmates are active duty and have served now over 20 years. Many of them are serving continually as reservists or members of the National Guard. We cannot tell the difference when I read this list because of the one Army philosophy that joins Active, Reserve and Guardsmen.

Lieutenant Colonel Dale Egger, Commander of 3rd Battalion, 289th Training Support Brigade, Stateside; Jim Embrey, in Kuwait; Colonel Mark Eshelman, 3rd Army, CENTCOM; Lieutenant Colonel T.J. Farrell, Force Protection Officer, 143rd TRANSCOM in Kuwait; Colonel Tim Glaeser, Commander, 11th ADA Brigade, Kuwait; Major Curt Grayer, Deputy Commander, 310th Personnel Support Group; Lieutenant Colonel Vern Green, Commander, 1181st Transportation Terminal Battalion; Colonel Ben Hodges, Commander, 1st Battalion, 101st Airborne Division; Lieutenant Colonel Frank Hudson, assignment undisclosed, 5th Special Forces Group, somewhere in the area of operation; Lieutenant Colonel Doug Lobdell, commander, 361st Training Support Brigade; Lieutenant Colonel Jan Kozlowski, C7 engineer, Kuwait; Lieutenant Colonel Mark Kucera, Forward Engineer Support Team; Colonel Mike Linnington, Commander, 2nd Brigade, 101st Airborne Division; Colonel Dave MacLean, J5-E, CENTCOM; Colonel Steve Mains, Chief, JFCOM J9, Lessons Learned Team, CENTCOM; Dr. Major Kathy Mathews, who is the wife of one of my classmates, Johnny Ham, who is a brigade surgeon in the 108th Brigade; Lieutenant Colonel Tom Miller, Civil Affairs Officer, en route to CENTCOM; Lieutenant Colonel Paul Oettinger, Commander of the 195th Contract Support Detachment, Kuwait; Colonel John Peabody, Commander, 3rd Infantry Division; Colonel Dave Perkins, Commander, 2nd Brigade, 3rd Infantry Division, Baghdad, Iraq; Colonel Tony Puckett, J5, Kuwait; Lieutenant Colonel Willie Ramos, Commander, 345th Rear Area Operations Center; CW3 Kathy Silvia, en route to CENTCOM; Colonel (promotable) Joe Votel, Commander of the 75th Ranger Regiment, location undisclosed; Kurt Westerman, en route to CENTCOM.

I am very proud of our classmates and those who are helping to support them here at home.

The West Point Alma Mater reads like this. Actually it is a song, and it is appropriate.

Hail, Alma Mater dear,
To us be ever near,
Help us thy motto bear
Through all the years,
Let Duty be well performed,
Honor be e'er untarned,
Country be ever armed,
West Point, by thee.

Guide us, thy sons, aright,
Teach us by day, by night,
To keep thine honor bright,
For thee to fight.
When we depart from thee,
Serving on land or sea,
May we still loyal be,
West Point, to thee.

And when our work is done,
Our course on earth is run,
May it be said, "Well done;
Be thou at peace."
E'er may that line of gray
Increase from day to day,
Live, serve and die, we pray,
West Point, for thee.

I am tremendously proud of my classmates who are serving in the area of operation and throughout the world. They have done great credit to this country, this Nation, the people of Iraq and our alma mater West Point. Their names will be etched in history with those who have served honorably and distinctively in service to their country.

May God bless them all and may God bless the United States of America.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOYER. Mr. Speaker, our brave men and women in uniform continue to risk their lives at this hour in Iraq, and let there be no mistake: there cause is noble.

They are disarming and deposing a ruthless tyrant who has brutalized the Iraqi people for more than 20 years, and who has threatened the security of the Middle East region and the world.

As the result of the courage, sacrifice, patriotism and professionalism of our American Armed Forces—as well as our Coalition allies—the Iraqi people have broken free of Hussein's stranglehold.

Who could not be moved by the scenes broadcast from Baghdad, where thousands of newly liberated Iraqi citizens celebrated Hussein's defeat?

However, danger still lurks around every corner. Thus, we pray for a successful conclusion to this war and our troops' safe return.

We also pray for the loved ones and families of the American servicemen and servicewomen who will not be returning safely to our shores; those who have given their lives for their Nation and the cause of freedom.

And we say a special prayer for the seven Americans who are listed as prisoners of war and eight who are listed as missing.

As we come to this House floor to commemorate national former POW Recognition Day, which was observed this past Wednesday, April 9, let us join together and offer this solemn pledge: the United States of America shall never—never—rest until every single American who is believed to be in enemy hands is freed, and every single American who is missing is fully accounted for.

Freedom's defenders must never be forgotten, and thus our mission in Iraq is far from accomplished.

Our former prisoners of war are national heroes who deserve our gratitude and respect.

Their service placed them in dangerous circumstances, causing their capture and imprisonment, often in atrocious conditions.

We also owe a debt of gratitude to their families for weathering agonizing uncertainty while demonstrating support for their loved ones' service to our country.

Although former POWs returned home, too often they carried the extra burden of physical and emotional scares.

They are a testament to history's eternal truth—freedom is not free—as well as its unforgiving lesson: the price of freedom is always great.

We remember these courageous heroes in the shadow of the dramatic rescue of Pfc Jessica Lynch on April 2.

She owes her life to the American commandos who stormed the hospital where she was being held and rescued her, as well as the brave Iraqi man who risked certain death by providing our troops with accurate information regarding her whereabouts.

We recognize the tremendous sacrifice of former prisoners of war like Jessica, and we pledge that our Nation will keep its promises to all former POWs and veterans.

Let me close, however, by saying that even as our servicemen and women are overseas defending our values, freedom, democracy, human rights and the rule of law, there are schemes afoot in this very Capitol to give them short shrift once they return home.

While President Bush has extended his appreciation to members of veterans service organizations for "the lifetime of service you have given to our Nation," some have proposed cutting veterans' benefits and health care by more than $28 billion to help pay for a tax cut.

This is not only bad policy, it is, in my view, immoral.

This Nation, as far as I am concerned, has an irrevocable contract with America's veterans. And it is one that we must always honor.

Our veterans and former POWs deserve more than medals and a thank you for their service and sacrifice.

At a time when we are sending thousands of America's sons and daughters into harm's way, we should be investing in the programs and services our veterans and former prisoners of war deserve, not pulling back on our promises.

We must stand behind our words of gratitude by honoring the commitment we made to them for answering freedom's call.

Mr. HONDA. Mr. Speaker, it is an honor for me to be here today to address the situation of former American POWs.

In this time of war, it is especially important to recognize April 9 as National Former Prisoner of War Recognition Day.

While the plight of courageous soldiers such as Pfc. Jessica Lynch, who had been captured with 11 other U.S. soldiers from the 507th Maintenance Company, brings the concern of POWs to the forefront of our minds today, I would like to address my concerns for a group of POWs from a previous war, the war from which this important date of April 9 was chosen.

I am speaking of those who fought in the Pacific Theater during World War II.

I would especially like to talk about one former POW, Dr. Lester Tenney. Dr. Tenney's story mirrors what many of our WWII POWs in the Pacific went through.

Mr. Tenney became a prisoner of war on April 9, 1942, with the fall of Bataan in the Philippines. A survivor of the Bataan death march, he was sent in a "hell ship" to Japan, where he became part of the slave labor force in a Mitsui company coal mine.

Dr. Tenney has stated, and I quote, "I was forced to shovel coal 12 hours a day, 28 days a month, for over 2 years, the reward I received for this hard labor was beatings by the civilian workers in the mine. And if I did not work fast enough or if the Americans had won an important battle the beatings would be that much more severe."

These POWs who survived the Bataan death march only to be transported to Japan in the infamous death ships and forced to work for private Japanese companies under the most horrendous conditions are the true heroes of our Nation.

After the war, approximately 16,000 POWs returned—all battered and nearly starved to death, many permanently disabled, all changed forever. More than 11,000 POWs died in the hands of Japanese, among the worst records of physical abuse of POWs in recorded history.

Now, like many other victims of World War II-era atrocities, the remaining survivors and the estates of those who have since passed away are seeking justice and historical recognition of their ordeal.

The former POWs do not seek any action or retaliation against the current Japanese Government or against the Japanese people. Nor do they seek to portray Asian-Americans in any sort of negative light.

Rather, they simply seek just compensation from the Japanese companies who were unjustly enriched by their slave labor and sufferings.

I am honored to stand here in the House of Representatives, to let these men know that I will work with my colleagues to see that there is justice done in their situation.

We must never forget, these are the men of our Nation's greatest generation. They volunteered to serve our country, some only 17 or 18 years old at the time.

They survived the ordeal of a forced surrender in the Philippines, they survived the cruelties of the Bataan death march, they survived the hell ships, they survived being POWs in Japan and the tortures of slavery.

For the sake of the past, for the sake of these men today, and the sake of our future, we must do right for these men.

Mr. Speaker, I thank you for allowing me to address the House floor this evening on this very important matter.

Mr. MCNULTY. Mr. Speaker, I am proud to join with my colleagues, the gentleman from Maryland, Mr. HOYER, and the gentleman from Missouri, Mr. SKELTON, in solemn observance of National Former Prisoner of War Recognition Day.

At this hour, thousands of brave young Americans in the Armed Forces of the United States are carrying out a dangerous yet necessary mission in Iraq. Like many Americans, I hoped and prayed for a diplomatic settlement to the crisis posed by Saddam Hussein's refusal to disarm. Unfortunately, 12 years of diplomacy did not produce the desired result. With all other options exhausted, we were forced to proceed with the action that should always be reserved for last—the use of military force.

Our troops have heroically responded to this call to arms with unyielding courage, devastating efficiency, and unparalleled concern for the safety and well being of countless thousands of Iraqi civilians. I continue to pray for a swift end to this conflict, and to hope that our military personnel will come home soon and safely, having liberated the citizens of Iraq from the nightmare they have endured for a quarter of a century.

Despite the unprecedented success of our military forces, Mr. Speaker, scores of American families have already had to come to terms with the horrible and irrevocable reality of war. Nearly 100 brave soldiers have been killed in action. They were mothers, fathers, sons, daughters, sisters, brothers and lifelong friends, and my heart goes out to all those who loved them.

My family knows the pain of war. On August 9, 1970, my brother, H.M. 3 William F. McNulty, a medical corpsman in the Navy, was in the field in Quang Pam province, patching up his buddies. He stepped on a land mine and he lost his life.

But his body was recovered. And he was brought back home, and we had a wake and a funeral and a burial. Our family suffered a tremendous loss, our small village of Green Island, New York, suffered a tremendous loss—but we had some closure.

Mr. Speaker, the families of seven American serviceman and women currently listed as prisoners of war, and the families of eleven soldiers listed as duty status unknown, or missing in action may never enjoy this sense of closure. Just ask the families of the 1,887 Americans still missing and unaccounted for from the war in Vietnam.

I have always wondered how terrible it must be for an MIA family, never exactly knowing what happened to their loved one—not for a day, a week, a month or a year, but for decades.

Every once in a while, this profound sense of frustration and loss is interspersed with joyous news of rescue and heroism. By now, we are all familiar with the story of Pfc. Jessica Lynch. Pfc. Lynch was captured with 11 other American soldiers of the 507th Maintenance Company but was later rescued from a hospital in Iraq on April 2, due in no small part to the superior skill and preparedness of our Special Forces, as well as the courage and humanity of an Iraqi civilian who risked his own life, and the lives of his family, by walking 6 miles to inform coalition forces of Pfc. Lynch's location. Thanks to these efforts, Pfc. Lynch escaped further torture and abuse at the hands of Iraqi forces, and lays tonight in an American military hospital in Germany, enjoying the company of her family.

Mr. Speaker, we pay tribute tonight to courageous American heroes like Pfc. Lynch. She and so many other former prisoners of war suffered through the atrocious coditions of capture and internment, sacrificing so much of their freedom in defense of the citizens of this nation and the world.

In the name of all former POWs, I pledge to continue to work to ensure that future generations understand the courage of these heroes, and that our government follows through on all promises made to former POWs—and all veterans.

Ms. CARSON of Indiana. Mr. Speaker, I want to thank our esteemed whip, Mr. HOYER, and the ranking member of the Armed Services Committee, Mr. SKELTON, for organizing this time to reflect on those who have sacrificed so much for this country.

Those members of our military who are still prisoners of war or are missing in action have made the ultimate sacrifice without the opportunity to return home.

We can only hope that those young men and women who have been taken captive in the current conflict will be treated humanely and returned home to us soon.

Mr. Speaker, there is one former POW I would like to single out, current Lt. Gov. Joe Kernan. He entered the United States Navy in 1969 and served as a naval flight officer aboard the USS *Kitty Hawk*.

In May of 1972, Lt. Joe Kernan was shot down by the enemy while on a reconnaissance mission over North Vietnam. He was held as a prisoner of war for nearly 11 months.

Joe Kernan was repatriated in 1973 as part of the last convoy of prisoners of war exchanged that ended the war, and continued on active duty with the Navy until December of 1974. For his service, Kernan received numerous awards, including the Navy Commendation Medal, two Purple Hearts and the Distinguished Flying Cross.

He never forgets May 7, "the day I was shot down."

It was his 26th mission. He was in the rear seat of an RA–5C Vigilante reconnaissance jet, on a picture-snapping mission to assess bomb damage. They raced along at 650 mph, 80 miles south of Hanoi, then navigated down Highway 1 to take photos of traffic.

They were relatively low—4,500 feet high, compared with the 35,000-foot altitude a B–52 bomber would fly—when anti-aircraft fire hit the plane's tail.

"The nose pitched down very violently," he said, and the pilot tried to make it to the potential safety of the U.S.-controlled Gulf of Tonkin. The jet couldn't make it. Kernan ejected, followed closely by the pilot.

"I blacked out on the ejection," Kernan said.

"I landed in somebody's front yard on a beautiful Sunday afternoon," he recalled. "When I woke up, I found myself on the edge of a group of people, surrounding me, watching me get up, with people coming at me from everywhere."

March 27 marked the 30th anniversary of his release from captivity. When looking back on his time in captivity, he minimizes the details of his treatment there, saying the end of the war was not as bad as the beginning.

"What you rely on is your faith, your family, your desire to see them again, your will to survive and the knowledge that you're not going to be left behind. We won't go home without them. That has been a commitment made to everyone who wears the uniform, and it will be honored," Kernan said.

We remember those who are still fighting the past wars, those who have not had the chance to come home to the families.

I ask unanimous consent to place in the RECORD the names of those who have not had the chance to come home from the Korean and Vietnam wars.

Thank you Mr. Speaker, and I yield back the balance of my time.

KOREAN WAR POW/MIA—INDIANA

Floyd Neal Acton, James Dwight Adams, Herbert D. Akers, George Anspaugh, Robert Gene Archer, David Baker, Donald Lewis Baker, Donald Lee Barker, Lester William Bauer, Robert Allen Beard, Milton Marion Beed, Lowell W. Bellar, Victor Vernon Bender, A.D. Berry, Charles F. Binge, William Stanley Blasdel, William J. Bowerman, Allen Milford Bowman, Eldon R. Bradley, Kenneth Wilber Brock, Kenneth Brown, Thomas James Brown, Hugh Maynard Burch, Forrest S. Burns, Billie Jack Byard, Donald Caddell, Stanley Louis Calhoun, Jr., George R. Chadwell, Richard A. Chappel, Gene Franklin Clark, Harold Robert Clark, Clyde R. Clifford, James Allen Coleman, Louis Bernard Conde, Jack Dwayne Conrad, Richard Leon Conrad, James L. Constant, Folton Cosby, John Harold Cowger, Clarence Vernon Cox, Jr., Kenneth Lee Cozad, George Eldon Cranor,

Reed A. Criswell, William R. Cunningham, Kenneth Horton Dally, Howard Dale Dalton, Ezekiel Alfonso Davis, Jack A. Davis, Norman Glen Davis, George Debaun, Jr., Hobart Decker, Raymond Alfred Decker, Clayton C. Delong, Gene Alton Dennis, Stanley L. Dewitt, William L. Dick, Jr., Milton J. Dinerboiler, James Thomas Doody, Donald D. Drew, James R. Dunn, Joseph Durakovich, Donald Wayne Eads, John Omer Eaton, Herbert Phillip Eggers, Howard W. Emrick, William Chester Enright, Robert Vernon Estes, Don Carlos Faith, Jr., Robert Clarence Finch, Peter Paul Fluhr, Jr., Edward Leo Frakes, Ned Charles Frankart, Jack Marvin Frans, George Arthur Frantz, Charles Garrigus, Clifton E. Gibson, Willard M. Gibson, Clyde Goe, Robert Goodall, Joseph P. Greene, Jack Walter Griffith, Edward Allen Gude, John Edwin Guynn, Donald Sewell Hamilton,

Donald Lane Hamm, Keith Edward Hammon, Gilbert Larry Harmon, Elmer Harris, Jr., Max Eugene Harris, Bannie Harrison, Jr., Gene N. Hatch, Kenneth Verne Hay, Leo Joseph Henkenius, James Fella Hill, Robert Lee Hinds, William M. Hodge, Joseph Francis Holle, Charles Rutherford Holman, Floyd E. Hooper, Ralph Ernest Hubartt, Jr., Paul F. Hukill, Richard George Inman, Edward R. Jaynes, William F. Jester, William R. Jester, Leonard W.E. Jinks, Cornelius A. Jochim, William H. Johnson, Paul Martin Killar, Lawrence Edward Lander, Robert Warren Langwell, Everett W. Leffler, Harry H. Liddle, Jr., Larry Loveless, Earl Paul Lykins, Delbert Ulysses Mace, Donald F. Mangus, Everett D. Manion, Donald Lee Marlatt, Albert F. Martin, Herbert O. Martin, Steve A. Mastabayvo, Earl E. Mcclain, Charles H. Mcdaniel, Raymond John Mcdoniel, Edward Q. Mcfarren, James T. Mcintyre, Herbert V. Mckeehan, Joseph Lawrence Mcanally,

Morris Meshulam, R. Maurice Metzcar, Melvin J. Michaels, Harry Richard Middleton, Robert G. Minniear, James E. Mishler, Donald K. Mitchell, John D. Moore, Jr., Clarence Taylor Morris, David Wesley Morris, Russell F. Morris, Richard Everett Mullett, Jackie Lee Murdock, Donald William Myers, Thomas W. Neiswinger, Richard L. Nicholson, Charles Northcutt, Jr., Richard Lee Olcott, Raymond Edward Pearson, Virgil L. Phillips, Russell B. Pickens, Lewis Peifer Pleiss, James Plump, Bobby Lee Pothast, Bernard Clayton Reynolds, Donald Ray Rice, Alexander David Rider, Charles D. Riley, Marvin L. Rodman, Edward F. Ross, Robert Lewis Ross, Gene Robert Ruby, John Earl Rush, Marle D. Scott, Richard Dale Scott, Donald R. Sechman, Clifford Gene Selman, Luther Dean Serwise, Gerald Ivin Shepler, Wallace Simmons, Jr., Charles Edward Sizemore, Charles E. Smith, Leland Ford Smith, Marvin W. Soderstrom, Donald E. Spangler.

Alvin Lowell Stebbens, Paul P. Strawser, Charles Sturdivant, Gene Alfred Sturgeon, Harold Paul Suber, Edwin Felix Tabaszynski, James Willis Talley, John Edward Thurman, Robert Eli Titus, William Wilber Toops, Robert Jerome Tucker, Robert William Turner, Gene Lewis Wagner, Richard L. Wasiak, Robert Lee White, Robert Louis White, Robert Dewitt Wilder, Grover Lois Williams, Merble Eugene Wilson, John George Woliung, Bernard M. Zekucia.

VIETNAM WAR POW/MIA—INDIANA

William W. Bancroft, Jr., Charles Elberg Beals, Quentin Rippetoe Beecher, Stephen Eugene Briener, Harry Franklin Carver, Charles Dennis Chomel, Lawrence Clark, Thomas D. Clem, Kenneth Lloyd Crody, Gene Edmond Davis, Phillip Allen Ducat, Dean Arnold Duvall, George Curtis Green, Jr., Ralph L. Harper, Steven W. Heitman, John Wayne Held, Samuel Eugene Hewitt, John Russell Hills, Donald Russell Hoskins, George A. Howes, Paul F. Johns, James Reed Johnson, Grayland Jones, Karl E. Klute, Charles Allen Knochel, Robert J. Kuhlman, Jr., Bennie Richard Lambton, Michael Lautzenheiser, Karl Wade Lawson, Charles W. Lindewald, James Michael Lyon, Robert L. Mann, Jerry Dean Martin, James Maurice McGarvey, Francis B. Midnight, Harry E. Mitchell, Ronald Wayne Montgomery, Ralph Edward Moore, John M. Nash, William L. Nellans, Larry Stephen Newburn, Thomas Aquinas Parker, Russell Arden Poor, George Ray Posey, Billy L. Rogers, Charles Edward Rogers, Charles David Schoonover, Ronald Eugene Smith, Ronald P. Soucy, Sr., Bruce Wayne Staehli, Kenneth A. Stonebraker, John F. Stuart, John Steiner Stuckey, Jr., Donald Joesph Trampski, Raymond Anthony Wagner, Junior Lee Whittle, Thomas T. Wright, Robin Ray Yeakley, Jeffrey Jerome Young.

Mr. SKELTON. Mr. Speaker, I am proud of the fact that I frequently take time in this chamber to salute the men and women of our nation's armed forces who serve America so well. Today, I am proud to join my colleagues in this special order to express gratitude to a special category of U.S. veterans on National Former Prisoner of War Recognition Day.

While the men and women of our Armed Forces may expect to experience some hardships during their service to our country—perhaps in boot camp, or in time away from home and family, or even in combat—our soldiers, sailors, airmen, and Marines who have been captured and held as prisoners of war have experienced hardships we can barely imagine and frequently even they cannot bear to share with anyone.

Last year, our former colleague from Florida Representative Karen Thurman hosted a briefing with two survivors of World War II's Bataan death march and the Japanese prisoner of war camps. They came to Washington to discuss their war experiences with Members and with staff. It is no exaggeration to say that after hearing their testimony and other similar accounts, it is simply a wonder and a miracle they survived. A majority of their comrades in arms did not.

One of the veterans said that although more than 50 years have passed, it was only in the last several years that he had even told his wife about the horrors he and his fellow soldiers suffered. After the war, I am told, many of the heroic Americans who made it through unspeakable suffering were encouraged not to tell anyone about their prisoner of war status. If this is true, and I have no real reason to doubt it, that in itself is shameful and I am so glad we can put that sentiment to rest by honoring and recognizing our former POWs today.

Proclamations declaring National Former Prisoner of War Recognition Day happen every year, but this year it is particularly meaningful as we remember those from past conflicts and also focus on those service members who are currently engaged in the war in Iraq. Our thoughts and prayers are with all of our coalition forces and their families, particularly those who may have lost a loved one or whose family member or friend has been listed as missing or as a POW. Many families throughout the United States are having to call upon reserves of strength to get through this difficult time, but they should never forget that the entire nation shares their hope for the future, their joy in times of good news, and if need be, their grief in loss.

In recent days, the harrowing accounts told by Americans who were held by the Iraqis during the 1991 Gulf War have raised fears that the men and women who are missing today may suffer similarly criminal treatment. The evidence that we have so far indicates that this is the case. I am very concerned, as I am sure my colleagues are concerned, that we must do everything in our power to ensure that those who have committed war crimes are brought to justice.

Last Friday, the House Armed Services Committee held a hearing to examine the international law regulating the treatment of prisoners of war. Yesterday, House Armed Services Committee Chairman DUNCAN HUNTER and I sent a letter to the President suggesting that post-World War II's Nuremberg trials be used as a framework to convene an international military tribunal for the prosecution of war crimes committed during Operation Iraqi Freedom. Just as the Nuremberg trials were conducted by the four nations who won that war—the United States, Great Britain, France, and the Soviet Union—so, too, could a tribunal resulting from this war be conducted by the principal coalition partners: the United States, the United Kingdom, Australia, Poland, and Kuwait. Whatever system is put in place, justice will be our priority.

Without a doubt, we live in a special country. Americans have a spirit of idealism that cannot be broken, and our citizens strive to serve our country however possible. This spirit is evident throughout our nation, but also in the U.S. Congress, where several former POWs serve with distinction. Congressman SAM JOHNSON of Texas, Senator JOHN MCCAIN of Arizona, and former Congressman Pete Peterson of Florida could have very easily and justifiably returned home from Vietnam and devoted their lives to things other than government service. But they chose to continue their contribution by participating in electoral politics and doing the work that makes our American democracy a success. Their stories, as young men in uniform and in their later careers, inspire us all.

On this National Former POWs Recognition Day, we honor and express our gratitude to all former prisoners of war, whether they served during World War II, the Korean War, the Vietnam War, the Gulf War, or the current Iraq War. There is absolutely nothing we can do to make up for the sacrifices our service members and their families endured during their captivity in enemy hands. But as a nation, we can, and we must, thank them for their willingness to pay the price required to ensure America's freedoms. In the Congress, we must also be vigilant to ensure that our nation follows through on the promises we have made to our veterans and former POWs. As fellow citizens, it is the least we can do to begin to repay the debt that we owe them for their service to the American people.

Mrs. MALONEY. Mr. Speaker, I rise today to honor former prisoners of war, and to thank them for their bravery and dedication to our nation.

The United States military has no equal. Our servicemen and women are the best-trained and are the best-prepared to accomplish successfully their missions. However, as the war in Iraq has reminded us, we cannot always prevent the worst from happening.

The conditions for POWs, more often than not, are too difficult and too painful to imagine. I can only imagine the worry and the uncertainty that their families must feel each day until their loved one is brought home. The rescue of Jessica Lynch showed not only the commitment of our troops to finding their fellow servicemembers, but the bravery of Lynch herself, who stayed strong and focused.

Throughout history, America's military men and women have traveled around the world to fight for the causes of freedom and democracy. In this selfless pursuit, they knew that the battle would not always be easy. We owe them all an enormous debt of gratitude.

We cannot forget our veterans who helped to make this country what it is today and who have brought peace to other nations across the globe. Our nation's fighting men and women are currently engaged in a military conflict in Iraq. While they fight bravely for the principles upon which the United States was founded, we at home cannot turn our backs on veterans who deserve to have access to the benefits that they deserve.

Today, we recognize National Former Prisoner of War Recognition Day. I believe that each day we should remember these brave individuals, and the sacrifices that they made for all of us.

Thank you.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1846

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 6 o'clock and 46 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to rule XXVII, as a result of the adoption by the House and the Senate of the conference report on House Concurrent Resolution 95, House Joint Resolution 51, increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on April 11, 2003.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DeFazio (at the request of Ms. Pelosi) for today after 3:00 p.m. on account of schedule and district work period.

Mr. Reyes (at the request of Ms. Pelosi) for today on account of attending a memorial service for the soldiers of the 507th Maintenance Company who were killed in Iraq.

Mr. Boyd (at the request of Ms. Pelosi) for today from 1:00 p.m. through the district work period on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Stenholm) to revise and extend their remarks and include extraneous material:)

Mr. Stenholm, for 5 minutes, today.

(The following Members (at the request of Mr. Gutknecht) to revise and extend their remarks and include extraneous material:)

Mr. Franks of Arizona, for 5 minutes, today.

Mr. Gutknecht, for 5 minutes, today.

Mr. Foley, for 5 minutes, today. (The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Mr. Shimkus, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 538. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to Committee on Energy and Commerce.

S. 783. An act to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to Committee on the Judiciary.

S. 870. An act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program; to Committee on Education and the Workforce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1505. An act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office."

H.R. 1584. An act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 151. An act to prevent child abduction and sexual exploitation of children, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 10, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 397. To reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. To rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William "Willie" McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

Jeff Trandahl, Clerk of the House reports that on April 11, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 273. To provide for the eradication and control of nutria in Maryland and Louisiana.

ADJOURNMENT

Mr. RYAN of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Saturday, April 12, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1793. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1794. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1795. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James C. Riley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1796. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph K . Kellogg, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1797. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 03-14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1798. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 03-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

1800. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-53, "Closing of a Portion of a Public Alley in Square S.O. 02-2491, Act of 2003" received April 11, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1801. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1802. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1803. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lindstrand Balloons Ltd Fuel Hoses [Docket No. 2002-CE-50-AD; Amendment 39-13078; AD 2003-05-02] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. 2003-CE-13-AD; Amendment 39-13150; AD 2003-07-09] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A, 800A (C-29A), 800A (U-125), and 800B Airplanes; Model BH.125 Series 400A Airplanes; Model DH.125 Series Airplanes; Model Hawker 800, 800 (U-125A), and 800XP Airplanes; and Model HS.125 Series F3B, F3B/RA, F400B, F403B, 1B, 1B-522, 1B/R-522, 1B/S-522, 3B, 3B/R, 3B/RA, 3B/RB, 3B/RC, 400B, 400B/1, 401B, 403A(C), and 403B Airplanes [Docket No. 2002-NM-268-AD; Amendment 39-13103; AD 2003-07-07] (RIN: 2120-AA64) Received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Airplanes That Have Been Modified in Accordance with Supplemental Type Certificates (STC) ST00973WI-D [Docket No. 2002-

NM-31-AD; Amendment 39-12694; AD 2002-06-16] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A Airplanes [Docket No. 2000-CE-66-AD; Amendment 39-13082; AD 2003-05-06] (RIN: 2120-AA64) received April 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22,and 22A Airplanes [Docket No. 2000-CE-63-AD; Amendment 39-13081; AD 2003-05-05] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Moundridge, KS [Airspace Docket No. 02-ACE-12] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Presque Isle, ME [Docket No. FAA-2003-14346; Airspace Docket No. 2003-ANE-101] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 108–74 Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 197. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–75). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIBERI (for himself and Mr. Lucas of Kentucky):

H.R. 1766. A bill to make permanent the provisions of the Fair Credit Reporting Act and amend the Gramm-Leach-Bliley Act to establish a national uniform privacy standard for financial institutions; to the Committee on Financial Services.

By Mr. KENNEDY of Minnesota (for himself and Mr. Smith of Washington):

H.R. 1767. A bill to amend title 23, United States Code, to empower State and local authorities with tools to eliminate congestion on the Interstate System; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. Smith of Texas, and Mr. Coble):

H.R. 1768. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. Rangel, Mr. Manzullo, Mr. Levin, Mr. Collins, Mr. McDermott, Mr. LaHood, Mr. Neal of Massachusetts, Mr. Shimkus, and Mr. Matsui):

H.R. 1769. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States; to the Committee on Ways and Means.

By Mr. BURR:

H.R. 1770. A bill to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes; considered and passed.

By Mr. McCOTTER:

H.R. 1771. A bill to amend the Communications Act of 1934 to prohibit knowingly misinforming the relative of a member of the Armed Forces of the United States that such member is deceased, injured, or missing due to an event associated with their military service; to the Committee on Energy and Commerce.

By Mr. AKIN (for himself and Mr. Schrock):

H.R. 1772. A bill to improve small business advocacy, and for other purposes; to the Committee on Small Business.

By Mr. BOEHLERT:

H.R. 1773. A bill to amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Science.

By Mr. BOEHLERT:

H.R. 1774. A bill to provide for the establishment at the Department of Energy of a program for hydrogen fuel cell vehicles and infrastructure, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. Smith of Texas, Mr. Goss, and Mr. Osborne):

H.R. 1775. A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. Cardin, Mrs. Johnson of Connecticut, Mr. Pomeroy, Mr. Blunt, Mr. Moore, Mr. Upton, Mrs. Tauscher, Mr. Gallegly, and Mr. Wynn):

H.R. 1776. A bill to amend the Internal Revenue Code of 1986 to make today's retirement savings opportunities permanent, to expand and improve retirement savings vehicles, to extend pension coverage through regulatory simplification and small business incentives, to enhance fairness and pension portability, to revitalize defined benefit plans, to provide additional defined contribution plan protections, to assist individuals in preserving their income throughout retirement, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 1777. A bill to provide for the establishment at the Department of Energy of a program for hydrogen fuel cell vehicles and infrastructure, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mr. Rohrabacher, Mrs. Johnson of Connecticut, and Mr. Portman):

H.R. 1778. A bill to establish a commission on employee ownership; to the Committee on Education and the Workforce.

By Mr. BEAUPREZ (for himself and Mr. Barrett of South Carolina):

H.R. 1779. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Ways and Means.

By Mr. BEAUPREZ (for himself, Mr. Blunt, Ms. Granger, Mrs. Musgrave, and Mr. Toomey):

H.R. 1780. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on the net capital gain of taxpayers other than corporations, to exclude interest and dividends from gross income, and to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 1781. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. Rangel, Mr. Stark, Mr. Matsui, Mr. McDermott, Mr. Neal of Massachusetts, Mr. Doggett, Mr. Acevedo-Vilá, Ms. Bordallo, Mr. Case, Mr. Grijalva, Mr. Gutierrez, Mr. Hinojosa, Ms. Lee, Mr. Payne, Ms. Roybal-Allard, Ms. Schakowsky, and Mr. Serrano):

H.R. 1782. A bill to amend the Internal Revenue Code of 1986 to change the calculation and simplify the administration of the earned income tax credit; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. Kingston, Mr. Burton of Indiana, Mr. Boehner, Mr. Bartlett of Maryland, Mr. Hall, Mr. Young of Alaska, Mr. Weldon of Florida, Mr. Sessions, Mr. Bonilla, Mr. Smith of Texas, and Mr. Scott of Georgia):

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. Kleczka, Mr. Sam Johnson of Texas, Mr. Israel, Mr. McNulty, Mr. Rogers of Michigan, Mr. Paul, Mr. Hayworth, Mr. English, Mr. Whitfield, and Mr. Lewis of Georgia):

H.R. 1784. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 1785. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. Towns, Mr. Delahunt, Mr. Lewis of Georgia, Mr. Frank of Massachusetts, Mr. Serrano, Mr. Holt, Mr. Pascrell, Ms. Woolsey, Mr. Sandlin, Mrs. Maloney, Mr. McNulty, and Mr. McDermott):

H.R. 1786. A bill to provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adult witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. Kennedy of Minnesota, Mr. Pascrell, Mr. Wilson of South Carolina, Mr. McNulty, Ms. Harman, Mr. Smith of Michigan, Mr. Goode, Mr. Cole, Mr. Fossella, Mr. McHugh, Mr. Duncan, Mr. Brady of Texas, Mr. Bereuter, Mr. King of New York, Mr. Walsh, Mr. Gilchrest, Mr. Doyle, Mr. Ney, Mr. Shimkus, Mr. Emanuel, Mr. Ehlers, Mr. Davis of Tennessee, Mr. Reynolds, Mr. McGovern, and Ms. Ginny Brown-Waite of Florida):

H.R. 1787. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. COSTELLO:

H.R. 1788. A bill to amend title XVIII of the Social Security Act to extend the minimum Medicare deadlines for filing claims to take into account delay in processing adjustments from secondary payor status to primary payor status; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE:

H.R. 1789. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 1790. A bill to provide for the equitable treatment of rural communities in the distribution of Federal disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN (for herself and Mr. McInnis):

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. Kirk, Mr. Buyer, and Mr. Taylor of Mississippi):

H.R. 1792. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

By Mr. DEMINT (for himself, Mr. Ballenger, Mr. Carter, Mr. Bereuter, Mr. Brady of Texas, Mr. Cunningham, Mr. Doolittle, Ms. Granger, Mr. Hayworth, Mr. McKeon, Mr. Norwood, Mr. Paul, Mr. Souder, Mr. Wicker, Mr. Franks of Arizona, and Mr. Manzullo):

H.R. 1793. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE (for himself and Mr. Ose):

H.R. 1794. A bill to authorize the Secretary of the Interior to construct and rehabilitate Federal water supply lines associated with Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 1795. A bill to provide that the income tax shall not apply for taxable years during which the taxpayer, or either spouse of a married couple, is serving in the war in Iraq; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. Olver, Mr. Leach, Mr. Frank of Massachusetts, Mr. McDermott, Mr. Udall of Colorado, Mr. George Miller of California, Mr. Brown of Ohio, Mr. Holden, Mr. Owens, Mr. Grijalva, Ms. Lee, Ms. Schakowsky, Ms. Berkley, Mr. Deutsch, Mr. Neal of Massachusetts, Mr. Becerra, Mrs. Maloney, Mr. Wexler, Ms. Baldwin, Ms. Roybal-Allard, Mr. Moran of Virginia, Mr. Capuano, Ms. McCarthy of Missouri, Mr. Wynn, Mr. Frost, Mr. Kucinich, Mr. Spratt, Mr. Rush, Mr. Ballance, Mr. Engel, Mr. Ford, Mr. Lynch, Mr. Hoeffel, Mr. Honda, Mr. Serrano, Ms. Velázquez, Mr. Payne, Mr. LoBiondo, Mr. Clay, Mr. Smith of Washington, Mr. Strickland, Mr. Dicks, Mr. Holt, Mr. Inslee, Mr. McNulty, Mr. Fattah, Mr. Berman, Mr. Rangel, Mr. Weiner, Mr. Markey, Ms. Woolsey, Mr. Miller of North Carolina, Mr. Stark, Mr. Farr, Mr. Levin, Mr. Ackerman, Mr. Delahunt, Mrs. Capps, Ms. McCollum, Mr. Pascrell, Mr. Cooper, Mr. Boucher, Mr. McGovern, Mr. Lewis of Georgia, Mrs. Napolitano, Mr. Moore, Mr. Simmons, Ms. Millender-McDonald, Mr. Gutierrez, Mr. Kildee, Ms. Harman, Mr. Doggett, Mr. Jackson of Illinois, Ms. Corrine Brown of Florida, Mrs. McCarthy of New York, Mrs. Christensen, Ms. Norton, Mr. Costello, Mr. Lipinski, Mr. Hastings of Florida, Mr. Kleczka, Ms. DeLauro, Ms. Eshoo, Mr. Baird, Mr. Tierney, Mr. Van Hollen, Mr. Nadler, Mr. Rothman, Mrs. Lowey, Mr. Michaud, Mr. Ryan of Ohio, Mr. Shays, Mr. Langevin, Mr. Gonzalez, Mrs. Davis of California, Mrs. Tauscher, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Mr. Lampson, Mrs. Johnson of Connecticut, Mr. Israel, Mr. Sanders, Mr. Brady of Pennsylvania, Mr. Hill, Mr. Cardin, Mr. Filner, Mr. Price of North Carolina, Mr. Gordon, Mr. Bishop of New York, Mr. Crowley, Mr. Waxman, Mr. Pallone, Mr. Meehan, Ms. Slaughter, Mr. Meeks of New York, Mr. Larson of Connecticut, Ms. Linda T. Sánchez of California, Mr. Matsui, Mr. Blumenauer, Mr. Sabo, Mr. Evans, Ms. Hooley of Oregon, Mr. Kirk, Mr. Schiff, Mr. Conyers, Mr. Jefferson, Mr. Allen, Ms. Jackson-Lee of Texas, Mr. Lantos, Ms. Lofgren, Ms. Eddie Bernice Johnson of Texas, Mr. Smith of New Jersey, Mr. Sherman, Mr. Peterson of Minnesota, Mr. Cummings, Mr. DeFazio, Mr. Menendez, Ms. Carson of Indiana, Ms. DeGette, Mr. Towns, Mr. Udall of New Mexico, Mr. Thompson of California, Ms. Solis, Mr. Bell, and Mr. Thompson of Mississippi):

H.R. 1796. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 1797. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Olver):

H.R. 1798. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 1799. A bill to amend the Immigration and Nationality Act to waive the requirement of 2 years of marriage for a spouse to self-petition to be an immediate relative in the case of spouses of citizens killed in service in the Armed Forces and to prohibit any fees relating to posthumous citizenship for aliens killed while on active duty service during periods of military hostilities; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. Shays, Mr. Abercrombie, Mr. Ackerman, Ms. Berkley, Mr. Berman, Mr. Blumenauer, Ms. Bordallo, Mrs. Capps, Mr. Clay, Mr. Conyers, Mr. Costello, Mr. Crowley, Mr. DeFazio, Ms. DeLauro, Mr. Deutsch, Mr. Doyle, Mr. Engel, Ms. Eshoo, Mr. Farr, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gallegly, Mr. Goss, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Holt, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Mr. Kucinich, Mr. Lantos, Mr. Levin, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Markey, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McNulty, Mr. Meehan, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Nadler, Mr. Neal of

Massachusetts, Ms. Norton, Mr. Olver, Mr. Price of North Carolina, Mr. Rothman, Ms. Roybal-Allard, Ms. Schakowsky, Mr. Schiff, Ms. Slaughter, Mr. Smith of New Jersey, Mr. Stark, Mrs. Tauscher, Mr. Towns, Mr. Udall of Colorado, Mr. Waxman, Mr. Wexler, and Ms. Woolsey):

H.R. 1800. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. Weiner, Mr. Rangel, Mr. Serrano, Mr. Crowley, Mr. Nadler, Mr. Towns, and Ms. Schakowsky):

H.R. 1801. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. Sanders, Ms. Norton, Mr. Nadler, Ms. Carson of Indiana, Mr. Evans, Mr. Owens, Ms. Solis, Mr. Stark, Mr. Kucinich, Mr. Lantos, Ms. Lee, and Mr. Frank of Massachusetts):

H.R. 1802. A bill to amend the Federal Unemployment Tax Act and the Social Security Act to modernize the unemployment insurance system, and for other purposes; to the Committee on Ways and Means.

By Mr. MENENDEZ (for himself, Mr. McNulty, Mr. Frost, Mr. Case, Ms. Lee, Mr. Reyes, Mr. McIntyre, Mr. Boyd, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Farr, Mr. McGovern, Mr. Davis of Tennessee, Mr. Emanuel, Mr. Filner, Mr. Acevedo-Vilá, Mr. Davis of Florida, Mr. Ruppersberger, Mr. Abercrombie, Mrs. Maloney, Mr. Berman, Mr. Udall of New Mexico, Mr. Israel, Ms. Jackson-Lee of Texas, Mr. Peterson of Minnesota, Mr. Bishop of New York, Mr. Rangel, Mr. Pascrell, Mr. Owens, Mr. Kind, Mr. Jackson of Illinois, Mr. Payne, Mr. Scott of Georgia, Mr. Towns, Ms. Linda T. Sánchez of California, Mr. Ross, Mr. Langevin, Mr. Andrews, Ms. Kilpatrick, Mr. Meehan, Mr. Ortiz, Mr. Boswell, Ms. Loretta Sanchez of California, Ms. Slaughter, Mr. Baca, and Mr. Marshall):

H.R. 1803. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 1804. A bill to raise revenue and reduce large and increasing Federal budget deficits due to the cost of the war in Iraq; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. Etheridge, Mr. Moore, Mr. McIntyre, Ms. Corrine Brown of Florida, Mr. Berry, Mr. Holt, Mr. Strickland, Mr. Gutierrez, Mr. Frost, Mr. Miller of North Carolina, Mr. Ballance, Ms. Lofgren, Mr. Ballenger, and Mr. Watt):

H.R. 1805. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Mr. PUTNAM:

H.R. 1806. A bill to amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 1807. A bill to amend the trade adjustment assistance program under the Trade Act of 1974 to establish a demonstration project to provide self-employment training and assistance to eligible adversely affected workers; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mrs. Blackburn, Ms. Ginny Brown-Waite of Florida, and Mr. Souder):

H.R. 1808. A bill to amend the Internal Revenue Code of 1986 to allow an immediate deduction for start-up and organizational expenditures in order to spur entrepreneurship; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky (for himself and Mr. Wamp):

H.R. 1809. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1810. A bill to require door delivery of mail sent to persons residing in senior communities; to the Committee on Government Reform.

By Mr. SESSIONS (for himself, Mr. Waxman, Mr. Abercrombie, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Brown of Ohio, Mr. Camp, Mrs. Capps, Mrs. Christensen, Mr. Crowley, Mrs. Jo Ann Davis of Virginia, Ms. DeGette, Mr. Deutsch, Mr. Dingell, Mr. Doyle, Mr. Engel, Mr. Farr, Mr. Frost, Mr. Gordon, Mr. Green of Texas, Mr. Hinchey, Mr. Hoeffel, Mr. Inslee, Mr. Isakson, Mr. Kildee, Ms. Kilpatrick, Mr. Lantos, Mrs. Maloney, Mr. Markey, Mr. Matsui, Mr. McNulty, Mr. George Miller of California, Mr. Moore, Mr. Moran of Virginia, Mr. Murtha, Mrs. Northup, Mr. Oxley, Mr. Pallone, Mr. Paul, Mr. Payne, Mr. Rahall, Ms. Schakowsky, Mr. Schiff, Mr. Scott of Virginia, Mr. Shays, Ms. Solis, Mr. Souder, Mr. Stark, Mr. Strickland, Mr. Terry, Mr. Thornberry, Mr. Towns, Mr. Udall of Colorado, Mr. Wolf, Mrs. Capito, Mrs. Johnson of Connecticut, Mr. John, Mr. Reynolds, and Mr. Kucinich):

H.R. 1811. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mrs. Johnson of Connecticut, Mr. Towns, Mr. Dingell, Mr. Hinchey, Mr. Payne, Mr. DeFazio, Ms. Kilpatrick, Ms. Lee, Mr. George Miller of California, Mr. Abercrombie, Mr. Davis of Illinois, Mr. Olver, Mr. Wexler, Mr. Sherman, Mrs. Lowey, Mr. Levin, and Mr. Kucinich):

H.R. 1812. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. Lantos, Mr. Pitts, Mr. McGovern, Ms. McCollum, and Mr. Sabo):

H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. Cannon, Mr. Conyers, Mr. Dreier, Mr. Frost, and Mr. McInnis):

H.R. 1814. A bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes; to the Committee on the Judiciary.

By Mr. SPRATT:

H.R. 1815. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to carry out a grant program for providing financial assistance for rail line relocation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 1816. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 1817. A bill to authorize the Secretary of the Army to carry out a dredging project to increase the depth of Menominee Harbor, Menomiee River, Michigan and Wisconsin, from 24 feet to 26 feet; to the Committee on Transportation and Infrastructure.

By Mr. TOOMEY:

H.R. 1818. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. Towns, Mr. Camp, Mr. Costello, Mr. Greenwood, and Mr. John):

H.R. 1819. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Energy and Commerce.

By Mr. VITTER (for himself, Mr. Crane, and Mr. McCrery):

H.R. 1820. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. Abercrombie, Mr. Ackerman, Mr.

Alexander, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Baker, Ms. Baldwin, Mr. Ballance, Mr. Becerra, Mr. Bell, Mr. Bereuter, Ms. Berkley, Mr. Berman, Mr. Berry, Mrs. Biggert, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Mrs. Bono, Mr. Boswell, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Mr. Camp, Mrs. Capito, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mr. Cardoza, Mr. Carson of Oklahoma, Ms. Carson of Indiana, Mr. Case, Mrs. Christensen, Mr. Clay, Mr. Clyburn, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Cramer, Mr. Crane, Mr. Crowley, Mrs. Cubin, Mr. Cummings, Mr. Cunningham, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Davis of Florida, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Tennessee, Mrs. Davis of California, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Mr. Deutsch, Mr. Dicks, Mr. Dingell, Mr. Doggett, Mr. Dooley of California, Mr. Doolittle, Mr. Doyle, Mr. Dreier, Mr. Duncan, Ms. Dunn, Mr. Edwards, Mr. Emanuel, Mrs. Emerson, Mr. Engel, Ms. Eshoo, Mr. Etheridge, Mr. Evans, Mr. Everett, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Filner, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gephardt, Mr. Gonzalez, Mr. Gordon, Mr. Green of Texas, Mr. Grijalva, Mr. Gutierrez, Mr. Gutknecht, Mr. Hall, Ms. Harman, Ms. Hart, Mr. Hastings of Florida, Mr. Hefley, Mr. Herger, Mr. Hill, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holden, Mr. Holt, Mr. Honda, Ms. Hooley of Oregon, Mr. Hoyer, Mr. Hyde, Mr. Inslee, Mr. Israel, Mr. Issa, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Johnson of Connecticut, Mrs. Jones of Ohio, Mr. Jones of North Carolina, Mr. Kanjorski, Ms. Kaptur, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Kirk, Mr. Kleczka, Mr. Kucinich, Mr. Lampson, Mr. Langevin, Mr. LaHood, Mr. Lantos, Mr. Larson of Connecticut, Mr. LaTourette, Ms. Lee, Mr. Levin, Mr. Lewis of California, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Mr. Lucas of Kentucky, Mr. Lynch, Ms. Majette, Mrs. Maloney, Mr. Markey, Mr. Marshall, Mr. Matheson, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McCrery, Mr. McDermott, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mr. Meeks of New York, Mr. Menendez, Mr. Mica, Ms. Millender-McDonald, Mr. Miller of North Carolina, Mr. George Miller of California, Mr. Mollohan, Mr. Moore, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Petri, Mr. Pickering, Mr. Pombo, Mr. Pomeroy, Mr. Portman, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Mr. Rogers of Michigan, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Royce, Mr. Rush, Mr. Ryan of Wisconsin, Mr. Sabo, Ms. Linda T. Sánchez of California, Ms. Loretta Sanchez of California, Mr. Sanders, Mr. Sandlin, Ms. Schakowsky, Mr. Schiff, Mr. Schrock, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Shays, Mr. Sherman, Mr. Shimkus, Mr. Shuster, Mr. Simmons, Mr. Skelton, Ms. Slaughter, Mr. Smith of Washington, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Snyder, Ms. Solis, Mr. Spratt, Mr. Stark, Mr. Stenholm, Mr. Strickland, Mr. Stupak, Mr. Tanner, Mrs. Tauscher, Mr. Thompson of Mississippi, Mr. Thompson of California, Mr. Tierney, Mr. Towns, Mr. Turner of Texas, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Visclosky, Mr. Walden of Oregon, Mr. Wamp, Ms. Waters, Mr. Watt, Mr. Waxman, Mr. Weiner, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Wexler, Mr. Wilson of South Carolina, Ms. Woolsey, Mr. Wu, Mr. Wynn, and Mr. Young of Florida):

H.R. 1821. A bill to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation; to the Committee on Financial Services.

By Ms. WATSON:

H.R. 1822. A bill to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the "Dosan Ahn Chang Ho Post Office"; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 1823. A bill to prohibit United States assistance for the Palestinian Authority and for programs, projects, and activities in the West Bank and Gaza; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania (for himself and Mr. Langevin):

H.R. 1824. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By —:

H.J. Res. 51. A joint resolution increasing the statutory limit on the public debt; considered and passed.

By Mr. CUMMINGS (for himself, Mr. Wynn, Mr. Cardin, Mr. Ruppersberger, Mr. Bartlett of Maryland, Mr. Hoyer, Mr. Van Hollen, Mr. Gilchrest, and Mr. Owens):

H.J. Res. 52. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States; to the Committee on House Administration.

By Mrs. CAPPS (for herself, Mr. Gibbons, Mr. Cunningham, Mr. Evans, Mr. Kirk, Mr. Menendez, Mr. Ney, Mr. Farr, Mr. Pence, Mr. Lantos, Mr. Schrock, Mr. Conyers, Mr. Gilchrest, Ms. DeLauro, Mr. Collins, Mr. Reyes, Mr. McCotter, Mr. Berman, Mr. Ryun of Kansas, Mr. Sabo, Mr. Upton, Mr. Edwards, Mr. Whitfield, Mr. Grijalva, Mr. McGovern, Mr. Ballance, Mr. McDermott, Mr. Pascrell, Mr. Holden, Ms. Carson of Indiana, Ms. Linda T. Sánchez of California, Mr. Bishop of New York, Mr. Hinojosa, Mr. Rahall, Mr. Frost, Mr. Baca, Mr. Wexler, Mr. Markey, Mr. Emanuel, Ms. Millender-McDonald, Mr. Davis of Alabama, Mr. Larsen of Washington, Mr. Strickland, Mr. Brown of Ohio, Mr. Towns, Mr. Michaud, Mr. Wynn, Ms. Kilpatrick, Mr. Jackson of Illinois, and Mr. Miller of North Carolina):

H. Con. Res. 151. Concurrent resolution extending the thanks of Congress and a grateful nation to the Iraqis Mohammed and Iman for their brave actions against oppression and tyranny in providing to United States forces, at great risk to themselves, information essential for the rescue of Private First Class Jessica Lynch, United States Army, on April 1, 2003; to the Committee on International Relations.

By Mr. CUNNINGHAM (for himself and Ms. Harman):

H. Con. Res. 152. Concurrent resolution expressing the appreciation of the Nation to the members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom and encouraging communities across the Nation to prepare appropriate homecoming ceremonies to welcome the members of the Armed Forces returning from those operations and to recognize their contributions to homeland security and expansion of freedoms around the globe and to prepare days of remembrance to commemorate the brave service and selfless sacrifice of the members of the Armed Forces who do not return; to the Committee on Armed Services.

By Mrs. MYRICK:

H. Res. 197. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

By Mr. COLE (for himself, Mr. Hayworth, Mr. Herger, Mr. Barrett of South Carolina, Mrs. Musgrave, Mr. Tiahrt, Mr. Simmons, Mr. Chabot, Mr. Turner of Ohio, Mr. Weller, Mr. Gibbons, and Mr. Smith of New Jersey):

H. Res. 198. A resolution expressing the sense of the House of Representatives that France, Germany, and Russia can initially best contribute to the reconstruction of Iraq by the forgiveness of outstanding debt between both Iraq and France, Iraq and Germany, and Iraq and Russia; to the Committee on International Relations.

. By Mr. FRANK of Massachusetts (for himself, Mr. Lantos, Mr. Smith of New Jersey, Mr. Capuano, Mr. Cox, Mr. Delahunt, Mr. McGovern, Mr. Abercrombie, Mr. Olver, Mr. Rohrabacher, Mr. Markey, and Mr. Pitts):

H. Res. 199. A resolution calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 200. A resolution expressing the sense of the House of Representatives with respect to a nationwide Town Hall meeting on the new foreign policy doctrines of the President; to the Committee on International Relations.

By Mr. ROGERS of Michigan:

H. Res. 201. A resolution expressing the sense of the House of Representatives that our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H. Res. 202. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of John Birks "Dizzy" Gillespie; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself and Mr. WELLER):

H. Res. 203. A resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 1825. A bill for the relief of Frank Redendo; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 1826. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on the Judiciary.

By Mr. SCHROCK:

H.R. 1827. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/T *MISS LINDA*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 57: Mr. CARTER, Mr. NEY, Ms. HART, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. HENSARLING, Mr. BRADY of Texas, Mr. MURPHY, Mr. HASTERT, and Mr. BONNER.

H.R. 63: Mr. PLATTS.

H.R. 100: Mr. ISRAEL.

H.R. 196: Ms. LEE and Mr. FILNER.

H.R. 219: Mr CHOCOLA and Mr. BARTLETT of Maryland.

H.R. 235: Mr. FLETCHER, Mrs. CUBIN, Mr. COX, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mr. SCHROCK, Mr. KINGSTON, Mr. FORBES, Mrs. EMERSON, Mr. BROWN of South Carolina, Mr. VITTER, Mr. CHABOT, Mr. NETHERCUTT, Mr. SHADEGG, Mr. THORNBERRY, Mr. WALSH, and Mr. TAYLOR of North Carolina.

H.R. 284: Mr. MILLER of North Carolina, Mr. OWENS, and Mr. GOODE.

H.R. 303: Mr. TIAHRT, Mr. BISHOP of Utah, and Mr. LARSON of Connecticut.

H.R. 328: Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DELAHUNT, Mr. CAPUANO, Mr. TIERNEY, Mrs. JO ANN DAVIS of Virginia, and Mr. LUCAS of Kentucky.

H.R. 347: Mrs. MALONEY and Mr. STUPAK.

H.R. 428: Ms. HART and Mr. DREIER.

H.R. 433: Mr. ENGLISH and Ms. LOFGREN.

H.R. 434: Mr. BARRETT of South Carolina, Mr. MCHUGH, Mr. BURNS, and Mr. CANTOR.

H.R. 442: Ms. CORRINE BROWN of Florida.

H.R. 465: Mr. WHITFIELD.

H.R. 476: Mr. ROSS.

H.R. 490: Mr. GRIJALVA and Ms. MAJETTE.

H.R. 527: Mr. FRANK of Massachusetts.

H.R. 528: Mr. HOEFFEL and Mr. GUTKNECHT.

H.R. 583: Mr. NORWOOD, Mr. LUCAS of Oklahoma, Mr. PITTS, Mr. ISSA, Mr. BRADLEY of New Hampshire, Mr. HYDE, Mr. GILLMOR, Mr. SMITH of Michigan, and Mr. CARTER.

H.R. 589: Mr. WEINER, Mr. COLE, Mr. GIBBONS, Mr. DOYLE, Mr. BEREUTER, Mr. NEY, Mr. GREENWOOD, and Mr. KLINE.

H.R. 611: Mr. DEAL of Georgia.

H.R. 615: Mr. DEAL of Georgia.

H.R. 645: Mr. NUSSLE, Mr. FILNER, and Mr. BERRY.

H.R. 684: Ms. MAJETTE and Mr. KOLBE.

H.R. 687: Mr. FLAKE, Mr. HYDE, Mr. WELDON of Pennsylvania, Mr. COX, Mr. STEARNS, Mr. UPTON, Mr. AKIN, Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 709: Mr. HILL.

H.R. 713: Mr. MICHAUD.

H.R. 715: Mr. TOWNS.

H.R. 716: Mr. HINOJOSA, Mr. SCHIFF, and Ms. MAJETTE.

H.R. 717: Mr. LYNCH and Mr. MCNULTY.

H.R. 722: Mr. CRENSHAW, Mr. FRANKS of Arizona, Ms. KAPTUR, and Mr. REHBERG.

H.R. 737: Ms. WATERS.

H.R. 754: Mr. PAUL.

H.R. 765: Mr. RAMSTAD.

H.R. 792: Mr. BECERRA.

H.R. 813: Mr. RYAN of Ohio.

H.R. 851: Mr. MICHAUD.

H.R. 857: Mr. UDALL of New Mexico and Mr. PLATTS.

H.R. 872: Mrs. CAPITO and Mr. DEAL of Georgia.

H.R. 876: Mr. DOOLEY of California and Mr. UPTON.

H.R. 879: Ms. BORDALLO, Mr. UPTON, and Mr. GILLMOR.

H.R. 898: Mr. GUTIERREZ, Mr. GONZALEZ, Mr. BECERRA, and Mr. CLAY.

H.R. 935: Ms. MAJETTE.

H.R. 953: Mr. SCOTT of Georgia.

H.R. 957: Mr. SHADEGG.

H.R. 967: Mr. LARSEN of Washington and Mr. WAMP.

H.R. 995: Mr. MILLER of Florida.

H.R. 997: Mrs. KELLY.

H.R. 1046: Mr. ENGLISH and Ms. MAJETTE.

H.R. 1061: Mr. DUNCAN.

H.R. 1068: Mr. MCHUGH, Mr. KENNEDY of Minnesota, Mr. HINOJOSA, Mr. MCINTYRE, Mr. WELDON of Florida, and Mr. BACHUS.

H.R. 1105: Ms. KILPATRICK, Mrs. KELLY, and Mr. DAVIS of Illinois.

H.R. 1108: Ms. CARSON of Indiana, Mr. KUCINICH, and Mr. GUTIERREZ.

H.R. 1115: Mr. CHOCOLA.

H.R. 1146: Mr. TANCREDO.

H.R. 1165: Mr. INSLEE.

H.R. 1168: Mr. JANKLOW.

H.R. 1170: Mr. ROGERS of Michigan.

H.R. 1179: Mr. LINDER.

H.R. 1191: Mr. TAYLOR of Mississippi.

H.R. 1202: Ms. HARRIS, Mr. GARRETT of New Jersey, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. BONNER, Mr. RUPPERSBERGER, Mr. BURNS, Mr. WYNN, Mr. BALLANCE, Mr. SANDLIN, Mr. BAKER, Mr. CARTER, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. BARRETT of South Carolina, and Mr. PUTNAM.

H.R. 1206: Mr. JONES of North Carolina.

H.R. 1207: Ms. LEE.

H.R. 1209: Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. SHIMKUS, Ms. LEE, Mr. SERRANO, Mr. MCDERMOTT, Mr. CASE, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. ENGEL, Mr. FILNER, Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. OWENS, Mr. MARSHALL, Mr. DEUTSCH, and Mr. NEAL of Massachusetts.

H.R. 1214: Ms. BALDWIN, Mr. HAYWORTH, Mr. VISCLOSKY, and Mr. GUTIERREZ.

H.R. 1231: Mr. DICKS, Mr. BURNS, Mr. COLE, Mrs. MILLER of Michigan, Mr. STRICKLAND, and Mr. RYAN of Ohio.

H.R. 1235: Mr. CRENSHAW.

H.R. 1258: Mr. DOYLE and Mr. KENNEDY of Rhode Island.

H.R. 1261: Mr. TIBERI and Mr. ISAKSON.

H.R. 1270: Mr. BROWN of South Carolina.

H.R. 1276: Mr. KING of New York and Mr. PUTNAM.

H.R. 1294: Ms. BERKLEY.

H.R. 1309: Ms. MCCOLLUM.

H.R. 1310: Mr. POMBO.

H.R. 1336: Mr. SOUDER.

H.R. 1340: Mr. WAXMAN, Mr. FROST, Mr. COOPER, Mr. KUCINICH, Mr. ACKERMAN, Mr. MCNULTY, Mr. HOEFFEL, and Mr. OWENS.

H.R. 1355: Ms. MCCOLLUM.

H.R. 1367: Mr. PETERSON of Pennsylvania, Mr. PRICE of North Carolina, and Mr. BOSWELL.

H.R. 1372: Mr. SOUDER and Mr. MEEKS of New York.

H.R. 1400: Mr. DOGGETT.

H.R. 1414: Mr. BAIRD.

H.R. 1430: Mr. WAXMAN, Mr. MCNULTY, and Mr. PALLONE.

H.R. 1442: Mr. MARSHALL, Mr. BOSWELL, Mr. MCINTYRE, Mr. ROSS, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. GREEN of Texas, Mr. COLE, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. WYNN, Mr. CARDOZA, and Mr. FILNER.

H.R. 1451: Mr. PICKERING, Mr. JONES of North Carolina, Mr. FLETCHER, Mr. BROWN of South Carolina, and Mr. WELDON of Florida.

H.R. 1470: Mr. BLUMENAUER.

H.R. 1472: Mr. MCGOVERN, Mrs. CAPPS, and Mr. COSTELLO.

H.R. 1480: Mr. GUTIERREZ.

H.R. 1508: Mr. CROWLEY.

H.R. 1511: Mr. BEREUTER, Mr. TOM DAVIS of Virginia, Mrs. CAPITO, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. EVERETT, Mr. HUNTER, Mr. GALLEGLY, Mr. HEFLEY, Mr. LINDER, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. COLLINS, Mr. WICKER, Mr. CRANE, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. WOLF, Mr. JOHN, Mr. ALEXANDER, Mr. WAMP, Mr. HALL, Mr. COX, Mr. SWEENEY, Mr. CANNON, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. LUCAS of Oklahoma, Mr. LATOURETTE, Mr. MANZULLO, Mrs. BIGGERT, Mr. GARY G. MILLER of California, Mr. TIBERI, Mr. MURPHY, Mr. FLETCHER, Ms. HART, Ms. GRANGER, Mr. HENSARLING, Mr. BOYD, Mr. LUCAS of Kentucky, Mr. HOEKSTRA, Mr. POMBO, Mr. ROHRABACHER, Mrs. JONES of Ohio, Mr. FEENEY, Mr. LATHAM, Mr. CRAMER, Mr. HYDE, Mr. DOOLITTLE, Mr. NORWOOD, and Mrs. NORTHUP.

H.R. 1523: Mr. SESSIONS.

H.R. 1543: Mr. ANDREWS and Mr. DUNCAN.

H.R. 1568: Mr. HINOJOSA.

H.R. 1569: Mr. PAYNE, Mr. LOBIONDO, Mr. PASCRELL, and Mr. FERGUSON.

H.R. 1576: Mr. WEXLER, Ms. MILLENDER-MCDONALD, and Mr. MCNULTY.

H.R. 1586: Mr. HENSARLING.

H.R. 1614: Mr. SCOTT of Georgia.

H.R. 1625: Mr. LOBIONDO and Mr. ANDREWS.

H.R. 1635: Mr. HINCHEY.

H.R. 1643: Mr. MCINTYRE, Mr. ISAKSON, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. GRAVES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PLATTS, Mr. CARDOZA, and Mrs. NORTHUP.

H.R. 1662: Mr. CARDOZA and Mrs. EMERSON.

H.R. 1675: Mr. JENKINS, Mr. MCINTYRE, Mr. SHUSTER, Mr. EDWARDS, Mr. TANNER, Mr. GOODE, Mr. BOOZMAN, Mr. ALEXANDER, Mr. SNYDER, Mr. OSBORNE and Mrs. CAPITO.

H.R. 1684: Mr. FROST and Mr. GRIJALVA.

H.R. 1688: Mr. MCNULTY, Mr. BLUMENAUER, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, and Mr. CAPUANO.

H.R. 1693: Mr. PAUL.

H.R. 1700: Mrs. CHRISTENSEN.

H.R. 1708: Mr. RUPPERSBERGER, Mr. MEEHAN, Mr. TANNER, Mr. STRICKLAND, Mr. CARSON of Oklahoma, Mr. GREEN of Texas, Mr. MCINNIS, Mr. PASCRELL, Mr. DELAHUNT, and Mr. LANTOS.

H.R. 1713: Mr. KENNEDY of Rhode Island.

H.R. 1717: Mr. BLUMENAUER and Mr. SHERMAN.

H.R. 1725: Mr. GARY G. MILLER of California, Mr. LEWIS of Kentucky, Mr. YOUNG of Alaska, Mr. AKIN, Mrs. CUBIN, Mr. POMBO, and Mr. SENSENBRENNER.

H.R. 1738: Mr. HOLT and Mr. LAMPSON.

H.R. 1751: Ms. LEE.

H.J. Res. 46: Mr. CALVERT.

H.J. Res. 48: Mr. FOLEY.

H. Con. Res: 30: Mr. GERLACH and Mr. FOLEY.

H. Con. Res. 56: Mr. CUMMINGS.

H. Con. Res. 78: Mr. STARK.

H. Con. Res. 94: Mr. MCNULTY and Mr. LANGEVIN.

H. Con. Res. 110: Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. SCHIFF, Mr. HAYWORTH, and Mr. UPTON.

H. Con. Res. 114: Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. WATSON, Ms. NORTON, Mr. MCDERMOTT, Mr. STARK, Mr. KUCINICH, Ms. WOOLSEY, and Mrs. JONES of Ohio.

H. Con. Res. 119: Mr. BURNS, Mrs. MYRICK, Mr. CHOCOLA, Ms. WOOLSEY, and Mr. FOLEY.

H. Con. Res. 130: Mr. RANGEL, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. PAYNE, Mr. SHERMAN, Mr. JACKSON of Illinois, and Mrs. JONES of Ohio.

H. Res. 60: Mr. SCHIFF, Mr. LAHOOD, Mr. ISAKSON, Mr. CANTOR, and Mr. ROGERS of Alabama.

H. Res. 136: Mr. HAYWORTH and Mr. TIBERI.

H. Res. 137: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mr. MEEHAN, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. DAVIS of Alabama, and Mr. RYAN of Ohio.

H. Res. 142: Mr. HOEFFEL, Mr. DEFAZIO, Mr. PALLONE, Mr. ACKERMAN, Mr. EVANS, Mr. MILLER of North Carolina, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. GOODE, and Mr. DELAHUNT.

H. Res. 154: Mr. LANTOS, Mr. KELLER, Mr. SKELTON, Mr. MCHUGH, Ms. GRANGER, Mr. SOUDER, Mr. FERGUSON, Mr. FROST, Mr. FOLEY, and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 157: Mr. ABERCROMBIE.

H. Res. 164: Mr. SHAYS and Ms. DELAURO.

H. Res. 174: Mr. NADLER, Mr. MORAN of Virginia, Ms. CARSON of Indiana, and Mr. HOLT.

H. Res. 194: Mr. LANTOS and Mr. STARK.

EXTENSIONS OF REMARKS

AN ESSAY ON THE AIR FORCE NATIONAL SECURITY FORUM AND THE AMERICAN ARMED FORCES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SKELTON. Mr. Speaker, recently, Mr. Brian L. Cornelius, a resident of Higginsville, MO, submitted an outstanding op-ed for the Higginsville Advance newspaper. The words composed by Mr. Cornelius are very meaningful and well written, and I wish to share them with all Members of the House of Representatives.

NOW MORE THAN EVER PRAYERS BETTER THAN PROTESTS

(By Brian L. Cornelius)

In May of 2002, I had the distinct privilege of attending the 49th Annual National Security Forum (NSF) at Maxwell Air Force Base in Montgomery, Alabama. I attended this event on the nomination and request of Congressman Ike Skelton. The National Security Forum is held in conjunction with the Air War College of the Air Force and includes members of every branch of the U.S. Military.

As background, the primary purpose of the forum is a frank and candid exchange of views on national security matters among invited civilian guests, Air War College students, and senior military and civilian leaders. Over 130 civilian guests from the fields of business, education, government, law, media and medicine attended the National Security Forum.

The tragedies surrounding the September 11, 2001 terrorist attacks were still fresh in my mind when the 2002 National Security Forum commenced eight months later. I was in New York City ten days before the terrorist attacks of September 11th occurred. I stood and looked with awe at the World Trade Center. Our hotel was less than three blocks from the twin towers, and was later closed due to the damage it sustained when the towers collapsed.

The format of the NSF places all attendees in seminar groups with Air War College students (those in the military). Each day, all the seminar groups attend a morning and afternoon lecture together and then break out into their respective seminar groups to discuss the issues raised during the lecture. These lectures were presented by several people from both military and civilian life. The presenters list included the Chairman of the Joint Chiefs of Staff, the Secretary of the Air Force, the Middle East editor for a national magazine, a national network news Pentagon correspondent, and other very impressive people from the media, think tanks, and military personnel. I have seen several of the presenters on national news outlets such as NBC, CNN and Fox News in the months since attending the National Security Forum.

The National Security Forum operates on a "non-attribute" method to encourage an honest and robust dialogue on the issues discussed. Therefore, anything said by anyone attending the Forum cannot be directly attributed to that person without the person's consent. The only other request of civilian attendees to the National Security Forum is that we share what we learned with our local communities.

With the above background, I would like to share with my community a bit of what I learned while attending the National Security Forum last May. It is particularly relevant while the war with Iraq is on going.

I went into the National Security Forum with a bit of skepticism and a healthy dose of intimidation. While my father was a veteran of World War II, I knew little of military protocol, and I wondered why the military would want the opinion of a common guy from Lafayette County. I was also a little bummed that I had to travel on Memorial Day and be away from my family. I was intimidated by the thought of staying on a military base for several days, especially after the events of the prior September.

Once the NSF began, and I entered the room where my seminar group met, my skepticism and intimidation turned into complete respect, and the deepest feeling of privilege and honor I have experienced. The military members of my seminar group caused this metamorphosis.

While the vast majority of Air War College students are officers in the United States Air Force, all other branches of service are also represented. Officers from foreign militaries also attend this year-long advanced training. I was told that it is more difficult for an officer to gain acceptance into the Air War College than it is for a Lieutenant Colonel to be promoted to full Colonel. Each and every military member of my seminar group was of the rank of Lieutenant Colonel or Colonel.

The military members of my seminar group were the most impressive people I have ever had the privilege to meet. While I wish I could tell you about all of these people serving our great country, I will confine this article to two representative samples.

Air Force Colonel Tony Hinen sat next to me for most of the week. While he has served in various capacities, I was most interested in his experience as a pilot of the huge tankers that refuel fighter jets and other planes during long missions. Colonel Hinen, a graduate of the Air Force Academy, is a dedicated Christian, husband and father. He has a keen insight into our world today, and was in training in Afghanistan when the September 11 terrorist attacks occurred.

Army Lieutenant Colonel Eddiy Daly sat across from me in our seminar group. An Airborne Ranger, Lt. Col. Daly made a combat jump in the Panama Canal campaign. Like local hero Stanton Thompson, Lt. Col. Daly received the Army's highest award for action taken in a non-combat or civilian situation. While piloting a plane for a civilian parachute jump club, Lt. Col. Daly climbed in and out of the plane, while flying it, to free the last jumper off the plane whose parachute gear had become hung up on the plane. After several attempts, Lt. Col. Daly finally cut the jumper free of the plane. The jumper safely parachuted to the ground and Lt. Col. Daly safely pulled himself back into the plane, by the pilot's seat belt, and landed the plane. Lt. Col. Daly is also a dedicated husband and father.

It was a very humbling experience for me to be in a room full of these very impressive men and women serving our country. Their grasp of our security issues was only equaled by their desire to serve their country to the best of their abilities.

National Security Forum seminars included topics such as "Lessons Learned or Unlearned—Enduring Freedom and Beyond", "Middle East Challenges and the U.S. Security Policy", and "The Changing Security Environment and U.S. Military Strategy".

Of the daily seminars that all NSF attendees were required to attend, the environment in the Middle East was often a topic. The speakers on Middle East challenges were civilian experts from a national news organization and a research think tank. Many other speakers during the week also talked about the situation in the Middle East.

While I am not allowed to directly quote anyone, I distinctly remember that each and every presenter at the National Security Forum was certain that Iraq, and Saddam Hussein, possessed weapons of mass destruction. Most, if not all, of these experts also felt that it was not a matter of "if", but "when" these weapons would be used.

Various positions and arguments were made for what the United States should do, if anything, in regards to Iraq. One speaker eloquently pointed out that the world is in a place that it has not been in since the Roman Empire. One country dominates the world in military and economic might for the first time in centuries. With the end of the cold war and the dismantling of much of the old Soviet Union, our United States of America is the dominant military and economic power in the world.

The consensus during the NSF seemed to be that the United States would end up having to deal with Iraq, in one way or another. The only debate was whether we, as a nation, should deal with Iraq before a crisis situation arises or in response to a crisis situation. In other words, do we try to prevent a potential crisis by taking a preemptive action, or should we wait to see when and/or if a crisis event occurs to react?

I went into the National Security Forum as a "hawk". That is, I thought it to be the responsibility of the United States to use its economic and military assets to right the wrongs committed across the globe and to work to protect all people from tyrants, terrorists, and corrupt regimes. If not us, I thought, then who? I supported President Clinton's military decisions on Bosnia and Somalia, just as I supported former President Bush's decision on the Gulf War.

After attending the National Security Forum, I believe I am still a "hawk". However, now that I personally know members of our military who very well could come directly into harm's way, I am less hawkish than before. I watch the reports on the war in Iraq with a much deeper anguish and a much greater appreciation for our military personnel. These men and women are regular

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

folks like you and me, who have to perform extraordinary duties, under extreme circumstances, because it is their duty.

I am certain that it has been that way throughout history. Whether it be my dad, Walter Cornelius, who was a bombardier on a B-29 in the Pacific Theater, or my uncle Bud Bramblett who served in the infantry in the Korean War, or Gary Evans who served in a combat outfit in Vietnam, or Darrell Jeffries who is a veteran of the Gulf War, or Stanton Thompson who has served through several conflicts and crises, or a host of others I do not know or have the room to remember here, the members of the United States Armed Forces are just regular people who in normal everyday life are mothers, fathers, neighbors, friends, businessmen, teachers, or just plain old folks like me.

These ordinary folks are called upon to do extraordinary duties during a time of war or crisis. They are not allowed the luxury of protesting a war. In fact, they are called upon to put their very life on the line in order to protect the right of the protester or to bring that right to the oppressed.

Attending the National Security Forum was a very humbling and very rewarding experience. If I learned anything while there, I learned that those serving in our military are an extremely impressive group of people. They do not take their duty lightly and they are very aware of all the costs of war and conflict. I also learned that our elected and military leaders know a lot more about our world and the perils we face than I do.

Wars have probably always been debated. While I believe the United States has a responsibility to the global community, I am not absolutely sure of what that responsibility should be. However, I trust our leaders to make the correct decisions based upon the evidence they face. I realize that I know little about world affairs or the evidence that brings our leaders to a decision to take military action. Only as our present circumstance with Iraq becomes history will we know the outcome. While I hope that history will show that the outcome was very positive, I cannot know that to be the case today.

This, however, I do know: I am certain that once a military action ensues, our leaders and the men and women of our military deserve our prayers, not our protests. There will always be time to debate the war. Now, however, more than ever, our leaders and especially those serving in the military deserve our prayers. But for the extraordinary circumstance they have been put into, these great Americans who are serving our country in the combat zone are just regular folks like us. They need us to lift them up in our thoughts and our prayers. In my opinion, through their personal sacrifice and service, these servants have earned it and they deserve it.

TRIBUTE TO AMERICAN LEGION AUXILIARY UNIT NO. 44 OF MARQUETTE, MI, RECOGNIZING THE SUCCESS OF THEIR POPPY SALE FUNDRAISING

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. STUPAK. Mr. Speaker; I would like to recognize a group in my district whose volunteers put in hundreds of hours every year to raise money for local veterans while encouraging public remembrance of veterans on Memorial Day.

The Richard M. Jopling American Legion Auxiliary Unit No. 44 of Marquette recently donated $3,500 in proceeds from its annual poppy sale to the D.J. Jacobetti Veterans Home in Marquette. This money—a truly remarkable sum—will let the Jacobetti Home purchase two portable WelchAllyn machines, used to monitor a patient's vital signs and provide an extra margin of safety for patients needing that support.

There could be no better time than the present, when the welfare of all our veterans and military personnel are in the minds of every American, to recognize the contributions of the Marquette American Legion Auxiliary No. 44. In these times of tight budgets, the efforts of these sterling volunteer service organizations are also critical to meeting the needs of our nation's veterans.

The sight of the Auxiliary's red crepe-paper poppies signals the arrival of spring in Marquette and also reminds the public of the sacrifices our veterans have made to protect our freedom.

Mr. Speaker, American Legion Auxiliary Unit No. 44 of Marquette also sponsors birthday parties for residents of the Jacobetti Home every month of the year.

In addition to the poppy sales and the birthday parties, the Auxiliary supplies gifts for the Jacobetti Home Christmas "Gift Shop" and sponsors a ladies friendship group at the veteran's facility.

Mr. Speaker, the world is a better place thanks to groups like American Legion Auxiliary Unit No. 44 of Marquette. I ask you and our colleagues to join me in recognizing and applauding their efforts.

CONGRATULATIONS TO MAINE SOUTH HIGH SCHOOL CONSTITUTION TEAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. SCHAKOWSKY. Mr. Speaker, 24 exceptional students from the 9th Congressional District are ready to compete against the smartest and the brightest from around the country in the National finals of the We the People...The Citizen and the Constitution. The 24 students, all seniors from Maine South High School in Park Ridge, IL, have recently won the Illinois State competition and will represent our great State in the national finals.

What does it take to make it into the finals of this prestigious contest? What does it take to make it this far? The answer is clear: Dedication, hard work, and countless hours reading, researching, and studying the great document that is the foundation of our democracy: the Constitution of the United States of America—the symbol of personal freedom and protection.

Each year, the "We the People" foundation hosts district, state and national level congressional-style hearings on the history and principles of Constitutional democracy in the United States. Participants are tested on their knowledge of the Constitution and its foundations and applications to our country.

The "We the People" contest is an invaluable learning experience for Maine South high school students and other students from around the country. The program helps promote democracy and encourages civic participation in the issues of critical importance to our freedoms by young men and women and I am hopeful they will carry those lessons with them into the future.

I would like to commend the students of Maine South High School's Constitution Team and their academic advisor Dan States for their hard work and great scholastic achievement, and I wish them the best of luck in the National Finals.

TRIBUTE TO THE CITY OF PLEASANT RIDGE, MICHIGAN ON THEIR 75TH ANNIVERSARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. LEVIN. Mr. Speaker, I rise to offer my congratulations to the City of Pleasant Ridge, its residents and its elected leadership, on the anniversary of the city's 75th year of incorporation.

The City of Pleasant Ridge is a beautiful bedroom community located, just north of the City of Detroit, in south Oakland County. With tree-lined streets, warmly cared for yards, and historic brick homes, the City of Pleasant Ridge is truly a "jewel" in the metropolitan area.

This settlement began in 1913 when Burt Taylor subdivided the Mayday farm. The settlement was incorporated as a village in 1921 and as a city in 1927. This city is now home to over 2,500 individuals and 1,000 families.

The City of Pleasant Ridge has a sense of community that can be seen at the bustling community center where they hold a variety of community events and classes, through the numerous community organizations and wide-ranging activities like the garden tours, auctions, scholarship grants to graduating high school students, active participation in the Woodward Avenue Dream Cruise and so many other wonderful community-wide activities.

The city has also had an impact beyond its borders in the Michigan community. Ashton Berst, an early City Administrator, was one of a dozen local government officials instrumental in forming the Michigan Municipal League. Pleasant Ridge is also the hometown of a former Member of Congress, and Governor of the State of Michigan, James Blanchard.

Mr. Speaker, I ask my colleagues to join me in sending every good wish to the City of Pleasant Ridge on their 75th anniversary. Indeed, they have much to be proud of. My heartiest congratulations to the residents, the community activists, and all of the members of the city administration. I look forward to many more years of working together, and being part of the fabric of this important community.

HONORING TERI JACKSON FOR HER 17 YEARS OF SERVICE TO THE GRAND PRAIRIE CITY COUNCIL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. FROST. Mr. Speaker, I rise today to honor Teri Jackson of Grand Prairie. Teri has exemplified the finest qualities of leadership and service and today I wish to honor her for her 17 year commitment to the City Council and the citizens of Grand Prairie.

A life long resident of Grand Prairie, Teri began her service on the City Council in the mid-1980s. She has guided the city through some very important milestones, including negotiations for a Class I horse racetrack, Lone Star Park at Grand Prairie. During these negotiations she was able to secure property for the Grand Prairie Tourism Information Center. The center was able to realize a prime location much sooner than anticipated thanks to the donated property and funds saved.

A Council Member since 1986, Teri has also served as Mayor Pro Tem from 1994–1995, Secretary on the Grand Prairie Sports Facilities Development Corporation since 1993, and as Finance and Government Committee Chairwoman since 1990. In addition she has also held advisory positions on the Regional Transportation Council, EMS task forces, and Compensation Negotiations Committee.

Mrs. Jackson is a graduate from the Prestigious Leadership Texas program for outstanding women in leadership roles. On a national level, she has served on the National League of Cities policy steering committee.

During her years of service to the city of Grand Prairie, Teri has been recognized with numerous awards. She earned the 1994 Athena Award and 1995 Chairman of the Board Award from the Grand Prairie Chamber of Commerce and the 1996 Woman of Distinction from Soroptomist International. On three different occasions she has received the MAP Award for outstanding performance from her employer.

Mr. Speaker, Teri Jackson exemplifies the qualities of dedication and service as both an employee public servant and citizen of Grand Prairie, Texas. I know my colleagues will join me today to honor her.

ARMED FORCES TAX FAIRNESS ACT OF 2003

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. KLECZKA. Mr. Speaker; thousands of former servicemen and servicewomen in five states are currently prohibited from receiving state-financed home mortgages backed by the sale of federally tax-exempt bonds. That is why Congressman HERGER and I, along with 36 of our colleagues, are introducing the Veterans American Dream Homeownership Assistance Act. This legislation is similar to bills we introduced in the 104th, 105th, 106th, and 107th Congresses.

In order to help veterans own a home, Congress created a program where states could issue bonds exempt from federal income tax in order to raise funds to finance mortgages for owner-occupied residences. Five states—Wisconsin, Alaska, Oregon, California, and Texas—implemented such a program for their veterans. Under a little-known provision in the 1984 tax bill, Congress limited the veterans eligible for this program to those who began military service before 1977.

As a result of the 1984 tax bill, veterans who entered military service after January 1, 1977 are prohibited from receiving a low-interest mortgage financed by federal tax-exempt bonds. This means veterans who served honorably in Panama, Grenada, the Gulf War, Bosnia, Afghanistan, and now Iraq cannot benefit from this partnership between the federal government and these five states. Are those who began serving our country after January 1, 1977 any less deserving than those who served before?

This arbitrary cutoff was created to raise additional revenue in the 1984 tax bill by limiting the issuance of tax-exempt bonds. When this provision was enacted, post-1976 veterans were a small percentage of all veterans, without much voice to protest this discriminatory change. But, over two decades later, there are thousands of veterans who have served our nation honorably.

Mr. Speaker, as time goes by, this legislation takes on increasing importance. The State of Wisconsin Department of Veterans Affairs has informed me that if the cap on veterans bonds is not lifted, the State will be forced to disband the program because too few veterans are eligible for the program.

This legislation would simply eliminate the cutoff that exists under current law. Under our proposal, former servicemen and servicewomen in the five states who served our country beginning before or after January 1, 1977 will be eligible to qualify for a low cost mortgage financed by federal tax-exempt bonds. This legislation does not increase federal discretionary spending by 1 cent. It simply allows the five states that have a mortgage finance program for their veterans to provide mortgages to all veterans regardless of when they served in the military.

There is no justification to allow some veterans to qualify for these home mortgages while others cannot. Mr. Speaker, I urge the House to help those veterans who have served after January 1, 1977 to own a home and pass this important legislation into law.

TRIBUTE TO DR. DONALD GERTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. MATSUI. Mr. Speaker, today I rise in tribute to a man with a truly distinguished career in academia. To say that Dr. Donald Gerth has made an indelible mark in higher education would only begin to skim the surface of the many wonderful contributions that he has made as an educator since he took his first teaching job in 1947 as a substitute high school math teacher. After more than a half-century of outstanding public service, Dr. Gerth will soon retire from the post of President of California State University, Sacramento. As his family, friends, colleagues, and admirers gather to celebrate Dr. Gerth's illustrious career, I ask all my colleagues to join me in saluting one of Sacramento most outstanding citizen leaders.

Dr. Gerth earned his Bachelor's of Arts, Master's, and Doctorate degrees in Political Science at the prestigious University of Chicago. Upon completion of his education, Dr. Gerth applied his great expertise in Asian political systems by serving as an Air Force Intelligence Captain from 1952–1956. After his stint in the Air Force, Dr. Gerth joined the staff of his alma mater, University of Chicago.

In 1958, Dr. Gerth and his wife, Ms. Beverly J. Gerth, moved west to California and began his forty-five year association with the California State University system. From 1958 to 1963, Dr. Gerth served as Associate Dean of Students and member of the Department of Government from 1958–1963. In 1964, Dr. Gerth accepted the post of Professor of Political Science at California State University, Chico. During his twelve-year tenure at California State University, Chico, Dr. Gerth also served as Vice President for Academic Affairs from 1970–1976. In addition, Dr. Gerth also lent his valuable services to the university through his roles as Dean of Students, Coordinator of the Institute for Local Government and Public Service and Public Administration, and Co-Director of a Danforth Foundation Research Project on improvement of undergraduate teaching. Dr. Gerth's willingness to tackle a variety of challenges is a testament to his steadfast commitment to bring about positive changes in higher learning.

In 1976, Dr. Gerth was appointed the President of California State University, Dominguez Hills, a post that he would hold for eight years. In July of 1984, Dr. Gerth was named the President of California State University, Sacramento. California State University has experienced significant increases in enrollment and number of degrees awarded under Dr. Gerth's stewardship. California State University, Sacramento is now the sixth largest campus in the twenty-three-campus California State University system. In recent years, California State University, Sacramento has initiated many new opportunities for learning such as some year-round programs, evening and weekend offerings, offcampus sites, and technology-based classes via computer or television. It is evident that Dr. Gerth's leadership has played an instrumental role in making California State University, Sacramento one of the most important universities in the state of California.

In addition to his duties as President of California State University, Sacramento, Dr. Gerth is also one of the most influential policy leaders in higher education. Dr. Gerth is the past President of the International Association of University Presidents from 1996–1999. He also served as a member of the Advisory Committee on Higher Education to the Director-General and as a member of the seven-person Steering Committee for the World Conference on Higher Education held in 1998. Dr.

Gerth was recently appointed by the U.N. Secretary General and the Director-General of UNESCO to a six-year term on the United Nations University Council, the governing board of the United Nations University is headquartered in Tokyo. It gives me great comfort to know that Dr. Gerth will continue to share his wealth of knowledge and experience in higher education with the world in his retirement.

Mr. Speaker, as Dr Gerth's friends, family, and colleagues gather to celebrate his great career, I am honored to pay tribute to one of Sacramento's most honorable citizens. Dr. Gerth's continuous leadership is a true testament to public service. If a template for commitment to education could be made, it would surely bear the resemblance of my dear friend Dr. Donald Gerth. Although his tenure as university President may soon be over, his involvement in community service and education is, fortunate for us, far from over. I ask all of my colleagues to join with me in wishing Dr. Donald Gerth continued success in all his future endeavors.

TELECOMMUNICATION INDUSTRY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. BACA. Mr. Speaker, I rise to emphasize the need to revitalize the telecommunications industry. In February, the FCC voted by a three to two margin to allow state regulators to decide how much competitors should pay for leasing networks.

Is this fair? Should long-distance companies be allowed to piggyback on the hard work and investments of other companies? How will this ruling affect consumers? Phone companies will not have any additional incentive to invest in new networks. This ruling will stifle technological change and hurt an industry that already suffered an 11 percent decrease in capital spending last year.

When the FCC issued new regulations in mid February to promote competition, it failed miserably. It missed an opportunity to create jobs in the struggling telecommunications industry. The FCC also missed an opportunity set a national policy to promote facilities-based competition that would have encouraged investment.

As evidence of the weak policy adopted by the FCC, on that day when the FCC issued its decision, the telecommunications industry lost $15 billion in worth. The move to shift decision-making to the States regarding Unbundled Network Elements will only create a quagmire of regulations that will not encourage investment and the creation of jobs.

The people who will suffer the most are the hardworking men and women who depend on this industry. As the Communications Workers of America state, there needs to be a Federal telecommunications policy that will boost the telecommunications industry and national economy.

The FCC missed their opportunity. I hope my colleagues in Congress will revisit this issue in the future.

Thank you Mr. Speaker, and I yield back the balance of my time.

MOTHER OF THE YEAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SKELTON Mr. Speaker, it is my honor to inform you that Betty Ruth Lewis Horine of Warrensburg, MO, has been named "Mother of the Year" by the American Mother's Association. Mrs. Horine has demonstrated a strong commitment and dedication to her family.

Betty Horine was born in Annapolis, Missouri, in 1931, to Issom and Ruth Lewis. She was a first generation college graduate, earned her Master's degree in Education and went on to teach for twenty-seven years.

Betty Horine has not only served her community as a teacher but she has volunteered in many different organizations such as teaching church school, helping with Meals-on-Wheels, assisting with the Food Chest, and leading the Girl Scouts, Boy Scouts and 4–H. She is also a member of the PEO, Retired Teachers, United Methodist Church, United Methodist Women, Friends of the Library, and teaches in the Adult Literacy Program. Betty has also been recognized twice for her volunteer work, receiving the Missouri Association of Rural Educators Award for Top Volunteer for Missouri and second she received the Methodist Women Special Mission Recognition Award.

Mr. Speaker, Betty Horine has distinguished herself as a fine educator, community leader, and mother. I am sure that my colleagues will join me in wishing Betty Horine and her family all the best.

TRIBUTE TO GARY QUICK ON THE OCCASION OF HIS INDUCTION INTO THE UPPER PENINSULA LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a man who is a longtime activist in labor and community service in the Upper Peninsula. Mr. Speaker, I rise to honor my good friend, Gary Quick of Kipling, Michigan.

This is not the first tribute I have done for Gary, but his election to the Upper Peninsula Labor Hall of Fame is an appropriate time to once again reflect on Gary's devotion to his country, his union and his community.

Gary Quick was born in Eagle, Michigan in 1940 and soon moved with his family to Rapid River, in Michigan's Upper Peninsula. After graduation from Rapid River High School, he began working as a sub-assembler at the Harnischfeger Corp. plant in Escanaba.

His leadership potential surfaced quickly, and within just a few years Gary's co-workers at United Auto Workers Local 632 elected him as a steward of the Local. In 1967 he was elected Local 632 Vice President, and in 1969, he was elected Local President.

Between 1966 and 1983, Gary Quick served as a delegate to the UAW's constitutional conventions and was involved with UAW matters at the national level. He also served as a delegate for the Delta County, Michigan, Trades and Labor Council from 1975 until 1984.

In April 1984, Gary's national work with the UAW earned him an appointment as an international representative for the Region 1–D UAW office in Escanaba. In that role, he successfully negotiated union contracts in many employment settings, including health care, education, automotive and aerospace industries. He retired from the UAW in June 2002.

Gary Quick also served his country and his community. He was a United States Army Reservist from 1963 to 1969. He served on the Delta County Road Commission from 1977 to 1982, and was a member of the Blue Cross/Blue Shield Advisory Board, the Labor-Management Board, and the Private Industry Council.

Mr. Speaker, Gary has gone above and beyond the call of duty as a public servant. His work for the labor movement, for his union colleagues and for his community have been an inspiration to all who worked with him in these endeavors.

Mr. Speaker, on April 26, 2003, at a ceremony in Marquette, Michigan, the Upper Peninsula Labor Hall of Fame will induct Gary Quick as a member in recognition of his many accomplishments and long years of service. I ask you and my House colleagues to join me in saluting him on this well-deserved honor.

MEDIA DIVERSITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise to express my support for media diversity and localism. The Supreme Court has maintained that the First Amendment is designed to achieve "the widest possible dissemination of information from diverse and antagonistic sources." Media ownership diversity is critical to ensuring that we protect the First Amendment. Over the years, the courts have supported the belief of Congress that independent ownership of media outlets results in more diverse media voices, greater competition, and more local content.

A free and open media is central to our democracy. It promotes civic discussion, encourages public participation in policy debates, and ensures representation of ideological, cultural and geographic diversity. I cannot overstate the importance of the FCC's review of media ownership rules in deciding whether the principles of the First Amendment will be embraced in every day reality, or only in theory. Clearly, this is the most important telecommunications issue of our time.

The FCC has announced that it will release a proposal on June 2nd to possibly eliminate or weaken rules that would have major impact on television broadcast ownership concentrations. The rule that bars NBC, ABC, CBS and FOX from merging with each other and the rule that limits one company from owning broadcast stations that reach more than 35 percent of households nationwide could disappear.

The FCC is also examining rules that apply to local markets, including the rule that limits companies in the same market from owning two or more broadcast TV stations; the rule barring an entity from owning a local newspaper and television station in the same market; the rule capping the number of radio stations that an entity is allowed to own in a market at eight; and the rule restricting a single entity from owning more than one television and radio station in the same market, unless it is proven that there is sufficient diversity in the market.

I am adamantly opposed to the FCC relaxing existing rules to allow greater media concentration. Existing rules have been put in place to ensure that local communities have access to varying viewpoints on local issues. These rules must be maintained and should be strengthened, instead of weakened. Nothing at all should be done until the public and members of Congress have a chance to evaluate and comment on any specific proposals to change the current media ownership rules. In my view, that requires ample opportunity to consider and prepare comments, as well as a sufficient number of local hearings to allow all constituencies and all parts of the Nation to voice their views.

Over the last few years, we have seen considerable ownership consolidation in the media; while at the same time we have seen important public interest protections eliminated. For the first 50 years after enactment of the 1934 Communications Act, people had a right to petition the FCC if they found coverage to be one-sided. The "fairness doctrine" required broadcasters to cover issues of public importance and to do so fairly until, in 1987, under immense pressure from the media, it was eliminated. The loss of the fairness doctrine—a major blow to consumers—was supposed to be alleviated by a blossoming of independent, local outlets that would expand diversity by increasing competition. In other words, consumers would no longer be able to use the fairness doctrine to ensure that their views were represented on a specific media outlet but would be able to present those views through competing media in the same market. Unfortunately, the public is now faced with increased concentration—not increased competition—and no longer has the fairness doctrine to fall back on.

In the last 25 years, the number of TV station owners has declined from 540 to 460 and the number of TV newsrooms has dropped by almost 15 percent. Three-quarters of cable channels are owned by only six corporate entities, four of which are major TV networks. Seventy percent of all markets have 4 or fewer sources of original TV news production. In 1975, there were 860 owners of daily newspapers. There are less than 300 today. My constituents and many constituents across the Nation are frustrated that they are unable to hear different viewpoints and, increasingly, that they are unable to get their own viewpoints to others because of barriers to the visual and print media. I believe that there is significant argument for the FCC to recommend reinstatement of the fairness doctrine. At the very least, they should not allow even more ownership concentration that makes the loss of the fairness doctrine even more onerous.

Greater media ownership concentration limits the public's access to diverse viewpoints. Radio provides an example of what can happen when media ownership rules are abolished. In 1996, Congress eliminated the national ownership caps for radio. The result has been greater consolidation in the radio industry. In 1995, Clear Channel owned 1.3 percent of radio stations; today it owns 20.2 percent. In almost half of the largest markets, the three largest corporations control 80 percent of the radio audience. This has made it harder for diverse opinions to be heard. Just last month, Clear Channel refused to air an advertisement in which Congressman DANNY DAVIS and I expressed our opposition to waging war in Iraq. Clear Channel refused to put the advertisement on the air. Fortunately, several independent stations did.

Clear Channel, which owns 1200 stations across the country, has refused to air songs by the Dixie Chicks who have spoken against war in Iraq, it has put out a recommended "do not play" list that includes John Lennon's "Imagine" and 150 other songs, it has actively worked to support pro war rallies, and it has refused to play paid ads that do not reflect its own views. This is what happens when a few companies control the airwaves. The owners' bias is reflected in what they choose to put on the air and listeners are limited in what they are able to hear.

Part of the problem is that many entities that own media outlets are more focused on their bottom line than the public good and the public's right to hear and express diverse views. The founder and CEO and Clear Channel said in a recent Fortune Magazine article, "We're not in the business of providing news and information. We're not in the business of providing well researched music. We're simply in the business of selling our consumers products." I appreciate Mr. Lowry's candor and I do not dispute his right to pursue profits. However, his statement clearly illustrates the problem. Greater media ownership concentration will hurt our democracy.

We must maintain media diversity and localism. We cannot allow information to be monopolized, rationed or censored because a free and open media is absolutely critical to the functions of a democratic society. The stakes are high and the threat to free speech is all too real.

I urge all the FCC Commissioners to hold and attend more public forums across the country on any specific proposed changes to existing rules, as a major part of their decision-making process.

TRIBUTE TO RICHARD T. THOMPSON, CHANCELLOR OF OAKLAND COMMUNITY COLLEGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. LEVIN. Mr. Speaker, I rise to honor a remarkable individual, Richard T. Thompson, Chancellor of Oakland Community College (OCC) upon his retirement from this outstanding five-campus institution.

Beginning his OCC career in 1996, Mr. Thompson was a member of the English, Social Science and Counseling faculty at the Highland Lakes Campus. He also served as Academic Dean and Campus Provost at that campus until 1975.

After 1975, Mr. Thompson held various positions, including Provost of the Orchard Ridge Campus, and College District Vice President for academic and student affairs in 1984. He was promoted to Vice Chancellor of academic affairs in 1988, and served as OCC's Interim Chancellor. In 1995 he was appointed Interim President of Auburn Hills Campus.

On March 19, 1996, Richard T. Thompson assumed the Chancellorship of OCC, as its sixth chief executive officer. This appointment marked the first time in history of the college that an OCC academician was chosen to head its five-campus institution.

Professional and community activities are also a significant part of Mr. Thompson's life. The Providence Hospital Community Board, the Educational Advisory Board, the Oakway Symphony and the Better Business Bureau are some examples of the wide range of interest and service he has provided.

Mr. Speaker, I ask my colleagues to join me in honoring Richard T. Thompson for his dedication and devotion to Oakland Community College, an outstanding institution of higher learning, and for the high quality of education and the inspiration he has provided for its students during his tenure.

I wish Richard, and his wife, Nancy, good health and happiness in whatever paths they choose to take in retirement.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the state of the Union had under consideration the bill. (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

Ms. MCCOLLUM. Mr. Chairman, I rise today in support of the fiscal year 2003 supplemental appropriations bill, yet express my sincere disappointment that the amendment offered by Representative OBEY to increase funding for our homeland security needs was defeated on a party-line vote.

I support our troops in the field, and believe it is the responsibility of Congress to provide our armed servicemen and women with the resources they need to achieve victory in Iraq and return home quickly and safely to their families. Just as important, however, is the responsibility of Congress to ensure the safety and security of our hometowns. Representative Obey's amendment would have added $2.5 billion for homeland security needs, including $150 million for State public health and environmental laboratories to deal with chemical weapons attacks, $800 million for the equipment and training needed to let local fire, police, and medical personnel meet the difficult challenges a terrorist attack would entail, and $66 million to help the Reserves train and relocate deployable military hospitals. This amendment would have taken a significant step to protect American communities and neighborhoods.

By rejecting this amendment, the House missed an opportunity to address pressing unmet needs for protection of the American people from terrorist attacks. I am concerned that the failure of the amendment to be made in order will delay for months and perhaps longer the implementation of numerous simple, straightforward steps that we should be taking to prevent future catastrophic attacks against the United States.

For the RECORD, I submit a copy of a letter I received from Minnesota Department of Public Safety Commissioner Rich Stanek, urging support of additional funds for homeland security in the supplemental to assist Minnesota's rising homeland security needs. Representative Obey's amendment would have gone a long way toward meeting this need, but unfortunately the Republican Party in Congress said "no" to Minnesota and "no" to this new funding.

Protecting our homeland is a nonpartisan issue. Nothing is more important than the security of our hometowns and our families. As this bill moves to conference with the Senate, I hope we can agree that homeland security needs must be above party-line politics.

MINNESOTA DEPARTMENT
OF PUBLIC SAFETY
St. Paul, MN, March 28, 2003.

Hon. BETTY MCCOLLUM,
Longworth House Office Building
Washington, DC.

DEAR REPRESENTATIVE MCCOLLUM: As the United States continues military action to disarm and liberate Iraq, Minnesota's Office of Homeland Security has taken a number of security measures to assess any potential risks and to ensure the safety of Minnesotans throughout the state.

The State Emergency Operations Center (SEPC) was partially activated at the onset of military action and was fully activated at 8:00 a.m. on March 20, 2003. The SEOC remained fully activated until 11:30 p.m. on Friday, March 21, 2003 and partially activated until 8:00 a.m. on March 24, 2003. In addition, the Minnesota State Patrol was deployed on March 17, 2003 for security purposes to the Flint Hills Oil Refinery, Ashland Oil Refinery, Prairie Island and Monticello Nuclear Plants, and the Minneapolis and St. Paul Water Treatment Facilities. On March 19, 2003, the Minnesota National Guard relieved State Patrol troopers and continued to provide facility security until 7:00 a.m. on March 26, 2003.

State cost estimates to activate the SEOC and to provide facility security total approximately $463,000. The major costs incurred by the state were the facility security costs: Department of Military Affairs, Minnesota National Guard ($368,000) and Department of Public Safety, Minnesota State Patrol ($65,000). There were also just over $30,000 in costs to activate the SEOC which include some operating and overtime costs for other state agencies. These costs do not include any costs at the local level to provide security or to prepare and respond to potential threats.

The cooperation and coordination at the state level has gone very well, and I am pleased that Minnesota has no incidents to report. In a conference call with the Department of Homeland Security, Secretary Ridge assured states that every attempt would be made to seek reimbursement for costs to provide heightened security at critical infrastructure sites. As Congress prepares to act on a supplemental appropriations bill, any funds you can secure for Minnesota's extraordinary costs, particularly in light of the state's budget crisis, will be greatly appreciated.

Thank you for your efforts on behalf of Minnesota. Please feel free to contact me if you have questions or need additional information.

Sincerely,

RICH STANEK,
Commissioner.

AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay Federal income tax when they sell livestock they have raised as part of an agricultural education program.

Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them. It is truly amazing that with all the handwringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes. What ever happened to no taxation without representation? No wonder young people are so cynical about government.

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 123, on the motion to recommit H.R. 1036 with instructions. Had I been present, I would have voted "nay."

HONORING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON WINNING THEIR FOURTH NATIONAL CHAMPIONSHIP

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to pay tribute to the outstanding accomplishments of the University of Connecticut Women's Basketball Team, who defeated the University of Tennessee Volunteers 73–68 to win the NCAA tournament on April 8, 2003.

I would like to offer special congratulations to Head Coach Geno Auriemma who won his second consecutive national title. After losing four senior starters last year, junior Diana Taurasi took control of the team and led them to victory, scoring 28 points.

Mr. Speaker, these extraordinary young women do not need me to tell them that they are champions, or that their accomplishments are appreciated. This year was supposed to be a year of rebuilding, but the Huskies were not going to rest on their laurels. Over the past 2 years they have only lost one game.

Mr. Speaker, I rise today to point out that although they are young adults themselves the outstanding achievements of the this team offers a fine example to our nation's young people. I applaud them for all of their achievements both on and off the court.

IN MEMORY OF CDR WILLIAM W. COBB

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of CDR William W. Cobb of Atlantic Beach, FL.

CDR Cobb was born in Lexington, MO, on November 7, 1920. He was raised in Lexington and Long Beach, CA, and attended Wentworth Military Academy in Lexington. CDR Cobb was a 1943 graduate of the U.S.

Naval Academy and was immediately ordered to sea duty in the Pacific. He saw combat action during several battle campaigns on the USS *Indianapolis* and the USS *Wasp*.

After World War II, CDR Cobb completed flight training in 1947 and went on to his first squadron tour in VP–26 from 1947–1949. He subsequently was assigned as Executive Officer and Instructor, NROTC at the University of Missouri in Columbia, before returning to flight duty as the Deputy Director of Plans and Operations, 1503rd Air Transport Wing in Tokyo, Japan. CDR Cobb assumed duties as the Assistant Operations Officer, NAS Moffett Field, California, and from 1958 through 1960, he was assigned duties as Senior Pilot and Patrol Plane Commander in Airborne Early Warning Squadron Three, based in Aguna, Guam.

CDR Cobb reported to the Pentagon for duty in the office of the Chief of Naval Information after a tour as a student at the Army Language School in Monterey, CA. He served under Admiral J.S. McCain, the father of Senator JOHN MCCAIN.

CDR Cobb retired from the Navy in July of 1964 after 24 years of honorable and dedicated service. He had a second career in sales and as a realtor in McLean, VA. He resided in Alexandria, VA, from 1961 to 1990. After a second retirement, CDR Cobb and his wife, Jean, also a former Lexington native, moved to Fleet Landing in Atlantic Beach, FL. His wife, a former Miss Lexington and runner up in the Miss Missouri pageant, passed away in 1999. They were married for 56 wonderful and productive years.

Mr. Speaker, CDR Cobb was a valuable leader in the U.S. Navy. I know the Members of the House will join me in extending heartfelt condolences to his family: his son Rear Admiral William W. Cobb, Jr.; a daughter, Susan E. Cobb; a sister, Mrs. C.C. Shannon; a grandson, granddaughter, and a great-granddaughter.

TRIBUTE TO JERRY D. LYNCH IN HONOR OF HIS SERVICE ON BEHALF OF MICHIGAN VETERANS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. STUPAK. Mr. Speaker, I rise today to honor Jerry D. Lynch, State Commander of the Michigan American Legion, for his tireless service on behalf of all veterans and active duty military personnel through the nation's largest wartime veterans' organization, the American Legion.

I have known and worked with Jerry Lynch for more than a dozen years, both during my time as a Michigan State Representative, and as a U.S. Representative. He has been a champion of veterans' causes for all of those years, and for many years before.

He is devoted to his community. It is no surprise to me that Jerry's first official act as Michigan State Commander after being elected by delegates at the American Legion State Convention in 2002 was to lead his home town Fourth of July parade in Daggett, Michigan.

Jerry knows that bringing the ideals of the American Legion and its goals and values back home to each community in Michigan is critically important to making sure that the contributions of our veterans and our active duty military men and women are honored in every day life. He is a shining example of those ideals.

When our fighting men and women have been performing so valiantly in Iraq and the welfare of all our veterans is on the minds of every American, it is particularly important to recognize the ideals of the American Legion as exemplified in Jerry Lynch.

State Commander Lynch, a Vietnam era veteran of U.S. Navy service, has been active at many levels of the American Legion. He has held positions at the state level, including Zone Commander, Membership Director and has served on the Americanism and New Posts Committees. Prior to that, he served as Commander of the Upper Peninsula Association, was a District Committeeman, and held several offices at Stephenson, Michigan Post 43, including that of Commander.

Jerry's lovely wife Judy is now the Legion's "First Lady" and will contribute her own special brand of activism and support to Legion causes. The Lynches have three children, Kim, Kelly and Donald.

Jerry's talents for leadership and service have been his great gift to the American Legion, and to Upper Peninsula veterans in particular. No task was too small—or too big—to get Jerry's attention, if it needed doing. He always comes through.

Mr. Speaker, I rise today asking that you and our House colleagues join me in relaying our respect and our appreciation to Jerry D. Lynch, who exemplifies the American Legion ideal, but more importantly, who is a perfect example of the human ideals of service to his fellow man and remembrance of those who have served before him.

TRIBUTE TO JOHN LAWLOR QUIGLEY

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. DELAHUNT. Mr. Speaker, I rise today to honor a man who dedicated his life to ensuring that the veterans and working men and women of our country had access to the best quality health care available. He was an individual of the highest integrity and character. Sadly, he passed away on Thursday, January 23, 2003, after a long illness. Hailing from Mashpee, Massachusetts on Cape Cod, his was a life devoted to his fellow men.

John Lawlor Quigley was born on April 29, 1922. He was married to Jean Regan and leaves three children—Jan, Kristen and John. He was also the proud grandfather of nine grandchildren.

He served his country honorably as a member of the United States Marine Corps during World War Two, and earned the Purple Heart for being wounded on Iwo Jima in 1945. After the war, he returned to Massachusetts, determined to become a positive force in his community. He graduated from Georgetown University and Boston College Law School with a law degree before making a run for Massachusetts House of Representatives. Though unsuccessful at his first run in politics, it may have been a blessing in disguise as his work then focused exclusively on veterans and health care issues.

John's commitment to America's veterans and to equal healthcare access for working families was instilled in him from an early age. His father, Lawrence F. Quigley, an 11 term mayor of Chelsea, Massachusetts, was the Commandant of the Chelsea Soldiers' Home, a state facility for homeless veterans as well as those with medical conditions necessitating long term care from 1934 to 1948. John succeeded his father and oversaw the Home for over 3 decades, from 1948 to 1980. The Quigley legacy over the last 7 decades is such that the Home's hospital has been renamed after John's father and in a sense it is fitting that John's final moments were spent in a place that he had nurtured and had truly become part of the fiber of his being.

He also was heavily involved in health care issues nationally. He served as President of the Massachusetts Hospital Association from 1961–62, Director of the American Hospital Association's Region 1 and President of the New England Healthcare Assembly. Membership in these organizations enabled John to tackle the many varied and constantly evolving issues in the healthcare industry. It was a platform he used to good effect. The loyalty of his peers, employees and fellow veterans is proof of that.

In addition to his many personal and professional responsibilities, John also made the time to be an active member of his community through involvement in a number of civic organizations. He lived his life with a concern for his fellow man and genuinely cared about the future of America. John Quigley is an example for all of us and as he looks down on us today, I want to add my voice to the chorus of accolades he has earned many times over for his devotion to veterans, love of country and dedication to family. I salute you and may God bless you.

HONORING PRIVATE FIRST CLASS DIEGO F. RINCON

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SCOTT of Georgia. Mr. Speaker, today, I rise to give some remarks about one of those noble heroes who gave his life, Private First Class Diego Fernando Rincon, who is from my 13th Congressional District in Georgia, whose funeral will be held today in just a few hours from now at 2 p.m. at the Seventh Day Adventist Church located in my district in Conyers, GA.

As we see on television the joyous faces of Iraq who have been liberated we must never forget the precious price that was paid by our brave and courageous soldiers who gave their lives so that Iraq could be free.

In his last letter to his mother, dated February 22 and received by his family on March 22, Private First Class Diego Rincon wrote:

> Hola, Mother,
>
> How are you doing? Good, I hope. I'm doing OK, I guess. I won't be able to write anymore starting the 28th of this month. We are moving out. We are already packed and ready to move to a tactical Alpha-Alpha (in Iraq). Once that happens, there will not be any mail sent out. We will only receive mail that is less than 12 ounces. At least that's what they said.
>
> I'm not sure where exactly we're going [to] be yet, but it is said to be a 20-hour drive in the Bradleys [fighting vehicles].
>
> So I guess the time has finally come for us to see what we are made of, who will crack when the stress level rises and who will be calm all the way through it. Only time will tell. We are at the peak of our training and it's time to put it to the test.
>
> I just want to tell everybody how much you all mean to me and how much I love you all. Mother, I love you so much! I'm not going to give up! I'm living my life one day at a time, sitting here picturing home with a small tear in my eyes, spending time with my brothers, who will hold my life in their hands.
>
> I try not to think of what may happen in the future, but I can't stand seeing it in my eyes. There's going to be murders, funerals and tears rolling down everybody's eyes. But the only thing I can say is, keep my head up and try to keep the faith and pray for better days. All this will pass. I believe God has a path for me. Whether I make it or not, it's all part of the plan. It can't be changed, only completed.
>
> "Mother" will be the last word I'll say. Your face will be the last picture that goes through my eyes. I'm not trying to scare you, but it's reality. The time is here to see the plan laid out. And, hopefully, I'll be at home in it. I don't know what I'm talking about or why I'm writing it down. Maybe I just want someone to know what goes through my head. It's probably good not keeping it all inside.
>
> I just hope that you're proud of what I'm doing and have faith in my decisions. I will try hard and not give up. I just want to say [I'm] sorry for anything I have ever done wrong. And I'm doing it all for you, Mom. I love you.

Tuesday, I talked with Diego's father, George, on the telephone and I expressed all of our feelings as a grateful Nation when I assured him that his son's contribution will forever be remembered. In addition, we would present him with the RECORD of this tribute to his son along with a U.S. flag that is flying over the Capitol today—the day of his son's funeral. This father of this genuine American hero was touched and moved and we both were in tears and he said, "Thank you, Congressman SCOTT." I said, "No, thank you, Mr. Rincon, we thank you. The Nation and the world thank you and your son because your son gave us the greatest gift of all, which is this: The gift that someone would lay down his life for his friend and those friends we see joyously celebrating their freedom on television today; friends who are thankful and grateful to 19-year-old Private First Class Diego Rincon."

Rincon fought the good fight, he finished his course, he kept the faith, and most assuredly for Private First Class Diego Rincon there is waiting for him an extraordinary crown of righteousness. Rincon has been awarded posthumous U.S. citizenship and I am proud to cosponsor pending legislation that will grant automatic citizenship for all foreign-born soldiers killed fighting for the United States.

God Bless Diego Rincon and God Bless America.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

SPEECH OF

HON. BRAD CARSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others:

Mr. CARSON of Oklahoma. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume. I rise in support of H.R. 1036, the Protection of Lawful Commerce in Arms Act.

As my esteemed colleagues have discussed, H.R. 1036 would prohibit civil lawsuits from being brought against gun manufacturers by parties that have been injured by the unlawful use of firearms.

Mr. Chairman, I am a great believer in personal responsibility. It is one of the key principles upon which America was founded. The Protection of Lawful Commerce in Arms Act would strengthen this great notion.

Imposing liability on an entire industry for harm caused solely by the unlawful actions of others is an abuse of the United States legal system—it undermines public confidence in our judicial system and threatens the viability of law-abiding companies.

Frivolous lawsuits against the firearm industry are nothing more than an attack on the Second Amendment. It seems a logical anti-gun tactic to me, if you can't lawfully prevent the sale of guns, then you go after the people who sell guns and make them afraid to sell their lawful products for fear of incurring substantial financial liability. Thus far, these frivolous and merit-less lawsuits have had little success in court. Their only success is in placing an enormous financial burden on gun manufacturers. However, these litigation costs are then passed onto consumers and makes it more difficult for law-abiding citizens to own guns. In the end, the ones who suffer the most are law-abiding consumers.

H.R. 1036 would help protect our second amendment rights by protecting legitimate businesses that comply with Federal, State and local gun laws. It is time to stop these frivolous lawsuits that threaten to bankrupt a responsible American industry by blaming the firearm industry for the actions of criminals. I urge my colleagues to support the Protection of Lawful Commerce in Arms Act.

INTRODUCTION OF THE CRIME VICTIMS RIGHTS AMENDMENT

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. CHABOT. Mr. Speaker, I am very pleased to be here today during National Crime Victims' Rights Week with this outstanding coalition to support what I consider to be one of the most important legislative efforts in the 108th Congress—the Crime Victim's Rights Amendment to the United States Constitution.

I'd like to start off by thanking the original cosponsors, some of whom are here. I'd also like to thank Senators KYL and FEINSTEIN for their leadership in the Senate and Attorney General Ashcroft for his continued support of this much needed amendment. And most importantly, I would like to thank the representatives of the victims groups who will speak shortly. Thank you all for coming today to show your support for the Victims Rights Amendment.

Many of the people here today know all too well that violent criminals damage or destroy the lives of innocent victims. According to the Department of Justice, in the year 2001, there were almost 1.5 million violent crimes committed in the United States. On any day, on any street corner, a mother, father, son or daughter can become the next victim of a rapist or murderer. For too many years these victims' voices have been silenced in a criminal justice system that recognizes only the rights of the accused. Thankfully, that is all beginning to change.

Currently, 32 States, including my home state of Ohio, have passed victims rights amendments to their constitutions. We have also enacted Federal victims rights statutes. Unfortunately, these laws have not been consistently applied, and many victims still are not treated with dignity and respect.

A constitutional amendment is absolutely needed to help facilitate a balance between the rights of victims and those of defendants. Only through an amendment to the Constitution can victims receive the justice they deserve.

This amendment would empower crime victims by allowing them to confront their assailants in court and at sentence or parole hearings. It would protect victims by requiring that they be notified about the release or escape of the perpetrator from custody and by requiring that the victim's safety be considered in determining a release from custody. Finally, the amendment would restore victims by guaranteeing them the right to seek restitution from their attackers.

These rights, like others guaranteed in our Constitution, would become fundamental, and citizens of every state would be protected.

I want to stress that nothing—I repeat, nothing—in this amendment will undermine or weaken the long-established rights of defendants under our Constitution.

For far too long, victims of crime in this country have had to stand on the courtroom steps with meaningful justice right beyond their reach. Not allowed to view proceedings in person. Not permitted to speak out on behalf of a murdered loved one. Not even notified when a violent abuser is turned loose.

Crime victims deserve to be treated better. They deserve to be treated with dignity in our criminal justice system. In the last Congress, I introduced this amendment in the House. And working with Senators KYL and FEINSTEIN and Attorney General Ashcroft, I think we made great progress in raising awareness of this critical issue. This year, I believe we can do even better. With the strong support we have received from President Bush, I am hopeful that we can pass this amendment and fortify an important truth: that victims must have their own inalienable rights under our Constitution.

FREEDOM'S OBLIGATION

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. BOEHLERT. Mr. Speaker, I respectfully submit the words of my constituent, Jessica Mattiace of Moravia, NY, for submission into the CONGRESSIONAL RECORD. Jessica was chosen as the winner of the Veterans of Foreign Wars broadcast scriptwriting contest for 2003.

Each year, the Veterans of Foreign Wars, VFW, of the United States and the Ladies Auxiliary conduct a Voice of Democracy audio/essay competition designed to give high school students the opportunity to voice their opinion on their responsibility to our country. This year, more than 80,000 secondary school students participated in this contest competing for the 59 national scholarships. The contest theme for this year was "Freedom's Obligation."

I applaud the VFW for continually providing this outlet for young people to share their personal views and coordinating this worthy competition each year. I also congratulate Ms. Mattiace on her achievement and wish her best of luck in her future educational ventures.

FREEDOM'S OBLIGATION

(By New York Winner—Jessica Mattiace)

It echoes through our courtrooms, sings in our churches, whispers in our hearts—freedom, the very lifeblood of America, the very marrow of our homeland. For this right our fathers fought, and for it they died. So that you and I might say we truly are free, a life was yielded, a heart ceased to beat, a soul, enflamed with the ardent desire to be loosed from the bounds of oppression and persecution, was severed from its mortal frame. How often is such a blessing taken for granted! How often is it abused! How often is it reduced to a right to do whatever one pleases. But this is not what so many men and women gave their lives for. They sought to create a land where all would be granted equal rights, but not where liberty would be considered license for immorality. In our quest to protect and preserve the freedom that has been endowed to us by God, and guaranteed to us by the blood of our fathers, we have created another sort of enslavement, the enslavement to such false ideas of freedom. Freedom has not been granted to us for nothing, and it is our duty to defend it at every moment.

Although as humans "Endowed by our Creator," as we are told by the Declaration of Independence, "with certain inalienable rights," these have not been given to us without responsibilities. There exists in this country especially, a legacy of liberty which has been passed on from generation to generation, safeguarded and sustained by its citizens. But this freedom is not immutable. We, as Americans, must rise to the responsibilities that face us. When not backed by people, by Americans motivated with the same passion and fervor as the founders of this land, our freedom is but a feeble idea quickly whisked away.

Has it become this today within our very borders? Although it must still be protected from outside threats, the real threat, the real danger is right here. It is threatened every single time a human life is disregarded or disrespected. With every unborn child prevented from ever taking its first breath, freedom is stifled and its very heart violated. With every hateful word or deed against a person's race, consent is given to forfeit the liberation of an entire country. It truly is a dreadful form of povery when such crimes against life are committed. How can a man stand upon his feet and proclaim his freedom, when he holds the stolen liberty of another in his hands? How can he defend the very thing that he has denied to others? No, it is not possible to secure for oneself what has been usurped from others. When the value of freedom is overlooked in a single human form, it is overlooked for all of humanity. Without compromise, this freedom must be defended and all obstacles and impediments standing before it must be defeated.

Our obligation to protect freedom begins within our homes, in our day-to-day life choices which affect others. What we value shows in our daily lives, and is reflected in our government. We are under a government put in place by ourselves and for ourselves. What is allowable, what is just, what is humane is before us to decide. We make the decision not merely by how we vote, but by how we speak, how we act, how we live.

In our refusal to forfeit human rights and dignity through our every action, we become a powerful testament to true freedom and liberty for all. To act in this way is our obligation; this is what we have been called to do by those who first ensured for us our freedom. We must live as free people, people valuing the liberty of all. Only then shall we truly be free. Only then shall this freedom be our possession, and only then will we be able to defend it from those who might attempt to snatch it from us.

RECOGNIZING THE PENNSYLVANIA ACADEMIC DECATHLON TEAM

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor the state of Pennsylvania's Collegiate Academy High School Academic Decathlon team as they prepare to conquer the championship title for the 2003 United States Academic Decathlon (USAD) National Competition.

Pennsylvania's Academic Decathlon team is comprised of students and coaches from the Collegiate Academy High School, located in the 3rd Congressional District. The Collegiate Academy team has already found victory in the local, regional and state USAD competitions and is anxiously awaiting the final national competition scheduled to be held at the end of April in the school's hometown of Erie, Pa.

I'd like to take the time today and recognize these talented students and their coaches, who have mentored and inspired the students throughout the entire school year.

The 2003 members of Pennsylvania's Academic Decathlon Team include: Joshua Cohick, Mara DiTullio, Jarrod Fedor, Noelle Lucas, Brian McNair, Andrew Narusewicz, Eden Roseborough, David Tran and Gregory Stachelek. The team's coaches are Carolyn Huzinec and Paula Lucas.

For more than 20 years, the USAD National competition has brought high school students together to challenge their intellects on various levels and provide an advanced educational opportunity. In the pursuance of academic excellence, academic decathlon teams must vigorously prepare to compete in ten different categories. The winning team will be recognized as the most prestigious high school in the nation.

I believe this scholastic competition to be a grand endeavor for high school students across America. Its continuous success is a prime example of our nation's enthusiasm for education. I am proud that Pennsylvania's 3rd Congressional District's own Collegiate Academy High School will represent the state this year in the national competition and I wish them the best of luck.

Mr. Speaker, I hope my colleagues will join me in honoring Pennsylvania's Academic Decathlon team and their coaches as they compete to become America's most prestigious high school.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. SOLIS. Mr. Speaker, During Rollcall vote No. 122 on the Meehen Amendment to H.R. 1036, the Gun Manufacturer's Liability Act, I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO WAYNE W. HINDS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and a leading citizen of Trumann, Arkansas. I am proud to recognize Wayne W. Hinds in the United States Congress for his invaluable contributions to his community, his state and his Nation.

Wayne was born and raised in Trumann, Arkansas, and even starred on the football team at Trumann High School. During his senior season in 1955, he set an Arkansas state high school football record for the most touchdowns scored in a single game. After graduation in 1956, Wayne decided to remain close to home and attended Arkansas State University in Jonesboro, where he majored in business administration.

On November 14, 1959, Wayne married Glenda Moye. He and Glenda had two daughters, Tamera Taylor and Misti Sims and are the proud grandparents of Raven Dawn Taylor, Brett Taylor, Mackenzie Sims and Bailee Sims.

In August 1967, Wayne began the job that has become the symbol of his commitment to his community. That year, Wayne was appointed Superintendent, Drainage District Number Seven. This jurisdiction covers 190,000 acres, 300 miles of channels and 65 miles of levees along the St. Francis River and Right Hand Chute of Little River. In February 1978, Wayne was elected General Manager and Executive Secretary of Drainage District Number Seven and since then has led the effort to protect the valuable waterways of Poinsett County.

In addition to his remarkable service in his professional career, Wayne has also been an important leader in his community. Wayne is a member and past president of the Trumann Booster's Club. He also served for many years on the Board of Directors of the Trumann Lions Club.

As children, we all learn the importance of "remembering where you came from". Wayne not only remembers . . . he serves. He embodies the old fashion values of service, leadership and commitment to his community that have made our State and our Nation great. On behalf of Congress, I pay tribute to Wayne Hinds for his tireless service and unwavering commitment to the people of Poinsett County, the people of Arkansas and the people of the United States.

THE STOP TAKING OUR HEALTH PRIVACY ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. WAXMAN. Mr. Speaker, in a few days, the Bush Administration's modifications to the Federal medical privacy rule will be in effect. Federal medical privacy protections are important for protecting the integrity of our health care system. Many Americans have been taking counterproductive steps, such as giving inaccurate information to their physicians or avoiding health care altogether, because of medical privacy concerns.

The medical privacy rule issued by the Clinton Administration in December 2000 established a sound foundation for addressing the complex issues relating to medical records privacy. Unfortunately, the Bush Administration's changes to the rule opened up significant loopholes in medical privacy protection. The Bush Administration eliminated the rule's requirement that individuals must provide consent before their personal health information can be used for treatment, payment, and a broad category of activities called "health care operations."

The Bush Administration also decreased privacy protections relating to marketing activities by removing privacy protections for activities that most consumers consider to be marketing. In addition, it changed the rule to allow disclosures of health information without patient consent to drug companies and other entities regulated by the FDA for a wide range of purposes. The December 2000 rule, in contrast, allowed such disclosures only for a narrowly defined list of health-related activities such as reporting adverse events associated with drugs.

That is why I am joining my colleagues Reps. MARKEY, DINGELL, and ROHRABACHER today in introducing the Stop Taking Our Health Privacy Act of 2003. The STOHP Act would: (1) reinstate the December 2000 rule's patient consent requirement for treatment, payment, and health care operations while ensuring that this requirement does not undermine essential health care activities such as filling prescriptions and making referrals; (2) strike the Bush Administration's definition of "marketing," thereby ensuring that the rule's privacy protections apply to activities consumers consider marketing; and (3) eliminate the broad exemption the Bush Administration created that would have allowed disclosure without consent to drug companies, while ensuring that disclosures essential for public health purposes are allowed.

I am pleased that this bill has bipartisan support. Medical privacy should not be a partisan issue. I hope to continue to work with both Democratic and Republican colleagues to remedy the harm done by the changes to the rule and to promote vigilant enforcement by the Administration of the privacy protections that remain. I will also continue to press for additional protections to ensure appropriate disclosure and use of individuals' health information.

TRIBUTE TO THE ASSISTANT CITY MANAGER BOB WALES, CITY OF RIVERSIDE, CA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. The community of Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Bob Wales is one of these individuals. On Thursday, April 10, 2003, Bob will be honored at a retirement reception in recognition of his contributions as the Riverside Assistant City Manager.

Bob received his Bachelor of Science degree in Civil Engineering from Virginia Polytechnic Institute in 1962. Upon graduation, Bob was commissioned in the U.S. Army and served honorably as a First Lieutenant in Orleans, France until joining the California Division of Highways in 1964. Bob obtained his license as a Professional Engineer from the State of California in 1969. Bob's accomplishments include the design of the 2/210 freeway interchange as well as the design of numerous bridges throughout California.

Bob began his career with the City of Riverside as an Associate Engineer in the Public Works Department in August of 1969. Over the following eight years Bob served as a Senior Engineer and a Principal Engineer.

In 1977, Bob was named Public Works Director and continued in that position for ten years until he was later appointed Assistant City Manager of Development. His duties included the oversight of the Public Works, Planning, Airport and Development Departments, as well as negotiating agreements with private developers and ensuring expeditious processing of key economic development projects.

In 1986, Bob was appointed Executive Director of the Riverside Redevelopment Agency in addition to his other duties. In that position he has contributed to all facets of redevelopment in the City's six project areas. Under his exemplary leadership, the Agency has been involved in hundreds of projects worth millions of dollars including the reopening of the historic Mission Inn, the construction of a California State office building, the redevelopment of a major portion of the east side of Riverside with two large scale retail/entertainment projects and the creation of a Justice Center in the downtown area which brought in a State Court of Appeals, a U.S. Bankruptcy Court, a U.S. Federal District Court and a County Family Law Court.

Bob's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many of the redevelopment projects and the vision of the future for Riverside and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

INTRODUCING THE AIR TRAFFIC CONTROL SYSTEM INTEGRITY ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. OBERSTAR. Mr. Speaker, today I have joined with Congressmen LOBIONDO, DEFAZIO, and QUINN to introduce the Air Traffic Control System Integrity Act of 2003, a bill to ensure that functions relating to the air traffic control system continue to be carried out by the United States Government.

Mr. Speaker, I am deeply disturbed by the Bush Administration's recent attempts to inch its way towards privatization or corporatization of our air traffic control system. First, on June 4, 2002, the President signed Executive Order 13264 to delete a phrase in Executive Order 13180 stating that air traffic control is an "inherently-governmental function."

More recently, the Office of Management and Budget (OMB) placed air traffic controllers on its 2002 Commercial Activities list, which is an inventory of activities performed by government personnel that should be subject to the forces of competition. Although FAA Administrator Marion Blakey testified before the House Aviation Subcommittee that ATC is in a protected class of the OMB Commercial Activities list, there is nothing that prohibits the Administration from re-categorizing ATC in the future.

The National Air Space system is not one well-defined piece of equipment. It is a complex, integrated arrangement of thousands of distinct systems, as well as regulations, procedures, and people, all interfacing with one another to accomplish one of the most intricate missions in the world—ensuring our country's ability to safely and efficiently move over 600 million passengers a year.

On September 11th, we learned just how efficiently our 15,000 air traffic controllers and 6,000 technicians do their jobs. On that fateful day, at 9:45 a.m., the Department of Transportation gave the order to ground all aircraft in U.S. airspace immediately—an operation that controllers and technicians had neither been trained nor tested to accomplish. Within the space of two hours, the FAA's air traffic controllers safely landed 4,482 aircraft; 3,195 commercial, 1,122 general aviation, and 165 military—without one operational error.

Following September 11th, our FAA technicians worked with the Department of Defense to staff Long Range Radar sites throughout the country as well as to provide additional radar surveillance data and voice communication capability to the military in support of "Homeland Defense." The dedication and professionalism of all of our highly skilled government employees is unparalleled.

Operation of ATC requires the cooperative, coordinated efforts of many divisions in FAA including those responsible for ATC services, facilities and equipment, safety certification and regulation, airport development, research and development and law. All of these divisions are required by law to have safety as their highest priority.

Any plan to privatize or corporatize the ATC system contemplates that system users, principally the airlines, will be saddled with a fee structure to pay for the corporation. This means that the ATC system will be an expense for airlines, affecting their profit and loss. At the same time, airlines will play a role in setting policies for the new corporation and deciding how much the corporation will spend, and, very likely, deciding who will be winners, and who will be losers.

Do we really want to have a relationship between airline profitability and ATC spending and other decisions affecting safety or security? To be blunt, when airline profit margins start to influence ATC practices, the safety margin may be eroded, and that would not serve the public interest.

One of the main justifications advanced in support of an ATC corporation is that it would produce a system that is more responsive to airline concerns and would reduce airline costs. However, two of the most prominent countries that have privatized their ATC systems—Great Britain and Canada have had numerous problems. Both countries' systems are financially distressed and suffering from performance setbacks. The perceived gains by privatizing the ATC systems in these countries—lower fees and increased efficiency—have actually translated into higher fees, numerous flight cancellations, delays, and very recently, a $250 million bailout of no privatized company by the British government. This is not a model that the U.S. wants to emulate.

In the existing ATC system, the FAA and the Congress make decisions on safety issues in the overall best public interest, with input from system users. If there is any move towards privatization or some form of government corporation, how will the public be assured that ATC operations will be managed with a primary goal of protecting the interest of airline passengers and ensuring safety and security?

The basic question that needs to be asked is whether we should risk the uncertainties of creating a new system to promote ATC safety and security when we already have in place a system with an outstanding safety record. The answer is simple: No.

That is why we must act now to halt any efforts to privatize or corporatize our nation's air traffic system functions. This bill prohibits the Department of Transportation from authorizing the conversion of any FAA facilities, or the outsourcing of any work currently performed by FAA employees (including air traffic controllers, systems specialists, and flight service station employees), in the ATC system to private or public entities other than the U.S. government. Importantly, however, this bill would not impact the contract tower program, the safety benefits of which have been well documented.

This bill would guarantee the continued integrity of our nation's air traffic control system. I urge my colleagues to support this critical piece of legislation.

TRIBUTE TO MR. CRAIG SWALLOW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PORTER. Mr. Speaker, I rise to extend my heartiest congratulations to Mr. Craig Swallow, of the Green Valley High School. Mr. Swallow has been selected as a Semifinalist of the National Council of Economic Education (NCEE)/Nasdaq National Teaching Awards. This achievement recognizes high school teachers for their originality, creativity, and effectiveness in furthering students' awareness of financial markets, the process of capital formation, principles of investment, personal finance, entrepreneurship, and the operation of market economies.

This recognition, and Mr. Swallow's place among the twenty finest high school educators in this field, gives credit not only to this fine teacher's outstanding capabilities, but also his dedication, in equipping his students for success in a highly-competitive, economically-complex professional environment. This achievement demonstrates Green Valley High School's commitment to provide our students with the comprehensive and rigorous curricula that will ensure the achievement of their future goals.

Mr. Swallow's teaching abilities are an example to all parents, teachers, and students. By gaining this prestigious professional accolade, Mr. Swallow becomes an example of the potential towards which all teachers can strive as they impart the most beneficial forms of knowledge to our children. I am proud to represent teachers like Mr. Swallow, whose dedication and knowledge, guarantee the future success of Green Valley High School, Henderson, Clark County, and all of Nevada.

A TRIBUTE TO AMERICA—A 21ST CENTURY ANTHEM

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. FOLEY. Mr. Speaker, I would like to bring to your attention a truly stirring song, "A Tribute to America—A 21st Century Anthem." Written by Ann Miller and performed by her son, Ted Maliaris—both from South Florida—this song serves as an inspiration for all Americans during the war on terrorism.

"A Tribute to America" was written with the hopes of uniting the country after the attacks on September 11, 2001. The purpose of the song was to heal the emotional wounds received that September day. The song continues to accomplish just that.

From Francis Scott Key's "Star Spangled Banner" during the War of 1812 to Irving Berlin's "God Bless America" during World War I, history provides examples of how music contributes to the steadfastness of America in the face of adversity. Even as we sang "God Bless America" on the Capitol steps just one day after the terrorist attacks, the United States regained its resolve to defeat terrorism wherever it rears its ugly head.

Please join me in recognizing the help that "A Tribute to America" has given in the healing process, and in thanking Ann Miller and Ted Maliaris for providing "A Tribute to America."

UNIVERSAL SERVICE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. OTTER. Mr. Speaker, just as railroads brought prosperity to small towns in rural America during the Industrial Revolution, glass fibers and silicon wafers are driving today's Information Age. Data is the commodity in this new economic revolution, and it can travel at the speed of light.

Through E-commerce, rural America can again be revitalized. But this train is bypassing some parts of the country, especially rural areas—some of which I represent. The Federal Communications Commission (FCC) must favor policies that foster real competition and promote consumer choice, not bureaucracy and regulation. FCC policies should not create disincentives for companies to deploy new fiber solely because they may have more resources and greater expertise then some of their competitors. Such policies breach the basic principles of the free market: that true competition naturally encourages development of cheaper services and better technologies. True competition can never exist if regulators insist on creating competitive parity in the industry at the expense of advancing technology.

Mr. Speaker, as we examine the development and deployment of high-speed communications technologies, we must ensure the existence of true competition, we must restore consumer driven integrity to the market, and we must not stifle progress.

IN RECOGNITION OF KYRIAKI S. CHRISTODOULOU AND THE WOMEN'S ISSUES NETWORK OF THE PANCYPRIAN ASSOCIATION OF AMERICA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Women's Issues Network (WIN) of the Pancyprian Association of America on the occasion of their annual dinner dance. An outstanding community service organization in my district, WIN is dedicated to the education, health, and a better quality of life for the Astoria community. This year they will be honoring Kyriaki S. Christodoulou, for her invaluable service and commitment to the community.

Kyriaki S. Christodoulou was born in Klirou and raised in the suburb of Agios Dometios, Nicosia, the second of four children of the Christodoulou family. Ms. Christodoulou's, parents instilled in her and her siblings the value of education and hard work. Ms. Christodoulou and her siblings attended the Grammar School (Gregoriou) in Nicosia, now under occupation. During her high school years, she was very active in the Debating and Literary Societies and was twice awarded for here creative writing by the Pancyprian Youth Artistic Group (KLON). Following the invasion in 1974, she came to the United States to further her education.

Ms. Christodoulou attended Hunter College and earned a Bachelors degree in Sociology and a Master of Science in Social Research. During her studies, Ms. Christodoulou worked with a variety of international organizations including the Consulate General of Cyprus in New York, the Permanent Mission of Cyprus to the United Nations, the International Labor Organization Liaison Office in New York, the United Nations Division of Palestinian Rights, the Greek Tourism Organization and the National League for Nursing.

Since 1993, she has directed the Cyprus Children's Fund, a not-for-profit organization established in 1974 following the Turkish invasion of Cyprus to aid enclaved and needy Cypriot children. The Cyprus Children's Fund also administers annual scholarship awards.

Ms. Christodoulou's spirit of volunteerism has led her to active participation in several community organizations. She has held the positions of General Secretary for the Pancyprian Association Dancing Division, the Pancyprian Association Women's Issues Network (WIN), and the Panpaphian Association of America. She served a 4-year term as the General Secretary of the Cyprus Federation of America, an umbrella organization representing Greek Cypriot associations and brotherhoods throughout the United States.

In addition, Ms. Christodoulou, who has a 14-year-old son, was President of the Parent-Teacher Association of the Greek Afternoon School of St. Demetrios and is currently serving on the School Board of the St. Demetrios Greek American School.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Ms. Christodoulou and the Pancyprian Association's Women's Issues Network, for their passion and commitment to the betterment of the Astoria community.

TRIBUTE TO THE PLEASANTON RAGE UNDER-12 GIRLS SOCCER TEAM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. POMBO. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of a very talented group of young women in California's 11th District. The Pleasanton Rage Soccer Team has won the 2003 Under 12 Girls Cal-North Snickers State Cup Championship and will now advance to the Far West Regional Championship in Hawaii this June.

On the afternoon of Sunday March 2, 2003, the Rage beat the Bay Oak Bombers of Alameda 2 to 1 in the final game of the championship at Lucchesi Field in Petaluma, California.

This is the first time in 13 years that an Under-12 girl's soccer team from Pleasanton has won this title of State Cup Champions.

The team of 16 girls has been working extremely hard—training three days a week since last July and attending tournaments to prepare them for this prestigious title. In January, the team played their first round of games for the State Cup Tournament in Morgan Hill, California. They played against teams from a pool of 51 in their age group from clubs in the Cal North district which stretches as far south as Bakersfield and all the way to the Oregon border in the north. Through their first six games in the State Cup Tournament, they shut out every opponent. They entered the finals with an amazing record of 17 goals for and 0 goals against.

Impressively the only goal they gave up came in the first minutes of the Championship game on a penalty shot. After adjusting to the artificial grass surface, the Rage came back to seal the win with 2 consecutive goals for the biggest win of their lives.

Each player was given a 1st place medal and the team was awarded a large trophy for their accomplishment. Parents were on hand to give out Hawaiian leis while many fans with blue and white hair and face paint were there to show their support of this amazing young Rage team. The Pleasanton Rage Girls U–12 team is currently ranked #1 in the State and #12 in the Nation.

They have earned the right to represent California in the Far West Regional in Hawaii from June 23–June 28th, 2003. In the week long tournament they will compete against teams from Hawaii, Alaska, Washington, Oregon, Wyoming, Utah, Arizona, Nevada, and Colorado.

The Championship Rage players are Michelle Avendano, Krista Bormann, Sammy Cloutier, Marisa Fraticelli, Tanya Hanson, Stacey Hildebrand, Claire Kennedy, Olivia Klei, Ashley Loughmiller, Amanda Luxford, Ashlyn Mazur, Rachael McGlinchy, Sophie Metz, Carlee Payne, Katie Voss, and Kim Zetterlund. They are coached by Gary Oetman and Paul Ratcliffe and trained by Phillipe Blin.

The team is to be congratulated for their remarkable performance and provided with the best wishes of everyone in California's 11th District as they continue to compete at the national level.

24TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. DELAY. Mr. Speaker, on April 10, 1979, the Taiwan Relations Act became law, and the United States affirmed its friendship with the people of Taiwan.

That friendship remains a cornerstone of America's vision for a free, secure, and prosperous Asia at peace with itself and the community of nations.

The TRA requires the United States to provide Taiwan sufficient arms to defend herself and demands a peaceful resolution to its dispute with Beijing.

Under the TRA, the Taiwanese are assured the United States will not allow bullying or blackmail across the Taiwan Strait.

Today, its 24th anniversary, this historic legislation is even more relevant than at its enactment.

Though Taiwan is one of America's largest trading partners, our friendship is much deeper than an economic partnership. Our two nations are bound by common values of self-determination, freedom, and economic opportunity.

We are also bound by a common resistance to the efforts of any regime to repress man's God-given human rights.

"The price of liberty is eternal vigilance," Thomas Jefferson said.

Free men and women in Taiwan, whose neighbors on the mainland suffer under the boot-heel of Communist tyranny, have no choice but to live that sentiment every day.

Taiwan is a free nation, and must remain so. Her open and tolerant society should be seen by Beijing not as a threat, but a model for progress.

I have traveled to Taiwan several times. Anyone who has can tell you it is home to a vibrant, modern nation of free and prosperous people, grateful for America's friendship.

It is now our responsibility to ensure that friendship grows even stronger. Our responsibility in such times is no less than to ensure the security of free men everywhere in the world.

The House of Representatives understands this responsibility, and has affirmed its support for Taiwan numerous times since TRA, including in its overwhelming passage of the Taiwan Security Enhancement Act in February, 2000.

So, too, does the President. He has made it clear the United States will do whatever it takes to defend Taiwan. His Administration has provided Taiwan with essential weapons systems and continues to expand our economic partnership. The House will continue to work with the Administration to ensure Taiwan's security.

For 24 years, the United States has cultivated a relationship with Taiwan, whose roots run to the core of our shared love of liberty. Against the harsh winds of despotism, that relationship has bloomed, and through the eternal vigilance of our two nations, billions will one day enjoy its fruit.

HONORING FORMER PRISONERS-OF-WAR

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. HARMAN. Mr. Speaker, I am pleased to join my colleagues in recognizing National Former Prisoner of War Recognition Day.

As others have said, America's former POWs are national heroes. Their service to our country placed them in dangerous situations and led to their capture and imprisonment.

Many suffered brutally at the hands of their captives. Many died.

During this time of hostilities in Iraq, we particularly remember the service members held prisoners there and ask for their humane treatment as we seek their immediate release. We also ask for an accounting of all the missing.

We take great pride in the successful rescue of Pfc. Jessica Lynch. We hope for her swift recovery.

Mr. Speaker, we shall never forget the tens of thousands of Americans who endured the hardship of enemy confinement—individuals like Bob Brigham of Torrance, California.

An Army private during World War II, Mr. Brigham was captured by the Nazis July 27, 1944 at St. Lo, France.

Nine months to the day, he was liberated from the camp at Memmengin, Germany, but not after hard labor digging air raid shelters under the camps railroad tracks.

Brian Ward of San Pedro was captured by the North Vietnamese when his F–4 bomber was shot down 2 days after Christmas 1972 while on a combat mission northeast of Hanoi.

Both he and his pilot suffered broken arms and back injuries as a result of their ejection. They were immediately captured, stripped of everything but their underwear, and transported to the "Hanoi Hilton". Two weeks later, they were transferred to a prison known as the "Zoo" a few miles southeast of Hanoi.

Mr. Ward was returned to the United States on March 29, 1973 as the next-to-last prisoner released from Hanoi.

There are other former POWs among the residents of my District. I salute them all. Their physical and emotional scars remain a reminder of the high price of liberty.

Mr. Speaker, I also join my colleagues in remembering those whose fate in time of war remains unknown.

While patriotic ceremonies and speeches will commemorate this day, for the families of the missing, the war is never over. Their loved ones are still unaccounted for. Their hearts have a very big hole that will never be filled.

The POW/MIA flag is posted in my federal offices and on the wall behind my desk. I am proud of the role I played in authoring legislation to require that flag to be flown at federal facilities on patriotic holidays.

POW families will not forget their loved ones. Nor will this Nation. Wherever it takes us, for as long as it takes us, we will work to bring them home.

REMEMBERING OUR FORMER PRISONERS OF WAR

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. BILIRAKIS. Mr. Speaker, I am pleased to be here tonight to commemorate "National Former Prisoners of War Recognition Day."

Sacrifice. It's a word we all know. All of us have made some sacrifices in our lives. We make sacrifices for our family, for our close friends, even for our neighbors and coworkers.

Anyone who has ever served or is serving in our Armed Forces knows that military life requires many sacrifices. Over one million Americans have given their lives, the ultimate sacrifice, while serving in our nation's Armed Forces.

Throughout history, the brave men and women of our Armed Forces have risked their lives. They have done so not merely for family or coworkers, but for a cause represented by the American flag—the freedom to choose and the liberty to succeed.

But no one knows the meaning of sacrifice better than America's former prisoners of war. All those who have been POWs know the true meaning of freedom. They have paid a tremendous price for the liberty we all cherish. Their service and sacrifice, and that of their fellow veterans, make our way of life possible.

Throughout the history of the United States, more than 500,000 Americans have been taken prisoner. Each of these courageous men and women has experienced horrors unimaginable in the annals of civilized existence. Most have endured long-term deprivation of freedom and the loss of human dignity. Today, many continue to experience prolonged battles with various illnesses and other disabilities.

There are no words to adequately describe the sacrifices made by our former POWs. Humble words can never repay the debt we owe these brave men and women. However, special days like today provide us with the opportunity to reflect upon the terror that these great Americans endured in service to their country.

While we can never fully comprehend the suffering they experienced, we must respect their unwavering dedication to life. Without question, American POWs have demonstrated an unfailing devotion to duty, honor and country.

Their service helped preserve our freedom through two world wars and regional conflicts of the cold war era. Our former prisoners of war have given more than most Americans will be called upon to give for their country.

As we honor our former POWs tonight, we are reminded of our current prisoners of war being held in Iraq. We pray for their safe return and are working to secure their freedom.

"Former Prisoners of War Recognition Day" serves as a poignant reminder of the sacrifice and commitment of all the American men and women whose patriotism has been tested by the chains of enemy captivity.

Their experiences underscore our debt to those who place their lives in harm's way and stand willing to trade their liberty for ours. As a nation, we must always remember the sacrifices made by our men and women in uniform.

SENSE OF HOUSE REGARDING SYSTEMATIC HUMAN RIGHTS VIOLATIONS IN CUBA COMMITTED BY CASTRO REGIME

SPEECH OF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DEUTSCH. Mr. Speaker, I rise in strong support of the Resolution condemning the arrest of Cuban political dissidents.

As the United States and the world's attention is focused on Iraq, Fidel Castro and his regime in Cuba have abruptly ended a perceived period of leniency and burgeoning democracy, by undertaking one of the harshest crackdowns against internal dissent. If the Castro regime believes that the arrest and conviction of 80 political dissidents in "kangaroo courts" for daring to advocate free speech and other rights for the people of Cuba will be ignored by the United States, Castro is greatly mistaken. My colleagues and I in the U.S. Congress have spoken in a unified voice condemning the unwarranted arrests of Cuban dissidents, and we will continue to aid Cuban people in gaining the basic human rights.

One individual to be tried in the "summary trials" which bear little semblance of justice is Dr. Oscar Elias Biscet, a physician who has first-hand knowledge of Cuban prisons for his activism on behalf of human rights. In February 2000, he was imprisoned and tortured for hanging the Cuban flag upside down, an undeniable act of non-violent civil disobedience. Dr. Biscet's freedom in October 2002 was short-lived and within months, this supporter of Dr. King's and Thoreau's peaceful methods of political change, has again been arrested for political dissidence and now faces life imprisonment under the draconian "Law 91."

Sharing in Dr. Biscet's good intentions, and sadly his fate of imprisonment, is Raul Ramon Rivero, an independent journalist and leader of the Cuban newspaper service. He is another nonviolent activist who was arrested on preposterous charges and sentenced to 20 years in prison for the simple possession of a Sony tape recorder and a Samsung computer, universal tools for most reporters. As numerous members of the Cuba Society of Independent Journalists like Rivero have been arrested and imprisoned, information emanated to the Cuban people has been severely limited.

Marta Beatriz Roque, a Cuban economist, also faces 20 years in prison for political dissent. The Castro regime arrested Ms. Roque, and other economists like her, for speaking the truth about the failings of the Cuban communist economy. As was true with the historically similar failing Soviet economy, Castro's silencing of all economic criticism will not prevent the Cuban people from knowing the reality of their impoverished economic situation.

Castro's arrest of these and other political dissidents, many of whom signed the "Joint Statement" highlighting the regime's failures, is a Stalinist tactic aimed at stifling popular unrest. This joint statement, published on March 9, 2003, reiterated the well-known facts that the regime refuses to "respect the internationally recognized human rights or accept the existence of legitimate political opposition." Castro's harsh tactics will only stall the inevitable, the establishment of a free and democratic Cuba. The people of Cuba are impoverished and oppressed, and they are no longer swayed by Castro's empty rhetoric of helping "the people."

Dr. Biscet's, Rivero's, and Roque's passion for democracy and human rights for the people of Cuba is both inspiring and contagious, and this is what Castro fears most. The tides are turning against the Castro regime. His recent assaults on his own people epitomize Castro's true nature, his inability to ever be anything other than a fear-driven, totalitarian despot. These arrests and amplified oppression stress his anxiety and his desperate attempts to maintain power. Only the strong and the courageous can affect change, and we in the United States will continue to stand with those who strive to bring freedom to Cuba.

HONORING THE DILLARD HIGH SCHOOL BOYS, SOUTH BROWARD HIGH SCHOOL GIRLS, AND DEERFIELD BEACH HIGH SCHOOL GIRLS BASKETBALL TEAMS ON THE OCCASION OF WINNING THEIR RESPECTIVE FLORIDA STATE BASKETBALL CHAMPIONSHIPS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. HASTINGS of Florida. Mr. Speaker, it is my distinct pleasure to give national recognition to three phenomenal high school basketball programs in my district. The Dillard High School Boys and South Broward High School Girls Basketball Teams have accomplished what many would consider a miraculous feat: each school has won four consecutive Florida state basketball championships. The Deerfield Beach High School Girls Basketball Team is also to be honored for winning Florida's 2003 Class 6A Championship, the largest division in Florida high school sports.

We often associate good coaching with star athletes and great strategy. However, Darryl Burrows and Abby Ward, Dillard and South Broward High Schools' respective coaches, have shown much more than an ability to outwit the competition. Their teams have continually dominated the competition, and each team is considered one of the best in the country.

Additionally, Everett Jackson, Deerfield Beach High's coach, led a team that overcame many obstacles in route to one of Florida's most prestigious high school championships. He and his players too are to be commended for a job well done.

Great high school sports programs promote character and leadership. The great accomplishments of these fine programs instill pride in their students and the entire South Florida community. Most importantly, these young student-athletes will carry with them the knowledge that they are champions, and they can be victorious over any challenge that life brings their way.

I submit for the RECORD the names of the coaches, principals, and athletes so that their incredible accomplishments will forever be documented by this body.

Dillard High School, Ft. Lauderdale, Florida, 2002-2003 Florida Class 6A Boys Basketball Championship, Principal, Rayfield Henderson, Coach, Darryl Burrows, Chris Johnson, Kevin Thomas, Johnny Williams, Marcus Edward, Joe McCray, Vincent Mosley, Micheal Reddick, Jermaine Haynes, Chris Rawls, Jimmy Tobias, Louis Holmes, Lavell Payne, Marcus Allen, Pat Sims, and Renarko Cunningham.

Deerfield High School, Deerfield Beach, Florida, 2002-2003 Florida Class 6A Girls Basketball Championship, Principal, Kathleen Martinez, Coach, Everett Jackson, Kendra Goodley, Charnika Foster, Shuteamia Brayboy, Cristal Randolph, Chytearra Kintchen, Princess Stewart, Lakeena Gillion, Jessica Brown, Virginia Gregoire, Veronica Randolph, Kentrina Wilson, Ju'Erica Overstreet, Monteza Hepburn, and Chalice McMillian.

South Broward High School, Hollywood, Florida, 2002-2003 Florida Class 5A Girls Basketball Championship, Principal, Steven Pomerantz, Coach, Abby Ward, Julia Noga, Domonique Thomas, Alysha Harvin, Keunta Miles, Brittany Washington, LaShaunda Slade, Krystle Stanley, Tonya Holmes, LaQuetta Ferguson, and Lamese James.

TRIBUTE TO PRIVATE JESSICA LYNCH ON NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to America's heroes on National Former Prisoner of War Recognition Day.

The holiday is all the more poignant this year. This year the world celebrated the rescue of POW Private Jessica Lynch from an Iraqi hospital. This brave West Virginia woman fought capture as she watched her comrades die next to her. West Virginians are especially proud of the rescue of one of our own and proud of the troops, including some of West Virginia's own National Guard, who were involved in her return. This was a truly remarkable moment for West Virginia's service men and women.

We may never know all the details of the ordeal Private Lynch endured while held in Iraqi captivity. Like so many POWs before her, not only are there physical wounds to heal but mental and spiritual. As Americans, it is our duty to welcome back these heroes who fought for our freedom. We must give all of our returned POWs the support they require and deserve and share with them our pride in their sacrifice to the Nation. We give thanks to God for the return of our POWs and ask Him to watch over our soldiers and our Nation.

REMEMBERING IAN D.W. SUTHERLAND, LIEUTENANT COLONEL, U.S. ARMY SPECIAL FORCES (RETIRED)

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mrs. EMERSON. Mr. Speaker, this week, as we watch the events unfolding in Operation Iraqi Freedom, our hearts go out—not just to the Iraqi people who we are liberating from tyranny and oppression—but to our dear brave friends, the men and women in uniform serving in the American Armed Forces.

The men and women of our Armed Forces have been on the front lines in Operation Iraqi Freedom and other conflicts throughout our country's history. Some of these men and women are easy to see. They are on television, in newspapers and some have even called in to talk to radio reporters about the latest happenings on the battlefield.

Others are not so easy to see, but their work does not go unnoticed. They are the Special Forces. This week, in Missouri's Bootheel one of our own retired Special Forces was lost.

Retired U.S. Army Lt. Col. Ian D.W. Sutherland passed away after a skydiving accident. Lt. Col. Sutherland was a longtime resident and friend to many in the Cape Girardeau County area. Raised in Tennessee, Lt. Col. Sutherland entered the U.S. Army in 1951. During his military career he was a member of the Old Guard—the Army ceremonial unit—and participated in the state funerals of President John F. Kennedy and Gen. Douglas MacArthur.

He served three tours of duty in Vietnam, was associated with the 82nd Airborne Division (Green Berets), and was assigned to the U.S. Embassy in Tehran, Iran. He retired from the Army as a lieutenant colonel from the Special Forces School at Ft. Bragg, North Carolina. His service was recognized by many. He was the recipient of many awards including the Silver Star, two Legion of Merits, and five Bronze Stars.

But when he retired, he didn't simply sit back and enjoy watching life. Instead, he went on to law school and furthered his lifelong career in public service by serving as an assistant prosecuting attorney. At the time of his death, he was the First Assistant prosecuting attorney in Cape Girardeau County. In a 15-year career as a trial lawyer, he prosecuted thousands of cases and tired 123 jury trials.

Mr. Speaker, even though Lt. Col. Sutherland is no longer here, his work, his commitment and his love of God, country and service continue. And like so many who came before him and those who follow after, he served his country with distinction and honor—and that is how we in Missouri will always remember him.

INTRODUCTION OF THE VETERANS FEDERAL PROCUREMENT OPPORTUNITY ACT OF 2003

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. EVANS. Mr. Speaker, today I am introducing H.R. 1712, the "Veterans Federal Procurement Opportunity Act of 2003." This bill provides numerous checks and balances to assure that veteran small business owners receive appropriate consideration when pursuing Federal contracts. This measure also provides the mechanisms to achieve goals for awarding federal contracts to specified small business concerns already established by Congress. It further establishes a Development Program for Small Business Concerns Owned and Controlled by Qualified Service-Disabled Veterans; provides for a 3% Federal procurement participation goal for veteran-owned small businesses; increases the Government-wide Federal small business participation goal from 23 to 28 percent; eliminates double counting of small business categories; credits both prime contracts awarded to small businesses and applicable small business subcontracts awarded by prime contractors towards the achievement of an agency's small business participation goals; provides for a penalty to be assessed to prime contractors who fail to utilize small business firms outlined in subcontracting plans subsequent to a contract award; provides a restriction on the use of funds by an agency in the subsequent year after failing to meet its small business subcontracting goals; authorizes the appropriation of $1 million annually for the National Veterans Business Development Corporation in fiscal years 2005 and 2006, and extends authorization for the Advisory Committee on Veterans Business Affairs through September 30, 2009.

Like our veterans of prior wars, our men and women in uniform have fought with courage and honor during the war to win freedom for the people of Iraq. As we have witnessed our servicemen and women prosecute Iraqi Freedom, we have watched our best and bravest confront the horrors of war to defeat the forces of evil. As a nation we are grateful for the men and women who so unselfishly serve this nation in our Armed Forces. We are thankful not only for today's soldiers, sailors, airmen and Marines, but for the veterans who have blazed the trail before.

Our servicemen and women have given much to this nation. We, in turn, as a nation have a profound obligation to them. We must provide the medical care our veterans need as well as promptly adjudicate their claims for service-connected disability. In addition, we should provide those veterans who elect to begin a business of their own with an opportunity to do so upon their return to civilian life. Our veterans have much to contribute to this nation following their service in uniform to this country. The time veterans have spent in service to this country, however, has competitively disadvantaged them in the marketplace relative to those not sacrificing a break in their careers in service to this country.

Veterans who have been inflicted with service-connected disabilities are placed at an even higher disadvantage. Service-disabled veterans may not be readily accepted into traditional employment, or their disabilities may be such that they are unable to adapt to a traditional 9–5 job. Despite their disabilities, these veterans continue to be both creative and innovative, and have much to contribute to this nation's productive capacity—"We owe them this chance!"

Our nation has not achieved its goals for contracting with requisite categories of small business concerns. For federal contracting with service disabled veteran business owners, Congress established a goal of three percent, but this goal has not been achieved. Actual performance is much less. In fact, our government has not even achieved one-tenth of the goal for contracting with service disabled veteran business owners. For most other procurement categories, such as women owned businesses, the prescribed goal has also been missed. The checks and balances in H.R. 1712 provide both the mechanisms and the incentive to achieve small business contracting goals. They are very fair. They will provide the means to achieve the federal procurement goals Congress has established.

I urge my colleagues to help this nation actually achieve the goals established by Congress—in the process, you will be helping our veterans as they return home.

IN MEMORY OF LORI ANN PIESTEWA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. RANGEL. Mr. Speaker, for the benefit of my colleagues I rise to remember the life and sacrifices of Private First Class, Lori Ann Piestewa of the United States Army. Lori was a member of the 507th Maintenance Division working near Nasiriya, when her convoy made a wrong turn and was ambushed. Lori lost her life along with eight other American soldiers in the same incident. Lori became the first Native American woman to die in combat.

Lori was a dedicated mother of two young children, and leaves behind a closely knit group of family and friends in the Hopi Indian community in Tuba City, Arizona. Lori was a source of enormous pride for her family and the larger Hopi community.

Native Americans have a long and proud history in the United States military, with 12,000 currently serving. Hopi leadership has reported that approximately 56 tribe members are in the military, with an astonishing 48 now on active duty in the gulf region. Hopi/Arizona Tewa enrolled tribe members face many hardships: unemployment hovers near 27% and of the employed less than 40% have full-time jobs. Moreover, nearly 57% of Hopi tribe members live below the poverty line, with only small percentages of the Hopi population in need receiving public assistance or welfare resources.

Lori's children and family should know that in sacrificing her life for our nation in this war, she has become a great source of pride for all Americans, but particularly those of us who have served or who have family members who have served in this nation's armed forces. Lori will also stand as a symbol and poignant reminder of the many hardships and tremendous sacrifices that Native Americans in this nation continue to make for our country.

CONGRESSMAN PHILLIP BURTON 1926–1983

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. SOLIS. Mr. Speaker, it is my great honor to recognize and remember Congressman Phillip Burton on this 20th anniversary of his death. Congressman Burton was a tenacious fighter for the poor, the workers, the elderly and all people who lacked a strong voice to defend their lives and dignity. Moreover, he worked tirelessly for the preservation of wilderness and parks throughout the country. In doing so, he mirrored his concern for underrepresented people by protecting the often forgotten urban parks as well as the more pristine areas. Appropriately, Congressman Burton's remains are interred in the Golden Gate National Recreation Area of San Francisco, one of the crown jewels of our vital urban parks system. If Congressman Burton were still with us, I imagine that he would be dismayed that the very environmental laws he struggled, and succeeded, to enact are now under constant and short-sighted attack in Congress. I also know that rather than give in to the forces of destruction, he would be fighting harder than ever to protect our lands, our health and our people. I hope that we have the courage and the conviction to carry on the great and noble legacy of Congressman Phillip Burton.

IN MEMORY OF DR. ARTHUR C. GUYTON

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PICKERING. Mr. Speaker, Mississippi lost a research treasure last week with the passing of Dr. Arthur C. Guyton. His is a legacy of medical excellence going beyond Mississippi and beyond America to be recognized internationally for his gifts to science and education.

He began his life in Oxford, Mississippi, on September 8, 1919, born to the late Dr. and Mrs. Billy S. Guyton. His father—an eye, ear, nose and throat specialist—was also dean of the two-year medical school on the Oxford campus. His mother, Kate, had taught mathematics and physics as a missionary in China.

He graduated from University High School with the highest academic average in his class and entered Ole Miss in 1936, completed his undergraduate work in three years, and again graduated at the top of his class.

As a medical student at Harvard, his idea of creating a way to measure and differentiate ions in solutions resulted in a professor turning over an entire lab to the promising young scientist. His senior year in medical school, he and his future wife Ruth Weigle began a serious courtship which culminated in marriage on June 12, 1943.

He began a surgical internship at Massachusetts General Hospital shortly after his marriage. His training was interrupted by a call to serve in the US Navy at the National Naval Medical Center in Bethesda and later at Camp Detrick, Maryland, where his work earned him an Army Commendation Citation.

After World War II ended, he returned to Massachusetts General to complete his residency. Less than a year later, he was stricken with polio which would leave his right leg and shoulder paralyzed.

During a nine-month recovery at Warm Springs, Georgia, he designed a special leg brace, a hoist for moving patients from bed to chair to bathtub, and a motorized wheelchair controlled by an electric "joy stick." For these devices, he later received the U.S. Presidential Citation for the Development of Aids for the Handicapped in 1956.

In 1947, the Guytons moved back to Oxford where he taught pharmacology in the two year medical school. In 1948, he was named chairman of the Department of Physiology and Biophysics.

Modern research on and treatments of hypertension stand on the early work of Dr. Guyton. In the 50s, he described the "permissive" heart to explain cardiac output. The heart would pump only what was delivered to it through the veins. When body tissues need extra blood flow to carry required oxygen and other nutrients, the blood vessels in those tissues expand or dilate, to allow increased flow. The control of cardiac output, he decided, was vested in the periphery. This completely overturned the conventional wisdom that the heart itself controlled cardiac output.

A little later, he succeeded in measuring the pressure of the interstitium, the fluid between cells which makes up about one-sixth of the body. No one had been able to measure it before, and few scientists were ready to accept Dr. Guyton's finding of a negative, or subatmospheric, pressure. In 1966, an early computer model gave Dr. Guyton the answer to the question he'd been asking since he was a medical student. He wanted to show the effect of an increase in fluid volume and had predicted that the extra volume would cause an initial rise in pressure which would then fall back part way toward normal. That didn't happen. The pressure fell all the way back to normal. This led to the "infinite gain" theory which said that fluid volume control by the kidney can be so powerful as a longterm regulator of blood pressure that other systems can only regulate pressure short-term and will eventually be overpowered by the key controller. These revolutionary theories flew in the face of conventional wisdom, but time and the research of thousands, has vindicated Dr. Guyton.

His now famous and widely used textbook, Textbook of Medical Physiology, had its beginnings in Oxford. He decided that the text the students were using was unsatisfactory, and he began reading in diverse areas of physiology. In summarizing his reading, he wrote handouts for each section of the course and realized he had the core of a complete textbook. In the decades since, it has become the best selling physiology text in the world and quite possibly the most widely used medical textbook of any kind. In addition he has published hundreds of papers sharing the results of his research. And yet he always had time for students—for the medical students who had trouble understanding a portion of their lecture and for the graduate students who came from all over the world to study with the famous Dr. Guyton.

The legacy of Arthur Guyton goes beyond his contributions to science and mankind. He and his wife reared ten children, all doctors: Dr. David L. Guyton, Professor of Ophthalmology, Johns Hopkins University School of Medicine; Dr. Robert A. Guyton, Professor of Surgery and Chief of the Cardiothoracic Division, Emory University, School of Medicine; Dr. John R. Guyton, Associate Professor of Medicine, Duke University; Dr. Steven W. Guyton, cardiothoracic surgeon at Virginia Mason Clinic, Seattle; Dr. Cathy Greenberger, internist in Boston, Massachusetts; Dr. Jean Gispen, rheumatologist in Oxford, Mississippi; Dr. Douglas C. Guyton, anesthesiologist in Phoenix, Arizona; Dr. James L. Guyton, orthopedic surgeon at Campbell's Clinic in Memphis, Tennessee; Dr. Thomas S. Guyton, Assistant Professor of Anesthesiology, University of Florida School of Medicine, Gainesville; and Dr. Gregory P. Guyton, resident in orthopedics at University of Iowa School of Medicine.

Over the past six decades, medical science has recognized the contributions of Arthur C. Guyton. Today, we mourn his passing but salute his many accomplishments. He is a Mississippi success story: born and educated in Mississippi, he returned to the Magnolia State to teach and research. The impact of Dr. Guyton's work on the present and future of Mississippi's health care community is immeasurable. Arthur Guyton was a blessing to Mississippi. He will be missed; but he will be remembered.

RECOGNIZING GINNY SIMMS FOR HER MANY YEARS OF DEDICATED SERVICE TO HER COMMUNITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Ginny Simms, a community activist in Napa, California who is being honored by the Napa Sierra Club and Get a Grip on Growth with the Second Annual Earl Thollander Environmental Award.

Since moving to Napa in 1955, Ms. Simms has had a tremendous impact on the community. Her first activities were with the American Association of University Women and in various community projects. In 1967 she served as Secretary of the county Grand Jury and the following year she was appointed to the Napa City Planning Commission.

She also developed a life long interest in environmental issues and was instrumental in creating Napans Opposing Wastelands, Inc., an advocacy group that commented on city and county growth proposals. One of the group's most visible contributions was the development of the county's first bike trail.

In 1972 she was elected to the County Board of Supervisors and served through 1977. During this time, the county's new General Plan was adopted that limited residential growth to urban areas. She was later involved in successful efforts to protect agricultural lands.

She has also served on the Golden Gate Bridge, Highway & Transportation District, the Napa Valley College Foundation and the Napa County Land Trust.

In addition to her many hours of civic activity, Ms. Simms has remained a devoted wife, mother and grandmother. She and her husband, Warren, have two children, Wendy and Doug, and five grandchildren, Chris, Clare, Gregg, Dillon and Allie.

Mr. Speaker, it is appropriate at this time that we recognize and acknowledge Ginny Simms for her many contributions and for her dedication to Napa County.

EXPRESSING SUPPORT FOR RENEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO THE CYPRUS PROBLEM

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MEEKS of New York. Mr. Speaker, I rise in strong support of House Resolution 165.

I want to thank my good friend DOUG BEREUTER, Chairman of the Sub-Committee on Europe for his leadership on keeping the issue of Cyprus on the table.

With so much focus on Iraq, it would be easy to forget about other true multilateral efforts to support peace and stability in the world.

Mr. Speaker, some may wonder why the issue of peacefully re-uniting Cyprus (a nation divided for nearly 30 years) is important for Americans and for the world?

For many Greek and Turkish-Americans this international issue is deeply personal because it directly affects loved ones.

In spite of the recent setback, Cyprus does represent one of the better examples of how America and Europe, working in cooperation, can help resolve international disputes.

While we share the disappointment that the United Nations-led effort to craft a comprehensive settlement for Cyprus was not successful, it does not change the fact, that the effort itself represents a shining example of how important and relevant the United Nations truly is to pursuing peace and stability in the world.

Mr. Speaker, for smaller nations in the world, which don't have strategically important resources, and live next to more powerful states, who have even more powerful allies, the United Nations and international law represents one of their only shields of defense, one of their best pillars of stability, and a means by which their voice is heard in the international community.

House Resolution 165 allows this Congress to say to Americans, the citizens of Cyprus, and the people of the world that we stand with all those who wish for a re-united Cyprus that is prosperous, democratic and stable; and that global cooperation remains the best path for peacefully making that wish come true.

THE WORLD'S OTHER TYRANTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, morally and politically it is essential that the United States show that our concern for human rights is truly universal, and is not a concept to be invoked when convenient to provide cover for geopolitical motives. In the New York Times for Sunday, April 6, Aryeh Neier noted the unfortunate tendency of the world to focus on one or two major crises to the exclusion of terrible problems happening elsewhere. Specifically, he deplored the fact that war in Iraq has contributed to a situation in which outrageous human rights abuses in Zimbabwe, Cuba, and Belarus have failed to receive sufficient attention. It is true that recently we in the House took an appropriate step of condemning the oppression by Fidel Castro, but more needs to be done to focus world outrage on the abuses of freedom committed not only by Castro, but by the brutal dictators in Belarus and Zimbabwe. Because of the importance of maintaining our commitment to human rights as a broad and universal principle, I ask that Aryeh Neier's important article be printed here.

[From the New York Times, Apr. 6, 2003]

THE WORLD'S OTHER TYRANTS, STILL AT WORK

(By Aryeh Neier)

With international attention focused on Iraq, despots are seizing the opportunity to get rid of their opposition—real or imagined. In Zimbabwe, Cuba and Belarus, independent journalists, opposition leaders and human rights advocates have been thrown in prison. Absent scrutiny, the leaders of these rogue regimes have been emboldened, aware that their actions are causing little more than a ripple of protest beyond their countries.

The outside world has ignored Zimbabwe, which is holding critical parliamentary elections whose outcome could help determine whether President Robert Mugabe will be able to amend the Constitution and handpick his successor. Since the start of the war in Iraq, Mr. Mugabe has intensified a campaign of intimidation, arresting more than 500 democracy advocates and opposition leaders, including Gibson Sibanda, vice president of the main opposition party, the Movement for Democratic Change.

The campaign of state-sponsored violence is not limited to the opposition leaders in Zimbabwe. A worker on the farm of a opposition parliamentary deputy died of injuries after being beaten by Mr. Mugabe's security agents for participating in a two-day general strike. Other farm workers have also been beaten by men in army uniforms who claimed that the farms were being used as staging grounds for opposition activities. Hundreds of people accused of taking part in the strike were treated for broken bones in private clinics, fearing more reprisals if they sought care at public hospitals. Meanwhile, Zimbabwe, once a breadbasket for southern Africa, falls ever further into poverty and famine.

In Cuba, the war is giving Fidel Castro cover for an unprecedented assault. Over the past two weeks in state security agents have arrested about 80 dissidents. Prosecutors are seeking life sentences for 12 of those detained and 10- to 30-year prison terms for the rest. They include the economist Marta Beatriz Roque, the poet and journalist Raúl Rivero and the opposition labor activist Pedro Pablo Álvarez.

The list of arrests reads like a Who's Who of Cuban civil society—with the obvious exception of those who were already in jail when the roundup started. They are the unsung heroes of a movement to liberate the minds of Cuba. But the names do not mean much to a world public now concentrated on becoming more and more expert on the latest in military equipment and on the geography of Iraq.

In Minsk, the capital of Belarus, the authorities last week detained 50 opposition protesters who had gathered for the 85th anniversary of the declaration of the short-lived Belarusian Democratic Republic. On Thursday, demonstrators supporting the Iraq war—which President Aleksandr Lukashenko opposes—were arrested. It seems clear that Mr. Lukashenko, Europe's sole remaining dictator, is intent on tightening his grip on Belarus.

Sadly, Zimbabwe, Cuba and Belarus are not alone. Other countries have used the Iraq war to step up human rights abuses. Vietnam's most renowned dissident, Nguyen Dan Que, a 60-year-old writer who is a physician by training, was arrested late last month. Hardly anyone protested. In Egypt, hundreds of war protesters were detained, with dozens beaten and tortured. In Thailand, the government has justified what appear to be summary executions in the name of a war on drugs. At least 1,900 people have been killed, including innocent bystanders. These crackdowns, too, all passed with little notice or comment.

That dictators move in times of world crisis comes as no surprise. The Soviets crushed the Hungarian revolution in 1956 during the Suez crisis. In 1968, when the Johnson administration was preoccupied with Vietnam, and Germany and France as well as the United States were convulsed in antiwar demonstrations, the Soviets moved into Czechoslovakia.

In January 1991, just as today, the international community was focused on a war in Iraq. As the Persian Gulf war was starting, the Soviet Army took advantage of the international community's inattention to crack down on an independence movement in Lithuania. More than 200 people were wounded and 15 killed as Moscow seized control of the television broadcast center in Vilnius.

If we let tyrants escape the international condemnation that is often the only way to protect their critics against abuses, the brutal campaigns in Zimbabwe, the clean sweep of dissidents in Cuba, and the arrests of demonstrators in Belarus may have to be added to the list of unintended consequences of the war in Iraq.

BURMA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PITTS. Mr. Speaker, in May 2002, the Shan Women's Action Network and the Shan Human Rights Foundation issued a highly disturbing report entitled License to Rape. The State Department followed that report with further investigation into the issue.

I traveled to the Thai-Burma border in January of this year and heard further horrifying testimonies about Burmese military regime's use of systematic rape against ethnic minorities. In addition, refugees and others shared personal experiences about watching the State Peace and Development Council (SPDC) soldiers kill their families or neighbors in front of them. One eight-year-old orphan I met saw both parents brutally murdered while he watched. Other refugees reported the SPDC's use of ethnic minorities, including women and young children, as human landmine sweepers and as forced labor.

These human rights abuses MUST be stopped.

To add further proof to the myriad reliable reports by both local and international nongovernmental organizations (NGOs), Refugees International recently released a report further documenting the SPDC military's use of rape as a weapon of war against ethnic women. The new report is entitled No Safe Place: Burma's Army and the Rape of Ethnic Women. No Safe Place documents the SPDC's use of rape against women from the Karen, Karenni, Mon, Tavoyan and Shan ethnic groups and indicates that the rapes are "a pattern of brutal abuse designed to control, terrorize, and harm ethnic nationality populations through their women."

Mr. Speaker, I would like to enter a portion of Refugees International's report into the CONGRESSIONAL RECORD.

Thank you.

NO SAFE PLACE: BURMA'S ARMY AND THE RAPE OF ETHNIC WOMEN

II. RECOMMENDATIONS

Refugees International recommends that:

The United Nations

The UN Commission on Human Rights condemn rape and other forms of sexual violence against ethnic women and girls by Burma's military in its annual resolution on the situation of human rights in Burma.

The UN High Commissioner for Human Rights ensure that any investigation of rape and other forms of sexual violence inside Burma conducted by UN officials is done by experts on sexual violence, with guarantees of full access, complete and ongoing security for all witnesses and victims and a follow up mechanism to verify compliance.

UNHCR assist the Royal Thai Government in providing a safe environment for Burmese fleeing human rights abuses with a special emphasis on women and children.

The UNHCR insist that women and girls fleeing rape and other forms of sexual violence in Burma qualify for protection and assistance in Thailand.

The Committee on the Elimination of Discrimination Against Women request a special periodic report from the State Peace and Development Council focusing on the constitutional, legal, administrative, military, and practical measures taken to eliminate rape and other forms of violence against women. The Committee should convene a special session to engage in dialogue with the SPDC about this special periodic report.

The Royal Thai Government (RTG)

The RTG recognize women and girls fleeing rape in Burma who seek refuge in Thailand as legitimate refugees who have a right to protection and assistance, and not as "illegal migrants."

The RTG ensure that Burmese survivors of rape and other forms of sexual violence in Thailand, whether in camps or working as "migrants," receive critical physical and mental health services, especially focused on gender-based abuses.

The RTG cease the practice of repatriating or deporting asylum seekers without prior screening to ascertain whether they have valid claims for asylum.

The RTG adhere to the definition of "refugee" according to the 1951 Convention on the Status relating to Refugees and the 1967 protocol—a definition that has attained the level of customary international law—and should not create a new standard for determining when those seeking refuge are entitled to enter its borders.

The State Peace and Development Council

The SPDC stop all military buildup and begin demilitarizing the ethnic areas promptly.

The SPDC fulfill its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDWA), which it ratified in 1998. This includes ceasing all practices and policies which discriminate against women, including violence against women.

The SPDC ratify the Optional Protocol to CEDAW.

The SPDC fulfill its obligations under the Convention on the Rights of the Child, which it ratified in 1991, which prohibits gender-based violence against children.

Governments

Governments demand that the SPDC demilitarize ethnic areas.

Governments maintain economic sanctions and withhold overseas development and loan or debt assistance until significant improvements in the human rights situation, including a decrease in violence against women, is independently verified.

Governments continue to pressure the SPDC to engage in meaningful, substantive discussions with the National League of Democracy and representatives of ethnic nationalities.

NGOs and International Organizations

Organizations lend support to the international campaign to stop rape and other forms of sexual violence by the Burmese military through public statements and advocacy.

International organizations conducting research on rape, other forms of sexual violence and other human rights abuses coordinate with grassroots, indigenous organizations to ensure the comprehensive and safe collection of information.

Non Governmental Organizations (NGOs) seek to build the capacity of indigenous groups to document abuses perpetrated against their own communities.

Organizations increase efforts to reach and assist displaced populations with critical needs.

III. INTRODUCTION

"I have waited many years to tell you this story," one Karenni woman lamented as she told of witnessing her thirteen-year-old sister's rape and then described how the Burmese soldiers beat and attempted to rape her. She is just one of countless women from Burma's ethnic minority groups, sometimes known as ethnic nationalities, with a chilling tale of abuse at the hands of her country's army.

In June 2002, the Shan Human Rights Foundation and Shan Women's Action Network (SWAN) released a report, License to Rape, documenting 625 cases of rape and sexual violence. The report began a movement to focus on Burma's use of rape as a weapon of war, while also highlighting the relentless, ongoing campaign of human rights abuses against Burma's ethnic minorities. Based on interviews conducted by indigenous women's and human rights groups, and compiled and written by indigenous women, License to Rape provided credible proof of the brutality of the Burmese army, in the voices of those very women affected most by the brutalities.

Following the release of this important report, the international community expressed unprecedented but long overdue outrage. The U.S. State Department declared its indignation at the phenomenon documented in the report and called for an international investigation, while sending its own investigator to the Thai/Burmese border; members of the U.S. Congress and officials from other governments publicly condemned the Burmese military's actions. Pressure for the United Nations to investigate the prevalence and systematic nature of the rapes grew until the UN Special Rapporteur on Human Rights in Burma raised the issue with Burma's military regime, the State Peace and Development Council (SPDC). Various governmental officials, NGOs, and UN personnel began talking about the possibility and logistics of an independent investigation. Meanwhile, in Thailand, the Royal Thai Government (RTG), concerned that such an outcry would jeopardize its policy of engagement with the SPDC, ordered those NGOs that participated in compiling the report to close their offices indefinitely.

Although License to Rape has received a notable amount of attention, the international community, including officials from various governments, suggested to Refugees International that additional evidence could assist in generating further action. It is important to ask why. Some suggested that a report about the experience of indigenous women, compiled by indigenous women, could not be objective. Others proposed that the report, written by a small, unknown group, was not credible enough.

The authors of this report reject those propositions. Few are as well-qualified to document and describe rape as those women from the brutalized communities. International advocacy without grassroots knowledge, participation, and decision-making is of extremely limited use. Consequently, the purpose of this report is not to "bolster" the claims contained in License to Rape. Rather, the purpose is both to support and build on the movement and activity generated by SWAN, and to expand the scope of understanding regarding the brutal phenomenon of rape in Burma to include a broader profile of ethnic nationalities. License to Rape documented the widespread use of rape against Shan ethnic women. Rape is not confined to Shan State or to Shan women. The Burmese military uses rape against many ethnic nationalities for the express purpose of brutalizing "insurgents," quashing ethnic dissent, and demoralizing and destroying ethnic communities.

Refugees International decided that our approach would be to broaden the scope of the Shan report by investigating the prevalence of the Burmese military's use of rape against other ethnic groups. RI's field mission focused the research on the Karen, Karenni, Mon, and Tavoyan ethnic groups. In applying our expertise in international advocacy on behalf of war-affected populations, RI sought to examine the extent of the use of rape against a variety of Burma's ethnic nationalities and determine if the abuses were widespread and/or systematic.

Karen, Karenni, Mon and Tavoyan women and men, as well as several Shan individuals, were courageous in sharing their personal stories and observations. From the 26 individuals interviewed, 43 rapes or attempted rapes were described, 23 of them confirmed by victim or witness testimony or physical evidence. Stories of rapes and other human rights abuses and the resulting mental and physical ailments dominated the interviews. Individuals still in pain from torture and beatings talked about the violations suffered by them and their families and friends. For many, the decision to leave Burma was clearly tied to the rape and other abuses they and their family members had experienced. One survivor spoke for many when she said, "To this day, I cannot sleep at night thinking about what happened." The time is ripe for the international community to hear their voices and take action.

SAN BENITO MARINE PFC. JUAN GARZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a fallen soldier who grew up in San Benito, Texas: Marine PFC Juan Garza, who we learned yesterday was killed in action by sniper fire as his unit was taking and holding the Baghdad airport.

The price we are paying as a Nation is high in terms of loss of life in the Rio Grande Valley of Texas. Already, sons of South Texas have been killed and wounded in Iraq and Afghanistan, with another still unaccounted for in the Iraqi theatre. PFC Garza was the most recent loss for our community.

Garza, who served with the 1st Battalion, 4th Marines Regiment, was killed Monday evening by enemy sniper fire while patrolling the Baghdad airport just outside the Iraqi Capital. His mother said he was shot in the chest and died instantly. PFC Garza was based at Camp Pendleton, Calif., where he was an expert marksman and broke shooting range records there in boot camp.

PFC Garza was always a sportsman, competing in football and track. His friends and family remember him for his humor and his target practice. He always aspired to be in the military, and probably got the bug for service from watching the military movies he loved. He was also inspired to join the service by his grandfather, who served in the United States Army.

He grew up in San Benito, but moved to Michigan to live with his aunt and uncle. After graduating from Summerfield High School in Temperance, Mich., Garza enlisted in the Marines and was stationed at Camp Pendleton.

He loved his country and he loved the Marines. Like most people who join the service, he wanted to help people, to make the world a better place. The world is lonelier today without Juan in it, but the work he did will indeed make it a better place.

On the day after Christmas, 2002, he married his sweetheart, and was deployed to the Middle East the next day. This was a tragedy on so many levels. PFC Garza is survived by his young wife, Casey; his parents, Mary Ann and Juan Guadalupe Garza; his baby half-sister, Stephanie Rae Castillo; and his aunt, Jodi Bucher of Temperance, with whom he lived in Michigan.

I ask my colleagues to remember Juan Garza's family today, to pray for them as they absorb this enormous personal loss. I also ask that we all continue to pray for the safety of the men and women we have sent to do this dirty, difficult task of ridding Iraq of dangerous weapons of mass destruction.

ADDRESS OF DEMOCRATIC LEADER NANCY PELOSI TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to an excellent speech given a few days ago by Democratic Leader NANCY PELOSI, my colleague, friend and neighbor in California. Her address was given at the recent Conference here in Washington of the American Israel Public Affairs Committee, an organization of Americans who see strong American ties with the State of Israel is a vital element in our nation's vital interest.

Mr. Speaker, Leader PELOSI's position on terrorism was clear and unequivocal: "There is no place in the civilized world for terrorism. Not now. Not ever. . . . No injustice, real or imagined, can ever justify, and no future can ever be built upon, the calculated slaughter of innocents." She was emphatic: "The world must never accept in Jerusalem, Tel Aviv, or Haifa what the world would not tolerate in London, Washington, New York, or San Francisco." These words must be the basis of our country's efforts to bring peace to the Middle East.

Congresswoman PELOSI understands that peace cannot come through "lowering the threshold for the cessation of violence" and any roadmap for peace in the region must, in her words "be based on real change on the ground, not artificial dates on the calendar."

Mr. Speaker, I urge all of my colleagues to read Congresswoman PELOSI's excellent address.

ADDRESS OF DEMOCRATIC LEADER NANCY PELOSI TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

Good morning. My, how this group has grown. Congratulations.

Cissie Swig, thank you so much, first for that warm introduction, but more importantly for your friendship and your mentioning of me over the years and for your leadership on so many issues. I cherish our friendship.

President Amy Friedkin, a dear friend for so many years. It has been wonderful to see Amy rise within your great organization, from the East Bay Federation and the Northern California chapter of AIPAC, all the way to become the national President.

I am thrilled that Amy is the first woman to be President of AIPAC. And with president-elect Bernice Manocherian, perhaps it is the beginning of a wonderful trend. I commend AIPAC for breaking down another barrier and leading America closer to the ideal of equality that is both our heritage and our hope.

Cissie and Amy will appreciate this story. My daughter is Catholic. My son-law is Jewish. Last week, I celebrated my birthday, and my grandchildren—ages four and six—called me to sing Happy Birthday. And the surprise, the real gift, was that they sang it in Hebrew.

I'm so pleased to be joined by three of my colleagues-Congressman Howard Berman of California, Congressman Sander Levin of Michigan, and Congressman Bob Matsui of California. All are strong supporters of Israel. Thank you to all the members of AIPAC, especially those who have traveled so far from California and the Bay Area. The special relationship between the United States and Israel is as strong as it is because of your fidelity to that partnership and the commitment of every person in this room today.

I am honored to be here to speak about something that can never be said enough: America's commitment to the safety and security of the State of Israel is unwavering.

Today, the thoughts and prayers of all Americans are with our courageous forces in Iraq. Americans may have had our differences going into this war, but we are united in support of our men and women in uniform.

Let me also say this: I absolutely condemn the statements or suggestions of those who seek to place responsibility for this conflict on the American-Jewish community. The Jewish community in America, like America itself, has been divided on whether to fight this war at this time. Any accusations to the contrary have no place in our discourse—public or private.

Today, Americans are seeing for themselves what I saw on my trip to the Persian Gulf in March and my previous visits with our troops at bases here at home. Our men and women in uniform are focused on their mission, enduring tremendous hardships, motivated by a profound love of country and prepared to make the ultimate sacrifice.

We pray for the swift and successful disarmament of Iraq with the least possible loss of life.

We pray that the end of this conflict will bring new hope for the people of Iraq. That starts by promoting a multilateral response to the potential refugee crisis along with a democratic government of, by and for the people of Iraq. We pray for the families who have lost a loved one. And we pray for the safe return of the missing, our prisoners of war, and all of our forces into the loving arms of their families.

Their noble service reminds us of our mission—to build a future worthy of their sacrifice.

That future begins with our commitment to the fundamental principles to which all people in all nations are entitled—freedom, security, peace and prosperity.

And in the Middle East, those principles rest upon a foundation that is as enduring as it is essential—the unbreakable bond of friendship between the United States of America and the State of Israel.

The United States stands with Israel because of our common history—two beacons founded on the ideals of liberty and justice, forged by pioneers, and fulfilled by immigrants in search of a better tomorrow.

The United States stands with Israel because of our common interests—our fundamental interest in the most basic of all rights: the right to exist, the right to live free from fear, the right to put our children on the school bus in the morning knowing they will come home safely in the afternoon.

Let there be no doubt—the United States of America stands with the State of Israel also because it is in our national interests to stand with the State of Israel.

I will never forget my first visit to Israel. From the moment one lands at Ben Gurion Airport, one appreciates what every Israeli knows—security is measured in miles and minutes.

From the Golan Heights, we could see Damascus just 40 miles away. Today, Syria's and Iran's bankrolling of terror and the development of weapons of mass destruction is a clear and present danger. Today, Israelis in the north live under the constant threat of Hezbollah's rockets just across the border in Lebanon.

Ben-Gurion's famous words remain true today: Israel is 'a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith and vision.' And yet, 'we have a long thorny path ahead of us,' he said.

More than a half-century later, our challenge is the same: how can America and Israel together walk the long thorny path and preserve Israel as a special place in the history of mankind?

First and foremost, we must be unequivocal in our words and uncompromising in our deeds.

There is no place in the civilized world for terrorism. Not now. Not ever.

Our prayers go out to the people of Israel following this weekend's attack in Netanya.

No injustice, real or imagined, can ever justify, and no future can ever be built upon, the calculated slaughter of innocents.

Let there be no doubt: whether it is called Al Qaeda, Islamic Jihad, Hezbollah, Hamas, or the Al-Aqsa Martyrs Brigade, the murder of innocents is madness. It must stop. And it must stop immediately.

The world must never accept in Jerusalem, Tel Aviv, or Haifa what the world would not tolerate in London, Washington, New York or San Francisco.

Last spring, an overwhelming majority of Congress expressed our solidarity with Israel in its fight against terrorism and in reaffirming Israel's right to self-defense.

Second, we must ensure that Israel always has the tools and resources it needs to confront its security and economic challenges.

President Truman knew this 55 years ago when Israel was born, recognizing her just eleven minutes after independence. President Johnson knew this when Israel fought for her survival, supplying her with the tools to help win the Six Day War. And President Clinton knew this when Israel was ready to embrace peace—indeed, a peace of the brave—at Camp David two years ago, promising to stand by her as she took historic steps for peace.

Having served on the Intelligence Committee for ten years—including two years as the Ranking Democrat—I have an understanding of the threats facing the Israeli people. Having served as the senior Democrat on the Foreign Operations Appropriations Subcommittee, I have always fought for the vital economic and military assistance that Israel needs—not only because it is in Israel's interest, but because it is in America's interest.

Last month, I called upon President Bush to respond to Israel's urgent request for assistance to confront its unprecedented economic and military crisis. The President answered with the aid package he submitted to Congress last week.

As House Democratic Leader, I pledge to you today: Democrats in Congress will be in the lead in the fight for passing this emergency package—and soon. As we always have, as we always will, Democrats will insist that Israel has the tools it needs—both to defeat terrorism and to work toward a just and lasting peace.

Let no one ever question our unshakable commitment to the security that Israel must have and the safety of the Israeli people and to its qualitative military edge. Israel will never stand alone, because America will never abandon Israel.

Third, for Israel to have peace, Israel needs a partner in peace. Yasser Arafat is not that partner.

At Camp David, Israel was prepared to cede territory, dismantle settlements, and recognize an independent Palestinian state. And Yasser Arafat said no to peace.

And then—even as Israel continued to negotiate and offer concessions—Arafat said yes to a campaign of violence and terror that continues to this day.

President Bush's statement last June made clear that any new Palestinian state requires a new Palestinian leadership. I applaud that. The President's clarity was a catalyst. Palestinian moderates were strengthened. Arafat was weakened. And the new post of prime minister gives us guarded hope. A cabinet is being assembled. And the world is watching for genuine change.

Therefore, as were many of you, as were many Democrats in Congress, I was seriously concerned about the timing, tone and effect of the President's statement of March 14. Indeed, we should be worried when those with little sympathy for Israel welcomed the President's words.

Let there be no weakening in our resolve, no softening in our stance, no lowering of the threshold for the cessation of violence. Any roadmap toward peace must be based on real change on the ground, not artificial dates on the calendar.

The terror must end. The new Palestinian prime minister must have the independence, the authority, and the personal commitment to lead the Palestinian people in a new direction.

The new Palestinian leadership must be open and accountable. And the reconstituted Palestinian security services must prevent terrorism, not promote it.

Only then will we realize a future of security, statehood and stability—security for Israelis, statehood for the Palestinians, and stability for the region.

Fourth, we must address the real source of so much of the instability across the Middle East—the lack of freedom, prosperity and human rights, including women's rights.

Last year's Arab Human Development Report stated it clearly: "The wave of democracy that transformed . . . most of Latin America and East Asia in the 1980s and Eastern Europe and much of Central Asia in the late 1980s and early 1990s has barely reached the Arab states. This freedom deficit undermines human development and is one of the most painful manifestations of lagging political development."

Those words were written by dozens of leading Arab intellectuals.

If we want to achieve long-term peace and security in the Middle East, we must achieve security for Israel and a future for the Palestinian people. At the same time, it is clear that freedom, security, peace and prosperity can strengthen the hand of those in the Arab and Islamic world who want to pursue a more hopeful and peaceful path.

These ideals that we cherish can make countries plagued by conflict and despair better places to live and better partners in creating a safer world.

Finally, we must raise our voices of hope, and drown out the voices of hate.

Whether in the Middle East, around the world, or in this country, we must be intolerant of intolerance. No one should ever fear, and no American should ever have their allegiance questioned because of their faith. As we protect and defend the American people against terrorism, however, we must protect and defend the Constitution and the civil liberties that define our democracy.

Cissie and Amy told me there are hundreds of college students here today. Allow me to speak directly to the students. Thankfully, you are too young to have witnessed the darkest chapters of the last century—the Nazism, communism, and authoritarianism. But in your eyes I see the glow of one of the brightest stars of the past century—the founding of the State of Israel.

You are the messengers to a future we will never know. It is your charge to build that future in the spirit of tikkun olam, the repairing of the world, in the spirit of peace and security.

On behalf of all who cherish freedom, thank you for your commitment to the ideals and values that define our two democracies—the United States and Israel.

My grandchildren tell me that this week begins the month of Nisan, the month of miracles, the month of deliverance. And over the coming weeks, Israelis and Jews everywhere will mark the miracles that have brought us to this day:

The survivors who endured the darkness of the Shoah and who braved their way to the light of Israel;

The heroes of Israeli independence who prevailed against overwhelming odds;

And all those who have defended Israel through decades of struggle and sacrifice, including a fallen hero Americans and Israelis mourned together—Space Shuttle Columbia astronaut Colonel Ilan Ramon, who literally took the Torah to the stars.

This is the spirit that defines the American-Israeli partnership. America stands with Israel now. America will stand with Israel forever.

We will never abandon Israel. We will never abandon Israel.

God bless you. God bless our men and women serving on the frontlines today. And God bless our special relationship between the United States of America and the State of Israel.

VETERANS EARN AND LEARN ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SMITH of New Jersey. Mr. Speaker, today I am pleased to introduce H.R. 1716, the Veterans Earn and Learn Act. Joining me as original cosponsors are Ranking Member LANE EVANS, and the chairman and ranking member of the Benefits Subcommittee, HENRY BROWN and MICHAEL MICHAUD, respectively.

WHY THIS BILL

This measure promotes veterans' employment. It would modernize the on job training (OJT) and apprenticeship programs administered by the Department of Veterans Affairs (VA) to reflect American business and industry today. H.R. 1716 applies to the following VA educational assistance programs: the All-Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty), chapter 30, title 38 United States Code (U.S.C.); the Post-Vietnam Era Veterans Educational Assistance Program, chapter 32, title 38, U.S.C.; the Vietnam-Era Veterans Educational Assistance Program, chapter 34, title 38, U.S.C.; the Survivors' and Dependents' Educational Assistance Program, chapter 35, title 38, U.S.C., and the Educational Assistance for Members of the Selected Reserve Program, (Montgomery GI Bill—Selected Reserve), chapter 1606, title 10, U.S.C. My colleagues and I intend to introduce a separate bill to modernize Training and Rehabilitation for Veterans with Service-Connected Disabilities under chapter 31, title 38, U.S.C.

I want VA's on-job training and apprenticeship program to reflect today's workplace. I have consulted extensively with representatives of organized labor, business, and industry to obtain their suggestions for improving the design of VA's program. Congress essentially has not changed it since World War II, and we should do so now. I also have consulted informally with VA and the Department of Labor (DOL), in addition to selected states to learn of their experiences in administering these programs. This bill reflects many of their suggestions.

VA's current OJT and apprenticeship programs pay veterans to learn while they earn. Rates for the various chapters differ somewhat, but in general, for the first six months veterans receive a monthly benefit of $675; for the second six months $496 monthly, and for the remainder of training $315 monthly. Congress furnishes these amounts to offset the difference between the training wage and the wage of the fully-trained employee. OJT can last for up to two years. Apprenticeships often last as much as five years.

OUR CHALLENGE

Mr. Speaker, classroom training is well known and established under VA's various educational assistance programs, including the current Montgomery GI Bill. But the on job training and apprenticeship opportunities under these programs appear less known and are less used than the college classroom. For example, of the 263,175 veterans using the Montgomery GI Bill (chapter 30) in fiscal year 2001, only 11,277 (4.2 percent) were participating in on-job training and apprenticeship.

Under Secretary for Benefits Daniel L. Cooper advised me by letter on September 11, 2002, that the OJT-apprenticeship "low participation rate is not due to a low number of employers but a low veteran participation. The number of participating employers is constantly changing, but State approving agencies are currently reporting about 7,000 employers who offer one or more VA-approved OJT or apprenticeship programs. Only about 2,200, or not quite 32 percent, have at least one veteran in training and receiving VA education benefits for the training." This is unacceptable. I intend to contact the Secretary of Labor and ask her to place more veterans in these jobs as soon as possible. I also note that 7.2 percent of veterans who used the Vietnam-era GI Bill trained through apprenticeship or OJT. For World War II veterans, about 18 percent trained in this manner. We must do better.

DOL reports that 858 occupations in America offer apprenticeships. Apprenticeable occupations can be categorized as follows: arts; business and administrative support; installation, maintenance and repair; production; science, drafting and computing; and service. Occupations range from boilermaker to bricklayer, carpenter to cook, electrician to emergency medical technician, and pipefitter to police officer.

The state of Missouri is showing the way. Missouri's aggressive efforts to place veterans into OJT and apprenticeships with Missouri employers produces about $38 million annually in VA education and training benefits. Pennsylvania is reporting similar success. The Governor of Pennsylvania sends each separating servicemember a letter to encourage use of VA education and training benefits.

EARNING AND LEARNING

About two-thirds of active-duty servicemembers are married when they separate from the military. "Earning and learning" on the job through an OJT or apprenticeship program approved for veterans' training can be an excellent way for a servicemember to make the transition to civilian life. Because some military occupational skills are not transferable to the civilian economy, the veteran will have to train for a new occupation, or retrain to transfer their military skill to the civilian market. Veterans with military job skills that are transferable to civilian life benefit as well. They can continue working and training on-the-job while meeting the necessary licensing and certification requirements. Employers benefit because hiring veterans is plain and simple a good business decision.

The resourcefulness and reliability former servicemembers bring to the workplace is exemplary. As First Lady Laura Bush has noted, veterans bring something else to the workplace that is hard to find—"the greatest in character, commitment, and resolve."

WHAT OUR BILL WOULD DO

Mr. Speaker, here is what the Veterans Earn and Learn Act would accomplish:

Section one would state Congressional purposes for VA's OJT and apprenticeship programs in both the private and public sectors of our economy. These include: helping employers hire and retain skilled workers; establishing a link between training afforded to servicemembers while serving in the Armed Forces and training available in civilian settings for purposes of occupational licensing and credentialing; and developing a more highly educated and productive workforce.

Section two would modify OJT and apprenticeship benefit entitlements computation under the chapter 34 and 35 programs to be the same as the entitlement rate for the chapter 30, 32 and 1606 programs. Under current law, VA calculates chapter 30, 32, and 1606 programs based on monthly VA payment amounts rather than based on the amount of time spent in training. This "dollars used" versus "time spent" method helps the trainee conserve entitlement while participating in the OJT or apprenticeship program. This approach makes additional entitlement available for other educational pursuits, such as earning an associate degree in a specialized technology or meeting other licensing or credentialing requirements.

Section three would establish an incentive payment for program participants who finish their apprenticeship training early. As an incentive for trainees to complete their apprenticeship or attain journeyworker status early, our bill would require VA to pay the trainee a lump sum payment for the months of VA entitlement remaining that would have been needed to complete the apprenticeship. This approach would remove the current disincentive to gain journeyworker status in competency-based apprenticeships as soon as the veteran is ready.

Section four would increase the monthly VA benefit for trainees who simultaneously pursue apprenticeships or on-job training and related post-secondary classroom education training. This provision would apply whether the trainee was pursuing both forms of training as a requirement of the apprenticeship or voluntarily under the trainee's own initiative. For example, under this measure, the total VA would pay for simultaneous training could not exceed the full-time classroom rate, which currently is $900 per month. Current law increases the benefit to $985 per month on October 1, 2003.

Section five would codify and strengthen VA authority to pay benefits for competency-based apprenticeships. In today's workplace, apprenticeships may be structured based upon a specific period of time, commonly known as a time-based program. Apprenticeships may also be based on the demonstration of successful mastery of skills, commonly known as a competency-based program, or training may be based upon a combination of the two. In the case of a competency-based learning program, the bill requires VA to take into consideration the approximate term of the program recommended in registered apprenticeship program standards recognized by the Secretary of Labor. Apprenticeships offered in industries that choose not to register with the Secretary of Labor, and that are approved for veterans' training by a state approving agency, would continue to serve as legitimate training and learning opportunities for beneficiaries. This section would also furnish the VA Secretary the authority to use up to $3 million to develop the computer systems and procedures needed to carry out provisions of the bill.

Section six would require the VA Secretary to establish a pilot program to furnish on-job benefits to claims adjudicators training in its disability compensation, dependency and indemnity (DIC), and pension programs. I note that two of VA's four regional offices that adjudicate educational assistance claims offer such training. This pilot is unique because it would waive the current two-year maximum for on-job training. VA employees who adjudicate disability, DIC, and pension claims require three years to qualify as journeyworkers. I believe this provision has the potential to increase VA's ability to recruit and retain former servicemembers in these important positions, especially given the aging of VA's workforce.

Section seven would require certain coordination of information among the Departments of Veterans Affairs, Defense, and Labor with respect to on-job training. This provision would do two things. First, at the time of a servicemember's separation from active duty, the Secretary of Defense would be required to furnish to the Secretary of Veterans Affairs information concerning each registered apprenticeship pursued by the servicemember during his or her active duty service. Second, it would require the Secretary of Veterans Affairs, in conjunction with the Secretary of Labor, to encourage and assist states and private organizations to accord credit to servicemembers for skills in any related apprenticeship the servicemember may pursue in civilian life. I applaud the Navy, Marine Corps, and Coast Guard for moving in this direction through its U.S. Military Apprenticeship Program (USMAP). But more can be done.

LEADERSHIP

Mr. Speaker, leadership abounds in serving America's sons and daughters who have protected our freedoms. Let me mention just a very few examples:

The Non Commissioned Officers Association of the United States for some 30 years has held job fairs for separating servicemembers at home, as well as abroad;

The American Legion, through its Economic Commission, has played a major leadership role in creating opportunities to help veterans meet civilian licensing and credentialing requirements;

The U.S. Army Ordnance Corps, on its own initiative, has exhibited leadership in linking training of its soldiers in many military specialties with civilian licensing and credentialing bodies so military time will count toward such requirements;

The AFL–CIO's Center for Military Recruitment, Assessment and Veterans Employment, has initiated its Helmets to Hard Hats program in its Building and Construction Trades Department to link veterans possessing construction/building trades skills to learn-and-earn opportunities with companies nationwide;

The Communication Workers of America has an on-going initiative to connect high-tech employers with high-performing veterans whose military occupational training makes them job-ready immediately;

The U.S. Chamber of Commerce's Center for Workforce Preparation has initiated a pilot program in San Diego called 'Operation Transition' to examine ways to link veterans and their spouses with employers; and

The Veterans of Foreign Wars of the United States is a partner in the innovative vetsjobs.com program.

PARTNERS

Mr. Speaker, lastly I'd like to commend the many organizations that have offered suggestions for this bill:

AFL–CIO; American Portland Cement Alliance; Associated Building and Contractors, Inc.; Associated General Contractors of America; College and University Professional Association for Human Resources; Communication Workers of America; International Union of Bricklayers and Allied Craftworkers; International Brotherhood of Teamsters; International Organization of Masters, Mates, and Pilots; Iron Workers International; Labor Policy Association; Laborers' International Union of North America; Missouri Department of Elementary and Secondary Education; National Association of Manufacturers; National Association of State Approving Agencies; Nebraska Department of Education; Pennsylvania Department of Education; Sheet Metal Workers International Association; Society for Human Resource Management; Transport Union of America; United Association of Journeymen and Apprentices of the Plumbing, Pipefitting, and Sprinkler Fitting Industry; United Brotherhood of Carpenters and Joiners of America; and the U.S. Chamber of Commerce.

I encourage my colleagues to add their names in support of this timely legislation.

TRIBUTE TO THE BOULDER CITY FIRE DEPARTMENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. PORTER. Mr. Speaker, I rise today to congratulate the Boulder City Fire Department for obtaining a Class 2 Insurance Service Offices, ISO, rating. The ISO Class 2 rating is obtained by less than one percent of the fire departments in the country and is made possible by the dedication and skill of Boulder City Fire Chief Dean Molburg and the firemen of Boulder City.

As a former mayor of Boulder City, and its current Congressman, I am proud that Boulder City has been recognized for its excellent fire coverage. The courage and commitment to public service shown every day by Boulder City firefighters is an example for all of us. They, and all Nevada first responders, have my thanks and full support.

ARMY SGT. EDWARD J. ANGUIANO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Sgt. Edward J. Anguiano, a missing soldier from Los Fresnos, Texas. Sgt. Anguiano, assigned to the 3rd Combat Support Battalion out of Ft. Stewart, GA, is an Army mechanic who graduated from Hanna High School.

The 24-year-old serviceman has not been seen since his convoy was ambushed March 29 in Iraq. He remains one of the few U.S. soldiers whose status is unresolved.

His mother's anguish is evident in her question the day she was told Edward was missing: "Does it mean that he is dead and they can't find him or that he is alive and they can't find him? What does that mean?" That is a painful limbo for a parent and family.

There's a yellow ribbon tied to a tree in front of Edward's home on Melon Street for him. He is one of several soldiers believed captured by Iraqis in an ambush on their supply convoy at An Nasiriyah in southern Iraq.

Edward, like all the servicemen for our nation, is an outstanding and brave young man. This soft-spoken soldier is a survivor who is motivated, disciplined, and attentive—all traits his family is depending on to help him survive in captivity.

His family is clinging to the memory of the last time they saw him, at Christmas.

His family has said that Edward did not express fear of battle or doubts about serving in the military. He was doing what he wanted to be doing. They are finding strength in their faith and through prayer.

I ask my colleagues to remember Sgt. Edward J. Anguiano and continue to pray that he is found soon. Please pray, too, for his family: his mother, San Juanita Anguiano; his two sisters, Rebecca and Jennifer Garzoria; and his uncle, Vicente Anguiano Jr.—a veteran like so many other family members.

ADDRESS OF MAJORITY LEADER TOM DELAY ON RECEIVING THE FRIEND OF ISRAEL AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to an outstanding speech given by Majority Leader TOM DELAY. His remarks were made when he received the "Friend of Israel Award" at the Washington Briefing of Stand for Israel—an organization under the aegis of the International Fellowship of Christians and Jews. This statement is of unmistakable importance in its application of American values and moral clarity to the political problems of the Middle East.

Mr. Speaker, the acts of terrorists—blowing up school buses, bombing markets, killing innocent children—are unmatched in their cowardice. I fully share Congressman DELAY's belief that murderers should neither be trusted nor rewarded for their crimes. He eloquently stated: "As a friend of Israel, and a lover of liberty for all God's children, we must reject any suggestion that its government negotiation from weakness, stand on an even moral footing with suicide bombers or trust the promises of terrorists." These words should serve as the foundation of U.S. Peacemaking in the Middle East.

Majority Leader DELAY understands that there can be no such thing as even-handedness between good and evil. As Americans we can do nothing less. America did not waver when our British friends were imperiled by Nazi force during World War II. We did not tremble when Stalin and his successors threatened the destruction of our NATO allies in Europe. Mr. Speaker, as America confronts evil at home and around the world, we must stand with the democratic State of Israel and against the terrorist scourge that threatens its people and its existence.

Mr. Speaker, I urge all of my colleagues to read Congressman DELAY's principled statement.

SPEECH OF MAJORITY LEADER TOM DELAY AT STAND FOR ISRAEL WASHINGTON BRIEFING DINNER, APRIL 2, 2003.

Thank you. I'm not a great award recipient. There are so many people that need to be thanked that worked so hard for so many reasons to support Israel. It's great to see so many of my friends in the audience that came to be with us tonight, and all the others that I haven't met yet. I just say to you and you'll understand when I say, to God belongs the glory.

So I really want to thank you for this honor and I especially want to thank my good friend Tom Lantos for being here and he greatly deserves this award for his long-standing work in the Congress as well as work with Israel. He stands like a rock on behalf of Israel and has always stood that way and you can tell the worth of a man by the woman who stands beside him, and Annette is here tonight. She is always by Tom's side, and they work as a team and we greatly appreciate them. I just really have the utmost respect for Tom Lantos and have become closer to him over the last year or so, and greatly appreciate my friendship with him, and I do love him. He is really a wonderful, wonderful man.

As we meet here tonight, something extraordinary is happening on the other side of the world. Hundreds of thousands of trained and dedicated volunteers, an army of virtue, are liberating a nation. Pretty Amazing. Mile by mile, a blood-thirsty dictator's grip on a noble people slips. Town by town, Iraqi families realize what smiling people in camouflage uniforms have won for them. And day-by-day, children wake up for the first morning of their lives to God's freedom. This is the meaning of Operation Iraqi Freedom.

We all know greater love hath no man than this, than he lay down his life for his friends. Yet today, in Iraq, liberating armies are risking their own lives in a land and for a people they have never before met. Decades long Iraqi pleas for freedom and justice will soon be answered. But my friends theirs is not the only voice that cries out in the desert. For as we meet tonight, in that same part of the world, violent men plot the deaths of school children. These men view innocent human life as a means to an end and murder as a propaganda technique. These men act outside the boundaries of humanity and these men support a career terrorist too long tolerated by the civilized world.

Tonight our thoughts are with the people of Israel, and it is on their behalf, the courageous who live everyday in the cross-hairs of such men, that I accept this award and proudly count myself as a friend of Israel.

You know after Operation Iraqi Freedom is won, and it will be won, international attention necessarily focused on the removal of Saddam Hussein's regime will disperse. There will be the re-building of Iraq and its welcomed return to the community of nations, there will be a simmering crisis in North Korea, there will be strained relationships with old friends to address, and a blossoming alliance with the surging powers of new Europe to solidify.

And there will be, as we all well know, calls on Israel to set aside decades of experience and once again trust the words and paper of a terrorist entity bent on her destruction. Voices will call on the United States to serve as an honest broker in negotiations between the Palestinian Authority and the Israeli government. They will call on Israel to take risks for peace. As a friend of Israel, and a lover of liberty for all God's children, we must reject any suggestion that its government negotiate from weakness, stand on even moral footing with suicide bombers, or trust the promises of terrorists. The United States stands for justice and that means we stand for Israel.

Our qualms are not with the Palestinian people, but their self appointed leaders. Yasser Arafat and his thugs do not serve the interests of the Palestinian people, they are exploiters, in business today as always, only for themselves. They perpetuate violence and misery in a country that has known too much of both. Negotiating with these men who sharpen their tongues like swords is folly, and any agreement arrived at through such empty negotiations would amount to a covenant with death as generations of Israelis have already witnessed.

Yasser Arafat and his cronies are enemies of peace and a threat to the community of civilized nations. The Palestinian people, used as pawns by Arafat's regime, do not desire this existence. More and more of them are coming to realize the barriers to this new life are not in Ariel Sharon's cabinet but Yasser Arafat's compound. Palestinians and the Arab world at large tragically have only their corrupt leaders to blame for their economic depravation, not Americans and not Israelis.

Ladies and Gentlemen, in Iraq today we are making a stand against oppressive terror. It is not the first time and it won't be the last. The United States and it allies will no longer live in fear of terrorist networks of global reach, nor of their state sponsors. That is why we are in war tonight in Iraq. We are disarming a dangerous regime because it threatens the security of the world. The President has directed his advisors to craft a plan, to do it with speed and precision never before witnessed in the history of war. The plan is working, the military is advancing, and the under-informed talking heads of the media elite are just dead wrong.

We thank God every day that the President is a man of faith and a man of confidence. But it must frustrate him to hear the incessant carping of blow dried Napoleons hunkered down in their air-conditioned studios night after night on the twenty-four hour news networks. Peter Arnette thinks a war plan that advanced hundreds of miles in a week, in less than a week, is a failure. Geraldo Rivera drew a map in the sand of American positions for our enemies to see. Well thankfully, President Bush has also drawn in the sand. He has drawn a line beyond which the civilized world will not accept the behavior of evil men. We will free ourselves from terrorist threats and free those who live under terrorist regimes.

Americans have defended our freedom for more than two hundred years and Israelis have done the same for more than fifty. We are opposed by many of the same enemies who use many of the same tactics. Israel's fight is our fight against terror and for humanity. The United States therefore can not serve as a disinterested broker between an ally and its terrorist enemy. There is no moral equivalence between an aggressor and a man who defends himself against aggression, just as there is no moral equivalence between terrorists and the Israeli government sworn to stop them, despite the absurd assertions of the State Department's newly released human rights reports.

This report just boggles my mind. This report is designed to document human rights conditions in countries all around the globe, however it compares the human rights record of a free, tolerant, and pluralistic nation with that of a terrorist network. There is no comparison and to assert one is absolutely ridiculous. Israel is governed by democratically elected representatives. The Palestinian Authority is governed by a gang of murderers. Experience and common sense lead to one conclusion about America's proper role in the Middle East. We are absolutely right to stand with Israel and our opponents are absolutely wrong. The moral ambiguities of our diplomatic elites not withstanding, Israel is not the problem, Israel is the solution.

The House of Representatives said as much, they shouted in fact, by a margin of 352 to 21, by passing the resolution that Tom Lantos and I sponsored last year. The resolution affirmed America's solidarity with Israel, supported Israel's right to self-defense, urged all Arab states to denounce all forms of terrorism and encouraged the alleviation of the needs of the Palestinian people. Any viable plans for peace must require the Palestinian Authority to do the same and to permanently sever ties with those who do not.

President Bush has laid out a bold vision to this extent. He has made it clear Israel must have a right to defend herself and that the Palestinian Authority must stop its acts of terror once and for all. Certain parties to the peace process, more interested in appeasing aggression than combating terrorism, have forfeited their right to leadership on this issue. The United States is the world's defender of freedom, and Israel is one of our greatest allies. We won't allow anyone to reward terrorists and terrorist acts, least of all nations and organizations who appease Saddam Hussein and who continue to appease Yasser Arafat.

This struggle is one of good versus evil. Nations and organizations who fail to distinguish between the two disqualify themselves from input on this matter. The President understands Israel must not be asked to negotiate with the men terrorizing its innocent citizens even as speak. The Palestinian Authority and their state sponsors must end the violence. This must be an act of principle, not some gesture of goodwill. The Palestinian Authority's words have no meaning, their actions do. The violence must stop—period. No negotiations.

And when it does, and not before, the Palestinian people will have a real, viable opportunity for peace. Thankfully, President Bush understands that no peace process worthy of its name can be obscured by appeasers or moral relativists. He understands that process for its own sake is not the goal, the security of our allies is the goal, and no quartet of appeasement will obscure that fact.

You know, though tested by generations of fire, the people of Israel do not exhibit malice or even seek revenge. Much like everyday Palestinians, they just want peace and the security to live their own lives, free from want and free from fear. They are not fools, and should not be expected to bargain with murderers. But when a new generation of Palestinian leaders arise, with a real and lasting peace as their goal, and more importantly the authority and will to deliver on it, a comprehensive solution may finally be attainable. But Israel should not be expected to offer substantive concessions while the Palestinian leaders offer only empty promises. Israel should have the freedom to defend its national security and to negotiate at a time and on terms set by its democratic government, not those imposed by anyone else.

To be a friend of Israel demands no less than supporting her through these very difficult days, as well as the better ones we all know await her, and await her people in the future. And despite decades of terror in the holy cradle of faith, we must hope, as did a fifteen year-old girl hiding in Amsterdam writing in her diary less than a month before she was taken to Auschwitz, "I somehow feel that everything will change for the better, that this cruelty too shall end, that peace and tranquility will return once more."

You know, Ladies and Gentlemen, through God's grace, the friendship of the United States and Israel will endure to see the dreams of that little girl fill the whole world with light and truth forever.

INTRODUCTION OF H.R. 1715, TO ENHANCE VA'S AUTHORITY TO RECOVER COSTS OF MEDICAL CARE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SMITH of New Jersey. Mr. Speaker, along with Mr. EVANS of Illinois, the Committee's Ranking Member, I am introducing a bill to strengthen the Department of Veterans Affairs' (VA's) rights under law to recover the costs of providing medical care to veterans and other persons from certain third parties. A number of public health plans either refuse to reimburse VA, or are prohibited from doing so by current law. This bill would correct this problem by eliminating barriers to reimbursement for VA care. It is identical to a bill I introduced in the 107th Congress, H.R. 5530. That bill was referred exclusively to the Committee on Veterans' Affairs.

H.R. 1715 is based upon the simple principle that acknowledges when VA provides medical care to an insured or Medicare-eligible veteran, VA should receive payment for the services it provides. This principle is not new. Since 1986, VA has had statutory authority to collect from traditional insurers such as Blue Cross-Blue Shield, Aetna, Mutual of

Omaha and many others. These funds are used by VA to supplement appropriated funds to maintain high quality health care. VA also collects from so called "Medi-gap policies" that are an important adjunct to the Medicare program.

But VA is unable to collect from the massive managed care sector, accounting now for over two-thirds of all health plans in the United States, including the managed care plans within Federal Employee Health Benefits Plan. Nor can VA collect from the Medicare program. RAND Corporation has estimated that over 2 million Medicare-eligible veterans were enrolled in VA health care in fiscal year 2000, with that number increasing each fiscal year since then.

My legislation would require these federal programs to pay VA for care it provides to covered beneficiaries. This would increase the amount of money VA could collect by hundreds of millions of dollars each year—providing funds that are desperately needed to reduce these intolerable waiting lists and promote better use of all available health care resources.

This legislation will not limit the choices available to veterans in Medicare or any other federal health care plan, and I do believe it will create a modest incentive for veterans to remain enrolled in the VA rather than move back and forth between systems as they do now. This bill will also provide an important supplement to the VA health care system for the services it renders in caring for many of our nation's heroes.

I urge my colleagues to support this common-sense approach to improving veterans' health care, reducing waiting times for VA health care, and helping Medicare-eligible and other federally insured veterans gain better health care coverage from the Department of Veterans Affairs.

TRIBUTE TO THE FOREIGN AGRICULTURAL SERVICE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. GOODLATTE. Mr. Speaker, today Congressman STENHOLM and I are introducing a resolution recognizing the important service of the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary. USDA's Foreign Agricultural Service was established to develop and expand markets for United States agricultural commodities and products.

Our farmers and ranchers are the most productive in the world and produce much more than we in the United States can consume. Therefore a vibrant export market is very important to the success of United States agriculture. FAS has contributed to that success and as of 2002, United States agricultural exports exceed imports by more than $12 billion. Our exports have grown significantly over the history of FAS and now exceed $50 billion per year.

FAS fosters the public and private partnership that is needed to promote United States agricultural exports and to develop and expand markets around the world.

At this important time when free trade negotiations are ongoing, both in the World Trade Organization and through bilateral negotiations, the FAS is essential to represent United States agriculture and ensure that the challenges facing our agriculture producers are thoroughly addressed.

Another responsibility of the FAS is to provide food aid to needy people in developing countries and to help those countries to eventually become trading partners of the Untied States and buy our agricultural products.

The FAS and its employees provide a significant service to the farmers and ranchers here at home so that they can compete in worldwide markets. I congratulate them on their achievements and look forward to working closely with the FAS as the Committee continues its work to expand markets for United States agriculture.

NATIONAL PUBLIC HEALTH WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of National Public Health Week. I want to thank the organizers and sponsors of events around the nation that serve to raise everyone's awareness of the need to improve public health, particularly in the area of the nation's obesity crisis. Those groups include the American Public Health Association, American Dietetic Association, Pfizer Inc., Association of American Medical Colleges, Association of Teachers of Preventive Medicine, Research!America, and the Robert Wood Johnson Foundation.

One of the greatest public health challenges facing our Nation today is curbing obesity, which has increased at such unprecedented levels that health professionals are calling obesity a national epidemic. Spurred by sedentary lifestyles and unhealthy diets, about 60 percent of American adults are overweight and 15 percent of children and teenagers are overweight. The percentage of overweight adolescents has tripled during the last twenty years.

Although I am pleased that the numbers in my home state are slightly better, the percentage of the population that is obese is still troubling. What is even more troubling is the research that indicates that obesity is an even greater problem among the African-American and Latino communities.

The health consequences of obesity are real and significant. Being overweight is associated with increased risk for heart disease, cancer, and diabetes. About 300,000 deaths each year are associated with being obese. In fact, people who are overweight have a 50 to 100 percent increased risk of premature death. As the American Public Health Association stated in their release, "reversing this life threatening trend has moved beyond a matter of personal responsibility to a national crisis that all Americans must respond to."

Unfortunately, we are moving in the wrong direction. Less than ten percent of children walk or ride their bicycles to school and more schools are inviting fast food vendors into their cafeterias. We need to make a concerted effort to increase physical fitness activities among the entire population, especially children, and encourage all Americans to adopt a healthier diet that includes fruits and vegetables. I applaud the work of all of the organizations that are spreading this message during National Public Health Week. However, if we are going to be successful in reducing obesity, we must make sure that this message is heard the entire year and not just for one week.

That is why I will soon reintroduce my bill, the Medicaid Obesity Treatment Act. I hope to work with all of the sponsors involved with National Public Health Week to ensure passage of my bill in this Congress.

RECOGNIZING THE "FROM SEA TO SHINING SEA: A CELEBRATION OF MARINE SANCTUARIES" EXHIBIT AT MOTE MARINE LABORATORY, SARASOTA, FLORIDA

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. HARRIS. Mr. Speaker, I rise today to recognize the extraordinary work of the National Marine Sanctuaries Foundation, as exemplified by an exhibit entitled "From Sea to Shining Sea: A Celebration of Marine Sanctuaries," which is currently on display in my District at the Mote Marine Laboratory in Sarasota, Florida. Due to the generous support of the National Marine Sanctuaries Foundation's Board of Directors and contributors, "From Sea to Shining Sea" is traveling the country, taking the wonders of our nation's thirteen underwater marine sanctuaries to communities from coast to coast.

The National Marine Sanctuaries Foundation was established in 2000 to support the education and outreach activities of the National Marine Sanctuaries Program, which Congress created in 1972 through the Marine Protection, Research and Sanctuaries Act. Congress passed the Act in 1972 in response to growing awareness nationwide of the intrinsic environmental and cultural value of our coastal waters. This legislation has led to the designation of thirteen unique marine areas as National Marine Sanctuaries, which has ensured the conservation of these natural treasures through comprehensive resource management, education, and research.

As they provide a secure habitat for wildlife as well as a preservation zone for shipwrecks and prehistoric artifacts, our national marine sanctuaries serve as natural classrooms and laboratories. For example, as a result of the establishment of the Florida Keys National Marine Sanctuary in November 1990, my home state is assured of the continued protection of a marine ecosystem that contains the largest coral reef in the continental United States as well as one of the most diverse assemblages of underwater plants and animals in North America.

"From Sea to Shining Sea" features an original painting by renowned artist Robert Lyn

Nelson, as well as touch screen, interactive, DVD video and exhibits that introduce visitors to all twelve national marine sanctuaries. This stunning exhibit will continue on display at the Mote Marine Laboratory through May 31, 2003.

Founded in 1955, Mote Marine Laboratory and Aquarium is a long time partner with the NOAA and the National Marine Sanctuary Program. Mote Aquarium educates and entertains almost 400,000 visitors per year, bringing the wonders of the marine world to visitors of all ages. Mote's Center for Tropical Research, located in Summerland Key, studies the coral reefs, other habitats, fauna and flora of the Florida Keys National Marine Sanctuary.

Mr. Speaker, I am especially proud to recognize artist Robert Lyn Nelson for his amazing contribution to this exhibit; Office of National Marine Sanctuaries Director Dan Basta, for his vision and dedication to our country's marine treasures; Ms. Lori Arguelles of the National Marine Sanctuary Foundation for leading the public outreach effort; Superintendent Billy Causey of the Florida Keys National Marine Sanctuary; Aquarium Director Dan Bebak; Mote Marine Laboratory Executive Director Dr. Kumar Mahadevan; and Mote Marine Laboratory Board of Trustees for their continued dedication to excellence in marine science, education and conservation.

TRIBUTE TO ARMY STAFF SERGEANT JERRY CORTINAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Army Staff Sergeant Jerry Cortinas, born in Brownsville, who was badly wounded in Afghanistan fighting for the cause of freedom from tyranny, and ridding that nation of the infestation of al Queda forces that hijacked it for their evil purposes.

His uncle, Santiago Torres of Brownsville, says Jerry always wanted to do something important in his life. Now he has. He was already in National Guard at age 19 when he wanted to join the Customs Bureau like his uncle, but he was too young. So he just went and volunteered for the Army.

Jerry is an excellent soldier, a fact apparent to those who fought with him and who have known him since he returned.

He joined the Army's elite Special Forces and made his mark on the first defining war of the 21st Century with the Special Forces. After extensive training in the United States, he departed for Afghanistan.

Jerry was in a terrible accident in Afghanistan. During a drill with RPGs, rocket propelled grenades, one of them exploded, killing one soldier and causing painful damage to Jerry's body. He lost one of his hands, and has had extensive facial damage.

Jerry was in Walter Reed Army Hospital from December until February. He has since been transferred back to Ft. Bragg for rehabilitation. Like the good soldier he is, he wants to recover and remain in military.

He is a good young man who cares for his country and believes his contribution is important to our Nation.

I ask my colleagues to remember Jerry as he continues with his difficult struggle with a long rehabilitation. Please also remember his wife, Celina, and their two-year-old daughter, Dion, who are in Fayetteville, NC.

INTRODUCTION OF H.R. 1718, TO REPEAL TERMS SPECIFIED BY LAW FOR CERTAIN VA OFFICIALS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I am introducing a bill to repeal the four-year terms specified by law for certain officials of the Department of Veterans Affairs (VA), and to add a provision that addresses the appointment of directors of principal geographic service areas.

Fourteen years ago, when the Veterans Administration was established as an executive department and redesignated the Department of Veterans Affairs, Public Law 100–527 also established a Chief Medical Director (CMD), a Chief Benefits Director (CBD) and a Director of the National Cemetery Services (the Director). The CMD and the CBD were to be appointed by the President, with the advice and consent of the Senate, while the Director was to report to the Office of the Secretary.

Subsequent laws further restated and reorganized the three key executive positions in the Department as the Under Secretaries for Health, Benefits and Memorial Affairs. Under current law, the Under Secretaries for Health and Benefits are appointed for four-year terms, with reappointment permissible for successive-like periods. There is no such restriction or term provision established in law for the Under Secretary for Memorial Affairs.

I am introducing H.R. 1718 to repeal term appointments for the Under Secretaries for Health and Benefits. This bill will align all three Under Secretary positions as Presidential appointments, by and with the advice and consent of the Senate, and allow the President maximum flexibility in the appointment of these primary executive positions. Current incumbents would not be affected by the enactment of this legislation. The President would also be required to notify Congress concerning the reasons for removal if the President should choose to terminate or remove one of the Under Secretaries of the Department.

These term appointments likewise would be repealed for key officials assigned to the Office of the Under Secretary for Health, who are appointed by the Secretary subject to reassignment at the Secretary's discretion. With this bill, the designation of directors of principal geographic service areas are added to the group of key agency officials appointed by the Secretary and serving at the Secretary's discretion without term restrictions.

As with the three under secretaries, H.R. 1718 requires that the Secretary notify the Committees on Veterans' Affairs of the House and Senate when one of these key officials is removed from one of these subsidiary positions. These officials may be entitled to reassignment, if they held a previous career position within the Department.

Mr. Speaker, this legislation would allow the President and the Secretary of Veterans Affairs maximum flexibility to hold senior officials accountable and to align the agency's top leadership with the vision and goals of the Secretary and the Administration. I urge prompt House action on this important measure.

VETERANS BENEFITS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mrs. DAVIS of California. Mr. Speaker, our nation's veterans have fought to protect our freedoms and the way of life we cherish. Unfortunately, when their service is done and they retire, our military personnel are too often excluded from the American Dream they fought to preserve.

We all know that military pay does not compare to private sector wages. After retirement, thousands of veterans cannot afford to purchase a home because their military pensions do not cover the cost of a mortgage payment.

Because of this inequity, the Veterans Administration instituted a home loan program to assist veterans achieve the dream of home ownership. While this is a commendable program, the maximum loan amount is often not enough to purchase a home—particularly in regions with high real-estate markets.

My legislation would increase this amount from $60,000 to $81,000 to make it comparable to the maximum loan amount available to the public. After giving so much to their nation, veterans deserve the same opportunities for home ownership given to every American.

HONORING ERIC ALVA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. GONZALEZ. Mr. Speaker, I come before you today to pay tribute to Staff Sergeant Eric Alva, a resident of my district in San Antonio. I stand here with both a great sense of pride for S.Sgt. Alva's bravery and with a heavy heart for the sacrifice he ultimately made for our country. Mr. Speaker, S.Sgt. Alva was recently injured by a landmine explosion while on duty in Iraq. As a result, S.Sgt. Alva lost his lower right leg. There is no doubt that S.Sgt. Alva has experienced a tremendous loss, but through his service he has gained respect and gratitude from myself and his fellow Americans.

The ancient historian Herodotus once said "Great deeds are usually wrought at great risks". S.Sgt. Alva accepted this great risk when he chose to wear the uniform of the United States Marines. He accepted this risk fearlessly, with pride and conviction. Although his pledge to serve and to defend this nation is a great deed alone, the loss he has suffered in service merits particular distinction. It is because of the selfless actions of men and women like S.Sgt. Alva that American freedom and democracy endures.

Although this war has brought sorrow and suffering to some in our nation's armed forces and to their loved ones, their sacrifice serves as a symbol of the American spirit. Honoring those who are injured and killed in battle who stand up bravely to fulfil their duty is a fitting testimony to the values this country was founded upon.

In recognition of S.Sgt. Alva and those like him who are serving their country during this time of war, I implore the world, that in their honor, we achieve the one goal we are all fighting for: Peace.

EXPRESSING SENSE OF CONGRESS REGARDING REFORM OF INTERNAL REVENUE CODE

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. DEFAZIO. Mr. Speaker, I am voting yes on H. Con. Res. 141, a hortative resolution with no legally-binding impact, but which has a lot of predictable political rhetoric about the need to reform the enormously complex and loophole-ridden federal tax code.

I am voting yes because the "whereas" clauses in the resolution are by and large inoffensive, if deliberately vague about the true intention behind the rhetoric, which is to fundamentally reform the U.S. tax code in a way that eases the tax burden on the rich and corporations and raises the burden on middle and lower-income Americans.

I agree that the federal tax code is too complex. Billions are spent trying to comply with its provisions. Though, I would also point out that the wealthiest Americans and most profitable corporations also spend billions in an effort to avoid their fair share of the federal tax burden.

The resolution is also correct to say the tax code is full of loopholes and special interest exemptions. Though, I would point out that these loopholes and exemptions, which largely benefit the most powerful in our society, did not get into the tax code by accident or osmosis. They were put there by Members of Congress at the behest of wealthy campaign contributors.

Although I am voting yes, I want to go on the record in opposition to the second "resolved" clause of the resolution, which in my opinion is too deferential to the tax reform concepts laid out in the February 2003 Economic Report of the President.

The President's report lays out its utopian vision of reduced, or ideally zero, taxes on corporations, reduced taxes on capital, and increased taxes on consumption and wages, which would hurt middle and lower-income Americans.

Mr. Speaker, if the U.S. tax code is going to be overhauled, I believe it should be made more progressive than it is today. That would mean eliminating special interest loopholes for corporations and wealthy Americans. Cracking down on tax dodging by powerful individuals and businesses. Doing so would allow us to relieve some of the tax burden on middle and lower-income Americans. Further, any overhaul of the federal tax code must not add to the crushing burden of debt we are leaving to the next generation.

Like Adam Smith, author of the pro-capitalism tome "The Wealth of Nations," I believe in progressive taxation. Adam Smith wrote, "The subjects of every state ought to contribute toward the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state . . . [As Henry Home (Lord Kames) has written, a goal of taxation should be to] 'remedy inequality of riches as much as possible, by relieving the poor and burdening the rich.'"

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the hill—(H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others:

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 1036, the Protection of Lawful Commerce in Arms Act. This bill unfairly grants the gun industry immunity and takes away an individual's or state's ability to hold gun manufacturers, gun dealers, and gun trade associations accountable to negligence and product liability standards that every other industry is subject to.

The bill perpetuates the gun industry's disregard for public safety and holds up their "see-no-evil, hear-no-evil, speak-no-evil" approach to gun manufacturing and distribution. The gun industry should be held accountable to its consumers and victims in the same way that every other industry is. As it is, guns are one of the few consumer products that are exempt from health and safety regulations.

Furthermore, this bill would void a number of pending cases around the country which seek to hold the gun industry accountable for its actions. Specifically, if passed into law, this bill would nullify a case currently moving through the Illinois Supreme Court. The case was brought against a number of gun manufacturers, gun distributors, and gun dealers by the City of Chicago and Cook County who allege that these entities have created a public nuisance by making guns available to juveniles in the Chicago area. No one can dispute that kids have access to guns. A nationwide survey conducted by the Illinois based Teenage Research Unlimited found that 41 percent of teenagers surveyed reported that they could get a handgun if they really wanted to. Furthermore, the Chicago Police Department reported that, in 1999, 165 offenders under the age of 21 were charged with murders involving a firearm.

One death by a handgun is too many. But when 666 people are murdered in one year in just one city, as was the case in Chicago in 2001, we must wake up to reality and demand that something be done. Unfortunately, this bill takes us backwards and gives immunity to the very industry that has the power to regulate the manufacturing and distribution of its products.

I am disappointed that this bill is on the House floor today, and I urge my colleagues to vote "no" on H.R. 1036.

AN HISTORIC DAY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the April 10, 2003, editorial from the Lincoln Journal Star, entitled "Cheers for Toppling of Saddam." Indeed, the editorial captures the enthusiastic spirit of the Iraqi people as American troops liberated them from the horrific, repressive regime of Saddam Hussein.

CHEERS FOR TOPPLING OF SADDAM

On Wednesday the war in Iraq reached a historic "tipping point," as Brig. Gen Vince Brooks termed it, symbolized by the toppling of a 40-foot statue of Saddam Hussein in a main square of Baghdad.

Hundreds of Iraqis, especially the Shiite Muslim majority that suffered under Saddam's predominantly Sunni Muslim government, celebrated with cheers, exchanging high fives with U.S. Marines.

A group of Iraqis dragged the head of the Saddam statue through the streets. Others battered it with sticks and shoes.

Few predicted that this historic moment would occur so soon after a war of less than three weeks. President George W. Bush, in fact, warned Americans on March 23, "It is evident that it will take awhile to achieve our objective."

And in fact, more military action lies ahead. Parts of Baghdad are not secure. Coalition ground forces have not yet moved into other cities, including Tikrit, Saddam's birthplace 100 miles north of Baghdad. No one knows with certainty whether Saddam is alive or dead.

But Iraqis on Wednesday grasped that Saddam's 24-year rule of terror had come to an end.

Also abundantly clear is the new prowess of the U.S. military. The brilliant campaign to remove Saddam so far has produced a death toll far less than predictions and in fact less than the toll of the Desert Storm war in 1991.

The combination of smart weaponry, high-tech surveillance equipment and instantaneous communication turned coalition troops into a potent force capable of making split-second adjustments to battlefield conditions, even in urban environments.

Drone aircraft fed television images of streets and rooftops. Ground troops called for precision air strikes rather than fighting blind. Troops even used hand-held computerized translators that allowed them to communicate with Iraqis.

The advanced technology, training and updated strategy brought success at minimal cost more quickly than many dared hope.

So Wednesday was a day for celebration. "He's gone? He's gone?" chanted a group of boys in the Kurdish city of Irbil. "Bush No. 1 Bush No 1," shouted young men in Baghdad. Women held their babies for American troops to kiss. Women and children handed them flowers.

And coalition troops were making discoveries that showed why there was dancing in the streets at the realization that Saddam's grip was loosed forever. In Basra, Iraqis showed journalists the "White Lion" jail where they said Saddam's secret police tortured prisoners with beatings, mutilations, electric shocks and chemicals. Similar discoveries were being made elsewhere in Iraq.

The cheers of today might be soon forgotten as Iraqis begin the task of rebuilding their country and establishing a new government. And it must be acknowledged that this historic moment came despite objections from scores of nations around the globe.

Nonetheless, it was gratifying on Wednesday to witness the end of the brutal reign of Saddam Hussein.

HONORING THOMAS SACCO

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Thomas Sacco, a veteran of World War II. After waiting 58 long years, he has finally been awarded the Purple Heart that he earned as a young private while serving his country in Europe.

Private Sacco was barely 18 years old when he volunteered to serve as a paratrooper in the famous and sometimes feared 101st Airborne division.

He was wounded in the town of Noville, Belgium. As his outfit advanced toward the Axis Army he was struck by shrapnel in his left arm and back and rendered unconscious.

58 years later his heroism and sacrifice is being recognized by the United States Government.

Mr. Speaker, I am proud to call Thomas Sacco a constituent and I ask you to join with me in thanking him for his service.

INTRODUCTION OF LEGISLATION DEALING WITH PRISON RAPE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. WOLF. Mr. Speaker, yesterday I introduced in the House legislation which concerns a problem that has been ignored by too many for too long: prison rape. I am pleased and grateful that my colleague from the Commonwealth of Virginia, Rep. ROBERT C. SCOTT is an original cosponsor of this legislation.

I believe in vigorous prosecution of criminals and tough sentences on offenders. However, prison rape has nothing to do with being tough on crime; it has to do with making our communities safer, reducing recidivism, and controlling the spread of communicable diseases. This bill would require prisons to establish tough standards to address the issue of prison rape. Experts have established that roughly 13 percent of the over 2 million prisoners in the United States have been victims of rape in prison. Many of these inmates who are raped contract HIV, hepatitis, and other diseases. Upon release, these individuals may then spread these diseases and their rage—contracted in prison as a result of prison rape—to individuals in their community.

Prison rape causes psychological trauma, which may lead its victims to act out in an aggressive manner upon leaving prison, possibly committing further crimes which will result in their reincarceration in an already overcrowded prison system. Additionally suicide is the leading cause of death behind bars and sexual harassment, such as rape, is the leading cause of prisoner suicide.

Last year on Capitol Hill, a mother of a 16-year-old-boy, who was repeatedly raped in a Texas prison, offered a grim tale of her son's abuse. She said her son reported the attacks to prison officials but was told "(rape) happens every day, learn to deal with it. It is no big deal." The boy ultimately hanged himself in his cell. He had been arrested for starting a fire in a dumpster.

The trauma caused by prison rape cannot be underestimated. No matter where the survivor ends up, severe psychosis is the most common outcome of prisoner rape. Sexual assault can often break a prisoner's spirit. In the advanced stages of rape trauma syndrome, for example, a survivor's mood often swings between deep depression and rage. Prisoner rape may be the quickest, most cost-effective way of producing a sociopath.

According to researchers, the fact that most men on death row were sexually abused earlier in life should come as no surprise. Indeed, it is a fact that society ignores at its own peril. Prison rape perpetuates a vicious cycle of violence and trauma which starts with a prisoner being raped and that prisoner often committing acts of aggression and sexual harassment either within prison or in the community upon his release. Indeed, prison rape survivors often become rapists themselves in a demented attempt to regain what they think of as their "lost manhood."

Some prison rape victims retaliate by murdering their rapists, receiving added years to their sentence and further burden the prison system. Studies show that prison rape costs the taxpayer in recidivism and increased violent crime. Inmates—often nonviolent, first-time offenders—will come out of a prison rape experience severely traumatized and will often leave prison more violent than when they entered. Prison rape costs raped prisoners their dignity and costs society monetarily and psychologically.

Combating prison rape is also an issue of human rights and basic humanity. A nation cannot turn its back on thousands of people who are under the care of the state, and being raped and traumatized while under that care. Prison rape is a form of torture. The body of a rape victim may heal, but the emotional damage caused by prison rape may never be ameliorated. As a nation which rightfully stands up for human rights around the world, and which has the best human rights record in the world, we must act now to remove this blight from our record; we must act now to stop the inhumane and degrading practice of prison rape.

The nation has ignored prison rape for too long. The United States Supreme Court has ruled that deliberate indifference to prison rape is a violation of the Constitution. In order to be true to our nation's founding principles, in order to end the cycle of violence and degradation, in order to further the safety of our prisons and society, the passage of this legislation to address prison rape is vital.

I urge my colleagues to join in support of this legislation.

INTRODUCTION OF H.R. 1720, VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. SIMMONS. Mr. Speaker, I am introducing a new measure, the "Veterans Health Care Facilities Capital Improvement Act," that I intend will begin to address what has become a troubling and lingering problem in our Nation's veterans health care facilities: a crumbling and substandard patient-care infrastructure.

Mr. Speaker, for the past several years, we have noted that the President's annual budget for VA health care has requested little or no funding for major medical facility construction projects for America's veterans. As we indicated last year in our report to the Committee on the Budget on the Administration's budget request for fiscal year 2004, VA has engaged in an effort through market-based research by independent organizations to determine whether the present VA facility infrastructures are meeting needs in the most appropriate manner, and whether services to veterans can be enhanced with alternative approaches. This process, called "Capital Assets Realignment for Enhanced Services," or "CARES," has entered into its second phase within the Department of Veterans Affairs. While VA has set an aggressive schedule for completing this process, we believe it will require several years before bearing fruit.

Mr. Speaker, some VA hospitals, health care and research facilities need additional maintenance, repair and improvements to address immediate dangers and hazards, to promote safety and to sustain a reasonable standard of care for our Nation's veterans. In addition to reports from outside consultants and VA about the serious risk of seismic damage, VA has also identified $57 million in improvements needed to address women's health care; another report concluded that VA should be spending (at a minimum) from 2 percent to 4 percent of its "plant replacement value" on upkeep and replacement of its health care facilities. This value in VA is at least $35 billion; thus, VA should be spending from $700 million to $1.4 billion each year to keep pace with its capital needs. In fact, in fiscal year 2003, VA will spend $137 million for these purposes.

While Congress authorized a number of major VA medical construction projects over the past three fiscal years, very few have received funding through the appropriations process. I understand that some of the more recent deferrals of major VA construction were intended to permit CARES to proceed in an orderly way, avoiding unnecessary spending on VA health care facilities that might not be needed by veterans in the future. I agree with this policy in general, especially for those larger facility projects, ones that ordinarily would be considered under our regular annual construction authorization measure. We need to resist wasteful spending, especially when overall funds are so precious. But I believe that I have a better plan.

Mr. Speaker, when I assumed the Chairmanship of the Veterans' Subcommittee on Health earlier this year, I asked what steps my colleagues and I might take immediately that could help veterans. The legislation that I am introducing today is part of this answer. This bill sets up a three-year program of delegated authorizations that would update, improve, establish, restore or replace VA health care facilities where needed. The Secretary would be given this authority to approve the individual facility projects, based on recommendations of an independent capital investments board and on criteria detailed in our bill that place a premium on projects to protect patient safety and privacy, improve seismic protection, provide barrier-free accommodations, and improve VA patient care facilities in several specialized areas of concern, such as privacy needs, specialized care programs and other high priorities of Congress, in order to meet the contemporary standard of care our veterans deserve and need.

The bill would require the Secretary at the end of the process to report his actions to this Committee and to the Committee on Appropriations as well. The bill would also mandate a review of this delegated-project approach by the General Accounting Office, to ensure this is an effective mechanism to advance some VA medical construction during and after the CARES process.

Mr. Speaker, our bill would authorize appropriations of $500 million in fiscal year 2004, $600 million in fiscal year 2005, and $700 million in fiscal year 2006, to accommodate construction projects under the authority provided. The total amount authorized matches that recommended by the Committee on Veterans' Affairs to the Committee on the Budget earlier this year in our views and estimates for fiscal year 2004. I believe we can make the case for this approach by doing something urgently needed by veterans, in the best traditions of our commitment to them, while staying consistent with the intent of the CARES process. I want our work to assure all our veterans, that in as many situations as possible, their health care and research facilities, and the critical maintenance and repair needs of these facilities, will not go unnoticed and unfunded by this Congress.

Mr. Speaker, I trust that my colleagues will agree with me that this is a worthy bill. Last year, VA quickly identified 20 projects that would be appropriate for consideration under terms much like those contained in this bill. I am certain that in all sectors of the VA health care system there are more meritorious projects that need funding, and enactment of this bill would give the Secretary an opportunity to identify, consider, approve and develop them appropriately, with the authority and funds to do so. Many VA facilities need funds right now, on an emergency basis, for major construction and repair projects; other facilities have more chronic needs for restoration and capital improvements that have lingered unfunded for years. New VA health care and research facilities are also needed. In my judgment, we cannot afford to wait several years before beginning to meet these needs, when these projects confront the VA system, veterans, and Congress today.

I strongly urge my colleagues to support this bill and help enact it as a high priority early this year.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. GUTIERREZ. Mr. Speaker, I was absent from this chamber on January 27, 2003 and missed voting on rollcall vote Nos. 13 and 14. I want the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote Nos. 13 and 14. Also, I was briefly absent from this chamber on January 28, 2003 and I would like the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote No. 15. Also, I was absent from this chamber on February 25, 2003 and I would like the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote Nos. 33 and 34. I was also absent from this chamber on March 4, 2003 and I would like the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote Nos. 40, 41 and 42.

On March 18, 2003 I was absent from this chamber and I would like the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote Nos. 65, 66 and 67. On April 3, 2003 I was briefly absent from this chamber and I would like the RECORD to show that had I been present in this chamber, I would have voted "no" on rollcall vote No. 105. On April 7, 2003 I was absent from this chamber and missed voting on rollcall vote Nos. 109, 110 and 111. I want the RECORD to show that had I been present in this chamber, I would have voted "yea" on rollcall vote Nos. 109, 110 and 111.

INTRODUCTION OF THE SPOKANE TRIBE OF INDIANS SETTLEMENT ACT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. NETHERCUTT. Mr. Speaker, I am honored today to introduce legislation with my colleague from Washington [Mr. DICKS] that will provide an equitable settlement of the meritorious claims of the Spokane Tribe of Indians concerning its contribution to the production of hydropower by the Grand Coulee Dam.

Similar settlement legislation was enacted in 1994 to compensate the neighboring Confederated Colville Tribes as a consequence of the Grand Coulee Dam. That legislation, P.L. 103–436, provided for a $53 million lump sum payment for past damages and roughly $15 million annually from the ongoing proceeds from the sale of hydropower by the Bonneville Power Administration. The Spokane settlement legislation, which I am introducing today, would provide a settlement of the Spokane Tribe of Indians claims directly proportional to the settlement afforded the Colville Tribes based upon the percentage of lands appropriated from the respective tribes for the Grand Coulee Project, or approximately 39.4 percent of the past and future compensation awarded the Colville Tribes pursuant to the 1994 legislation. Though the proposed Spokane settlement is proportionately less, the losses sustained by the Spokane Tribe are substantially the same as those sustained by the Colville Tribes and arise from the same actions of the United States Government. The difference being that the Spokane Tribe lost its entire salmon fishery, the base of its economy.

Grand Coulee Dam is the largest concrete dam in the world, the largest electricity producer in the United States, and the third largest electricity producer in the world. It produces four times more electricity than Hoover Dam on the Colorado River and is three times its size. Grand Coulee is one mile in width; its spillway is twice the height of Niagara Falls. It provides electricity and water to one of the world's largest irrigation projects, the one million acre Columbia Basin Project. The Grand Coulee Project is the backbone of the Northwest's federal power grid and agricultural economy.

For more than half a century, the Grand Coulee Project has produced enormous revenues for the United States Government and brought prosperity to the Pacific Northwest. The construction of the dam and the electricity it produced, helped pull the Northwest out of the Great Depression. It provided electricity to the aluminum plants that built the air force that helped to defeat Germany and Japan in World War II.

To the Spokane Tribe of Indians, however, the dam is a monument to the destruction of their way of life. The Dam flooded their reservation on two sides. The Spokane River—the ancestral umbilical cord to Spokane existence and the heart of their reservation—was changed from a free flowing waterway that supported plentiful salmon runs, to barren slack water that now erodes away the southern lands of the Reservation with every change in the reservoir level. The enormous benefits that accrued to the Nation and the Northwest were made possible by uncompensated and irreparable injury to the Native Americans of the Columbia and Spokane Rivers.

From 1927 to 1931, at the direction of Congress, the U.S. Army Corps of Engineers investigated the Columbia River and its tributaries. In its report to Congress, the Corps identified a number of potential sites and recommended the Grand Coulee site for hydroelectric development by either the State of Washington or private concerns. Shortly thereafter, the Columbia River Commission, an agency of the State of Washington applied for and, in August 1933, was granted a preliminary permit from the Federal Power Commission for the water power development of the Grand Coulee site. However, on November 1, 1933, Harold Ickes, Secretary of the Interior and Director of Public Works Administration, federalized the project under the National Industrial Recovery Act of 1933. Excavation for the dam commenced on December 13, 1933. However, its legal authorization was in question and Congress reauthorized the Dam in the Rivers and Harbors Act of 1935. As pointed out in 1980 in the Final Report of a Federal interdepartmental Colville/Spokane Task Force: In spite of the fact that the Act authorized the project for the purposes, among others, of reclamation of public lands and Indian reservations. . . . no hydroelectric or reclamation benefits flow to the Indians. The irrigation benefits of the project all flowed south of the Reservation. In 1940, very belatedly and inadequately (at the urging of the Department of the Interior), Congress did enact a statute to authorize the Secretary of the Interior to designate whichever Indian lands he deemed necessary for Grand Coulee construction and to receive all rights, title and interest the Indians had in them in return for his appraisal of its value and payment of compensation by the Secretary. The only land that was appraised and supposedly compensated for was the newly flooded lands. Pursuant to this legislation, 54 Stat. 703 (1940), the Spokane Tribe received the grand total of $4,700. There is no evidence that the Department advised or that Congress knew that the Tribes' water rights were not extinguished. Nor had the Indian title and trust status of the Tribal land underlying the river beds been extinguished. No compensation was included for the power value contributed by the use of the Tribal resources nor the loss of the Tribal fisheries or other damages to tribal resources.

Although the Department of the Interior and other federal officials were well aware of the flooding of Indian trust lands and other severe impacts the Grand Coulee Project would have on the fishery and other critical resources of the Spokane and Colville Tribes, no mention was made of these impacts or the need to compensate the Tribes in either the 1933 or 1935 authorizations. Federal inter-departmental and intra-office correspondence of the Department of the Interior from September 1933 through October 1934 clearly demonstrate that the Federal government knew that the Colville and Spokane Tribes should be compensated for the flooding of their lands, destruction of their fishery and other resources, destruction of their property and annual compensation from power production for the use of the Tribes' land and water resources contributing to such power production. As pointed out in a 1976 Opinion of Lawrence Aschenbrenner, the Acting Associate Solicitor, Division of Indian Affairs, Department of the Interior:

> The 1940 act followed seven years of construction during which farm lands, and timber lands were flooded, and a fishery destroyed, and during which Congress was silent as to the Indian interests affected by the construction. Both the Congress and the Department of the Interior appeared to proceed with the Grand Coulee project as if there were no Indians involved there.

> The Department correspondence and memoranda on the subject of Indian rights apparently came to an abrupt halt [after 1934]. There is no tangible evidence, currently available, to indicate that the Department ever consulted with the tribes during the 1933–1940 period concerning the ongoing destruction of their land and resources and proposed compensation therefore.

The Opinion goes on to point out:

> It is our conclusion that the location of the dams on tribal land and the use of the water for power production, without compensation, violated the Government's fiduciary duty toward the Tribes.

> The situation at hand involves a conflict-of-interest on the part of the Department of the Interior. . . . The Department of the Interior has responsibility for protecting the Tribes' Winters Right [water rights] as well as its property rights in the bed of the river. Recognizing the value of the river as a power production and irrigation site, the Department of the Interior . . . has used this land and the water for its own purposes, without ensuring that consideration and benefit from the development of those resources flowed to the Tribes who own part of them. The case fits squarely into the reasoning of Manchester Band, Navajo Tribe and Pyramid Lake cases, where ". . . a fiduciary who learns of an opportunity, prevents the beneficiary from getting it, and seizes it for himself." (Citations omitted)

> Throughout the construction, the Department's apparent failure to communicate with the Tribes concerning their land and water rights is appalling. No case law grants executive agencies authority to unilaterally abrogate Indian rights. [T]he posture of the Department can be described not as . . . an exercise of guardianship, but an act of confiscation. (Citations omitted).

The Colville settlement legislation ratified a settlement agreement reached between the United States and the Colville Tribes to settle the claims of the Tribes to a share of the hydropower revenues from the Grand Coulee Dam. This claim was among the claims which the Colville Tribes filed with the Indian Claims Commission (ICC) under the Act of August 13, 1946 (60 Stat. 1049) and later transferred to the U.S. Court of Claims. Pursuant to that Act, there was a five year statute of limitations to file claims before the Commission which expired August 13, 1951. Why did the 1994 Colville settlement legislation not also include a settlement of the claims of the Spokane Tribe of Indians?

Although the Indian Claims Commission statute of limitations expired August 1951 neither the Colville Confederated Tribes nor the Spokane Tribe knew then or for many years thereafter that there would be a need to even file claims related to the use of their tribal land and water resources for the construction and operation of the Grand Coulee Dam for power production and reclamation. After all, beginning in the 1930s through the 1970s, the historical and legal record is replete with high level agency correspondence, Solicitor Opinions, inter-agency proposals/memoranda, Congressional findings and directives and ongoing negotiations with the affected Tribes to come to agreements upon the share of revenue generated by Grand Coulee which should go to the Tribes for their use of their respective resources. The Tribes had every reason to believe that their Trustee, the United States, was, although belatedly, going to act in good faith to provide fair and honorable compensation to the Tribes for the United States' proportionate use of their Tribal resources for revenue generated by the Grand Coulee Dam.

In 1974 the Solicitor of the Department of the Interior issued an Opinion which concluded, among other things, that the Spokane and Colville Tribes each retained ownership of the lands underlying the Columbia River and, in the case of the Spokane Tribe, the lands underlying the Spokane River. The Opinion suggested that the resource interests of the Tribes were being utilized in the production of hydroelectric power at Grand Coulee.

In 1975, in response to this Opinion, the Senate Appropriations Committee directed the Secretary of the Interior and the Secretary of the Army and the Bonneville Power Administration to "open discussions with the Tribes to determine what, if any, interest the Tribes have in such production of power, and to explore ways in which the Tribes might benefit from any interest so determined." (S. Rept. 94–505 at 79). A Colville/Spokane Task Force was subsequently composed of representatives of various federal agencies, BPA and the Tribes.

By this time, it was becoming apparent to the Tribes that the U.S. was beginning to consider possible legal defenses such as navigational servitude and the 1951 Indian Claims Commission statute of limitations to severely limit and/or entirely eliminate any obligation by the federal government as fiduciary to compensate the Tribes for the conversion of Tribal resources by the U.S.

In response to the newly expressed suggestion of the U.S. to attempt to severely limit or entirely eliminate any obligations to provide compensation for its breach of its trust responsibility and conversion of Tribal resources, the Colville Confederate Tribes filed a petition with the Indian Claims Commission on August 5, 1976 to amend its original claim petition (filed on July 31, 1951), which was then still pending and to include a claim for "compensation and damages arising out of the taking and use of its lands, including the resources . . . in connection with the construction . . . operation by defendant [United States of America] of the Grand Coulee Dam, including the reservoir area created by the Dam." The U.S. then, for the first time, argued that the Colville Tribes' attempt to amend their 1951 petition in 1976 should be denied because it was barred by the 1951 statute of limitations of the Indian Claims Commission Act.

On November 18, 1976, the Indian Claims Commission held that the original land claim filed in 1951 . . . was broad enough to support a claim for damages arising from the construction and operation of the Grand Coulee Dam. Therefore [the Colville Tribes'] amended claim relates back and is not barred by the statute of limitations." 39 Ind. Cl. Comm. 159. As a consequence, the Colville Tribes, in 1976, were able to effectively respond to the U.S.' belated strategy to raise the 1951 statute of limitations.

The Spokane Tribe, however, was not similarly situated. While the Spokane Tribe, like the Colville Tribes, had timely filed its land claims before the Indian Claims Commission in 1951, the Spokane Tribe had already entered into a settlement agreement concerning its original claims on February 21, 1967, approximately nine years prior to any indication that the U.S. might suggest or attempt to limit or eliminate its obligations to the Tribes regarding Grand Coulee Dam. As a consequence, the Spokane Tribe did not have a pending Indian Claims Commission claim to amend in 1976 as did the Colville Tribes. As evidenced by the U.S.' attempt in 1976 to defeat the Colvilles' motion to amend their petition, the U.S. apparently hoped to prevent both the Colvilles and the Spokane from bringing Grand Coulee Claims.

While neither the Colville Confederate Tribes nor the Spokane Tribe knew in 1951 or in 1967 that they needed to file claims for damages and compensation for the construction and operation of Grand Coulee, it was mere happenstance that the Colville Tribes still had an Indian Claims Commission case pending and capable of being amended in the mid-1970's and the Spokane Tribe did not.

Up until the mid-1970's, neither the Colville Tribes nor the Spokane Tribe had any reason to distrust that the U.S. would not attempt to negotiate a fair and honorable compensation settlement given the past Federal agency pronouncements, legal opinions, on-going negotiations and Congressional directives.

When the Colville settlement legislation was moving forward in 1994, the Spokane Tribe pressed for an amendment to waive the statute of limitations and allow the Spokane Tribe to seek just and equitable compensation resulting from the construction of the Grand Coulee Dam. Fearful that the Spokane Tribe's efforts might delay and jeopardize final enactment of the Colville settlement legislation, the Colville Tribes and others requested that the Spokane Tribe defer its efforts to seek settlement of its claims. The Spokane Tribe honored that request. During the joint House and Senate hearings on the Colville legislation, the Assistant Secretary for Indian Affairs did commit in her testimony that she would study the merits of the Spokane claim. The day after the hearings, the Solicitor of the Department committed the Department to examine, independent of the Colville Bill, the Spokane Tribe's claims. The House Resources Committee Report accompanying the Colville legislation stated that the Spokane claim was "identical in many respects" to the harm suffered by the Colville Tribes. The Committee noted "that the Spokane Tribe has a moral claim and requests that the Department of the Interior and the Department of Justice work with the Spokane Tribe to develop a means to address the Spokane's claim." In the Senate, Senators INOUYE, Bradley, MURRAY, MCCAIN and Hatfield joined in a colloquy expressing their concern that the claims of the Spokane Tribe should be addressed and urged the Administrative agencies to work with the Spokane Tribe to resolve the Tribe's claims.

Following a subsequent commitment from Associate Attorney General, John R. Schmidt, that the Department and other federal agencies would undertake an "earnest" and "fair evaluation" of the Tribe's claims, the Tribe committed a great deal of time, resources and funding to fully research and document its claims. By late 1995, the Tribe was prepared to formally request that the Interior and Justice Departments establish a federal "negotiating team." In a meeting with Interior Department officials in December 1995, Tribal representatives were astounded when they were advised that the Tribe should return to Congress and renew the Tribe's request for a waiver of the statute of limitations.

On July 9, 1996, Senators MURRAY, MCCAIN, INOUYE, Bradley and I sent a letter to Secretary Bruce Babbitt stating the Federal/tribal negotiations urged by Congress in 1994 were not predicated on the Tribe's first obtaining a waiver of the statute of limitations, that the requirement for such an undertaking was "totally contrary to the understanding of the Tribe and to the direction of Congress," and urged that the Interior Department "proceed as soon as possible to negotiate with the Tribe on its power value and fishing claims as previously directed by Congress." Unfortunately, viable and equitable settlement negotiations have not materialized.

Enactment of settlement legislation addressing the meritorious claims of a Tribe, claims otherwise barred by a statute of limitations, is neither new or precedent setting. There is ample precedent for Congressional recognition of the moral claims of Indian tribes and provision of appropriate compensation. Several tribes within the Missouri River Basin suffered very significant damage because of inundation of reservation bottom lands through construction of the Pick-Sloan Project dams. In recognition of these damages, Congress has provided substantial compensation to the Affiliated Tribes of the Fort Berthold Reservation and the Standing Rock Sioux Tribe (P.L. 102–575), the Crow Creek Sioux Tribe (P.L. 104–233), and the Lower Brule Sioux Tribe (P.L. 105–132). Compensatory legislation for the Cheyenne River Sioux Tribe (S. 964) and the Santee Sioux and Yankton Sioux Tribes (S. 1148) are currently pending before this Congress and are expected to move through the Senate Commission on Indian Affairs shortly.

The Federal Government, by its own admission, had a conflict of interest and blatantly breached its fiduciary trust responsibility to the Spokane Tribe. Having breached that trust by converting the Tribe's resources to its own benefit, it led the Tribe to believe it would receive fair and honorable compensation. The United States then changed its position and belatedly asserted new legal defenses against compensation for the Tribe. Now, the U.S. seeks to avoid fair and honorable negotiations with the Tribe it betrayed because the Tribe failed to timely file its claims before the expiration of the statute of limitations. As quoted by the Assistant Secretary for Indian Affairs in her testimony on the Colville settlement legislation:

> . . . I am reminded of the words of Justice Black . . . in litigation about another dam flooding the lands of another tribe's territory: "Great nations, like great men, should keep their word." When the Congress enacts and the President signs this legislation, we can all be proud that we are, at last, acting as a great nation should.

I urge my colleagues to keep the word of our Nation and act expeditiously and favorably on this legislation as it proceeds through the Congress.

RECOGNIZING GARNER E. SHRIVER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. TIAHRT. Mr. Speaker, I rise today to pay tribute to a great Kansan and a great American.

Garner E. Shriver was born July 6, 1912 in the small Butler County town of Towanda. He attended public schools in Towanda and Wichita, and started an illustrious career of service to our nation by enlisting in the United States Navy following graduation from the University of Wichita and Washburn School of Law.

Honorably discharged as an officer after three years in the Navy, Mr. Shriver served in the Kansas Legislature in both the House of Representatives and the State Senate. In 1960, he was elected to the U.S. House of Representatives by the people of the 4th District of Kansas, who re-elected him seven times. Congressman Shriver was a relentless advocate for the 4th District of Kansas, and worked tirelessly as a senior member of the powerful House Appropriations Committee on behalf of his constituents. During his 16 years in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our Nation's veterans, and landmark civil rights legislation. He served on the committee that drafted the Civil Rights Act of 1964.

Although Mr. Shriver left the House in 1977, he didn't leave Congress. He moved over to the Senate and served as minority staff director and general counsel for the Senate Veterans' Affairs Committee from 1977 to 1982, where he made a significant impact on his fellow veterans' lives. Mr. Shriver returned home to Wichita where he practiced law until his death, March 1, 1998. Garner Shriver is survived by his wife, Martha Jane, and three children David, Kay, and Linda. He also has seven grandchildren and two great-grandchildren.

Garner E. Shriver was a nobel public servant and served the people of the 4th District with distinction. I am honored to succeed him as the current 4th District Representative, and I am pleased to have an opportunity to honor his service to our nation by introducing legislation today that will designate the facility of the United States Postal Service at 9350 East Corporate Hill Drive in Wichita, KS as the "Garner E. Shriver Post Office Building."

EXPRESSING SUPPORT FOR RENEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO CYPRUS PROBLEM

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H. Res. 165, a resolution that calls for the rights of Greek Cypriots and Turkish Cypriots to be protected. Most importantly, the resolution urges that steps be taken to resolve the longest unresolved conflict in Europe—the division of Cyprus.

The Commission on Security and Cooperation in Europe, which I co-chair, has held several briefings over the last 18 months on the evolution of a hoped-for solution to the Cyprus impasse. The tone of these briefings varied from optimistic to skeptical. Those concerned about this problem were hopeful when United Nations Secretary General Koffi Annan put forth a proposed plan last November.

After further discussions, Mr. Annan adapted the plan to encompass the concerns voiced by both sides of the conflict. Unfortunately, Mr. Rauf Denktash, leader of the Turkish Cypriots, failed to accept either the comprehensive settlement or the proposed referendum advanced by the Secretary General. Denktash's inability to find common ground with his fellow Cypriots from the Greek side keeps Cyprus divided.

H. Res. 165 calls for the most logical resolution of the problem—let the people of Cyprus, whether they be Greek Cypriots or Turkish Cypriots, determine their own fate at the ballot box. Tens of thousands of Turkish Cypriots have demonstrated their support for this proposal in massive public marches. Many Turkish Cypriots are obtaining Republic of Cyprus passports in an attempt to move this process ahead.

Mr. Denktash must heed the call of these times. The time for a single man to stand in the way of progress for an entire people, for an entire country, is past. I call on you, Mr. Denktash, to allow the referendum to be held now or step aside in the interest of your people and the prospect of reconciliation on the divided island nation of Cyprus!

EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOT'S DAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. MARKEY. Mr. Speaker, today my colleagues from Massachusetts and I are introducing identical resolutions in both the House and the Senate that celebrate a shining moment in the history of the United States, the beginning of the most enduring free and democratic experiment in the world. On April 19, 1775, the American colonists in Lexington, in Concord and in "every Middlesex village and town" rose up to claim their inherent right to govern themselves, free of the whims of the English king.

While this day is already celebrated as a state holiday in both the Commonwealth of Massachusetts and the State of Maine, and the national significance of the events surrounding the "shot heard 'round the world" is unquestioned, the recent establishment of a national day of remembrance on September 11 as "Patriot Day" has understandably confused some Americans regarding "Patriot's Day" in April. We introduce this resolution not in any way to diminish "Patriot Day," but only to remind our colleagues and the public that "Patriot's Day" continues to serve every year as a reminder of the origins of the freedoms we enjoy today.

So this year we ask all Americans to join us in celebrating Patriot's Day, 2003, to be celebrated on Monday April 21. As a reminder of this day, I am including excerpts from Longfellow's "Paul Revere's Ride" and from Emerson's "The Concord Hymn"

PAUL REVERE'S RIDE

"Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal light,
One if by land, and two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm . . ."

So through the night rode Paul Revere;
And so through the night went his cry of alarm
To every Middlesex village and farm,
A cry of defiance, and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo for evermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

THE CONCORD HYMN

By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood
And fired the shot heard round the world.

The foe long since in silence slept;
Alike the conqueror silent sleeps;
And Time the ruined bridge has swept
Down the dark stream which seaward creeps.

On this green bank, by this soft stream,
We set today a votive stone;
That memory may their deed redeem,
When, like our sires, our sons are gone.

Spirit, that made those heroes dare
To die, and leave their children free,
Bid Time and Nature gently spare
The shaft we raise to them and thee.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

Mr. WU. Mr. Chairman, there is no doubt that our airlines are hurting. Passenger numbers have never recovered from September 11. Orange terror warnings and media reports are also scaring away passengers. The war in Iraq has the potential of having a serious and negative effect on this industry. The first Gulf War helped cause the demise of four commercial airlines, all of which disappeared into liquidation.

But another handout directly to the airlines is not going to solve the problem. The $3.2 billion in this bill comes just a year and a half after we approved a $15 billion package of post September 11 loans and grants designed to tide airlines over.

The real problem is that people aren't flying. Even though the number of flights have been reduced, on average, more than 25 percent of the seats on flights are left unsold. And a reduction in flights means job cuts.

It is time we try something more direct. We are proposing a way to get the American public flying again. By filling empty seats, we can actually help to preserve and even create jobs.

That's why Representative SCOTT and I are offering an amendment that will encourage people to fly. Our "Freedom to Fly" amendment would set aside the same proposed amount—$3.2 billion—to support an airline ticket discount program. The discount coupons we propose could be used to purchase any airline travel at a 50 percent discount. For example, a voucher costing the passenger $100 would be worth $200 toward the purchase of an airline ticket. Our program would apply the $3.2 billion to directly subsidize passengers and indirectly the airlines. This program would apply to everyone buying tickets on U.S.-owned passenger airlines.

As a result of this amendment, air travel would increase because the consumer cost of air travel would be cut in half. And this plan would benefit not just the airlines and the traveling public, but also stimulate business for hotels, rental car companies, travel agencies, and other travel related industries.

The total effect of the program would be far greater than just subsidizing the airlines. Over the past week, the airlines have laid off 10,000 workers. A subsidy will not stem the tide of additional layoffs. On the other hand, the proposed vouchers will result in increased airline business, and in increased demand for workers.

The proposed program would be developed and administered by the Department of Transportation, and would be in effect for one year, through March 31, 2004. This is a short-term program that actually has some real prospect of being successful. Giving Americans the "freedom to fly" will fill those empty seats by making them affordable, thereby increasing revenues for the airlines, preserving jobs, and generating additional revenues for others involved in travel commerce.

I encourage all my colleagues to join us in support of this important amendment.

THE DEAN AND BETTY GALLO PROSTATE CANCER CENTER'S EDUCATION INITIATIVE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. HOLT. Mr. Speaker, I rise today to salute the Dean and Betty Gallo Prostate Cancer Center's new education initiative.

Prostate cancer is the most common cancer among men—about 220,900 new cases will be diagnosed this year. Approximately 28,900 men will be stricken down by this disease—one that devastates so many families by killing so many fathers, brothers, and sons.

I am proud to say that the Dean and Betty Gallo Prostate Cancer Center in central New Jersey is working hard to improve these statistics. On April 12, the Gallo Center will kick off its prostate cancer education initiative with a statewide health event held at 13 separate sites. At these sites, individuals and families will be able to get information and talk to representatives of the Gallo Center, local health departments, and other officials.

In the fight against prostate cancer, it is vitally important that we concentrate on education and screening. Catching the disease early drastically improves the chances of surviving, and lowers the need for the expensive treatments used during later stages of the cancer.

For those who are diagnosed with prostate cancer, the Gallo Center is New Jersey's only specialized prostate health resource at a National Cancer Institute—the Cancer Institute of New Jersey. The Center is also an advanced research facility that transforms laboratory discoveries into clinical practice.

While I am glad that New Jersey can rely on such a world-class facility for prostate cancer research and treatment, I am even more pleased to learn of the Gallo Center's educational and outreach efforts. Prostate cancer is a disease that disproportionately affects elderly men and African-Americans, and it is vital that health care professionals reach out to these populations to inform them of the warning signs of the disease.

Again, let me applaud the Gallo Center's efforts to inform and educate New Jersey's citizens about this devastating disease.

INTRODUCING JOHN'S LAW

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. LOBIONDO. Mr. Speaker, in the coming months we will be marking the third anniversary of the tragic death of one of my constituents. U.S. Navy Ensign John Elliott, who had just received his commission to Naval Flight School in Pensacola, Florida, was struck and killed by a drunk driver on July 22, 2000. The accident instantly killed Elliott and seriously injured his passenger, Kristen Hohenwarter.

Sadly, it was later discovered that the driver responsible for Elliott's death had been arrested for drunken driving earlier that evening. Elliott was on his way home for his mother's birthday party when he crossed paths with the intoxicated driver.

Nearly three years after that tragic accident, his parents continue the fight to save other families from the grief they have endured. Lobbying the New Jersey State Legislature, the Elliotts saw to fruition the drafting, passage, and ultimate enactment of John's Law. The law ensures that individuals who pick up an arrested driver sign a document accepting custody. Additionally, it gives State Police the authorization to impound the automobile of an arrested driver for up to 12 hours.

Today, I am introducing a bill expressing the sense of Congress that funding should be made available from the Highway Trust Fund to encourage all States to enact legislation to require law enforcement officers to impound motor vehicles of those charged with driving while intoxicated and to issue responsibility warnings to those who take custody of suspects driving while intoxicated. The legislation also requires the National Traffic Safety Board to report to Congress on the number and severity of traffic accidents caused by individuals who were released by State and local police hours after being charged with DWI and to make recommendations on the need for States to adopt statutes similar to John's Law.

We are making important strides to eliminate the senseless deaths caused by the lethal mix of alcohol and automobiles. Annual deaths from drinking and driving have decreased from approximately 28,000 in 1980 to 16,068 in 2000. In 1982, 57 percent of all traffic fatalities were alcohol-related. In 2000, that percentage fell to 38 percent. However, much work remains to be done. Each death is a preventable one and I am sure this resolution will go a long way in ensuring deaths like Ensign Elliott's are prevented and families are saved from the pain the Elliotts and other families across the Nation have endured.

I urge my colleagues in the House to support this resolution.

IN HONOR OF PHILLIP BURTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Ms. PELOSI. Mr. Speaker, twenty years ago today, our Nation lost a fierce and fearless leader—Phillip Burton, a great Member of Congress from San Francisco.

Sometimes profound, often profane, but always passionate, Phillip Burton was a voice for workers, the poor, the elderly, the disabled and a protector of the environment. He turned up the volume of those who could only whisper for help.

Through his work, the world has been endowed with a lasting legacy of gifts—the giant Redwoods, benefits for black lung sufferers, better wages for workers, and better healthcare for the elderly and the disabled.

Phil Burton believed deeply in the integrity of this institution and its democratic principles of disagreement and debate. One of his first areas of interest was the House Committee on UnAmerican Activities and its destructive use of this House to undermine the principles for which it stood. He worked successfully to abolish the Committee.

Expanding on the openness and fairness he desired for the House of Representatives, he worked to ensure meaningful reforms in the House so that junior Members were given early opportunities to share more equally in the workings of the committees.

Phil Burton was a legislative master, creating new park lands and protecting lands throughout the country—literally "from California to the New York island; from the Redwood Forest to the Gulf Stream waters." The Washington Post ran the headline about his work: "Sun Never Sets on Burton Empire."

In 1978, Phil Burton championed the most sweeping environmental legislation ever to pass the Congress, tripling the National Trails System, doubling the Wild and Scenic Rivers System, and more than doubling the wilderness in national parks. He and the chairman of the Interior Committee, Mo Udall, worked together to protect 100 million acres of land in Alaska, the largest in the nation. Mo Udall's classic description of Phil says it all: "He unscrewed the inscrutable." He preserved America's natural wonders.

Among Phil's great successes was creation of the nation's first two urban national parks—the Golden Gate National Recreation Area in San Francisco and Gateway National Recreation Area in New York. The Golden Gate National Recreation Area has become an emerald greenbelt stretching north and south of San Francisco along the Pacific coast.

The jewel at its center is the Presidio. Phil Burton, with one sentence, made it possible for the Presidio to exist as a national park. Years later, Congress created a permanent management entity, the Presidio Trust, to ensure that the Presidio would be preserved in perpetuity as Phil intended.

The "empire" stretched beyond our continental lands to the Territories where Phil sought to bring fairness, cultural harmony and the American Dream to island populations. And he brought them representation in Congress. Congressman ENI FALEOMAVAEGA, who staffed the Subcommittee on Insular Affairs chaired by Phil Burton, is a Member of Congress today because of legislation authored by Phil to ensure representation to the people of America's distant lands.

Phil's mastery extended beyond the legislative arena, and his true artistry was displayed when it came to redistricting. One press account described it as "Phil Burton's contribution to modern art." For almost three decades, he painted the political landscape of Californians in the House from his palette.

Always central to Phil's success was a strong sense of bipartisanship, which he considered essential. This was evident in his efforts to preserve lands in districts where they formed an economic spine for local communities. By providing worker benefits and working with Republicans and Democrats, success was possible that benefited not only the short-term existence of a community, but the longer-term preservation of the environment. In all of his work, he put the public interest above self-interest, including the self-interests of those who preferred to realize financial gain.

Phil Burton's career took a detour on the road to become Speaker. When Phil lost the race for Majority Leader, Speaker Tip O'Neill said, "I never saw a person take defeat so gracefully . . ." He may have lost the personal battle for Majority Leader, but he was victorious in his broad war to ensure social justice and human dignity for all people.

Phil Burton worked every day of his life to protect this planet, its people and this place where we govern. He was not a man of shallow interest, but a man of deep and abiding commitment to democratic principles.

In his short life, he brought our nation a legacy of accomplishment that will outlast our lifetimes and those of our grandchildren. As enduring and tangible as the monuments he left to us will be our abiding commitment to the principles he held in his heart. Years from now, these generations will not know his name, but they will experience his monumental achievements.

Phil Burton stands as tall as a giant among us and as lasting as the great Redwoods.

HONORING THE CHILDREN'S DEFENSE FUND

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to the most effective child advocacy organization in the United States of America, or any place else in the world—the Children's Defense Fund (CDF). Founded in 1973 by the creative, dedicated and far-sighted Marian Wright Edelman, the CDF has played a key role in keeping the needs, hopes and aspirations of our children in the eyes and minds of policy makers and the general public.

Through its research and education efforts the CDF has educated, motivated, and stimulated millions of parents to become more aware of the needs of their children and how they too can become advocates for them. The CDF has provided health support, informed parents on how to use the Children's Health Insurance Program, put together the Student Health Outreach Project, and through its Child Welfare and Mental Health Division works to support and protect children and their families who have been abused, neglected, suffered serious emotional problems, and in some instances have even been left homeless.

Education is indeed the key that unlocks the door to success and in this arena the CDF has been unwavering in trying to make head start available to every child, supporting educational programs like the 21st Century Community Learning Center, after-school programs, the Individuals with Disabilities Act (IDEA), the Infants and Toddlers Program, the Campus Based Childcare, and early Childhood Educator Professional Development Program, as well as countless others.

Mr. Speaker, our children are indeed the future, and as the songwriter said: "teach them well and let them lead the way," well for thirty years the CDF has been leading the way and pointing out to America that they need our support, financially, morally, spiritually, educationally, and emotionally if they are to become the leaders that we need for tomorrow. Yes, the CDF for thirty years has fought the good fight, you have paved the way, you are leading us into the light, and we simply pause to take note and say thank you—Marian Wright Edelman, and thank you Children's Defense Fund.

ON THE VETERANS' SURVIVING CHILDREN'S BENEFITS ACT

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. MICHAUD. Mr. Speaker, with our Nation at war, young men and women in uniform are placed in harm's way and risk losing their lives. Sadly, some have already made the ultimate sacrifice. We owe these brave individuals a great debt, and we also owe that debt to their families.

The surviving spouses of military personnel who die in service and veterans who die as a result of service-connected disabilities become the sole caregivers for their children. They deserve the best assistance that our Nation can provide. For this reason I am introducing the Veterans' Surviving Children's Benefits Act.

In 2001, the Department of Veterans Affairs completed a congressionally mandated evaluation of survivorship benefits paid to the families of men and women who have given their lives for their country. According to the results, a surviving spouse with dependent children needed to receive an additional $250 per month in Dependency and Indemnity Compensation (DIC). With the additional $250 per month, the benefits provided to a surviving spouse with children would be comparable to the benefits received by a surviving spouse who did not have children. The study found a $250 increase in monthly benefits was needed regardless of the number of children in the family.

The Veterans' Surviving Children's Benefits Act would provide a $250 monthly increase in survivor benefits recommended for surviving spouses with children. While no amount of money can ever compensate a child for the loss of a parent, I believe that we should assure that surviving spouses with children have their needs met to at least the same extent as surviving spouses without children.

I ask my colleagues to join me in providing this small but necessary comfort to the surviving children of military personnel who have made the ultimate sacrifice for their country.

ROLF SCHULZE: ACADEMIC, UNION LEADER, FRIEND

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

Mr. FILNER. Mr. Speaker, I want to take this opportunity to recognize and congratulate Dr. Rolf Schulze upon the occasion of his retirement as a professor at San Diego State University (SDSU), the institution of learning at which I also taught for 20 years. Rolf has outdone me, though, with a teaching career of 34 years!

I first met Rolf in the early 1970s, when we were both new to SDSU. I discovered a man of conviction, dedicated both to his academic endeavors and to his belief in the importance of the labor movement. Rolf began as a trade union member at 15 years of age. He came to the United States from Germany at age 17 with few dollars in his pocket but very large dreams. After serving in the military, he obtained his PhD at Michigan State University, followed by his appointment to teach at SDSU.

Rolf became president of the United Professors of California in 1970 and later, when it became the California Faculty Association, he served several more terms as president, as well as serving as a member of the SDSU Senate. He now is a member of the Executive Board of the San Diego/Imperial Counties Labor Council.

Rolf exhibited his special talents in working for solidarity within his own union, as well as with other unions—promoting quality education, fair working conditions, compensation and benefits. He has been a leader in helping to institute many democratic cost reforms within the California academic system.

As a Sociology professor, Rolf demonstrated his love of teaching, research, and writing. His students consider him to be an inspiration to them, coming back to acknowledge his influence years after their graduation. It is well known that there is "standing room only" on the first day of his classes. He challenges his students to think for themselves, to question, and not to settle for the status quo but always to look for better ways to solve problems and to guard our liberties.

Rolf's way of solving problems at all levels is to communicate openly and to encourage the building of consensus. he has been a leader in bringing faculty, unions, and administration together for the betterment of all, not by grandstanding—which is not his way—but through his own brand of quiet, patient listening, showing respect for all points of view.

Upon his retirement, he leaves the university a far better place. He is joined in celebrating his accomplishments by his wife Jane Carney Schulze, his sons Mark and Eric, and his daughters-in-law Patty Mooney and Tina Thomas.

My best wishes go to my colleague and my good friend, Rolf Schulze.

HOUSE OF REPRESENTATIVES—*Saturday, April 12, 2003*

The House met at 10 a.m.

The Reverend Stephen J. Rossetti, President, Saint Luke Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, during this season of the year, springtime follows winter, and we witness the emergence of new life. We see how You bring life out of death, light out of darkness, and hope supplants fear.

Fill us with Your goodness, so that we might be instruments of Your hands. May we, filled with this divine grace, be agents of a new springtime in our country and in our world.

Help us to bring Your freedom where there has been tyranny and Your healing where there has been much pain.

You are our hope. As we stretch out our hands into this country and into this world, may they be Your hands, offering a springtime of freedom and a message of new life.

As always, we raise our eyes to You, and give thanks.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. ISAKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. ISAKSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1770. An act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 703. An act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

S. 763. An act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse".

The message also announced that the Senate has passed joint resolution titles in which the concurrence of the House is requested.

S.J. Res. 8. Joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 36. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Service Banner and the Gold Star.

S. Con. Res. 37. Concurrent resolution expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots.

S. Con. Res. 38. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-76)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1559), "making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:*

TITLE I—WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $110,000,000, to remain available until expended.

PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $369,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation $69,000,000 to acquire a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust: Provided further, That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "General Administration, Salaries and Expenses", $5,000,000, to remain available until September 30, 2004.

COUNTERTERRORISM FUND

For an additional amount for "Counterterrorism Fund", $20,000,000, to remain available until December 31, 2003: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of division B of Public Law 108–7.

DETENTION TRUSTEE

For an additional amount for "Detention Trustee" for the detention of Federal prisoners

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in the custody of the United States Marshals Service, $40,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,500,000, to remain available until September 30, 2004.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service" for necessary expenses, $8,000,000, to remain available until September 30, 2004.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigations, Salaries and Expenses", $367,192,000, to remain available until September 30, 2004: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", $54,750,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Supreme Court of the United States, Salaries and Expenses" for police enhancements, $1,535,000, to remain available until September 30, 2004.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "United States Court of Appeals for the Federal Circuit, Salaries and Expenses" for court security officer expenses, $973,000, to remain available until September 30, 2004.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for "United States Court of International Trade, Salaries and Expenses" to enhance security, $50,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $88,420,000, to remain available until December 31, 2003: Provided, That $35,800,000 shall be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq.

In addition, for the costs of worldwide security upgrades, $10,000,000, to remain available until December 31, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $149,500,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs".

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to the Middle East Television Network broadcasting to the Middle East and radio broadcasting to Iraq, $30,500,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated under this Chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $7,700,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,600,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,200,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $2,800,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $3,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $100,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $16,000,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $5,100,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,650,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $7,100,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,200,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $3,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $7,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $20,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $75,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $20,000,000.

IRAQ FREEDOM FUND

(TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the "Iraq Freedom Fund". For additional expenses for ongoing military operations in Iraq, and those operations authorized by Public Law 107–40, and other operations and related activities in support of the global war on terrorism, not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution, replacement of munitions and equipment, and other costs, there is hereby appropriated $15,678,900,000, to remain available for transfer until September 30, 2004: Provided, That amounts provided under this heading shall be available for transfer for the following activities:

Not less than $1,771,180,000 for classified programs, which shall be in addition to amounts provided for elsewhere in this chapter, and under this heading, for procurement and research, development, test and evaluation;

Not less than $1,100,000,000 for increased fuel costs, for transfer to "Defense Working Capital Funds";

Up to $1,400,000,000 for transfer to "Operation and Maintenance, Defense-Wide", only for purposes further specified in section 1310 of this chapter;

Up to $489,300,000 for transfer to the "Natural Resources Risk Remediation Fund";

Up to $400,000,000 for transfer to Department of Homeland Security, "United States Coast Guard, Operating Expenses", to support military activities in connection with operations in and around Iraq and the global war on terrorism;

Up to $57,600,000 for research, development, test, and evaluation; and

Up to $25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism, including equipment, supplies and services, on such terms as the Secretary of Defense, with the concurrence of the Secretary of State and 15 days following submission of a financial plan for the use of such funds to the congressional defense committees, may determine:

Provided further, That in addition to the transfers authorized in the preceding proviso, the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program appropriation; and working capital funds: Provided further, That the funds transferred under this heading shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary of Defense shall submit a report no later than July 1, 2003, and then 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

NATURAL RESOURCES RISK REMEDIATION FUND

(TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the "Natural Resources Risk Remediation Fund". Funds transferred to, appropriated to, and contributions made to, the Natural Resources Risk Remediation Fund may be made available for expenses necessary, in and around Iraq, to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: Provided, That up to $489,300,000 of the funds appropriated to the Iraq Freedom Fund in this Act may be transferred to this fund: Provided further, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided further, That funds available in the Defense Cooperation Account may be transferred to and merged with the Natural Resources Risk Remediation Fund: Provided further, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation: Provided further, That in administering the Natural Resources Risk Remediation Fund during fiscal year 2003, the Secretary of Defense may transfer funds from the Iraq Freedom Fund only to the extent that amounts transferred from the Defense Cooperation Account and amounts accepted pursuant to the authority of the second proviso of this paragraph are not currently available: Provided further, That, hereafter, contributions of money deposited into the Natural Resources Risk Remediation Fund shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the Defense Cooperation Account under section 2608, chapter 155 of title 10, United States Code: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $4,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $3,100,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $53,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $447,500,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $241,800,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $113,600,000.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $11,500,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $70,000,000, to remain available for obligation until September 30, 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $501,700,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $34,000,000.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107–248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7).

SEC. 1302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in previous fiscal year 2003 appropriations acts which make appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within four years of enactment of this Act.

SEC. 1304. (a) Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "$25,000,000" and inserting "$50,000,000".

(b) During fiscal year 2003 and notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code, of the total amount available under such heading for the CINC initiative fund account (as amended by subsection (a)), not more than $15,000,000 may be used for the purpose described in subparagraph (A) of such section 166a(e)(1), not more than $10,000,000 may be used for the purpose described in subparagraph (B) of such section, and not more than $10,000,000 may be used for the purpose described in subparagraph (C) of such section.

SEC. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "$34,500,000" and inserting "$50,000,000".

(TRANSFER OF FUNDS)

SEC. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking "$2,000,000,000", and inserting "$2,500,000,000";

(2) by striking the date "May 31, 2003", and inserting "June 30, 2003"; and

(3) by striking the sixth proviso, as added by section 112 of division M of Public Law 108–7, beginning with ": Provided further" and ending with "to which transferred".

(INCLUDING TRANSFER OF FUNDS)

SEC. 1307. In addition to amounts made available elsewhere in this Act for the Department of Defense, $165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

SEC. 1308. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1309. (a) Of the amounts available to the Secretary of Defense, $63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act.

(b) Section (4)(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

"(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $86,500,000 in fiscal year 2003.".

(c) Notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section (4)(a)(2) of the Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose not later than seven days following the exercise of the drawdown authority.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1310. Up to $1,400,000,000 of funds transferred under the authority provided under the heading "Iraq Freedom Fund" to "Operation and Maintenance, Defense-Wide" may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That unless expressly provided in an appropriations act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds other than those additional amounts provided herein shall be made available for any payments intended to fulfill the purposes specified in this section and similar reimbursement authorities expressly provided in section 304 of Public Law 107–117 and within the "Operation and Maintenance, Defense-Wide" appropriation account enacted in Public Law 107–206: Provided further, That not later than July 1, 2003, the Secretary of Defense shall submit a report in writing to the Committees on Appropriations that includes a financial plan for the obligation and expenditure of such funds: Provided further, That if such report is not provided to the Committees on Appropriations by the date specified in the previous proviso, unobligated balances of funds that are available from the amounts provided in this chapter for the purposes specified under this section shall be returned to the Treasury of the United States: Provided further, That, beginning not later than July 1, 2003, the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the uses of funds made available for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with military action in and around Iraq and the global war on terrorism.

(TRANSFER OF FUNDS)

SEC. 1311. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may transfer between appropriations up to $2,000,000,000 of the funds made available in this chapter: Provided, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 107–248 except for the fourth proviso.

SEC. 1312. The Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of $7,500,000.

(TRANSFER OF FUNDS)

SEC. 1313. As of October 31, 2003, all balances of funds remaining in the "Defense Emergency Response Fund" shall be transferred to, and merged with, the "Iraq Freedom Fund", and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the "Iraq Freedom Fund" in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1314. TECHNICAL ADJUSTMENTS TO PUBLIC LAW 107–248. Notwithstanding any other provision of law, the following adjustments and transfers shall apply to funds previously made available, and to restrictions, in the Department of Defense Appropriations Act, 2003 (Public Law 107–248):

(1) Under the heading, "Operation and Maintenance, Army National Guard", not more than $3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina National Guard; and, in addition, appropriations available during fiscal year 2003 under the heading, "Operation and Maintenance, Army", not more than $2,000,000 is available for training range enhancements at Fort Indiantown Gap, Pennsylvania and, further, appropriations available for the Air Battle Captain program at the University of North Dakota may be used to provide summer flight training to the United States Military Academy cadets;

(2) Under the heading, "Operation and Maintenance, Air Force", not more than $6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range;

(3) Under the heading, "Procurement, Defense-Wide", strike "purchase of 4" and insert "purchase of 6"; and

(4) Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds provided in Public Law 107–248 for the Dismounted Intelligence Situation Mapboard (DISM) program, and such funds, once transferred, are available for the Dismounted Intelligence Situation Mapboard (DISM) program: Provided, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Other Procurement, Army, 2003/2005", $5,600,000; and

Under the heading, "Research, Development, Test and Evaluation, Army, 2003/2004", $2,800,000;

To:

Under the heading, "Procurement, Marine Corps, 2003/2005", $2,800,000;

Under the heading, "Procurement, Defense-Wide, 2003/2005", $2,800,000;

Under the heading, "Research, Development, Test and Evaluation, Navy, 2003/2004", $1,400,000; and

Under the heading, "Research, Development, Test and Evaluation, Defense-Wide, 2003/2004", $1,400,000.

SEC. 1315. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608; 10 U.S.C. 2406c note) is amended by striking "on or after the date of the enactment of this Act" and inserting "on or after January 1, 2004".

SEC. 1316. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$250".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2002 and shall apply with respect to months beginning on or after that date.

(RESCISSION OF FUNDS)

SEC. 1317. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount: "Research, Development, Test and Evaluation, Navy, 2003/2004", $3,400,000.

SEC. 1318. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, in addition to the transportation benefits authorized under that section, travel allowances may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SEC. 1319. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operation and Maintenance, General", $39,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, $67,000,000, to remain available until expended: Provided, That $20,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That $47,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $148,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $4,000,000, to remain available until expended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $90,000,000, to remain available until September 30, 2004.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $143,800,000, to remain available until expended: Provided, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: Provided further, That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than 5 days prior to the exercise of such authority.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $24,500,000, of which not less than $3,500,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for humanitarian assistance in and around Iraq and to carry out the purposes of the Foreign Assistance Act of 1961 for rehabilitation and reconstruction in Iraq, there is appropriated to the President, $2,475,000,000, to remain available until September 30, 2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture: Provided, That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Defense, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: Provided further, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That prior to the initial apportionment of funds made available under this heading to any agency or department, the President, or his designee, shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: Provided further, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds appropriated under this heading or transferred under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notification of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,422,000,000, of which:

(1) not less than $700,000,000 shall be made available for assistance for Jordan;

(2) $300,000,000, to remain available until September 30, 2005, shall be made available only for grants for Egypt: Provided, That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed $2,000,000,000: Provided further, That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for full payment and performance of such obligations: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(3) not to exceed $1,000,000,000, to remain available until September 30, 2005, for grants for Turkey: Provided, That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed $8,500,000,000: Provided further, That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loans or loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That none of the funds made available by this paragraph may be made available for assistance for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of Turkey is not cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed troops into northern Iraq: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph: Provided further, That any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for "Iraq Relief and Reconstruction Fund";

(4) not less than $30,000,000 for assistance for the Philippines to further prospects for peace in Mindanao, and not less than $167,000,000 for assistance for Afghanistan: Provided, That of the funds appropriated under this heading, $10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice;

(5) regional funds made available under this heading for assistance that are not specified in paragraphs (1) through (4) shall be subject to the regular notification procedures of the Committees on Appropriations; and

(6) unless otherwise specified herein, funds appropriated under this heading shall remain available until September 30, 2004.

LOAN GUARANTEES TO ISRAEL

During the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which *is to be guaranteed, not to exceed $9,000,000,000, of which up to $3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which $3,000,000,000 may be issued subsequent to September 30, 2004: Provided, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: Provided further, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: Provided further, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: Provided further, That the President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: Provided further, That the interest rate for loans guaranteed under this heading may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this heading in the event the borrower elects not to finance such costs or fees out of loan principal: Provided further, That no appropriations under this heading are available for the subsidy costs for these loan guarantees: Provided further, That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: Provided further, That all fees (as defined in section 601(e) of Public Law 102–391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: Provided further, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: Provided further, That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.*

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $25,000,000, to remain available until September 30, 2004.

ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the "Andean Counterdrug Initiative", $34,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than $5,000,000 should be made available for programs and activities to assist persons who have been displaced as a result of armed conflict.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $80,000,000, to remain until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $28,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the "Foreign Military Financing Program", $2,059,100,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That of the funds appropriated under this heading, not less than $406,000,000 shall be made available for grants only for Jordan and not less than $1,000,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for advanced weapons systems, of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces: Provided further, That, except for Israel and Jordan, funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the commitment of funds: Provided further, That such notification shall be in the form of a report (in classified or unclassified form) which contains each country receiving assistance from funds aggregated under this heading, other than Israel and Jordan, the amount of assistance to be provided and a description of the equipment and other assistance being financed from such funds.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $100,000,000, to remain available until September 30, 2004.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1501. Any appropriation made available in this chapter under the headings "International Disaster Assistance", "United States Emergency Refugee and Migration Assistance Fund", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", "Peacekeeping Operations", or "Iraq Relief and Reconstruction Fund" may be transferred between such appropriations for use for any of the purposes for which the funds in the such receiving account may be used: Provided, That the total amount transferred from funds appropriated under these headings shall not exceed $100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

SEC. 1502. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108–7: Provided further, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 1503. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: Provided, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484), except that such Act shall not apply to humanitarian assistance and supplies: Provided further, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: Provided further, That military equipment, as defined by Title XVI, section 1608(1)(A) of Public Law 102–484, shall not be exported under the authority of this section: Provided further, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: Provided further, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: Provided further, That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: Provided further, That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to

Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, (22 U.S.C. 2778), if the President determines and notifies within 5 days prior to export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: Provided, That the limitation regarding nonlethal military equipment shall not apply to military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1505. Division E of Public Law 108–7, under the heading "Assistance for the Independent States of the Former Soviet Union", is amended in subsection (f) by: (1) striking "assistance for the Government" and inserting "assistance for the central Government"; and (2) striking "unless" and inserting "if"; and striking "not facilitated" and inserting "facilitated".

SEC. 1506. REPORTS ON UNITED STATES STRATEGY FOR RELIEF AND RECONSTRUCTION IN IRAQ.

(a) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days of enactment of this Act).

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(3) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund" for necessary expenses as determined by the Secretary of Homeland Security, $150,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 1601 of this Act.

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, $3,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

UNITED STATES SECRET SERVICE

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses related to conducting Operation Liberty Shield, $30,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For necessary expenses for "Customs and Border Protection" related to conducting Operation Liberty Shield and for other purposes, $333,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For necessary expenses for "Immigration and Customs Enforcement" related to conducting Operation Liberty Shield and for other purposes, $170,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for "Transportation Security Administration", $665,000,000, to remain available until expended: Provided, That $130,000,000 of this amount shall not be made available until September 30, 2003: Provided further, That of the total amount provided, the following amounts are made available solely for the purposes specified below:

(1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, $235,000,000;

(2) port security grants, $20,000,000; and

(3) passenger screener hiring, training and related costs, $280,000,000, which shall not be obligated (a) until the President transmits an official budget request for such amount to the Congress and (b) until the Administrator of the Transportation Security Administration submits a fiscal year 2003 budget execution plan approved by the Office of Management and Budget detailing spending levels by budget line item, program, project and activity: Provided, That such plan shall fully fund all programs and activities specifically funded by Congress in Public Laws 107–206 and 108–7:

Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

OPERATING EXPENSES

For an additional amount for "Operating Expenses" related to conducting Operation Liberty Shield, $2,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for the "Office for Domestic Preparedness", $2,230,000,000, to remain available until December 31, 2003, as authorized by Sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107–296) and Section 1014 of the USA PATRIOT Act of 2001 (Public Law 107–56), for grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, which shall be allocated as follows:

(1) $1,300,000,000 for grants pursuant to Section 1014 of Public Law 107–56: Provided, That the application for grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award;

(2) $30,000,000 for technical assistance;

(3) $200,000,000 for formula-based grants for critical infrastructure protection, subject to Section 1014(c)(3) of Public Law 107–56: Provided, That the application for these grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall

transfer no less than 50 percent of the total amount of the grant to local governments within 45 days of the grant award; and

(4) $700,000,000 for discretionary grants for use in high-density urban areas, high-threat areas, and for protection of critical infrastructure, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be transferred by the State to local governments within 45 days of the receipt of funds: Provided further, That Section 1014(c)(3) of Public Law 107–56 shall not apply to these grants:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, to include personnel overtime as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under this heading.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for expenses related to conducting Operation Liberty Shield and for other purposes, $228,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, $45,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", $54,750,000, for grants for interoperable communications equipment: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1601. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 1602. (a) The Under Secretary of Homeland Security for Border and Transportation Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SEC. 1603. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States Border Patrol agents and United States Border Patrol canines if such donations would further the mission of protecting our Nation's borders and ports of entry as determined by the Under Secretary for Border and Transportation Security.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund", for the Centers for Disease Control and Prevention, $100,000,000, to remain available until expended.

For an additional amount for the "Public Health and Social Services Emergency Fund", $42,000,000, to remain available until expended, for costs associated with compensating individuals with injuries resulting from smallpox vaccinations and countermeasures: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

GENERAL PROVISION

REPATRIATION

SEC. 1701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking "1991" and inserting "2003".

CHAPTER 8

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $11,000,000, as follows:

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $11,000,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "General expenses", $37,758,000, to remain available until expended.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $111,000.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING

For an additional amount for "Capitol building", $1,100,000.

CAPITOL POWER PLANT

For an additional amount for "Capitol power plant", $22,679,000, which shall remain available until September 30, 2007.

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for "Capitol police buildings and grounds", $40,140,000, to remain available until September 30, 2007.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,500,000 to remain available until September 30, 2007.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,863,000, to remain available until September 30, 2004.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,849,000.

GENERAL PROVISONS, THIS CHAPTER

SEC. 1801. POSTAL PATRON POSTCARDS. The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking "with a population of less than 250,000".

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $48,100,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $152,900,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Operation and Maintenance, Air Force

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $1,800,000.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 1901. (a) Transfer Authority.—Subject to subsection (b), the Secretary of Defense may transfer not more than $150,000,000 of the funds appropriated or otherwise made available to the Department of Defense in this Act to the contingency construction account, authorized under section 2804 of title 10, United States Code, for the purpose of carrying out military construction projects not otherwise authorized by law. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.

(b) Conditions on Transfer.—A transfer of funds under subsection (a) may not be made until the end of the seven-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) Notice of Obligations.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than fifteen days after the obligation of the funds for the project, specifying the estimated cost of the project and including form 1391.

(d) Definitions.—For purposes of this section, the terms "appropriate committees of Congress", "military construction", and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

Sec. 1902. (a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of funding the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

Maritime Administration

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $25,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That none of the funds under this heading may be obligated or expended until the Department of Transportation Inspector General certifies to the House and Senate Committees on Appropriations that the recommendations of report CR–2003–031 have been implemented to his satisfaction.

TITLE II—MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

CHAPTER 1

Subcommittee on Agriculture, Rural Development, and Related Agencies

GENERAL PROVISIONS

Sec. 2101. (a) Section 756 in Division A of Public Law 108–7 is amended by striking "section 7404" and inserting in lieu thereof "sections 7404(a)(1) and 7404(c)(1)".

(b) Section 7404(e) of Public Law 107–171 is amended by striking "0.1 percent of the amount of appropriations available to the Agricultural Research Service" and inserting in lieu thereof "$499,000 of the amount of appropriations available to the Department of Agriculture".

Sec. 2102. Section 210 of the Agricultural Assistance Act of 2003, "Assistance to Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses", is amended in subsection (a)—

(1) by inserting "all" before "losses";

(2) by inserting after "losses" the following: "to crops, livestock, and trees, and interest and loss of income, and related expenses";

(3) by striking "during calendar years 2002 and 2003"; and

(4) by deleting "August" and inserting in lieu thereof "July".

Sec. 2103. Livestock Compensation Program. Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7)) is amended by adding at the end the following:

"(3) Grants.—

"(A) In general.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) Amount.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).".

Sec. 2104. Use of Organically Produced Feed for Certification as Organic Farm. Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

Sec. 2105. Wild Seafood. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after section (b) the following:

"(c) Wild Seafood.—

"(1) In general.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

"(2) Consultation and accommodation.—In carrying out paragraph (1), the Secretary shall—

"(A) consult with—

"(i) the Secretary of Commerce;

"(ii) the National Organic Standards Board established under section 2119;

"(iii) producers, processors, and sellers; and

"(iv) other interested members of the public; and

"(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.".

Sec. 2106. Technical Assistance for Conservation Programs. (a) In General.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) Technical Assistance.—

"(1) In general.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) Conservation security program.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.".

(b) Effective Date.—The amendment made by subsection (a) takes effect on February 20, 2003.

CHAPTER 2

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

Office of the United States Trade Representative

EUROPEAN COMMUNITIES MUSIC LICENSING DISPUTE

For the payment to the European Communities with regard to the European Communities music licensing dispute, $3,300,000.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for satellite programs, $65,000,000, to remain available until September 30, 2004: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense.

RELATED AGENCIES

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For an additional amount for "Equal Employment Opportunity Commission, Salaries and Expenses", $15,000,000.

National Commission on Terrorist Attacks Upon the United States

SALARIES AND EXPENSES

For an additional amount for "National Commission on Terrorist Attacks Upon the United

States, Salaries and Expenses", $11,000,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

CHAPTER 3

SUBCOMMITTEE ON DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $8,752,000 are rescinded (including $8,655,000 from local funds and $97,000 from other funds).

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic Development and Regulation", $13,428,000 (including a rescission of $1,282,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of $14,710,000 from other funds).

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public Safety and Justice", $11,462,000 from local funds.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $11,435,000 are rescinded (including a rescission of $13,546,000 from local funds and an additional amount of $2,111,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—An increase of $2,029,000 (including a rescission of $29,000 from local funds and an additional amount of $2,058,000 from other funds);

(2) STATE EDUCATION OFFICE.—A rescission of $181,000 from local funds;

(3) PUBLIC CHARTER SCHOOLS.—Notwithstanding any other provision of law, a rescission of $12,000,000 from local funds;

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—A rescission of $1,040,000 from local funds;

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—A rescission of $237,000 (including a rescission of $290,000 from local funds and an additional amount of $53,000 from other funds); and

(6) COMMISSION ON THE ARTS AND HUMANITIES.—A rescission of $6,000 from local funds.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human Support Services", $30,258,000 (including an additional amount of $34,292,000 from local funds and a rescission of $4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003.

In addition, this heading in the District of Columbia Appropriations Act, 2003, is amended by striking the following proviso, ": Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund." and inserting the following proviso ": Provided further, That $74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.".

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public Works", $2,420,000 (including a rescission of $8,998,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of $11,418,000 from other funds): Provided, That $512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

REPAYMENT OF LOANS AND INTEREST

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $2,466,000 are rescinded.

WILSON BUILDING

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $700,000 are rescinded.

WORKFORCE INVESTMENTS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $2,000,000 are rescinded.

NON-DEPARTMENTAL AGENCY

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $5,799,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2301. The District of Columbia is hereby authorized to transfer an amount not to exceed $12,081,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's undesignated, unreserved fund balance to the local general fund to cover revenue shortfalls: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a(b)).

SEC. 2302. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2004.

SEC. 2303. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title I of Division C, under the heading "Federal Payment to the Chief Financial Officer of the District of Columbia" the provision specifying $100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields shall be deemed to read as follows: "$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields and to support the Fort Dupont's Kids on Ice program".

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

STATE AND TRIBAL WILDLIFE GRANTS

Division F of Public Law 108–7 is hereby amended under the heading "United States Fish and Wildlife Service, State and Tribal Wildlife Grants" by striking "$3,000,000" and inserting "$5,000,000".

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Division F of Public Law 108–7 is hereby amended under the heading "National Park Service, Operation of the National Park System" by striking "$1,565,565,000" and inserting "$1,574,565,000".

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

Within thirty days of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107–63 for construction of the Ojibwa Indian School.

GENERAL PROVISION, THIS CHAPTER

SEC. 2401. Section 328 of Division F, Public Law 108–7 is amended by striking the phrase "under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19)" in the proviso.

CHAPTER 5

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Public Law 108–7 is amended—

(1) by striking "Heart Beat, New Bloomfield, PA," and inserting "Heart Beat, Millerstown, PA," in lieu thereof;

(2) by striking "Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties" in lieu thereof;

(3) by striking "Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county" in lieu thereof;

(4) by striking "$298,153,000" and inserting "$296,638,000" in the first proviso; and

(5) by inserting after "a study regarding delivery of pediatric health care in northeastern Oklahoma," "$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA to establish centers of excellence for the treatment of autism".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The matter under the heading "Office of the Secretary, Public Health and Social Services Emergency Fund", in Public Law 108–7 is amended by striking ", to remain available until expended" after the "$5,000,000".

GENERAL PROVISIONS

(TRANSFER AUTHORITY)

SEC. 2501. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7; Division G) is amended by striking "or any other".

INTERNATIONAL HEALTH ACTIVITIES

SEC. 2502. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations

Act, 2003 (Public Law 108–7, Division G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under the heading "Department of Education, School Improvement Programs", in Public Law 108–7 is amended—

(1) by striking "$8,052,957,000" and inserting "$8,053,507,000";

(2) by striking "$508,100,000" and inserting "$537,100,000";

(3) by striking "$4,132,167,000" and inserting "$4,233,167,000";

(4) by striking "$814,660,000" and inserting "$815,210,000"; and,

(5) by striking "$212,160,000" and inserting "$212,710,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $150,000 for Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: "Illinois State Board of Education, Springfield, Illinois, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, $150,000";

(2) the provision specifying $2,000,000 for Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title 1 schools shall be deemed to read as follows: "St. Petersburg College, St. Petersburg, Florida, for the Pinellas County EpiCenter, $2,000,000";

(3) the provision specifying $500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying $200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: "Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, $700,000";

(5) the provision specifying $25,000 for the Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs shall be deemed to read as follows: "Boys and Girls Club, Southeast Unit, El Dorado, Arkansas, for drug prevention and after school programs, $25,000";

(6) the provision specifying $100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

(7) the provision specifying $400,000 for the Milwaukee Public Schools, Wisconsin, to expand before- and after-school programs shall be deemed to read: "Milwaukee Public Schools, WI, for before- and after-school programs, $400,000";

(8) the provision specifying $200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: "Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, $200,000";

(9) the provision specifying $250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: "Community School District 8, Bronx, NY, for after-school programs, $250,000";

(10) the provision specifying $20,000 for Westside High School, Bakersfield, California, for equipment shall be deemed to read: "West High School, Bakersfield, California, for equipment, $20,000";

(11) the provision specifying $1,000,000 for the National Science Center Foundation, Atlanta, Georgia, for educational technology and other purposes shall be deemed to read: "National Science Center Foundation, Augusta, Georgia, for educational technology and other purposes, $1,000,000";

(12) the provision specifying $200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: "Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education-programs at the Crissy Field Center, $200,000" and a provision shall be added that reads: "Beresford Community Education in Beresford, SD to expand community education programs, $150,000";

(13) the provision specifying $100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: "University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, $100,000";

(14) the provision specifying $25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for technology shall be deemed to read as follows: "Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for school counseling services, $25,000";

(15) the provision specifying $40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky for technology shall be deemed to read as follows: "Father Maloney's Boys Haven, Louisville, Kentucky for an educational program, $40,000";

(16) the provision specifying $50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: "Joel II Restoration Outreach, Inc. for education programs, $50,000"; and

(17) the provision specifying $1,500,000 for the City of Upland, California, for after school programs shall be deemed to read as follows: "YMCA of the City of Upland, California, for after-school activities, $1,500,000".

HIGHER EDUCATION

The matter under the heading "Higher Education", in Public Law 108–7 is amended—

(1) by striking "$2,100,701,000" and inserting "$2,100,151,000"; and,

(2) by striking "$140,599,000" and inserting "$140,049,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the second reference to the provision specifying $1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying $500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: "American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, $100,000";

(3) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: "Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, $200,000";

(4) the provision specifying $150,000 for Beresford Community Education in Beresford, SD to expand community education programs shall be deleted;

(5) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hill Educational Alliance shall be deleted;

(6) the provision specifying $400,000 for the University of Southern Maine, Portland, Maine, for telecommunications and technology upgrades to support science, engineering and advanced technology programs shall be deleted and the provision specifying $600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: "University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, $1,000,000"; and

(7) the provision specifying $250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: "National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, $250,000".

GENERAL PROVISIONS

SEC. 2503. Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking "17" and inserting "19".

SEC. 2504. Section 7304(a)(2)(P) of the Elementary and Secondary Education Act of 1965 is amended by striking "such as" and inserting in lieu thereof "operated by".

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The matter under the heading "Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses", in Public Law 108–7 is amended by inserting after "in this Act" the following: "for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973".

CHAPTER 6

SUBCOMMITTEE ON LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

SEC. 2601. (a) The third sentence of section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended by striking "not later than 90 days" and inserting "not later than 180 days".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 2602. Notwithstanding any other provision of law, the Architect of the Capitol may obligate and expend such amounts from the Capitol Preservation Fund established under section 803 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2083, formerly 40 U.S.C. 188a–2) as approved by the Capitol Preservation Commission established under section 801 of such Act (2 U.S.C. 2081, formerly 40 U.S.C. 188a) for the purposes of planning, engineering, design or construction of the Capitol Visitor Center.

LIBRARY OF CONGRESS

SEC. 2603. The Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended in the item relating to "Library of Congress—Salaries and Expenses" by striking the period at the end and inserting the following: ": Provided further, That of the amount transferred under this heading to the educational consortium formed to conduct the 'Joining Hands Across America: Local Community Initiative', not more than $500,000 may be used for a math and science education pilot project.".

SEC. 2604. The Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended in the item relating to "Library of Congress—Salaries and Expenses" by striking "North Carolina" and inserting the following: "North Carolina, and for developing a high-capacity computer facility to serve that region".

CHAPTER 7

SUBCOMMITTEE ON TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2701. Section 336 of Division I of Public Law 108–7 is amended by striking "Transportation Management" and inserting in lieu thereof "Urbanized".

SEC. 2702. Section 321 of Division I of Public Law 108–7 is amended by—

(1) inserting "or underneath" in subsection (q)(2) before "the Class B airspace";

(2) deleting "has sufficient capacity and" in subsection (q)(3) after "Title 49"; and

(3) inserting "passenger" in subsection (q)(3) before "delays".

SEC. 2703. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

SEC. 2704. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the two airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SEC. 2705. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SEC. 2706. (a) Notwithstanding any other provision of law, projects and activities designated on pages 1267 through 1278 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–7 shall be eligible for fiscal year 2003 funds made available from the program for which each project or activity is so designated and projects and activities on pages 1305 through 1307 shall be awarded those grants upon receipt of an application.

(b) Public Law 108–7 is amended in the first paragraph under the heading "Federal Highway Administration Limitation on Administrative Expenses" by striking "$269,700,000" and inserting "$299,745,000".

SEC. 2707. Notwithstanding any other provision of law, funds made available under the heading "Federal Transit Administration Formula Grants" for fiscal year 2003 shall be available to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 Federal decennial census of population for a portion of the area that was not designated as an urbanized area as determined under the 1990 Federal decennial census of population if that portion of the area received assistance under section 5311 of title 49, United States Code.

SEC. 2708. Section 41743(c)(4) of title 49, United States Code, is amended by inserting before the period at the end the following: "in each year for which funds are appropriated for the program".

SEC. 2709. Section 626 of title VI of division B of Public Law 108–7 is amended by striking "previously".

SEC. 2710. None of the funds in this Act or any other Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States: Provided, That for purposes of implementing section 41106, an air carrier shall not be considered to be effectively controlled by citizens of the United States if the air carrier receives 50 percent or more of its operating revenue over the most recent three year period from a person not a citizen of the United States and such person, directly or indirectly, either owns a voting interest in the air carrier or is owned by an agency or instrumentality of a foreign state: Provided further, That this prohibition applies to transportation performed under any contract awarded or re-awarded after the date of enactment of this Act: Provided further, That when the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, such transportation, the Secretary of Defense may make a contract to provide the transportation with an air carrier not having a certificate: Provided further, That the Secretary of Transportation is directed to use an Administrative Law Judge in a formal proceeding to resolve docket number OST–2002–13089.

CHAPTER 8

SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for costs associated with processing claims of veterans who may have incurred injuries with service in the Persian Gulf War combat arena, $100,000,000, to remain available until expended: Provided, That the Secretary may transfer such sums as may be necessary to "Veterans Health Administration, Medical Care" to provide health care services as authorized by 38 U.S.C. 1710(e)(1)(D) subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary: Provided further, That the Secretary shall notify the Committees on Appropriations at least 15 days prior to the transfer or allocation of any funds provided under this paragraph.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statement of managers under the heading "Community development fund" in title II of Public Law 108–7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking "Glendale, Montana" and inserting in lieu thereof "Glendive, Montana".

The referenced statement of managers under the heading "Community development fund" in title II of Public Law 106–377 is amended by striking "$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless programs" and inserting in lieu thereof "$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh".

The referenced statement of managers under the heading "Community development fund" in title II of Public Law 108–7 under grant No. 201 under the Economic Development Initiatives program is amended by striking "the Clearwater Economic Development Association in Clearwater, Idaho" and inserting in lieu thereof "the State of Idaho".

The referenced statement of managers under the heading "Community development fund" in title II of Public Law 108–7 under grant No. 873 under the Economic Development Initiatives program is amended by striking "Grant County Commission in West Virginia" and inserting in lieu thereof "Grant County Library Commission in Grant County, West Virginia".

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

To liquidate obligations previously incurred by the Corporation for National and Community Service ("Corporation"), up to $64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A–11 (2002): Provided further, That the *second proviso under the heading "Corporation for National and Community Service" in Public Law 108–7 is deemed to be amended by inserting after "section 501(a)(4)" the following: "with not less than $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, without regard to the provisions of section 501(a)(4)(B) of the Act".*

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended in reference to item number 135, as amended, by striking everything after "135." and inserting, "$437,000 for the Huntington Sanitary Board of Huntington, West Virginia for the construction of wastewater treatment facilities in the Fourpole Watershed; and $513,000 for the Region I Planning and Development Council in Princeton, West Virginia for water and wastewater infrastructure improvements": Provided, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after "District" in reference to item number 222 and inserting, "for water infrastructure improvements": Provided further, That the referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended by striking everything after the word "Agency" in reference to item number 72 and inserting, "for the Mojave Desert Arsenic Demonstration Project".

ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each "maximum annual fee payable" pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that maintenance fee collections made to reach the level authorized in division K of Public Law 108–7 shall be established in the same proportion as those maintenance fee collections authorized in Public Law 107–73.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking "$320,000,000" and inserting in lieu thereof "$330,000,000".

TITLE III—COLUMBIA ORBITER MEMORIAL ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Columbia Orbiter Memorial Act".

SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) under the heading "OPERATION AND MAINTENANCE, ARMY", $500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

TITLE IV—AVIATION-RELATED ASSISTANCE

DEPARTMENT OF HOMELAND SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

For expenses and revenue forgone related to aviation security, $2,395,750,000, to remain available until September 30, 2003: Provided, That the first $100,000,000 of such amounts shall be available, notwithstanding any other provision of this Act, until expended to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act: Provided further, That the remaining $2,295,750,000 of such amounts shall be remitted to United States flag air carriers in the proportional share each such carrier has paid or collected as of the date of enactment of this Act in passenger security and air carrier security fees to the Transportation Security Administration: Provided further, That payments made under the preceding proviso may be used by an air carrier for such purposes as the carrier determines appropriate: Provided further, That payments made under this heading shall be distributed as a lump sum payment and made not later than 30 days after the date of enactment of this Act: Provided further, That the Transportation Security Administration, not later than 30 days after the last disbursement of funds made pursuant to the second proviso under this heading, shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House Committee on Transportation and Infrastructure: Provided further, That the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning June 1, 2003, and ending September 30, 2003: Provided further, That (1) notwithstanding any other provision of law, the Secretary of Homeland Security may not provide assistance to an air carrier pursuant to the second proviso under this heading unless that air carrier executes a contract with the Secretary under which the air carrier agrees that—

(A) the air carrier will not provide total cash compensation during the 12-month period beginning April 1, 2003, to an executive officer in an amount equal to more than the annual salary paid to that officer with respect to the air carrier's fiscal year 2002; and

(B) if the air carrier violates the agreement under subparagraph (A), the air carrier will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Homeland Security, equal to the total amount of assistance received by the air carrier pursuant to the second proviso under this heading.

(2) For the purpose of applying paragraph (1) of this proviso to an executive officer—

(A) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act—

(i) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(ii) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during the air carrier's fiscal year 2002; and

(iii) that executive officer shall be deemed to have been employed during that fiscal year; and

(B) whose employment begins after the date of enactment of this Act—

(i) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

(ii) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(iii) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(3) The Secretary shall not apply any of the conditions of this proviso for receiving assistance pursuant to the second proviso under this heading to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any air carrier that does not operate trans-Pacific or trans-Atlantic flights.

(4)(A) The Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of air carriers entering into an agreement under this proviso that relate to the information required to implement the provisions of this proviso.

(B) The Comptroller General shall transmit a report of any investigation conducted under this proviso to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by this report.

(5) In this proviso, the following definitions apply:

(A) The term "executive officer" means the two most highly compensated named executive officers (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Salaries and Exchange Commission under the Securities and Exchange Act of 1934 (17 CFR 229.402(a)(3))).

(B) The term "salary" means the base salary of an individual, excluding any bonuses, awards of stock, or other financial benefits provided by an air carrier to the individual.

(C) The term "total cash compensation" has the meaning given the term "total compensation" by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include awards of stock or stock options or preexisting contracts governing retirement.

(6) Nothing in this proviso shall be construed to prohibit or limit an air carrier in providing health benefits, life insurance benefits, or reimbursement of reasonable expenses to an executive officer.

GENERAL PROVISIONS—THIS TITLE

SEC. 4001. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2003," each place it appears and inserting "2004,".

(b) Section 44303(b) of such title is amended by striking "2003," and inserting "2004,".

(c) Section 44310 of such title is amended by striking "2003." and inserting "2004.".

SEC. 4002. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE AND RELATED WORKERS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "eligible individual" means an individual whose eligibility for temporary extended unemployment compensation under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), is or would be based on the exhaustion of regular compensation under State law, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term "qualifying employment", with respect to an eligible individual, means employment—

(A) with an air carrier, employment at a facility at an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term "Secretary" means the Secretary of Labor; and

(7) the term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

(b) ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR ELIGIBLE INDIVIDUAL.—In the case of an eligible individual, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be applied as if it had been amended in accordance with subsection (c).

(c) MODIFICATIONS.—

(1) IN GENERAL.—For purposes of subsection (b), the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be treated as if it had been amended as provided in this subsection.

(2) PROGRAM EXTENSION.—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended to read as follows:

"SEC. 208. APPLICABILITY.

"(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

"(1) beginning after the date on which such agreement is entered into; and

"(2) ending before December 29, 2003.

"(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

"(2) NO AUGMENTATION AFTER DECEMBER 28, 2003.—If the account of an individual is exhausted after December 28, 2003, then section 203(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

"(3) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004.".

(3) ADDITIONAL WEEKS OF BENEFITS.—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A), by striking "50" and inserting "150"; and

(ii) by striking "13" and inserting "39"; and

(B) in subsection (c)(1), by inserting "⅓ of" after "equal to".

(4) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN PARAGRAPH (3).—

(A) IN GENERAL.—The amendments described in paragraph (3)—

(i) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(ii) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment of this Act, subject to subparagraph (B).

(B) SPECIAL RULES.—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this section) shall be applied subject to the following:

(i) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC–X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as deemed to have been amended by paragraph (3)(A).

(ii) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as deemed to be amended by this subsection—

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) shall be disregarded; and

(II) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by paragraph (3)(B), as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this subsection, and including any amounts described in clause (i)) are in fact exhausted.

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims (to include their medical and legal rights and needs), as well as the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 8, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) review the actions taken by United States Air Force Academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy;

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study; and

(6) review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection 502(a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

TITLE VI—GENERAL PROVISIONS—THIS ACT

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Emergency Wartime Supplemental Appropriations Act, 2003".

And the Senate agree to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.,
HENRY BONILLA,
JOE KNOLLENBERG,
JACK KINGSTON,
RODNEY P. FRELINGHUYSEN,
DAVID OBEY,
JOHN P. MURTHA,
NORMAN DICKS,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSE E. SERRANO,
JAMES P. MORAN,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL (except for P.L. 480),
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
DICK DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1559 (H. Rept. 108-55) and included by the Senate in the report accompaning S. 762 (S. Rept. 108-33) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

AGRICULTURE RESEARCH SERVICE

BUILDINGS AND FACILITIES

The conference agreement includes $110,000,000 for continued modernization of facilities in Ames, Iowa, which will provide a laboratory building, fixed equipment, and associated infrastructure as a complete and usable phase of construction.

PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $369,000,000 for Public Law 480 title II grants. Within this amount, the confees provide $69,000,000 to the Bill Emerson Humanitarian Trust. In addition, the conferees recommend language to prohibit the exchange of an eligible commodity for another commodity of equal value. It is the intention of the conferees that no restriction is imposed on the purchase of any authorized commodity for replenishment of the Bill Emerson Humanitarian Trust.

The conference agreement for Public Law 480 title II grants will allow the restoration of funds to on-going food aid programs which were redirected as a result of prioritizing food aid funds to respond to the conflict in Iraq. The conferees expect that these funds will be utilized for previously approved title II food aid programs in such countries as Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru, and Ethiopia.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $5,000,000 for the Office of Intelligence Policy and Professional Responsibility as proposed in the House bill for increased operational support for the Federal Bureau of Investigation (FBI), primarily through the application of warrants under the Foreign Intelligence Surveillance Act. Of the amount provided, $2,000,000 is for additional personnel costs, and $3,000,000 is for information technology enhancements. The Senate did not provide funding for this program.

The conferees adopt by reference House language regarding submission of a proposal on enhanced oversight of the FBI.

COUNTERTERRORISM FUND

The conference agreement includes $70,274,000 for the Counterterrorism Fund, instead of $100,274,000 as proposed in the House bill, to cover extraordinary costs associated with a terrorist threat or incident. This amount includes $20,000,000 in new direct appropriations, and $50,274,000 in unobligated balances currently available in the Fund. The Senate did not fund this program.

The Counterterrorism Fund was established in 1995 after the bombing of the Alfred P. Murrah Building in Okaloma City, and is under control and direction of the Attorney General. These funds may be used to reimburse any Department of Justice organization for the costs incurred from the reestablishment of an office or facility damaged or destroyed as a result of a domestic or international terrorist incident, and to cover extraordinary expenses necessary to counter, investigate, or prosecute domestic or international terrorism activities. The conferees include language requiring the Attorney General to notify the Committees on Appropriations in accordance with section 605 of Division B of Public Law 107-7 prior to obligation of funds from this account.

DETENTION TRUSTEE

The conference agreement provides $40,000,000 for the detention of prisoners in the custody of the U.S. Marshals Service, instead of $45,000,000 as proposed by the Senate and $15,000,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $2,500,000 as proposed in the House bill for the Office of Inspector General to provide additional oversight to expanded Department authorities and activities, including oversight related to the implementation of the USA PATRIOT Act. The Senate did not provide funding for this program.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHAL SERVICE

The conference agreement provides $8,000,000 for the Marshals Service, instead of $26,080,000 as proposed by the House and no funding as proposed by the Senate. The recommendation includes $5,800,000 to be allocated to those districts with the highest priority needs for the protection of the judicial process and $2,200,000 to upgrade the Marshals Service secure communications capability.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

To respond to immediate or emerging terrorism-related prevention and response requirements in the United States, the conference agreement includes a total of $367,192,000 for the FBI instead of $398,862,000 proposed in the House bill and $63,000,000 proposed in the Senate bill. Prior to obligating any of these funds, the conferees direct the Attorney General to notify the Committees on Appropriations in accordance with section 605 of Division B of Public Law 108-7.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement provides $54,750,000 for the Office of Community Oriented Policing Services, Interoperable Communications Technology Program, instead of $109,500,000 as proposed by the Senate and no funding as proposed by the House. funding should be used to improve State and local law enforcement cross-jurisdictional communication and information sharing.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement provides $1,535,000 for the Supreme Court of the United States for police enhancements as proposed in the House bill. The Senate proposed no funding for this account.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement provides $973,000 for the United States Court of Appeals for the Federal Circuit for court security officers as proposed in the House bill. The Senate proposed no funding for this account.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement provides $50,000 for the United States Court of International Trade for a security system upgrade as proposed by the House. The Senate proposed no funding for this account.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $88,420,000 for costs related to evacuations, emergency response, increased security, and re-establishing a mission in Iraq. The conference agreement includes $32,000,000 for requirements related to the provision of consular services; $35,801,000 for costs associated with the re-establishment of a diplomatic mission in Iraq; $15,619,000 for medical and vaccination services; and $5,000,000 for public diplomacy surge activities in Iraq and throughout the Middle East. The amount provided for re-establishing a diplomatic mission in Iraq includes $17,862,000 for post operations and $17,939,000 for diplomatic security.

In addition, the conference agreement includes $10,000,000 for increased security measures at United States diplomatic missions worldwide.

The conferees expect the Department to intensify public diplomacy activities in the Middle East, including the establishment of an Information Center in the Gulf region. The conferees further expect the Department to aggressively develop new public diplomacy approaches and initiatives. In this regard, the conferees expect the Department to establish an advisory group on public diplomacy for the Arab and Muslim world as described in the House report.

The conference agreement includes language requiring the Department to conduct bimonthly reviews of Machine Readable Visa fee revenue to monitor and better predict possible shortfall. The conferees direct the Department, immediately upon identifying such a shortfall, to reprogram funds as necessary to maintain the fiscal year 2003 Border Security Program, as described in the Statement of Managers accompanying Public Law 108-7.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $149,500,000 under this account, including $61,500,000 for the costs of establishing an interim diplomatic facility in Iraq. This funding will allow the Department to acquire, secure, and renovate facilities, as necessary, to provide functional temporary facilities in Iraq. The conferees direct the Department to report to the Committees on Appropriations regarding the special security considerations and procedures associated with the hiring of Iraqi nationals to work in United States diplomatic facilities. The conferees expect the Department to submit to the Committee on Appropriations, as soon as possible, a plan for a permanent facility in Iraq. The proposed plan should adhere to right-sizing principles and rigorous security standards. The conferees expect this construction project will adhere to any cost-sharing arrangement that might be implemented.

The conference agreement includes $10,000,000 for costs of security-related enhancements to non-official facilities worldwide including non-military American schools, as described in the Senate report.

The conference agreement also includes $78,000,000 for facilities acquisition and security improvements in Rome, Italy.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $50,000,000 under this heading for costs associated with evacuating United States Government employees, their families, and private American citizens, and assisting American citizens overseas, as necessary, as a result of the conflict in Iraq. The conference agreement also includes language allowing funds under this account to be transferred to, and merged with, the Diplomatic and Consular Programs account only for the purpose of maintaining funding levels for the fiscal year 2003 Border Security Program as described under that heading.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $30,500,000 to expand broadcasting efforts to the Middle East, as described in the House report.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends $62,378,100,000 for the Department of Defense, as proposed by the Senate, instead of $62,409,500,000 as proposed by the House.

Within this amount, the conferees recommend a total of $46,699,200,000 for appropriation to specific accounts and provisions, instead of $36,973,100,000 as proposed by the House and $51,359,100,000 as proposed by the Senate. In addition, the conferees recommend $15,678,900,000 for a new appropriation, the "Iraq Freedom Fund". This transfer account, available to the Secretary of Defense, has been expressly provided to maximize the Department of Defense's flexibility to address future requirements associated with the military operations in and around Iraq and the global war on terrorism. The conferees have also recommended additional transfer authorities for the Department of Defense.

The conference agreement also includes a new appropriations account requested by the President, the "National Resources Risk Remediation Fund", to pay for emergency fire fighting, repair damage to oil facilities and related infrastructure, and preserve a distribution capability in and around Iraq. This account has been structured to allow the use of foreign contributions, as well as a limited amount of appropriated funds, if required.

The conferees have also, consistent with existing authorities, agreed to address fiscal year 2003 funding requirements requested by the President relating to reimbursements to nations providing support to U.S. military operations; the drawdown of defense funds, articles and supplies; and special emergency expense authority for the Secretary of Defense and the combatant commanders. The conference agreement also includes funding for Department of Defense counter-terrorism military training for foreign nations, as well as funds to support ongoing Department of Defense counter-terrorism efforts in support of the government of Colombia.

The following table provides details of the supplemental appropriations in this chapter.

[Dollars in thousands]

	Budget request	House	Senate	Conference
Transfer Funds:				
Defense Emergency Response Fund	59,863,200		11,019,000	
Operation Iraqi Freedom Response Fund		59,682,500		
Combat, Stability Operations and Force Reconstitution Costs		[25,436,400]		
Iraq Freedom Fund				15,678,900
Military Personnel:				
Military Personnel, Army		[6,974,500]	7,724,500	7,700,000
Military Personnel, Navy		[1,984,300]	1,784,300	1,600,000
Military Personnel, Marine Corps		[1,204,900]	1,254,900	1,200,000
Military Personnel, Air Force		[1,834,800]	2,834,800	2,800,000
Reserve Personnel, Army		[3,000]	6,000	3,000
National Guard Personnel, Army		[93,000]	110,000	100,000
Total Military Personnel			13,714,500	13,403,000
[Total, Miliary Personnel transfers]		[12,094,500]		
Operation and Maintenance:				
O&M, Army		[10,481,500]	16,142,500	16,000,000
O&M, Navy		[3,904,300]	5,296,600	5,100,000
O&M, Marine Corps		[1,383,700]	1,752,700	1,650,000
O&M, Air Force		[3,668,200]	7,209,200	7,100,000
O&M, Defense-Wide	1,400,000	1,400,000	4,007,700	1,200,000

[Dollars in thousands]

	Budget request	House	Senate	Conference
[O&M, Defense-Wide transfer]		[901,900]		[1] [1,400,000]
O&M, Army Reserve				3,000
O&M, Navy Reserve			15,000	7,000
O&M, Marine Corps Reserve			50,000	20,000
O&M, Army National Guard		[58,400]	88,400	75,000
O&M, Air National Guard			20,000	20,000
Natural Resources Risk Remediation Fund	489,300	[1] [489,300]	489,300	[1] [489,300]
Total, O&M	1,889,300	1,400,000	35,071,400	31,175,000
[Total, O&M transfers]		[20,434,000]		
Procurement:				
Aircraft Procurement, Army		[4,100]	4,100	4,100
Missile Procurement, Army		[3,100]	3,100	3,100
Procurement of W&TCV, Army		[53,300]	53,300	53,300
Procurement of Ammunition, Army		[447,500]	447,500	447,500
Other Procurement, Army		[241,800]	241,800	241,800
Other Procurement, Air Force		[113,600]	113,600	113,600
Procurement, Defense-Wide		[451,000]	451,000	451,000
Total, Procurement			1,314,400	1,314,400
[Total, Procurement transfers]		[1,314,400]		
Research, Development, Test and Evaluation:				
RDT&E, Army		[11,500]	11,500	11,500
RDT&E, Defense-Wide		[90,000]		70,000
Total, RDT&E			11,500	81,500
[Total, RDT&E transfers]		[101,500]		
Revolving and Management Funds: Defense Working Capital Funds	430,000	1,100,000	550,000	[2] [1,100,000]
Other Department of Defense Programs:				
Defense Health Program		[301,700]	501,700	501,700
Drug Interdiction and Counter-Drug Activities, Defense	34,000	34,000	34,000	34,000
Total, Other DoD Programs	34,000	34,000	535,700	535,700
[Total, Other DoD Programs transfers]		[301,700]		
General Provisions:				
Sec. 1307 Reimburse O&M Accounts for Drawdowns [Afghan Freedom Support Act]	165,000	165,000	165,000	165,000
Defense Cooperation Account	28,000	28,000		28,000
Sec. 1317 RDT&E, Navy Rescissions			−3,400	−3,400
Total, General Provisions	193,000	193,000	161,600	189,600
Grand Total, Chapter 3	62,409,500	2,727,000	62,378,100	62,378,100
[Grand Total, Transfers]		[59,682,500]		

Note.—Brackets in the House column indicate transfers from Operation Iraqi Freedom Response Fund.

[1] Dollars are not included in the total. Indicates the maximum amount that may be received from transfer fund.

[2] Dollars are not included in the total. Indicates the minimum amount that must be received from transfer fund.

Fiscal Year 2003 Appropriations Reporting Requirement

The conferees recommend supplemental funds based on the best financial estimates available at the time the President's request was submitted. In providing funds, the conferees held public hearings and had extensive briefings by senior Department of Defense officials and representatives of the military departments. The conferees have endeavored to achieve a workable balance between congressional oversight, providing the Department with financial flexibility to meet the unknowns of ongoing combat operations, and responding promptly to the Department's urgent financial requirements.

The conferees understand that ongoing, dynamic combat operations generate an equally dynamic situation for the Department. As operations are carried out, financial planning assumptions are replaced with actual data. Over time, even the best fiscal projections become real costs and financial obligations.

As fiscal year 2003 progresses, the conferees expect that Department of Defense and the military departments will be able to provide actual fiscal execution information, and better, more refined projections of expected costs.

Accordingly, the conferees direct the Secretary of Defense to submit to the congressional defense committees, no later than July 1, 2003, a comprehensive financial analysis and update for fiscal year 2003. This report will detail both actual and projected obligations of appropriations provided in this Act, the Department of Defense Appropriations Act, 2003 (P.L. 107–248), and the Consolidated Appropriations Resolution, 2003 (P.L. 108–7).

Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

MILITARY PERSONNEL

The conference agreement recommends $13,403,000,000 for the military personnel accounts, instead of $12,094,500,00 as proposed by the House (by transfer from the "Operation Iraqi Freedom Response Fund") and $13,714,500,000 as proposed by the Senate. The conferees' recommendation will fund the known incremental costs of pays and allowances for active duty and Reserve personnel through the end of the fiscal year. The conferees recommend including section 1316, as proposed by the Senate, which increases Imminent Danger Pay and Family Separation Allowance.

OPERATION AND MAINTENANCE

The conference agreement recommends $31,175,000,000 for the Operation and Maintenance accounts, instead of $21,834,000,000 ($1,400,000,000 by direct appropriation in "Operation and Maintenance, Defense-Wide", and $20,434,000,000 by transfer from the "Operation Iraqi Freedom Response Fund") as proposed by the House, and $35,071,400,000 as proposed by the Senate.

Defense Emergency Response Fund

The President requested $59,863,200,000 for the "Defense Emergency Response Fund". The House proposed no appropriation. The Senate recommended $11,019,000,000 for this fund. The conferees recommend no appropriation for the "Defense Emergency Response Fund".

Operation Iraqi Freedom Response Fund

The House recommended $59,682,500,000 in the "Operation Iraqi Freedom Response Fund" of which $34,246,100,000 was for transfer to service appropriation accounts, and $25,436,400,000 was for transfer to a new "Combat, Stability Operations and Force Reconstitution Costs" account. The Senate provided no appropriation for either account. The conference agreement recommends no appropriation in the "Operation Iraqi Freedom Response Fund".

Iraq Freedom Fund

The conference agreement recommends an appropriation of $15,678,900,000 for a new appropriation called the "Iraq Freedom Fund". These funds will be available to the Secretary of Defense for transfer. In exercising their oversight role in the use of these funds, the conferees provide language requiring five day prior notification to the congressional defense committees, in writing, of the details of any transfer of funds, as well as quarterly reports.

The conference agreement creates a framework within which these funds are expressly provided to maximize flexibility for the President and the Department of Defense. The conferees provide the authority for the Department of Defense to transfer not less than $1,771,180,000 for classified programs; not less than $1,100,000,000 for increased fuel costs; up to $1,400,000,000 for payments to key cooperating nations; up to $489,300,000 for the "Natural Resources Risk Remediation Fund"; up to $400,000,000 for the United States Coast Guard; up to $57,600,000 for research, development, test, and evaluation; and up to $25,000,000 for counter-terrorism training activities.

The conferees direct the Department of Defense give priority in using the "Iraq Freedom Fund" to ensure that military personnel accounts and the Defense Health Program are adequately supported.

Payments To Reimburse Key Cooperating Nations

The conference agreement includes language under the "Iraq Freedom Fund" and in section 1310 of the general provisions that provides up to $1,400,000,000 in authority to make payments to reimburse Pakistan, Jordan, and other key cooperating nations for certain expenses. The conference agreement limits funds available for such reimbursements to those provided in this chapter. The conference agreement includes language similar to the House bill on notification and reporting requirements.

NATURAL RESOURCES RISK REMEDIATION FUND

The conference agreement includes language creating a new account called "Natural Resources Risk Remediation Fund" (NRRRF). Funds may be transferred to, appropriated to, and contributions made to the NRRRF in order to cover expenses incurred in and around Iraq for emergency fire fighting, repairing damage to oil facilities and related infrastructure, and preservation of a distribution capability. Up to $489,300,000 of the funds appropriated to the "Iraq Freedom Fund" in this Act may be transferred to this fund.

In addition, the Secretary of Defense is authorized to accept contributions for the fund. The conferees also recommend that amounts available in the "Defense Cooperation Account" may be transferred to and merged with this fund, and that the Secretary of Defense may transfer funds available in the NRRRF to other appropriations. The Secretary of Defense may transfer funds appropriated to the "Iraq Freedom Fund" only to the extent that amounts transferred from the "Defense Cooperation Account" and other contributions are not available. To the extent that it becomes necessary to transfer funds from appropriations made in this chapter, and contributions become available later in the fiscal year, the conferees intend that these contributions shall be used to reimburse the "Iraq Freedom Fund".

COUNTER-TERRORISM TRAINING

The conference agreement includes language that provides up to $25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism 15 days following submission of a financial plan to the congressional defense committees.

PROCUREMENT

The conferees have reviewed possible allocations of funding requested by the President and believe that there are sufficient funds in the "Iraq Freedom Fund" for procurement of items to meet anticipated requirements for weapons, and equipment such as munitions, unmanned aerial vehicles, communications equipment, and other items required for military operations in Iraq, Afghanistan, and the global war on terrorism. The conferees note that in addition to equipment lost in Operation Iraqi Freedom, the Department has also sustained losses in Afghanistan, as well as losses due to mishaps. Among these losses are high-demand, low-density items such as Special Operations MH–47 helicopters and Marine Corps CH–46 helicopters. The conferees believe that the Department of Defense should consider replacing or seeking safety improvements to these assets as well as those described in the President's request.

Within the total recommended by the conferees, funds are also available to restock munitions, including precision munitions, expended in combat or in training. Precision-guided weapons may include Laser Guided Bombs, Wind Corrected Munitions Dispenser (WCMD), Joint Standoff Weapon (JSOW), Affordable Weapon System, Javelin, Tube-launched Optically-tracked Wire-guided (TOW) Anti-tank Missile, Laser and Longbow Hellfire, Army Tactical Missile System (ATACMS), Multiple Launch Rocket System (MLRS) Rockets, and Stinger. In some cases, this is not intended to be a one-for-one replacement of expended munitions and precision-guided weapons, but should instead be used to acquire upgraded versions of these munitions, such as Tactical Tomahawk and Patriot missiles. The conferees agree to the reporting requirements concerning precision-guided munitions, as proposed by the House.

APPROPRIATE USE OF FUNDS FOR ACQUISITION

The conferees agree with the House direction regarding the appropriate use of funds for acquisition with the following changes:

(1) Items or capabilities that can be fielded in less than 18 months (from the date of obligation) require no additional notification.

(2) Items or capabilities requiring greater than 18 months (from the date of obligation) to operationally field require submission of a prior approval reprogramming.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement recommends $501,700,000 for Defense Health Program operation and maintenance costs. From within this amount, the conferees direct that the Department of Defense give priority to the direct care system and military medical treatment facilities.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $34,000,000, as requested by the President, to fund increased operational tempo in Colombia's unified campaign against narcotics trafficking and terrorist activities. The conferees also agree to the reporting requirement concerning the obligation of these funds proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain section 1301, as proposed by the House, which directs that amounts in the bill shall be available for the same time period and subject to the same terms and conditions as in Public Law 107–248 and Public Law 108–7.

The conferees agree to retain and amend section 1302, as proposed by the Senate, which prohibits the financing of activities specifically denied by Congress or the initiation of a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees. The conferees direct the Department of Defense to submit a prior approval reprogramming in any instance in which it seeks to use funds in this Act for any program denied in previous fiscal year 2003 Appropriations Acts as delineated in either the Act or the Statement of the Managers accompanying those Acts.

The conferees agree to retain section 1303, as proposed by the House, which prohibits the use of funds provided for programs that require greater than four years to operationally field.

The conferees agree to retain and amend section 1304, as proposed by the House and the Senate, which provides additional funds for the CINC Initiative Fund.

The conferees agree to retain and amend section 1305, as proposed by the House and the Senate, which amends the limitation on the amount of "Operation and Maintenance, Defense-Wide" funds that may be used for emergency and extraordinary expenses.

The conferees agree to retain and amend section 1306, as proposed by the House and the Senate, which amends section 8005 of Public Law 107–248 and Public Law 108–7, addressing transfer authority.

The conferees agree to retain and amend section 1307, as proposed by the House and the Senate, which appropriates $165,000,000 to reimburse appropriations accounts for the value of drawdown support provided by the Department of Defense under the Afghan Freedom Support Act. The conference agreement includes House language that requires prior written notification of the source of funds in any future drawdown. The conferees note that the net remaining drawdown authority under the Afghan Freedom Support Act of $135,000,000.

The conferees agree to retain section 1308, as proposed by the Senate, which provides that funds appropriated in this Act are deemed specifically authorized for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414). The House included similar language.

The conferees agree to retain and amend section 1309, as proposed by the House and the Senate, which allows for the use of $63,500,000 of the amounts available to the Department of Defense to reimburse appropriations accounts for the value of support provided under the Iraq Liberation Act of 1998. Senate language is also included that provides for specific transfer authority in addition to other transfer authorities available to the Department of Defense. The conference report amends House language that provides that the aggregate value of drawdown authority in fiscal year 2003 may not exceed $86,500,000. The Department of Defense is required to provide the congressional defense committees written notification not later than seven days following the use of the drawdown authority under the Iraq Liberation Act of the sources of the funds to be used for such purpose. The conferees note that the net remaining drawdown authority available in fiscal years 2003 and 2004 under the Iraq Liberation Act of 1998 is $120,000,000.

The conference agreement includes a new provision, section 1310, similar to language in the House bill and the Senate amendment that provides guidance and restrictions on the use of up to $1,400,000,000 for the reimbursement of key cooperating nations, as discussed elsewhere in this Statement.

The conferees agree to include a new provision, section 1311, regarding additional transfer authority for funds provided in this chapter. While the conferees believe that the allocation of funding recommended in this bill will closely reflect the needs of the military services, they also recognize that the unpredictable nature of conflict could require some reallocation of funds. As such, the conference agreement provides the Secretary of Defense with an additional $2,000,000,000 in transfer authority for the funds provided in this chapter. The conferees direct that the use of this transfer authority should be in accordance with the restrictions in section 8005 of the fiscal year 2003 Department of Defense Appropriations Act (PL 107–248). Furthermore, the conferees direct that the Defense Department shall comply with accepted reprogramming practices to include the submission of DD Form 1415 prior approval reprogramming requests in using this expanded authority.

The conferees agree to retain section 1312, as proposed by the Senate, and deletes language as proposed by the House which provides for notification 15 days after obligation of military construction funds in excess of $7,500,000.

The conferees agree to amend section 1313, as proposed by the House, which transfers all balances of funds remaining in the "Defense Emergency Response Fund" on October 31, 2003 to the "Iraq Freedom Fund".

The conferees agree to delete language, as proposed by the Senate, that would have allowed for the use of unobligated Cooperative Threat Reduction funds outside the states of the former Soviet Union. The House bill did not address this matter.

The conferees agree to amend and retain section 1314, which amends three sections as proposed by the Senate, making certain technical adjustments regarding funds in the fiscal year 2003 Department of Defense Appropriations Act (P.L. 107-248).

Conferees agree to retain section 1315, as proposed by the Senate, which makes a technical correction to the National Defense Authorization Act of 2003 with respect to certain multi-year services contracts.

The conferees agree to retain section 1316, as proposed by the Senate, which increases the monthly allowance for Imminent Danger Pay and Family Separation Allowance for fiscal year 2003.

The conferees agree to delete language, as proposed by the Senate, which provided $7,500,000 for the Armed Forces Institution of Pathology (AFIP) and halted any decrease in the number of personnel, but expect the Department of Defense to provide sufficient funds and personnel to meet the mission of AFIP through the end of this fiscal year.

The conferees agree to retain section 1317, as proposed by the Senate, which rescinds $3,400,000 of the Public Law 107-248 "Research, Development, Test and Evaluation, Navy" appropriation, for Treatment of Radiation Sickness Research.

The conferees agree to retain and amend section 1318, as proposed by the Senate, which provides certain authorities to cover travel and transportation benefit for family members of military personnel injured during Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom.

The conferees agree to retain section 1319, as proposed by the Senate, which provides certain authorities for the procurement of civilian attire for medically evacuated military personnel.

The conferees agree to retain section 1319, as proposed by the Senate, which provides certain authorities for the procurement of civilian attire for medically evacuated military personnel.

The conferees agree to delete section 607 of title VI in the Senate pass bill.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

The conference agreement provides $39,000,000 to support increased security measures at Corps of Engineers owned and operated infrastructure facilities instead of $29,000,000 as proposed by the Senate.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement provides $25,000,000 to support increased security measures at Bureau of Reclamation owned and operated infrastructure facilities as proposed by the Senate. The conferees expect that the funds provided in this act will be used primarily for facility hardening activities, additional vulnerability assessments, and guards and law enforcement.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

The conference agreement provides an additional $11,000,000 for the Office of Science to enhance safeguards and security at its laboratories, to meet the requirements of a revised design basis threat, to fund the costs of maintaining those facilities at an elevated security condition in fiscal year 2003, and for other purposes.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

The conference agreement includes $67,000,000 for the National Nuclear Security Administration (NNSA) to meet increased safeguards and security needs throughout the nuclear weapons complex. The funding provided includes $20,000,000 for the activities of the Secure Transportation Asset and $47,000,000 to meet increased safeguards and security needs throughout the nuclear weapons complex.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $148,000,000 for Defense Nuclear Nonproliferation activities by the National Nuclear Security Administration. This funding includes: $84,000,000 under the International Nuclear Materials Protection and Cooperation program to develop and deploy radiation detectors at mega seaports, in coordination with the Department of Homeland Security, Bureau of Customs and Border Protection; $17,000,000 to expand efforts under the International Nuclear Materials Protection and Cooperation program to secure radioactive materials that may be used to construct a radioactive dispersal device (RDD), and to develop standards for the cleanup of contamination resulting from a potential RDD event; $15,000,000 under Nonproliferation and International Security Assistance to expand nonproliferation assistance to countries other than the former Soviet Union; $15,000,000 under Nonproliferation and Verification R&D for nuclear nonproliferation programs, including $2,500,000 for the Caucasus Seismic Network; $5,000,000 under Nonproliferation and International Security for international export controls; $5,000,000 under International Nuclear Materials Protection and Cooperation to support activities in Iraq; $5,000,000 under Nonproliferation and Verification R&D for materials and devices to detect nuclear materials; and $2,000,000 under Nonproliferation and International Security to conduct vulnerability assessments for spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference recommendation provides $6,000,000 for the Office of Environmental Management to meet safeguards and security requirements at its defense cleanup and waste disposal sites.

OTHER DEFENSE ACTIVITIES

The conference recommendation provides $4,000,000 under Other Defense Activities, including $1,000,000 for additional security testing by the Office of Independent Oversight and Performance Assessment, and $3,000,000 to meet increased intelligence and counterintelligence mission requirements.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUNDS

The conference agreement appropriates $90,000,000 as proposed by the Senate instead of $40,000,000 as proposed by the House. The recommended level is provided to reimburse the account for funds previously borrowed and provided to preposition personnel and commodities to address humanitarian needs anticipated prior to the commencement of the conflict with Iraq. The conferees include language that provides that funds are made available until September 30, 2004.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $143,800,000, to remain available until expended, instead of $160,000,000 as proposed by the House and $112,500,000 as proposed by the Senate. These funds include $112,500,000 to reimburse the account for funds used to preposition in the vicinity of Iraq the necessary personnel, supplies and commodities required to rapidly commence implementation of humanitarian assistance in Iraq.

The conference agreement includes language requested by the President that would allow additional "borrowing" from other foreign assistance accounts within this Act. In the event that additional "borrowing" is contemplated, the conferees expect to be consulted by USAID simultaneously with the initiation of any discussions with the Office of Management and Budget.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

The President requested $150,000,000 for a new United States Emergency Fund for Complex Foreign Crises. The Senate provided the President's request; the House did not. The conferees believe that this request should be considered within the context of the fiscal year 2004 appropriations and authorization processes and therefore do not provide funds for this initiative in fiscal year 2003. The conference agreement distributes amounts requested for this account to similar existing accounts and the new Iraq Relief and Reconstruction Fund (Iraq Fund).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $24,500,000 for Operating Expenses of United States Agency for International Development instead of $23,000,000 as proposed by the House and $23,600,000 as proposed by the Senate. These funds are to be used to implement programs recommended elsewhere in this chapter and for security costs in Afghanistan and Pakistan. The conferees intend for $1,000,000 to be provided to reimburse the USAID Bureau for Asia and the Near East for costs incurred in connection with the evacuation of its mission in Jakarta, Indonesia, for which no request was received.

Not less than $3,500,000 from this account may be transferred and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" to support financial and program audits of the Iraq Relief and Reconstruction Fund. The conferees expect the Inspector General of USAID to monitor, in particular, the contracts and awards that utilize the Iraq Fund, and to report promptly to the Committees any credible information he may receive regarding impediments to rapid program implementation or irregularities in contracting. In making awards to contractors engaged in the reconstruction of Iraq, the conferees request the Administrator of the U.S. Agency for International Development to actively seek to include significant participation by small, minority, and disadvantaged American-owned business enterprises.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement appropriates to the President $2,475,000,000 for a new Iraq Relief and Reconstruction Fund, to remain available until September 30, 2004, instead of $2,483,300,000 as proposed by the House and $2,468,300,000 as proposed by the Senate.

The conferees note that this appropriation, some of which is requested to meet immediate relief requirements, is likely to be a downpayment on a much larger United States contribution toward the longer-term reconstruction of Iraq.

As requested by the President, the Iraq Relief and Reconstruction Fund (the Iraq Fund) will be used for such programs as (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as the result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture.

The conferees expect that initial obligations from the Iraq Fund will focus on the first six priorities listed above, especially water/sanitation infrastructure. The conferees expect the Office of Foreign Disaster Assistance in cooperation with the Office of Reconstruction and Humanitarian Assistance to initially focus on provision of clean water, food, electricity and other forms of direct relief to vulnerable communities. As regions of Iraq are declared to be secure by the United States Central Command, economic stabilization technical assistance of the Department of the Treasury and longer-term reconstruction activities the United States Agency for International Development would be mobilized within Iraq.

The conference agreement designates the Iraq Fund as bilateral economic assistance under the authorities of the Foreign Assistance Act of 1961, as amended. The funds are appropriated to the President who customarily has apportioned them to the Department of State and the United States Agency for International Development. Because of the special circumstances in Iraq, the conferees also provide for direct apportionment from the Fund, as necessary, to the Departments of Treasury, Defense, and Health and Human Services for activities such as Treasury technical assistance, Army Corps of Engineers, civil affairs team grants, and for deployment of personnel of the Centers for Disease Control.

The conferees request that the relevant officials of the Departments of the Treasury, Defense, and Health and Human Services promptly consult with the Subcommittee on Foreign Operations, Export Financing, and Related Programs regarding modalities for provisions of financial data regarding Iraq activities under this account, including memoranda of understanding with the USAID Inspector General and notification documentation. The conference agreement also provides that obligations from the Iraq Fund are subject to notification to the Committees on Appropriations 5 days in advance of the obligation of such funds. The conferees intend such notifications to be treated by the Administration as having the same force and effect as notifications provided to the Committees on Appropriations in accordance with the Committees' regular notification procedures.

In addition, transfers to agencies other than the Department of State and USAID under section 632 of the Foreign Assistance Act and under the general provisions of this chapter are made subject to notification procedures of the Committees on Appropriations.

The conference agreement includes language directing that the Iraq Fund shall be used to fully and promptly reimburse accounts administered by the Departments of State and the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs. In particular, $150,000,000 "borrowed" for purchase of food under the authority of section 507 of the fiscal year 2003 Foreign Operations, Export Financing and Related Programs Appropriations Act from the Development Assistance account and the Economic Support Fund should be reimbursed without delay. The conferees expect rapid reimbursement of an additional $50,000,000 that was "borrowed" from the Development Assistance account for Iraq assistance under the provisions of section 492(b) of the Foreign Assistance Act.

The conference agreement provides that funds made available for rehabilitation and reconstruction in Iraq should include assistance to families of innocent Iraqi civilians who suffer losses as a result of the military operations. The managers intend that USAID and the Department of State, in coordination with the Department of Defense and nongovernmental organizations, will seek to identify families of non-combatant Iraqis who were killed or injured or whose homes were damaged during recent military operations, and to provide appropriate assistance.

The conference agreement also includes a general provision requiring two reports from the President: (1) within 30 days of enactment on this Act on the proposed Iraq Fund management structure and (2) within 45 days on strategies for reconstruction and the establishment of an independent civil government in Iraq, coordination with other governments and international organizations, burden-sharing, and estimated costs.

Beginning not later than 90 days following enactment of this Act and every 90 days thereafter until September 2004, the conference agreement requires the President to submit periodic reports on significant ongoing and proposed United States-funded reconstruction activities in Iraq and the extent of financial pledges and actual contributions for assistance in Iraq by foreign governments and international organizations.

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,422,000,000 instead of $2,342,000,000 as proposed by the House and $2,357,900,000 as proposed by the Senate.

The conference agreement includes not less than $700,000,000 for Jordan, as proposed by both the Senate and the House.

The conference agreement includes $300,000,000, to remain available until September 30, 2005, only for grants to Egypt, which may be used to guarantee loans of not to exceed $2,000,000,000 as proposed by both the House and Senate. The conference agreement: (1) provides that all fees associated with Egypt's loan guarantees shall be paid by the Government of Egypt to the Government of the United States; (2) allows funds in this Act and prior appropriated funds for Egypt to be used for the cost of loan guarantees; (3) provides that the President should take into consideration budgetary and economic reforms undertaken by Egypt; and (4) provides that loan guarantees are backed by the full faith and credit of the United States.

The conference agreement includes permissive language that allows the President to provide not to exceed $1,000,000,000 for Turkey similar to the Senate bill and the same as the House bill. These funds remain available until September 30, 2005 and may be used to provide or guarantee loans up to $8,500,000,000. The conferees agree to the Senate provision that any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for the Iraq Relief and Reconstruction Fund.

The conference agreement provides that none of the funds for Turkey in this Act under the Economic Support Fund may be made available for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House that the Government of Turkey is not cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed forces into northern Iraq.

The conference agreement also: (1) allows funds in this Act and prior appropriated funds for Turkey to be used by the Government of Turkey to pay the United States for all fees associated with loans and loan guarantees; (2) provides that the President should take into consideration budgetary and economic reforms undertaken by Turkey; and (3) specifies that loan guarantees are backed by the full faith and credit of the United States.

The conference agreement includes not less than $30,000,000 for assistance for the Philippines to further the prospects for peace in Mindanao. The Senate Bill included $50,000,000 for this purpose and the House bill did not address this issue. The conferees endorse the Senate report language related to this assistance.

The conference agreement includes $167,000,000 for Afghanistan to continue efforts to support security and economic growth in that nation, of which up to $100,000,000 is provided to accelerate the completion of the major Kabul-Kandahar road; $10,000,000 is provided, as necessary, for grants by provincial reconstruction teams; and $57,000,000 is provided for implementation of the Bonn electoral process and operational support for the Afghanistan Government.

The conferees note the continued importance of ensuring that women are active participants in all facets of the reconstruction process in Afghanistan, particularly as the Afghan people assume greater responsibility for Afghan development. The conferees support efforts by women-led, Afghan nongovernmental organizations to expand their capacity to manage critical programs and services. The conferees also urge that United States funds be used to bolster the role of women in the Bonn electoral process.

The conference agreement includes $10,000,000 for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice. This proviso is similar to language included in the Senate bill as section 505. The House bill did not address this issue. The conferees request that not later than 120 days after enactment of this Act the Secretary of State report to the Committees on Appropriations on plans for the prosecution of these individuals.

The conference agreement also includes $40,000,000 to reimburse the Economic Support Fund account for resources advanced to fund supplies, commodities and services prior to the conflict in Iraq.

As all fiscal year 2003 funds that were transferred from this account to accommodate prepositioning of Iraq relief and reconstruction are being fully reimbursed and restored by this Act, the conferees expect the Department of State to revise its current 653(a) country allocation report, consistent with the intent of Congress in Division E of Public Law 108–7 and House Report 108–10, with regard to the Special Court for Sierra Leone, the Muslim Exchange Program, and technical assistance to implement the Kimberley Process Certification Scheme.

LOAN GUARANTEES TO ISRAEL

The conference agreement includes $9,000,000,000 in loan guarantees for Israel during the period beginning March 1, 2003 and ending September 30, 2005 as included in both the House and Senate bills. Of this assistance, $3,000,000,000 may be issued in fiscal year 2003 or thereafter, and $3,000,000,000 may be issued subsequent to September 30, 2004. The conference agreement provides that these guarantees shall be backed by the full faith and credit of the United States. The agreement restricts these resources to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967 and that guarantees may be reduced for any activities that the President of the United States determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program, as was proposed by the House and Senate bills. The conference agreement provides that the President shall take into consideration budgetary and economic reforms undertaken by Israel. The conferees expect the State Department to provide to the appropriate Committees of Congress any letters of understanding reached between the government of the United States and Israel on economic reform measures and settlement related activities that pertain to the issuance of these loan guarantees.

As was previously the case with the 1992 loan guarantees, all associated fees are to be paid by the Government of Israel to the United States Government, and the conference agreement includes language, not in the House or Senate bills, clarifying that the interest rate for loans guaranteed may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this financing.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $25,000,000 as proposed by the House and the Senate. These funds would remain available for obligation until September 30, 2004, as proposed by the House and the Senate.

ANDEAN COUNTERDRUG INITIATIVE

The conference agreement appropriates $34,000,000 as proposed by the House and the Senate. The conference agreement provides that funds shall remain available for obligation until September 30, 2004 as proposed by the House and by the Senate.

The conferees are concerned with reports of rising numbers of impoverished Colombians who are displaced from their homes as a result of armed conflict. Therefore, the conference agreement provides that not less than $5,000,000 should be made available for assistance to these people, and encourages USAID and the State Department's Bureau of Population, Refugees and Migration to support organizations such as the League of Displaced Women in Bolivar, which work to protect the rights and needs of displaced women and children.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $80,000,000 as proposed by the House instead of $75,000,000 as proposed by the Senate. The President has drawn down $40,000,000 to date from ERMA for Iraq-related costs. Including the President's request for ERMA replenishment, the ERMA balance is considerably lower than recent historical levels. Therefore the conferees recommend an additional $40,000,000 for ERMA to meet unforeseen emergency needs.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The conference agreement appropriates $28,000,000 as proposed by the House and the Senate for Nonproliferation, Anti-Terrorism, Demining and Related Programs.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement recommends $2,059,100,000 for Foreign Military Financing Program as provided by the House and Senate.

The conference agreement includes not less than $1,000,000,000 for grants only for Israel, requires these funds to be disbursed within 30 days of enactment of this Act, and specifies $263,000,000 of this allocation shall be available for acquisition of defense services and articles in Israel. The conference agreement also provides not less than $406,000,000 for Jordan.

The conference agreement assumes the following allocations as supported in the House and Senate reports; $170,000,000 for Afghanistan to train, equip and support the Afghan National Army; $175,000,000 to provide Pakistan with improved border security and counter-terrorism capabilities, and $30,000,000 for counter-terrorism assistance to the Philippines.

The conferees agree to Senate language that provides up to $20,000,000 may be transferred to and merged with the Andean Counterdrug Initiative account for aircraft, training and other assistance for the Colombian Armed Forces.

The conferees have included language requiring regular notification procedures of the Committees on Appropriations in advance of commitment of funds and clarifying the basis for such notifications. The Senate bill included language that required notification in advance of obligation of funds and the House did not address the issue.

The conferees expect that notifications to the Committees of deviation from the notification report in terms of the amount, and significant deviation in terms of the kind of assistance being provided, will be transmitted to the Committee five days in advance of commitment.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $100,000,000 for Peacekeeping Operations instead of $115,000,000 as provided by the House and $150,000,000 as recommended by the Senate. The conferees include language that provides that the funds are available until September 30, 2004. The conferees note that the supplemental budget request provided little detail in support of the $200,000,000 request. The conferees note that section 1501 provides not to exceed $100,000,000 in transfer authority should peacekeeping activities occur in excess of the amounts provided in this agreement.

GENERAL PROVISIONS—THIS CHAPTER

Under section 1501, the conference report includes language similar to section 501 of the Senate amendment that allows transfers among certain international assistance programs in this chapter in an amount not to exceed $100,000,000. The section requires consultation and a five-day notification. The Senate amendment included an amount not to exceed $200,000,000 and the House bill did not address this matter.

Under section 1502 of the general provisions, language is included similar to that in the House bill and Senate amendment that would extend the authority to provide assistance for Iraq notwithstanding any other provision of law. The conference agreement provides that funds made available for assistance for Iraq under this chapter are subject to section 553 of Public Law 108–7. However, the conferees recognize that the uniquely insecure conditions in Iraq may necessitate some modification of normal vetting procedures under section 553 until the security conditions improve.

Use of the notwithstanding provision in section 1502 is subject to a five day notification in advance of obligation. Similar to the House provision, the section allows a waiver of notification in the case of substantial risk to human health or welfare.

The conference agreement, under section 1503, includes a provision similar to the House bill that would make inapplicable the Iraq Sanctions Act of 1990 and authorize the President to make inapplicable with respect to Iraq section 620A and section 307 of the Foreign Assistance Act with respect to Iraq. The conference agreement includes a provision similar to that proposed by the House and Senate stating that nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992, but the conferees allow for an exception as it applies to humanitarian assistance and supplies. The purpose of this proviso is to clarify that the suspension of the Iraq Sanctions Act is not intended to affect the continued applicability of that Act to Iran pursuant to section 1603 of the Iran-Iraq Arms Non-Proliferation Act of 1992. The exception in the proviso for humanitarian assistance and supplies will permit, notwithstanding section 1603, the issuance of export licenses for Iran that support the provision of humanitarian assistance and supplies to Iraq. The conference agreement provides that military equipment as defined by Title XVI, section 1608(1)(A) of Public Law 102–484 shall not be exported. The conference agreement requires that the exercise of authorities of section 1503 are subject to notification, and the conferees require a periodic report containing a summary of all licenses approved for export to Iraq if the item is on the Commerce Control List contained in the Export Administration Regulations, including the identification of end users of such items. The conferees do not intend for the authorities contained in this section to be permanent, and the section will expire on September 30, 2004 unless a prior Iraq authorization bill has been enacted that amends, repeals or makes the section inapplicable.

Under section 1504, the conference agreement provides for the export to Iraq of any nonlethal military equipment notwithstanding any other provision of law. The conference agreement provides an exception to the non-lethal military equipment limitation for equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force. The conferees intend that such exports be limited to small arms and ammunition.

The section provides the President with the flexibility to authorize exports to Iraq upon determining that they are in the national interest of the United States. The conferees do not intend for the authority contained in this section to be permanent, and the section will expire on September 30, 2004 unless a prior authorization bill has been enacted that amends, repeals or makes the section inapplicable.

The conference agreement does not include section 505 of the Senate amendment. This provision is addressed under the Economic Support Fund. The House did not address this matter.

The conference agreement does not include section 506 of the Senate amendment that expressed the Sense of the Senate regarding the awarding of contracts and grants for relief and reconstruction in Iraq from funds in this chapter. The House addressed this matter in section 3002 of Title III.

The conference agreement does not include section 507 of the Senate amendment that expressed the Sense of the Senate that reconstruction of Iraq should be funded from Iraqi oil revenues. The House did not address this matter.

Under section 1505 the conference agreement amends current law restrictions on fiscal year 2003 funding for Ukraine to limit assistance to the central Government of Ukraine if the Secretary of State reports that the Government of Ukraine has facilitated arms sales or arms transfers to Iraq. The Senate proposed a waiver of current law, and the House did not address this matter.

Under section 1506 the conference agreement requires reports related to United States and other activities in Iraq and associated costs.

CHAPTER 6

Homeland Security Appropriations, 2003 Supplemental

The conference agreement on the Homeland Security chapter of the Emergency Wartime Supplemental Appropriations Act, 2003, incorporates some of the language and allocations set forth in House Report 108-55 and some of the language and allocations set forth in Senate Report 108-33. The language in House Report 108-55 and Senate Report 108-33 should be complied with unless specifically addressed in the accompanying statement of managers.

Throughout the accompanying explanatory statement, the managers refer to the Committee and Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

DEPARTMENT OF HOMELAND SECURITY

Departmental Management

COUNTERTERRORISM FUND

The conferees agree to provide $150,000,000 for the Counterterrorism Fund, instead of $1,135,000,000 as proposed by the Senate. The Counterterrorism Fund exists to reimburse any Department of Homeland Security organization for the unanticipated costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. In addition, the funds are subject to the reprogramming requirements set forth in Section 1601 of this chapter.

Citizenship and Immigration Services

OPERATING EXPENSES

The conferees agree to provide $3,000,000 for additional expenses related to Operation Liberty Shield, instead of $1,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

United States Secret Service

OPERATING EXPENSES

The conferees agree to provide $30,000,000 for additional expenses related to Operation Liberty Shield, as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

Border and Transportation Security

CUSTOMS AND BORDER PROTECTION

The conferees agree to provide $333,000,000 for additional expenses related to Operation Liberty Shield and for other homeland security purposes, instead of $428,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. This amount includes $35,000,000 to support the Container Security Initiative and $25,000,000 to fully fund the transfer of 285 Border Patrol Agents to the Northern Border.

In addition, the conferees include $60,000,000 for the cost of additional inspectors and associated positions on the Northern Border and at maritime ports of entry, and $90,000,000 for portal radiation detection and monitoring technology and non-intrusive inspection technology. In addition to the requirement for a 15-day prior notification, the conferees direct that none of these funds may be obligated (1) for additional personnel until the Commissioner of the Bureau of Customs and Border Protection submits to the Committees on Appropriations a detailed budget execution plan for hiring and deploying the additional personnel, including timeframe and locations; or (2) for new detection, monitoring and inspection technology until the Commissioner submits to the Committees a revised technology investment plan that includes the impact of this additional funding on agency performance, as well as proposed deployment schedules and locations.

COMMERCIAL VEHICLE SCREENING AT KEY BRIDGES

The conferees are concerned about the vulnerability of bridge ports of entry on the U.S-Canada border to vehicle traffic that might contain radioactive material and direct the Bureau of Customs and Border Protection to implement its current plan to install a portal radiation monitor in May of 2003 at the Blue Water Bridge port of entry at Port Huron, Michigan. The conferees also direct that inspectors at the port of entry be fully trained in the detection of radioactive materials in cargo and equipped, as appropriate, with both personal radiation detectors and isotope identifiers. Because commercial motor vehicles carrying municipal solid waste may be used intentionally or accidentally to transport radioactive or other hazardous material, the conferees direct the Bureau to screen and inspect such vehicles as necessary to enforce federal law and, as appropriate, State law governing such traffic. The Bureau should give particular attention to traffic using the Ambassador Bridge port of entry in Detroit, Michigan, and the Blue Water Bridge port of entry in Port Huron, Michigan. The Bureau of Customs and Border Protection shall also reevaluate whether municipal solid waste should continue to be classified as a "low risk commodity" under the Border Release Advanced Screening and Selectivity (BRASS) System.

IMMIGRATION AND CUSTOMS ENFORCEMENT

The conferees agree to provide $170,000,000 for additional expenses related to Operation Liberty Shield and related homeland security missions, instead of $185,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. This amount includes $15,000,000 for additional special agents, intelligence analysts, and air and marine enforcement personnel at the Northern Border and maritime ports of entry. However, none of these funds may be obligated until the Assistant Secretary for Immigration and Customs Enforcement submits to the Committees on Appropriations a detailed budget execution plan for hiring and deploying the additional personnel, including timeframe and locations.

ENTRY EXIT SYSTEM

The Department has not formally submitted a budget execution plan for the use of the $380,000,000 appropriated for the Entry Exit project as provided by Public Law 108-7. However, in order to avoid significant delays, the conferees approve the Department's use of up to $5,000,000 of these funds to support contract work on critical prerequisite elements to include privacy impacts, system security, cost-benefit analysis, statement of work, and systems requirements specifications. The conferees direct that no additional obligations shall be made until an expenditure plan has been approved by the Department and by the Office of Management and Budget, reviewed by the General Accounting Office (GAO), and approved by the Committee on Appropriations. Such plan must meet the requirements specified in Public Law 108-7, with the exception that availability of these funds for obligation and expenditure shall be governed by reprogramming guidelines set forth in Section 1601 of this Act. The conferees expect that the expenditure plan will contain sufficient detail and documentation to explain planned capabilities and benefits, timeframes for delivery, costs, and progress in meeting prior expenditure plan targets. The plan should also describe the management actions being taken to assure that the Entry Exit system will meet established goals for system capability, benefits, schedule, and cost. The conferees also direct that the Bureau and Department, in their quarterly briefings to the Committee, include information on any changes in previously submitted expenditure plans and documentation.

As the Entry Exit project is now the responsibility of the Department of Homeland Security, the conferees direct the Department to develop a close cooperative working relationship with GAO. In order for GAO to support the Committees in their oversight of this important and expensive project, the Department should allow access to working documents and consultation and Departmental, Directorate, Bureau and project staff on a routine, confidential and professional basis prior to submission of spending plans to the Committees. The Department should establish the same relationship with GAO on Entry Exit as has been established with the Automated Commercial Environment (ACE) project. The Committees on Appropriations will take no action on funding requests until GAO has completed its review of proposed plans and shares its evaluation with the Committees. If GAO has been permitted to develop sufficient understanding of the overall management of the Entry Exit program, and is provided adequate information of a plan before its submission, the review should be completed within 30 days. If GAO is afforded insufficient advance information, the time will be as long as reasonably required for GAO to conduct its review to assess compliance of the plan with established requirements.

TRANSPORTATION SECURITY ADMINISTRATION

The conferees agree to provide $665,000,000 for the Transportation Security Administration (TSA) instead of $390,000,000 as proposed by the House. Funds shall remain available until expended but may not be obligated until 15 days after notification of the Committees on Appropriations. The Act includes funding for critically needed transportation security requirements as follows:

Physical modifications of commercial service airports to install checked baggage explosive detection machines	$235,000,000
Port security grants	20,000,000
Passenger screener hiring, training, and related costs	280,000,000

No funding has been provided in this Act to hire additional staff, particularly aviation screeners, or to otherwise supplement previously appropriated funding for TSA staffing requirements.

FISCAL YEAR 2003 FUNDING REQUIREMENTS

By May 1, 2003, the conferees direct the Administrator of the Transportation Security Administration to submit a budget execution plan, approved by the Office of Management and Budget, detailing spending levels, by budget line item, program, project, and activity. The conferees expect the budget line items included in this plan to be the same line items informally submitted by TSA to the Committees on Appropriations in July of 2002 and modified in December of 2002. In developing this budget execution plan, TSA should detail the following: (1) fiscal year 2003 obligations by budget line item as of March 31, 2003, (2) TSA's fiscal year 2003 yearly obligation estimates by budget line item, (3) how the yearly estimates by budget line item were derived, and (4) a detailed explanation of why and how these costs have changed since the July and December 2003 budget documents. The conferees expect all programs and activities specifically funded by Congress either in bill or report language in Public Laws 107-206 and 108-7 to be fully funded in this plan. For those items that TSA believes should be reprogrammed, a detailed explanation of why this reprogramming should occur must accompany the plan. TSA shall follow the reprogramming guidelines contained in this Act.

PORT SECURITY GRANTS

The conferees are aware of approximately $1,000,000,000 in port security requirements in the first year and $4,400,000,000 over 10 years, as estimated by the Coast Guard. To date, $368,000,000 has been appropriated to these efforts and an additional $20,000,000 is provided in this Act. However, TSA has only issued port security grants totaling $93,000,000. The conferees direct TSA to issue grants for the remainder of these previous appropriations no later than 60 days after enactment of this Act.

TRUCKING INDUSTRY GRANTS

Of the funds provided under Public Law 108-7 for trucking industry grants, the conferees direct that $20,000,000 (as adjusted by section 601 of Division N of Public Law 108-7) be used to fund nation-wide trucking security and safety initiative utilizing the existing joint industry-government Highway Watch program.

OPERATION SAFE COMMERCE

Of the funds provided under Public Law 108-7 for Maritime and Land Security, the conferees direct that $30,000,000 (as adjusted by section 601 of Division N of Public Law 108-7) be used for Operation Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

OPERATING EXPENSES

The conferees agree to provide $2,000,000 for additional expenses of the Federal Law Enforcement Training Center as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

OFFICE FOR DOMESTIC PREPAREDNESS

The conferees agree to provide $2,230,000,000 for the Office for Domestic Preparedness (ODP) instead of $2,200,000,000 as proposed by the House and the Senate. The conferees agree that none of these funds may be used for construction activities and further agree that these funds shall be used for purposes consistent with State domestic preparedness plans.

Within the amounts provided, the conferees include $1,300,000,000 for a formula grant program to be allocated to the States subject to Section 1014 of Public Law 107-56. The conferees agree that funds shall be disbursed within 60 days of enactment of this Act; the conferees further agree that not less than 80 percent of funding provided to each State shall be transferred to local governments within 45 days of the State's receipt of funds.

An additional $200,000,000 is provided for critical infrastructure formula-based grants subject to Section 1014(c)(3) of Public Law 107-56. The conferees agree that funds shall be disbursed within 60 days of enactment of this Act; the conferees further agree that not less than 50 percent of funding provided to each State shall be transferred to local governments within 45 days of the State's receipt of funds.

The conferees also provide $700,000,000 for discretionary grants to high-threat, high-density urban areas, and for the protection of critical infrastructure. The conferees expect that ODP will allocate these funds no later than 30 days after enactment of this Act. The conferees also agree that no less than 80 percent of discretionary grants provided to any State shall be transferred to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the conferees further direct the Secretary of Homeland Security to take into consideration credible threat, vulnerability, the presence of infrastructure of national importance, population, and identified needs of public agencies. Grants may be made to single or multiple jurisdictions in the same urban area.

Finally, the conferees agree to provide $30,000,000 for direct technical assistance to States.

The conferees agree that overtime expenses incurred and related to heightened security levels are an eligible use of funds provided for both critical infrastructure grants and discretionary grants to high-threat, high-density urban areas and for the protection of critical infrastructure.

The conferees direct ODP to submit a plan, no later than 120 days after enactment of this Act, on overtime accountability. This report shall include how overtime costs in direct support of increased security can be properly measured at the State and local government levels and a plan for reimbursement of these expenses.

In addition to reports to be submitted to the Committees on Appropriations in accordance with Senate Report 108-33, the conferees further direct the Department to provide a report that lists all federal programs within the Department of Homeland Security that make grants to States and/or local governments, including those for emergency preparedness and support for first responders, public health agencies, local law enforcement agencies and other security providers. The report shall be submitted by May 30, 2003 and include: (1) the amount of funds appropriated for each of fiscal years 2002 and 2003; (2) the amount of appropriated funds that have been obligated by the Department of Homeland Security and the grantee and expended by the grantee; (3) the point of contact in the federal government responsible for responding to inquiries on the status of grant funds; and (4) the administrative or other impediments that may delay the obligation of grant funds.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide a total of $228,000,000 for additional operating expenses of the Coast Guard instead of $230,000,000 as proposed by the House and $580,000,000 as proposed by the Senate. In addition to the $228,000,000 provided under this heading, $400,000,000 is provided to the Coast Guard by transfer from the Department of Defense. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. Funds are provided as follows:

Deployment of Coast Guard personnel and assets overseas	$180,000,000
Military outload security	220,000,000
Targeted increase to homeland security activities related to Operation Liberty Shield	180,000,000
Port security assessments	38,000,000
Merchant mariners documentation	10,000,000

The conferees expect that the funding provided under this act will allow the Coast Guard to complete port security assessments at all tier one strategic ports.

SCIENCE AND TECHNOLOGY

The conferees direct the Under Secretary for Science and Technology to prepare a program plan for the development of an anti-missile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

The conferees agree to provide $45,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees agree to provide $54,750,000 for the Emergency Management Planning and Assistance account for interoperable communications, instead of $109,500,000 as proposed by the Senate. Funds may not be obligated until 15 days after notification of the Committees on Appropriations.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

OPERATING EXPENSES

The conferees agree to provide no funds for the Information Analysis and Infrastructure Protection Directorate, instead of $10,000,000 as proposed by the House.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 1601. The conferees agree to modify a provision proposed by the House providing reprogramming guidelines for the Department of Homeland Security.

Section 1601 requires the Department of Homeland Security to promptly and fully inform the Committees on Appropriations when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for reprogramming during fiscal year 2003.

A reprogramming shall be submitted for any action that (1) creates a new program; (2) eliminates a program, project or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity in an appropriations Act or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference, for a different purpose.

A reprogramming shall be submitted when any Departmental action results in the movement of funds to or from any program, project, or activity in excess of $5,000,000 or 10 percent, whichever is less.

The Department must notify the Committees on Appropriations on both Houses of Congress 15 days in advance of such reprogrammings. The Department must also notify the Committees at the end of each quarter during the fiscal year of all reprogramming actions that have been completed during that quarter involving less then $5,000,000 or 10 percent.

Clearly stated and detailed documentation presenting justification for the reprogramming shall accompany each request. Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

For purposes of this section, the term "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statement of the committee of conference.

The conferees further expect the Department to comply with directives in the statements of managers accompanying any appropriations conference report relative to appropriations for programs, projects and activities transferred to the Department.

Sec. 1602. The conferees agree to include a provision proposed by the Senate allowing the Under Secretary of Homeland Security for Border and Transportation Security to issue letters of intent to airports to provide assistance for the installation of explosive detection systems and requiring status reports.

Sec. 1603. The conferees agree to include a provision proposed by the Senate allowing the Bureau of Customs and Border Protection to accept donations of body armor for United States Border Patrol agents and Border Patrol canines.

Senate Bill Sec. 601. —The conferees agree not to include a provision proposed by the Senate requiring inspection of all commercial motor vehicles entering the United States through specific ports of entry. This issue has been addressed in the Bureau of Customs and Border Protection section of the statement of managers.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS) as proposed by the House. The Senate had provided the same amount within the Office of the Secretary.

The conferees understand that sufficient funds were made available to the CDC for injury prevention and control to maintain support for activities to better understand the scope of child abuse and neglect and its consequences at the FY2002 level.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $100,000,000 within the Public Health and Social Services Emergency Fund for the Centers for Disease Control and Prevention to assist State and local health authorities with the costs associated with the civilian smallpox vaccination program, instead of $94,000,000 as proposed by the House. The Senate had provided $105,000,000 for this purpose within the Office of the Secretary. Because many State and local health departments have already devoted substantial resources to the smallpox vaccination program, often at the expense of other important public health and bioterrorism preparedness tasks, the conferees intend that these funds be available to assist health departments in covering costs already incurred as well as to assist with costs that will be incurred in the future.

In addition, the conference agreement includes $42,000,000 within the Public Health and Social Services Emergency Fund for costs associated with compensating individuals with injuries resulting from smallpox vaccine and related countermeasures, instead of $50,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The funds are made available subject to the enactment of authorizing legislation and remain available until expended as proposed by both the House and Senate. The conferees intend the funds to be used to provide compensation under the rules and conditions specified in legislation authorizing a smallpox vaccine compensation program.

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

The conference agreement does not include funds within this new account to support grants to States for smallpox and other bioterrorism inoculation activities as proposed by the Senate. Funds for this purpose have been provided within the Public Health and Social Services Emergency Fund account as proposed by the House.

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

The conference agreement does not include funds within this new account to support costs associated with the prevention and control of Severe Acute Respiratory Syndrome as proposed by the Senate. Funds for this purpose have been provided within the Centers for Disease Control and Prevention account as proposed by the House.

GENERAL PROVISION

REPATRIATION

Section 1701 of the conference agreement includes a provision proposed by the Administration and included in both the House and Senate bills that removes, for fiscal year 2003, the $1,000,000 statutory cap included in the Social Security Act on funds used to provide assistance to U.S. citizens and their dependents returning from foreign countries who have been determined by the Department of State to be destitute, mentally ill, or requiring emergency evacuation due to threatened armed conflict, civil strife, or natural disasters.

CHAPTER 8

LEGISLATIVE BRANCH APPROPRIATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

COMMITTEE EMPLOYEES STANDING COMMITTEES, SPECIAL AND SELECT

Appropriates $11,000,000 for Committee Employees Standing Committees, Special and Select, to fund the Select Committee on Homeland Security authorized by House Resolution 5, adopted January 7, 2003. Inasmuch as this item relates solely to the House, and in accord with the long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

CAPITOL POLICE

GENERAL EXPENSES

Appropriates $37,738,000 for general expenses of the Capitol Police. The conferees note that no part of such amount may be obligated without prior approval of the Committee on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates $111,000 to cover contracted services of hearing officers and mediators for the increased number of hearings.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING

Appropriates $1,100,000 for an emergency egress project.

CAPITOL POWER PLANT

Appropriates $22,679,000, of which $3,900,000 is for high voltage switchgear transformers and $18,779,000 is provided for Phase II of the West Refrigeration Plant Expansion.

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates a total of $40,140,000 for the Capitol Police Buildings and Grounds. Of this amount, $14,140,000 is provided to be used, in addition, to previously appropriated fund for the Headquarters requirements. The conferees anticipate that additional funding for construction will be requested in the future through the normal budget process. In addition, the Architect of the Capitol is directed to have the Naval Facilities Command serve as the primary executing agency for this project. A total of $10,000,000 is for the cost of leasing interim space, pending execution of the facilities master plan. The remaining $16,000,000 shall be used to construct the Tactical Training Facility in Cheltenham, Maryland, for the sole use of the United States Capitol Police.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Appropriates $5,500,000 for the purchase and installation of a public address system for the Library buildings. The conferees direct procurement and installation of any public address system to conform with any system selected by the United States Capitol Police. The Librarian of Congress, in conjunction with the Chief of the Capitol Police, shall report to the Committees on Appropriations of the House and the Senate no later than June 1, 2003 that the system meets the requirements as specified by the Capitol Police.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $1,863,000 for the implementation of the Congressional Research Service's portion of the alternate computer facility.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriates $4,849,000 for the security of GAO facilities and information systems.

GENERAL PROVISIONS, THIS CHAPTER

A general provision is included making a technical correction relative to a Senate item regarding town meeting notices. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

The conference agreement includes a proviso, as proposed by the House, which provides project authorization pursuant to section 2802, title 10, United States Code. The Senate did not include a similar provision.

The following project is included in the account:

Location/installation	Project title	Cost
Cuba: Guantanamo Bay	JTF Military Commission Complex.	$48,100,000

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $152,900,000 for Military Construction, Air Force, instead of $5,100,000 as proposed by the House and $127,400,000 as proposed by the Senate. The conference agreement also includes a proviso, as proposed by the House, which provides project authorization pursuant to section 2802, title 10, United States Code. The Senate did not include a similar provision.

The following projects are included in the account:

Location/installation	Project title	Cost
Diego Garcia	Explosive Ordnance Pad	$3,200,000
Classified Location	Millennium Village	110,500,000
Guam: Andersen AFB	Aircraft Maintenance Hangar	35,500,000
Worldwide Various	Planning and Design	3,700,000
Total	....	152,900,000

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement includes $1,800,000 for "Family Housing Operation and Maintenance, Air Force," as proposed by the House instead of $2,000,000 as proposed by the Senate. The funding is provided for the following purpose:

Location/installation	Project title	Cost
Guam: Andersen AFB	Family Housing Repairs	$1,800,000

GENERAL PROVISIONS—THIS CHAPTER

This chapter contains two provisions.

The conferees agree to provide authority for the Department of Defense (DOD) to expend up to $150,000,000 of funds from the Act for military construction, not otherwise authorized by law, which is certified necessary to support the war on terrorism or operations in Iraq. Section 1901 establishes guidelines for transferring funds from other accounts into the contingency construction account under the auspices of section 2804 of title 10. The provision creates a notification system that informs Congress of the transfer and justifies the need for the project without slowing down the obligation of funds for urgent requirements. The provision clarifies the definition of military construction to preclude interpretations that would permit the expenditure of inappropriate funds for military construction purposes.

Approximately $750,000,000 appropriated to operation and maintenance accounts has been obligated for construction activities supporting the global war on terrorism and operations in Iraq. Funds for these projects have been expended without providing notice to Congress despite repeated requests for information by both House and Senate Appropriations Committees and House and Senate Armed Services Committees and as required by law.

Some of these projects are, by definition, military construction projects. Under title 10, chapter 169, military construction projects require congressional authorization and appropriation before funds can be obligated. Exceptions exist but are limited. Admittedly, the statutorily-mandated military construction process is cumbersome and can be slow. Another complication is the lack of a dedicated source of funding for contingency construction needs. These problems impede timely response to urgent requirements of armed conflict.

To circumvent these obstacles, DOD created a class of construction activities for which it deemed operation and maintenance funds could be expended. Effectively, without benefit of legal authority or regulation, the statutory definition of "military construction" was obviated for certain types of construction projects. Formalized in a memorandum issued by the Under Secretary of Defense/Comptroller on February 27, 2003, DOD purported to establish a "practice of expending operation and maintenance appropriations for construction activities—apart from those projects for which [these] appropriations are available under Title 10, United States Code, Chapter 169—under narrowly limited conditions."

DOD argues that long-standing practice enables it to utilize this legal construct under certain circumstances despite its effect of vitiating and/or amending the underlying statute. Furthermore, DOD asserts that if Congress opposed the practice, then Congress would amend the law. The conferees disagree with this pronouncement, which effectively obviates the law and turns an alleged practice into de facto law. Even more troubling to the conferees is the lack of information and/or notification to Congress about this practice despite repeated requests.

This provision is narrowly tailored to affect only those military construction projects that have been construed by the February 27, 2003, memorandum to be operation and maintenance construction. The provision neither modifies current law regarding the use of operation and maintenance funds nor does it change the threshold amounts for operation and maintenance or unspecified minor construction. The provisions are not intended to, nor do they, hamstring the commanders in the field who need to execute projects quickly and efficiently. The conferees have been assured that the authorization committees will investigate this matter further and seek to amend the law to prevent future actions of this kind.

Section 1902 provides the Secretary of the Army with authority to accept funds from the State of Utah to extend a runway at Michael Army Airfield, Dugway Proving Ground, Utah.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement appropriates $25,000,000 instead of $50,000,000 as proposed by the Senate, for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) program. As proposed by the Senate, such funds are to remain available until September 30, 2005. The House bill contained no similar appropriation. The bill specifies that none of these funds may be obligated until the House and Senate Committees on Appropriations receive a certification from the Department of Transportation Inspector General that the Maritime Administration has adopted and is implementing the recommendations of report #CR–2003–031 to his satisfaction. The Conferees further direct the Maritime Administration to submit a written report to the House and Senate Committees on Appropriations on the status of implementation of these recommendations no later than June 1, 2003. It is expected that the Maritime Administration will work closely with the Secretary of Defense to ensure that priority is given to vessels that not only provide commercial viability, but also exhibit military utility, such as tank vessels capable of transporting refined product as a business commodity and jet fuel in time of war or roll-on/roll-off vessels capable of carrying automobiles during peacetime and light military vehicles in time of armed conflict.

TITLE II—MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

GENERAL PROVISIONS

Senate Section 101.—The conference agreement (Section 2106) includes certain provisions related to technical assistance for conservation programs.

Senate Section 102.—The conference agreement does not include bill language proposed by the Senate establishing a statutory reporting requirement. The conferees direct that not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Appropriations, a report that describes the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust. This report shall include: whether that policy includes an intent to replenish the trust; the means by which the Secretary proposes to ensure that the United States retains the long-term capability to respond to international food shortages; and whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be part of that strategy.

Senate Section 201(a).—The conference agreement (Section 2101) includes language regarding a USDA task force.

Senate Section 201(b).—The conference agreement does not include language regarding ginseng labeling requirements.

Senate Section 201(c).—The conference agreement (Section 2102) includes language regarding certain losses in New Mexico.

Senate Section 201(d).—The conference agreement does not include language regarding dairy provisions.

Senate Section 201(e).—The conference agreement (Section 2103) includes language regarding the Livestock Compensation Program.

Senate Section 202.—The conference agreement (Section 2104) includes language regarding organically produced feed.

Senate Section 203.—The conference agreement (Section 2105) includes language regarding wild seafood.

CHAPTER 2

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

EUROPEAN COMMUNITIES MUSIC LICENSING DISPUTE

The conference agreement includes $3,300,000 for a one-time only, lump-sum payment of the European Communities to cover a three-year period for nullification or impairment from Section 110(5) of the U.S. Copyright Act.

DEPARATMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes $65,000,000 for the costs of weather satellite systems, including $41,000,000 or geostationary systems and $24,000,000 for polar orbiting systems.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $15,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission (EEOC) for fiscal year 2003. The conferees expect the EEOC to use these funds to avoid furloughs during fiscal year 2003. The EEOC may use funds provided to pursue employee buyouts, as authorized by Public Law 107-296.

The conferees are concerned about the lack of sound managerial and fiscal practices that resulted in the EEOC's shortfall in fiscal year 2003. It is troubling that the Commission's shortfall was not uncovered until after a quarter of the fiscal year had transpired.

The conferees direct the EEOC to submit quarterly reports to the Committees on Appropriations, including projected and actual spending and staffing levels. This information will allow the Committees to better understand EEOC's fluctuations in cost and staff. This data will also assist the EEOC in making more accurate estimates during the budget formulation process or, at a minimum, making adjustments to the budget request prior to the commencement of the fiscal year.

NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $11,000,000 for the Commission, as described in the Senate report.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language amending a provision of law regarding fisheries capacity reduction programs, as proposed in the Senate bill.

CHAPTER

SUBCOMMITTEE ON DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

On February 20, 2003, the District of Columbia announced additional fiscal year 2003 budget pressures totaling $128,000,000 resulting from $52,500,000 in lower estimated revenues and $75,500,000 in higher estimated operating costs. A revised outlook on March 10, 2003 increased the budget deficit to $133,567,000. On March 31, 2003, the Council of the District of Columbia enacted the Fiscal Year 2003 Supplemental Budget Request Emergency Act of 2003 to close this budget gap. This Chapter of the conference agreement provides the necessary Congressional action to balance the District's budget. The conferees expect the Chief Financial Officer of the District of Columbia to submit a final accounting of all actions taken to close the budget gap no later than May 5, 2003.

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSIONS)

The conferees rescind $8,752,000 from Governmental Direction and Support, instead of $9,358,000 as proposed by the Senate. Included in this amount is a rescission of $8,655,000 from local funds and $97,000 from other funds. The House bill contained no similar provision. These funds are attributable to savings associated with the reduction in risk management functions within the Office of the Corporation Counsel, a District-wide hiring freeze, and a reduction of telecommunications costs and contractual obligation savings within various agencies.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSIONS)

The conferees provide a net increase of $13,428,000 for Economic Development and Regulation, instead of $14,998,000 as proposed by the Senate. Included in this amount are a rescission of $1,282,000 from local funds and an increase of $14,710,000 from other funds. The House bill contained no similar provision. The additional funds are attributable to increased costs associated with the Summer Youth Program, the Home Purchasing Assistance Program, the Multi-family Rehabilitation Program, the Relocation Program and Workers Compensation Fund, and the Public Charter School Revolving Fund and Credit Enhancement Fund. The rescission is attributable to reducing various Department of Housing and Community Development programs, the suspension of the Net 200 Partnership Program, and savings associated with a District-wide hiring freeze.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purpose for which they are designated.

PUBLIC SAFETY AND JUSTICE

The conferees provide an increase of $11,462,000 in local funds for Public Safety and Justice instead of $10,422,000 as proposed by the Senate. The House bill contained no similar provision. These funds are attributable to increased costs associated with additional overtime for the Metropolitan Police Department, the Department of Corrections, and the Fire and Emergency Management Agency.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

The Conferees rescind $11,435,000 from the Public Education System instead of $11,667,000 as proposed by the Senate. Included in this amount is a rescission of $13,546,000 from local funds and an additional amount of $2,111,000 from other funds. The House bill contained no similar provision. This funding is to be distributed as follows: and increase of $2,029,000 for the District of Columbia Public Schools; a rescission of $181,000 from the State Education Office from savings attributable to a District-wide hiring freeze; a rescission of $12,000,000 from the District of Columbia Public Charter Schools from savings attributable to a lower than projected student enrollment; a rescission of $1,040,000 from the University of the District of Columbia from savings attributable to a District-wide hiring freeze; and a rescission of $237,000 from the District of Columbia Public Libraries and $6,000 from the Commission on the Arts and Humanities from savings attributable to reductions made in the Arts project program.

The conferees do not include language proposed by the Senate to require that no less than $3,000,000 of the $12,000,000 rescinded from the District of Columbia Public Charter Schools be used for providing adequate charter school facilities and educational programming in public charter schools. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

The conferees provide a net increase of $30,258,000 for Human Support Services instead of $28,278,000 as proposed by the Senate. Included in this amount are an additional amount of $34,292,000 from local funds and a rescission of $4,034,000 from other funds. The House bill contained no similar provision. The additional funds are attributable to an increase in Health Care Safety Net medical claims, higher Medicaid costs at nursing facilities, a Medicaid shortfall for the Youth Service Administration and the Child and Family Services Agency, enhanced court order costs associated with the Mental Retardation and Developmental Disabilities Agency, unbudgeted costs associated with out-of-state tuition for foster care students, increased unemployment compensation funds, and a decrease of TANF surplus funds. The rescission is attributable to savings associated with a District-wide hiring freeze and a reduction of telecommunications costs and contractual obligation savings within various agencies.

The conferees do not include language proposed by the Senate to amend the District of Columbia Appropriations Act, 2003 to delete the earmark for the Interim Disability Assistance Fund. The House bill contained no similar provision.

The conferees include language proposed by the Senate to amend the District of Columbia Appropriations Act, 2003 to increase the amount of local funds to be deposited in the Medicaid and Special Education Reform Fund from $37,500,000 to $74,500,000. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

PUBLIC WORKS

(INCLUDING RESCISSION)

The conferees provide a net increase of $2,420,000 for Public Works instead of $3,107,000 as proposed by the Senate. Included in this amount are a rescission of $8,998,000 from local funds and an additional amount of $11,418,000 from other funds. The House bill contained no similar provision.

The conferees include language proposed by the Senate to extend the availability of $512,000 from other funds for the taxicab revolving loan fund until expended. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

REPAYMENT OF LOANS AND INTEREST

(INCLUDING RESCISSION)

The conferees rescind $2,466,000 from Repayment of Loans and Interest as proposed by the Senate. The House bill contained no similar provision.

WILSON BUILDING

(INCLUDING RESCISSION)

The conferees rescind $700,000 from the Wilson Building. The House and Senate bills contained no similar provision.

WORKFORCE INVESTMENT

(INCLUDING RESCISSION)

The conferees rescind $2,000,000 from Workforce Investment as proposed by the Senate. The House bill contained no similar provision.

NON-DEPARTMENTAL AGENCY

(INCLUDING RESCISSION)

The conferees rescind $5,799,000 from the Non-Departmental Agency as proposed by the Senate. The House bill contained no similar provision.

General Provisions, This Chapter

Sec. 2301. The conferees include a modified Senate provision to allow the District of Columbia to use $12,081,000 from funds identified in the fiscal year 2002 Comprehensive Annual Financial Report (CAFR) as the District's undesignated, unreserved fund balance to cover revenue shortfalls. The House bill contained no similar provision.

The CAFR is a government-wide financial statement prepared by the Chief Financial Officer of the District of Columbia. At the close of fiscal year 2002, the total fund balance was $865,328,000. Of this total, $115,327,000 is unreserved, undesignated, and available for expenditure pending appropriation authority. The conferees provide authority to transfer $12,081,000 of these funds to the District of Columbia's operating budget to partially cover the $52,500,000 reduction in revenues that is part of the $133,567,000 budget shortfall.

The conferees note that of the total fund balance amount, $447,431,000 or 52 percent is restricted. These restricted funds may be expended only when established legal prerequisites have been met. It is within this restricted fund balance that the District maintains its congressionally-mandated seven percent emergency and contingency cash reserve of $248,731,000, established under section 450A of the District of Columbia Home Rule Act (Public Law 93-198). The conference agreement allows the District to transfer funds to address revenue shortfalls due to the economic downturn, but does not provide authority for the District to draw upon this restricted portion of the fund balance. Any funds expended from the emergency and contingency cash reserves must be replenished during fiscal year 2004.

Sec. 2302. The conferees include a provision proposed by the Senate to extend the Chief Financial Officer's personnel, procurement, and preparation of fiscal impact statement authorities through September 30, 2004. The House bill contained no similar provision.

Sec. 2303. The conferees include a provision to amend the District of Columbia Appropriations Act, 2003 to allow funds made available to the Friends of Fort Dupont to be used to support the Fort Dupont's Kids on Ice program. The House and Senate bills contained no similar provision.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement includes a technical correction to the fiscal year 2003 appropriation for State and Tribal Wildlife Grants, correcting a reference to the amount of be deducted for competitive grants to Tribes prior to the distribution of the remaining grant funds. The House and Senate proposed identical language.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement corrects the amount provided for the Operation of the National Park System in fiscal year 2003 as proposed by the the Senate. The agreement adds $9,000,000 for park operations to reflect accurately the fiscal year 2003 conference agreement for this account.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

The conference agreement provides for the release of previously appropriated funds for construction of the Ojibwa Indian School in North Dakota as proposed by the Senate. The House had no similar provision.

GENERAL PROVISION, THIS CHAPTER

Sec. 2401. The conference agreement, as proposed by the Senate, modifies section 328 of the Interior and Related Agencies Appropriations Act, 2003, dealing with the processing of grazing permits by the Forest Service. The House had no similar provision.

The managers are concerned that an ambiguity may exist with respect to Section 328 of Division F of Public Law 108-7 concerning grazing permits issued by the Forest Service. This ambiguity may lead to court decisions that are not consistent with Congressional intent. The intent of Section 328, among other things, was that no grazing permit should be invalidated because the Forest Service had not completed the allotment analysis prior to the date listed in a 1996 Forest Service schedule adopted by the agency pursuant to Section 504 of the Recissions Act. Accordingly, this section has been included to remove the clause, ". . . under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104-19)" from Section 328. The managers reiterate that any Forest Service grazing permit issued to replace a permit that expired after the date for analysis of the allotment in the 1996 schedule is valid even though the allotment analysis may not have been completed by the due date in the 1996 schedule.

This section does not exempt the Forest Service from completing the environmental analysis of grazing allotments on the 1996 Schedule. It simply allows for the continuation of ongoing activities while the required environmental analysis is completed. The managers emphasize that this provision does not prevent the Forest Service from taking appropriate action consistent with agency policies and procedures to address violations of permit terms and conditions.

The conference agreement does not require the Secretary of the Interior to report on her intentions with respect to the sale of 983 acres in Clark County, Nevada as proposed by the Senate.

The conference agreement does not extend the authorization for energy savings performance contracting as proposed by the Senate in section 602 of title VI.

CHAPTER 5

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement does not include language as proposed by the Senate providing $1,000,000 for the Jobs for America's Graduates program. The House bill did not have a similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes Senate bill language making technical corrections to projects funded in the fiscal year 2003 appropriations act. The House bill included almost identical language. In addition to the technical corrections described in the House and Senate reports accompanying the supplemental appropriations bill, the conferees also include the following technical changes to the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10) in the matter in title II of Division G:

—the provision specifying Northwestern Medical Center, St. Albans, Vermont shall be deemed to read as follows: "Missisquoi Valley Union High School District, Swanton, Vermont";

—the provision specifying Springfield Regional Outpatient Cancer Center shall be deemed to read as follows: "Mercy Health Partners, Springfield, Ohio";

—the provision specifying St. John Bosco Clinic, Miami, Florida shall be deemed to read as follows: "Mercy Hospital, Miami, Florida";

—the provision specifying Oklahoma State Department of Health, Oklahoma City, Oklahoma, for a Mississippi-Oklahoma Rural Telemedicine Initiative shall be deemed to read as follows: "Oklahoma State Office of Rural Health"; and

—the provision specifying Iowa Telecare Consortium to develop a disease management demonstration project in Iowa shall be deemed to read as follows: "Iowa Chronic Care Consortium to develop a disease management demonstration project in Iowa".

The conferees concur in the description in the Senate report of the grant for the Children's Hospital Central California as being in Madera, CA rather than in Fresno, CA as described in the House report.

The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

Administration for Children and Families

CHILDREN AND FAMILIES SERVICES PROGRAMS

The conferees concur with language contained in the Senate report that makes a technical correction to a project contained in the statement of managers accompanying H.J. Res. 2.

Administration on Aging

AGING SERVICES PROGRAMS

The conferees concur with language contained in the Senate report that makes technical corrections to projects contained in the statement of managers accompanying H.J. Res. 2.

Office of the Secretary

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes language making a technical correction to the Public Health and Social Services Emergency Fund as proposed by the Senate. The House bill had included the same correction in section 2003 of Title II.

GENERAL PROVISIONS

Section 2501 of the conference agreement includes a provision making a technical correction to section 207 of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G) as proposed by the House. The Senate bill included no similar provision.

Section 2502 of the conference agreement includes a provision making a technical correction to language in Section 215 in title II of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G) regarding international health activities as proposed by the House and Senate.

DEPARTMENT OF EDUCATION

School Improvement Programs

The conference agreement includes language making technical corrections to the Math and Science Partnerships program and the Troops to Teachers program as proposed by both the House and the Senate. The conference agreement also includes technical corrections to various projects as proposed by the House and the Senate. The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

HIGHER EDUCATION

The conference agreement includes technical corrections to various projects as proposed by the House and the Senate. The agreement also includes a technical correction relating to a project for the University of Southern Maine that was not contained in either House or Senate bills. The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108–7.

GENERAL PROVISIONS

Section 2503 of the conference agreement includes language proposed by the Senate amending the Elementary and Secondary Education Act to raise the maximum age of student eligibility in the Advanced Placement program from 17 to 19. The House bill contained no similar provision.

Section 2504 of the conference agreement also includes a provision proposed by the Senate (Title VI, Section 605 of the Senate bill) amending the Elementary and Secondary Education Act to make a technical change to the Alaska Native Equity in Education program. The House bill contained no similar provision.

RELATED AGENCIES

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement includes a technical correction clarifying the restrictions on providing stipends to certain volunteers as proposed by both the House and the Senate.

CHAPTER 6

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

Includes two technical corrections related to the "Library of Congress—Salaries and Expenses" of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, Division H).

Includes a technical correction to Section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, Division H).

Includes a provision related to the Capitol Preservation Fund

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

The conference agreement includes a provision proposed by the House and Senate amending section 336 of division I of Public Law 108–7 by striking "Transportation Management" and inserting "Urbanized".

The conference agreement includes a provision proposed by the Senate amending section 321 of division I of Public Law 108–7 by: (1) inserting "or underneath" in subsection (q)(2) before "the Class B airspace"; (2) deleting "has sufficient capacity and" in subsection (q)(3) after "Title 49"; and (3) inserting "passenger" in subsection (q)(3) before "delays". The House bill contained no similar provision.

The conference agreement includes a provision proposed by the House clarifying that amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of 112 Stat. 263. The Senate bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate expressing the sense of the Senate regarding the integration of employee groups resulting from the acquisition of Trans World Airlines by American Airlines. The conferees reiterate that this provision expresses the sense of the Senate. The House bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate which states that no provision of this Act may be construed as altering or amending provisions of law requiring the use of privately-owned United States flag commercial vessels for certain transportation purposes. The House bill contained no similar provision.

The conference agreement includes provisions clarifying the eligibility of certain projects funded in Public Law 108–7 and adjusting the funding for projects under "Federal Highway Administration, limitation on administrative expenses" in that bill to conform to the intent of Congress as referenced in the Statement of the Managers accompanying that conference agreement.

The conference agreement includes a provision relating to the use of Federal Transit Administration formula grant operating funds for certain communities that became part of an urbanized area as determined by the 2000 federal decennial census. This provision is similar to statutory changes enacted last year in Public Law 107–232.

The conference agreement includes a provision amending section 41743(c)(4) of title 49, U.S. Code, to provide flexibility in the award of grants under the Small Community Air Service Development Pilot Program. The revision will allow the Department of Transportation to consider grant requests from applicants who are not currently in the program.

The conference agreement includes a provision proposed by the Senate amending section 626 of title VI of division B of Public Law 108–7 by striking the word "previously". The House bill contained no similar provision.

The conference agreement modifies language proposed by the Senate limiting the use of funds for transportation services provided under section 41106 of title 49. The agreement limits the obligation of funds in this or any other Act for transportation described in section 41106 to air carriers effectively controlled by citizens of the United States. The agreement further provides criteria to make this determination, and specifies that the Secretary of Defense may waive these provisions in certain instances. The agreement further directs the Secretary of Transportation to use the services of an administrative law judge in a formal proceeding to resolve docket number OST–2002–13089. The House bill contained no similar provision.

The conferees direct the Secretary of Transportation to examine the impact that airlines emerging from bankruptcy could have on hub airports as well as the ramifications on airport systems and U.S. capital bond markets. The conferees further direct the Secretary of Transportation to report his findings to the House and Senate Committees on Appropriations no later than thirty days after enactment of this Act.

CHAPTER 8

Subcommittee on Veterans Affairs and Housing and Urban Development, and Independent Agencies

DEPARTMENT OF VETERANS AFFAIRS

Department Administration

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $100,000,000 for providing medical care and for the evaluation and administration of benefits to veterans returning from the conflict in the Persian Gulf pursuant to 38 U.S.C. 1710(e)(1)(D). The Secretary has the authority to transfer such sums in this paragraph as necessary to medical care.

Administrative Provision

The conference agreement does not include a provision proposed by the House allowing the VA to use funds appropriated in P.L. 108-7 for the purpose of creating medical response centers. The Senate did not include a similar provision.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT FUND

The conference agreement includes modified language similar to language proposed by the Senate, making technical corrections to specific grants funded in prior appropriations Acts. The House bill did not include similar language.

Management and Administration

SALARIES AND EXPENSES

The conference agreement does not include language proposed by the Senate related to the Chief Financial Officer. The House bill did not include similar language.

INDEPENDENT AGENCIES

Corporation for National and Community Service

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $64,000,000 to the Corporation for National and Community Service ("Corporation") to liquidate prior year obligations as proposed by both the House and the Senate. The conference agreement includes two provisions proposed by the Senate limiting the funds provided under this heading only for liquidation of the prior year obligations and only after the Corporation provides a letter declaring the deficiency pursuant to the Anti deficiency Act and OMB Circular A-11.

The conferees have included a technical correction to P.L. 108–7, proposed by both the House and the Senate, regarding funds provided to the Office of the Chief Financial Officer.

Environmental Protection Agency

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees have included language which makes technical corrections to specific grants funded in previous appropriations Acts.

Administrative Provision

The conferees have included language as proposed by the Senate making a technical correction in order to maintain the balance among payers of the maintenance fees as previously established by FIFRA. The language requires the Administrator of EPA to adjust the "maximum annual fee payable" (per-company caps) for pesticide maintenance fees proportional to the increase from the previous maximum collection level of $17,000,000 as set forth in Public Law 107–73 to the newly-established maximum level of $21,500,000 as set forth in Public Law 108–7. The House bill included no similar provision.

National Science Foundation

RESEARCH AND RELATED ACTIVITIES

Amends P.L. 108–7 by allowing up to $330,000,000 of previously appropriated funds to be used for the U.S. Polar Research Program as proposed by the Senate. This is an increase of up to $10,000,000 to cover unanticipated costs due to weather. The House did not include a similar provision.

GENERAL PROVISIONS, THIS TITLE

The conferees have not included funding nor legislative language regarding the Waterbury Dam, Vermont, project as proposed by the Senate. The conferees direct the Corps of Engineers to report to Congress within 30 days of enactment of this Act on what is required to address the seepage and stability problems at Waterbury Dam for fiscal year 2004.

TITLE III—COLUMBIA ORBITER MEMORIAL ACT

The conference agreement includes the Columbia Orbiter Memorial Act as proposed by the Senate. The House did not include a similar title.

TITLE IV—AIRLINE-RELATED ASSISTANCE

The conference agreement includes a separate title providing airline-related assistance, as proposed by the Senate. The House bill provided airline-related assistance in Title I, chapter 5 under "Transportation Security Administration."

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

The conference agreement includes an appropriation of $2,395,750,000 for grants to air carriers. Of this appropriation, the first $100,000,000 shall remain available until expended and shall compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by the Aviation and Transportation Security Act. The remaining amount, or $2,295,750,000, is for grants to be made by the Transportation Security Administration to U.S. flag air carriers based on the proportional share of expenses incurred related to aviation security each such carrier has paid or collected by the date of enactment of this Act by such air carrier in passenger security and air carrier security fees to the Transportation Security Administration. Air carriers may use these funds for such purposes as each air carrier determines appropriate; however, the conferees intend that the direct assistance to air carriers made available under this heading should be expended, to the greatest extent possible, to address aviation security and should not be used to support non-security related business entities, ventures or activities including, but not limited to, ticket agent ventures.

The Transportation Security Administration may not remit passenger security and air carrier security fees to any airline providing compensation as defined in this Act to the two most highly compensated named executive officers that exceeds the base compensation that such executives received in 2002. The Transportation Security Administration shall not apply any conditions of receiving such assistance to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any carrier that does not operate trans-Pacific or trans-Atlantic flights.

Not later than thirty days after the last disbursement of funds made to airlines, the Transportation Security Administration shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science and Transportation, the House of Representatives Committee on Appropriations and the House Committee on Transportation and Infrastructure.

The conference agreement includes a provision that directs the Undersecretary for Border and Transportation Security of the Department of Homeland Security not to impose the fees authorized by section 44940(a) of title 49, U.S.C., during the period beginning June 1, 2003 ending September 30, 2003.

Though the Senate bill proposed appropriations to compensate airports for operating expenses and capital investments related to improvements in aviation security, the conferees have addressed this item in Title I, under Department of Homeland Security.

The conferees not that the additional burden placed upon the Transportation Security Administration in administering these grants is nominal and of limited duration since these payments constitute simple rebates. As such, the conferees direct that the administrative costs associated with this activity to be absorbed within existing staffing levels.

The conference agreement deletes sections 407 and 408 of the Senate bill. The House bill contained no similar provisions. The conferees direct the General Accounting Office to submit a report to the Congress on measures taken by air carriers to reduce costs and to improve their revenues and profits and to strengthen their balance sheets, as well as how the funds provided in this Act were expended by the air carriers to offset operating expenses. As part of this effort, the conferees expect that each carrier receiving assistance under this heading will transmit a plan to the Comptroller General within 90 days of enactment of this Act to reduce that air carrier's annual operating expenses by an amount equal to the greater of 10 percent of that carrier's annual operating expenses or the amount of financial assistance that the carrier has received under this heading.

The conference agreement extends the war risk insurance program under current conditions through the end of fiscal year 2004 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement contains a provision providing an additional 26 weeks of temporary extended unemployment. compensation for displaced airline related workers, as proposed by the Senate. The House bill contained no similar provision.

TITLE V

Panel To Review Sexual Misconduct Allegations at United States Air Force Academy

The conferees agree to amend language in this title, as proposed by the Senate, which establishes a panel to review sexual misconduct allegations at the U.S. Air Force Academy.

TITLE VI—GENERAL PROVISIONS—THIS ACT

The conference agreement includes a provision, as proposed by the House, that limits the availability of funds provided in this Act to the current fiscal year unless provided otherwise in this Act. The Senate bill contained no similar provision.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2003	$74,725,028
House bill, fiscal year 2003	77,903,328
Senate bill, fiscal year 2003	77,947,209
Conference agreement, fiscal year 2003	78,459,520

Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2003	+3,734,492
House bill, fiscal year 2003	+556,192
Senate bill, fiscal year 2003	+512,311

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.,
HENRY BONILLA,
JOE KNOLLENBERG,
JACK KINGSTON,
RODNEY P. FRELINGHUYSEN,
DAVID OBEY,
JOHN P. MURTHA,
NORMAN DICKS,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSE E. SERRANO,
JAMES P. MORAN,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
(except for P.L. 480),
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
DICK DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
Managers on the Part of the Senate.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1201

AFTER RECESS

The recess having expired, the House was called to order at 12 o'clock and 1 minute p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider the conference report to accompany H.R. 1559; all points of order against the conference report and against its consideration are waived; the conference report shall be considered as read; and clause 10 of rule XX shall not apply to the question of adoption of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 1559 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume. I want to begin, Mr. Speaker, by thanking the Speaker for all of the tremendous effort that he put into this process to let us get to where we are today and also to the gentleman from Wisconsin (Mr. OBEY) and especially to the gentleman from Maryland (Mr. HOYER), who played an important role in the process of getting us where we are.

Mr. Speaker, we visited with the President just a little over 2 weeks ago, and we promised the President that we would deal with his supplemental request to, number one, pay for the war that has already taken place, provide additional money to fight the Iraqi Freedom operation.

In just about three weeks, we have done that, Mr. Speaker. We have produced the legislation in the House. Our colleagues in the Senate produced a similar bill, although they added some extraneous material, most of which we were able to take out in conference, but Mr. Speaker, this conference report, I have been on this Committee on Appropriations for a long, long time. This is probably the cleanest supplemental conference report that this House has seen, and so I feel pretty good about the product that we have, and we did what the President asked.

He asked for certain amounts of money for the war. He asked for certain amounts of money for homeland defense. He asked for certain amounts of money to deal with our colleagues in the coalition, and Mr. Speaker, we provided that, while at the same time preserving some of the constitutional responsibility of the Congress to be involved in the appropriation and to have some knowledge of how the appropriation was going to be used.

So, all in all, I think we have a great product here and over 400 Members voted for bill when it went through the House early on so I think that we can move this bill expeditiously, get it to the President, and then, Mr. Speaker, begin our work on the 13 regular 2004 appropriations bill.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
TITLE I - WAR-RELATED APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Agricultural Research Service:						
Buildings and facilities	---	---	98,000	110,000	+110,000	+12,000
Public Law 480 Title II Grants	---	250,000	600,000	369,000	+119,000	-231,000
Bill Emerson Humanitarian Trust	---	69,000	---	---	-69,000	---
Total, Chapter 1	---	319,000	698,000	479,000	+160,000	-219,000
Appropriations	---	(319,000)	(698,000)	(479,000)	(+160,000)	(-219,000)
CHAPTER 2						
DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	---	5,000	---	5,000	---	+5,000
Counterterrorism fund	500,000	50,000	---	20,000	-30,000	+20,000
Detention trustee	---	15,000	45,000	40,000	+25,000	-5,000
Office of Inspector General	---	2,500	---	2,500	---	+2,500
Subtotal, General administration	500,000	72,500	45,000	67,500	-5,000	+22,500
Legal Activities						
United States Marshals Service:						
Salaries and expenses	---	26,080	---	8,000	-18,080	+8,000
Interagency Law Enforcement						
Interagency Law Enforcement support	---	---	72,000	---	---	-72,000
Federal Bureau of Investigation						
Salaries and expenses	---	398,862	63,000	367,192	-31,670	+304,192
Construction	---	---	10,000	---	---	-10,000
Subtotal, Federal Bureau of Investigation	---	398,862	73,000	367,192	-31,670	+294,192
State and Local Law Enforcement Assistance						
Terrorism prevention and response training for Law enforcement	---	---	91,000	---	---	-91,000

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Community Oriented Policing Services						
Interoperability communications program...............	---	---	109,500	54,750	+54,750	-54,750
Total, Department of Justice....................	500,000	497,442	390,500	497,442	---	+106,942
THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses................................	---	1,535	---	1,535	---	+1,535
United States Court of Appeals for the Federal Circuit						
Salaries and expenses................................	---	973	---	973	---	+973
United States Court of International Trade						
Salaries and expenses................................	---	50	---	50	---	+50
Total, The Judiciary...........................	---	2,558	---	2,558	---	+2,558
DEPARTMENT OF STATE AND RELATED AGENCY						
Administration of Foreign Affairs						
Diplomatic and consular programs......................	101,420	106,420	93,420	98,420	-8,000	+5,000
Embassy security, construction, and maintenance.......	20,000	71,500	82,000	149,500	+78,000	+67,500
Emergencies in the diplomatic and consular service....	65,708	65,708	40,000	50,000	-15,708	+10,000
Subtotal, Administration of Foreign Affairs.....	187,128	242,628	215,420	297,920	+54,292	+82,500
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations................	30,500	30,500	62,000	30,500	---	-31,500
Total, Department of State......................	217,628	274,128	277,420	328,420	+54,292	+51,000
Total, Chapter 2................................ Appropriations...............................	717,628 (717,628)	774,128 (774,128)	667,920 (667,920)	828,420 (828,420)	+54,292 (+54,292)	+160,500 (+160,500)

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 3						
DEPARTMENT OF DEFENSE - MILITARY						
Military Personnel						
Military Personnel, Army	---	---	7,724,500	7,700,000	+7,700,000	-24,500
(By transfer)	---	(6,974,500)	---	---	(-6,974,500)	---
Military Personnel, Navy	---	---	1,784,300	1,600,000	+1,600,000	-184,300
(By transfer)	---	(1,984,300)	---	---	(-1,984,300)	---
Military Personnel, Marine corps	---	---	1,254,900	1,200,000	+1,200,000	-54,900
(By transfer)	---	(1,204,900)	---	---	(-1,204,900)	---
Military Personnel, Air Force	---	---	2,834,800	2,800,000	+2,800,000	-34,800
(By transfer)	---	(1,834,800)	---	---	(-1,834,800)	---
Reserve Personnel, Army	---	---	6,000	3,000	+3,000	-3,000
(By transfer)	---	(3,000)	---	---	(-3,000)	---
National Guard Personnel, Army	---	---	110,000	100,000	+100,000	-10,000
(By transfer)	---	(93,000)	---	---	(-93,000)	---
Total, Military Personnel	---	---	13,714,500	13,403,000	+13,403,000	-311,500
(By transfer)	---	(12,094,500)	---	---	(-12,094,500)	---
Operation and Maintenance						
Operation and Maintenance, Army	---	---	16,142,500	16,000,000	+16,000,000	-142,500
(By transfer)	---	(10,481,500)	---	---	(-10,481,500)	---
Operation and Maintenance, Navy	---	---	5,296,600	5,100,000	+5,100,000	-196,600
(By transfer)	---	(3,940,300)	---	---	(-3,940,300)	---
Operation and Maintenance, Marine Corps	---	---	1,752,700	1,650,000	+1,650,000	-102,700
(By transfer)	---	(1,383,700)	---	---	(-1,383,700)	---
Operation and Maintenance, Air Force	---	---	7,209,200	7,100,000	+7,100,000	-109,200
(By transfer)	---	(3,668,200)	---	---	(-3,668,200)	---
Operation and Maintenance, Defense-Wide	1,400,000	1,400,000	4,007,700	1,200,000	-200,000	-2,807,700
(By transfer)	---	(901,900)	---	---	(-901,900)	---
Operation and Maintenance, Army Reserve	---	---	---	3,000	+3,000	+3,000
Operation and Maintenance, Navy Reserve	---	---	15,000	7,000	+7,000	-8,000
Operation and Maintenance, Marine Corps Reserve	---	---	50,000	20,000	+20,000	-30,000
Operation and Maintenance, Army National Guard	---	---	88,400	75,000	+75,000	-13,400
(By transfer)	---	(58,400)	---	---	(-58,400)	---
Operation and Maintenance, Air National Guard	---	---	20,000	20,000	+20,000	---
Iraq Freedom Fund	---	---	---	15,678,900	+15,678,900	+15,678,900
Defense emergency response fund	59,863,200	---	11,019,000	---	---	-11,019,000
Operation Iraqi Freedom Response Fund	---	59,682,500	---	---	-59,682,500	---
Military Personnel (transfer out):						
Military personnel, Army	---	(-6,974,500)	---	---	(+6,974,500)	---
Military personnel, Navy	---	(-1,984,300)	---	---	(+1,984,300)	---
Military personnel, Marine Corps	---	(-1,204,900)	---	---	(+1,204,900)	---
Military personnel, Air Force	---	(-1,834,800)	---	---	(+1,834,800)	---
Reserve personnel, Army	---	(-3,000)	---	---	(+3,000)	---
National Guard personnel, Army	---	(-93,000)	---	---	(+93,000)	---
Subtotal	---	-12,094,500	---	---	+12,094,500	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Operation and Maintenance (transfer out):						
Operation and maintenance, Army	---	(-10,481,500)	---	---	(+10,481,500)	---
Operation and maintenance, Navy	---	(-3,940,300)	---	---	(+3,940,300)	---
Operation and maintenance, Marine Corps	---	(-1,383,700)	---	---	(+1,383,700)	---
Operation and maintenance, Air Force	---	(-3,668,200)	---	---	(+3,668,200)	---
Operation and maintenance, Defense-wide	---	(-901,900)	---	---	(+901,900)	---
Operation and maintenance, Army National Guard	---	(-58,400)	---	---	(+58,400)	---
Defense Health Program	---	(-301,700)	---	---	(+301,700)	---
Subtotal	---	-20,735,700	---	---	+20,735,700	---
Procurement (transfer out):						
Aircraft procurement, Army	---	(-4,100)	---	---	(+4,100)	---
Missile procurement, Army	---	(-3,100)	---	---	(+3,100)	---
Procurement of weapons and tracked combat vehicles, Army	---	(-53,300)	---	---	(+53,300)	---
Procurement of ammunition, Army	---	(-447,500)	---	---	(+447,500)	---
Other procurement, Army	---	(-241,800)	---	---	(+241,800)	---
Other procurement, Air Force	---	(-113,600)	---	---	(+113,600)	---
Procurement, Defense-wide	---	(-451,000)	---	---	(+451,000)	---
Subtotal	---	-1,314,400	---	---	+1,314,400	---
Research, Development, Test, and Evaluation (transfer out):						
RDT&E, Army	---	(-11,500)	---	---	(+11,500)	---
RDT&E, Defense-wide	---	(-90,000)	---	---	(+90,000)	---
Subtotal	---	-101,500	---	---	+101,500	---
Combat, Stability Operations, and Force Reconstitution Costs (transfer out)	---	(-25,436,400)	---	---	(+25,436,400)	---
Total, Operation Iraqi Freedom Response Fund	---	(-59,682,500)	---	---	(+59,682,500)	---
Natural Resources Risk Remediation Fund	489,300	---	489,300	---	---	-489,300
Total, Operation and Maintenance	61,752,500	61,082,500	46,090,400	46,853,900	-14,228,600	+763,500
(Transfer out)	---	(-59,682,500)	---	---	(+59,682,500)	---
(By transfer)	---	(20,434,000)	---	---	(-20,434,000)	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Procurement						
Aircraft Procurement, Army	---	---	4,100	4,100	+4,100	---
(By transfer)	---	(4,100)	---	---	(-4,100)	---
Missile Procurement, Army	---	---	3,100	3,100	+3,100	---
(By transfer)	---	(3,100)	---	---	(-3,100)	---
Procurement of Weapons and Tracked Combat Vehicles, Army	---	---	53,300	53,300	+53,300	---
(By transfer)	---	(53,300)	---	---	(-53,300)	---
Procurement of Ammunition, Army	---	---	447,500	447,500	+447,500	---
(By transfer)	---	(447,500)	---	---	(-447,500)	---
Other Procurement, Army	---	---	241,800	241,800	+241,800	---
(By transfer)	---	(241,800)	---	---	(-241,800)	---
Other Procurement, Air Force	---	---	113,600	113,600	+113,600	---
(By transfer)	---	(113,600)	---	---	(-113,600)	---
Procurement, Defense-Wide	---	---	451,000	451,000	+451,000	---
(By transfer)	---	(451,000)	---	---	(-451,000)	---
Total, Procurement	---	---	1,314,400	1,314,400	+1,314,400	---
(By transfer)	---	(1,314,400)	---	---	(-1,314,400)	---
Research, Development, Test and Evaluation						
Research, Development, Test and Evaluation, Army	---	---	11,500	11,500	+11,500	---
(By transfer)	---	(11,500)	---	---	(-11,500)	---
Research, Development, Test and Evaluation, Defense-wide	---	---	---	70,000	+70,000	+70,000
(By transfer)	---	(90,000)	---	---	(-90,000)	---
Total, Research, Development, Test and Evaluation	---	---	11,500	81,500	+81,500	+70,000
(By transfer)	---	101,500	---	---	-101,500	---
Combat, Stability Operations, and Force Reconstitution Cost (by transfer)	---	(25,436,400)	---	---	(-25,436,400)	---
Revolving and Management Funds						
Defense Working Capital Funds	430,000	1,100,000	550,000	---	-1,100,000	-550,000
Other Department of Defense Programs						
Defense Health Programs	---	---	501,700	501,700	+501,700	---
(By transfer)	---	(301,700)	---	---	(-301,700)	---
Drug Interdiction and Counter-Drug Activities, Defense	34,000	34,000	34,000	34,000	---	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
Chapter 3 General Provisions						
Additional transfer authority (Public Law 107-248, Sec. 8005) (Sec. 1306)	(7,000,000)	(-500,000)	(3,500,000)	(2,500,000)	(+3,000,000)	(-1,000,000)
Afghanistan Freedom Support (Sec. 1307)	165,000	165,000	165,000	165,000	---	---
Additional transfer authority (Sec. 1311)	---	---	---	(2,000,000)	(+2,000,000)	(+2,000,000)
Research, Development, Test and Evaluation, Navy (rescission) (Sec. 1317)	---	---	-3,400	-3,400	-3,400	---
Total, Chapter 3	62,381,500	62,381,500	62,378,100	62,350,100	-31,400	-28,000
Appropriations	(62,381,500)	(62,381,500)	(62,381,500)	(62,353,500)	(-28,000)	(-28,000)
Rescissions	---	---	-3,400	-3,400	-3,400	---
(Transfer out)	---	(-59,682,500)	---	---	(+59,682,500)	---
(By transfer)	---	(59,682,500)	---	---	(-59,682,500)	---
CHAPTER 4						
DEPARTMENT OF DEFENSE - CIVIL DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
Operation and maintenance, general	---	---	29,000	39,000	+39,000	+10,000
DEPARTMENT OF THE INTERIOR						
Bureau of Reclamation						
Water and related resources	---	---	25,000	25,000	+25,000	---
DEPARTMENT OF ENERGY						
Energy Programs						
Science	---	---	11,000	11,000	+11,000	---
Atomic Energy Defense Activities						
National Nuclear Security Administration:						
Weapons activities	---	---	61,000	67,000	+67,000	+6,000
Defense nuclear nonproliferation	---	---	150,000	148,000	+148,000	-2,000
Subtotal, National Nuclear Secrity Admin	---	---	211,000	215,000	+215,000	+4,000
Defense environmental restoration and waste management	---	---	6,000	6,000	+6,000	---
Other defense activities	---	---	18,000	4,000	+4,000	-14,000
Total, Atomic Energy Defense Activities	---	---	235,000	225,000	+225,000	-10,000
Total, Chapter 4	---	---	300,000	300,000	+300,000	---
Appropriations	---	---	(300,000)	(300,000)	(+300,000)	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 5						
BILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
United States Agency for International Development						
Child survival and health programs fund	40,000	40,000	90,000	90,000	+50,000	---
International disaster assistance	80,000	160,000	112,500	143,800	-16,200	+31,300
Loan Guarantees to Israel:						
(Limitation on guaranteed loans)	(9,000,000)	---	(9,000,000)	---	---	(-9,000,000)
Operating expenses of the U.S. Agency for International Development	22,000	23,000	23,600	24,500	+1,500	+900
(Transfer to U.S. AID Office of Inspector General)	(-2,000)	(-2,000)	(-2,000)	(-3,500)	(-1,500)	(-1,500)
Operating expenses of U.S. Agency for International Development Office of Inspector General (By transfer)	(2,000)	(2,000)	(6,300)	(3,500)	(+1,500)	(-2,800)
Total, U.S. Agency for International Development	142,000	223,000	226,100	258,300	+35,300	+32,200
Other Bilateral Economic Assistance						
Iraq Relief and Reconstruction Fund	---	2,483,300	---	2,475,000	-8,300	+2,475,000
(Transfer authority)	---	(200,000)	---	(200,000)	---	(+200,000)
Economic Support Fund:						
Economic support fund	2,442,000	2,342,000	2,357,900	2,422,000	+80,000	+64,100
Loan Guarantees to Egypt:						
(Limitation on guaranteed loans)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	---	---
Loan Guarantees to Turkey:						
(Limitation on guaranteed loans)	(8,500,000)	(8,500,000)	(8,500,000)	(8,500,000)	---	---
U.S. Emergency Fund for Complex Foreign Crises	150,000	---	150,000	---	---	-150,000
Loan Guarantees to Israel:						
(Limitation on guaranteed loans)	---	(9,000,000)	---	(9,000,000)	---	(+9,000,000)
Total, Other Bilateral Economic Assistance	2,592,000	4,825,300	2,507,900	4,897,000	+71,700	+2,389,100
Department of State						
International narcotics control and law enforcement	25,000	25,000	25,000	25,000	---	---
Andean Counterdrug Initiative	34,000	34,000	34,000	34,000	---	---
(By transfer)	---	---	(20,000)	(20,000)	(+20,000)	---
United States Emergency Refugee and Migration Assistance Fund	50,000	80,000	75,000	80,000	---	+5,000
Nonproliferation, anti-terrorism, demining and related programs	28,000	28,000	28,000	28,000	---	---
Total, Department of State	137,000	167,000	162,000	167,000	---	+5,000

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
MILITARY ASSISTANCE						
Funds Appropriated to the President						
Foreign Military Financing Program	2,059,100	2,059,100	2,059,100	2,059,100	---	---
(Transfer out)	---	---	(-20,000)	(-20,000)	(-20,000)	---
Peacekeeping operations	200,000	115,000	150,000	100,000	-15,000	-50,000
OTHER BILATERAL ECONOMIC ASSISTANCE						
Funds Appropriated to the President						
Iraq Relief and Reconstruction Fund	2,443,300	---	2,468,300	---	---	-2,468,300
(Transfer authority)	(200,000)	---	(200,000)	---	---	(-200,000)
(Transfer to U.S. AID Office of Inspector General)	---	---	(-4,300)	---	---	(+4,300)
Total, Chapter 5	7,573,400	7,389,400	7,573,400	7,481,400	+92,000	-92,000
Appropriations	(7,573,400)	(7,389,400)	(7,573,400)	(7,481,400)	(+92,000)	(-92,000)
(Transfer authority)	(200,000)	(200,000)	(200,000)	(200,000)	---	---
(Transfer out)	(-2,000)	(-2,000)	(-26,300)	(-23,500)	(-21,500)	(+2,800)
(By transfer)	(2,000)	(2,000)	(26,300)	(23,500)	(+21,500)	(-2,800)
(Limitation on guarantee loans)	(19,500,000)	(19,500,000)	(19,500,000)	(19,500,000)	---	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 6						
DEPARTMENT OF HOMELAND SECURITY						
Departmental Management						
Counterterrorism fund	1,500,000	---	1,135,000	150,000	+150,000	-985,000
Citizenship and Immigration Services						
Operating expenses	---	1,000	---	3,000	+2,000	+3,000
United States Secret Service						
Operating expenses	---	30,000	---	30,000	---	+30,000
Border and Transportation Security						
Customs and border protection	---	428,000	---	333,000	-95,000	+333,000
Immigration and customs enforcement	---	185,000	---	170,000	-15,000	+170,000
Transportation Security Administration	---	390,000	---	665,000	+275,000	+665,000
Grants to air carriers	---	3,178,300	---	---	-3,178,300	---
Federal Law Enforcement Training Center:						
Operating expenses	---	2,000	---	2,000	---	+2,000
Office for Domestic Preparedness	2,000,000	2,200,000	2,200,000	2,230,000	+30,000	+30,000
United States Coast Guard						
Operating expenses	---	230,000	580,000	228,000	-2,000	-352,000
Emergency Preparedness and Response						
Operating expenses	---	45,000	---	45,000	---	+45,000
Emergency management planning and assistance	---	---	109,500	54,750	+54,750	-54,750
Information Analysis and Infrastructure Protection						
Operating expenses	---	10,000	---	---	-10,000	---
Total, Chapter 6	3,500,000	6,699,300	4,024,500	3,910,750	-2,788,550	-113,750
Appropriations	(3,500,000)	(6,699,300)	(4,024,500)	(3,910,750)	(-2,788,550)	(-113,750)

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 7						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Centers for Disease Control and Prevention						
Disease control, research, and training	---	16,000	16,000	16,000	---	---
Office of the Secretary						
Public Health and Social Services Emergency Fund	---	144,000	140,000	142,000	-2,000	+2,000
Total, Chapter 7	---	160,000	156,000	158,000	-2,000	+2,000
Appropriations	---	(160,000)	(156,000)	(158,000)	(-2,000)	(+2,000)

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 8						
LEGISLATIVE BRANCH						
House of Representatives						
Committee Employees						
Standing Committees, Special and Select	---	11,000	---	11,000	---	+11,000
Joint Items						
Legislative Branch Emergency Response Fund	125,000	---	---	---	---	---
Capitol Police						
General expenses	---	37,758	38,165	37,758	---	-407
Office of Compliance						
Salaries and expenses	---	111	111	111	---	---
Architect of the Capitol						
General administration	---	---	18,672	---	---	-18,672
Capitol building	---	---	1,100	1,100	+1,100	---
Capitol Power Plant	---	---	14,600	22,679	+22,679	+8,079
Capitol police buildings and grounds	---	63,868	40,140	40,140	-23,728	---
Subtotal, Architect of the Capitol	---	63,868	74,512	63,919	+51	-10,593
Library of Congress						
Salaries and expenses	---	5,500	5,500	5,500	---	---
Congressional Research Service, salaries and expenses	---	1,863	1,863	1,863	---	---
Subtotal, Library of Congress	---	7,363	7,363	7,363	---	---
General Accounting Office						
Salaries and expenses	---	4,900	4,849	4,849	-51	---
Total, Chapter 8	125,000	125,000	125,000	125,000	---	---
Appropriations	(125,000)	(125,000)	(125,000)	(125,000)	---	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 9						
DEPARTMENT OF DEFENSE						
Military construction, Navy	48,100	48,100	48,100	48,100	---	---
Military construction, Air Force	129,400	5,100	127,400	152,900	+147,800	+25,500
Family housing, Air Force:						
Operation and maintenance	---	1,800	2,000	1,800	---	-200
Total, Chapter 9	177,500	55,000	177,500	202,800	+147,800	+25,300
Appropriations	(177,500)	(55,000)	(177,500)	(202,800)	(+147,800)	(+25,300)
CHAPTER 10						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	---	---	50,000	25,000	+25,000	-25,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Unanticipated needs:						
Emergency Response Fund	250,000	---	---	---	---	---
Total, Chapter 10	250,000	---	50,000	25,000	+25,000	-25,000
Appropriations	(250,000)	---	(50,000)	(25,000)	(+25,000)	(-25,000)
Total, title I	74,725,028	77,903,328	76,150,420	75,860,470	-2,042,858	-289,950
New budget (obligational) authority	74,725,028	77,903,328	76,150,420	75,860,470	-2,042,858	-289,950
Appropriations	(74,725,028)	(77,903,328)	(76,150,420)	(75,860,470)	(-2,042,858)	(-289,950)
Rescissions	---	---	(-3,400)	(-3,400)	(-3,400)	---
(Transfer out)	(-2,000)	(-59,684,500)	(-26,300)	(-23,500)	(+59,661,000)	(+2,800)
(By transfer)	(2,000)	(59,684,500)	(26,300)	(23,500)	(-59,661,000)	(-2,800)
(Limitation on guarantee loans)	(19,500,000)	(19,500,000)	(19,500,000)	(19,500,000)	---	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
TITLE II						
MISCELLANEOUS AND TECHNICAL APPROPRIATIONS						
CHAPTER 2						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Juvenile justice programs	---	---	529	---	---	-529
Rescission	---	---	-100	---	---	+100
Subtotal, Juvenile Justice Programs	---	---	429	---	---	-429
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
RELATED AGENCIES						
Office of the United States Trade Representative						
European communities music licensing dispute	---	---	---	3,300	+3,300	+3,300
DEPARTMENT OF COMMERCE						
National Oceanic and Atmospheric Administration						
Procurement, acquisition and construction	---	---	117,060	65,000	+65,000	-52,060
Equal Employment Opportunity Commission						
Salaries and expenses	---	---	23,300	15,000	+15,000	-8,300
National Commission on Terrorism Attacks Upon the United States						
Salaries and expenses	---	---	11,000	11,000	+11,000	
General Provision						
Community oriented Policing services	---	---	5,000	---	---	-5,000
Total, Chapter 2	---	---	156,789	94,300	+94,300	-62,489
Appropriations	---	---	(156,789)	(94,300)	(+94,300)	(-62,489)
CHAPTER 4						
DEPARTMENT OF THE INTERIOR						
National Park System						
Operation of the National Park System	---	---	9,000	9,000	+9,000	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
CHAPTER 5						
DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services	---	---	1,000	---	---	-1,000
DEPARTMENT OF EDUCATION						
School improvement programs	---	---	550	550	+550	---
Higher education (rescission)	---	---	-550	-550	-550	---
CHAPTER 8						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Health Administration						
Departmental Administration						
General operating expenses	---	---	---	100,000	+100,000	+100,000
Medical care	---	---	155,000	---	---	-155,000
INDEPENDENT AGENCIES						
Corporation for National and Community Service						
National and community servive programs operating expense:						
Appropriation for the liquidation of deficiency	(64,000)	---	(64,000)	(64,000)	(+64,000)	---
Portion applied to liquidate deficiencies	(-64,000)	---	(-64,000)	(-64,000)	(-64,000)	---
Total, Chapter 8	---	---	155,000	100,000	+100,000	-55,000
Appropriations	---	---	(155,000)	(100,000)	(+100,000)	(-55,000)
(Appropriation for the liquidation of deficiency)	(64,000)	---	(64,000)	(64,000)	(+64,000)	---
(Portion applied to liquidate deficiencies)	(-64,000)	---	(-64,000)	(-64,000)	(-64,000)	---
Total, title II	---	---	321,789	203,300	+203,300	-118,489
Appropriations	---	---	(322,439)	(203,850)	(+203,850)	(-118,589)
Rescissions	---	---	(-650)	(-550)	(-550)	(+100)
(Appropriation for the liquidation of deficiency)	(64,000)	---	(64,000)	(64,000)	(+64,000)	---
(Portion applied to liquidate deficiencies)	(-64,000)	---	(-64,000)	(-64,000)	(-64,000)	---

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT 2003
(Amounts in thousands)

	Request	House	Senate	Conference Agreement	Conference vs. House	Conference vs. Senate
TITLE IV						
AVIATION-RELATED ASSISTANCE						
Transportation Security Administration:						
Grants to air carriers	---	---	---	2,395,750	+2,395,750	+2,395,750
Reimbursement of Airlines for certain increased security costs	---	---	1,000,000	---	---	-1,000,000
Cockpit door reinforcement reimbursement	---	---	100,000	---	---	-100,000
Airport security-related reimbursement	---	---	375,000	---	---	-375,000
Total, title IV	---	---	1,475,000	2,395,750	+2,395,750	+920,750
Appropriations	---	---	(1,475,000)	(2,395,750)	(+2,395,750)	(+920,750)
Grand total:						
New budget (obligational) authority	74,725,028	77,903,328	77,947,209	78,459,520	+556,192	+512,311
Appropriations	(74,725,028)	(77,903,328)	(77,951,259)	(78,463,470)	(+560,142)	(+512,211)
Rescissions	---	---	(-4,050)	(-3,950)	(-3,950)	(+100)
(Transfer authority)	(200,000)	(200,000)	(200,000)	(200,000)	---	---
(Transfer out)	(-2,000)	(-59,684,500)	(-26,300)	(-23,500)	(-59,661,000)	(+2,800)
(By transfer)	(2,000)	(59,684,500)	(26,300)	(23,500)	(-59,661,000)	(-2,800)
(Limitation on guarantee loans)	(19,500,000)	(19,500,000)	(19,500,000)	(19,500,000)	---	---

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I want to express my gratification that we are, in fact, here with this legislation today. Frankly, it had many shortcomings. We fought out a lot of them on the floor earlier when the bill was first before us, and among the most serious shortcomings, in my view, would be what I consider to be still serious lack of funds for homeland security, but we fought that fight and lost.

This bill is focused on other fights which I think are institutionally just as important for the Congress.

This bill began when the administration asked for a series of blank checks totaling almost $70 billion. The bill that is here today does not provide the administration with those blank checks and, instead, reintroduces them to the concept of checks and balances, and I would like to explain how.

The administration requested total flexibility and unaccountability for roughly $59.9 billion for the Pentagon's defense emergency response fund. This conference report reduces that fund to $15.7 billion and requires 5-day prior notification to the Congress before the Pentagon can obligate any of that money. That preserves to the Congress the right to review proposals for the spending of taxpayers' money.

The reason that is important is because almost the sole reason for Congress' existence is so that somebody outside of that narrow circle of people who run any administration will have an opportunity to review the way the administration wants to spend public money and be able to say to the administration, wait a minute, we think that is a mistake, we want you to look at it again. That is why it was so important to have that 5-day prior notification requirement, and I am pleased that the conferees provided it.

Second, the administration asked for what they call an indigenous forces fund. The President requested $150 million for the Pentagon to support so-called indigenous forces, which are forces other than the formal military units of a nation, in countries where the Department of Defense felt such support would be appropriate. This conference report eliminates that $150 million.

Third, the administration asked for what they called an allied nations fund. In plain language, they wanted authority for the Department of Defense to establish a new and parallel military assistance program, parallel to that which already exists, which is under, at least initially under the authority of the State Department. This conference report reduces that request to $25 million, limits it only for military counterterrorism training and requires 15-day prior notification to Congress and requires that the Secretary of State concur in any such obligation.

Also, the administration asked for a $2.4 billion Iraqi rebuilding program. The President asked for $2.4 billion in money to rehabilitate Iraq. He asked that money be directly appropriated to him for obligation to any agency. The conference report, in contrast, provides the money to the President but restricts it to the authorities under the Foreign Assistance Act and designates specific agencies that can receive direct apportionment of funds. It also requires, again, a 5-day prior notification to Congress before that money can be obligated, which is as it should be.

Next, the administration asked for a $1.5 billion unallocated fund under the total control of the Secretary of Homeland Security. In other words, they wanted us to just give them a blank check to spend a billion and a half dollars on anything he wanted. In contrast, the conference report reduces this to $150 million instead of a billion and a half, and it appropriated the remaining $1.35 billion to specific accounts within the Department of Homeland Security so that this amounts to congressionally-determined funding rather than the agency determining it.

Next, the conference report rejected the President's request to have a $250 million fund under the control of the President, no questions asked, and I think the Congress was right to do that.

Lastly, the administration requested a $500 million fund to be under the total discretion of the Attorney General. The conference report reduces that to $20 million and requires that the Justice Department must make a reprogramming request to the Congress before disbursing any funds from this account. The remaining $480 million requested for the Justice Department, again, was specifically appropriated to other specific accounts by the Congress, not by an anonymous agency bureaucrat.

So I believe that for those Members, and I assume it is all of us, for those Members who are concerned with protecting our constitutional obligation to maintain firm control of the power of the purse, I think that this legislation lives up to that responsibility, and I think that Members of both parties can be highly pleased for that performance.

I have never yet met an administration that did not think that Article I of the Constitution was not a mistake, and I think it is helpful from time to time that the Congress remind all administrations that we have obligations which we have to meet, also.

I would also like to take just a moment to discuss the unemployment compensation provision in this bill. The bill provides $3.8 billion in assistance to airlines. As Members know, I have minimum high regard for the idea that the airline industry even constitutes an industry. In my belief, the airline industry is composed of let-us-pretend capitalists. Every couple years, they come to the Congress for another bailout, and I think that instead of pretending that they are independent business operations, I think they ought to be regulated as a publicly necessary public utility, but they are not, and in order to keep the economy functioning, the Congress had to provide something.

The problem was that the Congress took care of business, but they did not take care of the workers who were losing their jobs. So we included a provision which guarantees an additional 26 weeks in all States in the Union for workers in the airline industry and associated industries, at least upstream associated industries, and I think that that again represented the minimum of economic justice that was required.

So, in my view, this is not a perfect package. There are a number of items that we had to accept from the Senate as part of the negotiating process. When you negotiate in these circumstances, you are not dealing with an empty chair. You do have people on the other side of the table, and they do have opposite views sometimes, and we might like to not take that into account, but we have no choice.

So there are five provisions originating in the Senate that the committee had to accept, but we turned down far more, and I expect that in the end there will be far more gnashing of teeth on the Senate side of the Capitol than there will on the House side of the Capitol with respect to the committee's disposition of those provisions.

I want to say to my Republican friends on the committee that I think every Member of Congress can feel good about the way this conference proceeded because it was one of the few times in recent years when I have seen legislators able to behave like legislators rather than politicians, and that is important.

□ 1215

We all come here as politicians, but then we need, especially in committee, to deal with a lot of complicated issues requiring give and take, and it sometimes gets very heated. But I think we made decisions which were in the public interest. They were certainly in the interest of the Constitution.

I am sure the administration does not like the fact that we did not give them the blank check which they requested, but they have ample flexibility to meet their requirements under the Constitution, and we have maintained our prerogatives. That is not important to our egos, but it is important to the system of checks and balances that we are sent here to preserve.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the very distinguished majority leader, and I thank him for scheduling this bill for consideration today.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time, and, Mr. Speaker, I rise in support of this conference report.

I rise in support of it because I want to keep an eye on the big picture. The big picture is that we have men and women that are giving the ultimate sacrifice and dying in Iraq. We have spent an incredible amount of time and money bringing freedom to the Iraqi people, and the American people support this effort. We need to support our troops, and this bill does that. We need to support our troops and replace the ammunition, the resources that have been expended so that we do not put our Armed Forces in a vulnerable position.

Mr. Speaker, I rise in support of this because I support the chairman of the Committee on Appropriations and the ranking member. I do not think I have ever been as proud as I am now of the Committee on Appropriations and the chairman and the ranking member. The chairman and the ranking member of the Committee on Appropriations understood how important this effort was. When the President of the United States sent up his request for additional moneys to fight the war, they went right to work and put together a package that we can all be proud of, kept it clean and focused on the war, on homeland security, on our responsibilities around the world in order to fight the war on terrorism, and they brought a very good bill to this floor.

This House of Representatives passed that clean bill and sent it to the other side of the rotunda. Now, unfortunately, Mr. Speaker, in this town, we have people that will take advantage of even a war situation and a war supplemental. Mr. Speaker, we have people in this town that just cannot stop their appetite for spending money.

In the other body, Mr. Speaker, in the bill that they passed, they loaded the war supplemental, the bill that is to support our troops, with items such as a dairy provision in California, an item such as $5 million for a communications system in Louisville, Kentucky, an item such as a dam in Vermont, an item such as a $1 million earmark for jobs of America's graduates in Alexandria, Virginia, an item such as $529,000 for local law enforcement costs related to the nightclub fire in Rhode Island, not exactly a Federal responsibility, an item such as a land exchange in Nevada, an item such as a provision on ginseng labeling. What does ginseng have to do with fighting the war in Iraq?

Mr. Speaker, I could go on and on, probably for the rest of the afternoon, listing the items that were put in the war supplemental. Yet our chairman and our ranking member stood up and said, this is not going to happen. We are not going to allow this to happen and we are going to try our best to send the President of the United States a supplemental appropriation that supports our troops and our homeland security. They fought into the wee hours of the night in trying to maintain not only the integrity of the work done by the House of Representatives, but also to provide the President with what he was requesting.

I have to tell the Members they did an outstanding job at getting most of this stuff out. But in the end there are two bodies and there has to be something left because the other body just insists on having little, parochial spending. So I have to inform the Members that there is a provision in this bill for a lab in Ames, Iowa, that there is a provision relating to wild seafood being deemed as organic, a provision relating to payments to State agriculture to pay catfish farmers, a provision related to Forest Service grazing, and some provision, I cannot figure out, relating to an Indian school.

But that is all that we can be upset about. And we have to really focus on what this is all about, my colleagues, and remove the appetite of some in this body, not in this body, in this town, and understand that the most important part about this is to support our troops and support the war in Iraq. So I urge my Members to vote for this bill and I urge our Members to thank the chairman and the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time, and I rise on behalf of those on my side of the aisle, and I join the majority leader in urging all our Members to vote for this piece of legislation. I stand with him also in congratulating our chairman and ranking member of the Committee on Appropriations.

There are no two more faithful Members to this institution than the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). They have worked together, they have overcome disagreements to bring to this floor a piece of legislation that deserves bipartisan support.

There are differences, deep differences, in this body, deep convictions held by Members on both sides of the aisle with respect to the war and the rectitude of our action, but that is not what this bill is about. This bill is about ensuring the support for the troops that we have sent abroad to carry out objectives of the United States of America and, indeed, of a large number of the international community.

We will be united in that support of our troops and united in support of the success of that effort. We see countless Iraqis waving and welcoming American troops to their land, and we have seen the fact that there is also distress in that land and we want to assist, assist quickly, the humanitarian relief and assist quickly in the rebuilding.

So on behalf of my side of the aisle, Mr. Speaker, I want to congratulate you, as well, for your leadership. Today is a day of bipartisanship. Today is a day when we will reflect to America that we are united in our commitment to support our troops.

There will be, Mr. Speaker, I am sure, after we pass this legislation, a number of Members who will want to make some comments, and we expect them to do so. It is right and proper that they do so in this Democratic institution. But I urge all our Members, as the majority leader has urged his Members, to support this legislation which supports our troops, supports our effort and does so in a way, as the gentleman from Wisconsin (Mr. OBEY) has pointed out so eloquently, that is consistent with the Constitution of the United States.

Our Founding Fathers did not draft that document by mistake. It was their considered judgment that the collective wisdom in a democracy is what preserved freedom, is what preserved a Nation, a free people, as opposed to a people who would be overseen by one individual or one small group of individuals in the executive department.

In closing, let me say that there is a picture in the Rotunda of the Capitol of the United States. It is of particular significance to me, as the former President of the Maryland Senate. It depicts the old Senate Chamber in Annapolis. In that picture, George Washington on December 23, 1783, is resigning his commission as commander in chief of the Continental Army. My colleagues will note, when they look at that picture, that the members of the legislature of the Continental Congress are seated. They are seated at the request of General Washington, so that they would indicate their superior stature to General Washington.

Of course, at that point in time, there was no superior person to General Washington, perhaps in the history of our country, but certainly at that time. But it was his conviction that it was the Representatives of the people who ought to rule. And it has been stated over and over in this House, the people rule.

This bill preserves that principle, an important principle for democracy.

I thank the chairman and the ranking member, I thank the Speaker on behalf of all the Members for bringing us to this point where we can together, as Americans, not as Democrats, not as

Republicans, support our troops, support our country.

Mr. OBEY. Mr. Speaker, could I inquire of the chairman if he is prepared to yield back? If he is, I have just 1 minute of closing comments and I would be happy to yield back.

Mr. YOUNG of Florida. Mr. Speaker, I would respond to the gentleman that I have one member of the leadership, a subcommittee chairman would like a brief period, and then I would be prepared to make a final closing statement and yield back the time.

Mr. OBEY. So the chairman has a subcommittee chairman who wants to make a comment?

Mr. YOUNG of Florida. Yes.

Mr. OBEY. In that case, we will have a subcommittee ranking member who wants to make a comment, and then I will be prepared to yield back.

Mr. YOUNG OF Florida. And then I will reserve the balance of the time for closing.

Mr. Speaker, I yield myself 30 seconds to emphasize what the majority leader said. If Members will recall that long list of projects that he referred to that the other body came to conference with, that first long list, we took them out. We did not accept them. It was quite a battle, but we took those out.

So in case there was any doubt as to what was on the list he was reading, they are gone. They are not in this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I rise to support this emergency war supplemental and to congratulate and thank our leadership, the chairman, the gentleman from Florida (Mr. YOUNG), and ranking member, the gentleman from Wisconsin (Mr. OBEY), for the way they conducted themselves in that conference last night. They brought great credit upon this House, and I think that the will of the House was ably defended in that conference.

This bill provides billions of dollars for our national defense, for the rebuilding of Iraq, and for homeland security. What a remarkable statement by a nation, a nation 227 years old and yet still altruistic, idealistic, idealistic enough to provide funds to complete the defeat of the Hussein regime, to liberate the people of Iraq, and then to provide the funds to rebuild that country. And what a great debt we owe to our soldiers and sailors who fought so brilliantly throughout.

There are funds for homeland security that will go to all States and localities, with major help for my State, New York State and New York City, $800 million to high-density, high-risk urban areas to protect critical infrastructure and to make sure an attack like September 11 never happens again.

Lastly, Mr. Speaker, an additional $100 million has been provided to the Secretary of the Veterans Administration to provide health care and disability compensation for our returning soldiers and sailors. That is the very least we can do.

And in closing, I would just like to again congratulate the House leadership, the Committee on Appropriations leadership, both parties, for the remarkable job they did in keeping this bill on course.

□ 1230

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the Subcommittee on Foreign Operations.

Mrs. LOWEY. Mr. Speaker, I want to first thank the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for the bipartisan way they approached this very critical war supplemental. We understood the urgency of getting this bill passed and getting the money out to the region, and it truly has been a privilege for me as a ranking member on one of the subcommittees working with the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). I thank them for their leadership.

I am pleased in the bill in addition to the money for humanitarian aid and reconstruction, there is over $7 billion for our critical allies in the region, and I think this is very important because they are in a hot spot, and they are very important, and I think it is important that we acknowledge their role and assistance to us.

I just want to make one point as we close out the debate. I certainly preferred the House-passed language on Iraq relief and reconstruction to what we decided on yesterday. However, as the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) stated, there was some compromise and I am very pleased that the role of the Congress and the oversight function of the Congress was finally acknowledged in giving us 5 days to review so many of the provisions that were included in the bill.

I felt that the House language stated more clearly that carrying out United States foreign policy is primarily the responsibility of the Secretary of State, not OMB or any other agency. That said, prosecuting the war and managing its aftermath is serious business, and the White House was explicit that it wanted the President to have flexibility in carrying out both of these important functions.

In the end, I think we did provide that flexibility to the administration. That is why at one point in the debate yesterday it really seemed nonsensical to me that the ultimate sticking point on this language was over the mere mention of the Foreign Assistance Act, the skeleton of the United States foreign assistance programs. This set of laws which has been developed and fine-tuned by Congress in consultation with various administrations since the 1960s provides the basic framework to carry out foreign aid, including relief and reconstruction. It has governed every United States relief and reconstruction effort in recent years, and the assertion that it hemmed in the President did not make any sense to me. We all acknowledge that the President is the Commander in Chief and has the ultimate authority and responsibility.

Appropriating these funds pursuant to the Foreign Assistance Act simply keeps the Secretary of State under the President, at the direction of the President, as the primary overseer of our foreign assistance program.

We have to ask, in conclusion, why the administration made such a big deal about this once they had gotten most of the concessions they wanted on the issue already. It makes no difference, frankly, one way or the other in terms of the President's ability to provide funding to any government agency he chooses. So I felt dropping the language would have been a pointed rebuke of the Secretary of State's important key role in foreign policy.

Let me conclude by saying thank you again. I think we are putting forth an excellent bill that is important to address the current situation today. I thank our chairman and our ranking member for their leadership on these issues.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in closing, I want to say thank you to the people who are really responsible for putting this package together. That would be the staff of the committee on this side of the Capitol, certainly led by Jim Dyer, the most able staff chief on the Republican side of the aisle, and led by Scott Lilly, the staff chief on our side of the aisle, and all of the staff who work with them.

It has become routine on the committee for that staff to be without sleep for one or two days in the row. I appreciate how hard they work.

I would like to say a special thank you to the gentleman from Florida (Mr. YOUNG), who has performed in his gracious and effective manner, helping us to balance the many equities involved, and a special thanks to the subcommittee chairs on that side, especially the gentleman from Arizona (Mr. KOLBE), the gentleman from California (Mr. LEWIS) and the gentleman from Ohio (Mr. REGULA), for helping us through some very tough problems, and Senators BYRD, STEVENS and LEAHY.

To those Members who are unhappy about the fact that we were not able to eliminate all of the Senate proposals, let me say batting 750 percent is not bad. Even Babe Ruth struck out 1,300 times, and I do not think any Member in this House comes close to Babe Ruth or pretending to be Babe Ruth.

I would also say to the Department of Defense because I know they do not like the fact that they did not get all of the authority that they wanted, I would simply say to them the Department of Defense may not get all of the money and all the power that they asked for, but they would do well to remember that every bit of money and every bit of power that they have gotten they have gotten from this institution. I think they would be well off to remember that.

Let me simply say again as I said at the beginning, this proposal came to the Congress as a blank check. It leaves here as a reaffirmation of checks and balances. That is the way it ought to be.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since September 11 and our war against terrorism and the injuries to our troops coming from Afghanistan, my wife and I, and actually my wife more than I, have been regular visitors to the Army Hospital at Walter Reed and to the Naval Hospital in Bethesda to provide gifts, provide some comfort, and to do what they need and their families need in a time of real crisis in their life.

It brings tears to my eyes when I see these young kids with a leg or arm missing. One soldier was blinded. There are a lot of them out there now, sailors, soldiers, Marines, and even some Air Force folks. It is a sad time. But the sadness goes away when I talk to these kids. They are unbelievable. They are laying there with their whole life changed for the balance of their life. They love this country. They believe in the defense of this country, and they want to get back to the action, although many of them will not be able to because of their injuries.

But throughout the many, many conversations that we have through the day or on the weekends, one thing comes to the fore: How does my country feel about me? Am I going to come back and be ridiculed like some of my colleagues were from Vietnam?

Mr. Speaker, they worry about how does America feel about them. We do our best to convince them that America loves them, America appreciates them. I think a strong vote on passage of this bill is a strong message to those injured in our hospitals today and those still on the battlefield today risking their lives, a strong message to them, young Americans, young soldiers, your country loves you and respects you and appreciates you.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question on the conference report is ordered.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. MAC THORNBERRY OR HON. WAYNE T. GILCHREST TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 29, 2003

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 12, 2003.

I hereby appoint the Honorable MAC THORNBERRY or, if not available to perform this duty, the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 29, 2003.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the appointment is accepted.

There was objection.

PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND ADJOURNMENT OF THE HOUSE

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 38) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 11, 2003, or Saturday, April 12, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 28, 2003, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Saturday, April 12, 2003, through Friday, April 18, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, April 29, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

HOUSE PASSES WARTIME SUPPLEMENTAL UNANIMOUSLY

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, we just passed a wartime supplemental, and I wanted to make a note that it was unanimously done. I think it is a marvelous tribute to this country and this body that when this country is faced with the challenges that we have in front of us and our young people are deployed to protect us and our interests, that we bind together as a team, that we bind together as a country and that our leadership is able to take us to where we need to go.

The work that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) have done in working with the Senate is a marvelous tribute to their skills as legislators, and to the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI) as Speaker and minority leader here in the House, they have my commendations. I am pleased to be here and be part of this momentous occasion.

AMERICA LOVES HER TROOPS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to confirm my support for the Emergency Wartime Supplemental Appropriations Act that we just passed unanimously in this House.

I rise to answer the question of the chairman of the Committee on Appropriations and say resoundingly that America loves her troops, loves the young men and women who are serving, respects them, and offers our sympathy to those who lost their lives, their love to those who are now mending. And, as well, we will never forget our MIAs and POWs.

I, too, have visited our troops in our hospitals in this region, visited the Veterans Hospital, reinforced the fact that we believe in those who have been willing to offer the ultimate sacrifice.

I think it is important today, Mr. Speaker, to acknowledge as well that the beauty of America is that we acknowledge and appreciate dissent. Just a few blocks away today there are protesters against the continuation of this war. There will be those who will be promoting and supporting the troops. I agree with both because America is a place that fondles and cherishes its democracy. I have dissented against the war, but I have not dissented against America or its troops, and I believe in order to be prosperous we must work together, as we have done in this emergency wartime supplemental which I have supported, so we can have a lasting peace.

Mr. Speaker, I want to thank the chairman of the Committee on Appropriations and the ranking member and all the staff for their steadfastness. I want to thank them for providing to airline employees the 26 extra weeks that we fought for since September 11. Many have been laid off and not working.

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I want to thank them, as well, for the homeland security moneys that will help some of our cities and rural areas, and I want to fight with them for more money for the many cities who have paid out moneys, Mr. Speaker, and have yet not been able to be reimbursed.

I would like to thank them in particular for the judgment that they have used with the defense funds so that there is not such a discretion, but it has been put in certain position to be oversight, or given oversight by this Congress. I would like to thank them for recognizing the importance, Mr. Speaker, of the need to provide for the Coast Guard and to provide for the first responders.

Mr. Speaker, as I close, we are not yet finished with this work, and I would hope that we will go forward supporting our troops and, as well, supporting America in its effort for long-lasting peace that will only make us the great Nation that our promise indicates we can be.

IN SUPPORT OF OUR TROOPS

(Mr. SHAYS asked and was given permission to address the House for 1 minute.)

Mr. SHAYS. Mr. Speaker, congratulations to the Appropriations chairman, ranking member and all who worked on the Wartime Supplemental conference report. They did a tremendous job.

As a returned Peace Corps volunteer who strongly supported the President's effort to get Saddam Hussein's Iraq to cooperate with the UN inspectors and dismantle its weapons of mass destruction, I am proud, so proud, of our men and women who serve our great Nation. Our job in Congress, when we send our men and women into battle, is to make sure it is never a fair fight. We need to make sure those who risk their lives in service to this country have every advantage. We have done our job and we are doing our job.

As another returned Peace Corps volunteer, JIM WALSH, said, we are supporting our troops who brought freedom to a troubled land and we are helping to rebuild that land and nation and the good people who live there.

This is a good sign of a great Nation. May God continue to bless the United States of America.

COMMENDING THE TROOPS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, I want to add my voice to the voices of the others in commending our troops for the bravery, the courage, in following their command. I too am not a war supporter, but I support Americans. I support America.

I am so pleased that in the supplemental budget we were able to recognize that those on the home front have to respond and that there is money in this budget for the hometown response, because that is what it is going to boil down to.

Mr. Speaker, as we exit the battlefield, as we leave Iraq, we must address our attention to the constant threat of terrorism that I am sure we are going to have to endure; and I would hope that we would address our attention to finding Osama bin Laden, because he indeed has been very effective in the threat to this Nation.

So I am very pleased to have voted "aye" for the supplemental. Let us bring our troops home. Let us see that they have the services and that they are well. I commend them. We all love them.

God bless America.

IN HONOR OF THOSE WHO HAVE SACRIFICED FOR FREEDOM

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Arizona. Mr. Speaker, today I rise to express a deep and abiding gratitude to the families living in the Second District of Arizona who have lost their children in the Iraqi conflict. Those families include Carol Howland of Kingman, who lost her son James Kiehl in battle; Sandy Watson of Peoria, who lost her son Michael Williams in battle; the Piestewa family, and the entire Hopi Nation, who today mourn the loss of their daughter Lori Ann. I have spoken to each and have been inspired by their unwavering faith and their enduring strength.

Mr. Speaker, I know that the tragic stories of this war are not unique to Arizona. So many of this Congress have fallen heroes from their communities and they represent those noble families who personify the sacrifice of war, but America's sons and daughters have fought so bravely in this battle, and some have died defending their homeland and to bring freedom to a people they have never met. And today, Mr. Speaker, the American flag flies at half-mast in the hearts of all of us as this Nation tearfully lays these valiant sons and daughters of freedom in the loving arms of God.

Mr. Speaker, words fail me to truly express the unspeakable debt of gratitude that we all owe to these families of America who have sacrificed their own loved ones to the cause of freedom. So may I respectfully appropriate the words of Abraham Lincoln, who found himself in a similar dilemma as he sought to offer comfort in a letter to a precious mother who had lost five of her sons on the battlefield. It is my prayer, Mr. Speaker, that these words can be received into the hearts of all of those who mourn the loss of their beloved soldier this day.

Mr. Lincoln wrote: "I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming, but I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic that they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and a solemn pride that must be yours, to have laid such a costly sacrifice upon the altar of freedom."

Mr. Speaker, may all of us this day take poignant personal inventory of American freedom and may we never ever forget those who gave their all to pay for it.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 30, 2003

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 30, 2003.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 703. An act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building"; to the Committee on Transportation and Infrastructure.

S. 763. An act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

S.J. Res. 8. Joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, pursuant to Senate Concurrent Resolution 38, 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to Senate Concurrent Resolution 38, 108th Congress, the House stands adjourned until 2 p.m. on Tuesday, April 29, 2003.

Thereupon (at 12 o'clock and 54 minutes p.m.), pursuant to Senate Concurrent Resolution 38, 108th Congress, the House adjourned until Tuesday, April 29, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1813. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Recognition of Animal Disease Status of Regions in the European Union [Docket No. 98-090-5] (RIN: 0579-AB03) received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1814. A letter from the Director, Regulatory Review and Foreign Investment Disclosure Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill Regulations-General Credit Provisions (RIN: 0560-AG78) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1815. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Methodology and Formulas for Allocation of Loan and Grant Program Funds (RIN: 0570-AA30) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1816. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance; Technical Correction [OPP-2002-0272; FRL-7296-9] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1817. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions); Withdrawal of Direct Final Rule [OPP-2002-0278; FRL-7299-4] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1818. A letter from the Deputy Secretary, Department of Defense, transmitting notification of the transport of a chemical warfare agent, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

1819. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1820. A letter from the Secretary of the Army, Department of Defense, transmitting a Selected Acquisition Report (SAR) for a breach of 15 percent or more for the Program Acquistion Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) thresholds which have been exceeded for both Army Tactical Missile System (ATACMS)/Bat end items, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1821. A letter from the Under Secretary, Department of Defense, transmitting the 2003 Report on National Defense Stockpile Requirements, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

1822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Larry R. Jordan, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1823. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the public works utilities functions of Naval District Washington DC; to the Committee on Armed Services.

1824. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the regional maintenance functions of Fleet Technical Support Center, San Diego, CA; to the Committee on Armed Services.

1825. A letter from the Principal Deputy, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs; to the Committee on Armed Services.

1826. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Rules Regarding Equal Opportunity [Docket No. R-1096] received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1827. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, "To authorize the United States participation in and appropriations for the United States contribution to the ninth replenishment of the resources of the African Development Fund"; to the Committee on Financial Services.

1828. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, "To authorize the United States participation in and appropriations for the United States contribution to the seventh replenishment of the resources of the Asian Development Fund"; to the Committee on Financial Services.

1829. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, "To authorize the United States participation in and appropriations for the United States contribution to the thirteenth replenishment of the resources of the International Development Association"; to the Committee on Financial Services.

1830. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Employee Retirement Income Security Act of 1974; Plans Established or Maintained Under or Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA (RIN: 1210-AA48) received April 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1831. A letter from the Assistant Secretary for Mine and Safety Health, Department of Labor, transmitting the Department's final rule — Alternate Locking Devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines (RIN: 1219-AA98) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1832. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Low-Speed Electric Bicycles — received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1833. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases (RIN: 0920-AA03) received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1834. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Light Truck Average Fuel Economy Standards Model Years 2005-2007 [Docket No. 2002-11419; Notice 3] (RIN: 2127-AI70) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1835. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's report entitled, "Fleet Alternative Fuel Vehicles Program Report for Fiscal Year 2002"; to the Committee on Energy and Commerce.

1836. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to 310 CMR 7.06, Visible Emissions Rule [MA-088-7216a; A-1-FRL-7466-2] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1837. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; South Dakota [SIP NO. SD-001-0013, SD-001-0014, SD-001-0015; FRL-7475-1] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1838. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-7343A; FRL-7466-6] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1839. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances; Correction [FRL-7477-7] (RIN: 2060-A612) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1840. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Guideline on Air Quality Models: Adoption of a Preferred Long Range Transport Model and Other Revisions [AH-FRL-7478-3] (RIN: 2060-AF01) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1841. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Lake County Air Quality Control District and San Diego County Air Pollution Control District [CA 275-0384a; FRL-7471-4] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1842. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Approval Under Sections 110 and 112(1); State of Kansas [KS 172-1172a; FRL-7471-9] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1843. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 177-1177a; FRL-7471-6] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1844. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Water for Sustainable Cities in China — received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1845. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Minor Clarification of National Primary Drinking Water Regulation for Arsenic [FRL-7472-5] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1846. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Uses of Certain Chemical Substances [OPP-2002-0060; FRL-6758-7] (RIN: 2070-AB27) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1847. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, "Report to Congress on Abnormal Occurrences, Fiscal Year 2002," pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

1848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification regarding a report entitled, "Country Reports on Human Rights Practices for 2002"; to the Committee on International Relations.

1849. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1850. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1851. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting copy of the Corporation's Annual Report for calendar year 2002, pursuant to 12 U.S.C. 1827(a); to the Committee on Government Reform.

1852. A letter from the Chairman, Federal Maritime Commission, transmitting the Final Annual Performance Plan for FY 2004; to the Committee on Government Reform.

1853. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees (RIN: 3206-AJ77) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1854. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

1855. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results" for fiscal year 2002, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

1856. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 m) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 032703E] received April 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1857. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Smalltooth Sawfish (Pristis pectinata) in the United States [Docket No. 000303059-3034-03; I.D. 021700B] (RIN: No. 0648-XA49) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO [Docket No. FAA-2003-14549; Airspace Docket No. 03-ACE-17] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes; Model 747 Series Airplanes; and Model 757 Series Airplanes [Docket No. 2002-NM-309-AD; Amendment 39-12992; AD 2002-24-51] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001-SW-53-AD; Amendment 39-13079; AD 2003-05-03] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and 17AR Turbofan Engines [Docket No. 2002-NE-27-AD; Amendments 39-13083; AD 2003-05-07] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sikeston, MO [Docket No. FAA-2003-14221; Airspace Docket No. 03-ACE-2] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1863. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Beaches Environmental Assessment and Coastal Health Act — received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1864. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook-Approvals and Reviews (RIN: 2700-AC53) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1865. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2002, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

1866. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of April 9, 2003]

Mr. THOMAS: Committee on Ways and Means. H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, and for other purposes; with an amendment (Rept. 108–67). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 12, 2003]

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–76). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of April 11, 2003]

H.R. 810. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 29, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGEL (for himself, Ms. Ros-Lehtinen, Mr. Andrews, Mr. Bachus, Mr. Ballenger, Mr. Bell, Ms. Berkley, Mr. Berman, Mr. Brady of Pennsylvania, Mr. Burton of Indiana, Mr. Cantor, Mr. Crowley, Mrs. Jo Ann Davis of Virginia, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Foley, Mr. Frost, Mr. Green of Wisconsin, Mr. Hoeffel, Mr. Israel, Mr. Janklow, Mr. King of New York, Mr. Lantos, Mr. Lewis of Georgia, Mrs. Maloney, Mr. Matsui, Mrs. McCarthy of New York, Mr. McCotter, Mr. McNulty, Mr. Mica, Mr. Moore, Mr. Nadler, Mr. Pallone, Mr. Pence, Ms. Pryce of Ohio, Mr. Reynolds, Mr. Ross, Mr. Saxton, Mr. Sherman, Mr. Smith of New Jersey, Mr. Towns, Mr. Turner of Texas, Mr. Van Hollen, Mr. Vitter, Mr. Weiner, Mr. Weller, and Mr. Wexler):

H.R. 1828. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA (for himself, Mr. Frank of Massachusetts, Mr. Collins, Mrs. Maloney, Mr. Sensenbrenner, Mr. Conyers, Mr. Coble, Mr. Watt, Mr. Manzullo, Ms. Velázquez, Mr. Boehner, Mr. George Miller of California, Mr. Tom Davis of Virginia, Mr. Rangel, Mr. Toomey, Mr. Nadler, Mr. Ehlers, Mr. Dingell, Mr. LoBiondo, Mr. Cantor, Ms. Baldwin, Mr. Norwood, Ms. Woolsey, Mr. Souder, Mr. Ferguson, Ms. Schakowsky, Mr. Shadegg, Mr. Kingston, Ms. Hart, Ms. Lee, Mr. Hostettler, Mr. Filner, Mr. Bartlett of Maryland, Mr. Oxley, Mr. English, Mr. McIntyre, Mr. DeMint, Mr. Flake, Mr. Smith of New Jersey, Mr. Ryan of Wisconsin, Mr. Culberson, Mr. Emanuel, Mr. Forbes, Mr. Goode, Mrs. Northup, Mr. Olver, Mr. Blunt, Ms. Pryce of Ohio, Mrs. Miller of Michigan, Mr. Cramer, Mr. Camp, Mr. Rogers of Michigan, Mr. Leach, Mr. Pence, Mr. Hill, Mr. Upton, Mr. McCotter, Mr. Langevin, Mr. Nethercutt, Mr. Osborne, Mr. Hayes, Mr. Wamp, Mr. Terry, Mr. Kleczka, Mrs. Myrick, Mr. Ney, Mr. Brady of Pennsylvania, Mr. Brady of Texas, Mrs. Jones of Ohio, Mr. Jones of North Carolina, Mr. Sessions, Mrs. Cubin, Mrs. Capito, Mr. Burr, Mr. Clay, Mr. Knollenberg, Mr. Moran of Kansas, Mr. Tiberi, Mr. Porter, Mr. McGovern, Mr. Ballenger, Mr. Deal of Georgia, Mr. Everett, Mr. Kennedy of Rhode Island, Mr. McKeon, Mr. Isakson, Mr. LaTourette, Mr. Thornberry, Mrs. Wilson of New Mexico, Mr. Royce, Mr. Kline, Mr. Kucinich, Mr. Duncan, Mr. Tiahrt, Mr. Quinn, Mr. Wilson of South Carolina, Mr. Doolittle, Mr. McDermott, Mrs. Biggert, Mrs. Musgrave, Mr. Chocola, Mr. Gingrey, Mr. Nunes, and Mr. Burns):

H.R. 1829. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 1830. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. Cannon):

H.R. 1831. A bill to extend the grace period for personal watercraft use in Glen Canyon National Recreation Area; to the Committee on Resources.

By Mr. SIMMONS (for himself, Mrs. Johnson of Connecticut, Ms. DeLauro, Mr. Shays, and Mr. Larson of Connecticut):

H.R. 1832. A bill to name the Department of Veterans Affairs outpatient clinic located in New London, Connecticut, as the "John P. McGuirk Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SIMMONS (for himself, Mr. Walsh, Mr. McInnis, Mrs. Johnson of Connecticut, Mr. Boswell, Mr. Thompson of California, Mr. Gibbons, Mr. Hayes, Mrs. Musgrave, Mr. Bradley of New Hampshire, Mr. McHugh, Mr. Porter, Mr. Shays, Mrs. Cubin, Mr. Shaw, Mr. Boehlert, Mr. Peterson of Minnesota, Mr. Rehberg, Mr. Gutknecht, Mr. Ramstad, Mr. Kennedy of Minnesota, Mr. Michaud, Mr. Jenkins, Mr. Paul, Mr. Houghton, Mr. Weller, Mr. Norwood, Ms. Ginny Brown-Waite of Florida, Mr. English, Mr. Kline, Mr. McCotter, Mr. Rahall, Mr. Goodlatte, Mr. Crane, Mr. Sanders, Mr. Manzullo, Mr. Otter, Mr. Ryan of Wisconsin, Mr. Hinchey, Mr. Sweeney, Mr. Gilchrest, Ms. Jackson-Lee of Texas, Mr. Marshall, Mr. Sandlin, Mr. Ney, Mr. Young of Alaska, Mr. Camp, and Mr. Hastings of Washington):

H.R. 1833. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Ways and Means.

By Mr. OSE:

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to require Members of Congress and the President to forfeit the compensation paid to them starting at the conclusion of each fiscal year until all of the general appropriations bills for the following fiscal year are enacted; to the Committee on the Judiciary.

By Mr. OSE:

H.J. Res. 54. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire:

H. Con. Res. 153. Concurrent resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher on April 10, 1963, and urging the Secretary of the Army to erect a memorial to this tragedy in Arlington National Cemetery; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H. Con. Res. 154. Concurrent resolution concerning the transition to democracy in the Republic of Burundi; to the Committee on International Relations.

By Mr. RODRIGUEZ:

H. Con. Res. 155. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Librarians Week; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. YOUNG of Florida introduced a bill (H.R. 1834) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *True Blue*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 277: Mr. Norwood.

H.R. 331: Mr. Paul.

H.R. 391: Mr. Culberson.

H.R. 648: Mr. Burgess.

H.R. 834: Mr. Bishop of New York, Mr. LaHood, and Mr. Davis of Tennessee.

H.R. 1202: Mr. Burgess and Mr. Beauprez.

H.R. 1625: Mr. Rothman, Mr. Holt, Mr. Frelinghuysen, Mr. Menendez, Mr. Saxton, and Mr. Smith of New Jersey.

H.R. 1714: Ms. Dunn, Mr. Burgess, Mr. Dicks, Mr. Culberson, Mr. Towns, Mr. Pearce, Mr. Nethercutt, Mr. Lincoln Diaz-Balart of Florida, Mr. Simmons, Mr. McCotter, and Mr. Moran of Kansas.

H. Con. Res. 143: Mr. ENGLISH.

H. Res. 198: Mr. BEAUPREZ, Mr. PORTER, Mr. MURPHY, Mr. FRANKS of Arizona, and Mr. GERLACH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1, by Mr. FROST on S. 121: Mike McIntyre, Julia Carson, James P. McGovern, and Michael R. McNulty.

EXTENSIONS OF REMARKS

TRIBUTE TO KAY PATTERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a native South Carolinian, a close personal friend, and exemplary public figure in the State of South Carolina and his community, Senator Kay Patterson. On April 17, 2003, the Columbia Housing Authority will honor Senator Patterson's lifetime of achievements by placing his likeness on its Wall of Fame. This recognition comes on the heels of BellSouth's recognition of his accomplishments by honoring him on its 2003 African American History Calendar.

Born in Darlington County, SC, Senator Patterson was raised by his grandmothers, Meta B. Patterson and Emma Joseph. After graduation from Lincoln High School in Sumter, South Carolina, he enrolled at Claflin College for two years before leaving to serve in the U.S. Marine Corps and rose to the rank of buck-sergeant. Upon completing his military service, Senator Patterson returned to South Carolina and matriculated at Allen University where he earned a B.A. Degree in Social Sciences. Several years later, he would earn a Masters Degree in Education from South Carolina State University.

Like myself, he started his professional career as a middle school teacher. His commitment to educating our youth provided the foundation for Senator Patterson's illustrious career. His 14 years of service as an educator at W.A. Perry Middle School, C.A. Johnson High School and Benedict College and 16 years as a UniServ Representative for the South Carolina Education Association are testimony of his willingness and tenaciousness on behalf of students and teachers.

Senator Patterson began his successful odyssey toward high achievement as a politician in 1974, when he was elected to the South Carolina House of Representatives. He would serve in the House until 1985, when he was elected to his current position in the South Carolina Senate. Renowned as a fiery and inspirational orator, Patterson has been a dynamic force in promoting change in his native state. He represents the constituents in Richland County Senate District 19 on the Senate's Banking & Insurance, Corrections & Penology, Education, Finance & Transportation Committees. In addition, Senator Patterson currently serves as Chairman of the Richland County Legislative Delegation.

Among Senator Patterson's numerous civic activities are membership in the North Columbia Civic Club and life membership in the NAACP, and I am proud to claim him as my brother in the Omega Psi Phi Fraternity, Inc., to which he became a member while enrolled at Claflin.

Senator Patterson was elected by the South Carolina House Education Committee to serve on the University of South Carolina's Board of Trustees in 1983. He was elected Chairman of the South Carolina Legislative Black Caucus in 1990, and was awarded an honorary Doctor of Laws degree from South Carolina State University in 2000. And on a personal note is Chair of Friends of Jim Clyburn, my political organization.

Mr. Speaker, I am honored to have been asked to deliver the Keynote address at Kay's induction ceremony and ask you and my colleagues to join me in applauding Senator Patterson for a lifetime of lofty achievements. My most sincere congratulations go out to him for his endless accomplishments, and loyal and dedicated friendship.

INTRODUCTION OF THE NATIONAL FLOOD INSURANCE PROGRAM FAIRNESS ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. STARK. Mr. Speaker, I am here today to re-introduce the National Flood Insurance Program Fairness Act. A few years ago many of my constituents were placed into a special flood hazard area, indicated by FEMA's Flood Rate Maps, that requires them to purchase flood insurance that can cost over $1,000 per year.

These residents were not notified that they would be required to purchase flood insurance until 2 months or less before the maps became effective, even though the law is supposed to give them six months notice and ample time to purchase flood insurance. Needless to say, this took many of my constituents by surprise when they were required to purchase costly insurance at a moment's notice, having not seen flooding in decades or even a lifetime.

Several residents who did not believe they were in the flood zone hired surveyors at their own expense, and many residents continue to hire surveyors. The private surveyors' data has resulted in removal of homes from the special flood hazard area, thus removing them from their obligation to purchase flood insurance. In the long run, while these residents are not required to purchase flood insurance, they have spent over $200 each for surveyor costs. Unfortunately, this cost burden is the responsibility of the property owner. They were told by FEMA that under current law property owners who challenge the presumed flood classification are responsible for the surveyor expense even though the incorrect classification is no fault of their own.

Clearly, the National Flood Insurance Program needs to be revised to give homeowners more notice, due process, and financial protection when they succeed in removing their property from the base flood elevation classification. That is why I am proposing the National Flood Insurance Program Fairness Act

The National Flood Insurance Program Fairness Act does the following:

The bill improves the existing program by requiring the FEMA Director to notify by registered mail the Chief Executive Officer of each community affected by the changes in Flood Insurance Rate Maps, rather than by first class mail as is the case currently. The Director will be required to provide a copy of the revised map, along with a statement explaining the process of appeal. The Director will also provide the affected community sufficient information to identify which homes are affected.

It also requires the Director to notify by registered mail, rather than first class mail, the Chief Executive Officer of each community of FEMA's response to the community's appeal of the flood insurance rate maps. This change will ensure that the community receives the notice of changes and has ample time to comply with the map changes within the statutory effective date.

The bill improves upon current law by requiring the Director to notify by first class mail each owner of property affected by the changes in the flood insurance rate maps. Currently, the community is responsible for making sure that the residents are aware of the flood map changes. Requiring FEMA to notify residents expedites the process by eliminating the middleman.

Finally, it requires FEMA to reimburse a resident or property owner for reasonable costs incurred in connection with a surveyor or engineer for a successful request to be removed from the special flood hazard area to the Director. This does not include legal services incurred by the resident.

It is my hope that this legislation will allow communities to work more effectively with FEMA to ensure that residents are given sufficient, fair, and timely notice if they are required to purchase flood insurance and to ensure that homeowners are not held financially liable when a change in a community's flood insurance rate map does not affect their property. In the last Congress I had members from both sides of the aisle cosponsor the bill. I hope to receive even greater support for the bill in the current Congress and look forward to working with my colleagues to see enactment of the National Flood Insurance Program Act.

INTRODUCTION OF FERN LAKE CONSERVATION AND RECREATION ACT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, today, I am joined by Congressman ZACH WAMP in reintroducing legislation to protect Fern Lake, an important part of our shared scenic heritage. Senator MITCH MCCONNELL will be introducing identical legislation in the U.S. Senate today.

This legislation will allow the National Park Service to purchase Fern Lake and incorporate these lands into the Cumberland Gap National Historic Park boundary. Further, this legislation will secure a clean and reliable water source for the city of Middlesboro, Kentucky.

This bill authorizes the purchase of land now neighboring the Gap boundary and the 150-acre lake. The measure would also allow the Park Service to acquire another 4,500 acres of adjoining watershed from willing sellers if funds become available. By buying this property, we will protect this important national passageway for generations and address the resource needs of our local communities today.

This legislation began with a petition, delivered to me by Ben Hickman, the mayor of Middlesboro. From there, we sat down with the National Park Service and brought them together with local officials to create this win-win opportunity for the park and the entire region both in Kentucky and Tennessee.

This important acquisition fits into our efforts to create jobs, protect our environmental resources, and promote economic development by enhancing our potential for tourism. I am proud to have the support of Congressman WAMP and look forward to its passage at a later date.

TRIBUTE TO WILLIAM "BILL" SELLERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Mr. William "Bill" Sellers of Waynesville, Missouri.

Mr. Sellers was born in Davisville, Missouri, on August 5, 1926. Bill was married to his wonderful wife, Melba, on November 2, 1945. He has always been a community, religious, and business leader.

Mr. Sellers has thirty-two years of sales experience in the automobile industry. He served as the General Manager of Springfield Lincoln-Mercury in Springfield, Missouri, and Sales Coordinator of Craig Distributing Company of Salem, Missouri. Bill went on to form Sellers-Sexton Ford, Lincoln, Mercury, and Mazda Dealership, in St. Robert, Missouri, with his partner Larry Sexton. Mr. Sellers was the Vice-President of Sellers-Sexton, Inc. He was also a member of the Missouri Automobile Dealers Association and a member of the National Automobile Dealers Association.

Mr. Sellers was a successful businessman, but above that, he was a caring community leader and a loving Christian man. Bill was the past President of the Fort Leonard Wood Mid-Missouri Chapter of Association of the United States Army, a member and past Chairman of the Committee of Fifty, and past board member of the Waynesville/St. Robert Chamber of Commerce. He was a 32nd degree Mason, member of Tyro Lodge No. 12 in Caledonia, member of Abou Ben Adheim Shrine in Springfield, Missouri, and member of the Missouri Association of State Troopers Emergency Relief Society.

Mr. Sellers was a strong Christian man who was not afraid to share his beliefs with others. Bill was ordained Deacon in 1973 from Southhaven Baptist Church, Springfield, Missouri, and was a member of Westside Baptist Church, Waynesville, Missouri.

Mr. Speaker, Bill Sellers was a man who never met a stranger and was always willing to help his fellow man. He had a steadfast dedication to his family, church, community, and business. I know the members of the House will join me in extending heartfelt condolences to his family: his wife Melba; his three children Connie Sexton, Billie Jean Dalton, and J. Craig Sellers; and his five grandchildren.

HONORING THE 50TH ANNIVERSARY OF NEWS40

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to honor the 50th anniversary of NEWS40, which is currently serving Franklin, Hampden, and Hampshire counties in Massachusetts.

NEWS40 originally aired on April 14, 1953 on Channel 55 as an affiliate of CBS and Dumont Television Networks. However, in 1956 the station was reallocated to Channel 40, and in 1959 changed affiliations to join the ABC network. The Guy Gannett Publishing Company of Maine purchased the radio portion of the network in 1979, which necessitated new call letters for the television station. After an in-house contest, WHYN–TV became WGGB–TV, named after the publishing company. In April of 1999, the Sinclair Broadcast Group of Baltimore, MD purchased NEWS40 and facilitated the use of a digital transmitter while on the air. Despite a variety of administrative changes throughout its history, NEWS40 remains a dominant leader in local news.

Located in the heart of Springfield, MA, NEWS40 sets the standard in entertainment, news, and community involvement. It is the home of hits such as Nightline, 20/20, N.Y.P.D. Blue, and The Practice, as well as quality children programming. Moreover, NEWS40 is an essential participant in local community events. NEWS40 was among the earliest stations to carry the Muscular Dystrophy telethon, and has been televising the event for 35 years. Also, the station collects over 10,000 coats to distribute throughout the winter for the "Coats for Kids" campaign, and collaborates with the Salvation Army to provide Thanksgiving meals for over 600 families. As an active partner with Head Start, the station is a vehicle to collect toys, clothing, and housewares from viewers for the "All I Want for Christmas" campaign. The station's annual contribution to the community demonstrates the essential role of NEWS40 in the greater Springfield area.

As the station celebrates its 50th anniversary I would like to commend their continuous role in the community. From the days of live news broadcasts to the beginning of the digital transmitter, NEWS40 is truly coverage you can count on to be an active and essential member of the community.

RURAL DISASTER ASSISTANCE FAIRNESS ACT OF 2003

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. CUBIN. Mr. Speaker, in the dark of night on August 27, 2002, the town of Kaycee, Wyoming was overwhelmed by a four-foot surge of water from the Powder River caused by a severe and destructive rainstorm pouring down two-thirds of the town's annual rainfall within a six-hour period. The damage was disastrous, over 80 percent of Kaycee's businesses and one-third of their residences were damaged or destroyed. But despite Kaycee's massive loss—one that would have cost billions had Manhattan, Los Angeles or Chicago lost 80 percent of their businesses—there was no disaster declaration.

This flood effectively erased the community of Kaycee, and it's absolutely preposterous that a disaster of this magnitude does not qualify as a disaster. A comparable disaster in Washington, D.C. would have destroyed 96,196 homes and 15,575 businesses. Washington, D.C. would not function after such a disaster and neither can Kaycee, Wyoming. In fact, under today's criteria, a majority of Wyoming's communities could be destroyed without receiving a disaster designation, as Kaycee has shown. The federal disaster designation criteria need to be re-calibrated.

In the Stafford Act, the law that governs disaster relief, Congress prohibited discrimination against small communities by outlawing the use of formulas and scales based on income and population. Somehow, however, the rules that came after the Congressional action neglected to observe these guidelines. That's why I am drafting legislation that will reinstate fairness in disaster relief. My bill will send FEMA back to the drawing board to create rules that will respect Congressional intent and not freeze out cities and towns across the country simply because they are small towns. It will also create an office of rural advocacy to assist small states in the application for disaster assistance and advocate for rural concerns in rulemakings and other administrative actions. When federal agencies promulgate rules that are counter to the intent of Congress, it is our obligation as a body to reassert those intentions and have the appropriate agency correct its errors. Passage of this bill will do just that.

TRIBUTE TO ANGELA L. STONE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a native South Carolinian and multi-talented dignitary in the entertainment industry, Angela L. Stone. By proudly representing her home state in her enormously successful recording career, Ms. Stone will be inducted to the Columbia Housing Authority's Wall of Fame on April 17, 2003.

Like so many successful recording artists, Ms. Stone began her singing career in the church. At the age of 11, she performed her first gospel solo, "The Harvest is Plentiful," at First Nazareth Baptist Church in Columbia. Recognizing his daughter's precocious ability, her father inspired his only child by taking her to gospel performances by the likes of the Singing Angels and the Gospel Keynotes.

While starring as a basketball player at C.A. Johnson High School, Stone spent much of her spare time nurturing her artistic talents by writing poetry. Upon graduation, she turned down college basketball scholarship offers to pursue her passion and embarked upon a career in the music industry.

Ms. Stone saved money to record her demo at a Columbia studio called PAW. Shortly thereafter, her self-taught keyboard skills along with her naturally melodious singing voice would quickly garner the attention of the music industry. Her professional career took off in the mid–80s when she joined the rap trio Sequence. After the group disbanded, she began collaborations with rap group Mantronix and rock singer Lenny Kravitz. She then formed the neo-soul trio Vertical Hold, who first reached the R&B charts in 1988 with "Summertime." The group's 1993 single, "Seems You're Much Too Busy" reached number 17 on the charts.

Ms. Stone signed a contract with Arista Records in 1997. While with Arista, she recorded her first album, Black Diamond, in 1999. The title of the album's first hit single was "No More Rain (In This Cloud)," was inspired by a phrase her father would use when Stone would ask for money: "There's no more rain in this cloud."

Several movie soundtracks feature Ms. Stone's talent. They include "Disappearing Acts," "Bamboozled" and "Love & Basketball." She released her second album, Mahogany Soul, in 2001. The album made Entertainment Weekly's Top 100 list of albums for that year. Ms. Stone was also a 2003 Grammy Nominee.

Ms. Stone made her "big screen" debut in the movie Hot Chicks. She has recently completed filming of her second movie, The Fighting Temptations starring Cuba Gooding, Jr. She can currently be seen in Coca-Cola and Gap television commercials, and is preparing for her first appearance on Broadway in the musical, Chicago.

Mr. Speaker, I plan to be present for Ms Stone's induction ceremony on Thursday April 17th, and ask you and my colleagues to join me in commending Angela L. Stone for her achievements in the entertainment industry. Her status and visibility in music and film is worthy of much praise and pride from her family, friends, and all in her native state of South Carolina.

CELEBRATING THE LIFE OF PHIL BURTON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. STARK. Mr. Speaker, as the Dean of the California Delegation and someone who was honored to serve in Congress with Phil Burton, I wanted to join with my colleagues in celebrating the life of this remarkable man.

When I hear the name Phil Burton what comes to mind is the memory of an elemental force of nature. The fact that we reflect today on this man of the House twenty years after his death reaffirms this sense. It reminds me of black holes as astronomers describe them. While they can't be seen, they exert an awesome attractive force.

Phil once yelled at me, "If I'm shouting at you, it means I love you!" To be on the receiving end of such tough love was not always pleasant, but it was effective. And, it explains, in part, why Phil was a legislator's legislator.

One of his biographers describes him as "one of the most effective and forceful congressmen ever to pass through [these congressional] halls." She adds that, "His force would be missed by those who shared his views after he was gone." That is very true. But what is also true is that his force is still felt by those of us who were lucky enough to know and serve with him.

I learned much from Phil Burton and continue to use those lessons today.

TRIBUTE TO KAREN ENGLE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, all around great Kentuckian, and someone I am proud to call a friend, Karen Engle. As Executive Director of the PRIDE program, Karen has worked tirelessly to improve the lives of people throughout southern and eastern Kentucky. I want to take this opportunity to express my deepest gratitude for her many contributions.

Born and raised in Pike County, Kentucky, Karen has spent much of her life working to make her region a better place. I first had the opportunity to get to know Karen when she joined my congressional staff in 1994. From the very beginning, it was clear that she was bright, motivated, and a natural born leader. For almost five years, she served as a Project Manager and Field Representative in my Pikeville District office. Her knowledge of the region and its people, along with her professionalism and commitment to service, made her a most valuable part of my team.

In 1999, I asked Karen to put her insight and leadership skills to work by taking the helm of the PRIDE program. Under Karen's leadership, this federal, state, and local partnership has made significant strides in cleaning up our region's rivers and streams, helping our counties address sewage and trash problems, and educating our children about the importance of a clean environment. Since the program's creation in 1997, more than 74,500 PRIDE volunteers have worked over 225,000 hours cleaning up 286 streams, 1,294 illegal dumps, and 3,000 roadways. Additionally, PRIDE has eliminated 20,560 straight pipes and failing septic systems that have long polluted our region's waterways. Thanks to Karen's unwavering commitment, the PRIDE program has soared to amazing heights and is going strong. There is no doubt that the people of Kentucky will continue to benefit from her contributions for many years to come.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank my friend Karen Engle for the time, energy, and devotion she has put into the lives of others. I am especially grateful for her unwavering commitment to the PRIDE program and the people of southern and eastern Kentucky.

TRIBUTE TO AMERICA'S TROOPS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to bring to your attention a poem that was read at a "Support the Troops Rally" on March 22, 2003, in Jefferson City, Missouri. These words were given to the crowd by Rita Turley of Jefferson City, though they were written by an unknown author. Ms. Turley understands the words of the poem, as she has a son serving in Iraq, in the Infantry Regiment of the 101st Airborne, 3rd Battalion, 2nd Brigade.

Mr. Speaker, I believe that the members of the House should welcome these words of support and dedication.

I am a small and precious child, my mom's been sent to fight.
The only place I'll see her face is in my dreams at night.
She will be gone too many days for my young mind to track.
I may be sad, but I am proud. God, protect her in Iraq.
I am a strong and loving wife, with a husband soon to go.
There are times I'm terrified in a way most never know.
I bite my lip, and force a smile as I watch my husband pack.
My heart may break, but I am proud. God, protect him in Iraq.
I am a caring mother, my son has gone to war.

My mind is filled with worries that I have never known before.
Everyday I try to keep my thoughts from turning black.
I may be scared, but I am proud. God, protect him in Iraq.
I am a Soldier, Serving Proudly, Standing Tall.
I fight for freedom, yours and mine, by answering this call.
I do my job while knowing, the thanks it sometimes lacks.
Say a prayer that I'll come home. . . . God, protect me in Iraq.

HONORING WWLP-TV22

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to honor the 50th anniversary of WWLP–TV22, which on March 17, 1953 became the first station to broadcast on the air in Western Massachusetts.

As an NBC affiliate, WWLP is a leader in broadcasting, news, and ratings in Western Massachusetts. In 2003, the station was recognized by the Massachusetts/Rhode Island Associated Press as having the Best TV Newscast, the Best Sportscast, and the Best Public Affairs Program. Also, the station hosts the longest running high school program in the country, "As Schools Match Wits." WWLP's history of public service programming includes the live broadcast of the Gubernatorial Democratic Debate, which originated in the new, all digital studio, in Chicopee. The corporate owners of WWLP, the LIN Television Corporation, opened the Northeast Operations Center out of the Chicopee office to accommodate five television stations being controlled out of a single, state of the art facility.

WWLP continues to provide quality service to the community through their innovative Skylink program, which utilizes mobile satellite technology to broadcast live from anywhere within driving distance. Additionally, WWLP has a back up generator on Provin Mountain, and a UPS system and back up generator in Chicopee. Therefore, the back up systems will provide uninterrupted service to the viewers even in the event of a power outage at the transmitter or studio location.

As the station celebrates its 50th anniversary, I would like to express my deepest gratitude to their continuous service to the community. WWLP is the only weekday morning news at 5 am, and the only weekend morning newscast in the area. Through the 31 hours of weekly news broadcasting and live Doppler radar updates, WWLP is a leader in news coverage.

SMALL BUSINESS TAX FLEXIBILITY ACT OF 2003

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. CUBIN. Mr. Speaker, one of the most important decisions for the founder of a business is "choice-of-entity," or the decision to operate as a corporation, partnership, limited liability company (LLC), or other form of business.

The law regarding choice-of-entity has changed enormously in the last 15 years, particularly with the widespread adoption of laws authorizing the creation of the LLC. As a result, many small business owners have more "choice of entity" flexibility than ever before.

First authorized in Wyoming in 1977, LLCs are organized under state law, and are now recognized in all 50 states. In essence, LLCs are allowed corporate treatment for local law purposes and partnership treatment for Federal income tax purpose. LLCs also provide for more than one class of ownership, allowing for increased flexibility to allocate income or losses to different investors. The flexibility and protections of the LLC has led to a rapid expansion in the number of small businesses electing to operate in this manner.

In 1995, the Internal Revenue Service (IRS) adopted the position that general partnerships could be converted into LLCs with little or no tax effects. Unfortunately, as incorporated entities, this does not hold true for small businesses operated as subchapter S corporations (S Corp).

Created in 1958, the S Corp structure allows for no more than 75 shareholders, can issue only one class of stock, and cannot have partnerships or corporations as shareholders. Yet, until the rise of the LLC, the S Corp structure provided, for all practical purposes, the only way that a small business could enjoy the corporate protections of limited liability without being burdened with corporate taxation. Taxed much the same way as partnerships, many older, family-owned, small businesses operate as S corps.

Clearly, the original intent for creating the S Corp structure was the same reasoning that led to the creation of LLCs—to provide a simple and flexible tax category for small and family-owned businesses. However, despite the similarities to LLCs, S Corps are not granted the same conversion flexibility as other partnership-like entities and are instead grouped with larger companies under a cumbersome corporate structure. My bill would modernize the tax treatment of S Corps, allowing them the same choice-of-entity flexibility offered to other small businesses operating as LLCs. This is a common sense change that is overdue.

TRIBUTE TO COLONEL WALTER L. WATSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CLYBURN. Mr. Speaker I rise today to pay tribute to a native South Carolinian and an outstanding member of our community, Colonel Walter L. Watson, Jr. For his more than 25 years of service to our country and to the field of Aerospace Science, the Columbia Housing Authority will induct Colonel Watson into its Wall of Fame on April 17, 2003.

A native of Columbia, Colonel Watson attended public schools in Richland County School District One. Upon graduation from C.A. Johnson High School in 1967, Watson enrolled at Howard University where he would earn a Bachelor of Science Degree in Mechanical Engineering in 1971. In addition, he earned a commission through Reserve Officers Training Corps and entered the Air Force as an avionics maintenance officer.

In 1973, Colonel Watson was selected for aviation training, beginning a career that would take him around the globe. His many assignments included flight instructor, flight commander in tactical fighter and strategic reconnaissance squadrons flying F–4C/D/E, F111 D and SR–71 aircraft. Colonel Watson was the first and only African American to qualify as a crewmember of the SR–71, a super secret aircraft that set altitude and speed records that still stand today.

Holding a Masters Degree in Human Resource Management from Chapman College, Colonel Watson is also a graduate of Squadron Officer School, Air Command and Staff College, and Air War College. His military decorations include the Legion of Merit, Meritorious Service Medal with two oak leaf clusters, the Air Medal with four oak leaf clusters, Air Force Commendation Medal, Armed Forces Expeditionary Medal with two oak leaf clusters, and the Humanitarian Service Medal with one oak leaf cluster.

Colonel Watson's steadfast commitment to educating our youth is evidenced by his current position as the Senior Aerospace Science Instructor for the C.A. Johnson High School Air Force Junior ROTC (AFJROTC) unit. Under his tutelage, the unit has experienced an increase of more than 8000 percent in funds for unit operations. Computer and technology assets have also increased by more than 700 percent.

Colonel Watson was recently selected as an Outstanding Senior Aerospace Science Instructor during the 1997–98 and 2001–02 school years. He was also chosen as C.A. Johnson High School's Teacher of the Year in 1998–99.

Mr. Speaker, I plan to be on hand for Mr. Watson's induction and ask you and my colleagues to join me in recognition of Colonel Watson's lifetime of high achievement. I congratulate him on his induction, and wish good luck and Godspeed to him and his family.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

The House in Committee of the Whole House on the State of the union had under consideration the bill Concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. CASTLE. Mr. Chairman, I must oppose the conference report on the Fiscal Year 2004 Budget Resolution. I am saddened that I must oppose the conference report, because I believe passage of a budget resolution is very important. A budget resolution is essential to allow the House and Senate set the overall limits for spending and taxes that guide all other legislation for the rest of the year. This final conference report is an improvement over the House budget resolution, but still falls short of a balanced plan for fiscal responsibility at a time when we are facing the tremendous challenges of international terrorism, war and reconstruction in Iraq, domestic needs here at home and the return of large federal budget deficits which could hinder future economic growth.

This conference report is an improvement over the House budget resolution because it provides for limited but fair funding for key programs like education, Medicaid, Medicare, and veterans, while meeting the essential needs of national defense and homeland security. I am pleased that the budget negotiators listened to those of us who said that the reductions in the original House budget resolution were not sustainable and restored funding for key areas like education, health care and veterans. I appreciate Chairman NUSSLE'S responsiveness to these concerns. The spending limits for domestic discretionary programs will be tight, but probably manageable at a time when spending must be restrained.

However, this resolution does not apply the same restraint to tax cuts. It calls for a total of $1.2 trillion in tax cuts over the next ten years, and more important, it sets up an expedited process to assure passage of up to $550 billion in tax cuts. It is simply not sound policy to go forward with tax cuts of this size at a time when we are facing the growing and, as yet, unknown total costs of completing the war against Iraq, fighting terrorism, protecting the homeland, while meeting essential needs like health care for our seniors and education for our young people. The Federal Government's role in addressing these issues is especially important at this time because state governments, including my state of Delaware, are experiencing severe budget problems forcing them to reduce funding for virtually every program at the state level.

The fact of the matter is that deficits do matter. Due in part to the economic slowdown and the costs of the war on terrorism, we are now facing federal deficits over the next ten years that could approach $4.2 trillion. Adding debt at these levels can hurt the economy. In addition, they will come at a time when we will begin to face tremendous demands to fund the retirement of the Baby Boom generation and the growing health care needs of an aging population. If the tax cuts called for in this budget resolution are ultimately approved, we are really rolling the dice on whether they will strengthen the economy significantly or add to the growing deficit challenges we face.

I must also oppose this resolution based on the poor process that has brought us to this point. We are voting on this budget in the middle of the night because a compromise on a more realistic tax cut level could not be reached and the decision was made to try to force this through. Instead of attempting to find consensus on a more limited level of tax cuts of $350 billion, which would provide more rapid tax relief for families and small businesses, this resolution not only expresses support for a total package of $1.2 trillion in tax cuts, it attempts to get around the fact that the Senate is on record for limiting the tax cut to $350 billion. This resolution creates an unprecedented loophole in the budget process to protect up to $550 billion in tax cuts through an expedited Senate vote. Despite the fact that budget resolutions are supposed to establish one set of rules for considering tax legislation. This resolution makes it possible for a second, higher tax cut bill to get a protected vote in the Senate.

This is not a time when Congress should be attempting to force through the largest tax cut possible regardless of its economic effectiveness when we face the costs of war, serious challenges at home and the return of long-term budget deficits.

My constituents tell me that it does not make sense to rush forward with tax cuts of this size before we have won the war with Iraq, understand its true cost, and evaluate the recovery of the economy and what is needed to help working Americans.

A better solution would have been to seek agreement on a more affordable tax relief package that would help the economy now; allow us to pay for our national security needs abroad and at home; and provide limited, but fair funding for key needs like education and health care, all within a realistic long-term plan to balance the federal budget.

Unfortunately, because of the decision to push for maximum tax cuts over the reservations of Members of both parties, this resolution does not meet the overall test of fiscal responsibility and common sense. This budget plan is seriously flawed and I must oppose it. When it comes time to pass the actual tax and spending legislation to implement this budget plan, I hope more reason and fairness are applied and we take action that helps the American people now without mortgaging their future.

CONGRESSMAN PHILLIP BURTON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Ms. LEE. Mr. Speaker, I rise to share my great appreciation for and admiration of the late Congressman Phillip Burton. During his two decades in the House of Representatives—from 1964 to 1983—Congressman Burton was a great champion for the interests of the people of the Bay Area. Time and time again, Congressman Burton fought for the little people, ranging from the underprivileged to seniors to workers. His voice was loud and strong for these people. And his voice was persuasive in bringing people of all backgrounds and different ways of life together.

I had the privilege to know Congressman Burton while serving as a Hill staffer to Congressman Ronald V. Dellums. He was brilliant, compassionate, and a political whiz. During a reapportionment year, I remember Phil explaining to Ron the rationale for the boundaries of Ron's proposed new long District, and he said, "Don't worry, Ron, you are in your brother's arms."

Powerful voice that he was for his constituents, Congressman Burton will probably best be known for his respect for the environment. His record of establishing and preserving parks, wilderness areas, trails, and rivers may be unparalleled in the history of this country. As the Chairman of the Subcommittee on National Parks, the Congressman did everything that he could to protect our precious natural resources. His National Parks and Recreation Act of 1978 represents one of the most sweeping pieces of environmental legislation ever to pass Congress. That legislation doubled the national wild and scenic rivers system, tripled our national trails systems, and, by adding more than 2 million acres, doubled the wilderness acreage in the National Park Service.

In California, the Congressman's legislation ultimately protected nearly 5 percent of the state's land, including Redwood National Park. Even closer to my 9th Congressional District, Congressman Burton strengthened the beautiful Golden Gate National Recreation Area.

Congressman Burton's contribution to our state and country has become recognized as an impressive legacy in the two decades since his death. Our appreciation of Congressman Burton and his efforts will no doubt grow only stronger in the coming decades as we struggle to preserve our precious, finite resources.

INTRODUCTION OF LEGISLATION REQUIRING DOOR-TO-DOOR DELIVERY SERVICE FOR SENIORS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. SAXTON. Mr. Speaker, today I am introducing legislation that would require door-to-door delivery service for senior citizens.

Over the years, I have been contacted by many seniors who live in adult-restricted communities and receive their mail in "cluster" mailboxes. This means that their mail is delivered to one central location instead of being placed in a mailbox at their own doorstep. With this type of mail delivery, seniors are forced to endure steps, curbs, bad weather, and moving cars in order to pick up their mail. Under these circumstances, something as simple as receiving mail can be one of the most inconvenient and dangerous daily tasks for those who are elderly.

Therefore, I am introducing this legislation to require the U.S. Postal Service to make door-to-door deliveries in senior housing areas. Under this bill, 80 percent of the residents in a community must be 55 and older in order to qualify to receive this service. Door-to-door deliveries would begin six months after enactment. Also, the bill clarifies that senior apartment buildings are specifically excluded from this bill.

It is imperative that we help our seniors receive their mail without putting their lives in danger, and I hope my colleagues will join me in supporting this important bill.

REMEMBERING REPRESENTATIVE PHILLIP BURTON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, for those of us who served in this House with the late Phillip Burton, who remember his vibrant, unrelenting and passionate leadership, and who share his dreams for an America where every resident enjoys dignity and equality—for those of us fortunate enough to have known and collaborated with him, today is a day of rededication.

It is almost impossible to believe that 20 years have passed since Phil Burton departed this scene, far too early and, I am sure he would admit, with far too much work left undone. He served with distinction in this Chamber from 1964 to the day he died, 20 years ago today. They simply do not make politicians like Phil Burton anymore, or at least, not enough of them, and this House and the country are much the worse for the shortage.

Those who worked with Phil never forgot the experience, for good or bad. He was a brilliant tactician, an unrelenting liberal, and a tireless advocate. He was not especially lovable, but he wasn't looking for love; he was looking for results, and he won the respect of friends and adversaries alike.

Phil would not like what he would see in American politics today. After decades of struggle and a decade of unparalleled economic prosperity, Americans work the longest work hours, for the lowest disposable income, with the smallest pensions and health insurance coverage and the least vacation time or maternity leave of any Western industrial nation. Today, the distribution of wealth in this country is more unequal than at any time since the New Deal, and is the most unequal of any society in the advanced industrial world. This is not the world Phil Burton would have wanted two decades after his death.

And yet our country in 2003, however enduring its problems, is a vastly better place for Phillip Burton's service. Virtually all of the important steps forward taken in America during the turbulent 60's and 70's—civil rights, labor protections, pension security, education, land preservation, national parks—were deeply affected by Phillip Burton's tireless efforts. He was, in the words of Ted Simon in the Los Angeles Times, a "stupendous and original figure" who changed the political and legislative landscape as few before him ever dared to imagine.

Surely the greatest disappointment of his life was his failure to become Majority Leader, a race he lost by a single vote. And yet how proud he would be to know that one of his political godchildren—of which I happily count myself as one—would two decades later occupy the highest position in this House held by a Democrat, and the first woman to ever lead a party in Congress, his fellow San Franciscan NANCY PELOSI.

I knew Phil Burton throughout my entire life. He and my father worked together to build the modern California Democratic Party in the years after World War II. Many of the outstanding political leaders of our state, including George Moscone, Willie Brown, scores of members of the Legislature and Congress—including our current senate president John L. Burton—were students, friends and collaborators of Phil Burton.

When I came to Congress in 1975, I was placed on the same committees as Phil—Interior and Education and Labor. As a junior member, I saw first hand his extraordinary political acumen in meeting after meeting, often in his secret office in the Longworth Building, as he planned everything from minimum wage increases to welfare policy, to his historic mega-parks bill, or his even more impressive reapportionment map in 1982. Phil knew more details about any issue than just about anyone I have known here, and he knew more about almost everyone's district, too. Members might beg him to draw a line a little more in their favor, but Phil would be able to recite from memory, and without computers, the precise registration numbers in the newly configured district. "You're in your mother's arms," he'd tell disappointed colleagues, "now get to work."

The Congress and the Nation are very different from when Phil served here. The tone is different; the agenda is different; and our dedication to using the power granted us by the voters to improve the lives of the working people, minorities, the poor, the immigrants and to improve the environment—well, that's very different, too. I'd like to believe we'd be a better country if Phil Burton had gotten to be Majority Leader and Speaker of the House.

Instead, 20 years ago today, we lost a "brawling character and legislative strategist extraordinaire," in the words of Richard Cohen. In the sprawling, wildly popular Golden Gate National Recreation Area that he created—the Nation's most popular urban park—stands for all time an imposing statute of Phil Burton, tie askew, jacket flapping, arm outstretched. It is Phil at full throttle, in command, perpetually barking out a command direction and organizing the troops. There are a number of smaller models of that statute in some offices on the Hill, reminding us what it was like to serve with a true congressional legend, and continuing to summon up the best we have to offer for all the people of this nation.

RECOGNIZING THE DR. SAMUEL D. HARRIS NATIONAL MUSEUM OF DENTISTRY AS THE OFFICIAL NATIONAL MUSEUM OF DENTISTRY IN THE UNITED STATES

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CUMMINGS. Mr. Speaker, I am pleased to rise today to announce the introduction of a resolution to recognize the Dr. Samuel D. Harris National Museum of Dentistry, located in Baltimore, Maryland, as the official national museum of dentistry in the United States.

As the most comprehensive dental museum in the world, it is a national and international resource whose primary mission is to educate people, especially children, about the history of dentistry and the importance of good oral hygiene. The museum uses state-of-the-art, interactive exhibitions and expert presentations to deliver the message that oral health is important to achieve overall health. Currently, the museum is displaying an exhibit entitled, "The Future Is Now! African Americans in Dentistry."

The museum is affiliated with the University of Maryland at Baltimore, home of the world's first dental school, founded in 1840. It contains hundreds of interesting and significant dental artifacts, not the least of which is George Washington's dentures. It also serves as a national center of learning with an extensive library from which scholars may study the evolution of dental treatment and learn of the numerous accomplishments of the dental profession over the years.

Most importantly, this museum is a reminder to all of us that oral and general health are inseparable, and good dental care is critical to our overall physical health and well-being. While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. According to the report, "Oral Health in America: A Report of the Surgeon General", an estimated 25 million Americans live in areas lacking adequate dental services.

Unfortunately, states are facing extremely tight budgets, and have been forced to implement difficult cost containment measures and unpopular proposals to generate revenue savings—tax increases, cuts in education and cuts/elimination of Medicaid services. As a result, Medicaid programs have taken a direct hit, and dentistry has already become a target for program cuts—17 states reducing or eliminating adult dental services between 2002–2003. As a result, medically needy groups, including the frail elderly, will no longer have access to necessary dental treatment.

Passage of my resolution to make the Dr. Samuel D. Harris National Museum of Dentistry the official national museum of dentistry in the United States will shine a bright light on the problem some Americans face in accessing dental care.

The museum is endorsed by the American Dental Association, National Dental Association, American Dental Education Association, American College of Dentists, International College of Dentists, and the American Academy of the History of Dentistry, among others.

Please join me in supporting this national treasure by becoming a cosponsor of this important resolution. Thank you.

UNCONDITIONAL SUPPORT FOR STATE OF ISRAEL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. OWENS. Mr. Speaker, the following brief statement speaks for itself with respect to my appreciation for the State of Israel. Israel is presently in the midst of an intense violent struggle which has led to the accumulation of many progressive critics. While I sympathize with the plight of the Palestinian people, I am also convinced that they are primarily the victims of their own leaders—and the jihad fanatics around the world who insist on the use of savage violence to achieve their goals. Israel has no choice but to meet the fanatic violence with violence. Arafat and the Palestinian leadership have set the stage and made the rules for this ongoing destructive engagement. Even if you accept the assumption that the Palestinian people have some legitimate grievances, one can still not condone the method they have chosen to seek solutions. For any group confronted by an overwhelming governing power, Gandhi, Martin Luther King and Nelson Mandela have shown the way. The use of nonviolence to petition for the redress of assumed grievances was and still is a choice for the constructive forces among the Palestinians. On the other hand it is a certainty that Israel will never negotiate any change while confronted with the savagery of suicide bombings. We would all like to see this kingpin conflict in the Middle East resolved. I am convinced that it can be resolved permanently and peacefully because Israel is not just another government held together by greed and military power. Israel is the democratic nation guided by a long history of suffering and inspiring human spirits that I describe in this speech at the AIPAC Capitol Club Dinner on March 30, 2003:

I consider it an honor to have an opportunity to reaffirm my unconditional support for the State of Israel. On any major matter involving Israel my vote is always there. I believe firmly and fervently that the salvation of the kind of civilization I want my grandchildren to inherit and enjoy cannot be realized unless we establish many more truly democratic nations all over the globe. Those who believe that more democracy is the answer should also automatically be advocates for Israel. Starting with a constitution which is probably more thorough and more practical than even the United States Constitution, Israel is a model democracy. And woven into the tapestry that makes Israel a great nation are the spirits of Golda Meir, David Ben-Gurion, Menachem Begin and other similar great sages. These spirits accomplish for Israel what the spirits of Jefferson, Lincoln, Truman and others contribute to the definition of America as a nation. We all agree that a nation is more than anyone administration or one set of policies and diplomacy postures. Founding principles and ideals interwoven with the great spirits permanently define a nation. Those who say that Israel is a Middle East outpost for the U.S. or that the enduring interests of Israel are inextricably interwoven with the interests of the U.S. may not be correct in a formal and legal sense, but the spirit of these positions should be welcomed and appreciated. From the ashes of any temporary crisis or stresses we expect Israel and the U.S. to emerge strongly, fighting together for the same long-term principles and ideals. Temporary disagreements about strategy and tactics must never be allowed to separate us. Based on our individual perceptions and interpretations some of us oppose the war in Iraq; and some others support it. This difference does not break out along any clear ethnic, racial or religious lines. What we must jointly never forget during this current crisis is that there are hostile enemies of democracy and that Israel must be kept strong in order to remain as a model on the front lines fighting to save the kind of government which Abraham Lincoln said should never perish from the earth.

INTRODUCTION OF THE TEACHING FELLOWS ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. PRICE of North Carolina. Mr. Speaker, today I am introducing the Teaching Fellows Act of 2003 with fourteen original cosponsors.

The most critical education issue we face is the recruitment and retention of high-quality teachers. In order to keep pace with anticipated retirements and the growing student population, local school districts will need to hire an estimated 2.5 million teachers over the next ten years! These projected shortages are especially serious in some states and districts—especially inner cities and the rapidly growing West and South—and in subjects such as special education, mathematics, physical sciences, and foreign languages.

While all the education improvements and reforms we envision are dependent on a first-rate teaching force, neither political party has given teacher recruitment and retention top billing on its education agenda or has moved beyond stereotypical responses to the challenge.

Neither offering federal stipends or student loan forgiveness to prospective teachers—as proposed by the Clinton administration—nor exhorting individuals to pursue teaching careers—an approach favored by the current administration—is likely to produce the kind of intensive, sustained effort we need to nurture prospective teachers, strengthen their professional identity, and help them succeed once they enter the classroom.

There is no single, simple solution, but I believe that North Carolina's successful Teaching Fellows program offers a model for national emulation. The Teaching Fellows Act would create two federal programs to encourage our best and brightest students to enter and remain in the field of teaching by offering them scholarships as well as professional development and mentoring assistance. One program would offer fellowships and intensive training for high school seniors and college sophomores who want to become teachers, while another would enable teaching assistants and other community college students to earn their four-year teaching certificates. In exchange, these scholarship recipients would be required to teach for at least four years in a public school or three years in a low-performing school following graduation.

The No Child Left Behind Act requires that every teacher be "highly-qualified" by the 2005–06 school year. In order to meet that need, we must embark on an unprecedented teacher recruitment and retention effort. The Teaching Fellows Act gets to the heart of the need for quality and quantity in America's teaching force. We know that such programs work, and with the federal support this bill would provide, these state programs could be building blocks for the intensive national recruitment and retention effort that is essential to strengthening our public education system.

I would like to invite all members of the House to cosponsor the Teaching Fellows Act, and I look forward to working with my colleagues to make sure our schools will have the teachers they need to be successful.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. BOYD. Mr. Speaker, on rollcall votes 119, 120, 121, 122, 123, 124, 125, and 126 I was unavoidably detained. Had I been present, I would have voted: "Aye" on rollcall vote 119; "No" on rollcall vote 120; "No" on rollcall vote 121; "No" on rollcall vote 122; "No" on rollcall vote 123; "Aye" on rollcall vote 124; "Aye" on rollcall vote 125; and "Aye" on rollcall vote 126.

THE GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT OF 2003

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Good Samaritan Volunteer Firefighter Assistance Act of 2003." This legislation removes a barrier which has prevented some organizations from donating surplus fire fighting equipment to needy fire departments. Under current law, the threat of civil liability has caused some organizations to destroy fire equipment, rather than donating it to volunteer, rural and other financially-strapped departments.

We know that every day, across the United States, firefighters respond to calls for help. We are grateful that these brave men and women work to save our lives and protect our homes and businesses. We presume that these firefighters work in departments which have the latest and best firefighting and protective equipment. What we must recognize is that there are an estimated 30,000 firefighters who risk their lives daily due to a lack of basic Personal Protective Equipment (PPE). In both rural and urban fire departments, limited budgets make it difficult to purchase more than fuel and minimum maintenance. There is not enough money to buy new equipment. At the same time, certain industries are constantly improving and updating the fire protection equipment to take advantage of new, state-of-the-art innovation. Sometimes, the surplus equipment may be almost new or has never been used to put out a single fire. Sadly, the threat of civil liability causes many organizations to destroy, rather than donate, millions of dollars of quality fire equipment.

Not only do volunteer fire departments provide an indispensable service, some estimates indicate that the nearly 800,000 volunteer firefighters nationwide save state and local governments $36.8 billion a year. While volunteering to fight fires, these same, selfless individuals are asked to raise funds to pay for new equipment. Bake sales, pot luck dinners, and raffles consume valuable time that could be better spent training to respond to emergencies. All this, while surplus equipment is being destroyed.

In states that have removed liability barriers, such as Texas, fire companies have received millions of dollars in quality fire fighting equipment. The generosity and good will of private entities donating surplus fire equipment to volunteer fire companies are well received by the firefighters and the communities. The donated fire equipment will undergo a safety inspection by the fire company to make sure firefighters and the public are safe.

We can help solve this problem. Congress can respond to the needs of fire companies by removing civil liability barriers. This bill accomplishes this by raising the current liability standard from negligence to gross negligence. I urge my colleagues to cosponsor this legislation and look forward to working with the Judiciary Committee to bring this bill to the House Floor.

CRACKDOWN IN CUBA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Ms. LEE. Mr. Speaker, I'd like to submit the following interesting and insightful article for the CONGRESSIONAL RECORD.

WHY THE CRACKDOWN IN CUBA?

(By Wayne S. Smith)

Various newspaper articles reporting the deplorable crackdown on dissidents in Cuba have correctly noted that the situation there earlier had seemed to be inching toward somewhat greater tolerance. During his trip to Cuba in May of last year, for example, President Carter met with Cuban dissidents and in his televised speech to the nation spoke of the Varela Project, an initiative of theirs calling for greater political freedoms. And both before and after Carter's visit, many other Americans, myself included, regularly and openly met with the dissidents as part of a broad effort to expand dialogue and improve relations between our two countries.

Oswaldo Paya, the principal architect of the Varela Project, was even recently allowed to come to the United States to receive the W. Averell Harriman award from the National Democratic Institute in Washington, and from there he went on to Europe. The Cuban government may not have liked what he had to say while abroad, but he wasn't punished for it when he returned home. It did indeed seem that things might slowly be moving toward somewhat greater tolerance of dissent on the island.

Why then the recent arrest of dissidents? Is it, as some in the United States quickly posited, that Castro was simply hoping the rest of the world was so distracted by the war in Iraq, that no one would notice or react to the detention of a few dissidents in Cuba?

No, that explanation simply doesn't hold up. First of all, no one in his right mind (and whatever else he is, Castro is that) would have expected the arrest of over 80 dissidents, many of them well-known international figures, to go unremarked. The Cubans expected a firestorm, and they got it.

Second, the timing could hardly be worse from Castro's standpoint. The UN Human Rights Commission has just begun its annual deliberations to decide, among other things, whether to condemn Cuba for violations of human rights. Given the greater tolerance discussed above, there had seemed a good chance that Cuba would not be condemned this year. The crackdown, coming just now, makes that far less likely.

Given all that, why the crackdown and why now? To answer those questions, we must first note that the greater leeway for dissent noted above came in response to the overtures of groups in the American Congress and the American public, not to any easing of the hard line on the part of the Bush Administration. Quite the contrary, its policies and rhetoric remained as hostile and as threatening as ever. It ignored all Cuban offers to begin a dialogue and instead held to an objective of regime change. As Mr. James Cason, the Chief of the U.S. Interests Section has stated publicly, one of his tasks was to promote "transition to a participatory form of government."

Now, we would all like to see a more open society in Cuba; that indeed, is what we are all working toward. But it is not up to the United States to orchestrate it. In fact, it is not up to the United States to decide what form of government Cuba should have. Cuba is, after all, a sovereign country. To the Cubans, for the chief U.S. diplomat in Cuba to seem to be telling them what kind of government they should have seemed a return to the days of the Platt Amendment.

The Bush Administration was uncomfortable with signs of greater tolerance on Castro's part, for that simply encouraged those in the United States who wanted to ease travel controls and begin dismantling the embargo. New initiatives along those lines were expected in the Congress this spring. What to do to head them off?

What the Administration did is clear enough. It ordered the Chief of the U.S. Interests Section in Havana to begin a series of high-profile and provocative meetings with dissidents, even holding seminars in his own residence and passing out equipment of various kinds to them. He even held press conferences after some of the meetings. The Administration knew that such "bull-in-the-china-shop" tactics would provoke a Cuban reaction—hopefully an overreaction. And given that the purpose was "regime change", the Cubans came to see them as "subversive" in nature and as increasingly provocative. Those arrested were not charged with expressing themselves against the state, but with "plotting with American diplomats."

The circumstances are different, but to understand Cuban sensitivities in this case, let us imagine the reaction of the U.S. Government if Cuban diplomats here were meeting with members of the Puerto Rican Independence Party to help them promote Puerto Rico's transition from commonwealth to independence. Perhaps the Attorney General would not arrest everyone involved, but I wouldn't take any bets on it.

And the beginning of the war in Iraq did play a role in the crackdown. The Cubans saw it as a signal that the United States was determined to throw its weight around and to blow away anyone it doesn't like through the unilateral use of force. As one Cuban official put it to me recently: "This new preemptive-strike policy of yours puts us in a new ball game, and in that new game, we must make it clear that we can't be pushed around."

It was this kind of mind set that led to the crackdown and that turned the latter into a massive overreaction. The Cubans did exactly what the Bush Administration had hoped they would do. Virtually the whole active dissident community has now not only been arrested but put on trial (or notified that they soon will be) and given extremely heavy sentences. Tragic. This is a blot that will not be easily erased and that will impede any significant progress in U.S.-Cuban relations until there is some amelioration of conditions in Cuba. The Bush Administration meanwhile will certainly continue the pressures, and the provocations, so as to prevent any such amelioration.

It has been argued that Castro simply saw this as a propitious moment to halt dissent in Cuba, and there are doubtless some elements of truth to that argument. Castro has never liked to be criticized. Still, over the past few years, he had tolerated criticism of the system. All things being equal, he might have continued to do so. But the situation has changed, not just between the U.S. and Cuba, but internationally, in ways that the U.S. public is just beginning to understand.

In the dark days that lie ahead, people of good will in the United States who want to see a more normal relationship between our two countries, and to see a more open society in Cuba, should hold to the demonstrable truth that the best way to bring about both is through the reduction of tensions, the beginning of a meaningful dialogue and increased contacts. As Elizardo Sanchez, Cuba's leading human rights activist, has often put it, "the more American citizens in the streets of Cuban cities, the better for the cause of a more open society; so why do you maintain travel controls?" The policies followed by one administration after another over the past 44 years have accomplished nothing positive. True to form, the policy followed by the Bush Administration, and the clumsy tactics of the U.S. Interests Section, have produced only a crackdown. Exactly what we should not want!

Wayne S. Smith, now a Senior Fellow at the Center for International Policy, was

Third Secretary of Embassy at the American Embassy in Havana from 1958 until the U.S. broke relations in January of 1961, and was Chief of the U.S. Interests Section there from 1979 until 1982.

REINTRODUCTION OF THE TERRORIST VICTIM CITIZENSHIP RELIEF ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that would grant citizenship to the spouses and children of legal immigrants who were killed on September 11, 2001. Additionally, this legislation would grant honorary citizenship to those legal immigrants who were killed in the attacks. The terrorist attacks of September 11, 2001, left approximately 100 surviving spouses and children of legal immigrants in jeopardy of being deported, because their immigration status was linked to a family member who was employed at the World Trade Center. While the USA PATRIOT Act allowed these individuals to stay in the United States until September 10, 2002, that reprieve has expired. These individuals should not be forced to leave the country because of the actions of the terrorists.

GUY LEWIS SHOULD HAVE BEEN ELECTED INTO THE BASKETBALL HALL OF FAME

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. GREEN of Texas. Mr. Speaker, I was disappointed to learn that this past Monday, Guy V. Lewis was not elected into the Basketball Hall of Fame, despite of his obvious qualifications and contributions to the game.

Coach Lewis has had a tremendous impact on the game of basketball throughout our country and in Texas, having coached the University of Houston Cougars for more than 30 years. This university is my alma mater, and the school pride that he instilled during the tenure still lingers today.

This exemplary coach led the Cougars to 592 wins, 5 final fours, 14 NCAA title games, and 2 NCAA titles.

He also coached his team in the historical 1968 UH vs. UCLA game, which was the first collegiate game ever nationally televised and the largest crowd to watch a collegiate game at that time. I'm proud to say I was there as a University of Houston student.

Star players Hakeem Olajuwon, Clyde Drexler, and Elvin Hayes, all named among the NBA's 50 greatest players of all time, got their start at the University of Houston with Coach Lewis. But despite all of Coach Lewis' accomplishments, he was still over looked for the Hall of Fame.

Coach Lewis is only 81 years old, and although he may not have been elected this time around, I want him to know that sports fans everywhere consider him to be a true pioneer of basketball.

I know that I speak for all Houstonians when I say that we are very proud of Coach Lewis. I look forward to congratulating him on his election into the Basketball Hall of Fame in the very near future.

COMMENDING MR. RONNIE RAPER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. WAMP. Mr. Speaker, I rise today to honor the bravery of Rhea County Commission Chairman Ronnie Raper. Earlier this week, Chairman Raper risked his own life to save Melinda Andrews, 13, from the raging waters of the Richland Creek in Rhea County, Tennessee.

On Monday, April 7th Ronnie Raper, a building inspector, happened to be in his car and heard a 911 call over his radio indicating that a 13-year-old girl had fallen into the dangerous Richmond Creek and needed immediate assistance. Mr. Raper ran 200 yards to the creek and instinctively jumped into the freezing water to help the young girl. Risking his own safety, he quickly secured her to a large concrete structure in the middle of the creek until firefighters were able to throw them a rope. Mr. Raper calmed the young girl and led her to the shore.

The doctor who treated Ms. Andrews said the freezing temperatures of the creek water could have been detrimental to the 13-year-old girl if she hadn't been pulled to safety so quickly.

This story did not have a terrible ending because a man like Ronnie Raper was there and was willing to put the safety of another person above his own. He is not only an excellent public servant through his work as the Chairman of the Rhea County Commission; Mr. Raper is good neighbor and a heroic man.

I ask the United States House of Representatives to join me in commending Mr. Ronnie Raper for this brave act.

EXPRESSING HIS SALUTATIONS AND CONGRATULATIONS TO LIEUTENANT COLONEL ANN S. FREED, 77TH REGIONAL SUPPORT COMMAND, CHIEF OF PUBLIC AFFAIRS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CROWLEY. Mr. Speaker, I rise today to salute and congratulate Lieutenant Colonel Ann S. Freed, 77th Regional Support Command, Chief of Public Affairs, on her retirement this week after 28 years of active duty service.

Lieutenant Colonel Freed has been exemplary in her field. She is an award-winning public relations professional with 28 years of experience in public and internal communications including public affairs support for military exercises, operations, and events. She has run media relations campaigns at home and overseas; directed the Combined and Joint Information Bureau in the Philippines in 2000 and 2001 during the overthrow of President Estrada and the return of the U.S. military to the Philippines, handled media relations for the 77th Regional Support Command during Desert Shield/Desert Storm to include planning and execution of the reserve participation in the NYC "Welcome Home" parade down the canyon of heroes. During the post-9/11 era, Lieutenant Colonel Freed published the award winning 77th RSC Liberty Torch magazine for the soldiers of the 77th, handled media relations for New York and New Jersey Army Reservists during their mobilization and deployment in support of the Global War on Terror (GWT) and Operation Iraqi Freedom.

Most recently, Lieutenant Colonel Freed has run public affairs operations for the 12,000 soldier 77th Regional Support Command. She has conducted media relations, produced the command magazine, and developed community relations projects. Lieutenant Colonel Freed has worked hard to ensure that the New York and New Jersey publics are aware of the legacy, and continuing contribution of the 77th to America's Army.

Lieutenant Colonel Freed has received numerous awards including the Meritorious Service Medal with third Oak Leaf Cluster for outstanding achievement in Public Affairs, the Department of the Army Keith L. Ware journalism award for the World Trade Center Memorial Issue of the Liberty Torch. She has also received six awards for excellence in broadcast or print journalism from First U.S. Army, Second U.S. Army, Forces Command, and Department of the Army.

I wish Lieutenant Colonel Freed all the best in this new stage of life, and continued health and success for many years to come.

JOB PROTECTION ACT OF 2003

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CRANE. Mr. Speaker, I am very pleased to introduce the Jobs Protection Act of 2003, legislation which will respond to a recent World Trade Organization ruling that held that our export-related tax benefit, the FSC/ETI provision in our tax code, violates our trade agreements. It is my distinct pleasure to be joined in this effort by my good friends CHARLES RANGEL and DON MANZULLO.

This legislation achieves two goals: it brings the United States into compliance with the WTO, and it keeps the playing field level for our manufacturers, which will keep jobs here. I'd like to address each of those issues.

As Chairman of the Trade Subcommittee, I have a strong interest in preserving and promoting free trade throughout the world. Trade is fundamental to our relations with other nations, and free trade has been the greatest civilizing force throughout modern history. I have fought ardently for many years to ensure that the United States, which is the largest exporter in the world, maintains its rightful role as world leader when it comes to trade.

Like my colleagues who have joined me in introducing this legislation, I believe that we must comply with our international agreements. To do otherwise could precipitate a trade war, which would be an unacceptable result. Therefore, this legislation repeals FSC/ETI and brings the United States into compliance with our WTO obligations.

The issue, then, is how to best replace FSC/ETI. In recognition of the fact that the repeal of FSC/ETI raises the tax burden of current beneficiaries by at least $50 billion over ten years, this legislation returns that money to the U.S. manufacturers. In order to understand why that is so crucial to protecting our job base, it is important to understand why the FSC/ETI benefit exists in the first place.

U.S. corporations that export manufactured goods pay a 35 percent corporate tax rate on their profits. In addition, the corporation pays an additional value added tax when they it sells its products in Europe. However, European manufacturers get a portion of their VAT rebated. FSC/ETI compensates manufacturers for this double taxation, thus leveling the playing field between U.S. and European manufacturers. That means jobs stay here. Were this benefit to be repealed with no replacement, U.S. jobs and wealth would be artificially transferred to Europe. This is another unacceptable result.

Therefore, the Job Protection Act of 2003 provides a permanent new deduction, which is an effective rate reduction for U.S. manufacturers, that is consistent with our trade agreements. It is structured in such a manner as to preserve and strengthen U.S. jobs. Surely, Mr. Speaker, that is a goal we should all support!

Mr. Speaker, I would like to be clear as to the process we should follow as we debate how best to replace FSC/ETI. We have faced challenges to export-related benefits in years past. As in the past, it is my fervent belief that our common goal must be to protect the interests of the United States, not our foreign competitors. While I expect a great deal of vigorous debate as we seek to comply with our WTO obligations, I remain hopeful that we will resolve any differences in a dignified manner, not giving our opponents the benefit of a public spectacle.

A summary of the provisions of the legislation follows.

THE JOB PROTECTION ACT OF 2003—STRENGTHENING U.S. MANUFACTURING AND ADDRESSING THE WTO CHALLENGE TO FSC/ETI (APRIL 2003)

REPEAL OF FSC/ETI

The Job Protection Act of 2003 (the "proposal") would repeal the current-law FSC/ETI benefit effective for transactions after the date of enactment.

Transition relief: The proposal would provide two types of transition relief—

(1) Binding Contracts: The proposal would not affect transactions pursuant to binding contracts in effect on the date of introduction of the legislation. This provision ensures that pre-existing arrangements of U.S. taxpayers are not retroactively penalized merely because of the WTO ruling.

(2) General Transition Relief: The proposal also would provide general transition relief based on the company's average FSC/ETI benefit during 2001. A company would receive a deduction for 100 percent of its base period amount (indexed for inflation) for 2004 and 2005, 75 percent for 2006 and 2007, and 50 percent for 2008 (no general transition relief thereafter). A permanent benefit for production activities in the U.S., described below, would begin to phase-in as the general transition relief phases out. The general transition relief is not contingent upon future exports and, therefore, is WTO compliant.

PERMANENT BENEFIT FOR MANUFACTURING ACTIVITIES IN U.S

Strengthening U.S. Manufacturing: The proposal would provide a permanent new deduction which reduces the effective corporate tax rate that would apply to so much of the company's taxable income as is attributable to "U.S. production activities". U.S. production activities would be defined as the manufacture, production, growth, or extraction of property eligible for the current FSC/ETI benefit whether or not actually exported.

Calculating U.S. Production: The portion of the taxable income attributable to U.S. production activities would be calculated by computing total gross receipts from sale, rental or license of eligible property produced in whole or part by the taxpayer in the United States, and then subtracting from those gross receipts inventory costs, directly allocable deductions, and a pro rata portion of other deductions. Allocation would be done in a manner similar to the method used in allocating deductions between U.S. and foreign source income.

Corporate Tax Rate Reduction: For companies with 100 percent domestic production, the effective rate reduction would be 3½ points (35 percent corporate tax rate reduced to 31½ percent) once fully phased-in. Other companies would receive a sliding-scale effective rate reduction based on the value of their U.S. production of eligible products compared to the value of their worldwide production.

REVENUE NEUTRAL

The bill has been structured to be roughly revenue neutral year-by-year and over the 10-year budget period. The proposal does not include any extraneous revenue offsets.

THE OAK TREE BILL

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. GOODLATTE. Mr. Speaker, it is my pleasure today, as the Commonwealth of Virginia celebrates its Arbor Day, to introduce legislation to recognize the people's selection of the oak tree as America's national tree. Selected by the American people during a 4-month-long open voting process sponsored by the National Arbor Day Foundation, the oak tree earned the title of America' s Chosen National Tree. To recognize this distinction, I am proud to introduce legislation today that officially establishes the oak tree as America's national tree.

As a member of Congress representing a heavily forested district in Virginia, I know firsthand how trees add to our quality of life. As chairman of the House Agriculture Committee, I appreciate how trees and forests enhance the environment, add recreational opportunities and provide for the livelihoods of millions of individuals in the forest industry. Whether enjoying a product generated from a forest, or the simple satisfaction of lying under a shaded giant, trees contribute to all Americans.

The strong and stately oak tree is of particular importance in America's history and culture. Not only is this majestic tree an aesthetic beauty that characterizes the landscape of much of our great Nation, it also provides us with wood products in our homes, our offices and our places of gathering. Common to all 50 states, the oak has played a huge role in America's history as a valuable resource. It helped our founding fathers establish a new Nation, supplying building materials for the ever-expanding 13 original colonies. It served as a familiar sight to pioneers as they forged across the new republic to the west coast. And to this day it has remained an enduring, valuable, and highly prized raw material from which beautifully crafted furniture, sturdy door and window framing, ornate flooring and paneling, and the like, are made. This enduring and mighty tree, which has long been a part of our national heritage and strength, fully merits the distinction of America's National tree.

The oak tree has also played a key role in many specific historic moments in our Nation's history. Abraham Lincoln found his way across a river near Homer, IL, using the Salt River Ford Oak as a marker. The Richards White Oak in Cecil County, MD once served as a landmark on a 1681 map used by William Penn. Andrew Jackson took shelter under Louisiana's Sunnybrook Oaks on his way to the Battle of New Orleans. And "old ironsides," the USS *Constitution*, earned its nickname from the strength of its live oak hull, famous for easily repelling British cannonballs.

Chosen by the people in a broad-based election, the oak tree represents the true characteristics of this great Nation: strength, beauty and endurance. Please join me in making official what we have known for many years—that the oak tree is America's national tree.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. BLUMENAUER. Mr. Chairman, it is ironic that we are voting on this resolution today when not one of the working people or business leaders visiting my office recently has asked me to support this budget or its tax cuts. Rather, they want the Federal Government to pass a budget that will help jump start the economy and improve our communities in Oregon and across the country by investing in transportation infrastructure, environmental cleanup, "hometown" security, education, and health care.

The concerns I voiced last month regarding the budget resolution remain valid and unaddressed in this conference report. It sets the stage for the largest budget deficit in our history and without even taking into consideration our significant financial commitment to rebuild and stabilize Iraq and Afghanistan. As our economy remains stagnant, this budget provides little help for our states, which are struggling to balance their budgets among decreasing revenues, higher Medicaid costs, and colossal homeland security demands.

Our Nation's cities are paying an estimated $70 million per week on additional homeland security as a result of the war and high terrorism threat alerts. Instead of helping our communities with these costs, the proposed elimination of the dividend tax would reduce Oregon's 2003 revenue by $91 billion, contributing to Oregon's current budget gap of $1.3 billion. I oppose this budget which sacrifices these fundamental priorities and long-term fiscal stability.

CONGRATULATING CHARLOTTE TAYLOR FOR WINNING THE 2003 VOICE OF DEMOCRACY CONTEST

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate Charlotte Taylor, a senior at Elkhart Memorial High School, in Elkhart, Indiana, who has been named a National Winner in the 2003 Voice of Democracy Scholarship Program. This annual contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, is especially significant this year given America's fight for democracy at home and abroad. The theme for this year's contest, "Freedom's Obligation" is echoed poignantly in the words of Ms. Taylor. I share with you these words, and applaud Ms. Taylor not only for her success, but her desire to champion the cause of liberty.

The tone of America has changed and it is a sound that is comforting us in times of pain. Growing up in America, I am familiar with the grand tradition of the country, but it is in the present I can truly identify what patriotism is. A flame has been lit inside my soul and I understand that with my freedom comes an obligation. An obligation to sacrifice, and to believe.

I work in the Hospital on a Geriatric unit. My job is to talk with the patients, most of whom were either veterans, or lost loved ones in one of the wars. I listen to their stories, and watch the pain in their faces as they recount the price they paid for my freedom. One woman's sacrifice stands out in my mind. Her father fought in World War I. He came home a changed man, abusive and suffering from posttraumatic stress syndrome. He terrorized her, until finally she became old enough to leave home. Eventually she got married and her husband served in World War II. While he faired well fighting in the war, she was left alone raising three young children. One of those children would grow up to die in Vietnam; a victim of Agent Orange. The entire time I sat and chatted with this woman, she never expressed resentment toward her country or the men she lost who served it. She understood her obligation of sacrifice as I do. If I refuse this duty, the millions before me who lost their lives will have lost their lives in vain.

It also is my obligation to support freedom. Believing in a system that has supported me is the least I can do. I study current events, and problems through out the world. Every time I read about the plight people in non democratic countries face, I realize how fortunate I am to have the opportunity to make something of my life. Because of these opportunities I am obligated to support freedom by becoming a productive member of society. It is my obligation to pay taxes and more importantly to vote. While I am not old enough to vote in this year's election, I convinced both of my parents to register to vote. My solitary voice caused two people to cast ballots this election year. Single voices being heard is what freedom is all about.

More than anything I am beginning to understand what patriotism feels like. Last Friday night I played America the Beautiful on the xylophone with our high school marching band during half time. The fans sang along, and never in my life have I felt so united with my country. I drive down the road with an American flag sticker on my car, and I see that hundreds of others have done the same. On the Wednesday after the World Trade Center attacks I went to the hospital to see if I could help the blood bank. I was turned away because so many volunteers had already come to offer their services. The Senior Auxiliary was touched that so many young people were trying to help and that more importantly we understood the magnitude of what was happening. At a time in our lives when much of what we do is centered around ourselves, Young people do understand our obligation to defend America's Freedom with our time and energy, or even our lives.

The tone of America is changing, and it is the pleasant sound of unity. While the country may not be singing the same song, at least we have the freedom to do so. My Peers and I are beginning to understand the sacrifices and support Veterans made to give us the freedom we enjoy today. I thank veterans for fulfilling their obligation to freedom as I am beginning to fulfill mine.

APRIL SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I have named Gotham Avenue School in the Elmont Union Free School District as School of the Month in the Fourth Congressional District for April 2003. Mr. Marshal Zucker is the Principal at Gotham Avenue School, and Dr. Maria Palandra is the Superintendent of Schools in the Elmont Union Free School District. I also acknowledge Joy Madera, a Trustee on the Elmont Union Free School District Board of Education who helped arrange the school's selection. The school has 840 students in grades Prekindergarten through 6, with 65 members on staff.

The Gotham Avenue School Community is a close-knit body of parents, teachers, students, and administrators. Their goal is to ensure each child a stable early education through an enriched curriculum that keeps the children excited, and unique programs that appeal to a wide variety of younger children. The Elmont Union Free School District is a model of excellency with over 4,000 elementary school kids, which encompass over 70 spoken languages.

The school was one of two schools in the district, and one of the total 24 chosen schools in New York State, to win the 2003 Business Council of New York State Pathfinder Award. The award is given for Outstanding Educational Improvement. The recognition and honor is truly extraordinary in light of the 2,900 New York State elementary schools eligible for the Pathfinder Award.

Principal Zucker credits Gotham Avenue's recent success to the school district's new curriculum initiative. The school is focusing more attention on teacher planning and class curriculum mapping. Teachers try to instill in every student that every one of them has the capability of being a successful learner.

Long Island students receive a better education thanks to the faculty and teachers of Gotham Avenue School and I am proud to name them school of the month for April.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. UDALL of New Mexico. Mr. Chairman, in his State of the Union address to the Nation in January, President Bush acknowledged that the country faces many challenges and rightly said that "(w)e will not deny, will not ignore, we will not pass on our problems to other Congresses and future generations." These were noble words that spoke to the true spirit of America.

Unfortunately, the budget conference report denies or ignores many of the challenges we face and passes them along to our children and to our future leaders.

By insisting on new tax cuts for the wealthiest that we simply cannot afford, the budget blueprint will explode Federal deficits and debt for years to come. These piles of debt will be passed on to future generations and will severely weaken our ability to meet the funding challenges facing Social Security and Medicare because of the retirement of the baby boom generation.

This budget projects record deficits while paving the way for up to $550 billion in new tax cuts. This budget agreement marks the worst deficits in our Nation's history. This historic achievement is at the same time that Republicans control both the Congress and the White House. What a sad legacy that is.

The result of this budget will be higher interest rates, the crowding out of private sector investment, and a reduction in long-tern economic growth. Amazingly, in just two and a half years the $5.6 trillion surplus that was projected when President Bush took office has been eliminated.

And not surprisingly, to make room for the latest round of non-stimulative tax cuts, the budget conference agreement again proposes cutbacks in domestic priorities like education, health care, transportation, and law enforcement—cuts that would have a significant negative impact on the vast majority of Americans.

I am not here just to condemn the Republican plan. In fact, I voted for an alternative, as did a few Republicans who objected to the Speaker's budget plan. The Democratic resolution would have adequately provided for education, would have provided $528 billion for Medicare prescription drug benefit, and would have provided some tax cuts. We wanted to put some money in the pockets of American consumers likely to spend it to give this economy a boost, a jump. We wanted to give some money to businesses to encourage them to invest, some tax cuts to businesses to encourage them to invest. We had tax cuts too, just not as massive as those included in the President's proposal. Our proposal would have been balanced in the year 2010. We accumulated a trillion dollars less debt than the Republicans. We had a budget that was commendable. It was rejected.

Mr. Speaker, the sad truth is that this budget takes us further down the wrong path. This policy threatens the long-term fiscal health of our nation.

I am proud to vote against this flawed policy.

HONORING LEXISNEXIS FOR THIRTY YEARS OF ONLINE LEGAL RESEARCH

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. TURNER of Ohio. Mr. Speaker, today I recognize LexisNexis, a Dayton, Ohio company celebrating a very important milestone. LexisNexis, the first commercial, full-text legal information service, is celebrating its Thirtieth Anniversary this year. This company has more than 3,000 employees in Ohio and is headquartered in my district. It provides a service that has become a valuable information research tool to a wide range of professionals in the legal, government, business, and academic arenas.

Thirty years ago, LexisNexis launched the first online legal research system, an innovation that revolutionized the way legal and business research was conducted. Today, LexisNexis continues to revolutionize legal and business research by providing up-to-date information covering a variety of topics from legal documents to worldwide publications to legislative records. LexisNexis provides over a million and a half subscribers with a wealth of knowledge that is easily accessible.

As a lawyer and a lawmaker, I rely on the services provided by LexisNexis and am honored to recognize them today as a global leader in legal, news, and business information services. I congratulate LexisNexis on the success it has achieved over the past 30 years and wish the company and all of its 13,000 employees worldwide, continued success.

LexisNexis is truly deserving of this recognition and I am confident that it will maintain its commitment to deliver superior services and solutions to its customers over the next 30 years.

FALLEN HEROES IMMIGRANT SPOUSE FAIRNESS ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce legislation, the Fallen Heroes Immigrant Spouse Fairness Act, to address a situation of fundamental unfairness under current immigration law. Many of our active duty military are married to alien spouses who have applications pending for permanent legal residence. As the current law is written, should the U.S. citizen spouse die before a 2-year period of marriage is reached, the pending application of the non-citizen spouse is vacated. Widows and widowers of our men and women in uniform who are in the process of applying for a green card should not have their application process terminated if they are unfortunate enough to have lost their loved one prior to reaching the 2 year threshold.

In the 3rd District of North Carolina, where there are numerous military installations and facilities, one of my constituents, a Marine, was killed in the line of duty during Operation Iraqi Freedom. The spouse of this Marine is a legal immigrant seeking to become a citizen and had been living in the 3rd District for 2 years and one month prior to her husband's death. Consequently her paperwork for a green card will proceed. However, it is incomprehensible to me that should this foreign spouse have been married for 1 year and 364 days her paper work would have been voided due to the death of her husband. That is wrong. The time limit should be eliminated for foreign spouses whose loved ones have given their life serving our Nation.

The Fallen Heroes Immigrant Spouse Fairness Act would amend Section 201(b)2(A)(i) of Immigration and Nationality Act to eliminate the 2 year marriage requirement for foreign spouses of U.S. citizens who die while serving. Additionally this legislation seeks to remedy a practice of charging families of non-citizen soldiers who are killed in the line of duty an $80 fee for processing an application for posthumous citizenship. These brave men and women have made the ultimate sacrifice protecting the freedom and interests of the United States. There is no action more patriotic than dying for one's country. As such, the imposition of a fee to restart the application process for posthumous citizenship is an insult to the contribution these service men and women made to our national defense.

Please join me in supporting these common sense changes to our immigration process. We should not punish the families of our soldiers simply because they are unfortunate enough to have incurred the greatest loss of all with the death of their loved one in the service of our country.

COMMENDING AYNOR HIGH SCHOOL

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to commend Aynor High School, of Aynor, South Carolina, for earning the prestigious Palmetto's Finest Award, recognizing it as the best high school in the state.

The Carolina First Palmetto's Finest Award is sponsored through a partnership between Carolina First Bank and SCASA. The award is based on extensive evaluations by colleagues and educators, and the school and community share the honor. This is the 25th anniversary of the award. The award was announced by Governor Mark Sanford on March 11, 2003.

Last fall, 38 schools submitted 17-page applications. The application process included elements on student achievement, faculty training, program goals and delivery systems, office practices and community involvement. Each nominee received an on-site visit by a peer review committee, and the 13 finalists received a second visit. From this process the four most outstanding schools are selected: two elementary schools, one middle school and one high school.

Dr. Darrell W. Ricketts, Principal of Aynor High School, as well as the teachers, staff, and students, have all worked incredibly hard to reach this milestone. Through their hard work and dedication, they serve as a great example to other schools in the First District and the state.

I wish Aynor High School further successes and achievements in the future.

HONORING LUNA ODLAND

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. HUNTER. Mr. Speaker, I rise today to recognize Luna Odland, a volunteer who will be receiving the President's Award of the Alzheimer's Association for her work and tireless effort on behalf of those suffering from Alzheimer's disease. The non-profit Alzheimer's Association currently has 81 local chapters throughout the Nation. For the past 25 years as a volunteer of the San Diego Chapter of the Alzheimer's Association, Luna Odland has been leading a support group for caregivers and professionals dealing with the challenges of Alzheimer's disease. She has served as a volunteer for the Alzheimer's Association longer than anyone else in the Nation, and her group in Escondido, CA, is the Nation's longest running Alzheimer's support group.

Luna began her group unofficially in August of 1978 from her home before the San Diego Chapter was incorporated. She went on to become one of the founding members of the Chapter, serving on its Board of Directors from 1980 until 1990, and chairing the Patient and Family Services Committee.

Little was known about Alzheimer's disease back in the late 1970's, and Luna's group quickly began drawing large numbers of people from as far away as Santa Barbara, CA. When her group moved to the Joslyn Senior Center in 1980, where it still meets today, the second meeting was so large it had to be relocated to the auditorium.

Luna does not limit her involvement with caregivers to simply facilitating her group every month. She phones group members in between meetings to inquire how they are doing or remind them of the next meeting. She also assists them in locating resources and contacting the Association to help with whatever current issues that need attention.

Luna was also instrumental in the development of the "Morning Out Club", which was the first early-stage daycare program in the country for Alzheimer's patients. The "Morning Out Club" model is still in operation today and has been replicated in many sites.

Mr. Speaker, people who take the time to care for others in need are the best example of being an American. It is the dedication and selfless efforts of people like Luna Odland that make our country great and I ask that you join me in congratulating her for receiving this award, an honor which is well deserved.

ENERGY POLICY ACT OF 2003

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to enhance and development, to provide for security and diversity in the energy supply for the American people, and for other purposes:

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to this amendment that will do little more than punish the auto industry for the sin of building cars that people want to buy.

This amendment will force Americans to drive smaller cars that are less safe than what we drive now. Smaller cars mean more traffic fatalities, as noted by the National Highway Traffic Safety Administration and confirmed by the National Academy of Sciences. Safety should not be sacrificed.

The auto industry is already moving on its own to increase fuel economy through the development and use of advance technologies such as hybrids and fuel cells. But they are doing so in a way that will produce cars that are safe and that people will actually want to buy. That is what we should be supporting.

I urge my colleagues to oppose this amendment and support the American people's right to drive safer cars and the ability of the auto industry to finish the job it is already doing.

DON'T RUSH TO EXTEND PATRIOT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. UDALL of Colorado. Mr. Speaker, recent news reports indicate that some are proposing that Congress make permanent some or all of the provisions of the "USA PATRIOT Act" now scheduled to expire at the end of 2005. I find that a matter of concern.

Terrorist attacks must not go unanswered, and our law enforcement authorities need adequate tools to fight terrorists. However, I think that need must be carefully balanced with the need to preserve our civil liberties. In that context, I have had serious reservations about the additional authorities provided by the "Patriot Act."

My concerns have been somewhat allayed by the fact that many provisions of the Act are not permanent. So, I share the view expressed by an editorial in today's Rocky Mountain News: "The jury is still very much out on whether the Patriot Act and its administration are consistent with constitutional safeguards and basic civil liberties. The sunset provisions should stay and the law should be subjected to a strong dose of sunshine. "

For the information of our colleagues, I am attaching the full text of the editorial:

[From the Rocky Mountain News, Apr. 11, 2003]

DON'T DROP SUNSET OF PATRIOT ACT

As a precautionary measure to ensure that legislation works as planned, Congress often adds a "sunset" date, meaning that the targeted provisions of the law will expire after a certain period unless Congress reauthorizes them.

The idea is to ensure Congress returns to the law for a thorough re-examination.

Congress wisely added sunset provisions to the USA Patriot Act, the anti-terrorism bill it passed one month after Sept. 11, 2001.

That 342-page act gave federal law enforcement sweeping new search-surveillance powers, including covert access to computers and financial records—even the right to take a secret peek at what's being checked out of the local library.

Congress has still not thoroughly examined how the act is being used—or abused. But the sunset provisions don't kick in until Dec. 31, 2005, so there's still plenty of time—except that congressional Republicans want to lift those provisions now, making those broad new powers permanent.

Why there's a sudden rush to make the Patriot Act permanent is something of a puzzle. The old axiom "act in haste, repent at leisure" comes to mind.

The jury is still very much out on whether the Patriot Act and its administration are consistent with constitutional safeguards and basic civil liberties. The sunset provisions should stay and the law should be subjected to a strong dose of sunshine.

RECOGNIZING DR. ROD JULANDER

HON. CHRIS CANNON

OF UTAH

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CANNON of Utah. Mr. Speaker, we rise today to honor and recognize Dr. Rod Julander for his devotion and dedication to the students, faculty and staff of Weber State University. For 43 years, he has been an integral part of the Political Science Department.

Dr. Julander began his teaching career at Weber State College in 1960 after receiving a Bachelors of Science from the University of Utah in 1958 and a Masters Degree in Philosophy in 1963. He returned to the University of Utah in 1986 for his Ph.D. and has been a highly valued member of the faculty throughout his years of service.

His hard work and dedication has been acknowledged at the local and national level. He has received numerous National, Regional, State and Community recognition and honors, including the Dello Dayton Teaching Award in 1992, the Crystal Crest Mater Teacher Award in 1995 and the Coretez Honors Award in 1974, and was Social Work Legislative Advocate of the Year.

His exceptional service has also been appreciated by the University and Alumni Association, where he has served as a member of the Executive Committee of the WSU Faculty senate, Past President of the WSU UUAP Chapter, a member of the Search Committee for the WSU Assistant to the President for Diversity, and part of the WSU Continuing Education Lecture Series. Rod Julander has also been active in the community through his involvement in civic and public service. Dr. Julander was a Utah State Senator in 1972, a Member of the Utah Radiation Control Board, a Legislative Consultant for the National Association of Social Workers and has served as the Vice Chair for the Utah State Democratic Party from 1997 to the present.

Dr. Julander's research has been published in the Western Political Science Quarterly, the Institute of Public Administration and in unpublished reports for the United States Air Force. In 1993, Dr. Julander became the chair of the Political Science department at Weber State University. Under his direction the department has grown and thrived. Dr. Julander has distinguished himself throughout his career as a devoted educator, teacher, mentor and skillful leader.

In 42 years of teaching Dr. Julander has influenced thousands of students. He has through his teaching, inspired, taught and been an example for all those whom he came in contact. We wish to add our thanks to Dr. Julander for his long time service to Weber State University, its students and the state of Utah.

His lovely wife Paula served four years in the Utah State House and is currently serving her second term as a Utah State Senator. Between them, Rod and Paula have 5 children and 14 grandchildren. Therefore, we are proud to join with his many colleagues and former students in extending our congratulations and heartfelt thanks to Dr. Julander for his years of dedicated service to Weber State University. We wish him luck in all his future endeavors.

TRIBUTE TO THE TRAVERSE BAY ECONOMIC DEVELOPMENT CORPORATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the Traverse Bay Economic Development Corporation for their outstanding service to the small businesses of the Traverse Bay area.

The Traverse Bay Economic Development Corporation is highly dedicated to the small businesses and commerce of its region. This tremendous organization has greatly assisted to improve the quality of life in the community it serves. Its unwavering commitment has been rewarded by the Michigan Economic Development Corporation, which has recognized them as America's top small town for business growth. This is not the first time TBEDC has been recognized for its efforts to attract and expand business in the Grand Traverse County area.

I am honored today to recognize the Traverse Bay Economic Development Corporation for their commitment to their region.

EXPRESSING SENSE OF CONGRESS REGARDING REFORM OF INTERNAL REVENUE CODE

SPEECH OF

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, American families have fallen victim to an unfair and burdensome tax code. Duplicative and outdated tax policies—even dating back to the Spanish American War—are forcing families across the Nation to sacrifice health insurance, car payments or their child's education in order to fulfill their tax obligations.

The IRS plays too big of a role in the everyday lives of American families. In 2001, alone, the IRS spent close to $9 billion administering the tax system. Americans spent $135 billion and three billion hours complying with the tax code that same year.

As we quickly approach April 15th, Americans struggle to comply with an increasingly unfair and complex tax code. Unfortunately, we can no longer justify our own system of taxation. The marriage penalty and the death tax epitomize the unjust taxation millions of families are impacted by each year.

Duplicative taxes also plague our tax code. The double taxation of dividends, for example, impacts the 52% of Americans invested in the stock market—half of which are seniors. The elimination of this injustice will create over 500,000 jobs each year and will eliminate a great burden on American investors.

Americans deserve a tax code that is simple, fair and encourages economic growth, not financial crisis. Our tax code provides disincentives for marriage, jobs and savings.

While many in this Chamber have spoken about reforming our tax codes, it has become clear that rhetoric does not produce results. Comprehensive tax reform and reform of the IRS must take place in order to ensure the economic stability of America and the financial stability of the American family.

I urge my colleagues to support H. Con. Res. 141, which acknowledges that our tax code is in desperate need of major reforms. Let us all stand committed to reforming a system that is sacrificing job growth, financial stability and economic recovery in order to build more bureaucracies like the IRS. I stand in strong support of this resolution.

THE GUARD AND RESERVE SELECTIVE REENLISTMENT BONUS EQUITY ACT OF 2003. APRIL 11, 2003

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Guard and Reserve Selective Reenlistment Bonus Equity Act of 2003. Joining me today are my colleagues Rep. MARK KIRK, himself a Navy reservist, and Reps. STEVE BUYER and GENE TAYLOR, Cochairs of the House Guard and Reserve Caucus.

This bill would correct an unfortunate situation affecting guard members and reservists across the country that were mobilized for service to their country. Many have found that they can no longer receive payments on their reenlistment bonuses because of their mobilization status.

The primary purpose of the reenlistment bonus has been to maintain an adequate level of experienced and qualified enlisted personnel in the peacetime forces of the military services. In fact, legislative authority for a reenlistment bonus of one form or another has existed continuously since shortly after the Revolutionary War under a number of different names.

However, our experience with Operation Enduring Freedom and Operation Iraqi Freedom has highlighted the fact that payments to mobilized guard members and reservists are suspended while they serve on active duty. For many, this creates a financial hardship and for others, a significant speed bump in their financial plans. This legislation would enable them to receive the payments due to them.

Currently, for U.S. operations pertaining to Homeland Security, and deployments in Afghanistan, and Iraq, 275,000 reserve troops and National Guardsman have been mobilized. The activated troops serve along side active duty men and women.

It surprises me that inequities still exist between reservists and active-duty service members serving side by side to protect the interests of the United States and I am pleased to work with my colleagues in correcting one of them.

Knowing that the Senate has already acted on a similar measure, I am confident that this bill will enjoy swift approval by the House and will soon be at the President's desk for enactment into law.

JOB PROTECTION ACT OF 2003

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. RANGEL. Mr. Speaker, I am very pleased today to be joining my good friend, Philip Crane, in introducing the Job Protection Act of 2003. I am very pleased both with the substance of this bill and the bipartisan cooperation exhibited by everyone in its development. This bill is a model for how we should be addressing national issues in this Congress.

The bill responds to the recent World Trade Organization ruling that held that our export-related tax benefit, the FSC/ETI provision, violates our trade agreements. I believe that it is necessary for this country to comply with its international agreements. But I believe that the response to the ruling must be designed in a way that preserves jobs in the United States.

The FSC/ETI provisions currently benefit companies manufacturing and producing goods in the United States. One company executive described the beneficiaries of FSC/ETI as companies "doing business the old-fashioned way," producing goods in the United States and selling them overseas.

Merely repealing FSC/ETI without returning the revenues to companies producing in the United States could result in further job losses in the United States. This would be unacceptable, particularly now when there has been a steady erosion in U.S. manufacturing jobs.

Our bill will comply with the WTO ruling by repealing the FSC/ETI benefit, but it also will provide a permanent effective rate reduction for U.S. manufacturers that is consistent with our trade agreements. It will create positive incentives for companies to expand their operations in the United States, not overseas. It will preserve, not threaten U.S. jobs.

Mr. Speaker, we have had similar challenges to our export-related benefits in the past. We always have responded in a bipartisan, bicameral basis. Such a response is appropriate because that type of challenge is not a partisan issue. It is a legal dispute between our country and our foreign competitors. In that dispute we all represent the same client, the United States. We should proceed just like a group of lawyers representing the same client, perhaps disagreeing in private, but never sharing those disagreements or competing legal briefs with our opponent.

Attached is a summary of the provisions of the bill.

The proposal would repeal the FSC/ETI benefit effective on date of enactment. The proposal would include binding contract transition relief and general transition relief. The general transition relief would be based on the company's FSC/ETI benefit for 2001. The company would receive a deduction of 100% of its base period amount for 2004 and 2005, 75% for 2006 and 2007 and 50% for 2008, with no general transition relief thereafter.

As the general transition relief phases out, a new permanent benefit for U.S. manufacturers would be phased in. The new benefit would reduce the effective corporate tax rate on income attributable to U.S. production activities. Purely domestic companies would receive an effective rate reduction of 3.5 points (reducing the 35% rate to 31.5%). Companies with operations offshore would receive a smaller rate reduction based on the value of their U.S. and world-wide production. That adjustment would create positive incentives for companies to keep operations in the United States.

INTRODUCTION OF LEGISLATION TO EXPAND THE EARNED INCOME TAX CREDIT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. BECERRA. Mr. Speaker, the earned income tax credit (EITC) provides cash assistance to lower income working parents and individuals through the tax system and is an important part of the Federal "safety net" of programs for Americans living in poverty.

Under current law, there are three categories of EITC recipients: those with no children, those with one child, and those with two or more children. One does not need to owe taxes at tax time in order to benefit—the EITC benefit amount may exceed tax liability and be received in the form of a payment from the U.S. Treasury after the tax year's end. Moreover, certain eligible workers with children may choose to receive a portion of the EITC in the form of advance payments throughout the tax year.

While the EITC has been tremendously successful and has lifted more children out of poverty than has any other government program, I believe that our efforts to use this important tax credit to fight poverty can be further improved. Recent studies have shown that 29 percent of all children in families having three or more children subsist at incomes below the poverty level. This is more than double the poverty rate among children in smaller families. Nearly three of every five poor children in this country live in families with three or more children. Our former colleague Rep. Bill Coyne introduced legislation during the 107th Congress that targeted this particular problem and made other needed improvements to the EITC program. Today I reintroduce that bill.

The bill will create a new EITC benefit level for families with 3 or more children, with a credit percentage of 45 percent, to provide a higher benefit than what they currently receive under the "two or more children" category (which has a 40 percent credit rate). The bill would also double the credit percentage for workers with no qualifying children from 7.65 percent to 15.3 percent. This change recognizes the fact that there is virtually no safety net for people in this category, who face high federal tax burdens. The 15.3 credit percentage is the amount needed to fully offset the amount of the payroll tax, including the employer's share.

In addition, the bill will increase EITC benefits for all family categories by raising the maximum creditable earnings used to calculate the credit. For all eligible individuals with children, this amount for the year 2002 will be $10,710, the annual wages of a full-time worker earning the minimum wage. For childless workers, the maximum creditable earnings will rise to $6,000, approximately 60 percent of those wages. In order to balance program costs, benefits will phase out at the same income level, as is the case under current law.

The creation of the additional EITC category involving three or more children will benefit approximately 3.2 million households and further reduce poverty among these larger families. The economic stimulus function of my bill cannot be overlooked, as it will benefit the U.S. economy by providing additional incentives for more people, especially low-income women, to join the work force.

Mr. Speaker, at a time when our country is facing so many economic challenges, we must not forget that our low-income families continue to remain at the margins of our economy and are the first to suffer the effects of an economic downturn. I urge all my colleagues to join me in this effort to further enhance the highly successful EITC by cosponsoring this legislation.

CONCERN FOR AMERICA'S TELECOMMUNICATION INDUSTRY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. SHIMKUS. Mr. Speaker. I rise today out of concern for America's telecommunications industry.

Service providers and equipment manufacturers are going out of business, workers have been laid off, and capital investment is frozen. Experts agree the industry is experiencing an "economic meltdown." Once an engine of economic prosperity in the 1990s, this important sector is now a driver of the current recession.

Why is this happening?

In order to spur competition in the local phone market, the Telecommunications Act of 1996 required the local Bell companies to rent out their networks to competitors while they developed a customer base and built their own facilities.

That is fine. However, many state regulators set the Bells' leasing rates significantly below the cost of maintaining their lines. For some time now, the incumbent phone companies have been bleeding money while big players, such as Worldcom, take advantage of these artificially low rates that were designed to help new entrants gain access to the market. Without contributing to the local infrastructure, these companies are cherry picking lucrative business and select residential customers, while leaving the Bells to serve everyone else.

Instead of helping the little guys get started and bringing true competition to the local phone market, this regulation is a boondoggle for a few big companies at the expense of the regional Bells. This is not a sustainable economic model, as we are now witnessing.

Recently, the Federal Communications Commission had the opportunity to turn things around in their Triennial Review. They failed to do so.

Instead of correcting the rate structure and creating the regulatory certainty necessary to stabilize the industry, the FCC managed to produce even more uncertainty by punting to the states the rate decision they were supposed to establish. This means that the rate structure for local telephone service will now have to go through lengthy legal battles in 50 different states and in the District of Columbia before it is resolved. Unless something is done, for years to come, lawyers will profit and the status quo will prevail.

I urge the FCC to reconsider its decision. You cannot fool an industry into recovery by creating a façade of competition.

HONORING THE WINNER OF THE 2003 VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST, "FREEDOM'S OBLIGATION"

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to recognize Mr. Darshan N. Patel, a National winner of the 2003 Voice of Democracy Program. The contest theme this year was "Freedom's Obligation."

Mr. Patel is a sophomore at Albuquerque Academy in Albuquerque, New Mexico. I think you will agree that his entry earned the award. Mr. Patel has communicated a powerful message regarding "Freedom's Obligation." I submit his winning entry for the CONGRESSIONAL RECORD to honor Darshan's tribute to the American men and women of the military who have given us the many freedoms we enjoy today.

Mr. Speaker, I also extend my appreciation to the Veterans of Foreign Wars of the United States for their sponsorship of this program. This year more than 80,000 secondary school students participated in this contest competing for the 59 national scholarships. Darshan was sponsored by VFW Post 401 and its Ladies Auxiliary in Albuquerque, New Mexico.

Please join me in congratulating Mr. Darshan Patel as a National winner and thanking him for his patriotism.

ENSURE ACCESS TO CRITICAL DIALYSIS CARE UNDER MEDICARE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. KLECZKA. Mr. Speaker, today Congressman CAMP and I are introducing legislation, the Medicare Renal Dialysis Payment Fairness Act of 2003, which would require the

U.S. Department of Health and Human Services (HHS) to create and implement by January 2004 an annual updating mechanism for dialysis reimbursement under Medicare.

While the Medicare program pays for about 75 percent of dialysis care, there is currently no mechanism to update the reimbursement to account for inflation, new technology, labor, and other cost increases. In fact, the dialysis reimbursement is the only Medicare prospective payment system that does not have an updating framework. As a result, in their March 2003 Report to Congress, the Medicare Payment Advisory Commission (MedPAC) states that Medicare is on average paying three percent less than the cost of a dialysis treatment. This payment disparity is even greater for small and rural dialysis facilities, which experience about an 11 percent payment shortfall per treatment.

A primary concern about this underfunding is the inability of dialysis facilities to compete with other providers—who do receive annual updates—for nurses and other health care workers. According to a study completed by Abt Associates, a dialysis center in Baltimore, Maryland is only able to pay $25.75 per hour while the local hospital has the resources to pay $35.00 per hour. Similarly, in northern California, a dialysis center pays staff $32.00 per hour while the hospital pays $40 per hour.

Across the nation, nursing salaries have increased an average of 27 percent (from $23,140 to $31,720) from 1992 to 2002. It has become more and more difficult for the renal community to keep up with these rising labor costs and recruit and retain trained staff for dialysis facilities when other providers have the capabilities to pay higher salaries.

Even more importantly, reports show that low reimbursement rates have started to create access to care problems for Medicare end stage renal disease (ESRD) patients. In 2001, on average 77 percent of patients treated at renal facilities were Medicare beneficiaries. However, among the dialysis facilities that closed in 2001, Medicare beneficiaries comprised 88 percent of patients. This evidence indicates the economic challenge that dialysis centers face in treating Medicare beneficiaries.

I am pleased that this legislation is supported by the Renal Leadership Council and the National Kidney Foundation.

Mr. Speaker, providing for an inflationary annual update would allow the Secretary of HHS to make appropriate, data-driven decisions each year on fair dialysis payment rates. We must ensure that dialysis care for Medicare beneficiaries is not jeopardized due to inadequate reimbursement. I urge my colleagues to cosponsor and support this important legislation.

CONGRATULATIONS TO MAURA LYLE LASATER

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Ms. BERKLEY. Mr. Speaker, I rise today to honor and congratulate Maura Lyle Lasater of Las Vegas, NV, Nevada's 2003 Cherry Blossom Princess and dear friend of mine.

I have known Maura since she was a youngster. I have watched her grow from an energetic toddler, through her competitive ice skating and horseback riding years as a young girl, high school at Bishop Gorman High School in Las Vegas, college at the University of Puget Sound graduating with a Communications degree, all the way to the intelligent, poised and personable young woman with a great sense of humor she is today. Maura was an active and valuable participant in her mother's two successful Las Vegas mayoral races and also her run at the Nevada governorship.

Maura is now a trusted and valuable member of my staff. Her first day at work was September 11, 2001. Reporting to work at 9 a.m. that morning, new to this city and without a network of friends, within less than 45 minutes America and the world changed and Maura's own personal world became even more unsettled. My staff, rallying together in the face of their own unknown terror, embraced "the new girl" and kept her with them as they sought and found a safe place to wait out the day's events. In the chaotic days following 9/11—including the anthrax scare—Maura established herself as a tireless, reliable and dedicated public servant, despite her short time on the Hill.

Much has transpired since that day and Maura now is an experienced and knowledgeable Hill veteran, much loved and respected by her colleagues. She has her own network of friends and has continued her volunteer efforts on behalf of candidates and causes. Maura is an excellent representative of her home State of Nevada in the Cherry Blossom Festival.

The story of the Cherry Blossoms has been told many times—the Japanese Government, working with then First Lady Helen Taft, donated 2000 cherry blossom trees. When they arrived, they were found to be diseased and unfortunately had to be destroyed to prevent the spread of the disease to our own agricultural products. The Japanese Government was gracious enough to provide another donation—this time 3000 gorgeous cherry blossom trees. These were planted not only in the Tidal Basin, but all throughout Washington, DC. There are now less than 200 of the original trees remaining, and efforts are underway through new research and cuttings to regrow these trees so there will always be descendants of Japan's gracious gift to America. Maura and the other Cherry Blossom Princesses are an integral part of this time-honored tradition fostering continued good will of our two countries and the beauty the trees provide.

Maura spent a whirlwind week of customs and ceremonies as Nevada's representative to the Cherry Blossom Festival. I was filled with pride when I escorted her in the introduction ceremony at the Congressional Reception, attended by the Ambassador of Japan and Mrs. Ryozo Kato. Las Vegans and all Nevadans can be proud to have Maura Lasater as their representative. I look forward to Maura's continued success in life and wish her all the best as she pursues her dreams and goals.

HONORING THE 100TH BIRTHDAY OF MARY LOU DAVIDSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. GORDON. Mr. Speaker, I rise today to wish a happy 100th birthday to a dear cousin of mine, Mary Lou Gordon Davidson. She is a remarkable woman who continues to remain an active and vibrant part of her community.

Mrs. Davidson was born April 29, 1903, to the late Dr. Alfred Nelson Gordon and Sallie Holden Gordon on a farm in my hometown community of Rutherford County, TN. She has lived through 18 U.S. presidents and has witnessed a dizzying array of technological achievements, including traveling to town by horse and buggy to reaching the stars by way of powerful rockets. She has watched telecommunications advance from a simple hand-crank telephone hanging on the wall to a hand-held digital telephone using signals delivered by way of satellite.

After receiving her bachelor's degree from the old Tennessee College for Women in my hometown of Murfreesboro, Mrs. Davidson raised a child, Sara, and taught school for more than four decades before retiring in 1968. Through her active life, Mrs. Davidson enjoyed a multitude of hobbies, including gardening, cooking and sewing. In fact, she currently leads a knitting class at her home in the McKendree Retirement Village. And she has won nearly a dozen gold medals while participating in the Senior Olympics.

Mrs. Davidson is the epitome of living life to the fullest. Her keen wit and positive attitude have given her a wonderful disposition, one that we should wish to have. I congratulate Mrs. Davidson for her countless contributions to her community and her country.

TRIBUTE TO PHILLIP BURTON

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commemorate the life of the late Congressman Phil Burton, who in my humble opinion was one of the greatest and most brilliant legislators in modern times.

Those of us who had the privilege of working with Phil Burton can certainly attest to his unique and outstanding leadership capabilities and his tremendous influence still being felt today. No doubt we all have our Phi Burton stories to tell, most of which center around the life and times of a man who is one of the great legislative giants of our times.

Twenty years ago, over 125 Members of Congress, including House Speaker "Tip" O'Neill, traveled to San Francisco to attend a special memorial service in honor of Phil Burton. It was one of the largest delegations of Members, perhaps even the largest, to attend a memorial service of one of its own colleagues.

I remember former California Assembly Speaker and now Mayor of San Francisco, Mayor Willie Brown, a close personal friend and associate of Phil Burton, made an interesting observation of Phil's life and career. Mayor Brown said, "Now I know some of you Members of Congress are here to pay your respects and truly offer your sympathies to Sala (Phil's wife) and the family. But I also sense that some of you are here to be absolutely certain that Phil Burton is dead and to be sure that you will never have to confront him again."

At the memorial service, House Speaker Tip O'Neill also made this comment concerning Phil Burton. He said, "Few in the House of the past or in the present can match his contribution." "Phil had his losses, but he always shoved adversity aside. He fought for the hungry and the sick and against bigotry with tremendous energy and commitment."

Some people describe Phil Burton as an ultra-liberal and very difficult to work with because of his so-called ideology. But I considered Phil a very unique kind of liberal, one who was able to foster relationships with other Members, despite differences in ideologies. It was not uncommon to find Phil in a corner of this chamber talking to a conservative Republican or conservative Democrat. I remember well one of Phil's famous proverbial expressions, "Cut the B.S. and let's be operational."

Mr. Speaker, as my colleagues are well aware, one of the most ideologically-based committees in this institution is the Committee on Resources. A committee composed mainly of Members from Western states, whose districts are significantly effected by the involvement of the Federal Government regarding the control and administration of millions of acres of land which are located in these states.

Recognizing the atmosphere that existed in the Committee, I once asked former Congressman Sam Steiger, a senior Republican from Arizona, how he was able to get along with a liberal like Phil. Congressman Steiger replied, "Two things Eni. First, Phil is among the few liberals who at least comes and talks to us on this side of the aisle, and second, in all the years that I've known and worked with him, Phil Burton has never broken a promise." Mr. Speaker, Phil Burton was a man of his word.

Long before I knew that I was going to be a member of this great institution, I served as a member of Phil's staff. From him I learned a lesson that I have carried with me ever since. "Eni," he told me, "the only thing that matters and is worth anything working in this place—is your word. Don't ever forget that."

Mr. Speaker, I haven't forgotten this lesson, and the many others I learned from Phil. He was a man of principle, conviction and determination. A man who left behind a legacy of integrity. A man who was my mentor and friend.

TRIBUTE TO PULITZER PRIZE WINNING BOSTON GLOBE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Boston Globe on their Pulitzer Prize for public service, journalism's highest honor, for their coverage of the clergy abuse scandal in Boston. They are to be commended for their outstanding and comprehensive reporting.

In January of last year the Globe ran a Spotlight series, which showed a widespread pattern of sexual abuse by priests, covered up by the Archdiocese of Boston. Throughout the year, a team of reporters, including Spotlight reporters Walter V. Robinson, Matthew Carroll, Sacha Pfeiffer, and Michael Rezendes; investigative reporters Kevin Cullen, Thomas Farragher, and Stephen Kurkjian; and religion reporter Michael Paulson, managed by editors Ben Bradlee Jr. and Mark S. Morrow, produced nearly 800 stories related to the scandal.

The Globe executed courageous and timely reporting and coverage of the scandal. They reached a level of reporting and coverage unparalleled in recent times in its depth and force of reporting. As a result of their coverage, the scandal received international attention, and culminated with the resignation of Cardinal Bernard F. Law in December.

At a time when we need public servants, and we call on our citizens to offer their services to our communities and to our country, the Globe proved that newspapers too can rise to the challenge and provide an incredible public service. There is no doubt that the thousands of families, who found a voice through the pages of the newspaper's coverage of this scandal, are far better off for the Globe's work. We all owe them our thanks and a debt of gratitude for their service.

FREEDOM'S OBLIGATION BY KACEY L. REYNOLDS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to congratulate a young lady in my District, Ms. Kacey L. Reynolds of Calvert City, Kentucky. Ms. Reynolds is the Kentucky winner of the 2003 Veterans of Foreign Wars Voice of Democracy broadcast script writing contest. Ms. Reynolds's script, entitled "Freedom's Obligation," has great meaning as our armed forces are in the process of liberating the Iraqi people and giving them the freedoms we enjoy everyday. At sixteen years old, Ms. Reynolds has a true understanding of what freedom means and what individuals must do to preserve it. I have attached a copy of Ms. Reynolds's script to be placed in the RECORD. I urge all my colleagues to read her inspiring thoughts on the true value of freedom.

[From the 2002-2003 VFW Voice of Democracy Scholarship Contest]

FREEDOM'S OBLIGATION

(By Kacey Reynolds—Kentucky Winner)

Our forefathers viewed freedom as a quest—a goal they lived, and gave, their lives fearlessly pursuing. Today, most of us view freedom as a privilege we deserve, a complimentary right owed to us, simply because we are American. But our liberty must never delude ourselves into believing freedom is free. Independence has always come at a price, and we have a responsibility to ensure that it continues so the heroic sacrifices made to secure it were not in vain. Freedom is a blessing and a responsibility and our obligation to it is threefold.

Our first obligation to freedom is that of education. Thomas Jefferson once said, "If a nation expects to be ignorant AND free, in a state of civilization, then it expects what never was and never will be." Ignorance is the first enemy of liberty. It is through education that we possess the freedom, not only to provide for ourselves, but to choose the manner in which we do so. It is through learning that we open our minds to new concepts and courageous ideals to better govern ourselves. It is through a knowledge of our history that we take pride in who we are and our rich heritage as Americans. Education provides opportunity—the opportunity to be self-sufficient, the opportunity to understand, the opportunity to be free.

Our second obligation to freedom is that of obedience. America's government is "of the people, by the people and for the people", but our founding fathers knew that no people can be truly free if any individual person is allowed to violate the rights of others. Obedience to the law is essential for equality and security. If we expect our government to provide freedom for us, then we have a responsibility to respect each other. Crime is the second enemy of liberty. President Theodore Roosevelt said, "No man is above the law and no man is below it. Nor do we ask any man's permission when we require him to obey it. Obedience is demanded as a right, not asked as a favor." Obedience by each individual provides freedom for all.

Our third obligation to freedom is that of service, of giving back to our community, our government, and our country. We, as citizens of that freedom, hold a responsibility to dedicate our time, our resources, our passion, and, sometimes, even our lives for the greater good. It is in serving one another that we become united. If we fail to give of ourselves, then we fail the memory of those brave souls who went before us to sacrifice everything. Selfishness is the third enemy of liberty, but volunteering our service affords us the opportunity to give back what we receive. Only in this service can our country provide us with true freedom.

Without education, how can we be free to govern ourselves? Without obedience to our laws, how can we ensure safety and security for all people? Without service, how can we expect others to fight and die for our freedom? We cannot. We must dauntlessly pursue education, bravely stand up for what is right through obedience and unselfishly give of ourselves through service so freedom can continue to flourish. This is our obligation. It is in being the "home of the brave" that makes us "the land of the free".

THE FREEDOM FLAT TAX ACT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. BURGESS. Mr. Speaker, I rise today to introduce the Freedom Flat Tax Act.

Albert Einstein once said, "The hardest thing in the world to understand is the income tax." If you look at the current Tax Code, it is easy to see his genius.

The cost of the current income tax system in both time and dollars is just too high. Each year, Americans spend 6.1 billion hours preparing their tax forms and businesses spend 800 million hours complying with the Tax Code. In 2001 alone, Americans lost at least $183 billion in opportunity costs—calculated at $30/hour—that people spent working on their taxes instead of working on money-producing activities for themselves.

Two-thirds of Americans think the income tax system is too complex. We need a simpler system for all Americans to understand. Taxpayer phone calls to the IRS help line doubled during the 1990s from 56 million to 111 million, even though the number of taxpayers only grew by 12 percent. The Federal tax rules are over 45,500 pages in length, which is double the number of pages since the 1970s, including the full Tax Code, IRS rules and regulations, and tax court rulings. As of May 2000, the Tax Code contained 1,395,028 words—nearly 319 times the number of words in the U.S. Constitution. The average taxpayer pays $1,839 per household in compliance costs. In other words, that taxpayer must work 6 days per year just to pay for the cost of preparing his or her taxes for that year. These complexities are completely unnecessary.

I believe Americans need to keep more of their money they work for each day. Valuable resources are being lost to taxes; resources that could be used for productive, job-creating economic behavior or for spending time with our families. As you can see, the costs imposed by our tax system are just too high.

It is for this reason that I am introducing the Freedom Flat Tax Act. This legislation will allow Americans to opt out of the current convoluted and complex tax system and into a pro-growth tax system that will restore fairness, simplicity, and efficiency to our Tax Code. Congress has the obligation to remove those obstacles to American economic growth and health.

The Freedom Flat Tax will phase-in the flat tax over a 3-year period, with a 19-percent rate for the first 2 years and a 17-percent rate in subsequent years. It will have no deductions or loopholes, but will allow some personal exemptions, including a $5,510 exemption for each dependent.

We've heard of the flat tax before. Here's how my proposal differs from other versions of the flat tax bill: First of all, it is optional. This bill will allow individuals and businesses to choose if and when they will opt into the system. Second, it is permanent. The decision to opt into the flat tax system will be permanent to prevent possible tax evasion resulting from taxpayers jumping back and forth from the current income-based system to the flat tax system.

The Freedom Flat Tax will create a system that promotes fairness and economic prosperity by treating everyone the same, regardless of income or occupation, and removing the special preferences and disincentives for economic growth that characterize our current tax system.

The goal of the Freedom Flat Tax is to create a tax system that minimizes the number of market-distorting investment decisions that are made as a result of the current tax system; people will base their financial decisions on common-sense economics, not the tax code. When savings are no longer taxed twice, people will save and invest more, leading to higher productivity and greater take-home pay. The flat tax will spur economic growth by eliminating the current tax code's bias against savings and investment. Because the flat tax treats all economic activity equally, it will promote greater economic efficiency and increased prosperity.

It is estimated that the flat tax system will save taxpayers more than $100 billion per year. This increase in take home pay will give people more money to spend in the economy, which will help boost economic activity. In these difficult times, Congress will soon be debating the need for an economic stimulus. Mr. Speaker, I ask everyone to stop and imagine what a stimulus that $100 billion would provide to our economy if we put it in the hands of average Americans! I yield the floor.

PERSONAL EXPLANATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. REYES. Mr. Speaker, I was unable to cast votes today due to memorial services being held in my district of El Paso in memory of the nine soldiers of the 507th Maintenance Company who were killed in Operation Iraqi Freedom. If present, I would have voted no on the Rahall Amendment (rollcall 143) which did not provide for the productive use of petroleum resources in Alaska that could benefit local indigenous populations and our energy security. On the motion to recommit (rollcall 144), 1 would have voted aye. On final passage of H.R. 6 (rollcall 145), I would have voted no. I am concerned that the energy bill we voted on today lacks sufficient consumer protections and provides too many taxpayer handouts at a time when our federal budget is under the strain of record deficits and the costs of war.

CONGRATULATIONS TO MAINE SOUTH HIGH SCHOOL CONSTITUTION TEAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Ms. SCHAKOWSKY. Mr. Speaker, Twenty-four exceptional students from the 9th Congressional District are ready to compete against the smartest and the brightest from around the country in the national finals of the We the People . . . The Citizen and the Constitution. The 24 students, all seniors from Maine South High School in Park Ridge, IL, have recently won the Illinois State competition and will represent our great State in the national finals.

What does it take to make it into the finals of this prestigious contest? What does it take to make it this far? The answer is clear: Dedication, hard work, and countless hours reading, researching, and studying the great document that is the foundation of our democracy: the Constitution of the United States of America—the symbol of personal freedom and protection.

Each year, the "We the People" foundation hosts district, State and national level Congressional-style hearings on the history and principles of Constitutional democracy in the United States. Participants are tested on their knowledge of the Constitution and its foundations and applications to our country.

The "We the People" contest is an invaluable learning experience for Maine South High School students and other students from around the country. The program helps promote democracy and encourages civic participation in the issues of critical importance to our freedoms by young men and women and I am hopeful they will carry those lessons with them into the future.

I would like to commend the students of Maine South High School's Constitution Team and their academic advisor Dan States for their hard work and great scholastic achievement and I wish them the best of luck in the national finals.

TRIBUTE TO LIZA JACKSON PREPARATORY SCHOOL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to congratulate Liza Jackson Preparatory School in Fort Walton Beach, Florida on their recent designation as a Model Charter School. As one of only six schools in the state of Florida to receive this designation, Liza Jackson Preparatory has proven itself to be in a class of its own when it comes to the education of our young individuals in Northwest Florida. It is an honor and a privilege to express my sincere congratulations to the entire Liza Jackson Preparatory community on their well-deserved recognition.

Founded by a group of education professionals who wanted more from public education than what was available through the traditional district schools, dedicated staff and extraordinarily involved parents have built Liza Jackson Preparatory into the remarkable institution that it is today. It is a place where the children come first and are taught to obtain the highest levels of achievement that they can.

Liza Jackson Preparatory prides itself on bringing together its dedicated parents in an effort to help guide and design the school's mission. Liza Jackson Preparatory used information gathered by organized parent groups to write its charter, which was subsequently submitted to the Okaloosa County's school board in 2000 and unanimously approved. Initially, the school opened its doors to 560 students in August of 2001 and today I am proud to say that enrollment is filled to capacity with an additional 700 children on the waiting list.

Mr. Speaker, over its first 2 years, Liza Jackson Preparatory School has shown that it is succeeding in its mission; to provide a comprehensive approach to education in order for students to successfully compete in the global community. On this occasion, I offer my sincere and heartfelt congratulations to Liza Jackson Preparatory School on their designation as a Model Charter School, and wish them the greatest of success in all that is to come.

YOUTH PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Ms. NORTON. Mr. Speaker, this Saturday, April 12 marks the culmination of Youth Pride Week in Washington, DC with our Seventh Annual Youth Pride Day.

Youth Pride Day occurs every April in Washington, DC. It is the annual celebration for gay, lesbian, bisexual, and transgender young people, which has brought over 10,000 youth together since its start in 1997. The celebration has grown from just 900 participants in 1997 to over 2,800 young people last year. Youth Pride Day has evolved into Youth Pride Week, which comprises over a dozen events ranging from a conference, dances, and poetry readings, to Youth Pride Day on Saturday.

The Youth Pride Alliance sponsors Youth Pride Day. The Alliance was founded in 1996, and its mission is to celebrate the dignity and courage of all young people as they discover their identities as gay, lesbian, bisexual, transgender, or straight. The Alliance challenges society to stop hate, violence, fear, isolation, and denial as it reminds us every young person deserves to live, to love, and to be loved.

We, who live in our Nation's Capital and are taxed without representation, feel a special affinity to any other group that has been denied the full rights and privileges, which most United States citizens enjoy. I remind the House that Washingtonians are taxed without representation.

I ask this House to join with me in welcoming all those attending Youth Pride Day.

PERSONAL EXPLANATION

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

Mr. BOEHNER. Mr. Speaker, I regret that I was absent for roll No. 140 and 141. I respectfully request the RECORD to reflect that, had I been here, I would have voted "yea" on each.

HONORING JOHN JACOB RHODES WITH THE CONGRESSIONAL DISTINGUISHED SERVICE MEDAL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. HASTERT. Mr. Speaker, it is a great honor to announce that John Jacob Rhodes, former Republican Leader of the House of Representatives, is one of the first recipients of the Congressional Distinguished Service Medal. Together with Leader GEPHARDT, I established this award to recognize former Members of the House who served the American people with extraordinary distinction and selfless dedication. Leader GEPHARDT chose to honor Louis Stokes as his first award recipient, and I can think of no better person than John Rhodes to share this first tribute.

John Rhodes was born in Council Grove, Kansas, attending public schools and eventually Kansas State University. After moving east and graduating from Harvard Law School in 1941, he practiced law in Mesa, Arizona. He started his service to our Nation early as a member of the U.S. Army Air Corps and a staff judge advocate of the Arizona National Guard. These experiences served him well during his thirty year career in the United States Congress.

First elected as a Republican to the 83rd Congress, John Rhodes went on to serve in fourteen succeeding Congresses. After twenty years in Congress, he had earned the respect of his peers and was elected Minority Leader of the House for the 93rd through 96st Congresses. These years saw John Rhodes lead his party from the dark days of Watergate to the resurgent presidency of Ronald Reagan.

And through it all, John Rhodes was considered a man of exemplary values, a true leader, a great listener, and steadfast peacemaker. Those who know him best would say he has a quiet dignity, an implicit trustworthiness, and a tireless devotion to the people of America. Pulitzer prize-winning columnist George Will said it best:

> One glance tells you. God had a Congressman in mind when he made John Rhodes. And he is just what the Founding Fathers had in mind when they designed the House of Representatives, the body intended to be the closest to the common man.

I can think of few equals to John Rhodes whose life and legislative careers merit the Congressional Distinguished Service Medal. We cannot thank him enough for his service to this Chamber and to our great country. I am truly honored to be able to present him with this award.

TRIBUTE TO JOSEPH G. ROBERTS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor and pay tribute to Joseph G. Roberts, beloved husband of Lia Roberts. Joe will be laid to rest on Saturday, April 12, 2003, in Las Vegas, Nevada. Joe was born on September 19, 1915 in Springfield, Missouri and died on April 7, 2003 in Las Vegas, Nevada.

Growing up during the depression, Joe was best known for being a man of great integrity and honor. In 1941, Joe enlisted in the United States Air Force and served as a captain and pilot during World War II. He was later discharged with honors.

In 1949, Joe moved to Las Vegas and founded Roberts Roofing and went on to become a very successful businessman in the Las Vegas community. His dedication and generous contributions to the many charities he helped support will not be forgotten.

Joe, we thank you for your true spirit of life and your gracious manner. You will be missed by your many friends and loved ones.

We extend our heartfelt sympathy to Lia and family during this time of sorrow.

INTRODUCTION OF THE "STICK A CORK IN THE CORK TARIFF ACT OF 2003"

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. SIMMONS. Mr. Speaker, I rise before you today to introduce my "Stick A Cork In The Cork Tariff Act of 2003," a bill that will assist small business and sportsmen by reducing the unfairly high import duty on cork.

Makers of fishing rods, and particularly fly-fishing rods, are under pressure to significantly increase the price of their equipment because of prohibitively high duties on cork. Cork is the primary component of a fishing pole's grip. It is not available domestically and must be imported. While the tariff on already-finished cork is 6 percent and lower, unfinished cork is subject to a 14 percent duty. Such unfinished cork is imported and subsequently handcrafted by American workers onto the custom-made fly fishing rods that so many sportsmen enjoy. Mr. Speaker, it just doesn't make sense that Customs would charge a 6 percent tariff on a pre-finished product while levying a much-higher 14 percent duty on a good that is finished with American hands.

In my own district, REC Components of Enfield (CT) employs more than twenty highly skilled individuals to create such fly fishing rods. Mr. Speaker, REC Components and the working men and women at the company are dependent upon imported cork. The current duty being levied upon such cork jeopardizes this company and these jobs. Other manufacturers in this industry face the same problem. Whether in Wisconsin, Washington, Montana, or Georgia, small businesses are being made to bear this unfair burden for no good reason.

This is why my legislation has such bipartisan, national support, including the American Sportfishing Association, the American Fly Fishing Trade Association, and the Congressional Sportsmen's Caucus.

Mr. Speaker, it has always been my understanding that Customs duties were established to protect American industry. If cork is not available in the United States and it is the only product that can be used to manufacture the grips on fly fishing rods, I fail to see why we are charging such a duty.

At a time when many Americans are still experiencing economic insecurity, it is critical that we take steps in the Congress to create more jobs and strengthen the ones we have. While Congress is working to craft a jobs and growth package, we also must consider other measures that, although less comprehensive, similarly take steps to boost our economy.

Mr. Speaker, I urge all of my colleagues to join me in support of small businesses, American workers, outdoor retailers, sportsmen everywhere. Support the "Stick A Cork In The Cork Tariff Act of 2003."

TRIBUTE TO TOMMY NELSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor and pay tribute to one of Nevada's finest. One of the legends of the west passed on to his reward last week. Ninety-year-old Tommy Nelson came to Nevada in 1931 to help build the mighty Hoover Dam and wound up being employed forty years on the site. Tommy was an outstanding individual who was admired by all who knew him. He was also an excellent musician and played his trumpet at many patriotic ceremonies and funerals of our service men and women.

Nevada has lost a great American whose spirit will live on in the hearts of Nevadans.

TRIBUTE TO PEGGY A. CROWTHER

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. OSE. Mr. Speaker, Peggy A. Crowther has served, with distinction, as the Executive Director of the Rotary Club of Sacramento since August 1991. Established in 1913, this club is one of the oldest Rotary Clubs in the world, and the 12th largest, made up of nearly 500 members representing the top business, civic, and professional leaders in the region.

In May 2003, Peggy will be retiring to enjoy the personal passions of her life . . . husband Bob, her children, and grandchild, travel, and golf . . . to name only a few of her interests. What she leaves behind is a legacy of leadership that will be missed by all who came to rely on her professionalism, graciousness, and warm smile.

Devotion to the non-profit world has always been her passion, and is reflected throughout her life. Born in Green Bay, Wisconsin, she began her career as associate director of the YWCA, and YMCA, and then continued in that capacity in Salt Lake City, Modesto and Fresno, California. For a time she worked as director of development for Central Catholic High School in Modesto, before becoming district chief of staff for a State Assemblyman. Her next move was to Sacramento where she became the director of development of United Cerebral Palsy.

It was in 1988, that Peggy joined the Rotary Club of Modesto, but her involvement with Rotary began earlier when she assisted her husband with the leadership of a Group Study Exchange Team to Melbourne, Australia. As women were welcomed into Rotary, she was one of the first to join, and with the move to Sacramento, became a member here in April 1991.

During this past 12 years, with Peggy's dedication, patience, and guidance, the Rotary Club of Sacramento has continued to grow in membership, prestige, and has been a contributor of well over two million dollars to the local and world community. Leadership within the membership changes yearly, but Peggy has continued to be the one person that we have all come to appreciate as the significant contributor of our success. None of us will forget how we have come to rely on her organizational skills, her adeptness at multi-tasking, problem solving, and talent for diplomacy as she interfaces with hundreds of volunteers . . . all of which she greets by name at our weekly meetings.

We thank you, Peggy, and wish you and your family all the blessings life has to offer.

JOHN J. McGUIRK DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. SIMMONS. Mr. Speaker, I rise today in support of the naming of the U.S. Department of Veterans Affairs Community Based Outreach Clinic, located on the grounds of the United States Coast Guard Academy in New London, CT, as the "John J. McGuirk Department of Veterans Affairs Outpatient Clinic."

As an enlisted salvage diver in the United States Navy during World War II, John McGuirk worked his way across the South Pacific from Pearl Harbor to Manila, Philippines aboard the USS *Layson Island.* For his service, John was awarded the World War II Victory Medal, American Theatre Medal, Asiatic Pacific Theatre Medal and Philippine Liberation Medal.

When John J. McGuirk's contractual obligation to the United States Navy ended with an honorable discharge, his personal obligation to his country and fellow veterans' remained engraved upon his heart and became a lifelong commitment.

His efforts helped to contribute to the VA Connecticut Healthcare system planning and operating a series of CBOC's across the state, providing primary care on a daily basis. Additionally, John played an instrumental role in the opening of the Veterans' Outreach Clinic located at the Coast Guard Academy in New London, CT.

John actively served in Post #9 American Legion for the remainder of his life: twice as the Legion's Commander, additionally as the Finance officer and the Service officer. He was also a member of the Disabled Veterans of America and U.S. Submarine Veterans Inc.

Mr. Speaker, John J. McGuirk was constant in his mission to serve his nation and fellow veterans. On behalf of the Members of the Connecticut House delegation, Disabled Veterans of America, Paralyzed Veterans of America, American Legion, Veterans of Foreign Wars and AMVETS, I would like to extend the opportunity for Members of the Subcommittee to support this measure and honor the memory of John J. McGuirk.

RECOGNIZING BOULDER CITY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PORTER. Mr. Speaker, I rise today to recognize Boulder City on a number of awards it has received over the last year. I have had the tremendous honor of representing Boulder City as a Councilman, Mayor, and now as Congressman. The following awards show the quality of life Boulder City is famous for. These awards include: the Howland Award, given by the National League of Cities to the best small community in the country; the "Excellence in Aquatics Award" from the National Recreation and Parks Association. This honor was given for the exceptional quality of all the aquatic programs offered through the Parks and Recreation Department; the "Excellence in Education Hall of Fame Award" from the Clark County School District; the Boulder City Municipal Golf Course was recognized statewide as number 10 in top values throughout the State and best course under $100 in southern Nevada by the "Las Vegas Golfer Magazine;" National Geographic Adventure Magazine named Boulder City's Bootleg Canyon Mountain Bike Trail facility as one of the top 50 Favorite Adventure Places, November, 2002.

I urge my colleagues in this House and people across the country to visit Boulder City, Nevada, and see this wonderful, award-winning community first hand.

FAMILIES LIVING IN THE SECOND DISTRICT OF ARIZONA WHO HAVE LOST CHILDREN IN THE IRAQI CONFLICT

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. FRANKS of Arizona. Mr. Speaker, today I rise to express a deep and abiding gratitude to the families living in the second district of Arizona who have lost children in the Iraqi Conflict. They include: Carol Howland of Kingman, who lost her son James Kiehl; Sandy Watson of Peoria whose son Michael Williams was killed in action, the Piestewa family—and the entire Hopi Nation—who mourn the loss of their daughter Lori Ann. I have spoken to each, and have been inspired by their unwavering faith and enduring strength.

Mr. Speaker, the tragic stories of this war are not unique to Arizona. So many Members of this Congress can recall fallen heroes from the communities they represent, and those noble families who personify the sacrifice of war. America's sons and daughters have fought bravely in this battle and some have died defending their homeland and bringing freedom to a people they have never met. Today, Mr. Speaker, the American flag flies at half-staff in all of our hearts as this Nation tearfully lays these valiant sons and daughters of freedom in the loving arms of God.

Words fail me to express the unspeakable debt of gratitude owed to the families of America who have sacrificed their own loved ones for the cause of human freedom. So may I respectfully appropriate the words of Abraham Lincoln who sought to offer comfort in a letter to a precious mother who had lost five sons on the battlefield. It is my prayer that his words can be received into the hearts of all of those who mourn the loss of their beloved soldier: Mr. Lincoln wrote: "I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of Freedom."

May all of us this day take poignant inventory of American freedom, and may we never forget those who paid for it.

CONGRATULATIONS TO TONY LONERO, SPORTS HALL OF FAME INDUCTEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in honoring a very special person, Mr. Tony Lonero, as he is inducted into the Pennsylvania Hills Sports Hall of Fame on April 25, 2003.

Mr. Lonero's story is one of courage and inspiration which makes all of us proud. An avid athlete, he excelled in baseball during his college years and later played in Italy's baseball major league in Nettuno. He participated in the 1984 Los Angeles Olympics as part of the Italian Baseball Team.

After retiring in the late 1980s, he remained involved in coaching and pursued another passion, cycling. About a year and a half ago, while preparing for a race, he collapsed and was later diagnosed with multiple sclerosis. He refused to let the diagnosis stop him from following his dreams. He continued running and cycling, and he is now qualifying for the longest and most difficult race in the history of cycling, the Paris-Brest-Paris.

Although living in Italy, Tony Lonero has always remained a patriotic American. He has maintained his U.S. citizenship and always carries out his civic responsibilities by voting via absentee ballot.

Mr. Speaker, let us join in offering our warmest congratulations and best wishes for continued success to this outstanding athlete and American, Mr. Tony Lonero, as he receives the special honor of being inducted into the Pennsylvania Hills Sports Hall of Fame.

RECOGNIZING THE MEN AND WOMEN OF THE NEVADA NATIONAL GUARD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PORTER. Mr. Speaker, I rise today to honor the men and women of the Nevada National Guard and their Commanding General, Major General Giles E. Vanderhoof.

Since September 11 the Nevada National Guard has been on the front lines of the war on terror, providing troops for Operations Noble Eagle, Enduring Freedom and Iraqi Freedom. With more than 700 soldiers and airmen activated, Nevada has one of the highest percentages of mobilized troops in the country. The 152nd Airlift Wing, 152nd Security Police Squadron, 72nd Military Police Company, 152nd Intelligence Squadron, 777th Engineer Detachment, and other units have all responded with valor and dedication to their country's call.

The Nevada National Guard has a long history of service to this nation, serving in the *Pueblo* crisis, the Persian Gulf War, and Bosnia. I salute each and every member of the National Guard and pledge my full support for them and their families. General Vanderhoof and his staff are to be commended for their success in training and leading such a force.

IN HONOR OF SECURITIES AND EXCHANGE COMMISSIONER ROEL C. CAMPOS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor Securities and Exchange Commissioner Roel C. Campos for the dignity with which he has assumed his responsibilities at the SEC. The City of Harlingen, Texas, his hometown, has proclaimed April 10th as Roel C. Campos Day to celebrate the success of their native son, someone who has worked hard, stayed true to his values, and found success as an Air Force officer, a lawyer, a prosecutor, a businessman, and now the first Hispanic commissioner of the Securities and Exchange Commission.

Sworn in on August 20, 2002, Commissioner Campos has proven himself an independent-minded commissioner who advocates for protecting investors and eliminating corporate abuses. Both Democrats and Republicans have been impressed with his commitment to restoring fairness and integrity to the financial markets. Mr. Campos also focuses on supporting emerging companies and minority entrepreneurs.

He has used his position to make the securities industry and corporations aware of the changing demographics of America, and the great potential the Hispanic, African American and Asian American communities have to offer in the financial markets. These important segments of American society have historically been overlooked by corporate America.

Commissioner Campos, born in Harlingen, Texas to Mexican American parents, was the first in his family to attend college. He earned his law degree from Harvard Law School in 1979, an M.B.A. from UCLA in 1972, and a B.S. from the U.S. Air Force Academy in 1971. Mr. Campos began his career serving as an officer in the U.S. Air Force. After his stint in the U.S. Air Force, he worked for major law firms in Los Angeles as a corporate transactions/securities lawyer and litigator for fifteen years. Beginning in 1985, he served as a federal prosecutor for the U.S. Attorney's Office in Los Angeles. After several years as a federal prosecutor, he returned to private practice and co-founded El Dorado Communications, Inc. He is married to Mini Villarreal and has two sons.

I commend Commissioner Campos for his efforts on behalf of minority communities, businesses and investors. His actions demonstrate his commitment to expanding opportunities for all Americans, regardless of background. His dedication to proper enforcement actions against those who commit corporate fraud will help restore the American people's confidence in our financial institutions.

Perhaps most important, though, is that his impressive resume and achievements have not changed the strong character of this man from South Texas. I appreciate his commitment to people, his understanding of the challenges that so many Americans face, and his desire to create an SEC that responds to their needs. Roel C. Campos is a true asset to the Securities and Exchange Commission and the American people.

EXPRESSING SUPPORT FOR RENEWED EFFORT TO FIND PEACEFUL, JUST, AND LASTING SETTLEMENT TO THE CYPRUS PROBLEM

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to join my colleagues in expressing my support for renewed efforts to find a peaceful, just, and lasting settlement to the Cyprus problem. Such a resolution is consonant with American values of promoting stability, freedom, and democracy around the globe.

I strongly support a unified Cyprus. I am disappointed that the recent historic opportunity to resolve the Cyprus issue has failed, despite the hard work of United Nations Secretary Kofi Annan over the last several years, to bring the parties together and to facilitate an agreement.

I am disturbed that today, some 35,000 Turkish soldiers, armed with the latest weapons, are still stationed in the occupied area of Cyprus, making it, according to the United Nations Secretary-General, one of the most militarized regions in the world. At an estimated cost of $300 million annually, Turkey continues to defy the international community and the U.N. resolutions with its policies towards Cyprus. Eighty-five thousand Turks have been brought over from Turkey to colonize the occupied area with the aim of changing the demography of the island and controlling the political situation. The Greek Cypriot community that remains enclaved within the occupied villages continues to live under conditions of oppression, harassment, and deprivation.

Mr. Speaker, the United States has a national interest in fostering peace and stability in the eastern Mediterranean region. We as a Nation cannot continue to pretend our NATO partner is not in clear violation of international law for its continued illegal occupation of its neighbor.

We in the United States pride ourselves for our respect for fundamental freedoms. Human rights norms are the cornerstone of U.S. foreign policy. It is time, Mr. Speaker, for Turkey to end its longstanding occupation of Cyprus.

Despite recent setbacks, I am still optimistic that the Cyprus situation can be peacefully and amicably resolved.

TRIBUTE TO DAVID PETER THOMAS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, April 12, 2003

Mr. PORTER. Mr. Speaker, I rise today to offer my condolences for a dear family friend, David Peter Thomas. David passed away unexpectedly on January 2, 2003, at the age of 28. I had the honor of knowing David and his family for many years. He was a devoted husband, son, brother, and grandson. Despite his young years, David had found a love of the law. He had attended UNLV School of Law for a year and then went on to the University of Utah, where he was in his last year of school. This past year David clerked at a local law firm, where he was to begin his career as a lawyer. David was also an avid skier and artist, which he inherited from his mother. He loved to spend his free time skiing, painting, or playing music. David was a beautiful person, a well-loved person who could brighten a stranger's day. His untimely death shall be regretted by all the people who knew David. To his family—his wife Natalie, his parents Peter and Nancy, his siblings Megan, Lindsey, and Adam, and his grandparents Monroe and Shirley, Parry and Peggy, I just want to say may he rest in peace. May God bless him.

SENATE—*Monday, April 28, 2003*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by Rabbi Arnold E. Resnicoff, retired U.S. Navy chaplain.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Oh God, who made the world and said it was good, we pray our faith—and faiths—can help us see that good, despite the bad that sometimes blocks our way. Oh God, who said, "Let there be light," we pray our faiths—in different ways, with different prayers and customs, but with shared hopes and dreams of better times—can help us see that light, despite the darkness that sometimes obscures our view.

Almighty God, I remember twenty years ago, in a foxhole in Beirut: I looked around at the others in the bunker, and had a simple thought. "We Americans," I said, "must have the only 'interfaith foxholes' in the whole Mid-East." And then I thought, that if more foxholes had room for those of different faiths, perhaps we would need less room for foxholes—and have more room for faith.

And so, we pray that we be touched and inspired by the dreams of faiths that make our Nation rich; and that we work with all who share the dream of freedom—and freedom's holy light. Let us see the danger is not that sometimes faiths see God—see You—in different ways, but that there are those in every faith who see themselves as gods. Let us keep faith, but let faith keep us humble, so that we know our limits, even as we learn our strength. Then the time will come when even interfaith foxholes will no longer be required and we learn war no more.

And may we say, Amen.

The PRESIDENT pro tempore. Senator REID, will you lead us in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, following the morning business period, the Senate will resume consideration of the nomination of Jeffrey S. Sutton to be a circuit judge for the Sixth Circuit. Under the previous consent agreement reached, a vote will occur on the confirmation of that nomination on Tuesday at approximately 12 noon. There will be no rollcall votes during today's session.

The majority leader has also stated that this week the Senate will also resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

In addition, there are a number of other legislative items that may be scheduled for action, including the bioshield bill, the digital and wireless technology legislation, the FISA bill, and any other legislative or executive items that can be cleared.

Again, as a reminder, the first rollcall vote will occur at approximately 12 noon tomorrow.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 1 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Ohio.

HONORING OUR ARMED FORCES

Mr. DEWINE. Mr. President, shortly before Congress adjourned for the Easter recess, I came here to the Senate floor and had a chance to speak briefly about the magnificent service that our Armed Forces are performing in Iraq. The hard-working men and women in all branches of our military—those who are serving in Iraq and those who are helping to support them—they are all doing an absolutely tremendous job. We are so proud of our service men and women and so grateful for their service and dedication to our country.

Since Operation Iraqi Freedom began, we have watched on television and read in the newspapers about our troops' countless acts of bravery, strength, and leadership. We have seen our service men and women take control of Baghdad, driving out Saddam Hussein and freeing the Iraqi people from his oppressive regime. And, Mr. President, we have rejoiced as the many statues of Saddam—and all that they represent—have toppled. But, at the same time, Mr. President, while there certainly are many reasons to rejoice and there is clearly much to be thankful for, I also am reminded of something Dwight D. Eisenhower said nearly 60 years ago in a speech following the defeat of Nazi Germany in June 1945. General Eisenhower said that there are certain things that military honors and battlefield victories cannot hide. As he so eloquently said, Mr. President—and I quote:

> [Military] honors cannot hide . . . the crosses marking the resting places of the dead. They cannot soothe the anguish of the widow, or the orphan, whose husband or father will not return.

Sadly, Mr. President, there are sons, husbands, and fathers who will not be returning home from Iraq. Our hearts go out to the families of those who have lost their lives. We pray for them. We pray for those who have been injured. We pray for those who are recovering. And, we think about them—we think about them every day.

President John F. Kennedy once said that "a nation reveals itself not only by the men it produces, but also by the men it honors [and] remembers." And so today, Mr. President, I would like to honor and remember three valiant men from my home State of Ohio—three brave men who gave the ultimate sacrifice to protect us and to protect our children and our grandchildren and the Iraqi people—three brave men who serve as true examples of what defines patriotism and love of country.

Today, Mr. President, I would like to honor and remember the lives and sacrifices of Army Private Brandon Sloan, Army First Sergeant Robert Dowdy, and Marine Private First Class Christian Gurtner—all of whom upheld with strength and conviction what General Douglas MacArthur called the soldier's code, a code of "Duty, Honor, Country."

I did not have the privilege of knowing these men. I did, however, have the honor of attending their funerals and meeting their families and friends and hearing from them about the lives of these men and about their dreams and their hopes and their aspirations. I am grateful. I am grateful to have had that opportunity, and I thank their families for allowing me to attend those services. I learned a great deal about these three Ohioans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

And though I am here on the Senate floor today to pay tribute to these men, I know that my words will fall short. My words will fall short because really, it is their families and friends and the men and women with whom they served—many still in Iraq right now—who knew them best. They are the people who could give the most adequate tribute.

But, at the same time, I do feel it is very important for my colleagues here in the United States Senate and for the American people to know what I have learned about these three fine men, because each one of them, in his own way, has revealed the strength and the greatness of our Nation.

PVT Brandon Sloan was born in Cleveland, OH, on October 7, 1983, to the Rev. Tandy Sloan and Kimberly Sloan. Brandon was special. Rev. Walter Thornhill, the pastor at Brandon's church in Cleveland, remembered him as "a gentle person with a goodness of spirit."

Brandon was a loving and caring person, with a strong faith in God. He radiated joy because of that faith, and his joy spread to everyone around him, especially to his younger sister Brittney, and to his friends and to his community.

His friends described Brandon as "a big guy—happy-go-lucky and loyal to a fault." His friend Tony Tucker said Brandon was a "kind, sweet person . . . a cool person to be around." That was his faith shining through.

It was not surprising that Brandon was a popular and friendly student at Bedford High School in Bedford Heights, OH. He was a gifted athlete, who proved to be a talented football player, working hard on the field to earn a position as defensive lineman for the Bedford High Bearcats.

Store owners recalled how pleasant and personable Brandon was when he would stop by their stores after high school football practice. He was a nice young man who was respectful and considerate of others, they recalled. Again, that was Brandon's faith shining through.

Brandon's faith in God, and the warmth that radiated from him because of it, extended to his love of his country. When he turned 18 years old, he enlisted in the U.S. Army. His service in the Army began with great promise. He became a logistics specialist and was assigned to Fort Bliss, TX.

In January 2003, he was sent to Kuwait with the 507th Maintenance Company. But, after just 1 year of service, at the age of 19, Brandon was killed in action when the 507th was ambushed by Iraqi troops near Al Nasiriyah. He was killed while defending the Nation he was so proud to serve and protect.

Brandon Sloan wanted to be a soldier. He was proud to be a soldier. His father, Rev. Sloan, recalled how Brandon just exuded pride at his boot camp graduation. He wanted to protect his country. He wanted to protect us and our children and our grandchildren. His faith in God and his commitment to serving America is what made Brandon Sloan a very special person. He is a role model for all of us.

I know he will be greatly missed by his friends and by his family. He leaves behind to cherish his memory his father, his mother, his sister, and his grandmothers Dr. Rementa Pippen and Luberta Sloan. My prayers are with all of them.

1SG Robert Dowdy was also from Cleveland and also served and died with the 507th Maintenance Company where he was the highest ranking enlisted soldier.

Robert was born on August 21, 1964, and attended Cleveland South High School, and before graduating in 1982, he lettered in five sports. After high school, Robert followed his older brother Jack, a former marine, into the military, and his service carried him to bases in South Korea and across the United States.

Even when far away from home, however, he always kept close to Cleveland and followed his beloved Cleveland Indians whenever and wherever he could—and, I might add, when they were having good seasons or bad seasons.

One of Robert's other passions was distance running. He was an avid runner with a level of perseverance and commitment that permeated everything else that he did in life. His friends said in a race he always would cross the finish line in high spirits.

Robert also liked to take time to enjoy all things in life, including the little things. He was a devoted son, devoted husband, devoted father. And, he loved doing small things for his family, things such as teaching his mother how to drive. His family was everything to him. His family was his life, his passion, his whole world.

Robert married his high school sweetheart, Kathy, and they were blessed by the birth of their daughter Kristy. Their marriage was one of balance. Robert never made a decision without consulting Kathy. They were equals. They were partners. They were best friends. Robert had great respect for his wife and loved her and loved Kristy with all of his heart.

Robert's bravery as a soldier was something he passed on to his daughter Kristy. At the age of 14, she had the courage and the strength to design the program cover for her dad's funeral.

Kristy created an enduring and heartfelt tribute not only for her father, but also for other Americans who have dedicated their lives to protecting us. For the program cover, she took a picture of her father and placed in the background additional pictures of policemen and firefighters saving lives on September 11, 2001. I think we can be sure that Robert would have been so proud of his daughter Kristy, as we know he always was.

Mr. President, 1SG Robert Dowdy was an inspiration, not only to his family, but also to his fellow troops. He led by example. He led by his actions, not just by his words. As a first sergeant, he was a leader. He was strong, yet compassionate. He truly loved those under his command, and they knew it. He touched their hearts. He loved them, and they loved him back.

MSG John Hite, who eulogized Robert at his funeral, relayed a story of a young soldier who was clearly touched by Robert's life and leadership. Master Sergeant Hite spoke of a big, strapping 6-foot-4-inch, 250-pound soldier who came up to him the day before First Sergeant Dowdy's burial and told him about the love and admiration he had for Robert. As they talked, they were standing by a bouquet of flowers adorned with a tiny replica of Robert's machine gun, his helmet, and his combat boots. Before long, as this big, strong, tough Army soldier spoke of First Sergeant Dowdy, his eyes swelled with tears. He looked at those combat boots and simply said: "No one will ever fill them. . . ."

Robert Dowdy loyally served his country for 18 years. He was only 18 months from retirement when he deployed for Iraq—a deployment he volunteered for so that another soldier could stay home with his family.

This act defines who Robert Dowdy was, and no one who knew him was surprised that he would offer to help a fellow soldier in this selfless way.

As his brother, Jack, said: "[Robert] was a very patriotic and very loyal man who loved his country. . . . He just wanted to serve his country to the best of his ability before he retired." First Sergeant Robert Dowdy did serve his country and he served it loyally, heroically, and honorably.

In the end, Robert Dowdy ran a good race. And as St. Paul wrote in his second Epistle to Timothy: He finished the course; he kept the faith.

Robert Dowdy is survived by his wife Kathy, his daughter Kristy, his brothers Jack Jr. and Jim, his sisters Roxanne and Anita, and his parents Jack and Irene Dowdy. My heart goes out to them all.

PFC Christian Daniel Gurtner was born on June 23, 1983. He grew up in Ohio City, OH, and graduated from Van Wert High School in Van Wert, OH. He joined the Marines last year after graduating from high school and was assigned to the 3rd Light Armored Reconnaissance Battalion, based out of Twentynine Palms, California. He was deployed to Kuwait in February 2003.

Christian's friends described him as respectful, motivated, and hard-charging. He was proud of what he was doing and was committed to the Marines. As his friends described, he was so excited about being in the Marines and was so honored to serve.

He frequently signed letters back home with the Marine Corps motto "Semper Fidelis." In February, one of the last times Christian spoke to his family, he told his mother that he was ready to do whatever was needed to protect our Nation. He told her that he was "good to go."

And, in a letter he wrote home—a letter that his mother received just days ago and portions of which were printed in yesterday's Washington Post—Christian wrote of how he missed and loved his family, but that he was fighting so we all "can sleep better at night because there is less terrorism in the world." In typical fashion, he closed this letter with "Semper Fi."

Christian was a faithful, hard-working, and well-loved member of the Ohio City community. He loved to laugh, and, as his friend Alicia Sterling said, "He had this smile, and you knew when you saw that smile [that] you were going to get into trouble!"

Christian loved to have fun, and he loved to watch sports. He followed both the Atlanta Braves and the Ohio State University football team. He also enjoyed bowling and spent many evenings at the bowling alley with friends.

To celebrate this, his friends brought to his funeral a bowling pin signed by his teammates. It was a touching gesture—one of love and admiration for their friend and fellow teammate.

When he joined the Marines, Christian found a cause in which he believed deeply and a vehicle through which he could pursue his beliefs. He served our country well and fought valiantly to preserve the security of this Nation and fight for the freedom of the Iraqi people. Christian Gurtner passed away on April 2, 2003. As CWO Suzanne Handshoe so fittingly said upon his death, "We lost a brother. As Marines, we honor our own."

Christian Gurtner was good-natured. He was loyal. He was true to his family and friends. And, he was just a decent, loving, kind-hearted young man who died fighting for a cause he strongly believed in.

At his funeral, Christian's mother picked a very special song to be played in her much-loved son's honor, a song called "Forever Young." When I heard that song, I was reminded of a poem that was sent to me shortly after my wife and I lost our daughter 10 years ago. Our daughter was about Christian's age. It was sent to me by a dear friend of mine, Jock McKernan, who had lost his own son—a young man who was also about Christian's age. It was a poem that was written during World War I, by a man named Laurence Binyon. Here is a stanza from that poem:

> They shall not grow old, as we that are left grow old; Age shall not worry them, nor the years condemn. At the going down of the sun and in the morning, we will remember them.

And we, too, will remember you, Christian.

PFC Christian Gurtner is survived by an infant daughter, his mother Eldonna, and his stepfather Gary Wagonrod, and his grandmothers Sally Mae Gurtner and Dorothy Wagonrod. They have been and will remain in my thoughts and prayers.

Brandon Sloan, Robert Dowdy, and Christian Gurtner demonstrated great nobility both in their lives and in their deaths. They revealed all that is good and strong about our Nation—a Nation they gave their lives for to defend and protect. Each of these men was an amazing individual, whose families and friends loved them dearly. My heart aches at their loss, but after learning more about these three remarkable men, I am even more proud to say that I am an American, and that I come from a country and a state that could produce such admirable individuals—men who, indeed, upheld the code of Duty, Honor, Country.

Though, they were but three of the several hundred thousand women and men who serve this country in the military, they represented the courage and the selflessness of them all.

My wife, Fran, and I extend our most heartfelt sympathy and prayers to the families of Brandon Sloan, Robert Dowdy, and Christian Gurtner. To their parents, I must say that you raised incredible sons. We will never forget them. As President Ronald Reagan said of the troops who perished at Normandy in World War II: We will always remember. We will always be proud.

I thank the Chair and yield the floor.

Mr. DOMENICI. Mr. President, I rise to pay tribute to Army PFC Lori Piestewa from Tuba City, AZ. Private Piestewa was killed in action during Operation Iraqi Freedom on March 23. As the first Native American female member of the U.S. Armed Forces to lose her life in combat, Lori's sacrifice is historic. It is also a source of tremendous inspiration for our country's Native American population, many of whom reside in New Mexico.

I think most are now familiar with the story of the 507th Maintenance Company that was ambushed near An Nasiriyah. It was during this attack that Private Piestewa lost her life in defense of our country. The daughter of a Vietnam veteran, and the granddaughter of a World War II veteran, it is no wonder that she would volunteer to confront the threats facing our country. Obviously, patriotism runs deep in the Piestewa family, and it was surely this proud family history that inspired Lori to heed the call of duty.

As I read some of the reports about Lori Piestewa's life, I noticed that as a youngster, she participated in a program called Futures for Children. This program, which I have been privileged to support over the years, is focused on empowering Native American high school students to be leaders and role models in their community. Clearly, Private Piestewa was the embodiment of what this program stands for—both as a leader and as someone young people can pattern their lives after. I would encourage students in places like Tuba City, AZ, or Shiprock, NM, who want to make important contributions to their community, to look at the example set by this courageous young woman and consider participating in Futures for Children.

Mr. President, the fact is that at 22, Private Lori Piestewa was, herself, still a young person. But her belief in service and her sense of duty went well beyond her years. Hers is a life of which her family and, indeed, all Native Americans can be extremely proud. The prayers of a grateful Nation go out to her family and friends at this very difficult time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go to executive session to resume consideration of Executive Calendar No. 32, which the clerk will report.

The legislative clerk read the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I am pleased that today we are considering the nomination of Jeffrey Sutton to serve on the Sixth Circuit Court of Appeals. The Judiciary Committee had an opportunity to listen to Mr. Sutton answer questions a few months ago in what turned out to be a very lengthy hearing. Probably 60 to 70 percent of the questions asked during the 9½-hour hearing were directed at Mr. Sutton. Those of you who heard this testimony, my colleagues who had the opportunity to hear it or who maybe had the opportunity to review the transcript of that hearing, will no doubt attest to Mr. Sutton's keen intellect, his even temperament, and the depth of his legal knowledge. These attributes demonstrate why Jeffrey Sutton is one of the finest appellate lawyers in the United States today, and why he will be an excellent Federal judge.

Mr. Sutton's legal and life experiences have been extensive. He spent the first part of his life living abroad. The Sutton family remained abroad until a couple of years before Mr. Sutton started high school. They returned to the States because his father took over a boarding school for children with severe cerebral palsy. For over 6 years, Jeff spent much of his time around the school doing odd jobs for his dad. He was deeply affected by this experience and by the interactions he had with these students. It reinforced what he had been taught by his parents, that serving others is an important calling and virtue.

Mr. Sutton attended Williams College where he was a Lehman Scholar and varsity soccer player. He graduated with honors in history. After college, from 1985 to 1987, Mr. Sutton taught 7th grade geography and 10th grade history while also serving as the coach of a high school varsity soccer team and a middle school baseball team.

From there, he went on to law school and graduated first in his class from The Ohio State University College of Law, where he served as an editor of the Law Review. Mr. Sutton then clerked for Judge Thomas Meskill on the U.S. Court of Appeals for the Second Circuit. From this position, he went on to clerk for two U.S. Supreme Court justices—retired Justice Lewis Powell and Justice Antonin Scalia.

From 1995 to 1998, Mr. Sutton was the State Solicitor of Ohio, which is the State's top appellate lawyer.

During his service, the National Association of Attorneys General presented him with the Best Brief Award for practicing in the U.S. Supreme Court—a recognition he received an unprecedented four years in a row.

Jeff Sutton is currently a partner in the Columbus law firm of Jones, Day, Reavis & Pogue. He is a member of the Columbus Bar Association, the Ohio Bar Association, and the American Bar Association. He also has been an adjunct professor of law at The Ohio State University College of Law since 1994, where he teaches seminars on Federal and State constitutional law.

Every lawyer who knows Jeff Sutton already knows he is one of the best lawyers in the country. Recently, The American Lawyer confirmed this by rating him one of its "45 under 45"—that is, they named him as one of the top 45 lawyers in the country under the age of 45.

He has appeared frequently in court, having argued 12 cases before the U.S. Supreme Court, where he has a 9 and 3 record. In the Supreme Court's 2000–2001 term, Mr. Sutton argued four cases—that's more cases than any other private practitioner in the country. Can you imagine preparing to argue one case before the Supreme Court, much less four? Mr. Sutton, by the way, won all four cases.

Mr. Sutton also has argued twelve cases before the Ohio Supreme Court, six cases before various U.S. Courts of Appeals, and numerous cases before the State and Federal trial courts. And, over the years, Mr. Sutton has been the lawyer for a range of clients on a wide range of issues.

Some of these cases were quite well known and at least one of them has already been raised in debate here on the Floor. For example, he represented the State of Ohio in City of Boerne v. Flores, the State of Florida in Kimel v. Florida Board of Regents, and the State of Alabama in University of Alabama v. Garrett.

While many of the cases that he has argued are well known, I would like to take this opportunity to tell my colleagues about some of his lesser-known cases. Jeff Sutton represented Cheryl Fischer, a blind woman who was denied admission to a State-run medical school in Ohio because of her disability.

He also represented the National Coalition of Students with Disabilities in a lawsuit alleging that Ohio universities were violating the Federal "motor voter" law by failing to provide their disabled students with voter-registration materials.

Jeff Sutton also defended Ohio's minority set-aside statute against constitutional attack, and in another case he filed an amicus brief in the Ohio Supreme Court defending Ohio's hate-crimes statute on behalf of the NAACP, the Anti-Defamation League, and an assortment of other civil-rights groups. As this sampling of cases makes evident, Mr. Sutton has represented a variety of clients in the course of his career as an appellate lawyer. I think it is important for Senators to remember this fact as we consider Mr. Sutton's nomination.

In addition to his professional work as a lawyer, Jeff Sutton has found an extraordinary amount of time to give back to his community. Between a demanding law practice and spending time with his wife Peggy and their three young children—Margaret, John, and Nathaniel—Mr. Sutton serves on the Board of Trustees of the Equal Justice Foundation, a non-profit provider of legal services to disadvantaged individuals and groups, including the disabled. He has spent considerable time doing free legal work, averaging between 100 and 200 hours per year. He is an elder and deacon in the Presbyterian Church, as well as a Sunday school teacher.

He participates in numerous other community activities, including "I Know I Can," which provides college scholarships to inner-city children, and ProMusica, a chamber music organization. He also coaches youth soccer and basketball teams.

In conclusion, when considering Jeff Sutton's nomination, I encourage the Senate to consider his broad range of life experiences, as well as his stellar legal background. I also urge my colleagues to take into account his testimony and the very straightforward way that he answered the many questions posed to him during his confirmation hearing. He has been straightforward, and he has been frank with our committee. Finally, I encourage the Senate to consider Mr. Sutton's astute characterization of the role of a Federal judge. As he said, a Court of Appeals judge must try at all times to "see the world through other people's eyes."

I believe that is an excellent summary of one of the core responsibilities of an appellate court judge.

Jeff Sutton understands well the skills and the temperament necessary to be a good federal judge. He has the intellect for the job, and I am confident that he will approach his duties on the bench in a pragmatic, tempered, and thoughtful way. I strongly support his nomination and encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, just before we broke for the recess, I spoke here on the Senate floor for a short amount of time about the nomination of Jeffrey Sutton to be on the Sixth Circuit Court of Appeals and about the deep concerns I have about this nomination. I want to take more time today to explain my concerns that Mr. Sutton, I don't believe, will be able to put aside his own deeply felt and deeply held ideological views; that he will not be able to put aside his determination to be an activist judge and give people a fair and impartial hearing, especially when it comes to cases dealing with civil rights and, more specifically, when it comes to cases dealing with rights under the Americans with Disabilities Act.

I had the opportunity to meet with Mr. Sutton for over an hour and a half in my office. We had a great conversation. I found him to be very personable. I listened to my friend from Ohio talking about how bright he was, that he is an accomplished attorney. I will grant all of that. He is a very bright, capable, and accomplished attorney. He has a great resume: Ohio State Law School, first in his class, and former Ohio Solicitor. He has argued cases before the U.S. Supreme Court, and he has won many of them. But qualifications are just one aspect of whether or not a person ought to have a life tenure—think about it: life tenure—as a Federal judge.

Qualifications are certainly important, obviously. But that is only one part of the equation. The other part has to deal with this person's views. What is the historical analysis of what this person has both said and written in terms of how he would view his role as a Federal judge?

So, again, I think we have a responsibility as Senators to take into account both the qualifications but also this other side of the agenda as to whether or not this person would be a Federal judge who could give a fair and impartial hearing to those who come before him.

These are not occasions on which the Senate ought to just rubberstamp a nominee. This nominee was brought up on the evening before we went out for the break. No one was here. Now it is a Monday, and there are no votes today, so Senators are drifting back from their 2-week spring recess, and we are supposed to vote on Mr. Sutton tomorrow. I hope the majority leader will allow us a little bit more time to discuss this rather than asking Senators just to rubberstamp this nominee.

I can tell you, after careful review of his advocacy, both inside and outside the courtroom, I am not convinced that Mr. Sutton would be able to put aside his personal agenda. I am not convinced that someone with a disability rights or civil rights claim would get a fair shake from Mr. Sutton. Especially, for me, I cannot support putting someone on a Federal bench who has worked to undermine the Americans with Disabilities Act.

Again, many of my colleagues know that when I first came to the Senate in the mid-1980s, I began to work, as I had done in the House, with many disability groups around the country to finally address the glaring omission from the 1964 Civil Rights Act, that glaring omission being Americans with disabilities.

So at that time I became chairman of the Disabilities Subcommittee on the then-Education, Labor, and Health Committee under the great leadership of Senator Kennedy. In fact, before I took over, it was Senator Lowell Weicker, a Republican, who had introduced the first version of the Americans with Disabilities Act, who became a great champion, and still is a great champion, for Americans with disabilities. So it was really a bipartisan effort in those days to get a civil rights bill through that closed that loophole of not having a Federal civil rights bill that covered people with disabilities.

As many of my colleagues knew at that time—maybe some do today—I had a brother with whom I grew up who was deaf. I saw how he had been treated as a child, growing up, and as an adult, and how he was discriminated against simply because he had a disability.

He was sent away at a young age halfway across the State of Iowa to attend the Iowa State School for the Deaf. In those days, they called it the "School for the Deaf and the Dumb." As my brother once said: "I may be deaf, but I'm not dumb." But that is the way people were treated. In other words, if you had a disability, you were segregated, you were taken out of your home, out of your home community, without any consideration for the family or anything, and you were sent to an institution someplace; in this case, it was a school for the deaf.

While he was there, my brother was told he could be one of three things: He could be a baker, a shoe cobbler, or a printer's assistant—and nothing else. Well, he did not want to be any of those, so they said: OK, you're going to be a baker.

Again, because he had a disability, because he could not hear, it was, I guess, accepted or thought that people had to be told what to do; they could not decide for themselves. Their horizons were limited. That was the real world in which I grew up, the real world of what happened to people with disabilities—travel, accommodations, jobs, employment, everything.

So we in Congress began to look at this. What was it like in this country to be a person using a wheelchair? What was it like to be a person with cerebral palsy? What was it like to be a person with blindness? What was it like to be a person who was deaf, like my brother? What was it like? What were their lives like? How did they live? And how did our Constitution cover them? Were they equal to us? Were they equal to the nondisabled community in America? Or were they somehow discriminated against because of their disability?

We in Congress did not just rush through a law, like Mr. Sutton says. We did not just have a bunch of staff with laptop computers and they just sort of turned it out. We laid the groundwork—years, years, years of accumulating data, of findings, of investigation, of hearings—a legislative record fully documenting the overwhelming evidence that discrimination in this country against people with disabilities was rampant—not a little bit here, not a little bit there, but rampant.

At the time of the drafting of the ADA, we took care to make sure that this important civil rights law had the findings and the constitutional basis to pass muster with the U.S. Supreme Court.

Here are some of the things we did: 25 years of studies by the Congress, going clear back to 1965 with the National Commission on Architectural Barriers; in 1974, the White House Conference on Handicapped Individuals; in 1983, the U.S. Civil Rights Commission published "Accommodating the Spectrum of Individual Abilities," with a comprehensive report on discrimination against people with disabilities; in 1986, the National Council on Disabilities—I knew them well; they were the first group I started to work with when I came to the Senate—15 appointees by then-President Reagan, and their report documenting pervasive discrimination and the need for an omnibus civil rights statute.

I am not going to go through them all, but, again: study after study, 17 formal hearings by congressional committees and subcommittees, a markup by 5 separate committees, 63 public forums across the country, oral and written testimony by the Attorney General of the United States, Governors, State attorneys general, State legislators.

We had in excess of 300 examples of discrimination by State governments in the legislative record—300 examples—and yet in the Garrett case—I will speak more about that; and I was there; I was sitting in the Supreme Court the day Mr. Sutton argued the case there—Mr. Sutton said—and I could not believe my ears when I heard it—he said there was really no evidence that this was needed, that basically States were doing a pretty good job, that the ADA was not needed. There were over 300 examples of discrimination by State governments.

It took the tireless work of Democrats and Republicans, and when it passed the Senate, it passed 91 to 6. That is pretty overwhelming support. In the House, it passed 403 to 20. Attorney General Thornburgh, Republican Attorney General, the Chamber of Commerce, President Bush, the first one, stood with us. Why did we all stand together on the Americans with Disabilities Act? It was the right thing to do. Justice demanded it.

At the time he signed the ADA into law, President Bush had many good things to say about it. I ask unanimous consent to print in the Record President Bush's statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by the President During Ceremony for the Signing of the Americans With Disabilities Act of 1990

JULY 26, 1990

THE PRESIDENT: Evan, thank you so much. And welcome to every one of you, out there in this splendid scene of hope, spread across the South Lawn of the White House. I want to salute the members of the United States Congress, the House and the Senate who are with us today—active participants in making this day come true. (Applause.)

This is, indeed, an incredible day. Especially for the thousands of people across the nation who have given so much of their time, their vision, and their courage to see this Act become a reality.

You know, I started trying to put together a list of all the people who should be mentioned today. But when the list started looking a little longer than the Senate testimony for the bill, I decided I better give up, or that we'd never get out of here before sunset. So, even though so many deserve credit, I will single out but a tiny handful. And I take those who have guided me personally over the years.

Of course, my friends, Evan Kemp and Justine Dart up here on the platform with me. (Applause.) And of course, I hope you'll forgive me for also saying a special word of thanks to two who—from the White House. But again, this is personal, so I don't want to offend those omitted. Two from the White

House—Boyden Gray and Bill Roper, who labored long and hard. (Applause.)

And I want to thank Sandy Parrino, of course, for her leadership, and I again—(applause)—it is very risky with all these members of Congress here who worked so hard. But I can say on a very personal basis, Bob Dole inspired me. (Applause.)

This is an immensely important day—a day that belongs to all of you. Everywhere I look, I see people who have dedicated themselves to making sure that this day would come to pass. My friends from Congress, as I say who worked so diligently with the best interest of all at heart, Democrats and Republicans. Members of this administration—and I'm pleased to see so many top officials and members of my Cabinet here today who brought their caring and expertise to this fight.

And then, the organizations. So many dedicated organizations for people with disabilities who gave their time and their strength and, perhaps most of all, everyone out there and others across the breadth of this nation are 43 million Americans with disabilities. You have made this happen. All of you have made this happen. (Applause.)

To all of you, I just want to say your triumph is that your bill will now be law, and that this day belongs to you. On behalf of our nation, thank you very, very much. (Applause.)

Three weeks ago we celebrated our nation's Independence Day. Today, we're here to rejoice in and celebrate another "Independence Day," one that is long overdue. With today's signing of the landmark Americans for Disabilities Act, every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, independence and freedom.

As I look around at all these joyous faces, I remember clearly how many years of dedicated commitment have gone into making this historic civil rights Act a reality. It's been the work of a true coalition. A strong and inspiring coalition of people who have shared both a dream and a passionate determination to make that dream come true. It's been a coalition in the finest spirit. A joining of Democrats and Republicans. Of the Legislative and the Executive Branches. Of federal and state agencies. Of public officials and private citizens. Of people with disabilities and without.

This historic Act is the world's first comprehensive declaration of equality for people with disabilities. The first. (Applause.) Its passage has made the United States the international leader on this human rights issue. Already, leaders of several other countries, including Sweden, Japan, the Soviet Union and all 12 members of the EEC, have announced that they hope to enact now similar legislation. (Applause.)

Our success with this Act proves that we are keeping faith with the spirit of our courageous forefathers who wrote in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights." These words have been our guide for more than two centuries as we've labored to form our more perfect union. But tragically, for too many Americans, the blessings of liberty have been limited or even denied.

The Civil Rights Act of '64 took a bold step towards righting that wrong. But the stark fact remained that people with disabilities were still victims of segregation and discrimination, and this was intolerable. Today's legislation brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of happiness. (Applause.)

This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard. Independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream.

Legally, it will provide our disabled community with a powerful expansion of protections and then basic civil rights. It will guarantee fair and just access to the fruits of American life which we all must be able to enjoy. And then, specifically, first the ADA ensures that employers covered by the Act cannot discriminate against qualified individuals with disabilities. (Applause.) Second, the ADA ensures access to public accommodations such as restaurants, hotels, shopping centers and offices. And third, the ADA ensures expanded access to transportation services. (Applause.)

And fourth, the ADA ensures equivalent telephone services for people with speech and hearing impediments. (Applause.) These provisions mean so much to so many. To one brave girl in particular, they will mean the world. Lisa Carl, a young Washington State woman with cerebral palsy, who, I'm told is with us today, now will always be admitted to here hometown theater.

Lisa, you might not have been welcome at your theater, but I'll tell you—welcome to the White House. We're glad you're here. (Applause.) The ADA is a dramatic renewal, not only for those with disabilities, but for all of us. Because along with the precious privilege of being an American comes a sacred duty—to ensure that every other American's rights are also guaranteed.

Together, we must remove the physical barriers we have created and the social barriers that we have accepted. For ours will never be a truly prosperous nation until all within it prosper. For inspiration, we need look no further than our own neighbors. With us in that wonderful crowd out there are people representing 18 of the daily points of light that I've named for their extraordinary involvement with the disabled community. We applaud you and your shining example. Thank you for your leadership for all that are here today. (Applause.)

Now, let me just tell you a wonderful story—a story about children already working the spirit of the ADA. A story that really touched me. Across the nation, some 10,000 youngsters with disabilities are part of Little League's Challenger Division. Their teams play just like other, but—and this is the most remarkable part—as they play at their sides are volunteer buddies from conventional Little League teams. All of these players work together. They team up to wheel around the bases and to field grounders together and most of all, just to play and become friends. We must let these children be our guides and inspiration.

I also want to say a special word to our friends in the business community. You have in your hands the key to the success of this Act. For your can unlock a splendid resource of untapped human potential that, when freed, will enrich us all.

I know there have been concerns that the ADA may be vague or costly, or may lead endlessly to litigation. But I want to reassure you right now that my administration and the United States Congress have carefully crafted this Act. We've all been determined to ensure that it gives flexibility, particularly in terms of the timetable of implementation; and we've been committed to containing the costs that may be incurred.

This Act does something important for American business though, and remember this—you've called for new sources of workers. Well, many of our fellow citizens with disabilities are unemployed, they want to work and they can work. And this is a tremendous pool of people. (Applause.) And remember this is a tremendous pool of people who will bring to jobs diversity, loyalty, proven low turnover rate, and only one request, the chance to prove themselves.

And when you add together federal, state, local and private funds, it costs almost $200 billion annually to support Americans with disabilities, in effect, to keep them dependent. Well, when given the opportunity to be independent, they will move proudly into the economic mainstream of American life, and that's what this legislation is all about. (Applause.)

Our problems are large, but our unified heart is larger. Our challenges are great, but our will is greater. And in our America, the most generous, optimistic nation on the face of the earth, we must not and will not rest until every man and woman with a dream has the means to achieve it.

And today, America welcomes into the mainstream of life all of our fellow citizens with disabilities. We embrace you for your abilities and for your disabilities, for our similarities and indeed for our differences, for your past courage and your future dreams.

Last year, we celebrated a victory of international freedom. Even the strongest person couldn't scale the Berlin Wall to gain the elusive promise of independence that lay just beyond. And so together we rejoiced when that barrier fell.

And now I sign legislation which takes a sledgehammer to another wall, one which has—(applause)—one which has, for too many generations, separated Americans with disabilities from the freedom they could glimpse, but not grasp. Once again, we rejoice as this barrier falls for claiming together we will not accept, we will not excuse, we will not tolerate discrimination in America. (Applause.)

Mr. HARKIN. A lot of the work we did is being termed irrelevant. Somehow, according to Mr. Sutton, we did not do enough. You may be wondering why I go into all of this. Mr. Sutton says we didn't have the findings, basically.

When I look back on the Supreme Court decisions handed down in the last few years, I am troubled that a lot of the work we have done on civil rights over the last 30 years is in jeopardy. In particular, I see a chipping away of the Americans with Disabilities Act, the bill that symbolizes the inclusion of people in our society. Mr. Sutton has held the hammer and the chisel.

That is why I am convinced Mr. Sutton does not possess all of the qualities needed to serve a life tenure on the Sixth Circuit. I am not convinced that someone with a civil rights claim could walk in the courtroom and be confident they will get a fair shake.

It is not the person himself that troubles me. It is his ideology. It is where he is coming from. It is what he has said and written and advocated. He has advocated for the proposition that civil rights protections for persons with disabilities belongs in the hands of each of the 50 separate States. His arguments before the Supreme Court articulate that States can do a better job of it than Congress and that we did not find enough evidence.

We found the evidence, and it is there in the record. I don't know how anyone in the real world could say: Disability discrimination in a constitutional sense is really difficult to show.

That is what Jeffrey Sutton said on National Public Radio October 11, 2000. You will hear a lot of talk, probably today and leading up to the vote tomorrow, that Jeffrey Sutton was representing his clients. He said this on National Public Radio. He was not representing a client. He said: It is really difficult to show disability discrimination in a constitutional sense.

The unfortunate history of unequal treatment of persons with disabilities in our country has been locked away in institutions for years: People with mental disabilities are subjected to involuntary sterilization; persons with severe hearing loss labeled, as my brother, deaf and dumb; and for way too many years, those who were blind forced to sell pencils on the street corner for a living.

Mr. Sutton seems to have an extremely limited view of our authority as Congress to legislate in this important civil rights area, as well as others. From his arguments before the Supreme Court, he seems to believe each State does its job to protect the constitutional rights of persons with disabilities as the State sees fit. After what I saw, what I heard after all these many years, all the hearings and the record, I can't fathom anyone would actually reach the conclusion that the States were doing a good job protecting people with disabilities. Some States, yes, had pretty decent laws on the books covering people with disabilities. Other States did not.

But I ask, as an American citizen, as a citizen of the United States, should your civil rights depend on your address? Should your civil rights depend on the State in which you happen to live?

I believe the Constitution and civil rights cover us all. And what we found during all these years, all the hearings, the record, was that there was a patchwork quilt of laws around the country so if you were in a State, maybe, that didn't have very good laws and protection of people with disabilities, the only way you could ensure your civil rights was to move to another State. I don't believe that is what the Constitution intends when it covers all Americans with civil rights.

Again, people will say: Mr. Sutton was just defending his clients. He was duty bound to advocate on behalf of his clients.

I am a lawyer. I know the professional code of conduct. But that doesn't tell the whole story. Mr. Sutton has written articles, participated in radio talk shows and panel discussions, where he has expressed his own personal views—not his clients', his views. That kind of publicity is not required by his role as a lawyer advocating on behalf of clients. It is clear to me this lifetime appointment would be detrimental to the civil rights that protect all Americans. He zealously advocates for States rights at the expense of individual rights. Persons with disabilities, senior workers, people of color, and underprivileged children deserve better.

More than 400 disability rights and civil-rights groups agree. This chart depicts that. More than 400 have come out in opposition to Mr. Sutton being on the Sixth Circuit.

Jeffrey Sutton did not have to talk to the Legal Times about his pursuit of federalism cases. I want to speak about not the clients he has represented but what he said outside of the courtroom. In a November 2, 1998 article, the reporter writes that Mr. Sutton told him he and his staff were "always on the lookout for cases coming before the court that raise issues of federalism or will affect local and State government interests." He is quoted as saying:

> It doesn't get me invited to cocktail parties, but I love these issues. I believe in this federalism stuff.

From the cases he has aggressively pursued, his view is that State power trumps the rights of U.S. citizens. I believe in States rights, too, to do certain things. One of the geniuses of our system is 50 different States experimenting in doing things. But when it comes to basic human rights, civil rights, we are all U.S. citizens. As I said, we should not let a State decide what our civil rights are. That is decided by the Constitution. My freedom of speech should not depend on whether I am in Iowa or California or Georgia or wherever. It is the fact that I am a U.S. citizen, here in this country. The Bill of Rights covers us all regardless of the State in which we may happen to live.

On National Public Radio he said:

> As with age discrimination, disability discrimination in a constitutional sense is really very difficult to show.

That was on National Public Radio, October 11, 2000. I guess, according to Mr. Sutton, all of the hearings we had, all of the markups, all of the public forums, all of the witnesses, all of the examples, do not mean a thing. What matters to him is his narrow view that it is up to the States to take care of this.

Now, again, on that same NPR radio broadcast, Mr. Sutton said:

> I think it's a positive attribute of this system of divided government that when 51 different sovereigns [including the District of Columbia there], 51 different legislatures [we don't have that here in the District of Columbia] tackle a difficult social problem, they all arrive at different approaches, and the ultimate idea and really transcendent purpose of federalism is to have them compete for the best solution.

He wasn't representing a client here. These are his own personal views. What happens when a State wins in these competitions? Do they get a prize? What about the people who are in the "losing" States? Are they out of luck? As I said before, do they have to move to another State?

After listening to all of the testimony on the ADA over a several years period of time, I find it hard to believe the 50 States were competing for the best solution on disability discrimination.

In 1997, Mr. Sutton served as a moderator for a panel discussion sponsored by the Federalist Society. As the moderator, Mr. Sutton criticized States for sacrificing "federalist principles in order to obtain near-term politically favored results."

I am not certain I know what that means, but I do know it is an opinion. He wasn't representing a client. It is his opinion. I think it is an opinion that State officials should challenge things like the ADA and civil rights laws that cover the elderly, and the Violence Against Women Act.

According to Mr. Sutton, the reason they don't contest a lot of this is because they don't want to upset the respective constituency with what those constituents would probably consider bad policy. I can think of a lot of people in my State who would consider it bad policy to allow discrimination against people with disabilities. Mr. Sutton said he was "frustrated that, in the pursuit of particular political goals, the States are not rising up together and defending their authority against the encroachments by Congress." Frustrated? To me, that is a personal opinion, a personal emotion. I think the majority of us experience frustration when someone is adamant about disagreeing with us. We get frustrated when someone doesn't agree with our point of view. So he is "frustrated that States are not rising up together"—these are his words—"and defending their authority against encroachments by Congress."

If he is frustrated, he must think that is what they should do. Maybe he is agitated because the States and Federal civil rights laws are different than what he would want. Maybe most States don't see them as encroachments on their State authority.

A lot of States are not joining in his extreme views on congressional authority to pass civil rights laws. Some States see it differently than Mr. Sutton. Fourteen State attorneys general signed on in support of Patricia Garrett in Garrett v. Alabama. Arizona, Connecticut, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Mexico, New York, North Dakota, Vermont, and Washington wrote saying that Congress had the authority to enact the ADA. The 14 States I just named opposed Alabama's position represented and argued by Mr. Sutton.

Mr. Sutton seemed to favor a States rights philosophy in civil rights based on a personal opinion about what Congress is and what Congress does and how we do our work. Listen to this on the Violence Against Women Act, on which we had extensive findings that supported the passage of that law. He said in an article for the Federalist Society—again not representing a client, but in his own writing:

> Unexamined deference to the VAWA [Violence Against Women Act] factfindings . . . would give to any congressional staffer with a laptop the ultimate Marbury power—to have the final say over what amounts to interstate commerce. . . .

Evidently, we Senators and Congressmen, with all these hearings, all of the investigations, all of the public forums, all of the testimony we have, all of the examples we have compiled—it doesn't mean anything. Evidently, we don't do that. We just have staffers with laptops and they churn out civil rights legislation.

Finally, in another article for the Federalist Society in 2001, Mr. Sutton stated his belief that federalism is a "zero-sum" situation in which either a State or Federal lawmaking prerogative "must fall." He wrote:

> The National Government in these types of cases invariably becomes the State's loss and vice versa.

Think about that. Passing the Americans with Disabilities Act becomes a State's loss. How can Mr. Sutton hold such a view, that we break down the barriers of discrimination long held in our society against people with disabilities; and he says the Federal Government wins, the State governments lose. Well, quite frankly, we all saw it differently—Republicans and Democrats. We saw this as a win-win. Everyone wanted this. American citizens wanted it when we broke down these barriers. Statutes like the ADA set a minimum bar for the country. States can always do more, but we passed a minimum bar. To me, that is not a zero-sum game. I don't see the Federal Government winning and States losing on that. I see all of us winning when we become a more inclusive society.

So, again, it is not Mr. Sutton's clients who are driving these issues. It is not just the fact that Mr. Sutton advocated for his clients, as we will hear and have heard and will continue to hear. It is what Mr. Sutton himself believes. It is how he feels. It is his views on whether or not we here in the Congress have the authority to pass civil rights legislation. According to him, no, we don't. The record, Mr. President, was replete. We didn't just pass it overnight, as I said.

We had case after case, and I can mention a few. There was the zookeeper who would not admit a child with mental retardation to the zoo because it would upset the chimpanzees. Another child with cerebral palsey was kept out of school because the teacher said his appearance "nauseated" his classmates.

What does all this discrimination do to those children with disabilities as they grow up? We had a woman who said:

> We can just go on so long constantly reaching dead ends. I am broke, degraded, angry, and have attempted suicide three times. I know hundreds. Most of us try, but which way and where can we go?

Well, in Mr. Sutton's America, she cannot go to the U.S. Congress. Despite all of the evidence, Congress did not have the power to pass the Americans with Disabilities Act because of States rights. We appointed a task force, led by Justin Dart. We went all over the Nation and had 63 meetings, as I said. Justin Dart heard from over 8,000 people in 50 States. He gathered stacks and stacks of letters into evidence. Just as an example from a health administrator who is blind. He wrote:

> When I walked into the office of one department head, he looked at me and said, "Ah—if I knew you were blind, I wouldn't have bothered bringing you in for an interview."

Prior to the ADA, that was all right. A person could be denied a job because he was blind, even though he was fully qualified for it.

We have to go back to July 26, 1990. Well, let's go back to July 25, 1990. On July 25, 1990, if one was a person of color, say an African American, and they saw an ad in the paper for a job for which they were qualified, and they went down to interview for this job and their prospective employer took a look at them and said, get out of here, I am not hiring black people—probably would have used a word worse than that—on July 25 of 1990, he could have walked out of that door, gone right down the street to the courthouse and filed a lawsuit for a violation of his civil rights.

The same day, July 25, 1990, a person using a wheelchair sees an ad in the paper for a job for which they are qualified. They roll their wheelchair down there, go in the door, and the prospective employer looks at them and says, get out of here; I am not hiring your kind; cripples; get out of here. I do not want anybody like you around here. The person rolled their wheelchair out of there and went down to the courthouse on July 25, 1990, but guess what. The courthouse door was locked. They could not get in because they had no cause of action.

On July 25, 1990, as it had been for hundreds of years before, to discriminate against a person on the basis of their disability was not a violation of their civil rights. But on July 26, 1990, after President Bush signed it into law, if a person rolled their wheelchair down there and someone said, get out of here; I am not hiring people in wheelchairs, they could roll their wheelchair down to the courthouse door and, just like African Americans, or national origin, religion, or sex, they could then get in the courthouse door. Think about that. Before that, they could not do anything.

I will be honest and say some States did have certain laws on the books that might have protected people with disabilities. A lot of States did not. That is why we found this patchwork quilt. So a person's civil rights depended upon what State they lived in. We said, that is not correct. We said, that should not be so.

Well, Mr. Sutton's view that the Americans with Disabilities Act is not needed would turn us back to July 25, 1990, where one could be discriminated against.

I suppose Mr. Sutton might say, well, that was then; this is now. States are more enlightened now. Surely they would not do anything like that now.

A couple of years ago—I think 4 years ago, if I am not mistaken—Patricia Garrett, from Alabama, had breast cancer. Patricia Garrett is right here in this picture. She went for medical attention, had surgery, chemotherapy, and then she returned to her work as a nursing supervisor.

Her boss wanted to get rid of her, not because she could not do her job but because her boss did not like having people around who were sick and had cancer. So Mrs. Garrett lost her job. She had to take a lower-paying job, but she decided to fight back. This was in 1997.

Six years later, she is still fighting in the courts about whether Congress had the ability to pass a law that applied to her because Alabama did not. She had to litigate whether Congress could pass the ADA.

Just as an aside, now Alabama claims she cannot sue under the Rehab Act either.

The Garrett case had to do with whether or not Congress had the power to pass Title I of the ADA so it applied to all the States. Mr. Sutton argued for Alabama and against Mrs. Garrett that all 50 States had laws about disability discrimination and therefore Federal laws were not needed. Mrs. Garrett's case today shows why that argument is so wrong and why it is so harmful to individuals whose civil rights are being violated.

Mrs. Garrett could not have sued her employer, the University of Alabama, using State law. The State of Alabama had no enforceable law. They had some nice policy statements but no law. That is why we had to pass the ADA.

As I said earlier, and I will keep saying it, one's civil rights should not depend on their address. It is the role of Congress to enact national legislation to protect people from discrimination wherever they might live.

Mrs. Garrett did not want to rely on her State for her civil rights. She said:

> Mr. Sutton has described the relationship between Congress and the States as a zero sum game where only one side can win. It is distressing that someone with this view could be nominated as a Federal appeals judge. In Mr. Sutton's eyes, I, and others with disabilities, seem to be pawns in a game of power between the Federal Government and the States.

That was Mrs. Garrett at a press conference last month. Mrs. Garrett, and the millions of Americans with disabilities, do not want to be pawns in a power game. They want Federal civil rights laws to apply to them no matter where they live. They want Federal civil rights laws that protect them from a boss who does not like sick people or a potential boss who would not even consider them because of their disability.

The 14th amendment of the Constitution gives Congress the power to provide that protection. The whole point of it is to give Congress the ability to do something when individuals are denied their rights and treated unequally as U.S. citizens. In my mind, that was the original intent of the amendment.

So, again, when one listens to Mr. Sutton, what he said—and again, this is not a court case. This is Mr. Sutton outside the courtroom. He said:

> I think it is a positive attribute of this system of divided government that when 51 different sovereigns, 51 different legislatures tackle a difficult social problem, they all arrive at different approaches.

Mr. Sutton said that on the radio, not in a courtroom with a client, but of himself he said that. So what does this mean? Does this mean Mr. Sutton thinks it is a positive outcome—let's see, what did he say? He said, a positive attribute. Does he think it is a positive attribute that Mrs. Garrett is out of luck in Alabama, but she would be in luck if she lived in another State? Is that a positive attribute?

Should Mrs. Garrett have to move to another State to have her civil rights enforced because some States enforce it more than others or have laws on the books, leave her home, leave her friends, leave her family in Alabama to go somewhere else?

In our Senate report, Harold Russell, the chairman of the President's Committee on the Employment of People with Disabilities, said:

> The 50 State Governors' Committees with whom the President's committee works report that existing State laws do not adequately cover such acts of discrimination.

The 50 States Governors' Committees with whom the President's committee works report that existing State laws do not adequately cover such acts of discrimination against people with disabilities.

According to Mr. Sutton, Congress should not have the power to make that determination and people with disabilities have to just hope their State is going to take care of them.

Perry Tillman, a Vietnam veteran, testified before a Senate subcommittee, and he said: "I did my job when I was called on by my country. Now it is your job and the job of everyone in Congress to make sure that when I lost the use of my legs in battle, I did not lose my ability to achieve my dreams."

Under Mr. Sutton's theory of federalism, Mr. Tillman would still be waiting for the American with Disabilities Act to help him achieve his dreams.

Mr. Sutton has a clear lack of understanding of Congress's role in civil rights laws. Should we put on the Federal bench for life a nominee who basically says staffers with laptops are deciding what the Constitution of the United States says by relying upon the 14th amendment to the Constitution?

I may have my differences with Senators on one side of the aisle or the other. We have good healthy debates here. We may not view everything the same. I think that is healthy. I don't know of laws that are passed of this magnitude that cover civil rights that are not thoroughly investigated, aired, hearings, reports, findings, over a long period of time. It is not just some, as he said, "staffer with a laptop."

We found time and time again that there were reasons to have this law. We found discrimination against individuals persisting in critical areas of employment in the private sector as well as the public sector, as well as State government. I cannot understand why Mr. Sutton feels that after all this we should have not only the right but the responsibility to do something. Mr. Sutton has a narrow view because he believes this ought to be only in the States and not the Federal Government. That would be a dangerous precedent to set.

Let's look at the Olmstead case. Mr. Sutton did not argue this case but he wrote the brief for it. Let's think what would happen in the Olmstead case if Mr. Sutton's view prevailed.

In the Olmstead case, in Georgia, two women brought suit, arguing that their needless confinement in a mental institution violated the Americans with Disabilities Act. Mr. Sutton wrote the brief for that case for the State of Georgia. Under his theory, the ADA did not specifically address needless confinement of people with disabilities. Imagine that. He wrote, "The issue of deinstitutionalization simply was not before Congress, was not raised by Congress, was not debated by Congress during the adoption of the ADA." That is what Mr. Sutton said in his brief.

Mr. Sutton may be a bright individual but he did not do his homework on this one. One does not have to look further than the findings of the ADA to see that Congress addressed this issue precisely when we passed the ADA. Our findings specifically state: "Discrimination against individuals with disabilities persists in such critical areas as institutionalization." Mr. Sutton says it was not raised by Congress. It was. We said it. Either Mr. Sutton is ignoring this or he simply did not do his homework, and whoever did his research did not do good research.

We in Congress also specifically found "individuals with disabilities continually encounter various forms of discrimination including segregation." Institutionalization, segregation—that is what we found. Mr. Sutton says that is not enough. Once again, Mr. Sutton was ignoring our specific findings, arguing somehow that we had not done enough to show that we meant to end the practice of needlessly locking people in institutions.

Listen to this argument of Mr. Sutton. He said the discrimination "necessarily requires uneven treatment of similarly situated individuals." In other words, you have to show that people without disabilities were treated better than people with disabilities. He writes, "no class of similarly situated people were even identified."

But the Court said no. The Court said dissimilar treatment correspondingly exists in this key respect. In order to receive needed medical services, persons with mental disabilities must, because of those disabilities, relinquish participation in community life they could enjoy given reasonable accommodations, while persons without mental disabilities can receive the medical services they need without similar sacrifice.

For Lois Curtis and Elaine Wilson, two women in this case, if Mr. Sutton's views had prevailed, they still would be locked up. Lois spent most of her life in an institution, since the age of 14. Elaine had been living in a locked ward of a psychiatric hospital for over a year. She told the district court judge in the case that when she lived in the institution she felt like she was sitting in a little box with no way out. Day after day, the same routine, same four walls. No wonder Elaine felt like she was in a little box. The ADA was designed to break apart that box. So Elaine and Lois brought suit under the ADA, arguing that their segregation was discrimination.

As I mentioned, our findings in the ADA clearly stated that people with disabilities continually encounter various forms of discrimination, including segregation, and that discrimination persists in critical areas such as institutionalization.

Fortunately, the Supreme Court disagreed with the State of Georgia and with Mr. Sutton. The Court talked about the two reasons, to conclude that needless segregation is discrimination.

First, needless segregation perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life; second, that confinement in an institution diminishes the everyday activities of individuals. The Court was focusing on what matters and how it affects real people.

I mentioned that Lois Curtis and Elaine Wilson were institutionalized for many, many years. How do they live today? Elaine now lives in a house with a caretaker and a friend. Elaine shops, chooses her own clothes, attends family events and celebrations. Lois has close friends in her group home. She visits them all, picks out her own clothes, has favorite meals, plans a menu. At a hearing in the case, Lois and Elaine spoke of the little things that have changed. They can make Kool-Aid when they want to make it. They can go outside and take walks anywhere they want to go. We all take it for granted that we are going to choose what we eat, what we drink, what clothes we are going to put on in the morning, and where we are going to go to take a walk. But those kinds of ordinary activities are not ordinary if you are in an institution and someone else dictates every aspect of your life.

In Mr. Sutton's world, Elaine and Lois would still be living in the institution. You know what Mr. Sutton would say? I am sure he would say: Gee, that's just too bad, but that's the State law. That is the Georgia State law.

What are Elaine and Lois supposed to do, move? They are locked up in a mental hospital. They are locked up in wards. They cannot even leave of their own volition. That is Mr. Sutton's world—tough, tough that they have to live in a State where they institutionalize people. That is why we passed the Americans with Disabilities Act, to get people out of institutions, to get them into the communities and give some dignity and value to their lives outside an institution. That is precisely why we passed the ADA. But Mr. Sutton says: Sorry, Congress did not have the authority to do that.

We all know the law can be a straitjacket if that is the way you want to interpret the law or the law can give you freedom, the ability to develop and grow and expand your horizons, to have dreams and be able to live out your dreams. The law can do that or the law can shatter you. The law can put you in an institution. The law can send you to the State school for the deaf and dumb.

Mr. Sutton's view is that narrow view of law that, if the State doesn't do it, you are out of luck. But as I said, after it is all over, we are all U.S. citizens, and our civil rights should not depend on where we live.

That is why I have taken this time and will take some more time to talk about Mr. Sutton and why he should not be approved to sit on the Sixth Circuit Court of Appeals.

Sometimes these are tough decisions. As I said, I met with Mr. Sutton. He seems like a fine individual. He would probably be a good neighbor. That is not the point. When he puts on that robe for life and he sits on that circuit court, Elaine Curtis or Lois Wilson or Pat Garrett—what are their chances if they have to appear before Mr. Sutton?

Every time I read the things Mr. Sutton has said about inadequate findings, leaving it to the States, I am reminded what Justice Thurgood Marshall said in his concurring opinion in City of Cleburne:

> A regime of state-mandated segregation and degradation soon emerged that in its virulence and bigotry rivaled, and indeed paralleled the worst excesses of Jim Crow. Massive custodial institutions were built to warehouse the retarded for life . . . Many disabled children were categorically excluded from public schools based on the false stereotypes that all were uneducable, and on the purported need to protect nondisabled children from them. State laws deemed the retarded "unfit for citizenship."

Justice Marshall further pointed out:

> The mentally retarded have been subject to a lengthy and tragic history of segregation and discrimination that can only be called grotesque.

That is what we were facing when finally the Congress of the United States stepped up and passed the Americans with Disabilities Act. People were institutionalized, segregated, taken from their families, taken from their communities, excluded from going to school. I can't tell you how many people I have met in my sojourn through all these years of fighting for disability rights—I can't tell you how many people I have met with cerebral palsy whose bodies didn't work right and maybe they couldn't control their muscles, maybe their heads hung down, maybe they drooled, maybe they couldn't communicate verbally, but inside that body was a brilliant mind with the capability to contribute to our society. They had the ability to dream and to live out those dreams. Yet they were excluded from education simply because they had cerebral palsy.

If you haven't seen the movie "My Left Foot," which came out almost 20 years ago now, I think you ought to see it. That was exactly the case there. The person could only use his left foot to write, but what a brilliant writer he became. And he was excluded simply because he had a disability.

As I said earlier, how many blind people were confined to selling pencils? How many people using a wheelchair were discriminated against because they wouldn't make a minor modification at a workplace so that person could do the job?

We take curb cuts for granted. We take ramping for granted. We take wide doors for granted. It was not too many years ago there were not any curb cuts and there were not ramps and there were not wide doors and there were not accessible bathrooms.

My nephew Kelly was injured in the line of duty in the military. He became a quadriplegic. While I have seen how society had discriminated against my brother who was deaf, I guess I had not realized the discrimination in our society against someone using a wheelchair until I saw what Kelly had to go through just to get an education. They didn't have ramps. If the class was on the third floor and they didn't have an elevator—tough luck; he couldn't take the class. If it was in a building where there were steps and there was not a ramp—tough luck; he would have to go someplace else—going into a restaurant; going to a movie theater just to watch a movie, be turned away; we don't allow wheelchairs in here; out of here. Get out of here; you can't watch a movie. Later on, they would have a place up in the back to put a few wheelchairs, if they came. But you couldn't sit with your friends and your family. I saw what they had to go through. That is why we passed the Americans with Disabilities Act. Some States had better laws than others. One would have to kind of look and see which States are best for this law and that law, and move there away from their family, friends, and community. Things are a lot better. But we didn't get that way because we relied upon 50 different States in passing 50 different laws dealing with disabilities. We got there because the U.S. Congress saw its responsibility to break down the barriers of discrimination and to for once and for all say people with disabilities are every bit as much of an American as you, me, or anybody else; that there shouldn't be artificial barriers and real barriers; and that there should be accommodations made.

Mr. Sutton says we didn't have enough findings. He said the ADA was not needed. Tell Pat Garrett that. Tell Lois Curtis and Elaine Wilson that the ADA wasn't needed to get them out of the institutions they were in and to give them their freedom as human beings and as American citizens to live outside of an institution. Tell them that the ADA was not needed. Tell my nephew Kelly that the Americans with Disabilities Act wasn't needed.

Mr. Sutton can say all he wants and people here can argue, Well, he was just representing his clients. But as I have said and will continue to point out, it wasn't just his clients. It was what he said and what he wrote outside of the courtroom.

I believe also his opinions and his views are that Congress doesn't have this power—this right—to pass civil rights legislation.

In The Legal Times, as I said, on November 2, 1998, Mr. Sutton was quoted as saying, "It doesn't get me invited to cocktail parties. But I love these issues. I believe in federalism stuff."

He said on National Public Radio—not in a court case but on National Public Radio—"As with age discrimination, disability discrimination in a constitutional sense is really very difficult to show."

Seventeen hearings, 5 committee markups, 63 public forums across the country, 8,000 pages of transcripts, oral and written testimony from the Attorney General of the United States, Governors, State Attorneys General, legislators—on and on—and he said it is difficult to show.

As I said, it is either clear that he doesn't understand how Congress works or he understands but disdains what we do here in the area of civil rights and civil liberties.

These comments and others seem to suggest Mr. Sutton was doing much more than merely advocating a response, and, in fact, reveal an extreme view of federalism that promotes State power over the rights—the civil rights—of a U.S. citizen.

I know it is said, Well, Mr. Sutton has represented the other side, but we have looked and we have not found any case Mr. Sutton has taken that would be on the opposite side of States rights—not one. My friend from Utah said Mr. Sutton represented people with disabilities and sits on a board that looks out for the interests of people with disabilities. I took a look at that. Mr. Sutton, for the Record, did represent the National Coalition for Students with Disabilities in a case brought in Federal district court, alleging that the Ohio Secretary of State violated the National Voter Registration Act regarding voter registration sites for persons with disabilities. The case was filed on November 6, 2000. Mr. Sutton was nominated for the Sixth Circuit vacancy on May 9, 2001, and it appears Mr. Sutton did not become the attorney of record until April 26, 2002.

It was said earlier by my friend from Ohio that Mr. Sutton represented Cheryl Fischer in her attempt to gain admission to Case Western University Medical School. Ms. Fischer, who is blind, dreamed of becoming a psychiatrist. The university wouldn't admit her to medical school because of her disability. Yes. Mr. Sutton worked on this case. But he did not represent Cheryl Fischer. As Ohio's solicitor, Mr. Sutton represented the Ohio Civil Rights Commission because it was his job. Cheryl Fischer's attorney was Thomas Andrew Downing.

Again, I know others are on the floor to speak and I don't want to hold up the floor any longer. But I think it is clear that all Mr. Sutton has said, all that he has written, and views espoused by him, give us nothing other than a portrait of an individual with extreme views on States rights—a person who will be an activist judge, a person who is an ideologue.

I quote from the New York Times editorial of this morning entitled "Another Ideologue for the Courts."

> Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims. Mr. Sutton has said that he was only doing his job, and that his concern was building a law practice, not choosing sides. But throughout his career, he has taken on major cases that advance the conservative agenda. He has left little doubt in his public statements that he supports these rulings.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 28, 2003]

ANOTHER IDEOLOGUE FOR THE COURTS

It seems likely that Jeffrey Sutton, a nominee to the United States Court of Appeals for the Sixth Circuit in Cincinnati, will be confirmed by the Senate this week. But it is important to recognize why he was selected, and how he fits the Bush administration's plan for an ideological takeover of the courts. Whichever way the Senate votes on him, it must insist that the administration start selecting judges who do not come with a far-right agenda.

There is no shortage of worthy judicial nominees. Federal courts are filled with district court judges, Republicans and Democrats, who have shown evenhandedness and professionalism, and many would make fine appeals court judges. State courts are overflowing with judges and lawyers known for their excellence, not their politics.

The Bush administration, however, has sought nominees whose main qualification is a commitment to far-right ideology. Mr. Sutton is the latest example. He is an activist for "federalism," a euphemism for a rigid states'-rights legal philosophy. Although federalism commands a narrow majority on the Supreme Court, advocates like Mr. Sutton are taking the law in a disturbing direction, depriving minorities, women and the disabled of important rights.

Mr. Sutton argued a landmark disability rights case in the Supreme Court. Patricia Garrett, a nurse at an Alabama state hospital, asserted that her employer fired her because she had breast cancer, violating the Americans With Disabilities Act. Mr. Sutton argued that the act did not protect state employees like Ms. Garrett. His states'-rights argument narrowly won over the court, and deprived millions of state workers of legal protection. He also invoked federalism to urge the court to strike down the Violence Against Women Act. It did so, 5 to 4, dismantling federal protection for sexual assault victims. Mr. Sutton has said that he was only doing his job, and that his concern was building a law practice, not choosing sides. But throughout his career, he has taken on major cases that advance the conservative agenda. He has left little doubt in his public statements that he supports these rulings.

At his confirmation hearing, Mr. Sutton faced protesters with guide dogs and wheelchairs, who were upset about his role in rolling back disability law. Naturally, they urged the Senate to reject him. But the senators' duty to advise and consent goes beyond their vote on any particular nominee. They must make it clear that in a nation brimming with legal talent, it is unacceptable to focus the search for federal judges on a narrow group of idealogues.

Mr. HARKIN. Mr. President, no doubt Mr. Sutton is a very bright individual. He is very capable. He has argued cases before the Supreme Court. I don't argue his qualifications—not a bit. But I do argue his views—his views which, if he is permitted to take a seat on the Sixth Circuit Court of Appeals, I believe would mean that when Mrs. Garrett or my nephew Kelly or other people with disabilities walked into that courtroom, or wheeled their chairs into that courtroom—that Mr. Sutton wouldn't see a person. He would not see the years and years of discrimination against people with disabilities. He would not see what that individual person has to put up with day after day.

He would only see one thing: What is the State law? If the State law did not cover it, then we in Congress have no power to act.

That, Mr. President, is an extreme view—an extreme activist view—of the role of our Federal judges, and one which this Senate should not accept.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, thank you for allowing me to speak on behalf of Jeff Sutton, a star in the Ohio bar. I am here to express my strongest recommendation for Jeff, whom the President nominated to serve on the U.S. Court of Appeals for the Sixth Circuit on May 9, 2001. Can you believe that? On May 9, I was at the White House when President Bush nominated Jeff, and here we are, almost 2 years later, finally voting on his nomination.

I am extremely disappointed at the length of time it has taken for this most qualified nominee to reach the floor of the Senate. Much of my disappointment stems from the fact that anyone who knows Jeff knows him to be a man of unquestioned integrity, intelligence, and qualifications, with vast experience in commercial, constitutional, and appellate litigation. Jeff will bring a special quality to the bench.

His first career was as a teacher. He was a 7th grade geography and 10th grade history teacher, as well as a soccer and baseball coach before heading off to law school.

Jeff graduated first in his law school class from the Ohio State University College of Law, followed by a clerkship with the Honorable Thomas Meskill of the U.S. Court of Appeals for the Second Circuit and a clerkship for Justices Powell and Scalia on the U.S. Supreme Court.

From 1995 to 1998, Jeff left his Jones, Day law firm behind and answered the call to public service as the State solicitor general of Ohio. It was during this time that the National Association of Attorneys General awarded Jeff a Best Brief Award for practice before the U.S. Supreme Court 4 years in a row. After his tenure as State solicitor, Jeff returned to Jones, Day to practice law, where he works today. Because he was the State solicitor of Ohio when I was Governor, I worked with him extensively when he represented the Governor's office, and, in my judgment, he never exhibited any predisposition with regard to any issue and had great interpersonal skills.

Jeffrey Sutton has exactly what the Federal bench needs: a fresh, objective perspective. In spite of being a brilliant lawyer, he has never exhibited anything but humility. In fact, Professor John Jeffries of the University of Virginia agrees with me on this point, calling Jeff "compassionate, humane and modest." He goes on to say that Jeff "does not rush to judgment, nor is he burdened by the kind of unwarranted confidence in his own opinion that closes the mind to concerns of others." Let me repeat that: He is not "burdened by the kind of unwarranted confidence in his own opinion that closes the mind to concerns of others."

Jeff Sutton's qualifications for this judgeship are best evidenced through his experience. He has argued 12 cases and filed over 50 merits and amicus curiae briefs before the U.S. Supreme Court, both as a private attorney and as Solicitor for the State of Ohio. In addition to the U.S. Supreme Court, Jeff has also argued 13 cases in State supreme courts, 8 cases before the Federal Court of Appeals, and dozens more cases in State and Federal trial courts.

I want to share a story with you that reflects how good a lawyer Jeff really is. I visited the Supreme Court last year to move the admission of some of my fellow Ohio State Law School alumni. We were having our 40th class reunion here in Washington. While giving us a tour of the Supreme Court, Bill Suter, the Clerk of the Court, upon realizing that we were Ohioans, went way out of his way to commend Jeff's abilities as an appellate lawyer. I cannot think of higher praise than the Clerk of the Supreme Court, who witnesses so many arguments and sees so many lawyers every year, remembering Jeff and having nothing but praise for him.

In fact, Jeff has earned such a vaulted reputation among the Supreme Court Judges that they regularly seek him out to participate in proceedings before the High Court. These cases include that of Becker v. Montgomery, where the Supreme Court appointed Sutton to represent an inmate in a prisoner's rights lawsuit against his jailors. The Court unanimously agreed with his position, and Justice Ginsburg even went so far as to remark in the opinion that "[Jeff's] able representation . . . permit[s] us to decide this case, satisfied that the relevant issues have been fully aired."

It is also worthy to note that the lawyer for the State of Ohio in this case, Stewart Baker, said of Jeff:

> [T]he Becker case illustrates the fallacy of claims that Mr. Sutton's judicial philosophy can be gleaned from the positions he has advocated in court. . . .While the Becker case may or may not tell us something about his personal views, Mr. Sutton's willingness to take the case without compensation does tell us a lot about his compassion and commitment to justice.

In Westside Mothers v. Haveman, the Supreme Court again invited Jeff's participation in a Medicaid case as amicus curiae after it found the parties' briefing to be "less than satisfactory." And again, the Court responded with thanks and praise, stating:

> Particularly noteworthy for its quality and helpfulness is the amicus participation at the court's request of the [Michigan Municipal] League and its pro bono counsel, Mr. Jeffrey Sutton.

In addition to his appellate practice and family responsibilities, Jeff has exhibited an appreciation that one has a responsibility to contribute to the legal profession. He has been an adjunct professor of law at Ohio State, teaching seminars in constitutional law. He also teaches continuing legal education seminars on the U.S. Supreme Court and Ohio Supreme Court to Ohio State court judges and develops curricula for appellate judges on behalf of the Ohio State Judicial College.

While his unwillingness to shy away from challenging or controversial cases has, in some instances, led critics to allege he has a predisposition toward certain cases, I believe such comments are not accurate—for instance, the allegation that Jeff is biased against people with disabilities.

I disagree strongly with my colleague, the Senator from Iowa, on this point. Anyone who really knows this man knows these allegations are just untrue and that Jeff should not be judged on a handful of cases where he did his job by vigorously advocating on behalf of his clients.

I believe it is patently unfair for groups to take the position that, based upon his advocacy in this handful of cases, this man wants to curtail the civil rights of persons with disabilities. Nothing—nothing—could be further from the truth.

First, I would like to point out that it is a well-established principle in the legal profession that lawyers should not be held responsible for the positions of their clients. By serving as a lawyer to certain groups or individuals, Jeff does not necessarily adopt their viewpoints as his own; he just does his job, as he is supposed to, by subordinating his own interests to those of the client and doing everything possible within the bounds of the law to win.

In fact, the American Bar Association Model Rules of Professional Conduct state:

> A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

Second, instead of focusing on a handful of cases, Jeff's detractors should review his history of representing a very diverse group of clients who advocate every conceivable point on the political spectrum. This includes Cheryl Fischer, a blind woman refused entry to an Ohio medical school, whom Jeff represented when he was the Ohio State solicitor. Ms. Fischer wrote a letter of support on Jeff's behalf stating:

> I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and he wanted . . . to win for me.

Jeff represented the National Coalition of Students with Disabilities where he successfully argued that Ohio State-run universities were violating the motor voter law by failing to provide their disabled students with voter registration materials. This is very important. In that particular case, Benson Wolman, a former law school classmate of mine, who would smile with great pleasure if described as a liberal civil rights advocate, and a former director of the ACLU in Ohio, asked Sutton to help out in this motor voter case. He supports his nomination, stating:

> [Mr. Sutton's] commitment to individual rights, civility as an opposing counsel, his sense of fairness, his devotion to civic responsibility, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

This is the former head of the Ohio Civil Liberties Union saying Mr. Sutton's commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

Wolman's endorsement of Jeff is very important. It should give comfort and alleviate the fears of my colleagues who believe Jeff may be too conservative and not sensitive to liberal causes and civil rights.

Third, Jeff's service on the board of the Equal Justice Foundation, a public interest organization that provides pro bono legal services on behalf of disadvantaged individuals, including people with disabilities, is evidence of his interest to advance the interests of the disabled. During his tenure, the foundation tackled a variety of cases which advanced these interests: One, for example, suing three Ohio cities to force them to build curb cuts to make their sidewalks wheelchair accessible; two, suing an amusement park company that had a blanket policy banning the disabled from their rides; and, three, representing a girl with tubular sclerosis in a case alleging that her school was not providing her with an adequate education plan—to name a few.

Last, anyone who knows of Jeff's work when he was younger at his father's school for children with cerebral palsy knows this is not a man who wants to curtail the rights of the disabled. Think about that. His father ran a school for children with cerebral palsy. Can you think that someone who had that experience in his family would want to curtail the rights of the disabled? In fact, you only need to read the letters of support from those who work in the disabled community to see the number of people who support Jeff.

These include Francis Beytagh, legal director of the National Center for Law and the Handicapped, who wrote:

> I believe Jeff Sutton would make an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. . . . I do not regard him as a predictable ideologue. . . . I recommend and support his confirmation without reservation.

And James Leonard, codirector of the University of Alabama's Disability Law Institute, who wrote:

> In my opinion, Jeffrey Sutton is well-qualified to sit on the Sixth Circuit Court and should be confirmed. . . . I see no "agenda" on Mr. Sutton's part to target disabled citizens—

That is something that is going to be advocated on the floor of the Senate for the next day and a half.

He says:

> In my opinion, Jeffrey Sutton is well-qualified to sit on the Sixth Circuit Court and should be confirmed. . . . I see no "agenda" on Mr. Sutton's part to target disabled citizens. . . .

Seth Waxman, President Clinton's Solicitor General and Jeff's opposing counsel in University of Alabama v. Garrett, stated:

> I know that some have questioned whether the position Mr. Sutton advocated last Term . . . reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely consistent with the finest traditions of the adversarial system.

Jeff Sutton should not be criticized on assumptions that past legal positions reflect his personal views. Instead, he should be lauded for always zealously advocating his client's interest, no matter the issue.

While I could continue praising Jeff as a lawyer, what I am most impressed by is that I could spend equally as much time praising Jeff, the man. There is no question that Jeffrey Sutton is one of this Nation's premier appellate lawyers and could remain at his law firm and literally make millions of dollars. He has chosen, however, to turn his back on that opportunity because he is deeply committed to public and community service and believes he can do more for his fellow men and their quality of life and the legal system by serving on the appellate bench. His motives, in my opinion, are fundamental to one who seeks a lifetime appointment to a Federal circuit court of appeals.

Jeffrey Sutton wants this job for the right reasons. He does not need it for his ego or the financial well-being of having a permanent job. He has a wonderful wife and three children, whom I have met and talked to, who are willing to make the financial sacrifice so that Jeff can serve.

Jeff is an elder and deacon in the Presbyterian Church, as well as a Sunday school teacher. He also participates in the I Know I Can program, which provides college scholarships to inner-city children; ProMusica, a chamber music organization; and coaches youth soccer and basketball teams.

I have met some exceptional people during my 35 years in government, and Jeff is one of the most exceptional. I have worked closely with Jeff and know that he will make an exemplary addition to the Sixth Circuit, which is in crisis because of the vacancies now on it. I respectfully urge the Senate to confirm Jeff Sutton's nomination as quickly as possible.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I urge my colleagues to vote against the nomination of Jeffrey Sutton to the Sixth Circuit. I am not convinced that Jeffrey Sutton will be fair and openminded in the range of issues that would come before him; in particular, those on the balance between Federal and State power and the ability of individuals to enforce their civil rights in court.

Mr. Sutton has been the most visible advocate in the rightwing movement to weaken the basic civil rights laws that have brought our country closer to equal opportunity for all of our citizens. Because of the civil rights laws enacted over the last 40 years, we have increased opportunities for minority citizens in all aspects of our Nation. Women and girls have many more educational and sports opportunities. People with disabilities have new opportunities to fully participate in our society. Without the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the enactment of title IX in 1972, and the Americans with Disabilities Act in 1991, these extraordinary advances could never have been achieved. All of these laws had strong bipartisan support from Democrats and Republicans.

Mr. Sutton has been at the forefront of a campaign to weaken many of these civil rights laws by claiming that Congress has no power to make these laws enforceable against the States or by claiming that individuals cannot enforce these rights in court.

Unfortunately, Mr. Sutton has often found willing support in recent years by five justices of the Supreme Court. Over the last decade, a narrow majority of the Supreme Court has ushered in what some are trying to call the "new federalism." Five justices have rewritten many of the rules on the power of the Federal Government, in some instances overturning their own precedent and ignoring long-standing constitutional language to do so. More Congressional statutes have been struck down or severely limited by this Supreme Court than at any point since the now-widely discredited Supreme Court of the 1930s which attempted to block the progressive legislation of the New Deal.

The agenda in Mr. Sutton's advocacy is all too clear. It's to reduce the power of the Federal Government to protect civil rights. Our constitutional system was founded on respect for the States. But the Civil War Amendments gave broad power to the Federal Government to enact civil rights statutes and make them enforceable against States. Mr. Sutton's advocacy clearly undermines these profound changes made over a century ago in our Constitution.

The human impact of Mr. Sutton's victories at the Supreme Court is also clear. Mr. Sutton's advocacy has meant that: Individuals like Patricia Garrett, a breast cancer survivor who was demoted after working for seventeen years for the University of Alabama, cannot seek damages under the ADA; workers over 40 who are fired or demoted from their state jobs because they are considered too old have no effective federal remedy for age discrimination. In a recent case, a supervisor in a state agency fired a plaintiff because of his age and told the jury that "In a forest, you have to cut down the old, big trees so the little trees can grow."

The plaintiff in this case was fired at the age of 48.

Sutton's advocacy has also meant that: Individuals can no longer bring suit under regulations implementing the 1964 Civil Rights Act. This makes it difficult for Bonnie Sanders and Rose Townsend to remedy racial discrimination in their low-income minority community in New Jersey which suffers high rates of asthma and respiratory illnesses from the large number of contaminated waste sites and superfund sites unfairly placed in their small community; persons who complain about gender discrimination in school sports or education programs can be fired or demoted without being able to bring a challenge under Title IX's provisions.

Mr. Sutton's response to many of the concerns raised about his record is that he was making arguments on behalf of his client. All of us understand that the arguments lawyers make in their briefs or in oral arguments do not necessarily represent their own views. But Mr. Sutton's claim that he is not seeking to advance a broad States rights agenda is absurd.

He admits that he has not been involved before the Supreme Court in any cases on the other side of the issue—he has not sought to defend Federal power to enact civil rights laws. He consistently represents only those States—and there are many States on the other side—who want to limit the scope of Federal civil rights laws. Indeed, Mr. Sutton has stated that he is "on the lookout" for States' rights cases.

He is a top officer of the Federalist Society, and he has repeatedly expressed his views on the question of Federal and State power. He has expressed his "love"—he actually used that word for making State sovereignty claims, even when his arguments are unpopular. He has characterized questions of federalism as a "zero-sum" game, an endless battle between the Federal and State governments.

Mr. Sutton called our attention to a few cases in which he has defended the rights of people with disabilities. I commend him for those cases. But I find it curious that we are meant to believe that those few cases reflect his real views on civil rights, while his advocacy in major States rights cases in the Supreme Court reflects only the views of his client. For every plaintiff like Cheryl Fischer—the blind woman whom Sutton represented in his Government capacity after she was denied admission to medical school—thousands more were harmed by his advocacy to deny civil rights protections.

The case that casts the most doubt on Mr. Sutton's claim that he was merely representing his clients and that demonstrates his activism in support of States' rights is Westside Mothers. Poor children and their mothers had challenged Michigan's failure to provide adequate dental services, as required under Medicaid. They were not claiming money damages. They only wanted the State of Michigan to provide the health care required by Federal law. They brought suit under section 1983, which the Supreme Court has long held allows persons to bring claims for violations of Federal statutes. Mr. Sutton argued in a friend-of-the-court brief that these children could not enforce their Medicaid rights using section 1983. The district court accepted his arguments, but the Sixth Circuit reversed—unanimously.

If Mr. Sutton's arguments had prevailed, it would have limited the enforcement of a wide range of spending power statutes, contrary to more than a quarter-century of Supreme Court precedent. He would have effectively closed the court house doors to: Working parents in North Carolina who drove up to 3½ hours each way to obtain dental care for their children, because they could not find a dentist closer to home who would accept Medicaid—even though the Medicaid law requires States to ensure an adequate supply of providers; children with mental retardation and developmental disabilities in West Virginia who faced institutionalization because they could not get Medicaid to pay for the home-based services they needed, even though the Medicaid law requires States to cover the services; families in Arizona who were not receiving notices or hearings when their Medicaid HMOs denied or delayed needed treatments, even though the Medicaid law requires States to provide those rights.

Mr. Sutton's advocacy, if he had prevailed, would have closed the doors to relief for all these individuals.

Mr. Sutton even sought to achieve this result by encouraging the district court to ignore Supreme Court precedent. He failed to cite in his opening brief the leading Supreme Court cases that allowed plaintiffs to bring the challenges. In his reply brief, he told the district court that it need "not be overly concerned" with this precedent. It is very disturbing that a judicial nominee would be so cavalier in his dismissal of Supreme Court rulings, and would even invite the lower court to disregard it.

In response to questions about the Westside Mothers case, Mr. Sutton did not back away from the positions he took in the case. He continued to maintain that the far-reaching arguments he made were supported by the law. The Department of Justice and over 75 law professors, liberal and conservative, filed their own friend-of-the-court briefs to emphasize that Mr. Sutton's view, if it had been accepted, would radically change the law.

One of the professors who wrote to us about Mr. Sutton's views in this case was Professor Douglas Laycock. He said that while Mr. Sutton persuaded the district judge that none of the Supreme Court's precedents was binding, his arguments were actually in defiance of settled law. As Professor Laycock wrote, "The truth is that the power to enforce Federal law by suits against State officers was settled and fundamental." Professor Laycock concluded by saying: "What Westside shows is Sutton aggressively creating new doctrine to restrict or overturn settled law, leading the way at the frontier of the campaign to roll back Federal power and leave citizens without effective protection for their Federal rights."

Mr. Sutton's advocacy in this case, far beyond what the Supreme Court has ever held, raises major concerns that he will continue to follow his own extreme views on what the law should be if he is confirmed as a judge.

The issue is not whether Mr. Sutton dislikes disabled people. It is not about whether he is a good man. He is very personable, highly credentialed, very intelligent. The question is whether he is committed to the principles of the Constitution, including genuine enforcement of Federal civil rights laws. His record fails to show that he will be able to set aside his own extreme agenda in rolling back Federal power.

Many of the White House nominees to lifetime appointments to our Federal courts of appeals raise such a question. Those courts are charged with making decisions vital to the everyday lives of American people, but far too many of them have records that are extreme. Their goal is to use the Federal courts to limit the rights of workers, dismantle environmental protection, roll back civil rights, undermine the rights of women, and to reject the right of privacy.

When the White House submits nominees who show that they will be fair and open minded in the cases that come before them, we should all support them. Judge Edward Prado, for example, a nominee to the Fifth Circuit, is one such nominee. He is a Republican. He likely holds views with which some of us disagree. He has shown, however, in his time on the bench that he is committed to the rule of law and to honoring the Constitution and the Federal laws, not reshaping the law to fit a right-wing ideological agenda. He was approved by the Judiciary Committee unanimously. There was not a single letter of opposition against him. He is ready to be voted on by the full Senate.

Nominees such as Judge Prado should get our full support; nominees such as Jeffrey Sutton should not.

The basic values of our society, whether we will continue to be committed to equality, freedom of expression, and the right to privacy, are at issue in each of these controversial nominations. If the administration continues to nominate judges who would weaken the core values of our country, roll back the laws that have made our country a more inclusive democracy, the Senate should reject them. No President has the unilateral right to remake the judiciary in his own image. The Constitution requires the Senate's advice and consent on judicial nominations. It is clear that our duty is to be more than a rubberstamp, and I urge my colleagues to vote against Jeffrey Sutton.

I see my colleague and friend from Iowa in the Chamber. He is a member of our Human Resources Committee. In looking over several of these items, he can remember very well, as I am sure I can, the time and deliberation we took on a number of these legislative matters, such as the Americans with Disabilities Act. That legislation in one form or another was before the Congress probably 8 to 10 years before we were eventually able to work that matter through to acceptance. We had broad bipartisan support that said we were going to be an inclusive Nation, we were going to include those individuals who were facing the challenges through some form of disability, and we were going to be a better country because of that.

The overwhelming celebration we had at the White House—I can remember the Senator from Iowa being there when President Bush 1 signed that bill and stated that he believed this was probably the most important single legislative achievement and accomplishment he had during the time of his Presidency. Guarantees were put into place in order to protect those who had some disability so that they would be able to have their rights protected.

That is not what Mr. Sutton says. That is not what the holding is in his case in the Garrett decision. It points out in those cases he has outlined that the State employees will not be covered under the ADA and they will not have those protections. We on the Labor and Human Resources Committee had hearing after hearing and listened to the challenges the disabled people were facing in this country. We took time and listened to suggestions and recommendations from Republicans and Democrats alike so we could pass a meaningful bill to protect those individuals. We thought we did that and the President of the United States believed we had and the Justice Department thought we had at that time, but not Jeffrey Sutton. No, no protections for State employees. I never heard Jeffrey Sutton bring these ideas up before our committee or over in the House of Representatives.

Maybe later on the Senator from Iowa can tell me whether he ever remembered that being brought up or whether or not we were attentive to our duty and our responsibility, or that it was the failure of our committee and the responsibility of the Senator from Iowa and the Senator from Massachusetts that we failed to provide those protections, because we believed that we had. We did not hear any opposition to it.

The Senator from Iowa remembers the various lengthy hearings we had about age discrimination which was taking place in this country, about workers who were being singled out solely on the issue of their age. The Senator can remember the days and the weeks of hearings we had on that issue, and that the legislation we passed was supported by Republican and Democrat alike, but not from Mr. Sutton; one can go right ahead and discriminate freely on the basis of age according to his decision. We had not heard that—we never heard it from the Justice Department during that period of time.

Many of these things occurred during the time when we had a Republican Justice Department which had supported this legislation.

The Senator has talked about the Violence Against Women Act legislation, to which Jeffrey Sutton filed an amicus brief to say there is no civil remedy under the Violence Against Women Act. The Senator can remember the time we spent on that legislation.

Then there was the Religious Restoration Act on which my friend from Utah and I worked long and strenuously, inviting constitutional authorities from all over this country to help us shape legislation to make sure we really were going to move ahead in the protection of rights to be able to practice one's own religion, but we were not able to do it under the holding of Mr. Sutton.

Then, finally the striking down of title VI of the Civil Rights Act, which is basically an opportunity for individuals, primarily poor, primarily men and women of color, when there are going to be actions that are going to be taken which are so blatant and flagrantly discriminatory that puts their lives and their health at risk—no, no, that particular title VI of the 1964 act was going to be struck down as well.

The common factor is—and the Senator from Iowa would agree—the kinds of protections we are talking about in such legislation as this is for the most vulnerable, in many instances the weakest people, in our society. We have heard from those who are going to defend Mr. Sutton that that is not really Jeffrey Sutton; that he was just taking a case at a time. Well, he has taken all of these cases, and he has looked for more, and he has never been a spokesperson for the opposing view in terms of defending these individuals.

We have a difficult time in terms of providing these protections for individuals who are being left out and being left behind. We are always reminded every single day in this city and in this country how those with power and those with wealth are able to take care of themselves very well. But we are talking here about those individuals who had protections under these various statutes who by and large came through our committee after weeks and months of hearings, where there was a bipartisan effort to try to ensure that legislation was carefully drafted and focused and attended to, but they do not meet the test of Jeffrey Sutton.

I say that Jeffrey Sutton does not meet my test either.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Iowa.

Mr. HARKIN. I thank the Senator for the dialog. I thank the Senator for his statement, but I thank the Senator for his great leadership in the 1980s.

When I first came here in 1985 and became a member of the Labor Committee under the leadership of Mr. KENNEDY, the Senator from Massachusetts, we were beginning to develop, as the Senator knows, at that time, the underlying legislation for ADA. It was the Senator from Massachusetts who provided the great leadership that brought us together—Republicans and Democrats, Republican Attorney General, Republican President, States attorneys general, Governors—all over the country, coming together saying, finally, we have to do something about this.

That is why Mr. Sutton's view is so disturbing in how he approaches this matter. As the Senator from Massachusetts so correctly stated, a lot of people are saying he was representing his client. However, he was on an NPR radio interview—not representing a client there, he was representing himself—in which he said disability discrimination in a constitutional test is hard to show, difficult to show.

The Senator from Massachusetts alluded to how much work we had done to show that, 25 years of study. The first study done by Congress showing discrimination against people with disabilities was in 1965, the National Commission on Architectural Behaviors. Finally, in 1989 we passed the Americans with Disabilities Act. Mr. Sutton says that is not enough.

As the Senator from Massachusetts pointed out, we had 17 formal hearings by the committee of the Senator from Massachusetts and the subcommittee which I chaired. Five separate committees marked up this bill. We had 63 public forums across the country, led by Justin Dart, head of the President's national committee—8,000 pages of testimony—as the Senator mentioned, the Attorney General of the United States, Thornburg, Governors, State attorneys general, State legislators. But especially as it pertains to the Garrett case, Mr. Sutton basically said that Congress had not made a showing, that States were not living up to their responsibility to protect people with disabilities. There were 300 examples that came into our committee regarding discrimination by State governments. Mr. Sutton says that is not enough.

I wonder aloud to my friend from Massachusetts, how many do we need, 325? Is it 350? What is the magic number to show that State governments were violating constitutional rights of their citizens? With 300 examples, Mr. Sutton says that is not good enough.

I thank the Senator from Massachusetts for his statement, for his lifelong advocacy and support, especially of people with disabilities. I have geared my remarks on that—and for his advocacy and support for the Americans with Disabilities Act.

People say Mr. Sutton is a nice guy and all that kind of stuff. I suppose he is. I spent an hour and a half with him. I found him to be a very pleasurable individual. The Senator from Ohio said that he does not have any bias against people with disabilities. I don't contend that. I know the Senator from Massachusetts does not contend that Mr. Sutton has any personal bias against people with disabilities. However, his rigid ideology in that we in the Congress cannot pass national laws protecting the civil rights of people with disabilities sets the clock back 25 years or more. So that is the problem with Mr. Sutton. He has this rigid ideology that says people may be hurting, people may be discriminated against because they use a wheelchair or they have cerebral palsy or they are deaf or they are blind, and isn't that just too bad. Our hearts go out to them, but we can't do anything about it unless the State does something about it.

I find that to be the primary reason why Mr. Sutton should not be on the circuit court of appeals. If he wants to be on the State bench some place, at a State court he can espouse that, but not as a member of the circuit court of the United States.

I thank the Senator from Massachusetts.

Mr. KENNEDY. I thank my friend from Iowa for giving life to the points I tried to make about the kind of due deliberation we had on the different pieces of legislation which came through our committee and for which we have a good deal of awareness and knowledge.

I remember when we considered the Americans with Disabilities Act. We would have such questions: How does it apply to a ski lift if someone comes up and is disabled? How many chairs will have to be on a ski lift? We were asked every conceivable policy question, wondering what would happen if it was a little bookstore with one person in it and a blind person walks on in: is the person at the cash register going to have to go back and help the blind person find the books or will they continue to be able to look after the cash register? These are the kinds of questions we had coming out of our ears; so many people were skeptical of taking that kind of action to give protections to our fellow citizens, over 40 million in this country. We faced every possible challenge on these issues. The Senator was there.

But suddenly now we find a new way of rolling all that back. Who is the author? Mr. Sutton. We heard from the Justice Department during that period of time. There was never any kind of question from the Justice Department. I ask the Senator from Iowa, does the Senator remember that the Justice Department commented—I hope you understand you are getting into a real hornet's nest, from a constitutional question. Did you hear that with regard to age or protections of people under the 1964 Civil Rights Act or the Violence Against Women Act? Were we ever told by any Justice Department, Democrat or Republican: Absolutely no.

Here we have a nominee who was able to get a viewpoint and a position that has been effectively undermining those kinds of protections. He has been doing it step by step by step.

I, for one, am not prepared to vote because the next one who is going to come will come right out there on the issues of protection on the basis of race, the last major kind of civil rights issue. That is the large enchilada this is building up to. As we know, slavery was written into the Constitution and this country has paid an extraordinary price to free us from forms of discrimination. We fought a civil war and experienced all the pain, suffering, tears and blood by Dr. King and others.

It was from that strength with the passage of the legislation we moved ahead to try to eliminate discrimination in other forms, discrimination against the disabled, discrimination against the elderly, discrimination against women. And here we have the architect to undermine those commitments. I, for one, am not prepared to vote to take advantage and say maybe he will just stop here and not see a continued rollback.

I agree with the Senator. He is a very fine person and we have a high regard for him but there are many other people that are fine and for whom we have a high regard. We have a responsibility, I believe, that Supreme Court nominees ought do have a commitment to the fundamentals of the Constitution. I am not prepared to take a chance on where he is going to go in the future.

I thank the Senator for his excellent presentation this afternoon. I think it has been very helpful.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening with a great degree of interest at the comments of my colleagues. I, for one, as one of the prime authors of the Americans with Disabilities Act, contend that Mr. Sutton does agree with the bill and that he is an advocate for those who are suffering from disability, in spite of what has been said.

I rise today in support of the nomination of Jeffery Sutton to be a Judge on the Sixth Circuit Court of Appeals. Mr. Sutton is one of the top appellate lawyers in this country today. He has argued over 45 appeals for a diversity of clients in Federal and State courts across the country, including an impressive number—12—before the U.S. Supreme Court. We have not had nominees like this for years, who have the ability, experience, capacity, knowledge and the decency that some of these nominees of President Bush have. In 2001, he had the best record of any advocate before the Court, arguing 4 cases and winning all of them. On January 2, 2003, the American Lawyer named him one of the best 45 lawyers in the country under the age of 45. He is an outstanding nominee, and I urge all of my colleagues to support him.

Mr. Sutton served as a law clerk for United States Supreme Court Justices Lewis Powell and Antonin Scalia. Like his mentor Justice Powell, Sutton is a moderate who favors judicial pragmatism: According to Sutton, Justice Powell "believed in people more than in ideas, in experience more than ideology and in the end, embraced a judicial pragmatism that served the country well." Mr. Sutton served as State Solicitor for the State of Ohio and currently is a partner in the prestigious law firm of Jones, Day, Reavis and Pogue. He also serves as an Adjunct Professor at Ohio State University School of Law.

During his legal career, he has not only demonstrated keen intellect, strong advocacy skills and a commitment to the rule of law, but has dedicated a substantial amount of his time to providing pro bono legal services to a variety of individuals and groups. He enjoys strong support from lawyers in Ohio and across the country, who have written to praise not only his first-rate legal abilities, but also his fairness, open-mindedness, and personal integrity. There can be no serious question as to Mr. Sutton's qualifications for this position. He represents the best of the legal profession and it is shameful to indicate otherwise.

Unfortunately, some of my colleagues seem to be looking past his unassailable credentials in search of issues that could be used to disparage him. I would like to address those points and explain why my colleagues need not be concerned—maybe that is a nice word to use here.

There have been suggestions that Mr. Sutton's record somehow demonstrates a bias against Americans with disabilities. However, there is no evidence in his record to suggest that he has a personal bias against those with disabilities or any other group of individuals. In fact, even the People for the American Way has conceded that "No one has seriously contended that Sutton is personally biased against people with disabilities." I think that is a very important point.

When he was young, Mr. Sutton regularly assisted at his father's school for children with cerebral palsy, and a closer look at his legal record demonstrates that Mr. Sutton has taken up the causes of disabled Americans several times. He represented a talented young woman named Cheryl Fisher, who sought to get into medical school, but was turned down because she was blind. In a letter of support of Mr. Sutton, Ms. Fisher wrote:

> I recall with much pride just how committed Jeff was to my case. He believed in my position. He cared and listened and wanted badly to win for me . . . I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless others with both similar disabilities and interests.

In National Coalition of Students with Disabilities v. Taft, he successfully argued that Ohio Universities were violating the federal motor-voter law by failing to provide disabled students with voter registration materials. Again he received high praise from someone involved in the case. Benson A. Wolman, former Director of the ACLU for Ohio and currently a member of its National Advisory Council, who recruited Mr. Sutton to work on the case, wrote:

> Mr. Sutton's commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

Mr. Sutton also served on the Board of the Equal Justice Foundation, a public interest organization that provides pro bono legal services to the disadvantaged. During his tenure on the board, the Foundation has sued three Ohio cities to force them to build curb cuts to make their sidewalks wheelchair accessible, sued an amusement park company that banned disabled individuals from their rides, represented a mentally disabled woman in an eviction proceeding against her landlord who tried to evict her based on her disability, and represented a girl with tubular sclerosis in a case alleging that the school was not properly handling her individual education plan.

There are also many in the disabled community who, though not directly involved with Mr. Sutton's cases, understand that he is committed to the law and support his nomination. Francis Beytagh, Legal Director of the National Center for Law and the Handicapped wrote:

> I believe Jeff Sutton would make an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly . . . I do not regard him as a predictable ideologue . . . I recommend and support his confirmation without reservation.

We should pay attention to this person.

James Leonard, co-director of the University of Alabama's Disability Law Institute, writes:

> In my opinion, Jeffery Sutton is well-qualified to sit on the Sixth Circuit Court and should be confirmed . . . I also see no "agenda" on Mr. Sutton's part to target disabled citizens. . . . Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in Garrett, neither would I assume from his role in the Fisher case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interest.

Gee, that is what he is, a good lawyer who represents clients and wins.

Beverly Long, Immediate Past President of the World Federation of Mental Health and former Commissioner of President Carter's Commission on Mental Health writes:

> I have followed news reports of the intense lobbying against Mr. Sutton by various people who advocate on behalf of the disabled. This effort is unfortunate and, I am convinced, misguided. I have no doubt that Mr. Sutton would be an outstanding circuit court judge and would rule fairly in all cases, including those involving persons with disabilities.

I assume, after listening to my colleagues on the other side, what they are trying to do is beat up Mr. Sutton now so that he will bend over backwards in every way for persons with disabilities.

I don't think they have to worry about that. But I think it is unfortunate that they are beating up on a man who basically understands the disability community and who has long fought for it, but who has represented some clients with interests that my friends on the other side don't like.

I agree with Ms. Long, and I have no doubt Mr. Sutton would rule fairly in all cases, including those cases involving disabled Americans. Mr. Sutton's critics hold up the Garrett case as evidence to his insensitivity to the disabled community. I want to take just a few moments to discuss why that criticism is misguided.

Mr. Sutton did not seek to represent the State of Alabama in that case out of any desire to curb the Americans with Disabilities Act. Instead, he was approached by Alabama's attorney general to represent Alabama at the appellate stages of the litigation.

He was approached because he is an excellent lawyer and one of the best appellate lawyers in the country.

As an attorney looking to build a practice before the Supreme Court, Mr. Sutton accepted that representation. I do not see anything wrong with a young lawyer accepting cases in order to gain more experience before our Nation's highest tribunal. I concur with my distinguished colleague, the senior Senator from the State of California who pointed out that she hears from lawyers all the time that they were trying to build Supreme Court practices and picked up cases to do so.

It is a common practice for those who are fortunate enough to try cases before the Supreme Court. I give Mr. Sutton marks for candor for explaining that reason at his hearing.

Mr. Sutton did nothing wrong in accepting that representation—State governments are certainly entitled to representation under our legal system. Yet, I can understand the frustration that some of my colleagues may feel to see the protections of the Americans with Disabilities Act limited by the Supreme Court. I worked many long hours to see that piece of legislation enacted. However, I do not blame Mr. Sutton for the Supreme Court's decision—he is guilty of nothing more than being a very good lawyer for his client. The principle of judicial review is very well-established in American jurisprudence. If anything, we should be thankful that there are lawyers as able as Mr. Sutton to ensure the effective working of our system of checks and balances. It was the Supreme Court that made the decision; Mr. Sutton was simply representing his client.

And, by the way, that is what attorneys do. He had a right to do it. It was legitimate to do it. He did a very good job.

There is no evidence that Mr. Sutton was motivated by a personal agenda when he represented those State governments. In fact, former Clinton Solicitor General Seth P. Waxman, and Sutton's opposing Counsel in the Garrett case, wrote, "I argued the case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely consistent with the finest traditions of the adversarial system."

It is important to note that the ABA Model Rules of Professional Conduct state that no inference about a lawyer's personal views should be gleaned from the positions of his client. The rule states, "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities." My distinguished colleague, the junior Senator from New York, seems to agree. Back in February, on the Senate floor she noted, "A long time ago, I used to practice law. I represented a lot of clients of different kinds, all sorts of folks. Their views and positions were not necessarily mine. I won some and I lost some in the trial court, in the appellate court, and in the administrative hearing room, but I do not believe that any of my clients spoke for me. My advocacy on behalf of clients was not the same as my positions about the law, about constitutional issues, and about many other matters."

I personally think that was very well said by the distinguished junior Senator from New York.

Obviously, I do not think anybody in this body would seriously consider voting against a nominee because of a dislike of the nominee's clients. All of those of us who practice law and try cases represent clients with whom some in the Senate might disagree.

We had an important discussion about clients in connection with the nomination of Marsha Berzon, now a judge on the Ninth Circuit, and the Senate decided not to hold her responsible for her clients' views and confirmed her. I advocated for her even though I probably disagree with her philosophy in many respects. Judge Berzon is well qualified.

Judge Berzon had been a long-time member of the ACLU, serving on the Board of Directors and as the Vice President of the Northern California Branch. She testified that:

> "[I]f I am confirmed as a judge, not only will the ACLU's positions be irrelevant, but the positions of my former clients, indeed, my own positions on any policy matters will be quite irrelevant and I will be required to and I commit to look at the statute, the constitutional provisions, and the precedents only in deciding the case."

Mr. Sutton made similar assurances at his hearing that he will follow the law as an appellate court judge. He stated, ". . . there's no doubt that when a Federal statute is passed, as the U.S. Supreme Court has made clear, there's a heavy presumption of constitutionality. And there's no doubt that a Court of Appeals judge has every obligation to follow that presumption." We accepted Judge Berzon's answer and we should do the same for Mr. Sutton instead of trying to destroy his reputation.

If there are members of this body who nevertheless try to hold Mr. Sutton responsible for the views of the states that he represented, I ask that they at least judge Mr. Sutton on his entire record and not just on a select handful of cases—or here a case, there a case, once in awhile another isolated case, and not just a select handful of cases.

Mr. Sutton has represented a wide range of clients in his legal practice. Most of the clients in the cases that displease his critics paid him to represent them, but he has represented a significant number of clients with very diverse interests on a pro bono basis. These clients include death row defendants, prisoner rights plaintiffs, the National Coalition for Students with Disabilities, the NAACP and the Center for Handgun Violence—to name a few.

In 2001, he was appointed by the U.S. Supreme Court to represent—pro se—Dale Becker in a prisoner rights complaint. Opposing counsel, and former General Counsel of the National Security Agency during the Bush and Clinton Administrations, Stewart A. Baker, wrote in support of Mr. Sutton stating, "If Mr. Sutton is to be judged by the positions he takes on behalf of his clients, the Becker case suggests that he favors increased inmate litigation in federal courts as well as a broad and flexible reading of the courts' rules, at least when a literal reading does harm to pro se litigants. In fact, the Becker case illustrates the fallacy of claims that Mr. Sutton's judicial philosophy can be gleamed from the positions he has advocated in court. Although he has apparently taken conservative positions on behalf of some clients, Mr. Sutton has also championed left-liberal positions when his client's welfare called for such arguments."

Take for example, Mr. Sutton's defense of Ohio's minority set-aside statute when he was Solicitor General. Fred Pressley, Ohio attorney and Democrat who worked with Sutton on the case wrote, "As Solicitor General, Mr. Sutton was a tenacious defender of all Ohioans, regardless of their race, gender, disability or nationality."

In addition, I recently received a supportive letter from Mr. Riyaz Kanji, a former law clerk to Supreme Court Justice David Souter and Judge Betty Fletcher of the Ninth Circuit. He said that he contacted Mr. Sutton in August to ask for assistance on an amicus brief for the National Congress of American Indians in an Indian Law case pending before the United States Supreme Court. Mr. Kanji wrote, "Mr. Sutton took the time to call me back from vacation the very next morning to express a strong interest in working on the case. In our ensuing conversations, it became apparent to me that Mr. Sutton did not simply want to work on the matter for the small amount of compensation it would bring him—he readily agreed to charge far below his usual rates for the brief—but that he instead had a genuine interest in understanding why Native American tribes have fared as poorly as they have in front of the Supreme Court in recent years . . . I think it is fair to say that most individuals who are committed to furthering the cause of State's rights without regard to any other values or interests in our society do not evidence that type of concern for tribal interests."

I could go on and on in discussing the numerous letters of support that I have received on Mr. Sutton's behalf, but I think the best spokesperson for Mr. Sutton is Mr. Sutton himself. In a 12-hour hearing, Mr. Sutton answered all questions put to him candidly and honestly. He was extremely considerate and deferential, displaying a respect for the process as well as his very impressive legal ability.

Jeffrey Sutton is the best the legal profession has to offer. I urge my colleagues to examine his full and accurate record. I am confident if they do, my colleagues will vote overwhelmingly to confirm Mr. Sutton.

Mr. President, let me just take a moment to address some of my colleagues' concern about the Americans with Disabilities Act and the Supreme Court's decision in Garrett. I was a prime cosponsor of the Americans with Disabilities Act, and I am very proud of it. But this debate is not about whether this body did the right thing in passing that legislation. I personally think we did the right thing, and I could talk for hours on how important that legislation is. However, in our system of checks and balances, the Supreme Court has a role here. And all parties before the Court deserve to have competent, in fact, zealous legal representation—States as well as individuals.

In the Garrett case, the State of Alabama sought the representation of Jeffrey Sutton. Mr. Sutton argued zealously on behalf of the State. However, nowhere—nowhere—does Alabama's brief suggest that Congress does not have the power to protect Americans with disabilities.

Mr. Sutton did not, as some have contended, argue the Americans with Disabilities Act as a whole was not needed or should be repealed. Statements to this effect are a mischaracterization of both the nature of the question before the Court in the Garrett case and the arguments Mr. Sutton advanced on behalf of the State of Alabama.

In fact, Alabama's brief stated:

> The ADA advances a commendable objective—mandatory accommodation of the disabled. . . .

Further, the brief stated specifically that:

> Alabama . . . has not challenged Congress' authority under the Commerce Clause to regulate State employees through the ADA, [or] an individual's authority to bring an injunction action against State officials in Federal court, or the Federal government's authority to bring a claim for injunctive or monetary relief against States in Federal court.

Alabama's brief also specifically credited the Federal Government for prohibiting Government-based discrimination against the disabled, and affirmatively requiring all manner of employment and public-access accommodations designed to provide the disabled with the kind of equal opportunity and dignity all individuals deserve.

Finally, at oral argument before the Court, Mr. Sutton clarified that his client was "happy that the ADA was enacted." Even if his client's statements or sentiments are deemed his own—which they should not be—Mr. Sutton's written and oral statements in the Garrett case dispel any credible notion that he believes the ADA is not needed.

Mr. President, I have no doubt that every litigant appearing in Jeffrey Sutton's courtroom will get a fair shake. Now, some of my colleagues have tried to distort his record, have tried to imply he is not the man that he is, have tried to indicate he is against the Americans with Disabilities Act because he represented clients with which some of my colleagues disagree, and that he is not worthy to be on this court. The total record suggests and demands otherwise.

We should be lucky if we can get other nominees, whichever party is in charge of the White House, who have the kind of abilities and capacities that Jeffrey Sutton has. I have no doubt every litigant appearing before Mr. Sutton will be treated fairly, with dignity, and that the laws will be interpreted appropriately. This is an honest man. This is a great lawyer, although young, and he is a person who will, I think, bring a great deal of balance, integrity, capacity, and ability to the Federal courts of this country and, in particular, the Sixth Circuit Court of Appeals.

So I hope our colleagues in the Senate will ignore some of the, I think, disparaging remarks that have been made and look at the real record. And if they do, they will vote for Jeffrey Sutton.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I might note before I begin, seeing the distinguished occupant of the Chair, who is my neighbor across the Connecticut River—and both he and I, as natives of our States, know you never want to jump to hasty conclusions—it appears that spring is actually coming to New Hampshire and Vermont. It does not mean the bud season is over, but crocuses have been spotted. And, as one of my neighbors used to tell me: The croci have appeared.

Our official reporter, Patrick Renzi, is going to figure out how to spell "croci," and I will be no help to him at all. I am sure, with how good all the reporters are, those who take down our debates here in the Senate, how superb they all are, they will find the correct spelling.

Mr. President, on a more serious matter, Senator HATCH, Senator KENNEDY, Senator DEWINE, Senator VOINOVICH, and Senator HARKIN have spoken about the Sutton nomination, and I want to speak to it, too.

Today, the Senate is considering the nomination of Jeffrey Sutton of Ohio to the U.S. Court of Appeals for the Sixth Circuit.

The responsibility to advise and consent on the President's life-tenured judicial nominees is one that I take seriously and is not an occasion to rubber stamp. And I have taken that position whether we have had a Republican or Democrat in the White House. The nomination of Jeffrey Sutton presents a number of areas of concern to me. For these reasons, I, along with seven other members of the Judiciary Committee, voted against Mr. Sutton in Committee and I will vote against him being confirmed to a lifetime position on the U.S. Court of Appeals for the Sixth Circuit.

The number of individual citizens who came to the hearing to oppose Mr. Sutton, along with the number of Senators who came to question Mr. Sutton, several times in some cases, is some indication of the controversial nature of this nomination. The hearing had to be moved to a bigger room, a room that had been reserved in advance of the hearing, in order to accommodate the public interest in the nomination. I thanked the Chairman to acceding to my suggestion and the suggestions of others to move the hearing into the larger hearing room in order to provide access to the public and, in particular, those members of the public who are disabled.

In the days preceding his hearing, the Committee received thousands of letters from individuals and organizations, both in and out of Ohio, expressing concerns about appointing Mr. Sutton to the Sixth Circuit, and those letters raise serious issues. Mr. Sutton did not clear up these concerns at his hearing. In fact, his answers to many Senators' concerns, along with his answers to follow-up written questions, seem to raise even more concerns about his impartiality and judgment.

In the few weeks before Mr. Sutton was voted on by the Committee, we received hundreds of calls from individuals and organizations opposed to his nomination. Since he was voted on in Committee, opposition has continued to mount, and I and other Senators have received numerous additional letters of opposition and calls from citizens across the country opposing Mr. Sutton. In fact, these are among the letters I have received, from Members of Congress to individuals, in opposition to Mr. Sutton. It weighs about 25 pounds just lifting the letters.

From my own State of Vermont, I have received letters of opposition, such as a letter from the Vermont Council on Independent Living, and I continue to receive phone calls opposing Mr. Sutton. What I heard and what I continue to hear about this nominee, from people in Ohio and around the country, is troubling.

Mr. Sutton is clearly a bright, legally capable, and accomplished attorney. Yet, as a lawyer, in his own personal writings, and on his own time, he has sought out opportunities to attack federal laws and programs designed to guarantee civil rights protections. Let me be clear, unlike what those on the other side of the aisle may say, I am not opposing Mr. Sutton because he "happened" to represent clients whose positions I may disagree with. I have voted on thousands of Federal judges since I have been here, many of them representing clients I totally disagreed with on positions diametrically opposite to my own. As my record shows, I have voted for more than 100 of President Bush's judicial nominees, many of whom took positions or represented clients with which I disagreed, including President Bush's two prior nominees to the Sixth Circuit, who were confirmed while I was Chairman of the Judiciary Committee. While I disagreed with a number of the positions they took, I made sure they had hearings, and I made sure they were confirmed.

Those on the other side of the aisle continue to wrongly characterize Senators' opposition to Mr. Sutton. They claim that those who are opposed to his lifetime confirmation object only to the clients he represented or the court decisions in the cases he argued. Nothing could be further from the truth. For example, I served in private practice. I defended clients charged with crimes. Then I was a prosecutor, and I prosecuted people charged with crimes. I did a lawyer's job in making sure there was adequate representation on both sides.

My opposition to Mr. Sutton is not based on his clients. It is based on the fact that Mr. Sutton has aggressively pursued a national role as the leading advocate of states' rights and has pushed extreme positions in order to limit the ability of Congress to protect civil rights. Moreover, he displayed at his hearing and in his written questions, that he is not able to put aside these strong personal views in order to be fair and impartial.

It was Republicans who most recently held up or voted against a number of President Clinton's circuit court nominees because they were concerned about the clients the nominee represented or disagreed with the nominee's ideology.

For example, President Clinton nominated Timothy Dyk to be a judge on the U.S. Court of Appeals for the Federal Circuit. Judge Dyk was originally nominated in April 1998 but was not confirmed by the Republican-controlled Senate until more than two years later, in May 2000. Judge Dyk received 25 votes against him on the Senate floor, many of them from Republicans who objected to the clients he represented. For example, former Senator SMITH, voting against Judge Dyk, explicitly stated that he did not approve of the clients Mr. Dyk represented on a pro bono basis, such as the well-known and well-respected organization People for the American Way. Other Senators who voted against Judge Dyk, expressed concern over Judge Dyk's involvement in a case in which he represented the Action for Children's Television in a challenge to FCC regulations.

As I have said, I have voted to confirm hundreds of individuals who have represented unpopular clients or positions with which I disagreed. I would like to note, that some of the most respected judges in our history are judges who have stood up to unpopular sentiment to protect the rights of minorities or people whose views made them outcasts. Mr. Sutton is not one of these people. In fact, he has done the opposite. He has stood up for states' rights and against civil rights, and for an arcane constitutional theory over the rights of injured individuals. Any simplification of the opposition against Mr. Sutton as based solely on who he represented is false and misleading.

I have taken a careful look at Mr. Sutton's advocacy record along with his personal writings and speeches. Mr. Sutton has acted as more than just counsel, he has aggressively pursued a national role as the leading advocate of a certain view of federalism and he has succeeded in pushing extreme positions in order to limit the ability of Congress to act to prevent discrimination and protect civil rights. Mr. Sutton himself has stated that his advocacy on the principles of federalism are not just arguments he makes for his clients, but something in which he strongly believes. In a Legal Times article, he was quoted as saying, "It doesn't get me invited to cocktail parties. But I love these issues. I believe in this federalism stuff."

Let me just note that, when asked about this comment at his hearing, Mr. Sutton provided conflicting answers. First, he told me that this comment was in response to his pursuit of Supreme Court cases after he left the State Solicitor's office and returned to private practice at Jones Day. However, when later asked about the same comment by Senator DEWINE, Mr. Sutton stated that, at the time of the article, he was State Solicitor and that he was on the lookout for cases because the Ohio Attorney General asked him to look for cases that affected the State. In follow-up written questions, while Mr. Sutton admits that he was on the lookout for Supreme Court cases at Jones Day, he disavows that he was similarly on the lookout as State Solicitor. Rather, he states that he was only a "subordinate" and that "everything [he was] described as doing in the article was done to further" the interests of the Ohio Attorney General. In contrast, the Legal Times article had several other sources who corroborated that it was Mr. Sutton's own efforts and passion that led to Ohio taking so many cases before the U.S. Supreme Court to assert state sovereign immunity. For example, the Supreme Court Counsel for the National Association of Attorneys General (who applauds Mr. Sutton's work), said that Mr. Sutton was a "court-watcher" with a "first-out-of-the-gate aggressiveness" who had "taken a very active role" in taking on federalism cases.

Based on Mr. Sutton's passionate advocacy and personal efforts to challenge and weaken federal laws and individual rights, and his extreme activism against federal protection for state workers, a large number of disability rights groups, civil rights groups, environmental protection groups, and women's rights groups are opposed to his confirmation. It is unprecedented for the disability community to speak out so loudly in opposition to a judicial nominee. Overall, his nomination to the Sixth Circuit is opposed by hundreds of national, state and local disability groups, and thousands of individuals.

Mr. Sutton has advocated for states' rights over civil rights and has sought to limit individuals' ability to be compensated when their rights are violated.

Mr. Sutton's record reveals a strong desire to limit Congress' power to pass civil rights laws and to limit the ability of individuals to seek redress for existing civil rights violations. In the last six years, as both a State Solicitor and in private practice, Mr. Sutton has been the leading advocate urging the Supreme Court to develop a new jurisprudence that uses states' rights as grounds to limit the reach of federal laws on behalf of the disabled, the aged, women, and environmental protection. He has argued major cases on civil rights, religion, health care, and education, and, in all of these cases, his arcane constitutional theory of the Eleventh Amendment—not based on text, legislative history, or decades of precedent—has undermined the rights of millions of people.

He has argued, among other things, that Congress exceeded its authority in passing the Religious Freedom Restoration Act, enacted in 1993 with broad bipartisan support under the leadership of Senator KENNEDY and Senator HATCH, and parts of the Americans with Disabilities Act of 1990, a bipartisan bill championed by former Senator Bob Dole and Senator HARKIN, the Age Discrimination in Employment Act, and the Violence Against Women Act of 1994, a bipartisan act cosponsored by Senator HATCH and Senator BIDEN.

In addition to weakening Congress' ability to protect the rights of individuals, Mr. Sutton has sought to limit the ability of individuals to seek redress in federal court for civil rights violations. For example, he has argued to limit the remedies available to victims of sexual abuse and to limit the ability of Medicaid recipients to enforce their rights under the law. In essence, he has argued for the Supreme Court to repudiate more than 25 years of legal precedents that permitted individuals to sue states to prevent violations of federal civil rights regulations.

One of Mr. Sutton's most recent and significant cases in which he attempted to erode legal rights passed by Congress was *Board of Trustees of the University of Alabama* v. *Garrett*, 531 U.S. 356 (2001), a case in which he argued that Congress exceeded its authority in enacting certain provisions of the Americans with Disabilities Act. In this case, in which a nursing director was demoted after undergoing treatment for breast cancer, Mr. Sutton argued against the ability of state employees to sue under Title I of the ADA for money damages if their employer discriminated against them. Mr. Sutton argued that alleged discrimination against the disabled should only receive "rational basis" review and that Congress unconstitutionally elevated the standard for disability discrimination in the ADA, an argument that would severely limit Congress' authority to protect individual rights. Moreover, he argued that Congress had not identified a pattern of abuse, despite extensive hearings and findings of discriminatory actions by states, including unnecessary institutionalization and denials of education. During oral argument, Mr. Sutton even said that the ADA was not needed and that the case was a "challenge to the ADA across the board."

Mr. Sutton was questioned heavily about his involvement in the Garrett case both at his hearing and in follow-up written questions, but his answers were incomplete and deeply disturbing. Most of his answers flatly contradicted statements that he made in either his legal briefs or articles, or danced around the important substantive issues raised. Moreover, he consistently tried to redirect any questions about his involvement in Garrett to be a discussion about the only case prior to his nomination in which he represented a disabled individual. He is a skilled oral advocate and his skills were on display at his hearing. That is not the question. The question before us is whether he should be confirmed to be a circuit judge, not whether we would like him to argue an appellate case.

At his hearing, Mr. Sutton repeatedly brought up his involvement in *Ohio Civil Rights Comm'n* v. *Case Western Reserve University*, 666 N.E. 2d 1376 (Ohio 1996), a case involving a blind student denied admission to medical school, as an example of the idea that he is sympathetic to persons with disabilities. While no one that I know of has alleged that Mr. Sutton has any personal antipathy to people with disabilities, it troubles me that he has used his representation in this case as a response to questions I and other Senators asked about his involvement in the Garrett case. He testified that he was involved in the Garrett case, without examining the issue of whether his representation would help or hurt people, or was legally right or wrong, because he was eager to develop a Supreme Court practice.

The situation in the Case Western case is, perhaps, more revealing than Mr, Sutton thought when he placed so much reliance on it. In that case, Mr. Sutton was the Ohio Solicitor General in charge of all of the State of Ohio's appeals and, in such a capacity, he would normally have represented a state agency, like the Ohio Civil Rights Commission. Mr. Sutton's statements regarding how he came to take this case are widely divergent and irreconcilable: In his Senate Questionnaire, he states that the case "fell" to him as Ohio State Solicitor, since it "fell" to the Ohio Attorney General to defend the Commission's decision through the state courts. At his hearing, he testified that he had a choice of which side to take and that it was his job to make a recommendation to the Attorney General. And, in answer to my follow-up questions, he states that he chose to represent the Commission and, thereafter, "did not have discretion to recommend" to the Attorney General that she not weigh in on the state medical schools' side of the case. I still do not understand why the Attorney General had to agree to represent the state universities as an amicus party on the other side of the Civil Rights Commission in this case, and would guess that in almost all cases the Attorney General's office did not represent an amicus on the opposite side of a case from a state agency. Regardless, I am troubled by Mr. Sutton's reliance on this case.

Not only does Mr. Sutton's descriptions of his involvement in this case create irreconcilable differences, but his answers display an advocate's skills rather than a judicious consideration of the situation. It troubles me that Mr. Sutton's answers indicate that he believes that the representation of a blind student in one case—and a case in which he acted in his official capacity—balances out the significant detrimental impact that his extreme arguments in Garrett had on millions of disabled individuals. There is nothing that can undo the elimination of rights by Garrett. Mr. Sutton's argument indicates a commitment to ideology over people and convinces me that he is not able to put aside his advocacy even to present his involvement in a case objectively.

Mr. Sutton has also tried to claim that he has represented many clients pro bono. However, in answer to my written questions, he indicates that he did not argue any other case involving disability rights prior to his nomination in May 2001. Since he submitted his original Senate Questionnaire in 2001, he notified us—in January 2003—that he has taken on two death penalty cases and other criminal appeals. He also argued one disability rights case, involving whether the Ohio Secretary of State violated the National Voter Registration Act in failing to designate the disability services offices at state universities as registration sites. This seems like the classic case of "nomination conversion," a nominee who has had his whole career to work on different sides of issues, but, only after he is nominated, does he take cases to "balance" out his record. It must certainly be more than a coincidence that every time he chose as a lawyer in private practice to argue a disability rights case before his nomination, he was always on the same side of this issue against the rights of disabled individuals.

Among Mr. Sutton's many other attempts to erode essential legal rights passed by Congress are:

Olmstead v. *LC*, 527 U.S. 581 (1999), a case involving Title II of the ADA, where Mr. Sutton argued on behalf of the petitioners that it should not be a violation of the ADA to force people with mental disabilities to remain in an institutionalized setting rather than a community-based program despite clear Congressional findings to the contrary. Mr. Sutton's arguments in this case were accepted by Justices Scalia and Thomas, but rejected by the majority of the Court.

Pennsylvania Dept of Corrections v. *Yeskey*, 524 U.S. 206 (1998), where Mr. Sutton filed an amicus brief arguing that the ADA does not apply to state prison systems, a position which would have further weakened the ADA and severely limited its applicability, had it been accepted.

Kimel v. *Florida Board of Regents*, 528 U.S. 62 (2000), where Mr. Sutton argued for severe limits on the ability of state employees to sue under the Age Discrimination in Employment Act, stating that older workers are adequately protected by local anti-discrimination laws, and that Congress had no record of a pattern and practice of prior constitutional violations by the States and that Congress exceeded its authority since the legislation was concerned with age and not with "suspect" classifications like race and national origin. The four Supreme Court Justices dissenting in this case stated that the decision will have a serious impact on Congress' authority and ability to protect civil rights and represented a "radical departure" from the proper role of the Supreme Court.

United States v. *Morrison*, 529 U.S. 598 (2000), where he filed an amicus curiae brief on behalf of one state, the state of Alabama, challenging the constitutionality of the federal civil remedy for women who are the victims of sexual assault and domestic violence in the Violence Against Women Act. Of note, VAWA was passed by a broad and bipartisan coalition, and 36 states submitted briefs in support of the constitutionality of the Act. Mr. Sutton argued, and the 5-4 majority of the Court accepted, that gender-based violence does not substantially affect interstate commerce because it is not an "economic" activity and the impact of such crimes has only an attenuated connection to interstate commerce. He also argued that the civil remedy provision for private acts of gender-motivated violence was not permissible under Section 5 of the Fourteenth Amendment.

Alexander v. *Sandoval*, 532 U.S. 275 (2001), where he argued that individuals could not privately enforce disparate impact regulations promulgated under Title VI of the Civil Rights Act of 1964. The Sandoval decision reversed an understanding of the law that had been in place for more than 27 years, and makes it nearly impossible to enforce a range of practices with an unjustified disparate impact, such as disproportionate toxic dumping in minority neighborhoods, the use of educationally unjustified testing or tracking practices that harm minority students, or the failure to provide appropriate language services in health facilities. Mr. Sutton argued not only that the disparate impact regulations could not be privately enforced, but that these regulations were an invalid exercise of agency power. If this argument had been accepted by the Court, it would have made it impossible for even the federal government to enforce actions with an unjustified disparate impact. In addition, Mr. Sutton argued in his brief and in oral argument that implied rights of actions are never permissible under the spending power, an argument that the Court also did not accept.

Westside Mothers v. *Haveman*, 1313 F.Supp.2d 549 (E.D. Mich. 2001), where he argued that Medicaid recipients have no legal rights to sue states in order to enforce their rights under Medicaid. Mr. Sutton's primary argument, which formed the core of the district court's ruling, was that Spending Clause statutes were not "federal law," but simply a contract. He then argued that because Spending Clause statutes were simply contracts, the individuals who sought to enforce the contract were mere third-party beneficiaries to such contracts and were not enforcing any federal laws and thus suit could not be brought under Section 1983. Such far-reaching arguments go well-beyond the Supreme Court's jurisprudence, and were ultimately rejected by the Sixth Circuit Court of Appeals, in a case with significant implications for economically disadvantaged individuals.

City of Boerne v. *Flores*, 521 U.S. 507 (1997), where he argued in an amici curiae brief on behalf of 16 states that the Religious Freedom Restoration Act (RFRA) exceeded Congress' power under Section 5 of the Fourteenth Amendment and violated state sovereignty, stating that Congress could not enact a sweeping law without any evidence that religious freedoms were being interfered with and urging that the states "be the principal bulwark when it comes to protecting civil liberties." Mr. Sutton applauded the court's ruling as "a watershed case . . . respecting states' ability to govern themselves and to look after religious liberties themselves," according to a Washington Post article, and, in an essay written for the Federalist Society, he praised the decision as a "victory for federalism."

Mr. Sutton's record shows his tendency to present arguments with broad implications that go well-beyond where even the activist, conservative majority on the Supreme Court has been willing to go. For example, in Garrett and Kimel, he advocated a very narrow view of Section 5 of the Fourteenth Amendment (the clause which allows for legislation to enforce that Amendment) so that little remedial legislation in the civil rights area could pass muster unless the plaintiffs can prove longstanding and well documented abuses by the states.

Mr. Sutton's arguments in the case involving the Violence Against Women Act also went beyond what the Court accepted. For example, he stated that "the record is utterly devoid of support for the notion that the States . . . have violated the rights of their citizens." Amicus Curiae Brief in Support of Respondents, 1999 WL 1191432 at 19. Mr. Sutton took a more jaundiced view than the Supreme Court of evidence of discrimination; which could certainly translate into harsher rulings against women and minority interests. Moreover, in an article after the VAWA decision, Mr. Sutton demonstrates his support for the court's outcome and his view of Congress. He wrote:

> Once accepted, only the most unimaginative lawmaker would lack the resources to contend that all manner of in-State activities will have rippling effects that ultimately affect commerce. Such an approach would have a disfiguring effect on the constitutional balance between the States and the National Government . . . and would ultimately make irrelevant virtually every other delegation of power to Congress under Article I.

Unexamined deference to the VAWA fact findings would have created another problem as well. It would give any congressional staffer with a laptop the ultimate Marbury power to have a final say over what amounts to interstate commerce and thus to what represents the limits on Congress's Commerce Clause powers.

These condescending comments towards Congress are troubling. In general, Congress is uniquely situated to gather facts from across the nation, obtain information from constituents who have first-hand experience with the issues, and assess the magnitude of the problem. Moreover, VAWA was passed after numerous hearings, extensive inquiry, and fact-finding and with the bipartisan support of the Senate and House, the President and most states.

Mr. Sutton stated at his hearing that he has not attacked disability or other civil rights but has, instead, merely acted as an advocate for his clients, advancing a theory of limited government.

Yet the record reveals that he has not simply taken an unpopular position in the name of zealously representing the interests of his clients. As I have described, Mr. Sutton has often taken extreme positions and his record is one of activism in order to limit the ability of Congress to act to prevent discrimination and protect civil rights. It seems to me to be no coincidence that Mr. Sutton has been the chief lawyer in case after case arguing that individuals have no right to enforce the civil rights protections that Congress has given them.

As I noted, Mr. Sutton has said that he has been "on the lookout" for cases where he can raise issues of federalism or that will affect local and state government interests. And his federalism practice boomed as he actively pursued cases attractive to his ideology and through his contacts among the members of the Federalist Society. In answer to my follow-up questions, Mr. Sutton admitted that he had taken no case in which he argued against a state claiming immunity from suit under the Eleventh Amendment. Despite his protestation that he might argue either side of any case, it must certainly be more than a coincidence that every time he has argued before the Supreme Court he has always been on the same side of this issue. Despite numerous questions, Mr. Sutton did not adequately address these concerns at his hearing nor show that he has the ability to put aside his years of passionate advocacy and treat all parties fairly. On the contrary, when you talk to Mr. Sutton and you look at his testimony, he demonstrates he has not considered the impact that his arguments have on the lives of millions of women, seniors, the disabled, low-income children, and state employees, and that he favors ideas over people, states' rights over civil rights, and a patchwork of local rules over national standards.

He has every right to these views, but when it becomes clear that those are the views that would be expressed by an extremist, then we have to ask ourselves: Are we rubberstamping or are we advising and consenting? Frankly, I believe in this case we would be rubberstamping, not advising and consenting.

Mr. Sutton has stated in several articles that states should be the principal bulwark in protecting civil liberties, a claim that has serious implications given a history of state discrimination against individuals. In numerous papers for the Federalist Society, he has repeatedly stated his belief that federalism is a "zero-sum situation, in which either a State or a federal lawmaking prerogative must fall." In his articles, he has stated that the federalism cases are a battle between the states and the federal government, and "the national government's gain in these types of cases invariably becomes the State's loss, and vice versa."

He also states that federalism is "a neutral principle" that merely determines the allocation of power. This view of federalism is not only inaccurate but troubling. First, these cases are not battles in which one law-making power must fall, but in which both the state and the federal government—and the American people—may all win. Civil rights laws set federal floors or minimum standards but states remain free to enact their own more protective laws. Moreover, federalism is not a neutral principle as Mr. Sutton suggests, but has been used by those critical of the civil rights progress of the last several decades to limit the reach of federal laws.

Mr. Sutton tried to disassociate himself from these views, by saying that he does not specifically recall these remarks and that, in the ones he recalls, he was constrained to argue the positions that he argued on behalf of his clients. As far as I know, no one forced Mr. Sutton to write any article, and most lawyers are certainly more careful than to attribute their name to any paper that professes a view with which they strongly disagree. In my view, Mr. Sutton's suggestions that he does not personally believe what he has written are intellectually dishonest, insincere and misleading.

In sum, Mr. Sutton's extreme theories would restrict Congress' power to pass civil rights laws and close access to the federal courts for people challenging illegal acts by their state governments (limiting individuals' ability to seek redress for violations of civil rights). If a State government does something wrong, we ought to be able to sue the State government.

I remember shortly after the Soviet Union broke up, when a group of parliamentarians and lawyers came here to visit with a number of Senators about how they would set up a judicial system in the former Soviet Union.

One asked the question: We have heard that there are cases where somebody may sue the Government, and the Government loses. How could that possibly happen?

So we explained the independence of our courts, and we look for justice in the law and so on.

He said: You mean you didn't fire the judge if he allowed the Government to lose?

I said: Quite the opposite. In fact, the Government often loses.

Listening to Mr. Sutton, there are a lot of areas where the Federal courts would be closed to people who challenge illegal acts by their State government.

In the name of the concept of sovereign immunity, Mr. Sutton threatens to undermine uniform national laws protecting individuals' rights to welfare, housing, clean air, equality, and a harassment-free environment, and to undermine the core protections and services afforded by Congress to workers, the disabled, the aged, women, and members of religious minorities.

This view of federalism undermines the basic principle, announced in Marbury v. Madison, that "[t]he very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." The judicial role of enforcing and upholding the Constitution becomes hollow when the government has complete immunity to suit. The burden should be on Mr. Sutton to show that he will protect individual rights and civil rights as a lifetime appointee to the Sixth Circuit Court of Appeals. This he has not done.

As I have said on other occasions, when the President sends us a nominee who raises concerns over qualifications or integrity or who displays an inability to treat all parties fairly, I will make my concerns known. This is one of those times. In his selection of Mr. Sutton for the Sixth Circuit, the President and his advisors are attempting to skew its decisions out of step with the mainstream and in favor of States' rights over civil rights, anachronistic ideas over people.

The Sixth Circuit is one on which Senate Republicans stalled three nominees of President Clinton during his last four years in office. They closed and locked the gates to this court in 1997. Professor Kent Markus' courageous testimony about that partisan process rings in my ears. Despite those excesses by Senate Republicans, during my chairmanship, the Senate confirmed two new conservative members to the Sixth Circuit. With this nomination, the plan of Republicans to pack this court and tilt it sharply out of balance is evident for all to see.

Before and after he took office, President Bush said that he wants to be a uniter and not a divider, and yet he has sent and resubmitted to the Senate several nominees who divide the American people. The Senate has already confirmed 119 of his other judicial nominees. The Committee and the Senate made the judgment that those nominees will fulfill their duties to act fairly and impartially. Most were not divisive or extreme. I urge the President to choose nominees who fit that profile, rather than the alternative he seems intent on imposing for so many circuit court nominees. End the court-packing effort and work with all in the Senate to name consensus, fair-minded federal circuit judges.

The oath taken by federal judges affirms their commitment to "administer justice without respect to persons, and do equal right to the poor and to the rich." No one who enters a federal courtroom should have to wonder whether he or she will be fairly heard by the judge. Jeffrey Sutton's record does not show that he will put aside his years of passionate advocacy in favor of states' rights and against civil rights, and his extreme positions favoring severe restrictions on Congress' authority. Accordingly, I will not vote to confirm Mr. Sutton for appointment to one of the highest courts in the land.

NOMINATION OF JUDGE EDWARD PRADO

Mr. LEAHY. Mr. President, I am disappointed that Senate Republicans continue to focus on the most divisive judicial nominees and the White House continues its efforts to pack the courts ideologically, while the nomination of Judge Edward Prado to the United States Court of Appeals for the Fifth Circuit is being held captive on the Senate calendar. All Democratic Senators serving on the Judiciary Committee voted to report this nomination favorably. All Democratic Senators have indicated that they are eager to proceed to this nomination and, after a reasonable period of debate, voting on the nomination.

I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously. The question arises why the Republican leadership in the Senate has made no effort to proceed to Senate consideration of this judicial nomination—none.

In a statement in the RECORD early this month, I raised this matter. Then at the Judiciary Committee business meeting on April 10, more than two weeks ago, I raised this matter, again. Still, there has been no response and no effort to bring this matter before the Senate for consideration and a vote. The Republican leadership would rather focus exclusively on those controversial circuit court nominees that raise the most problems than proceed to fill vacancies with nominations on which we are able to achieve agreement.

That is most unfortunate and most telling.

Instead of proceeding to the nomination of Judge Prado, Republicans insisted on pressing forward with the controversial and divisive nomination of Priscilla Owen in early April and with the controversial and divisive nomination of Jeffrey Sutton this week.

Judge Prado is nominated to the Fifth Circuit and is an exceptional candidate for elevation to the appeals court. He has significant experience as a public servant in west Texas. Perhaps the fact that he has bipartisan support is the reason why he is not being brought forward at this time for a floor vote.

That does not fit the Republican message but reveals the truth: That Democratic Senators, having already acted on 119 judges appointed by President Bush are prepared to support even more of his nominations when they are mainstream, consensus nominees. Perhaps the fact that Democrats unanimously supported his nomination in Committee is seen as a drawback for Mr. Prado in the Republican world of nomination politics. I hope that is not the case.

I also hope the fact that Judge Prado is Hispanic is not a factor in the Republican delay. Some have suggested that Judge Prado is being delayed because Democratic Senators are likely to vote for him and thereby undercut the Republican's shameless charge that the opposition to Miguel Estrada is based on his ethnicity. Republican partisans have made lots of partisan hay attacking Democrats in connection with the Estrada nomination. We all know that the White House could have cooperated with the Senate by producing his work papers and the Senate could have proceeded to a vote on the Estrada nomination months ago. The request for his work papers was sent last May.

Rather than respond as every other administration has over the last 20 years and provide access to those papers, this White House has stonewalled. Rather than follow the policy of openness outlined by Attorney General Robert Jackson in the 1940's, this administration has stonewalled. And Republican Senators and other partisans could not wait to claim that the impasse created by the White House's change in policy and practice with respect to nominations was somehow attributable to Democrats being anti-Hispanic. The charge would be laughable if it were not so calculated to do political damage and to divide the Hispanic community. That is what Republican partisans hope is the result. That is wrong.

So some have come to the conclusion that Republican delay in connection with the consideration of Judge Prado's nomination may be related to the political strategy of the White House to unfairly characterize Democrats. Might the record be set straight if Democrats were seen to be supporting this Hispanic nominee to the Fifth Circuit. Might the Republicans' own record of opposing President Clinton's nominations of Judge Jorge Rangel and Enrique Moreno to that same circuit court be contrasted unfavorably with Democrats' support of Judge Prado.

Might Judge Prado, a conservative from Texas with a public record service as a Federal district court judge, become the first Hispanic appointed by President Bush to the circuit courts with widespread support from Senate Democrats. Might this more mainstream, consensus nominee stand in stark contrast to the ideological choices intended to pack the courts on which the White House and Senate Republicans concentrate almost exclusively.

Judge Prado has 19 years of experience as a U.S. District Court judge, which provides us with a significant judicial career to evaluate. A review of

Judge Prado's actions on the bench demonstrates a solid record of fairness and evenhandedness.

While I may not agree with each and every one of his rulings or with every action he has taken as a lawyer or judge, my review of his record leads me to conclude that he will be a fair judge. No supervisor or colleague of Judge Prado's has questioned his ability or willingness to interpret the law fairly. Judge Prado enjoys the full support of the Congressional Hispanic Caucus and the Mexican American Legal Defense and Education Fund. Not a single person or organization has submitted a letter of opposition or raised concerns about Judge Prado. No controversy. No red flags. No basis for concern. No opposition.

This explains why his nomination was voted out of the Judiciary Committee with a unanimous, bipartisan vote on an expedited basis.

To understand the importance of Judge Prado's nomination, we must put it in the context of prior nominations to the Fifth Circuit Court of Appeals. Until Judge Prado's hearing, it had been more than a decade since a Latino nominee to that Court had even been allowed a hearing by the Senate Judiciary Committee, let alone a vote on the floor. I recall President Clinton's two Hispanic nominations to the Fifth Circuit and the poor treatment they received from the Republican-led Senate.

Judge Jorge Rangel was a former Texas State judge and a dedicated attorney in private practice in Corpus Christi, Texas when President Clinton nominated him to the United States Court of Appeals for the Fifth Circuit in 1997. Judge Rangel is a graduate of the University of Houston and the Harvard Law School and earned a rating of "Well Qualified" by the American Bar Association. Yet, under Republican leadership, he never received a hearing on his nomination, let alone a vote by the Committee or by the full Senate. His nomination languished without action for 15 months. Despite his treatment, this outstanding gentleman has recently written us in support of a judicial nominee of President Bush.

After Judge Rangel, disappointed with his treatment at the hands of the Republican majority, asked the President not to resubmit his nomination, President Clinton nominated Enrique Moreno, a distinguished attorney in private practice in El Paso, Texas. Mr. Moreno is a graduate of Harvard University and the Harvard Law School. He was given the highest rating of unanimously "Well Qualified" by the ABA. Mr. Moreno also waited 15 months, but was never allowed a hearing before the Senate Judiciary Committee. President Clinton renominated him at the beginning of 2001, but President Bush, squandering an opportunity for bipartisanship, withdrew the nomination and refused to renominate him.

In addition, President Clinton nominated H. Alston Johnson to the 5th Circuit in 1999. This talented Louisianan came to the Senate with the support of both of his home state Senators, but he never received a hearing on his nomination or a vote by the Committee or the full Senate in 1999, 2000, or the beginning of 2001. His nomination languished without action for 23 months.

In contrast, when I served as Chair of the Judiciary Committee last Congress, we granted Edith Clement a hearing within months of her nomination. At that time there had been no hearings on 5th Circuit nominees since 1994 and no confirmations since 1995.

Under Republican leadership, none of President Clinton's nominees to this Court received a hearing during his entire second term of office.

Some of my friends on the other side of the aisle have made the outrageous claim that Democratic Senators are anti-Hispanic or anti-Latino. I think it is important to set the record straight.

Of the 10 Latino appellate judges currently seated in the Federal courts, eight were appointed by President Clinton. Three other Latino nominees of President Clinton to the appellate courts were blocked by Republicans, as well as several others for the district court. In fact, in contrast to the President's selection of only one Latino circuit court nominee in hist first 2 years in office, three of President Clinton's first 14 judicial nominees were Latino, and he nominated more than 30 Latino nominees to the Federal courts.

During President Clinton's tenure, 10 of his more than 30 Latino nominees, including Judge Rangel, Enrique Moreno, and Christine Arguello to the circuit courts, were delayed or blocked from receiving hearings or votes by the Republican leadership.

Republicans delayed consideration of Judge Richard Paez for over 1,500 days, and 39 Republicans voted against him. The confirmations of Latina circuit nominees Rosemary Barkett and Sonia Sotomayor were also delayed by Republicans. Judge Barkett was targeted for delay and defeat by Republicans based on claims about her judicial philosophy, but those efforts were not successful.

After significant delays, 36 Republicans voted against the confirmation of this nominee who received a "Well-Qualified" rating by the ABA. Additionally, Judge Sotomayor, who also received a "Well-Qualified" rating and had been appointed to district court by President George H.W. Bush, was targeted by Republicans for delay or defeat when she was nominated to the Second Circuit. She was confirmed, although 29 Republicans voted against her.

It is unfortunate how few Latino nominees this President has sent to the Senate. It is reassuring, however, that the Latino nominations that we have received have been acted upon in a expeditious manner.

They have overwhelmingly enjoyed bipartisan support. Under the Democratically-led Senate, we swiftly granted hearings for and eventually confirmed Judge Christina Armijo of New Mexico, Judge Phillip Martinez and Randy Crane of Texas, Judge Jose Martinez of Florida, U.S. Magistrate Judge Alia Ludlum, and Judge Jose Linares of New Jersey to the district courts. This year, we also confirmed Judge James Otero of California, and we would have held his confirmation hearing last year if his ABA peer rating had been delivered to us in time for the scheduling of our last hearing.

Also on the Senate executive calendar is the nomination of Cecilia Altonaga to be a Federal judge in Florida.

We expedited consideration of this nominee at the request of Senator GRAHAM of Florida. She will be the first Cuban American woman to be confirmed to the Federal bench when Republicans choose to proceed to that nomination. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to the Federal trial courts in addition to the nomination of Judge Prado.

Another example, may be the nomination of Consuelo Callahan to the Ninth Circuit Court of Appeals. Unlike the divisive nomination of Carolyn Kuhl to the same court, both home state Senators returned their blue slips and support a hearing for Judge Consuelo Callahan. I hope she receives a hearing in the near future and look forward to learning more about her record as an appellate judge for the State of California. Rather than disregarding time-honored rules and Senate practices, I urge my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support to the front of the line for Committee hearings and floor votes.

As I have noted throughout the last two years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider. Nationally-respected columnist David Broder made this point in an April 16 column that appeared in the Washington Post. Mr. Broder noted that when he asked Alberto Gonzales if there might be a lesson in Judge Prado's easy approval, Mr. Gonzales missed the point. In Mr. Broder's mind: "The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded." To date the Senate has proceeded to confirm 118 of President Bush's nominees, 100 in the 17 months in which Democrats made up the Senate majority.

The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last two years and that lesson has been lost on this White House.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I invite the President to nominate more mainstream individuals like Judge Prado. His proven record and bipartisan support makes it easier for us to uphold our constitutional duty of advise and consent. I encourage those on the other side of the aisle to allow us to consider his nomination.

I look forward to casting a vote in favor of his confirmation.

I, again, urge the Senate Republican leadership to work with us and to agree to proceed to this consensus nomination, to provide adequate time for debate and to proceed to a vote without further delay. Judge Prado's nomination has been delayed on the Senate executive calendar for several weeks, unnecessarily in my view. I recall all too vividly when anonymous Republican holds delayed Senate action on the nomination of Judge Sonia Sotomayor to the Second Circuit for seven months. I do not want to see that experience repeated by Judge Prado. Let us work together. Let us debate and act on the nomination of Judge Prado without further unnecessary delay.

I ask unanimous consent that a copy of David Broder's April 16 column on the nomination of Judge Prado be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Tale of Two Judges

(By David S. Broder)

Were it not for an old friend, I would have been as oblivious to the story of Judge Edward Prado of San Antonio as the rest of the Washington press corps.

Judge Tom Stagg of Shreveport, La., told me his pal was up for appointment to the U.S. Court of Appeals for the 5th Circuit and suggested I go by and "see how they treat him" at his confirmation hearing.

Turns out it's like the Sherlock Holmes story of the dog that didn't bark. In the midst of the bitter partisan battle in which Democrats have repeatedly blocked a Senate confirmation vote on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit, Prado went through like gangbusters.

The story of why one Latino Republican has such an easy time while another creates such controversy is an instructive tale—and one with hopeful implications.

Estrada has been denied an up-or-down vote on the Senate floor because Democrats call him "a stealth nominee," a man of high credentials but no judicial experience and one they say was unresponsive to their questions. Their demand to look at memos he wrote while serving in the Justice Department has been rejected by the administration and neither side has yielded.

Given this background, I was expecting to see Prado, 55, put to the test at his Judiciary Committee hearing. His credentials are impressive: a graduate of the University of Texas and its law school, four years each as a prosecutor and a public defender, a short stint as a state judge, U.S. attorney for three years and, since 1984, a federal district judge—the last two appointments coming from President Ronald Reagan.

But Prado is also a character. His courtroom is wired with the latest audiovisual equipment, which Prado, a music lover and showman, loves to demonstrate. Three years ago, during a murder-for-hire trial, he came onto the bench while a recording of "Happy Together" by the Turtles filled the air, and then sang: "Imagine me as God. I do. I was appointed by the president. Appointed forever. My decisions cannot be questioned by you. I'm always right."

Many judges may feel that way; few say so, and even fewer put it to music.

More seriously, in answering the committee's questionnaire, Prado noted controversial cases in which he ruled against a woman's claim of job discrimination by the San Antonio fire department, a diabetes patient's claim that he was unfairly found to be medically ineligible for a police officer's job, and a claim that the Texas high school graduation test discriminated against Hispanics.

In another part of the questionnaire, he listed 68 criminal, immigration and civil cases in which he had been reversed or criticized by the court of appeals. Plenty of fertile ground, one imagined, for liberal groups to challenge elevating a Reagan judge to a closely balanced and important bench just one level below the Supreme Court.

But in fact the Congressional Hispanic Caucus—which has vigorously opposed the Estrada nomination—wrote a letter endorsing Prado. Rep. Charlie Gonzalez, a Texas Democrat and co-signer of the letter, told me that he had known Prado for almost 40 years and "he was everything you want in a judge—he's smart and articulate, he's not arbitrary, and he really understands people. Some of his rulings I would take issue with, but when the caucus interviewed him, he talked honestly about cases that have impacted minorities and he made it clear he knows how important the courts have been to us. It was so different from our hour's conversation with Estrada, who conveyed no sense of what we would think a Latino should appreciate about the historical role of courts in bringing us to where we are today and where we need to be tomorrow."

With the backing of the White House and the Hispanic caucus, Prado's confirmation hearing was perfunctory Sen. Patrick Leahy of Vermont, the ranking Democrat and scourge of Estrada, read a statement complaining of past Republican treatment of President Bill Clinton's Latino nominees, then left without asking any questions. The two Republicans present—Sens. John Cornyn of Texas and Jeff Sessions of Alabama—said they had known Prado for years and simply congratulated him.

Prado was then unanimously confirmed by the Judiciary Committee.

When I asked Alberto Gonzales, the White House counsel, if there might be a lesson in Prado's easy approval, he replied. "It's hard to say. We view Judge Prado as no more qualified than Miguel Estrada or others they [the Democrats] have opposed."

But the less on seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded. Even if they can't resist breaking into song.

Mr. LEAHY. Mr. President, I am concerned that we seem to have these divisive nominees. The Republicans are unwilling to bring forward Judge Edward Prado to the U.S. Court of Appeals for the Fifth Circuit. I mention this because I have checked every single Democrat who is willing to have an extremely short time agreement and go to a vote on Judge Prado. Apparently, it is not being brought forward because of a hold on the Republican side. I mention this because we hear often from the White House: Why are Democrats holding up these court of appeals judges?

Well, here is one where every Democrat is willing to vote on the President's nomination to the Fifth Circuit. He is a distinguished Hispanic, Judge Edward Prado. We are ready to vote on him. We have cleared it on this side of the aisle. Apparently, it is being held up on the Republican side. So the next time the White House asks why we cannot move forward with some of these people, let's say: Don't look at us; you may want to ask the other side.

It is even interesting that David Broder wrote a column, April 16, on the nomination of Judge Prado to this seat and pointed out that he had come to the hearings to see what kind of divisiveness there was and found a love-in, and he was probably surprised—I don't want to put words in his mouth, but he is probably surprised that it has not been voted on.

I will note that Judge Prado has significant experience. I do not agree with him on everything, by any means, but he was originally appointed, I believe, by President Reagan to the district court. He is a conservative Republican, a Hispanic. Every Democrat is prepared to go forward. I ask whoever is holding him up on the Republican side to release the hold, let this man go forward and let him be elevated to the U.S. Court of Appeals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I want to talk for just a moment about a case that has seen the most attention in this debate over Mr. Sutton's nomination, and that is the case of the Board of Trustees of the University of Alabama v. Garrett.

Mr. Sutton has been criticized for representing the University of Alabama in the U.S. Supreme Court; specifically, for presenting Alabama's constitutional sovereignty immunity argument before the U.S. Supreme Court.

In the Garrett case, the Supreme Court held that a disabled individual cannot sue a State for money damages for employment discrimination under the Americans with Disabilities Act. The Court held that in order for Congress to pass that particular remedy—

money damages against a State—it first had to show that States were engaging in a pattern of employment discrimination against the disabled. The Court said that Congress had not met the burden of proof required by the Constitution. That was the finding of the U.S. Supreme Court.

I disagreed with the Court's decision in Garrett, and I disagreed with Alabama's argument as presented by Mr. Sutton in the Supreme Court. I believe that Congress did, in fact, meet its burden in passing the ADA. Congress established a record of discrimination against the disabled necessary to pass constitutional scrutiny by the courts. Congress sent a loud and clear message to the courts in the findings of the ADA and in an extensive legislative history.

What happened in Garrett was that the Supreme Court—unwisely, I believe—substituted its judgment for ours. The Court reviewed our extensive findings and our legislative history, then, one by one, dismissed them as inadequate.

I must say to my colleagues that I am deeply troubled by the Court's lack of deference to Congress in the Garrett case. This lack of deference is why many of us in this body believe the U.S. Supreme Court, in Garrett, simply got it wrong.

Ultimately, whether I agree or disagree with Mr. Sutton's arguments, or whether this Senator from Ohio agrees or disagrees with the Supreme Court in that Garrett case, is really irrelevant to whether Mr. Sutton is qualified to serve on the Federal bench because, you see, Mr. Sutton was doing nothing more than acting as a lawyer, as an advocate.

It is clear that all Mr. Sutton has done is successfully argue his client's position in that case and in some other controversial cases. Bluntly, that is what lawyers do. They argue for their clients. As Mr. Sutton has testified, he has argued on behalf of a wide range of clients, on a wide range of issues.

Back in January of this year, the Columbus Dispatch weighed in on this exact point when it wrote:

> The fact is, Sutton is guilty of nothing except being a good lawyer. When he represents a disabled client, he fights hard for the disabled client. When he is representing a State opposing an extension of Federal power, as in the ADA case, he fights hard for his State client. That is what attorneys are supposed to do.

I absolutely agree with that editorial from the Columbus Dispatch and with that assessment. I believe arguing that Jeff Sutton should not be confirmed because of his legal representation in Garrett or any other case would set a very bad precedent for this body. We should not go down that path today or tomorrow when we vote. We should not go down the path of denying the confirmation of a nominee because we may not like some of the clients he has represented or because we disagree with the arguments he has made as an attorney. Think about it. If that is the standard we apply, we would never confirm anyone who has a background as a criminal defense lawyer.

The examples are legion.

What would this criterion have meant for Supreme Court Justice Thurgood Marshall? In 1943, Thurgood Marshall successfully argued a case before the U.S. Supreme Court on behalf of an accused rapist.

He used a technical jurisdictional argument to defend his client. Specifically, he argued that the Federal Government could not prosecute his client for a rape that took place on a Federal military installation in Louisiana, based on an obscure land acquisition act. There was no question in this case as to the actual guilt of the defendant, only whether the Federal Government had jurisdiction to prosecute the individuals guilty of the crime.

Nobody argued that Thurgood Marshall should not be confirmed because of his role as a defense lawyer in that case. He was doing his job—defending his client's legal position.

Obviously his role in this case did not mean that he believed that the Federal Government should not be able to prosecute crimes, or that Thurgood Marshall was not sympathetic to women's issues, or that he was in any way sympathetic to rapists, for Heaven's sake.

Let me raise an example that was called to the attention of the Senate Judiciary Committee by a another Court of Appeals nominee—the famous example is John Adams. John Adams, the revered and well-known patriot of our Nation's Revolutionary War, represented extremely unpopular clients while acting in his capacity as a private attorney.

As some of my colleagues may recall, John Adams argued in a murder trial on behalf of a prominent captain in the British army and several of his soldiers who had allegedly killed five Boston citizens and injured several others in what is known as "the Boston Massacre." Adams described his work on behalf of the British soldiers as "the most gallant, generous, manly and disinterested Actions of my whole life, and one of the best pieces of service I ever rendered my country." He also described his involvement in the Boston Massacre case as a source of great anxiety—evidence enough that his representation of the soldiers was, as a political and social matter, extremely unpopular at the time.

As my colleagues know, John Adams was successful in his representation of the soldiers. Clearly, however, John Adams was not sympathetic to British rule or murder nor opposed to popular citizen uprisings.

Would the Senate have not confirmed John Adams to a court because of his work as a lawyer? I certainly hope that would not have been true.

There are many examples of individuals who were confirmed by this body for service on the Federal bench and had, during their time in private practice, represented unpopular clients or causes.

Supreme Court Justice John Paul Stevens, for example, represented two corporations charged in two separate cases with conspiracy to monopolize markets and illegal restraint of competition. Despite his work on behalf of these corporations, few would argue that Justice Stevens unfairly favors the interests of businesses over those of consumers or that his efforts as a lawyer in these cases reflect his personal feelings about corporate misconduct.

To take a few more recent examples, Eric Clay, confirmed in 1997 to the 6th Circuit Court of Appeals, represented a number of client positions that many might find personally problematic: An insurance company that was seeking to deny benefits to a disabled individual covered by the company's policy; a defendant in a sex discrimination suit; and a corporation which was seeking to displace, by condemnation if necessary, an entire town in Michigan so that an automaker could build an assembly plant on the land. Nonetheless, nobody would argue that Judge Clay then or now on the basis of his work as an attorney, held personal views that were hostile toward employees, the disabled, or people who live in small towns.

Frank Hull, who was confirmed in 1997 to the 11th Circuit, represented a company seeking to deny life insurance benefits to the spouse of a deceased employee and also represented an accounting firm that was accused of financial fraud. Justice Hull was confirmed 96 to 0. Nobody believed that Judge Hull had a bias against widows or that he supported financial fraud.

Merrick Garland was confirmed in 1997 to the D.C. Circuit Court. Prior to that, in his capacity as a Federal prosecutor, he successfully opposed a defendant who was trying to assert his constitutional right to due process in order to overturn a drug conviction. Nobody in the Senate believes that Judge Garland has any personal opposition to constitutional due process protections.

Robert Bruce King, confirmed in 1998 to the 4th Circuit Court of Appeals, represented a client accused and convicted of defrauding the U.S. Department of Housing and Urban Development. Nonetheless, nobody believes that Judge King advocates the practice of defrauding the Government or that he is somehow hostile toward the mission of the Department of Housing and Urban Development.

The list goes on and on, and I am sure that Members of the Senate and their staffs could easily come up with a laundry list of examples where an individual has represented potentially unsavory clients or causes in private practice and has nonetheless been confirmed to the Federal bench by the Senate. Members of this body did not oppose these nominees just because they might not have liked all of the nominee's clients, or because they did not like the positions they took or the issues they stood for while advocating for that particular client.

This should not even be an issue. The idea of zealously advocating for your client, no matter who that client is and what he or she is accused of, is basic and fundamental to the very idea of being a lawyer. And, I might add, it goes to the core obligation of being a lawyer. Once a person takes a case, they must represent that client to the fullest of their ability.

In fact, the American Bar Association Model Code of Professional Conduct explicitly addresses this issue. The Model Code, Canon 7-1, states this:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law.

The individuals listed above represented their clients, even the unpopular ones I have mentioned, because they understood their role as attorneys. They were dedicated to representing their clients, whomever they might be, and to advocating the cause and positions of their clients. Jeff Sutton has shown the same dedication.

He has been a passionate advocate for his clients, as every lawyer is duty-bound to be. He should be judged by his advocacy and ability as a lawyer. He should not be condemned for this.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I listened with care to the arguments espoused now by my good friend and colleague from Ohio, Senator DEWINE. I compliment him on many aspects of his statement especially when he first opened up and said that he believed the Court got it wrong in the Garrett case; Congress did have our findings, which I have pointed out time and time again this afternoon that, in fact, Congress did have years and years of testimony, markups by five separate committees, 17 formal hearings, on and on, making the case for the Americans with Disabilities Act. As I understood what my colleague from Ohio said, he believed the Court got it wrong. I commend him for his statement on that; obviously, I concur in that opinion.

My good friend from Ohio goes on to say that basically Mr. Sutton, in arguing against Mrs. Garrett and in arguing for the State of Alabama in this case, was simply representing his client and following the canons of legal ethics in making sure he fought as vigorously as possible on behalf of his client. I understand that and I can accept that is what Mr. Sutton was doing in this particular case.

However, the canons of legal ethics also make it clear that in representing your client to the best of your ability and to vigorously defend your client that you also have to adhere to the codes of ethics and legal ethics and one of those is to be truthful and to do due diligence in terms of understanding the parameters of mistakes. People do make mistakes; I understand that, but I do believe Mr. Sutton in what he said in his oral argument before the Court when he said the ADA was not needed. I think that goes a little bit far. Earlier I said he either did not know what Congress had done or he did know and treated it with disdain. If that were the only thing, if Mr. Sutton's representation in the Garrett case were the only thing, I would say those who oppose him would, indeed, have a weak reed on which to stand.

But that is not the point. It is not just Garrett. It is the things Mr. Sutton has said outside of his representation of a legal client.

Before I get to that I will, again, reiterate for the sake of emphasis what the Senator from Massachusetts, Mr. KENNEDY, said earlier, that in all of his representations he has never taken a case on the other side that is against States rights. Never; not one. So he picks out and looks at those cases where he can be on the side of States rights versus ability or the authority of Congress to legislate on a national basis.

Beyond that, it is what Mr. Sutton has said outside of the courtroom. First, I have pointed out before the Legal Times article in 1998 in which Mr. Sutton told a reporter he and his staff were always on the lookout for cases that would be coming before the Court that raise issues of federalism. He is always looking out for those cases. And what cases does he take? Only those in which he can argue on behalf of States rights versus Federal authority. He says: It does not get me invited to cocktail parties, but I love these issues. I believe in this federalism stuff.

Again, that in and of itself might be kind of harmless. But then on National Public Radio in 2000 he said, "As with age discrimination, disability discrimination in the Constitution is really very difficult to show." Here is the evidence: 17 hearings, markup by five committees, 63 public forums across the country, thousands of pages of documents, oral and written testimony by the Attorney General of the United States, Governors, State attorneys general, State legislators, or 300 examples of discrimination by State governments, all on the legislative record. Yet he said it is really difficult to show. He did not say this on behalf of a client; he said this in a radio interview. So we have to add all of these and look at the whole picture that emerges of Mr. Sutton.

Then in an article for the Federalist Society of 2000 Mr. Sutton says: Unexamined deference to the Violence Against Women Act fact findings would give to any congressional staffer with a laptop the ultimate Marbury power to have the final say over what amounts to interstate commerce.

Take that with the statement about how difficult it is to show in a constitutional sense, discrimination against disability, then his comments about how he believes and loves this federalism stuff, and the fact that he only takes cases on that side of the ledger. It adds up to one thing: That Mr. Sutton, in wanting to be a Federal judge, believes that when it comes to civil rights legislation, States rights trumps what we do here. When it comes to our ability to address underlying civil rights issues, States rights trumps the Federal Government. The fact he would even think that somehow Congress, in passing a law such as the ADA or the Violence Against Women Act, or any of these other civil rights bills, that somehow we have a staffer just sit down and type it out on a laptop and we bring it out here and pass it, again, that either illustrates that Mr. Sutton has a terribly uninformed view as to how we operate or he just has a disdain for what we do here.

As I said, I may disagree with some of my colleagues on the other side of the aisle on this issue or that issue, or how we approach this, but I do believe, whether it is under Republican control or Democratic control, Senators and Congressmen work very hard. We take an oath of office to uphold and defend the Constitution. We do not come out here willy-nilly and let "staffers with laptops" draft up a bill and just sort of vote it through. That is not what we do.

According to Mr. Sutton, he says we do that. Well, we do not do that. We have hearings. We have findings. We work things out. We took a long time in the case of the Americans with Disabilities Act—many, many years—to get it right, to make sure that we pass constitutional muster.

So it is not just Mr. Sutton's representation of his client in any particular case. It is the cases he takes, the writings he has made, the statements he has made outside the courtroom that indicate he would be an ideology-driven, activist judge on the circuit court.

If Mr. Sutton is so balanced, why didn't he ever take a case that took the opposite side on States rights? Not one. Not one.

My friend from Utah earlier pointed out he has represented people with disabilities and he sits on a board that looks out for the interests of people with disabilities. Let's take a look at that. Jeffrey Sutton did, indeed, represent the National Coalition of Students with Disabilities. According to my staff's research, the case was filed on November 6, 2000. Mr. Sutton was nominated for this court on May 9, 2001, almost 6 months later, and then Mr. Sutton did not become attorney of record on this case until April 26, 2002. That is quite a bit later. I find that very curious. In all the cases Mr. Sutton has taken, the one case they point to where he represented some people with disabilities he took after he was nominated for the vacancy on the Sixth Circuit Court of Appeals.

We have heard here time and time again that Mr. Sutton represented Cheryl Fischer in her attempt to be admitted to Case Western Medical School. Again, Mr. Sutton did work on the case, but he did not represent Cheryl Fischer. He was the Ohio Solicitor. He represented the Ohio Civil Rights Commission that supported Cheryl Fischer because that was his job. Again, he represented his client, which was the Ohio Civil Rights Commission. Cheryl Fischer's attorney was Thomas Andrew Downing.

Again, I commend Mr. Sutton's work on that case. But I guess it troubles me that Mr. Sutton's hearing testimony indicates his view that his work on that single case, a case in which he acted in his official capacity, balances out the significant impact that his arguments had on all these other cases, Garrett included.

Last, someone said Mr. Sutton sits on the board of the Equal Justice Foundation. Mr. Sutton came on that board a year before he was nominated. My question is, Has Mr. Sutton ever been the lawyer for any of the cases my colleagues mentioned that the foundation took? The foundation took cases. Was Mr. Sutton ever a lawyer for any of the cases my colleagues mentioned?

My friend from Utah named a few individuals who "work in the disability community" who support Mr. Sutton. I understand that. There are a few individuals who claim to be active in the disability community, and they support Mr. Sutton's nomination. But here is a list of 400 civil rights organizations, including every major disability organization, that have come together opposed to Mr. Sutton's nomination. As I look through this list, as I look especially at those who deal with disability issues, because that is my area of interest, I see sometimes they might have been opposed to this judge and then a different part of the group might have been opposed to that judge, but this is the first time that I know of that all of them came together on one judge: Mr. Sutton. All of them came together in opposing him.

My friend from Utah mentioned a person in particular, Francis Beytagh, mentioned by the Senator as the Director of the National Center of Law and the Handicapped.

I have been dealing in disability issues now going on 25 years. I said I don't know about this group. Let's find out about it. There is nothing in Mr. Beytagh's current and very detailed resume posted on the Web page of the Florida Coastal School of Law that mentions any work of his in the disability community—not even one mention. But I did find out that the National Center of Law and the Handicapped was founded in the early 1970s, in South Bend, IN, and has not existed for 15 years at least, according to Harvey Bender, one of its founders.

I don't know. My friend from Utah said he was the legal director for the National Center of Law and the Handicapped. We can't even find that that exists anymore, but evidently, in the 1970s, it was someplace at Notre Dame.

I understand from Mr. Beytagh's letter of support he worked extensively with Mr. Sutton when Mr. Beytagh was Dean of the Ohio Law School, and I also notice Mr. Beytagh also worked for Jones Day law firm, which is on his resume, which of course is the law firm for which Mr. Sutton works.

That is all great. But the statement that Mr. Beytagh represents a viewpoint of the disability community is totally inaccurate—totally inaccurate.

I just wanted to make those points to clear up some misconceptions that may have come out here on the floor earlier today, and hopefully I will have some more to say about this tomorrow.

Again, I want to make it very clear that it is not just Mr. Sutton's statements in the Garrett case. My friend from Ohio, Senator DEWINE, is absolutely right. He is representing his client. That is not the point.

However, he did say one thing in that case that bothers me. That was, basically, that ADA was not needed.

OK, maybe you might excuse that and say that is just pushing the envelope on being a vigorous proponent of his client's views. But then take that in the contextual framework of everything else—Mr. Sutton always taking cases that are just on one side of the States rights issue, just one side; the fact that on numerous occasions outside the courtroom, in speaking and in writing, Mr. Sutton has shown either a total misunderstanding of how we operate here or a clear disdain for the ability of Congress to respond nationally in the area of civil rights. Take this all together and, again, it points to a person who has an ideology, as the New York Times editorial said this morning: It is another ideologue for the court, someone who is driven by an ideology.

I don't mind someone having an ideology. All of us have different beliefs. But to be driven by an ideology and to carry that on the court indicates to me that Mr. Sutton would be an ideologically driven activist judge who would do all that he could to find on behalf of States rights as opposed to Federal rights.

There may be times when States rights should trump Federal rights—obviously. Sometimes Federal rights ought to trump States rights. That is the give and take of our system. But according to Mr. Sutton's views, his writings, his statements, the cases he has taken, his view is that States rights should always trump what we do here at the Federal level.

That is why I believe Mr. Sutton should not be on the circuit court. Maybe he should be on a State court someplace but not on the Federal bench.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to make some remarks on the pending nomination of Jeffrey S. Sutton, a nominee for the Sixth Circuit Court of Appeals. He is an extraordinary and excellent attorney whom the President has nominated.

In 1990, he graduated first in his class at Ohio State University Law School. I know Senator DEWINE would agree that that is one of America's great law schools. After law school, he served as a law clerk for a judge on the Second Circuit Court of Appeals, the same kind of court of appeals on which he would be now a judge. He has had first-hand experience on how a court of appeals operates. Then he clerked for two Justices on the U.S. Supreme Court. That is not something easily achieved for a graduating lawyer. To be chosen to be a law clerk for a Supreme Court Justice is a remarkable achievement. Not many get it, and many apply for it. He clerked for Justices Lewis Powell and Antonin Scalia on the Supreme Court.

From 1995 to 1998, he served as the Solicitor for the State of Ohio. That means he was chosen to argue appellate cases for the State of Ohio, to advise the State on what cases to take up, what positions to take on those cases. Again, it is the kind of experience that is invaluable for a court of appeals nominee.

Since 1995, he has taught courses on Federal and State constitutional law as adjunct professor at Ohio State. He is currently a partner in the Columbus, OH, office of the esteemed law firm of Jones, Day, Reavis & Pogue.

Mr. Sutton has argued 12 cases before the U.S. Supreme Court; he has won 9 of them. That is quite an extraordinary record. Whether he won them or not, just being chosen to argue any case before the Supreme Court is a great honor. Very few lawyers in their entire career will ever be able to argue a single case before the Supreme Court. Why was he chosen to argue 12 cases before the Court? Because he was recognized as a brilliant lawyer, a person who understood appellate law and procedure, who understood constitutional issues and statutory construction and the things that appellate judges do. That speaks well of him. He also has argued 14 cases in State supreme courts.

Just this year, the American Lawyer magazine named Mr. Sutton one of the best lawyers in America under age 45. To recite his credentials is to reach one conclusion: If you need representation in appellate court, you could hardly do better than Jeffrey Sutton. We are looking at a preeminent nominee, one of the best lawyers in America.

The ABA has given Mr. Sutton what the Democrats call the gold standard, a qualified rating, with a minority voting "well-qualified." His qualifications don't seem to matter to a few who are dedicated opponents, and who, I have to say, are not being realistic in this matter. They are not being fair, and they are showing partisanship, and an extreme ideological bent.

The special interest groups and some in this body have targeted this nominee. They have raised the same arguments we have heard before. They allege, amazingly, that he is hostile to the rights of the disabled. They claim he favors weakening laws that deal with age discrimination. They say he is pro-life because he is a member of the supposedly pro-life Federalist Society. But these claims are not pertinent. They miss the mark.

Let's start with this disability rights question. It is a very important issue. It is something we ought to talk about with regard to Jeffrey Sutton, and we need to remember the concepts on this matter as we deal with other nominees who come before the Senate.

The charges and complaints are based in large part on Mr. Sutton's representation of my home State of Alabama in Board of Trustees of the University of Alabama v. Garrett. In the Garrett case, what happened was that an employee of the university sued the university, claiming that university's policies violated the Americans with Disabilities Act. Mr. Sutton argued on behalf of the State of Alabama, and the Supreme Court agreed with him that Congress had not identified a pattern of irrational State discrimination in employment against the disabled. Congress, therefore, he argued, could not abrogate the State's 11th amendment immunity from suits for money damages by the passage of the Americans with Disabilities Act. This well-established principle was recognized centuries ago by Blackstone before the founding of this country.

I would say parenthetically that I served as attorney general of the State of Alabama. I know what the duties of attorneys general are, as does Senator CORNYN in the chair, a member from the State of Texas. It is the duty of the State to defend its prerogatives. An attorney general who does not defend the legal authority of a State, and allows that authority to be eroded from any source whether it be the Congress or any other entity is failing in his or her duty.

Blackstone, with regard to the concept of being able to sue the States, said:

> No action lies under a republican form of government against the state or nation, unless the legislature has authorized it: [this is] a principle recognized in the jurisprudence of the United States, and of the individual states.

So no action lies against the State or the Nation unless a legislature authorizes it.

The reason is pretty simple. The power to sue is the power to destroy. States or the Federal Government will not allow themselves to be destroyed by lawsuits. So the ability of private parties to sue a sovereign Federal Government, or a sovereign State government, is limited.

Now, State sovereign immunity under the Eleventh Amendment is the concept we are dealing with, but those who want to oppose Mr. Sutton have taken the position that his defense of sovereign immunity shows that he is opposed to the Disabilities Act. Critics say he doesn't care about disabled children because he defended the legitimate interests of the State of Alabama in a lawsuit involving how the Americans with Disabilities Act ought to be interpreted. This argument is baseless on many levels.

First, I want to talk about these sovereign immunity cases. Some critics say that because Mr. Sutton argues for state sovereign immunity, he somehow believes that persons who are discriminated against because of their disabilities are not entitled to redress. That is not true. The National Association of Attorneys General—which I was pleased to be a member of, as was the Presiding Officer, and I'm sure as were a majority of attorneys general at that time who were also members of the Democratic Party—in a letter signed by 27 of their members, including 12 Democrats, said:

> We are particularly concerned when we see a lawyer being attacked not for positions he advocated as a private individual, but for positions he argued as a legal advocate for the State government.

Well said. It is not a question of whether Mr. Sutton believed that an employee of any State ought not to have redress. The question is whether or not this was a constitutionally proper way to go about it. If lawyers were attacked for vigorous client representation, this would have a chilling affect on their willingness to take unpopular cases. That would be unfortunate for our legal system.

With respect to the Garrett case, it is not an exaggeration to say that the case has nothing to do with the overall worthiness of the Americans with Disabilities Act—nothing at all. Mr. Sutton himself stressed in his brief to the U.S. Supreme Court that the ADA "advances a commendable objective—mandatory accommodation for the disabled."

Seth Waxman, President Clinton's Solicitor General and Mr. Sutton's opponent in the Garrett case, said he saw nothing to suggest that Mr. Sutton disagreed with the aims of the Americans with Disabilities Act. What Mr. Sutton did argue was that the 11th amendment principle of State sovereign immunity protects States from lawsuits in federal court asserting violations of the Americans with Disabilities Act. Seven other States—Arkansas, Hawaii, Idaho, Nebraska, Nevada, Ohio, and Tennessee—submitted briefs joining with him to affirm this position. The Supreme Court ultimately agreed.

In the Garrett case, the question before the Supreme Court was not the validity or purpose of the ADA; it was whether the Federal Government could abridge State sovereign immunity by making States liable in Federal court for violations of the ADA. This issue involves a very narrow and small part of the act. In fact, only the 3.7 percent of the American workforce employed by a State would be affected by this issue. The 96.3 percent of the workforce not employed by a State was not at all affected by the Supreme Court's decision. In other words, this Congress authorized individuals to file lawsuits for ADA violations against both private entities and also against the States. The State of Alabama said that allowing the Garrett lawsuit to go forward against the State violated the State's sovereign immunity.

When the State of Alabama took the case to the Supreme Court, it looked around the country for one of America's best appellate lawyers, and it chose Jeffrey Sutton. He argued the case and won it in the Supreme Court. That win does not gut the ADA; it hardly impacts it in even a minor way. Only 3.7 percent of the workforce would be impacted by it. So the Supreme Court's decision in Garrett meant almost nothing, as far as the overall enforcement of the ADA was concerned, in dealing with discrimination against those employees who are disabled.

What was at stake for the States in Garrett was how the Constitution defined the fundamental relationship between the State government and Federal Government. The Supreme Court explained the relationship in the Garrett case this way:

> The ultimate guarantee of the Eleventh Amendment is that nonconsenting States may not be sued by private individuals in Federal Court. We have recognized, however, that Congress may abrogate the States' Eleventh Amendment immunity when it both unequivocally intends to do so and "act[s] pursuant to a valid grant of constitutional authority." Congress may subject nonconsenting States to suit in Federal Court when it does so pursuant to a valid exercise of its Section 5 power under the Fourteenth Amendment.

That is what the Supreme Court was talking about. It didn't have anything to do with the merits or demerits of the Americans with Disabilities Act itself. The Supreme Court went on to conclude that the narrow provision applying the ADA to the States was not a valid exercise of Congress's section 5 power under the 14th amendment:

> Congress is the final authority as to desirable public policy, but in order to authorize private individuals to recover money damages against the States [also sovereign entities, I add parenthetically], there must be a pattern of discrimination by the States which violates the Fourteenth Amendment, and the remedy imposed by Congress must be congruent and proportional to the targeted violation. Those requirements are not met here.

So when my good friend Senator DEWINE—an excellent lawyer from Ohio—earlier indicated he thought the Supreme Court was in error, maybe that was because he was here when the ADA was passed and I wasn't. But as a former attorney general, I think the Supreme Court was correct: If we allow Congress to go around willy-nilly and knock down the classical, historic sovereign immunity of our States, it will weaken the States to an extraordinary degree.

The Supreme Court went on to take pains to emphasize that its decision did not deprive the disabled of their rights:

> Our holding here that Congress did not validly abrogate the States' sovereign immunity from suit by private individuals for money damages under Title I [of the Americans with Disabilities Act] does not mean that persons with disabilities have no Federal recourse against discrimination. Title I of the ADA still prescribes standards applicable to the States. Those standards can be enforced by the United States in actions for money damages, as well as by private individuals in actions for injunctive relief. . . .
>
> In addition, State laws protecting the rights of persons with disabilities in employment and other aspects of life provide independent avenues of redress.

In other words, the Supreme Court said this would not leave a disabled person who works for a State without a remedy for discrimination. That person can file for an injunction, receive back wages if they have been unfairly terminated, and get an order that they have to be reinstated. But given the classical doctrine of sovereign immunity, given the record this Congress developed in passing the ADA, and given the language of the statute that was passed, the Supreme Court could not legitimize an action for money damages against the States.

As a matter of fact, I would note all 50 States have passed laws to give protections to the disabled, in addition to the Federal ADA, in part by providing remedies like injunctions and back pay. It is simply not true that the States do not have any concern for disabled citizens.

I also think it is notable that when Congress passed the ADA, it did not impose on the Federal Government the obligations it placed on the States. The Members of this body express great anguish that the States did not gracefully allow themselves to be sued, and they complain that the attorneys general of the States did not knuckle under by allowing people to sue the States. But when Congress passed the ADA, it did not make the act applicable to the United States Government. Even though the Federal Government is the largest employer in America, it does not have to extend to its own disabled employees the same benefits it demands of the States. It would be ironic, to say the least, for us to criticize Jeffrey Sutton for advocating State constitutional immunity from suit under the ADA when this very Senate exempted the Federal Government from the ADA's requirements.

This criticism is particularly unfair to Mr. Sutton because he has a demonstrated commitment to the disabled. Beyond his sound historical and effective legal arguments in the Garrett case before the Supreme Court, anyone who knows Jeffrey Sutton knows that he is sensitive to the needs of the disabled. When Mr. Sutton started ninth grade, his father became head of the Matheny School in Peapeck, NJ. Matheny was a boarding school providing education and life skills to disabled children with cerebral palsy.

Mr. Sutton spent time at the school doing maintenance work. This experience made him well aware of the challenges faced by the disabled.

Since that time, Mr. Sutton has continued his commitment to the disabled. Few are better qualified to speak about that than Cheryl Fischer. Ms. Fischer, a blind woman, applied for admission to Case Western Reserve University's medical school. The school denied her admission because of her disability.

Mr. Sutton was asked to participate in the case by Ohio's attorney general, and was given a choice of whom to represent. He was told, "you can represent the school and oppose a blind woman's right to be admitted to the medical school, or you can represent her." He chose to represent Cheryl Fischer, without charge, pro bono, and he passionately argued her case before the Supreme Court of Ohio.

He lost the case, but Ms. Fischer has no doubt about Mr. Sutton's ability and integrity. She said:

> I think he believes thoroughly in the civil rights of all people. He is not someone who would want to minimize the rights of disabled people. He helped me stand up for what I believe in.

She went on to say:

> I would definitely like to see him on the Federal court.

Cheryl Fischer is just one of many who believe Jeffrey Sutton would protect disability rights and civil rights generally as a judge on the very important Sixth Circuit Court of Appeals.

Mr. Sutton is also a board member of the Equal Justice Foundation. It is a nonprofit organization based in Columbus, OH, that provides legal representation to the disadvantaged, including the disabled. In 1999, the Foundation sued to compel the city of Columbus to comply with the Americans with Disabilities Act by installing curb cuts for wheelchairs on city streets.

The executive director of the Equal Justice Foundation, Kimberly Skaggs, disagrees with Jeffrey Sutton politically but supports his nomination to the Sixth Circuit. She said:

> Mr. Sutton possesses all the necessary qualities to be an outstanding Federal judge. I have no hesitation whatsoever in supporting his nomination.

Frankly, I have been disappointed by the leaders of the disability community on this issue. They have stirred up opposition. They have told the American disabled community that Jeffrey Sutton does not care about the disabled. That is not true, but that is what they have said. They said that the sovereign immunity position he advocated for his clients in ADA cases meant he personally did not care about the disabled, that he did not like them, that he was opposed to them, and that he would not give them a fair shake in court.

That is basically what they have said. They have suggested his legal efforts were aimed at harming the disabled, when in truth he was simply vindicating the historical legal protection of the States for his clients. The State governments have long enjoyed this protection from federal lawsuits.

Another groundless allegation is that Mr. Sutton opposes laws against age discrimination. This allegation stems from his representation of the State of Florida in a case called *Kimel* v. *Florida Board of Regents*. In Kimel, the Supreme Court agreed with Mr. Sutton's argument that it was not necessary for Congress to abrogate State sovereign immunity through the Age Discrimination in Employment Act because the States were already protecting their senior citizens against discrimination. As with the disabilities right issue, Mr. Sutton did not advocate judicial repeal of the act. Far from it. He explicitly stated that the ADEA advances a commendable policy—nondiscrimination against the elderly. What he argued for was the proper constitutional balance between the State and Federal governments. The Supreme Court agreed with him. So now these people are saying that a reasonable and honorable position he advocated for his client—whether he won or not, even though he did in fact win—somehow disqualifies him from the bench. I think that is unfair, and I am disappointed with some of the people who are making these arguments because I think if they took a moment to look at it, they would know these arguments were not well taken.

Some have even brought up that he is a member of the Federalist Society. One special interest group deems the society hostile to reproductive rights, and suggested that this nominee is guilty by association. The way some of my colleagues on the other side of the aisle have talked about the Federalist Society, it would seem that membership might amount to a scarlet letter that nominees should wear during the hearings. But this is an unwarranted attack on the Society and its members. Although it sponsors numerous discussions of controversial issues, from abortion to the war against terrorism, the Federalist Society takes no position on any of these issues. Regular panelists at their conferences include noted liberals like Harvard law professor Laurence Tribe and ACLU president Nadine Strossen. The society cannot be said to be hostile to abortion rights or any other rights, and so its members—here, Jeffrey Sutton—should not be blamed for having participated in the Society.

Finally, we should move this nomination forward because of the understaffed Sixth Circuit bench. The Judicial Conference of the United States, which deals with court staffing and other issues related to our Federal judges, has determined that the vacancy that would be filled by Mr. Sutton's appointment is a judicial emergency. In fact, there are currently six vacancies on the Sixth Circuit, all of which have been deemed emergencies. This court is in crisis. Those six vacancies impair the administration of justice.

The current understaffing on that court makes it imperative we promptly examine and approve nominations of all the six circuit candidates, particularly this eminently, extraordinarily qualified nominee, one of the best lawyers in America, Jeffrey Sutton.

I had the pleasure to see Mr. Sutton testify. He was asked questions all day long until 9 p.m. at night. He was complimented by Senator DIANNE FEINSTEIN for his willingness to discuss anything he was asked. He answered the questions openly. He answered the questions with great legal skill and judgment time after time after time. I cannot think of a single answer that he gave in that long examination that anyone found offensive. It was a tour de force of legal exposition. I was extremely impressed not only with his brilliance but with his kind demeanor and his sensitivity to the questions. He listened to people's questions. He responded very carefully and sensitively to those questions.

Those were precisely the qualities I believe would make him an extraordinary court of appeals judge. You could look throughout this country and find very few people more qualified by ability, by experience, by integrity, to hold this high office.

I strongly urge my colleagues to confirm his nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I had the opportunity today to listen to Senator HARKIN speak on the Sutton nomination. I was terribly impressed with his ability to explain to the American public on a very personal basis, as a result of his brother's handicap, why this nomination is so important. I hope all the Senate has the opportunity to see and review Senator HARKIN's comments. They were so appropriate and directly on point.

Again, the Senator from Iowa, the junior Senator from Iowa is a person of stature who always brings substance to a debate as he did in this instance.

Mr. SESSIONS. Mr. President, I will comment to the distinguished Senator from Nevada about Senator HARKIN's passionate advocacy for the disabled in America. He cares deeply about that issue and there is no one more eloquent on it than he is.

I ask the Senator from Nevada if he is aware that Jeffrey Sutton voluntarily agreed, on a pro bono basis, to prepare and to passionately argue a case before the Supreme Court of the State of Ohio that a woman who was blind should be admitted to the Case Western University Medical School, even though he lost the case. I wonder if the Senator knew that? A lot of the Senators have not known that he has a personal concern about this issue and has given of his own wealth—that is, his time—toward that effort.

Mr. REID. I say to the distinguished Senator from Alabama, I am aware of the information we have all been given on the nomination, and he certainly did do this.

What we have to look at, though, is his entire background and we will all do that. My point was that I think the Senator from Iowa, Mr. HARKIN, laid out a foundation for our taking a very close look at this nominee. As the Senator from Alabama knows, the nominee has stated his views over a considerable period of time, more than just the one case he argued in Ohio.

All Members have a decision to make tomorrow as to whether this man, Jeffrey Sutton, would be the kind of person we want on the circuit court. We all have that decision to make, and we can weigh what he has done with what he has not done and make that judgment.

My point I was making is that we oftentimes in the Senate debate in the abstract. Senator HARKIN did not do that. He formed his debate based upon his brother, who was accepted to a school for the deaf and dumb; as Senator HARKIN said, his brother may have been deaf but he wasn't dumb. I think this is the only case I am aware of where the disabled community has been so up in arms over a nominee.

First, I hope we have the opportunity tomorrow to speak to our respective caucuses—the majority leader has to make that decision as to whether we will vote at noon tomorrow or after the caucuses. Regardless, it is quite clear that we are going to vote tomorrow. All 100 Senators have to make a decision as to what they want to do.

Mr. SESSIONS. I note that the Senator from Nevada, who is himself a superb lawyer, has represented criminals and defended them on occasion, as I have. I would point out that just because he represented a cause and advocated it, it does not necessarily mean he shared all those views, personally. I also would note, and am pleased to see, that the State of Nevada joined Alabama as amicus curiae in the Garrett case.

Maybe the Senator would like to once again respond. I am not entitled to the last word. If not, I will go forward with morning business.

Mr. REID. Mr. President, if I could just ask the Senator to yield, I have learned, having served in the Senate, that the majority always gets the last word, so the last word is that of the Senator from Alabama.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that we proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATING THE ANNIVERSARY OF THE BEGINNING OF THE ARMENIAN GENOCIDE

• Mrs. FEINSTEIN. Mr. President, I rise today, as I do every year, to commemorate the anniversary of the Armenian Genocide. It has now been 88 years since this tragic event unfolded, and after another year, the historical fact of this atrocity continues to be questioned.

April 24, 1915, marked the beginning of the Ottoman Empire's brutal and unconscionable policy of mass murder, directed against men, women and children Armenians. Over 8 years, Armenians faced starvation, deportation, and violent death at the hands of their own government. Before the genocide began, 2.5 million Armenians lived in the Ottoman Empire. One and a half million Armenians were killed and another 500,000 were driven from their homes, their property and land confiscated.

Many descendants of the survivors of the Armenian Genocide live in the United States, and some actual survivors settled in my own State of California. Overall, half a million Armenian Americans live in California, and I am proud to serve them in the Senate. The strength and importance of their community exemplifies how any group of people can be reborn in the United States. Armenian Americans are at the forefront of the effort to keep the events of the Armenian Genocide in the public eye, but it is the duty of us all, as citizens of a nation that embodies justice, liberty, and freedom not to forget.

We must take time each year to acknowledge this act of ethnic cleansing because we cannot afford to forget. The 20th century saw too many genocides, the events in the Ottoman Empire being only the first. In Germany and Eastern Europe, Cambodia, Rwanda, Bosnia, and Serbia, millions of people were killed because of their race, ethnicity, or religion.

Through these tragedies, too many have remained silent. We must make clear, in the 21st century, that mass murder cannot be tolerated, will not be tolerated. We cannot afford to forget or hide events such as the Armenian Genocide, or another group in another place will experience the same persecution and the same systematic intent to destroy an entire people. This is why we must commemorate this horrific period in the history of the Armenian people each and every year.

Let us remember the Armenian Genocide. Let us ensure that those who suffered did not die in vain. Let us ensure that those who survived did not do so to watch the world forget their sufferings. We honor the living by speaking out today.•

GUADALUPE CENTER FOR DEDICATION TO IMPROVING THE LIFE OF LATINO COMMUNITY

• Mr. BOND. Mr. President, today I would like to commend the Guadalupe Center Inc. for their continued commitment to improving the life of Latinos throughout Kansas City, MO.

The Guadalupe Center began as a volunteer school and well baby clinic for Mexican immigrants in Kansas City's Westside in 1919, becoming one of the Nation's first social service agencies for Latinos in the United States.

Once working out of the rectory of Our Lady of Guadalupe Shrine on West 23rd Street, the Guadalupe Center now has nine buildings and has expanded to serve the entire Kansas City Metropolitan Latino community.

Today, the Center provides a number of essential services and is a leading advocate for the Latino community.

Health programs at the center include substance abuse, teen pregnancy, and HIV/AIDS education and counseling. The center's diligent work in reaching this disproportionately affected Latino population is to be congratulated and encouraged.

Also, the center has had a great deal of success with increasing employment opportunities for the unemployed and underemployed in the Latino community. This success goes hand in hand with the center's constantly expanding education programs, which provide participants with a number of opportunities, including second language GED and job training skills.

Beyond reaching adult and young adults, the center also works to expand opportunities for children through its Plaza de Ninos preschool, which prepares young Latino children for early school success and helps them with the necessary English language skills, while providing childcare for working parents.

The Guadalupe Center's activities and services, which continue to grow in number and impact, serve as an example of the center's vision and dedication for the Latino community.

The future of Kansas City and the quality of life for its residents, especially the Latino community, depends on the decisions and the investments made today. The Guadalupe Center had taken the lead in making these strategic investments in Kansas City's urban core. Their efforts have improved the lives of the Latino community's children and families and the effects will be felt for generations to come.

I look forward to partnering with the Guadalupe Center in future investments in Kansas City's Latino community.•

CHAMPION TREE PLANTING AT THE U.S. CAPITOL

• Ms. STABENOW. Mr. President, I rise today to commemorate a wonderful Arbor Day gift that was donated to the U.S. Capitol by the Champion Tree Project and the Mount Vernon Ladies' Association. Last Thursday, on April 24, 2003, the U.S. Capitol planted a 6-foot sapling clone of a white ash tree grown by George Washington in the late 1700s. This sapling clone is the first successful recreation of the Champion Tree Project's efforts to spawn exact genetic duplicates of each of Washington's surviving trees at Mount Vernon.

This gift is extremely special to me for two reasons. First, the Champion Tree Project is a Michigan-founded, grassroots organization that was founded by a Michiganian father and son team, David and Jared Milarch. The Milarch family has been the driving force behind this organization, and I commend them for their historic efforts to protect these important trees. In addition to working to protect historically significant trees like those on the Mount Vernon estate, the Champion Tree Project is dedicated to protecting Champion trees, which are the biggest—and often among the oldest—known members of their species in the United States. After cloning, these saplings are planted in protected sites where they can be enjoyed and studied by future generations.

Second, I was at Mount Vernon on August 1, 2001, when the Champion Tree Project collected the budwood and branches from the 13 surviving trees planted under George Washington's direction over 200 years ago. The DNA that was collected at Mount Vernon over a year and half ago is what was used to create this white ash sapling clone, and I am proud that this sapling has found a wonderful home at the U.S. Capitol today.

Mr. President, I thank the Champion Tree Project and the Mount Vernon Ladies' Association for their historic gift and their ongoing dedication to preserving these trees for future generations.•

LEXINGTON POLICE CHIEF ANTHANY BEATTY

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to one of Kentucky's finest law enforcement officers. Lexington Police Chief Anthany Beatty has been recognized as Eastern Kentucky University's Outstanding Alumnus for 2003 and was inducted into EKU's Hall of Distinguished Alumni.

Chief Beatty's commitment to excellence has not only honored the Lexington police force where he has served since 1973 but also his alma mater, Eastern Kentucky University. A 1978 graduate of EKU, Beatty credits his success in law enforcement to the undergraduate work he completed while majoring in police administration. The obstacles Beatty overcame as a student would prepare him for the challenges faced by the Lexington police force.

Included in the recognition to Anthany Beatty's rise to chief of police, which he was selected for in August of 2001, is his family. The relentless years of love and support that Anthany's wife Eunice and their two sons, Embry and Anthany, Jr., have shown provided Anthany with the stability and stature necessary to meet the high demands of police work. His family's support and his spirituality have made all the difference in his life and career.

Chief Anthany Beatty's example should be followed by law enforcement officers throughout Kentucky. The citizens of Lexington are fortunate to call Anthany Beatty one of their own. They should be privileged to be served by such a fine officer. Congratulations, Anthany. And may God bless you and your family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on April 12, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution:

S. Con. Res. 38. Concurrent resolution providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

Under the authority of the order of January 7, 2003, the Secretary of the Senate, on April 14, 2003, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1770. An act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1559. An act making emergency supplemental wartime appropriations for the fiscal year 2003, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the Acting President pro tempore (Mr. WARNER) on April 14, 2003.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 28, 2003, she had presented to the President of the United States the following enrolled bill:

S. 151. An act to prevent child abduction and sexual exploitation of children, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1903. A communication from the President of the United States, transmitting, pursuant to the Authorization for Use of Military Force Against Iraq Resolution of 2002, the report of Congress related to planning for post-liberation Iraq under section 7 of the Iraq Liberation Act of 1998, received on April 16, 2003; to the Committee on Foreign Relations.

EC–1904. A communication from the Director, Regulations Management, Office of Inspector General, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Referrals of Information Regarding Criminal Violations (2900–AL31)" received on April 11, 2003; to the Committee on Veterans' Affairs.

EC–1905. A communication from the Assistant Administrator, National Marine Fisheries Service, Office of Sustainable Fisheries, State/Federal Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "American Lobster Fishery (RIN 0648–AP15)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1906. A communication from the Assistant Administrator, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Foreign Fishing, Fisheries off West Coast and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures (0648–AQ18)" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1907. A communication from the Program Analyst, Federal Aviation Administration Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sikeston, MO; Docket no. 03–ACE–2 ((2120–AA66)(2003–0066))" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1908. A communication from the Attorney, Office of the Chief Counsel, Research and Special Programs Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions; Definitions of Administrator (2137–AD43)" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1909. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of fishing for Pacific cod by catcher vessels 60 feet (18.3 m) length overall (LOA) and longer using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1910. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of directed fishing for Pacific cod by catcher/processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI)" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the Acting Assistant Administrator, Human Resources, Headquarters, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Astronaut Candidate Recruitment and Selection Program (2700–AC56)" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1912. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Average Fuel Economy Standards Model Years 2005–2007 (2127–A170)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1913. A communication from the Senior Attorney, Research & Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Requirements for Cargo Tanks (2137–AC90)" received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1914. A communication from the Deputy Assistant Administrator, Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final rule to Authorize and manage a subsistence fishery for Pacific halibut in waters in and off Alaska (0648–AQ09)" received on April 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1915. A communication from the Deputy Assistant Administrator, Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Endangered Status for a Distinct Population Segment of Smalltooth Sawfish (Pristis pectinata) in the United States (0648–XA49)" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations" received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1917. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to NASA interagency acquisition policies, received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1918. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the 2002 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils (Council); to the Committee on Commerce, Science, and Transportation.

EC–1919. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the biennial report describing funding to Atlantic States Marine Fisheries Commission and the Atlantic coast states for projects that support the Atlantic Coastal Fisheries Cooperative Management Act, received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1920. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report relative to Atlantic highly migratory species for 2003, received on April 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Canadian Retirement Plan Trust Reporting (2003–25)" received on April 16, 2003; to the Committee on Finance.

EC–1922. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Estimated Tax Payments (2003-34)" received on April 16, 2003; to the Committee on Finance.

EC–1923. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collectively-bargained welfare benefit funds and section 419A(f)(5) (2003-24)" received on April 16, 2003; to the Committee on Finance.

EC–1924. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Debit Instruments with Original Issue Discount, Annuity Contracts (1545–AT60) (TD 8993)" received on April 22, 2003; to the Committee on Finance.

EC–1925. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure for Industry Resolution Program (Rev. Proc. 2003-36)" received on April 22, 2003; to the Committee on. Finance.

EC–1926. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002 Nonconventional Source Fuel Credit (Notice 2003–27)" received on April 2003; to the Committee on Finance.

EC–1927. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final TEFRA Regs—Unified Partnership Audit Procedures (1545–AW86)" received on April 22, 2003; to the Committee on Finance.

EC–1928. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exclusion of qualified automated demonstration use Taxation of non-qualified demonstration use (Rev. Proc. 2001-56)" received on April 22, 2003; to the Committee on Finance.

EC–1929. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Clarification of the Conformity Election (2001–59)" received on April 22, 2003; to the Committee on Finance.

EC–1930. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002–2)" received on April 22, 2003; to the Committee on Finance.

EC–1931. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Restaurant Smallwares (Rev. Proc. 2002–12)" received on April 22, 2003; to the Committee on Finance.

EC–1932. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Consent to Change a Method of Accounting (Rev. Proc. 2002–9)" received on April 22, 2003; to the Committee on Finance.

EC–1933. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified 501 (c)(3) Bonds (Notice 2002–10)" received on April 22, 2003; to the Committee on Finance.

EC–1934. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Partial Payments to Assessed Tax, Penalty, and Interest (Rev. Proc. 2002–26)" received on April 22, 2003; to the Committee on Finance.

EC–1935. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted average interest rate update notice (notice 2002–28)" received on April 22, 2003; to the Committee on Finance.

EC–1936. A communication form the Regulations Coordinator, Centers for Medicare Management, Centers for Medicare & Medicaid Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Notice of Ambulance Fee Schedule in Accordance with Federal District Court Order (0938–AM60)" received on April 22, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of April 11, 2003, the following reports of committees were submitted on April 24, 2003:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 165. A bill to improve air cargo security (Rept. No. 108–38).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 925. An original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes (Rept. No. 108–39).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS—April 24, 2003

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 925. An original bill to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 926. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies; to the Committee on Governmental Affairs.

By Mr. WARNER (for himself and Mr. Levin) (by request):

S. 927. A bill to promote the national security by providing a National Security Personnel System for the Department of Defense; a streamlined acquisition system both efficient and effective in order to provide servicemembers on the battlefield with the most modern and lethal equipment; realistic appropriations and authorization laws responsive to an ever-changing national security environment; and the coordination of the activities of the Department of Defense with other departments and agencies of the Government concerned with national security; to the Committee on Armed Services.

By Mr. ALLEN:

S. 928. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Hollings, Mrs. Hutchison, Mr. Smith, Ms. Snowe, Mr. Breaux, and Mr. Lautenberg):

S. 929. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself and Mr. Jeffords):

S. 930. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to prepare for and respond to all hazards, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. Inouye, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 114

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLIS) was added as a cosponsor of S. 114, a bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the medicare program on the proportion of hospice care that certain rural hospice programs may provide.

S. 127

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 127, a bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 224, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 255

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 255, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 336

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 336, a bill to amend title 10, United States Code, to expand reimbursement for travel expenses of covered beneficiaries for specialty care in order to cover specialized dental care.

S. 356

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 356, a bill to amend the Energy Policy Act of 1992 to increase the allowable credit for biodiesel use under the alternatively fueled vehicle purchase requirement.

S. 365

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 365, a bill to amend title 23, United States Code, to establish a program to make allocations to States for projects to expand 2-lane highways in rural areas to 4-lane highways.

S. 384

At the request of Mr. REID, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 392

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 516

At the request of Mr. BUNNING, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 539

At the request of Mr. DOMENICI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 539, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 623

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 756

At the request of Mr. THOMAS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

S. 764

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 767

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 767 a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 797

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 797, a bill to prevent the pretrial release of those who rape or kidnap children, and for other purposes.

S. 798

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 798, a bill to assist the States in enforcing laws requiring registration of convicted sex offenders.

S. 799

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 799, a bill to require Federal agencies to establish procedures to facilitate the safe recovery of children reported missing within a public building.

S. 800

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 800, a bill to prevent the use of a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 816

At the request of Mr. CONRAD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided to health care provided by hospitals in rural areas, and for other purposes.

S. 822

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 822, a bill to create a 3-year pilot program that makes small non-profit child care businesses eligible for SBA 504 loans.

S. 823

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 823, a bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the medicare program, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 888

At the request of Mr. GREGG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S.J. RES. 11

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. CON. RES. 3

At the request of Mr. MILLER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a non-profit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the names of the Senator from Florida (Mr. NELSON) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 32

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship.

S. RES. 118

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 118, a resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH:

S. 926. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Federal Employee Student Loan Assistance Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Student Loan Assistance Act.".

SEC. 2. STUDENT LOAN REPAYMENTS.

Section 5379(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "$6,000" and inserting "$10,000"; and

(2) in subparagraph (B), by striking "$40,000" and inserting "$60,000".

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. SMITH, Ms. SNOWE, Mr. BREAUX, and Mr. LAUTENBERG):

S. 929. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators HOLLINGS, HUTCHISON, LAUTENBERG, SMITH, and SNOWE in introducing the Over-the-Road Bus Security and Safety Act of 2003. The purpose of the bill is to provide funding assistance for security improvements to the intercity bus industry. The legislation is the bipartisan product of work that occurred during the last Congress under the leadership of Senator Max Cleland.

Since the terrorist attacks on September 11, 2001, Congress and the Administration have taken extraordinary steps to improve security. We have enacted the Homeland Security Act, which consolidated 22 agencies in a new Department of Homeland Security. We also have enacted the Aviation and Transportation Security Act, ATSA, which closed security gaps at our nation's airports and largely transferred the responsibilities of the security of air transportation to the federal government. In addition, we've enacted the Maritime Transportation Security Act, MTSA, which, for the first time ever, established a framework for security at our nation's maritime ports. Yet, much remains to be done as we work to identify and close security gaps.

As we have witnessed in other countries, bus transportation can be the target of terrorist attacks. This is further evidenced by the fact that terminals that have already implemented a passenger screening process have seen a rise in discarded weapons in bus stations. In our view, facility improvements and baggage screening efforts would be a significant step to improving bus security.

Therefore, the bill we are introducing today authorizes $35 million for fiscal year 2003 and $99 million for fiscal year 2004 to fund an intercity bus security grant program that would be administered by the Secretary of Transportation. It would include a matching requirement that recipients of federal grants fund 10 percent of the security improvement expenses.

Already, $15 million was appropriated for bus security grants in the fiscal year 2002 Supplemental Appropriations Act and another $10 million was appropriated in the fiscal year 2003 Omnibus Appropriations Act. This bill, if enacted, will authorize the funding already appropriated, along with an authorization of $99 million for fiscal year 2004 and, in turn, give Congress time to further study existing and future needs for bus transportation security and determine what, if any, changes should be made to the program.

The bill will help improve bus security by authorizing grants for security improvements at terminals; for the installation of surveillance equipment; for improvements to protect or isolate the driver; and for other specified improvements. The legislation also would require the Department of Transportation to complete a preliminary report assessing the adequacy of over-the-road bus security and determine what, if any, additional steps should be taken to improve bus security.

There have been several well-publicized bus accidents since September 11, 2001, including an accident on October 3, 2001, that involved an attack on the driver and claimed seven lives. Passing this measure will allow Congress to take short-term action that will have a beneficial effect on the security of the bus industry and does not preclude consideration of longer-term security policy considerations.

Efforts to pass similar legislation is also underway in the House of Representatives, where the House Committee on Transportation and Infrastructure, under Chairman YOUNG's leadership, has already reported legislation to be considered by the full House.

I want to thank Senators HOLLINGS, HUTCHISON, BREAUX, LAUTENBERG, SMITH, and SNOWE for joining me in this effort. I look forward to working with all members to move this legislation forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Over-the-Road Bus Security and Safety Act of 2003".

SEC. 2. EMERGENCY OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall establish a program for making grants to private operators of over-the-road buses for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing an emergency communications system linked to law enforcement and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) REIMBURSEMENT.—A grant under this Act may be used to provide reimbursement to private operators of over-the-road buses for extraordinary security-related costs for improvements described in paragraphs (1) through (9) of subsection (a), determined by the Secretary to have been incurred by such operators since September 11, 2001.

(c) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this Act shall be 90 percent.

(d) DUE CONSIDERATION.—In making grants under this Act, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001.

(e) GRANT REQUIREMENTS.—A grant under this Act shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

SEC. 3. PLAN REQUIREMENT.

(a) IN GENERAL.—The Secretary may not make a grant under this Act to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(1) a plan for making security improvements described in section 2 and the Secretary has approved the plan; and

(2) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(b) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

SEC. 4. OVER-THE-ROAD BUS DEFINED.

In this Act, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

SEC. 5. BUS SECURITY ASSESSMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a preliminary report in accordance with the requirements of this section.

(b) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(1) an assessment of the over-the-road bus security grant program;

(2) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(3) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(4) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(5) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(6) an assessment of industry best practices to enhance security.

(c) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

SEC. 6. FUNDING.

There are authorized to be appropriated to the Secretary of Transportation to carry out this Act $35,000,000 for fiscal year 2003 and $99,000,000 for fiscal year 2004. Such sums shall remain available until expended.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 6, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Department of the Interior programs addressing western water issues. Contact: Shelly Randel at 202–224–7933 or Jared Stubbs at 202–224–7556.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

ORDER FOR STAR PRINT—S. 880

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee report No. 108–37 which accompanies S. 880 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 876

Mr. SESSIONS. I ask unanimous consent that S. 876 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–83, announces the appointment of the Senator from Nevada (Mr. REID) as a member of the National Council on the Arts, vice the Senator from Illinois (Mr. DURBIN).

ORDERS FOR TUESDAY, APRIL 29, 2003

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Tuesday, April 29. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session and resume consideration of the nomination of Jeffrey Sutton to be circuit judge for the Sixth Circuit, with the time until 12 noon equally divided between the chairman of the Judiciary Committee and Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. In accordance with the agreement of April 11, I inform my colleagues on behalf of the majority leader that the vote on the Sutton nomination will occur at 12 noon tomorrow.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. tomorrow for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow morning the Senate will resume debate on the nomination of Jeffrey Sutton. At 12 noon, the Senate will vote on the Sutton nomination.

Tomorrow afternoon the Senate will resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. We will continue to work with the Democratic leader in an effort to reach a time agreement on this important nomination.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:41 p.m., adjourned until Tuesday, April 29, 2003 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

NICHOLAS GREGORY MANKIW, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE ROBERT GLENN HUBBARD, RESIGNED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 30, 2006, VICE NORMAN Y. MINETA.

DEPARTMENT OF HOMELAND SECURITY

FRANK LIBUTTI, OF NEW YORK, TO BE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

JOE D. WHITLEY, OF GEORGIA, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE SAMUEL J. ERVIN, III, DECEASED.

CLAUDE A. ALLEN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

ROBERT C. BRACK, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

JAMES O. BROWNING, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE C. LEROY HANSEN, RETIRED.

GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE JAMES C. TURK, RETIRED.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

MARK R. FILIP, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE HARRY D. LEINENWEBER, RETIRED.

KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE D. BROOKS SMITH, ELEVATED.

DORA L. IRIZARRY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE REENA RAGGI, ELEVATED.

H. BRENT MCKNIGHT, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

DANIEL P. RYAN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PATRICK J. DUGGAN, RETIRED.

GARY L. SHARPE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE THOMAS J. MCAVOY, RETIRED.

LONNY R. SUKO, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE WM. FREMMING NIELSEN, RETIRED.

DEPARTMENT OF ENERGY

PAUL MORGAN LONGSWORTH, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE LINTON F. BROOKS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL KENNETH M. DECUIR, 9876
BRIGADIER GENERAL BOB D. DULANEY, 3361
BRIGADIER GENERAL ROBERT J. ELDER JR., 7484
BRIGADIER GENERAL PAUL J. FLETCHER, 5438
BRIGADIER GENERAL DOUGLAS M. FRASER, 7505
BRIGADIER GENERAL WILLIAM M. FRASER III, 9314
BRIGADIER GENERAL STANLEY GORENC, 8279
BRIGADIER GENERAL ELIZABETH A. HARRELL, 1522
BRIGADIER GENERAL WILLIAM F. HODGKINS, 0138
BRIGADIER GENERAL RAYMOND E. JOHNS JR., 3483
BRIGADIER GENERAL TIMOTHY C. JONES, 7733
BRIGADIER GENERAL FRANK G. KLOTZ, 6089
BRIGADIER GENERAL ROBERT H. LATIFF, 2190
BRIGADIER GENERAL RICHARD B.H. LEWIS, 1265
BRIGADIER GENERAL HENRY A. OBERING III, 3819
BRIGADIER GENERAL MICHAEL W. PETERSON, 5177
BRIGADIER GENERAL TERESA M. PETERSON, 1094
BRIGADIER GENERAL GREGORY H. POWER, 4129
BRIGADIER GENERAL ROBIN E. SCOTT, 8526
BRIGADIER GENERAL ROBERT L. SMOLEN, 7953
BRIGADIER GENERAL MARK A. VOLCHEFF, 3790

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. STEPHEN L. LANNING, 6225

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN W. BOUTELLE, 1030

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL J. MCCABE, 0987

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. WILLIAM J. FALLON, 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN G. BRANNMAN, 2227

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 29, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Fire Research Act.
SR-253

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine health care access and affordability.
SD-116

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine medical programs of the Department of Defense.
SD-192

Appropriations
District of Columbia Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the District of Columbia Courts.
SD-138

Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD-366

Foreign Relations
Business meeting to consider Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.
SD-419

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for Homeland Security.
SD-106

Judiciary
To hold hearings to examine pending nominations.
SD-226

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for foreign operations.
SD-138

2 p.m.
Indian Affairs
To hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.
SR-485

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine U.S. energy security, focusing on Russia and the Caspian.
SD-419

MAY 1

9:30 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR-253

10 a.m.
Energy and Natural Resources
Business meeting to consider comprehensive energy legislation.
SD-366

Foreign Relations
To hold hearings to examine the nomination of Roger Francisco Noriega, of Kansas, to be an Assistant Secretary of State (Western Hemisphere Affairs).
SD-419

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on streamlining and enhancing homeland security.
SD-342

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secret Service and Coast Guard.
SD-106

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Capitol Police Board and the Sergeant-at-Arms.
SD-124

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for NASA.
SD-138

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine nanotechnology.
SR-253

Intelligence
To hold hearings to examine proposed legislation authorizing funding for fiscal year 2004 for the intelligence community.
SH-219

MAY 6

10 a.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System, S. 634, to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a national historic trail, S. 635, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and S. 651, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System.
SD-366

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR-222

Energy and Natural Resources
To hold oversight hearings to examine the Department of the Interior program's addressing western water issues.
SD-366

3:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR-232A

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

4:30 p.m.
Armed Services
Personnel Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

MAY 7

9 a.m.
Armed Services
Airland Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–232A

10 a.m.
Armed Services
Readiness and Management Support Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

11:30 a.m.
Armed Services
Strategic Forces Subcommittee

Closed business meeting to markup those provisions, which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–232A

2:30 p.m.
Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

MAY 8

9:30 a.m.
Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

1:30 p.m.
Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol.

SD–124

MAY 9

9:30 a.m.
Armed Services

Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.

SR–222

MAY 13

10 a.m.
Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.

SD–366

MAY 14

9:30 a.m.
Foreign Relations

To hold hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.

SD–419

MAY 15

9:30 a.m.
Foreign Relations

To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.

SD–419

Governmental Affairs

To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.

SD–342

10 a.m.
Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.

SD–538

Indian Affairs

To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.

SR–485

2 p.m.
Governmental Affairs

To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.

SD–342

MAY 22

10 a.m.
Indian Affairs

To hold oversight hearings to examine the status of telecommunications in Indian Country.

SR–485

JUNE 3

10 a.m.
Indian Affairs

To hold hearings to examine the status of tribal fish and wildlife management programs.

SR–485

JUNE 4

10 a.m.
Indian Affairs

To hold hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.

SR–485

2 p.m.
Indian Affairs

To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

SR–485

JUNE 11

10 a.m.
Indian Affairs

To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.

SR–485

JUNE 18

10 a.m.
Indian Affairs

To hold oversight hearings to examine Indian sacred places.

SR–485

SENATE—*Tuesday, April 29, 2003*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today we are privileged once again to have our guest Chaplain, Rabbi Arnold E. Resnicoff, U.S. Navy, to lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, this week we remember nightmares, to reaffirm our dreams. On this Holocaust Remembrance Day—during this week we have set aside—our Nation recalls victims of the Holocaust: a Holocaust brave Americans took up arms to fight and many gave their lives to end. And so, before this session starts, and during a time when our brave men and women still risk their lives for better times, we pray the day will come when the lesson of this horror, the lessons of all nightmares, help make our dreams of peace come true.

From the Holocaust we learn: when human beings deny humanity in others, they destroy humanity within themselves. When they reject the human in a neighbor's soul, then they unleash the beast, and the barbaric, in their own hearts.

And so, remembering, we pray: if the time has not yet dawned when we can proclaim our faith in God, then let us say at least that we admit we are not gods ourselves. If we cannot yet see the face of God in others, then let us see, at least, a face as human as our own.

You taught us through the Bible—taught that life might be a blessing or a curse: the choice is in our hands. So many people, so many peoples, have felt the curse of life too filled with cruelty, violence, and hate. As Americans we pray—we vow—to keep alive the dream of better times; to keep our faith that we can be, will be, a force for good; a force for hope; a force for freedom; a blessing, not a curse—to all our people; to all the world.

And may we say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the nomination of Jeffrey Sutton to be a circuit judge for the Sixth Circuit. Under the previous consent agreement reached, a vote will occur on the confirmation of that nomination at 12 noon.

The Senate will recess for the weekly party lunches from 12:30 until 2:15 p.m.

Following the confirmation of Jeffrey Sutton, it is my intention to resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. It will be my hope that we can reach a time agreement for the vote on this judicial nomination.

In addition, there are a number of other legislative items that will be scheduled for action during the remainder of this week, including the bioshield bill, the digital and wireless technology legislation, State Department authorization, and other legislative or executive items that can be cleared over the coming days.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the distinguished majority leader will allow me to direct a couple of questions to him. First, we have asked before. Do you think there is any way we can have the vote on the Sutton nomination after the caucus? We have a lot of people who want to be able to discuss it in our caucus. I don't think it would in any way hurt the schedule or hold up getting to the Owen nomination by 20 minutes or half an hour, but there would be a number of Senators—especially Senator HARKIN—who would deeply appreciate it if we could have a vote at 2:15. We would even be willing to shorten our caucus to expedite the time on this and vote at 2 rather than 2:15.

Mr. FRIST. Mr. President, I have been made aware of the request. I talked to our caucus and our leadership and really would much prefer to go ahead with the vote as scheduled. A number of people made plans to come back from out of town specifically for this vote recognizing that we had made it clear the vote would be at 12 noon today. Out of consistency, when I set a time for a vote, people alter their plans very specifically to make sure they are here. Some simply can't be back, and I understand that as well. But we will go ahead and have that vote at noon today.

Mr. REID. Mr. President, we have been advised by the leader's competent floor staff that this afternoon, during the debate of Priscilla Owen, it will not be necessary for somebody to be here all day. I will be happy to be here, as the distinguished leaders know, but we would hope there would not be a vote unless the majority leader gives us some notice.

Mr. FRIST. Mr. President, for today, that is absolutely fine. We will work in good faith. The objective with all of these nominees is to have good discussion as we go forward. We want to make sure that occurs. I expect today that we will not have a vote this afternoon, and we will notify leadership in advance.

Mr. REID. One final note: We have worked during the recess. I think the position of the minority is the same as it was prior to the break. We don't think there will be any time that would be agreeable on the Owen nomination. That being the case, is it the expectation of the majority leader that he would file cloture on the Priscilla Owen nomination sometime today or tomorrow?

Mr. FRIST. Mr. President, let me get back with the leadership on the other side of the aisle. We, of course, would very much like an up-or-down vote on Priscilla Owen. If not and it is necessary for us to file cloture, it will be done either sometime this week or next week. The final decision has not been made. We would like to discuss this with you, and we will let you know once that decision is made.

Mr. REID. Finally, Mr. President, we are willing to work with the majority on judges. We have a number of circuit judges on which we think we can move very quickly. The leadership should know that.

Mr. FRIST. Mr. President, in response, I recognize that. We are making slow but consistent and steady progress. We have the vote today. We have made reasonable progress up until today. I think as judges are put forward, we will continue to consider them in an orderly way in the Senate. That being said, I am very hopeful that we can ultimately have an up-or-down vote on Miguel Estrada, someone whom we believe is the embodiment of the American dream. We will work in that regard. I hope we will be able to have an up-or-down vote on Priscilla Owen as well.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 32, which the clerk will report.

The assistant legislative clerk read the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be equally divided between the chairman of the Judiciary committee and the Senator from Iowa, Mr. HARKIN.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator DURBIN be recognized on the Democrats' time first for 20 minutes. Our next speaker would be Senator SCHUMER for 15 minutes. There will be a Republican in between, I am sure, if that is the wish. But I ask unanimous consent that our first two speakers be lined up accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I immediately proceed after Senator DURBIN for 15 minutes—that I follow him.

Mr. REID. The Senator from New York understands——

Mr. STEVENS. I reserve the right to object.

Mr. REID. There will be a Republican in between him and Senator DURBIN.

Mr. SCHUMER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this week appears to be "Judge Week" in the Senate. We are going to focus on judicial nominations.

It is interesting, as I traveled across Illinois over the last 2 weeks, not a soul raised a question about Federal judges—the debate here in the Senate. It does not seem to be on the radar screen of average Americans. It is certainly an important issue; it is one that we focus on as political parties, and it is one that I think is timely when we consider the nominees who are before us.

For the average American, it may not mean much, it may not mean much until that day comes that a decision is handed down by a court that has an impact on families across America, and businesses and individuals, because Federal judges have extraordinary power. The men and women we are considering in the Senate are being given lifetime appointments to the Federal bench. If they are good, they will be good for a lifetime; if they are bad, they will be bad for a lifetime. Most of us in the Senate will come and go, and they will still be sitting on the bench with gavel in hand, in their black robes, meting out justice according to their own values. So it is important that we ask questions and make inquiries as to what those values might be.

The judge before us today is Jeffrey Sutton. If you read about Jeffrey Sutton, you find a man of extraordinary intellect. He is a partner in a large Columbus, OH, law firm, and served as State solicitor in Ohio. He is a professor at Ohio State University Law School. He has been a law clerk for Supreme Court Justices Scalia and Powell, and he has done a number of other things which suggest that this is a thoughtful man.

There is no question as to whether he is up to the job intellectually. The question is whether he brings to the job the values that are in the mainstream of America. I would suggest that he does not.

As a result of that, I will oppose his nomination. I would like to spell out exactly why. In the cases he has taken, and the legal arguments he has advanced, Jeffrey Sutton has shown a consistent pattern of insensitivity to civil rights, human rights, and the rights of minorities, women, and the disabled in America.

Time and again, he has asked the Federal courts to remove the authority of Congress to create laws involving individual rights and liberties and to give compensation to those who have been wronged. That is the hallmark of his legal career. That is who Jeffrey Sutton is. That is what he believes.

Given a lifetime appointment to this bench in the Sixth Circuit Court of Appeals, we can predict, with some degree of certainty, he will continue in his quest to try to deny those coming before the court the right for a day in court if they happen to be disabled, victims of age discrimination, victims of civil rights discrimination, and the like.

His hearing was held on January 29, with two other controversial nominees: Deborah Cook, also a nominee for the Sixth Circuit, and John Roberts, for the DC Circuit. It was the first time since 1990 that the Judiciary Committee held a hearing on one day for three circuit court nominees. It is unfortunate. We had some time to ask Professor Sutton questions, but not as much time as we needed. I sent some written questions to him and have those responses.

But if you look at the interest in his nomination, you will find an extraordinary lineup of organizations that oppose Jeffrey Sutton. It is hard to believe, but true, that 70 national and nearly 400 local organizations oppose Jeffrey Sutton for confirmation to the Circuit Court of Appeals. Twenty-three of them are based in Illinois. The disability community is particularly alarmed. And you will understand that as I talk about some of the cases he has taken.

In our history, seldom do people stand and announce publicly they are prejudiced. That is not something you hear very often. There are a lot of things people say. Usually the shield, the explanation, and the rationale for prejudice in America is to say: I am standing up for States rights. Boy, that has been the clarion call from those who oppose universal concepts and principles of human rights and civil rights, I guess dating back to our debates in the Senate and the House about slavery, which led to the Civil War. You remember that, of course.

The States argued that the Federal Government could not impose on them a standard relative to slavery; it would be a matter of States rights. It reached such a high peak of anger and frustration that it led to the secession of States, a civil war, and the bloodiest moment in the history of the United States.

The end of that war did not end the debate. Those who continue to oppose civil rights and human rights—whether they are for people of color; for those of different ethnic backgrounds, different genders, or sexual orientation; or for those with certain disabilities—never stand up and say: I am really prejudiced against these people; I just don't like these people. They say: No, no, we are for States rights. We don't believe the Federal Government should have a standard across America for all people who are in this category. We think each State should make up a standard.

That is what former Senator Hubert Humphrey referred to as "the shadow of civil rights"—a shadow cast over America after the Civil War, until Brown v. Board of Education, a case handed down in 1954 across the street at the U.S. Supreme Court. It was finally after that decision that, as Senator Humphrey once said, we came out of the shadow of civil rights into the bright sunshine of human rights.

Jeffrey Sutton has never come out from under that shadow. In fact, he has made a legal career of extending that shadow over more and more Americans so that they would have less likelihood of prevailing when they were discriminated against. While Mr. Sutton's record is devoid of obvious manifestations of prejudice, his vision of a Federal Government with diminished power to enforce civil rights would achieve the goals of those who oppose equality.

Mr. Sutton has been front and center in some of the most important Supreme Court cases of our generation. He personally argued five of the most significant cases in the past decade before the Supreme Court. That attests to his legal skill, but it certainly speaks volumes, as well, as to what is in his heart, what he believes, and where he would stand as a judge if confronted with similar issues. And in every one of these cases, Jeffrey Sutton asked the Supreme Court to restrict the rights of the disabled, women, the elderly, the poor, and racial and ethnic minorities. He is consistent and, from my point of view, consistently wrong.

Consistently he has argued before the Supreme Court to take away the power of individuals to recover for discrimination. One of the most glaring cases is the Board of Trustees of the University of Alabama v. Garrett. I took a look at the published decision in this case because I wanted to read specifically what was at issue.

We can talk a lot about States' rights and discrimination, and the Americans with Disabilities Act, but let me read you what was at issue in this case so you understand where Jeffrey Sutton was in this argument.

This is a case involving a woman, a respondent, Patricia Garrett. She is a registered nurse, and she was employed as the director of nursing, OB–GYN and Neonatal Services, for the University of Alabama in its Birmingham hospital. I might say parenthetically, that this is an extraordinarily well respected medical institution. Patricia Garrett was director of nursing at this hospital, think of that—quite an achievement in her career.

In 1994, Patricia Garrett was diagnosed with breast cancer, subsequently underwent a lumpectomy, radiation treatment, and chemotherapy. Garrett's treatments required her to take substantial leave from work because of this cancer. Upon returning to work in July of 1995, Patricia Garrett's supervisor informed her that she would have to give up her position as director of nursing at the hospital.

Garrett then applied for, and received, a transfer to another, lower paying position as a nurse manager. She brought a case under the Americans with Disabilities Act, and she said: I think the Federal Government passed a law that said you cannot discriminate against a person because of a disability or an illness—exactly the situation that she faced.

I voted for that law. I remember it well. It brought together an extraordinary bipartisan coalition.

In a few moments, the Senate will hear from my colleague, the Senator from Iowa, TOM HARKIN. He was one of the leaders on that bill. Senator Bob Dole was a leader as well. It was bipartisan legislation which, for our generation, said: We will open up opportunities for a group of Americans who have been subject to discrimination because they have a disability or illness.

We passed the bill overwhelmingly with a bipartisan vote. I believed we were establishing a new frontier of civil rights. I was proud to be part of the debate. I contemplated, in voting for it, as many Senators did, people such as Patricia Garrett, a woman who reached a pinnacle of success in her career as director of nursing at an extraordinary hospital in Alabama, learned she had breast cancer, went through the anguish and pain of treatment, successful treatment, only to return to work after her illness and be told that she had been demoted from her position and would suffer a pay cut. She felt she had been wronged. I agreed with her.

When she turned to sue the State of Alabama, which managed the university hospital, she ran into a brick wall named Jeffrey Sutton. Jeffrey Sutton, the nominee before us, stood up and said: Patricia Garrett and people like her, who have been discriminated against by States such as Alabama, have no right to recover under the Americans with Disabilities Act. This was a decision made by Mr. Sutton to take a case which involved more than Patricia Garrett. It involved a basic principle of law. Time and again and this case stands out because the facts are so compelling that has been the story of Jeffrey Sutton's legal career.

In another disability case, Olmstead v. LC, Mr. Sutton argued it was not a violation of the Americans with Disabilities Act to force people with mental disabilities to remain institutionalized even when less restrictive settings were available. Thank God the Supreme Court rejected Jeffrey Sutton's twisted logic in that case 7 to 2. Only Justices Scalia and Thomas, the most—let me be careful of my language—conservative members of the Supreme Court agreed with Jeffrey Sutton's twisted logic.

In Alexander v. Sandoval, Jeffrey Sutton argued that private individuals did not have the power to bring lawsuits under the disparate impact regulations of title VI of the Civil Rights Act of 1964. The Supreme Court agreed with Sutton by the same 5 to 4 majority we saw in the Garrett case. As a result of his advocacy, it is now impossible for individuals to use title VI to challenge the disproportionate impact of many wrongful situations; for example, the dumping of toxic waste in poor minority neighborhoods. Congratulations, Mr. Sutton. You stood up to stop poor families exposed to toxic waste from bringing suit against those responsible for it and who chose their neighborhoods as the dumping grounds. I am sure that is a feather in his cap with some people but not with this Senator.

It is impossible to use title VI—because of Jeffrey Sutton's argument—to challenge educational tests or tracking procedures that disproportionately harm minority students.

Sutton claims that he was just being an advocate in these cases. He says he just wanted to develop a Supreme Court litigation practice. While I accept the principle that it is wrong to ascribe the views of a client to that client's attorney, I believe it is appropriate to consider which clients an attorney chooses to represent. Time and time again, Jeffrey Sutton, who is asking for a lifetime appointment to sit on a bench in a Federal courtroom and decide the fate of people such as Patricia Garrett and victims of discrimination, has chosen to come down on the wrong side of history.

Another indicator of Mr. Sutton's conservative ideology is that he is a member and, indeed, an officer of the famed Federalist Society, an organization with a mission statement claiming:

> Law schools and the legal profession are strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society.

Mr. Sutton, an officer of the organization, came before us as a nominee—no surprise. If you scratch the DNA of most of President Bush's judicial nominees, you will find the Federalist Society chromosome. I think about two-thirds of President Bush's circuit court nominees who have been brought before the committee have to pass the test of being Federalist Society true believers. Jeffrey Sutton goes beyond membership. He is an officer of the organization.

Fewer than 1 percent of attorneys across America belong to the Federalist Society. But if you want to make it big in President Bush's White House and make it to a high level, you better show credentials with the Federalist Society. That is your ticket to being considered for a nomination. Mr. Sutton had his ticket punched, as did Miguel Estrada, Pricilla Owen, Timothy Tymkovich, Jay Bybee, and Carolyn Kuhl. Jeffrey Sutton is part of a pattern of conservative ideologues that President Bush has nominated to the Federal court.

The Sixth Circuit is evenly balanced now, but the President wants to change it. He has already nominated six staunch conservatives to that court. The President is using ideology as a basis for his nomination, and the Senate should reject it.

Mr. Sutton's legal career has been spent practicing in the shadows of States' rights. He has said repeatedly how much he values federalism. Time and again he has argued important cases on the side of States' rights and not individual rights. We should reject that. We should say that as a matter of principle and practice, the men and women seeking appointments to these circuit courts of appeal, who decide tens of thousands of cases each year and are the gatekeepers for most cases before they come to the Supreme Court, should be people who are moderate, centrist, and reasonable in their views.

Jeffrey Sutton is not one of those nominees. What he brings to this nomination is an extreme viewpoint, one that should be rejected, one that certainly should not be enshrined for a lifetime at the circuit court of appeals.

I was in Alabama several months ago visiting Birmingham, Montgomery, and Selma with JOHN LEWIS, Congressman from Atlanta, GA, who was part of the civil rights movement. He told me, as we visited the shrines of the movement—the street corner where Rosa Parks boarded the bus and refused to sit in the segregated section, and the bridge at Selma where JOHN LEWIS had his head bashed in by an Alabama State trooper trying to protest civil rights discrimination—that none of that could have taken place were it not for one Federal judge with courage, Judge Frank Johnson of Alabama. He stood up to the establishment and other Federal courts and said: We are going to see civil rights in America. He had the courage of his convictions. Because of that courage, people have a chance to succeed in America today that they did not have in the 1960s.

I thought to myself, as I reflected on Frank Johnson, an unheralded hero, how many nominees to the Federal court coming before us today would have the courage and vision of Frank Johnson. Trust me, based on his record, Jeffrey Sutton would not be one of those judges.

Jeffrey Sutton, time and time again in his legal career, has stood in the path of progress toward equality and opportunity. He has denied opportunity to people who are disabled. He has denied people who have been victims of age discrimination, he has denied people of color and poor people who are looking for their day in court, he has denied them that chance.

How can we in good conscience look the other way? How can we say: this is just another political decision, this man may sit on the bench for a lifetime but it is the President's right to pick his nominees?

I don't think we can. In good conscience, we have to say no to this nominee. We have to say to the White House: Send us moderate people. Do not send us people who will preach intolerance from the bench. Do not send us people who will close the courthouse door to Americans who have no other recourse when it comes to protecting their civil rights.

Jeffrey Sutton is just that sort of nominee. For that reason, his nomination should be rejected. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. HARKIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. Will the Chair inform the Senator as to the agreement entered into and what is the time agreement?

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Illinois is to speak for 20 minutes, followed by a Republican to speak, and then Senator SCHUMER is to speak for 15 minutes.

Mr. HARKIN. Therefore, if time is running, it runs off of the other side.

The PRESIDING OFFICER. That is correct. It is being charged to the Senator speaking, but that would be correct.

Mr. HATCH. I have no objection if the Senator from Iowa wants to speak at this time.

Mr. HARKIN. The order was entered into and Mr. SCHUMER is not here.

Mr. HATCH. It is our understanding if we didn't take the floor, Senator SCHUMER would. He is not here, but I would be happy to yield to the Senator from Iowa. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, if I may ask the Chair to state the parliamentary situation now on the time. My understanding is that we had a total of 2 hours.

The PRESIDING OFFICER. Under the previous order, the time reserved until 12 noon is to be equally divided between the chairman of the Judiciary Committee and the Senator from Iowa, Mr. HARKIN. The Senator from Illinois was recognized first under the agreement. Now the Republican side has the opportunity to respond, followed by Senator SCHUMER of New York.

Mr. HATCH. Mr. President, I reserve the remainder of our time. Senator SCHUMER is now here and he can go ahead.

Mr. HARKIN. Mr. President, parliamentary inquiry: Since the other side is not speaking, does their time run?

The PRESIDING OFFICER. If someone is claiming time on the Democratic side, it would be charged to the Democrats.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, before I begin, was the Senator from Iowa seeking extra time?

Mr. HARKIN. Under the previous order, how much time was the Senator from New York given?

The PRESIDING OFFICER. He is to have 15 minutes.

Mr. SCHUMER. Could my colleague from Iowa proceed following me?

The PRESIDING OFFICER. By consent.

Mr. HATCH. I have no objection if the Senator from Iowa would like to follow the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I was informed that I may reserve time for the end of the debate also.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I understand the time is divided equally. Whatever is left, they would use.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. As long as it is on their time, it is fine with me.

The PRESIDING OFFICER. The time will be charged to the Senator speaking.

With that understanding, the Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in opposition to the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals. I am going to get into Mr. Sutton in a minute, but I just say that Mr. Sutton is another example of nominees who have been nominated who are not simply mainstream conservatives but are way over to the right side. That is what we have seen in this judicial process. We have seen nominee after nominee after nominee who is not simply a mainstream conservative—we voted for most of those—but a nominee who is a passionate ideologue and whose major view—if you had to underline it all, perhaps with the exception of the issue of choice—is a wish to curtail the power of the Federal Government.

They, in a very real sense, wish to turn the clock back—many not to the 1930s but even to the 1890s. There has been 100 years of history that the Federal Government expanded its power to deal with injustices that occurred with individuals. Keeping in concept with a limited government and a free market society, the general consensus in our society has been to move forward. There have been ebbs and flows. I think there was legitimacy to Ronald Reagan. There had been 50 years of Federal expansion and he said retrench. Since that time I think there is no groundswell among the American people to turn the clock back to 1930 or 1890. Any attempts by either the President or the Congress to do that are always defeated, or almost always defeated in the long run because those two parts of our Government, the article I part, the Congress, and the article II part, the Executive, are elected.

What has happened here, Mr. President, is that those who wish to turn the clock back—a narrow band of ideologues—have either captured the President's ear or certainly captured the nomination process, and they put forward nominee after nominee after nominee who is beyond the mainstream—not people who disagree on views but people, if they sat in this Chamber, would be more conservative perhaps than any of the 100 Senators. But they are not elected.

The President and his allies thought they could do this without a whimper. Some of us, a year and a half ago, said we were going to question these nominees on their ideological views, on their judicial philosophy. Initially, there was an outcry, but I think basically the argument has been settled.

Certainly, there is a right to ask nominees about their views. Secondly, I believe there is an obligation because the article III section of Government, the judiciary, has huge power. The nominees, if they become members of the bench, are there for life. This is the only chance because the White House doesn't vet their views. In fact, there seems to be a philosophy in the White House to tell the nominees to say as little as possible, and the apotheoses of that was Miguel Estrada, who was like a Cheshire cat and would not say a single thing about his views. But with the problems that Mr. Estrada has had on this floor, I think that philosophy is not going to work.

My guess is if any other nominees to the court of appeals took the strategy of not dare telling us how they think on anything, they would reach the same fate as Mr. Estrada, and they would not be supported by a majority here. They will not be nominated either. Mr. Sutton is one of these nominees. He is not merely a conservative judge. In fact, as I said, conservative judges are nominated—there is a nominee, for instance, in the Fifth Circuit who is pending right now, Judge Prado. Judge Prado is conservative, but he is not out of the mainstream. He is Hispanic. He is nominated to the Fifth Circuit. The majority doesn't bring him forward. Why? Because they know he will be supported by the majority on our side. Instead, we are going to refight the nomination of Priscilla Owen, one of the judges like Judge Sutton who is way over.

The point is that we are not blocking every judge. I don't have the exact number, but of approximately 110 or 120 of the President's nominees, I have supported around 100. And 111 out of 116 of the President's nominees have been confirmed. I voted for all 111 of them.

There are some who are so far over that we have to say no. Mr. Sutton is such a nominee. I just wish our President would understand this, would treat the Senate with some respect, would understand that the checks and balances in this Government make sense, and that he cannot just give the nominating process to a small group of ideologues, led by the Federalist Society, who have a view—a very respectful view, but it is out of the mainstream, way out of the mainstream.

Very few people believe the Federal Government's role should be cut so dramatically that we go to a Federal Government ala 1930 or 1890. So I believe our fight on these issues is gaining support, not losing it. It is a tough fight to make.

Why not give the President his way? No one knows the damage these nominees will do because they have not heard these cases. I will say that when our caucus rallied and coalesced around opposing the nominee Miguel Estrada and not letting him come to a vote until he was doing what the Founding Fathers wanted him to do, discuss the issues, we did not do it in this caucus for political advantage. We did it because we were so appalled by the arrogance of a nominating process that said the advise and consent process could be ignored and the nominee could say, I cannot answer this because I might have to judge it on a future case. No other nominee has done that.

In fact, yesterday, in my State, I was proud to support a nominee of the President named Judge Irizarry, another Hispanic nominee. I called her into my office and talked to her. I said, give me some court cases you do not like. And without flinching, this woman, educated, I believe, at Columbia and Yale, an excellent lawyer, an excellent judge, told me two cases, one she disagreed with from the right, one she disagreed with from the left. I told the White House, let's move her.

So this is not an issue of Hispanics or women. This is not an issue of being obstructionist. This is very simply an issue about the Constitution and about some degree of balance that ideologs—neither ideologs of the far left nor ideologs of the far right should capture the judiciary, because when they do, they do not interpret the law, which is what the Founding Fathers wished them to do but, rather, they make law.

The great irony is the conservative movement in the 1960s and 1970s had a revulsion towards judge-made law. I remember arguing with some of my classmates in college about this. All of a sudden it has flip-flopped and now activism on the rightwing side is okay, turning the clock back, which certainly in an Einsteinian way, and I think in a general way, is as much changing direction as moving it forward, is not activism but fidelity to the Constitution? Judge after judge will reverse precedent—that is what activism is—when they should not.

So I believe, with every bone in my body, with every atom in my body, that we are doing the right thing here—that we are doing more than the right thing; we are doing the Nation a service. If we succeed, no one will ever know because the kinds of cases that would be ruled on will not come to the fore. If we fail, people will know, but it may not be for 5 or 10 years. It is the right thing to do. We know it, and I believe most people over there know it.

These are not nominees who are mainstream. They are not the kinds of nominees Bill Clinton generally nominated, people who were to the liberal side but not out of the mainstream, not a whole lot of legal aid lawyers or ACLU advocates but, rather, partners in law firms and prosecutors. That was the Clinton nominee.

Here, it is nominee after nominee who sort of with a passion wishes to say the minute the Federal Government moves its fingers, chop them off.

Let's talk a little bit about Mr. Sutton, because I think he fits that extreme mold. Now to his credit—and I want to give him credit—he answered questions when we asked him. He was not silent like Miguel Estrada. I do not hear anybody saying he is violating Canon No. 5 of the lawyers' ethics by saying how he felt on certain issues. That was why Mr. Estrada would not tell us things.

In general, some of the cases he has talked about advance an agenda that is antirights, antifairness and, in my judgment, antijustice. Probably the most notorious is Patricia Garrett. There, he sought and obtained—this was not just someone who looked up his name in the phone book, went and looked up an "S" and came to Sutton. He went out of his way to find the opportunity to oppose a breast cancer patient's bid to vindicate a right to keep her nurse's job. In other words, she was fired because she had breast cancer.

He went so far as to argue the Congress had no power under the 14th amendment to protect the disabled. Whether you agree or disagree with the view, it is clearly an attempt to say the Federal Government, in the kind of general, gradual, fitful progress we have made to protect the rights of individuals, should be pushed back.

In the case of Westside Mothers, Mr. Sutton again grabbed the opportunity to oppose a group of mothers whose children were being deprived of services under Medicaid. Mr. Sutton apparently believed impoverished children should not have the right to force the State they live in to provide them services that Congress guaranteed to them. Again, cut the Federal Government back.

In another case, Mr. Sutton sought the opportunity to file a brief arguing Congress does not have the power to address violence against women and argued that significant portions of the Violence Against Women Act were unconstitutional.

Do my colleagues think most of America agrees with that? Do they think most of America thinks Congress has no right to legislate, particularly when there are findings that say this is interfering with commerce and interfering with women's rights to hold jobs and be productive citizens? It is sort of obvious if a woman is beaten at home, that that will interfere. Do my colleagues think most Americans agree with Mr. Sutton to say there should be no Federal power to do it?

The bottom line is, in case after case, Mr. Sutton has sought the opportunity to represent States rights at the expense of individual rights. He has sought the opportunity to seek injustice at the expense of basic fairness, guided by some ideological construct that the Federal Government is bad, it is evil, it grabs too much power, in ways that most Americans, 95 percent—99 percent, maybe of all Americans—would have no problem with.

The PRESIDING OFFICER. The Senator from New York has used 15 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given an additional 5 minutes of our time.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. How much time do we have remaining?

The PRESIDING OFFICER. Nineteen minutes 38 seconds.

Mr. HARKIN. Five more minutes.

Mr. SCHUMER. I thank my colleague for his generosity.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Now, it is no exaggeration to say Jeffrey Sutton is one of the architects of the rightwing revolution that is taking place in our Federal courts. In hearings before the Judiciary Committee, he claimed he was trying to build a Supreme Court practice and he cannot be condemned for the views espoused in his advocacy, because lawyers have to represent their clients. Generally, that is true. If Mr. Sutton were a public interest lawyer taking all cases that come to him, I would agree. If he were a junior associate taking the cases partners assigned to him, I would agree. If he had a diverse array of cases taking different ideological perspectives, I would agree. But the cases Mr. Sutton took reflect a clear agenda. He believed in what he was doing.

In one interview, Mr. Sutton said: I love this Federalism stuff. It was obvious to me, at least, that at the hearing this was a personal agenda for him. He has taken positions far beyond what his clients' interests have demanded. His record, viewed as a whole, makes clear he has an agenda and his career has been devoted to advancing that agenda.

Frankly, I do not believe someone with such strong against-the-grain ideological views will simply set them aside to become a fair and neutral judge. That is a pretty tough thing to do.

So the bottom line is we have another nominee from the extreme, another nominee clearly bright, clearly accomplished—I have no dispute with his intellectual character or his ethics, but he comes from way outside the mainstream. It is a pity this judge divides us, does not unite us. If every judge the President nominated were that way, I would say it is not much of an argument, but it is just some. So I would urge my colleagues to oppose Mr. Sutton.

Frankly, I think a large number will. I think because Mr. Sutton answered questions and other reasons that there is not going to be a prevention of his nomination from coming to a vote. He certainly adds weight and burden to future nominees because many Members want to seek balance on the courts. Jeffrey Sutton does not bring a bit of balance to the courts. It continues the push, bringing them far over to the right side to eliminate the powers of the Federal Government or to greatly reduce the powers of the Federal Government at a time when only a small band of ideologues is demanding just that.

I yield the remainder of the time I have not used to my colleague from Iowa, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides. Senator HARKIN from Iowa has 16 minutes and the chairman of the Judiciary has 53 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, it is an odd game that is being played here by the majority party of the Senate. First, we asked a vote be put off until after the caucus this afternoon. The majority leader could not even do that. Why do they want to rush a vote at noon after we have been gone for 2 weeks? Senators have just come back. Some Members wanted the opportunity to talk about Mr. Sutton in our caucuses. The majority leader says no, we will vote at noon; we cannot vote at 2:15. We will not have any other votes today but they want to ram this through and vote at noon. I know our assistant minority leader, Senator REID, asked if we could have the vote later on and the majority leader objected. Why? What are they afraid of?

Again, I point to an incident that happened today and yesterday that again illustrates why people with disabilities have every reason to be out here in the lobby today—and the reception room—opposing Mr. Sutton's nomination. We had a room reserved, the Mansfield Room, for a press conference this morning for disability groups. Somehow yesterday it was taken away from us. We do not know why; it was just taken away. Then we were told we could use the LBJ Room—fine—at 10 o'clock. People with disabilities lined up outside to come in to that press conference at 10 o'clock, but they were not allowed to come in until 9:30. People with wheelchairs, people what seeing eye dogs, people who are hearing impaired, standing in line out there to try to come in here to exercise their legitimate rights; yet they are held up out there because it takes a long time to process them and get them through.

When I heard this was happening, I called Mr. Pickle, the Sergeant at Arms, and he rushed right down there and he made sure they got through. I thank Mr. Pickle.

But why do we have to do that? The people who are down there should have been treated just like a banker, a financier, or K Street lobbyist who come up here when we have votes on the floor. And they were not—until Mr. Pickle went down there and straightened things out.

People with disabilities struggle every day just to get through. We had years, decades, centuries of discrimination against people with disabilities in this country, so we passed the Americans with Disabilities Act in 1990. Mr. Sutton, the nominee before the Senate, says it is not needed. It was not needed? On National Public Radio he said "disability discrimination in a constitutional sense is difficult to show."

We did not think it was that difficult: 25 years of study by the Congress, starting in 1965 with the National Commission on Architectural Barriers, through 1989—25 years. And then Congress, recognizing that we had left out of the Civil Rights Act of 1964 people with disabilities.

After all the studies—we had 17 hearings, we had a markup by five separate committees, 63 public forums across the country, held by Justin Dart, who was President Reagan's appointee to head the National Committee on People With Disabilities. Justin Dart collected over 8,000 pages of testimony of individual acts of discrimination against people with disabilities in this country. Attorney General Thornburg testified on behalf of it and said it was needed, along with Governors and State attorneys general. We had over 300 examples of discrimination by State governments in the legislative record—300 examples of discrimination by State governments. Yet when Patricia Garrett of Alabama was fired from her job because of her disability, Mr. Sutton, in representing the State of Alabama, just said that is tough; we do not need the ADA. He said it is not needed. Well, Congress thought it was needed and people with disabilities all over this country knew it was needed also.

I make it clear, I am not accusing Jeffrey Sutton of having any personal animosity toward people with disabilities. I spent an hour and a half with him. I don't believe he does. But what he does have is a very narrow, rigid view of the law which he summed up best when he said that in the contest involving these laws between the Federal Government and States rights, it is a zero sum game. In other words, if a claimant on civil rights under a Federal civil rights statute, for example, such as the Americans with Disabilities Act, if that person wins against a State that does not protect those civil rights, then somehow the State loses. The Federal Government wins and the State loses. He says it is a zero sum game.

What an odd view to have that somehow if the civil rights of people with color, the civil rights of women, the civil rights of the elderly, the civil rights of people with disabilities, if somehow they are constitutionally upheld by the Federal courts, a State loses—an odd, odd view. But that is Mr. Sutton's view, a narrow, rigid, interpretation of the law that does not recognize what we did, that does not recognize the history of discrimination, only his own ideology about how that law should be interpreted. If civil rights wins, the State loses, according to Mr. Sutton.

This is what the New York Times said yesterday morning in the editorial: "Another ideologue for the courts." Not that he is a bad man. I am not saying he is a bad man at all. I am just saying his views are antithetical to civil rights laws in this country. That is why over 400 civil rights groups in this country have come out in opposition to Mr. Sutton. Never before have all these groups come together to oppose a nominee to the Federal bench. Maybe this group or that group might have opposed this judge or that judge, but never before have all 400 come together in opposing Mr. Sutton. Yet we are told we have to rush the vote. We have to vote. We cannot debate it. We can't talk to our caucuses; we have to vote at noon.

We hear all this talk that Mr. Sutton was just representing his clients. He wasn't just representing his clients. In his writings, in his statements, in his sayings outside the courtroom, he says his ideology, his belief is that it is a zero sum game. He believes in this federalism stuff.

He says any congressional staffer with a laptop can make constitutional law. That is not what we did when we passed the Americans with Disabilities Act. We spent years documenting discrimination against people with disabilities.

People may get up and say, "I voted for the Americans with Disabilities Act." "I cosponsored the Americans with Disabilities Act." Fine, we appreciate it. It passed the Senate 90 to 6. But I don't understand how you can say you voted for it, you supported the Americans with Disabilities Act, but now you want to put a judge on the bench who wants to undermine that law and has so stated and has so written, that he would be willing to undermine it in preference to States rights.

In 1948, the then-mayor of Minneapolis, Hubert Humphrey, stood up in front of the national convention of the Democratic Party when then Strom Thurmond, who later became a Senator, walked out, took the South with him, and formed the Dixiecrat Party because they didn't like the civil rights plank in the Democratic platform in 1948. It was then-Mayor Humphrey who got up before that Democratic convention and said: It is time we get out of the shadow of States rights and into the sunshine of human rights.

He was right. The history of this country since then has been one of ensuring the civil rights and civil liberties of our citizens.

I say to my fellow Senators, when you come over to vote, go through the reception room. You will see dozens of people there: Hearing impaired, some who are blind, people who use wheelchairs—people with all forms of the different types of disabilities. They are there. Walk by them and tell them you are going to vote for Jeffrey Sutton. Tell them you are going to vote for Jeffrey Sutton because you believe their individual States will protect their civil rights; that the individual States will take care, will make sure they are not discriminated against.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. I will.

I just hope Senators will go by and, rather than saying they are going to vote for Sutton, will strike another blow for civil rights in this country and tell the assembled people with disabilities out here in this reception room that we are going to say no to Mr. Sutton and we are going to set a higher standard for our Federal judges.

Let's defeat this nominee, not on a personal basis, but let's have judges who will understand that upholding people's civil rights against States rights is not a zero sum game. When we win on our civil rights, we all win.

I am glad to yield to my friend from Nevada.

Mr. REID. I said yesterday evening as we closed how I appreciated the statements of the Senator from Arkansas yesterday and how the statements were based on substance. A lot of times when we come to the Senate floor we talk in the abstract. You have not. I was touched when I heard the Senator from Iowa speak of his brother who was sent to a school for the deaf and dumb—even though he was not dumb; he just couldn't hear.

Mr. HARKIN. That is true.

Mr. REID. I want the Senator to answer this question. The Senator from Iowa remembers Congressman Jim Bilbray, a Congressman from Nevada. When he was living back here, he had a daughter who had graduated from high school and invited one of her friends from Nevada to come back to Washington. They were trying to find accommodations for her friend, who was a paraplegic. He was confined to a wheelchair. They called over 50 hotels and motels before they could find a place to stay for this young man with his wheelchair. That was prior to the Americans with Disabilities Act.

Is the Senator from Iowa describing what my friend Congressman Bilbray's daughter went through, trying to find State-protected rights for people with disabilities?

Mr. HARKIN. I say to my friend from Nevada, when my brother Frank was out of school and in the workforce, I remember I was in the military. I was a Navy pilot. I was down in Florida. I wanted my brother to come down and visit me on one of his vacations. He didn't want to do that. I was wondering why.

He said, You know, I am really concerned. I can get a car; I have a driver's license. But he was afraid of staying in hotels and motels because he was concerned because he had read about a couple of motel fires. He said, What if I am in a motel or hotel and there is a fire? I won't be able to hear anything. So he was afraid to travel.

Today when you go to hotels or motels, they have lights that flash and modest little improvements to make sure people with disabilities can basically enjoy the same things we do.

The Senator from Nevada has accurately described what this country was like before the Americans with Disabilities Act. Architectural barriers? My nephew is an architect. After the act was passed, I remember my nephew said, Now we can start designing buildings the way they ought to be designed, with universal accessibility. That is happening today.

There was a young child turned away from a zoo because the child had cerebral palsy. The child was turned away from the zoo because they were afraid that child would scare the chimpanzees. That is a true story.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for 5 more minutes.

Mr. REID. Mr. President, I had spoken to the majority staff. The majority leader wants the vote at noon. However, the majority, of course, has indicated if we need another 5 minutes on each side, that would be fine. So I ask unanimous consent the time for the vote be scheduled at 12:10, rather than 12, and that each side have an additional 5 minutes.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, the distinguished Senator from Iowa is concerned that they have used up their time. I would have yielded him some time from my time if necessary. So there is no desire to mistreat him or to treat him unfairly.

But let's just get the facts here. The nomination of Jeffrey Sutton has been sitting here for 2 solid years and now we hear complaints that we have to have a vote at 12:10 or 12? Come on.

Plus, I get a little tired of hearing from the other side that they seem to be the only people who care about persons with disabilities. I can tell you that bill would not have passed had it not been for people on this side, and I was one of the leaders. I managed the floor for the Americans with Disabilities Act. I was in all the meetings. I helped to negotiate the compromise with the White House. I helped to resolve the problem. And I feel every bit as deeply about persons with disabilities, and so do all of my Republican colleagues, as do my wonderful friends on the other side, who seem to think they are the only ones who care about persons with disabilities, or civil rights.

The fact is that had it not been for the Republican Party, the Civil Rights Act of 1964 wouldn't have passed. I get a little tired of this holier-than-thou attitude—that they are the only ones who understand and they are the only ones who feel deeply about it.

I managed the floor the day we passed the Americans with Disabilities Act—and I went with the distinguished Senator from Iowa outside to meet with the folks who were suffering from disabilities, and we both broke down and cried because we were so happy to have passed that bill. I remember the day that I carried my brother-in-law through the Los Angeles temple in my arms with a great effort because he contracted both types of polio. He contracted polio and became a paraplegic who went on to finish his undergraduate, and went on to receive his master's in electrical engineering. He worked up to the day he died, although he came home every night and got into an iron lung.

So I hope our colleagues on the other side quit suggesting that we don't seem to understand on this side the problems people have with disabilities. We do understand.

Jeffrey Sutton worked for his father who ran a school for kids with cerebral palsy. To have him maligned here today and yesterday the way he has been, after 2 years of sitting here waiting to get a chance to have a vote up or down, goes a little bit beyond the pale.

I support this nomination of Jeffrey Sutton to be a judge on the Sixth Circuit Court of Appeals precisely because he is a person of capacity, decency, and honor who cares for those with disabilities. He is one of the top appellate lawyers in the country. He has nearly the highest rating from the American Bar Association. They don't give that rating out easily. To have him presented here today as outside of the mainstream—that means outside of the way certain Senators on the other side believe—well, I have to say that isn't the description of the mainstream. Mr. Sutton is one of the top appellate lawyers in the country. He has argued over 45 appeals in this country—appeals for a diversity of citizens in Federal and State courts across the country, including an impressive number—12 cases—before the U.S. Supreme Court. And I hear that he is outside the mainstream because he wins his cases before the Supreme Court? In a couple of cases, he lost. They disagree with that, too.

I happen to believe the Supreme Court decides what mainstream is, in many cases. They are not always right; I admit that. I was disappointed in some of their decisions. But the fact is he has been more in the mainstream than some of his critics. He understands what mainstream is. In 2001, he had the best appellate advocate record of any advocate before the Supreme Court, arguing four cases and winning all four of them. The fact that my colleagues on the other side do not like the results in those cases—a number of which were decided unanimously by the Supreme Court—shows they are outside the mainstream.

On January 2, 2003, the American Lawyer named him one of the best 45 lawyers in the country under the age of 45. That doesn't sound like somebody who is out of the mainstream.

He is an outstanding nominee. I urge all of my colleagues to support him.

I am happy to yield time to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Utah.

After 2 years, in about an hour from now we will finally be voting on the nomination of Jeffrey Sutton, 2 years after his nomination was submitted by President Bush to this body.

I spoke twice yesterday in the Chamber in regard to his nomination, so I will not take much of my colleagues' time today to talk about the nomination. I have listened to my friends' comments—they are my friends—who oppose this nomination. I have a great deal of respect for them. But I believe I had to come back to the floor this morning and respond, however briefly, to their comments.

As I have listened to their comments, it has become clear that the opposition to Jeffrey Sutton really does boil down to this: The fact that the opponents to Jeffrey Sutton, those who in a few moments will vote against his nomination, do not like the positions he has taken in cases he has argued. The Garrett case is a prime example.

Mr. President and Members of the Senate, as I said yesterday, and as I explained in more detail than I will today, I thought Jeffrey Sutton's own argument on behalf of the State of Alabama in the Garrett case was wrong. This Senator from Ohio believed it was wrong. And the U.S. Supreme Court decided that I was wrong. They decided that Jeffrey Sutton and the State of Alabama were right. I happen to still think the Supreme Court got it wrong. I still happen to think Mr. Sutton's arguments on behalf of his client, the State of Alabama, were wrong.

But the fact remains that Jeffrey Sutton was simply acting as a lawyer. He was acting as a lawyer—and in this case a successful lawyer—representing his client. If you analyze the different criticisms and the different cases, what you will find time after time after time is that he was acting in his capacity as a lawyer, and a pretty successful lawyer.

If we would deny Jeffrey Sutton the ability to serve on the Federal bench because we do not like his clients, or we do not like the position of his clients, or we do not like his advocacy for those clients or the position he took as a good lawyer following the canons of judicial ethics, it would set a very dangerous precedent for this Senate. It would have a chilling effect on the practice of law in this country.

Every lawyer in this country who had any thought or any ambition of ever serving on the Federal bench—I will guarantee that there are an awful lot of them out there who someday will have some dream in their mind of serving on the Federal bench, however realistic or not it might be—each one of them would have to think: Gee, is my representation of this client, is my representation of this particular cause going to somehow affect my ability to get on the Federal bench? Will some judiciary committee, will some U.S. Senator, will some White House in the future look at this and say, oh, that was a bad cause, that was something that was just too controversial?

No, my friends in the Senate, we don't want to go down that path. That is a wrong path to go down. We know better. We know better than to do that.

My colleagues on the other side of the aisle have said: No, that is really not what we are talking about. We are not talking about his representation of someone in court. We are talking about what he said outside of the court. I think we have to look at that.

I submit to Members of the Senate, when you look at that allegation, and when you strip it away and look at the real facts, what you find is, in the cases that we look at, Jeffrey Sutton was still working as a lawyer.

I will give you an example: The famous NPR interview, National Public Radio interview, that has been cited time and time again on the floor by the opponents. There are quotes from Jeffrey Sutton about that, and people say: Oh, look. He was talking on National Public Radio, and he was not serving as a lawyer then, or he was not arguing a case in front of the United States Supreme Court; that must have been his own ideas.

What my colleagues fail to mention is that interview was done in conjunction with an oral argument in front of the United States Supreme Court. If I am not mistaken, I think it was actually the same day he was making the oral argument in front of the United

States Supreme Court. He was talking, I believe, about the Garrett case, and he was telling the interviewer from NPR what his oral argument was going to be.

We would obviously expect him not to disagree with what his oral argument was going to be. We would not expect him to say anything inconsistent with what his oral argument was going to be. And we would expect him to advocate for his clients and say the same thing on National Public Radio that he would say in the courtroom of the United States Supreme Court. So again, Mr. Sutton was acting as a lawyer.

So to put it in a common term, it is a "bum rap." This man has a right to be a lawyer—not only has a right to be a lawyer, he has an obligation to be a lawyer. It is what he has to do once he takes a case.

He is a good lawyer. He is a lawyer who has done his job. He is a lawyer who is well qualified to serve on the Federal bench. I hope my colleagues, when they come to the floor, will consider his life experiences, his life's work, things he has done outside the courtroom as far as community service, as well as how well respected he clearly is by courts, by his colleagues, and by the community. Therefore, I hope my colleagues will vote to confirm Jeffrey Sutton to the Sixth Circuit Court of Appeals.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also compliment my esteemed colleague from Ohio for his excellent remarks. Nobody knows this man better than the distinguished Senator from Ohio. And, frankly, I know him quite well myself. We ought to pay attention to the people who know him and not make up stories about him, which I think is what is happening.

I have seen more and more of a vindictive approach against President Bush's judgeship nominees than I have ever seen in my 27 years in the Senate. To malign these people who have the highest rating from the American Bar Association, as though they are not in the judicial mainstream, I think is hitting below the belt. And everybody suspects the reason why this hitting below the belt is occurring is because, No. 1, they think he might be pro-life. I do not know what he is as far as that particular issue. The fact is, no single issue should stop somebody who is otherwise qualified from serving in the Federal Government and serving his fellow human beings in this country.

But No. 2 is, they are afraid this fellow has Supreme Court potential, as many of President Bush's nominees have who have such high ratings. So there is a deliberate attempt to damage him on his way up to the Sixth Circuit Court of Appeals so he will never be nominated for the Supreme Court.

Mr. President, I support the nomination of Jeffrey Sutton to be a judge on the Sixth Circuit Court of Appeals because he is worthy of it. Mr. Sutton, like I say, is one of the top appellate lawyers in the country today. There is no question about it. I have mentioned how many cases he has argued, appellate cases, and at least 12 before the Supreme Court, winning most of them. I spoke yesterday at length about Mr. Sutton's extremely accomplished legal record and the numerous letters of support I have received on his behalf.

Let me just take a few minutes today to discuss some additional points my colleagues on the other side have raised.

Specifically, I would like to respond to the points raised on the topic of federalism. It is as though they do not believe in federalism, they only believe the Federal Government should have total control over everything. It is one reason I left the Democratic Party long ago, because I realized there is a principle of federalism that is hallowed in this country, constitutionally hallowed.

Mr. Sutton has argued three very important cases that have resulted in hotly debated U.S. Supreme Court opinions concerning the scope of Congress's power under section 5 of the 14th amendment to regulate State governments. Some of his critics—and a number of them, almost all of them—have suggested his involvement in these cases should somehow disqualify him from the bench.

I think everyone here knows I have worked hard to enact some of the very laws Mr. Sutton argued against on behalf of his clients as an advocate, which is his responsibility as an attorney. Together with my good friend and colleague, the senior Senator from Massachusetts, and others, I worked very long hours on the Religious Freedom Restoration Act, which was struck down in the City of Boerne case. I was one of the principal sponsors of and managed the floor for the Americans with Disabilities Act, a small portion of which was limited by University of Alabama v. Garrett, a case argued by Jeffrey Sutton. I also worked closely with the distinguished Senator from Delaware on another law that the Supreme Court, in the Morrison case, found, in part, to be beyond Federal authority—the Violence Against Women Act.

It is important to understand that, notwithstanding the suggestions of some of my Democratic colleagues yesterday, the arguments Mr. Sutton advanced on behalf of his clients in Garrett and Morrison did not advocate an outright repeal of the ADA or the Violence Against Women Act, nor did those arguments suggest the purposes of those laws were not worthwhile. Ultimately, the Supreme Court's decisions in those cases did limit certain aspects of those pieces of legislation, and I will admit it was disappointing to see that happen after I put so much time and energy into their enactment.

Under these circumstances, it would be relatively easy for me to take cheap shots and criticize Mr. Sutton for the role he played as an advocate in those cases. But I am certainly not going to do so, for the simple reason that ascribing to Mr. Sutton the positions of his clients is wrong, it is unfair, it is not right, it is beneath the dignity of those who are attorneys who understand that advocates are advocates, and they should carry the best argument for their clients they can.

This principle is so fundamental that it hardly merits mention, and yet you hear these arguments like he should not have done that. If we should not do things as attorneys, maybe there will not be any advocates to advocate for various positions.

Moreover, as a substantive matter, none of Mr. Sutton's arguments can fairly be characterized as outside the mainstream—not one.

In the City of Boerne v. Flores, a 6-to-3 decision he won, dealing with the Religious Freedom Restoration Act, none—none—of the Supreme Court Justices disagreed with the position Mr. Sutton advocated in that case—none. All nine agreed with him. So he is outside the mainstream of American jurisprudence? Guess who is outside the mainstream. It isn't Mr. Sutton. It is this desire that everybody think in lockstep, and do in lockstep, what some on the other side think ought to be done. No Justice disagreed with him.

Now, as much as my colleagues do not like the Supreme Court, I have to tell you, they are a coequal branch of Government, and they do help us to know what the law really is. And none of them disagreed with Mr. Sutton.

The same was true in Kimel v. Florida Board of Regents—not one Justice on the Supreme Court disagreed with the interpretation of the 14th amendment Mr. Sutton advanced in that case—not one. Who is outside the mainstream? It certainly isn't Mr. Sutton.

Now, I will concede the Garrett case was a bit narrower, but it was still a 5-to-4 decision. Five of the Justices voted with Mr. Sutton's argument in that case. Nevertheless, almost by definition, I think legal arguments which garner that kind of support in the Supreme Court simply cannot be pegged as outside of the mainstream of American legal thinking as to be somehow unworthy of an advocate—or a judicial nominee.

I agree. My colleagues don't agree with him or didn't agree with his arguments. I didn't in some ways. But that disagreement should not stop us from voting for a person who, as an advocate, had an obligation to make those arguments and who won on his arguments.

I would also like to discuss Mr. Sutton's comments in the media mentioned during the course of this debate. Much ado has been made about his comment reported in the Legal Times that:

> It doesn't get me invited to cocktail parties, but I love these issues. I believe in this Federalism stuff.

Tell me what is wrong with that. Federalism is a hallowed principle of constitutional law. I believe in it, too. I believe deep down some of my colleagues on the other side believe in it, although I have to admit, I think a number of them don't. They are wrong not to. They are outside of the mainstream of American jurisprudence.

Well, federalism is not a bad word or an unpopular concept. It is a well-established part of our system of government. As the Supreme Court noted in its 1995 decision in U.S. v. Lopez:

> Just as the separation and independence of coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.

The court also noted that:

> This constitutionally mandated division of authority "was adopted by the framers to ensure protection of our fundamental liberties."

Who is outside of the mainstream of American jurisprudence? Certainly not Mr. Sutton. Some of these arguments made against him are outside. I admit that.

That is what federalism means. Like Jeffrey Sutton, I believe in it, too. I think anybody who understands constitutional law must believe in it. We could differ as to how it should be applied in all cases, but those are political arguments. Frankly, an advocate has an obligation to represent his client and do the best he can for them, which Sutton did, and he won.

Just as I believe in the separation of powers of the three branches of the Federal Government, believing in federalism does not mean you always believe States should prevail in any given dispute. Mr. Sutton doesn't believe that; neither do I. As I have stated before, I am disappointed any time the Supreme Court holds unconstitutional any legislation for which I fought and bled, that I vigorously worked to enact. However, I do believe in the Federal system that our Founders created and the courts have protected over the years. I cannot derive from Mr. Sutton's quote that he meant anything more than he believed in federalism as a structural component of our American system of government, something I think is certainly true.

I want to make a few points about Mr. Sutton's record which has been attacked, I believe, unfairly. We are getting used to that in the Senate. Some suggest that the few cases in which Mr. Sutton has represented States, in what some consider unpopular causes, demonstrates a bias towards States rights. However, Mr. Sutton has represented a wide range of clients in his legal practice. In those cases where he represented States, he was either acting in his official capacity or was hired by the State and paid a full fee. However, he has represented a significant number of clients with very diverse interests on a pro bono basis. These clients include death row defendants, prisoner rights plaintiffs, the National Coalition for Students with Disabilities, the NAACP, the Center for Handgun Violence—to name a few. I notice some of my colleagues on the Judiciary Committee on the Democrat side have sent out a letter criticizing him, saying he has never done anything for civil rights. What are those cases?

In addition, I recently received a very supportive letter from Mr. Riyaz Kanji, a former law clerk to Supreme Court Justice David Souter and Judge Betty Fletcher of the Ninth Circuit, neither of whom would be considered conservatives by any judicial measure. He said that he contacted Mr. Sutton in advance to ask for assistance on an amicus brief for the National Congress of American Indians and an Indian law case pending before the U.S. Supreme Court. Mr. Kanji wrote:

> Mr. Sutton took the time to call me back from vacation the very next morning to express a strong interest in working on the case. In our ensuing conversations, it became apparent to me that Mr. Sutton did not simply want to work on the matter for the small amount of compensation it would bring him (he readily agreed to charge far below his usual rates for the brief), but that he instead had a genuine interest in understanding why Native American tribes have fared as poorly as they have in front of the Supreme Court in recent years . . . I think it is fair to say that most individuals who are committed to furthering the cause of State's rights without regard to any other values or interests in our society do not evidence that type of concern for tribal interests.

I would also like to share a letter from a good friend, former colleague to all of us in this body, Senator Robert Dole. Senator Dole was also in the meetings when we were able to arrive at a final conclusion on the Americans with Disabilities Act. He was instrumental in passing the Americans with Disabilities Act. Senator Dole is a well-known advocate for the rights of disabled Americans. He wrote a letter to the Judiciary Committee strongly supporting Jeffrey Sutton because of his "demonstrated commitment to safeguarding the rights of all Americans, especially those of persons with disabilities."

I ask unanimous consent to print a copy of the Dole letter in the RECORD, along with some of the copies of other letters of support for Jeffrey Sutton's nomination that the committee has received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BOB DOLE,
Washington, DC, January 16, 2003.
Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On May 9 of 2001, President Bush nominated to a vacancy on the U.S. Court of Appeals for the Sixth Circuit one of the most distinguished lawyers in the United States: Jeffrey S. Sutton of Columbus, Ohio. I ask that you join me in backing Jeff's nomination, which I support in part because of his demonstrated commitment to safeguarding the rights of all Americans—especially those of persons with disabilities.

As you know, some in the disability-rights community—for whom I have great respect and with whom I have had the privilege of working in the past, including during our joint efforts to pass the landmark Americans with Disabilities Act in 1990—have raised questions about Jeff's nomination. I believe that these criticisms miss the mark, and do so by a wide margin. For during his career as a lawyer, both as an Ohio government official and in private practice, Jeff Sutton has gone out of his way to defend the interests of the disabled.

In 1996, Jeff tried to convince the Ohio Supreme Court that Case Western Reserve University had unlawfully discriminated against Cheryl Fischer, who is blind, when it refused to admit her to its medical school solely on the basis of her disability. Jeff actively sought out the opportunity to represent Ms. Fischer, and he was passionately dedicated to her cause. But don't take my word for it. Here's what Ms. Fischer has to say:

"Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."

Jeff fell just one vote short of prevailing, but his service to Ms. Fischer leaves no doubt as to his commitment to defending the rights of the disabled.

Cheryl Fischer is not the only person with a disability to be helped by Jeff Sutton. Six years later, Jeff was the lead counsel in a case brought by the National Coalition of Students with Disabilities against the state of Ohio, his former employer. Jeff argued that Ohio universities were failing to provide voter-registration materials to their disabled students, in violation of the federal "motor voter" law. As a direct result of Jeff's efforts, the National Coalition of Students with Disabilities prevailed, and the state of Ohio was made to set up voter-assistance stations at state colleges and universities.

Beyond representing them in court, Jeff Sutton has improved the lives of the disabled through his service to a disability-rights group. Since 2000, Jeff has served on the Board of Trustees of the Equal Justice Foundation, which provides free legal services to the disadvantaged, including persons with disabilities. During his service, the Equal Justice Foundation has filed lawsuits against three Ohio cities demanding that they make their sidewalks wheelchair accessible. It has sued an amusement park that flatly prohibited the disabled from riding its rides. And it has represented a woman with a mental illness who lived in subsidized housing, when her landlord tried to evict her on the ground of her disability.

Again, those who know Jeff Sutton best speak with great eloquence about his dedication to the disabled. Kim Skaggs, the Executive Director of the Equal Justice Foundation, testifies that:

"I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work. I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination."

These are not the actions of a man who is indifferent to the rights of persons with disabilities. Although he defended the state of Alabama in an Americans with Disabilities Act lawsuit, the complete picture of Jeff Sutton's career reveals a consistent concern about the special burdens that the disabled face in their everyday lives, and an equally consistent commitment to alleviating those burdens. In all candor, I believe that my friends in the disability-rights community should be actively supporting Jeff Sutton's nomination. For we are not likely to find a more sympathetic ear on the federal bench.

I do not write these words lightly. As you know, I spent many years in the United States Senate fighting for the rights of the disabled. I co-sponsored and worked hard for passage of the 1990 Americans with Disabilities Act. I have no doubt that, if he is confirmed, Jeff Sutton will faithfully enforce that law, just as he will enforce all acts of Congress. And I have no doubt that he will scrupulously respect the rights of the disabled, just as he will respect the rights of all Americans.

Sincerely,

Bob Dole.

Arent Fox Kintner Plotkin
& Kahn, PLLC,
Washington, DC, January 7, 2003.

Re nomination of Jeffrey S. Sutton to the Sixth Circuit.

Hon. Patrick J. Leahy,
Chairman, Senate Judiciary Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. Orrin G. Hatch,
Ranking Member, Senate Judiciary Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Leahy and Senator Hatch: I am writing to urge the prompt confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I believe that Mr. Sutton is eminently qualified and would be a great asset to the federal judiciary.

Mr. Sutton is one of the top appellate advocates in the country, having argued twelve cases in the United States Supreme Court, with a 9–2 record (and one case pending). In the 2000–2001 Term, he argued more cases than any other private attorney in the country, and won all four of them. And in *Hohn* v. *United States*, 524 U.S. 236 (1998), the Court sua sponte appointed Mr. Sutton to argue the case as a friend of the Court. When he served as the State Solicitor of Ohio, the National Association of Attorneys General presented Mr. Sutton with a Best Brief Award for practice in the United States Supreme Court an unprecedented four years in a row. And this month, the American Lawyer included Mr. Sutton in its list of the top forty-five lawyers in the country under the age of forty-five.

I understand that some legal arguments Mr. Sutton has made in the course of representing clients have aroused some controversy in connection with his nomination. Having recent experience myself with the judicial confirmation process, I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients. It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge.

Sincerely,

Bonnie J. Campbell.

Cleveland, OH,
May 21, 2001.

Hon. Senator Mike DeWine,
Member of the Senate Judiciary Committee, Russell Senate Building, Washington, DC.

Dear Senator DeWine: A few weeks ago my sister called to tell me that President Bush nominated Jeff Sutton to serve on the Sixth Circuit Court of Appeals. I was thrilled to hear the news.

While working as Solicitor General for the State of Ohio, Jeff represented me in a lawsuit the Ohio Civil Rights Commission brought against Case Western Reserve University on my behalf. I sought but was denied admission to the Case Western medical school. I alleged then, as I continue to believe now, that the school denied my application for one impermissible reason: I'm blind. The Ohio Civil Rights Commission agreed with me. After a thorough investigation, the Commission determined that I was otherwise qualified for admission and that the school could make reasonable accommodations to enable me to pursue training to become a psychiatrist.

The case worked its way through the Ohio courts and ultimately landed on the Ohio Supreme Court. It was at this point that I first met Jeff Sutton. Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of other with both similar disabilities and dreams.

Although I ultimately fell short in the courts, Jeff Sutton stood firm by my side. My experience confirmed what President Bush understands: Our nation would be greatly served with Jeff Sutton on the federal bench.

Sincerely yours,

Cheryl A. Fischer.

State of Arizona,
Office of the Attorney General,
Phoenix, AZ, July 24, 2001.

Re nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Senator Patrick Leahy,
Chairman, Senate Judiciary Committee.
Senator Orrin Hatch,
Ranking Member, Senate Judiciary Committee.

Dear Senators Leahy and Hatch: As the Attorney General for Arizona, and a former U.S. Attorney, I write to urge that Mr. Sutton's nomination be considered based on his own merits as a prospective judge rather than positions he may have taken as an advocate for particular clients. Lawyers have a professional obligation to be zealous advocates on behalf of their clients, and the ethical rules governing lawyers generally recognize that such representation does not constitute a personal endorsement of a client's position. See ABA Model Rules of Professional Conduct, ER 1.2(b). This principle is particularly important for lawyers representing State governments and other public entities. Often such lawyers have a professional obligation to defend or advocate positions taken by legislatures, elected officials, or public agencies that may differ from the lawyer's personal views on public policy or moral issues. Penalizing a lawyer for vigorously advocating on behalf of such clients would be wrong—it would not only blur the important distinction between the positions a lawyer may take on behalf of a client and the lawyer's own views, it would also undermine effective representation for public entities.

Mr. Sutton served with great distinction as the Solicitor General of Ohio and has otherwise had a distinguished legal career. I respectfully urge that his nomination be scheduled for a hearing and considered based on his individual qualifications rather than positions he may have advanced for particular clients.

Very truly yours,

Janet Napolitano,
Attorney General.

National Association of
Attorneys General,
Washington, DC, July 31, 2001.

Re Nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Hon. Thomas Daschle,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. Patrick Leahy,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. Trent Lott,
Senate Minority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. Orrin Hatch,
Ranking Member, Committee on the Judiciary, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senators: We, the undersigned individual state Attorneys General, are writing to urge your prompt and affirmative vote on confirmation of the nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Mr. Sutton is an award-winning, highly-qualified attorney. Jeff Sutton's intelligence and qualifications are unquestioned, with a great deal of experience in commercial, constitutional and appellate litigation. He has argued nine cases in the United States Supreme Court, including Hohn v. *United States*, in which the Court invited Mr. Sutton's participation, and *Becker* v. *Montgomery*, in which he represented a prisoner's interests pro bono. He has argued twelve cases in the Ohio Supreme Court and seven cases in the federal courts of appeal. And, as the former Ohio State Solicitor, he has also handled countless cases in the state and federal courts. His career has been distinguished, and he has displayed a rare sense of principled fairness throughout it.

Jeff Sutton graduated first in his law school class, and clerked for two United States Supreme Court justices. It deserves note that Mr. Sutton has represented a wide range of clients. For example, he represented Cheryl Fischer, a blind woman, who claimed that Case Western University Medical School discriminated against her on basis of disability in denying her admission to medical school. He also is a board member of the Equal Justice Foundation, which provides legal representation to the indigent and has filed several class actions on behalf of the disabled. Beyond this, he has filed pro bono amicus briefs on behalf of the NAACP, the AntiDefamation League and the Center for the Prevention of Handgun Violence.

Unfortunately, Mr. Sutton's exemplary record is being distorted by some critics, and as state Attorneys General, we are particularly concerned when we see a lawyer being attacked not for positions he advocated as a private individual, but for positions he argued as a legal advocate for State government. For example, some critics have claimed that Mr. Sutton is against the Americans with Disabilities Act because he argued that one provision of the law overstepped States' rights (in the case of *Univ of Alabama* v. *Garrett*). We do not wish here to debate the merits of that position; although we note that the Supreme Court agreed with that position. The important point here at issue is that Mr. Sutton argued that case as a lawyer representing his client. He was not advocating his personal views; rather, he was working to represent a public-sector client.

This distinction, between personal policy preferences and legal advocacy, is a crucial one, and we Attorneys General have a unique perspective on the importance of that distinction. We are legal advocates, sworn to uphold the interests of our clients, and while we also serve as policy advocates for our States, we often must adopt legal positions that do not match our personal beliefs.

As you know, all attorneys have an ethical duty to zealously represent their clients' interests within the bounds of the law, even where the lawyer may not personally share the client's views. This is especially true for public sector lawyers, because we are bound not only by the same ethical rules as all lawyers, but we are also bound by law to represent our legislatures, governors, and agencies. As Attorney General, each of us has worked to advocate legal positions that may not reflect our personal beliefs. Doing so may be difficult, but that is our job and our duty as lawyers and as public servants.

Just as we do this, so do the attorneys who work for us. They have often been faced with the challenge of espousing a position which might not match their own personal beliefs. While their abilities in representing their clients will surely be evaluated by the Senate whenever those government lawyers are nominated for federal judgeships, we urge you not to unnecessarily mistake their advocacy for personal belief. We all believe that everyone in America deserves legal representation no matter how unpopular his or her cause may seem. Lawyers will not be willing to take on such causes if they fear that their advocacy may later be used against them. The potential chilling effect could be enormous.

Indeed, as legislators, you have a great interest in seeing that government lawyers advocate the government's position and not their own. When Congress passes legislation, you have the right to expect that the United States Solicitor General and the entire Department of Justice will defend Congress's work. Individual federal lawyers cannot pick and choose whether to represent only the federal acts that they like. We expect the same of lawyers for the States.

We respectfully suggest that Mr. Sutton should not be criticized because he has been a vigorous and effective advocate. That has been his duty, and it is to his credit that he has discharged that duty well.

When you review Mr. Sutton's nomination, please look at his qualifications and his ability to understand and apply the law. Please do not assume that his past legal positions reflect his personal views. No lawyer would wish to be personally held to every position which, as an advocate, he or she was required to advance.

Sincerely,

Betty D. Montgomery, Ohio Attorney General; Bill Pryor, Attorney General of Alabama; Robert A. Butterworth, Attorney General of Florida; Alan Lance, Attorney General of Idaho; M. Jane Brady, Attorney General of Delaware; Earl Anzai, Attorney General of Hawaii; Steve Carter, Attorney General of Indiana; Carla J. Stovall, Attorney General of Kansas; J. Joseph Curran Jr., Attorney General of Maryland; Don Stenberg, Attorney General of Nebraska.

Philip T. McLaughlin Attorney General of New Hampshire; Herbert Soll, Attorney General of N. Mariana Islands; Hardy Myers, Attorney General of Oregon; Richard P. Ieyoub, Attorney General of Louisiana; Mike Moore, Attorney General of Mississippi; Frankie Sue Del Papa, Attorney General of Nevada; Wayne Stenehjem, Attorney General of North Dakota; W.A. Drew Edmondson, Attorney General of Oklahoma; Mike Fisher, Attorney General of Pennsylvania.

Sheldon Whitehouse, Attorney General of Rhode Island; Mark Barnett, Attorney General of South Dakota; John Cornyn, Attorney General of Texas; Randolph A. Beales, Attorney General of Virginia; Charlie Condon, Attorney General of South Carolina; Paul Summers, Attorney General of Tennessee; Mark Shurtleff, Attorney General of Utah; Iver A. Stridiron, Attorney General of the Virgin Islands.

Mr. HATCH. Mr. President, I also point out a letter from Bonnie Campbell from Arent Fox, who herself was not approved to go on the court. I feel badly that we were unable to get to her. But she writes:

> . . . to urge prompt confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I believe that Mr. Sutton is eminently qualified and would be a great asset to the federal judiciary.

By the way, Ms. Campbell headed the Violence Against Women efforts on behalf of the Clinton administration; some on the other side have criticized Mr. Sutton and his arguments on the violence against women cases before the Supreme Court.

She goes on to say:

> Mr. Sutton is one of the top appellate advocates in the country, having argued twelve cases in the United States Supreme Court, with a 9–2 record (and one case pending). In the 2002 and 2001 Term, he argued more cases than any other private attorney in the country, and won all four of them. And in Hohn v. United States . . . the Court sua sponte appointed Mr. Sutton to argue the case as a friend of the Court.

That in and of itself, I might add, shows the high esteem with which the Supreme Court holds this man, certainly a man not outside the mainstream. She said:

> When he served as State Solicitor of Ohio, the National Association of Attorneys General presented Mr. Sutton with the Best Brief Award for practice in the United States Supreme Court, an unprecedented four times in a row.

Does that sound like somebody outside the mainstream? Continuing from the letter:

> And this month the American Lawyer included Mr. Sutton in its list of the top 45 lawyers in the country under the age of forty-five.
>
> I understand that some legal arguments Mr. Sutton has made in the course of representing clients have aroused some controversy in connection with his nomination. Having recent experience myself with the judicial confirmation process, I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients.

This is exactly the argument made by a number on the other side, an argument she rejects. She continues:

> It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge.

I respect her for writing that letter. I have to say I admire her for doing so.

I might add that in Senator Dole's letter, he went on to list Mr. Sutton's work on behalf of Cheryl Fischer and the nonprofit Equal Justice Foundation, which often represents disabled clients in the Ohio community. Senator Dole continued:

> I do not write these words lightly. As you know, I spent many years in the United States Senate fighting for the rights of the disabled.
>
> I have no doubt that, if he is confirmed, Jeff Sutton will faithfully enforce that law, just as he will enforce all laws of Congress. And I have no doubt that he will scrupulously respect the rights of the disabled, just as he will respect the rights of all Americans.

I hope my colleagues will take note of Senator Dole's endorsement, which I believe speaks volumes on the integrity and fairness of Jeffrey Sutton. His record indicates he will be a brilliant jurist of whom we can all be proud.

I am going to cast my vote in favor of this confirmation to the Sixth Circuit, and I strongly urge all of my colleagues to do the same. I urge my colleagues to get beyond these fallacious arguments that he is outside of the mainstream of American jurisprudence, these arguments that he is unworthy of being in this position—although they admit he is a highly qualified, good person. Think about it.

The fact is, their gold standard rated him—the American Bar Association—nearly the highest possible rating available. Now, that speaks volumes.

I reserve the remainder of my time.

Mr. BUNNING. Mr. President, today I come to the floor of the Senate to offer my support for Jeffrey Sutton and urge my colleagues to support his confirmation. The Sixth Circuit, which includes my State of Kentucky, is experiencing a true judicial emergency. Six of the sixteen seats on that court currently sit vacant, leading to justice delayed—and thus justice denied—for the citizens of Kentucky, Ohio, Tennessee, and Michigan. We need Jeffrey Sutton and we need five others like him on the Sixth Circuit.

Jeffrey Sutton was first nominated by President Bush on May 9, 2001. It has taken him almost 2 years to be confirmed and assume his seat on the bench. That is a long time to wait—but he is one of the lucky nominees, since he is actually getting a vote.

Jeffrey Sutton is an example of the fine nominees President Bush has submitted to the Senate. He was rated "Qualified" by the American Bar Association. He has argued 12 cases before the United States Supreme Court, with a strong record of success. He has served as State Solicitor of Ohio and was highly respected by his peers in that position. He clerked for two Supreme Court justices as well as for the Second Circuit Court of Appeals. Currently, Mr. Sutton is a partner at the well respected Jones Day law firm and he teaches law school classes at Ohio State University. His experience in appellate law practice has earned him acclaim from one legal publication as one of the 45 best lawyers under the age of 45 in the whole country.

I am proud that President Bush nominated Jeffrey Sutton and I am proud to vote for him. He is well qualified to serve on an appellate court and will do a fine job for all states in the circuit. I am glad he will soon be confirmed to the Sixth Circuit, and I urge my colleagues to support him as well.

Mr. FEINGOLD. Mr. President, I will vote no on the nomination of Jeffrey Sutton to be a judge on the U.S. Court of Appeals for the Sixth Circuit. I'd like to take a moment to explain my decision.

I have concluded that I cannot support the nomination of Mr. Sutton because I am not convinced that he will give all those who appear before him a fair and impartial hearing. I am greatly troubled by Mr. Sutton's record of handling cases that have resulted in the curtailment of important civil rights, environmental, and other protections. Mr. Sutton has filed amicus briefs that argued for limiting Congress' authority to enact laws to protect the rights of the disabled, women, the elderly, the poor, and racial or ethnic minorities, as well as laws critical to protecting the environment.

These cases resulted in some of the most notable Supreme Court decisions of the last decade that have restricted the ability of Congress to protect the rights of Americans and the environment.

Now, at his confirmation hearing, Mr. Sutton repeatedly defended his involvement in these cases by stating that he was simply doing his job of zealously representing his client. I appreciate this argument to some extent, especially during his tenure as State Solicitor of Ohio. But my concerns remain because I know that once he went into private practice, he certainly had the ability to choose whether to accept clients and inject himself into cases. Moreover, the purpose of amicus briefs, which Mr. Sutton filed while in both the Solicitor's office and private practice, is not to defend a client against litigation or to seek redress on behalf of that client. It is, as we know, an opportunity for a third party to inject an opinion into a case for which the third party has no immediate interest. In significant states' rights case after case, Mr. Sutton consistently sought out cases in which he could argue for limiting the role of Congress in ensuring constitutional protections for Americans.

Furthermore, it seems as though this is a personal crusade for Mr. Sutton. Outside of his role as a lawyer representing clients, he took time to articulate his personal view that Congress should be restrained in its effort to protect civil rights and the environment. Through his involvement with the Federalist Society, including serving as an officer of its Separation of Powers and Federalism practice group, and his writings and statements, Mr. Sutton has said that he "believes in this stuff" and is "on the lookout" for cases where he can raise federalism issues.

I am concerned about this pattern of arguments, writings, and statements that challenge laws Congress has worked so hard to advance those that would safeguard our precious wetlands and natural habitats and fight discrimination of any and every kind. We cannot reasonably expect to one day eliminate discrimination in this country if we confirm nominees like Mr. Sutton, who seem to be ready to turn back the clock on civil rights through the application of a dry but extremely consequential federalism doctrine, to one of the most important courts in the nation.

Finally, I want to add that I was troubled by Mr. Sutton's response to one of my questions. In answering to a question about congressional authority for enacting a Federal environmental law, he said that the case involved statutory interpretation and that he simply argued that the Court need not reach the constitutional question. I later reviewed the brief and confirmed that six out of ten pages of his brief, in fact, focused on the constitutionality of the Federal environmental regulation. I confronted him with this fact in a followup question, and he continued to insist that the argument he made was not unusual. I do not believe that is the case. Mr. Sutton himself filed an amicus brief in another case urging "constitutional avoidance" without making such an extensive argument against the constitutionality of the statute.

I don't like voting against judicial nominees. This was a difficult decision for me because I do think that Mr. Sutton made an effort to address the Committee's concerns, in contrast to some other nominees who have come before us. I understand that President Bush has the right to nominate whomever he wants to the federal bench. But the Senate is not obligated to let the President's nominees sail through, as if there were no checks and balances, no constitutional requirement of advise and consent. As much as it is our duty to fill vacancies in the Federal judiciary, it is also our duty to give great and searching scrutiny to those nominees who have a record that calls into question their ability to give all those litigants who would appear before the nominees a fair and impartial hearing.

I am more than pleased to vote to confirm judicial nominees that are fair-minded and supported by a consensus of members, and, once again, I urge the President to speed up the nominations process by sending such nominees to the Senate. I do not believe that Mr. Sutton is such nominee. He is a bright and accomplished attorney, but he is not the right person for this seat on the Sixth Circuit Court of Appeals.

Mr. JEFFORDS. Mr. President, I would like to take this opportunity to express my strong opposition to the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals.

During my time in Congress, I have worked hard to ensure equal rights for all Americans. Over the last three decades we have made great strides in ensuring equal rights for disabled Americans, older Americans, and other individuals. The confirmation of Jeffrey Sutton to the Sixth Circuit Court of Appeals will set back our progress if he is allowed to continue his work of eroding the coverage of civil rights laws passed by Congress, not just as an attorney, but as a Federal judge.

Let me provide my colleagues a quick review of Mr. Sutton's record and its impact on equal rights for all Americans. In University of Alabama v. Garrett, State workers lost their right to bring damage suits under the Americans with Disabilities Act. In Kimel v. Florida, State workers lost the right to bring damage suits under the Age Discrimination in Employment Act. In Alexander v. Sandoval, all Americans lost the ability to file a private right of action to enforce the disparate impact regulations of title VI of the Civil Rights Act. In fact, the Sandoval rationale has been applied to say that individuals who are fired or demoted because they complain about gender inequities in a school's sports or education program cannot bring a challenge under title IX.

Unfortunately, for all Americans interested in equal rights, the examples above have already occurred. Other arguments Mr. Sutton has made will provide my colleagues and all Americans a look ahead to the further erosion of equal rights if Mr. Sutton is confirmed to the Sixth Circuit Court of Appeals.

Mr. Sutton has argued that advocates for low-income children should not be allowed to effectively enforce a State's failure to provide them essential health services required by the Medicaid Act, Westside Mothers v. Haveman. Families would not be able to challenge a State's failure to provide notices or hearings when their Medicaid HMOs deny or delay needed treatment if Sutton's theories from Westside Mothers had been accepted. Additionally, parents would not be able to bring a challenge to a State's systemic failure to provide occupational therapy, speech therapy, and other services that help ensure that disabled children receive a free and appropriate public education as required by the Individuals with Disabilities Education Act if Sutton's theories in Westside Mothers had been accepted. Deaf students at State universities would not be able to require schools to provide them with interpreters, captioning, and other assistance as required by title II of the Americans with Disabilities Act, if Sutton's additional far-reaching arguments in Garrett had prevailed.

Mr. Sutton's history shows more than just a desire to represent his clients zealously; it shows a belief in a philosophy. This is a philosophy that says the right of the State trumps all, even in the face of extensive Congressional findings. This is a philosophy that says the right of the State overrules the most basic of equal rights laws that the Federal Government may pass. This is a philosophy that the State can discriminate against its employees and citizens even in the face of Federal antidiscrimination laws. This is not a philosophy I can support, and I urge my colleagues to join me in opposing this nomination.

Mr. LEAHY. Mr. President, this morning we are going to vote on the nomination of Jeffrey Sutton to the U.S. Court of Appeals for the Sixth Circuit. Yesterday, I spoke about some of my concerns, but I want to again discuss my serious concerns with this nominee.

Mr. Sutton has a legal philosophy focused on limiting Congress' historic role in protecting the civil and constitutional rights of all Americans. He has led an aggressive campaign to dismantle longstanding Federal laws, enacted with bipartisan support, that have made this country more inclusive over the last half-century, and to close access to the Federal courts for people challenging illegal acts by their State governments.

As a lawyer in private practice, he has aggressively sought out cases to limit the power of Congress to enact laws protecting individual rights, and has been dismissive of congressional findings and hearings supporting important Federal laws. He has sought to weaken, among other laws, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Violence Against Women Act, and the Religious Freedom Restoration Act. He has also sought to limit the ability of Medicaid recipients to enforce their rights and the ability of individuals to enforce disparate impact regulations under title VI of the Civil Rights Act. In essence, he has argued for the Supreme Court to repudiate more than 25 years of legal precedents that permitted individuals to sue States when they violate Federal civil rights regulations. His extreme judicial philosophy would undermine the rights of State workers, disabled individuals, women, children, racial and ethnic minorities, and senior citizens.

Mr. Sutton and his supporters have claimed that he was merely acting on behalf of his clients in all these cases, but this claim is unconvincing. Mr. Sutton had no obligation to participate in any of the cases taken after he left the Ohio State Solicitor's office in 1998. In fact, he has admitted that he sought out cases curtailing congressional power as a private lawyer and that he is on the "lookout" for these cases. He has aggressively pursued a national role as the leading advocate of States' rights and, as my colleagues have noted, he has stated that his advocacy on the principles of federalism is something that he believes in.

He has made statements praising many of the Supreme Court's decisions undermining Congress' authority to protect and assist citizens, and in his personal writings and speeches he has advocated an even narrower view of Congress' role. Perhaps most significantly, Mr. Sutton has taken not a single case that supports congressional power to enact laws protecting civil and individual rights. In each case he has argued before the Supreme Court he has always been on the same side of this issue—arguing that individuals have no right to enforce the civil rights protections that Congress has given them. This must be more than a coincidence.

His personal writings and speeches promote his theory that State laws adequately protect civil liberties, and display a lack of respect and understanding for Congress' long-standing role in protecting individual rights.

Mr. Sutton has stated in several articles that States should be the principal bulwark in protecting civil liberties, a claim that has serious implications given a history of State discrimination against individuals. In numerous papers for the Federalist Society, he has repeatedly stated his belief that federalism is a "zero-sum situation, in which either a State or a Federal lawmaking prerogative must fall." In his articles, he has stated that the federalism cases are a battle between the States and the Federal Government, and "the national government's gain in these types of cases invariably becomes the State's loss, and vice versa."

He also states that federalism is "a neutral principle" that merely determines the allocation of power. This view of federalism is not only inaccurate but troubling. These cases are not battles in which one law-making power must fall, but in which both the State and the Federal government—and the American people—may all win. Civil rights laws set Federal floors or minimum standards but States remain free to enact their own more protective laws. Moreover, federalism is not a neutral principle as Mr. Sutton suggests, but has been used by those critical of the civil rights progress of the last several decades to limit the reach of Federal laws.

Mr. Sutton tried to disassociate himself from these views, by saying that he was constrained to argue the positions that he argued on behalf of his clients. As far as I know, no one forced Mr. Sutton to write any article, and most lawyers are certainly more careful than to attribute their name to any paper that professes a view with which they strongly disagree. In my view, Mr. Sutton's suggestions that he does not personally believe what he has written are intellectually dishonest and insincere.

I would also like to respond to the claim by those of the other side of the aisle. Those opposed to Mr. Sutton's confirmation believe he has a personal antipathy to people with disabilities. I know of no Senator who is claiming that Mr. Sutton has a personal antipathy to the disabled. I have heard from hundreds of people and organizations who express concern that millions of disabled individuals have been harmed by his broad advocacy to limit the rights of the disabled as a class. The fact is that Mr. Sutton has chosen to argue against the rights of people with disabilities in three major cases to the Supreme Court; that he has argued that the ADA is "not needed"; and that he has devoted his career to making States less accountable.

I have been stunned by the Republican Senators who have come to this floor to argue that Senators should not consider a lawyer's representation of clients in considering a judicial nomination. I am stunned because so many of them voted against so many nominees of President Clinton on that very basis, but they now condemn the approach they themselves took—without, of course, acknowledging the contradiction. I am reminded that a key member of this President's judicial nomination selection team, his former White House Deputy Counsel testified before the Senate in 1997 that:

> Although the Senate Judiciary Committee has long recognized—correctly, in my view—that positions taken as an advocate for a client do not necessarily reflect a nominees own judicial philosophy, a long history of cases in which a nominee has repeatedly urged courts to engage in judicial activism may well be probative of the nominee's own philosophy.

With this nomination, we have Mr. Sutton's admissions in statements and interviews and articles outside the courtroom that he believes strongly in this "federalism stuff."

Mr. Sutton is opposed by more than 400 disability and civil rights organizations. They have concluded that his ideological views and extremely narrow reading of the Constitution make it doubtful that he would be a fair and balanced judge. The burden is on Mr. Sutton to show that he will protect individual rights and civil rights as a lifetime appointee to the Sixth Circuit Court of Appeals. This he has not done.

The oath taken by Federal judges affirms their commitment to "administer justice without respect to persons, and of equal right to the poor and to the rich." No one who enters a Federal courtroom should have to wonder whether he or she will be fairly heard by the judge. Jeffrey Sutton's record does not show that he will put aside his years of passionate advocacy in favor of States' rights and against civil rights and his extreme positions limiting Congress' authority to protect all Americans. Accordingly, I will not vote to confirm Mr. Sutton for appointment to one of the highest courts in the land.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my time as leader to make a few comments regarding this nominee.

Mr. President, I first want to commend the distinguished Senator from Iowa for his extraordinary work on this nomination. I watched him prior to the time we recessed a couple of weeks ago. His passion, his eloquence, and the power of his words were ones that I wish the rest of the country could have heard. I have no doubt he would have persuaded many had they heard him, as I did. He was back in the Chamber yesterday and again this morning. I thank him for that commitment and his extraordinary efforts to make sure that people understand the consequences of this decision and the great difficulty many of us have with this nomination.

Let me also thank our distinguished ranking member for all his work, both in the committee and on the Senate floor, again, in opposition to this nomination.

I have not seen the letter of Senator Dole, and I don't know that many of us have had the opportunity to talk to Senator Dole about it, but I will say this: Senator HARKIN and Senator Dole were both very directly and successfully involved with the passage of the ADA some years ago. That legislation has been monumental in terms of the change it has meant for the rights of the disabled.

The Americans with Disabilities Act passed in 1990. George Bush said at the time that "as a result of its passage, every man, woman, and child with a disability can now pass through once closed doors into a bright new era of equality, independence, and freedom." Those were the words of President Bush when he signed this extraordinary legislation.

But that legislation depends, of course, on interpretation, and interpretation depends upon the courts. What happens at the district and circuit court levels, not to mention the Supreme Court level, profoundly affects the words and, obviously, more important, the effect of the act as it is viewed today, 13 years later.

I must say that we are considering a nominee today, to a lifetime position as a Federal judge, who has worked his entire career to roll back the progress of the ADA. Over the past several years, the courts have consistently acted to weaken and limit the important protections provided by the Americans with Disabilities Act, as well, I might add, as the Age Discrimination and Employment Act, the Civil Rights Act, and the Violence Against Women Act.

Those doors to a bright new era, as President Bush once called them, are slowly being closed. Jeffrey Sutton is one of the most significant reasons why. He has spent years fighting aggressively to limit the legal protections of individuals who experience discrimination and restrict the authority of Congress to protect those who are most vulnerable to discrimination.

Mr. Sutton was the lead attorney in the case of the University of Alabama v. Garrett. It has been discussed and noted on several occasions, of course, in the debate, but it bears repeating. In that case, he fought to limit, incredibly, the rights of a breast cancer survivor who was told by her employer, after she finished chemotherapy treatment, that she would have to quit, accept a limited demotion, or be fired solely because of her illness. He was the lead attorney in Kimel v. Florida Board of Regents. In that case, he argued aggressively to limit the rights of Americans who experienced age discrimination.

In both of these cases, Mr. Sutton acted as a private attorney, which means he chose to represent his clients. He didn't have to take those clients. No one forced him, saying, you have to go into court, regardless of your position, and you have to go make your defense, your arguments, as he did before the Court. In both cases, he argued aggressively that, despite clearly discriminatory actions, national legal protections were not only unnecessary; they were unconstitutional.

In other cases, Mr. Sutton has fought to limit the protections under the Violence Against Women Act and to enable States to restrict access to health care for low-income children. He has made a career of fighting to weaken protections for some of America's most vulnerable citizens—the sick, the elderly, the disabled, battered women, and poor children. I don't know what "compassionate conservatism" is exactly, but I surely know this is not it.

I must say, Mr. President, we will be casting a number of challenging and difficult votes as we consider the judiciary. Already we have confirmed 18 judges in this Congress. In the last Congress, we confirmed 100.

I am dismayed that this nominee is before us today, given his record, given the implications of that record for his future decisions as a judge on such an important court. I am dismayed and concerned by its implications for all of the vulnerable people of this country, all of those who have already sacrificed, all of those who have hoped and dreamed that there could be a new day of freedom and independence for themselves as a result of the passage of this critical and monumental legislation just 13 years ago. I am dismayed that one person can be so effective in rolling back those protections and eliminating their access in dealing with their independence in such a crass and unfortunate way. Closing the door to those people, after waiting decades for them to reach this point of freedom and independence in our country today, is all the reason one needs to vote against this nomination.

We will have many more nominees, many conservative nominees. Most, if not all, of the nominees who will come before us today will be conservative, and many will have the same Federalist mentality and philosophical approach that Mr. Sutton represents; but they will not be the opponents of those who seek independence, freedom, and equality as disabled people, as Mr. Sutton has done throughout his public career.

I urge my colleagues, let us not retreat from the progress this country has achieved. Let us reject this nomination and protect the hard-won legal protections of America's most vulnerable citizens.

Our only hope in doing so would be to reject this nomination, to speak out as loudly and clearly as we can that ADA is as important today, if not more important, than it was in 1990 when it passed, thanks to the leadership of Senator HARKIN, the leadership of Senator Dole, the leadership of those who understood the importance of equality for everyone, especially those disabled, those who sought that same freedom we take for granted today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in strong support of the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals. I have been sitting in my office today listening to the debate on this nomination, and I am really a little bit taken aback, as I was in the Judiciary Committee hearing when I heard the discussion about Mr. Sutton and the opposition to Mr. Sutton.

It is not as though Mr. Sutton is not qualified to be a nominee to the Sixth Circuit. He is a gentleman who graduated first in his class from the Ohio State University Law School. He is a gentleman who has argued 12 cases before the United States Supreme Court, winning nine of them and only losing three. No Sixth Circuit judge currently serving has ever had as much Supreme Court experience before taking the bench.

During the Supreme Court's 2000–2001 term, Mr. Sutton argued four cases and won four cases, the best win-loss record of any private lawyer in the country that year.

On January 2, 2003, the American Lawyer named Mr. Sutton one of the 45 best lawyers in America under the age of 45. They did not say one of the best 45 conservative lawyers or federalist lawyers, but one of the best 45 lawyers in America under the age of 45. He is an eminently qualified man, and I am really appalled by the objections I am hearing.

The critics who are trying to put various labels on Mr. Sutton, such as anti-Americans with Disabilities Act and anti-environment, based on positions that he has taken as an attorney advocate, really miss the whole point about the American adversarial and judicial system. Lawyers routinely adopt positions on behalf of their client as an advocate, positions to which they personally might not subscribe, but that is what makes our judicial system so great. It is the core of our legal system that people are entitled to have attorneys argue their cases for them.

If we start to walk down the road where lawyers are accountable for any of the positions they take on behalf of their clients, then we might as well write off any criminal defense lawyer for judicial appointments because they routinely have to argue for some pretty unsavory characters. Our legal system would not be as great as it is without these attorney advocates fighting for and advancing the rights of their clients.

As an example of this mislabeling, it is wrong to try to paint Jeffrey Sutton as someone who works against the interests of the disabled. In truth, he has actually worked as an advocate in cases where he represented disabled clients in advancing their rights. This man's father ran a home for disabled children where Jeffrey Sutton worked as a young man. Beverly Benson Long, who is the immediate past president of the World Federation for Mental Health, which is among one of many posts she has held, has said:

> No doubt that Mr. Sutton would rule fairly in all cases, including those involving persons with disabilities.

Mrs. Long described the lobbying against Mr. Sutton by advocates of the disabled as unfortunate and misguided:

> In my own opinion, it is not only unfortunate and misguided, it is just plain wrong.

There was also a quote in the Cleveland Plain Dealer, which is really somewhat of an independent-thinking newspaper in our great country. An editorial which ran on June 17, 2001, compared Sutton to John Adams, who represented the British troops accused of perpetrating the Boston Massacre. The Plain Dealer said:

> It is the duty of a lawyer to represent to the best of his ability the interests of his clients. That, the record shows, Sutton has done throughout his career.
>
> A good judge, doing his job, will have but one abiding friend—the law he has sworn to uphold. Sutton's ability to honor that friendship should be the criterion of his consideration.

In summary, one cannot deny Mr. Sutton has the intellectual abilities we need in our appellate judges. Moreover, he has tremendous experience, arguing before the State and Federal Courts of Appeal as well as before the United States Supreme Court.

Finally, he has another quality we need in our appellate judges. The Attorney General of my home State, who is a dear friend of mine, is a man who is an elected Democrat, and he is a man for whom I have the utmost respect and a man who has had an occasion to work with Jeffrey Sutton. He said it best when he told me Mr. Sutton would have a great judicial temperament. So we have a nominee with intellect, with experience, and with temperament. We cannot ask for more than that in a judicial nominee, and yet his confirmation has been delayed because of partisan bickering.

It is no wonder we are in a judicial crisis with so many open judicial seats unfilled. It is no wonder we are stalled in moving forward on other judicial nominees. Jeffrey Sutton is a highly qualified nominee for the appellate bench. Let us move forward. I strongly urge a vote to confirm Jeffrey Sutton to the Sixth Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. Twenty minutes on the Senator's side and 5 minutes on the other side.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, a lot of times these debates, especially when they involve a court nominee such as Mr. Sutton, tend to get personal, and they should not. I hope no one here interprets anything I have said as being any kind of personal thing against Mr. Sutton.

I said at the beginning I found him to be a pleasant, intellectual individual with whom I spent an hour and a half. I do not know him personally, of course. That is not the point. It is just like my good friend from Utah, Senator HATCH. Senator HATCH was very helpful when we passed the Americans with Disabilities Act. I have told him that many times. He happens to be a good friend of mine on a whole host of issues on which we have worked together. I have no doubt that perhaps Mr. Sutton has compassion toward people with disabilities, but that also raises a problem with me.

It has been said many times Mr. Sutton's father had a school for kids with cerebral palsy. When Mr. Sutton was in my office, I asked him if that was a segregated school and he said, no, it was not. But he thought I meant male and female. What it was, was kids with cerebral palsy only went to this school. Well, I commend Mr. Sutton's father for his compassion, for having a school for kids with cerebral palsy, but that is what we are trying to get over with the Americans with Disabilities Act. That is what we are trying to get beyond. We are trying to get beyond segregation.

I spoke about my brother Frank when he was sent half way across the State to the school for the deaf—segregation because he was disabled. So, again, to have that mindset that somehow people have to be put in an institution, like the Olmstead case—fortunately, Mr. Sutton did not win that one, but if his view had prevailed, the two women in that case would still be in an institution. Now they are living by themselves, out free to shop, free to make their own meals, free to travel, not being stuck in an institution.

This vote we are about to have has nothing to do with Jeffrey Sutton as a person, but it has a lot to do with him as a potential judge and how he views his role and how he views Congress's role. He said that the Americans with Disabilities Act was not needed. On National Public Radio he said that, "disability discrimination in a constitutional sense is really very difficult to show."

Then, later on, Mr. Sutton said that in this context it is a zero sum game; that if civil rights wins, the States lose.

It is not a zero sum game at all. Yes, like my friend from Utah, I believe in federalism. I believe in the Federal/State system on which our country is set up, on which our constitutional framework is established. I think it is the best system ever devised on the face of the Earth. But I do not believe in the kind of federalism that Mr. Sutton espouses, that it is a zero sum game; that if we expand civil rights somehow a State loses, or that somehow Congress does not have the authority, constitutionally, to address the kinds of social ills and social wrongs perpetrated so long in our country on minorities and on people with disabilities. That is why 400 civil rights groups have come out opposed to Mr. Sutton.

We here in the Congress did our job. We worked long and hard over many, many years, Republicans and Democrats, to pass the Americans with Disabilities Act. Mr. Sutton says that discrimination against people with disabilities is very difficult to show. Is that the mindset we want on the Federal bench? I ask my fellow Senators, send a strong message that we are going to stand behind the Americans with Disabilities Act, that we are not going to let it be chiseled away by a Federal judge such as Mr. Sutton. I ask for a "no" vote to send that message.

Mr. President, I ask unanimous consent to have printed the RECORD a list of letters the Committee has received in opposition to the confirmation of Jeffrey Sutton to the Sixth Circuit Court of Appeals, and three of these letters which come from large coalitions of civil rights, women's rights and disability rights organizations.

First, a letter from the Leadership Conference on Civil Rights and the Alliance for Justice, dated April 28, 2003.

Second, a letter from 25 women's groups, dated April 28, 2003.

Third, a letter from ADA WATCH, a coalition of disability rights organizations, dated May 14, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPOSITION TO JEFFREY SUTTON, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PUBLIC INTEREST GROUPS

Ability Center of Defiance also signed by: Courage Incorporated, Independent Living Center of North Central Ohio, Ability Center of Greater Toledo, Access II Independent Living Center, Access to Independence of Courtland County, Inc., Access Living, Advocates for Ohioans with Disabilities, ADA WATCH, AIDS Action, Alliance for Disabled in Action, American Association of People with Disabilities, American Association of University Women, American Council of the Blind, American Council of the Blind of Maryland, American Council of the Blind of South Carolina, AFL–CIO, American Federation of State, County and Municipal Employees (AFSCME), Americans for Democratic Action, Arizona Bridge to Independent Living, Brain Injury Association of Tennessee, Capitol District Center for Independence, Inc., Center for Civil Justice, Center for Independent Living Options, Center for Independence of the Disabled in New York, Inc., Cerebral Palsy Association of Ohio, Cerebral Palsy Association of New Jersey.

Civil Rights coalition letter signed by: ADA Watch/National Coalition for Disability Rights, AFL–CIO, Alliance for Justice, American Association of University Women, Feminist Majority, Leadership Conference on Civil Rights, MoveOn.org, NAACP, NAACP Legal Defense and Education Fund, National Council of Jewish Women, National Fair Housing Alliance, National Partnership for Women and Families, National Women's Law Center, People for the American Way, United Auto Workers, Coalition for Independent Living Options, Inc., Council for Disability Rights, Deaf and Hard of Hearing Consumer Advocacy Network, Eastern Paralyzed Veterans Association.

Environmental coalition letter signed by: Clean Water Action, Community Rights Counsel, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Friends of the Earth, Natural Resources Defense Council, Oceana, Physicians for Social Responsibility, Sierra Club, The Wilderness Society, Everybody Counts Center for Independent Living, Freedom Center, Inc., Gender Justice Action Group, Harrison County Sheltered Workshop, Inc., Heightened Independence & Progress, Human Rights Campaign, Independent Living Center of the Hudson Valley.

Justice for All Project signed by: California Abortion and Reproductive Rights Action League, California Employment Lawyers Association, Committee for Judicial Independence, Democrats.com, Environmental Law Foundation, National Center for Lesbian Rights, California National Organization for Women, Planned Parenthood Los Angeles County, Progressive Jewish Alliance, Stonewall Democratic Club, Unitarian Universalists Project Freedom of Religion, Western Law Center for Disability Rights, Women's Reproductive Rights Assistance Project, Leadership Conference on Civil Rights, Liberty Resources Inc. (the Center for Independent Living in Philadelphia County), Linking Employment, Abilities & Potential, Mental Health Association in Monongalia County, Michigan Centers for Independent Living, Michigan Developmental Disabilities Council, Mid Atlantic Chapter of TASH, National Association for the Advancement of Colored People (NAACP), National Association for Rights Protection and Advocacy, National Association of the Deaf, National Council of Jewish Women, National Disabled Students Union, National Employment Lawyers' Association, National Organization for Women, New York State Independent Living Council, Inc., New York Society for the Deaf, Northern Regional Center for Independent Living, Ocean State Center for Independent Living, Options for Independence, Inc., Oregon Disabilities Commission, Pennsylvania Council of the Blind, Progress Center for Independent Living, Queens Independent Living Center, Inc., Regional Access & Mobilization Project, Inc., River Falls Access Ability Center, Ruben Center for Independent Living, Service Employees International Union, Sierra Club, Southern Maryland Council of the Blind, Statewide Parent Advocacy Network, Inc., United Auto Workers, United Food and Commercial Workers International Union, Utah Statewide Independent Living Council, Vermont Statewide Independent Living Council, Western Law Center for Disability Rights.

Women's Rights Organizations letter signed by: American Association of University Women, Business and Professional Women/USA, Center for Women Policy Studies, Choice USA, Coalition of Labor Union Women, Equity in Education and Employment, Feminist Majority, GenderWatchers, Ms. Foundation for Women, National Council of Jewish Women, National Network to End Domestic Violence, National Partnership for Women & Families, National Women's Law Center, National Organization for Women, NOW Legal Defense and Education Fund, National Partnership for Women & Families, National Women's Conference, National Women's Law Center, Northwest Women's Law Center, Religious Coalition for Reproductive Choice, Wisconsin Coalition Against Sexual Assault, Women Against Abuse, Inc., Women's Caucus for Political Science, Women Employed, Women Empowered Against Violence, Inc., Women's Institute for Freedom of the Press, Women's Sports Foundation, Young Democrats of America Disability Issues Caucus.

ATTORNEYS

Susan Barnhill, Sacramento, CA; Margarette Berg Cashin, Staten Island, NY; Richard Chudner, Cleveland, OH; Kathryn Engdahl, Minneapolis, MN; Frederick Ford, West Palm Beach, FL; Nancy Grim, Kent, OH; Caryn' Groedel, Cleveland, OH; Harriet McBryde Johnson, Charleston, SC; Theodore Meckler, city and state unknown; Dahlia Rudasky, Boston, MA.

Also signed by: Ellen Messing; James Weliky; Jeremy Cattani; Shawn Scharf, Youngstown, OH; Judity Schermer, Minneapolis, MN; David Steiner, Cleveland, OH; Richard Treanor, Washington, DC; Brian Williams, Akron, OH; Jeffrey Neil Young, Topsham, ME.

PROFESSORS

Douglas Laycock, University of Texas at Austin School of Law, Austin, TX; American Law Teachers, signed by Michael Rooke-Ley, Emeritus Professor of Law and Paula Johnson, Professor of Law; Rebecca Zietlow, University of Toledo College of Law.

CITIZEN GROUPS

Concerned Citizens of Ohio letter signed by: Tim Harrington, Director and Sue

Hetrick, Ability Center for Greater Toledo; Roy Poston, Director, Access Center for Independent Living (Dayton); Patrick Shepherd, President, Cleveland Stonewall Democrats; Bev Rackett, Director, Mid-Ohio Board for an Independent Living Environment; Joan Kazan, Immediate Past President, National Council of Jewish Women, Cincinnati Section; Susan Levine, President, National Council of Jewish Women, Cleveland Section; Cathy Stone, President, National Council of Jewish Women, Columbus Section; William Burga, President, Ohio AFL–CIO; Ronald Malone, Director, Ohio AFSCME United; Sandy Buchanan, Ohio Citizen Action; Fred Gittes, Ohio Employment Lawyers Association; Diane Doge, Ohio National Organization for Women; William Olubodun, Ohio Statewide Independent Living Council; Jonathan Varner, President, Ohio Young Democrats; Belinda Spinosi, Director, Southeastern Ohio Center for Independent Living; NARAL Ohio letter signed by 279 individuals.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS, ALLIANCE FOR JUSTICE,
Washington, DC, April 28, 2003.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Washington, DC.
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We, the undersigned civil rights, women's rights, labor, and human rights organizations, together representing millions of Americans across the United States, write to express our opposition to the confirmation of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. Mr. Sutton's record as a lawyer and advocate reveals him to be an extremely ideological and conservative activist with a particularly troubling record in many areas important to our communities.

We have serious concerns about Mr. Sutton's legal philosophy in a number of areas, particularly his views on Congress' authority to enact laws protecting civil and other individual rights. Mr. Sutton has become, over the last several years, a leading activist in the so-called "states' rights" movement. In fact, he has personally argued key Supreme Court cases that, by narrow 5–4 majorities, have undermined Congress' ability to protect Americans against discrimination based on race, age, gender, disability, and religion. Mr. Sutton's arguments in several of these cases sought to restrict civil rights and environmental protections even more severely than has the Supreme Court. Also, Mr. Sutton was not just making a strong case on behalf of his client; he actively sought out these cases in order to expand states' rights doctrines. As he told the Legal Times, "I love these issues. I really believe in this federalism stuff."

Mr. Sutton's work on behalf of limiting Congress' power to enact protective legislation has had a devastating impact on the rights of individuals with disabilities. Over the past several years, Mr. Sutton has been involved in an effort to challenge and weaken the Americans with Disabilities Act (ADA), a popular and important bill enacted by a bipartisan Congress and signed into law by President George H.W. Bush. Mr. Sutton represented the University of Alabama in the case of University of Alabama v. Garrett, 531 U.S. 456 (2001), in which the Court ruled 5–4 that it was unconstitutional for the ADA to permit state employees to bring lawsuits for damages to protect their rights against discrimination. In fact, Mr. Sutton's arguments went even further than the Court's decision. During oral argument, Mr. Sutton told the Court that the ADA was "not needed." In another case, Olmstead v. L.C., 527 U.S. 581 (1999), Mr. Sutton argued that it should not be a violation of the ADA to force persons with mental disabilities to remain institutionalized without proper justification, despite clear congressional findings to the contrary. In a third case, Pennsylvania Department of Corrections v. Yeskey, 524 U.S. 206 (1998), Mr. Sutton filed an amicus brief arguing that the ADA does not apply at all to state prison systems. The Supreme Court rejected Mr. Sutton's arguments in Olmstead and Yeskey, which would have further weakened the ADA had they been accepted.

Mr. Sutton has also argued for a narrow view of Congress' ability to protect the environment or to provide a means for individuals to vindicate their rights. In Alexander v. Sandoval, 532 U.S. 275 (2001), he argued against allowing private individuals to sue to enforce the disparate impact regulations of Title VI of the 1964 Civil rights Act, which prohibits discrimination based on race, color, or national origin, by recipients of federal financial assistance. He has also argued for severe limits on the ability of state employees who are victims of age discrimination to recover damages, against increased protection for religious freedom from encroachment by states, and against a federal remedy for victims of sexual assault and violence, positions adopted by the 5–4 Supreme Court majority. He also argued that Congress did not have the Constitutional authority to enact legislation protecting environmentally sensitive wetlands from harmful dumping.

In addition, Mr. Sutton has advocated for other specific steps by the courts to limit federal civil rights protections. In an article for the Federalist Society, Mr. Sutton praised a concurring opinion by Justices Thomas and Scalia in Holder v. Hall, 512 U.S. 874 (1994), which would have severely restricted the application of Section 2 of the Voting Rights Act (prohibiting state and local conduct that has a racially discriminatory purpose or effect), and would have required overturning or reconsidering at least twenty-eight previous Supreme Court voting rights decisions. Mr. Sutton has even suggested that the Thomas-Scalia concurrence provided a blueprint for broadly reconsidering and overturning court decisions that right-wing advocates do not like in civil rights and other areas.

In sum, based on his record as a lawyer and legal advocate, it is clear that Mr. Sutton's legal philosophy is focused on limiting Congress' historic role in protecting the civil and constitutional rights of all Americans. Jeffrey Sutton's advocacy on many issues important to our communities, such as the reach of federal civil rights and environmental statutes, federalism, the right to vote, and the ability of individuals to vindicate their rights, reflect views that are outside the mainstream of judicial thought.

Therefore, given Mr. Sutton's record of hostility to important civil rights and equal opportunity principles, we urge the Senate to reject his nomination to the U.S. Court of Appeals for the Sixth Circuit.

Sincerely,
WADE HENDERSON,
Leadership Conference on Civil Rights.
NAN ARON,
Alliance for Justice.

APRIL 28, 2003.

Hon. WILLIAM H. FRIST,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.
Hon. THOMAS DASCHLE,
U.S. Senate,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We, the undersigned women's rights organizations, write to express our strong opposition to the nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. Jeffrey Sutton is an experienced Supreme Court litigator who has gained prominence because of his staunch advocacy in favor of states' rights and elevating state sovereignty over Congress' power to protect civil rights. As organizations dedicated to the advancement of women, we are extremely concerned about the growing resurgence of states' rights, particularly as a tool to undermine rights essential to women's progress. Jeffrey Sutton is not merely a proponent of state's rights—he has been the principal architect of an effort to curtail Congress' efforts to protect against discrimination and ensure equal opportunity. Indeed, his persistent, single-minded advocacy is reflected not only in his case participation, but also in his speeches and writings. His confirmation to a lifetime position on the federal bench threatens to dismantle the important gains that have been critical to women's success and we urge you to reject his nomination.

Jeffrey Sutton has argued before the Supreme Court in a number of seminal civil rights cases that have weakened the ability of Congress to protect women's rights. For example:

Mr. Sutton represented Alabama as amicus curiae in United States v. Morrison, 529 U.S. 598 (2000), and argued successfully that the civil rights remedy of the Violence Against Women Act (VAWA) was unconstitutional. Congress passed VAWA after hearing wide-ranging testimony that states were not adequately protecting women from violence motivated by gender. Despite substantial evidence gathered by Congress and the views of attorneys general from 36 states, Sutton argue that "there has been no tenable showing that the [s]tates have violated the Fourteenth Amendment through their regulation of gender-based violence." He not only volunteered to write this brief, but also wrote two subsequent articles for the Federalist Society which supported the Court's decision and its rationale.

Mr. Sutton played a significant role in weakening the Civil Rights Act of 1964, arguing in Alexander v. Sandoval, 532 U.S. 275 (2001), that citizens could not sue under Title VI to challenge federally funded programs that had the effect of discriminating on the basis of race, color, or national origin. This case has had a serious impact not only on Title VI cases, but also on the implementation of Title IX, which prohibits gender discrimination in federally funded education programs or activities. Because Title IX was modeled on Title VI, many courts have applied principles established under Title VI to Title IX cases. Already, at least four courts have found that Title IX retaliation claims were not actionable in the wake of the Sandoval decision. While further action in these cases is possible, these decisions illustrate the potential harm posed by Sandoval in cases challenging gender discrimination in education.

Mr. Sutton represented the state of Alabama in Board of Trustees of the University of Alabama v. Garrett, 531 U.S. 356 (2001), advancing a state's rights argument that ultimately led the Supreme Court to dismiss the claim of a woman who was fired because she had breast cancer and to further undermine the Americans with Disabilities Act. Despite evidence that Congress had mounted to show that states had a history of discrimination in their treatment of citizens with disabilities, Sutton argued to the contrary, and urged the Court to find that Congress had exceeded its power under the Fourteenth Amendment. These same legal arguments are now being used to challenge the Family and Medical Leave Act, another law that is critical to the ability of women and men to balance their work and family responsibilities.

Mr. Sutton's unyielding and extreme views on federalism and civil rights would restrict Congress' power to pass civil rights laws and the abilities of individuals to seek redress for violations of those rights, as well as inhibit access to courts for people challenging illegal acts by their state governments. These views are contrary to the balanced approach we believe is necessary for a federal appeals court judge.

Because we believe Mr. Sutton's confirmation would accelerate the rollback of essential civil rights laws and undermine important gains for women, we urge you to oppose his nomination.

Sincerely,

American Association of University Women.
Business and Professional Women/USA.
Center for Women Policy Studies.
Choice USA.
Coalition of Labor Union Women.
Equity in Education and Employment.
Feminist Majority.
Gender Watchers.
Ms. Foundation for Women.
National Council of Jewish Women.
National Network to End Domestic Violence.
National Organization for Women.
NOW Legal Defense and Education Fund.
National Partnership for Women & Families.
National Women's Conference.
National Women's Law Center.
Northwest Women's Law Center.
Religious Coalition for Reproductive Choice.
Wisconsin Coalition Against Sexual Assault.
Women Against Abuse, Inc.
Women's Caucus for Political Science.
Women Employed.
Women Empowered Against Violence, Inc.
Women's Institute for Freedom of the Press.
Women's Sports Foundation.

ADA WATCH,
Washington, DC, May 14, 2001.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: President Bush's nomination of Jeffrey Sutton for federal judgeship is of great concern to members of the disability community and it is our hope that you will be willing to meet with representatives of the ADA WATCH to discuss our opposition.

The ADA WATCH is a campaign to protect the civil rights of people with disabilities. This includes an informational network designed to alert and activate the grassroots to respond to threats to the ADA from Congress, the Administration, and the courts. Our 100+ member organizations include: ADAPT, National Council on Independent Living, American Association of People with Disabilities, Consortium for Citizens with Disabilities, Paralyzed Veterans of America, and the National Association of Protection and Advocacy Systems. While the ADA WATCH does not speak for any of these individual organizations, we are currently making the judicial nomination of Jeffrey Sutton a top priority and a great majority of our partners are united in opposing this nomination in light of Mr. Sutton's outspoken disregard for the civil rights of people with disabilities. The nomination of a lawyer who has enthusiastically argued against the constitutionality of the ADA is hardly consistent with the Bush Administration's stated support of the ADA and the legacy of the man who signed the ADA into law, President George H.W. Bush.

Mr. Sutton has made it clear that he is not supportive of the rights granted to people with disabilities by Congress through the passage of the ADA. Despite extensive documentation of state government discrimination against people with disabilities, Mr. Sutton enthusiastically supported the position that Congress did not have the authority to create the important civil rights protections afforded by the ADA. Mr. Sutton told the Supreme Court last fall when he argued the Garrett case for Alabama that the ADA "exaggerated discrimination problems by states." He told the court that the ADA was "not needed" and used similar arguments to weaken civil rights laws in the Kimel and Sandoval cases. His belief that laws of the various states provide adequate protections ignores the hundreds of pages of testimony before Congress that detailed the discrimination faced by people with disabilities across the country at the hands of state government agencies.

Please understand the ADA WATCH's respectful opposition to this nomination and our concern that the nomination of Mr. Sutton represents a serious threat to the civil rights of people with disabilities.

Sincerely,

JIM WARD.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few minutes and then I intend to yield back the remainder of our time, as long as no one else wants to speak.

I appreciate the distinguished Senator from Iowa. I would have yielded time to him, had he needed time, without the extra 10 minutes that were asked for.

It seems to me the arguments on the other side come down to this. Mr. Sutton is outside the mainstream of American jurisprudence, that he advocated cases that literally the Supreme Court agreed with, that they disagree with, maybe I disagree with, but the Supreme Court did decide in at least two of those cases, nine to zip, in favor of Mr. Sutton's position. That is basically what it seems to come down to.

The fact is, Mr. Sutton, as an advocate, has an obligation to argue the best he can for his clients. He did that, winning 9 of the 12 cases that he had before the Supreme Court, and a number of them unanimously—that they have been complaining about. In the Garrett case, he got five Justices on the Supreme Court, a clear majority, to go along with his particular position.

I have read the letter from some of my colleagues on the Judiciary Committee that indicated he has never advocated for a civil rights position. That is pure bunk, and I have made that case here today.

What is behind this type of treatment of an excellent nominee such as Jeffrey Sutton? I can understand the distinguished Senator from Iowa who is a very strong advocate for persons with disabilities, as am I, who may not have read the full judicial record and who may not, as a nonlawyer, fully appreciate the role of an advocate. But it is very difficult for me to understand how members of the Judiciary Committee who are advocates themselves, who hold their attorney's licenses in good esteem, can make some of the arguments they have made, and especially in the letter they distributed to all Senators.

The record flies in the face of those allegations. The fact is, I believe Jeffrey Sutton will be one of the most sensitive people towards persons with disabilities because he comes from that mindset. His father ran a school for persons with disabilities, kids who suffered from cerebral palsy. He worked for his father. He has argued for persons with disabilities and he has argued in cases where the Court decided against the Americans with Disabilities Act. But the Court made that decision.

Is the Court outside the mainstream of American juris prudence? I am sure each of us in this body can find a case or two in which we disagree with the Supreme Court. I can find a lot of cases with which I disagree. But their pronouncements happen to be the law and that has been the law ever since Marbury v. Madison.

All I can say is that here is a person who is respected by his peers, who receives the highest rating from the American Bar Association—not a conservative organization, something that has been called the gold standard by my colleagues on the other side—who has eminent experience before the U.S. Supreme Court and other appellate bodies in this country, one of the premier appellate lawyers in the country, even though he is only 45 years of age, who has had extensive experience as an advocate for a wide variety of diverse people, who appeared before the committee and everybody on the committee, even those who are against him here today, admit he is a fine person with great ability.

But they try to smear the Federalist Society by saying these are Federalist Society nominees. That is a joke. The Federalist Society puts on the best seminars of any legal society in America today, and those seminars are always balanced with the left and the right. They give the left every chance to explain their position and give the right every chance to explain their position. That is precisely what a good legal society should do. They do not take advocacy positions but they do try to get people to think about the law.

I get a little tired of having the Federalist Society run down when some of the most eminent people in society are members of the Federalist Society, which is basically a debating society considering the various aspects of the law and making sure both sides are heard. That is pretty hard to beat.

I hope I am wrong, that the real reasons against Mr. Sutton is, No. 1, he is so good; No. 2, he has a chance of being on the Supreme Court someday and why not damage him now so he can't be there; No. 3, he might be pro-life, although I personally don't know what he is with regard to that issue. Those seem to be the major issues.

The fact is, he has the highest rating he can possibly have from the American Bar Association. He is an excellent lawyer. He is an excellent advocate. He is a person whom I believe will do justice on the courts. By all measurement by any fair person, any student of the law, you would have to conclude that this man not only is within the mainstream of American juris prudence, but he is one of the leaders in the mainstream of American juris prudence.

For the life of me, I don't understand why anybody would vote against Jeffrey Sutton. The mere fact that he may have represented some clients who they don't like, they on the other side, that is not a good enough argument. In fact, it is laughable. Good lawyers represent their clients.

In the Garrett case, contrary to what has been argued, he didn't ask for that case. He was called by the attorney general of the State involved and asked if he would be willing to represent them, if I recall correctly.

So the arguments that have been made—I haven't heard one meritorious argument on this whole debate. If you look at the record, there is every meritorious argument as to why those who really understand the law, those who really are fair about this process, would vote for Jeffrey Sutton.

Mr. President, if there is no one else who wants to speak, then I yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SESSIONS). Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. ROBERTS) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. KERRY) and the Senator from Arizona (Mrs. LINCOLN) would each vote "no".

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Chambliss
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Schumer
Stabenow
Wyden

NOT VOTING—7

Graham (FL)
Kerry
Lieberman
Lincoln
Miller
Roberts
Sarbanes

The nomination was confirmed.

• Mrs. LINCOLN. Mr. President, due to an electronic failure, I was absent during the vote on the confirmation of Jeffrey Sutton to be a United States Circuit Judge for the Sixth Circuit Court of Appeals. Had I been present, I would have voted "no" on his confirmation. After reviewing Mr. Sutton's record, I was not confident he could fulfill his obligation as a Federal appellate court judge to follow established precedent, interpret the law and Constitution fairly, and treat all litigants before him without favor or bias. In my estimation, Mr. Sutton's proactive and consistent advocacy to limit Federal civil rights protections is incompatible with the temperament and detachment I look for in nominees being considered for a lifetime appointment.•

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having passed, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now resume consideration of the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richmond Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, the Senator will proceed.

Mr. HATCH. Mr. President, I am pleased today to voice my strong support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Justice Owen's nomination has been pending now for nearly 2 years—720 days in total, so I hope we can vote on it soon. Justice Owen is among the longest pending judicial nominees selected by President Bush. She was first nominated on May 9, 2001, so it is natural that we should move forward at this time.

I should say at the outset that I truly hope the news reports are inaccurate about another move by the other side to filibuster a well-qualified nominee and deny a vote by the full Senate. We know the usual liberal interest groups are crying for a filibuster, but we ought to do what the American people have sent us here to do, and vote.

I expressed a similar hope when Miguel Estrada's nomination reached the floor on February 5. Yet here we are 3 months and 4 cloture votes later and still he has not been allowed a vote.

We have 200 years of precedent for providing an up-or-down vote on judicial nominees and we should follow that.

If certain Senators do not like Priscilla Owen or Miguel Estrada, they ought to vote no. That is their right. But they ought to vote.

I fully support an open debate on Justice Owen's nomination. And we have had a number of debates already. I do not, however, support any filibuster on a circuit court nominee, or any judge for that matter, or, frankly, anybody on the Executive Calendar. I think in the past some of us voted against cloture on Executive Calendar nominees without realizing how important it is to not filibuster the President's nominees, whoever the President might be. I believe we have made those mistakes. And I believe I probably have. It is the wrong thing. But nobody has ever filibustered a circuit court of appeals nominee until Miguel Estrada. If they filibuster Priscilla Owen, that means two in 1 year in a procedure that has never before been used.

I fully support an open debate on Justice Owen's nomination. Like I say, we should not suffer through another filibuster. My colleagues on the other side of the aisle have already set a terrible partisan precedent in filibustering for the first time in history a circuit court nominee, Miguel Estrada. A simultaneous filibuster of two nominees would not only be unpredecented, but I think it would damage all three institutions even more. Let us have a full and open debate and then leave it up to each Senator to decide for himself or herself by holding a simple up-or-down vote.

Let me now explain why I intend to vote yes on Justice Owen's nomination.

Justice Owen is a terrific selection for the Fifth Circuit Court of Appeals. She has the intelligence, the education, the experience, and the integrity we look for in a federal judge. A native of Texas, Justice Owen attended Baylor University and Baylor University School of Law. She graduated cum laude from both institutions and served as a member of Baylor's law review. In addition, she finished third in her law school class, which means that she is worthy of the appointment, something most lawyers can never dream about.

Justice Owen went on to earn the highest score on the Texas bar exam and thereafter accepted a position at the nationally ranked Houston law firm of Andrews & Kurth. She worked for the next 17 years as a commercial litigator with the firm, specializing in oil and gas matters and doing some work in securities and railroad issues.

Justice Owen has the full support of Senators HUTCHISON and CORNYN—both Senators from Texas—who know her well. Senator CORNYN has spoken in committee and on the Senate floor about his time working as a fellow Justice to Justice Owen on the Texas Supreme Court. Senator CORNYN has spoken to the criticism of Justice Owen's work on the bench and has made a strong case for Justice Owen's confirmation. I would commend Senator CORNYN's remarks regarding Justice Owen as worthy of the special attention of all my fellow Senators. Senator CORNYN's responses to criticisms of Justice Owen's judicial record are especially enlightening.

Former Texas Supreme Court Justices John L. Hill, Jack Hightower, and Raul Gonzalez—each of them a committed Democrat—also endorse Justice Owen. In particular, they note her impartiality and restraint on the bench. A group of 15 former Presidents of the Texas State Bar supports Justice Owen. This is no partisan group. They write: "Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit."

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUGHES LUCE LLP,
Dallas, TX, July 15, 2002.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, 224 Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As past presidents of the State Bar of Texas, we join in this letter to strongly recommend an affirmative vote by the Judiciary Committee and confirmation by the full Senate for Justice Priscilla Owen, nominee to the United States Court of Appeals for the Fifth Circuit.

Although we profess different party, affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit. Based on her superb integrity, competence and judicial temperament, Justice Owen earned her Well Qualified rating unanimously from the American Bar Association Standing Committee on the Federal Judiciary—the highest rating possible. A fair and bipartisan review of Justice Owen's qualifications by the Judiciary Committee certainly would reach the same conclusion.

Justice Owen's stellar academic achievements include graduating cum laude from both Baylor University and Baylor Law School, thereafter earning the highest score in the Texas Bar Exam in November 1977. Her career accomplishments are also remarkable. Prior to her election to the Supreme Court of Texas in 1994, for 17 years she practiced law specializing in commercial litigation in both the federal and state courts. Since January 1995, Justice Owen has delivered exemplary service on the Texas Supreme Court, as reflected by her receiving endorsements from every major newspaper in Texas during her successful re-election bid in 2000.

The status of our profession in Texas has been significantly enhanced by Justice Owen's advocacy of pro bono service and leadership for the membership of the State Bar of Texas. Justice Owen has served on committees regarding legal services to the poor and diligently worked with others to obtain legislation that provides substantial resources for those delivering legal services to the poor.

Justice Owen also has been a long-time advocate for an updated and reformed system of judicial selection in Texas. Seeking to remove any perception of a threat to judicial impartiality, Justice Owen has encouraged the reform debate and suggested positive changes that would enhance and improve our state judicial branch of government.

While the Fifth Circuit has one of the highest per judge caseloads of any circuit in the country, there are presently two vacancies on the Fifth Circuit bench. Both vacancies have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts. Justice Owen's service on the Fifth Circuit is critically important to the administration of justice.

Given her extraordinary legal skills and record of service in Texas, Justice Owen deserves prompt and favorable consideration by the Judiciary Committee. We thank you and look forward to Justice Owen's swift approval.

Sincerely,

DARRELL E. JORDAN.

On behalf of former Presidents of the State Bar of Texas: Blake Tartt; James B. Sales; Hon. Tom B. Ramey, Jr.; Lonny D. Morrison; Charles R. Dunn; Richard Pena; Charles L. Smith; Jim D. Bowmer; Travis D. Shelton; M. Colleen McHugh; Lynne Liberaito; Gibson Gayle, Jr.; David J. Beck; Cullen Smith.

Mr. HATCH. Mr. President, Justice Owen is recognized for her services for the poor and for her work on gender and family law issues. Justice Owen has taken a genuine interest in improving access to justice for the poor. She successfully fought with others for more funding for legal aid services for the indigent. Hector De Leon, former president of Legal Aid of Central Texas, has written: "Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit."

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DE LEON, BOGGINS & ICENOGLE,
Austin, TX, June 26, 2002.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, DC.

DEAR SENATOR LEAHY: This correspondence is sent to you in support of the nomination by President Bush of Texas Supreme Court Justice Priscilla Owen for a seat on the U.S. Court of Appeals for the Fifth Circuit.

As the immediate past President of Legal Aid of Central Texas, it is of particular significance to me that Justice Owen has served as the liaison from the Texas Supreme Court to statewide committees regarding legal services to the poor and pro bono legal services. Undoubtedly, Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit.

Additionally, Justice Owen played a major role in organizing a group known as Family Law 2000 which seeks to educate parents about the effect the dissolution of a marriage can have on their children. Family Law

2000 seeks to lessen the adversarial nature of legal proceedings surrounding marriage dissolution. The Fifth Circuit would be well served by having someone with a background in family law serving on the bench.

Justice Owen has also found time to involve herself in community service. Currently Justice Owen serves on the Board of Texas Hearing and Service Dogs. Justice Owen also teaches Sunday School at her Church, St. Barnabas Episcopal Mission in Austin, Texas. In addition to teaching Sunday School Justice Owen serves as head of the altar guild.

Justice Owen is recognized as a well rounded legal scholar. She is a member of the American Law Institute, the American Judicature Society, The American Bar Association, and a Fellow of the American and Houston Bar Foundations. Her stature as a member of the Texas Supreme Court was recognized in 2000 when every major newspaper in Texas endorsed Justice Owen in her bid for re-election to the Texas Supreme Court.

It has my privilege to have been personally acquainted with various members of the U.S. Court of Appeals for the Fifth Circuit. The late Justice Jerry Williams was my administrative law professor in law school and later became a personal friend. Justice Reavley has been a friend over the years. Justice Johnson is also a friend. In my opinion, Justice Owen will bring to the Fifth Circuit the same intellectual ability and integrity that those gentlemen brought to the Court.

I earnestly solicit your favorable vote on the nomination of Justice Priscilla Owen for a seat on the U.S. Court of Appeals for the Fifth Circuit.

Thank you for your attention to this correspondence.

Very truly yours,

HECTOR DE LEON.

Mr. HATCH. Mr. President, Justice Owen is committed to opening opportunities to women in the legal profession. She has been a member of the Texas Supreme Court Gender Neutral Task Force, and she served as one of the editors of the Gender Neutral Handbook, a guide for all Texas lawyers and judges on the issue of recognizing and combating gender bias in the legal field. Incredibly, this is the same woman the usual interest groups mischaracterize as "anti-woman."

Justice Owen's confirmation is backed by Texas lawyers such as E. Thomas Bishop, president of the Texas Association of Defense Counsel, and William B. Emmons, a Texas trial attorney and a Democrat who says that Justice Owen "will serve [the Fifth Circuit] and the United States exceptionally well."

You can see the type of bipartisan support Justice Priscilla Owen enjoys.

Justice Owen has served on the Texas Supreme Court since 1994, winning reelection to another 6-year term in the year 2000. She had bipartisan support, earning the endorsement of all major Texas newspapers and the endorsement of the Texas voters—84 percent of the electorate to be exact.

This kind of support—running across the board and across party lines—leaves no doubt that Justice Owen is a fair-minded, mainstream jurist.

The fact that Justice Owen earned an ABA rating of unanimous well qualified, the gold standard of many of my colleagues on the other side when evaluating judicial nominees, is further evidence of Justice Owen's fitness to serve on the Fifth Circuit Court of Appeals.

This well qualified rating means that Justice Owen is at the top of the legal profession in her legal community; that she has outstanding legal ability, breadth of experience, and the highest reputation for integrity; and that she has demonstrated, or exhibited the capacity for, judicial temperament.

This ranking comes only after careful investigation and consideration. There is close examination of the nominee's legal writing—whether judicial opinions, law review articles, or other scholarship. Lawyers in private practice and in the public sector are interviewed and provide their candid assessment of the nominee. Those interviewed may be law school professors, lawyers working for public interest services, members of bar associations and legal organizations, and community leaders. Men and women of all backgrounds are invited by the ABA to assess the nominee's fitness for judicial service. All of this investigation is done to provide a full picture of the nominee's qualifications for the federal judiciary.

Justice Priscilla Owen will be a great asset to the Fifth Circuit. One can nitpick at her record, as many have done, and will no doubt continue to do, but when we lay out her full record and look at it with a sense of balance, we see a judge who honors the law and lives up to her judicial oath.

I express my hope, once again, that we will commit to hold a debate and then vote on Justice Owen's confirmation. This will allow each Senator to decide the merits of her record for himself or herself and allow the entire Senate to fulfill its constitutional duty.

I, for one, hope we are not set up for another filibuster—another first time in history. I hope that will not be the case, but if it is, I hope we can face it head on. Ultimately, I hope we can somehow or other pull out the stops and get a vote for Justice Owen up and down. Those who do not agree with her can vote against her; and those who do, can vote for her.

This is an excellent woman, one of the best nominees I have seen in my whole 27 years on the Senate Judiciary Committee. I do not think you can find better people than Justice Owen. I personally believe she is a person of great capacity, and I think her record proves that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Democratic leader is on his way to the floor and wants to be the first speaker on this matter on our side. We wish that he be the first speaker. In light of that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I note we are now debating the Owen nomination. This morning we had a debate, as we have had over the last several days, on the Sutton nomination. There were those who supported Mr. Sutton. Many of us opposed him, we think for good reason. But there ought to be a recognition that, as we consider all of those nominees who come before the Judiciary Committee, there are those, of course, that will divide us but there are many that ought to unify us, that ought to bring us together in recognition of the importance of the record that has already been made with regard to judges these past 2½ years since this administration has come to office.

In that time, the Senate has now confirmed 119 circuit and district judges. I am told that is a record in that period of time, that we have never confirmed that many judges over that period of time. But whether it is a record or not, arguably there are other times when we have been virtually as productive.

We have only opposed two of those nominations. Judge Priscilla Owen was opposed before, and is opposed now. Judge Pickering, of course, in the committee was defeated 2 years ago. The only other nomination to come to the floor, as I said—the second one—is Judge Estrada, and that has to do with his lack of cooperation and his unwillingness to bring forward the documents that we think ought to be required if we are going to make a collective and a thoughtful judgment about his qualifications.

There are others who have been considered in the committee that I have offered to the distinguished Republican leader, the majority leader, who could be brought up and passed in a very short period of time.

One of those judges is Judge Edward Prado. Judge Prado happens to be in the same circuit as Judge Owen. Judge Owen is from the Fifth Circuit. So is Judge Prado. Judge Prado also happens to be Hispanic. There have been numerous statements on both sides of the aisle with regard to the importance of Hispanic nominees, nominees of any minority. Cases have been made for improving the diversity on the courts. It is in the interest of diversity and the interest of moving forward on those judges for whom there could be agreement that I wanted to come to the floor this afternoon and simply say:

Let's take up those for which there is overwhelming agreement. As I noted, Judge Prado is one of those nominees.

I intend to ask unanimous consent that we agree at least on this nominee and many others. We may continue to disagree on the Owen nomination, and we will get into the reasons in the course of the debate. But there is no reason to hold hostage those nominees for whom there is agreement. So I thought it would be appropriate for us to set aside the Owen debate for 3 hours this afternoon so that we can take up an Hispanic nominee who enjoys broad bipartisan support. I would guess if there were a rollcall on Mr. Prado this afternoon, it would pass, if not unanimously, virtually unanimously.

We have a choice this afternoon. We have a choice of continuing this debate, this divisive debate on Priscilla Owen, which we may be forced to experience, or we could at least take a reprieve from that divisive debate and take up a qualified nominee, a Hispanic nominee on whom there is virtually no disagreement.

I ask unanimous consent that the Senate now proceed to Executive Calendar No. 105, the nomination of Edward C. Prado of Texas to be a U.S. Circuit Court Judge for the Fifth Circuit; that there be 3 hours of debate on the nomination equally divided between the chairman and ranking member; that at the conclusion or yielding back of the time, the Senate vote, without intervening action, on the confirmation of the nomination; that the motion to reconsider the Senate's action be laid upon the table; and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Reserving the right to object, I believe the majority leader realizes there is a way of doing this and a way not to do this. I will have to object to the unanimous consent request because Priscilla Owen has been nominated for the exact same court of appeals as Judge Prado. We all agree Judge Prado is an excellent candidate and nominee, and we intend to fully support him and to have him confirmed. We also know there is the matter of seniority and a number of other matters as well.

In addition, the majority leader has seen fit to bring the Owen nomination to the floor, because we hope to have a vote up or down on Priscilla Owen. We look forward to that particular vote. We would like to confirm her first.

I made it clear a short while ago, in fact early in the year, that we would try on the Judiciary Committee, to the extent that we can, to bring people up in chronological order. Justice Owen has been sitting in the Judiciary Committee as a nominee on the Executive Calendar for 2 years this May 9. So within a week and a half, she will have been sitting there for 2 solid years. It is only fair to ask that her nomination be acted upon first. We fully intend to do that although it has no reflection at all on Judge Prado.

I have to object at this time. We will get to Judge Prado in due course in the way it should be done, not by bringing him up out of order and not by trying to upset the motions of the majority leader in this body. I look forward to that. Having said all of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me just say how disappointed I am at the decision made by our Republican colleagues. The distinguished chair of the Judiciary Committee made a comment that I may have misunderstood. I think he said there really is no difference between the Owen nomination and the Prado nomination with regard to Senate consideration. There is a huge difference.

The Owen nomination, of course, came before the Judiciary Committee in the last Congress. Her nomination was defeated in the Judiciary Committee. It is rare, almost unheard of, for a defeated nominee to be brought back before the committee and then brought back before the Senate.

There is a significant difference between the Owen nomination and the nomination of Edward Prado. Edward Prado was before the committee and now before the Senate in part because of his overwhelming support on both sides of the aisle, because he came before the committee, presented his qualifications and, as a result of those qualifications, was voted out unanimously. There is absolutely no reason to hold Mr. Prado hostage to other controversial nominees. If we wait until we resolve the Owen nomination, Mr. Prado will never be confirmed because I doubt that Ms. Owen will be confirmed. So that is a criterion I hope will be reconsidered by our colleagues on the other side.

Again, let me express my disappointment and my hope that our colleagues will reconsider as we bring this unanimous consent request back to the floor at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I have a perfect solution to the distinguished minority leader's suggestion. I would like to have Judge Prado brought up as well. I ask unanimous consent that with respect to the Owen nomination, which was reported on March 27, there be 8 additional hours for debate prior to the vote on the confirmation of the nomination.

Mr. DASCHLE. Mr. President, I object.

Mr. HATCH. Then I modify my request to allow for 10 hours.

Mr. DASCHLE. Mr. President, as I noted before, there are many concerns. This nominee was defeated before the Judiciary Committee in the last Congress, and for many good reasons. We will have the debate. There is no way that 10 hours will accommodate the debate that will be required on Ms. Owen.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. HATCH. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Utah retains the floor, and the Chair has heard an objection.

Mr. HATCH. I yield to the Senator from Nevada without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Parliamentary inquiry: If Senator DASCHLE's request had been that we move to Prado without the conditions he set forth as to time, is that a debatable motion? We are in executive session.

The PRESIDING OFFICER. At this time, it would be a debatable motion.

Mr. REID. I don't want to do that because the Senator from Utah has the floor, but I want everyone to understand, as soon as I get the floor, I will move to Prado. That is debatable.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. REID. Mr. President, if I may complete my statement, I think we would be in a very strange situation where we would have the Republicans filibustering our moving to Prado.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, that is not only absurd, it is ridiculous. But that is typical of what is going on here. Rather than give an honest vote up or down, which is what advise and consent means under the Constitution, they would prefer to try to take back the floor, although they are in the minority.

I have nothing against Judge Prado. In fact, I will vote for him. I think he is terrific. But it is unseemly for them to try to interrupt the Owen nomination, which has been brought to the floor in accordance with the usual procedures around here, to try to justify their obstruction of not only Miguel Estrada but also Justice Owen by voting for another nominee and making it look as if they are being reasonable about these matters.

First of all, this is the first time in the history of this Republic that a second nominee for a circuit court of appeals is being filibustered.

To make it look like they are not filibustering, to make it look like they are being reasonable, they are trying to overrule what the majority leader has brought to the floor. I suspect if the Parliamentarian continues to maintain that ruling, we will have to face that problem.

Will our colleagues on the other side stop at nothing in their zeal to obstruct a vote up or down on President Bush's nominees? I think it shows even further how broken the Senate is, how broken this procedure and process is.

Now, my Democratic colleagues have brought up the fact that Priscilla Owen was defeated last year. Let us remember that she was defeated on a party line, partisan vote, a vote of obstruction. After the first of this year, she was brought up again in committee and passed through the committee with a majority vote—again, a straight partisan vote. All Republicans voted for her and all Democrats on the committee voted against her.

Mr. President, I think it is unseemly what the Democrats are trying to do. I think they are trying to cover up their approaches. I think they are trying to cover up their obstruction. I think it is an insult to Justice Owen, an insult to the President of the United States, and it is unfair. Unfortunately, I suspect we have to live with this type of unfairness.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say to my friend from Utah, earlier today, the majority leader announced there would be no votes today. He has been always very cooperative with me. So I am not going to move to the nomination of Prado today. But I want to put my friend on notice, as well as everybody else, that tomorrow, when we are going to be in a period of time where we can vote, I will do that.

I say to my friend from Utah, who is my friend, that I have respect for him and his legislative abilities and his fine legal mind. But I believe we should not get bogged down with Miguel Estrada and Priscilla Owen. There are many other things we can do to move forward with lots of Judiciary Committee appointments, as was seen from the vote today. We had 41 votes here. I think with Priscilla Owen and Miguel Estrada there have been extraordinary circumstances that have caused us to do what we have done. There is no need to go over again why we feel as strongly as we do with Miguel Estrada. The record is replete with that. With Priscilla Owen, the record hasn't been made, but it will be. Here is a person we feel should not be on the court; as simple as that.

I see my friend who was chair and is now ranking member of the important Judiciary subcommittee which deals with judges. So I believe we are fighting over issues that really are not helpful to the family. We have heard a lot of talk here saying let's get Hispanic people on the court. We have Prado; he is Hispanic. Let's move him this afternoon or tomorrow. Also, I am quite certain my friend from Utah did not mean this. I understand why the majority wants to have an orderly process to handle judicial nominations. It is understandable. But there are certain times when you have to clean your house on Friday and not Saturday. Things come up. In this instance, I suggest that there has been a tentative agreement worked out, for example, on Roberts, who has been waiting a long time to become a circuit court judge. Using the logic that I just heard from my friend from Utah, because Estrada is up ahead of him, maybe we should not move to Roberts. But maybe because Roberts has been around longer, he would supersede Estrada.

The point is I think the seniority issue means a great deal in a legislative body but very little in a judicial body. I know that one of the fine people on the Ninth Circuit—I think my friend from Utah would understand he has been an outstanding jurist—Procter Hug, of Stanford Law, served on the court a long time and became the chief judge of the Ninth Circuit. That is based on seniority. But we are not here talking about who is going to be the chief judge of the Fifth Circuit. We are talking about trying to get judicial nominations filled as quickly as we can.

The President said he wants them, and the majority leader said he wants more judges. The chairman of the Judiciary Committee said he wants more judges. We are here to please. We are willing to work. We have approved 119, and there is no reason that by the end of this week we could not get up over 120. We can do that, including Judge Prado. So I hope we can move beyond Priscilla Owen.

I say as respectfully as I can that Priscilla Owen is not going to be approved. Fact. I don't know everything, but one thing I do know is where the votes are most of the time. Priscilla Owen is not going to be approved. We should get off of her and go to something else.

If the majority wants us to go through lots of cloture votes on her, we will march down here and do the same as we have done on Miguel Estrada. I am prepared to lay out why, and I will do that if necessary, and I am sure others can do it. That is why we should move to more substantive matters.

My friend from New York is here and he knows much more than I do about this judge. I know plenty, but not as much as he does because that is one of his obligations as a Member of the Senate—to take care of judges in the country.

Mr. President, let me just say again that we are not here picking fights that we don't feel are not essential to what we stand for. Not very often do we choose to go to battle—very rarely. There are a lot of these judges I voted against because I don't think they are mainstream judges, but they are judges and they have lifetime appointments. The Democratic leader, supported by his caucus, said there are two judges we are not going to let through: Miguel Estrada—and we know the conditions there that will not be met—and Priscilla Owen.

It is not as if we are stopping everything going on with judges. When I go home, it is amazing. It happens that people say things and people have written editorials in opposition to my view saying: Isn't it terrible that he is holding up the judges? When I have had the chance to explain that we had approved 109 and turned down 1, that didn't seem too alarming. Now it is 119 to 2. That kind of quiets whole audiences.

The President of the United States was the owner of a baseball team. Boy, I will tell you, he would like to have a batting average with his team members like that, where for every 119 times up to bat, they made outs on only 2 occasions. Not bad. Ted Williams could not match that, Mr. President.

I would hope, again, everyone understands that we are not out cruising for a bruising. We are standing for what we believe is a principle, that we want a judiciary to be as good as it can be. It cannot be our judiciary—we understand that—but there are certain times when we draw a line in the sand. We have done it on two occasions. That is a pretty deep line we have drawn and people should understand that and not waste the time of the Senate.

We have so many other things to do. We have 13 appropriations bills to move. We have one new subcommittee on homeland security. It is going to be extremely difficult. We have a new chairman, a new ranking member. The whole subcommittee is made up of new people. It is going to be difficult to get that bill done. It is going to take some time. We should be moving toward that.

I went to a press conference that was sponsored by the Congressional Black Caucus, Hispanic Caucus, Native American Caucus, and Asian Pacific Caucus. They asked me to drop by, and I was happy to do that because it, again, suggested to me that we have to do something about our health care crisis. Forty-five million Americans have no health insurance, none. There are millions more who are underinsured. A significant number of those 45 million and those who are underinsured are people represented by those caucuses because of the diseases that people have in their genes as a result of being of that ethnicity. That is what we should be working on.

The State of Nevada is in desperate shape financially, as are 42 other States in this country. The Republican Governor of the State of Nevada has moved to increase taxes. He is no left-wing Socialist. He is a man who is 65 years old, who spent his entire life helping kids and being an outstanding businessman in the State of Nevada. He said: We are desperate.

One reason they are desperate is the Federal Government has failed the State of Nevada. We have required the State of Nevada to do all kinds of things in homeland security that they are paying for, and we are not helping.

In the Clark County School District there are about 260,000 kids. They are desperate for money. They are talking about creating a 4-day school week. Imagine that. They are talking about dropping band and some athletic programs. People may laugh and say, good, get rid of them, but the way I feel about it is those programs are some of the most important programs young people have. They develop character. It gives them a sense of worth. That is what education is all about.

We passed this Leave No Child Behind Act. It was something that had bipartisan support, but we have not funded it.

Those are the things we should be doing, rather than spending days—not minutes, not hours, but days—weeks, going into months on Estrada, and I guess Owen. I think it is wrong. We have too many other important things to do.

We have an environment about which we should be concerned. We are not dealing with those issues. Do we need to improve the Clean Air Act, the Clean Water Act? Do we need to do something about Superfund? As a member of the Environment and Public Works Committee, having been chairman of it twice, there are lots of things we can do, but it cannot be done if we are spending all of our time on two judges who are not going to become the judges that they have been nominated to become. That does not mean that we have ruined the judicial system.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let's be honest about this. The Senator has been very blunt, very forthright and honest in his remarks that they intend to stop Miguel Estrada and Priscilla Owen. So now we are in the second filibuster. Let nobody have any illusions, we did not know until now that literally they were going to filibuster Priscilla Owen. Now we have two first-time-in-history filibusters against circuit court of appeals judges because the minority does not like these two judges, even though both of them have their gold standard imprinted upon them, unanimously well qualified, by their gold standard, the American Bar Association.

It is unseemly, and it appears to anybody who is a fairminded person that there is no real desire to treat Miguel Estrada, with all of his qualifications, and Priscilla Owen with all of her qualifications, in a fair manner. It is also very apparent that the President of the United States is not going to be treated in a fair manner as well.

I have no objection to Judge Prado. If that is what they want to do, we will see about that, and we will see about it tomorrow. The fact is, that does not negate the fact that for the first time in history we have this type of obstruction rather than up-or-down votes of executive nominee judges for the circuit court of appeals.

I hate to think how this body has devolved from a body that works together to try to albeit argue and fight over certain nominees, but usually and always in the past we voted on them, how it has devolved into this morass whereby two excellent people with the highest recommendations from the American Bar Association and virtually everybody in their communities are being held up for no good reason at all, other than obstruction.

Now we at least know where we stand. I am willing to say I believe both of these people will be confirmed in the end, and I believe our colleagues on the other side are going to see that confirmation occur. At least that is what I intend. I hope we can fully debate these matters and then vote up or down. If my colleagues do not like Miguel Estrada, vote against him. If they do not like Priscilla Owen, vote against her. But do not do this anticonstitutional approach of filibustering Executive Calendar circuit court of appeals nominees for the first time in history.

We have been willing to put up with a certain amount of this, but there is going to be an end to this type of obstruction. It has got to come to an end, and I intend to see that it comes to an end if I can. I may not be able to, but I think there is a way we can do that. I am just warning the other side that I believe sooner or later we are going to have up-or-down votes on these two jurist candidates.

I think it is pretty hard to make a case against Priscilla Owen that does not distort her record, that is factual and nondistortable. I think it is going to be very difficult to make a case against her. For the life of me, I do not understand why our colleagues on the other side are filibustering this excellent woman, who has such impeccable credentials. They have plucked a couple of cases out of the air to criticize her. I venture to say any judge who has been around for a considerable period of time, any of us could find some faults with that judge or we could find cases with which we do not agree. But relatively few matters can they point to that would justify the kind of treatment Priscilla Owen is receiving at this time.

I think we should continue the debate. I intend to do so, and we will see where we go from there. I hope my colleagues will be fair, but so far I have not seen it. I think we are in the middle of an obstructive set of tactics that are beneath the dignity of the Senate.

Be that as it may, our colleagues do have certain rights. I respect those rights and we will just see where we go from here. I believe Priscilla Owen ought to be confirmed, as I believe Miguel Estrada ought to be confirmed, as I believe Mr. Sutton, who is now confirmed, needed to be confirmed.

With regard to Roberts, I might as well make it clear we already have a deal. We have made an agreement. So that should not even enter into this question of whether one person should be confirmed ahead of another. I agree that is a comme ci, comme ca type of thing, but we expect to have a vote on Mr. Roberts. So we will revote him out of committee. We have a rehearing after 12 hours of hearings.

We were promised a vote on Justice Cook from Ohio. I hope that vote will be tomorrow, or the next day, in accordance with the agreement we made, because she was supposed to come up right away within a week. Roberts will be up for his second extensive confirmation hearing tomorrow. I intend to be there. Then he will be put on the markup a week from this Thursday. We have had a good-faith assurance that they will not try to put him over for another week.

So let's hope our colleagues live up to this agreement. It has not been an easy one for me to make, but we have made it. There have been some pluses to us and some pluses to them. But it is done.

So Roberts is not part of the equation, nor should he be used as part of the equation.

It is the desire of the majority leader to have Owen approved first. On the other hand, we will see what happens tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I enjoy listening to all of our colleagues: Our leader from South Dakota, my friend from Nevada, and of course my good friend from Utah, who is just an excellent debater. I would say he is indefatigable because he is on the floor all the time.

I am rising in opposition to Priscilla Owen, and I have a whole bunch of points I would like to make. But I would like to just answer my good friend from Utah on two.

He constantly is using the word right now, "obstruction." It would seem logical by his definition that nonobstruction is only when we approve every judge the President has nominated. The fact is that there are 119 who have been approved and only 3, if you include Judge Pickering in this—that is, Miguel Estrada, Priscilla Owen, and Judge Pickering—only 3 have been held up. Is it fair, I ask my friend from Utah, to call that obstruction?

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will: 119 judges approved, 3 held up. That has been done with greater speed than in any time that anyone has heard of, in terms of the period of time.

So I just ask my colleague, is the only way we can fail to be obstructionist by approving every single judge the President nominates? Because we have come darned close. We only opposed three, and the word "obstruction" flows like water from my good friend's lips.

I yield.

Mr. HATCH. I appreciate the Senator yielding to me on that particular question because, yes, it is obstruction. For the first time in history to now, I understand from the Senator, he will be obstructing three circuit court of appeals nominees: Miguel Estrada, Priscilla Owen, and Judge Pickering; three nominees filibustered for the first time in history.

I agree with the distinguished Senator; I think there have been 119, with Jeffrey Sutton, who have been confirmed. That is a good record. But most of them are district court nominees who act as federal trial judges. There are a number of circuit court of appeals nominees. Five of them are still held over, as I recall it, from May 9 of 2001. Five of those original eleven are still not confirmed. There are all kinds of judicial emergencies out there that we are trying to take care of that are being obstructed. Yes, I think it is obstruction.

I do not expect my colleagues on the other side to approve everybody the President nominates. Vote against them. If you don't approve, vote against them.

Mr. SCHUMER. I would just like to reclaim my time.

Mr. HATCH. Sure. But I am saying if you don't approve of them, vote against them. We didn't obstruct yours. We voted. Everybody who came to the floor was voted upon, and there was no filibuster conducted by us.

Mr. SCHUMER. Reclaiming my time, I would remind my colleague that within a single day, cloture votes were held on Judge Paez and Judge Berzon. There were attempted filibusters on the other side. They waited large numbers of years—more years than Priscilla Owen, Miguel Estrada, or Judge Pickering have waited. I didn't once hear my friend from Utah call it obstruction.

What is good for the goose is good for the gander. There were cloture votes held. There is only one difference—actually there is no difference. Cloture was achieved eventually. But the bottom line is this is not true. For Paez and Berzon I think it was the same day, it may have been within a day of one another—cloture votes were held because a filibuster was being conducted.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will yield in a minute. It was run by a number of his friends. I know my friend from Utah will say he worked out a deal and eventually they were approved. So I ask him, when he answers that, to remind all of us how long they waited to be approved. Was it a year? Was it 2 years? No.

So, if my good friend from Utah would have the same patience, and sort of maybe we can come to an agreement 2 or 3 years from now—maybe after 2004—then we would be being fair; we would be judging one side and the other with the same standard.

Unfortunately, there has been a double standard here, when my good colleagues from Alabama and the now-Attorney General but then-Senator from Missouri and others launched filibusters——

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. Against two nominees for the Ninth Circuit. Those folks waited years, longer times than any of the three we have mentioned. I didn't hear the word "obstruction."

I will be happy to yield.

Mr. HATCH. Remember, on Judge Paez, I was the one who moved Judge Paez admittedly in the 4 years. But in that 4-year period he issued a number of hearings that were highly suspect, not only by people on our side but some on your side. We had other investigations that had to be conducted. Admittedly, it was too long; there is no question in my mind. That is a glaring example.

In the case of Judge Berzon, I was the one who pushed her through. With regard to cloture votes——

Mr. SCHUMER. I would ask my colleague to yield for another question. How long did Judge Berzon wait?

Mr. HATCH. I don't recall how long she waited.

Mr. SCHUMER. I believe the record will show it was a longer time than any of these we are talking about.

Mr. HATCH. I don't know if that is true or not. All I can say is I was the one who put them through.

I also have to correct the record because there has never been a true filibuster against President Clinton's nominees or any other Democrat President's nominees—never. There have been cloture votes. In most of the cloture votes, those were time management approaches. Yes, we had a few people over here who wanted to filibuster, but we were able to stop them. There was no case—none, zero, nada, not ever—where a Democrat nominee who was brought to the floor was not ultimately voted on up or down—never—until this year with Estrada and now Priscilla Owen, and I presume, from what you have said, perhaps Judge Pickering.

My contention is this. I know the distinguished Senator from New York is a good lawyer. He is a good friend. I value his friendship. But the fact is, I think there is much merit in having healthy debate, raising the difficulties you have with a judge, but then having a vote up or down. Vote whichever way you want to, for or against. But it is unseemly to start clogging up the Senate with true filibusters for the purpose of trying to stop these people from having a vote up or down. That was never done, not at any time during my tenure as chairman, and I made sure it wasn't done because I don't believe that is constitutionally a sound thing to do.

Mr. SCHUMER. I thank my colleague. But I say my good friend from Utah had another method even more effective in bottling up judges, and that was never bringing them up for a vote. I think it is hard to see how keeping someone from a vote in the Judiciary Committee when there were vacancies on the bench, when those nominees waited and waited and waited, is anymore commendable. To me, it seems certainly less commendable than bringing them up for a vote and then having a large number of Senators—not a majority but certainly more than 40 percent of this body, as the rules of the Senate allow—not do it.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I am going to move on now.

I will be happy to yield. But the bottom line is that there is a lot of sophistry going on here in terms of argument—not in terms of individuals. When you are forced to invoke cloture to get a vote, if that is not a filibuster, I don't know what is. It seems to me it is. When you don't allow a nominee to come to the floor and get a vote and you don't even bring them before the Judiciary to bring a vote, that is OK. But when they get the vote in Judiciary and then they come to the floor and large numbers of Members feel so strongly that in only 2 cases out of 119 they say this is the only method we can use to stop it, that is wrong. It makes no sense.

Finally, I would say this: It is obstruction when you stop any one of the President's nominees, because what our friend from Utah says he must do when he says just have them come up for a vote is to pass every nominee because, for whatever reason, the discipline on that side is such that they will always get 51 votes.

I am proud of what we have done. I believe we are upholding the Constitution. I believe we are checking the arrogance in the White House, particularly with Miguel Estrada and his refusal to even answer any questions. I believe history will look very kindly on this effort. They will look at it as courageous. They will look at it as right. They will look at it as judicious because it has not been used willy-nilly. They will look at it as fair.

I know my colleague from Utah is doing his job. He does it very well. My hat is off to him. But ultimately all he wants us to do is spend a little time debating each nominee and then approving each one, no matter what—whether they answer questions or not; whether he said, Well, Judge Paez had some bad cases that he ruled on.

Guess what. We think Judge Owen has a lot of bad cases. And some of them were called bad by very conservative colleagues of my friend: The White House counsel, then-Judge Gonzales; and the junior Senator from Texas, then-Judge CORNYN, on the record—very rare—chastising Judge Owen for going way beyond the law. These were not liberal Democrats. These were not even moderate Republicans. I don't think it is disputable that in the eyes of many, Judge Owen has "some bad cases." And if it was permissible to delay Judge Paez for 4 or 5 years because of some bad cases, then clearly we should just have begun on Judge Owen.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I would be happy to yield.

Mr. HATCH. I appreciate the Senator yielding. I think it is a credit to him. We don't have enough debates around here where we have interchanges with each other. We stand up and make speeches, and generally they are written speeches. We don't have this type of high-quality debate.

Let me just answer the Senator on a few of his assertions that I think are profoundly wrong.

First of all, they were not just a few bad cases. They were activist cases that were clearly outside the realm, in the eyes of many, including mine, of what good judicial conduct should be. Second, I think there were other reasons—further investigation and so forth. But even more important than that, I would put my report record up as chairman of the Judiciary Committee against any Democrat chairman—my chairmanship with a Democrat in the White House—against any Democrat chairman with a Republican in the White House with regard to how many people were held over who didn't make it through the process.

For instance, when JOE BIDEN was chairman and the Democrats controlled the committee in 1992 and President Bush left office, there were 97 vacancies and 54 left holding. Two of the fifty-four included Mr. Roberts—who is going to come up again for another hearing tomorrow in committee—and Judge Boyle from North Carolina, who have been sitting there for over 12 years. We didn't complain about it. I think maybe somebody complained, but I didn't. We understand that there are some holdups.

Mr. SCHUMER. Reclaiming my time——

Mr. HATCH. Please let me finish.

Mr. SCHUMER. They were never nominated by President Clinton.

Mr. HATCH. I understand. They were nominated by a Republican President. Let me finish this. My colleague has been very generous with his time.

Mr. SCHUMER. I am happy to have the debate, and I want to clear the record. They were not sitting for 12 years and not disposed of at the end of Congress and not renominated by a new President.

Mr. HATCH. They were nominated—both of them—three times by two different Presidents. From the time they were first nominated to today, it has been 12 years. I will make that more clear.

With regard to the 54 holdovers when the Democrats controlled the committee and we had a Republican President, we didn't have the screaming and mouthing off about that from our side. Compare that to when President Clinton left office and there were 67 vacancies, 30 fewer during my chairmanship and 41 left holding versus the 54.

By the way, of the 41, 9 were put up so late that nobody could have gotten them through no matter who the Judiciary chairman was. There were really 32. If you take away those who had absolutely no consultation with home State Senators—I mean none—then that reduces it some more. If you take away those who had further investigatory problems, that reduced it some more. There were some—I have been honest to admit this—whom I wish I could have gotten through who I think deserved to go through. But there were many in the 54 who were left by the Democrats who should have gotten through, too.

The point I am making is that it isn't the same because the Judiciary Committee chairman can't get some of the holdovers through. I don't blame Senator BIDEN. I don't think I should be blamed. I did the best I could. It isn't the same as when somebody is brought to the floor and a filibuster occurs. The fact is there has never been a true filibuster up until Miguel Estrada—now Priscilla Owen—and from what the Senator told me, it looks as if they are going to filibuster Judge Pickering even before we have his hearing this year. I hope that is not true. But it apparently is true with regard to Miguel Estrada and Priscilla Owen.

I think we have to break through this nonsense. Maybe we will approve all of these judges who are brought to the floor. That is what we should do as Republicans with a Republican President, and we would hope—and, in fact, in every case we have had Democrats' support for these judges—in every case, including Jeffrey Sutton today. It isn't as if it was a wholly partisan process. The Senator is probably right. If we get these judges to the floor, presumably we will pass them. I am not sure of that in every case, as I think we should. But if the Senator doesn't like them, and if others on this side don't, as they did in the case of Jeffrey Sutton, vote against them.

It is true, Jeffrey Sutton is now confirmed and will receive his certification to become a circuit court of appeals judge. But my colleagues on the other side made this political point. They don't like some of the things he has done as an advocate. That was their right, to do so. I thought it wasn't the right thing to do myself. I believed there was too much politics involved. But you had a right to do that. But he was confirmed. As Senator REID, the distinguished Senator from Nevada, pointed out, there were a number of Presidential candidates who were not here to vote on Jeffrey Sutton's nomination. If they thought it was so important a vote, and that the judicial confirmation process is important, they should have been here. I think we all would agree with that. They knew this was the game that was being played to embarrass Mr. Sutton—not by the Senator from New York, and not by a number of others.

Mr. SCHUMER. I will reclaim my time on that one. There are strong feelings on this side, as the Senator knows. It has nothing to do with games. To me, this rises to a sacred responsibility. And I don't use those words lightly.

The bottom line is—again, I would first say to my friend from Utah, this is not a referendum on his stewardship on the Judiciary. It is, again, part of an extremely important process about who is on the bench, who is part of that third branch of Government and put there for life.

But I would say to my friend—and he is the best in the business—the high dudgeon all of a sudden when a few nominees are held up for whatever reason and sort of the muted signs when he was chairman and many nominees were being held up, albeit not in exactly the same way—I would say it is a difference that doesn't make a difference; it is sort of, well, inconsistent.

Again, that doesn't go to the personal integrity of my friend from Utah who did try in many instances but didn't succeed. And how we should be judged, so to speak, is by who gets on the bench and who does not because that is ultimately what the process is about.

I would mention, in my colleague's recounting, there were lots who withdrew their nominations. You had the DC Circuit, the second most important circuit, for which both Miguel Estrada and Judge Roberts have been nominated, where there were no blue slip problems and there were no votes. So we can go over history. I am sure each side can point to wrongs on the other side.

The fact remains, of 119 judges who have been approved, there have been 3 we can be accused of holding up. As my friend from Nevada said, I have experienced the same thing. I go to parades and people say: What about Estrada?

What about the judges? Because they listen to talk radio. I say: I voted for 113 out of 119, and they just be quiet. They say: Well, that is more than fair.

So this idea that we should roll over for every judge and allow them to be approved—and I would argue this with my friend from Utah—no President, certainly in my lifetime, and I think in the history of these United States, has so nominated judges of an ideological cast. You almost have to march lockstep and not be mainstream, not even be conservative but be way over, in case after case after case. That is what started this: no advise and consent, a desire to change America through the judiciary by creating an ideological litmus test for nominee after nominee after nominee. That is not what the Founding Fathers intended. My guess is, if Jefferson or Washington or Madison were looking down on this Chamber today, they would be approving of what we are doing because they would see that the balance in power—which they so carefully constructed between the President and the Senate, the President and the Congress, in terms of this awesome power to put people on the bench for life—is being eroded. That is why we are here. And we are going to continue to be here.

So my friend from Utah and the majority leader and others have a choice: They can hold up all these other judges and say, well, until we deal with Priscilla Owen we are not going to move anybody else. I would ask a jury of 12 people, fair and true, nonpartisan, who is obstructing?

That is why I would hope we could bring the nomination of Judge Edward Prado to the floor. And one of the reasons we want to do it is, yes, from the mouth of my friend from Utah, there is this view that only certain types of Hispanics would be approved or, from the mouths of others, that we are anti-Hispanic, a charge never leveled when Judge Moreno and Judge Rangel were not voted on to the same circuit by the other side.

But now we have Judge Prado, approved unanimously by the committee. I guess he is every bit as Hispanic as Miguel Estrada. There is one difference: He answered questions. And his views were not so far over as many who know Miguel Estrada report them to be. Why don't we approve him? Why don't we bring him up for a vote? Is he being used?

I will tell you what I think. I think the other side does not want us to approve a Hispanic judge who is within the mainstream. I think that—

Mr. HATCH. Will the Senator yield on that?

Mr. SCHUMER. I think I will call on my colleague in a minute.

Mr. HATCH. Well, if the Senator would yield, maybe I can satisfy—I have no objection——

Mr. SCHUMER. I think it sort of shows that why Miguel Estrada is being held up has nothing to do with his ancestry but, rather, his conduct as he went through the nomination process in a unique refusal to answer questions.

I am going to tell my colleague one other story. President Bush has just nominated a woman to the district court in my State, Justice Dora Irizarry. She is Hispanic. She happened to be the Republican candidate for attorney general in this last election. That does not bother me a bit. I called her to my office. I asked her many of the same questions I asked Miguel Estrada. She was forthright. I asked her for two Supreme Court cases with which she disagreed. She named them, expostulated on them. She did not say, canon 5 will not let her talk about them. She did not say: I did not have the briefs, so I could not talk about them—both absurd arguments, arrogant arguments, arguments that show contempt for the Senate. And she is going to be approved, with my wholehearted support, even though she is Hispanic, even though she is more conservative than I am, even though she is a Republican officeholder.

So the bottom line is simple: We can fill the bench and increase the number of Hispanic nominees quickly, if we work together, if the nominees would take the process not with contempt but with the responsibility that they should, given the awesome power that Federal judges have.

So I hope we will move to Judge Edward Prado. I hope we will move to him soon. I would like, as my colleague from Nevada, for us to bring him to the floor because there will not be a 2-week debate. There will be a day debate, maybe a 6- or 3-hour debate, and he will be approved.

By the way, if we are worried about vacancies, it is the same circuit as Priscilla Owen. The reason the other side does not want to bring up Judge Prado is very simple; it shows the glaring inconsistency and falsity of their arguments.

Our opposition to a few of these nominees has nothing to do with their ethnic background and nothing to do even with their political party. It has to do with the fact that some of them are so extreme that their own Republican colleagues thought that.

Again, you have Judge Gonzales who is now counsel to the White House. He said, in one of the cases that she dissented on, if the court went along with her, it would "be an unconscionable act of judicial activism.''.That is from the Republican, conservative, White House counsel. It could be an isolated case, as my good friend from Utah mentions, except that those who followed her on the courts say that was her MO. She constantly wanted to be a judicial activist and make law from the right.

I would be equally opposed to somebody who wanted to make law from the left. I do not like nominees who are too far left or too far right. On my own judicial committee, when those appointed distinguished jurists from around my State have brought forth nominees and suggested nominees who were way over to the left, I have said no. Anyone who has watched me interview judges knows that I am very weary of that because judges of the extremes make law. They do not do what the Founding Fathers said, which is interpret the law.

And it was not just Judge Gonzales. We then have the situation in the case of Weiner v. Wasson. This was a medical malpractice case. Again, Justice Owen wrote a dissent about an injured plaintiff while he was still a minor, and the issue was the constitutionality of a State law requiring minors to file medical malpractice actions before reaching the age of majority or risk being outside the statute of limitations.

Then Justice JOHN CORNYN, now our colleague in the Senate, said:

> Generally, we adhere to our precedents for reasons of efficiency, fairness, and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such certain circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in [the case]. . . . Finally, under our form of government, the legitimacy of the judiciary rests in part upon a stable and predictable decisionmaking process that differs dramatically from that properly employed by the political branches of government.
>
> According to the conservative majority on the Texas Supreme Court,
>
> —this is not a liberal court—
>
> Justice Owen went out of her way to ignore precedent and would have ruled for the defendants. The conservative Republican majority followed precedent and the doctrine of stare decisis.

So this is not a mainstream nominee. This is a nominee who has every indication of being an activist from the right, of being somebody who wishes to turn the clock back, of being somebody who sides over and over and over again with the larger corporate interests against the individual. In my judgment, she does not belong on the Fifth Circuit. If the only way we can stop her is to prolong this debate, so be it. There are many other people in Texas, many other lawyers, many other judges, many others in the realm of the Fifth Circuit who are conservative and intelligent and qualified. If the President wanted to come to some agreement with us, he would nominate them. In fact, one is before us—could be before us: Judge Prado. He will not have any issue with us.

Is there a litmus test? Absolutely not. I have no idea what Judge Prado has ruled. He has been for 19 years on the court. I don't know what his position is on choice. I don't know what it is on gun control. I don't know what it is on gay rights. But his hearing and his record show he is not out of the mainstream.

I have always had three watchwords with people I have supported, both in New York, where I am actively involved in the selection process, and around the country, where obviously I am one one-hundredth of the advise and consent process. Those are "excellence," "balance," and "moderation." My three words are "excellence," "moderation," and "diversity."

I have to give the President credit. On criteria one and three, his nominees meet the bill. They are legally excellent, by and large. These are not political hacks or people who don't have the brainpower to be excellent judges. The President, to his credit, has gone out of his way for diversity.

But on moderation, it is almost as if he is not even making an effort. It is as if he has over and over and over again nominated people like Jeffrey Sutton, who we just approved, who are trying to change the law, who are trying to turn the clock back, who have an atavistic fear of the Federal Government and what it can do.

Again, it is our obligation to oppose such judges, just as it is our obligation to support those who are qualified.

I urge my colleagues on the other side to realize they are not going to win every single case. They are going to lose a few. I think they should have lost a few more than they did. I would have not liked to see Jeffrey Sutton go to the Sixth Circuit. But to say we will not bring up another judicial nominee until Priscilla Owen is passed is the real obstruction. I don't think it will stand up. We know there are some on the other side who quietly have said this has gone too far, who have urged the White House to moderate its stance, who have said, let us move on from Miguel Estrada or reveal his records. Unfortunately, the White House seems to feel they want it all in every way. They want it all theirs.

That is not what the Founding Fathers intended. It is not even what the Founding Fathers intended when there is a President and a Senate controlled by the same party, as we have today. We will oppose Judge Owen. We will continue to oppose her. We will proudly oppose her.

When we began this fight, which I guess I was one of the first people to get involved in in terms of moderating the judiciary and seeing that there be some moderation, when I proposed to our good majority leader and our chairman of the Judiciary Committee that we not allow Miguel Estrada to go forward until he answered questions, I thought politically it would be a loser. It is easy to get up and say: Just let a majority vote and let the chips fall where they may. I think we had some knowledge that illegitimate charges of not supporting someone because of his ethnic background would be hurled at us.

But do you know what has happened. As the debate has gone forward, first, our caucus is firmer and firmer and stronger and stronger in the belief that what we are doing is right and rises to noble constitutional principles. Second, the public is beginning to catch on.

I found, as I traveled across my State these 2 weeks while we were on Easter break, that people were saying: Why does the President want his way on every single nominee? As soon as people heard I had voted for 113 of 119 of the President's nominees, they said: You have been more than fair.

So anybody on the other end of Pennsylvania Avenue who thinks they are going to take a two by four and break us, we have proven that that is not the case. The fact that in our caucus there is such strong support to block Priscilla Owen shows we are gaining strength.

I plead with my colleagues to go back to the White House once again and tell them they are not going to win every single fight, that they have an obligation to advise and consent, that there is some degree of compromise in making this government work, and that, most of all, the bench should not be filled with ideologs who have an atavistic, instinctive preference to make law rather than interpret the law as the Founding Fathers intended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I rise today to address the Senate with some regret and with somewhat of a heavy heart. I believe in the rule of law. Indeed, this Nation was built on the rule of law, the ultimate strength of our institutions that make up our representative democracy. So it saddens me, along with many of my distinguished colleagues, when I witness the abject failure of one of these institutions. Nowhere has this institution met with greater failure than in the area of judicial nominations.

Nearly two years ago, President Bush announced his first class of nominees to the Federal court of appeals. Five of the eleven nominees have not had a single vote in the Senate two years later. This list includes Justice Priscilla Owen, with whom I served on the Texas Supreme Court, and whose nomination is now pending before this body.

Two years is too long. I believe the Senate has reached a new low in recent months, with the unprecedented use of a filibuster of dubious merit that blocks an exceptionally qualified nominee who enjoys the support of a bipartisan majority. If we were allowed to vote, I am convinced that a bipartisan majority of the Senate would today vote to confirm Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

This dismal political anniversary indicates the true range of the failure of the judicial confirmation process in this body. This process has become unnecessarily but increasingly bitter and destructive, and it does a terrible disservice to the President, to Senators, to nominees, and ultimately to the American people.

I do not know anyone who truly believes in their heart of hearts that the process works now the way it should. I believe most reasonable people looking at this process from the outside would agree with me that the process is broken. But the question now becomes, is it broken without hope of repair?

Today I announced that the Judiciary Committee's Subcommittee on the Constitution will convene a hearing on reform of the broken judicial confirmation process. This hearing will allow distinguished Members of the Senate, on a bipartisan basis, as well as the Nation's leading constitutional experts, the opportunity to discuss the serious constitutional questions raised by the obstruction of judicial nominations. We will address the problems facing the Senate and the Federal judiciary, and we will consider and debate potential solutions and reforms.

Yes, I believe two years is too long. Specifically, it is too long for a candidate as worthy and as qualified as Justice Priscilla Owen. Of the nominees currently pending before the Senate, no one has waited longer than Justice Owen for a vote on the Senate floor on a judicial nomination—no one. As a former state supreme court justice who served with Justice Owen for three years, and now as a member of the Senate Judiciary Committee which carefully considered and endorsed her nomination to the Federal bench last month, I firmly believe Justice Owen deserves to be confirmed to the Court of Appeals for the Fifth Circuit. Of course, the Fifth Circuit covers my home State of Texas as well as the States of Mississippi and Louisiana. If the Senate applies a fair standard, if we continue to respect our Constitution, Senate traditions, and the fundamental democratic principle of majority rule, she will be confirmed.

The arguments of those who oppose Justice Owen's nomination can be summed up in one phrase: Don't confuse us with the facts.

The facts are these: First, the American people are in desperate need of highly qualified individuals of the greatest legal talent and legal minds to fill the numerous vacant positions on the Federal bench, particularly those on the Fifth Circuit Court of Appeals, whose three vacancies are all designated judicial emergencies by the U.S. Judicial Conference.

Second, we must ensure that all judicial nominees understand that judges must interpret the law as written and not as judges or special interest groups would like them to be written. In other words, the judiciary must be a means by which the laws that are passed by Congress and signed by the President are implemented in the daily lives of the American people. The Constitution does not comprehend nor is it appropriate for judges to serve as a superlegislative body or to serve as another legislative branch in a black robe.

Of course, when it comes to interpreting the law faithfully and avoiding the pressure of special interest groups, Justice Owen satisfies both of these standards with flying colors. She is quite simply, by any measure, an outstanding jurist. The facts are testimony to her ability and her intelligence.

Justice Owen graduated at the top of her class at Baylor Law School and was an editor of the Law Review at a time when few women entered the legal profession. She received the highest score on the bar examination. And she was extremely successful in the private practice of law for seventeen years before joining the bench.

Since she has become a judge about eight years ago, she has served with enormous distinction on the Texas Supreme Court. In her last election to the Texas Supreme Court, she was endorsed by virtually every major Texas newspaper, and most recently when she was reelected she received the vote of 84 percent of those who cast a vote in the election.

She has the support of prominent Texas Democrats and Republicans alike, Democrats such as former members of the Texas Supreme Court, Chief Justice John Hill and Justice Gonzales, as well as a long list of former presidents of the State bar, and leaders in the legal profession in my State. The American Bar Association that provides some analysis of judicial nominees, an objective analysis, has rated her well qualified, a rating that some of my colleagues used to refer to as "the gold standard," but which they now conveniently choose to ignore.

I simply cannot fathom how any judicial nominee can receive all these accolades from opinion leaders, from constituents, from legal experts across the political spectrum, unless the nominee is both an exceptionally qualified lawyer, a judge who respects the law, and a person who steadfastly refuses to insert his or her own political beliefs into the judging of cases.

Based on this remarkable record of achievement and success, of eloquent and evenhanded rulings, it should come as no surprise that Justice Owen has long commanded the support of a bipartisan majority of the Senate.

I would like to take a couple of moments to talk about my own personal observations while serving with Justice Owen on the Texas Supreme Court. She and I served together on that court for three years—from the time she joined the court in January 1995 until the time I left the court after serving seven years in October of 1997.

During those three years, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis precisely how she approaches her job as a judge, how she thinks about the law, and what she thinks about the job of judging in literally hundreds, if not thousands, of cases. I spoke with and indeed debated in conference with Justice Owen on countless occasions about how to faithfully read and follow statutes and how to decide cases based upon what the law is—not based on some result we would like to see achieved. I saw her taking careful notes, pulling down the law books from the shelves and studying them with dedication and diligence. I saw how hard she works to faithfully interpret and apply what the Texas legislature had written, without fear and without favor. Not once did I ever see her attempt to pursue some political agenda in her role as a judge, or try to insert her own belief as opposed to the intent of the legislature or some precedent from a higher court in the case at hand. To the contrary, I can tell you from my personal observation that Justice Owen feels very strongly that judges are called upon—not as legislators or as politicians, but as judges—to faithfully read statutes on the books and interpret and apply them faithfully in cases that come before the court. I can testify from my own personal experience, as her former colleague and as a fellow justice, that Justice Owen is an exceptional judge who works hard to follow the law and enforce the will of the legislature. She is a brilliant legal scholar and a warm and engaging person. To see the kind of disrespect the nomination of such a great Texas judge has received in this body is disappointing and really beneath the dignity, I believe, of this institution.

It is hard to recognize the caricature that opponents of this nominee have drawn. Unfortunately, as a Member of the Senate Judiciary Committee who has had a chance now to vote on a number of President Bush's nominees for the Federal bench, I have seen that the practice of vilifying and marginalizing and demonizing President Bush's judicial nominees is becoming all too common. Indeed, I began to wonder whether there are any good, honorable people with distinguished records in the legal profession or in the judiciary who will submit their names for consideration by this body, knowing that, regardless of the facts, regardless of the truth, they will be painted as some caricature not of what they really are, but of what others have cast them to be, when in fact the truth is far different, and with no justification.

It pains me to see what can only be called the politics of personal destruction played out in the course of the judicial confirmation process. We can and we must do better.

The special interest groups, and the minority in this body—who oppose even calling a vote on Justice Owen have no real arguments to oppose her nomination, at least none based in fact or any that would withstand scrutiny under any fair standard. Their past record shows these groups who have cast aspersions on many highly qualified nominees—many of whom currently serve on the Federal bench—their attacks against judges are simply not credible.

For example, these opponents of a bipartisan majority who would vote to confirm Justice Owen today are the very same folks who predicted that Justice Lewis Powell's confirmation would mean that "justice for women will be ignored." Justice Owen's opponents are the same folks who argued that Justice John Paul Stevens had demonstrated "blatant insensitivity to discrimination against women" and "seems to bend over backwards to limit" rights for all women. Justice Owen's opponents are the same folks who testified that confirming David Souter to the United States Supreme Court would mean "ending freedom for women in this country"—the same folks who said they "tremble for this country if you confirm David Souter"—who even described now-Justice Souter as "almost Neanderthal" and warned that "women's lives are at stake" if the Senate were to confirm him.

How many times must these irresponsible and baseless allegations be made before we finally say these special interest groups have no credibility when it comes to judicial confirmations? Their claims about Justice Owen are no more accurate and no less hysterical. It reminds me of the boy who cried wolf.

After these repeated charges and accusations and shrill attacks, which typically turn out—certainly in the cases I mentioned—to be utterly baseless and unfair, it makes you wonder just how credible these groups think they really are, or how long their arguments will continue to have currency in this body or in the media.

It also makes you wonder whether these groups make their claims not because they actually believe they are true, but in order to achieve their own political aims—in order to defeat judges nominated by this President, who believe that a judge's role is not to be an activist in a black robe or a super legislator. But I believe these shrill attacks are made with one purpose and one purpose only—to scare people and to support unsubstantiated and baseless attacks against highly qualified nominees like Justice Owen.

In the case of Justice Owen, their attacks are true to form. And they conform to their past patterns and practices—for they are like their attacks of the past, unfair and without foundation either in fact or in law. For example, some of Owen's detractors claim she rewrites statutes in order to further her own political agenda. That is a pretty incredible charge in light of her ABA rating of well qualified, which was unanimous, her strong bipartisan backing, and her enthusiastic support from Texans, people who know her best. It is also a baseless charge.

To ostensibly prove their point, Justice Owen's opponents point out that on occasion, other justices on the Texas Supreme Court have written opinions saying Justice Owen sometimes was rewriting statutes in order to achieve a particular result. That is an absurd standard to apply in a Senate confirmation, for reasons I will detail now. All judges of good faith struggle to read statutes and other legal texts carefully, and faithfully.

In close and difficult cases—and the docket of the Texas Supreme Court is chock full of them—judges will often disagree about the proper and most correct legal interpretation. Indeed, we establish courts of multiple members—nine members—a collegial decision-making body, believing that judges will sometimes disagree, but in that decision-making process, that there will be a full and fair debate about the various positions, about the various interpretations, and that ultimately majority rule will win out and a case will be fully and finally decided.

But when disagreements occur, a judge may naturally conclude that his or her own reading of a statute is correct. That is why they will decide the case in the way they choose, based on a belief that their interpretation of a statute is correct. And, of course, it only follows that if I believe, in deciding a case, that my interpretation of the statute is correct, that the interpretation of the statute by someone who achieves a different result is not correct.

Now, that is not the final word. Obviously, the final word is the decision of the majority of the court which decides, for all practical purposes, not necessarily in the abstract, but for all practical purposes, what the correct result is, so that the people in our States and across the country can know what the rules are and apply them with some predictability.

I would point out that practically everyone with any significant judicial experience has faced the same criticism that Justice Owen has received in terms of rewriting statute. Yet if Justice Owen's opponents are to be taken seriously, any judge who has been criticized of rewriting a statute is presumptively unfit for the Federal bench. As I pointed out at Justice Owen's confirmation hearing last month, such an absurd standard would exclude practically all of her current and past colleagues on the Texas Supreme Court.

Such an absurd standard would also disqualify numerous members of the U.S. Supreme Court, people with whom Justice Owen's opponents are known to agree. For example, in 1971, Justice Hugo Black and William O. Douglas sharply criticized Justices William Brennan, Harry Blackmun, and others, stating that the "plurality's action in rewriting this statute represents a seizure of legislative power that we simply do not possess."

In a 1985 decision, Justice John Paul Stevens accused Justices Lewis Powell, Sandra Day O'Connor, and Byron White of engaging in "judicial activism."

Countless other examples pervade the U.S. Reports.

Would Justice Owen's opponents and detractors apply the same standard and exclude those Justices with whom they tend to agree from Federal judicial service? Of course not. It is a double standard. It applies to Justice Owen but not to judges who they would prefer. But fairness only dictates that Justice Owen not be made to suffer from an absurd and unreasonable double standard.

I remind my colleagues that just last year, the Democrat-controlled Senate confirmed Professor Michael McConnell to the Federal court of appeals by unanimous consent, even though Judge McConnell, like Justice Ruth Bader Ginsburg and liberal law professors and commentators, has publicly criticized the analysis of several Supreme Court rulings, including Roe v. Wade. That is not something, however, that Justice Owen has done.

Now, don't get me wrong. I am glad that Judge McConnell was confirmed. He is an exceptional jurist who is already proving to be a fine judge on the Federal court of appeals. But his case illustrates the inherent foolishness of using ideological litmus tests when assessing the abilities and evenhandedness of judicial nominees.

Mr. President, I can tell you from personal experience, when you put your left hand on the Bible, and raise your right hand, and take an oath as a judge, you change. Your job changes. No longer are you an advocate for a particular position in a court of law that you hope some court will embrace. No longer are you a legislator—assuming you have been a legislator—used to making the law or affecting public policy in a very stark and direct way.

Mr. President, when you raise your right hand, and put your left hand on the Bible, and take a sacred oath to perform the duties of a judge, you change. And, indeed, Justice Owen has been true to that oath and has faithfully discharged her responsibilities as a judge, and will do so on the Fifth Circuit Court of Appeals if this body would simply vote on her nomination.

I want to spend a few moments talking about filibusters.

Clearly, debate is important. In a body such as the Senate, this is one place where we know if there is a difference of opinion on any issue, if there are competing points of view, that there will be a full debate. Debate is, indeed, the only way to ensure we make known to each other our views and our values. It is the only way to ensure we have the opportunity to make our arguments known and to respond to the arguments of others; to appeal to the public and reasonable people who will assess those arguments and achieve or arrive at a judgment on their own about what they believe, what they do not believe, which arguments have value and which have no value, which arguments are supported by facts or evidence and which are baseless. It is the only way to ensure that each of us can be convinced we have been given at least the opportunity to persuade others and to appreciate the wisdom of our respective positions.

But for democracy to work, and for the fundamental democratic principle of majority rule to prevail, the debate must eventually end, and we must eventually bring matters to a vote. As Senator Henry Cabot Lodge famously said about filibusters: "To vote without debating is perilous, but to debate and never vote is imbecile."

So let's have a debate about this exceptional nominee. And after we have had the debate, let's vote. There should not be a filibuster. A minority of the Senate should not try to impose what is in effect a supermajority requirement for confirming judicial nominees, operating under the constant threat of filibuster.

The Constitution makes clear when the Founders intended to require a supermajority of this body to act. It specifies that two-thirds of each House shall be necessary to override a Presidential veto on legislation, and that two-thirds of each House shall be necessary to amend the Constitution, subject to the ratification by the people. It provides that two-thirds of the Senate shall be necessary to convict an officer pursuant to an impeachment trial, and that two-thirds of the Senate shall be necessary to consent to the ratification of treaties.

It does not say that a supermajority shall be necessary to confirm a President's judicial nominees. And it is well-settled and well-established law, as a matter of both Senate practice and Supreme Court precedent, that majority rule is the norm, whenever the text of the Constitution does not expressly provide otherwise.

The Constitution vests the advice-and-consent function in the entire Senate, not just in the Senate Judiciary Committee. During the last Congress, the Senate Judiciary Committee refused to report Justice Owen's nomination out to the entire Senate. The committee, it should be obvious, does not speak for the entire Senate. Indeed, the committee itself could have reconsidered the nomination and could have reported Justice Owen to the floor even after it had previously refused to do so.

The Constitution requires elections to make sure that the Senate remains accountable to the people. To insist that a new Senate cannot, after an intervening election, reconsider legislation or a nomination rejected by a previous Senate is to reject the very principle of democracy and accountability.

Accordingly, there is no Senate tradition that forbids the President from renominating an individual previously rejected by the full Senate, let alone by the Senate Judiciary Committee. Quite to the contrary, there is a wealth of precedent for such re-nominations.

As recently as 1997, the Senate Judiciary Committee refused to report Bill Lann Lee to the entire Senate. Yet President Clinton not only renominated Lee in subsequent sessions of the Senate, he even gave Lee a recess appointment in 2000 without triggering substantial opposition from the Senate.

I am not asking for the Senate to depart from its traditions. Indeed, the only departure from tradition that is occurring today is the filibuster of Miguel Estrada and now Priscilla Owen, something that has never happened before to a circuit court nominee.

I hope we have a good, vigorous debate on this nomination because I believe that by any measure Justice Owen is an exceptional judge and an exceptional human being who deserves confirmation.

I am confident that, at the end of the debate, if Members of the Senate really want to know what the facts are, as opposed to the caricature that has been drawn of Justice Owen by special interest groups intent on vilifying, marginalizing, demonizing a good and decent human being, that if we were allowed to have a vote, we would have a strong bipartisan majority that would support her nomination.

I hope no matter what the outcome, we will come to an end of the debate, and we will simply do what the people of our respective states sent us here to do, and that is to vote.

I would not ask the Senate to depart from its traditions of fairness in this case. By any fair measure, Justice Owen is an exceptional judge and exceptional nominee. I am confident she will not only maintain the strong bipartisan majority she has in support of her nomination, but that it will grow as Senators examine the record, test some of the allegations made against her, and find them without substantiation, without justification; that if what we are really interested in is finding the truth about this nominee, and determining whether she will uphold the oath she has taken and that she will take as a judge on the circuit court, she will be confirmed.

I hope this body will abide by the Constitution as written, and not impose some supermajority requirement where the Constitution requires none, and where the Supreme Court and Senate traditions and the fundamental principle of majority rule dictate a majority vote on this nominee, not a 60-vote supermajority.

As long as the Senate applies a fair standard to this nominee, I have no doubt Justice Owen will be confirmed. Now nearly two years have passed since she was nominated to the Federal bench. The Senate should vote to confirm her immediately.

We ask judges to be fair, to be impartial in deciding cases, to show neither fear nor favor. But certainly the requirement of fairness does not end in the judicial branch. It also applies to the Congress and to the Senate in performing our responsibilities. Certainly you would think it is self-evident that it should apply in confirming judicial nominees. Our current state of affairs is neither fair nor representative of the sentiment of a bipartisan majority of this body.

The distinguished Senator from Nevada has said that, when it comes to setting the hours of debate, "there is not a number in the universe that would be sufficient." I say two years is more than sufficient.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I welcome the opportunity to address the issue about the qualifications of Priscilla Owen to serve on the Fifth Circuit of the United States.

In considering this nominee, particularly in the wake of the recent comments of my friend from Texas, it is worthy to point out that there have been 119 nominations for the Federal bench, including the Court of Claims, either for the district or the circuit court, over the period of this President. We have had one, Mr. Pickering, who was defeated a year ago and who was renominated by the President. There is Priscilla Owen now before the Senate. But there has only been one, according to my calculations, Miguel Estrada, where sufficient questions have been raised as to his commitment to the core values of the Constitution, where that issue is still before the Senate.

That is an extraordinary response by the Senate in considering favorably the series of nominees by this President. I don't know the course of our history, but this certainly has to be one of the most favorable records, certainly of any recent times, of response by the Senate in approval of the President's nominees.

I listened to my friend and colleague talk about the importance of Priscilla Owen being able to finally get a vote on her nomination. I was thinking about the recent history of the time when my friend from Utah, Senator HATCH, was chairman of the Judiciary Committee. We had three nominees for the Fifth Circuit: H. Alston Johnson, Enrique Moreno, and Jorge Rangel. All three individuals were never given a vote under the Republican committee and the Republican Senate. These are truly outstanding individuals.

It is important to have some understanding of history in terms of who has permitted votes to take place and who has failed to permit even these well-qualified individuals, in this instance, just on the Fifth Circuit. I am not taking the time of the Senate to list them all. I know Senator LEAHY has done this at other times.

I also refer to the history of the Senate to provide some awareness of background. The claim that it is unprecedented to filibuster a court of appeals nomination is false and hypocritical. Since 1980, cloture motions have been filed on 14 court of appeals and district court nominations.

Recently, Republicans filibustered, in the year 2000, in an attempt to block the nomination of Richard Paez, a Hispanic, and Marcia Berzon, onto the Ninth Circuit. This is after Richard Paez had been waiting 4 years due to anonymous holds by Senate Republicans. Bob Smith openly declared he was leading a filibuster, and he described Senator SESSIONS as a member of his filibustering coalition. Even Senator FRIST was among those voting against cloture on the Paez nomination.

So requiring cloture on judicial nominations is not an extraconstitutional event. The Senate has the role of advise and consent on judicial nominations, and the Constitution leaves it to the Senate to carry out its responsibility in accordance with its own rules. Requiring cloture to end debate on a nomination is permitted under Senate rule XXII. The right of Senators to speak on the floor at length is central to the Senate's role.

I ask the Senate to listen to the history of the Senate on nominations. In the first decade of the Senate's history, the Founders rejected a rule providing for a motion to close debate, and for the rest of our history, our rules have provided that debate, which is the lifeblood of our power, cannot easily be cut short. For 111 years, unanimous consent was required to end debate in the Senate. Until 1975, a two-thirds majority was required. Now it is only 60 votes that are required. Until 1949, debates on nominations could not be cut off at all.

It is interesting to note the history of the rules as they have applied to nominations historically when we are considering controversial nominees. I daresay if we look at the record today—it is my understanding that there is only one of President Bush's judicial nominations that we have so far blocked on the Senate Floor, and that is Mr. Estrada, which is because of the failure of the Administration to provide key documents from his time in the Solicitor General office so that we can be able to understand Mr. Estrada's commitments to the core values of the Constitution.

It was interesting as well that earlier in the day our leaders requested that there be an opportunity to consider Judge Edward Prado, a nominee to the Fifth Circuit, who is on the registrar, to see whether we could move ahead with that nominee. There was objection that was filed, as I understand it, by the Republicans. He is a Republican. We may not all agree with his views or his rulings, but in his time on the bench he has shown that he is committed to the rule of law and not to reshaping the law to fit a rightwing ideology. There is not a single letter of opposition against him, and he is ready to be voted on by the full Senate. Senator DASCHLE, Senator REID, and others have indicated—the Judiciary Committee on our side has indicated—they were prepared to vote on him earlier today. But an objection was raised. Nominees such as Judge Prado should get our full support, but nominees such as Priscilla Owen should not.

There is also Judge Cecilia Altonaga. She would be the first Cuban American woman on the Florida district court. I understand she could be considered favorably and passed as the first Cuban American woman to serve on the Florida district court. She had a unanimous vote of the Judiciary Committee. She could be approved this afternoon. That would bring the number up to 121.

Earlier today the Senate narrowly voted to confirm Jeffrey Sutton to a lifetime appointment on the Sixth Circuit. Like far too many of President Bush's nominees, he was opposed by a broad array of citizens from across the country because there were many attempts to roll back rights and protections for people with disabilities, women, minorities, and older workers.

The drumbeat goes on. This afternoon we begin debate on yet another extremely controversial nominee—Priscilla Owen. It is shameful and shocking that the administration is so bent on packing the courts with nominees such as Jeffrey Sutton and Priscilla Owen, who are so clearly hostile to the rights and protections that are so important to vast numbers of Americans.

Many well-qualified, fairminded nominees could easily be found by this administration if they were willing to give up their rightwing litmus test. I have mentioned two who are pending that we could be considering at this very moment.

Priscilla Owen, I don't believe should be favorably considered. Her record on the Texas Supreme Court is one of activism, unfairness, and hostility to fundamental rights. I am particularly concerned about her record on issues of major importance to workers, consumers, victims of racial discrimination or gender discrimination, and women exercising their constitutional right to choose.

Justice Owen is one of the most frequent dissenters on her court in Texas in cases involving workers, consumers, and victims of discrimination. That she dissents from this court so frequently is immensely troubling. This court is dominated by Republican appointees and is known for frequently ruling against plaintiffs. Yet when the court rules in favor of plaintiffs, only one member of the court, Justice Hecht, has dissented more often than Justice Owen.

In her dissents, Justice Owen raises new barriers to limit the role of juries in product liability cases, personal injury cases, and narrowly construes employment discrimination laws. She has limited the time period for minors to remedy medical malpractice. She has limited the ability of individuals to obtain relief when insurance companies unreasonably, and in bad faith, deny claims. Justice Owen's many dissents reveal a pattern of far-reaching decisions to limit remedies for workers, consumers, and victims of discrimination or personal injury.

What is also very striking is the level of criticism of Justice Owen's opinions by her colleagues on the court, and efforts to explain these criticisms away are unconvincing.

We all know judges are often critical of the reasoning of their colleagues, and occasionally these opinions can be strongly worded. What stands out here are the frequent statements by her own colleagues on the court that Justice Owen puts her own views above the law, even when the law is crystal clear—she does this repeatedly in cases involving the rights of plaintiffs, or of young women seeking to exercise their right to choose.

Take Alberto Gonzales, her former colleague on the court, who is now President Bush's counsel in the White House. In one of her cases involving the interpretation of Texas' parental notification statute, Justice Gonzales accused Justice Owen of "an unconscionable act of judicial activism." In these parental notification cases, Justice Owen repeatedly grafts barriers to restrict a young woman's right to choose. She inserts new standards that are based on her own views and not on the clear language of the statute.

At her hearing, Justice Owen and some of my Republican colleagues suggested, for the first time, that Justice Gonzales was not referring to Justice Owen and the other dissenters when he accused Justice Owen of "unconscionable activism"

That isn't credible. Justice Gonzales wrote a separate concurring opinion specifically to defend the majority's opinion and to dispute the positions taken by the dissenters. He emphasized that the majority's opinion was based on the language of the Parental Notification Act as written by the Texas Legislature, and said:

> [O]ur role as judges requires that we put aside our own personal views of what we might like to see enacted, and instead do our best to discern what the legislature actually intended.

Justice Gonzales went on to say that, contrary to the legislature's intent:

> [T]he dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature.

It is this narrow construction of the statute, put forward by the dissenters that Justice Gonzales criticizes as unconscionable activism. It is obvious—beyond any reasonable doubt—that Justice Gonzales is referring to the opinions of the dissenters, including Justice Owen.

Similar criticisms of Justice Owen appear repeatedly in other opinions of the Texas court.

A striking example of the lengths Justice Owen will take to narrow remedies for plaintiffs is found not in a dissent, but in a disturbing concurrence in a case called GTE v. Bruce.

In this case, three employees sued GTE for intentional infliction of emotional distress because of constant humiliating and abusive behavior of their supervisor. The supervisor harassed and intimated employees, including through daily use of profanity; screaming and cursing at employees; charging at employees and physically threatening them: and humiliating employees by, for instance, making an employee stand in front of him in his office for as long as 30 minutes while he stared at her. The employees suffered from severe emotional distress, tension, nervousness, anxiety, depression, loss of appetite, inability to sleep, crying spells and uncontrollable emotional outbursts as a result of his behavior. They sought medical and psychological help because of their distress.

GTE argued that the employees could not pursue an intentional infliction of emotional distress claim in court. They said that the employees' remedies were limited to worker's compensation. Eight justices on the Texas court agreed that the Worker's Compensation Act did not bar the plaintiffs' claims. These justices concluded that the actions of the supervisor when looked at as a whole were so extreme and outrageous as to support the jury's verdict of intentional infliction of emotional distress. Justice Owen, alone, wrote a separate opinion. While she agreed that there was more than a "scintilla of evidence" to support the jury's finding that the supervisor intentionally inflicted emotional distress on the plaintiffs, she declined to join the court's opinion because "most of the testimony that the court recounts is legally insufficient to support the verdict." Justice Owen then lists all the supervisor's behavior that is not a basis for sustaining a cause of action.

Justice Owen, alone among all the justices, felt the need to write separately to adopt as narrow a construction as possible of a plaintiff's right to recover for a supervisor's outrageous and harassing conduct. Justice Owen argued at her hearing last July, and again at her most recent hearing, that she wrote separately simply to make clear that no plaintiff could recover for any one of these individual actions standing alone. This is not, however, what Justice Owen's opinion says. Her opinion draws no such distinction. Furthermore, it is clear from the majority opinion that the standard is whether the supervisor's actions "taken as a whole" are sufficient to sustain a claim. Not only is Justice Owen's opinion troubling, but her answers to the concerns raised seem less than candid.

Justice Owen's record is particularly troubling given the range of important issues that come before the Fifth Circuit. The Fifth Circuit is one of the most racially diverse circuits, with a large number of Latinos and African-Americans. The States in the Fifth Circuit are also among the poorest. It is vital on this court in particular that a judge is fair to workers, victims of discrimination, and the personal injury victims that come before the court. Those who contend that we oppose Justice Owen simply because she is a Republican appointee miss the point. I oppose her because I believe she will put her own view above the law in cases regarding the basic and fundamental rights on which all Americans have come to rely, including the right to privacy and equal protection under law.

Not long ago, the Fifth Circuit was hailed as a brave court for protecting civil rights. When Congress passed the Civil Rights Act in 1964 and the Voting Rights Act in 1965, many States and localities in the South resisted these measures. Federal judges such as Elbert Tuttle, Frank Johnson, and John Minor Wisdom, all Republican appointees, helped to make real the promise of legal equality that was contained in these important Federal statutes. It is particularly important that a judge appointed to this Court show a commitment to civil rights and to upholding constitutional safeguards for all Americans. I do not believe that Justice Owen is in that proud tradition of independence and fairness.

Justice Owen's nomination has incited a great deal of opposition from a broad range of citizens and groups in her home State of Texas. Those individuals who have observed her on the Texas court, who have been harmed by her rulings, have written to us in droves opposing her appointment to the Fifth Circuit. These include the Gray Panthers of Texas, the National Council of Jewish Women of Texas, the Texas AFL-CIO, the Texas Civil Rights Project, and the Texas Chapter of the National Organization for Women. At least 20 attorneys who practice in Texas have written expressing their opposition. A broad range of environmental groups also oppose her nomination.

The issues at stake with Justice Owen's nomination go beyond partisan games. This debate is about lifetime appointments of courts that decide cases that shape the lives of all American people. Our Federal courts have made real the fundamental rights guaranteed by the Constitution and by Federal laws. Federal courts are the backbone of our pluralistic democracy, helping to ensure that black children have the same access to education as white children, that a disabled woman has the appropriate workplace accommodation so that she can help provide for her family, and that our children can breathe clean air and drink clean water in their communities. Because the Supreme Court takes less than 100 cases, many of the cases most important to Americans are decided by lower court judges.

The basic values of our society—whether we will continue to be committed to equality, freedom of expression, and the right to privacy—are at issue in each of these controversial nominations. If the administration continues to nominate judges who would weaken the core values of our country and roll back the laws that have made our country a more inclusive democracy, the Senate should reject them.

No President has the unilateral right to remake the judiciary in his own image. The Constitution requires the Senate's advice and consent on judicial nominations. It is clear that our duty is to be more than to rubberstamp.

I urge my colleagues to vote against Priscilla Owen's nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, earlier today Senator HATCH asked consent for a time certain for a vote on the pending Owen nomination. There was an objection from the other side of the aisle.

I make further inquiry of the assistant Democratic leader if there is still an objection to limiting debate on this nomination. I yield to him for a response.

Mr. REID. Mr. President, I say through you to the distinguished Senator from Kentucky, I don't think we can work out any time agreement. I have said so publicly. There have been a number of statements on the floor today. As I told Senator HATCH, there simply would be no time agreement ever on Priscilla Owen.

Mr. McCONNELL. Mr. President, today we spent a good deal of time debating the nomination of Justice Priscilla Owen. Prior to today, we debated her nomination for 2 other days, so for 3 days of valuable legislative time our colleagues have had the opportunity to come to the floor and debate. We intend to continue this debate for another 2 days. But the debate must come to a reasonable end, so I am filing a cloture motion this evening so we can vote to close debate later this week.

I think we will be ready to vote. After all, Justice Owen was nominated by the President 2 years ago next week. She has had two hearings before the Judiciary Committee, over 30 editorials have been written about her nomination, and nearly all in support of her confirmation, including the Washington Post on three—three—separate occasions. There have been countless op-eds and news articles.

Senator SCHUMER asked earlier today if we on this side of the aisle expected the Senate to be a rubberstamp for the President's nominations. The answer, of course, is we do not. We do expect the Senate to do what the Constitution contemplates, and that is to vote; to vote yes or no but to vote.

We also expect the Senate to do the right thing by the Constitution, by this nominee, and by the President of the United States who nominated her.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Senators William Frist, Orrin Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Michael Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, and Saxby Chambliss.

Mr. McCONNELL. For the information of all Senators, this cloture vote will occur on Thursday of this week. I now ask unanimous consent the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, with the dramatic and precipitous fall of many Iraqi cities, including Baghdad, the military conflict in Iraq is all but officially over.

Isolated pockets of resistance still exist and there is the looming threat of suicide bombings, as happened last Friday at an ammunitions depot. But we can now proclaim that the barbarous regime of Saddam Hussein and his Ba'ath Party has finally come to an end.

As the military aspect subsides, the number of casualties—United States, coalition, and Iraqi—is also diminishing. And this, clearly, is wonderful news. Still, regrettably, there have been those over the last few weeks who have made the ultimate sacrifice, some of them with close ties to California. I would like to take a moment to honor these brave and selfless individuals.

Marine Cpl Jesus Medellin: On April 7, 21-year-old Jesus "Marty" Medellin was killed when an enemy artillery shell struck his vehicle. The second of four boys from a very close family from Fort Worth, TX, Medellin was remembered as a warm and relaxed family man who was active in local church.

As soon as he graduated from W.E. Boswell High School, in the year 2000, he went straight to Marine boot camp, having decided to do so when only 12 years old. "There's no prouder way of losing someone than through serving their country," said his father, Freddy Medellin, Sr., who was prevented from joining the military because of physical problems.

As part of the 3rd Assault Amphibian Battalion, First Marine Division, based in Camp Pendleton, CA, Cpl Jesus Medellin died doing what he had always dreamed of doing. Americans everywhere should be as proud of him as his family.

Marine Sgt Duane Rios: Remembered as a gentle giant, as a light-hearted person with an infectious laugh, 6-foot-3-inch Duane Rios was killed in combat on the outskirts of Baghdad, on Friday, April 4. He was a squad leader for the 1st Combat Engineer Battalion of the 1st Marine Division, from Camp Pendleton, CA.

Raised in Indiana by his grandmother, Rios graduated from Griffith High School in 1996. It was there that he met his future bride, Erica, who, upon hearing of her husband's death, told the San Diego Union Tribune that "there's no way he'd leave me behind knowing I couldn't take it. . . . He was a great guy, none better. . . . He did his job with pride because it was something that he felt was right."

She recalled how much they loved the view of the ocean at San Clemente, walking their dog on the beach, and watching the sunset. Her strength, along with her husband's sacrifice, should serve as an inspiration to us all.

Marine 1stSgt Edward C. Smith: A 38-year-old native of Chicago, Sgt Edward Smith had served in the U.S. Marine Corps for 20 years, and had served for 4 years as a reserve officer for the police department of Anaheim, CA. His hope was to retire from the Marines and become a full-time police officer. He died in Qatar, of combat injuries sustained in central Iraq, on April 5.

A veteran of Operations Desert Storm and Desert Shield, Sergeant Smith received many commendations, including the Navy Commendation Medal and two Navy Achievement Medals

After graduating from the Palomar Police Academy with the "Top Cop" award, Sergeant Smith went on to receive such honors as the Rookie of the Year for the Anaheim Police Department and the Orange County Reserve Police Officer of the Year in 2001.

His coworkers in Anaheim remember Edward as a gentleman and a professional. He would send them e-mails and makeshift postcards made from empty MRE containers—one which promised that he would wear his SWAP cap into Baghdad.

Sergeant Smith leaves behind his wife Sandy and three young children, Nathan, Ryan, and Shelby. At a news conference held at the Anaheim police department, Ryan, an extraordinarily mature 10-year-old, talked about how their father was always there when they needed help.

"It made me feel so good," the boy said. "He was the best dad you could ever have. I miss him a lot."

Police Sgt. Rick Martinez, one of 100 colleagues who turned out to support the Smith family, noted that "we all fell in love with his children. Edward's got to be so proud right now."

And so America is so very proud of Sergeant Smith. Army Pvt. Devon D. Jones: Army Pvt. Devon Jones left for boot camp just a few weeks after graduating from Lincoln High School, in San Diego, last June. He was just 19 years old.

It was only 3 years earlier that, after moving from one San Diego group home to another, the artillery specialist found a foster mother who he called mom.

"I'm honored to talk about him," his foster mother Evelyn Houston said. "He was a strong spirit. He was cool, but compassionate, and always concerned about everyone's well-being."

He joined the military in order to pay for his education—his goal was to be a writer and a teacher.

In a letter he sent to his family last month, Private Jones described his life in the desert. "Sometimes I just look into the sky at the stars and wonder what you all are doing, and smile.

"Hold on, be patient," he concluded, "and know there is a reason for everything."

GySgt. Jeffrey Bohr: 39-year-old Marine GySgt. Jeffrey Bohr, who was killed in downtown Baghdad during a 7-hour shootout outside a mosque, had been in the military his entire adult life. He joined the Army fresh of high school in Iowa, where he rode horses and played football, but switched to the Marine Corps 5 years later.

A large, broad-shouldered man known for his boundless energy—he could run all day with the younger Marines he commanded—Sergeant Bohr was also quiet and down-to-earth.

He lived with his wife Lori in San Clemente, CA, and loved reading history and John Grisham novels and taking his two boxers, Tank and Sea Czar, on 10-mile runs. He was also a diehard Oakland Raiders fan.

The last time Sergeant Bohr called Lori was a little over a month ago—he spoke of sandstorms and his belief that they would make good parents.

Lori's brother, Craig Clover, called Sergeant Bohr "a stand-up guy—do it by the rules. For a friend or family, he'd do anything . . . and he loved the military."

Marine LCpl Donald Cline Jr.: The same was true with 21 year-old LCpl Donald Cline, Jr., who was listed as missing in action just over 1 month ago, yet the Department of Defense confirmed last week that he had died in combat outside the city of Nasiriyah, in southern Iraq.

Born in Sierra Madre, CA, Corporal Cline moved to the town of La Crescenta, where he attended the public schools there until moving to Sparks, NV. It was there that he met his future wife Tina. They had two children together Dakota, 2, and Dylan, who is only 7 months old.

Sgt Troy Jenkins: On April 19, in an extraordinary act of heroic selflessness and sacrifice, 25-year-old Sgt Troy Jenkins threw himself on a cluster bomb just before it detonated. As a result, he saved the lives not only of several soldiers in his regiment—the 187th Infantry—but of a 7-year-old Iraqi girl.

Raised by his father in Evergreen, AL, Sergeant Jenkins loved roaming the woods, fishing, and music. He joined the Marines just before graduating from high school, in 1995, and later transferred to the Army. He also served in Afghanistan and was planning to leave the service this summer, with the hopes of joining the California Highway Patrol.

His reason for wanting to leave the military was so that his wife Amanda and their two children, ages 4 and 2, wouldn't be alone again. Amanda was not surprised by the circumstances of his death. "He didn't have a selfish bone in his body," she said. "He was always thinking of other people first."

That was demonstrated, well beyond the call of duty, when he willingly gave his own life to save those of his fellow soldiers and a little girl.

1LT Osbaldo Orozco: 1LT Osbaldo Orozco, just 26 years old, was killed in Tikrit, Iraq, when his Bradley tank, rushing to defend a checkpoint under fire, flipped over as it moved into a position to return fire.

Strong, tall and fast, Lieutenant Orozco was a star football player, both at Delano High School, in Delano, CA, and later at California Polytechnic State University, San Luis Obispo. At college, he was voted "Linebacker of the Year," was named as a Division II All-American, and racked up over 300 tackles. He gave up the opportunity to go pro by choosing to enter the Army.

He married his high school sweetheart Mayra in 2001. "He commanded four Bradleys and he loved it," she said. "He was ready to go and do his job. They all were."

Lieutenant Orozco is also survived by his parents, Jorge and Reyes Orozco, and five brothers, all over 6 feet tall. Together, they spoke with great pride of Osbaldo's many accomplishments—academic and athletic—and those special leadership qualities that so endeared him to the men he commanded.

SFC John W. Marshall: SFC John Winston Marshall was a 30-year veteran of the U.S. Army—a career soldier to the core. He grew up in Los Angeles and kept close family ties in the area. His parents, Odessa and Joseph, live in Sacramento.

It is worth noting that both his parents served in World War II, in many ways as trailblazers for African Americans in the armed services. His mother served as a nurse in England and his father as a quartermaster.

Because of his 30 years of distinguished service, Sergeant Marshall was eligible to leave the Armed Forces with full retirement benefits and had, in fact, planned to retire last year. Yet he decided to stay because of looming hostilities in Iraq. He was struck and mortally wounded by rocket-propelled grenade launched in an ambush by Iraqi troops.

Born in St. Louis, he moved with his family to Los Angeles when he was only 3. An accomplished flute player and a self-taught mechanic who made motor scooters out of lawnmower engines, Sergeant Marshall graduated from Washington High School in 1972 and enlisted in the Army.

He went on to serve during the Vietnam war, in South Korea and Germany, and he was a veteran of Operation Desert Storm. At the time of his death, he was commanding a platoon of 40 men from the 3rd Infantry Division, based at Fort Stewart, GA.

According to his mother Odessa, "He wasn't there to pass the time; he was there to do a job."

His wife Denise told the Los Angeles Times: "He knew it was dangerous. He didn't run from anything."

And we should also remember that 50-year-old Sergeant Marshall was as devoted to his family as he was to his country. He leaves behind two sons and a daughter, ages 12, 13, and 14.

In one of the last e-mails he sent to his family, he noted: "I am not a politician or policy maker, just an old soldier."

Well, we politicians and policymakers must not forget any of these heroes, regardless of their age, rank, religion, sex, or ethnic background. Together, they embody the diversity and consummate professionalism of America's Armed Forces.

We all hope and pray for the time when there will be no more casualty lists—when there will no longer be a need to recount stories of courageous men and women who willingly sacrificed their own lives, and irrevocably changed the lives of their families, their spouses, and children, in order to overthrow Saddam Hussein and liberate the people of Iraq.

Clearly, this conflict was a signal military success, and the casualties were kept relatively small. I could not be prouder of the stellar performance of our Armed Forces.

But we must never forget to honor every single loss, to pay our deepest respects and offer our deepest sympathies to those left behind, to those whose worlds have been so completely changed—and changed forever.

Mrs. BOXER. Mr. President, as we pray for all those who are in harm's way, I rise to pay tribute to seven additional young Americans who were killed in the Iraqi war.

I have made it a priority of mine to come to the Senate Chamber to read the names of the fallen military personnel who were from California or were based in my State. So far, 41 individuals have died who are connected in some way to California.

GySgt Jeffrey Edward Bohr, age 39, was killed on April 10 during a shootout in downtown Baghdad. He was assigned to the 1st Battalion, 5th Regiment, Alpha Company of Camp Pendleton, CA. He and his wife lived in San Clemente, CA. He was originally from northeast Iowa. He began his military career 20 years ago, serving in both the Army and the Marine Corps. During his career, he fought in Operation Desert Storm, and took part in operations in Panama, Somalia and Granada.

Cpl Jesus Gonzalez, age 22, was killed on April 12 in Baghdad. He was assigned to the 1st Tank Battalion, 1st Marine Division, Twentynine Palms, CA. He was born in Mexico and moved with his family to Indio, CA. 10 years ago. He was known as "Hugo" by his friends and family. He was a soft-spoken activist in his short life, marching in a Gulf War protest in 1992 and organizing a walk-out at his high school to support immigrant rights. However, when he was called to duty, he did not hesitate to fulfill his orders. He is survived by his wife, his 2-year-old daughter, and his parents.

SSgt Riayan A. Tejada, age 26, was killed on April 11 during combat operations in northeast Baghdad. He was assigned to the 3rd Battalion, 5th Marine Regiment, Camp Pendleton, CA. He was from New York City. He moved from the Dominican Republic to the United States in 1989. After graduating from high school, he enlisted in the Marines. He is survived by his parents and two children.

LCpl David Edward Owens, Jr., age 20, died from a chest wound inflicted during combat on April 12 in Baghdad. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Winchester, VA. He graduated from James Wood High School in 2000. He loved hunting and athletics and was a wrestler and football player in high school. He joined the Marines with the long-term goal of a career in law enforcement. At his funeral service, he became the first person ever given an honorary appointment to the Virginia State Police. He is survived by his parents.

Cpl Jason David Mileo, age 20, was killed on April 14 in Iraq. He was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was from Centreville, MD. He was a 2000 graduate of Chesapeake High School in Pasadena, MD. He is survived by his parents.

Army SGT Troy David Jenkins, age 25, died on Friday, April 24, from injuries sustained during combat. He was from Ridgecrest, CA. He was assigned to the B Company, 3rd Battalion, 187th Infantry Regiment, Fort Campbell, KY.

Army 1LT Osbaldo Orozco, age 26, was killed in Iraq on April 25. He was from Delano, CA. He was assigned to C Company, 1st Battalion, 22nd Infantry Regiment, Fort Hood, TX. He was a star football player at Delano High School and later played football at Cal Poly San Luis Obispo, where he attended on a full athletic scholarship. He was a captain for the Mustangs in 1999 and was named the team's Most Inspirational Player. He was commissioned as an Army officer in 2001. He was the second oldest of five sons of Mexican immigrants and the first in his family to graduate from college.

Forty-one individuals who were from California or based in California have died in the war. The people of California, as well as all Americans, mourn their loss.

May these beautiful young Americans rest in peace.

I continue to pray for those who have been injured in the war. I hope that they and the rest of our brave young men and women serving abroad will return home safely.

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fellow Iowan and a great American. It is with a sense of sadness but also pride that I must call to the attention of the Senate the sacrifice of Marine GySgt. Jeff Bohr of Ossian, IA, who was killed April 10, 2003, while participating in the liberation of Baghdad. Jeff Bohr is the second Iowan to have died in Operation Iraqi Freedom, and hopefully the last. Jeff Bohr served his country in the military for 20 years and had no reservations about putting his life on the line to protect American freedom and to give freedom to the Iraqi people. His loss will be felt throughout Iowa, and particularly in his hometown of Ossian. My thoughts and prayers are with Jeff's wife Lori as well as his father Eddie and mother Jeanette, his brothers, and all his family and friends. As they mourn his loss, they can know that they are not alone. Many people in Iowa and across the country share their grief and reflect on the life of Jeff Bohr, whether they knew him or not. At the same time, Jeff's family can be very proud of his service to his country. Jeff Bohr's sense of patriotic duty is a source of inspiration to us all, and his sacrifice will not be forgotten. He paid the ultimate price for our freedom and security. Words can scarcely convey the debt of gratitude that we all owe Jeff Bohr, but I want to take this opportunity to express my deepest respect and admiration for Jeff and what he did for America. Although his loss is tragic, Jeff Bohr died fighting for his country and he died a true patriot.

THE ACCESSION OF CYPRUS TO THE EUROPEAN UNION

Mr. BIDEN. Mr. President, I rise today to commend the Republic of Cyprus on its April 16 signing of an accession agreement with the European Union, and also to bemoan the failure to reach an agreement to end the nearly three-decade-old division of the island.

The achievement of accession to the European Union marks the last phase of a 30-year enterprise by the Government and people of the Republic of Cyprus, which began with an Association Agreement in 1973 and will culminate in May 2004 with full membership.

Celebration of this historic success, however, is tempered by the absence of a settlement that would have allowed the island as a whole to join the EU. The failure of the parties to reach an agreement through the United Nations process was both regrettable and avoidable.

Although the Cyprus problem has been on the United Nations agenda for almost 40 years, it was the Clinton administration's decision in 1999 to make finding a solution in Cyprus a high priority that brought the two sides of the island back to proximity talks under the good offices of the United Nations Secretary General.

Since 1999, Secretary General Kofi Annan and his special representative Alvaro de Soto have engaged interested parties in an intensive peace effort with international support, including that of U.S. Special Coordinator for Cyprus Ambassador Tom Weston. They worked feverishly with leaders in Nicosia, Athens, Ankara, and Brussels to try to persuade the parties to agree to a draft plan prior to the European Union summit in Copenhagen last December, at which the EU invited Cyprus and nine other countries to join the Union. While that effort did not produce an equitable end to the tragic division of Cyprus, it did produce a realistic framework and concrete text on which to continue discussions to resolve the remaining issues.

After years of frustration and disappointment, the people of Cyprus saw a fragile but real possibility for settlement, and the overwhelming majority of the population in both communities embraced the process.

In the first months of 2003, with the clock running out to reach an agreement before the date for Cyprus to sign the EU accession agreement, the UN Secretary General asked Tassos Papadopoulos, the newly-elected President of the Republic of Cyprus, and Turkish Cypriot leader Rauf Denktash to submit the plan to a public referendum. On March 10, Mr. Papadopoulos in good faith conditionally agreed to do so. Mr. Denktash refused.

In response, tens of thousands of Turkish Cypriots took to the streets to express their support for the UN plan and to entreat Mr. Denktash to participate in the process. But Mr. Denktash did not respond to these calls from the citizens whom he nominally represents. In denying his own people a democratic vote, he bears the primary responsibility for quashing the peace talks.

Since then, Mr. Denktash has chosen to discredit the UN process though overheated rhetoric, calling the UN plan "full of tricks" and alleging that it did not take into account the non-negotiable requirements and "realities" of the Turkish Cypriot people. He did for the first time allow day-visits across the "Green Line" that divides the island, but this welcome conciliatory gesture appears to be more of a diversionary tactic than a return to the negotiating table.

The Turkish Cypriots do have genuine concerns about their status and security, and these concerns must be reflected in any settlement decision. The Greek Cypriots need to acknowledge that before 1974 there was a Cyprus Problem and that members of both communities committed unpardonable violence and murder. Similarly, the Turkish Cypriots need to acknowledge that there has been a Cyprus Problem ever since the Turkish invasion of 1974, with mass human suffering. Both sides must recognize that this is 2003, not 1974 or 1964, and that only a reunited Cyprus as a member of the European Union would have ironclad, international security guarantees for all its citizens.

Yet Mr. Denktash seems incapable of seizing the moment by recognizing that a negotiated settlement requires compromise. As Secretary General Annan stated in his report to the UN Security Council, however, "except for a very few instances, Mr. Denktash by and large declined to engage in negotiation on the basis of give and take," thereby complicating efforts "to accommodate not only the legitimate concerns of principle, but also the concrete and practical interests of the Turkish Cypriots."

The window for achieving a settlement is not closed. Secretary General Annan's plan remains on the table as a basis for negotiation. The European Union has affirmed that there is a place in the EU for Turkish Cypriots. Upon the signing of the accession treaty, Cypriot President Papadopoulos restated his commitment to working toward a settlement. Greek Prime Minister and EU Council Term President Simitis invited Mr. Denktash and other Turkish Cypriot political leaders to Nicosia to continue discussions toward a settlement, an invitation which Mr. Denktash to date has rejected. Turkish Prime Minister Erdogan, with an eye toward his own country's future EU membership once Ankara has met the Copenhagen criteria, endorsed on April 17 the continuation of talks based on the UN plan. I hope that Prime Minister Erdogan, Foreign Minister Gul, and other distinguished leaders in Turkey will prevail on Mr. Denktash to do what is right for all in the region.

EU leaders at the April 16 accession ceremony in Athens declared that the expanded EU represents a "common determination to put an end to centuries of conflict and transcend former divisions." The people in northern Cyprus should not be barred from "the closer ties of neighborhood" described by European Commission President Prodi. Nor should they be excluded from the opportunity, now extended to their fellow-citizens in the south, to join the world's most powerful economic association.

A lasting settlement would allow the Turkish Cypriot people to emerge from their isolation and become fully a part of Europe. It would bring opportunities for economic growth, for expanded trade, for travel and for broader educational and cross-cultural exchanges. And it would end the second-class citizenship of the Turkish Cypriot people in which their standard of living is at best one-third that of the people in the south.

If Mr. Denktash does indeed have the interests of the people of northern Cyprus at heart, he should step aside and allow the Turkish Cypriot people to choose their own future. There is too much at stake to allow another opportunity to expire.

THE TROUBLED MEDIA ENVIRONMENT IN UKRAINE

Mr. CAMPBELL. Mr. President, later this week individuals around the world will mark World Press Freedom Day. The functioning of free and independent media is tied closely to the exercise of many other fundamental freedoms as well as to the future of any democratic society. The Commission on Security and Cooperation in Europe, which I co-chair, is responsible for monitoring press freedom in the 55 participating States of the Organization for Security and Cooperation in Europe, OSCE. Recently, I reported to the Senate on the deplorable conditions for independent media in the Republic of Belarus. Today, I will address the situation of journalists and media outlets in Ukraine.

Several discouraging reports have come out recently concerning the medic environment in Ukraine. These reports merit attention, especially within the context of critical presidential elections scheduled to take place in Ukraine next year. The State Department's Country Reports on Human Rights Practices in Ukraine for 2002 summarizes media freedoms as follows: "Authorities interfered with the news media by intimidating journalists, issuing written and oral instructions about events to cover and not to cover, and pressuring them into applying self-censorship. Nevertheless a wide range of opinion was available in newspapers, periodicals, and Internet news sources."

Current negative trends and restrictive practices with respect to media freedom in Ukraine are sources of concern, especially given that country's leadership claims concerning integration into the Euro-Atlantic community. Lack of compliance with international human rights standards, including OSCE commitments, on freedom of expression undermines that process. Moreover, an independent media free from governmental pressure is an essential factor in ensuring a level playing field in the upcoming 2004 presidential elections in Ukraine.

In her April 18, 2003 annual report to the Ukrainian parliament, Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, while beatings, intimidation of media employees, freezing of bank accounts of media outlets, and confiscation of entire print runs of newspapers and other publications have become commonplace in Ukraine.

The murder of prominent journalist Heorhiy Gongadze—who disappeared in September 2000—remains unsolved. Ukrainian President Kuchma and a number of high-ranking officials have been implicated in his disappearance and the circumstances leading to his murder. The Ukrainian authorities' handling, or more accurately mishandling of this case, has been characterized by obfuscation and stonewalling. Not surprisingly, lack of transparency illustrated by the Gongadze case has fueled the debilitating problem of widespread corruption reaching the highest levels of the Government of Ukraine.

Audio recordings exist that contain conversations between Kuchma and other senior government officials discussing the desirability of Gongadze's elimination. Some of these have been passed to the U.S. Department of Justice as part of a larger set of recordings of Kuchma's conversations implicating him and his cronies in numerous scandals. Together with Commission Co-Chairman Rep. CHRIS SMITH, I recently wrote to the Department of Justice requesting technical assistance to determine whether the recordings in which the Gongadze matter is discussed are genuine. A credible and transparent investigation of this case by Ukrainian authorities is long overdue and the prepetrators—no matter who they may be—need to be brought to justice.

The case of Ihor Alexandrov, a director of a regional television station, who was beaten in July 2001 and subsequently died also remains unsolved. Serious questions remain about the way in which that case was handled by the authorities.

A Human Rights Watch report, Negotiating the News: Informal State Censorship of Ukrainian Television, issued in March, details the use of explicit directives or temnyky, lists of topics, which have been sent to editors from Kuchma's Presidential Administration on what subjects to cover and in what manner. The report correctly notes that these temnyky have eroded freedom of expression in Ukraine, as "editors and journalists feel obligated to comply with temnyky instructions due to economic and political pressures and fear repercussions for non-cooperation." To their credit, the independent media are struggling to counter attempts by the central authorities to control their reporting and coverage of issues and events.

Another troubling feature of the media environment has been the control exerted by various oligarchs with close links to the government who own major media outlets. There is growing evidence that backers of the current Prime Minister and other political figures have been buying out previously independent news sources, including websites, and either firing reporters or telling them to cease criticism of the government or find new jobs.

Last December, Ukraine's parliament held hearings on "Society, Mass Media, Authority: Freedom of Speech and Censorship in Ukraine." Journalists' testimony confirmed the existence of censorship, including temnyky, as well as various instruments of harassment and intimidation. Tax inspections, various legal actions or license withdrawals have all been used as mechanisms by the authorities to pressure media outlets that have not towed the line or have supported opposition parties.

As a result of these hearings, the parliament, on April 3rd, voted 252 to one to approve a law defining and banning state censorship in the Ukrainian media. This is a welcome step. However, given the power of the presidential administration, the law's implementation remains an open question at best, particularly in the lead up to the 2004 elections in Ukraine.

I urge our Ukrainian parliamentary colleagues to continue to actively press their government to comply with Ukraine's commitments to fundamental freedoms freely agreed to as a signatory to the Helsinki Final Act. I also urge the Ukrainian authorities, including the constitutional "guarantor", to end their campaign to stifle independent reporting and viewpoints in the media. Good news from Ukraine will come not from the spin doctors of the presidential administration, but when independent media and journalists can pursue their responsibilities free of harassment, intimidation, and fear.

CHILD ABUSE PREVENTION MONTH

Mr. LAUTENBERG. Mr. President, today I rise to talk about Child Abuse Prevention Month. Child Abuse Prevention Month was established 20 years ago by Presidential proclamation and since then, this month has been devoted to raising awareness about this tragic problem.

This year holds particular sadness for those of us from New Jersey. This past

January, 7-year-old Faheem Williams was found dead in a Newark, NJ, basement where he and his two brothers had been imprisoned for weeks. He had been starved and beaten. With Faheem were his twin, Raheem, and 4-year-old brother Tyrone, both of whom were found to be malnourished and dehydrated. All of this occurred under the supervision of the State agency that placed these three boys in foster care.

His death marks a tragic failure on the part of our State and country, as do the deaths of thousands of children each year. Mr. President, I was at Faheem's funeral. That day I said that it didn't matter whether his death was due to neglect or direct abuse. We cannot permit another child to go through this ever again.

Across the country last year, 879,000 children were victims of child abuse and neglect, of whom approximately 1,200 died from maltreatment. According to the national organization, Prevent Child Abuse America, three children die every day from abuse or neglect at the hands of those who are supposed to care for them. I don't need to say that one is too many. Most disturbingly, confirmed reports of child abuse and neglect rose 3 percent in the last year nationwide. This is the second straight year child abuse has increased.

There is no doubt that child abuse and neglect continues to be a significant problem in the United States. Our children are our future, but their health and safety in our society continues to decline. Every one of us has a responsibility to work for the welfare of the Nation's children.

The Department of Health and Human Services runs a National Clearinghouse on Child Abuse and Neglect Information, providing research and resources for prevention to individuals and communities. Many nonprofit organizations, State agencies, individual social workers, counselors, teachers, and clergy work tirelessly to determine when children are in danger. We need to support the individuals and groups who advocate for abused children, and the foster families who care for them.

Faheem Williams paid a terrible price for his little life and we must honor his memory and the memories of other victims of abuse by educating the country about the risks and signs of abuse and providing the resources available to stop it.

HONORING JOHN HARDT

Mr. BENNETT. Mr. President, I take this opportunity today to pay tribute to a very distinguished servant of the legislative branch of the Congress. In May 2003, Dr. John Hardt will end his official service with the Congressional Research service after 32 years as a valuable resource to Congress in the field of international economics and foreign affairs. In many ways, Dr. Hardt's retirement symbolizes the ending of an era for the Congress; he is the only remaining CRS Senior Specialist now providing Congress with research and analysis in the field of foreign affairs. He has been a great asset to the Congress and to CRS throughout his long career in public service.

Dr. Hardt received both his Ph.D. in economics and a Certificate from the Russian institute from Columbia University. Prior to joining the Congressional Research Service, he had already had the kind of illustrious career that serves as a lifetime achievement for many others. He served his country with distinction during World War II, receiving ribbons and battle stars for both the European and Asiatic Theaters of Operations as well as the Philippine Liberation Ribbon. He has been an educator—specializing in economics, Soviet studies, and Sino-Soviet studies—at the University of Washington, the University of Maryland, Johns Hopkins University, the George Washington University, the Foreign Service Institute, and American military service schools. He has served in the American private sector, specializing in Soviet electric power and nuclear energy economics for the CEIR Corporation in Washington, DC, and as a director of the Strategic Studies Department at the Research Analysis Corporation in McLean, VA, where he specialized in Soviet Comparative Communist and Japanese Studies. He is a widely published author, with hundreds of research papers, journal articles, technical memoranda, and books and book chapters to his credit.

Dr. Hardt joined the Congressional Research Service as the Senior Specialist in Soviet Economics in November of 1971. It is his work for CRS—and for us, the Members of this body—that I want to honor today. For the past three decades, Dr. Hardt has served Members of Congress, their staffs, and committees with his considerable expertise in Soviet and post-Soviet and Eastern Europe economics, the economy of the People's Republic of China, East-West commercial relations, and comparative international economic analysis. He has advised, among others, both the Senate and House Commerce Committees on East-West trade; the senate and House Banking Committees on the Export-Import Bank and other U.S. government financing programs; and the Senate Finance and House Ways and Means Committees on U.S. trade policy. He frequently has traveled with congressional committee delegations, serving as a technical adviser on visits to the former Soviet Union, Poland, Hungary, the former Yugoslavia, the United Kingdom, the Federal Republic of Germany, Italy, and Sweden, and then preparing committee reports for these trips. On many occasions, Dr. Hardt has been called on to advise directly Members of Congress and congressional staff on Russian Federation debt reduction and its relationship to nonproliferation concerns, and has provided support to the Russian Leadership Program, especially those events and activities that involved Members of Congress. The extent of his national and international contacts is breathtaking and includes senior members of foreign governments and leading multinational businesses.

His most lasting legacy for Congress may well be his service as both editor and coordinator of a long series of Joint Economic Committee compendia on the economies of the PRC, Soviet Union, and Eastern Europe. The Congress can take pride in these important, well-known, and highly respected JEC studies, to which Dr. Hardt devoted so much of his talent and energies. The more than 70 volumes of this work include: China Under the Four Modernizations, 1982; China's Economy Looks Toward the Year 2000, 1986; The Former Soviet Union in Transition, 1993; East-Central European Economies in Transition, 1994; and Russia's Uncertain Economic Future, 2001. The series includes hundreds of analytical papers on various aspects of issues pertinent to Congress and to U.S. policy, all written by internationally recognized government, academic, and Private sector experts, and all coordinated and edited by Dr. Hardt. This work was not only a valuable source of analysis to the Congress but also to the policymaking and academic communities at large. For many years, these volumes were the most comprehensive sources of economic data and analyses on the economies of the Soviet Union, China, and Easter Europe.

Let me make one final point to illustrate the loss that we, as Members of Congress, will sustain with Dr. Hardt's retirement. That point concerns one of the great strengths that CRS offers to Congress, and which Dr. Hardt's tenure and contributions at CRS epitomize perfectly: institutional memory. Of the 525 Members of the 108th Congress, only 11 were Members of the 92nd Congress when Dr. Hardt first assumed his official congressional duties. Most of the countries that he has specialized in have undergone astounding transformation during his working life—some, indeed, no longer exist. The members of this deliberative body in which we serve has turned over many times. Committees have come and gone. But through it all, John Hardt has been a constant fixture, a strand of continuity in an environment of continual change—part of the collective institutional memory of CRS which is of such value to our work in Congress. We wish Dr. Hardt well in the new ventures on which he will be embarking. He will be greatly missed by us all.

ADDITIONAL STATEMENTS

CAPTAIN PENN HOLSAPPLE

• Mr. BURNS. Mr. President, I rise today in recognition of Captain Penn Holsapple's 90th birthday. Captain Holsapple served in the United States Marine Corps during the Second World War and was one of the first Marines to land on the Pacific island of Iwo Jima. Every American knows of the enormous sacrifices thousands of young Marines made on that island to defend our Nation, and Captain Holsapple himself was wounded in action twice. However, always living up to the Marine Corps motto "first to enter, last to leave," Captain Holsapple remained on Iwo Jima with his fellow Marines to the very end. I ask all of my colleagues to join me in wishing Captain Penn Holsapple a happy 90th birthday and to thank him for the service and sacrifice he gave to his country. Happy Birthday good friend.•

TRIBUTE TO THE CHEMICAL WEAPONS WORKING GROUP

• Mr. BUNNING. Mr. President, I rise today to pay tribute to the Chemical Weapons Working Group, CWWG, for receiving the Kentucky Environmental Quality Commission's 2003 Earth Day Award. Each year a dozen organizations in Kentucky receive this award for their outstanding commitment to the environment.

CWWG, under the direction of Craig Williams, has played a vital role in the demilitarization of chemical weapons at the Blue Grass Army Depot in Kentucky. I have worked with the CWWG on this important issue and I know how strongly many Kentuckians feel about disposing of these weapons in the safest and quickest manner possible.

Although it took some time, the public and political pressure from CWWG was instrumental in the Department of Defense's decision to use water neutralization, not incineration, to destroy the chemical weapons at Blue Grass Army Depot. CWWG's research efforts to demonstrate effective alternatives to incineration were beneficial to all parties involved in this important decision.

I ask my colleagues in the Senate to pay tribute to the Chemical Weapons Working Group for their role in protecting the environment and the thousands of Kentuckians that live near the Blue Grass Army Depot.•

TRIBUTE TO DR. JAMES F. JOHNSON

• Mr. SARBANES. Mr. President, I rise today to pay tribute to Dr. James F. Johnson, an outstanding public servant, who is retiring from the U.S. Army Corps of Engineers after an exemplary career spanning more than three decades. I want to extend my personal congratulations and thanks for his many years of service and contributions to improving both the water resources of our Nation and the quality of Federal Government services.

Throughout his 32-year career with the Federal Government, Dr. Johnson has distinguished himself for his leadership, commitment, and dedication to public service, to making government work better, and to addressing some of our Nation's most critical water resource problems. Beginning in Corps of Engineers Headquarters as a program manager, he quickly advanced through the ranks to positions in senior management, including service as Chief of the Eastern Planning Management Branch, Special Assistant to the Chief of Planning, and Acting Assistant Director of Civil Works for the Upper Mississippi and Great Lakes region.

I first came to know Jim when he was selected as Chief of the Planning and Policy Division at the Baltimore District in 1985. During his 13-year tenure in Baltimore, I had the opportunity to work closely with him and his planning team on a number of water resource initiatives in the State of Maryland and the broader Chesapeake Bay Region, including the restoration of the north end of Assateague Island, the Coastal Bays of Maryland, and the Anacostia River. I know first hand the extraordinary leadership, vision and expertise Jim brought not only to projects in this region, but equally important, to building and encouraging one of the finest, most responsive and innovative planning teams in the Nation.

Among his accomplishments, perhaps the one that stands out most and underscores Jim's professionalism and creativity is the role he played in the planning, design and policy development process of one of the Corps' greatest success stories—the restoration of Poplar Island. This project, which is taking clean dredged materials from the channels leading to the Port of Baltimore and using it to restore a chain of environmentally sensitive islands in the Chesapeake Bay, has become a national model for habitat restoration and the beneficial use of dredged material. But developing and winning approval of the project was no easy task. The size and scale of the project were unprecedented. Federal policies at the time greatly limited the funding and contained other disincentives to making this a viable option. Jim and his planning staff put in countless hours helping to resolve these problems and develop innovative solutions that ultimately led to the construction of the project, relief for Maryland's dredged material disposal problem and development of the largest environmentally restoration initiative ever undertaken in the Chesapeake Bay.

Jim Johnson's contributions and accomplishments over the years have been recognized through many prestigious awards including the Army Decoration for Meritorious Civilian Service and the Secretary of Army Award for Publications Improvement, but perhaps no more so than by his selection in 1998 to return to Headquarters as Chief of the Planning and Policy Division of the Directorate of Civil Works. In this prestigious position, he has been responsible for managing some $200 million annually in water resource investments for navigation, ecosystem restoration, and flood and storm protection. He also developed and implemented a new program to expand planner training and leadership skills.

Dr. Johnson has served the Nation with distinction. His efforts, work ethic, and abiding sense of responsibility and commitment have earned him the admiration of everyone with whom he has worked. I have enormous respect for the professionalism, ingenuity, and integrity which he brought to the positions in which he has served and greatly value the assistance he has provided to me and my staff over the years.

It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Jim Johnson has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication and wish him well in the years ahead.•

RETIREMENT OF JOHN B. BROWN III, ACTING ADMINISTRATOR OF THE DEA

• Mr. BIDEN. Mr. President, James Bryant Conant once said that "each honest calling, each walk of life, has its own elite, its own aristocracy, based on excellence of performance." I rise today to pay tribute to a man who is a member of the law enforcement elite, John B. Brown III, the Acting Director of the Drug Enforcement Administration.

John Brown has spent more than three decades as a special agent in the Drug Enforcement Administration. Last year he capped his law enforcement career when he was appointed deputy administrator of the agency. And when former Administrator Asa Hutchinson was appointed as under secretary at the Department of Homeland Security, John Brown was tapped to be Acting Director of the DEA.

John Brown is a dedicated, hardworking government leader. He is known at the DEA and in the larger law enforcement community as a thoughtful, personable administrator and a man of great humility.

His career at the DEA has been a distinguished one. As a young agent he worked in Mexico where he was deeply involved in the investigation into the murder of Kiki Camarena, the brave DEA agent who was tortured and killed by Mexican drug traffickers. During that time as in the rest of his career—whether it was in Miami, the Dallas field division, the El Paso intelligence center or at DEA Headquarters—John Brown rose to the challenge and excelled at each assignment.

But it was John Brown's first job as a teacher that really shaped him as an agent. John is known by the people who worked for him at DEA as a great teacher, someone who took the time to coach them, to motivate them, to counsel them. For that reason, he is one of the most popular administrators at DEA, and one of the most respected.

As a school teacher, John quickly found that many of the problems he saw among students in his classroom involved learning the skills and attitudes and character to cope with life. Drug use was becoming widespread in the early 1970s and prompted John to decide to join DEA as a special agent.

In truth, he never left the classroom. He has said many times that one of his proudest moments at DEA came when a former student—someone who as a young student had listened to one of his talks about the perils of drug use came up to him in an airport years later. He introduced himself, said that he had a great job and a wonderful family—both of which he said would have been impossible had he joined his many friends who used drugs in high school. He credited John Brown's talk on drugs with keeping away from a life of substance abuse.

I would be remiss if I did not mention John's wife, Christine Brown, who has been a source of tremendous support and strength to John and their family. I know that she and their two children P.J. and Michael are incredibly proud of John and the superior and important work that he has done over the course of his career.

John Brown is a leader of integrity and total dedication. He has served his country well and I wish him all the best.●

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY TAKE FIRST PLACE IN ROCKY MOUNTAIN REGIONAL CONCRETE CANOE COMPETITION

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the South Dakota School of Mines and Technology on earning first place for their remarkable display of ingenuity and design at the 2002 Rocky Mountain Regional Concrete Canoe Competition in Logan, UT.

Under the supervision of their advisor, Dr. Marion Hansen, the team earned their 14th first place regional win within the last 16 years. This win qualifies the team for the National Concrete Canoe Competition hosted by Drexel University in June. South Dakota School of Mines and Technology's American Society of Civil Engineering program has a strong record of finding ingenious solutions to complex problems, and has placed in the top five in the National Concrete Canoe Competition five times as well as winning the over all national competition in 1995.

Based on appearance, weight, presentation, and sprint and endurance races for men, women, and co-ed squads, the South Dakota School of Mines and Technology team defeated teams from Wyoming, Utah, and Colorado for their first place win. To effectively implement their strategy, students worked as a whole and within centralized teams, such as hull design, mix design, construction, and paddling, to bring the project together as an award-winning canoe. This win reflects the work ethic and dedication that is so visible in the state of South Dakota.

I want to acknowledge Dr. Richard J. Gowen, president of the South Dakota School of Mines and Technology, as well as Dr. Marion R. Hansen, for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Steve Lipetzky, Andy Coats, Ryan Hamilton, Dave Lowe, Eric Gassland, Jen Pohl, Mandy Kost, Katie Zeller, Tarar Boehmer, Wade Lein, and Marshall Cassady.

Again, congratulations to the South Dakota School of Mines and Technology on winning their 14th regional concrete canoe competition.●

JIM WILDING

● Mr. WARNER. Mr. President, I rise today to honor a friend and an outstanding citizen of the Commonwealth of Virginia, James A. Wilding, on the occasion of his retirement from the Metropolitan Washington Airports Authority. In the 25 years I have had the opportunity to serve in this body many Senators have come and gone. The faces of industry and its leaders have changed as well. In changing times Jim Wilding has been constant—always a trusted advisor to me and others for the more than 40 years he has served the Nation's capital airports.

In his role at the Authority, Jim is responsible for the management of two of our most important airports in the country—Washington Dulles International Airport and Ronald Reagan Washington National Airport. He has managed them through rapid growth, the transition away from Federal operation, and now into the new post 9/11 security paradigm. His vision is the result of strong knowledge, experience, and dedication to his craft.

Mr. Wilding began his career with the Federal Aviation Administration soon after graduating from the Catholic University of America in 1959 with a graduate degree in civil engineering. At the FAA, he participated in the original planning and development of Washington Dulles International Airport. I remember when that airport was being built—many scoffed at the idea. They questioned the need for a facility of that magnitude and objected to the seemingly rural location. Today we applaud the foresight that went into Dulles. Our transportation system relies on the balance between Dulles and Reagan. Jim Wilding has been an integral part of this visionary leadership.

Following the opening of Dulles in 1962, Mr. Wilding held progressively responsible positions in all phases of engineering for the two federally owned airports, eventually becoming the organization's chief engineer. He served as chief engineer until becoming the airports' deputy director in 1975, and then its director 4 years later.

Mr. Wilding served as the director of the FAA's Metropolitan Washington Airports organization from December 1979. In June 1987, the airports were transferred to the newly created Airports Authority, where he assumed his current position as president.

During his tenure as president and CEO of the Airports Authority, the Metropolitan Washington Airports Authority passenger activity at National and Dulles Airports nearly doubled to 31 million passengers in 2002. With this growth, he has overseen and managed a massive capital development program at both airports totaling well over $3 billion dollars. Under his leadership, Reagan National Airport was modernized with a new terminal building in 1997 which brought major improvements to airport traffic management and Metro system connections. At Dulles, he directed the expansion and construction of new concourses, the building of the airport's first parking garages, and is now managing a $3.2 billion capital improvement project. In addition, the Smithsonian will open its new Air and Space Museum later this year located at Dulles Airport.

Mr. Wilding's career is highlighted with many accolades, which, along with his outstanding performance, have earned him a national and international reputation as an aviation industry expert.

I wish to extend my sincerest congratulations to Mr. James A. Wilding on the occasion of his retirement. I am honored to recognize his many accomplishments to our region, applaud his service to our entire Nation's aviation transportation system, and to call him a friend.●

HONORING HENRY S. SCHLEIFF, CHAIRMAN AND CEO OF COURT TV NETWORK

• Mr. LAUTENBERG. Mr. President, on April 1, 2003, Henry Schleiff, chairman and CEO of Court TV, was awarded the Cable Television Public Affairs Association, CTPAA, President's Award. CTPAA is a national organization that focuses on public affairs issues within the cable industry. I can think of no better person to be honored with this award considering the efforts Mr. Schleiff has put forth to serve his industry and the public community.

His career has featured an impressive array of both private and public service. Since his career began with HBO, Mr. Schleiff has moved up the ranks of the entertainment industry—from senior vice president of business affairs and administration for HBO and head of HBO Enterprises in the 1980s, to executive producer for Viacom International Inc. and CEO of Viacom's Broadcast and Entertainment Groups in the early 1990s, to executive vice-president for Studios USA in the late 1990s. Mr. Schleiff has been the CEO of Court TV since December 1999 and has been the catalyst for its revival. Under his leadership, Court TV has become one of the most successful basic cable networks in the industry, growing from 30 million subscribers to nearly 80 million in just 4 years.

Equally impressive are Mr. Schleiff's efforts for the public community. He is vice chairman of the board of directors for the International Radio & Television Society Foundation, Inc. IRTS, and he serves on the board of directors of the International Council, The Creative Coalition, and Theatreworks. Court TV's Choices and Consequences education program, already in more than 100,000 schools, encourages children to make responsible decisions and positive contributions to society. The "Everyday Heroes" program honors brave and courageous individuals who made personal sacrifices or significant contributions.

Mr. President, I ask unanimous consent that a copy of Mr. Schleiff's award acceptance speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is really a great honor to appear this evening with a group of colleagues and friends, who I so admire and respect, because they clearly share our network's vision . . . and, our sense of duty to make a difference in the communities we serve. I accept this year's President's Award with great pride, as a validation of the important work done by our network, Court TV—work that is very much unfinished and ongoing—and, I accept this award with great appreciation on behalf of the extraordinarily dedicated and talented team led by Dick Beahrs and Scoot MacPherson in this area, at Court TV.

It is, equally, a real privilege to appear with a gathering of probably the most passionate, dedicated and caring people anywhere in the media. I am proud to be a part of an industry like cable that is recognized for its unequaled support for diverse programs and initiatives providing valuable public service outreach. Moreover, the suggestions and new ideas you have shared over the past three days will, no doubt, contribute significantly to our ability to maintain cable's position as both the moral and financial leader, in the field of telecommunications.

All of us in this room, tonight, know that we don't have to do public service. We don't have to go into neighborhoods and encourage better education, promote health care, or teach tolerance and understanding. Why do we—why do you—participate and pursue these causes: quite simply, because you choose to. I have some idea of the sacrifice and effort those here, tonight, make every day, and it is not unreflective of Winston Churchill's observation that "we make a living by what we get, but we make a life . . . by what we give." Those who received this award, in senior management, like myself, do so merely on behalf of those, in the field, like you, who make the real contributions. It is we, who should give this award to you, because it is we who should appreciate and, indeed, should be inspired by what you do.

We must all recognize that public service is important from a number of perspectives: its impact is felt in both karma and dollars. Indeed, the legacy of the vast array of programs represented here, tonight, will live on long after most, if not all, of the shows and series that can be seen on any given network. I particularly value what people do in this area because, quite frankly, I am a product of the Kennedy 60's—I bought the ideal of contribution and, in fact, it has served me well; it has served Court TV well, and hopefully it serves you, because through your efforts, public service puts this industry in the best possible light, especially in these dark and troubled times.

In a world where we correctly criticize much of what we see on television . . . and in a business where we are struggling with customer service and competition, the one real, indisputable Beacon (no pun intended) of success in every corner . . . and, by any measure, is the diverse and important work that people in Public Affairs do every day. Cable, like any service industry, often gets a black eye. But, because of your words and, more importantly, your deeds, you are the people who ameliorate those complaints and put this industry in the enviable position of being community activists for positive social change.

Not only is what you do substantively important, but it is also well communicated to our audiences—both viewers of our programming and, more generally, subscribers who live in our communities of service. Oddly enough, the only ones who sometimes have trouble hearing your message and understanding its importance, are, frankly, those often responsible for the purse strings. The irony is that we must all do a better job in communicating the legitimate success and importance of our work not externally, outside our company, but rather, to those in the executive suites. . . . Not only because all of us here, tonight, are on the side of right (and, as we say at Court TV, justice), but also because, in the end, this is also very much in the best economic interests of our companies. We can do well . . . by doing good; we can do "well", financially . . . by doing "good", morally. In that regard, public affairs efforts are among the most distinctive and beneficial qualities of cable systems and their programming. Why: because you live where the rubber meets the road. You live where the cable operator or cable network meets the customer or viewer, as the case my be . . . you are part and parcel of the communities in which you serve . . . and, given your work, this industry simply could not ask for better representatives.

We take great pride in our commitment to public service at Court TV, and, especially, the recognition it is receiving tonight, because we have always understood the power of the medium of television—and, the potential for good that a network like ours can play. For example, I recently learned that five-year olds, typically, have watched more than 5,000 hours of TV before they even enter kindergarten—in most families, today, that's more time than they have spent in conversation with their parents—and, in all cases, that is, statistically, more hours . . . than it takes to earn a college degree. With our experience in creating quality educational initiatives—and, with the support and partnership of our cable affiliates, we are increasingly focused on harnessing the power of television—both, on and off air—for its use as an effective and engaging public service tool.

In that regard, allow me to point out some of the recent specific intiatives that Court TV's Public Affairs and Corporate Communications people have introduced or otherwise pursued and which provide me with the privilege of standing here, tonight, on their behalf.

Principally, you know us for our Golden Beacon Award-winning Choices and Consequences education programs, which, in its five year existence, has reached more than 100,000 schools with programs designed to keep our nation's youth . . . out of our nation's courts, by teaching young people that a poor choice made in a moment . . . can have devastating consequences . . . for a lifetime. Through Choices and Consequences, we aim to empower our children to make responsible decisions and to contribute, positively, to society. We have added educational programs like the Forensics in the Classroom Curriculum, and the Mobile Investigation Unit tour, which has made stops in 20 cities last year and plans 23 this spring and summer. Tomorrow afternoon, we celebrate the latest group of "Everyday Heroes," honoring those who demonstrate bravery and courage, often through individual acts of personal sacrifice. As you may be aware, an element of education and pro-social causes runs, like a thread, through much of our programming. Certainly, many of our investigative documentaries and specials raise critical issues regarding tolerance, or the fairness of our criminal justice system. This year, for example, we will again focus on Robert F. Kennedy's legacy and the Human Rights Award. And, finally, our original movies attempt to raise important and relevant questions which lead to informed debate about a variety of judicial and social issues.

The poet Ralph Waldo Emerson said, "to appreciate beauty, to find the best in others, to leave the world a little better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is the meaning of success." It is in that light, that we at Court TV share with you in your passion, your vision and our mutual goal of bringing about positive change through education and understanding.

I accept this year's CTPAA President's Award, as a validation of the public affairs work done by Court TV; I accept the President's Award, on behalf of all of you, whose tireless dedication has so contributed to tonight's . . . success; and, finally, I accept this award as a reflection of your values and ideals which are so important to the future of this industry and . . . this nation.●

PROFESSOR JOE WILKINS' RETIREMENT

● Mr. DURBIN. Mr. President, I rise today to recognize Professor Joe Wilkins' contributions to the State of Illinois and our country.

Professor Wilkins will retire from the University of Illinois in May 2003. He will officially become a "University of Illinois Professor Emeritus of Management" which is an accomplishment in and of itself, but is only one facet of his career.

Professor Wilkins has been a very effective teacher. He received an "Outstanding Teacher" award selected by a vote of the University student body. His graduate course in International Business was chosen by students in the College of Business and Management as their most valuable class. Additionally, during 2002 Professor Wilkins received the highest evaluation of all the faculty by students in the college.

Prior to his teaching career, Professor Wilkins served with distinction as a captain in the United States Air Force. While serving he was repeatedly decorated for heroism in combat. His many decorations include the Silver Star and two Purple Hearts, which were awarded for his twice being wounded in combat. Despite being injured in combat, he continues to run at least one 26.2-mile marathon a year and enjoys scuba diving and sky-diving.

In addition to his teaching and service to many organizations, Professor Wilkins has responded for over 30 years to the needs of his home community—Springfield, IL. Some of the many services he has provided to Springfield include being a regular blood donor and providing flights to needy persons requiring medical assistance. He has donated more than 15 gallons of blood including 59 pints at the Central Illinois Community Blood Bank in Springfield.

Professor Wilkins has held positions with both the State of Illinois and the city of Springfield. As an operations research analyst for the State of Illinois he helped analyze managerial operations. Additionally, he has served in many capacities and consulted on multiple issues for the city of Springfield. Most notably, in 1982 he took an academic leave from the university to serve for 13 months as Comptroller of Springfield. On numerous occasions since then he has provided management advice to the city of Springfield.

Professor Wilkins has been a teacher and role model to thousands of undergraduate and graduate students. I am sure the University of Illinois will miss him greatly. Professor Wilkins has had a lifetime of community service in which he established a reputation of personal integrity and demonstrated courage. He is a distinguished citizen and deserves to be recognized for all of his contributions to society.●

IN HONOR OF E.E. WARD MOVING AND STORAGE COMPANY LLC OF COLUMBUS, OHIO

● Mr. VOINOVICH. Mr. President, I rise today to congratulate and pay tribute to the E.E. Ward Moving and Storage Company LLC of Columbus, OH, for 122 years of service to the great State of Ohio. Recently, the U.S. Department of Commerce and the Congressional Black Caucus recognized the E.E. Ward Company as the oldest African-American-owned business in America.

The Ward family has longstanding roots in Ohio dating back before the Civil War. From 1842 to 1858, John T. Ward was a conductor on the Underground Railroad which ran through Columbus, and the Ward home was a well-known stop. During the Civil War, John T. Ward received government contracts to haul munitions, supplies, and equipment for the U.S. Army.

After the Civil War, John's son, William Ward, began working for his father, and then he went to work for the Union Transfer and Storage Company. At Union Transfer, he moved up through the ranks serving as teamster, work supervisor, foreman, and rate clerk. In 1881, William Ward rejoined his father John T. Ward and together they founded the Ward Transfer Line, a wagon transportation business in downtown Columbus.

Since 1881 the company has evolved and changed with the times. In 1889, the company changed its name to E.E. Ward Transfer and Storage Company, when the youngest son, Edgar Earl Ward, assumed management of the company. He was 18 years old. Twenty-five years later, in 1914, the company began its shift to motorized moving and retired its last horse in 1921.

Over the years, E.E. Ward has performed moves for schools, museums, libraries, business, and homes. In the 1950s, the E.E. Ward Company was awarded two notable contracts in Columbus—from the Steinway Piano Company and the Franklin County Board of Elections. During the course of those contracts, it is estimated that the company moved over 900,000 pianos and hundreds of voting machines to various precincts in Columbus.

The Company's Chairman Emeritus is Eldon W. Ward, the grandson of William Ward. He joined the company in 1945 and retired 51 years later in 1996. Mr. Eldon Ward has been recognized as an accomplished business leader and is admired by many. He was inducted into the Ohio Corporate Hall of Fame in 1991 and the Central Ohio Business Hall of Fame in 1992. Under his leadership, the E.E. Ward Company received the National Torch Award of Marketplace Ethics from the Better Business Bureau.

As a community leader, Eldon Ward served on the boards of over 40 community organizations, including the local chapter of the American Red Cross, the Salvation Army, and the Chamber of Commerce. He served as board president of the Columbus Foundation, the Franklin County United Way, and the Central Ohio YMCA, which was renamed the Eldon W. Ward YMCA in 1991.

Today, E.E. Ward Moving & Storage Company is an agent of Bekins Van Lines and provides local and interstate household goods relocation services and a variety of logistics services to residential, government and corporate customers. The company focuses primarily on residential and business moves and storage.

The longevity of the E.E. Ward Company is the result of its commitment to excellent service. The current owners, Brian A. Brooks, president and godson of Eldon Ward, and Otto Beatty III, co-owner, recently purchased the company. Both are in their early thirties. They have chosen to carry on the entrepreneurial torch of their parents and grandparents and are wonderful examples to other young business owners. In fact, the company was recently awarded the 2002 Super Service Award from Angie's List, a consumer and household rating company.

Brian Brooks and Otto Beatty are privy to a wealth of experience and wisdom from family members and community members. Like their forebears, they focus on providing excellent service to their customers and giving generously to their community. Their dedication and commitment is a shining example of good corporate citizenship, something we need more of throughout America.

I am pleased that this year the King Arts Complex in Columbus will be the recipient of a beautiful painting by famed Columbus Artist Aminah Lynn Robinson that illustrates the history of the company and the Ward family's role in the Underground Railroad. We shall all pay tribute to people like the John T. Ward family who helped America's enslaved citizens gain freedom. That is why in my first year in the United States Senate, I co-sponsored the bill to provide Federal funding to the Underground Railroad Freedom Center in Cincinnati, the only national center of its kind in the country. I hope the painting about the Ward Family will inspire people of all ages to learn more about the significant role of the Underground Railroad in our history.

Recently, on the occasion of Ohio's bicentennial, I reminded a joint session of the Ohio General Assembly in Chillicothe that our forefathers delivered for us and now the future of our great State is in our hands. Throughout Ohio's history, the Ward family has made major contributions to the quality of life by creating jobs and opportunities for countless Americans and we should all be grateful for their hard work and dedication.

I believe Brian Brooks's and Otto Beatty's ancestors would be very proud of their work today. With the two of them at the helm of the E.E. Ward Moving and Storage Company, I think its future will be bright for many years to come.

I wish the E.E. Ward Moving and Storage Company the best of luck in all of its endeavors and I look forward to congratulating them on many successes in the future.•

JOHN C. CARY

• Mr. BOND. Mr. President, I rise today to pay tribute to the achievements of a distinguished member of the Missouri education community, Mr. John C. Cary.

Mr. Cary is retiring this year after 17 years of distinguished service to the children and families of the Mehlville school district. As superintendent of schools for the Mehlville district he has guided the district to academic success, ensuring quality education for all Mehlville children. He has helped nurture Missouri's youth with a steadfast dedication and care. His devotion to education has earned him awards and recognition from around the State, including the Distinction in Performance Award for 2002–2003 school year.

Mr. Cary's lifetime commitment to education and children is admirable and inspiring. Today I join with the 12,000 students in the Mehlville school district in celebrating his 31 years as a distinguished educator. I thank him for his hard work and dedication to the children and families of Missouri.•

HOLOCAUST MEMORIAL DAY

• Ms. CANTWELL. Mr. President, I rise today in honor of Holocaust Memorial Day, known in Hebrew as "Yom Ha Shoa."

Seventy years ago, Adolf Hitler was appointed Chancellor of Germany. In 1933, the German Government adopted numerous discriminatory policies against Jews. Jews were prohibited from working as newspaper editors or owning land, and many Jewish immigrants had their citizenship revoked. These actions fueled anti-Semitic sentiments among the general public. Seventy years ago this month, German citizens marched through the streets of Leipzig with signs that read: "Don't buy from Jews—Shop in German businesses!"

It was a dark time for Germany, but many throughout the world thought that the situation would improve. The 1936 Olympic Games were held in Berlin, even against the backdrop of the rise of Hitler, the Gestapo, state-sponsored Aryan qualifications and the construction of the first concentration camps at Dachau and Buchenwald. In 1939, Jews were relocated into Jewish ghettos, placed under curfews and banned from most professions. The world still ignored the problem; in May of that year, a ship packed with 930 Jewish refugees was turned away by several countries and forced to return to Europe. One of those countries was the United States.

By late 1939, Polish Jews were forcibly placed in labor camps and required to wear yellow stars for identification at all times. Mass killings—called pogroms—took tens of thousands of lives, and Jews from conquered states were deported to German concentration camps. Following the German invasion, France signed an armistice with Hitler on June 22, 1940. Exactly 1 year later, Germany invaded the Soviet Union.

All the while, the world ignored the extermination of the Jewish people, and the United States wrapped itself in the flawed doctrine of isolationism. It took far too long for our Nation to grasp its responsibility and stake in World War II. When the war ended, Germany had murdered over 6 million Jews in the Holocaust. Pastor Martin Niemöller described his reluctance to stand up and help people in Germany, and I believe his critique can apply to individuals and countries:

> First they came for the Jews, and I did not speak out because I was not a Jew. Then they came for the Communists, and I did not speak out because I was not a Communist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for me and there was no one left to speak out for me.

Today we remember those who suffered. We remember those who were murdered. We remember those who spoke out. We will never forget them. This history informs the difficult choices that we face today.•

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 6. An act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1937. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; revising the Regulations Concerning Compensation Rates for Handlers' Services Performed Regarding Reserve Prunes Covered Under the California Dried Prune Marketing Order (Doc. No. FV02–993–2 FR)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1938. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Revising Pertaining to a Voluntary Prune Plum Diversion Program (Doc. No. FV02–993–3)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1939. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches (Doc. No. FV03–916–2)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1940. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Establishment of Procedures to Allow the Grading or Packing of Sweet Cherries Outside the Production Area (Doc. No. FV02–923–1)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry .

EC–1941. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced form Grapes Grown in California; Final Free and Reserve Percentages for 2002–03 Crop Natural (sun-dried) Seedless and Zante Currant Raisins (Doc. No. FV03–989–4)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1942. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Increased Rate (Doc. No . FV03–959–1)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1943. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate; Correction (Doc. FV03–966–03)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1944. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Geographic Areas for Official Agencies Under the USGSA (0580–AA76)" received on April 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1945. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Recognition of Animal Disease Status of Regions in the European Union (Doc. No. 98–090–5)" received on April 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1946. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Additions to Quarantined Area (Doc. No. 02–117–5)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1947. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Minimal Risk Tolerance Exemptions (FRL 7302–6)" received on April 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1948. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Control of Communicate Diseases (0920–AA03)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1949. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Procedures for Investigations, Imposition of Penalties and Hearings (0938–AM63)" received on April 16, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1950. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Amendment for the Mental Health Parity Act of ERISA (29 CFR 2590) (1210–AA62)" received on April 11, 2003 ; to the Committee on Health, Education, Labor, and Pensions.

EC–1951. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Reporting by Multiple Employer Welfare Arrangements and Certain Other Entities that Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers (29 CFR 2520) (1210–AA54)" received on April 11, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–1952. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Plans Established or Maintained Under Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA (1210–AA48)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1953. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices; Reclassification of Automated Blood Cell Separator Devices Operating by Filtration Principle from Class III to Class II (Doc. No. 96P–0484)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1954. A communication from the Director, Division of Acquisition Management Services, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR Part 99 Audits of States, Local Governments, and Non-Profit Organizations (1291–AA278)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1955. A communication from the Acting Executive Director & General Counsel, Appraisal Subcommittee, Federal Financial Institutions Examinations Council, transmitting, pursuant to law, the Appraisal Subcommittee's Fiscal Year 2002 audited financial statements, received on April 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1956. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report to Congress relating to the Imposition of Foreign Policy Controls on Specially Designated Global Terrorists, received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1957. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report to Congress related to the Expansion of Foreign Policy-Based Controls on Explosives Detection Equipment, received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1958. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports of Explosives Detection Equipment and Related Software and Technology; Clarification and Explanation of Foreign Policy Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–1959. A communication from the Assistant Secretary, Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) (0694–AC22)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1960. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Standards Relating to Listed Company Audit Committees (3235–AI75)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1961. A communication from the Assistant General Counsel, Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Money Penalty Amounts (2501–AC91)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1962. A communication from the Assistant General Counsel, Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Mortgage Insurance Premiums in Multifamily Housing Programs (2502–AH64)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1963. A communication from the Director. National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Burial of Adult Children; Eligibility for Burial of Minor Children; Eligibility for Burial of Certain Filipino Veterans (2900–AI95)" received on April 22, 2003; to the Committee on Veterans' Affairs.

EC–1964. A communication from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reasonable Charges for Medical Care or Services; 2003 Update (2900–AL57)" received on April 24, 2003; to the Committee on Veterans' Affairs.

EC–1965. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report entitled "Devolvement of Research, Development, Test, and Evaluation Programs and Activities Beginning in FV 2004" received on April 11, 2003; to the Committee on Armed Services.

EC–1966. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report entitled "Department of Defense Fiscal Year 2002 Purchases From Foreign Entities" received on April 11, 2003; to the Committee on Armed Services.

EC–1967. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report of the Annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2002; to the Committee on Armed Services.

EC–1968. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–1969. A communication from the Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting, pursuant to law, the STARBASE program Annual Report for Fiscal Year 2002; to the Committee on Armed Services.

EC–1970. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–1971. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report relative to the transportation of a chemical warfare agent; to the Committee on Armed Services.

EC–1972. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–1973. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–1974. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report relative to the Armed Forces' aviation programs, received on April 11, 2003; to the Committee on Armed Services.

EC–1975. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, the report of a proposed Bill entitled "The Defense Transformation for the 21st Century Act" received on April 11, 2003; to the Committee on Armed Services.

EC–1976. A communication from the Director, Admissions Liaison, USAF Academy Group, Department of the Air Force, transmitting, pursuant to law, the report relative to sexual assault cases at the U.S. Air Force Academy; to the Committee on Armed Services.

EC–1977. A communication from the Acting Secretary of the Navy, Department of the Navy, transmitting, pursuant to law, the report relative to the addition of 150,000 workstations under the Navy Marine Corps Intranet (NMCI); to the Committee on Armed Services.

EC–1978. A communication from the Vice Admiral, Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the report relative to the implementation of performance by the Most Efficient Organization (MEO); to the Committee on Armed Services.

EC–1979. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Foreign Acquisition (DFARS Case 2002–D009)" received on April 11, 2003; to the Committee on Armed Services.

EC–1980. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Education (DFARS Case 2002–D038)"; to the Committee on Armed Services.

EC–1981. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Fiscal Year 2002 report on Laboratory Directed Research and Development (LDRD); Plant Directed Research, Development and Demonstration (PDRD); and Site Directed Research, Development and Demonstration (SDRD) Programs" received on April 28, 2003; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 113, a bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism (Rept. No. 108–40).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

*Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

Marine Corps nomination of Maj. Gen. Henry P. Osman.

Air Force nominations beginning Brigadier General John B. Handy and ending Colonel Darryll D. M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

Marine Corps nomination of Col. Douglas M. Stone.

Navy nomination of Capt. Thomas K. Burkhard.

Army nomination of Maj. Gen. James J. Lovelace, Jr.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Paul L. Cannon and ending Frank A. Yerkes, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nomination of Lawrence Mercandante.

Air Force nominations beginning Stanley J. Buelt and ending Christopher W. Castleberry, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Air Force nominations beginning Eugene L. Capone and ending Allen L. Womack, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Air Force nominations beginning Gary D. Bomberger and ending Warren R. Robnett, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Air Force nominations beginning Michael F. Adames and ending Scott A. Zuerlein, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Curtis J. Alitz and ending Mary J. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Richard P. Bein and ending Kelly E. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Deborah K. Betts and ending David Williams, which nominations were received by the Senate and appeared in the Congressional Record and appeared in the Congressional Record on January 15, 2003.

Army nominations of James R. Kerin, Jr.

Army nominations beginning Henry E. Abercrombie and ending Michelle F. Yarborough, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Michael P. Armstrong and ending Craig M. Whitehill, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning John F. Agoglia and ending Jeffrey R. Witsken, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Paul F. Abel, Jr. and ending X4432, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nomination of William T. Boyd.

Army nominations beginning Richard D. Daniels and ending George G. Perry III, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

Army nominations beginning Gary L. Hammett and ending David L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

Army nominations beginning Edward A. Hevener and ending Zeb S. Regan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2003.

Marine Corps nomination of Kenneth O. Spittler.

Marine Corps nominations beginning Thomas Duhs and ending William M. Lake, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Patrick W. Burns and ending Daniel S. Ryman, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Donald J. Anderson and ending Donald W. Zautcke, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2003.

Marine Corps nominations beginning Sean T. Mulcahy and ending Steven H. Mattos, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Marine Corps nominations of Franklin McLain.

Marine Corps nominations beginning Bryan Delgado and ending Paul A. Zacharzuk, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Marine Corps nomination of Michael H. Gamble.

Marine Corps nomination of Jeffrey L. Miller.

Marine Corps nominations of Barett R. Byrd.

Marine Corps nominations beginning Jeffrey Acosta and ending John G. Wemett, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. HATCH, Mr. INOUYE, and Ms. MURKOWSKI):

S. 931. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. ENSIGN, Mr. CRAPO, and Mr. BUNNING):

S. 932. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BREAUX:

S. 933. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 934. A bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction; to the Committee on Finance.

By Mr. BREAUX:

S. 935. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 936. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 937. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 938. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency an indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. HAGEL (for himself, Mr. HARKIN, Mr. WARNER, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. COLEMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. REED):

S. 939. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of South Carolina:

S. 940. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 941. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 942. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

By Mr. ENZI:

S. 943. A bill to authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 944. A bill to enhance national security, environmental quality, and economic stability by increasing the production of clean, domestically produced renewable energy as a fuel source for the national electric system; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 945. A bill to amend title 37, United States Code, to improve the process for adjusting the rates of pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KOHL, and Mr. SCHUMER):

S. 946. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 947. A bill to better assist lower income families in obtaining decent, safe, and affordable housing through the conversion of the section 8 housing choice voucher program into a State-administered block grant; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 948. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 949. A bill to establish a commission to assess the military facility structure of the United States overseas, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Mrs. MURRAY, and Mr. KENNEDY):

S. Res. 122. A resolution expressing the sense of the Senate that the President should designate May 1, 2003 as "National Child Care Worthy Wage Day"; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH):

S. Res. 123. A resolution designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week", and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. BAUCUS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAPO, Mr. HATCH, Mr. MILLER, Mr. LEVIN, Mr. KOHL, and Mr. STEVENS):

S. Res. 124. A resolution designating September 28, 2003, as "National Good Neighbor Day"; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH):

S. Res. 125. A resolution designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week", and for other purposes; considered and agreed to.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 132, a bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty.

S. 145

At the request of Mr. KYL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 171

At the request of Mr. DAYTON, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 171, a bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 300

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. INOUYE), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. DORGAN), the Senator from Montana (Mr. BURNS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 318

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 318, a bill to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

S. 338

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 374

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 392

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 392

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 392, supra.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 478

At the request of Mr. SARBANES, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 516

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 582

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 582, a bill to authorize the Department of Energy to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 617

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 623

At the request of Mr. WARNER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 654

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 654, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 664

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 727

At the request of Mr. BYRD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 727, a bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 759

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property.

S. 774

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 780

At the request of Mr. LOTT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 822

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 825

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 825, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 845

At the request of Mr. GRAHAM of Florida, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 874

At the request of Mr. TALENT, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 876

At the request of Mr. WYDEN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 876, a bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

S. 883

At the request of Mr. BREAUX, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 883, a bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

S. 918

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 918, a bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 7

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. HATCH, Mr. INOUYE, and Ms. MURKOWSKI):

S. 931: A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, today I introduce, with Senators CAMPBELL, DOMENICI, HATCH, INOUYE, and MURKOWSKI, the Federal Land Recreational Visitor Protection Act of 2003.

Across our State of Alaska, Western States, and areas of the Northeast, local governments and businesses struggle each year to remove potential avalanches or recover form the disastrous effects of avalanches. The West

Wide Avalanche Network calculated avalanche damage totals for the Western U.S. between $600 thousand and $800 thousand annually. These costs do not include the economic losses from town cut-off by avalanches. In our state alone, the Safety Center estimates upwards of $18 million in direct damages both to private property and economic losses over the past 5 years.

While such damage can bring hardships to many local communities, none can compare with the loss of a friend or family member. The U.S. averages 30 deaths a year from avalanches, a majority of which are results of recreational activities in unmitigated avalanche areas. Some States set aside money for rescues prior to the winter season, knowing that the resources required to clear all avalanche threats are not at hand.

This bill brings those resources to the entities that need them the most, enabling us to significantly reduce the effects of avalanches on visitors, recreational users, transportation corridors, and our local communities.

By Mr. BREAUX (for himself, Mr. ENSIGN, Mr. CRAPO, and Mr. BUNNING):

S. 932. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

Mr. BREAUX. Mr. President, today I rise to introduce the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act. This bill upholds a long-held principle in the application of the Federal fuels excise tax, and restores this principle for certain single engine "dual-use" vehicles.

This long-held principle is simple: fuel consumed for the purpose of moving vehicles over the road is taxed, while fuel consumed for "off-road" purposes is not taxed. The tax is designed to compensate for the wear and tear impacts on roads. Fuel used for a non-propulsion "off-road" purpose has no impact on the roads. It should not be taxed as if it does. This bill is based on this principle, and it remedies a problem created by IRS regulations that control the application of the federal fuels excise tax to "dual-use" vehicles.

Duel-use vehicles are vehicles that use fuel both to propel the vehicle on the road, and also to operate separate, on-board equipment. The two prominent examples of duel-use vehicles are concrete mixers, which use fuel to rotate the mixing drum, and sanitation trucks, which use fuel to operate the compactor. Both of these trucks move over the road, but at the same time, a substantial portion of their fuel use is attributable to the non-propulsion function.

The current problem developed because progress in technology has outstripped the regulatory process. In the past, duel-use vehicles commonly had two engines, IRS regulations, written in the 1950's, specifically exempt the portion of fuel used by the separate engine that operates special equipment such as a mixing drum or a trash compactor. These IRS regulations reflect the principle that fuel consumed for non-propulsion purposes is not taxed.

Today, however, typical duel-use vehicles use only one engine. The single engine both propels the vehicle over the road and powers the non-propulsion function through "power takeoff." a major reason for the growth of these single-engine, power takeoff vehicles is that they use less fuel. And a major benefit for everyone is that they are better for the environment.

Power takeoff was not in widespread use when the IRS regulations were drafted, and the regulations deny an exemption for fuel used in single-engine, duel-use vehicles. The IRS defends its distinction between one-engine and two-engine, vehicles based on possible administrative problems if vehicle owners were permitted to allocate fuel between the propulsion and non-propulsion functions.

Our bill is designed to address the administrative concerns expressed by the IRS, but at the same time, restore tax fairness for fuel-use vehicles with one engine. The bill does this by establishing an annual tax credit available for taxpayers that own a licensed and insured concrete mixer or sanitation truck with a compactor. The amount of the credit is $250 and is a conservative estimate of the excise taxes actually paid, based on information compiled on typical sanitation trucks and concrete mixers.

In sum, as a fixed income tax credit, no audit or administrative issue will arise about the amount of fuel used for the off-road purpose. At the same time, the credit provides a rough justice method to make sure these taxpayers are not required to pay tax on fuels that they shouldn't be paying. Also, as an income tax credit, the proposal would have no effect on the highway trust fund.

I would like to stress that I believe the IRS' interpretation of the law is not consistent with long-held principles under the tax law, despite their administrative concerns. Quite simply, the law should not condone a situation where taxpayers are required to pay the excise tax on fuel attributable to non-propulsion functions. This bill corrects an unfair tax that should have never been imposed in the first place. I urge my colleagues to cosponsor this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act".

SEC. 2. CREDIT FOR TAXPAYERS OWNING COMMERCIAL POWER TAKEOFF VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. COMMERCIAL POWER TAKEOFF VEHICLES CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the amount of the commercial power takeoff vehicles credit determined under this section for the taxable year is $250 for each qualified commercial power takeoff vehicle owned by the taxpayer as of the close of the calendar year with or within which the taxable year ends.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED COMMERCIAL POWER TAKEOFF VEHICLE.—The term 'qualified commercial power takeoff vehicle' means any highway vehicle described in paragraph (2) which—

"(A) is propelled by any fuel subject to tax under section 4041 or 4081, and

"(B) is used in a trade or business or for the production of income (and is licensed and insured for such use).

"(2) HIGHWAY VEHICLE DESCRIBED.—A highway vehicle is described in this paragraph if such vehicle is—

"(A) designed to engage in the daily collection of refuse or recyclables from homes or businesses and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a load compactor, or

"(B) designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

"(c) EXCEPTION FOR VEHICLES USED BY GOVERNMENTS, ETC.—No credit shall be allowed under this section for any vehicle owned by any person at the close of a calendar year if such vehicle is used at any time during such year by—

"(1) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

"(2) an organization exempt from tax under section 501(a).

"(d) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction under this subtitle for any tax imposed by subchapter B of chapter 31 or part III of subchapter A of chapter 32 for any taxable year shall be reduced (but not below zero) by the amount of the credit determined under this subsection for such taxable year.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the commercial power takeoff vehicles credit under section 45G(a).".

(c) NO CARRYBACK BEFORE JANUARY 1, 2003.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE JANUARY 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2003.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45G. Commercial power takeoff vehicles credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2002.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 936. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, we are introducing the "Government Settlement Transparency Act of 2003." Over the past several months, we have become increasingly concerned about the approval of various settlements that allow penalty payments made to the government in settlement of a violation or potential violation of the law to be tax deductible. This payment structure shifts the tax burden from the wrongdoer onto the backs of the American people. This is unacceptable.

The issue of tax deductibility is particularly relevant in the settlement of various SEC investigations into violations or potential violations of the securities laws. The corporate meltdown of the past two years has caused investors to lose confidence in the stock market. To address investors' loss of faith, Congress passed the Sarbanes-Oxley Act last July. However, Sarbanes-Oxley begins to address only part of the corporate reform problem, as it applies solely to future corporate activity. To more fully restore confidence in the markets, America's State and Federal regulators are also working to hold accountable the corporate executives and others in corporate America responsible for damaging investor confidence. With these efforts to achieve greater accountability in the business community and ensure the integrity of our financial markets, it is important that the rules governing the appropriate tax treatment of settlements be clear and adhered to by taxpayers.

Section 162(f) of the Internal Revenue Code provides that no deduction is allowed as a trade or business expense under section 162(a) for the payment of a fine or penalty to a government for violation of any law. The enactment of section 162(f) in 1969 codified existing case law that denied the deductibility of fines and penalties as ordinary and necessary business expenses on the grounds that "allowance of the deduction would frustrate sharply defined national or state policies proscribing the particular types of conduct evidenced by some governmental declaration thereof." Treasury regulations provide that fine or penalty includes an amount paid in settlement of the taxpayer's actual or potential liability for a fine or penalty.

The legislation introduced today modifies the rules regarding the determination of whether payments are non-deductible payments of fines of penalties under section 162(f). In particular, the bill generally provides that amounts paid or incurred, whether by suit, agreement, or otherwise to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry into the potential violation of any law are nondeductible. The bill applies to deny a deduction for any payment, including those where there is no admission of guilt or liability and those made for the purpose of avoiding further investigation or litigation.

An exception applies to payments that the taxpayer establishes are restitution. It is intended that a payment will be treated as restitution only if the payment is required to be paid to the specific persons, or in relation to the specific property, actually harmed by the conduct of the taxpayer that resulted in the payment. Thus, a payment to or with respect to a class broader than the specific persons or property that were actually harmed, for example, to class including similarly situated persons or property, does not qualify as restitution. Restitution is limited to the amount that bears a substantial quantitative relationship to the harm caused by the past conduct or actions of the taxpayer that resulted in the payment in question. If the party harmed is a government, then restitution includes payment to such harmed government, provided the payment bears a substantial quantitative relationship to the harm. However, restitution does not include reimbursement of government investigative or litigation costs, or do payments to whistleblowers.

The bill would be effective for amounts paid or incurred on or after April 28th, 2003, except that it would not apply to amounts paid or incurred under any binding order or agreement entered into before such date.

We ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Settlement Transparency Act of 2003".

SEC. 2. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION.—Paragraph (1) shall not apply to any amount which the taxpayer establishes constitutes restitution for damage or harm caused by the violation of any law or the potential violation of any law. This paragraph shall not apply to any amount paid or incurred as reimbursement to the government for the costs of any investigation or litigation.

"(3) TREATMENT OF CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—For purposes of paragraph (1), amounts paid or incurred to, or at the direction of, the following nongovernmental entities shall be treated as amounts paid or incurred to, or at the direction of, a government:

"(A) Any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)).

"(B) To the extent provided in regulations, any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after April 27, 2003, except that such amendment shall not apply to amounts paid or incurred under any binding order or agreement entered into on or before April 27, 2003. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained on or before April 27, 2003.

By Mr. HAGEL (for himself, Mr. HARKIN, Mr. WARNER, Mr. CHAFFEE, Ms. COLLINS, Ms. SNOWE, Mr. COLEMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. REED.):

S. 939. A bill to amend part B of the individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Commitee on Health, Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "IDEA Full-Funding Act of 2003".

SEC. 2. AMENDMENTS TO IDEA.

(a) Funding.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) Funding.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) $10,874,000,000 for fiscal year 2004, and, there are hereby appropriated $2,000,000,000 for fiscal year 2004, which shall become available for obligation on July 1, 2004 and shall remain available through September 30, 2005;

"(2) $12,874,000,000 for fiscal year 2005, and, there are hereby appropriated $4,000,000,000 for fiscal year 2005, which shall become available for obligation on July 1, 2005 and shall remain available through September 30, 2006;

"(3) $14,874,000,000 for fiscal year 2006, and, there are hereby appropriated $6,000,000,000 for fiscal year 2006, which shall become available for obligation on July 1, 2006 and shall remain available through September 30, 2007;

"(4) $16,874,000,000 for fiscal year 2007, and, there are hereby appropriated $8,000,000,000 for fiscal year 2007, which shall become available for obligation on July 1, 2007 and shall remain available through September 30, 2008;

"(5) $18,874,000,000 for fiscal year 2008, and, there are hereby appropriated $10,000,000,000 for fiscal year 2008, which shall become available for obligation on July 1, 2008 and shall remain available through September 30, 2009;

"(6) $20,874,000,000 for fiscal year 2009, and, there are hereby appropriated $12,000,000,000 for fiscal year 2009, which shall become available for obligation on July 1, 2009 and shall remain available through September 30, 2010;

"(7) $22,874,000,000 for fiscal year 2010, and, there are hereby appropriated $14,000,000,000 for fiscal year 2010, which shall become available for obligation on July 1, 2010 and shall remain available through September 30, 2011;

"(8) $24,635,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011, and, there are hereby appropriated $15,761,000,000 for fiscal year 2011, which shall become available for obligation on July 1, 2011 and shall remain available through September 30, 2012, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than $24,635,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between $24,635,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2);

"(9) $25,329,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2012, and, there are hereby appropriated $16,455,000,000 for fiscal year 2012, which shall become available for obligation on July 1, 2012 and shall remain available through September 30, 2013, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than $25,329,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between $25,329,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2);

"(10) $26,005,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2013, and, there are hereby appropriated $17,131,000,000 for fiscal year 2013, which shall become available for obligation on July 1, 2013 and shall remain available through September 30, 2014, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than $26,005,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between $26,005,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2); and

"(11) such sums as may be necessary for fiscal year 2014 and each succeeding fiscal year.".

(b) Exception to the Local Maintenance of Effort Requirements.—Section 613(a)(2)(B) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(B)) is amended to read as follows:

"(B) Exception.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures, for 1 fiscal year at a time, if—

"(i) the State educational agency determines, and the Secretary agrees, that the local educational agency is in compliance with the requirements of this part during that fiscal year (or, if appropriate, the preceding fiscal year); and

"(ii) such reduction is—

"(I) attributable to the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(II) attributable to a decrease in the enrollment of children with disabilities;

"(III) attributable to the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(aa) has left the jurisdiction of the agency;

"(bb) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(cc) no longer needs such program of special education;

"(IV) attributable to the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; or

"(V) equivalent to the amount of Federal funding the local educational agency receives under this part for a fiscal year that exceeds the amount the agency received under this part for the preceding fiscal year, but only if these reduced funds are used for any activity that may be funded under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).".

(c) Repeal.—Section 613(a)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is further amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (A)(iii), by striking "paragraphs (B) and (C)" and inserting "paragraph (B)".

Mr. HARKIN. Mr. President, today, Senator Hagel and I, and others introduce "The IDEA Full Funding Act of 2003." This bill will provide increased mandatory funding for the Individuals with Disabilities Education Act, IDEA, and meet the Federal Government's commitment to pay 40 percent of the average per pupil expenditures. These additional funds will ensure that every child with a disability gets a free, appropriate public education.

In 1975, when the IDEA was passed in the House and Senate, there was an agreement made by negotiators based on the understanding that the Federal Government's goal would be to provide 40 percent of the average per pupil expenditures in each local education area. There was no time frame placed on this goal, but since that time it has been understood that "full funding" for IDEA means reaching that 40 percent goal.

For the past 28 years, we have put additional resources into IDEA but we have not come close to full funding. This bill will put our money where our mouth is and say that the federal government will be full partners with states and local governments in meeting the needs of children with disabilities.

This bill fully funds the IDEA. It appropriates funds for the next 10 years, gradually increasing the percentage of funds which are mandatory and increasing the amounts so that in year 8 we are at the level projected to equal 40 percent of the average per pupil expenditure. While we have seen welcome increases in IDEA spending over the past few years, past year increases do not guarantee future increases. This bill guarantees full funding, phased in over 8 years.

This bill does not create a new entitlement program. It provides advanced appropriations for the next 10 years, but it has a set amount for each year, not an open-ended figure.

This bill also provides incentive for compliance with the requirements of IDEA. If all of the IDEA-eligible children are getting the services that they are entitled to, then local property taxpayers get relief.

Last year, the Senate passed an amendment to the reauthorization of the Elementary and Secondary Education Act which would have required full funding of IDEA. The full funding provision was not in the final conference report. Prior to that amendment, there have been 22 separate bills and resolutions in the House and Senate calling for full funding.

This year, the time has come for full funding to make it into law. It has been 28 years since the Federal Government agreed to pay a share of IDEA and it is time to meet that goal.

The IDEA has been remarkably successful. In 1975, only ⅕ of children with disabilities received a formal education and several States had laws specifically excluding many children with disabilities, including those who were blind, deaf, or had mental health needs from receiving such an education. The most recent data on the number of children served under IDEA indicates that over 6 million children are currently benefiting from the law.

Although IDEA has been successful, there is more work to be done. Every time I speak to school districts in Iowa, they tell me that the costs of special education are very difficult for them to manage. Some parents of children with disabilities also complain that their children are not getting the education promised by IDEA.

This bill will provide significant additional resources. In 2003, we are funding $17.6 percent of the cost at 8.8 billion dollars. Under our bill, this number rises steeply to 22 percent of the cost and 10.8 billion dollars in 2004. The increases continue until 2011, when we reach 40 percent and an expenditure of 24.6 billion. Iowa sees its funding rise from 96 million in 2003 to 278.3 million in 2011. We are more than doubling the resources going to special education in Iowa and elsewhere.

I want to thank Senator HAGEL for his ongoing leadership on this issue and for his work in achieving bipartisan support for this bill. I also want to thank Senators KENNEDY, JEFFORDS and DODD for their longstanding commitment to fully funding IDEA. In addition, I want to acknowledge all of the co-sponsors of this bill, who are joining me today in leading the way for Congress to finally pass full funding into law.

This is a win-win-win bill. With this advance appropriations, students with disabilities will get the public education they have a right to, school districts will be able to provide services without cutting into their general education budgets, and in cases where all IDEA-eligible children are getting the services they are entitled to, property taxpayers get relief.

Ms. MIKULSKI. Mr. President, I rise in support of the IDEA Full Funding Act of 2003. I'm so proud to cosponsor this important legislation. This bill provides mandatory increases for IDEA funding each year, so that the Federal Government will be paying its full share of the cost of special education by 2011. This legislation is long overdue. I think it's shocking that the President is fighting for tax breaks for zillionaires while delaying help for those who need it most—the children with special needs and their parents and teachers. We must fully fund IDEA to ensure that children with disabilities are receiving the services they need to succeed with their classmates in public schools.

In 1975, Congress promised to pay 40 percent of the cost of special education when it passed the Individuals with Disabilities Education Act. Yet it has never paid more than 17.5 percent. That means local districts must make up the difference, either by cutting from other education programs or by raising taxes. I don't want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. That's why fully funding IDEA is one of my top priorities.

Everywhere I go in Maryland, I hear about IDEA. I hear about it in urban, rural, and suburban communities, from Democrats and Republicans, and from parents and teachers. They tell me that the Federal Government is not living up to its promise, that special education costs about 18 percent of the average school budget, that schools are suffering, and the parents are worried.

Parents today are under a lot of stress—sometimes working two jobs just to make ends meet, trying to find day care for their kids, and elder care for their own parents. The Federal Government shouldn't add to their worries by not living up to its obligations. With the Federal Government not paying its share of special ed these parents have real questions in their minds: Will my child have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. School should not be one of the many things they have to worry about, particularly when the laws are already on the books to guarantee their child a public school education. The bottom line is that the Federal Government is shortchanging these parents by not paying its share of special ed costs.

This bill will give local governments the resources they need to improve education for all children. It will free up money in local budgets for hiring more teachers, buying new textbooks and technology, and repairing old school buildings. It will help the teachers who struggle with teaching the toughest students. It will help students with disabilities and their families by providing enough funding for special education programs so parents can have one less thing to worry about, and students get the opportunities they deserve.

Full funding of IDEA is essential. It will give disabled children a chance to succeed in school and in life without shortchanging other vital education programs. It will give parents peace of mind about their children's education. Let's pass this bill as soon as possible.

By Mr. GRAHAM of South Carolina:

S. 940. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Citizenship Act of 2003".

SEC. 2. NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) MINIMUM PERIOD OF SERVICE ELIMINATED.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "for a period or periods aggregating three years,".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439(b)) is amended—

(1) in paragraph (3)—

(A) by striking "honorable. The" and inserting "honorable (the"; and

(B) by striking "discharge." and inserting "discharge); and"; and

(2) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing an application under subsection (a) or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.".

(c) CONDUCT OF NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) REVOCATION OF CITIZENSHIP FOR SEPARATION FROM MILITARY SERVICE UNDER OTHER THAN HONORABLE CONDITIONS.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

"(f) Citizenship granted pursuant to this section may be revoked in accordance with section 340 if at any time subsequent to naturalization the person is separated from the military, air, or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation.".

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 942. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, rural America has been depopulating at an alarming rate. The same is true for the rural counties in Kansas. In fact, over half of the counties in the State are losing population.

We are going to stop that trend.

Senators, like BEN NELSON and I, who grew up in small towns know a little secret. Rural America is a great place to live. However, for rural towns to compete with urban areas for talented young people, they have to be able to provide the basics—like high quality health care.

For the hospitals represented here today to be able to provide high quality health care for rural America, they have to be able to count on Medicare for fair reimbursement. For quite a few hospitals in Kansas, 70 and 80 percent of their caseload is paid for by Medicare. For the communities these hospitals serve, fair Medicare reimbursement is vitally important.

Unfortunately, much of the regulation that comes out of CMS is based on economics of scale. The actuaries and accountants in Baltimore produce payment systems and formulas for reimbursement. The assumption is that the hospitals that are the most efficient will be the most successful. Unfortunately, efficiency is often a product of volume. If you treat 5,000 stroke patients in a year, you are probably going to be more efficient than if you treat only 5.

Efficiency is a laudable goal, but it shouldn't be the only goal of Medicare. Particularly, when it comes to providing health care in a hospital with fewer than 50 beds.

That is why Senator NELSON and I are introducing the "Rural Community Hospital Assistance Act of 2003." Rather than rely on formulas calculated by CMS bureaucrats in Baltimore, the hospitals covered under our bill will rely on cost-based reimbursement. In addition, the bill recognizes that these hospitals don't have the volume to cover bad debt from patients and to keep up with growing demands for new technology and infrastructure.

This bill will create a new Rural Community Hospital designation within Medicare for rural hospitals with fewer than 50 beds.

These hospitals will be eligible for cost-based reimbursement for inpatient and outpatient services; a technology and infrastructure add on; cost based reimbursement for home health services where the provider is isolated; cost based reimbursement for ambulance services; and the restoration of Medicare bad debt payments at 100 percent.

And the cost of the bill, which we believe with stabilize health care in rural America, is less than ½ of 1 percent of annual Medicare expenditures.

This is an important bill for rural hospitals; and I don't think you can overestimate the importance of rural hospitals to the communities they serve.

Mr. NELSON of Nebraska. Mr. President, today I join Senator BROWNBACK in introducing the Rural Community Hospital Assistance Act. This legislation is intended to ensure the future of small rural hospitals by restructuring the way they are reimbursed for Medicare services by basing the reimbursements on actual costs instead of the current pre-set cost structure.

Current law allows for very small hospitals—designated Critical Access Hospitals, CAH, to receive cost-based Medicare reimbursements. To qualify as a CAH the facility must have no more than 15 acute care beds.

In rural communities, hospital facilities that are slightly larger than the 15 bed limit share with Critical Access Hospitals the same economic conditions, the same treatment challenges, the same disparity in coverage area but do not share the same reimbursement arrangement. These rural hospitals have to compete with larger urban-based hospitals that can perform the same services at drastically reduced costs. They are also discouraged from investing in technology and other methods to improve the quality of care in their communities because those investments are not supported by Medicare reimbursement procedures.

The legislation would provide cost-based Medicare reimbursement by creating a new "rural" designation under the Medicare reimbursement system. This new designation would benefit seven Nebraska hospitals. Hospitals in McCook, Alliance, Broken Bow, Beatrice, Columbus, Holdrege and Lexington would fall under this new designation, and would have similar benefits provided to nearly sixty other Nebraska hospitals classified under the CAH system.

The legislation would also improve the hospitals with critical access status. Nearly sixty existing CAH facilities in Nebraska already receive cost-based reimbursements for inpatient and outpatient services. The legislation would further assist these existing CAH facilities by allowing them a return on equity for technology and infrastructure investments and by extending the cost-based reimbursement to certain post-acute services.

Rural hospitals cannot continue to provide these services without having Medicare cover the costs. If something is not done, the larger hospitals may be forced to cut back on the number of beds they keep—and the number of people they care for, and others may be forced to close their doors. These hospitals provide jobs, good wages, health care and economic development opportunity for these communities. Without access to these hospitals, these communities would not survive. The Rural Community Hospital Assistance Act will ensure that the community has access to high quality health care that is affordable to the patient and the provider.

By Mr. JEFFORDS (for himself, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 944. A bill to enhance national security, environmental quality, and economic stability by increasing the production of clean, domestically produced renewable energy as a fuel source for the national electric system; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce, along with Senators DURBIN, REID, and KERRY, the "Renewable Energy Investment Act of 2003."

This legislation will guarantee that by the year 2020, twenty percent of our electricity will be produced from renewable energy resources. These resources include wind, biomass, solar, ocean, geothermal and landfill gas.

Again and again, I have heard members come to this floor and say how important renewable energy is to our environment, to our national security, and to our domestic economic stability. I agree. But if we want to achieve these great benefits, we must, as they say, "put our money where our mouth is." It is time to pass realistic, achievable standards to guarantee that renewable energy is produced.

The Renewable Energy Investment Act of 2003 is a very important step in that direction. It will create a renewable portfolio standard or "RPS" under which utilities and others who supply electricity to retail consumers will be required to ensure that by the year 2020, twenty percent of our domestic electricity is generated from renewable energy sources. The RPS in this legislation provides a flexible, market-driven system of tradeable credits by which utilities can readily achieve these renewable energy requirements.

Why twenty percent by 2020? Because the U.S. Department of Energy, through its Energy Information Administration, has repeatedly indicated that requiring that twenty percent of our electricity come from renewable energy by the year 2020 will actually lower overall consumer energy costs, while at the same time achieving tremendous environmental benefits.

According to the most recent estimates derived from the Department of Energy, consumer electricity prices under a twenty percent renewable portfolio standard would be largely the same as without one. According to the Department of Energy, retail electricity costs by the year 2020 without an RPS would be 6.5 cents per kilowatt hour. If a 20 percent RPS is in effect, retail electricity costs would be approximately 6.7 cents per kilowatt hour.

However, the Department of Energy studies also indicate that because an RPS creates a more diverse and competitive market for energy supply, overall domestic consumer energy costs will actually decrease by almost nine percent.

Equally important, shifting to greater renewable energy production will have dramatic impacts on human health and the environment. The Department of Energy has found that, as demand for energy grows, without changes to Federal law U.S. carbon emissions will increase forty seven percent above the 1990 level by 2020. However, with a twenty percent renewables standard, U.S. carbon dioxide emissions will decrease by more than eighteen percent by 2020.

Electricity production, primarily from burning coal, is the source of an estimated sixty six percent of sulfur oxide, SO_x, emissions. These chemicals are the main cause of acid rain, which kills rivers and lakes, and damages crops and buildings. Burning fossil fuels to produce electricity also emits nitrogen oxides, NO_x, which cause health-damaging smog. Ground-level ozone caused by nitrogen oxide contributes to asthma, bronchitis and other respiratory problems.

Electricity produced from nuclear power, while not responsible for the emissions associated with burning of fossil fuels, results in highly toxic, and essentially permanent wastes for which no complete disposal option currently exists.

Switching to renewable resources virtually eliminates these concerns. The Renewable Energy Investment Act of 2003 will help reduce emissions of carbon dioxide, sulfur dioxide, nitrogen dioxide, mercury and particulate matter, without creation of toxic wastes.

The twenty percent RPS established in this legislation will also create thousands of new, high quality jobs and bring significant new investment to rural communities. It will create an estimated $80 million in new capitol investment, and result in more than $5 billion in new property tax revenues.

It will bring increased diversity to our energy sector, creating greater market stability and reducing the price spikes that so often plague our domestic natural gas markets.

Greater diversity also reduces the vulnerability of our energy infrastructure to terrorist threats.

In a letter to Congress shortly after the attacks of September 11, 2001, several national security experts endorsed congressional passage of an RPS. The letter, signed by former CIA director James Woolsey; former National Security Advisor to President Reagan, Robert McFarlane; and former Chairman of the Joint Chiefs of Staff, Thomas Moorer, stated that a strong RPS is an important component of addressing the significant challenges to America's new energy security.

Rapidly increasing the production of renewable energy is vital to America's future. We must be willing to take the steps necessary to make that happen. The Renewable Energy Investment Act of 2003 is an essential part of that goal and I urge my colleagues to join with me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy Investment Act of 2003."

SEC. 2. DEFINITIONS.

In this Act:

(1) Biomass.—

(A) In general.—The term "biomass" means—

(i) organic material from a plant that is planted for the purpose of being used to produce energy;

(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

(I) a forest-related resource, including—

(aa) mill and harvesting residue;

(bb) precommercial thinnings;

(cc) slash; and

(dd) brush;

(II) an agricultural resource, including—

(aa) orchard tree crops;

(bb) vineyards;

(cc) grains;

(dd) legumes;

(ee) sugar; and

(ff) other crop byproducts or residues; or

(III) miscellaneous waste such as—

(aa) waste pallet;

(bb) crate; and

(cc) landscape or right-of-way tree trimmings; and

(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

(B) Exclusions.—The term "biomass" does not include—

(i) incineration of municipal solid waste;

(ii) recyclable postconsumer waste paper;

(iii) painted, treated, or pressurized wood;

(iv) wood contaminated with plastic or metal; or

(v) tires.

(2) Distributed generation.—The term "distributed generation" means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

(3) Incremental hydropower.—The term "incremental hydropower" means additional generation achieved from increased efficiency after January 1, 2003, at a hydroelectric dam that was placed in service before January 1, 2003.

(4) Landfill gas.—The term "landfill gas" means gas generated from the decomposition of household solid waste, commercial solid waste, or industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

(5) Renewable energy.—The term "renewable energy" means electricity generated from—

(A) a renewable energy source; or

(B) hydrogen that is produced from a renewable energy source.

(6) Renewable energy source.—The term "renewable energy source" means—

(A) wind;

(B) ocean waves;

(C) biomass;

(D) solar sources;

(E) landfill gas;

(F) incremental hydropower; or

(G) a geothermal source.

(7) Retail electric supplier.—The term "retail electric supplier", with respect to any calendar year, means a person or entity that—

(A) sells retail electricity to consumers; and

(B) sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

(8) Secretary.—The term "Secretary" means the Secretary of Energy.

SEC. 3. RENEWABLE ENERGY GENERATION STANDARDS.

(a) Renewable Energy Credits.—

(1) In general.—For each calendar year beginning in calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of nonhydropower electricity sold to consumers during the previous calendar year.

(2) Carryover of renewable energy credits.—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next 2 years.

(b) Required Annual Percentage.—Of the total amount of nonhydropower electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

Calendar year:	Percentage of Renewable energy each year:
2006–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20.

(c) Submission of Renewable Energy Credits.—

(1) In general.—To meet the requirements under subsection (a), a retail electric supplier shall submit to the Secretary—

(A) renewable energy credits issued to the retail electric supplier under subsection (e);

(B) renewable energy credits obtained by purchase or exchange under subsection (f);

(C) renewable energy credits purchased from the United States under subsection (g); or

(D) any combination of renewable energy credits obtained under subsections (e), (f), and (g).

(2) No double counting.—A renewable energy credit may be counted toward compliance with subsection (a) only once.

(d) Renewable Energy Credit Program.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to issue, monitor the sale or exchange of, and track renewable energy credits.

(e) Issuance of Renewable Energy Credits.—

(1) APPLICATION.—

(A) IN GENERAL.—Under the program established under subsection (d), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

(B) CONTENTS.—An application under subparagraph (A) shall indicate—

(i) the type of renewable energy resource used to produce the electric energy;

(ii) the State in which the electric energy was produced; and

(iii) any other information that the Secretary determines to be appropriate.

(2) ISSUANCES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Secretary shall issue to an entity applying under this subsection 1 renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this Act and in each subsequent calendar year.

(B) VESTING.—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless the owner explicitly transfers the renewable energy credit.

(C) AMOUNT.—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator.

(B) ENERGY GENERATED FROM A COMBINATION OF SOURCES.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

(C) IDENTIFICATION OF TYPE AND DATE.—The Secretary shall identify renewable energy credits by the type and date of generation.

(4) SALE UNDER CONTRACT UNDER PURPA.—In a case in which a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this Act for the duration of the contract.

(f) SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.—

(1) IN GENERAL.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit.

(2) MANNER OF SALE.—A renewable energy credit may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

(g) PURCHASE FROM THE UNITED STATES.—

(1) IN GENERAL.—The Secretary shall offer renewable energy credits for sale at the lesser of 3 cents per kilowatt-hour or 110 percent of the average market value of renewable energy credits for the applicable compliance period.

(2) ADJUSTMENT FOR INFLATION.—On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per renewable energy credit for the calendar year.

(h) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State not in conflict with this Act.

(i) CONSUMER ALLOCATION.—

(1) RATES.—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (a).

(2) REPRESENTATIONS TO CUSTOMERS.—A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (a).

(j) ENFORCEMENT.—

(1) IN GENERAL.—A retail electric supplier that does not submit renewable energy credits as required under subsection (a) shall be liable for the payment of a civil penalty.

(2) AMOUNT.—The amount of a civil penalty under paragraph (1) shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of renewable energy credits for the compliance period.

(k) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

(3) the quantity of electricity sales of all retail electric suppliers.

(l) VOLUNTARY PARTICIPATION.—The Secretary may issue a renewable energy credit under subsection (e) to any entity not subject to the requirements of this Act only if the entity applying for the renewable energy credit meets the terms and conditions of this Act to the same extent as entities subject to this Act.

SEC. 4. STATE RENEWABLE ENERGY GRANT PROGRAM.

(a) DISTRIBUTION OF AMOUNTS.—The Secretary shall distribute amounts received from sales under subsection 3(h) and from amounts received under subsection 3(k) to States to be used for the purposes of this section.

(b) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to promote State renewable energy production and use.

(2) USE OF FUNDS.—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

(A) renewable energy research and development;

(B) loan guarantees to encourage construction of renewable energy facilities;

(C) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

(D) promotion of distributed generation.

(c) PREFERENCE.—In allocating funds under the program, the Secretary shall give preference to—

(1) States that have a disproportionately small share of economically sustainable renewable energy generation capacity; and

(2) State grant programs that are most likely to stimulate or enhance innovative renewable energy technologies.

By Mr. MCCAIN:

S. 945. A bill to amend title 37, United States Code, to improve the process for adjusting the rates of pay for members of the uniformed services; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I am proud to sponsor the Military Pay Comparability Act of 2003. In 1999, the Committee on Armed Services passed landmark legislation providing significant benefits to the entire Total Force. I believe we must improve upon this legislation so that we not only eliminate "pay comparability gap," but ensure that we do not recreate one in the future.

Under the 1999 legislation, military raises will exceed growth in the ECI by one-half percent per year through fiscal year 2006. However, starting in 2007, military raises will revert to being capped one-half percentage point below the ECI.

As a former ranking member and long-time member on the Personnel Subcommittee when Senator John Glenn was the chairman, my experience with capping military raises below ECI during the last three decades shows that such caps inevitably lead to significant retention problems among second-term and career service members.

Those retention problems cost our Nation more in the long run in terms of lost military experience, decreased readiness, and increased training costs. Since military pay was last comparable with private sector pay in 1982, military pay raises have lagged a cumulative 6.4 percent behind private sector wage growth—although recent efforts of the executive and legislative branches have reduced the gap significantly from its peak of 13.5 percent in 1999. Our efforts in 1999 increased pay raises, reformed the pay tables, took nearly 12,000 service members off of food stamps, and established a military Thrift Savings Plan.

We have to improve upon the 1999 law to ensure future raises track to civilian pay growth so we don't fall back into pay caps that will get us back in the negative retention/readiness cycle. Subsequent raises after 2006 must sustain full comparability with increases in the ECI. A key principal of the all volunteer force, AVF, is that military pay raises must match private sector pay growth, as measured by ECI. Our action in this area will send a strong message of support to our service men and women and their families that will continue to promote high morale, better quality-of-life, and a more ready military force.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section.".

(b) EFFECTIVENESS OF ADJUSTMENT.—Subsection (b) of such section is amended by striking "shall—" and all that follows and inserting "shall have the force and effect of law.".

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follow:

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

"(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph.".

(d) PUBLICATION OF ADJUSTED RATES.—Subsection (e) of such section is amended—

(1) by striking "(e) NOTICE OF ALLOCATIONS.—" and inserting "(e) NOTIFICATION AND PUBLICATION REQUIREMENTS.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) The rates of basic pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.".

(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall prepare and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments as the President considers appropriate, together with the reasons therefor.

"(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

"(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services.".

(f) DEFINITIONS.—Such section, as amended by subsection (e), is further amended by adding at the end the following:

"(i) DEFINITIONS.—In this section:

"(1) The term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

"(2) The term 'base quarter' for any year is the 3-month period ending on September 30 of such year.".

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KOHL, and Mr. SCHUMER):

S. 946. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, last November, the Drug Competition Act passed the Senate by unanimous consent. This morning, I am proud to join Senator GRASSLEY, along with Senators Durbin, Feingold, Kohl and Schumer in re-introducing this important bill. I hope that in this Congress it is actually enacted into law. Prescription drug prices are rapidly increasing, and are a source of considerable concern to many Americans, especially senior citizens and families. Generic drug prices can be as much as 80 percent lower than the comparable brand name version.

While the Drug Competition Act is small in terms of length, it is large in terms of impact. It will ensure that law enforcement agencies can take quick and decisive action against companies that are driven more by greed than by good sense. It gives the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs off the market. This is a practice that hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs, and further inflating medical costs.

Last fall, the Federal Trade Commission released a comprehensive report on barriers the entry of generic drugs into the pharmaceutical marketplace. The FTC had two recommendations to improve the current situation and to close the loopholes in the law that allow drug manufacturers to manipulate the timing of generics' introduction to the market. One of those recommendations was simply to enact our bill, as the most effective solution to the problem of "sweetheart" deals between brand name and generic drug manufacturers that keep generic drugs off the market, thus depriving consumers of the benefits of quality drugs at lower prices. In short, this bill enjoys the unqualified endorsement of the current FTC, which follows on the support by the Clinton Administration's FTC during the initial stages of our formulation of this bill. We can all have every confidence in the common sense approach that our bill takes to ensuring that our law enforcement agencies have the information they need to take quick action, if necessary, to protect consumers from drug companies that abuse the law.

Under current law, the first generic manufacturer that gets permission to sell a generic drug before the patent on the brand-name drug expires, enjoys protection from competition for 180 days—a headstart on other generic companies. That was a good idea—but the unfortunate loophole exploited by a few is that secret deals can be made that allow the manufacturer of the generic drug to claim the 180-day grace period—to block other generic drugs from entering the market—while, at the same time, getting paid by the brand-name manufacturer not to sell the generic drug.

Our legislation closes this loophole for those who want to cheat the public, but keeps the system the same for companies engaged in true competition. I think it is important for Congress not to overreact and throw out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them. Instead, we should let the FTC and Justice look at every deal that could lead to abuse, so that only the deals that are consistent with the intent of that law will be allowed to stand. The Drug Competition Act accomplishes precisely that goal, and helps ensure effective and timely access to generic pharmaceuticals that can lower the cost of prescription drugs for seniors, for families, and for all of us.

I regret that some in the Senate stalled action on this worthwhile measure until very late in the last Congress and that the House chose not to act at all, and I hope that the growing need for more cost-effective health care solutions will serve as a catalyst for quick action on this needed legislation.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator LEAHY today in introducing the Drug Competition Act of 2003. This bill will help Federal regulators ensure that there is full and unfettered access to competition for prescription drugs under the law. As the past Chairman of the Special Committee on Aging and now as the Chairman of the Finance Committee, I want to make sure that American consumers—especially our seniors—are able to get the life-saving drugs they need in a competitive manner.

Our patent laws provide drug companies with incentives to invest in research and development of new drugs. But the law also provides that generic drug companies have the ability to get their own drugs on the market so that there can be price competition and lower prices for prescription drugs. We have a legal system in place that provides for such a balance—the Hatch-Waxman law. Ultimately, we want consumers and seniors to have more choices and to get drugs at lower prices.

So, I was concerned when I heard reports that the Federal Trade Commission had brought enforcement actions against brand-name and generic drug manufacturers that had entered into anti-competitive agreements, resulting in the delay of the introduction of lower priced drugs. This bill targets that problem.

Under the Hatch-Waxman Act, manufacturers of generic drugs are encouraged to challenge weak or invalid patents on brand-name drugs so consumers can benefit from lower generic drug prices. Current law gives temporary protection from competition to the first generic drug manufacturer that gets exclusive permission to sell a generic drug before the patent on the brand-name drug expires. This gives the generic firm a 180-day head start on other generic companies.

However, the FTC discovered that some companies were exploiting this law by entering into secret deals, which allowed the generic drug makers to claim the 180-day grace period and to block other generic drugs from entering the market, while at the same time getting paid by the brand-name manufacturer for withholding sales of the generic version of the drug. This meant that consumers continued to pay high prices for drugs, rather than benefiting from more competitive and lower prices. So the FTC brought enforcement actions against these companies.

In addition, the FTC conducted a comprehensive review of agreements that impacted the 180-day exclusivity period. The FTC found that there are competition problems with some of these agreements that potentially delayed generic drug entry into the market. The FTC recommended:

> Given this history, we believe that notification of such agreements to the Federal Trade Commission and the U.S. Department of Justice is warranted. We support the Drug Competition Act of 2001, S. 754, introduced by Senator Leahy, as reported by the Committee on the Judiciary.

The Drug Competition Act is a simple solution to the 180-day exclusivity problems that the FTC has identified. The bill would require drug companies that enter agreements relating to the 180-day period to file those documents with the FTC and DOJ. It would impose sanctions on companies who do not provide timely notification. This process would facilitate agency review of the agreements to determine whether they have anti-competitive effects.

The Drug Competition Act will ensure that consumers are not hurt by secret, anti-competitive contracts, so that consumers can get competition and lower drug prices as soon as possible. I urge my colleagues to support this bill.

By Mr. SCHUMER:

S. 948. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Company Gift Disclosure Act".

SEC. 2. DISCLOSURE BY PRESCRIPTION DRUG MANUFACTURERS, PACKERS, AND DISTRIBUTORS OF CERTAIN GIFTS.

Section 503 of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 353) is amended by adding at the end the following:

"(h)(1) Each manufacturer, packer, or distributor of a drug subject to subsection (b)(1) shall disclose to the Commissioner—

"(A) not later than June 30, 2004, and each June 30 thereafter, the value, nature, and purpose of any—

"(i) gift provided during the preceding calendar year to any covered health entity by the manufacturer, packer, or distributor, or a representative thereof, in connection with detailing, promotional, or other marketing activities; and

"(ii) cash rebate, discount, or any other financial consideration provided during the preceding calendar year to any pharmaceutical benefit manager by the manufacturer, packer, or distributor, or a representative thereof, in connection with detailing, promotional, or other marketing activities; and

"(B) not later than the date that is 6 months after the date of enactment of this subsection and each June 30 thereafter, the name and address of the individual responsible for the compliance of the manufacturer, packer, or distributor with the provisions of this subsection.

"(2) Subject to paragraph (3), the Commissioner shall make all information disclosed to the Commissioner under paragraph (1) publicly available, including by posting such information on the Internet.

"(3) The Commissioner shall keep confidential any information disclosed to or otherwise obtained by the Commissioner under this subsection that relates to a trade secret referred to in section 1905 of title 18, United States Code. The Commissioner shall provide an opportunity in the disclosure form required under paragraph (4) for a manufacturer, packer, or distributor to identify any such information.

"(4) Each disclosure under this subsection shall be made in such form and manner as the Commissioner may require.

"(5) Each manufacturer, packer, and distributor described in paragraph (1) shall be subject to a civil monetary penalty of not more than $10,000 for each violation of this subsection. Each unlawful failure to disclose shall constitute a separate violation. The provisions of paragraphs (3), (4), and (5) of section 303(g) shall apply to such a violation in the same manner as such provisions apply to a violation of a requirement of this Act that relates to devices.

"(6) For purposes of this subsection:

"(A) The term 'covered health entity' includes any physician, hospital, nursing home, pharmacist, health benefit plan administrator, or any other person authorized to prescribe or dispense drugs that are subject to subsection (b)(1), in the District of Columbia or any State, commonwealth, possession, or territory of the United States.

"(B) The term 'gift' includes any gift, fee, payment, subsidy, or other economic benefit with a value of $50 or more, except that such term excludes the following:

"(i) Free samples of drugs subject to subsection (b)(1) intended to be distributed to patients.

"(ii) The payment of reasonable compensation and reimbursement of expenses in connection with any bona fide clinical trial conducted in connection with a research study designed to answer specific questions about drugs, devices, new therapies, or new ways of using known treatments.

"(iii) Any scholarship or other support for medical students, residents, or fellows selected by a national, regional, or specialty medical or other professional association to attend a significant educational, scientific, or policy-making conference of the association.".

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 949. A bill to establish a commission to assess the military facility structure of the United States overseas, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, today Senator FEINSTEIN and I are introducing the "Overseas Military Facility Structure Review Act" to establish a congressional panel to conduct a detailed study of U.S. military facilities overseas. This bill creates a bipartisan congressional commission charged with undertaking an objective and thorough review of our overseas basing structure. The commission will consider a host of criteria to determine whether our overseas bases are prepared to meet our needs in the 21st Century. The commission will be comprised of national security and foreign affairs experts who will present their findings to the 2005 domestic Base Realignment and Closure, BRAC, Commission, providing a comprehensive analysis of our worldwide base and force structure.

We believe it is important to determine our overseas basing requirements, assess training constraints, and provide recommendations on future realignments. As a result, we are proposing legislation that would create a congressional Overseas Basing Commission to review our basing strategy to ensure that it is consistent with both our short- and long-term national security objectives. We believe the time is right to move forward with a more structured approach to reviewing these overseas bases.

Such a review is timely. The 2005 BRAC is just around the corner and some in the Pentagon have suggested it could result in the closure of nearly one out of every four domestic bases. Before we close stateside military bases, we must first analyze our overseas infrastructure. If we reduce our overseas presence, we need stateside bases to station returning troops. It is senseless to close bases on U.S. soil in 2005 only to determine a few years later that we made a costly, irrevocable mistake. A painful lesson we learned in the last rounds of closures.

Though our military force structure has decreased since the Cold War, the responsibilities placed upon our service members have significantly increased. While operational effectiveness is paramount, it would be irresponsible to build on an inefficient, obsolete overseas base structure, as we face new strategic threats in the 21st century, taking valuable dollars needed elsewhere.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 122—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE MAY 1, 2003 AS "NATIONAL CHILD CARE WORTHY WAGE DAY"

Mr. CORZINE (for himself, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Mrs. MURRAY, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 122

Whereas approximately 14,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is $16,000 per year, and only one third of these educators have health insurance and even fewer have a pension plan;

Whereas low wages make it difficult to attract qualified individuals to the early childhood education profession and impair the quality of child care and other early childhood education programs, which is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because low wages and a lack of benefits make it difficult to retain high quality educators;

Whereas research has demonstrated that young children require caring relationships and a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the important job of helping the young children of the United States develop the social, emotional, physical, and intellectual skills they need to be ready for school;

Whereas the cost of adequate compensation for early childhood educators cannot be funded by further burdening parents with higher child care fees, but requires instead public as well as private resources to ensure that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILD CARE WORTHY WAGE DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate May 1, 2003, as "National Child Care Worthy Wage Day".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating May 1, 2003, as "National Child Care Worthy Wage Day"; and

(2) calling on the people of the United States to observe "National Child Care Worthy Wage Day" by—

(A) honoring early childhood educators and programs in their communities; and

(B) working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to submit, along with Senators DODD, DURBIN, FEINGOLD, KENNEDY, KERRY and MURRAY, a resolution supporting national Child Care Worthy Wage Day. It is my hope that it will bring attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our Nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our Nation's young children are undervalued. The average salary of a childcare worker is about $15,000 annually. In 1998, the middle 50 percent of childcare workers and pre-school teachers earned between $5.82 and $8.13 an hour, according to the Department of Labor. The lowest 10 percent of childcare workers were paid an hourly rate of $5.49 or less. Only one third of our Nation's childcare workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for childcare staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

If we want our children cared for by qualified providers with higher degrees and more training, we will have to make sure they are adequately compensated. Otherwise, we will continue to lose early childhood educators with BA degrees to kindergarten and first grade, losing some of our best teachers of young children from the early years of learning.

In order to bring attention to childcare workers, I am sponsoring a resolution that would designate May 1 as National Child Care Worthy Wage Day. On May 1 each year, childcare providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education.

I encourage my colleagues to join me in recognizing the importance of the work and professionalism that childcare workers provide and the need to increase their compensation accordingly. The Nation's childcare workforce, the families who depend on them, and the children they care for, deserve our support.

SENATE RESOLUTION 123—DESIGNATING APRIL 28, 2003, THROUGH MAY 2, 2003, AS "NATIONAL CHARTER SCHOOLS WEEK," AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. ALEXANDER, MR. CARPER, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 123

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002–2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE RESOLUTION 124—DESIGNATING SEPTEMBER 28, 2003, AS "NATIONAL GOOD NEIGHBOR DAY"

Mr. BURNS (for himself, Mr. BAUCUS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAPO, Mr. HATCH, Mr. MILLER, Mr. LEVIN, Mr. KOHL, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 124

Whereas while our society has developed highly effective means of speedy communication around the world, it has failed to ensure communication among individuals who live side by side;

Whereas the endurance of human values and consideration for others is of prime importance if civilization is to survive; and

Whereas being a good neighbor to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 28, 2003, as "National Good Neighbor Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

Mr. BURNS. Mr. President, today I am introducing a resolution designating September 28, 2003 as National Good Neighbor Day. I would like to thank my colleagues Senators BAUCUS, HATCH, STEVENS, CRAPO, CLINTON, MILLER, LEVIN, KOHL, and COCHRAN, for their support. I would also like to thank Becky Mattson of Lakeside, Montana, who has taken this cause to heart and championed it for so long.

In the aftermath of September 11th, Americans united in an unprecedented way. With the threat of terrorism still very real, it has never been so important to remain unified and conscious of the concerns of our neighbors.

This resolution has a long history. This resolution was first proposed by a fellow Montanan, Senator Mike Mansfield, in 1971. National Good Neighbor Day was then proclaimed by Presidents Nixon, Ford, and Carter because, as President Nixon explained, "the responsibility for building a happier, livelier, fuller life in each of our communities must rest, in the end, with each of us."

This bipartisan resolution will set aside a day to promote a better understanding and appreciation of our neighbors. However, in the trying times in which we now live, it will hopefully serve as a catalyst for making every day National Good Neighbor Day.

SENATE RESOLUTION 125—DESIGNATING APRIL 28, 2003, THROUGH MAY 2, 2003, AS "NATIONAL CHARTER SCHOOLS WEEK", AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002–2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE CONCURRENT RESOLUTION 39—SUPPORTING THE GOALS AND IDEALS OF ST. TAMMANY DAY ON MAY 1, 2003, AS A NATIONAL DAY OF RECOGNITION FOR TAMANEND AND THE VALUES HE REPRESENTED

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 39

Whereas in 1810, President James Madison declared the Territory of West Florida to be a part of the Louisiana Purchase, and in 1811, William C. C. Claiborne, the first American territorial Governor of Louisiana, named the area north of Lake Pontchartrain as "St. Tammany Parish" in honor of the saintly Amerindian Tamanend, who was a sachem of the Lenni Lenape;

Whereas Tamanend is admired and respected for his virtues of honesty, integrity, honor, fairness, justice, and equality for the common person;

Whereas in colonial times, May 1st was celebrated in honor of Tamanend and the common person; and

Whereas the St. Tammany Parish Council of St. Tammany Parish, Louisiana, has passed a resolution designating May 1, 2003, as St. Tammany Day, and urging the reinstatement of May 1st as a national day of recognition for Tamanend and the values he represented: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of St. Tammany Day as a national day of recognition for Tamanend and the values he represented.

NOTICES OF HEARING/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 30, 2003, at 2:00 p.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 7, 2003 at 10:00 a.m., in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 550, the American Indian Probate Reform Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 29, 2003, at 9:30 a.m. on the future of intercity passenger rail service and Amtrak.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Tuesday, April 29, 2003, at 10:00 a.m. to consider comprehensive energy legislation

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 2003, at 9:30 a.m. to hold a hearing on An Enlarged NATO: Mending Fences and Moving Forward on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Severe Acute Respiratory syndrome Threat, SARS, during the session of the Senate on Tuesday, April 29, 2003, at 2:00 p.m. in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, April 29, 2003, at 10:00 a.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE GOALS AND IDEALS OF ST. TAMMANY DAY ON MAY 1, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 39 submitted earlier today by Senators BREAUX and LANDRIEU.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 39

Whereas in 1810, President James Madison declared the Territory of West Florida to be a part of the Louisiana Purchase, and in 1811, William C. C. Claiborne, the first American territorial Governor of Louisiana, named the area north of Lake Pontchartrain as "St. Tammany Parish" in honor of the saintly Amerindian Tamanend, who was a sachem of the Lenni Lenape;

Whereas Tamanend is admired and respected for his virtues of honesty, integrity, honor, fairness, justice, and equality for the common person;

Whereas in colonial times, May 1st was celebrated in honor of Tamanend and the common person; and

Whereas the St. Tammany Parish Council of St. Tammany Parish, Louisiana, has passed a resolution designating May 1, 2003, as St. Tammany Day, and urging the reinstatement of May 1st as a national day of recognition for Tamanend and the values he represented: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of St. Tammany Day as a national day of recognition for Tamanend and the values he represented.

NATIONAL CHARTER SCHOOLS WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 125, submitted earlier today by Senators GREGG, LIEBERMAN, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 125) designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, today my colleagues, Senators LIEBERMAN, FRIST, ALEXANDER, CARPER and BAYH, joined me in the introduction of S. Res. 125, a resolution to designate the week of April 28 through May 2, 2003, as National Charter Schools Week. This year marks the 11th anniversary of the opening of the Nation's first charter school in Minnesota. In the last 11 years, we have come a long way since that auspicious moment when one teacher collaborating with parents started a public school specifically designed to meet the needs of the students in the community.

Today, we have almost 2,700 charter schools serving nearly 700,000 students. Charter schools are immensely popular: two-thirds of them report having long waiting lists, and there are currently enough students on waiting lists to fill another 1,000 average-sized charter schools. Survey after survey shows parents are overwhelmingly satisfied with their children's charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded and run by principals, teachers, and parents who share a common vision of education, a vision which guides each and every decision made at the schools, from hiring personnel to selecting curricula. Furthermore, charter schools are held accountable for student performance in a unique way—if they fail to educate their students well and meet the goals of their charters, they close.

Since each charter school represents the unique vision of its founders, these schools vary greatly, but all strive for excellence.

For example, the Jean Massieu Academy in Arlington, TX, was created in 1999 to serve deaf and hearing-impaired children and their siblings. All instruction at Jean Massieu is in American Sign Language, accompanied by English text. For 2 consecutive years, the academy has earned the second-highest rating in the State's accountability system based on its students' excellent performance.

Here in the District of Columbia, low-income fifth graders at KIPP DC/KEY Academy performed remarkably in reading and math on a national test, increasing their scores by more than twice the amount children typically gain from year to year. Students and teachers at the KEY Academy log long hours, attending class from 8 a.m. to 5 p.m. each weekday, half a day on many Saturdays, and for much of the summer, but their hard work is obviously reaping rewards.

These are but a handful of the success stories in the charter school movement, which includes a wide range of schools serving a variety of different learning needs and styles, often at a lower cost than traditional public schools.

I expect that we will see the popularity of charter schools continue to grow. Last year, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer to another public school. The act also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice and "vote with their feet", the demand for charters schools will grow.

I commend the more than 1.6 million people involved in the charter school movement, from parents to teachers to community leaders and members of the business community. Together, they have led the charge in education reform and have started a revolution with the potential to transform our system of public education. Districts with a large number of charter schools reported becoming more customer service oriented and creating new education programs, many of which are similar to those offered by charter schools, and increasing contact with parents. These improvements benefit all our students, not just those who choose charter schools.

I encourage my colleagues to visit a charter school this week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the community in which they reside.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002-2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations

across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

ORDERS FOR WEDNESDAY, APRIL 30, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 30. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees, provided that at 11 a.m., the Senate proceed to the consideration of Calendar No. 60, S. 196, the digital and wireless technology bill, as provided under the previous order.

I further ask consent that following the vote on S. 196, the Senate return to executive session to resume the consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, following morning business, the Senate will take up S. 196, the digital and wireless technology bill. Under the agreement, the Senate will vote on the measure at approximately 12 noon.

Upon the disposition of that bill, the Senate will resume consideration of the Owen nomination. The majority leader has asked me to announce that while he regrets being forced to file cloture on this important appeals court nomination, he believes it is vital that the Senate fulfill its advise and consent responsibility. With that being said, I inform my colleagues that the cloture vote on the Owen nomination will occur Thursday morning, and Members will be notified when the vote is scheduled.

I also announce to my colleagues that the majority leader is working with the Democratic leader to clear several items for floor action. The items under discussion include the State Department authorization bill, the bioshield bill, the FISA legislation, and several judicial nominations. Therefore, Members should anticipate additional votes during tomorrow's session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there was some discussion on the floor today that the minority would move to the nomination of Prado tomorrow. That is a debatable motion when we are in executive session. We have been in contact with the majority. In fact, the distinguished majority whip and I have been talking all afternoon to try to work something out. We understand the difficulty of our doing what we have said we would likely do. We acknowledge it is better that the majority sets the schedule. But there are times when we have to try to protect our rights.

I am the one who said I would do this at the first opportunity. I am not going to do that tomorrow until the ability we have to work out a fair proposal on a number of circuit court judges is exhausted. We were very close to doing something on that tonight. I am confident the distinguished Senator from Kentucky and I can work something out tomorrow, with the consent of both of our caucuses.

So I just want to put everyone on notice that I am not going to move to Prado tomorrow and that we are going to try to work things out on our own, and that would be the most expeditious and, I am sure, best way to go. I am confident and hopeful we can do that.

Mr. McCONNELL. Mr. President, I just add that the Senator from Nevada and I spent some considerable amount of time this afternoon trying to clear some additional votes for nominees for the circuit court, and we are going to continue that effort tomorrow in the hopes of reaching an agreement to dispose of some of these nominations that are going to be allowed to be voted on, on an up-or-down basis. We will continue that effort in the morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, April 30, 2003, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 29, 2003:

THE JUDICIARY

JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, April 29, 2003*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Edward J. Burns, Executive Director, Secretariat for Vocations and Priestly Formation at the United States Conference of Catholic Bishops, Washington, D.C. offered the following prayer:

Blessed are You, Lord God of all creation, the God of Abraham, Isaac, and Jacob, the father of Jesus and God of us all. We thank You for the many gifts You have given us out of love. We praise You for the wonders of Your works. We now ask that You bless us.

As the Members of the United States House of Representatives reconvene after their holiday recess, we are mindful of Your many gifts of salvation and redemption. We ask now that You bless these men and women. Grant them the strength, grace, perseverance, and wisdom to carry out the task that lies ahead of them. Bless their endeavors and give success to the work of their hands.

Bless our troops who are serving our country; in particular, those men and women who are serving in Operation Iraqi Freedom. Guide them, protect them, and grant peace and consolation to their families.

We recognize that we do not work alone; but rather, we rely on our brothers and sisters. Bless our constituents and colleagues, our friends and loved ones. May we serve faithfully in bringing forth a Nation that is just, one that keeps faith and hope alive.

We ask this in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EXPLAINING OPPOSITION TO TAX RELIEF

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, the number one domestic priority of this administration and this Congress is to stimulate the sluggish economy. The President's tax relief proposal will create jobs. It will grow the economy. It will spur investment and innovation in the private sector. And it will put more money into the pockets of the American men and women who earn it.

By contrast, the alternative plan being touted is insufficient, and its proponents have some explaining to do. As the President put it the other day, if they agree that tax relief creates jobs, then why are they for a little itty bitty tax relief package?

Well, some oppose tax relief because they think the money belongs to the government instead of the people who earn it. The good news is that this is an intellectually consistent response. The bad news is, the only person in the Western Hemisphere who believes it is Fidel Castro.

Others say they worry about the deficit, but their argument contradicts itself. The budget was balanced in the 1990s through spending restraint and economic growth. Letting people keep more of their own money stimulates the economy and limits our ability to spend.

Those opposing significant tax relief would intentionally hamstring the economy and leave hundreds of billions in Washington, D.C. to be spent like a stray $20 bill in Las Vegas, not exactly a recipe for a balanced budget.

Finally, some in Washington just attack everything that the President proposes. This, unfortunately, describes too many Democrats in Congress, more interested in griping than governing.

Madam Speaker, whether their reasons are extreme, self-contradictory, or partisan, the enemies of significant tax relief are wrong. We need real tax relief to create jobs, grow an economy that can afford all our priorities, balance the budget, and hold the line on spending. That is, after all, why the American people elected Republican leaders in the first place.

PAYING TRIBUTE TO THE LIFE OF CORPORAL ARMANDO ARIEL GONZALEZ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to pay tribute to the life of Corporal Armando Ariel Gonzalez, who gave his life bringing freedom to the oppressed people of Iraq.

Armando understood the significance of Operation Iraqi Freedom better than most Americans because, as a teenager, he and his father used a raft to escape from an oppressive regime in Cuba to find liberty in America.

Corporal Gonzalez was a dedicated Marine assigned to the Marine Wing Support Squadron 273 stationed at the Marine Corps Air Station Beaufort in South Carolina. He served bravely in a hostile environment, and supported one of the most successful military campaigns in history, one that will be immortalized along with the battles of Belleau Woods, Okinawa, Inchon, and Khe Sanh.

Armando fought for a country he could not call his own, but has received his citizenship posthumously, thanks to the hard work of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

He leaves behind a loving wife, Liudmila, who is expecting their first child. His baby will be born an American, and can be proud of a father who died as a true patriot. In conclusion, God bless our troops.

REPUBLICANS PROPOSE RECKLESS TAX CUT WHILE MILLIONS OF AMERICANS GO WITHOUT HEALTH INSURANCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, just a few steps away from the floor of the House, there are many of us gathered near the Senate, standing up to speak on behalf of the 75 million uninsured Americans: physicians,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

representatives of hospitals, the American Medical Association, the National Medical Association, nurses' organizations, students; individuals who recognize, Madam Speaker, that it is not griping when we say that we cannot afford a $726 billion tax cut that will result in a $1.7 trillion deficit in this economy, it is the people of the United States. It is the veterans who are deenrolled who cannot go to veterans' hospitals even as I speak, even in my congressional district, because we have no money in the budget. It is the young men and women who are willing to offer themselves as the ultimate sacrifice in Iraq, the United States troops who will be returning, individual troops who make a $1,000 a month who cannot afford, when they leave the service, good health care.

That is why we believe the tax cut cannot and should not be passed, because of the millions of individuals who are uninsured.

I believe we should stand for what America believes in. That is the promise of America, that all of us should have equal access to health care. I believe that is what we should invest in, the people of this country rebuilding around the world our friendship, and not passing a reckless tax cut.

ESSENTIAL AIR SERVICE BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on March 23 the Federal Department of Transportation decided to yank funding from the Lancaster Airport in my district, denying the airport of its ability to provide commercial air services.

The Department operates a program called the Essential Air Services Program which provides subsidies to airlines that serve smaller markets that would otherwise go without commercial service. But the Department of Transportation is wrong in this case.

The 68-mile route it chose between Route 30 to Philadelphia International Airport takes 3 hours to drive or more. The route most commonly used is 80 miles and takes about half that time to drive.

This week I am introducing a bill to remedy this wrong. The Essential Air Services Eligibility Fairness Act will make sure the highway mileage between a place and the nearest hub airport will be determined by the most commonly used route between the two airports. It will protect, in my case, 876,000 air trips that originate every year in Lancaster; and it will protect the other small market airports around the country that provide convenient air service for millions.

HOMELAND SECURITY AND TAX CUTS

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Speaker, as we prepare for the debate on taxes and spending, I want to call attention to an article in Sunday's Denver Post on the threat of shoulder-fired missiles to our airliners.

The article quotes security experts as saying this threat is "nearly impossible to defend against," and points out that equipping the U.S. commercial airline fleet with jammers or decoys could cost up to $10 billion.

There are other threats, as well. We need to do much more to prevent ship containers that would be used to smuggle in weapons of mass destruction.

Of course, we cannot prevent every conceivable threat to our homeland security. We have to set priorities and we have to fund those priorities.

One thing is for sure: when the President proposed and this Congress passed a budget resolution that includes more than $1 trillion in tax cuts, we cannot, in good conscience, tell the American people we are funding these priorities.

Madam Speaker, our States need help in beefing up security. When our homeland security alert system goes to orange, our State budgets go into the red. I fear this President and this Republican Congress are sacrificing homeland security and other needs in favor of deep tax cuts that will have little positive effect on our economy.

We need to do better.

ALERTING NATION TO ASSIST IN SEARCH FOR ASHLEIGH MOORE OF SAVANNAH, GEORGIA, AND OTHER MISSING AND EXPLOITED CHILDREN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Madam Speaker, today the Subcommittee on Select Education is holding a hearing on missing and exploited and runaway youth under which revisions to the National Center for Missing and Exploited Children will be considered.

This topic is particularly relevant to the people of Savannah, as there is a young girl from that area in my district who has been missing for more than 2 weeks.

Ashleigh Moore is only 12 years old. She is an African American young lady who is a little over 5 feet tall and weighs 120 pounds. She was last seen wearing a white shirt and brown pants. Her family is very worried about her, and the entire community from Savannah is making every effort to find her. I am hopeful that she will return safely home very soon.

I would urge anyone who has any information about Ashleigh to contact the Savannah police at 912-232-4141.

Madam Speaker, children are a precious resource. The National Center for Missing and Exploited Children acts to reunite missing children with their families, and work with crime prevention officers to reach out to the community with child safety information and services.

□ 1415

My thoughts and prayers are with Ashleigh's family today.

DEMOCRATIC PLAN CREATES JOBS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, the distinguished majority leader got up here and said the first priority of the President was the economy. That is interesting for a President who over his 2 years in office has lost 2½ million jobs, 2½ million American workers who do not have jobs and hundreds of thousands of others that have run out of unemployment and the President has resisted extending their unemployment benefits. And we will see what happens this May as hundreds of thousands more lose their unemployment and they have no income support for their families, to pay for their homes, to try to help keep their children in school and to pay the doctors' bills.

It is also interesting that he says that there are two purposes: one is to give tax relief to stimulate the economy, and the other is to keep the government from spending the money because they want to spend all the money. The last time I looked, the Republicans controlled the House of Representatives, the Republicans controlled the Senate, and the Republicans controlled the White House; but apparently we have got to destroy the American economy with these tax cuts before they kill again. They cannot control themselves from spending trillions of dollars. They cannot control themselves from running up the deficit. They inherited a $2 trillion surplus, and they have turned it into a $4 trillion debt. What happened with these people? They have no fiscal discipline. So now they want to spend a trillion dollars to create half as many jobs as the Democratic plan will create for $150 billion.

REMOVE CUBA FROM UNITED NATIONS HUMAN RIGHTS COMMISSION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, I rise today to urge my colleagues to pass a very important resolution I will be introducing today. My bill expresses the sense of the House that the United Nations must call for the U.N. to remove Cuba from the United Nations Human Rights Commission.

The U.N. Human Rights Commission is the primary world body responsible for protecting the inalienable rights of all people to live free from harm and oppression. However, with some of the world's most egregious human rights violators on the panel, like Libya and Cuba, it is unlikely that it can effectively carry out its mission.

Whether it is Saddam Hussein or Fidel Castro, the U.N. has repeatedly protected tyrants, torturers, and murderers. Allowing Cuba to stay on the Human Rights Commission is like honoring Saddam Hussein with the Nobel Peace Prize.

Today I was shocked to learn that Cuba once again was put on the panel. For over 40 years Fidel Castro has time and time again shown his reprehensible disregard for the safety and welfare of his own people. His tyrannical regime has forced countless innocent people to risk their lives to seek the shores of the United States. But what is worse is that these people will go to the furthest of extremes to hurt their own people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2003 at 2:25 p.m.

That the Senate agreed to conference report H.R. 1559.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule I, Speaker pro tempore THORNBERRY signed the following enrolled bills on Tuesday, April 15, 2003:

H.R. 145, to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building;"

H.R. 258, to ensure continuity for the design of the 5-cent coin, establish the citizens coinage advisory committee, and for other purposes;

H.R. 1559, making emergency wartime supplemental appropriations for fiscal year 2003, and for other purposes;

H.R. 1770, to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

COMMUNICATION FROM VICE-CHAIRMAN OF THE JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore laid before the House the following communication from the vice-chairman of the Joint Committee on the Library:

HOUSE OF REPRESENTATIVES,
April 10, 2003.
Hon. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 101–696 Section 801 (40 USC para. 188a(b)) the Chairman and Vice-Chairman of the Joint Committee of the Library are provided positions on the Capitol Preservation Commission.

I am appointing Mr. John Mica of Florida to be my designee as provided for in Public Law 101–696 Section 801 (40 USC para 188a(c)).

Thank you for your attention to this matter.

Sincerely,
VERNON J. EHLERS,
Vice-Chairman, Joint Committee on the Library.

COMMUNICATION FROM THE HON. GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GEORGE RADANOVICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and the privileges of the House.

Sincerely,
GEORGE RADANOVICH,
Member of Congress.

COMMUNICATION FROM THE HON. GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GEORGE RADANOVICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District of California for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
GEORGE RADANOVICH,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a record vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE ACHIEVEMENTS OF OPERATION RESPECT, THE "DON'T LAUGH AT ME" PROGRAMS AND PETER YARROW

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 161) recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow, as amended.

The Clerk read as follows:

H. RES. 161

Whereas Operation Respect is a nonprofit organization engaged in a national effort to transform participating schools, after-school programs, and children's summer camps into more compassionate and respectful environments through its "Don't Laugh At Me" program materials that address the issues of emotional and physical violence among children;

Whereas Operation Respect has conducted 230 workshops, reaching over 18,000 educators in 27 States and distributing 50,000 copies of its professionally developed curriculum;

Whereas representatives of this organization have appeared before over 240 educational organizations in 36 States on behalf of Operation Respect, as well as before the Republican conference and Democratic caucus of the United States House of Representatives;

Whereas the "Don't Laugh At Me" program increases mutual respect and fellowship among hundreds of thousands of elementary school children, creating an environment for students that improves focus on academic achievement and encourages an atmosphere of respect and responsibility;

Whereas the "Don't Laugh At Me" camp programs have made the environment at summer camps safer and more secure for children by creating a greater sense of responsibility, justice and fairness;

Whereas the "Don't Laugh At Me" programs have made a significant impact on schools and camps through a curriculum of character education and social and emotional learning;

Whereas the overwhelming majority of students participating in a recent survey concluded that the "Don't Laugh At Me" program was a valuable and beneficial experience and resulted in a diminution of negative behaviors such as bullying, and increased openness and trust;

Whereas counselors and campers alike who participated in the "Don't Laugh At Me" programs agreed that the programs were effective, enjoyable, and positively influenced the academic and character education of the children;

Whereas the success of Operation Respect and the "Don't Laugh At Me" programs has been recognized by the National Conference of State Legislatures and various educational associations, including the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Association of School Administrators, the Council of Great City Colleges of Education, the National Education Association, the Council of Great City Schools, the American School Counselors Association, the National School Boards Association, the National Middle School Association, and the American Federation of Teachers; and

Whereas the National Conference of State Legislatures passed a resolution on August 12, 2001, encouraging funding and other support from States for professional development of educators in this arena and recognizing the contributions of Operation Respect in advancing State legislative initiatives to expand social and emotional learning and character education programs: Now, therefore, be it

Resolved, That Operation Respect and the "Don't Laugh At Me" program are commended for their major contributions to the sound academic focus, character development, and improved physical safety of children throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 161, which commends Operation Respect, the "Don't Laugh At Me" programs' efforts to provide character education.

I would like to take this opportunity to commend the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. CUNNINGHAM) for their efforts to draw attention to the importance of character education programs in our schools.

In 2001, Congress recognized the importance of character education programs like Operation Respect when we passed the No Child Left Behind Act. This landmark legislation contains the partnerships in character education program that provide grants for character education programs that emphasize academic achievement and focuses on elements such as citizenship, respect, responsibility, and trustworthiness.

As some may know, Operation Respect is a nonprofit organization that assists schools, after-school programs, and summer camps in their efforts to create safe and respectful environments for students and teachers. Specifically, Operation Respect utilizes music and video, along with a conflict-resolution curriculum, to help address the problems of bullying and teasing among elementary and middle school youth.

Operation Respect also recognizes the importance of professional development by offering workshops designed to provide educators with the tools that they need to effectively implement character education programs. In fact, over 18,000 teachers have participated in 230 "Don't Laugh At Me" workshops in 27 States throughout the United States.

I would also like to commend Operation Respect for their efforts to leverage the private sector support for their programs. Through the cooperative efforts of community-based organizations, schools, and the private sector, students are better able to understand the importance of acting responsibly and treating one another with respect.

Again, I am pleased to recognize the achievements of Operation Respect and the "Don't Laugh At Me" programs, and I urge that Members support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very pleased that the House of Representatives today is considering my resolution to honor the outstanding program that is working with school districts, camps, teachers, and students across America to promote the healthy social and emotional development of children.

I want to thank the gentleman from California (Mr. CUNNINGHAM) for his cosponsorship of this legislation and for his own strong support of Operation Respect. The gentleman from California (Mr. CUNNINGHAM) was responsible for arranging for Peter Yarrow to visit the Republican Conference last year to talk about this program and to sing some of the songs, an achievement that deserves recognition in the House as well.

I also want to thank my cosponsors for their support of this resolution, particularly the gentleman from Wisconsin (Mr. OBEY), who is a strong supporter of character education programs in the Labor-HHS appropriations bill in recent years.

Lastly, I thank the gentleman from Ohio (Mr. BOEHNER) and his staff for their assistance in having this resolution placed before the House expeditiously.

Most of us here are familiar with the "Don't Laugh At Me" program. Last year, its founder and tireless advocate, Peter Yarrow of the legendary trio Peter, Paul and Mary, spoke to both the Republican Conference and the Democratic Caucus about the necessity for, and the success of, this program. Many of us have seen him as he has appeared before dozens of school boards, teacher organizations, parents groups throughout this Nation promoting sound emotional development and tolerance among our children.

We are all painfully aware of the images, language and experiences of children that assault their self-esteem, their attitudes toward others and their sense of compassion and tolerance. From bullying in the schoolyards to the lyrics of many popular songs, to the violence in film and news broadcasts, young children in our society, and adults too, are assaulted by messages and images of intolerance, brutality, victimization, and bias. Any reasonable person must be concerned about the impact of those values on these young children, now and throughout their lives. And we were concerned that they be taught alternative values that help us build closer personal relationships and stronger communities.

Fortunately, there are efforts and institutions that are effectively promoting positive values and respect, tolerance and understanding and compassion. Our churches and synagogues play that role. Programs like Head Start and after-school programs and sports and cultural experiences heavily influence children as well.

The character education programs that this Congress has been funding in recent years have similarly made great contributions.

One of the innovations enjoying great popularity and success and which we honor today by the passage of this resolution is Operation Respect. Through the diligent efforts of Peter Yarrow and many educators, psychologists and advocates that work with him, Operation Respect has conducted over 230 workshops throughout the Nation reaching over 18,000 educators in 27 States. Tens of thousands of copies of its professionally developed curriculum have been distributed to teachers in after-school programs and camp operators and others who are similarly committed to making a difference in the lives of these children. Teachers love this program and have given it their strong endorsement. And today we should add the United States House of Representatives to that list saluting this great effort on behalf of America's children and America's best values.

Lastly, I would like to note that Steve Seskin, the composer of the song "Don't Laugh At Me," which has inspired Mr. Yarrow's efforts, is a resident of my congressional district. Mr. Seskin is a very highly respected composer and recording artist as well in the folk and country venues; and in this case his music has helped to inspire a movement that is having dramatic and beneficial effects on millions of young Americans. And I appreciate the support of all Members of this House on the resolution.

Madam Speaker, I am very pleased that the House of Representatives today is considering my resolution to honor an outstanding program that is working with school districts, camps, teachers and students across America to promote the health social and emotional development of children.

I want to thank DUKE CUNNINGHAM for his co-sponsorship of this legislation and for his own strong support for Operation respect. Congressman CUNNINGHAM was responsible for arranging for Peter Yarrow to visit the Republican Conference last year to talk about this program and sing a few songs, and that achievement deserves the recognition of the House as well.

I also want to thank my other co-sponsors for their support for this Resolution, and particularly, Mr. OBEY for his strong support of character education programs and the Labor-HHS appropriations bill in recent years.

Lastly, my thanks to Chairman JOHN BOEHNER and his staff for their assistance in having this Resolution placed before the House expeditiously.

Most of us are already familiar with the "Don't Laugh At Me" program. Last year, its founder and tireless advocate, Peter Yarrow of the legendary trio Peter, Paul and Mary, spoke to both the Republican Conference and the Democratic Caucus about the necessity for, and the success of, this program.

Many of us have seen him as he has also appeared before dozens of school boards, teacher organizations, parent groups and others throughout the nation promoting sound emotional development and tolerance among out children.

We all are painfully aware of the images, language and experiences of children that assault their self-image, their attitudes towards others, and their sense of compassion and tolerance. From bullying in school yards to the lyrics of many popular songs to violence in film and news broadcasts, young children in our society—and adults, too—are assaulted by messages and images of intolerance, brutality, victimization and bias. Any reasonable person must be concerned about the impact of those values on these young people now and throughout their lives, and we are concerned that they be taught alternative values that help us to build closer personal relationships and stronger communities.

These concerns have great immediacy. Just last week, there was yet another example of terrible school violence. A study of school violence in California recently concluded that "alienated and disaffected young people are escaping the attention of families, friends and teachers until they explode." Meanwhile, programs like boot camps, may enjoy public approval but consume huge amounts of money and do not have a record of success.

Fortunately, there are efforts and institutions that are effectively promoting positive values of respect, tolerance, understanding and compassion. Our churches and synagogues play that role; programs like Head Start and after-school programs and sports and cultural experiences heavily influence children as well. The character education programs that this Congress has been funding in recent years have similarly made great contributions.

One of the innovations that has enjoyed great popularity and success, and which we honor today by the passage of this resolution, is Operation Respect. Through the diligent efforts of Peter Yarrow and many other educators, psychologists and advocates who work with him, Operation Respect has conducted 230 workshops throughout the nation, reaching over 18,000 educators in 27 states. Tens of thousands of copies of its professionally-developed curriculum have been distributed to teachers, after-school programs, camp operators and others who are similarly committed to making a difference in the lives of these children.

As H. Res. 161 states, the "Don't Laugh At Me" program "increases mutual respect and fellowship among hundreds of thousands of elementary school children, creating an environment for students that improves focus on their schoolwork and encourages social and emotional growth." Evaluations of the program have found overwhelming support for its message among teachers, parents and students alike, as well as increased tolerance and a reduction in such negative behaviors such as bullying.

Among professional educators and others, Operation Respect has enjoyed similar popularity. Operation Respect and the "Don't Laugh At Me" program has been recognized by the National Conference of State Legislatures, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Association of School Administrators, the Council of Great City Colleges and Education, the National Education Association, the Council of Great City Schools, the American School Counselors Association, the National School Boards Association, the National Middle School Association, and the American Federation of Teachers.

Teachers love this program; here's a representative comments from a teacher in southwestern Virginia: Over the years I have used many approaches and programs, all of which have good points. "Don't Laugh At Me" encompasses all those strong points into one easy to use program. I've seen a difference in my class even though we have only used it for a few months. One of the biggest benefits is the dialog that comes from using the program. The kids love the CD and found the video to be very powerful. Now that I have had a chance to use "Don't Laugh At Me" and see its benefits, I will be doing a presentation to our staff about it. I guess I sound like a commercial, but I honestly loves this program!

Today, we should add the United States House of Representatives to that list saluting this great effort on behalf of America's children and America's best values.

Lastly, I would like to note that Steve Seskin, the composer of the song "Don't Laugh At Me" which inspired Mr. Yarrow's efforts, is a resident of my Congressional district. Mr. Seskin is a very highly respected composer and recording artist, well known in the folk and country venues, and in this case, his music has helped to inspire a movement that is having dramatic and beneficial effects on millions of young Americans.

I appreciate the support of all Members for this Resolution today.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), a prior member of our committee.

Mr. CUNNINGHAM. Madam Speaker, the gentleman from California (Mr. GEORGE MILLER) and I quite often get in a rhubarb right here on the House floor on issues. This is one we agree on. And I am a hawk. I am a conservative. Well, maybe not a hawk, maybe a well-armed dove; but I was asked to go to an event and hear a man speak. And I said, Who is speaking? And they said, Peter Yarrow. And I said, Who is Peter Yarrow? And they said, You know, Peter, Paul and Mary. And I said, I am not going to go listen to that anti-war, left-wing guy. And I went. And I want to tell Members something. Coming from a conservative and a hawk, he is one of the nicest guys I have ever met in my life.

☐ 1430

His heart is true. His politics are terrible. I would say extremely wrong. And I disagree with my colleague on tax rates, as well as with Peter Yarrow. But I want to say this: Peter Yarrow is doing this not for money but for the profound belief that there is a better way to reach out to children.

Maybe music does bring people together because I have another "left wing" friend in Steven Stills, as a matter of fact, I think he was one of the heads of the DNC and yet we are still good friends. Aviation brought us together and music brought us together as well.

Madam Speaker, I want to read something. This is the song "Don't Laugh at Me," and I would like every single Member, and Madam Speaker, you too, to listen to this.

"I'm a little boy with glasses, the one they call a geek." Remember that in school? I do. "A little girl who never smiles cuz I got braces on my teeth and I know how it feels to cry myself to sleep. I am that kid on every playground, who's always chosen last." That was me. "A single teenage mother trying to overcome her past. You don't have to be my friend if it's too much to ask. Don't laugh at me, don't call me names, don't get your pleasure from my pain. In God's eyes, we're all the same. Some day we'll all have perfect wings. Don't laugh at me.

"I'm a cripple on a corner, you pass me on the street. I wouldn't be out here begging if I had enough to eat. And don't think I don't notice that our eyes never meet. I lost my wife and little boy when someone crossed that yellow line. The day we laid 'em in the ground was the day I lost my mind."

And the song goes on and on, Madam Speaker. Peter Yarrow's idea is that maybe in Columbine, where one of the worst things we did was we took the young men that knew about the young man that went in and killed a bunch of students was arrested, and they drove him out further, but Peter Yarrow's idea is that we are all the same yet we are all different.

I look at Gary Condit on this House floor. Many of us tried to befriend Gary Condit. Think about how he must have felt. I think we need to think about those kinds of things as individuals when we see people that are outside. In our major military institutions, the Naval Academy, the Air Force Academy, we will find each year that someone takes a dive off the top of a building. They have found that in most cases the individual has isolated themselves away from the rest of his group.

Maybe in Columbine, instead of the young men that had been ostracized from their group, maybe if they had been brought back into the group, the suicides and things like Columbine maybe would not have happened.

Madam Speaker, this is endorsed by every major school institution we take a look at. When I went through POW training in Eglin Air Force Base, one of the things they showed us was that if someone was going over to the other side, the enemy side, instead of chastising that person, you reach out to bring them in, to bring them into your group, to make them feel whole. That is what this program does.

I want to thank my friend, the gentleman from California (Mr. GEORGE MILLER), and my Republican colleague for supporting this, as well as the gentleman from Wisconsin (Mr. OBEY), who is a good friend who knows Peter Yarrow very well, and I ask my colleagues, Madam Speaker, to support this.

This is about a program that I believe in and that is going to help not only children, but adults all over the United States.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume to thank the gentleman for his remarks. The fact that he and I are working together on this, when we disagree on so many other issues, is in the spirit of this program. And as our great former Speaker, Tip O'Neill, used to say, you have to be able to disagree around here and not be disagreeable. I am working on that talent, but I have not achieved it yet. But this is in that spirit.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FROST).

Mr. FROST. Madam Speaker, I thank the gentleman for yielding me this time, and I am here today to express my support for House Resolution 161 honoring Peter Yarrow's Operation Respect and "Don't Laugh at Me" programs. These important programs are designed to promote compassion and tolerance among children in after-school programs and summer camps.

I first met Peter Yarrow some years ago and became better acquainted with him when I served as co-chair of the Bipartisan Task Force on Youth Violence. And during the last Congress, when I was Chair of the Democratic Caucus, I arranged for Peter to appear before our caucus and make a presentation about his program, and it was an extraordinary presentation.

One of the things our task force heard from youth violence experts was the extremely harmful effect of bullying and ridiculing among young people. The goals of these important programs are aimed at making sure the tragedies of Columbine never occur again. They seek to build an environment of respect so that our children will grow to be kind to others and foster positive social relationships throughout their lives.

Several years ago, I witnessed firsthand the positive impact this program can have. Peter Yarrow held a concert as a part of the "Don't Laugh at Me" summer program, a program that served more than 2 million campers that summer. As part of the event, children came up on the stage to call for greater compassion and respect and to declare their commitment to ending bullying and ridiculing. It was a powerful display, and I am so glad this resolution is on the floor today.

I commend the "Don't Laugh at Me" and Operation Respect programs. They are truly unique, and they make a difference by encouraging greater tolerance among classmates while making the classroom environment more conducive to learning and improving academic performance. That is why I urge my colleagues to vote in favor of this resolution.

Let us honor a truly great program and the men and women who work so hard to make a positive impact on our children's lives.

Mr. GEORGE MILLER of California. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank both the gentleman from Nevada and my colleague from California for offering this resolution in support of Operation Respect and the "Don't Laugh at Me" program. I feel so privileged to have not only heard the presentation, the incredible voice, and the power of Peter Yarrow, as the gentleman from California (Mr. CUNNINGHAM) said, part of Peter, Paul and Mary group, sing this, but the way that it resonates in one's heart when you hear it, and I am sure in the minds of school children who welcome the words of tolerance and respect that are in this song written by Steve Seskin.

The program is to create the sound emotional development, the personal growth, the physical safety of our children, to promote antibullying and compassion and tolerance among children. The gentleman from California (Mr. CUNNINGHAM) began to read some of the lyrics that are in this song, and we can just picture that wonderful voice of Peter Yarrow, so let me once again add a few more words in this song.

"Don't laugh at me, don't call me names, don't get your pleasure from my pain. In God's eyes we're all the same. Some day we'll all have perfect wings. Don't laugh at me. I'm fat, I'm thin, I'm short, I'm tall. I'm deaf, I'm blind. Hey aren't we all. Don't laugh at me. Don't call me names. Don't get your pleasure from my pain. In God's eyes we're all the same. Some day we'll all have perfect wings. Don't laugh at me."

In 2002, Operation Respect began shifting its strategy from making presentations to a lot of these educational organizations to fostering systemic and sustainable implementation of its own programs as well as long-term comprehensive character education and social and emotional learning by opening State affiliates around the country. Now there are affiliates in California, Colorado, Connecticut, Georgia, Illinois, where I am from, and Ohio.

In Illinois, it is headed up by this wonderful woman, Flora LeZar, who was Executive Director of Operation Respect. She is helping, and I am working with them, to set up this program in Illinois identifying supporters in and around Chicago. And we are now in discussions with Columbia College's Office of Community Arts Partnerships, as well as an Evanston-based, that is my hometown, arts and education foundation, the Shanti Foundation, to partner in the implementation of "Don't Laugh at Me" in several Chicago public schools.

I am looking forward to one of the schools in my district, an elementary school called Boone School, we are hoping that that school will have the benefit of the don't laugh at me program.

Finally, let me just say this. Our world today is so marked by mistrust, where there is so much intolerance around the globe and here at home as well; a failure to really understand each other's cultures. In a country like the United States of America, which is so wonderful because of its diversity, because we have so many people and children with different values that come to our public schools, that is our strength. But we need to help develop an appreciation of that in our children. It prepares them to be adults and leaders in a world that embraces diversity, that understands the differences among people and then can work to bring us all together for a world of peace and harmony.

So this is more than just a little program or one song, this is a philosophy of education and really a philosophy about the way that all of us should live our lives. So I congratulate Peter Yarrow and Operation Respect and the "Don't Laugh at Me" program. I am just happy to be able to support this resolution and to be part of advancing this effort.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume to thank the gentlewoman for her remarks, and to thank again the gentleman from Ohio (Mr. BOEHNER) for his help in getting this legislation to the floor; to the gentleman from California (Mr. CUNNINGHAM) for his cosponsorship and his support for this program; to our speakers this afternoon in support of this resolution; and the gentleman from Nevada for taking time out to bring this to the floor this afternoon under suspensions.

Finally, I want to thank my very long-time dear friend, Peter Yarrow, for all the time and the effort that he has taken on behalf of the children of this Nation to promote their healthy development and their emotional stability. He has reached out to so many people across this country and made them aware of this effort, of this need on behalf of our children. It is a wonderful gift that he has given to the children of this Nation, to the educators of this Nation, to caregivers in all different settings for our children, and I just really want to thank him for that effort. I am honored to sponsor this legislation, and I want to thank the House for giving us time to bring it to their attention and I ask my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, House Resolution 161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution recognizing the achievements of Operation Respect and the 'Don't Laugh At Me' programs.".

A motion to reconsider was laid on the table.

COMMENDING AND SUPPORTING EFFORTS OF STUDENTS IN FREE ENTERPRISE (SIFE)

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 107) commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs, as amended.

The Clerk read as follows:

H. RES. 107

Whereas the Nation knows the importance of supporting free market thinking and the entrepreneurial spirit;

Whereas Students in Free Enterprise (SIFE) is the world's preeminent collegiate free enterprise organization, and provides leadership training, regional, national, and international competitions, and career opportunity fairs for thousands of university and college students;

Whereas SIFE provides university and college students the best opportunity to make a difference and to develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise;

Whereas SIFE is a force in promoting international business awareness, through its operation in more than 33 countries of the world, including former Soviet republics and China;

Whereas SIFE is active on more than 1,400 university and college campuses worldwide, involving students and faculties in challenging competitions;

Whereas SIFE promotes the entrepreneurial spirit while reinforcing good business practice;

Whereas SIFE encourages teamwork and education through participation in learning projects and provides a competitive framework that prepares students for business;

Whereas SIFE gives students a forum to interact with potential employers, as well as providing formal career fairs and information;

Whereas SIFE depends upon the support and involvement of members of the faculty, whose advice and commitment are essential; and

Whereas SIFE benefits from the wider business community, which appreciates SIFE's importance in shaping business thinking in free enterprise: Now, therefore, be it

Resolved, That the House of Representatives commends and supports the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

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Madam Speaker, I rise in support of H. Res. 107. This resolution recognizes the unique and important opportunities provided by the international organization Students in Free Enterprise. Active on more than 1,400 college and university campuses and more than 33 countries, SIFE collegiate teams improve the quality of life and the standard of living around the world by teaching the principles of market economics, entrepreneurship, business ethnics, and personal finance success. Currently, there are over 15,000 students involved with the SIFE chapter.

Since 1975, SIFE college teams have been invited to attend leadership training programs where they learn the principles of free enterprise and develop leadership skills. Students return to their respective campuses where they conduct free enterprise outreach projects in their communities. Ultimately, the SIFE experience works to provide college and university students with the opportunity to make a difference in their local communities and develop leadership, teamwork and communication skills, skills that are important to lifelong career success.

The postsecondary education experience is enriched when students have the opportunity to apply what they have learned in the classroom to the world around them. SIFE chapters are a means by which college students can expand their knowledge of the free enterprise system, compete in international competitions, and work in their local communities.

Our Nation is facing a time of economic challenge. The growth and strength of the SIFE collegiate chapters and the escalating interest in the entrepreneurial spirit and sound business practices encourage me. Recognition is in order for the international organizations, Students in Free Enterprise, their board, and the individual chapters. I am happy to join the gentleman from Arkansas (Mr. BOOZMAN) in honoring these organizations for their accomplishments. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to honor Students in Free Enterprise for their dedication and outstanding work. SIFE provides leadership training, regional competitions, and opportunity fairs for thousands of college students.

Established in 1975, Students in Free Enterprise has rapidly grown to include more than 790 campuses nationwide, and now includes participants from 35 countries. Throughout the years and as the number of students grew, the mission of SIFE has remained the same: to provide college and university students the best opportunity to make a difference and to develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise.

With the number of corporate scandals and the high levels of distrust that is emanating from the business world today, SIFE gives a light of hope that our business leaders of tomorrow will have a solid understanding of principles and values and bring them into the business world.

SIFE also encourages and demonstrates to college students the importance of community outreach. College students across the Nation participate in such programs that encourage the understanding of the responsible use of debit and credit cards and events that go into the local schools like Teach A Child About Business Week.

The Students in Free Enterprise teams are learning important lessons that will help them in their adult lives, but it is more important that these students and the SIFE teams are extending their knowledge to their families, classmates, and neighbors.

Madam Speaker, there are 25 colleges and universities in Illinois that participate and have SIFE teams. I am very proud and very pleased that two of the 25 are institutions with whom I have close and deep roots. One of them is Malcolm X College, where I have taught courses and where we hold many of our town hall meetings and other community outreach activities; and the other is Chicago State University where I was privileged to earn a master's degree and have been asked to give their commencement address this year on June 7. Both are outstanding institutions, one in my congressional district and one not.

So once again I would like to congratulate Students in Free Enterprise for providing young people with the opportunity to make a difference and providing leadership training and inspiring young people to do what is right in both their personal and business lives. This is an excellent program. I commend the gentleman from Arkansas (Mr. BOOZMAN) for its introduction.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I rise today in strong support of H. Res. 107, a resolution commending and supporting the efforts of Students in Free Enterprise, and I thank the gentleman for bringing this resolution forward.

Madam Speaker, I authored this resolution with the strong support of the gentleman from Missouri (Mr. BLUNT) to recognize Students in Free Enterprise, more commonly known as SIFE. SIFE is a nonprofit organization started in 1975, which seeks to instill in college students a greater appreciation for, and understanding of, the free enterprise system. Students in Free Enterprise has grown to become one of the largest university-based organizations in the world. SIFE teams are active on more than 1,400 college and university campuses in 33 countries around the world. In my home State of Arkansas, we have SIFE teams on 18 university and college campuses. It is wonderful to see the opportunities that SIFE has provided to students across Arkansas.

Working together as a team and through the mentorship of faculty advisers, SIFE students apply their classroom experiences to develop and implement educational outreach programs that teach individuals in their communities the principles of market economics, entrepreneurship, personal financial success, and business ethics.

Madam Speaker, I will insert into the RECORD a copy of an article published by the Wall Street Journal on January 14, 2003, entitled "Program Puts College Students on Business-Leadership Paths." The article details a student who was the first in her family to go beyond high school and entered college with a vague dream of being a real estate broker. While attending community college, she found SIFE and went on to compete against other SIFE teams on the regional and national level. This former student has finished her bachelor's degree and is now the manager of the Washington, D.C. office of KPMG.

Thousands of success stories just like this one are associated with SIFE and the efforts of their president, Alvin Rohrs. Mr. Rohrs is to be personally commended. Alvin Rohrs has been SIFE's president and chief executive officer since 1983. He successfully reversed the organization's fortunes by seeking a diverse board of directors to energize the organization.

Rohrs was a SIFE chapter adviser at Southwest Baptist University in Missouri in 1983 when SIFE's national board hired him to try to reverse the organization's fortunes.

SIFE started with a bang in 1975, but lost its spark in the early 1980s as the U.S. economy faltered and SIFE's backers, large industrial corporations, cut their contributions. The roster of SIFE schools had shrunk from 100 in 1981 to 18 two years later. To get the energy back, Rohrs sought influential board members from half a dozen members in 1983. SIFE's Free Enterprise Dream Team, what most of us would call a board of directors, now numbers more than 200 strong. Their board is comprised of presidents and CEOs from a wide variety of corporations, including Wal-Mart, Black & Decker, Valvoline, and American Greetings; and neither Rohrs nor his board believes the organization is close to reaching its potential.

Madam Speaker, I commend Mr. Rohrs on his 20-year anniversary as president of SIFE, and I recognize the incredible organization that has made a difference in the lives of millions. I encourage my colleagues to vote their support of H. Res. 107.

The aforementioned article is as follows:

[From the Wall Street Journal, Jan. 14, 2003]

Program Puts College Students On Business-Leadership Paths

When Carole Clay Withers enrolled at Walters State Community College in Morristown, TN, 15 years ago, she had never flown in an airplane or eaten in a restaurant with tablecloths. The first member of her family to go beyond high school, she wanted to see more of the world than her native rural Tennessee and had a vague dream of becoming a real-estate broker.

Then she found SIFE, or Students in Free Enterprise. When her economics professor talked up the nonprofit organization, based in Springfield, MO, as a place where she could learn about business firsthand by doing entrepreneurial projects with fellow students, "I flew down the hall to sign up," says Ms. Withers.

Her five-person SIFE team taught business concepts to elementary-school students by creating coloring books that showed how crops planted in the region eventually were marketed and sold world-wide.

The team competed against other college SIFE teams in regional and national contests, where they were judged by corporate executives. "When my team made it to the finals at the national championship in Kansas City, and I stood on the stage fielding questions from the judges, I felt my life had changed," says Ms. Withers. "I realized that if I could answer all the questions being posed by some of the country's most powerful executives, I had what I needed to become an executive myself."

She completed her bachelor's degree in accounting and now is a manager at the Washington, DC, office of KPMG. "If not for SIFE, I would probably be working in a low-paid factory job," she says.

SIFE is offering a lesson all good managers should help to teach: that business is a part of the fabric of every community, that it is a skill that needs to be learned by everyone to some degree in order to survive, and that the smallest venture can have world-wide reach.

SIFE has chapters at 797 colleges nationwide and more than 500 schools overseas, providing opportunities for students who come from modest backgrounds and have little exposure to big business. It has spread to elite campuses such as Notre Dame and Harvard in recent years, but its roots are in smaller schools in the Midwest and South.

Yet its mission—igniting an early passion for business innovation and leadership by challenging students to launch projects in their communities—is global in scope and sophisticated in its approach. "We encourage students to take what they learn in an economics class and use it to show others how free enterprise can improve lives," says Alvin Rohrs, president and chief executive of SIFE.

Last year, five SIFE students from the University of Ghana, in Accra, taught 20 villages in Kpomkpo how to make soap from locally available coconut and palm oil. Production began after three weeks of training, with help from Ghana's women's ministry. The initial trainees have since trained others, launching a cottage industry.

Founded 23 years ago, SIFE received much-needed help from Wal-Mart founder Sam Walton and his then-chief operating officer, Jack Shewmaker, in the mid-1980s. "It developed just like Wal-Mart, in small towns that didn't have a lot of other resources," says Jack Kahl, former CEO of Cleveland-based Henkel Consumer Adhesives and a longtime SIFE board member.

Over the past decade, SIFE has expanded rapidly and recruited almost 200 executives to its board, currently headed by Thomas Coughlin, president and CEO of Wal-Mart. Some other companies represented on the board are 3M, Black & Decker, Coca-Cola, AT&T, ConAgra, Nestle and Pfizer. Along with judging regional, national and the international World Cup SIFE competitions, board members farm talent from SIFE teams. Some 35 percent of management trainees hired by Wal-Mart are SIFE alumni. RadioShack in another heavy recruiter.

Luke Robinson, who last year earned an M.B.A. from La Sierra University, Riverside, Calif., says his experience as president of the school's SIFE team from 2000 to 2002 altered his ambitions. "I went from being a back-office, analytic accounting type to being quite at ease in front of large crowds and wanting a front-room leadership position,"he says.

His team, which won the World Cup championship last year, launched more than a dozen projects, including a child-care business course in Riverside that helped about 200 welfare mothers establish day-care businesses; a campus cleaning business; a cow bank in Karandi, India, which purchased 20 milking cows for families to help start a small dairy business; and a llama bank in Peru.

"As a student you're often discounted as wet behind the ears, but in SIFE we came up with ideas and showed they could work," says Mr. Robinson, a grants manager for La Sierra's business school and a consultant to small businesses in the area. "In SIFE, I got project-management experience that lots of people don't get until they've been working for 5 or 10 years. And most beneficial of all, I learned how to talk to people and interact with them."

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding me this time.

I am pleased to be here with the gentleman from Arkansas (Mr. BOOZMAN) to recognize this important institution. Free enterprise and what free enterprise means to the world is best learned at the earliest possible time, and that is exactly what Students in Free Enterprise does. It is located in my district in Springfield, Missouri, but is truly all over the world. There are over 1,400 chapters in 33 different countries; and in many of those countries, the SIFE chapter, the Students in Free Enterprise chapter, becomes the first time the door is really opened in the lives of many students to the whole idea of free enterprise, the whole idea of a competitive system and individuals who are able to move forward largely based on their own capacity and their own talents.

SIFE offers students the opportunities to develop leadership, to develop teamwork, to develop communication skills through learning, practicing, through teaching principles of free enterprise that are valuable in improving the standard of living for millions of people in the world.

SIFE chapters compete against each other in national and now even international competitions to see which chapters can come up with the most competitive ways to talk about and to expand the concepts of free enterprise. This is an idea that is supported by businesses around the globe. More than 185 top corporate executives sit on SIFE's board of directors. That board is led by Alvin Rohrs, who has given 20 years of his life toward growing this organization from literally a handful of campus units in America to 1,400 universities in 33 different countries.

SIFE teams teach important concepts through educational outreach projects. They teach market economics, entrepreneurship, personal and financial success, business ethics, and benefit their community as they plan for the future of their community.

Each year SIFE competitions are held worldwide, drawing together thousands of students, all of whom are there to honor one concept, the concept of free enterprise, the concept of capitalism, the concept that we have such a great opportunity through SIFE and many other ways to demonstrate in the world today. I am pleased to join the gentleman from Arkansas (Mr. BOOZMAN) as he encourages our colleagues to adopt this resolution honoring Students in Free Enterprise.

Mr. PORTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization.".

A motion to reconsider was laid on the table.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 204) congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 204

Whereas charter schools across the United States deliver high-quality education and challenge students to reach their potential;

Whereas charter schools are public schools authorized by a designated public entity to respond to the needs of communities, families, and students and to promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other administrative operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas almost 2,700 charter schools are now operating in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving nearly 700,000 students;

Whereas the Congress has appropriated nearly $1,000,000,000 for the costs of planning, startup, implementation, and information dissemination associated with charter schools since the initial authorization in 1994 of the Federal charter school grant program under the Elementary and Secondary Education Act of 1965;

Whereas an additional $50,000,000 in Federal appropriations has now been approved to help address the facilities' financing needs of charter schools;

Whereas charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students.

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001 in the Elementary and Secondary Education Act of 1965 in the same manner as other public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public:

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas nearly 70 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have demographic characteristics similar to students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with lower incomes, minority students, and students with disabilities, and, in a majority of charter schools, almost one-half of the students are considered at-risk or are former dropouts;

Whereas the fourth annual National Charter Schools Week is being celebrated from April 28, 2003, to May 2, 2003, and is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors, State legislatures, educators, and parents across the United States: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends the charter school movement, charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education and to improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the fourth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 204.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 204. This resolution honors the Nation's charter schools, their students, parents, teachers, and administrators for their outstanding education of our children. This week, from April 28 through May 2, charter school organizations are honoring the schools for their ongoing contributions to education.

☐ 1500

I am pleased to honor the 13 charter schools in Nevada that serve nearly 3,000 students. The legislation I co-authored was passed in the State of Nevada in 1997 and was revised in 1999, lending teachers more room for creativity and the ability to offer and extend school days as well as the school year. This Friday I will have the opportunity to showcase one of them: The Andre Agassi College Preparatory Academy located in Las Vegas, Nevada. The Academy's curriculum focuses on technology and college preparation while introducing cultural activities and expanded involvement in community affairs. Currently the Andre Agassi College Preparatory Academy instructs grades 3 through 5 and will add one grade level per year through to grade 12. I commend the school and principal Wayne Tanaka, as well as the other charter schools in the State of Nevada for recognizing the immense need for improved education and their commitment to improving student achievement for students who attend these schools.

The Nation's charter schools deliver high-quality education and challenge students to reach their potential. Thirty-nine States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. Now almost 2,700 charter schools serve nearly 700,000 students in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico. In exchange for flexibility and autonomy, these public charter schools are held accountable by their sponsors for improving student achievement and for their financial and other operations. Charter schools respond to the needs of America's communities, families and students, while promoting the principles of quality, choice, and innovation. Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools, and often set even higher standards in additional individual goals to ensure that they are high quality and truly accountable to the public.

Charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students. These schools give parents new freedom to choose their public school. Nearly 70 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-size charter schools. Students in charter schools nationwide have similar demographic characteristics as students in all public schools and serve significant numbers of students from families with lower income, minority students, and students with disability. In the majority of charter schools almost half the students are considered at risk or are former dropouts. Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State governors and legislators, educators, and parents across our Nation.

Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools, students, teachers and parents across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system.

The fourth annual National Charter School Week is held this week April 28 to May 2, 2003. It recognizes the significant impacts, achievements and innovations of the Nation's charter schools. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution. I want to thank the gentleman from Nevada (Mr. PORTER) for introducing House Resolution 204.

We all know that parent choice is important. It is important within the public school systems of our country, and I have long supported, and my children attended, magnet schools that resulted as a part from the integration decisions of the 1970's. We have many successful examples, and from my home district of San Diego, Gompers Secondary School of Science and Math, and the School of Creative and Performing Arts are examples of standout schools and special interest schools. The magnet school movement has led to the charter school movement, and the difference that we see, however, is in governance and in meeting numerous guidelines.

In 1992, California was the second State to adopt provisions that allowed school districts to authorize charter schools. San Diego Unified School District has been a strong supporter of these developing schools. Some 14 have been approved with varied missions. Important to the success of these charter schools are a number of factors. High among them is parent involvement, a clear philosophy of education that seeks to meet the State and local standards. A committed core of well-qualified teachers and above all also community support from a board of directors, the expertise of retired educators, health professionals, financial experts. All of them have been involved in many of our charter schools. What we also find as so important is that those charter schools feed back to other schools the most successful innovations that they have begun.

One unique charter school that I would like to share today is that of the Preuss School in San Diego. It was established in the fall of 1999 on the campus of the University of California San Diego. Its mission, to provide an intensive college preparatory curriculum to low-income student populations and to improve educational practices, grade 6 through 12. Its goal of which they are meeting and beginning to really show very, very strong record, is to graduate students competitively eligible to enter the University of California and other selective institutions. They will have their first graduating class in 2004 and 2005, and we look forward to that.

I wanted to share a little bit about the student body and how the students come together for that program. All the students come from low-income families. None who enter may have had a parent or guardian who graduated from a 4-year college. Race in this school is certainly not a factor in admissions. It is true only 13 percent are Caucasian, and the Hispanic student population is about 54 percent.

One of the obstacles often in charter schools is traveling to the campus. All the students who go there must find their way there, and for some it is a very long distance. The student body president who travels from Imperial Beach takes the trolly to San Diego and transfers to a school bus; it takes him about an hour and a half to travel each way, a route ordinarily that would take about 25 minutes.

The results are quite astounding. Students rank number one in the county for their pass rate on the language arts section of the High School Exit Exam in 2001 and 2002. 100 percent of the students at this school have passed a language arts exam, and 91 percent are in the math portion. The academic performance index of ten out of ten in 2000 and 2001 ranks the highest possible. Over 112 students passed the Golden State exam in Spanish as second-year students. Awards in the science fair, robotics, essays, and scholastic competitions abound.

So how did all this happen? It happened from the dedication of the principal and the staff. It happened from a group of extraordinarily hard-working students that found that sometimes when they separate from their own communities that they find a community of students who care, as they do, about receiving a high-quality education. They have supportive parents, obviously because these students have worked hard to get to the school, who value the education that perhaps they did not have; and university support, the support of student mentors and professors who assist with courses and projects, and an administration that provides the circumstances for success.

It also has community financial support. University Regent Peter Preuss and others enabled a wonderful school that would be built on the UCSD campus because they believed that being on a university campus such as UCSD would enable all the students who participate and help out in that school to have easy access to it. We all know, as I mentioned, that transportation is a necessity for all these low-income students, and they are working hard to assure that in the future.

The challenges for most charters are providing appropriate school buildings, and we know that that is appropriate to a well-rounded education. When they have easier transportation, perhaps the charter would be a true choice for many of the families. They work to maintain the parent and community support and also to have the support of the district administrations because we know that school districts and school district boards must nurture these alternatives and help them address them when they run into difficulties and even work to disband them when they fail. But above all they need to be engaged and they are engaged in sharing their successes.

Mr. Speaker, we, in fact, are a diverse people, and our children learn in diverse and different styles. Parents value the opportunity to focus the kind of education that will help their child grow. Public school charters offer the kind of choice that will enrich our children's educational growth, and we may be able to learn a lot from them about how children succeed.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I am impressed with what she had to tell us about the school in her district. I want to thank the gentleman from Nevada (Mr. PORTER) for introducing this bill. This is an area in which the Congress has been working and working very well in the last several years.

Actually, the first Federal charter school bill was passed for the District of Columbia. It was passed on a home rule basis at a time when the District was in financial trouble. Speaker Gingrich was here at the time. He recognized that the District had strongly opposed vouchers, and instead of trying to impose it on us, as he had the power to do, he worked with me, with the task force. We called in school board members, people from the community, and designed the first charter school bill, and I am here to report on how well that bill has done for the District of Columbia.

We have got 40 charter schools. Imagine one city having 40 charter schools. Twenty percent of its children are almost in charter schools' waiting lists. We are told in the gentleman's bill that 70 percent of the charter schools have waiting lists. The District is a large part of that, I fear. Actually, too many of our children are in substandard or overcrowded facilities because they have rushed to take advantage of these charter school facilities so quickly. I am going to a press conference on Thursday at the Thurgood Marshall Charter School in our poorest ward, Ward 8, located in the Congress Heights United Methodist Church. They have added a grade each year. They are just popping out of their facilities and need the resources to get into more facilities. Actually, I appreciate that this House and the Senate appropriated 20 million extra dollars for the District as a reward for expanding so rapidly because they did not want these children in substandard facilities and wanted to make room for the children on the waiting list.

Compare what the District has done to Maryland. Our former colleague, now Governor Ehrlich, was able to get one lousy charter school bill out and it is very toothless. He is very disappointed with it. In Virginia, they have no charter schools.

But, Mr. Speaker, no good deed goes unpunished. Despite the fact that the District of Columbia has set the pace for charter schools in this country, a member of this body, the gentleman from Arizona (Mr. FLAKE) who comes from as far as away from the District of Columbia as one can get, elected by nobody in the District of Columbia, has authored a bill to impose vouchers on the District of Columbia, although this town as long as 20 years ago voted 90 to 10 against vouchers. The gentleman from Arizona (Mr. FLAKE) needs a lesson in federalism and democracy and equality. How many charter school districts are there in his Arizona School District?

□ 1515

In the District of Columbia we have a virtual alternative school system, and yet we have got at our bus stops now national voucher people paying people in the District of Columbia, with bright T-shirts and slick literature, to pass out literature for vouchers in the District of Columbia. Why here? Why not go to Maryland and Virginia, where they do not even have charter schools?

We are no trophy. We may be a majority black school system, we may be the Nation's Capital, but we do not need to be anybody's guinea pig for their experiments. The people of the District of Columbia have voted with their feet. They have sent their children to our charter schools, and I challenge any Member of this body to have anything like the number of charter schools per capita that we have.

The administration, which has said it will not impose vouchers on anyone, is trying to give the District some money it already has coming to it to entice us to in fact accept vouchers. We cannot do that without a majority vote of our council; and I can tell you one thing, you are not going to get that.

Every other district under the President's bill may choose whether or not the money goes to private or public schools. This is America, after all. That is the way it always has been. But they are trying to impose vouchers on the District of Columbia, despite its stellar record in producing charter schools.

Indeed, before the Leave No Child Behind Act was ever a figment in anybody's imagination, the District for years and years, and I am a native Washingtonian, has allowed people to transfer out of their districts in order to get away from bad schools.

Actually, I have something in common with my Republican voucher friends: I believe it is untenable to leave a child in a neighborhood school that is not educating that child. But I believe that child must be in publicly accountable schools; and that is why the District has stepped up to the plate, not simply against vouchers, but with a real alternative for our children. And the least efficient way to spend the little bit of money in the President's budget, it is $9 million, is to give it in $3,000 tranches to a very few kids, as opposed to helping us expand our charter schools, helping us get more of our kids out of the facilities that are sub-standard, helping us do repairs for the facilities in which they find themselves.

There is one education pot, my friends; and that is why in the States that have had voucher referenda, and half of the States in the United States have, how come not one has won? Not one has won because everybody knows where that money is going to come from, out of that one pot; and they want to make sure that their public schools get every thin dime that the Federal Government gives, and that is exactly what we in the District of Columbia are going to insist upon.

The Leave No Child Behind bill is hideously underfunded, and the testing regime will mean that there are going to be massive dropouts in districts like my own. Yet we want to give this money away. You might want to do that in some other districts, but you are certainly letting those districts choose. We are going to insist that we be treated like the first-class Americans we are.

The hypocrisy of it all, of trying to impose vouchers on the District, is that the Leave No Child Behind bill in committee had an amendment for vouchers for the Nation, defeated in committee. Then they tried on the floor, defeated on the floor. We are in the minority, so we could not have defeated it. Republicans defeated it, because they know that vouchers are not wanted in their districts, and they know it because they have not been able to pass a single referendum anywhere in the United States of America. So they come to the defenseless District of Columbia.

Mr. Speaker, we are going to fight back, especially since we have got an alternative school system that none of the rest of you could even stand up beside us on.

Charter schools are a bipartisan way to approach this matter, and we are going to insist that we be a part of the bipartisan consensus. We are going to especially insist upon it every time you try to impose anything on us, because District residents are in Iraq as I speak, as they have been in every war fought in the United States since the Revolutionary War; and we just paid our Federal income taxes at the rate of second-per-capita in the United States. And I will be darned if anybody is going to treat us unequally in the face of our meeting our first-class obligations to our country and to the Federal Government.

We play by the rules. We are not requesting to be treated as second-class citizens. The rules of the Congress say if you want the money to go to charter schools, it will go to charter schools. If you want the money to go to private schools, it will go to private schools. If you want the money to go to alternative public schools, it will go to alternative public schools. There is no way in the world to have that as a principal position for every district in the United States and not for the 600,000 people who live in the Nation's Capital.

Mr. Speaker, I ask Members to remember to capture the bipartisan spirit of this bill, to remember that the District of Columbia deserves your compliments for being ahead of all of the rest of you in producing alternative schools for our children, and not the punishment of the imposition, undemocratically, of your solution on a district that you do not represent and which cannot vote you in or out.

This bill in one of its paragraphs says: "Whereas, charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools and for benefiting all public school students." That is the spirit of the bill, that is the spirit we are trying to meet, and I ask Members to support me in the work that my district is doing to meet the very spirit encompassed in this bill today.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just make one or two brief points again. What we are talking about here is parent choice, and we know that parent choice is critically important within the public school system. I applaud my colleague from the District of Columbia, because she knows her district well and she knows that the parents have come forward and said that we have some good ideas about what will benefit our children and we want to work with the experts; we want to work with people from our community who are willing to come together and define and build on an idea that we have about how children succeed in school.

I applaud that, and I applaud the fact that there are so many charter schools within her district. I hope that my colleagues will have an opportunity to visit, and I hope to do that very soon. I know there is a charter school today that was celebrating its civic education program. They have young people there who are really learning what we hope all children throughout this country will learn, their responsibility as citizens. They are learning that, and they are learning that to a degree that probably is not seen in many of our schools throughout the country, and that occurs in a charter school.

Mr. Speaker, I applaud my colleagues today. I thank them for bringing this resolution forward, for congratulating charter schools within our public school system.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to applaud this bipartisan effort in recognizing those moms and dads and professionals across this country for their efforts in making sure that every child has a great education, to commend our staff and all of the Members who have cosponsored it, and the majority leader for scheduling this today.

Mr. CASE. Mr. Speaker, I rise in strong support of H. Res. 204, which congratulates and encourages the charter school movement throughout our country in its continued efforts to educate our children and serve our communities.

Charter schools are a modern-day public education story. This is because they foster the key ingredient in successful schools: the active participation not only of teachers and students, but of whole communities. When the entire community—from parents, to business and community organizations, to whole neighborhoods—has a critical role in making schools function, the results are amazing.

In my state of Hawai'i, charter schools have been the most exciting development in public education in decades. The 25 charter schools currently allowed by state law have succeeded despite institutional opposition in bringing into education whole communities, often those whose participation has been lacking. They, like their counterparts across the nation, deserve our recognition.

But for these very reasons, they also deserve their fair share of resources from federal and state governments. I have a particular charter school in my district that illustrates this point perfectly.

Kanu o ka' Aina New Century Public Charter School (KANU) is located in the town of Kamuela on my home Island of Hawai'i. It has 150 students, 85 percent of which are Native Hawaiian. It is Hawai'i's first indigenous K–12 public charter school. The level of commitment to this school from the community is awe-inspiring.

But it also faces major challenges. The school's director says that KANU's biggest challenge is funding equity and school construction funds. For the fiscal years 2001–2002 school year, KANU received $3,492.87 less per student than other public schools.

Because KANU has to make due with fewer funds, it cannot save money on the side for construction of new buildings to accommodate its growing population. KANU needs both federal and state resources for construction funding, but it is finding these resources scarce and, when found, hard to access.

KANU and Hawai'i's other charter schools, both existing and future, need their federal government to be clear and unequivocal in its continued support for the concept of charter schools. They also need full parity in funding between traditional public schools and charter schools. H. Res. 204 is welcome and needed, but these great words must be partnered with action.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING THE UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

The Clerk read as follows:

H. CON. RES. 156

Whereas the United States Capitol Police traces its origins to 1801, when Congress moved from Philadelphia to Washington, D.C., and a lone watchman, John Golding, had the responsibility of guarding the Capitol facility and its functions;

Whereas the United States Capitol Police has grown from these humble beginnings to a first rate highly professionalized, equipped, and trained operation which provides vital services in the areas of law enforcement, protective and security services, and emergency preparedness, with nearly 1,700 sworn and non-sworn employees;

Whereas the United States Capitol Police has developed specialized and expert units, including K-9, Intelligence, Emergency Preparedness, Civil Disturbance, Criminal Investigation, Threat Assessment, Dignitary Protection, Physical Security, Technical Security, Electronic Countermeasures, Hazardous Devices, and the Containment and Emergency Response Team, as well as a skilled and professionalized administrative support function;

Whereas the United States Capitol Police, as the first line of the defense of the Nation's Capitol, has shared in the ultimate sacrifice in law enforcement with the tragic deaths in the line of duty of Sergeant Christopher Eney, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson;

Whereas the United States Capitol Police continues to be in the forefront of protecting the core elements of our democratic process with selfless dedication and commitment; and

Whereas the United States Capitol Police was officially established in 1828 and is celebrating its 175th anniversary in 2003: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion of its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular the Eney, Chestnut, and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to express the gratitude of the United States Congress to its men, women, and families of the United States Capitol Police as they celebrate its 175th anniversary. The selfless dedication of the United States Capitol Police and their commitment to safeguarding not only us but the freedoms of the American people do not go unappreciated.

Officially established in 1828 under the direction of President John Quincy Adams, the U.S. Capitol Police has grown from its humble beginnings into a first-rate, highly-professional force of over 1,700 officers and employees.

Over the course of its existence, U.S. Capitol Police has developed a number of specialized units, including K-9, Intelligence, Emergency Preparedness, Civil Disturbance, Criminal Investigation, Threat Assessment, Dignitary Protection, Physical Security, Electronic Countermeasures, Technical Security, Hazardous Devices, and the Containment and Emergency Response Team, as well as a skilled administrative staff.

We all know, however, that freedom has its sacrifices, and the U.S. Capitol Police have certainly paid its share of this price. We remember that as the first line of defense for the Nation's Capital, the United States Capitol Police Force has endured the tragic deaths of Sergeant Christopher Eney in 1984, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson, both of whom were killed in 1998. All of these men were slain in the line of duty.

Mr. Speaker, every day these brave men and women put their lives on the line to protect us and this institution; and while these dangers are an unfortunate reality of their jobs, I would like for them to know that their efforts do not go unnoticed; nor are they forgotten.

Today, however, we stand here not only to recognize the sacrifice of the U.S. Capitol Police, but also to celebrate the efforts of the thousands of men and women who have served with this organization. As such, on behalf of the United States Congress, I would again like to extend a heartfelt thanks and congratulations to the men and women of the United States Capitol Police, past and present, for their 175 years of courage, strength and commitment to serve and protect the people of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Georgia.

Mr. Speaker, the operative clause of this resolution says simply that "Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular," as the gentleman from Georgia mentioned, "the Eney, Chestnut and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people."

It is hard to imagine that in the vaunted history of the Capitol Police, that we went from a single watchman in 1801 to the force that we now have today; from the perils of the War of 1812 to the perils of the war against terror. The men and women who wear the uniform here in the Capitol have served us extraordinarily well.

I want to rise and commend the efforts of Chief Gainer and what they have been able to accomplish here in the Capitol, protecting the Members this body, the staffs, and the many tourists who come here on a regular basis. It was not lost on any Member of Congress that during the events of September 11 that it was the men and women who wear the uniform who were our first responders. The fact of the matter is that the Capitol Police are our first responders and have performed extraordinarily well over their 175-year career.

□ 1530

Again, I just would like to echo the words of my esteemed colleague, the gentleman from Georgia (Mr. LINDER), in saluting the men and women of the Capitol Police who have done an extraordinary job on all of our behalves.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, when Congress moved from Philadelphia to Washington, DC in 1801, a lone watchman by the name of John Golding had the responsibility of guarding the Capitol facility and its functions. In 1828, the United States Capitol Police was officially established to safeguard the freedoms of the American people, and to protect the Nation's Capitol and the United States Congress. Now, 175 years later, and despite an ever-changing environment, these core functions of the United States Capitol Police are still the defining tenets of its mission. Today, on behalf of the United States Congress and the American people, I am very pleased to extend heartfelt thanks and congratulations to the United States Capitol Police on its 175th anniversary.

From its humble beginnings until today, the Capitol Police has remained true to its mission, and has grown to meet new challenges and responsibilities. It has developed specialized and expert units, and these specialized units are complemented by a skilled and professional administrative support staff. The challenges of the new century have shown the United States Capitol Police to be dedicated, selfless, and highly flexible. The Capitol Police force, which now numbers over 1,700 sworn and civilian personnel, is a highly professionalized force essential to the protection of the core elements of our democratic process.

The history of the United States Capitol Police has not been without sacrifice. After the terrorist attacks of September 11th, 2001, the Capitol Police were asked to work incredible hours in defense of the Capitol, visitors, staff, and members, often working 12 hour shifts for six days a week. Sadly, the sacrifices of the Capitol Police have not been without tragedy. As the first line of defense of the Nation's Capitol, Sergeant Christopher Eney, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson each made the ultimate sacrifice, tragically dying in the line of duty. This dedication to the safety and well being of others exemplifies the commitment of the men, women, and families of the United States Capitol Police.

On the occasion of its 175th anniversary, the United States Congress and the American people express the sincerest gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 156.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LINDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOTS' DAY AND HONORING THE NATION'S FIRST PATRIOTS

Mr. JANKLOW. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 149) expressing support for the celebration of Patriot's Day and honoring the Nation's first patriots, as amended.

The Clerk read as follows:

H. Con. Res. 149

Whereas on the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them;

Whereas after leaving Charlestown on his way to Lexington, Paul Revere alerted the inhabitants of the villages and towns along his route, stopping in Medford (formerly Mystic) at the home of Isaac Hall, the captain of the Medford Minutemen during the Revolutionary War, before continuing on through Arlington (formerly Menotomy) and arriving in Lexington around midnight;

Whereas William Dawes and a third rider, Dr. Samuel Prescott, joined Paul Revere on his mission and they proceeded together on horseback to Lincoln;

Whereas while en route they encountered a British patrol that arrested Paul Revere, but William Dawes and Samuel Prescott managed to escape and continued on to Concord where weapons and supplies were hidden;

Whereas the midnight ride of Paul Revere was brilliantly and forever commemorated by the great American poet Henry Wadsworth Longfellow in his 1861 poem "Paul Revere's Ride";

Whereas the actions taken by Paul Revere, William Dawes, and Samuel Prescott afforded the Minutemen time to assemble to confront the advancing British troops and were heralded as one of the first great acts of patriotism of our nation;

Whereas 38 Lexington Minutemen boldly stood before 600-800 British troops who had gathered at Lexington Green;

Whereas Captain Parker of the Lexington Minutemen commanded his men, "Don't fire unless you are fired on; but if they want a war, let it begin here.";

Whereas when the British continued onto Concord, a battle ensued at the Old North Bridge, where Minutemen from every Middlesex village and town routed the British and forced them into retreat back to Boston;

Whereas Ralph Waldo Emerson immortalized this moment in American history as where "the embattled farmers stood and fired the shot heard 'round the world.";

Whereas the United States has recognized the historic significance of the Nation's original patriots with the creation in 1959 of the Minute Man National Historical Park, located in Concord, Lincoln, and Lexington, Massachusetts, to preserve and protect the numerous significant historic sites, structures, properties, and landscapes associated with the opening battles of the American Revolution, and to help visitors understand and interpret the colonial struggle for their rights and freedoms; and

Whereas the heroic acts of April 19, 1775, are celebrated in Massachusetts and Maine every year as part of Patriots' Day with a reenactment of Paul Revere's famous ride, battle reenactments and educational programs, parades, and civic activities, and remembered by Americans across the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses support for the annual celebration of Patriots' Day;

(2) recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the earliest days of the Battle for Independence in April 1775; and

(3) honors those first patriots who lost their lives in defense of liberty and freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota (Mr. JANKLOW) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from South Dakota (Mr. JANKLOW).

GENERAL LEAVE

Mr. JANKLOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 149.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JANKLOW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House concurrent resolution 149 introduced by my distinguished colleague, the gentleman from Massachusetts (Mr. MARKEY), expresses the support of this Congress for Patriots' Day and honors this Nation's first patriots.

April 19, 1775 was an incredibly unique day in the world. In Lexington, Massachusetts and in Concord, Massachusetts, we had individuals who had gathered, patriots, none of them paid, none of them in any organized sense, but they gathered together in Lexington and Concord, having made a determination that they would no longer yield to the tyranny and the oppression that they perceived from their masters.

As these people gathered, one of the places they gathered was Concord Bridge. Colonel Prescott was there with these patriots. And as the Red Coats advanced he said, "Don't fire unless fired upon. But if we must have war, let it begin here."

And then shortly thereafter was the shot that has been described as having been heard round the world, as these patriots stood their ground against the oncoming British professional infantry and refused to yield and refused to back up. As a result of their having taken that stand, the Revolutionary War went forward and ultimately, this band of patriots that gathered on that day at Lexington and Concord were really the impetus that drove the colonialists to move forward, and ultimately to create the freedom that we know in this country today.

Seven years later, the Revolutionary War was over. The surrender had taken place, but the important thing is that these people, Colonel Prescott, Paul Revere, William Dawes and the others, many of whom we do not even know their names, were individuals who had drawn the line in the sand and determined that never again would they yield to those kinds of forces and tyranny.

What is the point of this resolution? The point of this resolution is that today, in today's world, we have a responsibility to continue to be reminded about these kinds of patriots. Even today, in the Nation of Iraq, we have patriots from this country policing the streets of that country, assisting the individuals in Iraq to move forward towards a more democratic future.

The important thing that we all have to recognize is just as those patriots back in 1775, these individuals today are also volunteers. They are volunteers in our active Armed Forces and they are volunteers from our Reserves and our National Guard, and men and women from our various branches.

So I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for having brought this to our attention that we should focus on this. The gentleman from Massachusetts has done a service to all of us, and I ask my colleagues to unanimously consent to the passage of this resolution commemorating April 19 as Patriots' Day and every year forward on that particular day.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I join my colleague in the consideration of H. Con. Res. 149, legislation introduced by my good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), on April 10, 2003.

H. Con. Res. 149 is a concurrent resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots. The measure expresses support for the annual celebration of Patriots' Day and recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the early days of the Battle for Independence in April of 1775. Finally, it honors those first patriots who lost their lives in defense of liberty and freedom. H. Con. Res. 149 has the support and cosponsorship of the entire Massachusetts delegation.

The dictionary defines patriot as "a person who vigorously supports their country and is prepared to defend it." It is only fitting and proper that we join with the gentleman from Massachusetts (Mr. MARKEY) and the Massachusetts congressional delegation and the Senate in honoring the men who allowed the Minutemen to assemble and confront the advancing British troops. The actions of those men, Paul Revere, William Dawes and Samuel Prescott, were the first great acts of patriotism of our Nation.

Who could ever forget the midnight ride of Paul Revere when he rode through the streets warning, "The British are coming." His famous ride through the countryside was duly and forever celebrated by the American poet, Henry Wadsworth Longfellow, in his poem entitled Paul Revere's Ride. I remember even as a small child learning that poem:

"Listen, my children, and you shall hear of the midnight ride of Paul Revere, on the 18th of April in '75; hardly a man is now alive who remembers that famous day and year."

The passage of H. Con. Res. 149 will ensure that we will continue to honor and recognize the first patriots. We will also long remember and never forget the lists of patriots who have given their lives in the defense of our country. Every day, Mr. Speaker, men and women honor the definition of a patriot by bravely answering the call to support and defend the United States of America. We owe them a great deal of gratitude and, like the resolution before us, we owe it to their actions to forever preserve and protect the historic sites so that others will never forget the struggle for freedom.

I commend my colleague, the gentleman from Massachusetts (Mr. MARKEY) for introducing this measure, and I urge its swift adoption.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY), the author of this resolution.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from South Dakota for their support for this resolution. The entire Massachusetts delegation appreciates the recognition which these couple of days have played in the history of our country, and over in the Senate, Senator KENNEDY was able to pass the identical resolution, because it does mean a lot to Massachusetts and to Maine, as both States celebrate this day as a holiday. But it also means a lot to our country, because it was a shining moment in the history of the United States, because it was the beginning of the most enduring, free, and democratic experiment in the world. These were, after all, Minutemen, people who left their homes to fight an enemy from abroad, much like our Army reservists, our National Guardsmen are doing right now. These are the original Minutemen, the original guards, the original militia that fought to protect our country.

On April 19 in 1775, the American colonists in Lexington, in Concord, in Medford, in Arlington, in Lincoln, and in "every Middlesex village and town rose" up to claim their inherent right to govern themselves, free of the whims of the English king.

While this day is already celebrated as a State holiday in both the Commonwealth of Massachusetts and in the State of Maine, and the national significance of the events surrounding the "shot heard 'round the world" is unquestioned, the recent establishment of a national day of remembrance on September 11 as "Patriot Day" has understandably confused some Americans regarding "Patriots' Day" in April.

Today's resolution helps remind everyone that while we now observe a solemn moment in our country's history every September 11 in honor of the victims of that terrorist attack, the freedoms which we cherish had their origins more than 2 centuries ago. And the legacy of those fateful spring days in April of 1775 define the core of our American character.

The words are etched into the brains of every American school child and they resonate still:

"One if by land, 2 if by sea! Listen, my children, and you shall hear of the midnight ride of Paul Revere. Here once the embattled farmers stood and fired the shot heard 'round the world."

It is the foundational poetry of a free people, the remembrance of our roots, and it is the inspiration for the annual proclamation of Patriots' Day, both in Massachusetts and Maine, and similar observances in many other States as the schools, historical societies and other organizations devoted to the living memory of American milestones make a special effort to relearn the lessons of the past as a guide to an uncertain future.

So today, we ask the House of Representatives to unite in celebration of Patriots' Day, a day of soaring significance not just to our own free people, but to people everywhere who aspire to a system of government that respects the rights and the liberties of all of its citizens.

Mr. Speaker, I will include for the RECORD at the conclusion of my remarks the poem "Paul Revere's Ride" by Henry Wadsworth Longfellow and "The Concord Hymn" by Ralph Waldo

Emerson. First, I would just carry on a little bit further than the gentleman from Illinois (Mr. DAVIS) did with his reading of "Paul Revere's Ride," although I will not read it in its entirety. His voice is something that I think does greater justice to the poem than I could possibly hope to attempt, but I will very briefly just remind people of that great poem.

☐ 1545

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the 18th of April, in seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal light,—
One if by land, two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm.

So through the night rode Paul Revere, and so through the night went his cry of alarm to every Middlesex village and farm; a cry of defiance and not of fear; a voice in the darkness, a knock at the door, and a word that will echo forevermore.

For born on the night wind of the past, through all of our history to the last, in the hour of darkness, in peril and need, the people will wake and listen to hear hurrying hoofbeats of that steed and the midnight message of Paul Revere.

This was the beginning of our country, and it is appropriately commemorated both by the celebration of Patriots' Day and by this resolution today.

I thank the gentleman from Illinois (Mr. DAVIS) for his work, and I thank the gentleman from South Dakota (Mr. JANKLOW) once again for his eloquent words on this subject.

I include for the RECORD the poems "Paul Revere's Ride" by Henry Wadsworth Longfellow, and "Concord Hymn" by Ralph Waldo Emerson.

The poems referred to are as follows:

PAUL REVERE'S RIDE

(By Henry Wadsworth Longfellow)

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.

He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal light,—
One if by land, and two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm."

Then he said "Good-night!" and with muffled oar
Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.

Meanwhile, his friend through alley and street
Wanders and watches, with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.

Then he climbed the tower of the Old North Church,
By the wooden stars, with stealthy tread,
To the belfry chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him made
Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town
And the moonlight flowing over all.

Beneath, in the churchyard, lay the dead,
In their night encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel's tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, "All is well!"
A moment only he feels the spell
Of the place and the hour, and the secret dread
Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide like a bridge of boats.

Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse's side,
Now he gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle girth;
But mostly he watched with eager search
The belfry tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! as he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns.

A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a spark
Struck out by a steed flying fearless and fleet;
That was all! And yet, through the gloom and the light,
The fate of a nation was riding that night;
And the spark struck out by that steed, in his flight,
Kindled the land into flame with its heat.
He has left the village and mounted the steep,
And beneath him, tranquil and broad and deep,
Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,
Is heard the tramp of his steed as he rides.

It was twelve by the village clock
When he crossed the bridge into Medford town.
He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.

It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, black and bare,
Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.

It was two by the village clock,
When he came to the bridge in Concord town.
He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadow brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket ball.

You know the rest. In the books you have read
How the British Regulars fired and fled,—
How the farmers gave them ball for ball,
From behind each fence and farmyard wall,
Chasing the redcoats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.

So through the night rode Paul Revere;
And so through the night went his cry of alarm
To every Middlesex village and farm,—
A cry of defiance, and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo for evermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

CONCORD HYMN

(By Ralph Waldo Emerson)

By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood,
And fired the shot heard 'round the world.

The foe long since in silence slept,
Alike the Conqueror silent sleeps,
And Time the ruined bridge has swept
Down the dark stream which seaward creeps.

On this green bank, by this soft stream,
We set to-day a votive stone,
That memory may their deed redeem,
When like our sires our sons are gone.

Spirit! who made those freemen dare
To die, or leave their children free,
Bid time and nature gently spare
The shaft we raise to them and Thee.

Mr. JANKLOW. Mr. Speaker, I yield myself such time as I may consume.

Once again, I urge my colleagues to support this resolution. April 18, 1775: patriotism, sacrifice, and volunteerism, three of the basic principles that help create this country; things so important that a short time later they wrote in a document that there were self-evident truths: life, liberty, and the pursuit of happiness. They wrote in that same document that all men and women were created equal, something this country has struggled to bring to reality, but something this country fulfills as a mission every single day.

So in the spirit of how this country was founded, sacrifice, patriotism, volunteerism, the Minutemen were individuals willing to die and pledge their lives, their fortunes, and their sacred honor for things that are more important than wealth or notoriety or publicity. That is the kind of tribute that we ought to continue to remind ourselves is our responsibility as Americans.

So, Mr. Speaker, I congratulate the gentleman from Massachusetts (Mr. MARKEY) for authoring this. I would urge all my colleagues to please support this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a place far from Massachusetts, which is an indication of how much this country has grown, expanded, and developed.

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to offer my commendation to the gentleman from South Dakota (Mr. JANKLOW) and my dear and good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), for bringing this important resolution here for consideration by this body.

I could not help but reminisce, Mr. Speaker, in listening to my dear friend, the gentleman from Massachusetts (Mr. MARKEY), reciting this famous poem by the great writer, Longfellow. I reminisced that in my youth in this little high school in Hawaii where I was raised, Kahuku High School, we were literally required to memorize the whole poem by this great American writer Longfellow.

If I could just say basically,

Listen my children
And you shall hear
Of the midnight ride of Paul Revere
On the 18th of April in '75.
Hardly a man is now alive
Who remembers that famous day and year.
One if by land, two if by sea,
And I on the opposite shore shall be,
Ready to ride, to spread the alarm
To every Middlesex village and farm. . . .

Yes, that was the declaration, and I am sorry, I have forgotten the other verses.

I think the gentleman from South Dakota (Mr. JANKLOW) could not have said it better. What better, more fitting occasion for our congressional leadership, both in the Senate and in the House.

The great State of Massachusetts, one of the great founding States of this great Nation of ours, what a tremendous asset to our Nation. We think of Harvard University, we think of Ralph Waldo Emerson.

I remember what Mr. Emerson said, something that was a lesson to me as a youth, and maybe this is something we could also learn: "The years teach much which the days never know." I bring this to the attention of my colleagues, Mr. Speaker, because I think it is important.

We talk about honoring Patriots' Day. As a Vietnam veteran, I think of all those who have made tremendous sacrifices, and the ultimate sacrifice. As I have said previously to my colleagues in this Chamber, we can always rebuild airplanes. We can make bullets, and if they are destroyed we can do it again. But when a person sacrifices his life to maintain our freedoms, that is the ultimate sacrifice.

I think it is most fitting as we discuss this issue of Patriots' Day, as we recall what happened on September 11, as we recall what happened in the situation that we are now in, and our unfortunate situation in the Vietnam War, the Korean War, the two world wars, I do not need to recite to my colleagues what happens and what it means to be a patriot in this great Nation of ours.

Yes, it is not a perfect country. If we say that the greatest blessing of this Nation is based on its diversity, people from all different walks of life, from all different ethnicities and nationalities, that the United States truly is a microcosm of the whole world in itself, and we are here because we believe in the principle that nobody is above the law. This Nation is founded upon laws and not men.

How I appreciate the gentleman reminding me, my good friend, the gentleman from Illinois (Mr. DAVIS), of how great this country is to all of us. I am sure our colleague, the gentleman from Rhode Island (Mr. KENNEDY), would have said the same thing. Whether it be the Kennedys, the Markeys, the Faleomavaegas, what a beautiful Nation in the diversity it stands for.

Yes, we have problems. Some have asked what America means to me as a patriot. With all my own imperfections and weaknesses, I would say that what I recall was said on the steps of the Lincoln Memorial in the summer of 1963 by an African American and a minister by the name of Martin Luther King, Junior, it could not have been said better what America is all about as patriots. That is, he had a dream. The dream is that one day his children will be judged not by the color of their skin but by their character. I think that is the essence of what America is about. This is what Patriots' Day is about. Thank God we live in a country that is free, that allows us to pursue our own sense of happiness, whatever that might be.

Again, I thank my good friend, the gentleman from Massachusetts (Mr. MARKEY), for his eloquence and for bringing this resolution to the floor. I thank my good friend, the gentleman from South Dakota, for doing likewise.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend again the gentleman from Massachusetts (Mr. MARKEY) for providing the opportunity for this moment. I believe that it is moments like this on the floor of this House that speak to the greatness of this Nation and how connected we are and how similar are our experiences. It does not matter whether one grew up in South Dakota, in Massachusetts, in American Samoa, or even in a little town in Arkansas, as I did, but there was a level of connectedness.

Mr. HOLT. Mr. Speaker, I thank my colleagues for introducing this resolution (H. Con. Res. 149) and I applaud Congress for supporting the annual celebration of Patriots' Day.

Every year the states of Maine and Massachusetts celebrate the events of April 19th, 1775, when the first American patriots stood up to British troops, leading to the beginning of the Revolutionary War and the birth of our nation.

We need to do more to bring national recognition to this celebration of the brave men and women who sacrificed so much on the battlefield to help our nation achieve independence. It is important that we honor all of our first patriots and we should help many more Americans learn as much as possible about the birth of our nation and the hard-fought struggle that accompanied it.

That is why Congress should do more to preserve our precious heritage and to celebrate not just the events and battles that started the Revolutionary War, but all of the major battles that shaped the outcome of this historic conflict with has changed the ensuring course of human history.

We should certainly celebrate Paul Revere's midnight ride and the Battles of Lexington and Concord as the crucial opening salvos in our national struggle for independence. At the same time, we should also recognize that the Revolutionary War spanned six years and claimed the lives of nearly 4500 Americans, demonstrating not only the cost of liberty but also the willingness of colonial patriots to make the ultimate sacrifice to secure our freedom.

In particular, I want my colleagues to know that New Jersey was of critical importance during the American Revolution due to its strategic location between the British armies headquarters in New York City and the Continental Congress sitting in the City of Philadelphia. General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in New Jersey, including two severe winter encampments at Morristown.

The early turning point in the war played out across multiple battlefields in and around my congressional district in Central New Jersey. It was during ten fateful days of the American Revolution between December 25, 1776 and January 3, 1777 that General Washington recrossed the Delaware River and won crucial battles at Trenton and Princeton, after having retreated from New York City to Pennsylvania at the risk of near total defeat.

New Jersey's critical role in America's fight for independence is part of our national story and thus should be preserved for all Americans. This is why Congressman Frelinghuysen and I have introduced the Crossroads of the American Revolution National Historical Heritage Act of 2003 (H.R. 524). Our bill would establish a national heritage area to preserve, promote, and connect central New Jersey's extraordinary Revolutionary War battlefield sites through a greenway and interpretive programs for all Americans to enjoy. We hope this much-needed, bipartisan legislation can be enacted during the 108th Congress to protect these hallowed grounds and educate future generations about the struggle to create this great nation.

I wholeheartedly support the resolution before us and hope for an ever-widening celebration of Patriots' Day all across America, not just in Massachusetts and Maine. In the same spirit, I urge our bipartisan leadership and all of my colleagues to support prompt and favorable legislative action to create the Crossroads of the American Revolution National Heritage Area.

Mr. MEEHAN. Mr. Speaker, I rise to honor Patriots' Day and express my strong support for H. Con. Res. 149—a resolution expressing support for the annual celebration of Patriots' Day and honoring the Nation's first patriots. As Massachusetts citizens, every April we are fortunate to celebrate Patriots' Day in honor of the heroic battles of Lexington and Concord which were fought on April 19, 1775.

I am proud to represent Concord where Patriots' Day is celebrated on the actual day, April 19. Each year on Patriots' Day troops of "Minutemen" assemble in Concord and the neighboring towns to stage a mock battle with a troop of "Redcoats." The historic events along Battle Road marked the beginning of a struggle for Massachusetts residents to retain their rights. The subsequent national war for independence and self-government would last another eight years. The Resolution on the floor today supports the many different ways citizens throughout Massachusetts and other states commemorate this important day in our nation's early history and I urge its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. JANKLOW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from South Dakota (Mr. JANKLOW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 149, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. JANKLOW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING ACHIEVEMENTS AND CONTRIBUTIONS OF NATIONAL WILDLIFE REFUGE SYSTEM ON CENTENNIAL ANNIVERSARY AND EXPRESSING STRONG SUPPORT FOR ITS CONTINUED SUCCESS

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 173) recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System.

The Clerk read as follows:

H. RES. 173

Whereas the National Wildlife Refuge System, operated by the United States Fish and Wildlife Service, marked its centennial anniversary on March 14, 2003;

Whereas President Theodore Roosevelt stated in 1903 that "Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongings we have no right to squander.";

Whereas the vision of conserving wildlife embraced by President Roosevelt was begun with the plants and animals located on Pelican Island off the East Coast of Florida, and has since flourished across the United States and its territories and possessions, allowing for the preservation of an overwhelmingly vast array of flora and fauna;

Whereas the National Wildlife Refuge System is composed of 540 refuges encompassing nearly 95 million acres, hosts 35 million visitors annually, and benefits from the selfless efforts of 30,000 volunteers; and

Whereas the National Wildlife Refuge System has established refuges in every State in the United States, many of which are reachable within an hour's drive of almost every major city: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary;

(2) expresses strong support for the continued success of the National Wildlife Refuge System;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and appreciation for the National Wildlife Refuge System by increasing partnerships on behalf of the refuge system to better manage and monitor wildlife and by continuing its support of wildlife dependent recreational activities as embodied in the Refuge System Improvement Act of 1997 (Public Law 105-57); and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was introduced by our colleagues, the gentlemen from Florida, Mr. BOYD and Mr. PUTNAM. It celebrates the 100th anniversary of the National Wildlife Refuge System.

This system of public lands had its humble origins in Sebastian, Florida when in 1903, President Theodore Roosevelt set aside a 5-acre strip of swampland on Pelican Island. Since that time, the system has grown to some 540 units that provide habitat for hundreds of wildlife species and recreational opportunities for millions of Americans.

As a member of the Committee on Resources, I recognize the value of these lands and their importance to the 39 million people who visit a refuge each year to hunt, fish, observe wildlife, photograph them, and engage in conservation education.

It is appropriate that we recognize the refuge system at this important milestone, and I congratulate the Bush administration for requesting the highest level of funding ever for the National Wildlife Refuge System for the upcoming fiscal year. The American people deserve the finest refuge system, and I am committed to the revitalization of this system and to reduce the unacceptable maintenance backlogs of projects that currently exist.

I urge a yea vote on House Resolution 173, and I compliment the authors of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Arizona (Mr. RENZI) for his management of this piece of legislation. I also commend the gentleman from Florida (Mr. PUTNAM) for his sponsorship of this proposed resolution.

Mr. Speaker, as stated by the previous gentleman, my good friend, the gentleman from Arizona (Mr. RENZI), this is a noncontroversial resolution which salutes our National Wildlife Refuge System on its 100th birthday. Certainly our refuge system must be listed as one of our Nation's best and most enduring conservation success stories.

While I agree wholeheartedly with my colleagues that we indeed should celebrate our refuge system, I would be remiss if I did not also remind my colleagues of the significant challenges that confront this system today.

At present, the refuge system faces a combined operations and maintenance backlog, backlog, Mr. Speaker, that is approaching some $1.8 billion. Funding to acquire or protect additional refuge lands has also shrunk, leaving some refuges fragmented or with gaping holes which both complicate and frustrate management.

In addition, Mr. Speaker, critics still debate whether the "wildlife first" mission of the refuge system should be adjusted more towards the benefit of wildlife and less to the interests of other stakeholders who wish to extract or otherwise use refuge resources.

Mr. Speaker, these are all issues that the refuge system will have to face as it begins its second hundred years. But for now, we should take a moment to reflect with pride on the accomplishments of this genuine conservation success story and congratulate it for a job well done.

Again, I commend my good friend, the gentleman from Arizona (Mr. RENZI) for bringing this resolution to the floor; and I commend our chairman, the gentleman from California (Mr. POMBO), and our ranking member, the gentleman from West Virginia (Mr. RAHALL), for their leadership and support of this legislation.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. PUTNAM), the cosponsor of the bill.

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Mr. PUTNAM. Mr. Speaker, I thank the gentleman from Arizona (Mr. RENZI) for yielding me time, a good friend who has made a tremendous difference in this body in a very short period of time; and my friend and colleague from American Samoa (Mr. FALEOMAVAEGA); and our fellow author of this bill, the gentleman from Arizona (Mr. BOYD). Truly, conservation in the movement and the commitment to public access for hunting and other outdoor activities is a bipartisan effort and something all of us are committed to.

Mr. Speaker, on March 14, 2003, the National Wildlife Refuge System celebrated its centennial anniversary. A hundred years ago, President Theodore Roosevelt established the first refuge, the Pelican Island Bird Reservation in Florida's Indian River Lagoon. Today the National Wildlife Refuge System has evolved into the world's most unique network of lands and waters set aside specifically for conservation of fish, wildlife, and plants. With 540 refuges encompassing nearly 95 million acres and hosting some 35 million visitors annually, the National Wildlife Refuge System is a complex network of lands managed for wildlife and the public. There are refuges in every State of the Union and within an hour's drive of almost every major city.

The Secretary of the Interior, Gayle Norton, was joined by thousands of wildlife enthusiasts, Members of Congress, and notable conservationists to celebrate the centennial of the system on March 14 at Pelican Island. These celebrations occurred simultaneously at wildlife refuges across America, and the celebration will continue throughout the year.

To commemorate this event, the gentleman from Florida (Mr. BOYD) and I introduced H. Res. 173 to commemorate this centennial anniversary and to express support for its continued success in the next 100 years and beyond.

As we gather in support of this to commemorate this tremendous birthday for the system, I would like to read into the RECORD an advertisement from Roll Call sponsored by nearly 40 sportsmen conservation groups. This diverse group represents the backbone of America's conservation efforts, and their strong support of the refuge system is both a testament and a tribute to the vision of the sportsman conservationist President Theodore Roosevelt, who proclaimed the first refuge in 1903. The ad begins with a quote from that great President and reads as follows: "In a civilized and cultivated country, wild animals only continue to exist at all when preserved by sportsmen. The excellent people who protest against all hunting and consider sportsmen an enemy of wildlife, are ignorant of the fact that in reality the genuine sportsman is by all odds the most important factor in keeping the larger and more valuable wild creatures from total extermination."

The hunting community was one of the original, if not the only original, entity that recognized the need for wildlife conservation, not only for hunters but for all those who seek to enjoy wildlife. Hunters were conservationists long before it was the politically correct thing to do. The timing of the formation of the National Refuge System illustrates this. The system was formed after the virtual eradication of the native bison, together with a dangerous reduction in a number of other species such as the prong horn, migratory water fowl and others. Hunters were the first to wake up to the reality that our wildlife resources were not unlimited.

President Roosevelt, an avid hunter and conservationist himself, recognized the need to preserve wildlife through sustainable use. Unfortunately, some who oppose these hunting efforts attempt to revise history to diminish the hunting community's contribution to wildlife conservation. Recently on the eve of the centennial of the system, some have cast a pall by waging a litigation challenge to the system. Sadly, they missed the beauty of the refuge system as a place for all to enjoy wildlife and to cooperate in that effort.

The National Wildlife Refuge System Improvement Act of 1997, identified by then President Clinton as "the most significant conservation legislation to emerge from Congress to date," was a collaborative effort born of extensive negotiations between executive branch, Congress, environmental groups, and sportsmens organizations. According to the executive order that announced the 1997 law, the bill was "proof that when there is a shared commitment to do what is right for our natural resources, partisan and idealogical differences can be set aside and compromises can be negotiated for the benefit of the common good."

Sportsmen are the original conservationists. The stewardship of the game population that provides a bounty of food and sport is crucial in the survival of many game species. The gains achieved in scientific management of game species can be linked to the efforts of hunters to maintain the populations and quality of the game they hunt. Populations of game animals have flourished through proper game management by concerned and devoted hunters. The populations of deer and turkey alone are far greater now at the beginning of this century than they ever were at the beginning of the last.

It is in a hunter's best interest to maintain game populations so that they may continue to practice the tradition they love. Licensed game hunters are deeply involved in game management on a number of levels. They pay taxes on their arms and ammunition, stamps and permits, funds that all go to help protect and maintain the sport that they hold so dear to their hearts. The rules and codes that today's sportsmen follow serve to protect and improve the quality of game species for generations to come.

I again thank the cosponsors of this legislation on both sides of the aisle, and I appreciate the time given us by the gentleman from Arizona (Mr. RENZI).

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER) to speak in support of the legislation.

Mr. TANNER. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me time.

Mr. Speaker, as the National Wildlife Refuge System celebrates its 100th anniversary, recognition for water fowl hunters and the contribution they have collectively and individually made on behalf of the refuge system is in order. Acquisition of lands for the National Wildlife Refuge System is funded in part by sales of the migratory bird hunting and conservation stamp, known wide and far as the duck stamp. Water fowl hunters are required to purchase a duck stamp as part of their hunting license to hunt water fowl on or off any refuge.

Since 1934, the hunting community virtually alone has been funding the duck stamp program, raising more than a half a billion dollars for the refuge system. In fact, 98 percent of the revenue generated from sales of the duck stamp goes directly to acquisition of our national wildlife refuges, some 5 million acres so far, an extraordinary contribution, I think, by any measure.

Currently, the 8th Congressional District of Tennessee is home to seven: Chickasaw, Cross Creeks, Hatchie, Lake Isom, Lower Hatchie, Reelfoot and Tennessee national wildlife refuges.

Beginning back in August of 1934, Federal law mandated that individuals buy a duck stamp for the privilege of hunting migratory water fowl. Some 635,000 hunters paid $1 each for that stamp issued and it was none too soon. For the if the Great Depression was bad on people, it was worse on the ducks. Their prairie pot holes, ponds, marshes, and wetlands dried up and blew away along with much of the Midwest. Revenues from the duck stamp program were used to purchase and restore submarginal land for wildlife, particularly migratory water fowl.

Today, the cost of a duck stamp is $15, but duck populations are stable and growing. So the next time you are at a National Wildlife Refuge and see a flight of ducks sweeping across the sky, remember to thank a hunter.

Mr. RENZI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, many lands and waters managed by the Fish and Wildlife Service allow recreational fishing and include more than 260 public fishing programs on national wildlife refuges nationwide. There were about 6 million fishing visits to national wildlife refuges in 1999. While the number of visitors engaged in freshwater fishing is holding steady, saltwater fishing is growing in popularity. Recent surveys indicate that many people engage in fishing in order to experience peace and solitude. National wildlife refuges can offer a quiet, yet wild, fishing experience for the American people.

Among prime fishing experiences on national wildlife refuges are Tamarac Refuge in Minnesota, featuring some 21 lakes, five of which are open to canoes or small boats; anglers can real in northern pike and walleye. The Bayou Sauvage near New Orleans gives urban anglers a spectacular setting of both freshwater and saltwater fishing. In Philadelphia, John Heinz Refuge provides year-round fishing opportunities as one of the growing number of refuges with facilities that are disabled accessible. In my home State of Florida there are about 30 such refuges in where countless numbers of natives and tourists go each year to experience the great outdoors.

Mr. Speaker, I urge Members to support this resolution and our National Wildlife Refuge System, which creates these opportunities for anglers all across the United States.

Mr. LoBIONDO. Mr. Speaker, today I rise in support of House Resolution 173. This resolution recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expresses strong support for the continued success of the National Wildlife Refuge System.

On March 14, 1903, President Theodore Roosevelt set aside Pelican Island off Florida's east coast to preserve the natural beauty of the islands for future generations. This act gave birth to a vision for America that has become the National Wildlife Refuge System.

Each year, millions of people who share Teddy Roosevelt's passion for the outdoors and his devotion to preserving these places visit and enjoy more than 540 refuges and nearly 100 million acres nationwide all set aside for the wildlife that live and visit these areas and for the people that treasure these natural wonders.

In my Southern New Jersey District, we have much to be thankful for with the trio of jewels that are the Supawna Meadows National Wildlife Refuge in Salem County, the Edwin B. Forsythe National Wildlife Refuge in Atlantic and Burlington Counties, and the Cape May National Wildlife Refuge in Cape May County. These three refuges provide both a welcome respite for important species who visit in this area as well as places for thousands of visitors to see these species in their natural habitat.

Throughout my service in Congress, I have been proud to work to preserve and enhance these wildlife refuges. However, much of the credit for the hard work of protecting our wildlife refuges must go to the dedicated employees and volunteers at each of our local refuges. Without their dedication and drive, these refuges would not be a living realization off Teddy Roosevelt's dream which began a century ago.

It is my hope that one hundred years from now, those who visit these national treasures are as astounded and inspired by the same beauty that the National Wildlife Refuge System is working so hard to preserve today.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of House Resolution 173, recognizing the important achievements and contributions of the National Wildlife Refuge System. The National Wildlife Refuge System has been a national treasure for one hundred years thanks to the efforts of the U.S. Fish and Wildlife Service. Since its creation in 1903, the National Wildlife Refuge System has successfully protected numerous plant and animal species in each of the fifty states. In my great State of Delaware, the Bombay Hook and Prime Hook National Wildlife Refuges have protected and encouraged growth of migratory bird populations so that future generations can benefit from their existence just as we and our ancestors have marveled at their presence.

The Bombay Hook National Wildlife Refuge has provided a safe habitat for eagles, deer, and migratory waterfowl and shorebirds since its creation in 1937. During that period, the refuge has maintained an eagle population and has seen 28 eaglets fledged. The refuge currently has one active bald eagle nest. I am thankful that, through the efforts of taxpayers, volunteers, and refuge employees, future generations of Delawareans will not miss the splendor of a soaring bald eagle, a national icon. Bombay Hook National Wildlife Refuge has also successfully protected the tidal salt marsh so that waterfowl populations including the snow geese continue to migrate to the Delaware shore. Recently, ten years of horseshoe crab surveying have led to the implementation of tighter restrictions on the harvesting of the species. All of these achievements have benefited nature lovers and birders across the nation and enriched the education of generations of children.

The Prime Hook National Wildlife Refuge, since its establishment in 1963, also has provided protection for numerous migratory bird and other populations. The refuge has expanded recently from a satellite of the Bombary Hook National Wildlife Refuge to become an independent refuge with an active bald eagle nest and one of the largest freshwater marshes on the East Coast. I have been proud to work with Delawareans to improve Prime Hook through the voluntary purchase of new properties in and adjacent to the refuge. These land purchases will provide a valuable buffer between the refuge and fast growing development in the county.

It gives me great pleasure, Mr. Speaker, to recognize these achievements and to ensure that these refuges receive the continued support of Congress. In reaffirming our commitment to the conservation of our nation's rich natural heritage, we allow our future generations to witness the same natural wonders we have the privilege of seeing today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the resolution, H. Res. 173.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GILA RIVER INDIAN COMMUNITY JUDGMENT FUND DISTRIBUTION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 162) to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

The Clerk read as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gila River Indian Community Judgment Fund Distribution Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

Sec. 101. Distribution of judgment funds.
Sec. 102. Responsibility of Secretary; applicable law.

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

Sec. 201. Plan for use and distribution of judgment funds awarded in Docket No. 228.

Sec. 202. Plan for use and distribution of judgment funds awarded in Docket No. 236–N.

TITLE III—EXPERT ASSISTANCE LOANS

Sec. 301. Waiver of repayment of expert assistance loans to Gila River Indian Community.

SEC. 2. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in Gila River Pima-Maricopa Indian Community v. United States, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236–C and 236–D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in Gila River Pima-Maricopa Indian Community v. United States, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–C;

(4) in Gila River Pima-Maricopa Indian Community v. United States, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–D;

(5) with the approval of the Community under Community Resolution GR–98–98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236–C and 236–D for an aggregate total of $7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236–C and 236–D for $7,000,000 in favor of the Community and against the United States;

(7)(A) on October 6, 1999, the Department of the Treasury certified the payment of $7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADULT.—The term "adult" means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term "Community" means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term "Community-owned funds" means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

(B) revenues held by the Community that—

(i) are derived from trust resources; and

(ii) qualify for an exemption under section 7 or 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

(4) IIM ACCOUNT.—The term "IIM account" means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term "judgment funds" means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236–C and 236–D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term "legally incompetent individual" means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term "minor" means an individual who is not an adult.

(8) PAYMENT ROLL.—The term "payment roll" means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236–C and 236–D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236–N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236–N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsibility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and

in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the governing body of the Community to the Secretary, and after passage by the governing body of the Community of a tribal council resolution affirming the intention of the governing body to have judgment funds disbursed to, and deposited in the general fund of, the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) REVERSION OF PER-CAPITA SHARES TO TRIBAL OWNERSHIP.—

(1) IN GENERAL.—In accordance with the first section of Public Law 87-283 (25 U.S.C. 164), the share for an individual eligible to receive a per-capita share under subsection (a) that is held in trust by the Secretary, and any interest earned on that share, shall be restored to Community ownership if, for any reason—

(A) subject to subsection (i), the share cannot be paid to the individual entitled to receive the share; and

(B) the share remains unclaimed for the 6-year period beginning on the date on which the individual became eligible to receive the share.

(2) REQUEST BY COMMUNITY.—In accordance with subsection (j), the Community may request that unclaimed funds described in paragraph (1)(B) be disbursed to, and deposited in the general fund of, the Community.

SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS.—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term "plan" means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99-493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236-N.

(a) DEFINITION OF PLAN.—In this section, the term "plan" means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236-N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading "Per Capita Aspect" in the plan to read as follows: "Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.".

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading "General Provisions" of the plan to strike the word "minors"; and

(B) insert between the first and second paragraphs under that heading the following: "Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2003, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.".

TITLE III—EXPERT ASSISTANCE LOANS

SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO GILA RIVER INDIAN COMMUNITY.

Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88-168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 162 authorizes a plan for the distribution of a $7 million dollar final judgment award to eligible members of the Gila River Indian community. Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, the Secretary of the Interior must submit to Congress for approval a plan for the use and distribution of such judgment awards.

In 1951 the community filed a complaint before the Indian Claims Commission claiming failure of the United States to protect the community's use of water from the Gila and Salt Rivers. After the Commission and the Court of Claims found the United States liable to the community, the community agreed to a monetary settlement in the amount of $7 million. Final judgment was entered against the United States in that amount. This legislation represents the final step in resolving the litigation and is a product of close consultation between the community and the Bureau of Indian Affairs. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this piece of legislation, I can just simply say, is long overdue and I cannot thank enough my good friend from Arizona (Mr. HAYWORTH) and his leadership in bringing this piece of legislation, and also Senator MCCAIN of the other body for bringing this to fruition.

Mr. Speaker, I am proud to support S. 162, which is before us this afternoon, and pleased that we are dispensing with this bill early in the session. This bill will provide the authority needed to distribute judgment awards funds to members of the Gila River Pima-Maricopa Indian community in the State of Arizona. This action will finally bring to closure litigation which started in 1951, Mr. Speaker. That is 52 years surrounding the failure of our government, the United States Government, to adequately protect the use of water from the Gila River and the Salt River on behalf of the tribal community.

In 1972 the Indian Claims Commission found the United States liable to the community with regard to the underlying complaint, and in 1982 the U.S. Court of Claims agreed with that finding. A monetary settlement in the amount of $7 million has been agreed to, and today we will ratify the distribution of those funds according to the wishes of the community.

I strongly urge my colleagues to support this piece of legislation. Mr. Speaker, again, I thank my colleague from Arizona (Mr. HAYWORTH) for bringing this to the attention of the Members of this institution; and, again, I thank the gentleman from Arizona (Mr. RENZI) for management of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of the House companion bill.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Arizona who is proving to represent so capably the new first congressional district and thank him again for his management of this legislation. I also thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his remarks on this legislation, pointing out the history of what has transpired here and the challenge that at long last we will redress in this Chamber today.

Mr. Speaker, it bears repeating that S. 162 provides for the distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community.

□ 1615

This bill is the Senate companion version to the legislation that I introduced, that my colleague from the First District of Arizona alluded to, the companion legislation designated as H.R. 458. Since this legislation has already been approved by the other body, I am grateful to the leadership of this House and to my colleagues on both sides of the aisle for taking up the bill from the other body in such an expeditious manner.

Mr. Speaker, it was my honor to represent the Gila River Indian community in the Congress of the United States for my first 8 years of service in this institution. And although redistricting in my home State has shifted the boundaries of the Congressional District I now represent, I continue to enjoy a very productive working relationship with and on behalf of the Gila River community.

Mr. Speaker, I would urge my colleagues to support this very important legislation. My friend from American Samoa cited dates, and let us understand what is at stake here in this Chamber this afternoon. An agreement of some was decided upon in 1951. Mr. Speaker, to put this in perspective, that is some 7 years before the date of my birth. Over a half century has passed, and we need to get this done. Fifty years of litigation and consultation between the Gila River Tribe and the government of the United States now, today. We say from time to time that this is a deliberative body. Mr. Speaker, I daresay those of us on both sides of the aisle welcome the fact that this deliberation will at long last draw to a close.

Mr. Speaker, this points out a challenge we have faced time and again with the first Americans, because in too many instances, our government has come up short in its stewardship of Native American monies. The Gila River community has faced considerable delays in dealing with the Office of Trust Funds Management and the Bureau of Indian Affairs in finalizing the distribution plan. Members of the Gila River Indian community, in fact, have waited an additional half a decade for final resolution of these legal claims and for distribution of these judgment funds to eligible tribal members.

Mr. Speaker, the dominant media culture in this town, so fond of playing up differences that may exist among us, may little note nor long remember what transpires with this legislation today. But it is very profound, because it lifts a burden of uncertainty from members of the Gila River community.

The time is now for Congress to pass this legislation so that the community members' judgment funds may finally, finally be released to them. This is a chance where we come together as men and women of goodwill, as constitutional officers, to do the right thing for the right reasons, even though the timing has been somewhat delayed.

Mr. Speaker, I therefore urge my colleagues once again to support this important legislation, and once again thanking my friend from American Samoa and my new colleague from the First District of Arizona.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to commend my good friend from Arizona not only for his eloquence, as always, but for the outstanding leadership that he has demonstrated as a member of our congressional caucus, as cochairman of the Native American Caucus, my good friend, the gentleman from Arizona (Mr. HAYWORTH) for his appreciation and understanding of the needs of the first Americans in our community.

I also would like to give recognition to the fact that we have two other Members who, unfortunately, because of schedules, just are not here but would have loved to testify in support of this legislation. So in a bipartisan fashion, I will just mention that my colleagues, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Arizona (Mr. PASTOR), I know, would have loved to be here to lend their support to this legislation.

Just a little sense of history, Mr. Speaker. As I stated earlier, in 1951, the Gila River Pima-Maricopa Indian Community sued the United States before the Indian Claims Commission seeking damages for failure of the United States to protect the community's historic use of the Salt River water during the period from 1880 to 1936. In 1999, in order to end continuing litigation between the community and the United States regarding the nature of the community's water rights under section 2 of the ICCA, and for this period, the United States, and that is the Department of Justice and the community, jointly moved the Federal Court of Claims to enter a final judgment against the United States in the amount of $7 million in favor of the community. The final judgment entered into by the Court of Federal Claims finally disposed of all the community's claims and demands under section 2 of the ICCA.

As noted in the 1999 stipulation and joint motion for entry of final judgment, and because such claims are beyond the jurisdiction of the Indian Claims Commission, as conferred by section 2 of the Indian Claims Commission Act, the final judgment entered into by the Court of Federal Claims, pursuant to the stipulated settlement, does not dispose of claims that could be brought by the community with regard to the applicability of the Winters Doctrine or the full extent of other water rights.

The bottom line, Mr. Speaker, as stated by my good friend from the

State of Arizona earlier, I think we have committed a tremendous injustice to this tribe. For the 42 years it has taken them to seek redress on this grievance, it has taken over 42 years, I think is a tremendous injustice and it is about time that we do something about this. I sincerely hope that my colleagues will support this legislation.

Again, I thank my good friend from Arizona for his support and his leadership.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from American Samoa, and like no other, the gentleman from Arizona (Mr. HAYWORTH), with his eloquence and articulation, has provided us not just the historical data here but the emotional data that goes with the Gila River judgment settlement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S.162.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 274) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The Clerk read as follows:

H.R. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blackwater National Wildlife Refuge Expansion Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Garrett Island, located at the mouth of the Susquehanna River in Cecil County, Maryland, is a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations.

(2) Garrett Island is the only rocky island in the tidal waters of the Chesapeake.

(3) Garrett Island and adjacent waters provide high-quality habitat for bird and fish species.

(4) Garrett Island contains significant archeological sites reflecting human history and prehistory of the region.

SEC. 3. AUTHORITY TO ACQUIRE PROPERTY FOR INCLUSION IN THE BLACKWATER NATIONAL WILDLIFE REFUGE.

(a) ACQUISITION.—The Secretary of the Interior may use otherwise available amounts to acquire the area known as Garrett Island, consisting of approximately 198 acres located at the mouth of the Susquehanna River in Cecil County, Maryland.

(b) ADMINISTRATION.—Lands and interests acquired by the United States under this section shall be managed by the Secretary as the Garrett Island Unit of the Blackwater National Wildlife Refuge.

(c) PURPOSES.—The purposes for which the Garrett Island Unit is established and shall be managed are the following:

(1) To support the Delmarva Conservation Corridor Demonstration Program.

(2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway.

(3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement.

(4) To conserve the archeological resources on the unit.

(5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 274 has been introduced by the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans the gentleman from Maryland (Mr. GILCHREST). It has been the subject of two congressional hearings and extensive site visits by the U.S. Fish and Wildlife Service to Garrett Island, Maryland.

While there is a dispute over who should hold title to the 180 acres that comprise Garrett Island, there is no debate over the fact the island contains valuable resources that should be protected in the future and that the cost of acquiring the property is less than one-half million dollars. I have been assured the two private landowners who currently hold title to about 120 acres of Garrett Island, which is uninhabited, are willing to sell their property to the Federal Government in a voluntary manner.

The gentleman from Maryland (Mr. GILCHREST) has made a compelling case for incorporating this land within the existing Blackwater National Wildlife Refuge and I urge a yea vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I thank my good friend from Arizona for his management of this legislation. I thank also the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from Maryland (Mr. GILCHREST), who is the chief sponsor of this proposed legislation.

Mr. Speaker, this bill passed in committee last year and we are just going through the process and refining it even better. As stated by my good friend from Arizona, this noncontroversial legislation would authorize the U.S. Fish and Wildlife Service to expand the existing Blackwater National Wildlife Refuge through the acquisition of Garrett Island.

Mr. Speaker, wildlife habitats such as that found on Garrett Island is in short supply in the lower reach of the Susquehanna River. In fact, it is my understanding that Garrett Island is the only bedrock island in the tidal portion of the Chesapeake Bay System.

The Fish and Wildlife Service should be encouraged to pursue the addition of this valuable property to enhance the existing Blackwater Refuge Complex and also to ensure the long-term protection of important open space and fish and wildlife habitat.

Again, in closing, I want to express my full support of this proposed legislation. And I urge my colleagues to support this bill.

Mr. GILCHREST. Mr. Speaker, as the author of H.R. 274, I am pleased the House is considering this legislation to expand the boundaries of the Blackwater National Wildlife Refuge, which is located in my congressional district.

Garrett Island, which consists of approximately 180 acres, was the site of Maryland's second settlement in the 1600's. It is the only rocky island in the tidal waters of the Chesapeake Bay system, and it is a vital link between the Susquehanna River and the Bay. It also provides habitat to 44 different bird species, including eagles, Common Loons, Tundra Swans and 14 species of ducks.

I have visited Garrett Island and there is no question that its rich history, geographic location and wildlife resource values make it an excellent candidate for inclusion within the National Wildlife Refuge system. As a nation, we can ill afford to allow unique places, like Garrett Island, to be lost forever.

While I am disappointed that the U.S. Fish and Wildlife Service has not endorsed this idea, I was pleased to hear the agency testify that, "Given the Island's historic and archaeological values, its recreational opportunities, and its environmental education and interpretation potential, a concerted effort should be put forth to provide long-term protection and management of the island." This is the goal of H.R. 274.

The Cecil Land Trust has done everything it can to protect this important property, contributing $150,000 toward the purchase of the island. Based on our hearing, Federal acquisition costs will be less than $400,000, and little, if any, maintenance or personnel will be required in the future. The Chesapeake Bay Foundation had it right when it wrote that steps must be taken to "ensure protection of this largely unspoiled, historical and ecological gem."

I would urge my Colleagues to vote "aye" on H.R. 274! This is an important and necessary inclusion in our National Wildlife Refuge system, which celebrated its 100th birthday last month. This is exactly the type of place that Theodore Roosevelt had in mind when this unique system of public lands was created.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 274.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD regarding the three bills just considered, H. Res. 173, H.R. 274, and S. 162.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMUNICATION FROM DISTRICT MANAGER OF THE HONORABLE ROBERT C. SCOTT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Gisele P. Russell, District Manager of the Honorable Robert C. SCOTT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Circuit Court of Newport News, Virginia in a criminal case.

After consultation with the Office of General counsel, I have determined that compliance with the subpoena is consistent with the precedents and Privileges of the House.

Sincerely,

GISELE P. RUSSELL,
District Manager.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 28 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 204, by the yeas and nays;

House Concurrent Resolution 156, by the yeas and nays;

House Concurrent Resolution 149, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote. The third vote will be another 15-minute vote.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 204, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 204, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, answered "present" 5, not voting 26, as follows:

[Roll No. 146]

YEAS—403

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney

Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—5

Ackerman
Capuano
Kucinich
Strickland
Tierney

NOT VOTING—26

Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Jones (OH)
Kaptur
Lipinski
McCarthy (MO)
Moran (VA)
Owens
Pickering
Serrano
Slaughter
Smith (MI)
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised that there are 2 minutes remaining to vote.

☐ 1855

Mr. STRICKLAND changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 146 I was inadvertently detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next question will be conducted as a 5-minute vote.

CONGRATULATING UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 156.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 156, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 147]

YEAS—409

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Abercrombie
Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Jones (OH)
Lipinski
McCarthy (MO)
Moran (VA)
Owens
Sanders
Serrano
Slaughter
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are reminded they have 2 minutes in which to cast their votes.

☐ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this next question will be conducted as a 15-minute vote.

EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOTS' DAY AND HONORING THE NATION'S FIRST PATRIOTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 149, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota (Mr. JANKLOW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 149, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 148]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Ballenger
Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Lipinski
McCarthy (MO)
Owens
Sanders
Serrano
Slaughter
Wexler
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the reading). Members are advised they have 2 minutes within which to cast their vote.

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent Resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 146, 147, and 148 due to medical reasons. Had I been present, I would have voted "yea" on rollcall votes 146, 147, and 148.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Tuesday, April 29, 2003, had I been present for rollcall vote Nos. 146, 147, and 148, I would have voted the following way: Rollcall vote No. 146 "Aye"; rollcall vote No. 147 "Aye"; rollcall vote No. 148 "Aye."

ELECTION OF MEMBER TO COMMITTEE ON RESOURCES

Mr. KINGSTON. Mr. Speaker, I offer a resolution (H. Res. 205) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Resources: Mr. PUTNAM.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Hon. Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: pursuant to (section 1238(b)(3)) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398), I hereby reappoint Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004, to the United States-China Security Review Commission.

Best regards,

NANCY PELOSI,
Democratic Leader.

AFRICA ON BRINK OF DEVASTATING FAMINE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I cannot believe it is happening again. A famine worse than the one that devastated Ethiopia in 1984 threatens the lives of millions of Africans. This is happening right now, today, and tragically, very few people are even aware of the gravity of the situation.

This month's edition of Christianity Today includes an article detailing the imminent devastation. Africa is on the brink of a crisis of Biblical proportions, yet regular readers of The Washington Post, The New York Times, and nearly every other major news outlet would have no idea.

In 1984, 8 million people were in need of food aid. This past January, more than 11 million people struggled for their next meal. When I visited Ethiopia in January, I saw women and children, one, this young girl, who were too weak to feed themselves. Today, the situation is even more distressing.

The war in Iraq has demanded our attention, but we cannot allow this silent emergency to grow worse. The lives of millions of women and children depend on this story being shared loudly and boldly. How will history judge our response if millions die while more could have been done.

Madam Speaker, I include a copy of a letter I sent to President Bush regarding this matter, and factual information regarding Eritrea and Ethiopia.

The material referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. GEORGE W. BUSH,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to encourage you to recommend that a special envoy for hunger be appointed by U.N. Secretary General Kofi Annan.

While Jim Morris, the director of the World Food Programme, is aggressively drawing attention to this crisis, it was distressing to read the recent cable from the American ambassador in Ethiopia describing a grimmer outlook for the coming months than had previously been expected. The cable and the latest NOAA weather forecast (both enclosed), which revises expectations for crop viability downward, paint a bleak outlook for millions of Ethiopians for months to come. Perhaps you might want to look at this idea and urge the U.N. to appoint this special envoy for a year.

I know that the U.S. has undertaken a number of other steps to respond to the famine in Ethiopia and around the world, but I feel that while the United States is doing a good job, it is important to enlist greater help from the other nations who have not fully participated. I am in no way doubting Mr. Morris's efforts or abilities, but believe that a special envoy could augment and complement his efforts.

Many European news outlets have run stories in recent days on the growing number of Africans, whose lives are now in jeopardy. The Ethiopian Government is planning another 'Live-Aid' concert to re-energize the donor community and draw international attention to the situation. The momentum of this concert, coupled with the appointment of a U.N. special envoy, may help draw enough attention and resources to the continent and save the lives of millions of women and children.

In Matthew 25, Jesus talks about the obligation to feed the hungry. I have noticed that in these villages and camps in Africa, it is the women and the children who are powerless and who are dying.

Your consideration would be appreciated.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CLIMATE INFORMATION AND POTENTIAL IMPACTS FOR ERITREA AND ETHIOPIA

Background—This report contains the latest information from the Department of Commerce (DOC)/National Oceanic and Atmospheric Administration (NOAA) on weather and climate status, impact and outlook, including potential impacts on food security or hydrology for the following countries (the Appendix describes the weekly Africa Weather Hazards Assessment also attached):

Eastern Africa: Eritrea, Ethiopia.

CLIMATE STATUS, IMPACT AND OUTLOOK

Eastern Africa: These countries are just entering their rainy season. Emphasis is on current conditions and the impacts suggested by the seasonal forecasts.

ERITREA

Climatology

Eritrea has two major climate regimes, the desert lowland climate and the wetter, cooler highland climate.

The desert lowlands extend along the Red Sea coast. Annual rainfall amounts average less than 8 inches and summertime maximum temperatures often exceed 100°F. Nighttime lows during the summer are typically around 90°F.

In the highlands, the climate is cooler and wetter, with annual average rainfall amounts ranging from 18 to 24 inches. In the Eritrean capital, Asmara (elevation ~ 7700 feet), summertime high temperatures are typically in the upper 60s and low 70s with nighttime lows in the upper 50s and lower 60s.

Current Status

Dryness in recent years has resulted in long-term drought conditions across southern Eritrea. Over the last week we have seen a shift in the precipitation patterns with light rainfall extending northward into central and southern Eritrea. Based on the National Weather Service Global Forecast model this rainfall of less than about ½ inch per day is expected to continue through the next 4 days through April 21. Temperatures have been near-normal.

Outlook and Impact

May–July 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops. However, poor pasture conditions and long-term moisture deficits are likely to persist.

August–October 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops.

ETHIOPIA

Climatology:

Ethiopia has three major climate regimes, the highlands, the southern and eastern parts of the country, and north central Ethiopia.

The highlands cover most of western Ethiopia and are at elevations ranging from 3,000 to well over 8,000 feet. In the Ethiopian Highlands, there is one rainy season which begins in May and runs through September. The heaviest rains typically fall in July and August. From October through April, rainfall is typically light. Average annual rainfall across the Ethiopian Highlands can exceed 60 inches. Average summer maximum temperatures in the highlands are in the 60s and average minimums are in the 50s.

Addis Ababa, the capital and largest city (elevation ~7700 feet), averages 47.7 inches of rainfall per year and has average summertime maximums in the upper 60s and minimums in the mid-50s. However, extremes range from the 30s to the 90s. In general, the mountain weather is highly variable.

In the southern and eastern parts of the country, there are two rainy seasons, separated by a dry season. The first rainy season occurs in April and May and is the major wet season accounting for most of the region's annual rainfall. Rainfall typically tapers off during June, July and August. This is followed by a second minor wet season in September and October. Average annual rainfall in this regime ranges from about 30 inches in the southwest to less than 10 inches in the southeast. Average summer maximum temperatures are in the 90s and average minimums are in the 70s.

The third major climate regime occurs in the Afar region of Ethiopia and the surrounding areas. Afar is in northern Ethiopia and shares a border with Eritrea and Djibouti. The first rainy season in this area occurs during March, April and May and is the minor wet season. Most of the rain falls during the second wet season which occurs during July and August. Except for occasional showers, the region is dry from mid-September through February. Average annual rainfall in this regime is less than 10 inches. Average summer maximum temperatures are in the 90s and average minimums are in the 70s.

Current Status:

Dryness in recent years has resulted in long-term drought conditions across Ethiopia's Afar region and southern Eritrea, and adjacent portions of Ethiopia's Tigray, Amhara and Oromiya regions. There are also indications conditions are becoming drier across parts of southeastern Ethiopia. Over the last week we have seen a shift in the precipitation patterns with light rainfall extending northward into central Ethiopia. Based on the National Weather Service Global Forecast model this rainfall of less than about ½ inch per day is expected to continue through the next 4 days through April 21. Temperatures have been near normal.

Outlook and Impact:

The Experimental Climate Outlook from NOAA's Climate Prediction Center (CPC) and the International Research Institute indicate the outlook for Ethiopia as follows:

May–July 2003: There is a small increase in the probability for above normal rainfall in northwest Ethiopia. This region is one of the wettest parts in the country. There is also a small increase in the probability for below normal rainfall in southeastern Ethiopia, which is semi-arid grassland. Normal rainfall is expected for the remainder of the country. Some improvement in long-term drought conditions is expected, however, poor pasture conditions and long-term moisture deficits are likely to persist in the Afar region. The potential exists for an increase in long-term rainfall deficits and vegetation stress in parts of southeastern Ethiopia.

August–October 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops.

APPENDIX

It is important to recognize that many of the issues discussed are regional in nature. This is exemplified by the attached figure which depicts the most recent weekly Africa Weather Hazards Assessment. NOAA. with support from the U.S. Agency for International Development (USAID) Famine Early Warning System (FEWS), has the lead for preparing this bulletin, using information from NOAA, NASA, and USGS. It is distributed as follows:

1. By electronic mail to the Department of State, USAID/FEWS, field contractor Chemonics staff, USGS, and NASA. Recipients also include the Drought Monitoring Centers in Nairobi, Kenya, and Harare, Zimbabwe, Agrhymet in Niamey, Niger, and the Southern Africa Development Community in Gaborone, Botswana.

2. The bulletin is placed on the Climate Prediction Center (CPC), National Weather Service (NWS) web site—htt://www.cpc.ncep.noaa.gov/products/fews

3. CPC's web site is hotlinked to the USAID/FEWS homepage at: http://www.fews.net/

The Africa Weather Hazards Assessment provides discussions and graphics which highlight areas of concern to policy makers, relief workers, decision makers and others with interest in the African continent. NOAA's CPC produces daily, weekly, 10-day, and monthly precipitation estimates for the Africa region, and also monitors meteorological and climatic phenomena for the continent. CPC monitors dryness, drought, flooding, temperature extremes, cyclones, and organized storm systems. This information is included in the weekly weather hazards product as guidance to help users make more accurage, relevant decisions.

With support from the USAID/FEWS, NOAA anticipate developing a similar weekly bulletin for Central America over the next few months.

Information on the seasonal outlooks is a result of a partnership between the NOAA/NWS Africa Desk and the NOAA-sponsored International Research Institute for Climate Prediction.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

MINORITY HEALTH DISPARITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I would like to first extend my gratitude to the gentlemen from Texas, Mr. RODRIGUEZ and Mr. HINOJOSA, along with the Congressional Hispanic Caucus, for organizing this special order tonight to discuss minority health issues.

Earlier today, the Congressional Black Caucus, the Congressional Asian Pacific American Caucus, the Congressional Hispanic Caucus, and the Congressional Native American Caucus held a rally to call attention to the need to increase health care access.

In my home State of Indiana, Mr. Speaker, there were over 1.4 million people who did not have health insurance at some point last year. That is 26 percent of the nonelderly population.

Universal, affordable access to health care would be a major factor in eliminating the vast health disparities for minority populations. Affordable access to health care for the minority populations is a matter of economics as well as life.

I am sure many Members of Congress, Mr. Speaker, saw today where Bethlehem Steel in Maryland has sold out to another company, and all of the longstanding, hardworking employees there subsequently lost their health insurance.

In Indiana, black or African Americans comprise 8.4 percent of Indiana's population. The top leading causes of death plaguing the African American population are heart disease; cancer; cerebrovascular diseases, predominantly stroke; and diabetes.

In the Hispanic population, the leading causes of death are heart disease, cancer, and unattended injuries.

In Indiana, a 20 percent excess mortality rate from incidence of heart disease exists for African Americans in comparison to whites; a 23 percent excess mortality rate from incidence of cancer exists for African Americans in comparison to whites; a 23 percent excess mortality rate from incidence of cerebrovascular disease, predominantly stroke, exists for blacks by comparison; a 105 percent excess mortality rate from the incidence of diabetes exists for blacks in comparison to whites. These excess rates not only take life, but create economic hardships of hospitalization, prescription drugs, and loss of income.

April is National Minority Health Month. We need to use this time to reflect on what changes need to be made in the way we view access to health and who gets the best treatment.

In Indiana, African Americans die at a higher rate, 25 percent. Per 100,000 population, cancer, 72 percent more African Americans; diabetes, 33 percent more deaths; heart disease, 73 more African American deaths; stroke, 18 percent more deaths.

The numbers are very troubling and alarming. Mr. Speaker, we must do something to counteract the disparity in health care and health insurance for minorities across this country.

Last year, the Institute of Medicine came out with a study: "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care." It found that racial and ethnic minorities in the United States tend to receive lower quality health care than any others.

The report made many recommendations as to what should be done; and certainly, Mr. Speaker, we need to consider very seriously universal health care, not just to undergird the disparities that exist in minority health care, but to ensure that people across racial and economic lines access quality medical care in the same spirit and in the same way that current Members of Congress do.

Mr. Speaker, again I would like to commend the gentleman from Texas (Mr. RODRIGUEZ) for calling this special order tonight. I trust that at the end of the conversation and the dialogue, that America will be better informed and Congress will be moved to act.

GET THE U.S. OUT OF THE U.N.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise today to urge the leadership of this body to bring a very important vote to the House floor.

I recently introduced H.R. 1146, the American Sovereignty Restoration Act, which would end our participation in the United Nations. Millions of Americans have begun to question why we continue to spend $300 million each year funding and housing an organization that is actively hostile to American interests. Surely Congress, which routinely spends 15 minutes renaming post offices, can spare 15 minutes to vote on this fundamental issue of American sovereignty.

Obviously, many Americans now want to get out of the U.N. because they resent its refusal to sanction our war in Iraq. The administration deserves some credit for ultimately upholding the principle that American national sovereignty is not a matter of international consensus and that we do not need U.N. authorization to act.

But the administration sent mixed signals by doing everything possible to obtain such authorization, and by citing U.N. resolutions as justification for our actions. The message seems to be that the United Nations is credible when we control it and it does what we want, but lacks all credibility when it refuses to do our bidding.

Perhaps it is time to stop trying to manipulate the United Nations and start asserting our national sovereignty. If we do not, rest assured that the United Nations will continue to interfere, not only in our foreign policy, but in our domestic policies, as well. U.N. globalists are not satisfied by meddling only in international disputes; they increasingly want to influence our domestic, environmental, trade, labor, tax, and gun laws.

U.N. global planners fully intend to expand the organization into a true world government, complete with taxes, courts, and possibly a standing army. This is not an alarmist statement; these goals are readily promoted under on the U.N.'s own Web site.

U.N. planners do not care about national sovereignty. In fact, they are openly hostile toward it. They correctly view it as an obstacle to their plans. They simply are not interested in our Constitution and Republican form of government.

The choice is very clear: we either follow the Constitution, or submit to U.N. global governance. American national sovereignty cannot survive if we allow our domestic laws to be crafted or even influenced by an international body. This needs to be stated publicly more often. If we continue down the U.N. path, America, as we know it, will cease to exist.

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Noted constitutional scholar Herb Titus has thoroughly researched the United Nations and its purported authority. Titus explains that the U.N. charter is not a treaty at all but rather a blueprint for a supernational government that directly violates the Constitution. As such, the charter is neither politically nor legally binding upon the American people or Government. The U.N. has no authority to make laws that bind American citizens because it does not derive its powers from the consent of the American people. We need to stop speaking of U.N. resolutions and edicts as if they represented legitimate laws or treaties. They do not.

In conclusion, Mr. Speaker, I am merely asking House leadership to schedule a vote on H.R. 1146, the American National Sovereignty Act. Americans deserve to know how their representatives stand on the critical issue of American sovereignty.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

Mr. SESSIONS (during the special order of Mr. RODRIGUEZ), from the Committee on Rules, submitted a privileged report (Rept. No. 108–79) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HISPANIC HEALTH IMPROVEMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I take this hour tonight to talk about a critical issue back home and that is the issue of access to health care and quality care. In a Nation where we have some of the greatest research and the greatest strides that we have made in health, we still do not have individuals able to have access to health care.

The Hispanic Health Improvement Act is a comprehensive bill that we have filed aimed at improving Hispanic health in the United States. Hispanics are now the fastest-growing community and compose 13 percent of the United States population; yet they make up 23 percent of the total uninsured population, and nearly 37 percent of Hispanics under the age of 64 find themselves uninsured. We need to make sure that we address the problems of the uninsured. We need to make sure that we address the problems of access to health care.

Mr. Speaker, I am pleased tonight to also be joined by the vice chairman of the Congressional Hispanic Caucus, the gentlewoman from California (Mrs. NAPOLITANO). I am extremely pleased that we have this opportunity and the gentlewoman joins me here tonight, and I want to recognize the gentlewoman at this point in time.

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ). It is a pleasure to be here to speak to the issue of health services that are lacking, sadly, in not only our own districts but throughout the United States. I am sorry to report, Mr. Speaker, that the Bush budget sacrifices the health of our Nation to provide tax cuts for the wealthiest 1 percent.

The budget also fails to adequately address the problem of 41 million who go without health insurance; nearly 25 percent of those are uninsured children. Even 25 percent of the moderate-income families cannot afford health insurance. And eight out of 10 uninsured Americans are from working families of the United States. Unfortunately, Hispanics especially fall into this category. Over 33 percent, Mr. Speaker, of all Hispanics, 33 percent are uninsured, compared to 10 percent of non-Hispanic whites.

This Bush budget cuts funding for Medicaid coverage for children, for low-income seniors, for people in nursing homes, and especially for the disabled. This budget fails to provide adequate increases for the National Institutes of Health. It cuts funds for rural health care and cuts grants to trained doctors at so very critical children's hospitals. The budget eliminates funding for the Centers of Excellence program, the Health Career Opportunity program which increases the number of minority health care providers. We need to ensure linguistically and culturally appropriate health care by giving minority students the opportunity to enter into a health care profession and assist them with this education and training. By eliminating training for diversity programs, this administration would deny the opportunities for minorities to succeed.

The budget also sacrifices the health needs of the most vulnerable to provide tax cuts for the wealthiest. The budget provides, unfortunately, only 38 percent of the benefits to the wealthiest 1 percent of the Americans; that is to say, they are the ones who benefit the most. While middle-income families would get less than one dollar per day, with cuts in Federal aid to health care and no increased aid to States, the budget would exacerbate the current trend of higher State and local taxes.

Now we move into the Congressional Hispanic Caucus proposing a health care for the uninsured and the Hispanic Health Care Improvement Act that my colleague was just talking about. It is unfortunate that the number of uninsured in this Nation is alarming. Too many people continue to go without insurance coverage. The uninsured represent 41 million people, 14.6 percent of our U.S. population, which means that a quarter of all moderate-income families cannot afford health insurance. Eight out of 10 uninsured Americans are from working families.

Just 2 days ago I met, I formed a task force of many factors in my area to listen to what their cries are for help from our government. Let me tell you, Mr. Speaker, one of the main issues was unaffordable health insurance for their workers. These are manufacturers who are the backbone of our economy in the United States, talking to us and saying, help, we need to address this issue which is critical to have healthy employees have healthy families so that our employees do not miss work.

Over 33 percent of all Hispanics are uninsured compared, again, to the 10 percent of non-Hispanic whites. The Hispanic community faces specific hardships in accessing health care. Due to their prevalence in low-wage jobs, many do not have access to on-the-job insurance coverage. Combined with a level of fear and confusion that stems from the complicated laws, many in the community are forced to fall into safety-net programs in times of need. While these programs serve many Hispanic families, their enrollment numbers do not equal their need. We must find ways to provide better, more affordable coverage to more U.S. working-class families. We need to increase coverage in enrolling people in all Federal programs such as Medicare, Medicaid, and the State Children's Health Insurance Program. We cannot afford cuts to these programs. There must be flexibility and incentives for the States to increase enrollment in times of economic recession and as our population increases. We must also ensure that our health care system can provide linguistically and culturally appropriate health care by giving minority students the opportunity to enter and be successful in health care professions.

I would like to call attention to the bill which I believe is part of the solution of covering the uninsured. This week the Congressional Hispanic Caucus will introduce a Hispanic Health Improvement Act with the gentlewoman from California (Ms. SOLIS) and members of the Congressional Hispanic Caucus. Senator BINGAMAN was gracious enough to introduce companion legislation in the Senate. This bill was first introduced in the 106th Congress, and it offers a wide variety of strategies for expanding health care coverage, improving access, affordability and reducing health disparities. The legislation provides $33 billion between fiscal years 2003 and 2010 for the expansion of the successful State Children's Health Insurance Program, commonly known as SCHIP, to cover uninsured, low-income, pregnant women and parents. In addition, it provides the States the option to enroll legal immigrant pregnant women and children in Medicaid and the SCHIP program.

The caucus considers the expansion of Medicaid and SCHIP eligibility to be a very critical component in legislative priorities for improving Hispanic health care. The legislation also authorizes diabetes education, prevention, and treatment programs designed to address the needs of Hispanics and other minorities.

Lastly, we seek to reduce health care disparities by addressing the lack of providers who can provide, again, culturally competent and linguistically appropriate care.

The bill also provides for increased funding for the Health Resources and Services Administration's health professions diversity programs. Unfortunately, the President's budget proposal for fiscal year 2003 eliminates virtually all funding for these so very important programs for our Hispanic community.

In addition to promoting diversity, the programs support the training of professionals in fields that are experiencing shortages. Mr. Speaker, I have heard from other Members of Congress how important some of their districts are now in providing access to diverse cultural linguistic services in areas because there are Hispanics throughout the United States, not just in the southern States. That was the case a decade or so ago.

They are also important for promoting access to health care services in medically underserved communities, especially rural areas and ag areas. The caucus considers increased funding a high priority, and we thank our Hispanic Congressional Caucus colleagues for taking the lead in providing some of these critical health care services. Hopefully, it will be a solution if it is accepted.

I lead on to a third component of health care and that is mental health. We talk about it, but we do not really bring it out into the open. It is a stigma. And we think we have the ability to do a better job, especially when we consider the veterans from prior wars have problems with post-traumatic syndrome and our seniors have depression problems, and we do very little about it. We need to have it included in medical coverage, but we also must realize that we have other programs that will deal with addressing the issues at the time the students are in school, whether it is a middle school or a high school. We have started such a program in our area thanks to SAMHSA. We were able to start a pilot project in a high school and three middle schools to address the issue of what was found 3 years ago to be a nationwide problem and that was Latina adolescents were the highest in the country who had attempted suicide.

We were able to get some money to start these programs with a nonprofit mental health clinic which has been very successful and a very acceptable program not only to the administrators and the teachers, but the parents who are referring students and also to the people in the whole district. We have partnered with the community, and we have become proactive in looking at the issues that stress brings to our children, that drugs, that cultural difference and others have in having an impact on our young Hispanic adolescents. We have significant success because the community got involved and because there were people who cared about bringing the issue to the forefront and not worrying about whether it was going to be a stigma on the community itself.

We geared the program towards the adolescents because they have demonstrated a high level of need; and no youngster, whether it is Latino, Latina, whether it is white, African American, they are all being provided services under this program even though it is all coming out for a significantly designated Latina adolescent program.

We recently had an on-site visit by Charles Curie, the administrator of SAMHSA, the Federal organization that provides and oversees the funding; and they were very pleased and are looking at the possibility of expanding the program into other areas because it has been so successful.

We are confident that in bringing these kinds of programs out into Congress and sharing them with other Members that we can see that we have need in our own backyard and that we will make this a more important and focal issue so that we can begin to help our youngsters who are facing stress and who, in many instances, turn to violence in our schools.

Mr. Speaker, I thank you for listening. I thank my colleagues for the hard work that they have done on the Hispanic Health Improvement Act and look forward to seeing some of these programs be successful.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman for being here tonight, and I want to thank the gentlewoman for her work in this area. I know the gentlewoman has worked extremely hard.

I was extremely pleased that when the gentlewoman came in she recognized a problem in the Latina community in terms of the young ladies committing suicide, and she filed the legislation and took it over, and I want to personally thank her and hopefully get some resources in this area. Again, I want to take this opportunity to thank the gentlewoman for being here and sharing her concerns. I know the gentlewoman represents her district well.

□ 1945

Mr. Speaker, I would like to also take this opportunity to talk a little bit about the quality of access to health care in this Nation.

Today, I had the opportunity of joining many of my colleagues at a rally to bring awareness to the uninsured in this Nation. There is a real need for us to come to grips with the fact that we still have not addressed the problems of the uninsured. We still have not addressed the problems of our seniors and prescription drug coverage. We still have not addressed the problems regarding funding in Medicaid and Medicare, as well as the SCHIP program.

Our States are having a great deal of difficulty, not to mention the difficulty of our consumers and our people that are falling ill. Unfortunately, too many Americans continue to lack health insurance. Insuring the health of all Americans must be a priority for our Nation.

There are many myths about the uninsured and why they lack health insurance. Many people to not realize just how many Americans are affected by the lack of health insurance. People believe that the uninsured are unemployed and simply choose not to purchase health insurance. Nothing could be further from the truth. The uninsured represent 41 million people. And in any one given year, we have, at some time, up to 75 million in this country that are uninsured. We have 14.6 percent of our population that falls into this category. Even 25 percent of the moderate income families cannot afford health insurance. Nearly 25 percent of all uninsured are children.

Let me just point out that if someone does not work for government, and by that, whether it be Federal Government, State government or local government, and if an individual does not work for a major corporation, the bottom line is they find themselves without access to insurance. Those working for small companies, or who work in rural America, do not have access to health care. So there is a real need for us to address this problem and come together.

Eight out of ten uninsured Americans are from working families. Eight out of ten. So the majority of our people that are uninsured are those that are working yet find themselves not poor enough to qualify for Medicaid, yet not having enough resources to be able to address the problems when they find themselves ill.

Hispanics especially fall into this category. Over 33 percent of all Hispanics are uninsured compared to 10 percent of the non-Hispanic white population. And that percentage rises to 34 percent for nonelderly Hispanics. Hispanics rely on many of the Federal programs that provide their only access to health care, as do millions of low and moderate income individuals and working families without health insurance. Over 19 percent of all Hispanics depend on Medicare for their health care.

So the majority that are seniors are in Medicare, but there is a large percentage of them where this is the only thing they have. Over 35 percent of all Hispanic children depend on the State Children's Health Insurance Program that we help fund, yet our States are having difficulty throughout the country. At one point, in Texas the State talked about just wiping out the whole State Children's Health Insurance Program, and that would be devastating.

These programs serve many Hispanic families and many Americans throughout this country, but there are still far too many eligible families that are not enrolled in these programs. For Hispanics there are unique barriers that prevent access to quality health care. There are levels of fear and confusion that deters many eligible Hispanic families from enrolling in these programs. This fear stems from the complicated laws barring legal permanent residents from access to safety nets that taxes help support. And I am referring to legal permanent residents. These are individuals that are here legally, working, yet have not become citizens and they find themselves with difficulty in terms of having access to this care.

We need to increase coverage and enrollees in all Federal programs to provide insurance such as Medicare and Medicaid and State Children's Health Insurance Programs. There must be flexibility and incentives for the States to increase enrollment in times of economic recession as the population increases. And we must also ensure that our health care systems can provide linguistically and culturally appropriate health care by giving minority students the opportunity to enter into the health profession.

I would like to also call attention to the bill that was mentioned earlier that allows for coverage of the uninsured. This week we will be introducing the Hispanics Health Improvement Act, as has been mentioned. The gentlewoman from California (Ms. SOLIS) as well as other members of the Congressional Hispanic Caucus, will be introducing the legislation, and we are going to be talking about some of the concerns that we have had. As the gentlewoman from California (Ms. NAPOLITANO) has indicated, Senator BINGAMAN has been gracious enough to introduce companion legislation in the Senate.

This landmark legislation is based on a previous Hispanic Health Act, which I personally introduced in the 106th Congress and on existing legislation that Senator BINGAMAN has championed in the Senate. The legislation offers a variety of different strategies for expanding health care and coverage, as well as improving access and affordability and reducing health disparities. While I consider each provision in our bill to be important, I am just going to highlight some of the more urgent ones.

In order to address the lack of health care coverage, the legislation provides additional resources between 2003 and 2010 for the expansion of the successful State Children's Health Insurance Program, the SCHIP, to cover the uninsured low-income pregnant women and parents. So we are talking about going and making sure we cover women that are expecting kids and their parents.

In addition, it provides States the option to enroll legal immigrant pregnant women and children in Medicaid as well as the SCHIP. The Congressional Hispanic Caucus considers the expansion of both Medicaid and the SCHIP eligibility to be a critical legislative priority for improving Hispanics' health.

The legislation provides also additional resources for targeting diabetes prevention. We target $100 million for diabetes. Diabetes is an illness that hits Hispanics disproportionately as well as African Americans. The importance of education school-based programs are critical in the screening activities in the area of diabetes. This is especially important in our Hispanic communities.

The targeted grant funds of $100 million from our legislation would also provide support for those who would work in the community to help educate the community and individuals who suffer from diabetes to be able to deal with the issue.

Lastly, we would seek to reduce health care disparities by addressing the lack of providers who can provide culturally competent and linguistic appropriate care.

The bill provides for increased funding also for HRS health professional diversities. Let me just say that right now one of our problems, one of our difficulties is in the area of health professions, there is a real need for us to begin to prepare individuals in this area. We are still not producing the number of doctors that we need in this country. We are not producing the number of nurses that we need in this country. We are not producing the number of health professionals in this country. There is a disproportionate number of Latinos and Hispanics in the health professions. So we need to concentrate on making sure that we provide the resources in order for that to occur.

And as my colleagues know, the President, in his 2003 budget proposal, eliminated virtually all funding for these important programs that allow this opportunity. In addition to promoting the diversity that is needed in health care, these programs support the training of health professionals in the fields experiencing shortages.

I did not mention the area of pharmacy, dentistry, the allied health, all these areas promote access to health care services in medically underserved communities and there is a real need for us to do this.

The Congressional Hispanic Caucus also considers increasing funding for these programs as a high priority. As the Hispanic community continues to grow, the implementation of these provisions will take on an even greater importance. The consequences of inaction will be felt for years to come in greater health care needs, lower productivity, as well as higher rates of mortality and disability.

Let me take this opportunity to just indicate how important it is to make sure that we come up and address these issues. I know the President is going throughout the country talking about another tax cut. The first year of his administration was spent on a $1.3 trillion tax cut. That effort was basically spent on the first year. He then spent a great deal of effort on the war, and now he is spending a great deal of effort on taxes when, in reality, here we have a problem that we have chosen not to respond to; we have chosen not to address. This is a problem that our States are having that we could help with, not only with the budgets in our States throughout this country, but also help to respond and address the problems that confront us.

The proposal by the administration to take both the SCHIP program, the Medicaid, as well as the disproportionate share is a proposal that hits at the most vulnerable of this country. The disproportionate share is the money that goes to those hospitals, Mr. Speaker, that provide that care for those indigents that are out there. That money is proposed to be put into a block grant. The SCHIP program, as you well know, is the money that goes to the working Americans that are out there that takes care of the children in case they find themselves in need, and that program is also being proposed to be put into a block grant. And not to mention the Medicaid program, the most needy one, the one that goes to the most needy of this country, that helps those that are in most need and that helps hospitals and clinics for their reimbursement rates.

Those three programs are the ones that target the most needy of this country, yet those are the ones he wants to take and lump up into one block grant and send it out to the States and destroy the few programs that are out there that have been addressing some of the problems that exist.

The proposal to take both the SCHIP, the Medicaid, and the disproportionate share, those are the three most important programs that hit at the most needy of this country and the programs that provide resources for the hospitals to continue to provide that care. For us to put that into a lump sum and send it out is going to be devastating, especially if additional resources do not come to bear on the problem that seems to be getting worse instead of better.

Since the administration has taken over, the reality is that the number of uninsured has increased. And based on the numbers of the individuals that have lost their jobs, those numbers can only get worse as time goes on.

Mr. Speaker, I know the gentlewoman from California (Ms. NAPOLITANO) talked a little about mental health. I want to share this because a lot of time we do not talk about the mentally ill. Mental health is usually an afterthought, and it is an area we really need to look at and consider seriously. We quickly forget what happened at Columbine. We quickly forget the problems that we do have, a lot of homeless individuals out there, almost one-third to 40 percent of whom suffer from mental health problems. We still have a lot of homeless veterans that suffer from mental illness, from post-traumatic stress disorders.

Mr. Speaker, if we look in terms of what has happened after 9–11, what occurred not only at the Pentagon but what occurred in New York and what has happened throughout this country, we really need to look at this issue, because when people have experienced things such as that, especially those individuals at the Pentagon and in New York City, those individuals are going to be going through some stress. There is no doubt that some of them will go through post-traumatic stress disorders. So there is a need for us to concentrate on the area of mental health and reach out to some of our young people.

We do not concentrate in mental health with our young and we really need to provide some resources as well as some research in that area. We have too many young people committing suicide. We need to see how we can address that issue. Sometimes, basically, they use alcohol and drugs as a way of self-medicating when the real problem lies in the area of mental health problems. So as a Nation we really need to see how we can address those issues, and I am hoping that we can prioritize mental health as an important issue.

I know that we have filed some legislation on social work legislation that deals somewhat with this, especially right after Columbine, in looking at our young people and working with our schools, in reaching out to our communities in the area of mental health, to making sure that our community can cope and our youngsters can deal with situations.

In addition to that, Mr. Speaker, there are a couple of other issues I wanted to touch base on.

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Mr. Speaker, one is the area of AIDS. In the area of AIDS, we have found that we have made some significant strides, yet the numbers in the minority community have continued to expand. They have continued to grow. In that area, we need to go out and reach out. We have, especially in the Hispanic community, in the Latino community, we do not have the community-based organizations that other community groups have, and there is a real need for us to make sure that we try to address those needs. So we need resources in the area of AIDS to address those problems.

When it comes to communicable diseases, and we are hearing about the problems in China and those diseases, tuberculosis and other diseases, when we hear about those types of problems, we need to treat those, and we need to treat those worldwide. If we do not do that, those viruses will keep growing. Unless we deal with those and attack those as quickly as possible, tuberculosis knows no borders. Whenever we travel in the global economy, we need to make sure that we treat those as if they were here because of the fact that they are communicable diseases. They are serious diseases that impact us, and there is no doubt that AIDS does kill.

It reminds me of a young man who said, I thought we dealt with the issue of AIDS and it is gone. It is still here, and it still kills. We need to educate our young people on the issue of AIDS.

On tuberculosis, in the late 1980s in the State of Texas, we were going to close the hospital for tuberculosis because there were no patients. We had basically defeated this disease, and yet now we have other strands that we are unable to deal with. The reason we have other strands is, number one, people did not take the medication appropriately and other viruses were able to survive and mutate; and the fact that we have a lot of homeless that were able to contract the disease and nothing happened, they were not treated the way they should have been. Now we have problems with tuberculosis once again, a very serious disease that has an impact on all of us.

On diabetes, it is an area that concerns me, and it should concern all of us. The majority of people that go blind is because of diabetes, and most of the time it is preventable. A large number of people who lose their limbs is because of diabetes, and a lot of times it could have been prevented. The quality of life of individuals, not to mention the cost, both to the individual and to the community as a whole when somebody loses their eyesight or their limbs, and so it becomes really important that we provide resources for prevention, that we provide resources in the area of diabetes.

I wanted to take this opportunity tonight to talk about some of those issues that we are extremely concerned about. In addition to that, tomorrow for the first time the Congressional Hispanic Caucus will also be having a day that we call El Dia de Los Ninos, the Day of the Children. Children's Day. It is usually celebrated in the Mexican community. I know Mexico celebrates it, and we celebrate it in Texas. It is a day that we celebrate as April 30, Children's Day. It is a day that we take time to honor our children.

Tomorrow we are going to be having some hearings on honoring our children, and I wanted to take this opportunity to honor our children tonight by also talking about the needs of our children. Members have heard the statistics in terms of the uninsured kids out there; but also our kids need access to some of the services in the area of mental health, as well as some of the preventive kinds of services. I wanted to take this opportunity to let the community know that tomorrow the Congressional Hispanic Caucus will be having hearings and panels to talk about children.

Part of the discussion on children will be on the criminal justice system, the fact that we have a large, disproportionate number of our children that fall into the criminal justice system that we need to look at; and it is serious when we have an industrialized country such as ours. The numbers are just astronomical in terms of the numbers in our criminal justice system. We need to see what we can do to address the problem and how we can work with our children.

I also wanted to take this opportunity as we talk about our children to talk about the issue of Head Start. Head Start has been a program that has been extremely helpful. It has been a program that has been there for our children despite the fact that it only addresses 40 percent of the kids that qualify. It is a program that, based on most of the research that is out there, has been responsive and has really given those kids a head start on education.

So when we look at those programs that have been good for our kids and children, Head Start has been one of those programs. Head Start has been under the Department of Health because it is a program that works with our parents. So it helps parents in reaching out to the kids. That is also extremely important for us.

The administration is choosing to basically destroy Head Start and send that money to the Department of Education. The reason why we established Head Start was specifically because States have been unwilling to provide that early childhood education that was needed, and that is why we have Head Start, not to mention the Department of Education does not go into the areas of health as the Department of Health does. I would hope and we will continue to push forward to make sure that the monies for Head Start remain and with the Department of Health, and that the program remains with the Department of Health.

It has had its own boards throughout this country, and it has provided an opportunity for these youngsters to get a head start on education as well as a head start in the area of health, for parents to be educated about the importance of nutrition, about the importance of access to good quality care, as well as the importance of what they eat and do not eat.

So those issues are important for our children, and as we celebrate tomorrow Children's Day, we are going to celebrate and talk about some of the needs of our children. The Hispanic community, the median age is about 25.9. We are one of the youngest populations in this country, and it is a growing population. So there is a real need for us to concentrate on our young. Sixty-five percent of Hispanic children are under the age of 18 and live with both parents. So here we have 65 percent still live with both parents, which is a much higher number than the rest of the population. So there is a lot of positives.

Hispanic kids, there is a great deal of positive when it comes to their attitudes towards family, their attitudes towards adults and their parents, and also their attitude in terms of the respect to elders. I think that we need to continue to honor them and recognize our children as an asset, and as we do throughout this country as Latinos, we recognize our children on April 30. Tomorrow we are going to take that opportunity. We call it El Dia de los Ninos, where we are going to have hearings and talk about some of the needs of our kids. As we talk about the needs of our kids, there is a study that will also be released, and it is called Suicide in Latino Children and Adolescents, and it is a very startling problem that talks about some of the difficulties that we are encountering, some of the areas of suicide where it was almost unseen in the Latino community, and that has been climbing.

One of the biggest problems in terms of death in this area is, number one, heart deaths. Suicide is number eight. In addition to that, there are still too many other items there that rank in terms of suicide rates. One of the rankings of the top States based on the suicide rates, Nevada is rated number one, Alaska number two, Wyoming number three, Montana four, Arizona five, New Mexico six, Oregon seven, Idaho eight, Utah nine, and Maine is number 10 in terms of USA State suicide rates.

It is important to see some of those States with kind of small populations, rural areas. It kind of throws off some of the stereotypes that we hear about. Suicide was the eighth leading cause of death in the United States, and responsible for 31,000 deaths, which was more than 50 percent the number of homicides in the U.S. I want to read that again. Suicide was responsible for 31,000 deaths, which was more than 50 percent the number of homicides in the U.S. In the same year, there were approximately 20,000 deaths by homicide. Each year in the U.S. approximately 500,000 people require emergency room treatment as a result of attempts to commit suicide.

There is a need for us to concentrate resources in the area of mental health. It is also important to know that the rate of suicide for various ages, gender, and ethnic groups has changed substantially. Between 1952 to 1996, a 44-year period, the reported rate of suicide among adolescents and young adults tripled; but yet from 1980 to 1996, the rate of suicide from age 15 to 19 increased by 14 percent, and among persons between the age of 10 to 14 years, it went up by 100 percent.

This area is an area that we really need to look at. I am hoping we do not have another Columbine before we concentrate attention. We lose attention right away after the incident occurs. We need to look at reaching out.

In that same light, and as we talk about the importance of access to health care, I want to briefly touch base on our veterans. Especially after Iraq and after our soldiers come back, there is a real need for us to reach out to our veterans. Anyone who has that kind of experience has to go through some degree of stress, and a lot of our veterans suffer from post-traumatic stress disorders and so there is a need for us to concentrate resources.

I was extremely pleased when the House took the opportunity to recognize our troops in Iraq and we did a resolution. But that same day around 3 in the morning the following day, we also passed a budget that cut $15 billion from our veterans affairs and from services to our veterans for the next 10 years. That kind of recognition of our troops and that kind of action does not reflect what we ought to be doing. We need to make sure and hold ourselves accountable to have the resources there for our veterans.

I am also disappointed with a lot of the games that are being played. It has been talked about that we are dishing out $121 million to prepare our VA hospitals for them to prepare in case of a terrorist attack; yet that $121 million comes from direct services. We really need to make sure that we provide additional resources. In addition to that, I am extremely disappointed also that at the same time we hold veterans and the administration accountable for terrorist attacks, and we expect the VA, which has one of the best health systems in this country with clinics and hospitals throughout this country, and it would be the best one equipped to respond, yet we have not provided the resources that they need in order to make that happen.

□ 2015

And there are little games that are being played that, yes, provide the resources. The reality is that every single veterans organization has asked just for this year alone an additional $3 billion, not to mention next year and the following year. Right now we need $3 billion additional resources just to take care of our veterans here in this country. At the same time, we allow $2 billion to go to the Iraqis people for health care. Of that, close to $80 billion supplemental that we did.

It would be interesting for some of the Members here to look at what that $80 billion is going for in Iraq, to build some of the schools when at the same time we have not taken the time to look at providing resources to build our own schools. It also provides resources to build up their hospitals when we have not provided our money and we are cutting our disproportional share for our own hospitals in country.

It just does not make sense, Mr. Speaker, and it does not make sense for the President to go around this country to talk about the irresponsible tax cut when the money is not even there and we have not taken care of our debt. We need to take care of our debt. We need to pay for this war. We have got to make sure that we provide for our veterans. We have got to make sure that we provide for our future, which is our kids, and we have got to make sure that we provide access to healthcare for all Americans who find themselves in that difficulty.

It is embarrassing to be here and say that we have the best healthcare in the system; yet it is unaffordable and unaccessible to the majority of Americans when 41 million find themselves without access to insurance. That is un-American, and we really need to ensure that we can make it accessible to all of them.

As I conclude here tonight, I want to just indicate how important it is for us to refocus our attention in the area of healthcare. We need to make sure, and I appeal to all Americans, that we need to put people, both Republicans and Democrats, on the line on the House, on the Senate, and those in administration, to make sure they do the right thing for our seniors when it comes to prescription drug coverage. We have not done that. We have had a lot of talk, but there has been nothing. And people have asked me back home and they continue to ask me "Mr. RODRIGUEZ, what are you doing on healthcare?" And I tell them the problem is the President is interested in a tax cut. If that happens, there is nothing else to talk about when the budget predetermines everything. So we need to make sure we zero in on the issues of healthcare and addressing the problems. And we get elected to address problems and we are expected to address those problems.

So I am hoping that we, at some point, begin to not only dialogue about healthcare, but address the problems. I am sure the administration, when the election year comes around, he is going to talk a great deal about healthcare. But the key is what are we doing about it? What kind resources are we putting into it? Because the bottom line is we can say everything we want to say, but what have we done? So when all is said and done, I would ask that we hold all the Congressman and all the Senators accountable, as well as the administration, including myself, as to what we have done to basically solve the problems that confront our communities with the uninsured that we find in this country.

IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to point to a couple of issues that I think deserve our attention. As I do on many occasions, I come here to address the issue of immigration and the reform thereof.

I would like to start tonight with a discussion of a couple of people that I met not too long ago when I was on a trip to Arizona, and specifically, to the border area around Douglas, Arizona, and I want to add them to the list of people that we have identified over the last several weeks and months as belonging to who we have described as homeland heroes. They are George and Linda Morin. They own and manage a cattle ranch of 12,000 acres, located only 4 miles from the Arizona/Mexico border. Their ranch house is only 5.5 miles from the border.

They have one son, 26, who lives on the ranch and helps run the business. George Morin's grandfather came to America in 1908 and bought a dairy farm in southern Arizona. He speaks Spanish and has a half brother living in Mexico. After living 54 years in this border region, he knows both sides of the border very well.

Beginning in the late 1980's, things began to change along the border, and we heard this refrain often. We heard this same thing from almost everybody we talked to there, and most of the people who live in this area have been living there for generations, and they have witnessed the phenomenon of immigration over that period of time. They have witnessed people coming across the border looking for jobs, people that they have befriended, people they have aided economically, and this has never really been a huge issue for them except in the last 10 or 15 years.

George and Linda noticed a steady increase in the number of illegal aliens crossing the border and coming across their land. Over the past 5 or 6 years, this flow has become, as they put it, a flood. They run a large cattle ranch as a family business, and it is a lot of very hard work. Drought, cattle diseases, volatile market prices for beef cattle, all of these make cattle ranching a tough business in the best of circumstances. The massive flood of illegal immigration across the border has brought many more hardships. Among the recent experiences, consider the following: The waterlines that carry water to their cattle have been cut and broken so many times that they have lost count, and again, by the way, this is a complaint that we heard over and over again. Water in this part of the world of course, in this part of the country, is very valuable, and it is something that ranchers depend upon for their existence, frankly, and the people coming across the border, for reasons that are sometimes difficult to explain, oftentimes vandalize these waterlines, vandalize the wells, even though many of the ranchers will leave out cups for these people so they can drink from the well and not do anything to harm it, but they do anyway.

The same thing goes for cattle fences. Repairing cut fences is now a routine task, and we saw hundreds of miles of broken-down fences along the border. Electric switches for water pumps are often jammed or vandalized. The Morin ranch has lost 8 cattle in the last year to death by eating plastic trash bags that trespassers drop as they pass through the land. This is also a site that is all too common throughout this particular area. There are locations throughout the Southwest, and especially in southern Arizona that are referred to as pickup sites. These are places where large numbers of illegal immigrants will gather for the purpose of getting a ride eventually, because these places are often near roads, sometimes highways, but they are often on private land, sometimes on public land, but they are places, as I say, in which large numbers of these folks will gather.

When they gather there and they start to undertake the next part of the journey, they discard everything that they have been carrying because the coyotes, the people who bring these people across, tell them that there has to be a lot more room in the trucks so they have to discard everything they have, and they throw everything in these pickup sites. We walk through them now, and they really are similar to large refuse piles, dumps essentially. I have, sometimes not so facetiously, referred to many of our parks in the area, the Cactus Pipe National Park as the Cactus Pipe National Dump because of the way it appears, and the trash is everywhere and these plastic bags are everywhere, and the cattle eat them and die. Trash left behind by the thousands of trespassers are not only dangerous to the cattle that eat it; it is despoiling the land and environment in numerous ways. In one day, Mr. Morin collected 42 syringes left by one group along with discarded drug containers.

All of this goes on, by the way, in plain sight. It is something that if the media would pay attention to, certainly there would be an outcry. We wonder why there is not an outcry from groups like the Sierra Club and Friends of the Earth and various other environmental organizations that often raise Cain about the despoiling of the land, but seldom say a word about this particular problem because of course it is connected with illegal immigration, and therefore a topic not willing to be discussed by these left-wing observations.

We wonder how many people are coming across. Do they see these people? Do George and Linda, his wife, see them coming across? How many do they see? Can they actually identify people who are coming across illegally? And of course, that is very possible. Two years ago George Morin woke up to some noise at about 5:30 in the morning. He discovered a virtual army of 600 trespassers walking through his ranch within eyesight of his ranch house. He called the border patrol. They did come this time and loaded 297 people onto buses and took them back to the border patrol station for processing. About half of the 600 got away, scattered to the hills, trails before the border patrol could load them onto buses. Sometimes these folks coming across the land get lost or they are abandoned by the coyotes. Again, these are the people who are paid to bring them into the United States.

It is common for ranchers and border patrol agents to hear from a group that their coyote pointed them to the lights in the distance and told them there is Phoenix. Maybe it is Tucson or maybe it is some small town only about 40 miles from the border.

One Thanksgiving morning 4 years ago, George and Linda Morin woke up to find about 80 Iranians walking across their property right in front of their house. The border patrol agents who took them into custody said that they had been told by their coyote that they were only 10 miles from San Diego. Only last Thursday, April 24, 90 illegal aliens were caught walking through the grassy expanse of the U.S. Army's Fort Huachuca near Sierra Vista, Arizona. The military police caught them and marched them to the fence where the border patrol loaded them onto vans.

One thing that is important to understand is this, as I mentioned earlier, is a new type of phenomenon. We have always had illegal immigrants coming across the line, but we have seldom had this happen in the numbers that we are witnessing today and/or in ways that are so organized. It is no longer just a few people coming across looking for jobs.

It is now a very well-organized effort, a very well-organized activity conducted largely by people who have heretofore been involved with drug smuggling into the United States. Because it has become very lucrative, that is why the drug cartels have become interested in this business. They are paid between $1,000 and $1,500 for a Mexican national to come into the United States illegally, but costs for a Middle Easterner or an Asian will get to about $30,000.

So there is so much money now in people smuggling that it rivals drug smuggling into the United States in terms of just the sheer volume in both human beings and in dollars.

If they are poor and they want to get smuggled into the United States, they do not need to come up with the ongoing price of $1,000 to $1,500 to get the help of professional people, smugglers. One can now be smuggled into the United States on the installment plan. It is happening this moment on a very large scale. It is widely understood by the border patrol and law enforcement agencies in the west. What happens if one gets to Phoenix or Los Angeles or Omaha and does not make their promised payments? Some very bad things happen.

□ 2030

Only last week, two illegal aliens who had made it to Phoenix were killed by members of the Mexican gangs that had smuggled them into the country. They were killed because they did not make their mordita payments. This is now a "travel now, pay later" business. But if you cannot pay, it is "travel now, die later."

Not only have the numbers of nationalities of people coming across the land changed over the last 10 years, but the character of the people and their attitude has also changed. Twenty years ago it was not uncommon to encounter illegal aliens on the ranch who would ask politely for a drink of water or ask for directions. Ranchers were normally cordial and often did not report the trespassers if they were in small groups or posed no immediate threat.

In the past decade, this has changed because the groups are larger, more aggressive. Part of this change is due to the increase in drug smuggling. The people who are transporting drugs across the open rangelands are usually armed and dangerous. They do not want any interference, and they will usually take what they want and not ask for it politely.

One recent trespasser George Morin encountered was angry because he had been caught and was being turned over to the Border Patrol. He told Mr. Morin, You don't belong here. You are in Mexico, and you don't know it. We are going to take it back and you will be gone.

This man is not delusional. He was deadly serious. He was voicing a goal of a small and radical movement within Mexico and the Southwest that looks forward to what it calls "Reconquista." This is the reconquest of the lands Mexico lost to Texas in 1836 and to the United States in the Mexican war of 1846.

There is a larger and more persuasive movement that is more powerful and very influential. The changes this movement seeks, in my opinion, pose a threat to our civic and legal institutions that provide the foundation for our freedom. I am talking about the multiculturist movement.

This movement is very political and politically correct. It becomes very influential in our universities, our public schools, our foundations and our mass media. The problems raised in this movement go far beyond the immediate concerns presented by illegal immigration; yet the two sets of problems tend to reinforce each other.

Many of these problems created by large numbers of illegal immigrants are exacerbated by the diversity movement because of the many proponents welcoming illegal immigration and opposing measures to controlling it. So I want to speak to that issue tonight.

Over the past several weeks, I have tried to deal with the issue of immigration reform in a variety of contexts. We started off talking about the problems with porous borders and what that means to the United States, especially in terms of our own national security. We talk about the economic impact of massive immigration of low-skilled, low-wage people. That was another segment. We talked about the environmental damage.

We spent 1 hour here talking about just this one aspect of it, the environmental damage that is being done by the literally millions of people coming across our southern borders, both walking and driving through pristine land, destroying some of the most beautiful and important national monuments.

All of this, as I say, is happening without the attention that would normally be focused on that kind of activity by the environmental groups in the United States. If it were done any other place, any other way, any other time, you would have hell to pay. The environmental groups would be just going crazy about the fact that we are destroying so much of our natural environment. Yet nothing is said about it here because we are talking about illegal immigration, and nobody wants to touch that subject.

This is a chart that describes what is happening in the United States in terms of population growth. By the year 2100, if we do absolutely nothing, if things continue as they are today, if the numbers increase as they are from the sources that they are occurring today, here is what happens. We reach a little over half a billion people in the United States.

The fact that we get there via immigration and descendants of immigrants is the important point here. It may be a very good thing. It may be very positive for the United States to have population growth of this nature, so dramatic and so important in terms of many things, including the economy. People talk about the need for growth in the economy, so maybe it is a good thing. Maybe this kind of growth is good.

It is important to understand that this growth is not coming as a result of the natural birth rate in the United States; it is coming as a result of immigration. So we have to make a decision as to whether or not this is where we want to be in 2100.

Again, this is if it just stays at the same level. This is all U.S. census data here. This is not something we are interpreting. This is where the U.S. Census Bureau tells us we are and where we are going and how we are going to get there.

Mr. Speaker, we can go back to the one part we talked about in terms of immigration reform and what this really means in terms of the environment, the impact on the environment. I come from Colorado, and I will tell you that things have changed pretty dramatically in my State over the last several years. The increase in the State's population has been dramatic. All of the infrastructure costs that go along with massive increases in people are, of course, prevalent, and they are to be paid for by the taxpayers of the State of Colorado.

This is happening not just in Colorado, but in States all over the Nation.

But where is this growth coming from? Again, I want to emphasize, it is not the natural growth rate of the country. It is a growth rate made up of immigration and the descendants of immigrants.

Again, this could be what we want. It could be absolutely where we want to be, so that pretty soon it is much more difficult to get through on congested highways, to visit the national parks, to experience that pristine wilderness that we have all enjoyed. But maybe that is all worth it. Maybe giving all of that up, maybe, is worth it, because the economy demands this kind of population growth rate.

But what we do not talk about and what I want to focus on tonight is the effect of immigration, of two things, and this is very important to discuss tonight or at least pay some attention to.

It is not just immigration that poses a cultural threat to the United States. Heaven knows that this is a Nation of immigrants. We have talked about this over and over again. We are all here because somebody in our past, some grandparents, great grandparents or however far back, decided to leave wherever they were and come here. I do not care if you call yourself a Native American. The reality is somebody many, many, many generations ago came across a land bridge from Asia to what we now call America. So all of us came here as a result of somebody making a decision to leave someplace and come here.

This has been a source of great strength for the United States. It is something to be enjoyed. Diversity is a good thing. I am not arguing that point.

By the way, this level of immigration, this rate of immigration, is something far greater than anything we have ever experienced in this Nation. It is far greater than what we experienced in the 1900s when in fact my grandparents came here. The numbers are huge.

Now, this does not even account for illegal immigration into this country. We talk about the fact that there are, we do not know for sure, maybe between 13 million and 20 million people in the country illegally. That, combined with all the people who have come into the country legally because we have now expanded our immigration and opened our immigration doors wider than ever in the past, all of these things can be positive.

I am not saying that we should slam the door to all immigration. Certainly not. But what I am suggesting is it is important for us to review as a Nation the connection between massive immigration into the country and something else we call multiculturalism, this sort of rabid multiculturalism.

What do I mean by that? Multiculturalism is a philosophy that permeates our schools and society in so many ways, and it says essentially this: there is nothing unique about American culture. In fact, if there is anything noteworthy about American culture, or Western Civilization, it is that it is bad. It is that it has been a culture developed on the backs of slaves, and that all the people who created the American dream were slave owners, people who came to pillage and rape the land. That is what we teach children about America and that there is nothing unique about America; there is nothing special, there is nothing that we should sort of glom on to and maybe disconnect from in terms of where we came from. This is the problem. This is a very serious problem in this regard.

The combination of these two things, massive immigration and this rabid multi-culturalism that tells people there is nothing unique about America, and that if you come here you should probably not only not integrate into our society, but you should in fact keep separate, keep a separate culture and keep a separate language.

We go to the extent of spending billions of dollars every year to teach children in our public schools in languages other than English. I think that this is a dangerous phenomenon. I think that we can handle immigration into this country, and always have; and we can do so because people coming into the United States, people coming here were, for the most part, coming from something else and to connect to a new idea. At least that is what my grandparents always said.

My grandparents came here around the turn of the 20th century, and I can remember very distinctly my grandmother telling my grandfather all the time, Speak American. Speak American. There was this implied and sometimes not so subtly implied desire on their part to really Americanize themselves.

I think of that when I think about a lunch I had not too long ago with a gentleman in Colorado, his name is Gomez, and he happens to be a Catholic bishop. Bishop Gomez asked to have lunch and discuss this issue of immigration, because he knows I am quite concerned about it. He knows I talk about this issue an awful lot here in the Congress of the United States, and he does not agree with me. So I certainly agreed to have lunch with him.

He said something that I found very illuminating in the course of our luncheon. He said, Congressman, I don't know why you are so worried about all of this immigration from Mexico, let's say. He said, You know, they don't want to be Americans anyway.

I thought that was just an amazing statement. He said, Don't be worried.

He thought for some reason or other I was worried that these people were coming into the United States to become Americans, and I did not want them to. Of course, it is exactly the opposite. I explained to him that was exactly why I was worried about massive immigration today. It is a different thing.

Mr. Speaker, we have argued about this issue since our Nation's inception. People have come to this floor over the past 200 years to talk about concerns about the newest wave of immigrants from someplace else and how that might affect America or whatever, and I do not mean to suggest that these old arguments hold water.

I am not talking about the simple fact of immigration, although it has, as I say, implications. Regardless of whether or not it was connected to the multi-culture issue, it has implications for many things just because of the numbers, which are far different than it ever was before.

But regardless of that, there is something new that is happening, and that is what I keep harping on, that is what I keep trying to bring to the attention of anyone who will listen, that there is a different immigration pattern today, and it is, as Bishop Gomez accurately described. He said, They don't want to be Americans. That was his comment, an exact quote: "They don't want to be Americans," so I should not worry.

They are only coming here for economic reasons, to escape poverty, the same reason my grandparents came, for the large part, and many others, to escape poverty and the blight of their history and the past.

But I am telling you that there was this other aspect to that immigration of past years, this one thing that said, I want to disconnect from that old way, from those old ideas, from that bankrupt history. I want to connect to something brand new in the United States.

□ 2045

I wanted to become part of it. This is showing itself in a number of ways.

When my grandparents came to this country, they no more would have thought about the possibility of having a dual citizenship status than they would fly. They really wanted, as I say, to disconnect from the old country. They came to the United States, and they took an oath of allegiance, and they swore to end any allegiance to any foreign power or potentate. That is the same oath that people take today, but something else is happening. In about 1947 or 1948, the United States decided to allow people to have dual citizenship. Now, we did that primarily because of what was happening in Israel at the time; Palestine, later to become Israel. And there were maybe at any given point in the last 50 years, up to the last, let us say 10 years, there were maybe 100,000 people in the United States, according to our research, maybe 100,000 at any given time holding dual citizenship. Now, something has happened. Something brand new is occurring that reflects, I think, the problem that I have just described with this concept of multiculturalism, the lack of any desire to attach themselves to any American experience, if you will, and to retain political and cultural ties to the country of origin.

About 2½ years ago, Mexico allowed their citizens to actually have dual citizenship, something they had never done in the past. And they also began to encourage, this is over maybe 5 or 6 years, they began to encourage a large flow of Mexican nationals into the United States, which created the kind of problems that we talked about here with the Morins on their ranch because they had never seen this kind of thing before. As I said, they had lived here for generations, but they had never seen the kinds of problems that they are seeing today, the numbers that are coming across, in this case from Mexico. And the fact is that this kind of combination of events where Mexico is encouraging the movement of people into the United States, allowing people to take dual citizenship; this is having an interesting effect here in this country.

For instance, we now think that there are between 6 million and 10 million people living in this country who claim dual citizenship. This is an interesting new phenomenon. Is it worthy of our discussion here? Is it something that anybody thinks is interesting, relevant, important? What does this mean? What is the effect of having this many people in this country with divided loyalties? And that is really the only way that one can describe it. I think Teddy Roosevelt said, we can have no 50–50 Americans. Either a man is an American and nothing else, or he is not an American at all. Teddy Roosevelt.

The idea that we have so many people clinging to other citizenship, clinging to other countries politically is, I think, a little bit problematic. At least it is worthy of our interest, our debate. Yet it is something we hardly talk about. Certainly it does not come up in this body very often. Nobody wants to really push this issue for fear that we will make someone else a little bit upset with us, that we will insult somebody else, some ethnic minority in this country, some dual citizen, some "something" hyphenated American or something that will offend them. Well, I would suggest that we should not worry about that kind of offense; we should talk about it because it is meaningful in this country. It is important to understand what is happening here.

I want to go back for a moment to what I was talking about in terms of the difference that is occurring and the whole concept of what it means to be an American, how that is fading away, how difficult it is now to actually define this idea, this "concept America."

When I was a child, when I was growing up in Denver, Colorado, and attending St. Catherine's Elementary School and, later on, Holy Family High School, I was taught about my heritage, who I was, and what my history was; and if someone would have asked me then, if someone asked me now, what is my heritage, I would say it is American. Who are my heroes? Who do I look to in my history and the history of who I consider myself to be from a heritage standpoint? I would say Jefferson and Lincoln and Washington and Adams, because I connected directly to that, even though I am a relative newcomer to this land. My ancestors did not come here on the Mayflower. But I connected to America, because that is what I was taught. I was taught by my parents, I was taught by my school that that was my heritage; that I was here now, and that this was the American ideal to which I was to aspire. And I did.

I would challenge people today to go out and ask a child, ask a student, almost any school in America what it means to be an American. Define that term: American. And I think many people would have, many students would have a very difficult time in doing that today. They have been told, frankly, that it is not a very good term, that it really does not, and it should not be used to signify something select and different and unique, distinct.

Not long after 9–11, the National Education Association put out a list of suggestions for teachers and for parents as to how they should address the issue of the attack on the United States on September 11. In not one word of about a 3- or 4-page little program that they distributed did they talk about the uniqueness of America, the importance of defending this Nation. The entire little descriptor was to tell people, tell parents and tell children that they should not think about these people who attacked our country in negative ways; I should say, they should not use the attack to cast aspersions on any group or any organization, and that there are many bad things in America that we have done, and that maybe we even actually sort of brought this on ourselves. Well, an ex-President of this country, and I am feeling a great deal of comfort in actually saying ex-President, for me anyway, Bill Clinton, was speaking at a university, I think it was Georgetown, and he said essentially the same thing. He said that the reason why we were attacked is because of slavery and the way we treated the Indians. I mean, this is the most incredible stuff. But this is what we are teaching our children about America.

Now, this is, I think, dangerous stuff. It is reflected in other ways. It is reflected in other ways. I look at the way in which the media has portrayed, for the most part, I guess, I should say the media, a large part of the media has portrayed the conflict in Iraq. I could not help noticing, I was in Europe last week, or the week before last, and I was watching, I think it was CNN International, and it was fascinating because they could not report a single story without some sort of twist they could add to it that they could characterize as anti-American. Every single event in Iraq, no matter how difficult it was to describe in this context, they managed to do it.

They are not unique in that. I think many, many aspects of the American media one could describe as being overly sensitive to the other side's attitudes, opinions, and ideas, overly critical to American interests. And this is what I am talking about. We cannot even report stories factually anymore. We have to couch everything in this sort of multiculturalist light so that no one might come to the conclusion that there is anything better about, let us say, the United States and Western Civilization than any other civilization or country. And that is why it was so hard for many members of the media to really analyze this issue objectively and report it objectively. They are stuck in this multicultural miasma. And they are, of course, helping to expand and to incorporate that kind of thinking into American schools and American thought.

I realize I am walking into somewhat uncharted waters here, and I want to make some very important distinctions. When I talk about multiculturalism and the problems I see in it, I am not talking about cultural diversity that brings into our society the music, the poetry, the art, dance from different cultures of all continents of the globe. Certainly our Nation has been enriched and continues to be enriched by these contributions. I am not talking about people of other nations bringing their language, religion, continuing to practice their religion in our free society. The freedom of religion is, of course, one of the most cherished liberties we have and must remain so. I am not talking about new immigrants who continue to speak their native language in their homes and want to pass it on to their children as part of their biethnic heritage. What I am talking about is the current politically motivated drive to enshrine, enshrine diversity as a goal that requires and demands a change in our fundamental values governing our civic institutions.

What the advocates of this new diversity seek is a kind of reverse assimilation who want American society to assimilate and adapt to the values of other cultures. An example of this political drive is to establish bilingualism as a national standard for official business in government operations and commercial life. Previous generations of immigrants expected that their children would learn English. As I mentioned, my grandparents demanded of my parents and of us, demanded that we learn it as quickly as possible. Only in the recent past have we seen a political movement that seeks to perpetuate a parallel culture that does not speak English and thus cannot participate fully in the mainstream of American life. There are schools in States throughout this Nation, in cities throughout the country, where children can actually spend years and, for a while, one could actually go 12 years to a Denver public school and never be taught in English.

I believe that the demand and push for manufactured diversity in every facet of our lives has a political motivation. Its purpose has nothing to do with toleration of other cultures. Our Nation has historically been the most accepting, most tolerant people on Earth; and this has not changed, nor should it. But Americans could and did accept millions of immigrants from diverse cultures precisely because we had a set of institutions and a set of civic values that all of the new immigrants were expected to adopt. In doing so, immigrants did not give up their language, their music, their religion. They became Americans in certain essential ways that allowed them to assimilate into American life and enjoy the benefits of liberty. I am gravely concerned that our recent and current immigration is not of the same character as our historic immigration and that the impact and effect will be to weaken our civic culture and our political institutions that guarantee life, liberty, and the pursuit of happiness.

I will give a concrete example of this changed character of our recent immigration and especially the impact that can be expected from granting amnesty and citizenship to millions of illegal immigrants.

□ 2100

I speak now of the matter of a divided loyalty and a growing acceptance, as I mentioned earlier, of this dual citizenship. Do Members think it is a mere accident or happenstance that the oath of allegiance taken by every one of the tens of millions of naturalized American citizens who had passed through Ellis Island over the last 150 years contains the words "I hereby renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty of which I have heretofore been the subject or citizen"? These words explicitly and unabashedly require new citizens to give up any loyalty to the foreign country.

I have oftentimes, perhaps not so often, but I have certainly spoken to immigrant groups coming into this country. I have gone to citizenship ceremonies where people take the oath of office, new immigrants to the United States.

I have gone there and said to them, first of all, I want to tell you welcome to the United States. Secondly, I want to tell you, thank you for doing it the right way. Thank you for coming here, working through the process and doing it legally. I also want to tell you how important it is to now adopt a new life around a set of ideals that we can share, that we have in common.

I want to encourage that. I do try my best to encourage that. I say this because I want to reemphasize the fact that I am not opposed to immigration, but I certainly believe that it is in desperate need of reform.

I think another way to describe what is happening, besides using the word "multiculturalism" is to talk about the people who have developed what is called a cult of ethnicity. It challenges the idea of what it means to be an American.

There are major implications to this phenomenon. I have talked about, to a certain extent, the problems we have when we do not encourage people, Americans, especially our children, to understand and to believe that there is something unique about America worthy of their allegiance; not to be chauvinistic, necessarily, but to simply understand the basic reality of the situation.

That is this, that western civilization has provided the world, certainly America, with the infrastructure that has enabled us to actually grow the greatest, I think, civilization on Earth. Now, that is a personal observation; but I think it is empirically provable, also, that there is something better about what we have.

I am proud of what we have. I am proud of being a product of western civilization. I am proud of the infrastructure. I am proud of the principles that we embody in this organization we call the Congress of the United States. I am proud that we have an adherence to the rule of law. I am proud that we believe in and strongly defend the right to pursue our own religion, to speak openly about our feelings about government.

All of these things really are an aspect of and a product of western civilization, and they are worthy of our allegiance and worthy of things we should tell our children about, and that we should encourage them. If we do not, we will find ourselves lacking in a number of ways. We especially will find ourselves in a dangerous situation when this civilization is, in fact, threatened, as I believe it is today.

Now, this gets me into an even more, I guess, controversial arena than what I have spoken of up to this point, if that is even possible. I believe that what we are witnessing throughout the world is, indeed, a clash of civilizations, and I believe western civilization is threatened.

I think the major threat today comes from something that we can refer to as radical Islam; not the religion of Islam, but it is the religion married to a political philosophy that says that all other people on the Earth have to be annihilated, abolished, eliminated.

Now, this is a clash that we have seen actually for centuries. It is not new, this confrontation. This conflict has been going on, as I say, for centuries. It peaks; it goes down. There are times of a great deal of activity, and times when there is not a lot of activity around this thing. But it has been going on for a long time, and it goes on even today.

It is important to understand this, because what it means is this: that it must be fought. If we are going to defend western civilization, it has to be fought with force of arms, as we have witnessed in Iraq and Afghanistan. It also has to be fought in the world of ideas. It has to be fought with ideas.

Western civilization rests upon certain ideas and ideals. They, in fact, need to be taught to children and to adults.

I was a teacher. I taught for 8 years in the Jefferson County public schools. I taught civics. I will tell the Members that very, very few children ever come to school with an innate appreciation of certain things like art, music. They need to be taught. They do not just wander in the door thinking, you know, I just feel something really good about Mozart or about Picasso. We have to teach children. We have to teach people about the value of these things to get them to appreciate them, more often than not. Some people may have that gift, but most of us do not.

Likewise, children do not come to school with an innate appreciation for western civilization or what it means to be an American. They have to be taught. When we abandon that and we offer it up on the altar of multiculturalism, we risk a great deal; especially when, as I say, there is the threat to the system.

Now, anybody can feel sort of a visceral response to somebody driving a plane into a building and killing 3,000 of our citizens; driving a plane into the Pentagon and killing a couple hundred of our fellow citizens there; crashing a plane into Pennsylvania that was destined for this spot.

Anybody can get a visceral reaction to that and say, yes, I want to confront that and punish whoever did that. That is fine. It is fine if, in fact, that conflict only lasts a short time, and that we identify the culprit and we take care of business.

But unless Americans understand that this is a long-term prospect, that this is a long-term conflict; and that it is not just with a segmented chunk of society. It is not just with a group we call al Qaeda or a group we call the Taliban or an individual we call Osama bin Laden, or another individual that we call Saddam Hussein.

Unless we realize that it is something broader than that, something bigger than that with which we are in conflict, Americans will lose heart for this conflict because they do not connect it to anything bigger than an attack on the Pentagon, an attack on the World Trade Towers.

This is why I say that this is an important issue for us to discuss as Americans, and understand that there are cultural ramifications to massive immigration when it connects with this rabid, bizarre multiculturalist philosophy which permeates America.

There was a book written not too long ago by Arthur Schlesinger, Jr., certainly someone that I would not have thought before I would have found myself having a common ground with, but he wrote a book called "The Disuniting of America." I have liberally excerpted from it for tonight's discussion.

He says, "The historic idea of a unifying American identity is now in peril in many arenas: in our politics, our voluntary organizations, our churches, our language."

What this esteemed historian saw as peril in 1991 is even more evident today in confronting the question we are, in fact, confronting, the most fundamental question a nation can consider as a matter of national choice and deliberation: what is America? What is America?

This question is not one that has been created by illegal immigration. We would confront this question sooner or later, even without massive illegal immigration into the country. Nor is the question now more urgent because the levels of legal immigration has far surpassed historic levels. The additional numbers of immigrants brought to America by our immigrant policies no doubt exacerbate the problem of national identity, but they have not created the problem.

What has created the problem is the influential ideology of multiculturalism discussed so eloquently by Arthur Schlesinger and accurately described by him as deeply hostile to our historic ideas of assimilation.

Now, remember, Mr. Schlesinger is not a conservative. He is not or he cannot by anybody, I think, be called names like ethnocentric or any of the other epithets that are thrown at people who suggest that there is a problem with multiculturalism. He has lifelong liberal credentials and is a liberal scholar.

On July 4, 1915, President Woodrow Wilson spoke in Philadelphia at a mass naturalization ceremony. On that day, at the President's behest, all members of the cabinet and other prominent members of our society spoke at naturalization ceremonies across the Nation.

As we all know, President Wilson was an idealist in matters of world politics and a liberal reformer in domestic policy. But on that day in 1915, he spoke for all Americans when he told the new citizens assembled to take their oath of citizenship:

"I certainly would not be the one even to suggest that a man cease to love the home of his birth and the Nation of his origin. These things are very sacred and ought not to be put out of our hearts. But it is one thing to love the place where you were born, and it is another to dedicate yourself to the place to which you go. You cannot dedicate yourself to America unless you become in every respect and with every purpose of your will thoroughly Americans. You cannot become thoroughly Americans if you think of yourself in groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American, and a man who goes among you to trade upon your nationality is not worthy to live under the Stars and Stripes."

I firmly believe that we desperately need to reaffirm the principles of citizenship and of American identity if we are to survive as a free people in the 21st century. I believe this is not just a fear of immigration. As a son of immigrants, I welcome and support immigration..

What worries me is that the nation our new immigrants seek to find at the end of their journey may not be the nation of their dreams and grand ambitions. If we are to remain true to our history, we must also remain true to our destiny. It is not that of a vague and confusing collection of ethnic groups or religious sects; our destiny is to continue as the land of freedom and opportunity, a beacon of hope for all the world's oppressed.

To succeed and find that destiny, we must renew the bonds of citizenship and the values and institutions that nourish and sustain those bonds. This ideology of multiculturalism does not understand this. In fact, that movement is at war with the very idea of America as it was understood for 200 years.

But most Americans do understand it and do want to strengthen it; at least I hope that is true. With the help of the good people of this Nation, we will prevail. But we will not prevail unless we are willing to at least confront this issue, no matter how uncomfortable it is for us to talk about, no matter how challenging it is.

It is undeniable that massive immigration combined with a multiculturalism philosophy in this country has ramifications. Some here, some throughout the country, may believe those ramifications are positive; I believe that, for the most part, they are negative.

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I believe that the leadership of this Nation must begin a discussion with America. When I say leadership, I mean it in the way of renewing a commitment to the idea of America on the part of all the people who come here and on the part of all the people who are here. Is Western Civilization, as epitomized by the American experience, is it worth saving? This is the question we must pose. And in order for anybody to answer it accurately, they have to have all information available to them.

We have to teach children about its value along with its warts. It is important that we do not gloss over the inequity, that we do not discard as part of our text any discussion of slavery or any of the issues that we know to be negative in our history. They have to be discussed and understood in order to be overcome. But why is it not equally as important to discuss the factual positive elements of Western Civilization and what it has brought to the world? Why is that so scary to the academic community, to the media, and to the pop culture? Why is it so comfortable for members of the pop culture, the people in television and in movies to stand up and criticize, only to criticize, what it is to be American when they reap so many of the benefits of Western Civilization themselves? How hypocritical it is for them to do so. But how comfortable it is for them to do so. How easy it is for them to do so.

Is it not intriguing that if anyone were to stand up, especially in the world of Hollywood and such, how difficult it is for anybody to stand up and be patriotic Americans, say things that reflect a true love of the country? I mean, this was not always the way. In the 1940s and the Second World War, Hollywood was looked at as a bastion of patriotism. The movies they put out were patriotic in nature, and it was not looked down upon to express those feelings.

Something has changed dramatically, and now people who do, people who exist in that medium are afraid to actually express those sentiments for fear they will be shunned by their peers. What has happened that has allowed this to occur? Well, I suggest to you that it is time to regenerate a discussion of American principles and ideas; to make everybody, our children and adults, understand the importance of those ideas and ideals; to expect from immigrants coming to this country that they want to be Americans, and to come here for any other reason is not acceptable. To come here simply to achieve economic goals, but to hold allegiance to other countries both politically, ethnically, and linguistically is not acceptable. It is not acceptable because it will sap the strength of America. It will sap our ability to be successful in the clash of civilizations. It will lead to our demise. And that is why I take to the floor as often as I do to talk about this issue, immigration.

It is far, far more significant than just the issue of jobs or low-skilled, low-wage people who have to come to the country and we have to build highways and we have to build schools. And all of those things are true and all of the problems we have with population increases that are as a result of massive immigration, those things are real and they have to be dealt with. But it is even more important than that; it is far more important than that. It is far more important than that. It goes to our very existence.

Massive immigration in this country will determine not just what kind of a Nation we will be, but whether we will be a Nation at all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. HONDA (at the request of Ms. PELOSI) for today and April 30 on account of personal reasons.

Ms. MCCARTHY of Missouri (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. RODRIGUEZ) to revise and extend her remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, April 30, and May 1.

Mr. RAMSTAD, for 5 minutes, April 30.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1559. An act making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes.

H.R. 1770. An act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 14, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1505. To designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

H.R. 1584. To implement effective measures to stop trade in conflict diamonds, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 15, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 145. To designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. To ensure continuity for the design of the 5-cent coin, establish the Citizens coinage Advisory Committee, and for other purposes.

H.R. 1559. To making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 24, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1770. To provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-216-AD; Amendment 39-12912; AD 2002-21-06] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A);

1868. A communication from the President of the United States, transmitting a request for the Equal Employment Opportunity Commission (EEOC); (H. Doc. No. 108—62); to the Committee on Appropriations and ordered to be printed.

1869. A communication from the President of the United States, transmitting a request to make available funds for the disaster relief program of the Department of Homeland Security; (H. Doc. No. 108—65); to the Committee on Appropriations and ordered to be printed.

1870. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Eric K. Shinseki, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

1871. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7805] received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1872. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); In creased Rates for Flood Coverage (RIN: 1660-AA25) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1873. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Mortgage Insurance Premiums in Multifamily Housing Programs (Docket No. FR-4679-F-03] (RIN: 2502-AH64) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1874. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Exemptions from Classification as Banned Hazardous Substances; Exemption for Certain Model Rocket Propellant Devices for Use With Rocket-Powered Model Cars — received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1875. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology Opportunities Program [981203295-3055-08] (RIN: 0660-ZA06) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1876. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1877. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1878. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-024; Order No. 587-R] received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1879. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-03 which informs of an intent to sign a Second Project Agreement concerning Aegis Combat System Test and Evaluation on U.S. and Spanish Aegis Ships between the United States and Spain, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1880. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1881. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period February 1, 2003 through March 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1882. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1883. A communication from the President of the United States, transmitting a report consistent with Public Law 107-243, "Authorization for Use of Military Force Against Iraq Resolution of 2002"; (H. Doc. No. 108—63); to the Committee on International Relations and ordered to be printed.

1884. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—64); to the Committee on International Relations and ordered to be printed.

1885. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — International Services Surveys: BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 020725180-2263-02] (RIN: 0691-AA43) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1886. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on International Relations.

1887. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [FBI 109P; AAG/A ORDER No. 010-2003] (RIN: 1110-AA08) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1888. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [AAG/A Order No. 009-2003] received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1889. A letter from the Administrator, General Services Administration, transmitting the Administration's fiscal year 2004 Annual Performance Plan; to the Committee on Government Reform.

1890. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1891. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2003 through March 31, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—66); to the Committee on House Administration and ordered to be printed.

1892. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Virgin Islands Coral Reef National Monument (RIN: 1024-AC89) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1893. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program [Docket No. 000522149-3063-04] (RIN: 0648-ZA) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1894. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing [Docket No. 020801186-3073-02; I.D. 053102D] (RIN: 0648-AQ09) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1895. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Inflation Adjustment of Civil Money Penalty Amounts [Docket No. FR-4787-F-01] (RIN: 2501-AC91) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1896. A letter from the Program Manager, ATF, Department of Justice, transmitting the Department's final rule — Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296 [ATF No. 1; Docket No. 2002R-341P] (RIN: 1140-AA00) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1897. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Civil Penalities (RIN: 2126-AA81) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Boothville Anchorage, Venice, LA [CGD08-02-017] (RIN: 1625-AA01 [Formerly RIN: 2115-AA98]) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-003] (RIN: 625-AA97) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Baron Squadron Aerobatic Flight Demonstration, Long Beach, CA [COTP Los Angeles-Long Beach 03-001] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oceanside Harbor, CA [COTP San Diego 03-003] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida [COTP Tampa 03-006] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK [COTP Western Alaska 02-001] (RIN: 1625-AA00 (Formerly 2115-AA97)) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Tank Ships, Puget Sound, WA [CGD13-02-018] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1905. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to San Onofre, San Diego County, CA [COTP San Diego 03-014] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1906. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP San Diego 03-013] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1907. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards [FHWA Docket No. FHWA-2002-13069] (RIN: 2125-AE78) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1908. A letter from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting the Department's final rule — Extension of Computer Reservations Systems (CRS) Regulations [Docket No. OST-2003-14484] (RIN: 2105-AD24) received March 26, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1909. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Revisions; Definition of Administrator (RIN: 2137-AD43) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations [Docket No. FAA-1999-5836] (RIN: 2120-AC38) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Operating Rules for the Conduct of Instrument Flight Rules (IFR) Area Navigation (RNAV) Operations Using Global Positioning Systems (GPS) in Alaska [Docket No. FAA-2003-14305; Special Federal Aviation Regulation No. 97] (RIN: 2120-AH93) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Registration Requirements; Clarification of "Court of Competent Jurisdiction" [Docket No. FAA-2002-12377; Amendment No. 47-26] (RIN: 2120-AH75) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1, -3B, and -3B1 Turbofan Engines [Docket No. 2001-NE-21-AD; Amendment 39-13086; AD 2003-05-10] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. 2003-CE-09-AD; Amendment 39-13088; AD 2003-06-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG, Model Tay 611-8, 620-15, 650-15, and 651-54 Turbofan Engines [Docket No. 2002-NE-37-AD; Amendment 39-13080; AD 2003-05-04] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego (WSK) PZL-Rzeszow S.A. Franklin 6A-350-C1, -C1A, -C1L, -C1R-C2, -C2A, and 4A-235 Series Reciprocating Engines [Docket No. 2002-NE-20-AD; Amendment 39-13077; AD 2003-05-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 and Mystere-Falcon 900 Series Airplanes [Docket No. 2003-NM-53-AD; Amendment 39-13085; AD 2003-05-09] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30359; Amdt. No. 3049] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30357; Amdt. No. 3047] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30358; Amdt. No. 3048] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30360; Amdt. No. 3050] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1922. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Referrals of Information Regarding Criminal Violations (RIN: 2900-AL31) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1923. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-33) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Grants Made by the Empire State Development Corporation to Businesses to Aid Recovery from the Attack of September 11, 2001, on the World Trade Center [Notice 2003-18] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2001-54) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit — received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Qualified 501(c)(3) Bonds [Notice 2002-10] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Optional Methods for Determining the Value of the Use of Demonstration Automobiles Provided to Employees by Automobiles Dealerships (Rev. Proc. 2001-56) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2002-8) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Problems Raised by Certain Trust Arrangements Seeking to Qualify for Exception for Collectively Bargained Welfare Benefit Funds under Section 419A(f)(5) [Notice 2003-24] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1931. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2002-9) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1932. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Canadian Retirement Plan Trust Reporting [Notice 2003-25] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1933. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Estimated Tax Payments (Rev. Rul.2003 -34) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1934. A letter from the Regulations Officer, SSA, Social Security Administration, transmitting the Administration's final rule — Special Benefits for Certain World War II Veterans [Regulation No. 8] (RIN: 0960-AF61) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1935. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill Education Benefits Program; jointly to the Committees on Armed Services and Veterans' Affairs.

1936. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Federal Deposit Insurance Corporation Funds' 2002 and 2001 Financial Statements, pursuant to 12 U.S.C. 1827; jointly to the Committees on Financial Services and Government Reform.

1937. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled, "Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education," pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 108–74, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1350. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes; with an amendment (Rept. 108–77). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. 108–79). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1346. A bill to amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency, with an amendment; referred to the Committee on Transportation and Infrastructure for a period ending not later than June 2, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X (Rept. 108–78, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GALLEGLY (for himself, Mr. Pombo, Mr. Gibbons, and Mr. Young of Alaska):

H.R. 1835. A bill to amend the Endangered Species Act of 1973 to limit designation as critical habitat of areas owned or controlled by the Department of Defense, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Hunter):

H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Hunter):

H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H.R. 1838. A bill to amend title 38, United States Code, to revise the presumptions of service-connection relating to diseases and disabilities of former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. GREEN of Wisconsin (for himself and Mr. Pence):

H.R. 1839. A bill to amend the Act of October 19, 1949, entitled "An Act to assist States in collecting sales and use taxes on cigarettes"; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1840. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. NEY (by request):

H.R. 1841. A bill to better assist lower income families to obtain decent, safe, and affordable housing through the conversion of the section 8 housing choice voucher program into a State-administered block grant; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1842. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1843. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to notify parents concerning missing person reports about their children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1844. A bill to establish State revolving funds for school construction; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1845. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1846. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for the collection of data on the availability of credit for women-owned business; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1847. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1848. A bill to afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. Rangel):

H.R. 1849. A bill to require the establishment of programs by the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Health and Human Services to improve indoor air quality in schools and other buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 1850. A bill to provide for automatic naturalization for noncitizen members of the Armed Forces ordered to serve in a combat zone, and to extend immigration benefits to surviving spouses, children, and parents of persons granted posthumous citizenship through death while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1851. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1852. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1853. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of Medicare+Choice organizations and to make such reports available to the public; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1854. A bill to amend part C of title XVIII of the Social Security Act to reimburse Medicare+Choice plans located in the same metropolitan statistical area the same payment rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1855. A bill to amend title XVIII of the Social Security Act to require home health agencies participating in the Medicare Program to conduct criminal background checks for all applicants for employment as patient care providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 1857. A bill to authorize assistance to combat the growing HIV/AIDS problem in countries in sub-Saharan Africa and the Caribbean; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Levin, and Mr. Matsui):

H.R. 1858. A bill to provide a permanent funding level for the Social Services Block Grant, and to authorize States to use 10 percent of their TANF funds to carry out Social Services Block Grant programs; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. Weldon of Pennsylvania, Mr. Simmons, Ms. DeLauro, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Goode, Mr. English, Mr. Petri, Mr. Rogers of Michigan, Mr. McHugh, Mr. Wilson of South Carolina, Mr. McGovern, Mr. Frost, Mr. Platts, and Mr. Ford):

H.R. 1859. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. LEVIN (for himself and Mr. Foley):

H.R. 1860. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Markey, Mr. Brown of Ohio, Mr. Holt, and Ms. Jackson-Lee of Texas):

H.R. 1861. A bill to help protect the public against the threat of chemical attacks; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. Greenwood, Mr. English, Mr. Doyle, Mr. Murphy, Mr. Kanjorski, Mr. Murtha, Ms. Hart, Mr. Platts, Mr. Hoeffel, Mr. Brady of Pennsylvania, Mr. Gerlach, Mr. Fattah, Mr. Holden, and Mr. Sherwood):

H.R. 1862. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 1863. A bill to declare adequate pain care research, education, and treatment as national public health priorities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. Honda):

H.R. 1864. A bill to preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia:

H.R. 1865. A bill to authorize the Secretary of Housing and Urban Development to make grants to States, units of general local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Mr. SWEENEY (for himself and Mr. McNulty):

H.R. 1866. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 1867. A bill to amend title 44, United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. Davis of Illinois, Ms. Norton, Mr. Serrano, Mr. Thompson of Mississippi, Ms. Lee, Ms. Kaptur, Ms. Jackson-Lee of Texas, Mr. Udall of New Mexico, Mr. Abercrombie, and Ms. Eddie Bernice Johnson of Texas):

H.R. 1868. A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority and other populations served by health centers under section 330 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WATT (for himself, Mr. Jones of North Carolina, Mr. Udall of Colorado, Mr. Ross, Mr. Frank of Massachusetts, Mr. Houghton, Mr. Capuano, Ms. Solis, Mr. Forbes, and Mr. Hinchey):

H.R. 1869. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum, located in Greensboro, North Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 1870. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 1871. A bill to encourage partnerships between community colleges and four-year colleges and universities; to the Committee on Education and the Workforce.

By Mr. NEY (for himself and Mr. Larson of Connecticut):

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people; to the Committee on House Administration. considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 157. Concurrent resolution expressing the sense of Congress supporting education to reduce childhood injuries; to the Committee on Energy and Commerce.

By Mr. PORTER (for himself, Mr. Hoekstra, Mr. McKeon, Mr. Castle, Mr. DeMint, Mrs. Musgrave, Mr. Rogers of Michigan, Mr. Chocola, Mr. Hayworth, Mr. Keller, Mrs. Blackburn, and Mr. Rehberg):

H. Res. 204. A resolution congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce. considered and agreed to.

By Mr. KINGSTON:

H. Res. 205: A resolution designating majority membership on certain standing committees of the House.

By Mr. FROST:

H. Res. 207. A resolution honoring the life and achievements of Dallas Morning News Reporter Sam Attlesey and expressing sorrow on the occasion of his death; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

22. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 1 memorializing the Congress of the United States to adopt and place on the ballot a national referendum to maintain the words "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

23. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 184 memorializing the Congress of the United States to act expeditiously to allow for the deduction of state and local sales in the computation of Federal income tax liability, as would be allowed under the provisions of H.R. 720; to the Committee on Ways and Means.

24. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 34 memorializing the Congress to approve legislation to allow taxpayers to deduct sales taxes paid on their federal income tax return sales in the computation of Federal income tax return; to the Committee on Ways and Means.

25. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4023 memorializing the Congress to enact financially sustainable, voluntary, universal, outpatient prescription drug coverage with consideration for privately administered plans as part of the federal Medicare program; jointly to the Committees on Energy and Commerce and Ways and Means.

26. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 37 memorializing the Congress to support the President's strategy for protecting the security of the United States through our efforts in Iraq and to support for the men and women of our military and their families; jointly to the Committees on International Relations and Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. OTTER introduced a bill (H.R. 1872) for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, Idaho; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Ms. NORTON, Ms. LOFGREN, and Mr. OBERSTAR.

H.R. 40: Mr. HONDA.

H.R. 49: Mr. BRADLEY of New Hampshire and Mr. SMITH of Washington.

H.R. 50: Ms. HART.

H.R. 51: Mr. BONILLA.

H.R. 57: Mr. BURR, Mr. DEAL of Georgia, and Mr. FOSSELLA.

H.R. 58: Mr. STEARNS, Mr. ROTHMAN, Mr. DICKS, Mr. JENKINS, Mr. KENNEDY of Rhode Island, Mr. DUNCAN, and Mr. GORDON.

H.R. 63: Mr. GOSS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 92: Mr. RYAN of Ohio.

H.R. 100: Mr. FALEOMAVAEGA and Mr. GARRETT of New Jersey.

H.R. 117: Mr. SCHROCK.

H.R. 125: Mrs. CAPPS.

H.R. 126: Ms. LOFGREN and Ms. LEE.

H.R. 133: Mr. ISRAEL.

H.R. 140: Mr. BARRETT of South Carolina.

H.R. 206: Mr. GORDON and Mr. BEAUPREZ.

H.R. 208: Mr. ISRAEL.

H.R. 218: Mr. MORAN of Kansas, Mr. FALEOMAVAEGA, Mr. SHERMAN, and Mr. MCNULTY.

H.R. 223: Mr. HOEKSTRA.

H.R. 224: Mr. HOEKSTRA.

H.R. 236: Ms. SCHAKOWSKY, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. MILLER of North Carolina, Ms. MAJETTE, and Mr. RYAN of Ohio.

H.R. 278: Mr. BURR and Mr. GREEN of Wisconsin.

H.R. 284: Mr. FOLEY, Mr. HUNTER, Mr. MCDERMOTT, Ms. DELAURO, Mr. FOSSELLA, Mr. DEFAZIO, Mr. BISHOP of New York, Mr. SHUSTER, Mr. SMITH of Washington, Mr. BOEHLERT, and Mr. BEREUTER.

H.R. 300: Mr. PETERSON of Pennsylvania.

H.R. 303: Mr. MOLLOHAN, Mr. ROYCE, Mr. MARKEY, Mr. DOOLEY of California, Mr. FORBES, Ms. CARSON of Indiana, Mr. SCOTT, of Georgia, Ms. KAPTUR, Mr. SHERMAN, Mr. COBLE, Mr. PORTMAN, Mr. MCINNIS, and Mr. BURGESS.

H.R. 328: Mr. LANTOS, Ms. KILPATRICK, Ms. LOFGREN, Ms. KAPTUR, Ms. WATERS, Mr. RYAN of Ohio, Mr. DOOLEY of California, Mr. ACKERMAN, Ms. SOLIS, and Mr. BELL.

H.R. 331: Mr. BARTLETT of Maryland.

H.R. 348: Mr. GRIJALVA and Mr. STRICKLAND.

H.R. 369: Mrs. MILLER of Michigan.

H.R. 373: Ms. LINDA T. SÁNCHEZ of California.

H.R. 391: Ms. GRANGER, Mr. BRADY of Texas, Mr. MORAN of Kansas, and Mr. WELDON of Florida.

H.R. 401: Mr. TANCREDO, Mr. LANTOS, and Mr. DEUTSCH.

H.R. 424: Mr. ISRAEL.

H.R. 442: Mr. MILLER of North Carolina, Mr. SMITH of Washington, Mr. SAXTON, Ms. DELAURO, and Mr. GORDON.

H.R. 445: Mr. PAYNE and Mr. CLYBURN.

H.R. 457: Mr. KLINE.

H.R. 489: Mr. BARTLETT of Maryland.

H.R. 497: Mr. COX.

H.R. 527: Mr. FOLEY, Mr. WOLF, and Mr. ACKERMAN.

H.R. 528: Mr. MARKEY, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. WEXLER, and Mr. MORAN of Virginia.

H.R. 543: Mr. MURPHY.

H.R. 548: Mr. FARR, Mr. MCNULTY, Mr. DOGGETT, Mr. BONNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mrs. BONO, Mr. TIERNEY, Mr. HALL, Mr. SNYDER, Mr. CANNON, and Mr. HERGER.

H.R. 569: Mr. FRANK of Massachusetts.

H.R. 571: Mr. MICA, Mr. ADERHOLT, Mr. BOEHLERT, Mr. CARTER, Mr. TANCREDO, Mr. FILNER, Mr. GOODE, Mr. BONNER, Ms. DUNN, and Mr. ROGERS of Michigan.

H.R. 584: Mr. FOLEY.

H.R. 594: Mrs. MUSGRAVE, Mr. DEAL of Georgia, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. RAHALL, Mr. ROSS, Mr. DUNCAN, Mr. MURPHY, Mrs. MALONEY, and Mr. BURGESS.

H.R. 623: Mr. CASE and Mr. PETERSON of Minnesota.

H.R. 648: Mr. JONES of North Carolina and Mr. BURTON of Indiana.

H.R. 687: Mr. CHABOT, Mr. GINGREY, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. CALVERT, Mr. PAUL, Ms. HART, Mr. SHAYS, Mr. FRANKS of Arizona, and Mr. LEWIS of Kentucky.

H.R. 713: Mr. MORAN of Kansas, Mr. OLVER, Mr. ROSS, and Mr. JONES of North Carolina.

H.R. 714: Mr. MANZULLO and Mr. OTTER.

H.R. 717: Ms. NORTON, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mr. MOORE, Mr. BELL, Mr. GREEN of Texas, Mr. GUTIERREZ, and Ms. VELÁZQUEZ.

H.R. 728: Mr. NETHERCUTT and Mr. WILSON of South Carolina.

H.R. 731: Ms. ROYBAL-ALLARD, Mr. MICHAUD, Mr. FOLEY, Ms. WATERS, Mr. INSLEE, Mr. BRADY of Pennsylvania, and Mr. COLE.

H.R. 734: Mr. DAVIS of Illinois.

H.R. 738: Mr. RYAN of Ohio, Mr. NEAL of Massachusetts, Ms. LINDA T. SÁNCHEZ of California, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, and Ms. ESHOO.

H.R. 742: Mr. MORAN of Virginia, Mr. HAYES, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. ROTHMAN, Mr. JOHN, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. MANZULLO, Mr. ALEXANDER, Mr. BISHOP of Utah, Mr. BOUCHER, Mr. CLAY, Mr. ISRAEL, Mr. LARSEN of Washington, and Mr. UPTON.

H.R. 756: Mr. AKIN.

H.R. 767: Mrs. MUSGRAVE, Mr. EHLERS, Mr. FOLEY, Mr. CAMP, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. DOOLITTLE.

H.R. 768: Ms. MILLENDER-MCDONALD and Mr. LAHOOD.

H.R. 776: Mr. MARKEY and Mr. HOEFFEL.

H.R. 785: Ms. MCCOLLUM, Mr. TURNER of Texas, Mr. LATOURETTE, Mr. FOSSELLA, Mr. HINCHEY, Mr. MOORE, Mr. LUCAS of Kentucky, Mr. FILNER, and Mr. HOUGHTON.

H.R. 786: Mr. RENZI, Mr. FILNER, and Mr. HOUGHTON.

H.R. 792: Mr. PASTOR, Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. PEARCE, and Mr. LAHOOD.

H.R. 800: Mr. BARRETT of South Carolina and Mr. SULLIVAN.

H.R. 806: Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. MCNULTY, and Mr. MCINNIS.

H.R. 808: Mr. SHAW.

H.R. 809: Mr. MORAN of Virginia.

H.R. 813: Ms. LEE and Mr. GORDON.

H.R. 814: Mr. DAVIS of Tennessee, Mr. BALLANCE, Mr. BRADLEY of New Hampshire, Mr. DUNCAN, and Mr. MURPHY.

H.R. 816: Mr. ABERCROMBIE, Mr. ISAKSON, and Mr. SMITH of New Jersey.

H.R. 819: Mr. PALLONE, Mr. PEARCE, Mr. TURNER of Texas, Mr. FROST, and Mr. GREEN of Texas.

H.R. 832: Ms. PELOSI, Ms. MAJETTE, Mr. SHERMAN, Mr. MORAN of Virginia, and Mrs. CAPPS.

H.R. 839: Mr. RAMSTAD and Mr. HOUGHTON.

H.R. 857: Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, Mr. ENGEL, Mr. DEUTSCH, and Mr. HINCHEY.

H.R. 870: Mr. COLLINS, Mr. JEFFERSON, Mr. CRANE, and Mr. KLECZKA.

H.R. 871: Mr. LAHOOD.

H.R. 872: Mr. MCHUGH.

H.R. 879: Mr. FILNER and Mr. BROWN of Ohio.

H.R. 882: Mr. EHLERS, Mr. PASCRELL, Mr. HOUGHTON, and Mr. ANDREWS.

H.R. 898: Mr. MEEKS of New York, Mr. EVANS, Mr. STENHOLM, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 919: Mr. BERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. WEINER, Mr. LARSON of Connecticut, Mr. REYES, Mr. COBLE, Mrs. CAPPS, and Mr. COLE.

H.R. 931: Mr. BOOZMAN, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mrs. JO ANN DAVIS of Virginia, and Mr. SCHROCK.

H.R. 936: Mr. DEFAZIO and Mrs. CAPPS.

H.R. 941: Mr. FRANK of Massachusetts.

H.R. 953: Mr. MICA.

H.R. 973: Mr. LEWIS of Georgia and Mr. GORDON.

H.R. 979. Mr. ANDREWS.

H.R. 980: Mr. MOORE and Mr. PETERSON of Minnesota.

H.R. 990: Mr. BURTON of Indiana and Mr. MILLER of Florida.

H.R. 1006: Mr. FILNER, Mr. ISRAEL, Mr. PRICE of North Carolina, and Ms. LOFGREN.

H.R. 1022: Mr. UDALL of New Mexico, Mr. BELL, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, and Mr. HINCHEY.

H.R. 1029: Mr. MARKEY.

H.R. 1042: Mr. THOMPSON of Mississippi.

H.R. 1043: Ms. HARRIS.

H.R. 1049: Mr. STENHOLM.

H.R. 1052: Ms. BALDWIN and Mr. DEFAZIO.

H.R. 1068: Ms. SLAUGHTER, Mr. BOSWELL, Mr. OBERSTAR, and Mr. GUTIERREZ.

H.R. 1083: Mr. CUMMINGS.

H.R. 1084: Mr. MILLER of Florida, Mr. CUNNINGHAM, and Mr. PETERSON of Minnesota.

H.R. 1096: Mr. POMEROY.

H.R. 1102: Mr. DEUTSCH, Mr. BOYD, and Mr. CARDIN.

H.R. 1108: Mr. WEXLER.

H.R. 1111: Mr. FOLEY, Mrs. WILSON of New Mexico, and Mr. RAHALL.

H.R. 1117: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, and Mr. GOODE.

H.R. 1119: Mr. DEAL of Georgia, Mr. PETERSON of Pennsylvania, and Mr. JONES of North Carolina.

H.R. 1120: Mr. ANDREWS.

H.R. 1125: Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. CHOCOLA, Mr. FORD, Ms. VELÁZQUEZ, Mr. LYNCH, Mr. MORAN of Kansas, Mr. ALEXANDER, Mr. SNYDER, Mr. WAMP, Mrs. CAPPS, Mr. EVANS, Mrs. CUBIN, Mr. BONNER, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. GRIJALVA, Mr. MARKEY, Mr. UDALL of Colorado, Mr. LaHOOD, Mr. LEWIS of Georgia, and Mr. PEARCE.

H.R. 1130: Mr. SANDLIN.

H.R. 1133: Ms. GINNY BROWN-WAITE of Florida, and Ms. LEE.

H.R. 1144: Mr. ISRAEL, Mr. VAN HOLLEN, Mr. DOYLE, Mr. HOEFFEL, and Mr. HINOJOSA.

H.R. 1145: Mr. HINCHEY and Mrs. NAPOLITANO.

H.R. 1146: Mr. POMBO and Mr. NORWOOD.

H.R. 1155: Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. MAJETTE, Ms. NORTON, Mr. SHAYS, Mr. EHLERS, Mr. WEXLER, Mr. WYNN, Mr. McNULTY, Mr. ABERCROMBIE, Mr. GORDON, and Mr. FRANK of Massachusetts.

H.R. 1157: Mr. WAMP, Mr. ETHERIDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, and Mrs. TAUSCHER.

H.R. 1168: Ms. MAJETTE, Mr. WILSON of South Carolina, Mr. EMANUEL, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1170: Mr. LaTOURETTE.

H.R. 1179: Mr. CANTOR, Mr. HAYES, Mr. BURR, Mr. TURNER of Texas, and Mr. LEWIS of Kentucky.

H.R. 1180: Mr. SWEENEY.

H.R. 1185: Mr. GORDON.

H.R. 1191: Mr. ANDREWS.

H.R. 1196: Ms. McCOLLUM, Mr. FROST, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Ms. LOFGREN, Mr. BROWN of Ohio, Mr. OLVER, Mr. MATSUI, Mr. SHAYS, and Mr. BELL.

H.R. 1199: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. ISRAEL.

H.R. 1206: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.

H.R. 1214: Mr. PETERSON of Minnesota, Mr. COOPER, Mrs. EMERSON, Mr. LARSON of Connecticut, and Mr. DICKS.

H.R. 1222: Mr. TIBERI, Mr. PICKERING, and Mr. PLATTS.

H.R. 1233: Mr. OTTER, Mr. EHLERS, Mr. BEAUPREZ, and Mr. SENSENBRENNER.

H.R. 1244: Mr. KUCINICH, Mr. KILDEE, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. MICA.

H.R. 1261: Mr. NORWOOD.

H.R. 1275: Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. ETHERIDGE, Ms. WOOLSEY, Mr. WAXMAN, Mr. MEEHAN, Mrs. WILSON of New Mexico, and Mr. McDERMOTT.

H.R. 1285: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATSUI, Mr. McGOVERN, Ms. MILLENDER-McDONALD, Mr. NADLER, Mr. OBEY, Mr. OLVER, Mr. RANGEL, Mr. SANDERS, Mr. SHERMAN, Ms. WATSON, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN.

H.R. 1305: Mr. CHOCOLA.

H.R. 1309: Ms. JACKSON-LEE of Texas and Mr. FROST.

H.R. 1310: Mr. BLUNT, Mr. VITTER, Mr. BARTLETT of Maryland, Mr. BONNER, Mr. HOUGHTON, and Mr. CANTOR.

H.R. 1320: Mr. ISSA and Mrs. WILSON of New Mexico.

H.R. 1323: Ms. MAJETTE, Mr. CARSON of Oklahoma, and Mr. UDALL of Colorado.

H.R. 1332: Mr. TERRY and Mr. GORDON.

H.R. 1342: Mr. BELL, Mr. ROSS, and Ms. BALDWIN.

H.R. 1345: Ms. NORTON, Mr. WYNN, and Mr. BELL.

H.R. 1348: Mr. ANDREWS.

H.R. 1350: Mr. GORDON and Mr. BELL.

H.R. 1357: Ms. WOOLSEY.

H.R. 1358: Ms. WOOLSEY and Mr. DOYLE.

H.R. 1359: Mr. MATSUI.

H.R. 1366: Mr. GUTIERREZ.

H.R. 1374: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1376: Mr. McDERMOTT.

H.R. 1381: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STENHOLM, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. HOLDEN.

H.R. 1388: Mr. PALLONE and Mr. FERGUSON.

H.R. 1389: Ms. WOOLSEY.

H.R. 1409: Mr. PALLONE.

H.R. 1418: Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. McGOVERN, and Mr. FROST.

H.R. 1425: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1430: Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. ENGEL, Ms. SOLIS, Mr. GRIJALVA, and Ms. ESHOO.

H.R. 1448: Mr. FALEOMAVAEGA, Mr. MEEHAN, Mr. SANDERS, Mr. GEORGE MILLER of California, and Mr. BELL.

H.R. 1472: Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. LaTOURETTE, Mr. HINCHEY, Mr. FARR, Mr. DELAHUNT, Mr. WAXMAN, Mr. GRIJALVA, and Mr. OLVER.

H.R. 1477: Mr. PAUL and Ms. KILPATRICK.

H.R. 1478: Mr. REHBERG, Mr. CUNNINGHAM, and Mr. PLATTS.

H.R. 1480: Mr. FROST.

H.R. 1491: Mr. CUMMINGS and Mr. COSTELLO.

H.R. 1508: Mr. NADLER and Mr. LANTOS.

H.R. 1512: Mr. UPTON, Mr. ROGERS of Michigan, and Mr. EHLERS.

H.R. 1517: Mr. HERGER, Mr. HASTINGS of Washington, and Mr. REHBERG.

H.R. 1518: Mr. CALVERT.

H.R. 1519: Mr. WEINER and Mrs. McCARTHY of New York.

H.R. 1543: Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. FORD, and Mrs. MYRICK.

H.R. 1580: Mr. SHUSTER, Mr. MURPHY, Mr. BOOZMAN, Mr. DAVIS of Alabama, Mr. KOLBE, Mr. MATHESON, Mr. HALL, Mr. ADERHOLT, Mr. EVERETT, Mr. SNYDER, Mr. QUINN, Mrs. KELLY, Mr. CRAMER, and Mr. PETERSON of Minnesota.

H.R. 1581: Ms. BORDALLO, Mr. FROST, Mr. CRENSHAW, Mr. ANDREWS, Mr. REYES, and Mr. RANGEL.

H.R. 1587: Mr. ANDREWS.

H.R. 1608: Mr. JONES of North Carolina.

H.R. 1613: Mr. DELAHUNT, Mr. FROST, Ms. KILPATRICK, Mr. PALLONE, Mr. RUSH, Mr. TOWNS, Mr. GRIJALVA, Mr. PAYNE, Mr. CONYERS, and Mr. SKELTON.

H.R. 1615: Mr. ENGEL.

H.R. 1631: Mr. SMITH of Texas, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. FORBES, and Mr. CUNNINGHAM.

H.R. 1641: Mr. WILSON of South Carolina.

H.R. 1653: Mr. PAUL and Mr. PETERSON of Minnesota.

H.R. 1659: Mr. DREIER, Mr. CARDOZA, and Mr. OSE.

H.R. 1661: Mr. FROST, Ms. NORTON, and Mr. BISHOP of New York.

H.R. 1662: Mr. NUNES, Ms. DUNN, Mr. JONES of North Carolina, Mr. TERRY, Mr. TANCREDO, and Mr. SANDLIN.

H.R. 1677: Mrs. LOWEY, Mr. ACEVEDO-VILÁ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1685: Mr. LEWIS of California, Mr. FROST, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, Mr. SHAYS, Mrs. WILSON of New Mexico, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. RANGEL.

H.R. 1687: Mr. RANGEL, Mr. NUNES, Mr. RENZI, and Mr. DAVIS of Illinois.

H.R. 1692: Mr. EMANUEL, Mr. HINOJOSA, and Mr. RUSH.

H.R. 1693: Mr. FOLEY and Ms. SLAUGHTER.

H.R. 1700: Mrs. MALONEY.

H.R. 1705: Mr. BELL.

H.R. 1708: Mr. CLAY, Mr. SCHIFF, Mr. QUINN, Mr. WEINER, Mr. KIND, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. FILNER, Mr. CARDOZA, Mr. EMANUEL, Mr. ANDREWS, Mr. LaTOURETTE, Mr. CASE, Mr. SANDERS, Mr. TOWNS, Mr. ISRAEL, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. BERMAN, Mrs. McCARTHY of New York, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. PALLONE, Mr. UDALL of New Mexico, Mr. BERRY, Ms. SLAUGHTER, Mr. ISAKSON, Mr. ACKERMAN, Mr. REYES, Mr. GORDON, Mr. ABERCROMBIE, Mr. MATSUI, Mr. SANDLIN, Mr. McGOVERN, Mr. ROSS, and Mr. RODRIGUEZ.

H.R. 1710: Mrs. McCARTHY of New York, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. LoBIONDO, Mr. FROST, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. QUINN, and Mr. SAXTON.

H.R. 1713: Mr. SNYDER, Ms. BERKLEY, Ms. LEE, and Mr. UDALL of New Mexico.

H.R. 1714: Mr. COX, Mr. COLE, Mr. DREIER, Mr. ISRAEL, Mr. SESSIONS, Mr. CUNNINGHAM, Mr. WAMP, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, and Mr. McINNIS.

H.R. 1725: Mr. PAUL and Mr. SIMMONS.

H.R. 1733: Mr. OWENS and Mr. RANGEL.

H.R. 1742: Mr. FILNER, Ms. LOFGREN, Mr. HONDA, Mr. BLUMENAUER, and Mr. RADANOVICH.

H.R. 1746: Mr. LATHAM, Mrs. JO ANN DAVIS of Virginia, Mr. BEREUTER, Mr. QUINN, Mr. PETERSON of Minnesota, Mr. BURTON of Indiana, Mr. VITTER, Mr. COOPER, Mr. TERRY, Mr. ISRAEL, Mr. KENNEDY of Rhode Island, Mr. GONZALEZ, Mr. BELL, Mr. JEFFERSON, and Mr. NEAL of Massachusetts.

H.R. 1754: Mr. JONES of North Carolina.

H.R. 1756: Mr. OWENS.

H.R. 1776: Mr. SHAYS, Mr. FOLEY, and Mr. BRADY of Texas.

H.R. 1787: Mrs. EMERSON, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mr. KING of Iowa, Mr. BAKER, Mr. McINNIS, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1796: Mr. SANDLIN, Mr. LARSEN of Washington, and Ms. WATERS.

H.R. 1812: Mr. GRIJALVA, Ms. BERKLEY, Mr. ROTHMAN, Mr. PALLONE, Mrs. CAPPS, Mr. MATSUI, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-McDONALD, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, Ms. DeLAURO, Mr. STARK, Ms. BALDWIN, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. BAIRD.

H.J. Res. 4: Mr. CARSON of Oklahoma, Mr. SCOTT of Georgia, Mr. UPTON, Mr. BARTLETT of Maryland, and Mr. MOLLOHAN.

H.J. Res. 46: Mr. BOOZMAN.

H. Con. Res. 49: Mrs. CAPPS, Mrs. JO ANN DAVIS of Virginia, Mr. SHAYS, and Mr. GERLACH.

H. Con. Res. 56: Ms. LEE, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. HAYWORTH, Mr. WAXMAN, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. MALONEY, Mr. PICKERING, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 98: Mr. CHABOT, Mr. FLETCHER, Mr. CARSON of Oklahoma, and Mr. CAPUANO.

H. Con. Res. 110: Ms. ESHOO and Ms. SCHAKOWSKY.

H. Con. Res. 111: Mr. OLVER, Ms. WOOLSEY, Ms. LOFGREN, Mr. CAMP, Mr. GEORGE MILLER of California, Mrs. MYRICK, Mr. DEFAZIO, and Mr. WATT.

H. Con. Res. 116: Mr. GARRETT of New Jersey.

H. Con. Res. 119: Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, and Mrs. KELLY.

H. Con. Res. 130: Mr. STARK.

H. Con. Res. 147: Ms. ESHOO.

H. Con. Res. 150: Mr. MCINNIS, Mr. CARSON of Oklahoma, and Mr. GRAVES.

H. Con. Res. 152: Mr. SHAYS.

H. Res. 58: Mr. HOEFFEL and Mr. BRADY of Pennsylvania.

H. Res. 59: Ms. ESHOO.

H. Res. 60: Mr. GILCHREST, Mr. STENHOLM, Ms. KAPTUR, and Mr. VITTER.

H. Res. 65: Mr. MCGOVERN, Mr. LANTOS, Ms. LEE, Mr. FROST, Ms. SOLIS, Mr. BACA, Ms. WOOLSEY, Mr. WU, Mr. STRICKLAND, Mr. TIAHRT, Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. DOOLEY of California, Mr. STARK, Mr. OWENS, Mr. CONYERS, Mr. SCHIFF, Mr. FOSSELLA, Mr. SNYDER, and Mr. RANGEL.

H. Res. 136: Mr. SCHROCK, Mr. BAKER, Mr. PASCRELL, and Mr. RENZI.

H. Res. 161: Mrs. JOHNSON of Connecticut.

H. Res. 173: Mr. WHITFIELD, Mr. HAYES, Mr. SOUDER, Mr. DINGELL, Mr. FOLEY, Mr. BISHOP of Utah, Mr. THOMPSON of California, Mr. DEFAZIO, and Mr. HINOJOSA.

H. Res. 193: Mr. KLECZKA, Mr. BECERRA, Mr. DELAHUNT, Mr. KIRK, Mr. BROWN of Ohio, Mr. MATSUI, Mr. ROGERS of Michigan, Mr. GRIJALVA, Ms. KAPTUR, and Mr. CLAY.

H. Res. 194: Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. OWENS, Mr. PENCE, and Mr. SOUDER.

EXTENSIONS OF REMARKS

HONORING THE SULLIVAN COUNTY MEMORIAL HOSPITAL FOR 50 YEARS OF SERVICE TO SULLIVAN COUNTY, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Sullivan County Memorial Hospital in Milan, Missouri on its 50th anniversary of service to the residents of North Missouri. The hospital established a reputation founded on excellent patient care.

The Sullivan County Memorial Hospital was built in 1953 as a 48-bed facility that was greatly needed for this rural community. In 1984, the hospital expansion encompassed an addition of private rooms, and expanded emergency department and enlarged ancillary service areas. In 1996, the hospital's physician's clinic opened to provide primary care to patients of all ages including treatment and diagnosis of medical illness and injuries, annual physicals, well-patient visits, employment exams, school and sports physicals, immunizations and pain management. To this day, the hospital continues to operate as the only fully staffed medical facility in Sullivan County and provides 24-hour emergency care.

The mission of the Sullivan County Memorial Hospital is to provide a broad range of high quality primary medical services and long-term care, and to coordinate the availability of other medical services to area residents. Residents in the area are certainly appreciative of this level of care.

Mr. Speaker, I proudly ask you to join me in commending the 50th anniversary of the Sullivan County Memorial Hospital in Milan, Missouri. Their dedication to the medical profession and excellence in patient care has served the residents of North Missouri well.

TRIBUTE TO SHIRLEY TARRANT, TEACHER AND COMMUNITY ACTIVIST

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CASTLE. Mr. Speaker, it is with great honor that I rise in memory of and to pay tribute to a wife, a mother, a grandmother, a teacher and a community activist—Shirley M. Tarrant, who passed away this month after half a century of outstanding service to the State of Delaware. The number of accomplishments, recognitions and most importantly admirations that Shirley has had in her life is remarkable.

Today, I recognize Shirley for her proud and distinguished public and personal life. Ms. Tarrant was the daughter of Frank and Edith Riley. She was a graduate of Wilmington High School and of the University of Delaware.

Shirley's career as an elementary school teacher was tremendously important to so many children in the State of Delaware but she distinguished herself as a community activist early on.

Shirley was the leader in establishing the Newark Girls Club, she was president of the Suburban County Hospital Task Force, she was a chairperson of the Delaware Health Facilities Authority and a member of the Board of Christiana Care Health Systems.

As the President of the Suburban County Hospital Task Force, Shirley was ultimately responsible for the construction of the Christiana Hospital, which is the largest, most advanced facility in Delaware.

With her husband Alfred and her daughter Marci at her side, Shirley proudly and unselfishly contributed everyday to life in her home and her community.

Shirley's contributions cannot be commended enough. Though she has passed on, we can all be sure that her contributions will remain with us. Her commitment to her goals, her family and her State have earned her a permanent place in the thoughts and hearts of so many people.

RECOGNITION OF MR. AND MRS. ELLIS SMITH, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Ellis Simon Smith, Sr. and Mrs. Lillie Mae Smith as they celebrate their 50th wedding anniversary.

Born in Trenton, North Carolina on November 12, 1933, Mr. Ellis spent his early years growing up and working in North Carolina. At the age of 19, he met and married Miss Lillie Mae Jones of Falling Creek, North Carolina and they began their journey together.

The proud parents of four daughters: Barbara, Helen, Cheryl, and Margaret, the Ellis family has spent the years since 1958 as residents of Newark, New Jersey. Here they are proud members of the Love of Christ Ministry where their son, Ellis, Jr. is the pastor.

Finding a special person and friend to share your life with is one of the great joys of life. I hope that they both have found great joy and happiness together and will cherish the wonderful years ahead. I rise today to recognize that wonderful bond that they have found and continue to share and wish them great happiness as they celebrate together with family and friends.

CONGRESSIONAL TRIBUTE TO FIRST LIEUTENANT FREDERICK POKORNEY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BERKLEY. Mr. Speaker, United States Marine Corps First Lieutenant Frederick Pokorney was killed in action in Iraq on March 23, 2003. On that day, Nevada lost a true American patriot, proud Marine, and loving husband and father. The hearts of all Nevadans and all Americans go out to his family and friends. Our thoughts and prayers are for his wife, Carolyn Rochelle, and three year old daughter, Taylor Rochelle Pokorney.

Fred's first love was his family with his favorite time being spent with his "best little helper", Taylor. His second love was the Marines.

Fred was born in California and raised himself from an early age until he moved to Tonopah, Nevada to live with Wade and Susie Lieseke, whom he regarded as his parents. An excellent athlete, he was a standout football and basketball player at Tonopah High School.

Fred enlisted in the Marines in February of 1993 and received his second Rifle Expert Award in 1994, the Navy Achievement Medal for Professional Achievement from September 1995 to November 1995, and a Letter of Commendation for efforts above and beyond the call of duty in 1997. Fred completed Officers Candidates School in 1999 and was promoted to a command field artillery officer in March of 2001 after he had earned a degree in Political Science and History from Oregon State University.

Fred met Carolyn, "Chelle" as Fred called her, while stationed in Bremerton, Washington at Bangor Submarine base. They were married on March 29, 1996. Fred was a proud father, a proud husband, and a proud Marine. He always gave one hundred and ten percent, especially in building a life for his family. Fred and Chelle recently celebrated their 7th anniversary via a phone call from his Marine encampment overseas on March 4, wishing Chelle a happy early anniversary and telling Taylor he loved her. It was his last call home.

Fred, a man of large stature and friendly nature, believed in doing things the right way the first time. He spent his last days in the field trying to help and improve the conditions for his troops as they faced difficult combat assignments.

On March 28, 2003, 500 of Fred's friends, teachers, neighbors and loved ones from the small town of Tonopah mourned their loss during a ceremony at Tonopah High School. Fred was remembered by Tonopah as a star athlete, intelligent student, a brave Marine, and a person of great energy and the highest character.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chelle has expressed her loss in these words "Fred not only was my husband, but my gentle giant, my best friend. He wanted to give me and Taylor the best of everything. He embodied what it is to be a Marine—honor, courage, commitment. We shared a love that helped us through the trials and tribulations of life and marriage to me and the Marines. I find comfort in knowing that the last eight years were the best years of our lives, especially the past three years since the birth of our daughter Taylor. I will dread the nights, knowing that we will never share our bed together again. He will no longer hold me, comfort me and make me feel safe."

And, Lieutenant Pokorney's daughter, Taylor, expressed her loss in these words. "My Daddy, my hero. I will take care of Mommy for you as you asked. We will be best friends. I will take her to Sea World for my birthday like we planned. I love you! I need you! I miss you!"

HONORING THE OUTSTANDING ACCOMPLISHMENTS OF NOE GUTIERREZ

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the perseverance of Noe Gutierrez, who has been chosen the National Adult Learner of the Year for 2003. The Shelbyville, Tennessee, resident has overcome many obstacles in his life while pursuing an education and a better way of life.

The Council on Adult Basic Education chose Noe to receive the award because he epitomizes those who want to empower their lives through knowledge. Noe has not faltered in that pursuit.

Twenty years ago Noe had to leave his native Guatemala to avoid being forced into fighting with a band of guerrilla soldiers who were engaged in a bloody civil war against the government. At just 12 years old, Noe said goodbye to his parents and eight siblings and migrated to the United States where he worked as a migrant farm worker until some Good Samaritans intervened on his behalf.

Noe received his high school diploma through the Bedford County (Tennessee) Adult High School, a much more difficult task than simply attaining a General Educational Development certificate. Now Noe works at the Wal-Mart Distribution Center in Shelbyville, where he has been welcomed with open arms by the community.

Noe is an inspiration for not only immigrants to the United States, but also to anyone who has had to overcome hardships in life. I congratulate Noe for his outstanding achievement and wish him and his family the best of luck in their future endeavors.

TRIBUTE TO NORTH MIAMI POLICE DETECTIVE KATHLEEN RUGGIERO

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a wonderful human being and a magnificent pubic servant symbolized by North Miami Police Detective Kathleen Ruggiero. On Sunday, May 4, 2003, at the Miami Shores Country Club, she will be honored by the Knights of Columbus, Marian Council #3757 of North Miami, Florida, at a festivity dinner dubbed appropriately as "American Night".

Officer Ruggiero came to the North Miami Police Department in 1984 after working as a trooper with the Florida Highway Patrol for five years. The citation for this gala event defines ". . . her loyal service to the community of North Miami and the Community she has created by her care and concern of children." Above all, however, this officer is more saliently characterized by her deep faith in the God she serves through those unloved and unfortunate children whom Divine Providence has deigned to send to her home. Being a loving mother to her own five children, she has taken upon herself the awesome responsibility of providing the same brand of love and affection to many more children who have been either abandoned or left at her doorsteps.

These children have often been victims of domestic violence or have been shortchanged by the absence of basic family care. The children range in age from 1 to 12 years old, including newly-born babies she saved from a trash bin elsewhere. With her husband Walter, Officer Ruggiero truly represents the best and the noblest of our community. She exudes remarkable wisdom and compassion in tirelessly serving her North Miami community and beyond, and still manages to enlighten her fellow citizens on the agenda of conscientious public service and good governance impacting our duties and responsibilities toward the less fortunate.

Along with countless others in Miami-Dade County, I am indeed a fortunate beneficiary of the brand of genuine advocacy she demonstrates both by way of word and example, buttressing her unconditional love for and commitment to the children uprooted from a home bereft of love and care. I have learned from her the centrality of God in our daily lives, conscious of the fact that the mandate of our Judeo-Christian Faith must characterize our actions toward those who could least fend for themselves.

As she wakes up before the crack of dawn on each given day, she begins her domestic chores from mopping the floor to doing the laundry to preparing the morning breakfast for her brood, fully cognizant that she will always have a full day ahead of her. It is during these early morning hours of quiet solitude that she is enveloped by the loving presence of God, becoming conscious of her own Christian stewardship that God's work on earth must truly become her own.

Lovingly called "Mother Kathy," by her household and her own neighborhood, she simply admits that ". . . It's not easy. I'm not looking at this like an 18- or 19-year-old would. I should be at the age probably where I don't have any kids and I'm going on cruises. But that wouldn't make me happy. I'm going to change those little lives." Indeed, making a little bit of difference in the lives of abandoned children is her genuine way of changing the kind of world to which she was given to serve.

The Sun Sentinel aptly describes her as ". . . a woman of few pretenses (who) goes by the distance . . . By helping these children you do so much more than help an individual. Even though I adopted these kids, my door will always be open . . ." Indeed, Officer Ruggiero has truly become the consummate public servant and community activist who abides by the dictum that children who have less in life, through no fault of their own, should have more from those of us fortunate enough to have received greater blessings from God. The collective testimony from the parents, community leaders and residents of North Miami represents an unequivocal testimony of the utmost respect and gratitude she enjoys.

With the American Night's Gala Tribute to her, our community is deeply touched by her undaunted quiet leadership and perseverance. As a public servant, she preaches and lives by the adage that, under God's Providence, our quest for personal nobility and professional excellence is not beyond the reach of those willing to dare the impossible. As a genuine steward of God, she has indeed earned our deepest respects and remarkable admiration.

I am truly privileged to represent her and her family in the Congress, and I am grateful that she continues to teach us to live by the noble ethic of loving God by serving our fellowmen. Above all, her utmost caring and compassion for helpless little children appeal to the noblest character of our humanity. My pride in sharing her friendship is only exceeded by my deep gratitude for all that she has done to uplift our honor and dignity.

This is the magnificent legacy with which we will always honor Officer Kathleen Ruggiero.

CONGRATULATING THE REPUBLIC OF CYPRUS ON ITS RECENT SIGNING OF EUROPEAN UNION ACCESSION TREATY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today to offer my sincere congratulations to the Republic of Cyprus, as they recently became 1 of 10 new member states in the European Union (EU).

On April 16, 2003, President Tassos Papadopoulos signed the EU Accession Treaty, and the Republic of Cyprus officially became a part of the European Union. This will undoubtedly prove to be a momentous day for the people of Cyprus, as membership in the EU will provide security, prosperity, and increased activity in international affairs for both the Cypriot government and the citizens it represents. As Cyprus begins this new chapter in its history, I am confident that it will continue to serve as a model for economic and political progress, and the blossoming relationship between the Cypriot and U.S. governments will continue to flourish.

Of great note during this joyous occasion is the fact that the Greek-Cypriots who recently became a part of the EU have not forgotten about their Turkish counterparts who still toil under the illegitimate rule of Rauf Denktash. Just days after the EU accession, Greek Prime Minister Costas Simitis discussed details of a Greek-Cypriot plan to ease economic hardships in Turkish occupied northern Cyprus. Also, Cypriot President Tassos Papadopoulos has made it clear that negotiations for a reunified Cyprus will continue, and that the recent EU accession of the southern portion of the island will not have any adverse effects on progress in this area. As President Papadopoulos stated at the signing ceremony:

> I regret that the artificial walls of division and the line of separation that was imposed by force prevent our Turkish Cypriot compatriots from proceeding with us, within the framework of a reunited Cyprus, on the way to Europe .... I reiterate, from this forum as well, at this historic moment of the signing of the Treaty, my firm commitment to exert every effort to achieve a peaceful, workable and viable solution to the Cyprus problem.

Mr. Speaker and fellow Members of Congress, I ask that you please join me in congratulating the government and people of the Republic of Cyprus on their recent accession into the European Union. In addition, I ask that the United States Congress continue to offer encouragement and support to both Greek and Turkish Cypriots as negotiations for a reunified island continue.

RECOGNIZING BRENT DUNKEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brent Dunkel, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Brent has been very active with his troop, participating in such Scout activities as Camp Bartle and Philmont. Over the years he has been involved in scouting, he has earned 48 merit badges. Additionally, Brent has held numerous leadership positions in his troop, serving as assistant patrol leader, assistant senior patrol leader, senior patrol leader and troop guide. Brent also has been honored for his numerous Scouting achievements with such awards as the Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say, Firebuilder in the Tribe of Mic-O-Say, Tom-Tom Beater in the Tribe of Mic-O-Say and the World Conservation Award.

For his Eagle Scout project, Brent prepared and landscaped a "Welcome to Weston" sign in Bless Park in Weston, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Brent Dunkel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO WILLIAM CHANDLER, THE LONGEST SERVING MEMBER OF THE CARLISLE FIRE COMPANY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today as a member of the Congressional Fire Service Caucus to honor and pay tribute to a leader in the firefighting community—Bill Chandler, who age 92, holds the record for being the longest serving member of the Carlisle Fire Company in Milford, Delaware. Bill Chandler is an outstanding, dedicated and caring Delawarean with an abundance of accomplishments in this field. On behalf of myself and the citizens of the First State, I would like to honor this outstanding individual and extend to him our congratulations on almost 70 years in the fire department.

Today, I recognize Bill Chandler for his long and distinguished career with the Carlisle Fire Company. Since beginning his career at age 24 in 1934, Bill Chandler has provided service in a manner that has brought distinction not only to himself but to the entire Fire Company.

Family, friends and fellow firefighters should take a moment to truly appreciate the world of difference Bill Chandler has made in the firefighting community. He has served for many years as fire recorder, vice president, third assistant chief, second assistant chief, first assistant chief and eventually chief of the Carlisle Fire Company. Bill Chandler has also served on the by-laws, budget, president advisory, archives, bingo, bowling, fireman of the year, crab feast and sportsman's expo committees. He is currently serving as a delegate for the Delaware Volunteer Fireman's Association.

Bill Chandler has spent all of his life helping the community of Milford and all of Delaware. To this end, he has received many honors; the 55 years of service award signed by then President George Bush and Senator Bill Roth, Fireman Community Service Award and Company Firefighter of the Year Award. Mr. Chandler was responsible for many improvements in the firefighting community. He implemented the very first rubber boots and hard hats at the Carlisle Fire Company in 1941. However, Bill Chandler has also made valuable contributions to the business community as a partner in Sockrider and Chandler Jewelry Store.

Mr. Speaker, with his children Bill, Edna and Gloria and his seven grandchildren at his side, the Chandler family proudly and unselfishly contributes every day to the quality of life at home in their community and our entire State.

Mr. William Chandler's contributions cannot be commended enough. As he continues his commitment to the Carlisle Fire Company, we can be sure that his contributions to the community will not end. His commitment to fighting fires and saving lives has earned him a permanent place in Delaware's fire service history.

RECOGNITION OF AFRICA MALARIA DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PAYNE. Mr. Speaker, I stand today to recognize Africa Malaria Day, declared on April 25, 2000 by 43 African heads of state. That declaration marked the end of a 3-day summit called to renew and re-invigorate Africa's commitment to defeating malaria, a disease that takes a terrible toll on the African continent. It renewed a commitment to exploit all means possible to finally tame the disease that kills more African children than any other single disease. It recognized the massive impact of malaria and Africa's potential for reducing that impact. It affirmed African leaders' intent to remove roadblocks to malaria control and called for more active participation by the international community.

UNICEF and the World Health Organization estimate that malaria kills from 1 million to 2 million people every year, most of them young children and pregnant women in Africa. Along with HIV/AIDS and tuberculosis, malaria is one of the three biggest infectious disease killers in the world today.

There has never been a licensed malaria vaccine, but great progress toward that end is now being made. However, the market for a malaria vaccine is primarily poor people in developing countries. This means that market forces requiring an acceptable return on investment by industry cannot, by themselves, drive malaria vaccine development. Ensuring the successful development of a vaccine for a disease that primarily affects the poorest people in the world requires public funding for research and development and funding for vaccine purchase once malaria vaccines are licensed.

Global and national efforts are making a difference. Lives are being saved, and the movement to finally control malaria in Africa is picking up momentum. Evidence of this includes the increasing level of support for malaria control by the Global Fund for AIDS, Tuberculosis and Malaria. But more and broader support is needed to achieve the goal of ending deaths from malaria in the shortest time possible. For each year we delay, another one to two million lives are lost.

Friday, April 25, 2003, was Africa Malaria Day. On that day, the equivalent of seven large planeloads of children died from malaria. Most of these children were under the age of 5. While this fact deeply saddens me, it also impassions me. We can and must ensure that more is done to prevent more deaths, today, tomorrow, and into the future.

HONORING COMMANDER McCOOL

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BERKLEY. Mr. Speaker, on February 1, 2003, a terrible tragedy took the lives of seven brave astronauts aboard the space shuttle *Columbia*. The second in command was Commander William McCool, son of Las Vegans Audrey and Barent McCool, and all of Southern Nevada mourns the loss of their son.

Audrey, a professor at the University of Nevada Las Vegas (UNLV), and Barent, a retired Marine and Navy pilot and UNLV graduate student, inspired their son to become a pilot. William, called Willie by family and friends, built model airplanes as a boy and followed in his father's footsteps to become a naval aviator. As a student at Coronado High School in Lubbock, Texas, Commander McCool aspired to be a pilot and he demonstrated his abilities and inherent gift when he graduated second in his class of 1,100 students from the U.S. Naval Academy in 1983. Commander McCool continued his education, earning a master's degree in computer science from the University of Maryland in 1985 and a master's degree in aeronautical engineering from the U.S. Naval Postgraduate School in 1992.

Commander McCool described his path to aviation as a series of doors of opportunity opening to him, first the door to the Naval Academy and then another to naval aviation. Then in 1996, NASA accepted Commander McCool for astronaut shuttle training, and he, his wife, Lani, and their three sons moved to Houston.

Commander McCool's experience as a test pilot, and his reputation as one of the Navy's elite aviators, led to his opportunity to fly on the *Columbia*. Commander McCool dedicated himself to space exploration and to the progress of mankind. He brought his extraordinary gift to students in the classroom through a NASA Program that sent astronauts to speak with students. Commander McCool had a unique ability to reach the students and cherished this opportunity. Because of these opportunities to speak with students, he dreamed of retiring from NASA and becoming a high school science teacher.

Commander McCool would be pleased to know that children name him as a personal inspiration. Children all over the country say that Commander McCool has inspired them to go after their dreams, to not give up, and to achieve. He taught them that you do not have to be extremely wealthy or a genius to reach one's dreams. Commander McCool was a regular person and believed regular people who set goals and work hard can produce great things.

Space travel and exploration excited Commander McCool and he believed that the experiments on board the *Columbia* would improve people's lives on earth. Commander McCool and his crew mates were concerned about the environment and the well-being of people on this earth. The crew hoped, through their flight, to set an example for others as to the importance of working in harmony for the betterment of the planet, its environment and all humanity. While aboard *Columbia*, Commander McCool said "I've had the opportunity to be on the flight deck, to look outside and really soak up the sunrises and sunsets, the moonrises and moonsets, the views of the Himalayas, Australia, all the continents." Commander McCool will be remembered for articulating to all of us his awe of the majesty and mystery of space, his dedication to advancing our knowledge, and his love for his family. As Audrey said of her son, "He did not die in vain."

HONORING CINDY JONES AND HER DEDICATION TO TEACHING

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Cindy Jones and her induction into the National Teachers Hall of Fame. Cindy teaches elementary education at Cason Lane Academy in my hometown of Murfreesboro, Tennessee.

Only five teachers nationwide are inducted into the National Teachers Hall of Fame each year. Cindy's outstanding service and dedication to the teaching profession have earned her this distinguished recognition.

Cindy has helped develop and enhance several after-school programs in Murfreesboro. She belongs to a host of professional associations, including the National Education Association, the Tennessee Education Association, the Murfreesboro Education Association, the Mary Tom Berry Reading Association, the American Psychological Association, Cognition and Phi Kappa Phi.

In addition to helping her students attain excellent educations, Cindy has aided her peers through participation in a number of workshops and seminars. She has even presented a research paper in Durham, England, at the International Neurological Symposium. And she has coauthored three professional publications regarding developmental cognitive neurolinguistics.

I salute Cindy's remarkable achievements not only as an educator, but also as a citizen who is ensuring our society has the resources it needs to succeed. Our children, after all, reap the rewards of the hard work and determination that people like Cindy possess. She is a truly gifted educator who has made a tremendous difference in the lives of so many.

ROOSEVELT WILSON: A PILLAR IN THE COMMUNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor a man who is closing one chapter in his illustrious career. Mr. Roosevelt Wilson or "Prof. Wilson", as his journalism students call him, is being honored tonight in Tallahassee, Florida. After nearly 18 years of teaching journalism, Mr. Wilson is retiring from the Florida A&M University School of Journalism, Media and Graphic Arts, and is being recognized at a special retirement banquet in his honor from Florida A&M University. Tonight journalism students, family, friends, former athletes and community leaders will gather to honor and pay tribute to this remarkable man who has influenced and touched so many lives.

Throughout many crossroads in my personal and professional career, Mr. Wilson has played a critical role. As a high school senior who was eager to play for the world-famous Florida A&M University Rattler football team, Mr. Wilson helped me and countless other athletes secure scholarships. As Sports Information Director and Director of Intercollegiate Athletics at Florida A&M University, Mr. Wilson's wisdom and real-world advice were inspirational to thousands of bright-eyed student athletes with dreams of gridiron success.

In 1991, Mr. Wilson embarked on a new venture as publisher of a weekly African-American Newspaper, the Capitol Outlook. With the help of family and friends, Mr. Wilson turned a small weekly paper into an award-winning nationally recognized publication. Every week more than 16,000 readers across the state read this weekly paper for its political, community and feature coverage. As publisher of the Capitol Outlook, Mr. Wilson's weekly columns have won national awards and the newspaper has been cited for excellence in editorial writing, public service, creativity and religion coverage. In addition, the Capitol Outlook was cited by the local Chamber of Commerce for business excellence.

Words are inadequate to describe Mr. Wilson's contribution to the publishing and broadcasting world. In 2000, Mr. Wilson's coverage of the Executive Order eliminating affirmative action in the state of Florida and the public outcry that ensued was recognized for its objectivity and fairness. Furthermore, his weekly call-in radio show "Against the Grain" has become one of the most popular radio shows reaching thousands of listeners across North Florida.

Throughout his professional career, Mr. Wilson has been honored for his community work and academic achievements on several occasions. In 1999, he was inducted into the Florida A&M University Sports Hall of Fame. He has also been recognized as Florida Teacher of the Year by Florida A&M University and the NAACP honored him with their Community Service Award.

As Florida A&M University honors Mr. Roosevelt Wilson, I praise this man for his boundless energy and his commitment to the University. I congratulate Mr. Wilson on his retirement and praise him for all that he has sacrificed on behalf of his students. Mr. Wilson's legacy as a teacher and educator will live on through the thousands of students who've passed through his classes and the thousands of athletes who've passed through his office door. His legacy as a wordsmith will continue to live on through his columns, pictures, articles, and radio broadcasts. I am honored to call him a friend and a mentor.

JAVITS-WAGNER-O'DAY PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ANDREWS. Mr. Speaker, for the past 64 years the Javits-Wagner-O'Day (JWOD) Program has empowered Americans who are blind or severely disabled by providing them with a diverse set of employment opportunities. Today 38,000 disabled Americans are realizing their potential by working in their local communities across the country under this program. These Americans are proud to provide federal and military customers with a wide array of SKILCRAFT® and other JWOD products and services. The JWOD Program prides itself on delivering high quality products and services at a competitive price in the most convenient way possible.

Some of the product categories offered by the JWOD program include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. The services that are provided to the federal and military customer include but aren't limited to call center and switchboard operation, military base and federal office building supply centers, CD-Rom duplication-replication, data entry, document imaging and grounds care.

I rise today in support of the Javits-Wagner-O'Day Program and the opportunities it provides for an underemployed population of hard working Americans. Furthermore, I urge my colleagues to purchase SKILCRAFT® and JWOD products from the House-Senate Stationary stores not only because of their quality and value, but also because of the socioeconomic benefits that can come from supporting the program. By purchasing these products and using these services we are enabling more disabled Americans to have the opportunity to become taxpayers. Today in Runnemede, New Jersey, 34 blind Americans are employed under the JWOD Program and are producing high quality items or services for us, the federal customer.

The JWOD Program is administered by the Presidentially-appointed Committee for Purchase From People Who Are Blind or Severely Disabled, with much assistance from National Industries for the Blind (NIB) and NISH, which serves people with a wide range of disabilities. More than 650 local nonprofit agencies associated with NIB and NISH employ people who are blind or disabled to produce the quality products and offer the services authorized for sale to the federal government under the JWOD Program.

The JWOD Program is a great illustration of a successful partnership that has the ability to continuously grow with the changing procurement environment within the federal government.

The Javits-Wagner-O'Day Program works for America.

RECOGNIZING JOHN CLEARY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize John Cleary, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in such scout activities as Camp Bartle and as a counselor at Camp Naish. Over the five years he has been involved in Scouting, he has earned 28 merit badges. Additionally, John has held numerous leadership positions, serving as patrol leader, senior patrol leader, quartermaster and chaplain aide. John also has been honored for his numerous Scouting achievements with such awards as the Arrow of Light Award, Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say and the Order of the Arrow Award.

For his Eagle Scout project, John planned and coordinated the replacement of playground equipment in his neighborhood park in Farley, Missouri.

Mr. Speaker, I proudly ask you to join me in commending John Cleary for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ENERGY POLICY ACT OF 2003

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes:

Mr. CASTLE. Mr. Speaker, I rise today to express my concerns with H.R. 6, "The Energy Policy Act of 2003," in particular, provisions to open the Arctic National Wildlife Refuge (ANWR) for drilling.

I support a strong, comprehensive national energy policy that promotes conservation, alternative fuels, and technologies, in conjunction with maintaining sound environmental practices. One thing that every Member of this Congress agrees on is that our nation needs an energy plan that has a strong balance between energy production and energy efficiency. I was pleased to hear President Bush once again lead the energy section of his State of the Union address with support for energy efficiency, especially his initiative to accelerate research into hydrogen fuel cells. This kind of long-term commitment will help our country shift to more environmentally friendly energy sources. We must maintain proper levels of funding for renewable energy research, so renewable energy can become a greater proportion of our nation's energy supply in the long run.

Although The Energy Policy Act of 2003 contained several conservation measures, including close to $7 billion for tax credits for the use of alternative fuels and conservation, the proposal also contained an additional $12 billion in production-related tax incentives to coal, oil, and gas industries. Even so, experts predict the shortage of natural gas supplies will continue suggesting that tax policy alone is not sufficient to address the crisis in natural gas. Therefore, these tax measures combined with the proposal to open ANWR for drilling led me to oppose H.R. 6

I believe we have a responsibility to preserve and protect our environment. As you know, whether or not to drill for oil in ANWR has long been a controversial subject. I believe there are other ways to ensure the United States has a national energy policy other than disturbing a pristine wildlife refuge. Proponents of drilling for oil in ANWR have not made an adequate case to me, and therefore, I support an amendment to strike the language in H.R. 6 proposing to open ANWR to drilling.

The U.S. Geological Survey reports that there are only 3.2 billion barrels (6 months' supply) of economically recoverable oil in ANWR. In contrast to ANWR's 6 month oil supply, natural gas from Alaska's North Slope would provide a 10 month supply. There is consensus from all sides that this natural gas should be piped to the lower 48 states, but there is disagreement on the location of the pipeline. I support efforts to make a final determination so this pipeline can be built quickly, but safely. Other sources of energy on the North Slope include a 13 month supply in the North Slope Reserves and a 3 year supply at West Sac.

I know that energy efficiency alone will not be able to meet our country's current energy needs, we must begin to make a stronger commitment to alternative fuels and conservation as ways to improve our environment and boost this Nation's struggling economy. As this debate now moves forward, Congress must seize this opportunity to put these important efforts at the forefront of a comprehensive national energy policy.

I am committed to finding solutions to the energy crisis that strike a proper balance between conservation and production. I am hopeful that The Energy Policy Act of 2003 will represent a balanced, more fiscally responsible proposal when I have the chance to vote on the House-Senate Conference Report on this bill later in the 108th Congress.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BLUMENAUER. Mr. Speaker, on Friday, April 11, 2003, I was absent due to participation in a previously scheduled conference.

On rollcall votes numbered 142, 143, and 144, I would have voted "yea."

I would have voted to support an amendment by Representative KIND to strike Title II of the Energy Bill (#142). Title II would not only increase oil and gas drilling on sensitive public lands without ensuring environmental protections, but it would also provide royalty relief to these industries. The American public and Federal Treasury need these royalty payments in order to fully fund the Conservation Trust Fund, which pays for many of our nation's parks, refuges, wildlife protections, open space, and contributes to the preservation of our historic and cultural resources.

I would have also voted to support Representative RAHALL's amendment to strike Division C, Title III of the Energy Bill (#143). I oppose these provisions that provide benefits to certain coal companies at the detriment of competition within the coal industry, taxpayers, and the environment.

Finally, I would have voted in support of Representative DINGELL's motion to recommit the Energy Bill (#144). I support Mr. DINGELL's efforts to substitute a hydroelectric energy title that would have offered increased protections for fish and wildlife.

On rollcall vote numbered 145, I would have voted "nay." The statement that I submitted for the RECORD during the debate on the Energy Bill provides an explanation of why I voted against final passage of H.R. 6.

TRIBUTE TO WILLIE BELL "MISS HONEY" WALLACE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to the life and accomplishments of Mrs. Willie Bell Wallace of the Town of Cruger, Mississippi. At 100 years old, Mrs. Willie Bell Wallace, the oldest Mississippi's citizen from the Town of Cruger, died on Sunday, March 30, 2003.

Mrs. Willie Bell Wallace was born November 2, 1902. She wedded Will Wallace and together they had three children. Unfortunately, two of her children preceded her in death.

She is survived by her grandchildren, great grandchildren, nieces and nephews. She was well known, loved, and honored by all the citizens of Cruger and many in the Holmes County area of Mississippi.

Affectionately known as "Miss Honey", she enjoyed good health all of her life, and God blessed her with a "sound" mind until she closed her eyes in death.

"Miss Honey", you will be missed, but I know you are in a better place now. God bless you and your family.

HONORING CHARLES MICHAEL PEDERSEN FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles Michael Pedersen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 218, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in such scout activities as the 2001 National Scout Jamboree, Camp Geiger, Camp Geiger Staff in 2000, 2001, and 2002, and junior leadership training in 2002. Over the 11 years he has been involved in scouting, he has earned 29 merit badges. Additionally, Charles has held numerous leadership positions, serving as senior patrol leader, assistant senior patrol leader, troop guide, troop instructor, troop historian, and assistant patrol leader. Charles also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, Camp Geiger Staffman of the week in 2001, Lone Bear Council in the tribe of Mic-O-Say and Tom-Tom Beater in the tribe of Mic-O-Say.

THE HUMANITARIAN ASSISTANCE TO COMBAT HIV/AIDS IN SUB-SAHARAN AFRICA AND THE CARIBBEAN AND NATIONAL SECURITY ACT OF 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Humanitarian Assistance to Combat HIV/AIDS in Sub-Saharan Africa and the Caribbean and National Security Act of 2003.

I have long been concerned with the problem of HIV/AIDS, not just in our own country, but also as it affects the poor countries of the world. I am proud that the response to this disease has been truly a bipartisan one. AIDS is blind to party stripes or political affiliation.

Mr. Speaker, my bill provides for an additional $2.5 billion over the next five years to increase and expand, in a significant way, our program to fight HIV/AIDS in sub-Saharan Africa and the Caribbean. My legislation also calls for the Administration to place a medical officer in each of our embassies to help coordinate our response to this disease. The scientific community has not yet found a cure for HIV/AIDS, but there is a vast body of knowledge that has improved in a significant way the quality of treatment for those who have HIV and AIDS.

Sub-Saharan Africa is far more severely affected by AIDS than any other part of the world. In fact, AIDS has surpassed malaria as the leading cause of death in sub-Saharan Africa, and it kills many more people than armed conflicts.

The statistics, Mr. Speaker, are startling. Africa, where an estimated 3.5 million people were newly infected with HIV in 2002, has approximately 10 percent of the world's population but more than 70 percent of the worldwide total of people infected with HIV. In 2002, the Joint United Nations Program on HIV/AIDS (UNAIDS) reported 29.4 million people were living with HIV/AIDS in sub-Saharan Africa. At the end of 2001, an estimated 21.5 million Africans had lost their lives to AIDS, including an estimated 2.2 million who had died during that year alone. UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to this illness. This pandemic is having a much greater impact on children in Africa than is the case in other parts of the world.

According to UNAIDS, more than 600,000 African infants become infected with HIV each year through mother-to-child transmission, either at birth or through breast-feeding. These children have short life expectancies, and the number currently alive may be about one million children.

In 2001, about 11 million children became orphans by AIDS in Africa. Because of the stigma attached to AIDS, children who become orphans by AIDS are at high risk for being malnourished, abused, and denied an education.

While the AIDS epidemic in the Caribbean countries does not compare to the severity of the pandemic in Africa, there are an estimated 420,000 people living with AIDS in Caribbean countries. Moreover, the HIV/AIDS adult prevalence rate in several countries in the Caribbean is among the highest outside of sub-Saharan Africa.

Mr. Speaker, the toll of this disease has brought unspeakable sorrow and distress to Africa, the Caribbean, and other areas of the world. Our government has made a very good effort to address this disease in Africa and elsewhere; indeed we are in the forefront of the battle. Notwithstanding this fact, if we are to be successful in saving our brothers and sisters in Africa and the Caribbean, we must expand our effort in these regions significantly. That is the purpose of this legislation, Mr. Speaker. With the additional resources, both financial and human, provided for in my legislation, we can begin to stem the tide of this disease. We know what works in the effort to combat HIV/AIDS and we need to get on about the business of doing it.

Mr. Speaker, America is a great country. In the long history of mankind, our greatness will be measured as much by what we do for the needy and the less fortunate of the world as it is by the quality of life we achieve in our own country. The real measure of our humanity as a nation is our ability to share our treasure, our time, and our talents with the truly needy.

If Congress does not further America's commitment to the global war on HIV/AIDS, then it is doing a disservice to the entire world community. I ask my colleagues for their support for this legislation, and I urge the leadership to bring it to the floor for its immediate consideration.

HONORING DR. HERBERT S. MOYER, ON HIS 75TH BIRTHDAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. DINGELL. Mr. Speaker, I rise today to acknowledge and celebrate my dear friend Dr. Herbert S. Moyer on the occasion of his 75th birthday. Over the course of his lifetime, Dr. Moyer has proven himself to be a passionate and effective educator, a committed community servant and a loving husband, father and grandfather.

A lifelong Michigan resident, Dr. Moyer worked as both a teacher and school administrator before becoming Superintendent of the Bedford Public Schools in 1984. Herb retired from the same position 13 years later, having provided stable and visionary leadership for the Bedford Schools. Dr. Moyer's professionalism and accomplishments earned him the Michigan Superintendent of the Year distinction in 1994. More importantly, under Dr. Moyer's direction, the Bedford Public Schools made tangible and steady progress in academic achievement. Herb also advocated unique partnerships with community organizations that enabled Bedford residents to benefit from resources the school district owned and, in turn, enabled the school district to benefit from the collective good-will and talents of all of its residents.

Once retired, Herb abided the same sense of community service evident from when he served in the United States Army in both Germany and Austria. Dr. Moyer successfully ran for a seat on the State Board of Education and has served to help guide educational policy for the entire State of Michigan in this position since 1996. Herb is also an ordained Presbyterian Elder, remains active with the Monroe Chamber of Commerce and the Monroe Democratic Party. As part of his legacy in the Bedford Public Schools, Herb funds a $1,000 scholarship to be awarded annually by the Bedford PTA to the student who has demonstrated outstanding academic and volunteer achievement.

Mr. Speaker, I am humbled and honored to count such an accomplished and distinguished man and public servant amongst my friends. I ask that you join me in congratulating Dr. Herbert Moyer on his 75th birthday and in wishing him and his wife, Lonnie Peppler Moyer, many more happy years of life, marriage and service to his community.

SMALLPOX VACCINE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WAXMAN. Mr. Speaker, today the House of Representatives passed legislation authorizing a smallpox vaccine compensation program for first-responders. The legislation we passed today is an improvement over the legislation that the House rejected several weeks ago. Under the plan we passed today nurses, firefighters and other first-responders will not have to rush to be vaccinated in order to make an arbitrary deadline for compensation eligibility. First-responders who are permanently disabled as a result of the smallpox vaccine will receive a portion of their wages that is not subject to a lifetime cap. And first-responders who are out of work for more than ten days will receive reimbursement for lost wages from the first day of work that they missed.

These are important improvements. However, the program still falls short and I am disappointed that the Administration nickeled-and-dimed first-responders throughout this process. The Republicans refused to guarantee these brave men and women who volunteer to take the smallpox vaccine to protect all of us in case of a bioterror attack at the same level of compensation that would be available to members of Congress if we are injured on the job. Nurses, firefighters, and police officers deserve a better law than this. Given that the risk of injury from the vaccine is several tens per million, and the Administration only expects to vaccinate several million, ensuring full and fair compensation would certainly have been affordable.

I want this program to work. I want first-responders to have adequate access to compensation so they feel comfortable about taking the smallpox vaccine. If this program is going to succeed, the Administration is going to have to make good on promises it made to us that it refused to put in the legislation. These promises include: assuring adequate funding so that states can provide appropriate education and screening of first-responders volunteering for the vaccine; indexing the annual cap on wage replacement to inflation; and allowing first-responders who are injured by the vaccine to deduct their compensation from their federal taxes. In response to concerns that the legislation does not allow for judicial review of compensation determinations, the Administration has said that the Secretary of Health and Human Services intends to run this program in a fair and generous way. Ensuring that these promises are fulfilled is a critical component of meeting that pledge.

I would like to thank Representative CAPPS, Representative DINGELL, Representative BROWN, Senator KENNEDY and others, as well as their staffs, for their commitment to this issue and for working with me for the last six months to improve this program so that first-responders will have some assurance that if they are injured by the smallpox vaccine, they will receive at least some measure of compensation.

RECOGNIZING ANDREW FISHER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Fisher, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in such scout activities as Camp Bartle and Philmont. Over the five years he has been involved in scouting, he has earned 32 merit badges. Additionally, Andrew has held numerous leadership positions in his troop, serving as Assistant Senior Patrol Leader, Senior Patrol Leader and Quartermaster. Andrew also has been honored for his numerous scouting achievements with such awards as the Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say, Firebuilder in the Tribe of Mic-O-Say, Tom-Tom Beater in the Tribe of Mic-O-Say, the World Conservation Award, and the 50 Miller Award.

For his Eagle Scout project, Andrew prepared a landscaping and renovation project for a memorial to a fallen firefighter in Weston, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Andrew Fisher for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE CLASS FROM DULUTH CENTRAL HIGH SCHOOL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. OBERSTAR. Mr. Speaker, on April 26, 2003, more than 1200 students from across the United States arrived in Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by an act of Congress.

I am proud to announce that the class from Duluth Central High School from Duluth will represent the State of Minnesota in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricula materials at upper elementary, middle, and high school levels. The curricula not only enhances students' understanding of the institutions of American constitutional democracy, but it also helps them identify the contemporary relevance of the U.S. Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels "significantly outperformed comparison students on every topic of the tests taken." Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted,

"[T]eachers feel excited and renewed. . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States."

The class from Duluth Central High School is currently preparing for their participation in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals.

TRIBUTE TO G. WILLIAM WARD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate G. William Ward for earning the Blair County Chamber of Commerce Lifetime Achievement Award for Business Advocacy and the National Distinguished Eagle Scout Award given by the Penns Woods Council of the Boy Scouts of America. Both awards will be presented to Mr. Ward at a dinner in his honor cosponsored by both award giving parties.

G. William Ward is a resident of Blair County, Pennsylvania and currently serves as the President and Chairman of the Board of Ward Trucking Corporation. During his tenure with Ward Trucking, he has accumulated an impressive list of professional achievements and has always demonstrated a strong commitment to community service. In 1967, when Mr. Ward became the newly-elected president of Ward Trucking, he quickly established a strong presence in Blair County by opening a new Altoona terminal and maintenance hub as well as two new local warehouses. Just two years later, Ward Trucking celebrated the opening of a new general office complex, which made Altoona the official headquarters of the company. Under Mr. Ward's leadership, the trucking company has experienced numerous successes. In 1997, the Ward Trucking Corporation was inducted into the Blair County Business Hall of Fame for being an outstanding corporate citizen and being a "vital component of the continued thrust for the economic development and improved business climate in Blair County." Five years later, that sentiment still holds true today. Mr. Ward has been instrumental in the growth and strength of the Ward Trucking Corporation. During his tenure as President and Chairman of the Board, the company has more than doubled its workforce, grew revenue from $7 million to more than $96 million at the end of 2001, and expanded service from two to eleven states.

Mr. Speaker, in addition to being an excellent business advocate for the community of Blair County and surrounding areas, Mr. Ward is also a dedicated volunteer. He is especially involved with a nationally recognized community service organization, the Boy Scouts. He has served in numerous capacities, from a Den Leader to Vice-Chairman of the Camp Development Fund Campaign. Mr. Ward is an excellent role model and is always very generous with his time. Mr. Ward and his family are also very generous with financial contributions. They have a long history of donating, whether personally or through Ward Trucking, to a wide variety of worthy organizations in their community.

Mr. Speaker, I urge my colleagues to join me in congratulating G. William Ward for receiving both the Blair County Chamber of Commerce Lifetime Achievement Award for Business Advocacy and the National Distinguished Eagle Scout Award. I encourage Mr. Ward to continue to strive to achieve new business goals and to also remain such an active and caring member of his community. I wish him the best of luck in all his future endeavors.

NATIONAL CHAMPIONS SYRACUSE UNIVERSITY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SWEENEY. Mr. Speaker, I am here today to offer my congratulations to the 2003 NCAA Division I Men's Basketball National Champions, the Orangemen of Syracuse University.

These young men started the season unranked and became the number one team in the nation—marking the first time in college basketball history this impressive feat has been accomplished.

This success would not have been possible if not for the coaching abilities of Jim Boeheim. For twenty-seven seasons, Coach Boeheim has been a constant in college basketball. From the inaugural Big East Conference season, through two heart-breaking losses in the championship games of 1987 and 1996, and even through prostate cancer surgery last season; Coach Boeheim has remained dedicated to his players. Over the years, Coach Boeheim and his staff have turned upstate New York from a blanket of white snow into a sea of orange and blue the whole state has embraced.

A perfect example of the state-wide support directed towards the Orangemen was embodied at the East Regional Finals held in Albany, NY, where thousands of Syracuse fans from around the state and country flocked to the Capitol Region. Albany gladly allowed them to make the Pepsi Arena their "Dome away from home."

I would like to recognize the individual members of the Syracuse team. The 2003 Orangemen team included: Gerry McNamara, Keuth Duany, Hakim Warrick, Billy Edelin, Jeremy McNeil, Josh Pace, Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, and Andrew Kouwe.

There are two members of the team deserving special acknowledgement. The first is Craig Forth, the starting center of the team, who was born and raised in the 20th Congressional District, in East Greenbush, NY. In addition to having one of his best games in the National Championship against Kansas, Craig is also an outstanding student, maintaining a 3.86 GPA and being named a Big East Conference Academic All-Star.

Finally, I would like to recognize the Big East Freshman of the Year, the National Freshman of the Year, and the Final Four MVP, Carmelo Anthony. Carmelo has been one of the most exciting freshmen players in years. I am sure all Syracuse fans, including my colleagues from the NY delegation, would join me in asking Carmelo to consider "One More Year!"

HONORING TEXAS TECH'S MALE ATHLETE OF THE YEAR, LENNARD CHRISTENSEN

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. COMBEST. Mr. Speaker, I rise today to recognize and honor Lennard Christensen, who has been named Male Athlete of the Year of Texas Tech University.

Lennard began playing with the Texas Tech football team in 1999. In the fall of 2000–2001 he was named to the Big Twelve Academic first team. He excelled on special teams and always inspired his teammates with his positive attitude. Even though he was not a starter on defense, Lennard nonetheless earned enough respect from his teammates to receive many votes for Team Captain.

In addition to his dedication to Red Raider football, Lennard served as President of the Texas Tech Student Athlete Advisory Committee and the Big Twelve Student Athlete Advisory Committee. In 2001, he graduated Summa Cum Laude from Texas Tech with a Bachelors degree in Business Administration and is currently maintaining a 4.0 in Tech's M.B.A. program. As if these accomplishments on the athletic field and in the classroom were not enough, Lennard is currently applying his many talents and work ethic in my office as an intern under the Texas Tech President's Congressional Intern Program for the Spring 2003 semester. He is a valuable asset to me and my staff under this program which enables students to learn firsthand about the legislative process.

It is with great pride and pleasure, Mr. Speaker, that I call to my colleagues' attention the outstanding achievements of this dedicated and motivated young man, who is has brought a great credit to his generation, his school and our fine State. Lennard is truly a born leader, whose future is bright. I am confident that he will continue to set lofty goals, and will not stop working hard to attain them. I congratulate him on this distinct honor and wish him all the best in the future.

LEGISLATIVE BRANCH APPROPRIATIONS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CAMP. Mr. Speaker, I submit the following letter for the RECORD:

Hon. JACK KINGSTON,
Chairman, Legislative Branch Appropriations Subcommittee, Washington, DC.

DEAR CHAIRMAN KINGSTON: I am writing to ask your support for including H.R. 921, a bill I introduced, as an amendment into the base bill of the Legislative Branch Appropriations bill.

My amendment requires that unused Congressional office funds from Members' Representational Allowances be returned directly to the Treasury at the end of the year for debt reduction. For the last several years, I have introduced this amendment to the Legislative Branch Appropriations bill regarding the use of unspent office funds. Taxpayers for Common Sense, Citizens Against Government Waste, the Concord Coalition, and Citizens for a Sound Economy have all supported this amendment in the past.

I believe that this amendment provides a good incentive for Members to spend taxpayer funds responsibly and lead by example in our efforts to reduce the national debt. Without this amendment, unexpended Members' Representational Allowances can be "reprogrammed" for other budget purposes, frustrating the frugal efforts of many Members. Let's keep practicing sound spending practices and keep us moving towards reducing our enormous national debt.

Since this amendment has continuously passed with strong support, I would like you to consider including it in the base bill. I have enclosed a copy of the amendment for your consideration. If you have any questions, please do not hesitate to contact me or Brian Sutter on my staff at 5-3561. I look forward to working with you on this issue.

Sincerely,

DAVE CAMP,
Member of Congress.

RECOGNITION OF CAPTAIN TRAVIS FORD

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. OSBORNE. Mr. Speaker, I rise to recognize the outstanding accomplishments of Captain Travis Ford, formerly of Ogallala, Nebraska. Captain Ford was one of the thousands of men and women who were called to serve in Operation Iraqi Freedom.

Captain Travis Ford was born in Saint Paul, Nebraska, in 1973. At the age of two, Captain Ford's family was told that he had developed a heart murmur and only had one year to live. Captain Ford did not let that stop him. In 1991, as an Ogallala High School graduate, he received the Dutch Cup, and was named the male athlete of the year. He was all-conference in football and named conference champion in wrestling.

After high school graduation, Captain Ford enlisted in the United States Marine Corps as an Engineer Equipment Operator. But he decided he had more to offer his country. Captain Ford pursued and achieved a Bachelors Degree in Accounting and completed officer training at the University of Nebraska at Lincoln. Captain Ford also participated in extracurricular activities at the University by becoming a member of the yell squad. It was during a Nebraska football game that Captain Ford proposed to his wife, Deon, with the help of the other cheerleaders.

Captain Ford, like many Nebraskans, strived to accomplish more and set higher goals, which took him around the country. In May of 1997, Captain Ford was commissioned as a Second Lieutenant in the United States Marine Corps. He attended Field Artillery Officer's Basic Course at Fort Sill, Oklahoma and was assigned to the 2nd Battalion, 11th Marines. Captain Ford achieved his ultimate goal when he was accepted in the Fleet Accession Program in Pensacola, Florida, to train as a helicopter pilot. Captain Ford excelled and graduated second in his class, and earned his Wings of Gold. Captain Ford eventually made his way to Camp Pendleton, California, where he trained to fly the AH-1 Super Cobra helicopter.

Captain Ford's passion to fly Super Cobra helicopters took him to Iraq, where he honorably served his country. Sadly, Captain Ford did not see the outcome of his hard work and dedication because Captain Travis Ford was killed in the line of duty on April 4, 2003, before the end of hostilities.

Captain Ford leaves behind his supportive and loving wife, Deon, and two-year-old daughter, Ashley; his mother, Josie Ford; brothers Alex, Trevor, Mike, Todd and Matt; as well as his brothers' families.

I want to thank Captain Ford's family for their sacrifice to our country. They are in our thoughts and prayers.

HONORING PETER R. BENEVENTO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Assistant Special Agent In Charge Peter R. Benevento on his retirement after many years with the Internal Revenue Service.

In October of 1975, Mr. Benevento began his career with the Internal Revenue Service, later transferring to the Criminal Investigation division in 1977. Serving as a CI Special Agent, he worked in Manhattan from 1977 to 1985, and then out of Albany from 1986 to 1993. In July of 1993, Mr. Benevento became a manager in Stoneham, Massachusetts.

As a manager of Group 7 in Boston, Mr. Benevento worked on numerous narcotics cases, coordinating closely with other agencies, and displaying unyielding dedication. For two years he served as the coordinator of the IRS Organized Crime and Drug Enforcement Taskforce. Over the years Mr. Benevento has been involved in a variety of important cases, ranging from legal income tax cases to those focusing on public corruption. In January of 2002, Mr. Benevento became Assistant Special Agent in Charge of the Boston Field Office, which has jurisdiction over New England. This is the position from which he will now retire from service in the IRS.

Through his dedication, hard work, and record of accomplishment, Mr. Benevento has earned the admiration and respect of his coworkers. It is a great pleasure to offer my sincere congratulations and appreciation for all of his accomplishments.

Mr. Speaker, I am certain that the entire House of Representatives joins me in extending best wishes to Mr. Benevento and his wife Marion for a happy and healthy retirement.

JAMES A. WILDING RETIRES AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WOLF. Mr. Speaker, I rise today to recognize James A. Wilding on the occasion of his retirement as president and chief executive officer of the Metropolitan Washington Airports Authority (MWAA). Jim has been responsible for the management of two of our most important airports in the country—Washington Dulles International Airport and Ronald Reagan Washington National Airport.

The very first bill I introduced when I came to Congress sought to move control of Dulles Airport from the Federal Aviation Administration to the Commonwealth of Virginia. In 1987, that idea took a new and expanded form. After several years of work with the administration, Transportation Secretary Elizabeth Dole and members of Congress on both sides of the aisle and both sides of the Capitol, President Reagan signed into law legislation getting the Federal Government out of the airport business. The new law established the Metropolitan Washington Airports Authority and placed both Dulles and the now-named Reagan National airport under local control.

As a career Federal employee at the Federal Aviation Administration, Jim Wilding had been the general manager of the FAA's Metropolitan Washington Airports organization. He was on the ground floor laying the foundation for the milestone event of 1987 and some could even say working hard to eliminate his job.

But, when it was time to turn over control of the airports to a local authority, there was no question about who should lead the new operation. Through Jim's vision and expertise, both Dulles and Reagan National airports have thrived. He has led the airports through the transition away from Federal operation, through rapid growth, and now into the new post-September 11 security framework. His success is the result of intimate knowledge of the workings of modern airports and his total dedication to his craft.

Jim began his career with the Federal Aviation Administration soon after graduating from the Catholic University of America in 1959 with a graduate degree in civil engineering. At the FAA, he participated in the original planning and development of Washington Dulles International Airport.

Following the opening of Dulles in 1962, Jim held progressively responsible positions in all phases of engineering for the two federally owned airports, eventually becoming the organization's chief engineer. He served as chief engineer until becoming the airports' deputy director in 1975, and then its director 4 years later, a position he held until the airports' transfer in 1987, when he assumed his current position.

As president and CEO of the Airports Authority, Jim has overseen passenger activity at National and Dulles Airports nearly double to 31 million passengers in 2002. With this growth, he has managed a massive capital development program at both airports totaling well over $3 billion. Under Jim's leadership, Reagan National Airport was modernized in 1997 with a new terminal building including major improvements to airport traffic management and Metro system connections. At Dulles, he directed the expansion and construction of new concourses and the building of the airport's first parking garages, and has under way now a $3.2 billion capital improvement project. In tandem with the airport's growth, the Smithsonian Institution will open its new Air and Space Museum annex later this year located at Dulles Airport.

Dulles Airport has been called the fuel that drives the northern Virginia economy. It is no mystery why so many businesses occupy land along the Dulles Toll Road which, when Dulles was built, was farmland. Dulles provides convenient access for business as well as leisure travelers to destinations all over the United States as well as the entire world.

Jim Wilding could very well also have the title of "Mr. Washington Airports." But his career hasn't just been highlighted with local accolades. His outstanding performance has earned him a national and international reputation as an aviation industry expert.

Jim has been such an integral part of Washington's airports that it will be hard to imagine Dulles and Reagan National without him. On behalf of all members of Congress throughout the years who have used these airports, all the citizens of northern Virginia and the entire metropolitan Washington region, and the entire aviation community, I extend congratulations and best wishes to James A. Wilding on the occasion of his retirement and express deepest gratitude for his exemplary career in public service.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 1036, the Protection of Lawful Commerce in Arms Act. As a former federal prosecutor and the Attorney General of New Mexico, I have seen first hand that crimes committed with guns are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

That is what concerns me most about H.R. 1036. Unfortunately, regardless of the criminal actions taken, it provides the gun industry with unprecedented immunity against civil liability prosecutions arising from such actions. Furthermore, in many cases it exempts manufacturers and dealers from product liability and provides disincentives to the industry to ensure that their products are safe. This legislation radically rewrites well-accepted principles of liability law by depriving gun violence victims of their legal rights in cases involving industry misconduct and negligence. If this bill is enacted, citizen lawsuits will no longer provide the primary mechanism to hold the gun industry accountable for its actions.

The bill only holds the gun industry accountable for physical injuries or property damage resulting directly from a defect in design or manufacture of the product "when used as intended." Furthermore, it only provides a remedy for gun transactions that cause injury if the dealer had knowledge prior to the transaction that the firearm would be used to commit a violent crime or to traffic drugs. This bill diminishes and limits a victim's recourse against intentional and unintentional conduct.

Amazingly, this bill is retroactive. It would provide for the dismissal of all pending litigation that falls outside of its limited exceptions. A case that is familiar to us all demonstrates the ramifications of this bill. The legal counsel for the families of the recent sniper shootings in the DC area alleges that a west coast arms dealer "intentionally and willfully" chose to sell and distribute firearms in a grossly negligent manner, ignoring state and federal laws designed to keep guns out of the hands of dangerous persons. Furthermore, the families claim that if the dealer had acted responsibly in the sale of its guns, the sniper suspects would not have been able to obtain the assault rifle they used to carry out their shootings. Regardless of the veracity of these allegations, this case would be dismissed under the provisions of H.R. 1036 unless the sniper suspects clearly indicated to the dealer that they intended to carry out their recent shooting spree. I think that goes too far.

The bottom line is this legislation is bad public policy. This bill illuminates the majority's willingness to erode an individual's protections from corporate wrongdoing. I oppose passage of this bill and urge my colleagues to do so as well.

REMEMBERING THE ARMENIAN GENOCIDE

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. CAPUANO. Mr. Speaker, I rise for the fifth consecutive year to commemorate a people who despite genocide, hardship, and betrayal have persevered. April 24, 2003, marks the 88th anniversary of the Armenian Genocide.

Throughout three decades in the late nineteenth and early twentieth centuries, millions of Armenians were systematically uprooted from their homeland of three thousand years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

I have had the privilege of joining my colleagues in a letter to the President asking that he acknowledge the Genocide in his April 24th commemoration statement. It is my hope that the President will stand by this pledge he made in 2000. It is my hope that this will be one more step toward official recognition of the Armenian Genocide by the United States.

Many of our companions in the international community have already taken this final step. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the

Armenian-Americans in my District to promote investment and prosperity in Armenia. And, I sincerely hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

CONTINUED REPRESSION IN CUBA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the April 12, 2003, editorial from the Lincoln Journal Star, entitled "Castro shows he is still a brutal tyrant." As the editorial correctly notes, Cuban dictator Fidel Castro's recent crackdowns on political dissent cannot be tolerated.

CASTRO SHOWS HE IS STILL A BRUTAL TYRANT

Early this year, the College of Journalism and Mass Communications at the University of Nebraska arranged a trip to Cuba for students in its depth reporting class.

The students made an effort to talk to dissenters, pro-democracy activists and independent journalists.

Today, six of the people they met are in prison, according to student Sarah Fox. In addition, two Cubans met by the UNL group have been identified as government spies, according to Professor Joe Starita, a leader of the visit.

Since March 18, Cuban dictator Fidel Castro has jailed more than 75 Cubans, including many in the recent Varela Project, which collected more than 10,000 signatures last year calling for a pro-democracy referendum.

Castro's latest round of suppression shatters hopes the 76-year-old autocrat will permit meaningful progress toward democracy near the end of his long stay in power.

The people jailed by Castro were guilty only of exercising freedoms—criticism of the government, political activism, independent journalism—that Americans take for granted.

Raul Rivero, a poet and independent journalist, already has been sentenced to 20 years in prison after pre-ordained legal proceedings. Also facing long prison sentences are economist Martha Beatriz Roque, labor activist Pedro Pablo Alvarez and editor Ricardo Gonzalez.

During the crackdown, government officials hauled the dissidents from their homes and confiscated tape recorders, fax machines, computers and clippings from American newspapers.

Amnesty International described the sentences as "a giant step backward for human rights." The U.S. State Department described them as "the most despicable act of political repression in the Americas in a decade." The Human Rights Watch said Cuba is "flouting fundamental human rights norms."

The level of repression in Cuba has fluctuated during the 43 years Castro has held power. In recent years, however, Castro seemed more tolerant of dissent, and he opened the doors of the island nation to tourists and international visitors.

Despite the welcome influx of foreign currency, Castro eventually felt threatened by the opposition movement in Cuba. Adding to Castro's paranoia was encouragement given to Castro's opponents by the American government.

The top U.S. diplomat in Cuba, James Cason, met with dissidents, offered them public support and allowed them to use U.S. facilities in Cuba for their meetings.

If Castro had been willing to continue loosening the reins of power, Cuba could have enjoyed the economic benefits of increased tourism and trade. Instead, his crackdown reaffirms that Castro is nothing more than a garden variety tyrant more interested in clinging to power than improving the lives of his people.

A PROCLAMATION RECOGNIZING AIMEE NAGLE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Aimee Nagle has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Aimee Nagle has shared her time and talent with the community in which she resides; and

Whereas, Aimee Nagle has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Aimee Nagle must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of West Lafayette and the entire 18th Congressional District in congratulating Aimee Nagle as she receives the Girl Scout Gold Award.

CONGRATULATING MICHAEL B. KITCHEN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to Michael B. Kitchen, an outstanding business and community leader. On May 17, 2003, the National Ethnic Coalition of Organizations will bestow upon Mr. Kitchen the Ellis Island Medal of Honor in New York City. The Ellis Island Award honors an immigrant who exemplifies outstanding qualities in both their personal and professional life. Michael Kitchen, a Canadian and United States citizen, has shown through his significant contributions to the greater Madison area that he is richly deserving of this prestigious award.

Michael Kitchen has achieved a high level of professional success. After three years as head of the CUMIS Group of Canada, Mr. Kitchen was appointed President and CEO of its subsidiary, CUNA Mutual Group, in 1995. Since Michael Kitchen took over, the organization has achieved dramatic growth in revenue, significant improvement in productivity, and a near doubling of financial strength. Mr. Kitchen's work in this particular field has furthered economic growth not only in the Madison community, but worldwide.

Michael Kitchen is firmly committed to furthering the insurance and financial service industry. For more than thirty years he has worked tirelessly to foster the credit union movement. He serves on both the Board of Directors for the American Insurance Association and the U.S. Chamber of Commerce.

In addition, Michael Kitchen has a long record of service to the community. He is on the board of directors for the United Way of Dane County and the Greater Madison Chamber of Commerce. Both of these commitments show his strong sense of civic duty as he generously gives of his time and talent.

Today, I join the extensive circle of Michael Kitchen's friends and colleagues in offering my sincere congratulations for receiving this honor. Michael Kitchen is one of Wisconsin's best and we are proud to recognize him today.

IN RECOGNITION OF YOM HA'SHOAH—THE HOLOCAUST REMEMBRANCE DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Holocaust Remembrance Day. More than fifty years have elapsed since the world experienced the horrors of the Holocaust. Year-round, we actively battle against ignorance and disbelief through educating and informing others about the causes, realities, and legacies of the Holocaust. But there is one day during the year when we make a special effort to commemorate the Holocaust. Although no singular day stands out as representative of the destruction and suffering that spanned the years of the Holocaust, we set aside the day of Yom Ha'Shoah, which corresponds to the 27th of Nisan on the Hebrew calendar, to memorialize the tragedy and pay tribute to all who suffered.

Today, we remember those who endured, those who fought, and those who died during World War II. We recognize not only the loss of more than six million Jewish lives, but also the loss of human potential. Entire families were decimated during the terror that marked this dark time in history. We call to mind the descendants of victims of the Holocaust who never had the opportunity to make their contributions to mankind. And we recall the heroes who risked and surrendered their lives in the greatest fight for freedom and democracy the modern world has ever known.

Our greatest tribute to those millions who suffered at the hands of the Nazis will be to ensure that their memory will forever endure in our hearts. It is through our reflections on Holocaust Remembrance Day that we acknowledge our loss, and it is through our actions that we educate future generations and build a new world for them. The fires of hatred, which blazed so brightly in Europe from 1939 through 1945, have not yet burned out. They continue to smolder in the hearts of terrorists worldwide. Today we join in a solemn bond with the victims of the Holocaust to extinguish the fires of hatred and to ensure that the world will never suffer such a horrific tragedy again.

With contemporary illustrations of antagonism fresh in our minds, we marvel at the strength and character of the Jewish people. Their steadfast determination to rebuild their lives following the Holocaust has given the world a remarkable model of resolve. Through their example, we can glimpse the extraordinary human spirit that rises above the fruitlessness of anger and resentment. With this special day and with our deeds we honor that spirit. Mr. Speaker, we observe Holocaust Remembrance Day to always remember and never forget. I am proud to recognize Yom Ha'Shoah and urge all Americans to do the same.

TRIBUTE TO GEORGE C. EYRICH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of George C. Eyrich, a distinguished Cincinnati lawyer, public servant and friend, who passed away on April 15, 2003.

George Eyrich was part of a family legacy of public service. He led the Hamilton County, Ohio Republican party for nine years with deft skill and gentle persuasion. His father, George F. Eyrich, Jr., also served as Hamilton County Republican Chairman and as a Municipal Court judge.

George C. Eyrich was a good listener, a gentle man and a wise counselor. When someone remarked that he was "too nice to be a politician," he responded that he just lived his words. George was the party chairman when I was a college student on the staff of the campaign of my predecessor in Congress, Bill Gradison, and for the later campaigns of President George H.W. Bush. He loved politics, and was a good mentor.

A lifelong resident of the Cincinnati suburb of Westwood, he graduated from Western Hills High School, Ohio Wesleyan University; the Harvard College of Business; and the University of Cincinnati College of Law. George served our nation as a Second Lieutenant in the United States Navy stationed in the Pacific during World War II. He practiced law in Cincinnati as a partner in Wesselman & Eyrich.

George served as treasurer of the Ohio State Central Committee; chairman of the Hamilton County Republican Central Committee's Policy Committee; and chairman of the Hamilton County Board of Elections. He was also very involved in civic affairs. He served as chairman of the Board of Trustees of St. Francis-St. George Hospital, and a member of the board of directors for the Public Library of Cincinnati and Hamilton County, the University of Cincinnati, and the Cincinnati Central YMCA.

Devoted to his wonderful family, George is survived by his wife of 60 years, Gertrude ("Trudy"); a son, David; two daughters, Carole and Janet; five grandchildren; and two great grandchildren.

All of us in Cincinnati are grateful for George's leadership and public service and we feel blessed for having known him.

IN RECOGNITION OF WILLIAM KAISER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in recognition of William A. Kaiser, an outstanding volunteer firefighter from Halesite, New York.

After serving in the United States Coast Guard, Mr. Kaiser joined the Halesite Fire Department 50 years ago. He rose to the rank of Chief of Department, following in the footsteps of his father. He is still an active member of the Department today. Chief Kaiser is the epitome of what a volunteer fireman exemplifies: dedicated, caring, selfless, honest and trustworthy.

I commend Chief Kaiser for his dedicated service to firefighting on Long Island, and congratulate him on 50 years with the Halesite Fire Department.

TRIBUTE TO THEODORE MANSOUR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in honoring a great educator, Theodore Mansour, as he retires from his position as Director of State and Federal Relations for the Genesee Intermediate School District.

Ted, as his friends know him, joined the United States Army in 1944 after he graduated from St. Matthew High School that year. He served in the field artillery during his time in the Armed Forces. Resuming his education at the University of Notre Dame after his discharge from the military, Ted earned a degree in Business Administration majoring in Accounting. He put his business skills to work and served as the president of Mansour's Supermarkets for 15 years. He went on to be a partner in Lisa's Red Carpet Travel Agency, president of Mansour's Budget Market and is the current owner of the Jolly Olive Deli and Bar.

Paralleling his years of business experience, Ted also served in the public sector. During the time he was the supervisor of Flint Township, the landscape of that community was changed forever with the building of Genesee Valley Mall, the development of sewer and water systems and the construction of Carman High School. In addition to being a supervisor, Ted held the posts of Genesee County Supervisor and County Commissioner, a Michigan State Legislator for the 83rd District, a Flint Township Trustee, a member of the Michigan State Tax Commission and the Flint Township Planning Commission. Always committed to improving the quality of life in the Flint area, Ted has actively participated in the Genesys Health Systems Board, the Genesee Memorial Hospital Board, the Flint Heights Senior Citizens Housing Board, the Genesee County Food Service Advisory Board, the Boy Scouts of America, Tall Pines Council Executive Board, and the American Arab Heritage Council. In 1972 he was named Director of Government Relations for Genesee Intermediate School District.

As the father of 6 children, Ted knows firsthand the hopes and dreams of parents for their children. This understanding of the vital need for quality education fueled Ted's fight for the right of every student to be able to learn in a safe, clean, modern environment. He worked with the Michigan State Legislature in 1978 to get the school zone speed limit law passed. He vigorously lobbied in Lansing and Washington to obtain funding for the schools in the Genesee Intermediate School District. Time and time again he has fought on behalf of individual school districts for disputed money. Ted is effective at communicating to legislators the needs of educators in their struggle to provide an up to date education to their students. He has earned the respect of educators, administrators, and legislators. I have trusted his advice and welcomed his input for many years.

Mr. Speaker, I ask the House of Representatives to rise with me and honor the service of Theodore Mansour to the people and children of Genesee County. His ethics, commitment and effectiveness have set an example that public servants will try to emulate for years to come.

A PROCLAMATION RECOGNIZING JESSICA TURNER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Jessica Turner has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Jessica Turner has shared her time and talent with the community in which she resides; and

Whereas, Jessica Turner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jessica Turner must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Granville and the entire 18th Congressional District in congratulating Jessica Turner as she receives the Girl Scout Gold Award.

TRIBUTE TO JOANN ORFAN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Joann Orfan, who has been a tireless civil servant in the great city of Sun Prairie for over twenty years. This spring, much to the regret of the Sun Prairie residents, Mrs.

Orfan will be retiring from her post as Mayor. The indelible mark that Joann Orfan has left on the city will be long felt after her tenure as Mayor is over.

Joann has described herself as a farm girl from Nebraska who sought to find a city with small town values to settle down in and raise her family. While Sun Prairie is the third largest city in the Second District of Wisconsin, it has been able to retain a friendly, small town appeal. Through her hard work over the last twenty years Sun Prairie continues to be a great place to raise a family.

Joann Orfan has served the city in many capacities. She began serving as Mayor in May of 1990 after being a member of the Sun Prairie City Council for sixteen years. While serving on the City Council, she was a leader on the Planning and Zoning Committee. Joann was a charter member of the Prairie Industrial Corporation, a member of the Chamber of Commerce, and was on the Colonial Club Long Range Planning Committee. Each decision she made in these various positions has shaped Sun Prairie into a town that all residents can be proud of.

Since October of 2002, Joann Orfan has been confined to a wheelchair as a result of neuropathy in both her legs. With the same spirit, strength and courage that the people of Sun Prairie have seen so many times she has taken on this new challenge. As Joann Orfan retires as Mayor, the people of Sun Prairie will miss her leadership, but Joann's friends and family look forward to spending more time with her. Today, I join Joann Orfan's friends, family, and colleagues in sincerely thanking her for her service to Sun Prairie and its residents.

IN RECOGNITION OF CONGRESSIONAL AWARD GOLD MEDAL WINNERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of the members of Florida's 22nd Congressional District who, have been selected as recipients of The Congressional Award Gold Medal. At this time, there are nearly 13,000 young Americans participating in The Congressional Award program. Of these participants, Congress has presented its highest award attributed to young people, The Congressional Award Gold Medal, to 150 outstanding individuals. I would like to recognize six students living in Florida's 22nd District who have been honored with this award, as well as two other Congressional Gold Medal recipients from 2001.

Christopher Balogh, from Jupiter, Florida earned the Bronze Medal on July 6, 2001, the Silver Medal on July 16, 2002, and the Gold Medal on March 24, 2003.

Peter Brannen, from Palm Beach, Florida, earned the Bronze Medal on May 7, 2000, the Silver Medal on April 18, 2001, and the Gold Medal on November 19, 2002.

Elizabeth Counts, from Jupiter, Florida, earned the Bronze Medal on April 6, 2000, the Silver Medal on April 18, 2001, and the Gold Medal on March 24, 2003.

Chelsea Ewer, from Palm Beach, Florida, earned the Bronze Medal on May 18, 2001, the Silver Medal on April 11, 2002, and the Gold Medal on March 24, 2003.

Matthew Mills, from Jupiter, Florida, earned the Bronze Medal on July 18, 2000, the Silver Medal on July 5, 2001, and his paperwork is currently in review for the Gold Medal.

Chad Vezin, from Jupiter, Florida, earned the Bronze Medal on April 6, 2000, the Silver Medal on April 17, 2001, and the Gold Medal on January 29, 2003.

Mr. Speaker, I congratulate these students on this honor and wish them the best of luck in their bright futures.

HONORING WILLIAM T. "BILL" ROBINSON III AS HE RECEIVES THE CINCINNATI BAR ASSOCIATION'S THEMIS AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PORTMAN. Mr. Speaker, I rise to honor a friend and constituent, William T. "Bill" Robinson III, who will receive the Cincinnati Bar Association's (CBA) prestigious Themis Award on May 2, 2003.

The Themis Award, given only three times before in the history of the Cincinnati Bar Association, is presented to an individual who provides extraordinary service to the Bar Association, the legal profession and the general community.

Bill Robinson has been a dedicated member of the CBA for more than thirty years. He served as President of the Kentucky Bar Association; founding Chair of the Kentucky IOLTA Fund; President of the Kentucky Bar Foundation; and Co-Founder and President of the Salmon P. Chase College of Law American Inn of Court.

At the national level, Bill's service is unparalleled. He is currently Chair of the Finance Committee and Member of the Executive Committee of the Board of Governors of the American Bar Association (ABA). He has also served as State Delegate to the ABA Nominating Committee; President of the National Caucus of State Bar Associations; Member of the Executive Committee of the National Conference of Bar Presidents; and Chairman of the ABA's Standing Committee on Bar Activities and Services and the ABA's Standing Committee on Substance Abuse. He is an invited Fellow of the International Society of Barristers; a Fellow of the American Academy of Appellate Lawyers; and a Sustaining Member of the American Bar Foundation.

Bill has been critically involved in our region's growth and economic development. Currently, he serves as Vice Chair of the Board of Directors of the Cincinnati/Northern Kentucky International Airport and Chair of its Finance Committee. He co-founded the Metropolitan Growth Alliance of Greater Cincinnati, and serves as Vice Chair for Economic Development for the Greater Cincinnati Chamber of Commerce, Chair of the Partnership-for Greater Cincinnati, and a Founding Board Member and Secretary/Treasurer of the Tri-County Economic Development Commission.

Bill's community involvement also includes service as Board Member, Treasurer, Co-Chair and Board Member Emeritus of the National Conference of Community and Justice; Advisory Trustee of the National Underground Railroad Freedom Center; and board memberships for the Cincinnati Institute of Fine Arts; the Cincinnati Symphony Orchestra; the Dan Beard Council of the Boy Scouts; and Mount St. Joseph College.

His previous awards are impressive: the Cincinnati Jewish Committee's Judge Learned Hand Human Relations Award; the Greater Cincinnati Foundation's Jacob E. Davis Volunteer Leadership Award; and the Governor's Economic Development Award for Kentucky.

Bill is Member-In-Charge of the Greater Cincinnati offices of Greenebaum Doll & McDonald PLLC. He and his wife, Joan, have two sons and one granddaughter.

All of us in Cincinnati thank Bill for his extensive service to our area, and congratulate him on receiving the CBA's prestigious Themis Award.

THE TERROR MASTERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues this provocative piece by Steven Emerson from the Wall Street Journal on Friday, April 18, 2003.

THE TERROR MASTERS

(By Steven Emerson)

Eighteen years after the execution of American Leon Klinghoffer on the Italian cruise liner Achille Lauro, the U.S. has demonstrated by the capture of Abu Abbas that it will not wipe the slate clean on international terrorism. For years, however, diplomatic niceties and misplaced State Department priorities subverted this principle, enabling purveyors of terrorism to literally get away with murder. The war of liberation in Iraq now provides the U.S. with an opportunity to ensure that those Arab leaders and regimes who have carried out or threatened attacks against this country and its citizens are subject to American justice.

Because of its conspicuously brazen support for Saddam Hussein in transferring military supplies to Baghdad and providing sanctuary to Iraqi Baathists, and in encouraging Arab fighters to go to Iraq to kill Americans, Syria's role in supporting terrorism and threatening American interests has finally come into focus. That it took actual complicity in the killing of American soldiers in Iraq for us to finally confront Damascus is a measure of how successful Syria was in deceiving the world, with the connivance of even the U.S. All one has to do is read the State Department's annual reports on international terrorism which have stated with mantra-like repetition, that Syria has not been involved in "international terrorism" since 1986.

Given the fact that the Israeli borders with Syria and Lebanon are international borders, I have always failed to see how the State Department could portray Damascus in this light given its direct support, training, supplies and sanctuary extended to Hamas, Islamic Jihad and Hezbollah, to name just a few of the groups that serve as de facto members of the Syrian foreign service. Since 1988, more than 1200 Israelis and some 30 Americans have been killed in Israel, the West Bank and Gaza by groups headquartered in, or sponsored by, Damascus. Recently, the U.S. indicted the head of Islamic Jihad, Ramaddan Abdullah Shallah, on charges including murder. Shallah continues to receive sanctuary in Damascus, where he routinely issues threats against the U.S.

After Sept. 11, Syria pretended to be helping the U.S. in the war on al Qaeda, as evidenced by Damascus' arrest of a senior suspected al Qaeda operative. The State Department even issued a statement lauding Syria's role in the fight against al Qaeda. But the reality was different. Testimonies, court records and wiretaps introduced in Italian trials of Al Qaeda and other militant Islamic leaders show that Syria has been working hand-in-hand with Islamic extremists in Europe for years, providing transit, sanctuary and training for al Qaeda terrorists traveling between Iraq and the Arab world. An eye-opening expose, by Sebastian Rotella in this week's Los Angeles Times, shows in incredible detail how Syria served as a hub for al Qaeda terrorists shuttling between Iraq, Syria and Europe. U.S. officials believe that at least one of the primary 9/11 plotters spent extensive time in Syria and that Syrian front-companies in Europe worked intimately with al Qaeda.

According to U.S. intelligence, conspirators in the 1996 bombing of the Khobar Towers in Saudi Arabia that killed 19 American servicemen met repeatedly in Syria to plan the terrorist operation—meetings that could not have taken place without the knowledge of the Syrian regime. Syria's role in attacking Americans goes way back. In 1983, Syria—together with Iran and the Hezbollah—coordinated the bombing of the Marine barracks in Beirut, killing 241 Marines.

The capture of Palestinian terrorist leader Abu Abbas has provoked demands from the Palestine Authority that he be immediately released and claiming that the slate had been wiped clean by the Oslo Accords. Under the PA's reasoning, compliance with treaties need only be one-way since both Abbas and the PA brazenly violated the terms of Oslo by continuing to carry out terrorist attacks.

Since October 2000, Abbas's group, the Palestine Liberation Front, has transferred millions of dollars to the families of Palestinian suicide bombers. Abbas has dispatched terrorists trained in his Iraq-based training camps to the West Bank to carry out major attacks on Ben Gurion airport, poison Israel's water supply and attack schools and other civilian targets.

The Palestinian Authority's defense of Abbas is not just symbolic; it's self-protecting. If Abbas goes down, so could Yasser Arafat. If Abbas is prosecuted for Achille Lauro, or for the funding given to the families of suicide bombers (some of whose victims included Americans in Israel), Arafat's complicity in these terrorist plots would almost certainly be exposed. And if a true accounting were to be made, the role of the Tanzim and the al Aqsa Brigades—terrorist groups directly sponsored by Arafat—would show that roles in the killing of hundreds of Israelis and at least 15 Americans in the past 30 months. As for the mass murder carried out by Hamas and Islamic Jihad, the PA today continues to protect the killers and masterminds.

The duplicitous role of Saudi Arabia in extending support to al Qaeda, Hamas and other terrorist groups also needs to be fully exposed. In the buildup to the war, Saudi Arabia demonstrated where it really stood on al Qaeda by releasing Sheikh Saeed bin Zuair, a militant Islamic cleric whose release had been demanded by Osama bin Laden in a tape distributed last year. (The other person whose release was demanded by bin Laden was Sheik Omar Abdul Rahman, convicted for his role in the WTC related conspiracies in 1993.)

In unprecedented ways, the war of liberation of Iraq has provided a unique opportunity to see exactly where Arab nations and Islamic leaders have stood on the issue of international terrorism. If anything, the war has enabled Americans to see an unvarnished reality of true attitudes toward the U.S.

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